

WILLIAM DONALD SCHAEFER, Governor

BY repealing and reenacting, with amendments,

Article 101 - Workmen's Compensation
Section 56(a)
Annotated Code of Maryland
(1985 Replacement Volume and 1986 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

56.

(a) Any employer, employee, beneficiary or person feeling aggrieved by any decision of the Commission affecting his interests under this article, may have the same reviewed by a proceeding in the nature of an appeal and initiated in the circuit court of the county having jurisdiction over the place where the accident occurred or over the person appealing from such decision, and the court shall determine whether the Commission has justly considered all the facts concerning the injury, whether it has exceeded the powers granted it by the article, and whether it has misconstrued the law and facts applicable in the case decided. For the purposes of this section the word "person" shall be deemed to include the Subsequent Injury Fund as created by § 66 of this article and no award shall be made against such fund by the Commission or by any court unless the fund is a party to the proceeding and is represented by counsel. In the event that an appeal shall be taken to court other than the circuit court of the county having jurisdiction over the place where the accident occurred or over the person appealing from such decision, the court shall on motion of either party transfer such appeal to the proper tribunal, so that the said appeal may be heard on its merits in the court having jurisdiction to hear the same. If the court shall determine that the Commission has acted within its powers and has correctly construed the law and facts, the decision of the Commission shall be confirmed; otherwise it shall be reversed, modified, or remanded to the Commission for further proceedings. Upon the hearing of such an appeal the court shall, upon motion of either party filed with the clerk of the court according to the practice in civil cases, submit to a jury any question of fact involved in such case. [Unless ordered by the court, on its own initiative, or upon the motion of either party, a] -A- STIPULATIONS, A STATEMENT IN LIEU OF A RECORD, OR A record transcript of the proceedings in the case before the Commission, -STIPULATIONS, -OR-A STATEMENT-IN-LIEU-OF-A-RECORD shall [not be required to] be filed with the court AS REQUIRED BY THE MARYLAND RULES. SUBJECT TO A FINAL ALLOCATION OF COSTS BY THE CIRCUIT COURT AT THE CONCLUSION OF THE APPEAL, THE COSTS OF THE RECORD TRANSCRIPT SHALL BE PAID AS FOLLOWS: (1) IF THE COURT, ON ITS OWN INITIATIVE, ORDERS