

WILLIAM DONALD SCHAEFER, Governor

~~the subcontractor, of the whole or any part of the work undertaken by the principal contractor, the principal contractor shall be liable to pay to any workman employed in the execution of the work any compensation under this article which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal contractor, then, in the application of this article, reference to the principal contractor shall be substituted for reference to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed.~~

~~(C) Where the principal contractor is liable to pay compensation under this section, he shall be entitled to indemnity from any employer, who would have been liable to pay compensation to the employee independently of this section, and shall have a cause of action therefor against such employer.~~

~~(D) Nothing in this section shall be construed as preventing a workman from recovering compensation under this article from the subcontractor instead of from the contractor.~~

~~(E) Whenever an employee of a subcontractor files a claim under this article against the principal contractor, the principal contractor shall have the right to join the subcontractor or any intermediate contractors as defendant or codefendant in the case.~~

(8) (I) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, ANY PERSON WHO:

(i) 1. IS AN OWNER OPERATOR OF A CLASS F TRACTOR, AS DEFINED IN THE MARYLAND VEHICLE LAW, UNDER A WRITTEN AGREEMENT WITH A MOTOR CARRIER FOR PERMANENT OR TRIP LEASING;

(ii) 2. IS PAID RENTAL COMPENSATION UNDER THE WRITTEN AGREEMENT, WHERE THERE EXISTS NO INTENT TO CREATE AN EMPLOYER-EMPLOYEE RELATIONSHIP; AND

(iii) 3. QUALIFIES AS AN INDEPENDENT CONTRACTOR FOR FEDERAL TAX PURPOSES.

(II) FOR THE PURPOSES OF THIS SUBTITLE, THE MOTOR CARRIER UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE DEEMED A PRINCIPAL CONTRACTOR AND THE OWNER OPERATOR SHALL BE DEEMED A SUBCONTRACTOR AND SUBJECT TO SECTION 62 OF THIS ARTICLE.

(III) AN OWNER OPERATOR OF A MOTOR VEHICLE WHO ENTERS INTO A WRITTEN CONTRACT AS SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL FURNISH PROOF OF INSURANCE FOR ANY