
By: **Delegate Krysiak**

Rules suspended

Introduced and read first time: March 8, 2005

Assigned to: Rules and Executive Nominations

Re-referred to: Economic Matters, March 14, 2005

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2005

CHAPTER _____

AN ACT concerning

Maryland Stationary Engineers Act

FOR the purpose of creating the State Board of Stationary Engineers in the Department of Labor, Licensing, and Regulation; providing for the composition, appointment, terms, and expenses of the Board members; specifying the terms of the initial members of the Board; establishing certain powers and duties of the Board; requiring certain persons to be licensed by the Board as stationary engineers before performing certain work; establishing certain grades of licenses; establishing certain education and experience requirements for stationary engineers; establishing certain licensing and license renewal requirements for stationary engineers; providing for certain credits that may be applied toward licensing requirements; establishing certain examination requirements for stationary engineers; authorizing the Board to deny a license to an applicant, refuse to renew a license, reprimand a licensee, suspend or revoke a license, or impose certain penalties under certain circumstances; establishing certain hearing and appeal procedures for stationary engineers; providing for certain criminal penalties; requiring certain fees and penalties collected by the Board to be paid into the General Fund of the State; requiring that an evaluation of the State Board of Stationary Engineers and the statutes and regulations that relate to the State Board be performed on or before a certain date; extending the termination date for the Board of Examining Engineers; repealing the sections of the Public Local Laws of Baltimore City regarding examining engineers; providing for the transition between the State Board of Stationary Engineers and the Board of Examining Engineers regarding the regulation and licensure of stationary engineers; defining certain terms; making certain technical corrections; providing for the delayed effective dates

for certain provisions of this Act; and generally relating to the State Board of Stationary Engineers and licensing and regulation of stationary engineers.

BY repealing and reenacting, with amendments,

The Public Local Laws of Baltimore City

Section 4-8

Article 4 - Public Local Laws of Maryland

(1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

(As enacted by Chapter 316 of the Acts of the General Assembly of 2002)

BY repealing and reenacting, without amendments,

Article - State Government

Section 8-403(a)

Annotated Code of Maryland

(2004 Replacement Volume)

BY repealing and reenacting, with amendments,

Article - State Government

Section 8-403(b)(24)

Annotated Code of Maryland

(2004 Replacement Volume)

BY adding to

Article - Business Occupations and Professions

Section 6.5-101 through 6.5-502, inclusive, to be under the new title "Title 6.5.

Stationary Engineers"

Annotated Code of Maryland

(2004 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - Business Regulation

Section 2-108(a)(12)

Annotated Code of Maryland

(2004 Replacement Volume)

BY repealing

The Public Local Laws of Baltimore City

Section 4-1 through 4-7 and the subtitle "Subtitle 4. Examining Engineers"

Article 4 - Public Local Laws of Maryland

(1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

BY repealing

The Public Local Laws of Baltimore City

Section 4-8

Article 4 - Public Local Laws of Maryland
 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)
 (As enacted by Section 1 of this Act)

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

Article 4 - Baltimore City

4-8.

The provisions of this subtitle creating the Board of Examining Engineers and relating to the regulation of engineers and any regulations promulgated under this subtitle are of no effect and may not be enforced after [July] OCTOBER 1, 2005.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - State Government

8-403.

(a) On or before December 15 of the 2nd year before the evaluation date of a governmental activity or unit, the Legislative Policy Committee, based on a preliminary evaluation, may waive as unnecessary the evaluation required under this section.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(24) Engineers, STATE Board of [Examining] STATIONARY ([§ 4-1 of the Public Local Laws of Baltimore City] § 6.5-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: July 1, [2004] 2013);

Article - Business Occupations and Professions

TITLE 6.5. STATIONARY ENGINEERS.

SUBTITLE 1. DEFINITIONS.

6.5-101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "BOARD" MEANS THE STATE BOARD OF STATIONARY ENGINEERS.

(C) (1) "LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A LICENSE ISSUED BY THE BOARD TO PERFORM THE FUNCTIONS OF A STATIONARY ENGINEER.

(2) "LICENSE" INCLUDES, UNLESS THE CONTEXT REQUIRES OTHERWISE:

- (I) A GRADE 5 LICENSE;
- (II) A GRADE 4 LICENSE;
- (III) A GRADE 3 LICENSE;
- (IV) A GRADE 2 LICENSE; AND
- (V) A GRADE 1 LICENSE.

(D) "PROVIDE STATIONARY ENGINEER SERVICES" MEANS TO OVERSEE THE OPERATION OF A POWER PLANT, PLANT OF MACHINERY, OR BOILER, EACH GENERATING PRESSURE OF AT LEAST 15 PSI AND OPERATING AT 30 OR MORE HORSEPOWER.

(E) "STATIONARY ENGINEER" MEANS AN INDIVIDUAL WHO IS LICENSED BY THE BOARD TO PROVIDE STATIONARY ENGINEER SERVICES IN ACCORDANCE WITH THE LICENSE GRADES DESCRIBED IN § 6.5-302 OF THIS TITLE.

6.5-102.

THE PURPOSE OF THIS TITLE IS TO ESTABLISH A LICENSING PROGRAM TO ENSURE THAT QUALIFIED INDIVIDUALS PROVIDE STATIONARY ENGINEER SERVICES TO:

- (1) PROTECT THE PUBLIC;
- (2) PROVIDE FOR THE SAFE OPERATION OF POWER PLANTS, PLANTS OF MACHINERY, AND BOILERS; AND
- (3) PROMOTE HIGH PROFESSIONAL STANDARDS.

SUBTITLE 2. STATE BOARD OF STATIONARY ENGINEERS.

6.5-201.

THERE IS A STATE BOARD OF STATIONARY ENGINEERS IN THE DEPARTMENT.

6.5-202.

(A) (1) THE BOARD CONSISTS OF EIGHT MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE OF THE SECRETARY AND THE SENATE.

- (2) OF THE EIGHT MEMBERS OF THE BOARD:

UNOFFICIAL COPY OF HOUSE BILL 1589

(I) THREE SHALL BE STATIONARY ENGINEERS;

(II) ONE SHALL BE A REPRESENTATIVE FROM THE BOILER MANUFACTURE AND DESIGN INDUSTRY;

(III) ONE SHALL BE A BOILER OWNER;

(IV) TWO SHALL BE CONSUMER MEMBERS; AND

(V) ONE SHALL BE THE CHIEF BOILER INSPECTOR OF THE STATE, OR THE CHIEF BOILER INSPECTOR'S DESIGNEE, WHO SHALL BE AN EX OFFICIO, NONVOTING MEMBER OF THE BOARD.

