

Chapter 343

(House Bill 67)

AN ACT concerning

Maryland Plumbing Act – Non–Water–Conserving Fixtures and Devices – Repeal of Criminal Penalties for Sale or Installation

FOR the purpose of repealing certain criminal penalties for a violation of certain prohibitions against selling or installing a certain plumbing–related fixture or other device that is not water–conserving; and generally relating to the sale and installation of plumbing–related fixtures and devices.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 12–101(a) and (d), 12–605, and 12–607(d)
Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 12–607(b)
Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

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

Article – Business Occupations and Professions

12–101.

- (a) In this title the following words have the meanings indicated.
- (d) “Board” means the State Board of Plumbing.

12–605.

(a) (1) A person may not install a plumbing fixture or other device that does not meet the standards for approval as set out in the State Plumbing Code or any applicable local plumbing code.

(2) A person may not sell or install a fixture or other device that does not limit water consumption in accordance with the standards adopted by the Board.

- (b) Subject to subsection (c) of this section, each local plumbing inspector shall

enforce the prohibition against the installation of a plumbing fixture that is not water-conserving under the State Plumbing Code or any applicable local plumbing code to ensure that the capacity for waste water treatment of municipal sewage treatment facilities and private on-site wastewater disposal systems is not exceeded.

(c) Enforcement of this section may be suspended for a specified period if a local plumbing inspector determines that:

(1) there is an inadequate supply of fixtures and devices that are required by and meet the standards for approval as set out in the State Plumbing Code or any applicable local plumbing code;

(2) the configuration of a drainage system for a building requires a greater quantity of water to flush the system adequately than is delivered by fixtures and devices that are required by and meet the standards for approval as set out in the State Plumbing Code or any applicable local plumbing code; or

(3) historic restoration would be affected adversely.

12-607.

(b) **(1)** A person who violates any provision of the following sections of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 or imprisonment not exceeding 6 months or both for each day or part of each day that the violation continues:

[(1)] (I) § 12-601;

[(2)] (II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, § 12-605; and

[(3)] (III) § 12-606.

(2) THIS SUBSECTION DOES NOT APPLY TO A VIOLATION OF ANY PROHIBITION ON THE SALE OR INSTALLATION OF A FIXTURE OR OTHER DEVICE THAT IS NOT WATER-CONSERVING.

(d) (1) In addition to any other penalties under this title, the Board may impose on a person who violates any provision of this subtitle a penalty not exceeding \$5,000 for each violation.

(2) In setting the amount of the penalty, the Board shall consider:

(i) the gravity of the violation;

- (ii) the good faith of the violator;
- (iii) the quantity and gravity of previous violations by the same violator;
- (iv) the harm caused to the complainant, the public, and the plumbing profession;
- (v) the assets of the violator; and
- (vi) any other factors that the Board considers relevant.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.