

SENATE BILL 33

C2

9lr0679

(PRE-FILED)

By: **Senator McCray**

Requested: October 9, 2018

Introduced and read first time: January 9, 2019

Assigned to: Education, Health, and Environmental Affairs

Reassigned: Finance, January 10, 2019

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2019

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Home Inspectors – Residential Rental Inspections**

3 FOR the purpose of prohibiting a licensed home inspector from making certain
4 certifications relating to pests as part of a residential rental inspection in Baltimore
5 City unless the home inspector has a certain certification; prohibiting a licensed
6 home inspector from making certain certifications relating to electrical systems as
7 part of a residential rental inspection in Baltimore City unless the home inspector
8 has completed certain training; requiring certain training to be in addition to certain
9 home inspector training; providing that certain criminal penalties do not apply to a
10 violation of this Act; and generally relating to residential rental inspections in
11 Baltimore City.

12 BY repealing and reenacting, without amendments,
13 Article – Agriculture
14 Section 5–201(k) and 5–207(a)
15 Annotated Code of Maryland
16 (2016 Replacement Volume and 2018 Supplement)

17 BY adding to
18 Article – Business Occupations and Professions
19 Section 16–703.2
20 Annotated Code of Maryland
21 (2018 Replacement Volume)

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.



1 BY repealing and reenacting, with amendments,
2 Article – Business Occupations and Professions
3 Section 16–706
4 Annotated Code of Maryland
5 (2018 Replacement Volume)

6 BY repealing and reenacting, without amendments,
7 Article – Business Occupations and Professions
8 Section 16–707
9 Annotated Code of Maryland
10 (2018 Replacement Volume)

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

13 **Article – Agriculture**

14 5–201.

15 (k) “Pest control consultant” means a person who engages in the business of:

16 (1) Offering or supplying technical advice or supervision;

17 (2) Inspecting for or identifying pests; or

18 (3) Recommending the use of a specific pesticide for the purpose of
19 controlling a pest in or on water, air, land, plants, structures, or animals.

20 5–207.

21 (a) Each pest control consultant, pest control applicator, or public agency
22 applicator shall obtain an annual certificate indicating competence in one or more
23 established categories from the Secretary. Each private applicator shall obtain a certificate
24 which shall require periodic renewal as determined by the Secretary.

25 **Article – Business Occupations and Professions**

26 **16–703.2.**

27 **(A) THIS SECTION APPLIES ONLY IN BALTIMORE CITY.**

28 **(B) A LICENSED HOME INSPECTOR CONDUCTING AN INSPECTION OF A**
29 **RENTAL DWELLING UNDER ARTICLE 13, § 5–7 OF THE BALTIMORE CITY CODE MAY**
30 **NOT MAKE A CERTIFICATION AS A PART OF THAT INSPECTION RELATING TO:**

1 **(1) THE PRESENCE OR IDENTIFICATION OF PESTS, UNLESS THE HOME**
2 **INSPECTOR IS CERTIFIED AS A PEST CONTROL CONSULTANT, PEST CONTROL**
3 **APPLICATOR, OR PUBLIC AGENCY APPLICATOR UNDER § 5-207 OF THE**
4 **AGRICULTURE ARTICLE; OR**

5 **(2) THE DWELLING'S ELECTRICAL SYSTEM, UNLESS THE HOME**
6 **INSPECTOR HAS COMPLETED A MINIMUM OF 8 HOURS OF TRAINING IN ELECTRICAL**
7 **SYSTEMS CERTIFIED BY THE BALTIMORE CITY HOUSING COMMISSIONER.**

8 **(C) THE ELECTRICAL TRAINING REQUIRED UNDER SUBSECTION (B)(2) OF**
9 **THIS SECTION SHALL BE IN ADDITION TO THE TRAINING REQUIRED UNDER**
10 **SUBTITLE 3A OF THIS TITLE.**

11 16-706.

12 (a) **[A] EXCEPT FOR A VIOLATION OF § 16-703.2 OF THIS SUBTITLE,** A person
13 who violates any provision of this title is guilty of a misdemeanor and on conviction is
14 subject to a fine not exceeding \$5,000 or imprisonment not exceeding 1 year or both.

15 (b) (1) The Commission may impose on a person who violates any provision of
16 this title a penalty not exceeding \$5,000 for each violation.

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

18 (i) the seriousness of the violation;

19 (ii) the harm caused by the violation;

20 (iii) the good faith of the violator;

21 (iv) any history of previous violations by the violator; and

22 (v) any other relevant factors.

23 (3) The Commission shall pay any penalty collected under this subsection
24 into the General Fund of the State.

25 16-707.

26 (a) The Commission may impose on a person who violates this title a civil penalty
27 not exceeding \$5,000 for each violation, whether or not the person is licensed or holds a
28 certificate under this title.

29 (b) In setting the amount of a civil penalty, the Commission shall consider:

30 (1) the seriousness of the violation;

- 1 (2) the good faith of the violator;
- 2 (3) any previous violations;
- 3 (4) the harmful effect of the violation on the complainant, the public, and
- 4 the business of home inspections or real estate appraisals;
- 5 (5) the assets of the violator; and
- 6 (6) any other relevant factors.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

8 October 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.