

Chapter 257

(House Bill 392)

AN ACT concerning

Labor and Employment – Workers' Compensation – Venue for Appeal

FOR the purpose of altering the venue available to certain individuals and employers appealing a certain decision of the Workers' Compensation Commission; clarifying certain language; and generally relating to the venue for appeal available in workers' compensation cases.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–738
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Labor and Employment

9–738.

(A) THIS SUBSECTION IS NOT SUBJECT TO THE PROVISIONS SET FORTH IN § 6–201 OF THE COURTS ARTICLE.

[(a)] (B) To take an appeal, a person shall file an order of appeal with the circuit court **FOR THE COUNTY WHERE:**

(1) [that has jurisdiction over that person] **THE ~~APPELLANT COVERED EMPLOYEE~~ RESIDES, ~~IF THE APPELLANT IS AN INDIVIDUAL~~; [or]**

(2) THE ~~APPELLANT EMPLOYER~~ HAS ITS PRINCIPAL PLACE OF BUSINESS, ~~IF THE APPELLANT IS AN EMPLOYER~~; OR

[(2)] (3) [for the county where] the accidental personal injury, compensable hernia, or last injurious exposure to the hazards of the occupational disease occurred.

[(b)] (C) If an appeal is taken to a circuit court that does not have jurisdiction, the court shall transfer the appeal to the proper circuit court on the motion of a party.

[(c)] (D) If a party to an appeal suggests in writing and under oath that the party cannot obtain a fair trial in the circuit court in which the appeal is pending, the circuit court shall transfer the appeal to another circuit court.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

Approved by the Governor, May 10, 2011.