

# SENATE BILL 470

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By: **Senators Kittleman, Kasemeyer, Pipkin, and Robey**

Introduced and read first time: February 4, 2009

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance - Recreational Sports Officials - Coverage**

3 FOR the purpose of providing that certain work performed by a recreational sports  
4 official under certain circumstances is not covered employment for purposes of  
5 unemployment insurance; defining certain terms; and generally relating to  
6 coverage of recreational sports officials under unemployment insurance law.

7 BY repealing and reenacting, without amendments,  
8 Article - Labor and Employment  
9 Section 8-205  
10 Annotated Code of Maryland  
11 (2008 Replacement Volume)

12 BY adding to  
13 Article - Labor and Employment  
14 Section 8-206(g)  
15 Annotated Code of Maryland  
16 (2008 Replacement Volume)

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

19 **Article - Labor and Employment**

20 8-205.

21 Work that an individual performs under any contract of hire is not covered  
22 employment if the Secretary is satisfied that:

23 (1) the individual who performs the work is free from control and  
24 direction over its performance both in fact and under the contract;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2) the individual customarily is engaged in an independent business  
2 or occupation of the same nature as that involved in the work; and

3           (3) the work is:

4                   (i) outside of the usual course of business of the person for  
5 whom the work is performed; or

6                   (ii) performed outside of any place of business of the person for  
7 whom the work is performed.

8 8-206.

9           **(G) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE**  
10 **THE MEANINGS INDICATED.**

11                   **(II) “OFFICIATING SERVICES” MEANS:**

12                           **1. OVERSEEING THE PLAY OF A SPORTS EVENT;**

13                           **2. JUDGING WHETHER THE RULES OF THE EVENT**  
14 **ARE BEING FOLLOWED; AND**

15                           **3. PENALIZING PARTICIPANTS FOR FOULS OR**  
16 **INFRINGEMENTS OF THE RULES.**

17                   **(III) 1. “RECREATIONAL SPORTS OFFICIAL” MEANS AN**  
18 **UMPIRE, A REFEREE, OR A JUDGE WHO CONTRACTS WITH A GOVERNMENTAL OR**  
19 **NONGOVERNMENTAL ENTITY TO PERFORM OFFICIATING SERVICES AT AMATEUR**  
20 **SPORTS EVENTS SPONSORED BY:**

21                           **A. A UNIT OF COUNTY GOVERNMENT;**

22                           **B. A UNIT OF A MUNICIPAL CORPORATION; OR**

23                           **C. AN ENTITY ASSOCIATED WITH A COUNTY**  
24 **GOVERNMENT OR A MUNICIPAL CORPORATION.**

25                           **2. “RECREATIONAL SPORTS OFFICIAL” DOES NOT**  
26 **INCLUDE ANY INDIVIDUAL EMPLOYED BY A SCHOOL WHO SERVES AS A SPORTS**  
27 **OFFICIAL:**

28                           **A. AS REQUIRED BY THE EMPLOYING SCHOOL; OR**

1                   **B. AS PART OF THE SPORTS OFFICIAL'S**  
2 **RESPONSIBILITIES DURING NORMAL SCHOOL HOURS.**

3                   **(2) WORK IS NOT COVERED EMPLOYMENT WHEN PERFORMED BY**  
4 **A RECREATIONAL SPORTS OFFICIAL UNDER THIS SUBSECTION IF THE**  
5 **SECRETARY IS SATISFIED THAT:**

6                   **(I) THE RECREATIONAL SPORTS OFFICIAL HAS ENTERED**  
7 **INTO A WRITTEN AGREEMENT THAT IS IN EFFECT;**

8                   **(II) THE AGREEMENT PROVIDES THAT THE RECREATIONAL**  
9 **SPORTS OFFICIAL:**

10                   **1. MAY ACCEPT OR DECLINE AN ASSIGNMENT TO**  
11 **PROVIDE SERVICES FOR A GAME;**

12                   **2. MAY PROVIDE OFFICIATING SERVICES FOR**  
13 **ANOTHER ORGANIZATION OR LEAGUE; AND**

14                   **3. HAS SOLE CONTROL OVER THE CONDUCT OF THE**  
15 **GAME; AND**

16                   **(III) THE AGREEMENT EXPRESSLY STATES THAT THE**  
17 **RECREATIONAL SPORTS OFFICIAL KNOWS THAT:**

18                   **1. THE SPORTS OFFICIAL IS RESPONSIBLE TO PAY**  
19 **STATE AND FEDERAL INCOME TAXES AND MAKE ANY REQUIRED SOCIAL**  
20 **SECURITY CONTRIBUTIONS FOR SELF-EMPLOYMENT; AND**

21                   **2. THE WORK IS NOT COVERED EMPLOYMENT.**

22                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2009.