

BY adding to

Article - Courts and Judicial Proceedings
Section 5-112
Annotated Code of Maryland
(1984 Replacement Volume and 1986 Supplement)

Preamble

WHEREAS, As a matter of fundamental fairness, a cause of action should not be deemed to have accrued until the date that knowledge of the wrong upon which the action is based is discovered or should be discovered; and

WHEREAS, Enactment of this Act will protect not only the rights of injured parties but also the rights of those employers who, but for enactment of this Act, might be deprived of the ability to recover from a wrongful third party moneys paid to its employees or dependents of the employees under the Workmen's Compensation Act of Maryland; now, therefore,

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

Article - Courts and Judicial Proceedings

5-112.

(A) IN THIS SECTION "OCCUPATIONAL DISEASE" MEANS A DISEASE CAUSED BY EXPOSURE TO ANY TOXIC SUBSTANCE IN A PLACE OF EMPLOYMENT AND CONTRACTED DURING THE COURSE OF EMPLOYMENT.

(B) AN ACTION FOR DAMAGES FOR A DEATH ARISING OUT OF AN OCCUPATIONAL DISEASE SHALL BE FILED WITHIN 3 YEARS OF THE DISCOVERY OF FACTS FROM WHICH IT WAS KNOWN OR REASONABLY SHOULD HAVE BEEN KNOWN THAT AN OCCUPATIONAL DISEASE WAS -A- THE PROXIMATE CAUSE OF DEATH, BUT IN ANY EVENT NOT LATER THAN 10 YEARS FROM THE DATE OF DEATH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed both retrospectively and prospectively, taking effect July 1, 1987.

Approved June 2, 1987.