(B) EACH MEMBER OF THE BOARD SHALL BE:

(1) A CITIZEN OF THE UNITED STATES; AND

(2) A RESIDENT OF THE STATE.

(C) (1) AT LEAST TWO OF THE ENGINEER MEMBERS OF THE BOARD SHALL HOLD A GRADE 1 STATIONARY ENGINEER LICENSE.

(2) EACH ENGINEER MEMBER OF THE BOARD SHALL:

(I) HAVE AT LEAST 10 YEARS PRACTICAL EXPERIENCE IN RUNNING STEAM ENGINES, BOILERS, AND APPLIANCES PERTAINING TO STATIONARY AND PORTABLE ENGINES; AND

(II) HOLD A STATE LICENSE AT ALL TIMES DURING THE MEMBER'S TERM ON THE BOARD.

(D) EACH CONSUMER MEMBER OF THE BOARD:

(1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

(2) MAY NOT BE A LICENSEE OR OTHERWISE BE SUBJECT TO REGULATION BY THE BOARD; AND

(3) MAY NOT HAVE HAD WITHIN 1 YEAR BEFORE APPOINTMENT A FINANCIAL INTEREST IN OR HAVE RECEIVED COMPENSATION FROM A PERSON REGULATED BY THE BOARD.

(E) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

(F) (1) THE TERM OF A MEMBER IS 3 YEARS AND BEGINS ON JULY 1.

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2005.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) EACH MEMBER OF THE BOARD IS ELIGIBLE FOR REAPPOINTMENT BUT MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.

(G) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE, MISCONDUCT, NEGLECT OF DUTIES, OR OTHER SUFFICIENT CAUSE.

6.5-203.

(A) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR AND OTHER OFFICERS AS NECESSARY.

(B) THE MANNER OF ELECTION AND THE TERM OF AN OFFICER SHALL BE AS THE BOARD DETERMINES.

6.5-204.

(A) A MAJORITY OF THE VOTING MEMBERS THEN SERVING ON THE BOARD IS A QUORUM.

(B) (1) THE BOARD SHALL MEET AT LEAST TWICE A YEAR AT A LOCATION AND IN AN OFFICE PROVIDED BY THE STATE.

(2) THE BOARD MAY HOLD SPECIAL MEETINGS AS PROVIDED IN ITS REGULATIONS.

(3) THE BOARD SHALL MEET WITH AND CONSULT THE BOARD OF BOILER RULES AS NECESSARY BUT NOT LESS THAN TWO TIMES EACH YEAR.

(C) A MEMBER OF THE BOARD:

(1) MAY NOT RECEIVE COMPENSATION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(D) THE BOARD MAY EMPLOY A STAFF IN ACCORDANCE WITH THE STATE BUDGET.

6.5-205.

(A) THE BOARD SHALL:

(1) ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS TITLE;

- (2) ADMINISTER EXAMINATIONS;
- (3) ISSUE LICENSES;
- (4) MAINTAIN A LIST OF ALL LICENSEES; AND
- (5) MAINTAIN A RECORD OF ITS PROCEEDINGS.

(B) THE BOARD SHALL MAKE AVAILABLE THROUGH WRITTEN, ELECTRONIC, OR OTHER MEANS:

(1) TO EACH APPLICANT FOR A LICENSE, A COPY OF THE MARYLAND STATIONARY ENGINEERS ACT AND THE BOARD'S REGULATIONS; AND

(2) ON EACH RENEWAL OF A LICENSE, TO EACH LICENSEE, A COPY OF ANY AMENDMENTS TO THE MARYLAND STATIONARY ENGINEERS ACT AND THE BOARD'S REGULATIONS THAT TOOK EFFECT DURING THE 2-YEAR PERIOD ENDING ON THE DATE OF RENEWAL.

6.5-206.

(A) THE BOARD MAY INVESTIGATE ANY COMPLAINT THAT ALLEGES A VIOLATION OF THIS TITLE.

(B) ON RECEIPT OF THE RESULTS OF AN INVESTIGATION MADE UNDER THIS SECTION, THE BOARD SHALL PROMPTLY TAKE ACTION THAT IS APPROPRIATE UNDER THIS TITLE TO ENSURE COMPLIANCE WITH THE TITLE.

(C) (1) IF THE BOARD CONCLUDES THAT ANY CONDUCT ALLEGED TO BE IN VIOLATION OF THIS TITLE WILL RESULT IN HARM TO A CITIZEN OF THE STATE, THE BOARD MAY SEEK A PERMANENT OR TEMPORARY INJUNCTION WITH RESPECT TO THE CONDUCT FROM THE CIRCUIT COURT OF ANY COUNTY IN WHICH THE ALLEGED VIOLATION OCCURS.

(2) IN SEEKING AN INJUNCTION UNDER THIS SUBSECTION, THE BOARD IS NOT REQUIRED TO:

(I) POST BOND;

(II) ALLEGE OR PROVE THAT AN ADEQUATE REMEDY AT LAW DOES NOT EXIST; OR

(III) ALLEGE OR PROVE THAT SUBSTANTIAL OR IRREPARABLE DAMAGE WOULD RESULT FROM THE CONTINUED VIOLATION OF THE PROVISION.

(3) A MEMBER OF THE BOARD MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACTION TAKEN UNDER THIS SUBSECTION IN GOOD FAITH AND WITH REASONABLE GROUNDS.

(D) THE BOARD, OR A HEARING OFFICER DESIGNATED BY THE BOARD, MAY ADMINISTER OATHS, HOLD HEARINGS, AND TAKE TESTIMONY ABOUT ALL MATTERS WITHIN THE JURISDICTION OF THE BOARD.

(E) (1) THE BOARD OR ITS DESIGNEE MAY ISSUE A SUBPOENA FOR THE ATTENDANCE OF A WITNESS TO TESTIFY OR THE PRODUCTION OF EVIDENCE IN CONNECTION WITH:

(I) A DISCIPLINARY ACTION BROUGHT UNDER § 6.5-314 OF THIS TITLE; AND

(II) A PROCEEDING BROUGHT FOR AN ALLEGED VIOLATION OF THIS TITLE.

