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

Introduced and read first time: January 23, 1998

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Department of Labor, Licensing, and Regulation - Occupational and**  
3 **Professional Licensing Boards - Examinations and Fees**

4 FOR the purpose of clarifying the authority of certain boards and commissions to  
5 contract for certain testing services; altering certain terminology related to  
6 certain fees; authorizing the direct payments of examination fees to the  
7 designees of certain boards or commissions; providing for payment to the Real  
8 Estate Commission and the Home Improvement Commission the costs of a  
9 credit report; clarifying the authority of the Real Estate Commission to require  
10 a credit report for the renewal of a broker's license and the authority of the  
11 Home Improvement Commission to require a credit report for renewal of a  
12 contractor's license; and generally relating to the contracting for testing services  
13 and collection of examination and credit report fees.

14 BY repealing and reenacting, with amendments,  
15 Article - Business Occupations and Professions  
16 Section 2-304, 3-304, 3-305, 4-302, 4-303, 4-304, 5-306, 5-307, 6-305, 6-306,  
17 9-304, 9-305, 9-306, 12-303, 12-304, 14-306, 14-307, 15-306, 15-307,  
18 16-302(e), 16-304, 16-503(c), 16-506, 17-307, and 17-314  
19 Annotated Code of Maryland  
20 (1995 Replacement Volume and 1997 Supplement)

21 BY adding to  
22 Article - Business Occupations and Professions  
23 Section 3-305.1, 4-304.1, 5-307.1, 6-306.1, 9-305.1, 12-304.1, 14-307.1,  
24 15-307.1, 16-304.1, and 16-506.1  
25 Annotated Code of Maryland  
26 (1995 Replacement Volume and 1997 Supplement)

27 BY repealing and reenacting, with amendments,  
28 Article - Business Regulation  
29 Section 8-302, 8-303, 8-308, and 9A-304  
30 Annotated Code of Maryland

1 (1992 Volume and 1997 Supplement)

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 2-304.

6 An applicant for a license shall:

7 (1) submit to the Board an application on the form that the Board  
8 provides; and

9 (2) pay to the Board OR THE BOARD'S DESIGNEE an [application]  
10 EXAMINATION fee [set by the Board not to exceed the cost of administering] IN AN  
11 AMOUNT COVERING THE COST OF the required examination [to the applicant].

12 3-304.

13 An applicant for a license SHALL:

14 (1) [shall] submit to the Board an application on the form that the  
15 Board provides; and

16 (2) except as provided in § 3-306(b) or (c) of this subtitle, [shall] pay to  
17 the Board OR THE BOARD'S DESIGNEE an [application] EXAMINATION fee [set by the  
18 Board to approximate the cost of administering] IN AN AMOUNT COVERING THE COST  
19 OF the required examination [to the applicant].

20 3-305.

21 (a) [An] EXCEPT AS OTHERWISE PROVIDED IN § 3-305.1 OF THIS SUBTITLE,  
22 AN applicant who otherwise qualifies for a license is entitled to be examined as  
23 provided in this section.

24 (b) The Board shall give examinations to QUALIFIED applicants at least once a  
25 year at the time and place that the Board determines.

26 (c) The Board shall give each qualified applicant notice of the time and place  
27 of examination.

28 (d) (1) The Board shall determine the subjects, scope, and form of and the  
29 passing score for examinations given under this title.

30 (2) The Board may adopt an examination or a recommended grading  
31 procedure of the Council or any similar organization.

1 3-305.1.

2 (A) THE BOARD MAY USE A TESTING SERVICE TO ADMINISTER EXAMINATIONS  
3 GIVEN UNDER THIS TITLE.

4 (B) IF THE BOARD USES A TESTING SERVICE, THE TESTING SERVICE, SUBJECT  
5 TO THE REQUIREMENTS SET BY THE BOARD, MAY:

6 (1) SET THE TIME AND PLACE OF EXAMINATIONS;

7 (2) GIVE QUALIFIED APPLICANTS NOTICE OF THE TIME AND PLACE OF  
8 EXAMINATIONS; AND

9 (3) FURNISH ANY OTHER INFORMATION THAT THE BOARD MAY  
10 REQUIRE THE TESTING SERVICE TO PROVIDE.

11 4-302.

12 (a) To qualify for a license to practice barbering, an applicant shall be an  
13 individual who meets the requirements of this section.

14 (b) (1) An applicant for a barber license shall have completed successfully:

15 (i) a required program of at least 1,200 hours of training in a  
16 barber school that is approved by the State Department of Education or the Maryland  
17 Higher Education Commission, in consultation with the Board; or

18 (ii) an apprenticeship of at least 2,250 hours within 2 years in a  
19 barbershop that holds a barbershop permit under the supervision of a master barber.

20 (2) If the applicant for a barber license is an individual trained and  
21 currently licensed as a cosmetologist in the State, the Board shall:

22 (i) credit the applicant with having met one-half of the training  
23 requirement of paragraph (1) of this subsection; and

24 (ii) determine the manner in which the credit will be applied.

25 (c) An applicant for a master barber license shall have at least 15 months of  
26 experience as a barber.

27 (d) (1) Except as otherwise provided in this subtitle, an applicant for a  
28 master barber license shall pass an examination given by the Board OR THE BOARD'S  
29 DESIGNEE under this subtitle.

30 (2) Except as otherwise provided in this subtitle, an applicant for a  
31 barber license shall pass an examination given by the Board OR THE BOARD'S  
32 DESIGNEE under this subtitle.

1 4-303.

2 An applicant for a license shall:

3 (1) submit to the Board an application on the form that the Board  
4 provides; and

5 (2) pay to the Board an [application] EXAMINATION fee established by  
6 the Board in accordance with § 4-206 of this title.

7 4-304.

