

SENATE BILL 954

C2

6lr1847
CF HB 1568

By: **Senator Klausmeier**

Introduced and read first time: February 5, 2016

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2016

CHAPTER _____

1 AN ACT concerning

2 **State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration**
3 **Contractors – Maintenance Technician – License Requirements**

4 FOR the purpose of establishing the qualifications for a maintenance technician license to
5 be issued by the State Board of Heating, Ventilation, Air-Conditioning, and
6 Refrigeration Contractors; establishing a certain fee for the issuance or renewal of a
7 maintenance technician license; limiting the subjects on a certain examination for a
8 certain license; authorizing the Board to waive certain examination requirements for
9 certain individuals who are licensed in another state to provide certain services
10 under certain circumstances; requiring the Board to send a certain notice to a certain
11 applicant under certain circumstances; providing that a licensed maintenance
12 technician need not obtain separate insurance while providing or assisting in the
13 providing of certain services under certain circumstances; prohibiting an individual
14 from exclusively providing general maintenance services on certain systems without
15 a certain license; defining certain terms; altering the definition of a certain term; and
16 generally relating to license requirements for a maintenance technician license.

17 BY repealing and reenacting, with amendments,

18 Article – Business Regulation

19 Section 9A-101, 9A-207, 9A-302, 9A-304, 9A-305, 9A-308, 9A-402, and 9A-501

20 Annotated Code of Maryland

21 (2015 Replacement Volume and 2015 Supplement)

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

23 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Business Regulation

1
2 9A–101.

3 (a) In this title the following words have the meanings indicated.

4 (b) “Board” means the State Board of Heating, Ventilation, Air–Conditioning, and
5 Refrigeration Contractors.

6 (c) “Contractor” means a heating, ventilation, air–conditioning, and refrigeration
7 contractor.

8 (d) (1) “Cooling system” means a system in which heat is removed from air,
9 surrounding surfaces, or both.

10 (2) “Cooling system” includes an air–conditioning system.

11 (e) “Forced air system” means a heating system that uses air being moved by
12 mechanical means to transmit heat.

13 (f) (1) “Heating system” means a system in which heat is transmitted by
14 radiation, conduction, or convection, or a combination of any of these methods, to the air,
15 surrounding surfaces, or both.

16 (2) “Heating system” does not include a fireplace or woodburning stove not
17 incorporated into or used as a primary heating system.

18 (g) “Heating, ventilation, air–conditioning, and refrigeration contractor” means
19 an individual who provides heating, ventilation, air–conditioning, or refrigeration services.

20 (h) “Hydronic system” means a heating and cooling system using liquids or steam
21 to transmit or remove heat.

22 (i) “Independent agency” means an office, commission, board, department, or
23 agency established as an independent unit of government that may receive budgetary or
24 administrative support from the federal, State, or local government.

25 (j) “Journeyman license” means a license issued by the Board to provide heating,
26 ventilation, air–conditioning, and refrigeration services while under the direction and
27 control of a licensed contractor.

28 (k) “Journeyman restricted license” means a license issued by the Board to
29 provide heating, ventilation, air–conditioning, and refrigeration services while under the
30 direction and control of a licensed contractor, in only one of the following areas:

31 (1) heating – forced air systems;

1 (2) heating – hydronic systems;

2 (3) ventilation;

3 (4) air–conditioning; or

4 (5) refrigeration.

5 (l) (1) “License” means, unless the context requires otherwise, a license issued
6 by the Board to provide or to assist in providing heating, ventilation, air–conditioning, or
7 refrigeration services.

8 (2) “License” includes, unless the context requires otherwise:

9 (i) a master license;

10 (ii) a master restricted license;

11 (iii) a limited license;

12 (iv) a journeyman license;

13 (v) a journeyman restricted license; [and]

14 (VI) A MAINTENANCE TECHNICIAN LICENSE; AND

15 [(vi)] (VII) an apprentice license.