(2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER THIS SUBSECTION, ON PETITION OF THE BOARD, A COURT OF COMPETENT JURISDICTION MAY COMPEL COMPLIANCE WITH THE SUBPOENA.

(F) A MEMBER OF THE BOARD MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACTION TAKEN UNDER THIS SECTION.

6.5-207.

(A) SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, THE BOARD MAY SET REASONABLE FEES FOR ITS SERVICES.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, REVENUES GENERATED BY THE BOARD SHALL BE AT LEAST EQUAL TO THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE OPERATION OF THE BOARD.

(C) THE BOARD SHALL REQUIRE THE FOLLOWING FEES FOR THE ISSUANCE OR RENEWAL OF THE FOLLOWING LICENSES:

- (1) GRADE 1 LICENSE - \$65;
- (2) GRADE 2 OR GRADE 3 LICENSE - \$50; AND
- (3) GRADE 4 OR GRADE 5 LICENSE - \$35.

(D) THE BOARD SHALL PAY ALL MONEY COLLECTED UNDER THIS TITLE INTO THE GENERAL FUND OF THE STATE.

6.5-208.

THE BOARD EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS SUBJECT TO THE AUTHORITY OF THE SECRETARY.

SUBTITLE 3. LICENSING.

6.5-301.

EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD TO PROVIDE STATIONARY ENGINEER SERVICES BEFORE THE INDIVIDUAL MAY PROVIDE STATIONARY ENGINEER SERVICES IN THE STATE.

6.5-302.

(A) A GRADE 5 STATIONARY ENGINEER LICENSEE MAY OVERSEE THE OPERATION OF A BOILER THAT:

(1) (I) OPERATES AT A PRESSURE OF MORE THAN 15 PSI AND CAN BE OPERATED AT 30 TO 99 HORSEPOWER; AND

(II) IS LOCATED IN A BUILDING NOT OPEN FOR PUBLIC USE;

(2) IS INSPECTED IN ACCORDANCE WITH THE BOILER LAWS AND REGULATIONS BY A SPECIAL INSPECTOR OR A DEPUTY BOILER INSPECTOR;

(3) IF NOT EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING SYSTEM AND AUTOMATIC CONTROLS, IS VISITED BY A GRADE 5 LICENSEE AT LEAST ONCE EVERY 24 HOURS THAT THE BOILER IS IN OPERATION; AND

(4) IF EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING SYSTEM AND AUTOMATIC CONTROLS, IS VISITED BY A GRADE 5 LICENSEE AT LEAST ONCE PER WEEK THAT THE BOILER IS IN OPERATION, IF THE LICENSEE:

(I) IS RESPONSIBLE FOR THE SAFE OPERATION OF THE EQUIPMENT AT ALL TIMES;

(II) IS AVAILABLE TO OBSERVE THE MONITORING EQUIPMENT OR DEVICES AND MAKE THE NECESSARY ADJUSTMENTS AT LEAST ONCE EVERY 24 HOURS; AND

(III) MAINTAINS A DAILY INSPECTION LOG.

(B) A GRADE 4 STATIONARY ENGINEER LICENSEE MAY OVERSEE THE OPERATION OF A BOILER THAT:

(1) (I) OPERATES AT A PRESSURE OF MORE THAN 15 PSI AND CAN OPERATE AT 30 TO 99 HORSEPOWER; AND

(II) IS LOCATED IN A BUILDING OPEN FOR PUBLIC USE;

(2) IS INSPECTED IN ACCORDANCE WITH THE BOILER LAWS AND REGULATIONS BY A SPECIAL INSPECTOR OR A DEPUTY BOILER INSPECTOR;

(3) IF NOT EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING SYSTEM AND AUTOMATIC CONTROLS, IS ATTENDED BY A GRADE 4 LICENSEE AS FOLLOWS:

(I) AT ALL TIMES THAT THE BOILER IS IN OPERATION; OR

(II) IF LOCATED IN A SCHOOL:

1. AT ALL TIMES DURING REGULAR SCHOOL HOURS; AND

2. ONLY WHEN AT LEAST 150 STUDENTS, FACULTY, OR MEMBERS OF THE PUBLIC OCCUPY THE BUILDING WHERE THE BOILER IS LOCATED DURING NONREGULAR SCHOOL HOURS;

(4) IF EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING SYSTEM AND AUTOMATIC CONTROLS, IS ATTENDED BY A GRADE 4 LICENSEE AS FOLLOWS:

(I) IF LOCATED IN A HOSPITAL, HOTEL, RESIDENTIAL FACILITY, OR OTHER BUILDING GENERALLY OPEN TO THE PUBLIC, IS VISITED AT LEAST ONCE EVERY 8 HOURS THAT THE BUILDING IS OPEN FOR PUBLIC USE, IF THE LICENSEE:

1. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH EQUIPMENT AT ALL TIMES;

2. IS AVAILABLE TO OBSERVE THE MONITORING EQUIPMENT OR DEVICES AND MAKE NECESSARY ADJUSTMENTS AT LEAST ONCE EVERY 24 HOURS; AND

3. MAINTAINS A DAILY INSPECTION LOG; AND

(II) IF LOCATED IN A SCHOOL, IS VISITED AT LEAST ONCE EVERY 8 HOURS:

1. DURING REGULAR SCHOOL HOURS; AND

2. DURING NONREGULAR SCHOOL HOURS WHEN THE SCHOOL BUILDING IN WHICH THE BOILER IS LOCATED IS OCCUPIED BY AT LEAST 150 STUDENTS, FACULTY, OR MEMBERS OF THE PUBLIC, IF THE LICENSEE:

A. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH EQUIPMENT AT ALL TIMES;

B. IS AVAILABLE TO OBSERVE THE MONITORING EQUIPMENT OR DEVICES AND MAKE NECESSARY ADJUSTMENTS AT LEAST ONCE EVERY 24 HOURS; AND

C. MAINTAINS A DAILY INSPECTION LOG.

(C) A GRADE 3 STATIONARY ENGINEER LICENSEE MAY OVERSEE THE OPERATION OF A BOILER THAT:

(1) OPERATES AT A PRESSURE OF MORE THAN 15 PSI AND CAN OPERATE AT 100 TO 299 HORSEPOWER;

(2) IS INSPECTED IN ACCORDANCE WITH THE BOILER LAWS AND REGULATIONS BY A SPECIAL INSPECTOR OR A DEPUTY BOILER INSPECTOR;

(3) IF NOT EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING SYSTEM AND AUTOMATIC CONTROLS, HAS A GRADE 3 LICENSEE IN ATTENDANCE AT ALL TIMES THAT THE BOILER IS IN OPERATION; AND

(4) IF EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING SYSTEM AND AUTOMATIC CONTROLS, IS ATTENDED BY A GRADE 3 LICENSEE AS FOLLOWS:

(I) IF NOT LOCATED IN A BUILDING OPEN FOR PUBLIC USE, DOES NOT REQUIRE REGULAR FULL-TIME ATTENDANCE OR SCHEDULED VISITATION, IF THE LICENSEE:

1. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH EQUIPMENT AT ALL TIMES;

2. IS AVAILABLE TO OBSERVE THE MONITORING EQUIPMENT OR DEVICES AND MAKE NECESSARY ADJUSTMENTS AT LEAST ONCE EVERY 24 HOURS; AND

3. MAINTAINS A DAILY INSPECTION LOG; AND

(II) IF LOCATED IN A SCHOOL, HOSPITAL, HOTEL, RESIDENTIAL FACILITY, OR OTHER BUILDING GENERALLY OPEN TO THE PUBLIC, IS VISITED AT LEAST ONCE EVERY 8 HOURS THAT THE BUILDING IS OPEN FOR PUBLIC USE, IF THE LICENSEE:

1. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH EQUIPMENT AT ALL TIMES;

2. IS AVAILABLE TO OBSERVE THE MONITORING EQUIPMENT OR DEVICES AND MAKE NECESSARY ADJUSTMENTS AT LEAST ONCE EVERY 24 HOURS; AND

3. MAINTAINS A DAILY INSPECTION LOG.

(D) A GRADE 2 STATIONARY ENGINEER LICENSEE MAY OVERSEE THE OPERATION OF A BOILER THAT:

(1) OPERATES AT A PRESSURE OF MORE THAN 15 PSI AND CAN OPERATE AT 300 TO 499 HORSEPOWER;

(2) IS INSPECTED IN ACCORDANCE WITH THE BOILER LAWS AND REGULATIONS BY A SPECIAL INSPECTOR OR A DEPUTY BOILER INSPECTOR;

(3) IF NOT EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING SYSTEM AND AUTOMATIC CONTROLS, HAS A GRADE 2 LICENSEE IN ATTENDANCE AT ALL TIMES THAT THE BOILER IS IN OPERATION; AND

(4) IF EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING SYSTEM AND AUTOMATIC CONTROLS, IS ATTENDED BY A GRADE 2 LICENSEE AS FOLLOWS:

(I) IF NOT LOCATED IN A BUILDING OPEN FOR PUBLIC USE, DOES NOT REQUIRE REGULAR FULL-TIME ATTENDANCE OR SCHEDULED VISITATION, IF THE LICENSEE:

1. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH EQUIPMENT AT ALL TIMES;

2. IS AVAILABLE TO OBSERVE THE MONITORING EQUIPMENT OR DEVICES AND MAKE NECESSARY ADJUSTMENTS AT LEAST ONCE EVERY 24 HOURS; AND

3. MAINTAINS A DAILY INSPECTION LOG; AND

(II) IF LOCATED IN A SCHOOL, HOSPITAL, HOTEL, RESIDENTIAL FACILITY, OR OTHER BUILDING GENERALLY OPEN TO THE PUBLIC, IS VISITED AT LEAST ONCE EVERY 8 HOURS THAT THE BUILDING IS OPEN FOR PUBLIC USE, IF THE LICENSEE:

1. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH EQUIPMENT AT ALL TIMES;

2. IS AVAILABLE TO OBSERVE THE MONITORING EQUIPMENT OR DEVICES AND MAKE NECESSARY ADJUSTMENTS AT LEAST ONCE EVERY 24 HOURS; AND

3. MAINTAINS A DAILY INSPECTION LOG.

(E) A GRADE 1 STATIONARY ENGINEER LICENSEE MAY OVERSEE THE OPERATION OF A BOILER THAT:

(1) OPERATES AT A PRESSURE OF MORE THAN 15 PSI AND CAN OPERATE AT 500 OR MORE HORSEPOWER;

(2) IS INSPECTED IN ACCORDANCE WITH THE BOILER LAWS AND REGULATIONS BY A SPECIAL INSPECTOR OR A DEPUTY BOILER INSPECTOR;

(3) IF NOT EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING SYSTEM AND AUTOMATIC CONTROLS, HAS A GRADE 1 LICENSEE IN ATTENDANCE AT ALL TIMES THAT THE BOILER IS IN OPERATION; AND

(4) IF EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING SYSTEM AND AUTOMATIC CONTROLS AND IS ATTENDED BY A GRADE 1 LICENSEE AS FOLLOWS:

(I) IF NOT LOCATED IN A BUILDING OPEN FOR PUBLIC USE, DOES NOT REQUIRE REGULAR VISITATION, IF THE LICENSEE:

1. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH EQUIPMENT AT ALL TIMES;
2. IS AVAILABLE TO OBSERVE THE MONITORING EQUIPMENT OR DEVICES AND MAKE NECESSARY ADJUSTMENTS AT LEAST ONCE EVERY 24 HOURS; AND
3. MAINTAINS A DAILY INSPECTION LOG; AND

(II) IF LOCATED IN A SCHOOL, HOSPITAL, HOTEL, RESIDENTIAL FACILITY, OR OTHER BUILDING GENERALLY OPEN TO THE PUBLIC, IS VISITED AT LEAST ONCE EVERY 8 HOURS THAT THE BUILDING IS OPEN FOR PUBLIC USE, IF THE LICENSEE:

1. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH EQUIPMENT AT ALL TIMES;
2. IS AVAILABLE TO OBSERVE THE MONITORING EQUIPMENT OR DEVICES AND MAKE NECESSARY ADJUSTMENTS AT LEAST ONCE EVERY 24 HOURS; AND
3. MAINTAINS A DAILY INSPECTION LOG.

6.5-303.

(A) TO QUALIFY FOR LICENSURE AS A STATIONARY ENGINEER, AN APPLICANT SHALL MEET THE REQUIREMENTS OF THIS SECTION AND PASS AN EXAMINATION ADMINISTERED BY THE BOARD.