8 (a) [An applicant who otherwise qualifies for a license] EXCEPT AS  
9 OTHERWISE PROVIDED IN § 4-304.1 OF THIS SUBTITLE, AN APPLICANT is entitled to be  
10 examined as provided in this section IF THE APPLICANT:

11 (1) OTHERWISE QUALIFIES FOR A LICENSE UNDER THIS TITLE; AND

12 (2) PAYS AN EXAMINATION FEE AS ESTABLISHED BY THE BOARD IN  
13 ACCORDANCE WITH § 4-206 OF THIS TITLE TO THE BOARD OR THE BOARD'S  
14 DESIGNEE.

15 (b) The Board periodically shall give examinations to applicants at the times  
16 and places that the Board determines.

17 (c) The Board shall give each qualified applicant notice of the time and place  
18 of examination.

19 (d) (1) The Board shall determine the subjects, scope, and form of and the  
20 passing score for examinations given under this subtitle.

21 (2) An examination may consist of written and practical parts.

22 (e) (1) Subject to § 2-110 of the Business Regulation Article, an applicant  
23 whose primary language is not English may use a Board approved interpreter for the  
24 written part of an examination, but not for the practical part of an examination.

25 (2) The passing of the practical part of an examination without an  
26 interpreter demonstrates that the applicant possesses sufficient command of English  
27 to understand and properly respond to an English-speaking customer.

28 (f) Subject to § 2-110 of the Business Regulation Article, in the case of an  
29 applicant who demonstrates dyslexia or other reading impairment to the Board:

30 (1) the Board may grant 1 or both of the following:

31 (i) additional time to complete all or part of the examination; or

32 (ii) oral examination for all or part of the written part of the  
33 examination.

1 (2) the Board shall approve for licensing an applicant who:

2 (i) passes the examination; and

3 (ii) demonstrates to the Board that the applicant's dyslexia or other  
4 reading impairment, if any, does not significantly impair the applicant's ability to  
5 function as a licensee.

6 (g) If an applicant fails to appear for a scheduled examination, the Board may  
7 require the applicant to pay another application fee under § 4-303 of this subtitle  
8 before rescheduling an examination for the applicant.

9 4-304.1.

10 (A) THE BOARD MAY USE A TESTING SERVICE TO ADMINISTER EXAMINATIONS  
11 GIVEN UNDER THIS TITLE.

12 (B) IF THE BOARD USES A TESTING SERVICE, THE TESTING SERVICE, SUBJECT  
13 TO THE REQUIREMENTS SET BY THE BOARD, MAY:

14 (1) SET THE TIME AND PLACE OF EXAMINATIONS;

15 (2) GIVE QUALIFIED APPLICANTS NOTICE OF THE TIME AND PLACE OF  
16 EXAMINATIONS; AND

17 (3) FURNISH ANY OTHER INFORMATION THAT THE BOARD MAY  
18 REQUIRE THE TESTING SERVICE TO PROVIDE.

19 5-306.

20 (a) An applicant for a license:

21 (1) shall submit to the Board an application on the form that the Board  
22 provides; and

23 (2) except as provided in § 5-308 of this subtitle, shall pay to the Board  
24 the appropriate [application] EXAMINATION fee established by the Board in  
25 accordance with § 5-205 of this title.

26 (b) In addition to the other requirements of this section, an applicant for a  
27 license to provide makeup artist services shall submit to the Board credentials that  
28 certify sufficient training.

29 5-307.

30 (a) [An applicant who otherwise qualifies for a license] EXCEPT AS  
31 OTHERWISE PROVIDED IN § 5-307.1 OF THIS SUBTITLE, AN APPLICANT is entitled to be  
32 examined as provided in this section IF THE APPLICANT:

33 (1) OTHERWISE QUALIFIES FOR A LICENSE UNDER THIS TITLE; AND

1                   (2)       PAYS AN EXAMINATION FEE, AS ESTABLISHED BY THE BOARD IN  
2 ACCORDANCE WITH § 5-205 OF THIS TITLE, TO THE BOARD OR THE BOARD'S  
3 DESIGNEE.

4       (b)       (1)       [The Board may employ examiners to give examinations to  
5 applicants and designate an examiner to give the written or practical parts of the  
6 examination or both.

7                   (2)       Subject to the State budget, each examiner is entitled to reasonable  
8 compensation set by the Board for each day on which the examiner is engaged in the  
9 duties of the employment.

10       (c)       The Board periodically shall give examinations to applicants at the times  
11 and places that the Board determines.

12       (d)       The Board shall give each qualified applicant notice of the time and place  
13 of examination.

14       (e)       (1)] The Board shall determine the subjects, scope, and form of and the  
15 passing score for examinations given under this subtitle.

16                   (2)       An examination may consist of written and practical parts.

17       [(f)]     (C)       The Board OR THE BOARD'S DESIGNEE shall mail to each applicant  
18 notice of the applicant's examination result.

19 5-307.1.

20       (A)       THE BOARD MAY USE A TESTING SERVICE TO ADMINISTER THE  
21 EXAMINATIONS REQUIRED FOR LICENSURE.

22       (B)       IF THE BOARD USES A TESTING SERVICE, THE TESTING SERVICE, SUBJECT  
23 TO THE REQUIREMENTS SET BY THE BOARD, MAY:

24                   (1)       SET THE TIME AND PLACE OF EXAMINATIONS;

25                   (2)       PROVIDE NOTICE OF THE TIME AND PLACE OF AN EXAMINATION TO  
26 AN APPLICANT; AND

27                   (3)       FURNISH ANY OTHER INFORMATION THAT THE BOARD MAY  
28 REQUIRE THE TESTING SERVICE TO PROVIDE.

29 6-305.

30       An applicant for a State license shall:

31                   (1)       submit to the State Board an application on the form that the State  
32 Board provides; and

33                   (2)       pay to the State Board OR THE STATE BOARD'S DESIGNEE an  
34 [application] EXAMINATION fee [set by the Board not to exceed the cost of

1 administering] IN AN AMOUNT COVERING THE COST OF the required examination [to  
2 the applicant].

3 6-306.

4 (a) [An] EXCEPT AS OTHERWISE PROVIDED IN § 6-306.1 OF THIS SUBTITLE,  
5 AN applicant who otherwise qualifies for a State license is entitled to be examined as  
6 provided in this section.

