

HOUSE BILL 299

K3

(PRE-FILED)

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CF SB 60

By: **Chair, Government, Labor, and Elections Committee (By Request – Departmental – Labor)**

Requested: September 16, 2025

Introduced and read first time: January 14, 2026

Assigned to: Government, Labor, and Elections

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 18, 2026

CHAPTER _____

1 AN ACT concerning

2 **Fraud Prevention, Prevailing Wage, and Living Wage – Prohibitions, Penalties,**
3 **and Enforcement**

4 FOR the purpose of prohibiting a person from knowingly making or using, or causing to be
5 made or used, a false record or statement resulting in underpayments of
6 unemployment insurance contributions or payment of unemployment insurance
7 benefits of more than a certain amount; requiring the Comptroller to deposit into the
8 Unemployment Insurance Fund certain civil penalties or damages collected under
9 the Maryland False Claims Act (MFCA); requiring that certain civil penalties and
10 damages be used in a certain manner if a violation of the MFCA involves the failure
11 to pay prevailing wage rates; requiring the Commissioner of Labor and Industry and
12 the Attorney General to take certain actions related to the enforcement of the MFCA,
13 workplace fraud laws, prevailing wage laws, and living wage laws; ~~requiring a~~
14 ~~subcontractor to indemnify a general contractor for certain wages, damages, interest,~~
15 ~~penalties, or fees except under certain circumstances;~~ altering certain enforcement
16 mechanisms related to workplace fraud laws, prevailing wage laws, and living wage
17 laws, including authorizing the Attorney General to investigate and bring suit in a
18 certain manner; requiring a licensing authority to revoke or suspend the license of a
19 licensee for a certain workplace fraud violation under certain circumstances; ~~altering~~
20 ~~the circumstances under which a person may be debarred under State procurement~~
21 ~~law;~~ and generally relating to fraud prevention, ~~debarment,~~ prevailing wages, and
22 living wages.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1 BY repealing and reenacting, without amendments,
2 Article – General Provisions
3 Section 8–101(a)
4 Annotated Code of Maryland
5 (2019 Replacement Volume and 2025 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article – General Provisions
8 Section 8–101(b), 8–102(a) and (b)(8) and (9), and 8–109(b) and (c)
9 Annotated Code of Maryland
10 (2019 Replacement Volume and 2025 Supplement)
- 11 BY adding to
12 Article – General Provisions
13 Section 8–102(b)(9)
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2025 Supplement)
- 16 BY repealing and reenacting, with amendments,
17 Article – Labor and Employment
18 Section 3–906, 3–908 through 3–910, and 3–913
19 Annotated Code of Maryland
20 (2025 Replacement Volume)
- 21 BY repealing and reenacting, without amendments,
22 Article – Labor and Employment
23 Section 3–911
24 Annotated Code of Maryland
25 (2025 Replacement Volume)
- 26 BY adding to
27 Article – Labor and Employment
28 Section 3–912
29 Annotated Code of Maryland
30 (2025 Replacement Volume)
- 31 BY repealing and reenacting, with amendments,
32 Article – State Finance and Procurement
33 Section ~~16–203(a)(9) and (10)~~, 17–221(g), 17–224, 18–107, and 18–109
34 Annotated Code of Maryland
35 (2021 Replacement Volume and 2025 Supplement)
- 36 BY adding to
37 Article – State Finance and Procurement
38 Section 18–110
39 Annotated Code of Maryland
40 (2021 Replacement Volume and 2025 Supplement)

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

3 **Article – General Provisions**

4 8–101.

5 (a) In this title the following words have the meanings indicated.

6 (b) (1) “Claim” means a request or demand, under a contract or otherwise, for
7 money or other property, whether or not the governmental entity has title to the money or
8 property, that is:

9 (i) presented to an officer, employee, or agent of a governmental
10 entity; or

11 (ii) made to a contractor, a grantee, or another recipient, if the
12 money or other property is to be spent or used on a governmental entity’s behalf or to
13 advance an interest of a governmental entity, and the governmental entity:

14 1. provides or has provided any portion of the money or other
15 property requested or demanded; or

16 2. will reimburse the contractor, grantee, or other recipient
17 for any portion of the money or other property that is requested or demanded.

18 (2) [“Claim”] EXCEPT WITH RESPECT TO §§ 8–102(B)(9) AND
19 8–109(C)(2)(III) OF THIS TITLE, “CLAIM” does not include requests or demands for
20 money or other property that a governmental entity has paid to an individual as
21 compensation for employment or as an income subsidy with no restrictions on that
22 individual’s use of the money or other property.

23 8–102.

24 (a) **[This] EXCEPT AS PROVIDED IN SUBSECTION (B)(9) OF THIS SECTION,**
25 **THIS** section does not apply to claims, records, or statements related to State or local taxes.

26 (b) A person may not:

27 (8) knowingly conceal, or knowingly and improperly avoid or decrease, an
28 obligation to pay or transmit money or other property to a governmental entity, including
29 misrepresenting the time at which a trade was made to make the transaction appear less
30 favorable; [or]

1 **(9) KNOWINGLY MAKE, USE, OR CAUSE TO BE MADE OR USED, A FALSE**
2 **RECORD OR STATEMENT RESULTING IN:**

3 **(I) THE UNDERPAYMENT OF CONTRIBUTIONS OWED TO THE**
4 **UNEMPLOYMENT INSURANCE FUND; OR**

5 **(II) THE PAYMENT OF UNEMPLOYMENT INSURANCE BENEFITS**
6 **OF MORE THAN \$15,000 IN A CALENDAR YEAR; OR**

7 ~~[(9)]~~ **(10)** knowingly make any other false or fraudulent claim against a
8 governmental entity.

9 8–109.

10 (b) (1) **(I)** The governmental entity shall make all reasonable efforts to
11 coordinate any investigation of an alleged violation under this title with any investigation
12 conducted by the federal government involving the same violation.

13 **(II) THE COMMISSIONER OF LABOR AND INDUSTRY OR THE**
14 **ATTORNEY GENERAL SHALL COOPERATE IN THE INVESTIGATION OF AN ALLEGED**
15 **VIOLATION UNDER THIS TITLE THAT IS OF UNUSUAL SCOPE OR COMPLEXITY OR**
16 **INVOLVES A NOVEL OR COMPLEX LEGAL ISSUE, IF:**

17 **1. THE GOVERNMENTAL ENTITY WITH INVESTIGATIVE**
18 **AUTHORITY FOR THE ALLEGED VIOLATION IS THE COMMISSIONER OF LABOR AND**
19 **INDUSTRY OR THE ATTORNEY GENERAL; AND**

20 **2. THE ALLEGED VIOLATION IS OF A NATURE AND SCOPE**
21 **THAT COULD GIVE RISE TO A VIOLATION OR AN ACTION UNDER TITLE 3, SUBTITLE**
22 **9 OF THE LABOR AND EMPLOYMENT ARTICLE OR TITLE 16, TITLE 17, SUBTITLE 2,**
23 **OR TITLE 18 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

24 **(III) TO ASSIST IN THE ENFORCEMENT OF THIS SUBTITLE, THE**
25 **COMMISSIONER OF LABOR AND INDUSTRY AND THE ATTORNEY GENERAL SHALL**
26 **SHARE INFORMATION ON A MONTHLY BASIS CONCERNING MATTERS ARISING UNDER**
27 **TITLE 3, SUBTITLE 9 OF THE LABOR AND EMPLOYMENT ARTICLE AND TITLE 16 AND**
28 **TITLE 17, SUBTITLE 2 OF THE STATE FINANCE AND PROCUREMENT ARTICLE,**
29 **INCLUDING:**

30 **1. THE CONTENT OF COMPLAINTS OR REFERRALS**
31 **RECEIVED CONCERNING POTENTIAL VIOLATIONS AND ACTIONS TAKEN; AND**

32 **2. THE STATUS OF INVESTIGATIONS INITIATED,**
33 **INCLUDING ANY DETERMINATION OF MERIT OR RECOVERY SOUGHT OR OBTAINED.**

1 (2) The governmental entity's objective shall be to avoid unnecessary
2 duplication of effort on the part of the person alleged to have committed the violation and
3 to minimize the burden of the investigation on the person.

4 (c) (1) Except as provided under paragraph (2) of this subsection, the
5 Comptroller shall deposit any civil penalty or damages collected by the State under this
6 title into the General Fund of the State.

7 (2) (i) If a violation of this title affects any of the following funds, the
8 Comptroller shall deposit any civil penalty or damages collected by the State under this
9 title into the affected fund:

10 1. a fund that is not subject to § 7-302 of the State Finance
11 and Procurement Article;

12 2. a special fund requiring the reversion of appropriated
13 funds to the special fund under § 7-304 of the State Finance and Procurement Article;

14 3. a fund under the jurisdiction of the Board of Trustees for
15 the State Retirement and Pension System; [or]

16 4. a fund under the jurisdiction of the State Employee and
17 Retiree Health and Welfare Benefits Program; OR

18 **5. THE UNEMPLOYMENT INSURANCE FUND.**

19 (ii) If more than one fund is affected by a violation of this title, the
20 Comptroller shall deposit any civil penalty or damages collected by the State into the
21 appropriate fund or the General Fund of the State on a pro rata basis.

22 **(III) IF A VIOLATION OF THIS TITLE INVOLVED THE FAILURE TO**
23 **PAY PREVAILING WAGE RATES IN ACCORDANCE WITH TITLE 17, SUBTITLE 2 OF THE**
24 **STATE FINANCE AND PROCUREMENT ARTICLE, CIVIL PENALTIES AND DAMAGES**
25 **COLLECTED UNDER THIS TITLE MAY BE USED TO PAY RESTITUTION TO AFFECTED**
26 **WORKERS.**

27 **Article – Labor and Employment**

28 3-906.

29 (a) [After] **WITHIN 90 DAYS AFTER** the employer has provided all the records
30 requested under § 3-905(d) of this subtitle, the Commissioner shall:

31 **(1)** issue a citation to the employer;

1 **(2) REFER THE MATTER TO THE ATTORNEY GENERAL IN**
2 **ACCORDANCE WITH § 3–910 OF THIS SUBTITLE; or**

3 **(3) close the investigation [within 90 days].**

4 (b) Each citation shall:

5 (1) describe in detail the nature of the alleged violation;

6 (2) cite the provision of this subtitle or any regulation that the employer is
7 alleged to have violated; and

8 (3) state the civil penalty, if any, that the Commissioner proposes to assess.

9 (c) Within a reasonable time after issuance of a citation, the Commissioner shall
10 send by certified mail to the employer:

11 (1) a copy of the citation; and

12 (2) notice of the opportunity to request a hearing.

13 (d) Within 15 days after an employer receives a notice under subsection (c) of this
14 section, the employer may submit a written request for a hearing on the citation and
15 proposed penalty.

16 (e) If a hearing is not requested within 15 days, the citation, including any
17 penalties, shall become a final order of the Commissioner.

18 (f) (1) If the employer requests a hearing, the Commissioner shall delegate to
19 the Office of Administrative Hearings the authority to hold a hearing and issue findings of
20 fact, conclusions of law, and an order, and assess a penalty under § 3–909 of this subtitle
21 in accordance with Title 10, Subtitle 2 of the State Government Article.

22 (2) The employer is entitled to a hearing within 90 days after a timely
23 request is made under this subsection, unless the employer waives that right.

24 (g) Within 15 days after a request, in accordance with Title 4 of the General
25 Provisions Article and the applicable regulations of the Department and the Office of
26 Administrative Hearings, the Commissioner shall provide copies of all relevant evidence,
27 including a list of potential witnesses, on which the Commissioner intends to rely at any
28 administrative hearing under this subtitle.

29 (h) The Commissioner has the burden of proof to show that an employer has
30 knowingly failed to properly classify an individual as an employee.

31 (i) A decision of an administrative law judge issued in accordance with Title 10,
32 Subtitle 2 of the State Government Article shall become a final order of the Commissioner.

1 (j) Any party aggrieved by a final order of the Commissioner under subsection (i)
2 of this section may seek judicial review and appeal under §§ 10–222 and 10–223 of the State
3 Government Article.

4 **(K) A GENERAL CONTRACTOR ON A PROJECT FOR CONSTRUCTION**
5 **SERVICES, INCLUDING A PROJECT CONTRACTED FOR BY A PUBLIC BODY, IS ~~SUBJECT~~**
6 **~~TO CITATION AND~~ JOINTLY AND SEVERALLY LIABLE FOR A VIOLATION OF THIS**
7 **SUBTITLE THAT IS COMMITTED BY A SUBCONTRACTOR, REGARDLESS OF WHETHER**
8 **THE SUBCONTRACTOR IS IN A DIRECT CONTRACTUAL RELATIONSHIP WITH THE**
9 **GENERAL CONTRACTOR.**

10 3–908.

11 (a) An employer in violation of § 3–903 of this subtitle who comes into timely
12 compliance with all applicable labor laws as required by § 3–907(b) of this subtitle may not
13 be assessed a civil penalty.

14 (b) (1) An employer in violation of § 3–903 of this subtitle who fails to come
15 into timely compliance with all applicable labor laws as required by § 3–907(b) of this
16 subtitle shall be assessed a civil penalty of up to \$1,000 for each employee for whom the
17 employer is not in compliance, **ONE–THIRD OF WHICH IS PAYABLE DIRECTLY TO THE**
18 **INDIVIDUAL AFFECTED BY THE EMPLOYER’S VIOLATION, IN ADDITION TO ANY**
19 **OTHER RESTITUTION OR BENEFIT TO WHICH THE INDIVIDUAL MAY BE ENTITLED**
20 **UNDER THIS SUBTITLE.**

21 (2) In determining the amount of the penalty, the Commissioner shall
22 consider the factors set forth in § 3–909(b) of this subtitle.

