

9-509. EXCLUSIVITY OF COMPENSATION.

(A) EMPLOYERS.

EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE LIABILITY OF AN EMPLOYER UNDER THIS TITLE IS EXCLUSIVE.

(B) COVERED EMPLOYEES AND DEPENDENTS.

EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE COMPENSATION PROVIDED UNDER THIS TITLE TO A COVERED EMPLOYEE OR THE DEPENDENTS OF A COVERED EMPLOYEE IS IN PLACE OF ANY RIGHT OF ACTION AGAINST ANY PERSON.

(C) EXCEPTION — FAILURE TO SECURE COMPENSATION.

(1) IF AN EMPLOYER FAILS TO SECURE COMPENSATION IN ACCORDANCE WITH THIS TITLE, A COVERED EMPLOYEE WHO HAS SUSTAINED AN ACCIDENTAL INJURY, COMPENSABLE HERNIA, OR OCCUPATIONAL DISEASE OR, IN CASE OF DEATH, THE PERSONAL REPRESENTATIVE OF THE COVERED EMPLOYEE MAY:

(I) BRING A CLAIM FOR COMPENSATION UNDER THIS TITLE; OR

(II) BRING AN ACTION FOR DAMAGES.

(2) IN AN ACTION OF A COVERED EMPLOYEE OR PERSONAL REPRESENTATIVE UNDER THIS SUBSECTION, AN EMPLOYER MAY NOT PLEAD AS A DEFENSE THAT:

(I) THE COVERED EMPLOYEE ASSUMED THE RISK OF EMPLOYMENT;

(II) THE COVERED EMPLOYEE WAS CONTRIBUTORILY NEGLIGENT; OR

(III) THE NEGLIGENCE OF A FELLOW SERVANT CAUSED THE ACCIDENTAL INJURY, COMPENSABLE HERNIA, OR OCCUPATIONAL DISEASE.

(D) SAME — DELIBERATE ACT.

IF A COVERED EMPLOYEE IS INJURED OR KILLED AS THE RESULT OF THE DELIBERATE INTENT OF THE EMPLOYER TO INJURE OR KILL THE COVERED EMPLOYEE, THE COVERED EMPLOYEE OR, IN THE CASE OF DEATH, A SURVIVING SPOUSE, CHILD, OR DEPENDENT OF THE COVERED EMPLOYEE MAY:

(1) BRING A CLAIM FOR COMPENSATION UNDER THIS TITLE;
OR