7 (b) The State Board shall give examinations to QUALIFIED applicants at least  
8 twice a year, at the dates, times, and places that the State Board determines.

9 (c) (1) At least 15 days before the examination, the State Board shall notify  
10 each applicant whether the applicant is eligible to be examined under this section.

11 (2) The notice shall specify the passing score for the examination.

12 (d) (1) The State Board shall determine the subjects and scope of the  
13 examination from a list of questions submitted by the Maryland Uniform Electrical  
14 Licensing Examination Committee, Inc.

15 (2) The State Board shall choose examination questions that:

16 (i) test the applicant's knowledge of all applicable codes, laws, or  
17 principles of electrical installation; and

18 (ii) are constructed to determine the fitness of the applicant for a  
19 State license.

20 (3) The State Board may appoint a committee to develop examination  
21 questions.

22 (e) The form of the examination shall be objective and written.

23 (f) The passing score for the examination shall be 70%.

24 (g) Within 45 days after the examination, the State Board shall mail to each  
25 applicant notice of the applicant's examination score.

26 (h) On written request to the State Board, an applicant who failed an  
27 examination may review the answers that the applicant gave and the scores for those  
28 answers, at a time and place that the State Board determines.

29 (i) (1) If an applicant fails to appear for a scheduled examination, the  
30 applicant may reapply for an examination.

31 (2) The applicant:

32 (i) shall submit to the State Board an application for  
33 reexamination on the form that the State Board provides; and

1 (ii) unless, for good cause, the State Board waives payment of the  
2 [application] EXAMINATION fee, shall again pay the [application] EXAMINATION fee  
3 under § 6-305 of this subtitle.

4 6-306.1.

5 (A) THE STATE BOARD MAY USE A TESTING SERVICE TO ADMINISTER THE  
6 EXAMINATIONS GIVEN UNDER THIS TITLE.

7 (B) IF THE STATE BOARD USES A TESTING SERVICE, THE TESTING SERVICE,  
8 SUBJECT TO THE REQUIREMENTS SET BY THE STATE BOARD, MAY:

9 (1) SET THE TIME AND PLACE OF EXAMINATIONS;

10 (2) GIVE QUALIFIED APPLICANTS NOTICE OF THE TIME AND PLACE OF  
11 EXAMINATIONS; AND

12 (3) FURNISH ANY OTHER INFORMATION THAT THE STATE BOARD MAY  
13 REQUIRE THE TESTING SERVICE TO PROVIDE.

14 9-304.

15 An applicant for a license shall:

16 (1) submit to the Board an application on the form that the Board  
17 provides; and

18 (2) EXCEPT AS PROVIDED IN § 9-306 OF THIS SUBTITLE, pay to the Board  
19 OR THE BOARD'S DESIGNEE an [application] EXAMINATION fee [set by the Board] IN  
20 AN AMOUNT COVERING THE COST OF the required examination.

21 9-305.

22 (a) [An] EXCEPT AS OTHERWISE PROVIDED IN § 9-305.1 OF THIS SUBTITLE,  
23 AN applicant who otherwise qualifies for a license is entitled to be examined as  
24 provided in this section.

25 (b) The Board shall give written examinations to QUALIFIED applicants at  
26 least once a year at the time and place that the Board determines.

27 (c) The Board shall give each qualified applicant notice of the time and place  
28 of examination.

29 (d) (1) The Board shall determine, by regulation, the subjects, scope, and  
30 form of and the passing score for examinations given under this title.

31 (2) The Board shall structure the examination to test the competency of  
32 an applicant to plan, design, and supervise the installation of landscape projects.

33 (3) The Board may supplement a written examination given under this  
34 section with an oral examination.

1 9-305.1.

2 (A) THE BOARD MAY USE A TESTING SERVICE TO ADMINISTER THE  
3 EXAMINATIONS GIVEN UNDER THIS TITLE.

4 (B) IF THE BOARD USES A TESTING SERVICE UNDER THIS SUBSECTION, THE  
5 TESTING SERVICE, SUBJECT TO THE REQUIREMENTS SET BY THE BOARD, MAY:

6 (1) SET THE TIME AND PLACE OF EXAMINATIONS;

7 (2) GIVE QUALIFIED APPLICANTS NOTICE OF THE TIME AND PLACE OF  
8 EXAMINATIONS; AND

9 (3) FURNISH ANY OTHER INFORMATION THAT THE BOARD MAY  
10 REQUIRE THE TESTING SERVICE TO PROVIDE.

11 9-306.

12 (a) Subject to the provisions of this section, the Board may waive any  
13 requirement of this subtitle for an applicant who is licensed to practice landscape  
14 architecture in another state.

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

16 (1) pays the [application] EXAMINATION fee [required under § 9-304 of  
17 this subtitle] NOT EXCEEDING \$100; and

18 (2) provides adequate evidence that, at the time the applicant was  
19 licensed in the other state, the applicant was required to pass an examination and  
20 meet qualifications that were substantially equivalent to the examination and  
21 qualifications in this State.

22 (c) The Board may grant a waiver under this section only if the state in which  
23 the applicant is licensed waives the examination and qualifications of licensees of this  
24 State to a similar extent as this State waives the examination and qualification  
25 requirements for individuals licensed in that state.

26 12-303.

27 An applicant for a license shall:

28 (1) submit to the Board an application on the form that the Board  
29 provides; and

30 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, pay to the  
31 Board OR THE BOARD'S DESIGNEE an [application] EXAMINATION fee:

32 (i) for a master plumber license or a journey plumber license, an  
33 amount [set by the Board, which may not exceed the cost of administering the  
34 required examination to the applicant] COVERING THE COST OF REQUIRED  
35 EXAMINATION;

1 (ii) for an apprentice plumber license of \$15; or

2 (iii) for a propane gas fitter certificate of \$25.

3 12-304.

