

The General Assembly may wish to consider whether Smith v. Bethlehem Steel Corp. is a proper interpretation of the provisions revised in subsection (d) of this section.

Defined terms: "Commission" § 9-101

"Compensation" § 9-101 "Covered employee" § 9-101

"Person" § 1-101

9-903. EFFECT OF RECEIPT OF AMOUNT IN ACTION.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF A COVERED EMPLOYEE OR THE DEPENDENTS OF A COVERED EMPLOYEE RECEIVE AN AMOUNT IN AN ACTION:

(1) THE AMOUNT IS IN PLACE OF ANY AWARD THAT OTHERWISE COULD BE MADE UNDER THIS TITLE; AND

(2) THE CASE IS FINALLY CLOSED AND SETTLED.

(B) EXCEPTION.

IF THE AMOUNT OF DAMAGES RECEIVED BY THE COVERED EMPLOYEE OR THE DEPENDENTS OF THE COVERED EMPLOYEE IS LESS THAN THE AMOUNT THAT THE COVERED EMPLOYEE OR DEPENDENTS WOULD OTHERWISE BE ENTITLED TO RECEIVE UNDER THIS TITLE, THE COVERED EMPLOYEE OR DEPENDENTS MAY REOPEN THE CLAIM FOR COMPENSATION TO RECOVER THE DIFFERENCE BETWEEN:

(1) THE AMOUNT OF DAMAGES RECEIVED BY THE COVERED EMPLOYEE OR DEPENDENTS; AND

(2) THE FULL AMOUNT OF COMPENSATION THAT OTHERWISE WOULD BE PAYABLE UNDER THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the sixth through eighth clauses of the second sentence of former Art. 101, § 58.

Defined terms: "Compensation" § 9-101

"Covered employee" § 9-101

SUBTITLE 10. UNINSURED EMPLOYERS.

9-1001. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.