

In item (1) of this section, the reference to a "licensed" associate real estate broker is added in light of item (2) of this section which requires an associate real estate broker to be affiliated with a licensed real estate broker. An associate broker may not become affiliated with a broker until the associate broker is licensed. See BOP § 16-304.

Defined term: "Covered employee" § 9-101

9-223. RECIPIENT UNDER FEDERAL LAW.

(A) IN GENERAL.

AN INDIVIDUAL IS NOT A COVERED EMPLOYEE IF THE INDIVIDUAL IS ELIGIBLE UNDER A FEDERAL LAW, OTHER THAN THE SOCIAL SECURITY ACT, FOR BENEFITS FOR AN ACCIDENTAL INJURY OR OCCUPATIONAL DISEASE.

(B) RULE OF LIABILITY.

AN INDIVIDUAL FOR WHOM FEDERAL LAW PROVIDES A RULE OF LIABILITY FOR INJURY OR DEATH IS NOT A COVERED EMPLOYEE.

(C) INTRASTATE AND INTERSTATE OR FOREIGN COMMERCE — SEVERABLE.

NOTWITHSTANDING SUBSECTIONS (A) AND (B) OF THIS SECTION, IF THE INDIVIDUAL AND THE EMPLOYER OF THE INDIVIDUAL ENGAGE BOTH IN INTRASTATE COMMERCE AND IN FOREIGN OR INTERSTATE COMMERCE, THE INDIVIDUAL IS A COVERED EMPLOYEE WHEN ENGAGED IN INTRASTATE COMMERCE TO THE EXTENT THAT THE MUTUAL CONNECTION OF THE INDIVIDUAL AND THE EMPLOYER WITH INTRASTATE COMMERCE IS CLEARLY DISTINGUISHABLE AND SEPARABLE FROM FOREIGN OR INTERSTATE COMMERCE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 21(c)(3) and the first and second clauses of § 26(d), and, except as it related to an election for coverage, the fourth sentence of § 31.

In subsections (a) and (b) of this section, the word "individual" is substituted for the former word "person", since this title covers only a human being. As to the definition of "person", see § 1-101 of this article. For consistency, in subsection (c) of this section, the word "individual" is substituted for the former words "employees" and "workmen".

In subsection (a) of this section, the phrase "as amended from time to time", which formerly modified "federal law", is deleted as unnecessary in light of Art. 1, § 21 of the Code.