

intended to exempt a partnership or a sole proprietorship from the remaining provisions of former Art. 101, § 38. Chapter 742, Acts of 1968 added the language later codified at former Art. 101, § 67(4)(i) and also amended § 38(c). The title of Ch. 742 stated, in part, that the purpose was "to provide that such 'employees' are not entitled to a waiver of limitations for failure to file a report of accident as required under [former Art. 101]".

In the introductory language of subsection (b) of this section, the former language "and the employer fails, neglects or refuses to file a report thereof, as required by the provisions of subsection (b) of this section" is deleted in light of the language "until the employer files a report with the Commission in accordance with § 9-704 of this subtitle", which makes it clear that subsection (b) of this section applies only in a case where the employer has not filed the report.

Also in the introductory language of subsection (b) of this section, the former reference to "against the claimant or any person entitled to compensation" is deleted as surplusage.

As to criminal liability for an employer who fails to submit an accident report, see § 9-1002 of this title.

Defined terms: "Accidental injury" § 9-101

"Covered employee" § 9-101

9-709. CLAIM APPLICATION — ACCIDENTAL INJURY.

(A) FILING CLAIM — IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF A COVERED EMPLOYEE SUFFERS AN ACCIDENTAL INJURY, THE COVERED EMPLOYEE, WITHIN 60 DAYS AFTER THE DATE OF THE ACCIDENTAL INJURY, SHALL FILE WITH THE COMMISSION:

(1) A CLAIM APPLICATION FORM; AND

(2) IF THE COVERED EMPLOYEE WAS ATTENDED BY A PHYSICIAN CHOSEN BY THE COVERED EMPLOYEE, THE REPORT OF THE PHYSICIAN.

(B) FAILURE TO FILE CLAIM.

(1) UNLESS EXCUSED BY THE COMMISSION UNDER PARAGRAPH (2) OF THIS SUBSECTION, FAILURE TO FILE A CLAIM IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION BARS A CLAIM UNDER THIS TITLE.

(2) THE COMMISSION MAY EXCUSE A FAILURE TO FILE A CLAIM IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION IF THE COMMISSION FINDS: