

# HOUSE BILL 788

P2

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CF SB 756

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By: **Delegates Huckler, Barkley, Cullison, A. Kelly, McHale, A. Miller, S. Robinson, and Vaughn**

Introduced and read first time: February 6, 2013

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Living Wage Law – Application and Enforcement**

3 FOR the purpose of repealing an exemption from the payment of a certain wage to a  
4 certain full-time employee who works less than a certain number of consecutive  
5 weeks for the duration of a certain contract; repealing a certain provision of law  
6 that certain contracts do not apply to certain nonprofit organizations; requiring  
7 certain employers to pay certain liquidated damages to the State under certain  
8 circumstances; and generally relating to the living wage.

9 BY repealing and reenacting, with amendments,  
10 Article – State Finance and Procurement  
11 Section 18–102 and 18–108  
12 Annotated Code of Maryland  
13 (2009 Replacement Volume and 2012 Supplement)

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

16 **Article – State Finance and Procurement**

17 18–102.

18 (a) (1) This title applies to an employee of an employer for the duration of  
19 a contract subject to this title if at least one-half of the employee's time during any  
20 workweek relates to a State contract for services or a subcontract for services under a  
21 State contract.

22 (2) This title does not apply to an employee of an employer if the  
23 employee[:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) is 17 years of age or younger for the duration of a contract  
2 subject to this title[; or

3 (ii) works less than 13 consecutive weeks for the duration of a  
4 contract subject to this title and during that period works full time].

5 (b) This title does not apply to a contract:

6 (1) for services needed immediately to prevent or respond to an  
7 imminent threat to public health or safety;

8 (2) with a public service company;

9 (3) [with a nonprofit organization;

10 (4)] between units; or

11 [(5)] (4) between a unit and a county or Baltimore City.

12 (c) If the unit responsible for a State contract determines that application of  
13 this title would conflict with any applicable federal program requirement, this title  
14 does not apply to the contract or program.

15 (d) The head of the unit responsible for a State contract subject to this title  
16 shall determine if contract services valued at 50% or more of the total value of the  
17 contract will be performed in the Tier 1 area or the Tier 2 area and shall provide that  
18 determination on the invitation for a bid.

19 18–108.

20 **(A) IF AN EMPLOYER IS LATE IN SUBMITTING RECORDS OR REPORTS**  
21 **REQUIRED UNDER § 18–104 OF THIS TITLE, THE EMPLOYER SHALL PAY TO THE**  
22 **STATE LIQUIDATED DAMAGES OF \$25 FOR EACH CALENDAR DAY THE RECORDS**  
23 **OR REPORTS ARE LATE.**

24 **(B)** If the Commissioner determines that the employer violated a provision of  
25 this title or regulations of the Commissioner, the employer shall:

26 (1) pay restitution to each affected employee; and

27 (2) pay to the State liquidated damages of \$20 per day for each  
28 employee who was paid less than the hourly rate required under this title.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2013.