

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL NO. 204

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "of" insert "certain"; in line 10, after the first "the" insert "issuance and the"; in line 16, after "2-304," insert "2-307(c)"; in the same line, after "3-305," insert "4-206(a)"; in the same line, after "4-304," insert "4-305, 4-306, 4-307"; in the same line, after "5-307," insert "6-205"; in the same line, after "6-306," insert "6-307, 6-308"; in line 17, after "14-307," insert "14-309, 14-310"; in the same line, after "15-307," insert "15-309"; after line 20, insert:

"BY repealing and reenacting, with amendments,

Article - Business Occupations and Professions

Section 5-205(b)

Annotated Code of Maryland

(1995 Replacement Volume and 1997 Supplement)

(As enacted by Chapter 735 of the Acts of the General Assembly of 1997)";

in line 29, after "8-308," strike "and" and substitute "9A-303"; and after "9A-304" insert "and 9A-305".

AMENDMENT NO. 2

On page 2, in line 10, strike the first bracket; in the same line, after "Board" insert an opening bracket; after line 11, insert:

"2-307.

(c) (1) An applicant for reexamination shall:

(i) submit to the Board an application for reexamination on the form that the

(Over)

Board provides; and

(ii) pay to the Board OR THE BOARD’S DESIGNEE a reexamination fee set under this subsection.

(2) The Board shall set fees for reexamination so that:

(i) the fee for reexamination on the entire examination does not exceed the cost of [administering] the required reexamination [to the applicant]; and

(ii) the fee for reexamination on less than the entire examination is less than the fee set for the entire examination.”;

in line 17, strike the third bracket; and in line 18, after “Board” insert an opening bracket.

On page 3, after line 10, insert:

“4-206.

(a) (1) In addition to any powers set forth elsewhere, the Board may adopt any regulation to carry out this title.

(2) (i) The Board shall establish reasonable fees for EXAMINATIONS, licensing, licensing renewal, reinstatement, certification, applications, preopening inspections, per diem fees for Board members, compensation for inspectors appointed by the Board, and any other service performed by the Board necessary to carry out the provisions of this title.

(ii) [The] EXCEPT FOR EXAMINATION FEES WHICH THE BOARD SHALL ESTABLISH IN AMOUNTS NOT TO EXCEED THE COSTS OF THE REQUIRED EXAMINATIONS, THE fees established by the Board shall be set in a manner that will produce funds sufficient to cover the actual direct and indirect costs of regulating the barber industry in this State in accordance with the provisions of this title.

(iii) The total cost of regulating the barber industry in this State in accordance with the provisions of this title may not be more than the revenues generated by the fees established under subparagraph (i) of this paragraph.”.

On page 4, in line 6, strike “in accordance with § 4-206 of this title” and substitute “IN AN AMOUNT NOT TO EXCEED THE COST OF THE REQUIRED EXAMINATION”; in line 12,

strike "AS"; and in line 13, strike "§ 4-206" and substitute "§§ 4-206 and 4-303".

On page 5, in line 7, strike "application" and substitute "EXAMINATION"; and after line 18, insert:

"(C) THE BOARD OR THE BOARD'S DESIGNEES SHALL MAIL TO EACH APPLICANT NOTICE OF THE APPLICANT'S EXAMINATION RESULTS.

4-305.

(a) Subject to the provisions of this section and of § 4-306 of this subtitle, the Board may waive any requirement of this subtitle for an individual who is licensed to practice barbering in another state.

(b) The Board may grant a waiver under this section only if the applicant:

(1) pays the [application] EXAMINATION fee required under § 4-303 of this subtitle;

(2) provides adequate evidence that the applicant has been licensed as a barber or master barber, whichever is applicable, in another state for at least the 6 months immediately preceding the filing of the application; and

(3) passes the applicable examination.

4-306.

(a) Subject to the provisions of this section, the Board may waive any examination requirement of this subtitle for an applicant for a master barber or a barber license who is licensed to practice barbering in another state.

(b) The Board may grant a waiver under this section only if:

(Over)

(1) the applicant pays the application FEE SET BY THE BOARD UNDER § 4-206 AND ANY APPLICABLE EXAMINATION fee required under § 4-303 of this subtitle FOR ANY EXAMINATION REQUIREMENT THAT IS NOT WAIVED BY THE BOARD;

(2) the applicant provides adequate evidence that the applicant:

(i) meets the qualifications otherwise required by this subtitle; and

(ii) became licensed in the other state after passing, in that or any other state, an examination that is similar to the examination for which the applicant is seeking the waiver;

(3) the applicant practiced barbering in the other state as a master barber or barber during the 2 years immediately before applying in this State;

(4) the applicant provides:

(i) a notarized statement from a previous employer certifying that the applicant has the experience required under item (3) of this subsection; or

(ii) if the applicant was self-employed, other proof that is acceptable to the Board;

(5) the applicant submits a letter from the licensing board of the other state certifying that the applicant is in good standing with the board of the other state;

(6) the applicant certifies in writing that the applicant has read, understands, and will comply with the provisions of this title and the regulations of the Board.

