

HOUSE BILL 1111

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2004 Regular Session
4r2720
CF SB 273

By: **Delegates Conroy, Benson, Bronrott, Feldman, Franchot, Gutierrez,
Harrison, Haynes, Howard, Kaiser, Kelley, Kirk, Madaleno, Mandel,
McHale, Menes, Moe, Parker, Proctor, Ramirez, Ross, Taylor, V. Turner,
Vallario, and Vaughn**

Introduced and read first time: February 13, 2004

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prevailing Wage Rate - Public Work Contracts - Liquidated Damages**

3 FOR the purpose of increasing the liquidated damages for which a contractor may be
4 liable for paying less than the prevailing wage rate for certain laborers and
5 employees under a public work contract; and generally relating to a contractor's
6 liquidated damage liability for failure to pay the prevailing wage rates to certain
7 employees and laborers under a public work contract.

8 BY repealing and reenacting, with amendments,
9 Article - State Finance and Procurement
10 Section 17-222
11 Annotated Code of Maryland
12 (2001 Replacement Volume and 2003 Supplement)

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

15 **Article - State Finance and Procurement**

16 17-222.

17 (a) A contractor under a public work contract is liable to the public body for
18 liquidated damages of [\$20 for each] SIXTEEN TIMES THE HOURLY PREVAILING
19 WAGE RATE OF THE laborer or other employee for each day for which:

20 (1) the laborer is paid less than the prevailing wage rate of a mechanic
21 while performing a task required to be performed by a mechanic or mechanic's
22 apprentice; or

23 (2) the employee is paid less than the prevailing wage rate.

1 (b) (1) If a contractor or subcontractor pays an employee less than the
2 amount the employee is entitled to receive for the work performed, the contractor
3 shall make restitution to the employee.

4 (2) The contractor and the subcontractor shall be jointly and severally
5 liable for restitution to the subcontractor's employees.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2004.