
By: **Senator Dorman**

Introduced and read first time: February 7, 2001

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Statewide Public Information Program and**
3 **Certification of Compliance**

4 FOR the purpose of creating a statewide public information program on workers'
5 compensation; providing for the purposes and required content of the public
6 information program; requiring the public information program to make
7 available certain written materials at publicly accessible locations and forms to
8 be distributed by certain units of State government; repealing multiple
9 provisions of law requiring that an employer obtaining a license or permit
10 provide a certificate of compliance with the State's workers' compensation laws
11 and the number of the employer's workers' compensation insurance policy or
12 binder; repealing a provision of law governing the procedures for issuing a
13 certificate of compliance; and generally relating to a statewide public
14 information program on workers' compensation and certificates of compliance
15 with the Maryland Workers' Compensation Act.

16 BY repealing
17 Article 2B - Alcoholic Beverages
18 Section 9-104
19 Annotated Code of Maryland
20 (1998 Replacement Volume and 2000 Supplement)

21 BY repealing
22 Article 23A - Corporations - Municipal
23 Section 48
24 Annotated Code of Maryland
25 (1998 Replacement Volume and 2000 Supplement)

26 BY repealing
27 Article 24 - Political Subdivisions - Miscellaneous Provisions
28 Section 1-106
29 Annotated Code of Maryland
30 (1998 Replacement Volume and 2000 Supplement)

1 BY repealing
2 Article 25 - County Commissioners
3 Section 231
4 Annotated Code of Maryland
5 (1998 Replacement Volume and 2000 Supplement)

6 BY repealing
7 Article 30 - Deaf, Mute or Blind
8 Section 10A
9 Annotated Code of Maryland
10 (1997 Replacement Volume and 2000 Supplement)

11 BY repealing
12 Article 38A - Fires and Investigations
13 Section 29A
14 Annotated Code of Maryland
15 (1997 Replacement Volume and 2000 Supplement)

16 BY repealing
17 Article - Agriculture
18 Section 1-201
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2000 Supplement)

21 BY repealing
22 Article - Business Occupations and Professions
23 Section 1-202
24 Annotated Code of Maryland
25 (2000 Replacement Volume and 2000 Supplement)

26 BY repealing
27 Article - Business Regulation
28 Section 1-205
29 Annotated Code of Maryland
30 (1998 Replacement Volume and 2000 Supplement)

31 BY repealing
32 Article - Courts and Judicial Proceedings
33 Section 2-209
34 Annotated Code of Maryland
35 (1998 Replacement Volume and 2000 Supplement)

36 BY repealing

1 Article - Environment
2 Section 1-202
3 Annotated Code of Maryland
4 (1996 Replacement Volume and 2000 Supplement)

5 BY repealing
6 Article - Family Law
7 Section 5-511
8 Annotated Code of Maryland
9 (1999 Replacement Volume and 2000 Supplement)

10 BY repealing
11 Article - Financial Institutions
12 Section 1-203
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 2000 Supplement)

15 BY repealing
16 Article - Health - General
17 Section 1-202
18 Annotated Code of Maryland
19 (2000 Replacement Volume)

20 BY repealing
21 Article - Health Occupations
22 Section 1-202
23 Annotated Code of Maryland
24 (2000 Replacement Volume)

25 BY repealing
26 Article - Labor and Employment
27 Section 1-202
28 Annotated Code of Maryland
29 (1999 Replacement Volume and 2000 Supplement)

30 BY repealing
31 Article - Natural Resources
32 Section 1-401
33 Annotated Code of Maryland
34 (2000 Replacement Volume)

35 BY repealing
36 Article - Public Utility Companies

1 Section 5-106
2 Annotated Code of Maryland
3 (1998 Volume and 2000 Supplement)

4 BY repealing

5 Article - State Government
6 Section 10-401 and the subtitle "Subtitle 4. Compliance with the Workers'
7 Compensation Act"
8 Annotated Code of Maryland
9 (1999 Replacement Volume and 2000 Supplement)

10 BY repealing

11 Article - Tax - General
12 Section 1-204
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 2000 Supplement)

15 BY repealing

16 Article - Transportation
17 Section 1-102
18 Annotated Code of Maryland
19 (1993 Replacement Volume and 2000 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article - Business Occupations and Professions
22 Section 20-310
23 Annotated Code of Maryland
24 (2000 Replacement Volume and 2000 Supplement)

