

(PRE-FILED)

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By: **Senators Brochin, Harris, and Hollinger**  
Requested: November 4, 2004  
Introduced and read first time: January 12, 2005  
Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Unemployment Insurance - Exemption from Covered Employment - Travel**  
3                                   **Agents**

4 FOR the purpose of establishing that work performed by certain travel agents is not  
5 covered employment for the purposes of unemployment insurance; authorizing  
6 certain wages that are paid for work performed by certain travel agents through  
7 a certain date to be used in determining monetary eligibility for unemployment  
8 insurance benefits; providing for the application of this Act; and generally  
9 relating to unemployment insurance law.

10 BY repealing and reenacting, with amendments,  
11 Article - Labor and Employment  
12 Section 8-209  
13 Annotated Code of Maryland  
14 (1999 Replacement Volume and 2004 Supplement)

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

17                                   **Article - Labor and Employment**

18 8-209.

19 (a) Work that an insurance producer performs for payment solely by  
20 commission is not covered employment.

21 (b) To the extent that work is exempted under federal law, the work that an  
22 associate real estate broker or real estate salesperson performs for a licensed real  
23 estate broker for payment by commission is not covered employment.

24 (c) Work that a yacht salesperson performs for a licensed trader for payment  
25 solely by commission is not covered employment.

26 (D) WORK THAT A TRAVEL AGENT PERFORMS FOR PAYMENT SOLELY BY  
27 COMMISSION IS NOT COVERED EMPLOYMENT.

1 SECTION 2. AND BE IT FURTHER ENACTED, That Section 8-209(d) of the  
2 Labor and Employment Article as enacted by this Act shall be construed retroactively  
3 and shall be applied to and interpreted to affect all determinations by the Secretary of  
4 Labor, Licensing, and Regulation of: (1) rates of contributions for employing units for  
5 all calendar years beginning on or after January 1, 2002; and (2) benefit charges for  
6 unemployment insurance claims for benefits based on work performed on or after  
7 January 1, 2002. Wages that are paid for work performed by a travel agent through  
8 September 30, 2005, may be used in determining monetary eligibility for  
9 unemployment insurance benefits.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2005.