

Chapter 89

(House Bill 219)

AN ACT concerning

Workers' Compensation – Workers' Compensation Commission – Issuance of Subpoenas

FOR the purpose of requiring the Workers' Compensation Commission to ~~authorize the issuance of~~ issue certain subpoenas under certain circumstances; authorizing the Commission to assess certain costs and fees against a certain party under certain circumstances; making a stylistic change; and generally relating to the Workers' Compensation Commission and subpoenas.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–311
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Labor and Employment

9–311.

(a) To carry out this title, a member of the Commission, the Secretary of the Commission, a special examiner, or an inspector may issue a subpoena for the attendance of a witness to testify or the production of a ~~pertinent~~ **RELEVANT** document or record.

(b) On request of a party to a ~~[proceeding before the Commission]~~ **CLAIM ON WHICH ISSUES ARE CURRENTLY PENDING**, the Commission shall ~~[issue a subpoena for a hearing before the Commission]~~ **AUTHORIZE THE ISSUANCE OF A SUBPOENA FOR:**

~~(1)~~ **DOCUMENTATION;**

~~(2)~~ **(1) PERSONAL APPEARANCE OF A WITNESS; or [for]**

~~(3)~~ **(2) a deposition by the party, AS AUTHORIZED UNDER § 9–719 OF THIS TITLE.**

(C) ON A REQUEST OF A PARTY TO A CLAIM ON WHICH ISSUES ARE CURRENTLY PENDING, THE COMMISSION SHALL ISSUE A SUBPOENA FOR RELEVANT DOCUMENTATION TO BE PRODUCED AT THE OFFICE OF THE REQUESTING PARTY AND DISTRIBUTED TO ALL PARTIES TO THE CLAIM IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSION.

(D) IF THE COMMISSION, AFTER AN EVIDENTIARY HEARING, DETERMINES THAT A SUBPOENA WAS REQUESTED IN BAD FAITH, THE COMMISSION MAY ASSESS AGAINST THE REQUESTING PARTY THE WHOLE COST OF THE PROCEEDING, INCLUDING REASONABLE ATTORNEY'S FEES.

~~(e)~~ **(E)** An officer who serves a subpoena issued under this section is entitled to the same fee as the sheriff in the county where the witness is subpoenaed would be entitled.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2014.

Approved by the Governor, April 8, 2014.