

Defined terms: "Accidental injury" § 9-101

"Commission" § 9-101 "Covered employee" § 9-101

"Occupational disease" § 9-101

9-708. FAILURE TO SUBMIT REPORT OF ACCIDENTAL INJURY — CLAIM LIMITATION PERIOD TOLLED.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO:

(1) A PARTNER WHOM A PARTNERSHIP ELECTS TO BE A COVERED EMPLOYEE UNDER § 9-219 OF THIS TITLE;

(2) A SOLE PROPRIETOR WHO ELECTS TO BE A COVERED EMPLOYEE UNDER § 9-227 OF THIS TITLE; OR

(3) AN OFFICER OF A CORPORATION WHO:

(I) IS A COVERED EMPLOYEE UNDER § 9-206(A) OF THIS TITLE; AND

(II) IS ELIGIBLE BUT DOES NOT ELECT TO BE EXEMPT FROM COVERAGE UNDER § 9-206(B) OF THIS TITLE.

(B) CLAIM LIMITATION PERIOD TOLLED.

IN THE CASE OF AN ACCIDENTAL INJURY, THE CLAIM LIMITATION PERIOD IN § 9-709(B)(3) OF THIS SUBTITLE DOES NOT BEGIN TO RUN UNTIL THE EMPLOYER FILES A REPORT WITH THE COMMISSION IN ACCORDANCE WITH § 9-707 OF THIS SUBTITLE IF:

(1) THE EMPLOYER HAS BEEN NOTIFIED IN ACCORDANCE WITH § 9-704 OF THIS SUBTITLE; OR

(2) THE EMPLOYER OR A DESIGNATED REPRESENTATIVE OF THE EMPLOYER AT THE PLACE WHERE THE ACCIDENTAL INJURY OCCURRED KNOWS ABOUT THE DISABILITY OR DEATH OF THE COVERED EMPLOYEE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 38(c).

In subsection (a) of this section, items (1) through (3) are substituted for the former reference to "an 'employee' as defined by former Art. 101, § 67(4)" for clarity and to reflect the recodification of the provisions of former Art. 101, § 67(4).

Subsection (a) of this section is revised to limit its application to former Art. 101, § 38(c) — now this section — although the second sentence of former § 38(c) provided that "[t]his section shall not apply to an 'employee' as defined in [former Art. 101, § 67(4)]", since it did not seem that the General Assembly