

HOUSE BILL 1637

K3

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By: **Delegate R. Lewis**

Introduced and read first time: February 9, 2018

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Parking Cash-Out Program – Requirement**

3 FOR the purpose of requiring certain employers that provide to employees a free parking
4 space or a parking subsidy to establish a certain parking cash-out program;
5 authorizing an employer to provide certain employees with a combination of certain
6 passes, certain subsidies, and cash in lieu of making a full cash payment under a
7 parking cash-out program; authorizing an employee to file a written complaint with
8 the Commissioner of Labor and Industry under certain circumstances; authorizing
9 the Commissioner, on receipt of a written complaint, to investigate whether this Act
10 has been violated; authorizing the Commissioner to attempt to resolve a certain
11 matter informally or request the Attorney General to bring a certain action on behalf
12 of the employee; authorizing the Attorney General to bring a certain action for
13 certain relief; providing for the application of this Act; defining certain terms; and
14 generally relating to parking cash-out programs.

15 BY adding to

16 Article – Labor and Employment

17 Section 3–103(e)(7)

18 Annotated Code of Maryland

19 (2016 Replacement Volume and 2017 Supplement)

20 (As enacted by Chapter 1 of the Acts of the General Assembly of 2018)

21 BY adding to

22 Article – Labor and Employment

23 Section 3–715

24 Annotated Code of Maryland

25 (2016 Replacement Volume and 2017 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

27 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Labor and Employment

1
2 3–103.

3 (e) (7) THE COMMISSIONER MAY, ON RECEIPT OF A WRITTEN
4 COMPLAINT FROM AN EMPLOYEE, INVESTIGATE WHETHER § 3–715 OF THIS TITLE
5 HAS BEEN VIOLATED.

6 3–715.

7 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (2) (I) “EMPLOYER” MEANS A PERSON ENGAGED IN A BUSINESS,
10 AN INDUSTRY, A PROFESSION, A TRADE, OR ANY OTHER ENTERPRISE IN THE STATE.

11 (II) “EMPLOYER” INCLUDES A PERSON THAT ACTS DIRECTLY
12 OR INDIRECTLY IN THE INTEREST OF ANOTHER EMPLOYER WITH AN EMPLOYEE.

13 (3) “PARKING CASH–OUT PROGRAM” MEANS AN EMPLOYER–FUNDED
14 PROGRAM IN WHICH AN EMPLOYER OFFERS TO PROVIDE A CASH ALLOWANCE TO AN
15 EMPLOYEE EQUIVALENT TO THE PARKING SUBSIDY THAT THE EMPLOYER WOULD
16 OTHERWISE PAY TO PROVIDE THE EMPLOYEE WITH A PARKING SPACE.

17 (4) “PARKING SUBSIDY” MEANS THE DIFFERENCE BETWEEN THE
18 OUT–OF–POCKET AMOUNT PAID BY AN EMPLOYER ON A REGULAR BASIS TO SECURE
19 THE AVAILABILITY OF AN EMPLOYEE PARKING SPACE NOT OWNED BY THE
20 EMPLOYER AND THE PRICE, IF ANY, CHARGED TO THE EMPLOYEE FOR USE OF THAT
21 SPACE.

22 (B) THIS SECTION DOES NOT APPLY TO AN EMPLOYER THAT, ON OR BEFORE
23 OCTOBER 1, 2018, HAS LEASED EMPLOYEE PARKING, UNTIL THE EXPIRATION OF
24 THE LEASE OR UNLESS THE LEASE PERMITS THE EMPLOYER TO REDUCE, WITHOUT
25 PENALTY, THE NUMBER OF PARKING SPACES SUBJECT TO THE LEASE.

26 (C) (1) AN EMPLOYER THAT PROVIDES TO AN EMPLOYEE A FREE
27 PARKING SPACE OR A PARKING SUBSIDY SHALL ESTABLISH A PARKING CASH–OUT
28 PROGRAM.

29 (2) IN LIEU OF MAKING A FULL CASH PAYMENT UNDER A PARKING
30 CASH–OUT PROGRAM REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, AN
31 EMPLOYER MAY PROVIDE AN EMPLOYEE WITH A COMBINATION OF TRANSIT PASSES,
32 RIDESHARE SUBSIDIES, AND CASH.

1 **(D) IF AN EMPLOYER VIOLATES SUBSECTION (C) OF THIS SECTION, AN**
2 **EMPLOYEE MAY SUBMIT TO THE COMMISSIONER A WRITTEN COMPLAINT.**

3 **(E) (1) WHENEVER THE COMMISSIONER DETERMINES THAT THIS**
4 **SECTION HAS BEEN VIOLATED, THE COMMISSIONER MAY:**

5 **(I) TRY TO RESOLVE ANY ISSUE INVOLVED IN THE VIOLATION**
6 **INFORMALLY BY MEDIATION; OR**

7 **(II) ASK THE ATTORNEY GENERAL TO BRING AN ACTION ON**
8 **BEHALF OF THE EMPLOYEE.**

9 **(2) THE ATTORNEY GENERAL MAY BRING AN ACTION UNDER THIS**
10 **SUBSECTION IN THE COUNTY WHERE THE VIOLATION ALLEGEDLY OCCURRED FOR**
11 **INJUNCTIVE RELIEF, DAMAGES, OR OTHER RELIEF.**

12 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
13 **October 1, 2018.**