23 (c) (1) An employer may be assessed civil penalties under this section by only
24 one final order of a court or administrative unit for the same actions constituting
25 noncompliance with applicable labor laws as required by § 3–907(b) and (c) of this subtitle.

26 (2) Notwithstanding paragraph (1) of this subsection, an employer may be
27 ordered to make restitution, pay any interest due, and otherwise comply with all applicable
28 laws and regulations by multiple final orders of a court and all relevant administrative
29 units, including the Comptroller, the Office of Unemployment Insurance, the Insurance
30 Administration, and the Workers’ Compensation Commission.

31 (d) Any penalty issued under this section against an employer shall be in effect
32 against any successor corporation or business entity that:

33 (1) has one or more of the same principals or officers as the employer
34 against whom the penalty was assessed; and

35 (2) is engaged in the same or equivalent trade or activity.

1 3-909.

2 (a) An employer found to have knowingly failed to properly classify an individual
3 in violation of § 3-904 of this subtitle shall be assessed a civil penalty of up to \$10,000 for
4 each employee who was not properly classified, **ONE-THIRD OF WHICH IS PAYABLE**
5 **DIRECTLY TO THE INDIVIDUAL AFFECTED BY THE EMPLOYER'S VIOLATION, IN**
6 **ADDITION TO ANY OTHER RESTITUTION OR BENEFIT TO WHICH THE INDIVIDUAL MAY**
7 **BE ENTITLED UNDER THIS SUBTITLE.**

8 (b) In determining the amount of the penalty, the Commissioner or the
9 administrative law judge shall consider:

- 10 (1) the gravity of the violation;
- 11 (2) the size of the employer's business;
- 12 (3) the employer's good faith;
- 13 (4) the employer's history of violations under this subtitle; and
- 14 (5) whether the employer:

15 (i) has been found, by a court or an administrative unit, to have
16 deprived the employee of any rights to which the employee would have been entitled under
17 a State protective labor law, including but not limited to:

- 18 1. any provision of this article;
- 19 2. the State prevailing wage law, under §§ 17-221 and
20 17-222 of the State Finance and Procurement Article; or
- 21 3. the living wage law, under § 18-108 of the State Finance
22 and Procurement Article; and

23 (ii) has made restitution and come into compliance with all such
24 State protective labor laws with respect to the employee.

25 (c) If the court or an administrative unit determines that an individual or class
26 of individuals is entitled to restitution as a result of the employer's violation of § 3-904 of
27 this subtitle, the court or administrative unit:

- 28 (1) shall award each individual any restitution to which the individual may
29 be entitled; and
- 30 (2) may award each individual an additional amount up to three times the
31 amount of such restitution.

1 (d) An employer in violation of § 3–904 of this subtitle may be assessed double the
2 administrative penalties set forth in subsection (a) of this section if the employer has been
3 found previously to have violated this subtitle by a final order of a court or an
4 administrative unit.

5 (e) An employer who has been found by a final order of a court or an
6 administrative unit to have violated § 3–904 of this subtitle three or more times may be
7 assessed an administrative penalty of up to \$20,000 for each employee.

8 (f) (1) An employer may be assessed civil penalties under this section or §
9 8–201.1 or § 9–402.1 of this article by only one final order of a court or administrative unit
10 for the same actions constituting a violation of this subtitle.

11 (2) Notwithstanding paragraph (1) of this subsection, an employer may be
12 ordered to make restitution, pay any interest due, and otherwise comply with all applicable
13 laws and regulations by orders of a court and all relevant administrative units, including
14 the Comptroller, the Office of Unemployment Insurance, the Insurance Administration,
15 and the Workers' Compensation Commission.

16 (g) Any penalty issued under this section against an employer shall be in effect
17 against any successor corporation or business entity that:

18 (1) has one or more of the same principals or officers as the employer
19 against whom the penalty was assessed, unless the principal or officer did not or with the
20 exercise of reasonable diligence could not know of the violation for which the penalty was
21 imposed; and

22 (2) is engaged in the same or equivalent trade or activity.

23 3–910.

24 (a) As authorized by State and federal law, units within the Maryland
25 Department of Labor and the Department of Budget and Management, the Secretary of
26 State, the Comptroller, the Maryland Insurance Administration, **THE OFFICE OF THE**
27 **ATTORNEY GENERAL**, and other State agencies shall cooperate and share information
28 concerning any suspected failure to properly classify an individual as an employee.

29 (b) On a showing by clear and convincing evidence that a violation of § 3–904 of
30 this subtitle has occurred and as authorized by federal and State law, the Commissioner
31 shall refer any complaint that alleges a violation of § 13–1007 or § 13–1024 of the Tax –
32 General Article to the:

33 (1) Comptroller;

34 (2) State's Attorney with jurisdiction over the alleged violation;

- 1 (3) U.S. Department of Justice;
- 2 (4) U.S. Department of Labor; and
- 3 (5) U.S. Department of the Treasury.

4 (c) (1) ~~To~~ EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS
5 SUBSECTION, TO ASSIST IN THE ENFORCEMENT OF THIS SUBTITLE, THE
6 COMMISSIONER AND THE ATTORNEY GENERAL, OR THEIR DESIGNEES, SHALL ~~MEET~~
7 ~~AT LEAST MONTHLY TO~~ SHARE INFORMATION ON A MONTHLY BASIS CONCERNING
8 MATTERS ARISING UNDER THIS SUBTITLE, TITLE 8 OF THE GENERAL PROVISIONS
9 ARTICLE, AND TITLES 16 AND 18 AND TITLE 17, SUBTITLE 2 OF THE STATE
10 FINANCE AND PROCUREMENT ARTICLE, INCLUDING AT A MINIMUM:

11 (i) THE CONTENT OF COMPLAINTS OR REFERRALS RECEIVED
12 CONCERNING POTENTIAL VIOLATIONS AND ACTIONS TAKEN; AND

13 (ii) THE STATUS OF INVESTIGATIONS INITIATED, INCLUDING
14 ANY DETERMINATION OF MERIT OR RECOVERY SOUGHT OR OBTAINED.

15 (2) THE COMMISSIONER SHALL REFER TO THE ATTORNEY GENERAL
16 ANY COMPLAINT OR REFERRAL ARISING UNDER THIS SUBTITLE FOR WHICH THE
17 COMMISSIONER HAS:

18 ~~(i)~~ NOT INITIATED AN INVESTIGATION WITHIN 6 MONTHS
19 AFTER RECEIPT;

20 ~~(ii)~~ ~~DECLINED TO INVESTIGATE; OR~~

21 ~~(iii)~~ ~~NOT ISSUED A CITATION OR HAS CLOSED AN INVESTIGATION~~
22 ~~IN ACCORDANCE WITH § 3-906(A) OF THIS SUBTITLE DUE TO A FINDING OF NO~~
23 ~~MERIT.~~

24 (3) (i) IN A MATTER REFERRED TO THE ATTORNEY GENERAL
25 UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE ATTORNEY GENERAL MAY
26 EXERCISE THE COMMISSIONER'S INVESTIGATIVE POWERS, INCLUDING SUBPOENA
27 POWERS, PROVIDED UNDER THIS SUBTITLE.

