

SENATE BILL 867

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CF HB 1476

By: **Senators Klausmeier, Benson, Middleton, and Robinson**

Introduced and read first time: February 3, 2017

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2017

CHAPTER _____

1 AN ACT concerning

2 **Workers' Compensation – Failure to Report ~~Accident or Action to Deter or~~**
3 **~~Dissuade From Filing a Claim – Penalties~~ Accidental Personal Injury – Penalty**

4 FOR the purpose of altering a certain violation relating to an employer failing to report an
5 accidental personal injury within a certain time required under the workers'
6 compensation law to require the violation to be a knowing violation; increasing the
7 ~~penalties~~ penalty imposed on an employer ~~who fails to report an accidental personal~~
8 ~~injury within the time required under the workers' compensation law for a certain~~
9 ~~violation; providing that an employer who takes an action to deter or dissuade a~~
10 ~~covered employee from filing a certain claim application form is guilty of a~~
11 ~~misdemeanor and on conviction is subject to certain penalties; requiring an employer~~
12 ~~to pay to a covered employee a certain amount of compensation or benefits under~~
13 ~~certain circumstances; defining a certain term; and generally relating to workers'~~
14 compensation claims.

15 BY repealing and reenacting, with amendments,

16 Article – Labor and Employment

17 Section 9–1102

18 Annotated Code of Maryland

19 (2016 Replacement Volume)

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

22 Article – Labor and Employment

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



9-1102.

~~(A) IN THIS SECTION, "EMPLOYER" INCLUDES A MANAGER, AN EXECUTIVE,
OR AN OFFICER OF THE EMPLOYER.~~

~~(B) (1)~~ An employer who KNOWINGLY fails to report an accidental personal injury within the time required under § 9-707(a) of this title ~~OR WHO TAKES AN ACTION TO DETER OR DISSUADE A COVERED EMPLOYEE FROM FILING A CLAIM APPLICATION FORM UNDER THIS TITLE~~ is guilty of a misdemeanor and on conviction is subject to a fine not exceeding [\$50] **\$500** ~~OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.~~

~~(2) IF THE EMPLOYER'S CONDUCT UNDER PARAGRAPH (1) OF THIS SUBSECTION CAUSES THE COVERED EMPLOYEE NOT TO RECEIVE COMPENSATION OR BENEFITS THAT THE COVERED EMPLOYEE WOULD HAVE BEEN ENTITLED TO UNDER THIS TITLE, THE EMPLOYER SHALL PAY TO THE COVERED EMPLOYEE THE AMOUNT OF THE COMPENSATION OR BENEFITS THAT THE COVERED EMPLOYEE DID NOT RECEIVE DUE TO THE EMPLOYER'S CONDUCT.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.