

[(d)](F) If a predecessor employer does not remain in business after the transfer of all or part of the assets, business, organization, or trade of the predecessor employer:

(1) the successor employer is liable for all contributions, interest, and penalties owed by the predecessor employer at the time of the transfer; and

(2) if 2 or more successor employers receive the transfer, the successor employers shall be liable in the same proportion as the payroll record of the unit being transferred is to the total business of the predecessor employer.

[(e)](G) (1) A predecessor employer shall continue to pay contributions at the previously assigned rate through the next December 31 if the predecessor employer:

(i) transfers only part of the assets, business, organization, or trade of the predecessor employer;

(ii) remains in business; and

(iii) has been assigned a contribution rate under this subtitle.

(2) If a predecessor employer has met each of the requirements to continue to pay contributions at the previously assigned rate through the December 31 after the transfer, beginning on the January 1 after the transfer the rate of contributions of the predecessor employer for each calendar year shall be based on:

(i) its experience with payrolls and benefit charges; and

(ii) its [proportionate share of experience incurred before the transfer] EXPERIENCE INCURRED BEFORE THE TRANSFER LESS ANY EXPERIENCE THAT WAS TRANSFERRED TO A SUCCESSOR EMPLOYER.

[(f)](H) (1) To qualify for an earned rate that is based on a transfer and that is lower than the rate otherwise would be, within 120 days after the transfer, a successor employer or new employer shall report the transfer and apply for the lower rate on a form and in the manner that the Secretary provides.

(2) If the successor employer or new employer does not comply with paragraph (1) of this subsection in the time required, the Secretary shall adjust the earned rate as of the 1st calendar quarter after compliance.

(3) Notwithstanding paragraphs (1) and (2) of this subsection, where a transfer results in a higher earned rate to the successor employer, the Secretary may combine the earned rating record of the predecessor and successor employers and, for the purpose of rate determination, transfer to the successor employer the taxable wages and benefit charges of the predecessor employer at any time.

8-614.

(A) IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.