28 (ii) IF, AFTER AN INVESTIGATION, THE ATTORNEY GENERAL
29 FINDS A MATTER TO BE MERITORIOUS, THE ATTORNEY GENERAL SHALL PROVIDE
30 NOTICE TO AND CONSULT WITH THE COMMISSIONER, AFTER WHICH THE ATTORNEY
31 GENERAL MAY BRING AN ACTION FOR:

1 1. THE IMPOSITION OF CIVIL PENALTIES UNDER § 3-908
2 OR § 3-909 OF THIS SUBTITLE; OR

3 2. THE RELIEF DESCRIBED UNDER § 3-911(C) OF THIS
4 SUBTITLE.

5 (4) ~~THE~~ EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS
6 SUBSECTION, THE COMMISSIONER AND THE ATTORNEY GENERAL SHALL
7 COOPERATE IN THE INVESTIGATION OF ANY MATTER ARISING UNDER THIS
8 SUBTITLE THAT IS OF UNUSUAL SCOPE OR COMPLEXITY OR INVOLVES A NOVEL OR
9 COMPLEX LEGAL ISSUE.

10 (5) (I) THE ATTORNEY GENERAL MAY NOT BE COMPELLED TO
11 SHARE INFORMATION REGARDING, OR TO COOPERATE IN THE INVESTIGATION OF, A
12 CIVIL ACTION FILED UNDER SEAL IN ACCORDANCE WITH § 8-104 OF THE GENERAL
13 PROVISIONS ARTICLE.

14 (II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT
15 PROHIBIT THE ATTORNEY GENERAL FROM BEING COMPELLED TO COOPERATE IN
16 AN INVESTIGATION OF A CIVIL ACTION IF THE ATTORNEY GENERAL HAS
17 INTERVENED AND PROCEEDED WITH THE ACTION UNDER § 8-104(A)(6)(I) OF THE
18 GENERAL PROVISIONS ARTICLE.

19 3-911.

20 (a) (1) Except as provided in paragraph (2) of this subsection, an individual
21 who has not been properly classified as an employee may bring a civil action for economic
22 damages against the employer for any violation of this subtitle.

23 (2) An individual may not bring a civil action under this section if a final
24 order of an administrative unit or of a court has been issued under § 3-906 of this subtitle.

25 (b) An action filed under this section shall be filed within 3 years after the date
26 the cause of action accrues.

27 (c) If the court determines that an individual or class of individuals is entitled to
28 judgment in an action against an employer filed in accordance with this section, the court
29 may award each individual:

30 (1) any damages to which the individual may be entitled under subsection
31 (a) of this section;

32 (2) an additional amount up to three times the amount of any such
33 damages, if the employer knowingly failed to properly classify the individual;

1 (3) reasonable counsel fees and other costs of the action; and

2 (4) any other appropriate relief.

3 **3-912.**

4 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (2) "LICENSE" MEANS A LICENSE, CERTIFICATE, REGISTRATION,
7 PERMIT, OR OTHER AUTHORIZATION THAT:

8 (I) IS ISSUED BY A LICENSING AUTHORITY;

9 (II) IS SUBJECT TO SUSPENSION, REVOCATION, FORFEITURE,
10 OR TERMINATION BY A LICENSING AUTHORITY; AND

11 (III) IS NECESSARY FOR A PERSON TO PRACTICE OR ENGAGE IN
12 A PARTICULAR BUSINESS, OCCUPATION, OR PROFESSION.

13 (3) "LICENSEE" MEANS AN EMPLOYER HOLDING A VALID LICENSE.

14 (4) (I) "LICENSING AUTHORITY" MEANS A UNIT OF THE DIVISION
15 OF OCCUPATIONAL AND PROFESSIONAL LICENSING IN THE MARYLAND
16 DEPARTMENT OF LABOR.

17 (II) "LICENSING AUTHORITY" INCLUDES:

18 1. THE ELEVATOR SAFETY REVIEW BOARD;

19 2. THE MARYLAND HOME IMPROVEMENT COMMISSION;

20 3. THE STATE BOARD OF ELECTRICIANS;

21 4. THE STATE BOARD OF HEATING, VENTILATION,
22 AIR-CONDITIONING, AND REFRIGERATION CONTRACTORS;

23 5. THE STATE BOARD OF PLUMBING;

24 6. THE MARYLAND BOARD OF PUBLIC ACCOUNTANCY;

25 AND

26 7. THE MARYLAND BOARD OF INDIVIDUAL TAX
27 PREPARERS.

1 **(B) (1) THE COMMISSIONER SHALL NOTIFY THE APPLICABLE LICENSING**
2 **AUTHORITY WHEN A LICENSEE IS FOUND IN VIOLATION OF § 3-903 OF THIS**
3 **SUBTITLE BY A FINAL ORDER OF A COURT OR AN ADMINISTRATIVE UNIT AND THE**
4 **LICENSEE:**

5 **(I) HAS NOT PAID ALL PENALTIES ASSESSED UNDER THIS**
6 **SUBTITLE FOR A VIOLATION OF § 3-903 OF THIS SUBTITLE; AND**

7 **(II) WITHIN 45 DAYS AFTER ISSUANCE OF THE FINAL ORDER OF**
8 **A COURT OR ADMINISTRATIVE UNIT, HAS FAILED TO COMPLY WITH THE FINAL**
9 **ORDER ISSUED, INCLUDING PAYMENT OF RESTITUTION OWED, IN ACCORDANCE**
10 **WITH § 3-907 OF THIS SUBTITLE FOR FAILING TO PROPERLY CLASSIFY AN**
11 **EMPLOYEE.**

12 **(2) THE COMMISSIONER SHALL NOTIFY THE APPLICABLE LICENSING**
13 **AUTHORITY WHEN A LICENSEE IS FOUND IN VIOLATION OF § 3-904 OR § 3-915 OF**
14 **THIS SUBTITLE BY A FINAL ORDER OF A COURT OR AN ADMINISTRATIVE UNIT.**

15 **(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, IF A LICENSING**
16 **AUTHORITY RECEIVES A NOTIFICATION MADE UNDER SUBSECTION (B) OF THIS**
17 **SECTION, THE LICENSING AUTHORITY SHALL SUSPEND OR REVOKE THE LICENSE OF**
18 **THE LICENSEE.**

