

SENATE BILL 470

K2

9lr1428

By: **Senators Kittleman, Kasemeyer, Pipkin, ~~and Robey~~ Robey, Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, Klausmeier, and Pugh**

Introduced and read first time: February 4, 2009

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2009

CHAPTER _____

1 AN ACT concerning

2 **Unemployment Insurance - Recreational Sports Officials - Coverage**

3 FOR the purpose of providing that certain work performed by a recreational sports
4 official under certain circumstances is not covered employment for purposes of
5 unemployment insurance; defining certain terms; and generally relating to
6 coverage of recreational sports officials under unemployment insurance law.

7 BY repealing and reenacting, without amendments,
8 Article - Labor and Employment
9 Section 8-205
10 Annotated Code of Maryland
11 (2008 Replacement Volume)

12 BY adding to
13 Article - Labor and Employment
14 Section 8-206(g)
15 Annotated Code of Maryland
16 (2008 Replacement Volume)

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

19 **Article - Labor and Employment**

20 8-205.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Work that an individual performs under any contract of hire is not covered
2 employment if the Secretary is satisfied that:

3 (1) the individual who performs the work is free from control and
4 direction over its performance both in fact and under the contract;

5 (2) the individual customarily is engaged in an independent business
6 or occupation of the same nature as that involved in the work; and

7 (3) the work is:

8 (i) outside of the usual course of business of the person for
9 whom the work is performed; or

10 (ii) performed outside of any place of business of the person for
11 whom the work is performed.

12 8–206.

13 (G) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE
14 THE MEANINGS INDICATED.

15 (II) “OFFICIATING SERVICES” MEANS:

16 1. OVERSEEING THE PLAY OF A SPORTS EVENT;

17 2. JUDGING WHETHER THE RULES OF THE EVENT
18 ARE BEING FOLLOWED; AND

19 3. PENALIZING PARTICIPANTS FOR FOULS OR
20 INFRINGEMENTS OF THE RULES.

21 (III) 1. “RECREATIONAL SPORTS OFFICIAL” MEANS AN
22 UMPIRE, A REFEREE, OR A JUDGE WHO CONTRACTS WITH A GOVERNMENTAL OR
23 NONGOVERNMENTAL ENTITY TO PERFORM OFFICIATING SERVICES AT AMATEUR
24 SPORTS EVENTS SPONSORED BY:

25 A. A UNIT OF COUNTY GOVERNMENT;

26 B. A UNIT OF A MUNICIPAL CORPORATION; OR

27 C. AN ENTITY ASSOCIATED WITH A COUNTY
28 GOVERNMENT OR A MUNICIPAL CORPORATION.

1 2. “RECREATIONAL SPORTS OFFICIAL” DOES NOT
2 INCLUDE ANY INDIVIDUAL WHO PERFORMS OFFICIATING SERVICES IN COVERED
3 EMPLOYMENT UNDER § 8-208(A) OR § 8-212(C) OF THIS SUBTITLE. EMPLOYED
4 BY A SCHOOL WHO SERVES AS A SPORTS OFFICIAL;

5 A. ~~AS REQUIRED BY THE EMPLOYING SCHOOL; OR~~

6 B. ~~AS PART OF THE SPORTS OFFICIAL'S~~
7 ~~RESPONSIBILITIES DURING NORMAL SCHOOL HOURS.~~

8 (2) WORK THAT CONSISTS OF OFFICIATING SERVICES
9 PERFORMED BY A RECREATIONAL SPORTS OFFICIAL IS NOT COVERED
10 EMPLOYMENT WHEN PERFORMED BY A RECREATIONAL SPORTS OFFICIAL
11 UNDER THIS SUBSECTION IF THE SECRETARY IS SATISFIED THAT:

12 (I) ~~THE RECREATIONAL SPORTS OFFICIAL HAS ENTERED~~
13 ~~INTO A WRITTEN AGREEMENT THAT IS IN EFFECT;~~

14 (II) ~~THE AGREEMENT PROVIDES THAT THE RECREATIONAL~~
15 ~~SPORTS OFFICIAL:~~

16 1. ~~MAY ACCEPT OR DECLINE AN ASSIGNMENT TO~~
17 ~~PROVIDE SERVICES FOR A GAME;~~

18 2. ~~MAY PROVIDE OFFICIATING SERVICES FOR~~
19 ~~ANOTHER ORGANIZATION OR LEAGUE; AND~~

20 3. ~~HAS SOLE CONTROL OVER THE CONDUCT OF THE~~
21 ~~GAME; AND~~

22 (III) ~~THE AGREEMENT EXPRESSLY STATES THAT THE~~
23 ~~RECREATIONAL SPORTS OFFICIAL KNOWS THAT:~~

24 1. ~~THE SPORTS OFFICIAL IS RESPONSIBLE TO PAY~~
25 ~~STATE AND FEDERAL INCOME TAXES AND MAKE ANY REQUIRED SOCIAL~~
26 ~~SECURITY CONTRIBUTIONS FOR SELF-EMPLOYMENT; AND~~

27 2. ~~THE WORK IS NOT COVERED EMPLOYMENT.~~

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 ~~October~~ June 1, 2009.