25 BY repealing

26 Article - Labor and Employment
27 Section 9-105
28 Annotated Code of Maryland
29 (1999 Replacement Volume and 2000 Supplement)

30 BY adding to

31 Article - Labor and Employment
32 Section 9-105
33 Annotated Code of Maryland
34 (1999 Replacement Volume and 2000 Supplement)

35 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
36 MARYLAND, That the following Section(s) of the Annotated Code of Maryland be
37 repealed:

- 1 % Article 2B - Alcoholic Beverages
- 2 Section 9-104

- 3 Article 23A - Corporations - Municipal
- 4 Section 48

- 5 Article 24 - Political Subdivisions - Miscellaneous Provisions
- 6 Section 1-106

- 7 Article 25 - County Commissioners
- 8 Section 231

- 9 Article 30 - Deaf, Mute or Blind
- 10 Section 10A

- 11 Article 38A - Fires and Investigations
- 12 Section 29A

- 13 Article - Agriculture
- 14 Section 1-201

- 15 Article - Business Occupations and Professions
- 16 Section 1-202

- 17 Article - Business Regulation
- 18 Section 1-205

- 19 Article - Courts and Judicial Proceedings
- 20 Section 2-209

- 21 Article - Environment
- 22 Section 1-202

- 23 Article - Family Law
- 24 Section 5-511

- 25 Article - Financial Institutions
- 26 Section 1-203

- 27 Article - Health - General

- 1 Section 1-202
- 2 Article - Health Occupations
3 Section 1-202
- 4 Article - Labor and Employment
5 Section 1-202
- 6 Article - Natural Resources
7 Section 1-401
- 8 Article - Public Utility Companies
9 Section 5-106
- 10 Article - State Government
11 Section 10-401 and the subtitle "Subtitle 4. Compliance with the Workers'
12 Compensation Act"
- 13 Article - Tax - General
14 Section 1-204
- 15 Article - Transportation
16 Section 1-102

17 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
18 read as follows:

19 **Article - Business Occupations and Professions**

20 20-310.

21 (a) As a condition for license renewal, a licensee shall submit to the Secretary
22 with the renewal application:

23 (1) a certification or, as authorized by the Secretary, other
24 documentation that the licensed private home detention monitoring agency has paid,
25 for the past 2 years, all withholding and Social Security taxes;

26 (2) a certification or, as authorized by the Secretary, other
27 documentation that the licensed private home detention monitoring agency has paid,
28 for the past 2 years, all other obligations employers are required to pay on behalf of
29 their employees to the State or federal government;

1 (3) [a certificate of compliance issued by the State Workers'
2 Compensation Commission, or the number of a workers' compensation insurance
3 policy or binder as provided by § 9-105 of the Labor and Employment Article;

4 (4)] a receipt from the Comptroller's Office or, as authorized by the
5 Secretary, other documentation showing that the State income tax of the licensed
6 private home detention monitoring agency has been paid for the past 2 years;

7 [(5)] (4) (i) a bond in accordance with the requirements of § 20-601 of
8 this title; and

9 (ii) proof of liability insurance, as required under § 20-602 of this
10 title; and

11 [(6)] (5) a renewal fee of \$100.

12 (b) If the Secretary does not receive the documents required under subsection
13 (a) of this section at least 21 days before the current license expires, the Secretary
14 may charge the licensee a late fee of \$10 per day until the documents are received.

15 (c) The Secretary may inspect any of the business records of a licensee that
16 relate to any matter that is subject to certification or documentation under this
17 section.

18 **Article - Labor and Employment**

19 [9-105.

20 (a) Before a governmental unit may issue a license or permit to an employer to
21 engage in an activity in which the employer might employ a covered employee, the
22 employer shall submit to the governmental unit:

23 (1) a certificate of compliance with this title; or

24 (2) the number of a workers' compensation insurance policy or binder.

25 (b) (1) The Commission shall provide blank application forms to each
26 governmental unit that issues a license or permit under State law for applicants for
27 the license or permit to use to get a certificate of compliance.

28 (2) The application form shall require information that will allow the
29 Commission to determine whether the employer is in compliance with this title.

30 (c) To get a certificate of compliance with this title, an employer shall submit
31 to the Commission an application on the form that the Commission provides.