19 **(D) (1) BEFORE SUSPENDING OR REVOKING A LICENSE UNDER**
20 **SUBSECTION (C) OF THIS SECTION, A LICENSING AUTHORITY SHALL SEND WRITTEN**
21 **NOTICE OF THE PROPOSED ACTION TO THE LICENSEE WHOSE LICENSE IS SUBJECT**
22 **TO SUSPENSION OR REVOCATION, INCLUDING NOTICE OF THE LICENSEE'S RIGHT TO**
23 **CONTEST THE IDENTITY OF THE LICENSEE WHOSE LICENSE IS TO BE SUSPENDED OR**
24 **REVOKED.**

25 **(2) (I) A LICENSEE MAY APPEAL A DECISION OF A LICENSING**
26 **AUTHORITY TO SUSPEND OR REVOKE THE LICENSE IN ACCORDANCE WITH TITLE 10,**
27 **SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.**

28 **(II) AT A HEARING INITIATED UNDER SUBPARAGRAPH (I) OF**
29 **THIS PARAGRAPH, THE ISSUE SHALL BE LIMITED TO WHETHER THE COMMISSIONER**
30 **HAS MISTAKEN THE IDENTITY OF THE LICENSEE WHOSE LICENSE HAS BEEN**
31 **SUSPENDED OR REVOKED.**

32 **(E) (1) A LICENSING AUTHORITY MAY NOT REINSTATE A LICENSE THAT**
33 **HAS BEEN SUSPENDED OR REVOKED UNDER SUBSECTION (C) OF THIS SECTION**
34 **BASED ON A NOTIFICATION MADE UNDER SUBSECTION (B)(1) OF THIS SECTION**

1 UNTIL THE COMMISSIONER PROVIDES NOTICE TO THE LICENSING AUTHORITY IN
2 ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

3 (2) THE COMMISSIONER SHALL NOTIFY THE LICENSING AUTHORITY
4 WITHIN 10 DAYS AFTER THE COMMISSIONER FIRST RECEIVES:

5 (I) A COURT ORDER TO REINSTATE THE LICENSE; OR

6 (II) WITH RESPECT TO A LICENSEE WHO IS SUBJECT TO A FINAL
7 ORDER OF A COURT OR AN ADMINISTRATIVE UNIT TO PAY PENALTIES OR
8 RESTITUTION FOR A VIOLATION OF § 3-903 OF THIS SUBTITLE, NOTICE THAT THE
9 LICENSEE HAS COMPLIED WITH THE ORDER AND PAID ALL PENALTIES AND
10 RESTITUTION IN FULL.

11 (3) A LICENSING AUTHORITY SHALL IMMEDIATELY REINSTATE ANY
12 LICENSE SUSPENDED OR REVOKED UNDER SUBSECTION (C) OF THIS SECTION IF:

13 (I) NOTIFIED BY THE COMMISSIONER THAT THE LICENSE
14 SHOULD BE REINSTATED; AND

15 (II) THE LICENSEE OTHERWISE QUALIFIES FOR THE LICENSE.

16 (4) A LICENSING AUTHORITY MAY NOT REINSTATE A LICENSE THAT
17 HAS BEEN SUSPENDED OR REVOKED UNDER SUBSECTION (C) OF THIS SECTION
18 BASED ON A NOTIFICATION UNDER SUBSECTION (B)(2) OF THIS SECTION UNTIL:

19 (I) THE INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED OR
20 SUSPENDED SUBMITS A WRITTEN REQUEST TO THE LICENSING AUTHORITY;

21 (II) THE LICENSING AUTHORITY HOLDS A HEARING ON THE
22 REQUEST;

23 (III) THE LICENSING AUTHORITY, BY AN AFFIRMATIVE VOTE OF
24 A MAJORITY OF ITS MEMBERS:

25 1. DETERMINES THAT THE INDIVIDUAL HAS
26 DEMONSTRATED BY A PREPONDERANCE OF THE EVIDENCE THAT ANY CONDITIONS
27 OF THE SUSPENSION OR REVOCATION HAVE BEEN FULFILLED; AND

28 2. VOTES TO REINSTATE THE LICENSE; AND

29 (IV) THE INDIVIDUAL PAYS TO THE LICENSING AUTHORITY ANY
30 REINSTATEMENT FEE SET BY THE LICENSING AUTHORITY.

1 **(F) (1) ADVERSE LICENSING ACTIONS TAKEN UNDER THIS SECTION MAY**
2 **BE IMPOSED IN ADDITION TO ANY OTHER ACTIONS TAKEN IN THE ENFORCEMENT OF**
3 **THIS SUBTITLE.**

4 **(2) ADVERSE LICENSING ACTIONS TAKEN UNDER THIS SECTION**
5 **SHALL BE IN EFFECT AGAINST:**

6 **(I) ANY SUCCESSOR CORPORATION OR BUSINESS ENTITY THAT:**

7 **1. HAS ONE OR MORE OF THE SAME PRINCIPALS OR**
8 **OFFICERS AS THE LICENSEE AGAINST WHOM THE ADVERSE ACTION WAS TAKEN**
9 **UNLESS THE PRINCIPAL OR OFFICER DID NOT OR, WITH THE EXERCISE OF**
10 **REASONABLE DILIGENCE, COULD NOT HAVE KNOWN OF THE VIOLATION FOR WHICH**
11 **THE ADVERSE ACTION WAS TAKEN; AND**

12 **2. IS ENGAGED IN OR INTENDS TO ENGAGE IN THE SAME**
13 **OR EQUIVALENT TRADE OR ACTIVITY; AND**

14 **(II) ANY INDIVIDUAL LICENSEE THAT WAS AN OFFICER, A**
15 **DIRECTOR, A CONTROLLING SHAREHOLDER, A PARTNER, OR A MANAGER OF THE**
16 **EMPLOYER AGAINST WHOM THE ADVERSE ACTION WAS TAKEN UNLESS THE**
17 **OFFICER, DIRECTOR, CONTROLLING SHAREHOLDER, PARTNER, OR MANAGER DID**
18 **NOT OR, WITH THE EXERCISE OF REASONABLE DILIGENCE, COULD NOT HAVE KNOWN**
19 **OF THE VIOLATION FOR WHICH THE ADVERSE ACTION WAS TAKEN.**

20 3-913.

21 (a) Where, after investigation, the Commissioner issues a citation for a knowing
22 violation of this subtitle or regulations adopted under this subtitle by an employer engaged
23 in work on a contract with a public body, the Commissioner shall promptly notify the public
24 body **AND THE GENERAL CONTRACTOR.**

25 (b) (1) On notification, the public body shall withhold from payment due the
26 employer an amount that is sufficient to:

27 (i) pay restitution to each employee for the full amount of wages
28 due; and

29 (ii) pay any benefits, taxes, or other contributions that are required
30 by law to be paid on behalf of the employee.

31 (2) The public body shall release:

1 (i) on issuance of a favorable final order of a court or an
2 administrative unit, the full amount of the withheld funds; and

3 (ii) on an adverse final order of a court or an administrative unit, the
4 balance of the withheld funds after all obligations are satisfied under paragraph (1) of this
5 subsection.

