

In subsection (a)(2) of this section, the reference to "§ 9-505 of this title" is added to reflect that former Art. 101, § 25A(j) and the first sentence of (b) are revised as § 9-505 of this title.

Defined term: "Covered employee" § 9-101

9-652. IMPLADER.

(A) RIGHT OF EMPLOYER.

IN A PROCEEDING FOR COMPENSATION ON THE CLAIM OF A COVERED EMPLOYEE, AN EMPLOYER WHO IS LIABLE FOR THE FULL EXTENT OF THE OCCUPATIONAL DEAFNESS OF THE COVERED EMPLOYEE MAY IMPEAD ANY OTHER EMPLOYER IN WHOSE EMPLOYMENT THE COVERED EMPLOYEE WAS EXPOSED TO HARMFUL NOISE.

(B) NOTICE OF IMPLADER.

TO IMPEAD ANOTHER EMPLOYER, THE EMPLOYER SHALL GIVE TO THE IMPEADED EMPLOYER AND TO THE COMMISSION NOTICE ON THE FORM THAT THE COMMISSION REQUIRES.

(C) LIABILITY OF IMPEADED EMPLOYER.

(1) IF THE COMMISSION FINDS THAT THE IMPEADED EMPLOYER WOULD HAVE BEEN LIABLE TO THE EMPLOYEE HAD THE EMPLOYEE PROCEEDED AGAINST THE IMPEADED EMPLOYER UNDER THE CLAIM BEING ADJUDICATED, THE EMPLOYER LIABLE TO THE EMPLOYEE IS ENTITLED TO AN AWARD THAT:

(I) IS AGAINST THE IMPEADED EMPLOYER; AND

(II) MAY BE ENFORCED IN THE SAME MANNER AS AN AWARD IN FAVOR OF A COVERED EMPLOYEE.

(2) UNLESS THE EVIDENCE WARRANTS A DIFFERENT APPORTIONMENT, THE IMPEADED EMPLOYER AND THE EMPLOYER LIABLE TO THE COVERED EMPLOYEE SHALL HAVE EQUAL LIABILITY TO THE EMPLOYEE.

REVISOR'S NOTE: This section is new language derived without substantive change from the third through seventh sentences of former Art. 101, § 25A(h).

In subsection (a) of this section, the former word "employers" is deleted as unnecessary in light of the word "employer" and Art. 1, § 8 of the Code, which provides that the singular includes the plural. Similarly, in subsection (c)(2) of this section, the word "employers" is deleted.

In subsection (c)(1) of this section, the reference to the "Commission" is added to clarify that the Commission is responsible for determining workers' compensation claims.