4 (a) [An] EXCEPT AS OTHERWISE PROVIDED IN § 12-304.1 OF THIS SUBTITLE,  
5 AN applicant who otherwise qualifies for a license is entitled to be examined as  
6 provided in this section.

7 (b) (1) Subject to paragraph (2) of this subsection, the Board shall give  
8 examinations to QUALIFIED applicants at the times and places that the Board  
9 determines.

10 (2) The Board shall give an examination at least once a year in  
11 Baltimore City.

12 (c) The Board shall give each qualified applicant notice of the time and place  
13 of examination.

14 (d) (1) The Board shall determine the subjects, scope, and form of and the  
15 passing score for examinations given under this subtitle.

16 (2) The Board shall provide examination questions that test the  
17 competency and qualifications of the applicant.

18 (e) (1) If an applicant fails an examination given by the Board, the Board  
19 shall give the applicant notice of the right of the applicant to have the papers of the  
20 applicant regraded.

21 (2) On written request to the Board, an applicant who failed an  
22 examination may:

23 (i) review the examination questions and the answers given by the  
24 applicant; and

25 (ii) have the examination regraded.

26 (f) If an applicant fails to appear for a scheduled examination, the Board may  
27 require the applicant to pay another [application] EXAMINATION fee under § 12-303  
28 of this subtitle before rescheduling an examination for the applicant.

29 12-304.1.

30 (A) THE BOARD MAY USE A TESTING SERVICE TO ADMINISTER AN  
31 EXAMINATION GIVEN UNDER THIS SUBTITLE.

32 (B) IF THE BOARD USES A TESTING SERVICE, THE TESTING SERVICE, SUBJECT  
33 TO THE REQUIREMENTS SET BY THE BOARD, MAY:

34 (1) SET THE TIME AND PLACE OF EXAMINATIONS;

1 (2) GIVE QUALIFIED APPLICANTS NOTICE OF THE TIME AND PLACE OF  
2 EXAMINATIONS; AND

3 (3) FURNISH ANY OTHER INFORMATION THAT THE BOARD MAY  
4 REQUIRE THE TESTING SERVICE TO PROVIDE.

5 14-306.

6 (a) An applicant for a license shall:

7 (1) submit to the Board:

8 (i) an application on the form that the Board provides; and

9 (ii) any relevant document that the Board requires; and

10 (2) EXCEPT AS OTHERWISE PROVIDED IN § 14-311 OF THIS SUBTITLE,  
11 pay to the Board an [application] EXAMINATION fee [set by the Board to  
12 approximate the cost of administering] IN AN AMOUNT COVERING THE COST OF the  
13 required examinations [to the applicant].

14 (b) (1) The application form shall require:

15 (i) a statement about the education of the applicant;

16 (ii) a statement about the engineering experience of the applicant;

17 (iii) a list of at least 5 references, which, unless excused by the  
18 Board, shall include at least 3 professional engineers who have personal knowledge of  
19 the applicant's engineering experience; and

20 (iv) any other relevant information that the Board requires.

21 (2) An application shall be made under oath.

22 (c) If the Board finds that an application form and the accompanying  
23 documentation do not demonstrate that the applicant meets the requirements for a  
24 license under this subtitle, the Board may require the applicant to submit additional  
25 information or documentation.

26 14-307.

27 (a) (1) [An] EXCEPT AS OTHERWISE PROVIDED IN § 14-307.1 OF THIS  
28 SUBTITLE, AN applicant who otherwise qualifies for a license is entitled to be  
29 examined as provided in this section.

30 (2) Subject to § 14-310 of this subtitle, an individual may take the  
31 examination in the fundamentals of engineering before meeting other qualifications  
32 for a license.

1 (b) The Board periodically shall give the examinations required under this  
2 subtitle to QUALIFIED applicants at the times and places that the Board determines.

3 (c) The Board shall give each qualified applicant notice of the time and place  
4 of examination.

5 (d) (1) As provided under § 14-305 of this subtitle, the Board shall give the  
6 following 2 separate examinations:

7 (i) an 8-hour written examination in the fundamentals of  
8 engineering; and

9 (ii) an 8-hour written examination in the principles and practice of  
10 engineering.

11 (2) The Board shall determine the subjects, scope, and form of and  
12 method of grading and passing scores for examinations given under this subtitle.

13 (3) The Board shall structure the examinations to test the ability of an  
14 applicant to design, plan, and direct engineering works in order to ensure the safety  
15 of life, health, and property.

16 14-307.1.

17 (A) THE BOARD MAY USE A TESTING SERVICE TO ADMINISTER THE  
18 EXAMINATIONS REQUIRED UNDER THIS SUBTITLE.

19 (B) IF THE BOARD USES A TESTING SERVICE, THE TESTING SERVICE, SUBJECT  
20 TO THE REQUIREMENTS SET BY THE BOARD, MAY:

21 (1) SET THE TIME AND PLACE OF EXAMINATIONS;

22 (2) GIVE QUALIFIED APPLICANTS NOTICE OF THE TIME AND PLACE OF  
23 EXAMINATIONS; AND

24 (3) FURNISH ANY OTHER INFORMATION THAT THE BOARD MAY  
25 REQUIRE THE TESTING SERVICE TO PROVIDE.

26 15-306.

27 (a) An applicant for a license shall:

28 (1) submit to the Board:

29 (i) an application on the form that the Board provides; and

30 (ii) any relevant document that the Board requires; and

31 (2) EXCEPT AS OTHERWISE PROVIDED IN § 15-311(B) OF THIS SUBTITLE,  
32 pay to the Board OR THE BOARD'S DESIGNEE an [application] EXAMINATION fee [set

1 by the Board not to exceed the cost of administering] IN AN AMOUNT COVERING THE  
2 COST OF the required examination [to the applicant].

