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**By: Delegate D. Davis**

Introduced and read first time: February 2, 1996

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Plumbing - Backflow Prevention Devices - Training and Examination Required -**  
3 **Installation, Maintenance, and Repair of Devices**

4 FOR the purpose of requiring an individual to successfully complete a training program  
5 and pass an examination before the individual may inspect, test, overhaul, or repair  
6 a backflow prevention device; prohibiting the holder of certain plumbing licenses  
7 from inspecting, testing, overhauling, or repairing a backflow prevention device  
8 unless the license holder has successfully completed the training program and  
9 passed the examination; exempting an individual who has successfully completed  
10 the training program and passed the examination from certain plumbing license  
11 requirements; providing that a supplier of water shall require the owner of each  
12 building that the supplier services to install, test, and maintain certain devices in  
13 compliance with certain standards and, on request, to provide an inventory report of  
14 the devices; requiring certain building owners to install, test, inspect, maintain,  
15 overhaul, and repair certain devices; providing that whenever a supplier of water  
16 determines that a device is deficient, the supplier shall notify the owner of the  
17 building in which the device is located, state the period within which corrective work  
18 is to be completed, and, if the situation is likely to cause an immediate threat to  
19 health and safety by contamination, discontinue service to the affected building  
20 immediately; and generally relating to standards for inspecting, testing, maintaining,  
21 overhauling, and repairing backflow prevention devices and other devices.

22 BY repealing and reenacting, with amendments,  
23 Article - Business Occupations and Professions  
24 Section 12-103(a), 12-307(a) and (b), 12-310(b), and 12-607  
25 Annotated Code of Maryland  
26 (1995 Replacement Volume and 1995 Supplement)

27 BY repealing and reenacting, without amendments,  
28 Article - Business Occupations and Professions  
29 Section 12-301(a)  
30 Annotated Code of Maryland  
31 (1995 Replacement Volume and 1995 Supplement)

32 BY adding to

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1 Article - Business Occupations and Professions  
2 Section 12-301(i), 12-505, and 12-607  
3 Annotated Code of Maryland  
4 (1995 Replacement Volume and 1995 Supplement)

5 BY adding to

6 Article - Environment  
7 Section 9-258  
8 Annotated Code of Maryland  
9 (1993 Replacement Volume and 1995 Supplement)

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

12 **Article - Business Occupations and Professions**

13 12-103.

14 (a) Except as expressly provided in [ §§ 12-305 and 12-307 ] §§ 12-305, 12-307, AND  
15 12-505 of this title, this title does not apply to Baltimore County.

16 12-301.

17 (a) (1) Except as otherwise provided in this title, an individual shall be licensed  
18 by the Board to provide plumbing services before the individual may provide plumbing  
19 services in the State.

20 (2) Except as otherwise provided in this title, an individual shall be licensed  
21 by the Board to provide or to assist in providing plumbing services before the individual  
22 may assist in providing plumbing services in the State.

23 (3) Except as otherwise provided in this title, an individual shall be licensed  
24 by the Board to provide plumbing services or certified by the Board to provide propane  
25 gas services before the individual may provide propane gas services in the State.

26 (I) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO SUCCESSFULLY  
27 COMPLETES A TRAINING PROGRAM AND PASSES A WRITTEN EXAMINATION GIVEN  
28 BY THE STATE BOARD OF PLUMBING UNDER § 12-505 OF THIS TITLE WHILE  
29 INSPECTING, TESTING, OVERHAULING, OR REPAIRING A BACKFLOW PREVENTION  
30 DEVICE WITHIN THE SCOPE OF THE TRAINING.

31 12-307.

32 (a) [While] EXCEPT AS OTHERWISE PROVIDED IN § 12-505 OF THIS TITLE,  
33 WHILE a master plumber license is in effect, it authorizes the licensee to provide  
34 plumbing services.

35 (b) [While] EXCEPT AS OTHERWISE PROVIDED IN § 12-505 OF THIS TITLE,  
36 WHILE a journey plumber license is in effect, it authorizes the licensee to provide  
37 plumbing services only under the direction and control of a master plumber or a holder of  
38 a limited master plumber license.

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1 12-310.

2 (b) (1) [While] EXCEPT AS OTHERWISE PROVIDED IN § 12-505 OF THIS  
3 TITLE, WHILE a limited master plumber license is in effect, it authorizes the licensee to  
4 provide plumbing services only in a specified geographical area of the State.

5 (2) [While] EXCEPT AS OTHERWISE PROVIDED IN § 12-505 OF THIS  
6 TITLE, WHILE a limited journey plumber license is in effect, it authorizes the licensee to  
7 provide plumbing services under the direction and control of a master plumber only in a  
8 specified geographical area of the State.

9 12-505.

10 (A) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO INSTALLS,  
11 ALTERS, REPAIRS, OR REMOVES AN AUTOMATIC SPRINKLER SYSTEM, RELATED  
12 APPARATUS, OR STANDPIPE THAT IS USED ONLY FOR FIRE PROTECTION.

