

Article - Labor and Employment

§3-1103.

(a) An employer may dispute a lien for unpaid wages by filing a complaint in the circuit court for the county where property of an employer is located.

(b) A complaint filed under this section shall:

(1) be filed within 30 days after notice is served on the employer; and

(2) include:

(i) the name of the employer that owes the employee the wages and the name of the employee to whom the wages are owed;

(ii) a copy of the notice to establish a lien for unpaid wages served on the employer under § 3-1102 of this subtitle;

(iii) a statement of any defense to the lien for unpaid wages; and

(iv) an affidavit containing a statement of facts that support any defenses raised.

(c) The employer or employee may request an evidentiary hearing.

(d) If an employer files a complaint, the circuit court shall determine whether to issue an order establishing a lien for unpaid wages:

(1) within 45 days after the date on which the complaint was filed; and

(2) based on a preponderance of the evidence in which the employee has the burden of proof to establish the lien for unpaid wages.

(e) (1) If a circuit court issues an order to establish a lien for unpaid wages, the employee is entitled to court costs and reasonable attorney's fees.

(2) If a circuit court determines the effort to establish a lien for unpaid wages to have been frivolous or made in bad faith, the court may award court costs and reasonable attorney's fees to an employer.