

proceedings in a workers' compensation appeal in a circuit court *or the Court of Special Appeals* and remand of a case to the Workers' Compensation Commission if an impleader of the Subsequent Injury Fund is filed to circumstances in which the impleader is filed within a certain time; authorizing a circuit court *or the Court of Special Appeals*, for good cause shown, to suspend further proceedings in a workers' compensation appeal and remand a case to the Commission if an impleader of the Fund is filed ~~under certain circumstances; providing certain exceptions, to a requirement of mandatory suspension of further proceedings in a workers' compensation appeal in the Court of Special Appeals and remand of a case to the Commission if an impleader of the Fund is filed, for an impleader filed in bad faith or without substantial justification less than a certain number of days before a certain trial or a certain hearing;~~ providing for the application of this Act; and generally relating to altering certain requirements concerning impleading the Fund on a workers' compensation appeal in a circuit court or the Court of Special Appeals.

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 9-807(b)

Annotated Code of Maryland

(1999 Replacement Volume and 2002 Supplement)

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

Article – Labor and Employment

9-807.

(b) (1) The Subsequent Injury Fund may be impleaded at any stage of the proceedings:

- (i) before the Commission; or
- (ii) on appeal.

(2) If the Subsequent Injury Fund is impleaded on appeal before a circuit court ~~for the Court of Special Appeals~~, the court ~~[shall]~~:

(i) AS TO AN IMPLEADER FILED AT LEAST 90 60 DAYS BEFORE THE SCHEDULED TRIAL IN THE CIRCUIT COURT OR AT LEAST 60 DAYS BEFORE THE HEARING IN THE COURT OF SPECIAL APPEALS, SHALL:

1. suspend further proceedings; and

~~[(ii)]~~2. remand the case to the Commission for further proceedings to give the Subsequent Injury Fund an opportunity to defend against the claim; AND

(II) AS TO AN IMPLEADER FILED AT ANY OTHER TIME LESS THAN 60 DAYS BEFORE THE TRIAL IN THE CIRCUIT COURT OR LESS THAN 60 DAYS BEFORE THE HEARING IN THE COURT OF SPECIAL APPEALS, MAY FOR GOOD CAUSE SHOWN: