

(I) THE SERVICE IS PROVIDED GRATUITOUSLY; AND

(II) THERE IS, IN FACT, NO EMPLOYER-EMPLOYEE RELATIONSHIP; OR

(12) IS EMPLOYED IN A CAFE, DRIVE-IN, DRUGSTORE, RESTAURANT, TAVERN, OR OTHER SIMILAR ESTABLISHMENT THAT:

(I) SELLS FOOD AND DRINK FOR CONSUMPTION ON THE PREMISES; AND

(II) HAS AN ANNUAL GROSS INCOME OF \$250,000 OR LESS.

(B) EXCLUSIONS FOR FARM WORK.

THIS SUBTITLE DOES NOT APPLY TO AN INDIVIDUAL WHO:

(1) IS EMPLOYED IN AGRICULTURE IF, DURING EACH QUARTER OF THE PRECEDING CALENDAR YEAR, THE EMPLOYER USED NO MORE THAN 500 AGRICULTURAL-WORKER DAYS;

(2) IS ENGAGED PRINCIPALLY IN THE RANGE PRODUCTION OF LIVESTOCK; OR

(3) IS EMPLOYED AS A HAND-HARVEST LABORER AND IS PAID ON A PIECE-RATE BASIS IN AN OPERATION THAT, IN THE REGION OF EMPLOYMENT, HAS BEEN AND CUSTOMARILY AND GENERALLY IS RECOGNIZED AS HAVING BEEN PAID ON THAT BASIS, IF:

(I) THE INDIVIDUAL:

1. COMMUTES DAILY FROM THE PERMANENT RESIDENCE OF THE INDIVIDUAL TO THE FARM WHERE THE INDIVIDUAL IS EMPLOYED; AND

2. DURING THE PRECEDING CALENDAR YEAR, WAS EMPLOYED IN AGRICULTURE LESS THAN 13 WEEKS; OR

(II) THE INDIVIDUAL:

1. IS UNDER THE AGE OF 17;

2. IS EMPLOYED ON THE SAME FARM AS A PARENT OF THE INDIVIDUAL OR A PERSON STANDING IN THE PLACE OF THE PARENT; AND

3. IS PAID AT THE SAME RATE THAT AN EMPLOYEE WHO IS AT LEAST 17 YEARS OLD IS PAID ON THE SAME FARM.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 100, § 82(e)(1)(i) and (iii) through (v) and (2) through (12).