

HOUSE BILL 509

K3

9lr2535
CF SB 157

By: **Delegate Carey**

Introduced and read first time: February 4, 2019

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Overtime Exemption – Service Advisors**

3 FOR the purpose of exempting, under certain circumstances, employers with respect to
4 certain service advisors from the requirement that certain employers pay overtime
5 wages; and generally relating to overtime compensation.

6 BY repealing and reenacting, with amendments,
7 Article – Labor and Employment
8 Section 3–415
9 Annotated Code of Maryland
10 (2016 Replacement Volume and 2018 Supplement)

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

13 **Article – Labor and Employment**

14 3–415.

15 (a) Except as otherwise provided in this section, each employer shall pay an
16 overtime wage of at least 1.5 times the usual hourly wage, computed in accordance with §
17 3–420 of this subtitle.

18 (b) This section does not apply to an employer that is:

19 (1) subject to 49 U.S.C. § 10501;

20 (2) a nonprofit concert promoter, legitimate theater, music festival, music
21 pavilion, or theatrical show; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) an amusement or recreational establishment, including a swimming
2 pool, if the establishment:

3 (i) operates for no more than 7 months in a calendar year; or

4 (ii) for any 6 months during the preceding calendar year, has
5 average receipts that do not exceed one-third of the average receipts for the other 6 months.

6 (c) This section does not apply to an employer with respect to:

7 (1) an employee for whom the United States Secretary of Transportation
8 may set qualifications and maximum hours of service under 49 U.S.C. § 31502;

9 (2) a mechanic, partsperson, [or] salesperson, **OR SERVICE ADVISOR** who
10 primarily sells or services automobiles, farm equipment, trailers, or trucks, if the employer
11 is engaged primarily in selling those vehicles to ultimate buyers and is not a manufacturer;

12 (3) a driver if the employer is engaged in the business of operating taxicabs;
13 or

14 (4) unless a collective bargaining agreement between an employer and a
15 labor organization provides otherwise, an employee of the employer if:

16 (i) the employer is subject to Title II of the federal Railway Labor
17 Act;

18 (ii) the employer does not require the employee to work more than
19 40 hours during 1 workweek; and

20 (iii) the employee voluntarily enters into an agreement with another
21 employee to trade scheduled work hours and as a result the employee works more than 40
22 hours during a single workweek.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2019.