6 Article – State Finance and Procurement

7 ~~16-203.~~

8 (a) ~~A person may be debarred from entering into a contract with the State if the~~
9 ~~person, an officer, partner, controlling stockholder or principal of that person, or any other~~
10 ~~person substantially involved in that person's contracting activities has:~~

11 ~~(9) been found to have REPEATEDLY OR willfully or knowingly violated~~
12 ~~Title 17, Subtitle 2 or Title 18 of this article if:~~

13 (i) ~~1. the finding was made by a court; and~~

14 ~~2. the decision of the court became final; or~~

15 (ii) ~~1. the finding was made IN ACCORDANCE WITH A FINAL~~
16 ~~ADMINISTRATIVE ORDER OR in a contested case under the Administrative Procedure Act;~~
17 ~~and~~

18 ~~2. IF MADE IN A CONTESTED CASE, the finding was not~~
19 ~~overturned on judicial review;~~

20 ~~(10) been found to have REPEATEDLY OR willfully or knowingly violated~~
21 ~~Title 3, Subtitle 3, Subtitle 4, [or] Subtitle 5, OR SUBTITLE 9 or Title 5 of the Labor and~~
22 ~~Employment Article if:~~

23 (i) ~~1. the finding was made by a court; and~~

24 ~~2. the decision of the court became final; or~~

25 (ii) ~~1. the finding was made IN ACCORDANCE WITH A FINAL~~
26 ~~ADMINISTRATIVE ORDER OR in a contested case under the Administrative Procedure Act;~~
27 ~~and~~

28 ~~2. IF MADE IN A CONTESTED CASE, the finding was not~~
29 ~~overturned on judicial review;~~

30 ~~17-221.~~

1 (g) If after investigation, the Commissioner determines that a provision of this
2 subtitle may have been violated and has not issued a stop work order in accordance with
3 subsection (e) of this section, the Commissioner:

4 (1) shall:

5 [(1)] (I) issue an order for a hearing within 30 days after completing an
6 investigation; and

7 [(2)] (II) expeditiously conduct the hearing; OR

8 (2) MAY REFER THE MATTER TO THE ATTORNEY GENERAL TO FILE A
9 CIVIL ACTION IN ACCORDANCE WITH § 17-224 OF THIS SUBTITLE.

10 17-224.

11 (a) (1) If an employee under a public work contract is paid less than the
12 prevailing wage rate for that employee's classification for the work performed, the employee
13 may file a complaint with the Commissioner.

14 (2) Except as otherwise provided in this section, a complaint filed under
15 this section shall be subject to the provisions of § 17-221 of this subtitle.

16 (3) If the Commissioner's investigation determines that the employer
17 violated provisions of this subtitle, the Commissioner shall try to resolve the issue
18 informally.

19 (4) (i) If the Commissioner is unable to resolve the matter informally,
20 the Commissioner [shall] MAY:

21 1. issue an order for a hearing in accordance with §
22 17-221 of this subtitle; OR

23 2. REFER THE MATTER TO THE ATTORNEY GENERAL TO
24 FILE A CIVIL ACTION IN ACCORDANCE WITH THIS SECTION.

25 (ii) If, at the conclusion of a hearing ordered under subparagraph
26 [(i)] (I)1 of this paragraph, the Commissioner determines that the employee is entitled to
27 restitution under this subtitle, the Commissioner shall issue an order in accordance with §
28 17-221 of this subtitle.

29 (iii) If an employer of an employee found to be entitled to restitution
30 under subparagraph (ii) of this paragraph is no longer working under a contract with a
31 public body, the Commissioner may order that restitution be paid directly by the employer
32 to the employee within a reasonable period of time, as determined by the Commissioner.

1 (5) If an employer fails to comply with an order to pay restitution to an
2 employee under paragraph (4)(iii) of this subsection, the Commissioner or the employee
3 may bring a civil action to enforce the order in the circuit court in the county where the
4 employee or employer is located.

5 (b) (1) If an employee under a public work contract is paid less than the
6 prevailing wage rate for that employee's classification for the work performed, the
7 employee, **OR THE COMMISSIONER ON BEHALF OF THE EMPLOYEE**, is entitled to sue to
8 recover the difference between the prevailing wage rate and the amount received by the
9 employee.

10 (2) **AN EMPLOYEE BRINGING SUIT UNDER THIS SUBSECTION SHALL**
11 **SERVE A COPY OF THE COMPLAINT ON THE COMMISSIONER.**

12 (3) A determination by the Commissioner that a contractor is required to
13 make restitution under subsection (a)(4) of this section does not preclude an employee from
14 filing an action under this subsection.

15 (c) (1) An action under this section is considered to be a suit for wages.

16 (2) A judgment in an action under this section shall have the same force
17 and effect as any other judgment for wages.

18 (3) An action brought under this section for a violation of this subtitle shall
19 be filed within 3 years from the date the affected employee knew or should have known of
20 the violation.

21 (d) (1) The failure of an employee to protest orally or in writing the payment
22 of a wage that is less than the prevailing wage rate is not a bar to recovery in an action
23 under this section.

24 (2) A contract or other written document in which an employee states that
25 the employee shall be paid less than the amount required by this subtitle does not bar the
26 recovery of any remedy required under this subtitle.

27 (e) (1) Except as provided in paragraph (3) of this subsection, if the court in an
28 action filed under this section finds that an employer paid an employee less than the
29 requisite prevailing wage, the court shall award the affected employee the difference
30 between the wage actually paid and the prevailing wage at the time that the services were
31 rendered.

32 (2) (i) Subject to subparagraph (ii) of this paragraph, unpaid fringe
33 benefit contributions owed for an employee in accordance with this section shall be paid to
34 the appropriate benefit fund, plan, or program.

35 (ii) In the absence of an appropriate benefit fund, plan, or program,
36 the amount owed for fringe benefits for an employee shall be paid directly to the employee.

1 (3) The court may order the payment of double damages or treble damages
2 under this section if the court finds that the employer withheld wages or fringe benefits
3 willfully and knowingly or with deliberate ignorance or reckless disregard of the employer's
4 obligations under this subtitle.

5 **(4) IN ADDITION TO ANY RELIEF PROVIDED UNDER PARAGRAPHS (1)**
6 **THROUGH (3) OF THIS SUBSECTION, THE COMMISSIONER IS ENTITLED TO AN AWARD**
7 **OF LIQUIDATED DAMAGES IN ACCORDANCE WITH § 17-222 OF THIS SUBTITLE.**

8 **[(4)] (5)** In an action under this section, the court shall award a prevailing
9 plaintiff reasonable counsel fees and costs.

10 **[(5)] (6)** If the court finds that an employee submitted a false or
11 fraudulent claim in an action under this section, the court may order the employee to pay
12 the employer reasonable counsel fees and costs.

13 **[(6)] (7)** The contractor and subcontractor shall be jointly and severally
14 liable for any violation of the subcontractor's obligations under this section.