13 (B) THE HOLDER OF A JOURNEY LICENSE, MASTER PLUMBER LICENSE,  
14 LIMITED JOURNEY LICENSE, OR LIMITED MASTER PLUMBER LICENSE MAY NOT  
15 INSPECT, TEST, OVERHAUL, OR REPAIR A BACKFLOW PREVENTION DEVICE UNLESS  
16 THE LICENSE HOLDER COMPLIES WITH THE REQUIREMENTS OF THIS SECTION.

17 (C) AN INDIVIDUAL MAY INSPECT, TEST, OVERHAUL, OR REPAIR A  
18 BACKFLOW PREVENTION DEVICE ONLY IF THE INDIVIDUAL:

19 (1) SUCCESSFULLY COMPLETES A TRAINING PROGRAM AT LEAST ONCE  
20 EVERY 3 YEARS THAT:

21 (I) IS APPROVED BY THE STATE BOARD OF PLUMBING FOR THE  
22 PURPOSE OF CERTIFYING INDIVIDUALS TO INSPECT, TEST, OVERHAUL, OR REPAIR  
23 BACKFLOW PREVENTION DEVICES; AND

24 (II) INCLUDES AT LEAST 32 HOURS OF TRAINING, INCLUDING  
25 CLASSROOM AND PRACTICAL WORK; AND

26 (2) PASSES A PRACTICAL AND WRITTEN EXAMINATION GIVEN BY THE  
27 STATE BOARD OF PLUMBING.

28 12-607.

29 A PERSON MAY NOT INSPECT, TEST, OVERHAUL, OR REPAIR A BACKFLOW  
30 PREVENTION DEVICE UNLESS THE PERSON HAS SUCCESSFULLY COMPLETED THE  
31 TRAINING PROGRAM AND PASSED THE EXAMINATION UNDER § 12-505 OF THIS  
32 TITLE.

33 [12-607.] 12-608.

34 (a) (1) In this subsection, "officer" includes a superintendent, manager, and  
35 agent of a corporation regardless of whether it engages in the business of providing  
36 plumbing services.

37 (2) A person, including an officer, who violates any provision of the  
38 following sections of this subtitle is guilty of a misdemeanor and on conviction is subject  
39 to a fine not exceeding \$50 for each day or part of each day that the violation continues:

4

1 (i) § 12-602;

2 (ii) § 12-603; and

3 (iii) § 12-604.

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

8 (1) § 12-601;

9 (2) § 12-605; [and]

10 (3) § 12-606; AND

11 (4) § 12-607.

12 (c) Any person who knowingly and willfully violates any provision of § 12-501(a)  
13 of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding  
14 \$1,000 or imprisonment not exceeding 6 months or both.

15 **Article - Environment**

16 9-258.

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
18 INDICATED.

19 (2) "BUILDING" MEANS A STRUCTURE:

20 (I) THAT IS CONNECTED TO A PUBLIC WATER SYSTEM; AND

21 (II) FOR WHICH THE STATE OR LOCAL PLUMBING REGULATIONS  
22 REQUIRE THE INSTALLATION OF A DEVICE IN THE WATER DISTRIBUTION SYSTEM.

23 (3) "CROSS-CONNECTION CONTROL" MEANS THE USE OF ASSEMBLIES,  
24 DEVICES, METHODS, AND PROCEDURES TO PREVENT CONTAMINATION OR  
25 POLLUTION OF A POTABLE WATER SUPPLY THROUGH CROSS-CONNECTIONS.

26 (4) "DEVICE" MEANS:

27 (I) A REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER;

28 (II) A DOUBLE CHECK VALVE ASSEMBLY WITH TEST OUTLETS; OR

29 (III) A PRESSURE VACUUM BREAKER.

30 (5) "LICENSE HOLDER" MEANS A HOLDER OF A VALID JOURNEY  
31 PLUMBER LICENSE, MASTER PLUMBER LICENSE, LIMITED JOURNEY PLUMBER  
32 LICENSE, OR LIMITED MASTER PLUMBER LICENSE.

33 (6) "OWNER" MEANS THE PERSON RESPONSIBLE FOR THE  
34 MAINTENANCE OF THE WATER SUPPLY SYSTEM IN A BUILDING.

5

1 (7) "PUBLIC WATER SYSTEM" MEANS A SYSTEM THAT:

2 (I) PROVIDES TO THE PUBLIC PIPED WATER FOR HUMAN  
3 CONSUMPTION; AND

4 (II) 1. HAS AT LEAST 15 SERVICE CONNECTIONS; OR

5 2. REGULARLY SERVES AT LEAST 25 CUSTOMERS.

6 (8) "SUPPLIER OF WATER" MEANS ANY PERSON WHO OWNS OR  
7 OPERATES A PUBLIC WATER SYSTEM.

8 (B) THIS SECTION DOES NOT APPLY TO AREAS THAT ARE UNDER THE  
9 JURISDICTION OF THE WASHINGTON SUBURBAN SANITARY COMMISSION.

