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By: **Delegates McDonough and Impallaria**

Introduced and read first time: February 10, 2006

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Day Laborer Regulation Act of 2006**

3 FOR the purpose of prohibiting a day labor agency from operating without a day labor  
4 agency license issued by the Secretary of Labor, Licensing, and Regulation;  
5 requiring a day labor agency to obtain and renew a day labor agency license in  
6 a certain manner; prohibiting a day labor agency from knowingly referring a  
7 day laborer to a job if any condition of employment that the employer is aware of  
8 violates a State or federal law, referring a day laborer to an establishment where  
9 a labor dispute exists, establishing or setting wage rates or benefits for day  
10 laborers, referring employment to a day laborer who is not authorized to reside  
11 or work in the United States, or violating any provisions of this Act; requiring a  
12 day labor agency to keep certain detailed records; requiring a day labor agency  
13 to require a day laborer to produce documentation attesting to the day laborer's  
14 legal United States residency status and to certify under the penalty of perjury  
15 that the day laborer referred for employment by the day labor agency is a legal  
16 resident of the United States; requiring the Secretary to adopt regulations to  
17 carry out the provisions of this Act; defining certain terms; and generally  
18 relating to the regulation of day labor agencies.

19 BY adding to

20 Article - Business Regulation

21 Section 19-401 through 19-407, inclusive, to be under the new subtitle "Subtitle

22 4. Day Laborer Regulation"

23 Annotated Code of Maryland

24 (2004 Replacement Volume and 2005 Supplement)

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

1 **Article - Business Regulation**

2 SUBTITLE 4. DAY LABORER REGULATION.

3 19-401.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
5 INDICATED.

6 (B) (1) "DAY LABORER" MEANS A PERSON THAT PERFORMS WORK:

7 (I) THAT IS TEMPORARY OR IRREGULAR; AND

8 (II) IN WHICH THE PERSON IS EMPLOYED FOR ONLY THE AMOUNT  
9 OF TIME NECESSARY TO COMPLETE THE ASSIGNMENT FOR WHICH THE DAY  
10 LABORER IS HIRED.

11 (2) "DAY LABORER" DOES NOT INCLUDE A PROFESSIONAL OR CLERICAL  
12 WORKER.

13 (C) (1) "DAY LABOR AGENCY" MEANS A PERSON WHO:

14 (I) OBTAINS, OFFERS TO OBTAIN, OR ATTEMPTS TO OBTAIN  
15 EMPLOYMENT FOR A DAY LABORER; OR

16 (II) PARTICIPATES DIRECTLY OR INDIRECTLY IN SECURING  
17 EMPLOYMENT FOR DAY LABORERS.

18 (2) "DAY LABOR AGENCY" DOES NOT INCLUDE:

19 (I) AN EMPLOYMENT AGENCY REGULATED UNDER SUBTITLE 9 OF  
20 THIS ARTICLE;

21 (II) A NURSING REFERRAL AGENCY THAT IS LICENSED UNDER  
22 TITLE 19, SUBTITLE 4B OF THE HEALTH - GENERAL ARTICLE; OR

23 (III) A LAWYER WHO DIRECTLY OBTAINS AN IMMIGRANT VISA FOR  
24 AN INDIVIDUAL.

25 19-402.

26 THIS SUBTITLE DOES NOT APPLY TO:

27 (1) A LABOR ORGANIZATION WHILE OBTAINING OR ATTEMPTING TO  
28 OBTAIN EMPLOYMENT FOR A MEMBER OF THE ORGANIZATION; OR

29 (2) AN ORGANIZATION OF EMPLOYERS WHILE OBTAINING OR  
30 ATTEMPTING TO OBTAIN HELP FOR A MEMBER OF THE ORGANIZATION.

1 19-403.

2 (A) A DAY LABOR AGENCY MAY NOT OPERATE WITHOUT A DAY LABOR  
3 AGENCY LICENSE ISSUED BY THE SECRETARY UNDER THIS SECTION.

4 (B) AN APPLICANT FOR A LICENSE SHALL:

5 (1) SUBMIT TO THE SECRETARY AN APPLICATION ON THE FORM THAT  
6 THE SECRETARY PROVIDES; AND

7 (2) PAY TO THE SECRETARY A LICENSE FEE SET BY THE SECRETARY IN  
8 REGULATION.