15 (f) (1) Subject to paragraph (2) of this subsection, an action filed in accordance
16 with this section may be brought by:

17 **(I)** one or more employees on behalf of:

- 18 1. that employee or group of employees; and [on behalf of]
- 19 2. other employees similarly situated; **OR**

20 **(II) THE COMMISSIONER ON BEHALF OF:**

- 21 1. **ONE OR MORE EMPLOYEES; OR**
- 22 2. **ONE OR MORE EMPLOYEES AND OTHER EMPLOYEES**

23 **SIMILARLY SITUATED.**

24 (2) An employee may not be a party plaintiff to an action brought under
25 this section unless that employee files written consent with the court in which the action is
26 brought to become a party to the action.

27 (g) (1) A person found to have made a false or fraudulent representation or
28 omission known to be false or made with deliberate ignorance or reckless disregard for its
29 truth or falsity regarding a material fact in connection with any prevailing wage payroll
30 record required by § 17-220 of this subtitle is liable for a civil penalty of \$1,000 for each
31 falsified record.

1 (2) The penalty shall be recoverable in a civil action filed in accordance
2 with this section and paid to the State General Fund.

3 (h) (1) An employer may not discharge, threaten, or otherwise retaliate or
4 discriminate against an employee regarding compensation or other terms and conditions of
5 employment because that employee or an organization or other person acting on behalf of
6 that employee:

7 [(1)] (I) reports or makes a complaint under this subtitle or otherwise
8 asserts the worker's rights under this section; or

9 [(2)] (II) participates in any investigation, hearing, or inquiry held by the
10 Commissioner under § 17-221 of this subtitle.

11 (2) IF A VIOLATION OF THIS SUBSECTION IS FOUND AFTER A HEARING
12 UNDER § 17-221 OF THIS SUBTITLE, RELIEF SHALL BE AWARDED TO THE EMPLOYEE
13 AS DESCRIBED IN SUBSECTION (I)(4)(I) AND (II) OF THIS SECTION.

14 (i) (1) A contractor or subcontractor may not retaliate or discriminate against
15 an employee in violation of this section.

16 (2) If a contractor or subcontractor retaliates or discriminates against an
17 employee in violation of this section, the affected employee **OR THE COMMISSIONER ON**
18 **BEHALF OF THE EMPLOYEE** may file an action in any court of competent jurisdiction
19 within 3 years from the employee's knowledge of the action.

20 (3) **AN EMPLOYEE BRINGING SUIT UNDER THIS SUBSECTION SHALL**
21 **SERVE A COPY OF THE COMPLAINT ON THE COMMISSIONER.**

22 (4) If the court finds in favor of the employee in an action brought under
23 this subsection, the court shall order that the contractor or subcontractor:

24 (i) reinstate the employee or provide the employee restitution, as
25 appropriate;

26 (ii) pay the employee an amount equal to three times the amount of
27 back wages and fringe benefits calculated from the date of the violation; and

28 (iii) pay reasonable counsel fees and other costs.

29 (J) (1) ~~TO EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS~~
30 ~~SUBSECTION, TO ASSIST IN THE ENFORCEMENT OF THIS SUBTITLE, THE~~
31 ~~COMMISSIONER AND THE ATTORNEY GENERAL, OR THEIR DESIGNEES, SHALL MEET~~
32 ~~AT LEAST MONTHLY TO~~ SHARE INFORMATION ON A MONTHLY BASIS CONCERNING
33 MATTERS ARISING UNDER THIS SUBTITLE, TITLE 8 OF THE GENERAL PROVISIONS

1 ARTICLE, TITLE 3, SUBTITLE 9 OF THE LABOR AND EMPLOYMENT ARTICLE, AND
2 TITLES 16 AND 18 OF THIS ARTICLE, INCLUDING AT A MINIMUM:

3 (I) THE CONTENT OF COMPLAINTS OR REFERRALS RECEIVED
4 CONCERNING POTENTIAL VIOLATIONS AND ACTIONS TAKEN; AND

5 (II) THE STATUS OF INVESTIGATIONS INITIATED, INCLUDING
6 ANY DETERMINATION OF MERIT OR RECOVERY SOUGHT OR OBTAINED.

7 (2) THE COMMISSIONER SHALL REFER TO THE ATTORNEY GENERAL
8 ANY COMPLAINT OR REFERRAL ARISING UNDER THIS SUBTITLE FOR WHICH THE
9 COMMISSIONER HAS:

10 ~~(I)~~ NOT INITIATED AN INVESTIGATION WITHIN 6 MONTHS
11 AFTER RECEIPT;

12 ~~(II)~~ ~~DECLINED TO INVESTIGATE; OR~~

13 ~~(III)~~ ~~FOUND TO BE WITHOUT MERIT.~~

14 (3) (I) IN A MATTER REFERRED TO THE ATTORNEY GENERAL
15 UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE ATTORNEY GENERAL MAY
16 EXERCISE THE COMMISSIONER'S INVESTIGATIVE POWERS, INCLUDING SUBPOENA
17 POWERS, PROVIDED UNDER THIS SUBTITLE.

18 (II) IF, AFTER AN INVESTIGATION, THE ATTORNEY GENERAL
19 FINDS A MATTER TO BE MERITORIOUS, THE ATTORNEY GENERAL SHALL PROVIDE
20 NOTICE TO AND CONSULT WITH THE COMMISSIONER, AFTER WHICH THE ATTORNEY
21 GENERAL MAY FILE A CIVIL ACTION IN THE SAME MANNER AS THE COMMISSIONER
22 UNDER THIS SECTION.

23 (4) ~~THE~~ EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS
24 SUBSECTION, THE COMMISSIONER AND THE ATTORNEY GENERAL SHALL
25 COOPERATE IN THE INVESTIGATION OF ANY MATTER ARISING UNDER THIS
26 SUBTITLE THAT IS OF UNUSUAL SCOPE OR COMPLEXITY OR INVOLVES A NOVEL OR
27 COMPLEX LEGAL ISSUE.

28 (5) (I) THE ATTORNEY GENERAL MAY NOT BE COMPELLED TO
29 SHARE INFORMATION REGARDING, OR TO COOPERATE IN THE INVESTIGATION OF, A
30 CIVIL ACTION FILED UNDER SEAL IN ACCORDANCE WITH § 8-104 OF THE GENERAL
31 PROVISIONS ARTICLE.

1 **(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT**
2 **PROHIBIT THE ATTORNEY GENERAL FROM BEING COMPELLED TO COOPERATE IN**
3 **AN INVESTIGATION OF A CIVIL ACTION IF THE ATTORNEY GENERAL HAS**
4 **INTERVENED AND PROCEEDED WITH THE ACTION UNDER § 8-104(A)(6)(I) OF THE**
5 **GENERAL PROVISIONS ARTICLE.**

6 18-107.

7 (a) Within 30 days after a complaint is filed, the Commissioner shall investigate
8 the complaint in accordance with this title.