16 (m) “Licensed apprentice” means an individual who is licensed by the Board to
17 assist in providing heating, ventilation, air–conditioning, or refrigeration services while:

18 (1) under the direction and control of a licensed contractor; and

19 (2) in training to become a journeyman.

20 (n) “Licensed contractor” means a contractor who is licensed by the Board to
21 provide heating, ventilation, air–conditioning, or refrigeration services, but does not
22 include a licensed apprentice or licensed journeyman.

23 (o) **“LICENSED MAINTENANCE TECHNICIAN” MEANS AN INDIVIDUAL WHO IS**
24 **LICENSED BY THE BOARD TO PROVIDE GENERAL PREVENTIVE MAINTENANCE**
25 **UNDER THE SUPERVISION OF A LICENSED JOURNEYMAN ON EQUIPMENT FOR**
26 **HEATING SYSTEMS, VENTILATION SYSTEMS, COOLING SYSTEMS, AND**
27 **REFRIGERATION SYSTEMS AS PRESCRIBED BY THE MANUFACTURER OF THE**
28 **EQUIPMENT AND BY INDUSTRY GUIDELINES.**

1 ~~(P)~~ **(P)** “Limited license” means a license issued by the Board exclusively to
 2 maintain or repair one or more of the following: heating systems, cooling systems,
 3 refrigeration systems, ventilation systems, or hydronic systems.

4 ~~(P)~~ ~~“LICENSED MAINTENANCE TECHNICIAN” MEANS AN INDIVIDUAL WHO IS~~
 5 ~~LICENSED BY THE BOARD TO PROVIDE GENERAL PREVENTIVE MAINTENANCE~~
 6 ~~UNDER THE SUPERVISION OF A LICENSED JOURNEYMAN ON EQUIPMENT FOR~~
 7 ~~HEATING SYSTEMS, VENTILATION SYSTEMS, COOLING SYSTEMS, AND~~
 8 ~~REFRIGERATION SYSTEMS AS PRESCRIBED BY THE MANUFACTURER OF THE~~
 9 ~~EQUIPMENT AND BY INDUSTRY GUIDELINES.~~

10 **(Q)** “MAINTENANCE TECHNICIAN LICENSE” MEANS A LICENSE ISSUED BY
 11 THE BOARD TO PROVIDE GENERAL PREVENTIVE MAINTENANCE UNDER THE
 12 SUPERVISION OF A LICENSED JOURNEYMAN ON EQUIPMENT FOR HEATING SYSTEMS,
 13 VENTILATION SYSTEMS, COOLING SYSTEMS, AND REFRIGERATION SYSTEMS AS
 14 PRESCRIBED BY THE MANUFACTURER OF THE EQUIPMENT AND BY INDUSTRY
 15 GUIDELINES.

16 **[(p)] (R)** “Master license” means a license issued by the Board to provide heating,
 17 ventilation, air-conditioning, or refrigeration services.

18 **[(q)] (S)** “Master restricted license” means a license issued by the Board to
 19 provide services in only one of the following areas:

- 20 (1) heating – forced air systems;
- 21 (2) heating – hydronic systems;
- 22 (3) ventilation;
- 23 (4) air-conditioning; or
- 24 (5) refrigeration.

25 **(T) (1)** “PROVIDE GENERAL PREVENTIVE MAINTENANCE” MEANS THE
 26 SYSTEMATIC INSPECTION, DETECTION, AND CORRECTION PERFORMED ON A PIECE
 27 OF WORKING EQUIPMENT TO LESSEN THE LIKELIHOOD OF BREAKDOWN OR
 28 FAILURE.

29 **(2)** “PROVIDE GENERAL PREVENTIVE MAINTENANCE” DOES NOT
 30 INCLUDE THE REPLACEMENT, ALTERATION, OR MODIFICATION OF EQUIPMENT OR
 31 CONTROLS ON A PIECE OF EQUIPMENT.