3 (b) (1) The application form shall require:

4 (i) a statement about the education of the applicant;

5 (ii) a statement about the experience of the applicant in land or  
6 property line surveying;

7 (iii) a list of at least 5 references that, unless excused by the Board,  
8 shall include:

9 1. for a land surveyor applicant, at least 3 professional land  
10 surveyors who have personal knowledge of the applicant's land surveying experience;  
11 and

12 2. for a property line surveyor applicant, at least 3  
13 individuals, each of whom:

14 A. is either a professional land surveyor or a licensed  
15 property line surveyor; and

16 B. has personal knowledge of the applicant's property line  
17 surveying experience; and

18 (iv) any other relevant information that the Board requires.

19 (2) An application shall be made under oath.

20 (c) If the Board finds that an application form and the accompanying  
21 documentation do not demonstrate that the applicant meets the requirements for a  
22 license under this subtitle, the Board may require the applicant to submit additional  
23 information or documentation.

24 15-307.

25 (a) [An] EXCEPT AS OTHERWISE PROVIDED IN § 15-307.1 OF THIS SUBTITLE,  
26 AN applicant who otherwise qualifies for a license is entitled to be examined as  
27 provided in this section.

28 (b) The Board periodically shall give the examinations required under this  
29 subtitle to QUALIFIED applicants at the times and places that the Board determines.

30 (c) The Board shall give each qualified applicant notice of the time and place  
31 of examination.

32 (d) As provided for applicants for a license to practice land surveying under §  
33 15-305 of this subtitle, the Board shall give the following 2 separate examinations:

34 (1) a written examination in the fundamentals of land surveying; and

1 (2) a written examination in the principles and practice of land  
2 surveying.

3 (e) (1) The Board shall determine the subjects, scope, and form of and  
4 method of grading and passing scores for the examinations given under this subtitle.

5 (2) The Board shall structure the examinations to test the ability of an  
6 applicant to design, plan, and direct land surveying in order to ensure the safety of  
7 life, health, and property.

8 15-307.1.

9 (A) THE BOARD MAY USE A TESTING SERVICE TO ADMINISTER THE  
10 EXAMINATIONS GIVEN UNDER THIS TITLE.

11 (B) IF THE BOARD USES A TESTING SERVICE, THE TESTING SERVICE, SUBJECT  
12 TO THE REQUIREMENTS SET BY THE BOARD, MAY:

13 (1) SET THE TIME AND PLACE OF EXAMINATIONS;

14 (2) GIVE QUALIFIED APPLICANTS NOTICE OF THE TIME AND PLACE OF  
15 EXAMINATIONS; AND

16 (3) FURNISH ANY OTHER INFORMATION THAT THE BOARD MAY  
17 REQUIRE THE TESTING SERVICE TO PROVIDE.

18 16-302.

19 (e) Except as otherwise provided in this subtitle, the applicant shall pass an  
20 examination given by the Commission OR THE COMMISSION'S DESIGNEE under this  
21 subtitle.

22 16-304.

23 (a) [An] EXCEPT AS OTHERWISE PROVIDED IN § 16-304.1 OF THIS SUBTITLE,  
24 AN applicant who otherwise qualifies for a license is entitled to be examined as  
25 provided in this section.

26 (b) The Commission periodically shall give examinations to QUALIFIED  
27 applicants at the times and places that the Commission determines.

28 (c) The Commission shall give each qualified applicant notice of the times and  
29 places that the Commission determines.

30 (d) To take an examination, an applicant shall pay an examination fee to the  
31 Commission OR THE COMMISSION'S DESIGNEE in an amount [established by the  
32 Commission not to exceed the cost of administering] COVERING THE COST OF the  
33 examination.

1 (e) (1) Except as otherwise provided in this subsection, the Commission  
2 shall determine the subjects, scope, form, and the passing score for examinations  
3 given under this subtitle.

4 (2) The Commission shall structure the examinations for a real estate  
5 appraisal license to test the knowledge of an applicant of real estate appraisal theory  
6 and practice and the standards of conduct that the Commission adopts under §  
7 16-208 of this title.

8 16-304.1.

9 (A) THE COMMISSION MAY USE A TESTING SERVICE TO ADMINISTER THE  
10 EXAMINATIONS GIVEN UNDER THIS SUBTITLE.

11 (B) IF THE COMMISSION USES A TESTING SERVICE, THE TESTING SERVICE,  
12 SUBJECT TO THE REQUIREMENTS SET BY THE COMMISSION, MAY:

13 (1) SET THE TIME AND PLACE OF EXAMINATIONS;

14 (2) GIVE QUALIFIED APPLICANTS NOTICE OF THE TIME AND PLACE OF  
15 EXAMINATIONS; AND

16 (3) FURNISH ANY OTHER INFORMATION THAT THE COMMISSION MAY  
17 REQUIRE THE TESTING SERVICE TO PROVIDE.

18 16-503.

19 (c) An applicant shall pass the examination for a certificate for residential or  
20 general real estate appraisal given by the Commission OR THE COMMISSION'S  
21 DESIGNEE under this subtitle.

22 16-506.

23 (a) [An] EXCEPT AS OTHERWISE PROVIDED IN § 16-506.1 OF THIS SUBTITLE,  
24 AN applicant who otherwise qualifies for a certificate is entitled to be examined as  
25 provided in this section.

26 (b) The Commission periodically shall give examinations to QUALIFIED  
27 applicants at the times and places that the Commission determines.

28 (c) The Commission shall give each qualified applicant notice of the time and  
29 place of examination.

30 (d) To take an examination, an applicant shall pay an examination fee to the  
31 Commission OR THE COMMISSION'S DESIGNEE in an amount to cover the cost of  
32 administering the examination [as established by the Commission].

33 (e) (1) Except as otherwise provided in this subsection, the Commission  
34 shall determine the scope and the passing score for examinations given under this  
35 subtitle.

1 (2) The form of an examination shall be written.

