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By: **Senator Dorman**  
Introduced and read first time: February 7, 2001  
Assigned to: Rules  
Re-referred to: Finance, February 14, 2001

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Committee Report: Favorable  
Senate action: Adopted  
Read second time: March 21, 2001

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CHAPTER \_\_\_\_\_

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

- 1 (1998 Replacement Volume and 2000 Supplement)
- 2 BY repealing
- 3 Article 24 - Political Subdivisions - Miscellaneous Provisions
- 4 Section 1-106
- 5 Annotated Code of Maryland
- 6 (1998 Replacement Volume and 2000 Supplement)
- 7 BY repealing
- 8 Article 25 - County Commissioners
- 9 Section 231
- 10 Annotated Code of Maryland
- 11 (1998 Replacement Volume and 2000 Supplement)
- 12 BY repealing
- 13 Article 30 - Deaf, Mute or Blind
- 14 Section 10A
- 15 Annotated Code of Maryland
- 16 (1997 Replacement Volume and 2000 Supplement)
- 17 BY repealing
- 18 Article 38A - Fires and Investigations
- 19 Section 29A
- 20 Annotated Code of Maryland
- 21 (1997 Replacement Volume and 2000 Supplement)
- 22 BY repealing
- 23 Article - Agriculture
- 24 Section 1-201
- 25 Annotated Code of Maryland
- 26 (1999 Replacement Volume and 2000 Supplement)
- 27 BY repealing
- 28 Article - Business Occupations and Professions
- 29 Section 1-202
- 30 Annotated Code of Maryland
- 31 (2000 Replacement Volume and 2000 Supplement)
- 32 BY repealing
- 33 Article - Business Regulation
- 34 Section 1-205
- 35 Annotated Code of Maryland
- 36 (1998 Replacement Volume and 2000 Supplement)

1 BY repealing  
2 Article - Courts and Judicial Proceedings  
3 Section 2-209  
4 Annotated Code of Maryland  
5 (1998 Replacement Volume and 2000 Supplement)

6 BY repealing  
7 Article - Environment  
8 Section 1-202  
9 Annotated Code of Maryland  
10 (1996 Replacement Volume and 2000 Supplement)

11 BY repealing  
12 Article - Family Law  
13 Section 5-511  
14 Annotated Code of Maryland  
15 (1999 Replacement Volume and 2000 Supplement)

16 BY repealing  
17 Article - Financial Institutions  
18 Section 1-203  
19 Annotated Code of Maryland  
20 (1998 Replacement Volume and 2000 Supplement)

21 BY repealing  
22 Article - Health - General  
23 Section 1-202  
24 Annotated Code of Maryland  
25 (2000 Replacement Volume)

26 BY repealing  
27 Article - Health Occupations  
28 Section 1-202  
29 Annotated Code of Maryland  
30 (2000 Replacement Volume)

31 BY repealing  
32 Article - Labor and Employment  
33 Section 1-202  
34 Annotated Code of Maryland  
35 (1999 Replacement Volume and 2000 Supplement)

36 BY repealing

1 Article - Natural Resources  
2 Section 1-401  
3 Annotated Code of Maryland  
4 (2000 Replacement Volume)

5 BY repealing  
6 Article - Public Utility Companies  
7 Section 5-106  
8 Annotated Code of Maryland  
9 (1998 Volume and 2000 Supplement)

10 BY repealing  
11 Article - State Government  
12 Section 10-401 and the subtitle "Subtitle 4. Compliance with the Workers'  
13 Compensation Act"  
14 Annotated Code of Maryland  
15 (1999 Replacement Volume and 2000 Supplement)

16 BY repealing  
17 Article - Tax - General  
18 Section 1-204  
19 Annotated Code of Maryland  
20 (1997 Replacement Volume and 2000 Supplement)

21 BY repealing  
22 Article - Transportation  
23 Section 1-102  
24 Annotated Code of Maryland  
25 (1993 Replacement Volume and 2000 Supplement)

26 BY repealing and reenacting, with amendments,  
27 Article - Business Occupations and Professions  
28 Section 20-310  
29 Annotated Code of Maryland  
30 (2000 Replacement Volume and 2000 Supplement)

31 BY repealing  
32 Article - Labor and Employment  
33 Section 9-105  
34 Annotated Code of Maryland  
35 (1999 Replacement Volume and 2000 Supplement)

36 BY adding to

1 Article - Labor and Employment  
2 Section 9-105  
3 Annotated Code of Maryland  
4 (1999 Replacement Volume and 2000 Supplement)