10 (C) EACH SUPPLIER OF WATER TO A BUILDING SHALL:

11 (1) AT LEAST ONCE EVERY 24 MONTHS, NOTIFY THE OWNER OF THE  
12 BUILDING IN WRITING THAT A BACKFLOW PREVENTION DEVICE SHALL BE TESTED  
13 AND MAINTAINED IN COMPLIANCE WITH THE STATE PLUMBING CODE AND THE  
14 RULES, REGULATIONS, AND ORDINANCES OF LOCAL WATER AUTHORITIES OR  
15 OTHER GOVERNMENTAL AGENCIES THAT HAVE JURISDICTION OVER BACKFLOW  
16 PREVENTION DEVICES AND CROSS-CONNECTION CONTROL PROGRAMS;

17 (2) REQUIRE THE OWNER OF EACH BUILDING THAT THE PUBLIC  
18 WATER SYSTEM SERVICES TO:

19 (I) INSTALL, TEST, AND MAINTAIN ALL CONTAINMENT AND  
20 BACKFLOW PREVENTION ASSEMBLIES AND DEVICES IN COMPLIANCE WITH THE  
21 STATE PLUMBING CODE AND THE RULES, REGULATIONS, AND ORDINANCES OF  
22 LOCAL WATER AUTHORITIES OR OTHER GOVERNMENTAL AGENCIES THAT HAVE  
23 JURISDICTION OVER BACKFLOW PREVENTION DEVICES;

24 (II) WITHIN 30 DAYS AFTER A REQUEST BY THE SUPPLIER, ON THE  
25 FORM PROVIDED BY THE STATE BOARD OF PLUMBING, SUBMIT TO THE SUPPLIER  
26 AN INVENTORY REPORT OF DEVICES THAT IS COMPLETED AND SIGNED BY A  
27 MASTER PLUMBER AND INCLUDES:

28 1. THE NAME OF THE OWNER OF THE BUILDING;

29 2. THE ADDRESS OF THE BUILDING; AND

30 3. FOR EACH DEVICE LISTED IN THE REPORT:

31 A. THE NAME OF ITS MANUFACTURER;

32 B. ITS LINE PRESSURE;

33 C. ITS LOCATION;

34 D. ITS MODEL AND SERIAL NUMBERS; AND

35 E. ITS SIZE.

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1 (D) (1) TO ENSURE THAT A DEVICE OPERATES PROPERLY, EACH OWNER  
2 WHO IS REQUIRED TO SUBMIT AN INVENTORY REPORT UNDER SUBSECTION (C) OF  
3 THIS SECTION SHALL:

4 (I) INSTALL EACH DEVICE;

5 (II) TEST EACH DEVICE AT THE TIME OF INSTALLATION;

6 (III) AFTER INSTALLATION, INSPECT AND TEST EACH DEVICE IN  
7 ACCORDANCE WITH APPLICABLE LAW, CODES, AND REGULATIONS;

8 (IV) ENSURE THE PERFORMANCE OF EACH DEVICE;

9 (V) OVERHAUL EACH DEVICE AT LEAST ONCE EVERY 5 YEARS;  
10 AND

11 (VI) REPAIR EACH DEVICE AS NECESSARY.

12 (2) EACH INDIVIDUAL WHO INSPECTS, TESTS, OVERHAULS, OR REPAIRS  
13 A DEVICE SHALL HAVE SUCCESSFULLY COMPLETED A TRAINING COURSE AND  
14 PASSED AN EXAMINATION UNDER § 12-505 OF THE BUSINESS OCCUPATIONS AND  
15 PROFESSIONS ARTICLE.

16 (3) ON COMPLETION OF THE WORK, EACH INDIVIDUAL SHALL SUBMIT  
17 TO THE APPROPRIATE SUPPLIER OF WATER A REPORT ON THE FORM THAT THE  
18 STATE BOARD OF PLUMBING PROVIDES.

19 (E) (1) WHENEVER A SUPPLIER OF WATER DETERMINES THAT A DEVICE IS  
20 DEFICIENT, THE SUPPLIER OF WATER SHALL:

21 (I) GIVE NOTICE OF THE DEFICIENCY TO THE OWNER OF THE  
22 BUILDING IN WHICH THE DEVICE IS LOCATED;

23 (II) STATE IN THE NOTICE A PERIOD WITHIN WHICH CORRECTIVE  
24 WORK IS TO BE COMPLETED; AND

25 (III) IF THE SITUATION IS LIKELY TO CAUSE AN IMMEDIATE  
26 THREAT TO HEALTH AND SAFETY BY CONTAMINATION, DISCONTINUE SERVICE TO  
27 THE AFFECTED BUILDING IMMEDIATELY.

28 (2) IF THE CORRECTIVE WORK IS NOT COMPLETED WITHIN THE PERIOD  
29 THAT THE SUPPLIER OF WATER SETS, THE SUPPLIER OF WATER SHALL REFUSE TO  
30 BEGIN SERVICE OR DISCONTINUE SERVICE TO THE AFFECTED BUILDING UNTIL THE  
31 COMPLETION OF THE WORK.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 1996.