

HOUSE BILL 1210

P2

7lr1299

By: **Delegate Frick**

Introduced and read first time: February 9, 2017

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Prevailing Wage Rates – Applicability to Sheet Metal Fabricators**

3 FOR the purpose of altering the definition of “employee” for purposes of provisions of law
4 relating to the payment of certain prevailing wage rates by certain contractors and
5 subcontractors under certain public works contracts to include certain apprentices
6 and workers who are sheet metal fabricators employed at the place of business of the
7 contractor or subcontractor; providing for the application of this Act; and generally
8 relating to prevailing wage rates.

9 BY repealing and reenacting, without amendments,
10 Article – State Finance and Procurement
11 Section 17–201(a) and 17–214
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2016 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – State Finance and Procurement
16 Section 17–201(f)
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2016 Supplement)

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

21 **Article – State Finance and Procurement**

22 17–201.

23 (a) In this subtitle, unless the context indicates otherwise, the following words
24 have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (f) (1) "Employee" means an apprentice or worker employed by a contractor or
2 subcontractor under a public work contract.

3 (2) "EMPLOYEE" INCLUDES AN APPRENTICE OR WORKER WHO IS A
4 SHEET METAL FABRICATOR EMPLOYED BY A CONTRACTOR OR SUBCONTRACTOR AT
5 THE PLACE OF BUSINESS OF THE CONTRACTOR OR SUBCONTRACTOR IF THE SHEET
6 METAL FABRICATOR IS PERFORMING CUSTOM SHEET METAL FABRICATION
7 RELATED TO THE CONSTRUCTION OF A PUBLIC WORK.

8 [(2)] (3) "Employee" does not include an individual employed by a public
9 body.

10 17-214.

11 (a) Except as provided in subsection (b) of this section, each contractor and
12 subcontractor under a public work contract shall pay not less than the prevailing wage rate
13 of straight time to an employee for each hour that the employee works.

14 (b) A contractor and subcontractor shall pay an employee the prevailing wage
15 rate of overtime for each hour that the employee works:

16 (1) in excess of 10 hours in any single calendar day;

17 (2) in excess of 40 hours per each workweek; or

18 (3) on Sunday or a legal holiday.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
20 apply only prospectively and may not be applied or interpreted to have any effect on or
21 application to any procurement contract entered into or any invitation for bids or request
22 for proposals issued before the effective date of this Act.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2017.