

# SENATE BILL 298

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(PRE-FILED)

4r0269

CF 4r0270

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By: **Chair, Education, Energy, and the Environment Committee (By Request – Departmental – Labor)**

Requested: September 19, 2023

Introduced and read first time: January 10, 2024

Assigned to: Education, Energy, and the Environment

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Electricians – Licensing – Penalties**

3 FOR the purpose of authorizing the State Board of Electricians to impose a civil monetary  
4 penalty instead of or in addition to reprimanding a licensee or suspending or  
5 revoking a license for certain violations; requiring the Board to consider certain  
6 factors to determine the amount of a penalty imposed under this Act; and generally  
7 relating to the State Board of Electricians.

8 BY repealing and reenacting, with amendments,  
9 Article – Business Occupations and Professions  
10 Section 6–316  
11 Annotated Code of Maryland  
12 (2018 Replacement Volume and 2023 Supplement)

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

15 **Article – Business Occupations and Professions**

16 6–316.

17 (a) **(1)** Subject to the hearing provisions of § 6–317 of this subtitle, the State  
18 Board may deny a State license to any applicant, reprimand any State licensee, or suspend  
19 or revoke a State license if the applicant or State licensee:

20 **[(1)] (I)** fraudulently or deceptively obtains or attempts to obtain a State  
21 license for the applicant, State licensee, or another person;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1            [(2)] (II) fraudulently or deceptively uses a State license;

2            [(3)] (III) transfers the authority granted by a State license to another  
3 person;

4            [(4)] (IV) engages in an unfair or deceptive trade practice, as defined in §  
5 13–301 of the Commercial Law Article;

6            [(5)] (V) willfully or deliberately disregards and violates a building code,  
7 electrical code, or law of the State or a local jurisdiction;

8            [(6)] (VI) under the laws of the United States or of any state, is convicted  
9 of:

10            [(i)] 1. a felony; or

11            [(ii)] 2. a misdemeanor that is directly related to the fitness and  
12 qualification of the applicant or licensee to provide electrical services;

13            [(7)] (VII) aids or abets a person to evade a provision of this title;

14            [(8)] (VIII) willfully or deliberately disregards disciplinary action taken by a  
15 local jurisdiction against the individual in connection with the provision of electrical  
16 services;

17            [(9)] (IX) fails in a material respect to comply with a provision of this title;

18            [(10)] (X) fails to train and control adequately a person who, while under  
19 the supervision of the State licensee, sells or estimates electrical work or provides or assists  
20 in providing electrical services;

21            [(11)] (XI) fails to maintain a local registration, if required, under § 6–601  
22 of this title;

23            [(12)] (XII) fails to maintain the general liability and property damage  
24 insurance required under § 6–604 of this title;

25            [(13)] (XIII) offers or provides electrical services outside the scope of the  
26 license held by the licensee;

27            [(14)] (XIV) permits another licensee employed by the individual to provide  
28 electrical services outside the scope of that individual's license;

29            [(15)] (XV) without justification, fails to perform a contract or abandons a  
30 project to provide electrical services;

1            [(16)] (XVI) provides electrical services that are inadequate or incomplete,  
2 according to the terms of a contract or a project;

3            [(17)] (XVII) directly or indirectly publishes an advertisement relating to the  
4 provision of electrical services that contains a representation or statement that is false,  
5 deceptive, or misleading;

6            [(18)] (XVIII) certifies on a license renewal application that the  
7 continuing education requirement of license renewal has been completed if the licensee has  
8 not fully completed the continuing education requirement at the time the license renewal  
9 application is submitted;

10           [(19)] (XIX) violates any other provision of this title; or

11           [(20)] (XX) violates any regulation adopted under this title.

12           **(2) (I) INSTEAD OF OR IN ADDITION TO REPRIMANDING A**  
13 **LICENSEE OR SUSPENDING OR REVOKING A LICENSE UNDER THIS SUBSECTION, THE**  
14 **BOARD MAY IMPOSE A CIVIL PENALTY NOT EXCEEDING \$5,000 FOR EACH**  
15 **VIOLATION.**

16           **(II) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED**  
17 **UNDER THIS SUBSECTION, THE BOARD SHALL CONSIDER:**

- 18                    1.    **THE SERIOUSNESS OF THE VIOLATION;**
- 19                    2.    **THE HARM CAUSED BY THE VIOLATION;**
- 20                    3.    **THE GOOD FAITH OF THE LICENSEE; AND**
- 21                    4.    **ANY HISTORY OF PREVIOUS VIOLATIONS BY THE**  
22 **LICENSEE.**

23           **(III) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER**  
24 **THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.**

25           (b)    Allowing a State license to be used by another person is, in a disciplinary  
26 proceeding under this section, prima facie evidence that a State licensee transferred the  
27 authority granted by a State license to another person.

28           (c)    The State Board shall consider the following facts in the granting, denial,  
29 renewal, suspension, or revocation of a State license or the reprimand of a State licensee  
30 when an applicant or State licensee is convicted of a felony or misdemeanor described in  
31 subsection [(a)(6)] **(A)(1)(VI)** of this section:

- 1           (1)    the nature of the crime;
- 2           (2)    the relationship of the crime to the activities authorized by the State  
3 license;
- 4           (3)    with respect to a felony, the relevance of the conviction to the fitness  
5 and qualification of the applicant or State licensee to provide electrical services;
- 6           (4)    the length of time since the conviction; and
- 7           (5)    the behavior and activities of the applicant or State licensee before and  
8 after the conviction.

9           (d)    This section may not be construed to limit the ability of a local board to take  
10 disciplinary action against the holder of a local registration or the holder of a local permit  
11 in that jurisdiction under § 6–103 of this title.

12           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2024.