4-307.

(a) Subject to the provisions of this section, the Board may waive the written part of the master barber or barber examination for an individual who is licensed to practice barbering in a foreign country.

(b) Subject to subsection (c) of this section, the Board may grant a waiver under this section only if the applicant:

(1) pays the [application fee required under § 4-303 of this subtitle] EXAMINATION FEE REQUIRED UNDER § 4-303 OF THIS SUBTITLE THAT IS ATTRIBUTABLE TO THE PRACTICAL PART OF THE EXAMINATION;

(2) passes the practical part of the master barber or barber examination given by the Board; and

(3) provides adequate evidence that, at the time the applicant was licensed in the foreign country, the applicant was required to pass an examination and meet qualifications that were substantially equivalent to those then required by the laws of this State.

(c) To meet a minimum standard of training, the Board may require an applicant licensed to practice barbering in a foreign country to complete successfully a required program of training in the practice of barbering not exceeding 1,200 hours.

5-205.

(b) (1) Subject to paragraph (4) of this subsection, the Board shall establish reasonable fees for EXAMINATIONS, reinstatements, certifications, applications, preopening inspections, per diem fees for Board members, compensation for inspectors appointed by the Board, and for any other service performed by the Board necessary to carry out the provisions of this title.

(2) [The] EXCEPT FOR THE EXAMINATION FEES WHICH THE BOARD SHALL ESTABLISH IN AMOUNTS NOT TO EXCEED THE COSTS OF THE EXAMINATIONS, THE fees established by the Board shall be set in a manner that will produce funds sufficient to cover the actual direct and indirect costs of regulating the cosmetology industry in the State in accordance with the provisions of this title.

(3) The total cost of regulating the cosmetology industry in the State in accordance with the provisions of this title may not be more than the revenues generated by the fees established

(Over)

under paragraph (1) of this subsection.

(4) The Board shall require a \$25 fee for the licensure or renewal of licensure of cosmetologists, senior cosmetologists, estheticians, manicurists, and makeup artists.”;

in line 23, after “Board” insert “OR THE BOARD’S DESIGNEE”; and in line 25, after “title” insert “IN AN AMOUNT NOT TO EXCEED THE COST OF THE REQUIRED EXAMINATION”.

On page 6, in line 2, strike “§ 5-205” and substitute “§§ 5-205 and 5-306”; strike beginning with “(b)” in line 4 down through the period in line 9; in lines 10, 12, 14, and 17, strike “(c)”, “(d)”, “(e)”, and “(C)”, respectively, and substitute “(B)”, “(C)”, “(D)”, and “(E)”, respectively; in line 14, strike the bracket; after line 28, insert:

“6-205.

In addition to any powers and duties set forth elsewhere, the State Board shall:

(1) twice a year hold a seminar and invite members from each local licensing jurisdiction to discuss any industry or licensing problems; and

(2) adopt regulations to establish:

(I) application AND EXAMINATION fees; and

(II) APPLICATION deadlines.”;

in line 34, strike the third bracket; and in the same line, after “Board” insert an opening bracket.

On page 8, after line 13, insert:

“6-307.

(a) Subject to the limitations in this section, the State Board shall waive the examination requirements of this subtitle for an individual who holds a local license.

(b) The State Board shall grant a waiver under this section only if the applicant:

(1) pays the application fee [required by § 6-305 of this subtitle] ESTABLISHED BY THE BOARD UNDER § 6-205 OF THIS TITLE;

(2) provides adequate evidence that the applicant:

(i) meets the qualifications otherwise required by this subtitle; and

(ii) is licensed in a local jurisdiction after:

1. passing, in that local jurisdiction, an examination that is equivalent to the examination for which the applicant is seeking the waiver; and

2. meeting, in that local jurisdiction, requirements that are equivalent to the licensing requirements of this subtitle; and

(3) submits a statement from the local jurisdiction certifying:

(i) the applicant is in good standing with the local jurisdiction;

(ii) the applicant obtained the local license by taking an examination equivalent to the examination given by the State Board; and

(iii) the date of the local examination.