(B) IN ADDITION TO THE OTHER QUALIFICATIONS FOR A LICENSE SET FORTH IN THIS SUBTITLE, AN APPLICANT SHALL QUALIFY UNDER THIS SECTION BY MEETING THE EDUCATIONAL AND EXPERIENCE REQUIREMENTS SET FORTH IN SUBSECTION (C) OF THIS SECTION.

(C) (1) AN APPLICANT FOR THE GRADE 1 STATIONARY ENGINEER'S EXAMINATION QUALIFIES UNDER THIS SECTION IF THE APPLICANT POSSESSES AT LEAST ONE OF THE FOLLOWING QUALIFICATIONS:

(I) 5 YEARS OF DOCUMENTED EXPERIENCE AS AN ACTIVE GRADE 2 STATIONARY ENGINEER UNDER THE DIRECTION AND CONTROL OF A GRADE 1 STATIONARY ENGINEER, ~~THAT INCLUDES~~ TOWARD WHICH AN APPLICANT MAY RECEIVE:

1. 1 YEAR OF CREDIT FOR 6 CREDIT HOURS OF CLASSES OR CONTINUING EDUCATION UNITS IN BOILER SAFETY OR OPERATIONS; AND

LICENSE AS A:

2. 1 YEAR OF CREDIT FOR HOLDING A CURRENT ACTIVE

A. MASTER PLUMBER;

B. MASTER HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION CONTRACTOR; OR

C. MASTER RESTRICTED HEATING, VENTILATION, AND AIR-CONDITIONING CONTRACTOR;

(II) A 4-YEAR DEGREE IN MECHANICAL ENGINEERING FROM AN ACCREDITED UNIVERSITY OR COLLEGE;

(III) LICENSURE AS A PROFESSIONAL ENGINEER INCLUDING:

1. 1 YEAR OF DOCUMENTED EXPERIENCE AS A PROFESSIONAL ENGINEER; AND

2. 1 YEAR OF DOCUMENTED EXPERIENCE AS A GRADE 2 STATIONARY ENGINEER UNDER THE DIRECTION AND CONTROL OF A GRADE 1 STATIONARY ENGINEER; OR

(IV) A VALID MARINE ENGINEER'S CERTIFICATE OR A CHIEF PETTY OFFICER'S CERTIFICATE FROM THE UNITED STATES NAVY WITH DOCUMENTATION OF STEAM BOILER ENGINEER TRAINING.

(2) AN APPLICANT FOR A GRADE 2 STATIONARY ENGINEER'S EXAMINATION QUALIFIES UNDER THIS SECTION IF THE APPLICANT POSSESSES AT LEAST ONE OF THE FOLLOWING QUALIFICATIONS:

(I) 36 MONTHS OF DOCUMENTED EXPERIENCE AS AN ACTIVE GRADE 3 ENGINEER UNDER THE DIRECTION AND CONTROL OF A LICENSED GRADE 2 OR GRADE 1 STATIONARY ENGINEER, THAT MAY INCLUDE:

1. 1 YEAR OF CREDIT FOR 6 CREDIT HOURS OF CLASSES OR CONTINUING EDUCATION UNITS IN BOILER SAFETY OR OPERATIONS; AND

LICENSE AS A :

2. 1 YEAR OF CREDIT FOR HOLDING A CURRENT ACTIVE

A. MASTER PLUMBER;

B. MASTER HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION CONTRACTOR; OR

C. MASTER RESTRICTED HEATING, VENTILATION, AND AIR-CONDITIONING CONTRACTOR;

(II) A 4-YEAR DEGREE IN MECHANICAL ENGINEERING FROM AN ACCREDITED UNIVERSITY OR COLLEGE;

(III) LICENSURE AS A PROFESSIONAL ENGINEER AND 6 MONTHS OF DOCUMENTED EXPERIENCE AS A GRADE 3, GRADE 4, OR GRADE 5 STATIONARY ENGINEER; OR

(IV) A VALID MARINE ENGINEER'S CERTIFICATE OR CHIEF PETTY OFFICER'S CERTIFICATE FROM THE UNITED STATES NAVY.

(3) AN APPLICANT FOR A GRADE 3 STATIONARY ENGINEER'S EXAMINATION QUALIFIES UNDER THIS SECTION IF THE APPLICANT POSSESSES AT LEAST ONE OF THE FOLLOWING QUALIFICATIONS:

(I) 2 YEARS OF DOCUMENTED EXPERIENCE AS AN ACTIVE GRADE 4 OR GRADE 5 STATIONARY ENGINEER;

(II) 1 YEAR OF DOCUMENTED EXPERIENCE AS AN ACTIVE GRADE 4 OR GRADE 5 ENGINEER AND 6 CREDIT HOURS OR CONTINUING EDUCATION UNITS OF CLASSES IN BOILER OPERATIONS OR SAFETY; OR

(III) A VALID MARINE ENGINEER'S CERTIFICATE OR CHIEF PETTY OFFICER'S CERTIFICATE FROM THE UNITED STATES NAVY.

(4) AN APPLICANT FOR A GRADE 4 STATIONARY ENGINEER'S EXAMINATION QUALIFIES UNDER THIS SECTION IF THE APPLICANT POSSESSES AT LEAST ONE OF THE FOLLOWING QUALIFICATIONS:

(I) 6 MONTHS OF DOCUMENTED EXPERIENCE AS AN ACTIVE GRADE 5 STATIONARY ENGINEER; OR

(II) 3 CREDIT HOURS OR CONTINUING EDUCATION UNITS OF CLASSES IN BOILER OPERATIONS OR SAFETY.

(5) AN APPLICANT FOR A GRADE 5 STATIONARY ENGINEER'S EXAMINATION QUALIFIES UNDER THIS SECTION IF THE APPLICANT POSSESSES A HIGH SCHOOL DIPLOMA OR GRADUATE EQUIVALENCE DIPLOMA.

6.5-304.

(A) AN APPLICANT FOR A LICENSE SHALL:

(1) SUBMIT TO THE BOARD:

(I) AN APPLICATION ON THE FORM THAT THE BOARD PROVIDES;

AND

(II) ANY RELEVANT DOCUMENT THAT THE BOARD REQUIRES; AND

(2) PAY TO THE BOARD OR THE BOARD'S DESIGNEE:

(I) A NONREFUNDABLE APPLICATION FEE OF \$25; AND

(II) AN EXAMINATION FEE SET BY THE BOARD IN AN AMOUNT NOT TO EXCEED THE COST OF THE REQUIRED EXAMINATION.

