
By: **Senator Hollinger**

Introduced and read first time: January 31, 2005

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment - Payment of Overtime - Registered Nurses**

3 FOR the purpose of requiring that certain registered nurses providing direct patient
4 care be entitled to receive certain overtime wages under certain circumstances;
5 and generally relating to registered nurses and payment of overtime wages.

6 BY repealing and reenacting, with amendments,
7 Article - Labor and Employment
8 Section 3-415
9 Annotated Code of Maryland
10 (1999 Replacement Volume and 2004 Supplement)

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

13 **Article - Labor and Employment**

14 3-415.

15 (a) Except as otherwise provided in this section, each employer shall pay an
16 overtime wage of at least 1.5 times the usual hourly wage, computed in accordance
17 with § 3-420 of this subtitle.

18 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A REGISTERED
19 NURSE PROVIDING DIRECT PATIENT CARE SHALL BE ENTITLED TO PAYMENT OF AN
20 OVERTIME WAGE AS PROVIDED IN SUBSECTION (A) OF THIS SECTION.

21 [(b)] (C) This section does not apply to an employer that is:

22 (1) subject to 49 U.S.C. § 10501;

23 (2) an establishment that is a hotel or motel;

24 (3) an establishment that is a restaurant;

1 (4) considered a gasoline service station because the employer is engaged
2 primarily in selling gasoline and lubricating oil, even if the employer sells other
3 merchandise or performs minor repair work;

4 (5) a bona fide private country club;

5 (6) a not for profit entity and is engaged primarily in providing
6 temporary at-home care services, such as companionship or delivery of prepared
7 meals, to aged or sick individuals, individuals with disabilities, or individuals with a
8 mental disorder;

9 (7) a not for profit concert promoter, legitimate theater, music festival,
10 music pavilion, or theatrical show; or

11 (8) an amusement or recreational establishment, including a swimming
12 pool, if the establishment:

13 (i) operates for no more than 7 months in a calendar year; or

14 (ii) for any 6 months during the preceding calendar year, has
15 average receipts in excess of one-third of the average receipts for the other 6 months.

16 [(c)] (D) This section does not apply to an employer with respect to:

17 (1) an employee for whom the United States Secretary of Transportation
18 may set qualifications and maximum hours of service under 49 U.S.C. § 3102;

19 (2) a mechanic, partsperson, or salesperson who primarily sells or
20 services automobiles, farm equipment, trailers, or trucks, if the employer is engaged
21 primarily in selling those vehicles to ultimate buyers and is not a manufacturer; or

22 (3) a driver if the employer is engaged in the business of operating
23 taxicabs.

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