

HOUSE BILL 798

C2

5lr2219

By: **Delegates Hornberger, Ghrist, Glenn, Kittleman, Long, Luedtke, McComas, Metzgar, A. Miller, Patterson, B. Robinson, Shoemaker, Simonaire, Tarlau, Turner, A. Washington, and M. Washington**

Introduced and read first time: February 13, 2015

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Plumbing – Grounds for Disciplinary Action – Exception**

3 FOR the purpose of prohibiting the State Board of Plumbing from denying a license to
4 certain applicants or taking certain disciplinary action against certain licensees on
5 a certain ground; and generally relating to the State Board of Plumbing and the
6 licensure of providers of plumbing and gas services.

7 BY repealing and reenacting, with amendments,

8 Article – Business Occupations and Professions

9 Section 12–312(a)(1)

10 Annotated Code of Maryland

11 (2010 Replacement Volume and 2014 Supplement)

12 BY adding to

13 Article – Business Occupations and Professions

14 Section 12–312(c)

15 Annotated Code of Maryland

16 (2010 Replacement Volume and 2014 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Business Occupations and Professions**

20 12–312.

21 (a) (1) Subject to the hearing provisions of § 12–313 of this subtitle AND
22 **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION**, the Board may deny a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 license to any applicant, reprimand any licensee, or suspend or revoke a license if the
2 applicant or licensee:

3 (i) fraudulently or deceptively obtains or attempts to obtain a
4 license for the applicant or licensee or for another;

5 (ii) fraudulently or deceptively uses a license;

6 (iii) is guilty of gross negligence, incompetence, or misconduct while
7 providing plumbing services or assisting in providing plumbing services;

8 (iv) is guilty of violating the State Plumbing Code or applicable local
9 plumbing code while providing plumbing services or assisting in providing plumbing
10 services;

11 (v) under the laws of the United States or of any state, is convicted
12 of:

13 1. a felony; or

14 2. a misdemeanor that is directly related to the fitness and
15 qualification of the applicant or licensee to provide plumbing services;

16 (vi) is guilty of an unfair or deceptive trade practice, as defined in §
17 13–301 of the Commercial Law Article;

18 (vii) fails to train and control adequately any person who, while under
19 the direction and control of the master plumber or holder of a limited master plumber
20 license, sells or gives estimates for providing plumbing services or provides or assists in
21 providing plumbing services;

22 (viii) fails to maintain the liability insurance required under § 12–501
23 of this title for a master plumber, holder of a limited master plumber license who contracts
24 to provide plumbing services on behalf of the master plumber, holder of a limited master
25 plumber license, or another, holder of a propane gas fitter certificate, or holder of a master
26 natural gas fitters license;

27 (ix) is guilty of violating § 12–605 of this title;

28 (x) as the holder of a limited license, propane gas fitter certificate,
29 master natural gas fitters license, journey plumber license, journeyman natural gas fitters
30 license, apprentice plumber license, or apprentice natural gas fitters license, performs
31 plumbing, propane gas fitting, or natural gas fitting services outside the scope of that
32 license;

1 (xi) knowingly allows or permits another licensee to perform
2 plumbing, propane gas fitting, or natural gas fitting services outside the scope of that
3 individual's license;

4 (xii) violates any other provision of this title; or

5 (xiii) violates any regulation adopted under this title.

6 **(c) THE BOARD MAY NOT DENY A LICENSE TO ANY APPLICANT, REPRIMAND**
7 **ANY LICENSEE, OR SUSPEND OR REVOKE A LICENSE ON THE GROUND THAT THE**
8 **APPLICANT OR LICENSEE HAS BEEN CONVICTED OF A NONVIOLENT CRIME**
9 **INVOLVING A CONTROLLED DANGEROUS SUBSTANCE, PRESCRIPTION DRUG, OR**
10 **OTHER SUBSTANCE UNDER TITLE 5 OF THE CRIMINAL LAW ARTICLE OR THE LAWS**
11 **OF THE UNITED STATES OR OF ANY OTHER STATE.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2015.