32 (d) Within 10 days after the Commission receives an application form under
33 this section, the Commission shall:

34 (1) determine whether the applicant is in compliance with this title; and

1 (2) mail to the applicant:

2 (i) a certificate of compliance; or

3 (ii) a notice of rejection, which shall include a statement of the
4 reasons for the rejection.

5 (e) An applicant who receives a notice of rejection may:

6 (1) reapply for a certificate of compliance; or

7 (2) appeal the rejection in accordance with §§ 10-222 and 10-223 of the
8 State Government Article.

9 (f) The Commission shall adopt reasonable regulations to administer this
10 section.

11 (g) Money for the administration of this section shall be included in the
12 annual State budget.]

13 9-105.

14 (A) THE COMMISSION SHALL ESTABLISH AND PROMOTE A STATEWIDE PUBLIC
15 INFORMATION PROGRAM ON WORKERS' COMPENSATION COVERAGE.

16 (B) THE PURPOSE OF THE STATEWIDE PUBLIC INFORMATION PROGRAM IS TO
17 EDUCATE THE PUBLIC ABOUT THE MARYLAND WORKERS' COMPENSATION ACT SO
18 THAT THE PUBLIC, INCLUDING PROSPECTIVE EMPLOYERS OF COVERED EMPLOYEES,
19 CAN:

20 (1) IDENTIFY COVERED EMPLOYEES;

21 (2) GENERALLY UNDERSTAND THE PURPOSE AS WELL AS THE VARIOUS
22 TYPES OF WORKERS' COMPENSATION INSURANCE COVERAGE;

23 (3) GENERALLY UNDERSTAND THE CONCEPTS OF ACCIDENTAL
24 PERSONAL INJURY AND OCCUPATIONAL DISEASE;

25 (4) GENERALLY UNDERSTAND THE NATURE AND EXTENT OF LIABILITY
26 AN EMPLOYER BEARS FOR ACCIDENTAL PERSONAL INJURY AND OCCUPATIONAL
27 DISEASES UNDER THE MARYLAND WORKERS' COMPENSATION ACT; AND

28 (5) UNDERSTAND THE PENALTIES FOR FAILURE TO APPLY FOR
29 APPROVAL OF A SELF-INSURANCE PLAN OR FAILURE TO PAY OR SECURE PAYMENT
30 OF WORKERS' COMPENSATION INSURANCE COVERAGE.

31 (C) THE STATEWIDE PUBLIC INFORMATION PROGRAM SHALL GENERALLY
32 INFORM THE PUBLIC OF:

33 (1) THE LAWS AND REGULATIONS ABOUT WORKERS' COMPENSATION
34 COVERAGE, INCLUDING:

1 (I) APPLICATION, APPROVAL, AND REPORTING REQUIREMENTS;

2 (II) PROHIBITED ACTS AND PENALTIES; AND

3 (III) THE AVAILABILITY OF INFORMATION THROUGH THE
4 COMMISSION;

5 (2) THE IMPORTANCE OF MAINTAINING WORKERS' COMPENSATION
6 INSURANCE COVERAGE;

7 (3) THE PRECAUTIONS AN EMPLOYEE SHOULD TAKE WITH REGARD TO
8 WORKERS' COMPENSATION COVERAGE BEFORE ACCEPTING EMPLOYMENT; AND

9 (4) ANY OTHER INFORMATION THE COMMISSION BELIEVES WILL
10 ENCOURAGE THE PUBLIC TO COMPLY WITH THE MARYLAND WORKERS'
11 COMPENSATION ACT.

12 (D) THE STATEWIDE PUBLIC INFORMATION PROGRAM SHALL MAKE
13 AVAILABLE:

14 (1) WRITTEN MATERIALS IN PLACES EASILY ACCESSIBLE TO THE
15 PUBLIC, INCLUDING THE INTERNET, LIBRARIES, AND PUBLIC OFFICE BUILDINGS;
16 AND

17 (2) FORMS TO BE DISTRIBUTED BY UNITS OF STATE GOVERNMENT THAT
18 COME INTO CONTACT WITH POTENTIAL EMPLOYERS OF COVERED EMPLOYEES
19 INCLUDING:

20 (I) THE DEPARTMENT OF ASSESSMENTS AND TAXATION;

21 (II) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION;
22 AND

23 (III) THE COMPTROLLER OF THE TREASURY.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2001.