

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 909
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 10, after “violations;” insert “requiring the court or an administrative unit to award restitution under certain circumstances; authorizing the court or an administrative unit to award other damages under certain circumstances;”; in line 16, after “employer” insert “under certain circumstances”; and in line 45, after “classify” insert “individuals as”.

On page 3, strike beginning with “employee” in line 3 down through “contractor” in line 4 and substitute “individual as an employee”; in line 6, after “classify” insert “an individual as”; in the same line, strike “as an independent contractor”; and in line 9, after “classify” insert “an individual as”.

AMENDMENT NO. 2

On page 15, in line 25, after “**CLASSIFY**” insert “**AS AN EMPLOYEE**”.

On page 18, after line 17, insert:

“(C) IF THE COURT OR AN ADMINISTRATIVE UNIT DETERMINES THAT AN INDIVIDUAL OR CLASS OF INDIVIDUALS IS ENTITLED TO RESTITUTION AS A RESULT OF THE EMPLOYER’S VIOLATION OF § 3-904 OF THIS SUBTITLE, THE COURT OR ADMINISTRATIVE UNIT:

(1) SHALL AWARD EACH INDIVIDUAL ANY RESTITUTION TO WHICH THE INDIVIDUAL MAY BE ENTITLED; AND

(2) MAY AWARD EACH INDIVIDUAL AN ADDITIONAL AMOUNT UP TO THREE TIMES THE AMOUNT OF SUCH RESTITUTION.”;

(Over)

and in lines 18, 23, and 27, strike “(C)”, “(D)”, and “(E)”, respectively, and substitute “(D)”, “(E)”, and “(F)”, respectively.

On page 19, in line 4, strike “(F)” and substitute “(G)”; in line 8, strike “IF” and substitute “UNLESS”; strike beginning with “KNOWINGLY” in line 9 down through “IMPOSED” in line 10 and substitute “DID NOT OR WITH THE EXERCISE OF REASONABLE DILIGENCE COULD NOT KNOW OF THE VIOLATION FOR WHICH THE PENALTY WAS IMPOSED”; strike in their entirety lines 27 through 29, inclusive; and after line 29, insert:

“(2) AN INDIVIDUAL MAY NOT BRING A CIVIL ACTION UNDER THIS SECTION IF A FINAL ORDER OF AN ADMINISTRATIVE UNIT OR OF A COURT HAS BEEN ISSUED UNDER § 3-906 OF THIS SUBTITLE.”

AMENDMENT NO. 3

On page 27 in lines 24 and 27, on page 28 in line 23, and on page 31 in line 33, in each instance, strike “EMPLOYEE AS AN INDEPENDENT CONTRACTOR” and substitute “INDIVIDUAL AS AN EMPLOYEE”.

On page 29, in line 4, strike “OF” and substitute “AN INDIVIDUAL AS”.

On page 29 in lines 13 and 32, and on page 32 in lines 22 and 31, in each instance, after “CLASSIFY” insert “AN INDIVIDUAL AS”.

On page 30, in lines 19 and 24, in each instance, strike “EMPLOYEE AS AN INDEPENDENT CONTRACTOR” and substitute “INDIVIDUAL AS AN EMPLOYEE”.

On page 32, in lines 2 and 3, strike “EMPLOYEE AS AN INDEPENDENT CONTRACTOR” and substitute “INDIVIDUAL AS AN EMPLOYEE,”; and in lines 7 and

8, strike “EMPLOYEE AS AN INDEPENDENT CONTRACTOR” and substitute
“INDIVIDUAL AS AN EMPLOYEE”.