(B) AN APPLICATION SHALL BE MADE UNDER OATH.

(C) IF THE BOARD FINDS THAT AN APPLICATION FORM AND THE ACCOMPANYING DOCUMENTATION DO NOT DEMONSTRATE THAT THE APPLICANT MEETS THE REQUIREMENTS FOR A LICENSE UNDER THIS SUBTITLE, THE BOARD MAY REQUIRE THE APPLICANT TO SUBMIT ADDITIONAL INFORMATION OR DOCUMENTATION.

6.5-305.

(A) THE BOARD SHALL EXAMINE ALL ENGINEERS WHO ARE AT LEAST 18 YEARS OLD AND WHO OTHERWISE QUALIFY FOR EXAMINATION.

(B) THE BOARD PERIODICALLY SHALL OFFER THE EXAMINATIONS REQUIRED UNDER THIS SUBTITLE TO QUALIFIED APPLICANTS AT THE TIMES AND PLACES THAT THE BOARD DETERMINES.

(C) THE BOARD SHALL GIVE EACH QUALIFIED APPLICANT NOTICE OF THE TIME AND PLACE OF EXAMINATION.

(D) THE BOARD SHALL DETERMINE THE SUBJECTS, SCOPE, AND FORM OF AND PASSING SCORES FOR EXAMINATIONS GIVEN UNDER THIS SUBTITLE.

6.5-306.

(A) THE BOARD MAY USE A TESTING SERVICE TO ADMINISTER THE EXAMINATION REQUIRED UNDER THIS SUBTITLE.

(B) IF THE BOARD USES A TESTING SERVICE, THE TESTING SERVICE, SUBJECT TO THE REQUIREMENTS SET BY THE BOARD, SHALL:

(1) SET THE TIME AND PLACE OF THE EXAMINATION;

(2) GIVE QUALIFIED APPLICANTS NOTICE OF THE TIME AND PLACE OF THE EXAMINATION;

(3) CHARGE AN EXAMINATION FEE NOT TO EXCEED THE COST OF ADMINISTERING THE EXAMINATION; AND

(4) FURNISH ANY INFORMATION THAT THE BOARD MAY REQUIRE THE TESTING SERVICE TO PROVIDE.

6.5-307.

(A) SUBJECT TO THE LIMITATIONS IN SUBSECTIONS (B) AND (C) OF THIS SECTION, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS VOTING MEMBERS

THEN SERVING, THE BOARD MAY WAIVE THE EXAMINATION REQUIREMENTS OF THIS TITLE FOR AN INDIVIDUAL WHO IS LICENSED IN ANOTHER STATE TO PROVIDE STATIONARY ENGINEER SERVICES.

(B) THE BOARD MAY GRANT A WAIVER UNDER THIS SECTION ONLY IF THE APPLICANT:

(1) PAYS TO THE BOARD THE NONREFUNDABLE APPLICATION FEE REQUIRED UNDER § 6.5-304 OF THIS SUBTITLE; AND

(2) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

(I) MEETS THE QUALIFICATIONS OTHERWISE REQUIRED BY THIS SUBTITLE;

(II) HOLDS AN ACTIVE LICENSE IN GOOD STANDING IN THE OTHER STATE;

(III) HOLDS A LICENSE THAT IS EQUIVALENT TO THE STATE LICENSE; AND

(IV) BECAME LICENSED IN THE OTHER STATE AFTER MEETING THE STATE'S REQUIREMENTS THAT ARE AT LEAST EQUIVALENT TO THE LICENSING REQUIREMENTS OF THE STATE, INCLUDING THE NUMBER OF YEARS OF WORK EXPERIENCE EQUIVALENT TO THE EXPERIENCE REQUIRED UNDER § 6.5-303(C) OF THIS TITLE.

(C) THE BOARD MAY GRANT A WAIVER ONLY IF THE STATE IN WHICH THE APPLICANT IS LICENSED WAIVES THE EXAMINATION OF LICENSEES OF THIS STATE TO A SIMILAR EXTENT AS THE STATE WAIVES THE EXAMINATION REQUIREMENTS FOR INDIVIDUALS LICENSED IN THAT STATE.

6.5-308.

(A) THE USE OF UNAUTHORIZED MATERIAL BY AN APPLICANT DURING AN EXAMINATION SHALL CAUSE THE IMMEDIATE REJECTION OF THE APPLICATION AND SHALL BAR THE APPLICANT FROM REEXAMINATION FOR AT LEAST 1 YEAR.

(B) (1) AN APPLICANT WHO FAILS AN EXAMINATION OR FAILS TO APPEAR FOR A SCHEDULED EXAMINATION SHALL FILE A NEW APPLICATION AND PAY A NEW APPLICATION FEE.

(2) AN EXAMINATION FEE IS NONREFUNDABLE.

(C) AN APPLICANT WHO TAKES AN EXAMINATION REQUIRED BY THIS TITLE SHALL BE NOTIFIED OF THE RESULTS OF THE EXAMINATION AS SOON AS PRACTICABLE.

(D) IF AN APPLICANT FAILS AN EXAMINATION GIVEN UNDER THIS SUBTITLE, THE APPLICANT MAY RETAKE THE EXAMINATION.

6.5-309.

(A) IF AN APPLICANT QUALIFIES FOR A LICENSE UNDER THIS SUBTITLE, THE BOARD SHALL SEND THE APPLICANT A NOTICE THAT STATES THAT:

(1) THE APPLICANT HAS QUALIFIED FOR A LICENSE; AND

(2) THE BOARD WILL ISSUE A LICENSE TO THE APPLICANT ON RECEIPT OF THE APPROPRIATE LICENSE FEE REQUIRED UNDER § 6.5-207 OF THIS TITLE.

(B) ON PAYMENT OF THE LICENSE FEE, THE BOARD SHALL ISSUE A LICENSE TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

(C) THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD ISSUES:

(1) THE FULL NAME OF THE LICENSEE;

(2) THE LICENSE GRADE LEVEL; AND

(3) THE REGISTRATION NUMBER ASSIGNED BY THE BOARD TO THE LICENSEE.

6.5-310.

WHILE A LICENSE IS IN EFFECT, IT AUTHORIZES THE LICENSEE TO PROVIDE STATIONARY ENGINEER SERVICES IN ACCORDANCE WITH THE LICENSEE'S GRADE LEVEL.

