
By: Delegates Harkins and Fry

Introduced and read first time: January 29, 1997

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 18, 1997

CHAPTER ____

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, authorizing the State Board of Plumbing to impose certain civil penalties~~
5 for violations of certain provisions of the Maryland Plumbing Act; requiring the
6 Board to consider certain factors in determining the appropriate amount of the civil
7 penalty; and generally relating to civil penalties imposed by the Board against
8 certain violators of the Maryland Plumbing Act.

9 BY repealing and reenacting, with amendments,
10 Article - Business Occupations and Professions
11 Section 12-607
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1996 Supplement)

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

16 **Article - Business Occupations and Professions**

17 12-607.

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

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

2

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.

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

14 (D) (1) IN ADDITION TO ANY OTHER PENALTIES UNDER THIS TITLE, A
15 ~~PERSON WHO VIOLATES § 12-601 OF THIS SUBTITLE IS SUBJECT TO A CIVIL FINE,~~
16 ~~IMPOSED BY THE BOARD, NOT TO EXCEED \$5,000 FOR EACH DAY OR PART OF A DAY~~
17 ~~THAT A VIOLATION CONTINUES~~ THE BOARD MAY IMPOSE ON A PERSON WHO
18 VIOLATES § 12-601 OF THIS SUBTITLE A PENALTY NOT EXCEEDING \$1,000 FOR EACH
19 VIOLATION.

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

22 (I) THE GRAVITY OF THE VIOLATION;

23 (II) THE GOOD FAITH OF THE VIOLATOR;

24 (III) THE QUANTITY AND GRAVITY OF PREVIOUS VIOLATIONS BY
25 THE SAME VIOLATOR;

26 (IV) THE HARM CAUSED TO THE COMPLAINANT, THE PUBLIC, AND
27 THE PLUMBING PROFESSION;

28 (V) THE ASSETS OF THE VIOLATOR; AND

29 (VI) ANY OTHER FACTORS THAT THE BOARD CONSIDERS
30 RELEVANT.

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