(c) An initial State license that is obtained under this section may not be reinstated unless the requirements of § 6-312 of this subtitle are met.

6-308.

(a) Subject to the limitations in this section, on the affirmative vote of at least a majority of the authorized membership of the State Board, the State Board may waive the examination

(Over)

requirements of this subtitle for an individual who is licensed to provide electrical services as a master electrician in another state.

(b) The State Board may grant a waiver under this section only if the applicant:

(1) pays the appropriate application fee [required by § 6-305 of this subtitle] SET BY THE BOARD UNDER § 6-205(2) OF THIS TITLE; and

(2) provides adequate evidence that the applicant:

(i) meets the qualifications otherwise required by this subtitle;

(ii) holds an active license in good standing in the other state;

(iii) holds a license that is equivalent to the State license; and

(iv) meets a 7-year experience requirement in providing electrical services, at least 4 years of which must have been gained prior to licensure in the other state, while under the supervision of a master electrician or similarly qualified employee of a governmental unit.

(c) The State Board may grant a waiver only if the state in which the applicant is licensed waives the examination of licensees of this State to a similar extent as this State waives the examination requirements for individuals licensed in that state.

(d) The Board may allow an applicant up to 3 years credit toward the experience required under subsection (b)(2) of this section, if the State Board determines that the applicant has completed a formal course of study or professional training in electrical installation comparable to the required experience.”;

in line 19, strike the third bracket; in the same line, strike the fourth bracket; and in line 20, strike “the required examination” and substitute “THE REQUIRED EXAMINATION”.

On page 9, in line 16, strike the first set of brackets and “EXAMINATION”; in the same line, after “fee” insert “SET BY THE BOARD”; in line 17, strike “\$100” and substitute “\$50”; in line 32,



after “license,” insert “IN”; in line 33, strike the opening bracket; in line 33, after “Board,” insert an opening bracket; and in line 34, after “OF” insert “THE”.

On page 11, after line 4, insert:

“(C) AN EXAMINATION SHALL BE GIVEN AT LEAST ONCE PER YEAR IN BALTIMORE CITY.”;

in line 11, after the first “Board” insert “OR THE BOARD’S DESIGNEE”; in the same line, strike the third bracket; in the same line, after the second “Board” insert an opening bracket; and in line 12, strike “COVERING” and substitute “NOT TO EXCEED”.

On page 12, after line 25, insert:

“14-309.

(a) Subject to this section, if an applicant fails an examination given under this subtitle, the applicant may retake the examination.

(b) Except as provided in subsection (c) of this section, an applicant for reexamination shall:

(1) submit to the Board a request for reexamination on the form that the Board provides; and

(2) pay to the Board OR THE BOARD’S DESIGNEE the reexamination fee set by the Board [to reflect the cost of reexamination] IN AN AMOUNT NOT TO EXCEED THE COST OF THE EXAMINATION.

(c) An applicant who fails 2 reexaminations given under this section may take the examination again only on a new application for a license that is submitted to the Board at least 2 years after the applicant last failed a reexamination.

(Over)

(d) A reexamination fee paid [to the Board] under subsection (b)(2) of this section is not refundable.

14-310.

(a) Subject to this section, an individual may apply to the Board to take the examination in the fundamentals of engineering given by the Board under this subtitle, before the individual completes the requirements set forth in § 14-305(b) and (c) of this subtitle.

(b) To take the fundamentals of engineering examination early:

(1) the applicant shall be in the process of completing a curriculum at a college or university, as required under § 14-305(b) or (c) of this subtitle, and the college or university shall provide to the Board evidence that the college or university expects the applicant to complete the curriculum within 6 months after the next scheduled administration of the fundamentals of engineering examination; or

(2) the applicant shall have been graduated from a college or university on completion of a curriculum, as required under § 14-305(b) or (c) of this subtitle.

(c) (1) An applicant for early examination shall:

(i) submit to the Board an application on the form that the Board provides;

and

(ii) pay to the Board OR THE BOARD'S DESIGNEE an [application] EXAMINATION fee set by the Board [to approximate the cost of administering the examination] IN AN AMOUNT NOT TO EXCEED THE COST OF THE EXAMINATION.

(2) The procedures and requirements for the application shall be the same as provided under § 14-306 of this subtitle for applications for licenses.

(d) An applicant who meets the requirements of this section is entitled to take the fundamentals of engineering examination.