1 **[(r)] (U)** “Provide heating, ventilation, air–conditioning, or refrigeration
2 services” means to install, maintain, alter, remodel, or repair heating systems, cooling
3 systems, refrigeration systems, ventilation systems, or hydronic systems.

4 **[(s)] (V)** “Refrigeration system” means a system used to cool a surface or area
5 below 55 degrees Fahrenheit or 12.9 degrees Celsius.

6 **[(t)] (W)** “Self–contained appliance” means a heating, ventilation,
7 air–conditioning, or refrigeration device that is designed and manufactured:

- 8 (1) with its component parts contained within a single chassis;
- 9 (2) with a standard factory–installed electrical line cord that requires a
10 plug–in device;
- 11 (3) with no additional external fuel source; and
- 12 (4) independent of an air distribution system.

13 **[(u)] (X)** “Subdivision of the State” means any of the 23 counties in Maryland,
14 the City of Baltimore, and any municipal corporation.

15 **[(v)] (Y)** “Ventilation system” means the natural or mechanical process of
16 supplying air to, or removing air from, any space:

- 17 (1) whether the air is conditioned or is not conditioned; and
- 18 (2) at a rate of airflow of more than 250 cubic feet per minute.

19 9A–207.

20 (a) Subject to subsections (b) and (c) of this section, the Board may set reasonable
21 fees for its services.

22 (b) Except as provided in subsection (c) of this section, revenues generated by the
23 Board shall be at least equal to expenses incurred by the Board.

24 (c) The Board shall require the following fees for the issuance or renewal of the
25 following licenses:

- 26 (1) master license – \$75;
- 27 (2) master restricted license – \$25 for each area licensed;
- 28 (3) limited license – \$75;

1 (4) journeyman license – \$20; [and]

2 (5) MAINTENANCE TECHNICIAN LICENSE – ~~\$40~~ \$20; AND

3 [(5)] (6) apprentice license – \$10.

4 (d) The Board shall pay all money collected under this title into the General Fund
5 of the State.

6 9A–302.

7 (a) To qualify for an apprentice, MAINTENANCE TECHNICIAN, journeyman,
8 journeyman restricted, master, master restricted, or limited license, an applicant shall
9 meet the requirements of this section.

10 (b) An applicant for a master heating, ventilation, air–conditioning, and
11 refrigeration contractor license shall:

12 (1) have been regularly and principally employed in providing heating,
13 ventilation, air–conditioning, or refrigeration services under a journeyman, journeyman
14 restricted, limited, or master restricted license for not less than 3 years of active experience
15 under the direction and control of a master heating, ventilation, air–conditioning, and
16 refrigeration contractor and have been so employed for not less than 1,875 hours in the
17 year prior to application; and

18 (2) pass an examination administered by the Board.

19 (c) An applicant for a master restricted heating, ventilation, air–conditioning,
20 and refrigeration contractor license shall:

21 (1) have been regularly and principally employed in providing
22 refrigeration, air–conditioning, forced air heating, hydronic heating, or ventilation services
23 under a journeyman, journeyman restricted, limited, or master restricted license for not
24 less than 3 years of active experience under the direction and control of a master or master
25 restricted heating, ventilation, air–conditioning, and refrigeration contractor and have
26 been so employed for not less than 1,875 hours in the year prior to application; and

27 (2) pass an examination administered by the Board.

28 (d) An applicant for a limited heating, ventilation, air–conditioning, and
29 refrigeration license shall:

30 (1) have been regularly and principally employed in providing forced air
31 heating, hydronic heating, ventilation, air–conditioning, or refrigeration services under a
32 journeyman license for not less than 2 years of active experience under the direction and
33 control of the holder of a master, master restricted, or limited license under this title, and
34 have been so employed for not less than 1,000 hours in the year prior to application; and

1 (2) pass an examination administered by the Board.