6.5-311.

A LICENSEE SHALL PROVIDE THE BOARD WRITTEN NOTICE OF ANY CHANGE OF NAME OR ADDRESS FROM THE NAME OR ADDRESS THAT APPEARS ON THE CURRENT LICENSE, AT LEAST 10 WORKING DAYS BEFORE THE CHANGE IS TO TAKE EFFECT.

6.5-312.

(A) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION AND UNLESS A LICENSE IS RENEWED FOR A 2-YEAR TERM AS PROVIDED IN THIS SECTION, THE LICENSE EXPIRES EVERY OTHER YEAR ON THE ANNIVERSARY OF THE DATE OF ISSUANCE OF THE LICENSE.

(B) (1) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL MAIL TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE LICENSEE:

(I) A RENEWAL APPLICATION FORM; AND

(II) A NOTICE THAT STATES:

1. THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

2. THE DATE BY WHICH THE BOARD MUST RECEIVE THE RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE LICENSE EXPIRES; AND

3. THE AMOUNT OF THE RENEWAL FEE AS REQUIRED UNDER § 6.5-207 OF THIS TITLE.

(2) THE FAILURE OF A LICENSEE TO RECEIVE THE NOTICE AS PROVIDED FOR IN THIS SUBSECTION DOES NOT PREVENT THE LICENSE FROM EXPIRING AS SPECIFIED UNDER SUBSECTION (A) OF THIS SECTION.

(C) BEFORE A LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL 2-YEAR TERM, IF THE LICENSEE:

(1) OTHERWISE IS ENTITLED TO BE LICENSED;

(2) PAYS TO THE BOARD THE APPROPRIATE LICENSE RENEWAL FEE REQUIRED UNDER § 6.5-207 OF THIS TITLE; AND

(3) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM THAT THE BOARD PROVIDES.

(D) (1) THE BOARD SHALL RENEW THE LICENSE OF AND ISSUE A RENEWAL CERTIFICATE TO EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS SECTION.

(2) THE BOARD SHALL INCLUDE ON EACH RENEWAL CERTIFICATE THAT THE BOARD ISSUES THE DATE ON WHICH THE CURRENT LICENSE EXPIRES.

(E) THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER THIS SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

6.5-313.

(A) THE BOARD SHALL REINSTATE THE LICENSE OF AN INDIVIDUAL WHO, FOR ANY REASON, HAS FAILED TO RENEW THE LICENSE, IF THE INDIVIDUAL:

(1) APPLIES TO THE BOARD FOR REINSTATEMENT WITHIN 2 YEARS AFTER THE LICENSE EXPIRES;

(2) MEETS THE RENEWAL REQUIREMENTS OF § 6.5-312 OF THIS SUBTITLE AND PAYS TO THE BOARD ALL PAST DUE RENEWAL FEES; AND

(3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION, PAYS TO THE BOARD A REINSTATEMENT FEE OF \$100, IN ADDITION TO ALL PAST DUE RENEWAL FEES.

(B) (1) IF AN INDIVIDUAL HAS FAILED TO RENEW A LICENSE FOR ANY REASON AND THEN APPLIES TO THE BOARD FOR REINSTATEMENT MORE THAN 2 YEARS AFTER THE LICENSE HAS EXPIRED, THE BOARD MAY:

(I) REQUIRE THE INDIVIDUAL TO REAPPLY FOR A LICENSE IN THE SAME MANNER AS AN APPLICANT APPLIES FOR AN ORIGINAL LICENSE UNDER THIS SUBTITLE; OR

(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, REINSTATE THE LICENSE.

(2) THE BOARD MAY REINSTATE A LICENSE UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION ONLY IF THE INDIVIDUAL:

(I) MEETS THE RENEWAL REQUIREMENTS OF § 6.5-312 OF THIS SUBTITLE AND PAYS TO THE BOARD ALL PAST DUE RENEWAL FEES;

(II) IF REQUIRED BY THE BOARD, STATES REASONS WHY REINSTATEMENT SHOULD BE GRANTED; AND

(III) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION, PAYS TO THE BOARD A REINSTATEMENT FEE OF \$100, IN ADDITION TO ALL PAST DUE RENEWAL FEES.

(C) THE BOARD MAY WAIVE A REINSTATEMENT FEE FOR A LICENSEE WHO PROVIDES EVIDENCE SATISFACTORY TO THE BOARD THAT THE LICENSEE DID NOT PROVIDE STATIONARY ENGINEER SERVICES DURING THE TIME THE LICENSE LAPSED.

6.5-314.

(A) (1) SUBJECT TO THE HEARING PROVISIONS OF § 6.5-315 OF THIS SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN SERVING, MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF THE APPLICANT OR LICENSEE:

(I) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;

(II) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

(III) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, IS CONVICTED OF:

1. A FELONY; OR

2. A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE SERVICES AS A STATIONARY ENGINEER;

(IV) FAILS TO CONTROL OR SUPERVISE ADEQUATELY A PERSON WHO, WHILE UNDER THE SUPERVISION OF A LICENSEE, PROVIDES SERVICES AS A STATIONARY ENGINEER;

(V) PERMITS A LICENSEE TO PROVIDE SERVICES AS A STATIONARY ENGINEER OUTSIDE THE SCOPE OF THAT INDIVIDUAL'S LICENSE GRADE;

(VI) PERMITS AN INDIVIDUAL TO PROVIDE SERVICES AS A STATIONARY ENGINEER WITHOUT THE APPROPRIATE LICENSE ISSUED BY THE BOARD;

(VII) IS UNDER THE INFLUENCE OF DRUGS OR ALCOHOL WHILE OPERATING AN ENGINE, BOILER, OR OTHER TYPE OF POWER EQUIPMENT;

(VIII) IS GUILTY OF NEGLIGENCE, INCOMPETENCE, OR MISCONDUCT WHILE PROVIDING STATIONARY ENGINEER SERVICES;

(IX) VIOLATES ANY REGULATION ADOPTED UNDER THIS TITLE; OR

(X) VIOLATES ANY PROVISION OF THIS TITLE.

(2) (I) INSTEAD OF OR IN ADDITION TO REPRIMANDING A LICENSEE OR SUSPENDING OR REVOKING A LICENSE UNDER THIS SUBSECTION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000 FOR EACH VIOLATION.