(e) If an individual passes a fundamentals of engineering examination under this section and pays the Board a certification fee of \$15, the Board shall:

(1) keep a record that the individual passed the examination; and

(2) issue to the individual a certificate that states that the individual is an engineer-in-training because the individual has passed the examination and that sets forth:

(i) the full name of the individual;

(ii) a certificate number assigned by the Board to the individual; and

(iii) the signatures of the chairman and secretary of the Board, under seal of the Board.

(f) If an individual takes and fails a fundamentals of engineering examination under this section, the individual shall have the same rights regarding notice, review procedures, and reexamination provided to an applicant under §§ 14-308 and 14-309 of this subtitle.”;

and in line 32, strike the third bracket.

On page 13, in line 1, after “Board” insert an opening bracket.

On page 14, after line 17, insert:

“15-309.

(a) Subject to this section, if an applicant fails an examination given under this subtitle, the applicant may retake the examination.

(b) Except as provided in subsection (c) of this section, an applicant for reexamination shall:

(Over)

(1) submit to the Board a request for reexamination on the form that the Board provides; and

(2) pay to the Board [as] OR THE BOARD'S DESIGNEE a reexamination fee[, the application fee] set [forth] BY THE BOARD in § 15-306(a)(2) of this subtitle.

(c) An applicant, for a professional land surveyor license, who fails 2 reexaminations given under this section may take the examination again only on a new application for a license that is submitted to the Board at least 2 years after the applicant last failed a reexamination.

(d) (1) A reexamination fee paid [to the Board] under subsection (b)(2) of this section is not refundable.

(2) If an applicant does not take the reexamination that the applicant asked to take, the Board shall credit that fee toward any reexamination that the applicant later takes.”;

in line 31, strike the bracket; and in line 32, after “Commission” insert an opening bracket.

On page 15, in line 32, strike “administering”; and in the same line, in each instance, strike the bracket.

On page 19, in line 16, after “COMMISSION” insert “OR THE COMMISSION'S DESIGNEE”.

On page 24, after line 18, insert:

“9A-303.

An applicant for a license shall:

(1) submit an application to the Board in the form that the Board provides; and

(2) pay to the Board OR THE BOARD'S DESIGNEE an [application] EXAMINATION fee established by the Board IN AN AMOUNT NOT TO EXCEED THE COST

OF THE EXAMINATION.”;

and in line 34, after “EXAMINATION” insert a comma.

On page 25, after line 9, insert:

“9A-305.

(a) Subject to the limitations in subsections (b) and (c) of this section, on the affirmative vote of at least a majority of the authorized membership of the Board, the Board may waive the examination requirements of this title for an individual who is licensed in another state to provide heating, ventilation, air-conditioning, or refrigeration services as a journeyman, master, master restricted, or limited heating, ventilation, air-conditioning, and refrigeration contractor.

(b) The Board may grant a waiver under this section only if the applicant:

(1) pays the appropriate application fee required by [§ 9A-303] § 9A-207 of this title; and

(2) provides adequate evidence that the applicant:

(i) meets the qualifications otherwise required by this title;

(ii) holds an active license in good standing in the other state;

(iii) holds a license that is equivalent to the State license; and

(iv) became licensed in the other state after meeting, in that state, requirements that are at least equivalent to the licensing requirements of this State, including the number of years of work experience equivalent to the experience required under § 9A-302(b), (c), and (d) of this title.

(c) The Board may grant a waiver only if the state in which the applicant is licensed waives the examination of licensees of this State to a similar extent as this State waives the examination

(Over)

requirements for individuals licensed in that state.”.

AMENDMENT NO. 3

On page 2, in line 11, strike “COVERING” and substitute “NOT TO EXCEED”; and in line 18, strike “COVERING” and substitute “NOT TO EXCEED”.

On page 7, in line 1, strike “COVERING” and substitute “NOT TO EXCEED”.

On page 8, in line 20, strike “COVERING” and substitute “NOT TO EXCEED”.

On page 9, in line 34, strike “COVERING” and substitute “NOT TO EXCEED”.

On page 13, in line 1, strike “COVERING” and substitute “NOT TO EXCEED”.

On page 14, in line 32, strike “COVERING” and substitute “NOT TO EXCEED”.

On page 15, in line 31, strike “to cover” and substitute “NOT TO EXCEED”.

On page 17, in line 17, strike “COVERING” and substitute “NOT TO EXCEED”.

On page 19, in line 17, strike “COVERING” and substitute “NOT TO EXCEED”.

On page 22, in line 24, strike “COVERING” and substitute “NOT TO EXCEED”.

On page 24, in line 10, strike “COVERING” and substitute “NOT TO EXCEED”; and in line 36, strike “TO COVER” and substitute “IN AN AMOUNT NOT TO EXCEED”.