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**By: Chairman, Economic Matters Committee (Departmental - Labor, Licensing and Regulation)**

Introduced and read first time: January 27, 1997

Assigned to: Economic Matters

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Committee Report: Favorable

House action: Adopted

Read second time: February 12, 1997

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## CHAPTER \_\_\_\_

1 AN ACT concerning

**2 Department of Labor, Licensing, and Regulation - Staggered Licensing**

3 FOR the purpose of allowing the Secretary of Labor, Licensing, and Regulation to  
 4 determine that certain occupational and professional licenses and certificates shall  
 5 expire on a staggered basis; and generally relating to occupational and professional  
 6 licenses issued by the Department of Labor, Licensing, and Regulation or a unit of  
 7 the Department of Labor, Licensing, and Regulation.

8 BY repealing and reenacting, with amendments,  
 9 Article - Business Occupations and Professions  
 10 Section 2-311, 3-309, 6-310, 7-308, 8-307, 9-309, 11-408, 12-308, 14-314, and  
 11 15-314  
 12 Annotated Code of Maryland  
 13 (1995 Replacement Volume and 1996 Supplement)

14 BY repealing and reenacting, with amendments,  
 15 Article - Business Regulation  
 16 Section 9A-309 and 12-207  
 17 Annotated Code of Maryland  
 18 (1992 Volume and 1996 Supplement)

19 BY repealing and reenacting, with amendments,  
 20 The Public Local Laws of Baltimore City  
 21 Section 4-2  
 22 Article 4 - Public Local Laws of Maryland  
 23 (1979 Edition and 1991 and 1993 Supplements, as amended)

2

1 (As enacted by Chapter 135 of the Acts of the General Assembly of 1994)

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

4 **Article - Business Occupations and Professions**

5 2-311.

6 (a) Unless a license is renewed for a 2-year term as provided in this section, the  
7 license expires on the first December 31 that comes:

8 (1) after the effective date of the license; and

9 (2) in an even-numbered year.

10 (b) At least 1 month before a license expires, the Board shall mail to the licensee,  
11 at the last known address of the licensee:

12 (1) a renewal application form; and

13 (2) a notice that states:

14 (i) the date on which the current license expires;

15 (ii) the date by which the Board must receive the renewal application  
16 for the renewal to be issued and mailed before the license expires; and

17 (iii) the amount of the renewal fee.

18 (c) Before a license expires, the licensee periodically may renew it for an  
19 additional 2-year term, if the licensee:

20 (1) otherwise is entitled to be licensed;

21 (2) pays to the Board a renewal fee not exceeding \$80, as set by the Board;

22 and

23 (3) submits to the Board:

24 (i) a renewal application on the form that the Board provides; and

25 (ii) satisfactory evidence of compliance with the continuing education  
26 requirements set under this subtitle for license renewal.

27 (d) The Board shall renew the license of each licensee who meets the  
28 requirements of this section.

29 (E) THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER THIS  
30 SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

31 3-309.

32 (a) Unless a license is renewed for a 2-year term as provided in this section, the  
33 license expires on the first June 30 that comes:

34 (1) after the effective date of the license; and

3

1 (2) in an even-numbered year.

2 (b) At least 1 month before a license expires, the Board shall mail to the licensee,  
3 at the last known address of the licensee:

4 (1) a renewal application form; and

5 (2) a notice that states:

6 (i) the date on which the current license expires;

7 (ii) the date by which the Board must receive the renewal application  
8 for the renewal to be issued and mailed before the license expires; and

9 (iii) the amount of the renewal fee.

10 (c) Before a license expires, the licensee periodically may renew it for an  
11 additional 2-year term, if the licensee:

12 (1) otherwise is entitled to be licensed;

13 (2) pays to the Board a renewal fee not exceeding \$70, as set by the Board;  
14 and

15 (3) submits to the Board a renewal application on the form that the Board  
16 provides.

17 (d) The Board shall renew the license of each licensee who meets the  
18 requirements of this section.

19 (e) An architect has a grace period of 30 days after the architect's license expires  
20 in which to renew it retroactively, if the architect:

21 (1) otherwise is entitled to have the license renewed; and

22 (2) pays the renewal fee to the Board.