9 (C) THE SECRETARY SHALL REGISTER AND ISSUE AN ORIGINAL AND  
10 RENEWAL LICENSE TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS  
11 SECTION.

12 (D) EACH REGISTRANT SHALL GIVE THE SECRETARY WRITTEN NOTICE OF  
13 ANY CHANGE OF ADDRESS WITHIN 10 BUSINESS DAYS AFTER THE CHANGE.

14 (E) EACH LICENSE EXPIRES ON THE FIRST ANNIVERSARY OF ITS EFFECTIVE  
15 DATE.

16 (F) AT LEAST 1 MONTH BEFORE THE LICENSE OF A DAY LABOR AGENCY  
17 EXPIRES, THE SECRETARY SHALL MAIL TO THE DAY LABOR AGENCY, AT THE LAST  
18 KNOWN ADDRESS:

19 (1) A RENEWAL APPLICATION FORM; AND

20 (2) A NOTICE THAT STATES:

21 (I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

22 (II) THE DATE BY WHICH THE SECRETARY MUST RECEIVE THE  
23 RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE  
24 LICENSE EXPIRES; AND

25 (III) THE AMOUNT OF THE RENEWAL FEE.

26 (G) BEFORE THE REGISTRATION OF A DAY LABOR AGENCY EXPIRES, THE  
27 REGISTRANT MAY RENEW IT FOR AN ADDITIONAL TERM, IF THE DAY LABOR AGENCY:

28 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

29 (2) PAYS TO THE SECRETARY A RENEWAL FEE SET BY THE SECRETARY  
30 IN REGULATION; AND

31 (3) SUBMITS TO THE SECRETARY A RENEWAL APPLICATION ON THE  
32 FORM THAT THE SECRETARY PROVIDES.

1 (H) EACH DAY LABOR AGENCY SHALL DISPLAY THE LICENSE ISSUED UNDER  
2 THIS SECTION CONSPICUOUSLY IN THE DAY LABOR AGENCY.

3 19-404.

4 A DAY LABOR AGENCY MAY NOT:

5 (1) KNOWINGLY REFER A DAY LABORER TO A JOB IF ANY CONDITION OF  
6 EMPLOYMENT VIOLATES ANY STATE OR FEDERAL LAW;

7 (2) REFER A DAY LABORER TO AN ESTABLISHMENT WHERE A LABOR  
8 DISPUTE EXISTS;

9 (3) ESTABLISH OR SET WAGE RATES OR BENEFITS FOR DAY LABORERS;

10 (4) REFER EMPLOYMENT TO A DAY LABORER WHO IS NOT AUTHORIZED  
11 TO RESIDE OR WORK IN THE UNITED STATES; OR

12 (5) VIOLATE THE PROVISIONS OF THIS SUBTITLE.

13 19-405.

14 EACH DAY LABOR AGENCY SHALL KEEP A DETAILED RECORD OF:

15 (1) EACH JOB ORDER FROM AN EMPLOYER;

16 (2) EACH EMPLOYER OR OTHER PERSON THAT RECEIVES SERVICES  
17 FROM A DAY LABORER THROUGH THE DAY LABOR AGENCY, INCLUDING:

18 (I) THE EMPLOYMENT ADDRESS OF THE EMPLOYER OR PERSON;  
19 AND

20 (II) THE APPROPRIATE FEDERAL EMPLOYER TAX IDENTIFICATION  
21 NUMBER OF THE EMPLOYER OR OTHER PERSON; AND

22 (3) THE NAME AND ADDRESS OF EACH DAY LABORER UTILIZING THE  
23 DAY LABOR AGENCY.

24 19-406.

25 EACH DAY LABOR AGENCY SHALL:

26 (1) REQUIRE A DAY LABORER TO PRODUCE DOCUMENTATION  
27 ATTESTING TO THE DAY LABORER'S LEGAL U.S. RESIDENCY STATUS; AND

28 (2) CERTIFY UNDER THE PENALTY OF PERJURY THAT THE DAY  
29 LABORER REFERRED FOR EMPLOYMENT BY THE DAY LABOR AGENCY IS A LEGAL U.S.  
30 RESIDENT.

1 19-407.

2 THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

4 October 1, 2006.