(II) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER THIS SUBSECTION, THE BOARD SHALL CONSIDER:

1. THE SERIOUSNESS OF THE VIOLATION;
2. THE HARM CAUSED BY THE VIOLATION;
3. THE GOOD FAITH OF THE LICENSEE; AND
4. ANY HISTORY OF PREVIOUS VIOLATIONS BY THE

LICENSEE.

(3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.

(B) THE BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE REPRIMAND OF A LICENSEE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(1)(III) OF THIS SECTION:

(1) THE NATURE OF THE CRIME;

(2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED BY THE LICENSE;

(3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE SERVICES AS A STATIONARY ENGINEER;

(4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

(5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSEE BEFORE AND AFTER THE CONVICTION.

6.5-315.

(A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER § 6.5-314 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

(B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(C) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY HEAR AND DETERMINE THE MATTER.

6.5-316.

A PERSON AGGRIEVED BY A FINAL ACTION OF THE BOARD MAY TAKE AN APPEAL AS SPECIFIED UNDER §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.

SUBTITLE 4. PROHIBITED ACTS; DISCIPLINARY ACTIONS; PENALTIES.

6.5-401.

EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT PERFORM, ATTEMPT TO PERFORM, OR OFFER TO PERFORM THE FUNCTIONS OF A STATIONARY ENGINEER IN THE STATE UNLESS LICENSED BY THE BOARD IN THE APPROPRIATE GRADE TO PROVIDE SUCH SERVICES.

6.5-402.

A PERSON MAY NOT:

- OR
- (1) USE OR ATTEMPT TO USE THE LICENSE OF ANOTHER INDIVIDUAL;
 - (2) IMPERSONATE ANOTHER INDIVIDUAL WHO HOLDS A LICENSE.

6.5-403.

(A) A PERSON MAY NOT ALLOW AN INDIVIDUAL TO PROVIDE SERVICES AS A STATIONARY ENGINEER IF THE INDIVIDUAL DOES NOT HOLD AN APPROPRIATE LICENSE ISSUED BY THE BOARD.

(B) A PERSON MAY NOT ALLOW AN INDIVIDUAL TO PROVIDE SERVICES AS A STATIONARY ENGINEER OUTSIDE THE SCOPE OF THAT INDIVIDUAL'S LICENSE GRADE.

6.5-404.

(A) A PERSON WHO VIOLATES § 6.5-401, § 6.5-402, OR § 6.5-403 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH; AND

(2) ON A SECOND OR SUBSEQUENT CONVICTION, A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

(B) (1) EXCEPT AS OTHERWISE PROVIDED BY THIS TITLE, THE BOARD MAY IMPOSE ON A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE A PENALTY NOT EXCEEDING \$5,000 FOR EACH VIOLATION.

(2) IN SETTING THE AMOUNT OF THE PENALTY, THE BOARD SHALL CONSIDER:

(I) THE SERIOUSNESS OF THE VIOLATION;

(II) THE HARM CAUSED BY THE VIOLATION;

(III) THE GOOD FAITH OF THE VIOLATOR;

(IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE VIOLATOR;

AND

(V) ANY OTHER RELEVANT FACTORS.

(3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.

SUBTITLE 5. SHORT TITLE.

6.5-501.

THIS TITLE MAY BE CITED AS THE "MARYLAND STATIONARY ENGINEERS ACT".

6.5-502.

SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY 1, 2014.

Article - Business Regulation

2-108.

(a) The following units are in the Department:

- (12) the STATE Board of [Examining] STATIONARY Engineers.

SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 4-1 through 4-8, inclusive, and the subtitle "Subtitle 4. Examining Engineers" of Article 4 - Baltimore City of the Code of Public Local Laws of Maryland be repealed.

SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the initial members of the State Board of Stationary Engineers shall expire as follows:

- (1) two members in 2006;
- (2) two members in 2007; and
- (3) three members in 2008.

SECTION 5. AND BE IT FURTHER ENACTED, That, on October 1, 2005, all the functions, powers, duties, equipment, assets, liabilities, records, and employees of the Board of Examining Engineers shall be transferred to the State Board of Stationary Engineers.

SECTION 6. AND BE IT FURTHER ENACTED, That an individual who holds a license issued by the Board of Examining Engineers on October 1, 2005, may qualify for a license authorizing the individual to perform services at the same level issued by the State Board of Stationary Engineers without meeting the education, experience, and examination requirements of Title 6.5, Subtitle 3 of the Business Occupations and Professions Article, as enacted by this Act, if the individual qualifies for the license before the expiration of the individual's license.

SECTION 7. AND BE IT FURTHER ENACTED, That an individual who holds a license issued by the Board of Examining Engineers on October 1, 2005, in all respects, shall be considered licensed by the State Board of Stationary Engineers and, subject to the provisions of this Act, for the remainder of the term of the individual's license. On expiration of the individual's license, the individual may qualify for renewal of a license under § 6.5-312 of the Business Occupations and Professions Article, as enacted by this Act, as if the individual has held a license issued by the State Board of Stationary Engineers.

SECTION 8. AND BE IT FURTHER ENACTED, That, if an individual holds a license issued by the Board of Examining Engineers after October 1, 2005, and the individual fails to timely renew the license, the individual may qualify for reinstatement of the license under § 6.5-313 of the Business Occupations and Professions Article, as enacted by this Act, as if the individual had held a license issued by the State Board of Stationary Engineers.

SECTION 9. AND BE IT FURTHER ENACTED, That an individual who has completed or partially completed any education, experience, or examination requirements for a license to be issued by the Board of Examining Engineers prior to October 1, 2005, shall be considered to have completed or partially completed the same requirement for a license issued by the State Board of Stationary Engineers.

SECTION 10. AND BE IT FURTHER ENACTED, That § 6.5-301 of the Business Occupations and Professions Article as enacted by this Act shall require that an individual who provides stationary engineer services in Baltimore City be licensed by the Board on or after October 1, 2005, and that an individual who provides stationary engineer services in a subdivision of the State other than Baltimore City on or after October 1, 2005, be licensed by the Board on or after July 1, 2006.

SECTION 11. AND BE IT FURTHER ENACTED, That Sections 2 and 4 through 10 of this Act shall take effect October 1, 2005.

SECTION 12. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect October 2, 2005.

SECTION 13. AND BE IT FURTHER ENACTED, That, except as provided in Sections 11 and 12 of this Act, this Act shall take effect July 1, 2005.