

# HOUSE BILL 1393

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By: **Delegates Ramirez, Anderson, Barkley, Barnes, Conaway, Dumais, Healey, Lee, Levi, Mizeur, Niemann, Rosenberg, Valderrama, and Vallario**

Introduced and read first time: February 8, 2008

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Maryland Wage and Hour Law – Criminal Penalties**

3 FOR the purpose of increasing certain criminal penalties for violations of certain wage  
4 and hour laws; providing for imprisonment for a certain period; establishing  
5 that each occurrence of a certain violation for a certain period is considered a  
6 separate offense; and generally relating to violations of the wage and hour laws.

7 BY repealing and reenacting, with amendments,  
8 Article – Labor and Employment  
9 Section 3–428  
10 Annotated Code of Maryland  
11 (1999 Replacement Volume and 2007 Supplement)

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

14 **Article – Labor and Employment**

15 3–428.

16 (a) An employer may not:

17 (1) pay or agree to pay less than the wage required under this subtitle;

18 (2) hinder or delay the Commissioner or an authorized representative  
19 of the Commissioner in the enforcement of this subtitle;

20 (3) discharge an employee because the employee:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) makes to the employer, the Commissioner, or an authorized  
2 representative of the Commissioner a complaint that the employee has not been paid  
3 in accordance with this subtitle;

4 (ii) brings an action under this subtitle or a proceeding that  
5 relates to the subject of this subtitle; or

6 (iii) has testified in an action under this subtitle or a proceeding  
7 related to the subject of this subtitle; or

8 (4) violate any other provision of this subtitle.

9 (b) An employee may not:

10 (1) make a groundless or malicious complaint to the Commissioner or  
11 an authorized representative of the Commissioner;

12 (2) in bad faith, bring an action under this subtitle or a proceeding  
13 related to the subject of this subtitle; or

14 (3) in bad faith, testify in an action under this subtitle or a proceeding  
15 related to the subject of this subtitle.

16 (c) (1) A person who violates any provision of this section is guilty of a  
17 misdemeanor and on conviction is subject to [a fine not exceeding \$1,000]:

18 (I) **FOR A FIRST VIOLATION, A FINE NOT EXCEEDING \$2,500**  
19 **OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH;**

20 (II) **FOR EACH SUBSEQUENT VIOLATION THAT OCCURS**  
21 **WITHIN 6 YEARS OF A PRECEDING VIOLATION, A FINE NOT EXCEEDING \$5,000**  
22 **OR IMPRISONMENT NOT EXCEEDING 180 DAYS OR BOTH.**

23 (2) **FOR PURPOSES OF THIS SUBSECTION, EVERY WORKWEEK FOR**  
24 **WHICH AN EMPLOYER DOES NOT PAY THE WAGE REQUIRED UNDER THIS**  
25 **SUBTITLE SHALL BE CONSIDERED A SEPARATE OFFENSE.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2008.