2 (3) An examination shall test knowledge of:

3 (i) technical terms commonly used in real estate appraising and  
4 economic concepts applicable to real estate;

5 (ii) real estate appraisal theory and practice and real estate  
6 appraisal process;

7 (iii) standards for the development and communication of real  
8 estate appraisals;

9 (iv) standards of conduct that the Commission adopts under §  
10 16-208 of this title;

11 (v) theories of depreciation, cost estimating, methods of  
12 capitalization, the mathematics of real estate appraisal, and other principles that are  
13 appropriate for the certificate for which the applicant applies;

14 (vi) basic real estate law; and

15 (vii) misconduct for which disciplinary proceedings may be started  
16 against a certified real estate appraiser for residential real estate or a certified real  
17 estate appraiser for general real estate.

18 16-506.1.

19 (A) THE COMMISSION MAY USE A TESTING SERVICE TO ADMINISTER THE  
20 EXAMINATIONS GIVEN UNDER THIS SUBTITLE.

21 (B) IF THE COMMISSION USES A TESTING SERVICE, THE TESTING SERVICE,  
22 SUBJECT TO THE REQUIREMENTS SET BY THE COMMISSION, MAY:

23 (1) SET THE TIME AND PLACE OF EXAMINATIONS;

24 (2) GIVE QUALIFIED APPLICANTS NOTICE OF THE TIME AND PLACE OF  
25 EXAMINATIONS; AND

26 (3) FURNISH ANY OTHER INFORMATION THAT THE COMMISSION MAY  
27 REQUIRE THE TESTING SERVICE TO PROVIDE.

28 17-307.

29 (A) An applicant for a license:

30 (1) shall submit to the Commission an application on the form that the  
31 Commission provides;

32 (2) if a testing service was used to administer the examination, shall  
33 submit to the Commission a copy of the examination results of the applicant;

1 (3) shall pay into the Guaranty Fund any fee required under § 17-403 of  
2 this title;

3 (4) shall pay to the Commission an application fee of:

4 (i) \$95 for a real estate broker license;

5 (ii) \$65 for an associate real estate broker license; or

6 (iii) \$45 for a real estate salesperson license; AND

7 (5) SHALL SUBMIT TO THE COMMISSION ANY ADDITIONAL  
8 INFORMATION OR DOCUMENTATION THAT THE COMMISSION REQUIRES, INCLUDING  
9 ANY INFORMATION OR DOCUMENTATION TO DETERMINE THE PROFESSIONAL  
10 COMPETENCE OR THE GOOD CHARACTER AND REPUTATION OF THE APPLICANT.

11 (B) [if] IF the applicant is applying for a real estate broker license, THE  
12 APPLICANT:

13 (1) shall have submitted to the Commission, by a credit reporting agency  
14 approved by the Commission, a credit report that contains the information required  
15 by the Commission; OR

16 (2) SHALL HAVE PAID TO THE COMMISSION OR THE COMMISSION'S  
17 DESIGNEE A CREDIT REPORT FEE IN AN AMOUNT COVERING THE COST CHARGED BY  
18 A CREDIT REPORTING AGENCY APPROVED BY THE COMMISSION TO OBTAIN A CREDIT  
19 REPORT THAT CONTAINS THE INFORMATION REQUIRED BY THE COMMISSION.

20 [(6)] (C) [if] IF the applicant is applying for a real estate salesperson or  
21 associate real estate broker license, THE APPLICANT shall submit to the Commission  
22 adequate evidence that the applicant has obtained, from a licensed real estate broker,  
23 a commitment providing that the applicant shall become affiliated with the licensed  
24 real estate broker as a real estate salesperson or an associate real estate broker on  
25 the granting of a real estate salesperson license or an associate real estate broker  
26 license to the applicant.

27 [(7)] (D) [if] IF the applicant currently is licensed as a real estate  
28 salesperson or an associate real estate broker, THE APPLICANT shall submit to the  
29 Commission a copy of the written notice required under § 17-313 of this subtitle  
30 informing each real estate broker with whom the applicant currently is affiliated that  
31 the applicant intends to affiliate with an additional real estate broker or to obtain a  
32 real estate broker license.

33 [(8)] (E) [if] IF the applicant is not a resident of this State, THE  
34 APPLICANT shall submit to the Commission a consent and any related document  
35 required under § 17-514 of this title; and].

36 [(9) shall submit to the Commission any additional information or  
37 documentation that the Commission requires, including any information or

1 documentation to determine the professional competence or the good character and  
2 reputation of the applicant.]

3 17-314.

4 (a) Except as provided in subsection (c) of this section, unless a real estate  
5 broker license is renewed for a 2-year term as provided in this section, the license  
6 expires on the first March 1 that comes:

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

8 (2) in an even-numbered year.

9 (b) Except as provided in subsection (c) of this section, unless an associate real  
10 estate broker or real estate salesperson license is renewed for a 2-year term as  
11 provided in this section, the license expires on the first April 30 that comes:

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

13 (2) in an even-numbered year.

14 (c) The Secretary may determine that licenses issued under this title shall  
15 expire on a staggered basis.

16 (d) (1) At least 1 month before a license expires, the Commission shall mail  
17 to the licensee, as provided in paragraph (2) of this subsection:

18 (i) a renewal application form; and

19 (ii) a notice that states:

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

21 2. the date by which the Commission must receive the  
22 renewal application for the renewal to be issued and mailed before the license expires;  
23 and

24 3. the amount of the renewal fee.

25 (2) (i) If the licensee is a real estate broker, the Commission shall mail  
26 the renewal application form and notice to the principal office of the broker.

27 (ii) If the licensee is an associate real estate broker or a real estate  
28 salesperson, the Commission shall mail the renewal application form and notice to  
29 the principal office of the real estate broker with whom the licensee is affiliated.