23 (F) THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER THIS  
24 SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

25 6-310.

26 (a) Unless a State license is renewed for a 2-year term as provided in this section,  
27 the State license expires on the first June 30 that comes:

28 (1) after the effective date of the State license; and

29 (2) in an odd-numbered year.

30 (b) At least 1 month before a State license expires, the State Board shall mail to  
31 the State licensee, at the last known address of the State licensee:

32 (1) a renewal application form; and

33 (2) a notice that states:

34 (i) the date on which the current State license expires;

4

1 (ii) the date by which the State Board must receive the renewal  
2 application for the renewal to be issued and mailed before the State license expires; and

3 (iii) the amount of the renewal fee.

4 (c) Before a State license expires, the State licensee periodically may renew it for  
5 an additional 2-year term, if the State licensee:

6 (1) otherwise is entitled to be licensed;

7 (2) pays to the State Board a renewal fee of \$100; and

8 (3) submits to the State Board a renewal application on the form that the  
9 State Board provides.

10 (d) The State Board shall renew the State license of each State licensee who  
11 meets the requirements of this section.

12 (e) A State license to provide electrical services is not transferable.

13 (F) THE SECRETARY MAY DETERMINE THAT STATE LICENSES ISSUED UNDER  
14 THIS SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

15 7-308.

16 (a) Unless a license is renewed for a 2-year term as provided in this section, the  
17 license expires on the first September 30 that comes:

18 (1) after the effective date of the license; and

19 (2) in an even-numbered year.

20 (b) At least 30 days before a license expires, the Board shall mail to the licensee,  
21 at the last known address of the licensee:

22 (1) a renewal application form; and

23 (2) a notice that states:

24 (i) the date on which the current license expires;

25 (ii) the date by which the Board must receive the renewal application  
26 for the renewal to be issued and mailed before the license expires; and

27 (iii) the amount of the renewal fee.

28 (c) (1) Before a license expires, the licensee periodically may renew it for an  
29 additional 2-year term, if the licensee:

30 (i) otherwise is entitled to be licensed;

31 (ii) except as provided in subsection (d) of this section, pays to the  
32 Board a renewal fee of \$100; and

33 (iii) submits to the Board a renewal application on the form that the  
34 Board provides.

5

1                   (2) (i) 1. Except as provided in sub-subparagraph 2 of this  
2 subparagraph, the Board may not renew a license unless the licensee meets the  
3 continuing education requirements of this section.

4                   2. The continuing education requirement does not apply to the  
5 first renewal of a license by a licensee.

6                   (ii) In and after the license term that begins in 1996, to qualify for  
7 renewal of a license, for each 2-year license term of a license, a licensee shall complete  
8 successfully at least 8 hours of instruction provided through programs that the Board  
9 approves.

10               (d) A licensee serving on active duty in the armed forces of the United States is  
11 exempt from the renewal fee required by this section.

12               (e) The Board shall renew the license of each licensee who meets the  
13 requirements of this section.

14               (F) THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER THIS  
15 SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

16 8-307.

17               (a) Unless a certificate is renewed for a 2-year term as provided in this section, a  
18 certificate expires on the first June 30 that comes:

19                   (1) after the effective date of the certificate; and

20                   (2) in an even-numbered year.

21               (b) At least 30 days before the certificate expires, the Board shall mail to the  
22 certificate holder, at the last known address of the certificate holder:

23                   (1) a renewal application form;

24                   (2) a notice that states:

25                               (i) the date on which the current certificate expires; and

26                               (ii) the date by which the Board must receive the renewal application  
27 for the renewal to be issued and mailed before the certificate expires; and

28                   (3) the amount of the renewal fee.

29               (c) Before the certificate expires, the certificate holder periodically may renew it  
30 for an additional 2-year term, if the certificate holder:

31                   (1) otherwise is entitled to be certified;

32                   (2) pays to the Board a renewal fee set by the Board;

33                   (3) submits to the Board a renewal application on the form that the Board  
34 provides; and

6

1 (4) submits to the Board any documentation required by the Board to verify  
2 that the certificate holder has complied with the continuing education requirements  
3 under § 8-308 of this subtitle.

