

IF THE NOTICE GIVEN UNDER SUBSECTION (B) OF THIS SECTION IS IN WRITING, THE NOTICE SHALL:

(1) STATE THE NAME AND ADDRESS OF THE COVERED EMPLOYEE;

(2) STATE, IN PLAIN LANGUAGE, THE TIME, PLACE, NATURE, AND CAUSE OF THE ACCIDENTAL INJURY; AND

(3) BE SIGNED:

(I) FOR INJURY, BY THE COVERED EMPLOYEE OR BY AN INDIVIDUAL ON BEHALF OF THE COVERED EMPLOYEE; OR

(II) FOR DEATH, BY AT LEAST 1 DEPENDENT OF THE COVERED EMPLOYEE OR BY AN INDIVIDUAL ON BEHALF OF THE DEPENDENTS OF THE COVERED EMPLOYEE.

(D) FAILURE TO GIVE NOTICE.

UNLESS EXCUSED BY THE COMMISSION UNDER § 9-706 OF THIS SUBTITLE, FAILURE TO GIVE NOTICE BARS A CLAIM UNDER THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the first and second sentences and, as it related to the failure to give notice barring a claim, the third sentence of former Art. 101, § 38(a).

Also in the introductory language of subsection (b) of this section, the words "oral or written" are substituted for the former words "in writing or otherwise", for clarity and to conform to § 9-707(a) of this subtitle.

Defined terms: "Accidental injury" § 9-101

"Commission" § 9-101 "Covered employee" § 9-101

9-705. SAME — OCCUPATIONAL DISEASE.

(A) NOTICE REQUIRED.

IF A COVERED EMPLOYEE IS DISABLED OR DIES DUE TO AN OCCUPATIONAL DISEASE, WRITTEN NOTICE OF THE DISABILITY OR DEATH SHALL BE GIVEN TO THE EMPLOYER BY THE COVERED EMPLOYEE OR SOMEONE ON BEHALF OF THE COVERED EMPLOYEE:

(1) FOR DISABILITY, WITHIN 1 YEAR AFTER THE COVERED EMPLOYEE KNOWS OR HAS REASON TO BELIEVE THAT THE COVERED EMPLOYEE HAS THE OCCUPATIONAL DISEASE; OR

(2) FOR DEATH, WITHIN 1 YEAR AFTER THE DEATH.

(B) FAILURE TO GIVE NOTICE.