2 (e) An applicant for a journeyman license shall:

3 (1) have held, for a period of at least 3 years, an apprentice license, and
4 during that period shall have completed at least 1,875 hours of training in providing
5 heating, ventilation, air-conditioning, and refrigeration services under the direction and
6 control of a licensed contractor; and

7 (2) pass an examination administered by the Board.

8 (f) An applicant for a journeyman restricted license shall:

9 (1) have held, for a period of at least 3 years, an apprentice license, and
10 during that period shall have completed at least 1,875 hours of training in providing forced
11 air heating, hydronic heating, ventilation, air-conditioning, or refrigeration services under
12 the direction and control of a licensed contractor; and

13 (2) pass an examination administered by the Board.

14 **(G) AN APPLICANT FOR A MAINTENANCE TECHNICIAN LICENSE SHALL:**

15 **(1) HAVE BEEN REGULARLY EMPLOYED IN PROVIDING GENERAL**
16 **PREVENTIVE MAINTENANCE ON EQUIPMENT FOR HEATING SYSTEMS, VENTILATION**
17 **SYSTEMS, COOLING SYSTEMS, AND REFRIGERATION SYSTEMS FOR NOT LESS THAN 2**
18 **YEARS OF ACTIVE EXPERIENCE UNDER THE DIRECTION AND CONTROL OF A**
19 **LICENSED CONTRACTOR UNDER THIS TITLE OR IN THE ARMED FORCES OF THE**
20 **UNITED STATES, AND HAVE BEEN SO EMPLOYED FOR NOT LESS THAN 3,750 HOURS**
21 **IN THE 2 YEARS PRIOR TO THE APPLICATION;**

22 **(2) BE ENROLLED IN AT LEAST THE SECOND YEAR OF AN APPRENTICE**
23 **PROGRAM APPROVED BY THE BOARD, OR HAVE DOCUMENTED TRAINING THROUGH**
24 **AN INDUSTRY TRAINING PROGRAM DESIGNED FOR HEATING, VENTILATION,**
25 **AIR-CONDITIONING, AND REFRIGERATION EQUIPMENT MAINTENANCE APPROVED**
26 **BY THE BOARD; AND**

27 **(3) PASS AN EXAMINATION ADMINISTERED BY THE BOARD.**

28 **[(g)] (H)** (1) The Board may credit not more than 3 years of formal course of
29 study or professional training in heating, ventilation, air-conditioning, or refrigeration
30 services if, in the opinion of the Board, the study or training provided comparable
31 experience.

32 (2) The Board may credit not more than 6 years of work experience in
33 heating, ventilation, air-conditioning, or refrigeration services that fails to meet the

1 requirements of subsection (b)(1), (c)(1), (d)(1), (e)(1), [or] (f)(1), **OR (G)(1)** of this section if,
2 in the opinion of the Board:

3 (i) the work provided comparable experience; and

4 (ii) the failure of the applicant to meet the requirements is not
5 attributable to fault or neglect on the part of the applicant.

6 (3) The Board shall credit not more than 3 years of work experience in
7 heating, ventilation, air-conditioning, or refrigeration services to any applicant under this
8 section who has been teaching formal courses of study in heating, ventilation,
9 air-conditioning, or refrigeration services for purposes of satisfying the requirements of
10 subsections (b)(1), (c)(1), (d)(1), (e)(1), [or] (f)(1), **OR (G)(1)** of this section.

11 9A-304.

12 (a) An applicant who otherwise qualifies for a license is entitled to be examined
13 as provided in this section.

14 (b) The Board shall offer examinations to applicants at least twice annually, at
15 places within the State and at times that the Board determines.

16 (c) The Board shall send written notice of the date, hour, and place of examination
17 to each applicant for a license who is required to pass the examination.

18 (d) (1) The Board shall determine the subjects, scope, and form of and the
19 passing score for examinations given under this title.

