

(2) BRING AN ACTION FOR DAMAGES AGAINST THE EMPLOYER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 44, § 22(a), as that subsection related to providing that an occupational disease shall be treated as an accidental injury, the third sentence of § 15, except for the first clause of that sentence, and, except as it related to the schedule of compensation, the introductory language of § 36.

In the introductory language of subsection (c)(1) of this section, the former reference to securing compensation "for his injured employees and their dependents" is deleted as unnecessary in light of the reference to securing compensation "in accordance with this title".

Defined terms: "Compensation" § 9-101
 "Covered employee" § 9-101

9-510. ACTION AFTER REPEAL OR INVALIDATION OF PROVISIONS.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF THE PROVISIONS OF THIS TITLE THAT PROVIDE COMPENSATION FOR AN ACCIDENTAL INJURY, COMPENSABLE HERNIA, OR OCCUPATIONAL DISEASE ARE ADJUDICATED INVALID OR REPEALED, A COVERED EMPLOYEE OR A DEPENDENT OF A COVERED EMPLOYEE, WHO WOULD HAVE BEEN ENTITLED TO COMPENSATION, MAY BRING ANY ACTION WITHIN THE EARLIER OF:

- (1) 1 YEAR AFTER THE ADJUDICATION OR REPEAL; OR
- (2) THE TIME ALLOWED BY LAW FOR BRINGING ANY ACTION FOR AN ACCIDENTAL INJURY, COMPENSABLE HERNIA, OR OCCUPATIONAL DISEASE, NOT COUNTING THE TIME BETWEEN THE OCCURRENCE OF THE ACCIDENTAL INJURY, COMPENSABLE HERNIA, OR OCCUPATIONAL DISEASE AND THE ADJUDICATION OR REPEAL.

(B) EXCEPTION.

AN INDIVIDUAL MAY NOT BRING AN ACTION FOR DAMAGES FOR AN ACCIDENTAL INJURY, COMPENSABLE HERNIA, OR OCCUPATIONAL DISEASE UNDER THIS SECTION IF COMPENSATION FOR THE ACCIDENTAL INJURY, COMPENSABLE HERNIA, OR OCCUPATIONAL DISEASE HAS BEEN PAID IN FULL UNDER THIS TITLE, EITHER BY LUMP SUM OR PERIODIC PAYMENT.

(C) CREDIT.

COMPENSATION PAID UNDER THIS TITLE SHALL BE CREDITED AGAINST A JUDGMENT IN AN ACTION UNDER THIS SECTION.