4 (d) The Board shall renew the certificate of each certificate holder who meets the  
5 requirements of this section.

6 (E) THE SECRETARY MAY DETERMINE THAT CERTIFICATES ISSUED UNDER  
7 THIS SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

8 9-309.

9 (a) Unless a license is renewed for a 2-year term as provided in this section, the  
10 license expires on the first June 30 that comes:

11 (1) after the effective date of the license; and

12 (2) in an even-numbered year.

13 (b) At least 1 month before a license expires, the Board shall mail to the licensee,  
14 at the last known address of the licensee:

15 (1) a renewal application form; and

16 (2) a notice that states:

17 (i) the date on which the current license expires;

18 (ii) the date by which the Board must receive the renewal application  
19 for the renewal to be issued and mailed before the license expires; and

20 (iii) the amount of the renewal fee.

21 (c) Before a license expires, the licensee periodically may renew it for an  
22 additional 2-year term, if the licensee:

23 (1) otherwise is entitled to be licensed;

24 (2) pays to the Board the renewal fee set by the Board; and

25 (3) submits to the Board a renewal application on the form that the Board  
26 provides.

27 (d) The Board shall renew the license of each licensee who meets the  
28 requirements of this section.

29 (E) THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER THIS  
30 SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

31 11-408.

32 (a) Unless a license is renewed for a 2-year term as provided in this section, the  
33 license expires on the first May 30 that comes:

34 (1) after the effective date of the license; and

35 (2) in an even-numbered year.

7

1 (b) At least 1 month before a license expires, the Board shall mail to the licensee,  
2 at the last known address of the licensee:

3 (1) a renewal application form; and

4 (2) a notice that states:

5 (i) the date on which the current license expires;

6 (ii) the date by which the Board must receive the renewal application  
7 for the renewal to be issued and mailed before the license expires; and

8 (iii) the amount of the renewal fee.

9 (c) Before a license expires, the licensee periodically may renew it for an  
10 additional 2-year term, if the licensee:

11 (1) applies for renewal in April or May of the year in which the license is  
12 due to expire, unless the Board in its discretion allows otherwise;

13 (2) otherwise is entitled to be licensed;

14 (3) pays to the Board a renewal fee of:

15 (i) \$600 for a license other than a limited license;

16 (ii) \$300 for a 37-foot-draft limited license;

17 (iii) \$300 for a 34-foot-draft limited license; or

18 (iv) \$200 for a 28-foot-draft limited license; and

19 (4) submits to the Board a renewal application on the form that the Board  
20 provides.

21 (d) The Board shall renew the license of a licensee who meets the requirements of  
22 this section.

23 (e) A limited license shall be valid for a 2-year period beginning on the date of its  
24 issuance by the Board.

25 (F) THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER THIS  
26 SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

27 12-308.

28 (a) Unless a license is renewed for a 2-year term as provided in this section, the  
29 license expires on the first May 1 that comes:

30 (1) after the effective date of the license; and

31 (2) in an odd-numbered year.

32 (b) At least 1 month before a license expires, the Board shall mail to the licensee,  
33 at the last known address of the licensee:

34 (1) a renewal application form; and

8

1 (2) a notice that states:

2 (i) the date on which the current license expires;

3 (ii) the date by which the Board must receive the renewal application  
4 for the renewal to be issued and mailed before the license expires; and

5 (iii) the amount of the renewal fee.

6 (c) Before a license expires, the licensee may renew it for an additional 2-year  
7 term, if the licensee:

8 (1) otherwise is entitled to be licensed;

9 (2) pays to the Board a renewal fee of:

10 (i) \$100 for a master plumber license or a limited master plumber  
11 license;

12 (ii) \$50 for a journey plumber license or a limited journey plumber  
13 license;

14 (iii) \$15 for an apprentice plumber license; or

15 (iv) \$50 for a propane gas fitter certificate; and

16 (3) submits to the Board:

17 (i) if contracting in the name of the licensee or another person to  
18 provide plumbing services, proof of the liability insurance required under § 12-501 of this  
19 title; and

20 (ii) a renewal application on the form that the Board provides.