20 (2) The Board shall provide examination questions that test the
21 competency and qualifications of the applicant.

22 (e) An applicant for a master restricted, journeyman restricted, or limited
23 heating, ventilation, air-conditioning, and refrigeration contractor license **OR A**
24 **MAINTENANCE TECHNICIAN LICENSE** shall be examined only on subjects in which the
25 applicant has the experience required under § 9A-302 of this subtitle.

26 (f) To take an examination, an applicant shall pay to the Board or a testing
27 service chosen by the Board the examination fee set by the Board in an amount not to
28 exceed the cost of the examination.

29 (g) (1) The Board may use a testing service to administer the examinations
30 given under this title.

31 (2) If the Board uses a testing service, the testing service, subject to
32 requirements set by the Board, may:

33 (i) set the time and place of examinations;

1 (ii) give qualified applicants notice of the time and place of
2 examinations; and

3 (iii) furnish any other information that the Board may require the
4 testing service to provide.

5 9A-305.

6 (a) Subject to the limitations in subsections (b) and (c) of this section, on the
7 affirmative vote of at least a majority of the authorized membership of the Board, the Board
8 may waive the examination requirements of this title for an individual who is licensed in
9 another state to provide heating, ventilation, air-conditioning, or refrigeration services as
10 a **MAINTENANCE TECHNICIAN OR A** journeyman, journeyman restricted, master, master
11 restricted, or limited heating, ventilation, air-conditioning, and refrigeration contractor.

12 (b) The Board may grant a waiver under this section only if the applicant:

13 (1) pays the appropriate application fee required by § 9A-207 of this title;
14 and

15 (2) provides adequate evidence that the applicant:

16 (i) meets the qualifications otherwise required by this title;

17 (ii) holds an active license in good standing in the other state;

18 (iii) holds a license that is equivalent to the State license; and

19 (iv) became licensed in the other state after meeting, in that state,
20 requirements that are at least equivalent to the licensing requirements of this State,
21 including the number of years of work experience equivalent to the experience required
22 under § 9A-302(b), (c), and (d) of this subtitle.

23 (c) The Board may grant a waiver only if the state in which the applicant is
24 licensed waives the examination of licensees of this State to a similar extent as this State
25 waives the examination requirements for individuals licensed in that state.

26 (d) (1) In this subsection, "BRAC" means the Base Realignment and Closure
27 process as announced by the United States Department of Defense.

28 (2) Notwithstanding the provisions of subsections (a), (b), and (c) of this
29 section, the Board shall grant a waiver to an applicant who files a request before July 1,
30 2012, if the applicant:

31 (i) pays the appropriate application fee required under § 9A-207 of
32 this title;

1 (ii) holds an active Virginia license in good standing that is
2 equivalent to the State license;

3 (iii) has experience in the provision of heating, ventilation,
4 air-conditioning, or refrigeration services that meets the time requirements of § 9A-302 of
5 this subtitle; and

6 (iv) has relocated to the State as a family member of a BRAC
7 employee.

8 9A-308.

9 (a) If an applicant passes the examination required by the Board and otherwise
10 qualifies for a master, master restricted, or limited heating, ventilation, air-conditioning,
11 and refrigeration contractor license under this title, the Board shall send the applicant a
12 notice that states:

13 (1) the applicant has qualified for the license; and

14 (2) the Board will issue the license to an applicant on receipt of:

15 (i) proof of insurance as required under § 9A-402 of this title; and

16 (ii) a license fee established by the Board.

17 (b) If an applicant passes the examination required by the Board and otherwise
18 qualifies for a **MAINTENANCE TECHNICIAN LICENSE**, journeyman license, or journeyman
19 restricted license under this title, the Board shall send the applicant a notice that states:

20 (1) the applicant has qualified for the license; and

21 (2) the Board will issue the license to an applicant on receipt of a license
22 fee established by the Board.

23 9A-402.