30 (e) Before a license expires, the licensee periodically may renew it for an  
31 additional 2-year term, if the licensee:

32 (1) otherwise is entitled to be licensed;

1           (2)       pays to the Commission a renewal fee of:

2 (i) \$95 for a real estate broker license;

3 (ii) \$65 for an associate real estate broker license; or

4 (iii) \$45 for a real estate salesperson license;

5 (3) submits to the Commission a renewal application on the form that  
6 the Commission provides;

7                   (4)       submits to the Commission the original certificate of completion  
8 verifying that the licensee has complied with the continuing education requirements  
9 under § 17-315 of this subtitle; [and]

10 (5) notifies the Commission of the name of each real estate broker with  
11 whom the licensee then is affiliated; AND

12 (6) FOR THE RENEWAL OF A REAL ESTATE BROKER LICENSE:

13 (I) SUBMITS TO THE COMMISSION, BY A CREDIT REPORTING  
14 AGENCY APPROVED BY THE COMMISSION, A CREDIT REPORT THAT CONTAINS THE  
15 INFORMATION REQUIRED BY THE COMMISSION; OR

16 (II) PAYS TO THE COMMISSION A CREDIT REPORT FEE IN AN  
17 AMOUNT COVERING THE COST CHARGED BY A CREDIT REPORTING AGENCY  
18 APPROVED BY THE COMMISSION TO OBTAIN A CREDIT REPORT THAT CONTAINS THE  
19 INFORMATION REQUIRED BY THE COMMISSION FOR RENEWAL OF A REAL ESTATE  
20 BROKER LICENSE.

(f) The Commission shall renew the license of and issue a renewal certificate and pocket card to each licensee who meets the requirements of this section.

23 (g) The Commission shall reinstate the license of a licensee under this title  
24 whose license has expired if the licensee:

25 (1) applies to the Commission for reinstatement within 4 years after the  
26 license expires;

27 (2) meets the requirement of good character and reputation;

28 (3) complies with the applicable continuing education requirement for  
29 the period during which the individual was not licensed; and

30                   (4)       pays to the Commission:

31 (i) all past due renewal fees; and

32 (ii) a reinstatement fee of \$100.

**Article - Business Regulation**

2 8-302.

3 (a) An applicant for a contractor's, subcontractor's, or salesperson's license  
4 must pass the examination prior to submitting an application for a license.

5 (b) An applicant may receive a license only if the applicant passes the  
6 examination that the Commission requires.

7 (c) (1) To take an examination, an applicant shall pay to the Commission OR  
8 A TESTING SERVICE CHOSEN BY THE COMMISSION the examination fee set by the  
9 Commission to cover the cost of the examination.

10 (2) The examination fee is nonrefundable.

11 (d) (1) The Commission shall schedule the applicant for an examination to  
12 be held within 45 days after the Commission receives an application for examination.

13 (2) The examination shall be held at a location:

14 (i) that is within the general geographic area where the applicant  
15 resides, if the applicant resides in the State; or

16 (ii) that the Commission determines, if the applicant resides out of  
17 State.

18 (e) The Commission shall give each qualified applicant notice of the time and  
19 place of examination.

20 (f) (1) Except as otherwise provided in this [subsection] SECTION, the  
21 Commission shall determine the subjects, scope, and form of and the passing score for  
22 examinations.

23 (2) The examination shall test:

24 (i) the applicant's knowledge of the law about home improvement;  
25 and

26 (ii) the applicant's competency to engage in the licensed occupation.

27 (3) The competency part of the examination may be oral or written.

28 (G) (1) THE COMMISSION MAY USE A TESTING SERVICE TO ADMINISTER  
29 THE EXAMINATIONS GIVEN UNDER THIS SECTION.

30 (2) IF THE COMMISSION USES A TESTING SERVICE UNDER THIS  
31 SUBSECTION, THE TESTING SERVICE, SUBJECT TO THE REQUIREMENTS SET BY THE  
32 COMMISSION, MAY:

33 (I) SET THE TIME AND PLACE OF EXAMINATIONS;

1 (II) GIVE QUALIFIED APPLICANTS NOTICE OF THE TIME AND PLACE  
2 OF EXAMINATIONS; AND

3 (III) FURNISH ANY OTHER INFORMATION THAT THE COMMISSION  
4 MAY REQUIRE THE TESTING SERVICE TO PROVIDE.

5 8-303.

6 (a) (1) An applicant for a license shall:

7 (i) submit to the Commission an application on the form that the  
8 Commission provides;

9 (ii) submit to the Commission with the license application proof of  
10 compliance with the insurance requirement of § 8-302.1 of this subtitle, if the  
11 applicant is applying for a contractor license;

12 (iii) pay into the Fund the fee required under § 8-404(a) of this title,  
13 if the applicant is applying for a contractor license; and

14 (iv) pay to the Commission an application fee.

15 (2) The application fee:

16 (i) for a contractor license is \$225 for each place of business of the  
17 contractor;

18 (ii) for a subcontractor license is \$125; or

19 (iii) for a salesperson license is \$75.

20 (3) To cover the cost of processing an application, \$15 of the application  
21 fee is nonrefundable.

22 (b) In addition to any other information required on an application form, the  
23 form shall require:

24 (1) for an individual applicant, the name and address of the applicant;

25 (2) for a corporate applicant, the name and address of each officer;

26 (3) for a partnership applicant, the name and address of each partner;

27 (4) for a joint venture applicant, the name and address of each party to  
28 the joint venture;

29 (5) if the applicant acts as a contractor or subcontractor through a  
30 corporation or limited partnership, the name and address of the resident agent of the  
31 corporation or limited partnership in the State;

1           (6)       if the applicant is applying for a contractor license or subcontractor  
2 license, a complete description of the nature of the contracting business of the  
3 applicant;

4           (7)       if the applicant is applying for a salesperson license, a complete  
5 description of the duties of the applicant;

6           (8)       a record of the applicant's experience in the field of home  
7 improvement or other construction work, including dates when and addresses where  
8 the applicant has resided and done business;

9           (9)       whether the applicant has ever held a professional or vocational  
10 license in this or any other state; and

11          (10)      whether the applicant has had a professional or vocational license  
12 denied, suspended, or revoked.

13       (c)       To evaluate the qualifications of an applicant for a license, the Commission  
14 may ask the applicant for:

15           (1)       information about the applicant's character, experience, and financial  
16 stability; and

17           (2)       any other information that the Commission needs.