21 (d) The Board shall renew the license of and issue a renewal certificate to each  
22 licensee who meets the requirements of this section.

23 (E) THE SECRETARY MAY DETERMINE THAT LICENSES AND CERTIFICATES  
24 ISSUED UNDER THIS SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

25 14-314.

26 (a) Unless a license is renewed for a 2-year term as provided in this section, the  
27 license expires on the first June 30 that comes:

28 (1) after the effective date of the license; and

29 (2) in an even-numbered year.

30 (b) (1) At least 1 month before a license expires, the Board shall mail to the  
31 licensee, at the last known address of the licensee:

32 (i) a renewal application form; and

33 (ii) a notice that states:

34 1. the date on which the current license expires;



10

1 (2) The failure of a licensee to receive the notice for which this subsection  
2 provides does not prevent the license from expiring as specified under subsection (a) of  
3 this section.

4 (c) Before a license expires, the licensee periodically may renew it for an  
5 additional 2-year term, if the licensee:

6 (1) otherwise is entitled to be licensed;

7 (2) pays to the Board a renewal fee of:

8 (i) \$150 for a license to practice land surveying; or

9 (ii) \$100 for a license to practice property line surveying; and

10 (3) submits to the Board a renewal application on the form that the Board  
11 provides.

12 (d) (1) The Board shall renew the license of and issue a renewal certificate to  
13 each licensee who meets the requirements of this section.

14 (2) The Board shall include on each renewal certificate that the Board  
15 issues:

16 (i) the date on which the current license expires; and

17 (ii) the signatures of the chairman and secretary of the Board, under  
18 seal of the Board.

19 (E) THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER THIS  
20 SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

21 **Article - Business Regulation**

22 9A-309.

23 (a) Unless the license is renewed for a 2-year term as provided in this section, a  
24 license expires on the first October 1 that comes:

25 (1) after the effective date of the license; and

26 (2) in an odd-numbered year.

27 (b) Before the license expires, the licensee may renew it for an additional 2-year  
28 term, if the licensee:

29 (1) otherwise is entitled to be granted a license;

30 (2) pays to the Board a renewal fee established by the Board; and

31 (3) submits:

32 (i) proof of insurance as provided by § 9A-402 of this title; and

33 (ii) a renewal application in the form that the Board provides.

11

1 (c) The Board shall renew the license of and issue a renewal certificate to each  
2 licensee who meets the requirements of this section.

3 (d) (1) At the time of renewal, a licensee who holds a valid heating, ventilation,  
4 air-conditioning, and refrigeration contractor license may apply to the Board for inactive  
5 status, during which time the licensee may not provide heating, ventilation,  
6 air-conditioning, or refrigeration services in the State.

7 (2) If an individual wishes to renew a license on inactive status, the  
8 individual shall meet the requirements of items (b)(1), (b)(2), and (b)(3)(ii) of this  
9 section.

10 (3) To return to active status the licensee must meet the renewal  
11 requirements of subsection (b) of this section.

12 (4) Unless a licensee on inactive status renews the license as provided in this  
13 section, or reactivates the license as provided in this section, the license expires on the  
14 first October 1 that comes:

15 (i) after the inactive status certificate has been issued to the licensee;  
16 and

17 (ii) in an odd-numbered year.

18 (e) (1) If application for restoration is made within 90 days of expiration of a  
19 license, the license may be restored only on payment of a renewal fee.

20 (2) If application for restoration is not made within the 90-day period, the  
21 Board may require compliance with the process for initial applications as if the applicant  
22 had never been licensed.

23 (f) Except as provided in subsection (g) of this section, a license issued under this  
24 title is not transferable.

25 (g) (1) On the death of a licensed heating, ventilation, air-conditioning, and  
26 refrigeration contractor, the personal representative of the deceased licensee may retain  
27 the license for up to 6 months for the purpose of winding up the business.

