

HB0187/393994/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 187
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Zucker” and substitute “Zucker, and Fraser-Hidalgo”; in line 3, strike “the amount of”; strike beginning with “requiring” in line 4 down through “year;” in line 7 and substitute “authorizing certain amusement and recreational establishments to pay certain employees a certain wage under certain circumstances;”; in line 9, strike “the exemption” and substitute “certain exemptions”; in line 10, strike “for certain employers”; in the same line, after the semicolon insert “altering the exemption from a certain provision of law related to the payment of overtime wages for certain amusement and recreational establishments;”; strike beginning with “altering” in line 10 down through “by” in line 11 and substitute “prohibiting the tip credit amount”; in line 11, strike “as a tip credit amount” and substitute “may include”; in line 12, after “wage” insert “from exceeding a certain minimum wage less a certain dollar amount, rather than a certain percentage of the minimum wage”; strike beginning with “altering” in line 12 down through “employees;” in line 15; in line 18, after “employee;” insert “authorizing a court, under certain circumstances, to determine that liquidated damages should not be awarded or to award a lesser amount than required under a certain provision of this Act;”; and in line 19, after “costs;” insert “providing for the application of a certain provision of this Act; providing for a delayed effective date;”.

On page 2, in line 3, strike “3-415” and substitute “3-415(b)”; in the same line, strike “3-420;” and after line 5, insert:

“BY repealing and reenacting, without amendments,

Article – Labor and Employment

Section 3-415(a)

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)”.

(Over)

AMENDMENT NO. 2

On page 2, in line 10, strike “(a)”; in line 23, strike the brackets; in the same line, strike “(8)” and substitute “**(7)**”; in the same line, strike “motion picture or”; in line 24, strike “**(7)**” and substitute “**(8)**”; in line 26, strike “**OR**”; in lines 27 and 29, in each instance, strike the bracket; and in line 27, strike “(10)” and substitute “**(9)**”.

On page 3, in line 1, strike “**(8)**” and substitute “**(10)**”; in lines 4 and 8, in each instance, strike the bracket; in line 4, strike “or”; in line 5, strike “(12)” and substitute “**(11)**”; in line 8, strike the period and substitute a semicolon; strike line 9 in its entirety; and in lines 10, 12, and 13, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “**(12)**”, “**(13)**”, and “**(14)**”, respectively.

AMENDMENT NO. 3

On page 4, in line 16, strike “**(1)**”; in lines 17, 19, and 25, strike “**(I)**”, “**(II)**”, and “**(III)**”, respectively, and substitute “**(1)**”, “**(2)**”, and “**(3)**”, respectively; strike beginning with the colon in line 19 down through “**1.**” in line 20; strike beginning with “**OR**” in line 20 down through “**SUBSECTION;**” in line 24 and substitute “**AND**”; in line 25, strike “**FOR THE 12-MONTH PERIOD**”; and strike beginning with the colon in line 25 down through “**1.**” in line 26.

On pages 4 through 6, strike beginning with “**; OR**” in line 26 on page 4 down through “**CENTS**” in line 9 on page 6.

AMENDMENT NO. 4

On page 4, in line 1, after “in” insert “**SUBSECTION (D) OF THIS SECTION AND**”.

On page 6, after line 9, insert:

“(D) (1) THIS SUBSECTION APPLIES ONLY TO AN EMPLOYER THAT IS AN AMUSEMENT OR A RECREATIONAL ESTABLISHMENT, INCLUDING A SWIMMING POOL, IF THE EMPLOYER:

(I) OPERATES FOR NO MORE THAN 7 MONTHS IN A CALENDAR YEAR; OR

(II) FOR ANY 6 MONTHS DURING THE PRECEDING CALENDAR YEAR, HAS AVERAGE RECEIPTS THAT DO NOT EXCEED ONE-THIRD OF THE AVERAGE RECEIPTS FOR THE OTHER 6 MONTHS.

(2) AN EMPLOYER MAY PAY AN EMPLOYEE A WAGE THAT EQUALS A RATE OF:

(I) IF THE EMPLOYEE IS NOT SUBJECT TO THE FEDERAL ACT, \$7.25 PER HOUR; OR

(II) IF THE EMPLOYEE IS SUBJECT TO THE FEDERAL ACT, THE MINIMUM WAGE FOR THAT EMPLOYEE UNDER THE FEDERAL ACT.”.

On page 7, in line 2, strike “in excess of” and substitute “THAT DO NOT EXCEED”.

AMENDMENT NO. 5

On page 7, strike in their entirety lines 3 through 20, inclusive.

On page 8, strike in their entirety lines 8 through 30, inclusive.

AMENDMENT NO. 6

On page 8, in line 6, strike “30%”; in the same line, strike the second “of”; and in line 7, after “employee” insert “LESS \$3.63”.

AMENDMENT NO. 7

On page 9, in lines 6 and 24, in each instance, strike “TWO TIMES”; in line 19, after “(d)” insert “(1)”; in lines 22 and 27, strike “(1)” and “(3)”, respectively, and substitute “(I)” and “(III)”, respectively; in line 24, strike “(2)” and substitute “(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,”; and after line 27, insert:

“(2) IF AN EMPLOYER SHOWS TO THE SATISFACTION OF THE COURT THAT THE EMPLOYER ACTED IN GOOD FAITH AND REASONABLY BELIEVED THAT THE WAGES PAID TO THE EMPLOYEE WERE NOT LESS THAN THE WAGE REQUIRED UNDER THIS SUBTITLE, THE COURT MAY:

(I) DETERMINE THAT LIQUIDATED DAMAGES SHOULD NOT BE AWARDED; OR

(II) AWARD, AS LIQUIDATED DAMAGES, ANY AMOUNT LESS THAN THE AMOUNT SPECIFIED IN PARAGRAPH (1)(II) OF THIS SUBSECTION.”.

AMENDMENT NO. 8

On page 4, in line 17, strike “JULY 1, 2014” and substitute “JANUARY 1, 2015”; in line 19, strike “JULY 1, 2015” and substitute “JANUARY 1, 2016,”; and in line 25, strike “JULY 1, 2016” and substitute “JANUARY 1, 2017,”.

On page 9, in line 29, strike “June 1, 2014” and substitute “January 1, 2015”.