18       (d)       IF THE APPLICANT IS APPLYING FOR A CONTRACTOR'S LICENSE, THE  
19 APPLICANT SHALL:

20           (1)       HAVE SUBMITTED TO THE COMMISSION, BY A CREDIT REPORTING  
21 AGENCY APPROVED BY THE COMMISSION, A CREDIT REPORT THAT CONTAINS THE  
22 INFORMATION REQUIRED BY THE COMMISSION; OR

23           (2)       HAVE PAID TO THE COMMISSION OR THE COMMISSION'S DESIGNEE A  
24 CREDIT REPORT FEE IN AN AMOUNT COVERING THE COST CHARGED BY A CREDIT  
25 REPORTING AGENCY APPROVED BY THE COMMISSION TO OBTAIN A CREDIT REPORT  
26 THAT CONTAINS THE INFORMATION REQUIRED BY THE COMMISSION.

27       (E)       Financial information that an applicant submits to the Commission:

28           (1)       is confidential and is not a public record; but

29           (2)       if relevant, is admissible as evidence in an administrative or judicial  
30 proceeding.

31       [(e)] (F) Notwithstanding subsection (a) of this section, an applicant that is  
32 incorporated or has its principal office in another state shall pay to the Commission  
33 the fee imposed in that state on a similar nonresident business if that fee is higher  
34 than the application fee under subsection (a) of this section.

1 8-308.

2 (a) The Secretary may stagger the terms of licenses.

3 (b) Unless a license is renewed for a 2-year term as provided in this section,  
4 the license expires:

5 (1) if the Secretary staggers the terms of licenses, on the date that the  
6 Secretary sets; or

7 (2) if the Secretary does not stagger the terms of licenses, on the first  
8 June 30 that comes after the effective date of the license in an odd-numbered year.

9 (c) At least 1 month before a license expires, the Commission shall mail to the  
10 licensee, at the last known address of the licensee:

11 (1) a renewal application form; and

12 (2) a notice that states:

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

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

16 (iii) the amount of the renewal fee.

17 (d) (1) Before a license expires, the licensee periodically may renew it for an  
18 additional 2-year term, if the licensee:

19 (i) otherwise is entitled to be licensed;

20 (ii) submits to the Commission a renewal application on the form  
21 that the Commission provides;

22 (iii) submits to the Commission proof of compliance with the  
23 insurance requirement of § 8-302.1 of this subtitle, if the licensee is renewing a  
24 contractor license; and

25 (iv) pays to the Commission a renewal fee.

26 (2) The renewal fee:

27 (i) for a contractor license is \$225 for each place of business of the  
28 contractor;

29 (ii) for a subcontractor license is \$125; or

30 (iii) for a salesperson license is \$75.

1           (3)       Notwithstanding paragraph (2) of this subsection, a licensee that is  
2 incorporated or has its principal office in another state shall pay to the Commission  
3 the fee imposed in that state on a similar nonresident business if that fee is higher  
4 than the renewal fee under paragraph (2) of this subsection.

5       (e)       FOR RENEWAL OF A CONTRACTOR'S LICENSE, THE LICENSEE SHALL:

6           (1)       SUBMIT TO THE COMMISSION, BY A CREDIT REPORTING AGENCY  
7 APPROVED BY THE COMMISSION, A CREDIT REPORT THAT CONTAINS THE  
8 INFORMATION REQUIRED BY THE COMMISSION; OR

9           (2)       PAY TO THE COMMISSION OR THE COMMISSION'S DESIGNEE A  
10 CREDIT REPORT FEE IN AN AMOUNT COVERING THE COST CHARGED BY A CREDIT  
11 REPORTING AGENCY APPROVED BY THE COMMISSION TO OBTAIN A CREDIT REPORT  
12 THAT CONTAINS THE INFORMATION REQUIRED BY THE COMMISSION FOR RENEWAL  
13 OF A CONTRACTOR'S LICENSE.

14       (F)       (1)       The Commission shall renew the license of each licensee who meets  
15 the requirements of this section.

16           (2)       The Commission may not renew a contractor license unless the  
17 contractor submits proof of compliance with the insurance requirement of § 8-302.1 of  
18 this subtitle.

19 9A-304.

20       (a)       An applicant who otherwise qualifies for a license is entitled to be  
21 examined as provided in this section.

22       (b)       The Board shall offer examinations to applicants at least twice annually, at  
23 places within the State and at times that the Board determines.

24       (c)       The Board shall send written notice of the date, hour, and place of  
25 examination to each applicant for a license who is required to pass the examination.

26       (d)       (1)       The Board shall determine the subjects, scope, and form of and the  
27 passing score for examinations given under this title.

28           (2)       The Board shall provide examination questions that test the  
29 competency and qualifications of the applicant.

30       (e)       An applicant for a master restricted or limited heating, ventilation,  
31 air-conditioning, and refrigeration contractor license shall be examined only on  
32 subjects in which the applicant has the experience required under § 9A-302 of this  
33 title.

34       (F)       TO TAKE AN EXAMINATION AN APPLICANT SHALL PAY TO THE BOARD OR A  
35 TESTING SERVICE CHOSEN BY THE BOARD THE EXAMINATION FEE SET BY THE  
36 BOARD TO COVER THE COST OF THE EXAMINATION.

1 (G) (1) THE BOARD MAY USE A TESTING SERVICE TO ADMINISTER THE  
2 EXAMINATIONS GIVEN UNDER THIS TITLE.

3 (2) IF THE BOARD USES A TESTING SERVICE, THE TESTING SERVICE,  
4 SUBJECT TO REQUIREMENTS SET BY THE BOARD, MAY:

5 (I) SET THE TIME AND PLACE OF EXAMINATIONS;

6 (II) GIVE QUALIFIED APPLICANTS NOTICE OF THE TIME AND PLACE  
7 OF EXAMINATIONS; AND

8 (III) FURNISH ANY OTHER INFORMATION THAT THE BOARD MAY  
9 REQUIRE THE TESTING SERVICE TO PROVIDE.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
11 effect October 1, 1998.