

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 67
Economic Matters

(Delegate J. Lewis)

Finance

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

This bill excludes violations related to the prohibited sale or installation of a device that is not water-conserving from existing criminal penalties in the Maryland Plumbing Act. Civil penalties in the Act continue to apply.

Fiscal Summary

State Effect: No effect, as discussed below.

Local Effect: No effect, as discussed below.

Small Business Effect: None.

Analysis

Current Law: 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 State Board of Plumbing. A violation is a misdemeanor and subject to a maximum penalty of a \$100 fine and/or six months imprisonment for each day or part of each day that the violation continues. In addition to this or any other penalty in the Maryland Plumbing Act, the board may impose a civil penalty of up to \$5,000 for each violation of the Act.

Background: The State Board of Plumbing regulates the plumbing industry throughout most of Maryland, but it lacks jurisdiction in Baltimore County as well as in areas of Montgomery and Prince George's counties under the jurisdiction of the Washington Suburban Sanitary Commission. Generally, plumbing fixtures, or other plumbing devices,

must meet standards established in the State Plumbing Code or any applicable local plumbing code.

State/Local Effect: Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or a State correctional facility. Persons serving a sentence longer than 18 months are incarcerated in State correctional facilities.

However, the Department of Labor, Licensing, and Regulation advises that it has not imposed any penalties (criminal or civil) in the past five years for the sale or installation devices that are not water-conserving. The department also advises that devices that are not water-conserving are not commercially available because they do not comply with federal standards, so it does not anticipate imposing penalties in the future. Therefore, excluding these actions from criminal penalty provisions does not affect State or local finances or operations.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Labor, Licensing, and Regulation; Department of Legislative Services

Fiscal Note History: First Reader - January 11, 2018
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