
By: Delegates Harkins and Fry

Introduced and read first time: January 29, 1997

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Plumbing Act - State Board of Plumbing - Civil Penalties**

3 FOR the purpose of providing certain civil penalties, imposed by the State Board of
4 Plumbing, for violations of certain provisions of the Maryland Plumbing Act;
5 requiring the Board to consider certain factors in determining the appropriate
6 amount of the civil penalty; and generally relating to civil penalties imposed by the
7 Board against certain violators of the Maryland Plumbing Act.

8 BY repealing and reenacting, with amendments,
9 Article - Business Occupations and Professions
10 Section 12-607
11 Annotated Code of Maryland
12 (1995 Replacement Volume and 1996 Supplement)

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

15 **Article - Business Occupations and Professions**

16 12-607.

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

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

23 (i) § 12-602;

24 (ii) § 12-603; and

25 (iii) § 12-604.

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

2

1 (1) § 12-601;

2 (2) § 12-605; and

3 (3) § 12-606.

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

7 (D) (1) IN ADDITION TO ANY OTHER PENALTIES UNDER THIS TITLE, A
8 PERSON WHO VIOLATES § 12-601 OF THIS SUBTITLE IS SUBJECT TO A CIVIL FINE,
9 IMPOSED BY THE BOARD, NOT TO EXCEED \$5,000 FOR EACH DAY OR PART OF A DAY
10 THAT A VIOLATION CONTINUES.

11 (2) IN DETERMINING THE APPROPRIATE AMOUNT OF A FINE IMPOSED
12 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD SHALL CONSIDER:

13 (I) THE GRAVITY OF THE VIOLATION;

14 (II) THE GOOD FAITH OF THE VIOLATOR;

15 (III) THE QUANTITY AND GRAVITY OF PREVIOUS VIOLATIONS BY
16 THE SAME VIOLATOR;

17 (IV) THE HARM CAUSED TO THE COMPLAINANT, THE PUBLIC, AND
18 THE PLUMBING PROFESSION;

19 (V) THE ASSETS OF THE VIOLATOR; AND

20 (VI) ANY OTHER FACTORS THAT THE BOARD CONSIDERS
21 RELEVANT.

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