

(D) NOTICE OF ELECTION.

A COVERED EMPLOYEE SHALL NOTIFY THE COMMISSION OF AN ELECTION UNDER THIS SECTION WITHIN 10 DAYS AFTER THE PARTIES ARE NOTIFIED OF THE HEARING.

(E) DENIAL OF ELECTION.

THE COMMISSION MAY DENY AN ELECTION TO HOLD A HEARING IN BALTIMORE CITY, IF:

(1) THE ACCIDENTAL INJURY, COMPENSABLE HERNIA, OR LAST INJURIOUS EXPOSURE TO THE HAZARDS OF THE OCCUPATIONAL DISEASE ALLEGEDLY OCCURRED OUTSIDE OF BALTIMORE CITY;

(2) THE COVERED EMPLOYEE DID NOT RESIDE IN BALTIMORE CITY WHEN THE ACCIDENTAL INJURY, COMPENSABLE HERNIA, OR LAST INJURIOUS EXPOSURE TO THE HAZARDS OF THE OCCUPATIONAL DISEASE ALLEGEDLY OCCURRED; AND

(3) THE COMMISSION FINDS THAT HOLDING THE HEARING IN BALTIMORE CITY WOULD INCONVENIENCE A PARTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 5(b), the first sentence of (a), and, as it related to providing that the same practices and procedures that apply to an accidental injury apply to an occupational disease, § 22.

Also in the introductory language of subsection (b) of this section, the former phrases "for the purpose of conducting hearings by the Commission as authorized by this article" are deleted as surplusage.

Also in the introductory language of subsection (b) of this section, the former word "session" is deleted as obsolete and unnecessary in light of the word "hearing".

In subsection (b)(1) and (2) and (e)(1) and (2) of this section, the references to a "compensable hernia" are added to reflect that the scope of the workers' compensation law has been expanded to provide compensation for hernias under certain circumstances.

In subsection (b)(2) of this section, the word "allegedly" is added to conform to subsection (b)(1) of this section.

In subsection (d) of this section, the reference to notice to "the Commission" is substituted for the former reference to notice to "the Commissioner", since there is no indication that the General Assembly intended to require notice to a particular member of the Commission.

Also in subsection (d) of this section, the word "parties" is substituted for the former words "both sides", for accuracy since there may be more than 2 parties, and for consistency with other provisions of this title.