

The word "dependent" is substituted for the former defined term "beneficiary", for clarity and to conform to terminology used throughout this title.

The reference to "Subtitle B of the Maryland Rules" is added to clarify that an appeal from a decision of the Commission is taken in accordance with Subtitle B of the Maryland Rules.

Former Art. 101, § 67(11), which defined "beneficiary" to mean "a husband, wife, child, children or dependents of an employee in whom shall vest a right to receive payments under this article", is deleted as unnecessary. The reference to "husband, wife, child, children" did not add anything to the reference to "dependents", since a spouse or child is entitled to compensation only if the spouse or child was dependent on the deceased covered employee. The definition was used only twice in former Art. 101 — in § 36(7)(k) (revised in § 9-683 of this title) and § 56(a) (revised in this section). In each instance the word "dependent" is substituted.

Defined terms: "Commission" § 9-101

"Covered employee" 9-101 "Person" § 1-101

9-738. VENUE.

(A) FILING WITH CIRCUIT COURT.

TO TAKE AN APPEAL, A PERSON SHALL FILE AN ORDER OF APPEAL WITH THE CIRCUIT COURT:

(1) THAT HAS JURISDICTION OVER THAT PERSON; OR

(2) FOR THE COUNTY WHERE THE ACCIDENTAL INJURY, COMPENSABLE HERNIA, OR LAST INJURIOUS EXPOSURE TO THE HAZARDS OF THE OCCUPATIONAL DISEASE OCCURRED.

(B) TRANSFER FOR LACK OF JURISDICTION.

IF AN APPEAL IS TAKEN TO A CIRCUIT COURT THAT DOES NOT HAVE JURISDICTION, THE COURT SHALL TRANSFER THE APPEAL TO THE PROPER CIRCUIT COURT ON THE MOTION OF A PARTY.

(C) TRANSFER FOR INABILITY TO OBTAIN FAIR TRIAL.

IF A PARTY TO AN APPEAL SUGGESTS IN WRITING AND UNDER OATH THAT THE PARTY CANNOT OBTAIN A FAIR TRIAL IN THE CIRCUIT COURT IN WHICH THE APPEAL IS PENDING, THE CIRCUIT COURT SHALL TRANSFER THE APPEAL TO ANOTHER CIRCUIT COURT.

REVISOR'S NOTE: This section is new language derived without substantive change from the third sentence, the twelfth sentence, and, as it related to filing an appeal, the first clause of the first sentence of former Art. 101, § 56(a).