(E)   EFFECT OF TRANSFER ON PREDECESSOR EMPLOYER.

A   PREDECESSOR   EMPLOYER   SHALL   CONTINUE   TO   PAY
CONTRIBUTIONS   AT   THE   PREVIOUSLY   ASSIGNED   RATE   IF   THE
PREDECESSOR EMPLOYER:

(1)   TRANSFERS   ONLY   PART   OF   THE   ASSETS,   BUSINESS,
ORGANIZATION, OR TRADE OF THE PREDECESSOR EMPLOYER;

(2)   REMAINS IN BUSINESS; AND

(3)   HAS BEEN ASSIGNED A CONTRIBUTION RATE UNDER THIS
SUBTITLE.

(F)   QUALIFICATION FOR LOWEST RATE.

(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.

(2)   IF THE SUCCESSOR EMPLOYER OR NEW EMPLOYER DOES
NOT COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION IN THE TIME
REQUIRED, THE SECRETARY SHALL ADJUST THE EARNED RATE AS OF
THE 1ST CALENDAR QUARTER AFTER COMPLIANCE.

(3)   NOTWITHSTANDING PARAGRAPHS (1) AND (2) OF THIS
SUBSECTION, WHERE A TRANSFER RESULTS IN A HIGHER EARNED RATE
TO THE SUCCESSOR EMPLOYER, THE SECRETARY MAY COMBINE THE
EARNED   RATING   RECORD   OF   THE   PREDECESSOR   AND   SUCCESSOR
EMPLOYERS   AND,   FOR   THE   PURPOSE   OF   RATE   DETERMINATION,
TRANSFER TO THE SUCCESSOR EMPLOYER THE TAXABLE WAGES AND
BENEFIT CHARGES OF THE PREDECESSOR EMPLOYER AT ANY TIME.

REVISOR'S NOTE: This section is new language derived without substantive
change from former Art. 95A, § 8(c)(6), except for (ii)1.

The   Labor   and   Employment   Article   Review   Committee   notes,   for
consideration   by   the   General   Assembly,   that   under   former   Art.   95A,   §
8(c)(6)(i)1,   the   limitation   "while   remaining   under   substantially   the   same
ownership"   applied   only   to   a   reorganized   employer   that   changes   its   trade
name   or   business   identity.   The   General   Assembly   may   wish   to   consider
whether   the   limitation   also   applies   to   a   reorganized   employer   that   alters   its
legal status.

The Committee also notes that subsection (d)(2) of this section is revised to
apply only to situations in which the predecessor employer does not remain in
business.   This   interpretation   is   based   on   the   definite   reference   to   "the