

(PRE-FILED)

By: **Senator Kittleman**
 Requested: November 15, 2004
 Introduced and read first time: January 12, 2005
 Assigned to: Finance

Committee Report: Favorable with amendments
 Senate action: Adopted with floor amendments
 Read second time: March 21, 2005

CHAPTER _____

1 AN ACT concerning

2 **Workers' Compensation - Students in Unpaid Work-Based Learning**
 3 **Experiences - Waiver**

4 FOR the purpose of authorizing the parent or guardian of a student involved in an
 5 unpaid work-based learning ~~experiences~~ experience with a sole proprietor to
 6 provide a certain waiver stating that the student shall not be considered a
 7 covered employee for the purposes of coverage under the State workers'
 8 compensation laws; requiring each county board of education to develop a
 9 certain waiver form that includes certain language at the top of the waiver form;
 10 and generally relating to workers' compensation coverage for students in unpaid
 11 work-based learning experiences.

12 BY repealing and reenacting, with amendments,
 13 Article - Education
 14 Section 7-114(b)
 15 Annotated Code of Maryland
 16 (2004 Replacement Volume and 2004 Supplement)

17 BY repealing and reenacting, with amendments,
 18 Article - Labor and Employment
 19 Section 9-228(c)
 20 Annotated Code of Maryland
 21 (1999 Replacement Volume and 2004 Supplement)

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

1

Article - Education

2 7-114.

3 (b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH ~~(2)~~ (3) OF THIS
 4 SUBSECTION, A student who has been placed with an employer in an unpaid
 5 work-based learning experience coordinated by a county board is a covered employee
 6 of that employer, as defined in Title 9 of the Labor and Employment Article, for the
 7 purposes of coverage under the State workers' compensation laws.

8 (2) (I) EACH COUNTY BOARD SHALL DEVELOP A WAIVER FORM THAT
 9 STATES THAT A STUDENT IS NOT CONSIDERED A COVERED EMPLOYEE FOR THE
 10 PURPOSES OF COVERAGE UNDER THE STATE WORKERS' COMPENSATION LAWS.

11 (II) AT THE TOP OF THE PAGE OF EACH WAIVER FORM DEVELOPED
 12 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COUNTY BOARD SHALL
 13 INCLUDE IN AT LEAST 22-POINT BOLD TYPE:

14 "ATTENTION PARENT: WHEN YOU SIGN THIS DOCUMENT, YOU AGREE TO WAIVE
 15 ALL WORKERS' COMPENSATION COVERAGE FOR YOUR CHILD IF YOUR CHILD IS
 16 INJURED ON THE JOB".

17 ~~(2)~~ (3) (I) THIS PARAGRAPH APPLIES TO A STUDENT WHO IS
 18 EMPLOYED BY A SOLE PROPRIETOR.

19 (II) A PARENT OR GUARDIAN OF A STUDENT MAY PROVIDE AN
 20 AFFIRMATIVE WRITTEN WAIVER STATING THAT THE STUDENT IS NOT TO BE
 21 CONSIDERED A COVERED EMPLOYEE FOR THE PURPOSES OF COVERAGE UNDER THE
 22 STATE WORKERS' COMPENSATION LAWS.

23 ~~(H)~~ (III) THE WAIVER SHALL BE SUBMITTED PRIOR TO THE START
 24 OF THE WORK-BASED LEARNING EXPERIENCE AND STATE THE SPECIFIC UNPAID
 25 WORK-BASED LEARNING EXPERIENCE FOR WHICH THE WAIVER WILL APPLY.

26

Article - Labor and Employment

27 9-228.

28 (c) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
 29 A student is a covered employee when the student has been placed with an employer
 30 in an unpaid work-based learning experience coordinated by a county board under §
 31 7-114 of the Education Article.

32 (2) For purposes of this title, the employer for whom the student works
 33 in the unpaid work-based learning experience is the employer of the student.

34 (3) (I) THIS PARAGRAPH APPLIES TO A STUDENT WHO IS EMPLOYED
 35 BY A SOLE PROPRIETOR.

1 (II) A PARENT OR GUARDIAN OF A STUDENT MAY PROVIDE AN
2 AFFIRMATIVE WRITTEN WAIVER STATING THAT THE STUDENT IS NOT TO BE
3 CONSIDERED A COVERED EMPLOYEE FOR THE PURPOSES OF COVERAGE UNDER THE
4 STATE WORKERS' COMPENSATION LAWS.

5 ~~(H)~~ (III) THE WAIVER SHALL BE SUBMITTED PRIOR TO THE START
6 OF THE WORK-BASED LEARNING EXPERIENCE AND STATE THE SPECIFIC UNPAID
7 WORK-BASED LEARNING EXPERIENCE FOR WHICH THE WAIVER WILL APPLY.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
9 effect October 1, 2005.