

(1) FILE A CLAIM FOR COMPENSATION AGAINST THE EMPLOYER UNDER THIS TITLE; OR

(2) BRING AN ACTION FOR DAMAGES AGAINST THE PERSON LIABLE FOR THE INJURY OR DEATH OR, IN CASE OF JOINT TORT FEASORS, AGAINST EACH JOINT TORT FEASOR.

REVISOR'S NOTE: This section is new language derived without substantive change from the first clause of the first sentence of former Art. 101, § 58.

In the introductory language of this section, the phrase "to pay damages in respect thereof" is deleted as implicit in the word "liable".

Defined terms: "Compensation" § 9-901

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

9-902. ACTION AGAINST THIRD PARTY AFTER AWARD OR PAYMENT OF COMPENSATION.

(A) ACTION BY SELF-INSURED EMPLOYER, INSURER, OR FUND.

IF A CLAIM IS FILED AND COMPENSATION IS AWARDED OR PAID UNDER THIS TITLE, A SELF-INSURED EMPLOYER, AN INSURER, THE SUBSEQUENT INJURY FUND, OR THE UNINSURED EMPLOYERS' FUND MAY BRING AN ACTION FOR DAMAGES AGAINST THE THIRD PARTY WHO IS LIABLE FOR THE INJURY OR DEATH OF THE COVERED EMPLOYEE.

(B) RECOVERY OF DAMAGES EXCEEDING COMPENSATION AND OTHER PAYMENTS.

IF THE SELF-INSURED EMPLOYER, INSURER, SUBSEQUENT INJURY FUND, OR UNINSURED EMPLOYERS' FUND RECOVERS DAMAGES EXCEEDING THE AMOUNT OF COMPENSATION PAID OR AWARDED AND THE AMOUNT OF PAYMENTS FOR MEDICAL SERVICES, FUNERAL EXPENSES, OR ANY OTHER PURPOSE UNDER SUBTITLE 6 OF THIS TITLE, THE SELF-INSURED EMPLOYER, INSURER, SUBSEQUENT INJURY FUND, OR UNINSURED EMPLOYERS' FUND SHALL:

(1) DEDUCT FROM THE EXCESS AMOUNT ITS COSTS AND EXPENSES FOR THE ACTION; AND

(2) PAY THE BALANCE OF THE EXCESS AMOUNT TO THE COVERED EMPLOYEE OR, IN CASE OF DEATH, THE DEPENDENTS OF THE COVERED EMPLOYEE.

(C) ACTION BY COVERED EMPLOYEE OR DEPENDENTS.

IF THE SELF-INSURED EMPLOYER, INSURER, SUBSEQUENT INJURY FUND, OR UNINSURED EMPLOYERS' FUND DOES NOT BRING AN ACTION AGAINST THE THIRD PARTY WITHIN 2 MONTHS AFTER THE COMMISSION