

FOR the purpose of permitting the Subsequent Injury Fund to seek reimbursement from liable third parties for compensation benefits, medical or surgical services, funeral expenses or any other payments made under certain provisions of the Workmen's Compensation law; providing that proceedings must be started within a certain time; providing that certain costs and fees may not be recovered; and generally relating to third party liability and the Subsequent Injury Fund.

BY repealing and reenacting, with amendments,

Article 101 - Workmen's Compensation
Section 58
Annotated Code of Maryland
(1979 Replacement Volume and 1983 Supplement)

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

Article 101 - Workmen's Compensation

58.

Where injury or death for which compensation is payable under this article was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof, the employee, or in the case of death, his personal representative or dependents as hereinbefore defined, may proceed either by law against that other person to recover damages or against the employer for compensation under this article, or in case of joint tort-feasors against both; and if compensation is claimed and awarded or paid under this article, any employer, if he is self-insured, insurance company, association [or], the State Accident Fund, OR THE SUBSEQUENT INJURY FUND, may enforce for their benefit, as the case may be, the liability of such other person; provided, however, if damages are recovered in excess of the compensation already paid or awarded to be paid under this article, and also any payments made for medical or surgical services, funeral expenses or for any of the other purposes enumerated in § 36 of this article, then any such excess shall be paid to the injured employee, or in case of death to his dependents less the expenses and costs of action incurred by the employer, insurance company, association [or], State Accident Fund, OR THE SUBSEQUENT INJURY FUND as the case may be. If any such employer, insurance company, association [or], State Accident Fund, OR THE SUBSEQUENT INJURY FUND shall not, within two months from the passage of the award of this Commission, start proceedings to enforce the liability of such other person, the injured employee, or in case of death, his dependents, may enforce the liability of such other person, provided, however, that if damages are recovered the injured employee or in case of death his dependents may first retain therefrom the expenses and costs of action incurred by the said