24 (a) A holder of a master, master restricted, or limited heating, ventilation,
25 air-conditioning, and refrigeration license may not contract to provide services on behalf of
26 the licensee, or another person who provides heating, ventilation, air-conditioning, or
27 refrigeration services, unless the work of the licensee, including completed operations, is
28 covered by:

29 (1) general liability insurance in the amount of at least \$300,000; and

30 (2) property damage insurance in the amount of at least \$100,000.

1 (b) (1) The insurance required under this section may be bought:

2 (i) by a holder of a master, master restricted, or limited heating,
3 ventilation, air-conditioning, and refrigeration license; or

4 (ii) by the person who engages in the business of providing heating,
5 ventilation, air-conditioning, or refrigeration services and employs the holder of the
6 master, master restricted, or limited license.

7 (2) The insurance requirement of this section is not meant for work that a
8 master, master restricted, or limited license holder does outside the scope of employment
9 for the person who carries the insurance.

10 (c) (1) A licensed apprentice, **LICENSED MAINTENANCE TECHNICIAN**,
11 licensed journeyman, or licensed journeyman restricted in the employ of a master, master
12 restricted, or limited licensee need not obtain separate insurance while providing or
13 assisting in providing heating, ventilation, air-conditioning, or refrigeration services under
14 the control and supervision of the licensee.

15 (2) Subject to the restrictions of § 9A-309 of this title regarding inactive
16 status, inactive licensees who have had their inactive status approved by the Board need
17 not obtain insurance while maintaining inactive status.

18 (d) (1) An applicant for any license under this title shall submit proof of the
19 insurance required under this section to the Board with the license application.

20 (2) Unless the applicant submits proof of insurance, the Board may not
21 issue any license to an applicant to whom the insurance requirements of this section apply.

22 (e) Unless an applicant meets the insurance requirements of this section, the
23 Board may not renew any license of the applicant to whom the insurance requirements of
24 this section apply.

25 (f) A holder of a master, master restricted, or limited license shall give the Board
26 notice of the cancellation of insurance at least 10 days before the effective date of the
27 cancellation.

28 (g) If a county, municipal corporation, special taxing district, or other political
29 subdivision requires a master, master restricted, or limited heating, ventilation,
30 air-conditioning, and refrigeration license holder, or other person who engages in the
31 business of providing heating, ventilation, air-conditioning, and refrigeration services, to
32 execute a surety bond under local heating, ventilation, air-conditioning, and refrigeration
33 requirements, the person may satisfy the bond requirement by submitting proof of the
34 insurance required under this section.

35 (h) The Board shall specify on each license whether the license holder meets the
36 insurance requirements of this section.

1 9A-501.

2 (a) Except as otherwise provided in this title, an individual may not provide,
3 attempt to provide, or offer to provide heating, ventilation, air-conditioning, or
4 refrigeration services unless issued a master license by the Board.

5 (b) Except as otherwise provided in this title, an individual may not assist,
6 attempt to assist, or offer to assist in providing heating, ventilation, air-conditioning, or
7 refrigeration services unless issued a master restricted license by the Board.

8 (c) Except as otherwise provided in this title, an individual may not exclusively
9 maintain or repair heating systems, cooling systems, refrigeration systems, ventilation
10 systems, or hydronic systems in the State unless issued a limited license by the Board.

11 (D) **EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE OR UNDER AN**
12 **EXISTING COLLECTIVE BARGAINING AGREEMENT, AN INDIVIDUAL MAY NOT**
13 **PROVIDE, ATTEMPT TO PROVIDE, OR OFFER TO PROVIDE GENERAL PREVENTATIVE**
14 **MAINTENANCE ON HEATING SYSTEMS, COOLING SYSTEMS, REFRIGERATION**
15 **SYSTEMS, OR VENTILATION SYSTEMS IN THE STATE UNLESS ISSUED A**
16 **MAINTENANCE TECHNICIAN LICENSE BY THE BOARD.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.