

(2) IN COMPUTING THE AVERAGE WEEKLY WAGE OF THE COVERED EMPLOYEE UNDER § 9-602 OF THIS TITLE, THE COMMISSION SHALL USE AS WAGES OF THE COVERED EMPLOYEE THE WAGES PAID BY THE EMPLOYER WHO IMMEDIATELY EMPLOYS THE COVERED EMPLOYEE.

(C) JOINDER.

IF AN EMPLOYEE OF A SUBCONTRACTOR OR A DEPENDENT OF THE EMPLOYEE FILES A CLAIM AGAINST A PRINCIPAL CONTRACTOR UNDER THIS TITLE, THE PRINCIPAL CONTRACTOR MAY JOIN THE SUBCONTRACTOR AND ANY INTERMEDIATE CONTRACTOR AS DEFENDANT OR CODEFENDANT.

(D) INDEMNITY.

IF A PRINCIPAL CONTRACTOR IS LIABLE TO PAY COMPENSATION UNDER THIS SECTION, THE PRINCIPAL CONTRACTOR IS ENTITLED TO INDEMNITY FROM ANY EMPLOYER WHO WOULD HAVE BEEN LIABLE TO PAY COMPENSATION INDEPENDENT OF THIS SECTION.

(E) COMPENSATION FROM SUBCONTRACTOR.

THIS SECTION DOES NOT PREVENT A COVERED EMPLOYEE OR A DEPENDENT OF A COVERED EMPLOYEE FROM RECOVERING COMPENSATION FROM A SUBCONTRACTOR INSTEAD OF THE PRINCIPAL CONTRACTOR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 62.

In this section, the references to a "dependent" and to the "dependents" of an employee are added to clarify that this section applies to the dependents of a covered employee. See State v. Bennett Building Co., 154 Md. 159, 164 (1928).

In subsection (a)(1) of this section, the former phrase "which he has contracted to perform" is deleted as unnecessary in light of the phrase "undertakes to perform".

In subsection (b) of this section, the language "by a covered employee employed to execute work as provided in subsection (a) of this section" is added to clarify the type of claim to which subsection (b) applies.

In subsection (d) of this section, the former language "shall have a cause of action therefor against such employer" is deleted as unnecessary in light of the language "shall be entitled to indemnity from any employer".

Defined terms: "Compensation" § 9-101

"Covered employee" § 9-101