

IF AN EMPLOYER FAILS TO SECURE COMPENSATION FOR THE COVERED EMPLOYEES OF THE EMPLOYER AS REQUIRED BY § 9-402 OF THIS SUBTITLE, THE COMMISSION SHALL ORDER THE EMPLOYER TO MAINTAIN INSURANCE WITH THE INJURED WORKERS' INSURANCE FUND BY PAYING TO THE STATE TREASURER, FOR THE BENEFIT AND USE OF THE INJURED WORKERS' INSURANCE FUND, THE PREMIUMS REQUIRED FOR THE EMPLOYER TO BECOME INSURED WITH THE INJURED WORKERS' INSURANCE FUND.

(B) PENALTY.

IF AN EMPLOYER FAILS TO COMPLY WITH AN ORDER TO INSURE WITH THE INJURED WORKERS' INSURANCE FUND PASSED UNDER SUBSECTION (A) OF THIS SECTION OR UNDER § 9-404(J) OR § 9-405(F) OF THIS SUBTITLE WITHIN 10 DAYS AFTER THE COMMISSION PASSES THE ORDER, THE EMPLOYER IS LIABLE TO THE STATE FOR A PENALTY EQUAL TO THE PREMIUMS FOR 6 MONTHS OF INSURANCE WITH THE INJURED WORKERS' INSURANCE FUND.

(C) COLLECTION.

THE COMMISSION MAY COLLECT ANY UNPAID AMOUNT UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION IN THE SAME MANNER AND WITH THE SAME EFFECT AS PROVIDED FOR COLLECTIONS BY THE STATE ACCIDENT FUND UNDER § 10-133(D) OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 16A(d).

In subsection (a) of this section, the language "secure compensation for the covered employees of the employer as required by § 9-402 of this subtitle" is substituted for the former language "insure ... the payment of the compensation specified in this article to his employees and their dependents through one of the methods of assurance of payment mentioned in § 16(2) of this article", for brevity and to clarify that an employer generally may insure through any method under former Art. 101, § 16.

Also in subsection (a) of this section, the language "maintain insurance with the Injured Workers' Insurance Fund" is substituted for the former language "insure to his employees and their dependents the payment of the compensation specified in this article", for brevity and clarity.

Also in subsection (a) of this section, the language "the amount required for the employer to become insured with the Injured Workers' Insurance Fund" is substituted for the former language "the premium or taxes levied and published by the Injured Workers' Insurance Fund for the group of employments, industries or works to which said employer belongs", for brevity.