28 (2) In cases of extreme hardship, the Board may allow the personal  
29 representative to retain the license for an additional period not to exceed 24 months upon  
30 a good faith showing that the personal representative has:

31 (i) acted diligently to conclude the business of the deceased licensee;  
32 and

33 (ii) complied with the provisions of this title.

34 (H) THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER THIS  
35 SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

36 12-207.

37 (a) Unless a license is renewed for a 2-year term as provided in this section, the  
38 license expires on the first April 30 that comes:

12

1 (1) after the effective date of the license; and

2 (2) in an even-numbered year.

3 (b) At least 1 month before a license expires, the Secretary shall mail to the  
4 licensee, at the last known address of the licensee:

5 (1) a renewal application form; and

6 (2) a notice that states:

7 (i) the date on which the current license expires;

8 (ii) the date by which the Secretary must receive the renewal  
9 application for the renewal to be issued and mailed before the license expires; and

10 (iii) the amount of the renewal fee.

11 (c) Before a license expires, the licensee periodically may renew it for an  
12 additional 2-year term, if the licensee:

13 (1) submits to the Secretary a renewal application on the form that the  
14 Secretary provides;

15 (2) signs the renewal application under oath;

16 (3) updates the information submitted in the original application and states  
17 that the information is current;

18 (4) agrees to comply with each requirement applicable to the original  
19 application;

20 (5) states that the licensee:

21 (i) has not violated this title;

22 (ii) has not been convicted of an offense specified in § 12-209 of this  
23 subtitle; and

24 (iii) has not had a similar license denied, suspended, or revoked in  
25 another jurisdiction;

26 (6) otherwise is entitled to be licensed; and

27 (7) pays to the Secretary a renewal fee of \$300.

28 (d) The Secretary shall renew the license of each licensee who meets the  
29 requirements of this section.

30 (e) A license is not transferable.

31 (f) (1) A licensee may change the place of business for which a license is issued  
32 only if the licensee:

33 (i) submits to the Secretary an application to transfer the license to a  
34 new business location on a form that the Secretary provides; and

13

1 (ii) receives the written approval of the Secretary.

2 (2) Within 45 days after the written notice is filed with the Secretary, the  
3 Secretary shall approve or disapprove the application and notify the licensee of the  
4 approval or disapproval, in writing.

5 (3) If the Secretary approves a proposed change of place of business, the  
6 licensee shall:

7 (i) submit to the Secretary a current list of names of each employee to  
8 be employed at the new location; and

9 (ii) attach the written approval of the Secretary to the license until an  
10 amended license is received by the licensee.

11 (G) THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER THIS  
12 SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

13 **Article 4 - Baltimore City**

14 4-2.

15 The Board has general supervision of all stationary engineers within the State,  
16 except as hereinafter provided. The Board shall examine all engineers who are 18 years  
17 old or older and apply for examination and shall give all parties so examined a certificate  
18 of proficiency if found proficient, and refuse to give a certificate if not found proficient.  
19 Each person applying for the examination shall pay an application fee set by the Board,  
20 which may not exceed the cost of administering the required examination. Each person  
21 receiving the certificate shall pay to the Board \$15 for the certificate issued and \$30 for all  
22 renewals of all grades. The certificate shall be of four grades: a certificate of the first  
23 grade will permit the holder to take charge of any plant of machinery; the second grade to  
24 take charge of any plant machinery from one to five hundred horse-power; the third  
25 grade to take charge of any plant of machinery from one to thirty horse-power; and the  
26 fourth grade to take charge of any hoisting or portable plant of machinery. The certificate  
27 shall be renewed biennially on or before the first day of February of each odd-numbered  
28 year, UNLESS THE SECRETARY OF LABOR, LICENSING, AND REGULATION  
29 DETERMINES THAT THE CERTIFICATES SHALL BE RENEWED ON A STAGGERED  
30 BASIS. An engineer holding a certificate may not have charge of more than one plant of  
31 machinery at the same time unless the plant is of the same company and at one and the  
32 same place. A substitute who has not been examined and received a certificate may not be  
33 placed in charge of machinery by any engineer who has.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 October 1, 1997.