9 (b) A written or oral complaint or statement made by an employee under this title
10 is confidential and may not be disclosed to the employer without the consent of the
11 employee.

12 (c) An employer subject to this title shall allow the Commissioner or the
13 Commissioner's designee access to a work site and payroll records, and allow an
14 opportunity to interview employees for purposes of enforcing this title.

15 (d) (1) Within 30 days after completing an investigation, the Commissioner
16 shall:

17 **(I)** issue an order for a hearing; **OR**

18 **(II)** **REFER THE MATTER TO THE ATTORNEY GENERAL TO FILE**
19 **A CIVIL ACTION IN ACCORDANCE WITH § 18-109 OF THIS TITLE.**

20 (2) Within 30 days before the hearing, the Commissioner shall serve,
21 personally or by mail, written notice of the hearing on all interested parties.

22 (3) The notice shall include:

23 (i) a statement of facts disclosed in the investigation; and

24 (ii) the time and place of the hearing.

25 (4) In conducting a hearing, the Commissioner may:

26 (i) subpoena witnesses;

27 (ii) administer oaths; and

28 (iii) compel the production of records, books, papers, and other
29 evidence.

1 (e) (1) Within 30 days after the conclusion of the hearing, the Commissioner
2 shall:

3 (i) issue a determination; and

4 (ii) serve, personally or by mail, each interested party with a copy of
5 the determination.

6 (2) If the Commissioner finds a violation of this title, the Commissioner
7 shall determine the amount of restitution and liquidated damages to be assessed under §
8 18–108 of this title.

9 (3) On receipt of the determination, the employer shall pay the affected
10 employees the amount due in accordance with the Commissioner’s determination.
11 18–109.

12 (a) (1) If an employee was paid less than the wage rate required under this
13 title the employee, **OR THE COMMISSIONER ON BEHALF OF THE EMPLOYEE AND ANY**
14 **OTHER EMPLOYEES SIMILARLY SITUATED**, is entitled to sue to recover the amount of
15 the difference between the wage rate required under this title and the amount received by
16 the employee.

17 (2) A determination by the Commissioner that an employer is required to
18 make restitution does not preclude an employee from filing an action under this section.

19 **(3) IN AN ACTION BROUGHT BY THE COMMISSIONER, THE**
20 **COMMISSIONER IS ENTITLED TO RECOVER LIQUIDATED DAMAGES AS PROVIDED IN**
21 **§ 18–108 OF THIS TITLE.**

22 **(4) AN EMPLOYEE BRINGING SUIT UNDER THIS SECTION SHALL**
23 **SERVE A COPY OF THE COMPLAINT ON THE COMMISSIONER.**

24 (b) (1) An action under this section is considered to be a suit for wages.

25 (2) A judgment in an action under this section shall have the same force
26 and effect as any other judgment for wages.

27 (c) The failure of an employee to protest orally or in writing the payment of a
28 wage that is less than the wage rate required under this title is not a bar to recovery in an
29 action under this section.

30 18–110.

31 (A) ~~TO~~ **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, TO**
32 **ASSIST IN THE ENFORCEMENT OF THIS TITLE, THE COMMISSIONER AND THE**

1 ATTORNEY GENERAL, OR THEIR DESIGNEES, SHALL ~~MEET AT LEAST MONTHLY TO~~
2 SHARE INFORMATION ON A MONTHLY BASIS CONCERNING MATTERS ARISING UNDER
3 THIS TITLE, TITLE 8 OF THE GENERAL PROVISIONS ARTICLE, TITLE 3, SUBTITLE 9
4 OF THE LABOR AND EMPLOYMENT ARTICLE, AND TITLE 16 AND TITLE 17,
5 SUBTITLE 2 OF THIS ARTICLE, INCLUDING AT A MINIMUM:

6 (1) THE CONTENT OF COMPLAINTS OR REFERRALS RECEIVED
7 CONCERNING POTENTIAL VIOLATIONS AND ACTIONS TAKEN; AND

8 (2) THE STATUS OF INVESTIGATIONS INITIATED, INCLUDING ANY
9 DETERMINATION OF MERIT OR RECOVERY SOUGHT OR OBTAINED.

10 (B) THE COMMISSIONER SHALL REFER TO THE ATTORNEY GENERAL ANY
11 MATTER INVOLVING A POSSIBLE VIOLATION UNDER THIS TITLE FOR WHICH THE
12 COMMISSIONER HAS DECLINED TO INVESTIGATE AND WAS NOT OTHERWISE
13 REQUIRED TO INVESTIGATE UNDER § 18-107(A) OF THIS TITLE.

14 (C) (1) IN A MATTER REFERRED TO THE ATTORNEY GENERAL UNDER
15 SUBSECTION (B) OF THIS SECTION, THE ATTORNEY GENERAL MAY EXERCISE THE
16 COMMISSIONER'S INVESTIGATIVE POWERS, INCLUDING SUBPOENA POWERS,
17 PROVIDED UNDER THIS TITLE.

18 (2) IF, AFTER AN INVESTIGATION, THE ATTORNEY GENERAL FINDS A
19 MATTER TO BE MERITORIOUS, THE ATTORNEY GENERAL SHALL PROVIDE NOTICE
20 TO AND CONSULT WITH THE COMMISSIONER, AFTER WHICH THE ATTORNEY
21 GENERAL MAY FILE AN ACTION IN THE SAME MANNER AS THE COMMISSIONER
22 UNDER § 18-109 OF THIS TITLE.

23 (3) ~~THE~~ EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,
24 THE COMMISSIONER AND THE ATTORNEY GENERAL SHALL COOPERATE IN THE
25 INVESTIGATION OF ANY MATTER ARISING UNDER THIS TITLE THAT IS OF UNUSUAL
26 SCOPE OR COMPLEXITY OR INVOLVES A NOVEL OR COMPLEX LEGAL ISSUE.

27 (D) (1) THE ATTORNEY GENERAL MAY NOT BE COMPELLED TO SHARE
28 INFORMATION REGARDING OR TO COOPERATE IN THE INVESTIGATION OF A CIVIL
29 ACTION FILED UNDER SEAL IN ACCORDANCE WITH § 8-104 OF THE GENERAL
30 PROVISIONS ARTICLE.

31 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT PROHIBIT THE
32 ATTORNEY GENERAL FROM BEING COMPELLED TO COOPERATE IN AN
33 INVESTIGATION OF A CIVIL ACTION IF THE ATTORNEY GENERAL HAS INTERVENED
34 AND PROCEEDED WITH THE ACTION UNDER § 8-104(A)(6)(I) OF THE GENERAL
35 PROVISIONS ARTICLE.

1 SECTION 2. AND IT BE FURTHER ENACTED, That, before October 1, 2026, the
2 Commissioner of Labor and Industry shall hold informational sessions for the purpose of
3 educating persons who have obligations under Title 3, Subtitle 9 of the Labor and
4 Employment Article, including as amended by this Act, and other interested parties and
5 stakeholders.

6 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2026.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.