

SECTION 1. *Be it enacted by the General Assembly of Maryland, That new Sections 85 through 89, inclusive, be and they are hereby added to Article 101 of the Annotated Code of Maryland (1964 Replacement Volume), title "Workmen's Compensation," to follow immediately after Section 84 thereof and to be under the new subtitle "Liability for Awards Against Insolvent Insurers," and to read as follows:*

*Liability For Awards Against Insolvent Insurers*

85.

*Every insurer issuing workmen's compensation insurance in this State shall be liable to the extent and in the manner hereafter set forth for the payment of unpaid awards of workmen's compensation arising out of injuries sustained from and after June 1, 1967, while the employer was insured by an insurer and the insurer becomes insolvent. Upon the determination by the commissioner, or other competent authority of the state where the insurer is incorporated or organized, that the insurer is insolvent, the commission shall thereupon and thereafter from time to time certify to the State Insurance Department the unpaid awards of workmen's compensation for such injuries outstanding against employers insured by this insurer and as to which it is liable. The Department shall thereupon make payment of the unpaid awards so far as funds are available at the times and in the amounts required by the awards, unless payment in a lesser number of installments is authorized by the commission; and, if sufficient funds to make all of the payments due and payable are not available in any one year, the available funds shall be prorated to these claims in proportion to the amounts of the awards due and payable in that year and the unpaid portion thereof shall be paid as soon as funds are available.*

86.

*If necessary to secure funds for the payment of these awards, it shall be the duty of the Department, upon such certification, to levy assessments on all insurers writing workmen's compensation insurance in the proportion that the workmen's compensation insurance written by each such insurer in the state during the preceding calendar year bears to the total of such insurance written in the state during that year. The assessments may be made at any time by the Department in its discretion for such amount as it estimates will be necessary to meet both past and future awards which will probably become due and payable during the year in which the assessment is levied. Each insurer assessed shall be given at least thirty (30) days' notice by mail as to the date the assessment is due and payable. In no event shall the total sum assessed in any calendar year exceed one per cent (1%) of the premiums for workmen's compensation insurance written in this state during the preceding calendar year. Any assessment paid under the provisions of this subtitle shall be included in determining the loss ratio of such insurers.*

87.

*The Department shall be subrogated to the rights of the employee or his dependents, as against the employer and his insurer,*