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

8 %Article 2B - Alcoholic Beverages  
9 Section 9-104

10 Article 23A - Corporations - Municipal  
11 Section 48

12 Article 24 - Political Subdivisions - Miscellaneous Provisions  
13 Section 1-106

14 Article 25 - County Commissioners  
15 Section 231

16 Article 30 - Deaf, Mute or Blind  
17 Section 10A

18 Article 38A - Fires and Investigations  
19 Section 29A

20 Article - Agriculture  
21 Section 1-201

22 Article - Business Occupations and Professions  
23 Section 1-202

24 Article - Business Regulation  
25 Section 1-205

26 Article - Courts and Judicial Proceedings  
27 Section 2-209

28 Article - Environment  
29 Section 1-202

- 1 Article - Family Law  
2 Section 5-511
- 3 Article - Financial Institutions  
4 Section 1-203
- 5 Article - Health - General  
6 Section 1-202
- 7 Article - Health Occupations  
8 Section 1-202
- 9 Article - Labor and Employment  
10 Section 1-202
- 11 Article - Natural Resources  
12 Section 1-401
- 13 Article - Public Utility Companies  
14 Section 5-106
- 15 Article - State Government  
16 Section 10-401 and the subtitle "Subtitle 4. Compliance with the Workers'  
17 Compensation Act"
- 18 Article - Tax - General  
19 Section 1-204
- 20 Article - Transportation  
21 Section 1-102
- 22 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
23 read as follows:
- 24 **Article - Business Occupations and Professions**
- 25 20-310.
- 26 (a) As a condition for license renewal, a licensee shall submit to the Secretary  
27 with the renewal application:

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

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

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

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

14 [(5)] (4) (i) a bond in accordance with the requirements of § 20-601 of  
15 this title; and

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

18 [(6)] (5) a renewal fee of \$100.

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

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

## 25 **Article - Labor and Employment**

26 [9-105.

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

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

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

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

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

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

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

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

8           (2)     mail to the applicant:

9                 (i)     a certificate of compliance; or

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

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

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

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

16     (f)     The Commission shall adopt reasonable regulations to administer this  
17 section.

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

20 9-105.

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

23     (B)     THE PURPOSE OF THE STATEWIDE PUBLIC INFORMATION PROGRAM IS TO  
24 EDUCATE THE PUBLIC ABOUT THE MARYLAND WORKERS' COMPENSATION ACT SO  
25 THAT THE PUBLIC, INCLUDING PROSPECTIVE EMPLOYERS OF COVERED EMPLOYEES,  
26 CAN:

27           (1)     IDENTIFY COVERED EMPLOYEES;

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

30           (3)     GENERALLY UNDERSTAND THE CONCEPTS OF ACCIDENTAL  
31 PERSONAL INJURY AND OCCUPATIONAL DISEASE;

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

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

7 (C) THE STATEWIDE PUBLIC INFORMATION PROGRAM SHALL GENERALLY  
8 INFORM THE PUBLIC OF:

9 (1) THE LAWS AND REGULATIONS ABOUT WORKERS' COMPENSATION  
10 COVERAGE, INCLUDING:

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

12 (II) PROHIBITED ACTS AND PENALTIES; AND

13 (III) THE AVAILABILITY OF INFORMATION THROUGH THE  
14 COMMISSION;

15 (2) THE IMPORTANCE OF MAINTAINING WORKERS' COMPENSATION  
16 INSURANCE COVERAGE;

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

19 (4) ANY OTHER INFORMATION THE COMMISSION BELIEVES WILL  
20 ENCOURAGE THE PUBLIC TO COMPLY WITH THE MARYLAND WORKERS'  
21 COMPENSATION ACT.

22 (D) THE STATEWIDE PUBLIC INFORMATION PROGRAM SHALL MAKE  
23 AVAILABLE:

24 (1) WRITTEN MATERIALS IN PLACES EASILY ACCESSIBLE TO THE  
25 PUBLIC, INCLUDING THE INTERNET, LIBRARIES, AND PUBLIC OFFICE BUILDINGS;  
26 AND

27 (2) FORMS TO BE DISTRIBUTED BY UNITS OF STATE GOVERNMENT THAT  
28 COME INTO CONTACT WITH POTENTIAL EMPLOYERS OF COVERED EMPLOYEES  
29 INCLUDING:

30 (I) THE DEPARTMENT OF ASSESSMENTS AND TAXATION;

31 (II) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION;  
32 AND

33 (III) THE COMPTROLLER OF THE TREASURY.

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