

(3) "Successor employer" means an employer that acquires, by sale or otherwise, all or part of the assets, business, organization, or trade of another employer.

(c) (1) If a successor employer was not an employing unit before acquiring the assets, business, organization, or trade of a predecessor employer that is an employing unit, the successor employer shall be considered a new employing unit and shall be assigned a contribution rate in accordance with [§ 8-609] § 8-610.5 of this subtitle.

(2) If a successor employer was an employing unit before the transfer of the assets, business, organization, or trade and had been assigned a contribution rate under this subtitle:

(i) the successor employer shall continue to pay contributions at the previously assigned rate from the date of the transfer through the next December 31; and

(ii) beginning on the January 1 after the transfer, the rate of contribution of the successor employing unit for each calendar year shall be based on its experience with payrolls and benefit charges in combination with the proportionate share of payrolls and benefit charges of the predecessor employing unit.

(d) 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) (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.

(f) (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.