
By: **Delegate Busch**

Introduced and read first time: February 19, 1998

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Business Occupations and Professions - State Board of Stationary**
3 **Engineers**

4 FOR the purpose of establishing the State Board of Stationary Engineers in the
5 Department of Labor, Licensing, and Regulation; abolishing the Board of
6 Examining Engineers in Baltimore City; requiring certain individuals to be
7 licensed as stationary engineers; establishing certain standards for licensure as
8 stationary engineers; establishing certain grounds for disciplinary action;
9 authorizing the Board to adopt certain regulations; and generally relating to the
10 State Board of Stationary Engineers and the regulation of stationary engineers.

11 BY repealing

12 The Public Local Laws of Baltimore City
13 Section 4-1 through 4-8, inclusive, and the subtitle "4. Examining Engineers"
14 Article 4 - Public Local Laws of Maryland
15 (1979 Edition and 1991 and 1993 Supplement, as amended)

16 BY adding to

17 Article - Business Occupations and Professions
18 Section 20-101 through 20-502, inclusive, to be under the new title "Title 20.
19 Stationary Engineers"
20 Annotated Code of Maryland
21 (1995 Replacement Volume and 1997 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That Section(s) 4-1 through 4-8, inclusive, and the subtitle "4.
24 Examining Engineers" of Article 4 - Baltimore City of the Code of the Public Local
25 Laws of Maryland be repealed.

26 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
27 read as follows:

1 **Article - Business Occupations and Professions**

2 TITLE 20. STATIONARY ENGINEERS.

3 SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

4 20-101.

5 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

6 (B) "BOARD" MEANS THE STATE BOARD OF STATIONARY ENGINEERS.

7 (C) "FIRST CLASS STATIONARY ENGINEER" MEANS AN INDIVIDUAL WHO MAY
8 BE IN COMPLETE CONTROL OF A STEAM OR PRESSURE BOILER OF ANY SIZE,
9 PRESSURE, AND HORSEPOWER.10 (D) "FOURTH CLASS STATIONARY ENGINEER" MEANS AN INDIVIDUAL WHO
11 MAY BE IN COMPLETE CONTROL OF A LOW PRESSURE BOILER NOT EXCEEDING 15
12 POUNDS PER SQUARE INCH OR 30 POUNDS OF HOT WATER PRESSURE.13 (E) "INDEPENDENT AGENCY" MEANS AN OFFICE, COMMISSION, BOARD,
14 DEPARTMENT, OR AGENCY ESTABLISHED AS AN INDEPENDENT UNIT OF
15 GOVERNMENT THAT MAY RECEIVE BUDGETARY OR ADMINISTRATIVE SUPPORT
16 FROM THE FEDERAL, STATE, OR LOCAL GOVERNMENT.17 (F) (1) "LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A
18 LICENSE ISSUED BY THE BOARD TO OPERATE OR ASSIST IN THE OPERATION OF A
19 STEAM OR PRESSURE BOILER.20 (2) "LICENSE" INCLUDES, UNLESS THE CONTEXT REQUIRES
21 OTHERWISE:

22 (I) A FIRST CLASS LICENSE;

23 (II) A SECOND CLASS LICENSE;

24 (III) A THIRD CLASS LICENSE; AND

25 (IV) A FOURTH CLASS LICENSE.

26 (G) "SECOND CLASS STATIONARY ENGINEER" MEANS AN INDIVIDUAL WHO
27 MAY BE IN COMPLETE CONTROL OF A STEAM OR PRESSURE BOILER NO GREATER
28 THAN 500 PLANT HORSEPOWER.29 (H) "THIRD CLASS STATIONARY ENGINEER" MEANS AN INDIVIDUAL WHO MAY
30 BE IN COMPLETE CONTROL OF A STEAM OR PRESSURE BOILER NO GREATER THAN
31 250 HORSEPOWER OR 250 POUNDS PER SQUARE INCH PRESSURE.

1 20-102.

2 THE POLICY OF THE STATE IS TO REGULATE, THROUGHOUT THE STATE, THOSE
3 PERSONS WHO OPERATE STEAM BOILERS AND PRESSURE VESSELS, AND TO
4 SAFEGUARD THE SAFETY, HEALTH, PROPERTY, AND PUBLIC WELFARE OF THE
5 CITIZENS OF THE STATE WHO LIVE AND WORK IN PROXIMITY TO THOSE BOILERS
6 AND PRESSURE VESSELS.

7 SUBTITLE 2. STATE BOARD OF STATIONARY ENGINEERS.

8 20-201.

9 THERE IS A STATE BOARD OF STATIONARY ENGINEERS IN THE DEPARTMENT OF
10 LABOR, LICENSING, AND REGULATION.

11 20-202.

12 (A) (1) THE BOARD CONSISTS OF FIVE MEMBERS.

13 (2) OF THE FIVE MEMBERS OF THE BOARD:

14 (I) THREE SHALL BE LICENSED FIRST CLASS STATIONARY
15 ENGINEERS; AND

16 (II) TWO SHALL BE CONSUMER MEMBERS.

17 (3) THE GOVERNOR SHALL APPOINT THE MEMBERS WITH THE ADVICE
18 OF THE SECRETARY AND WITH THE ADVICE AND CONSENT OF THE SENATE OF
19 MARYLAND.

20 (B) EACH MEMBER OF THE BOARD SHALL BE:

21 (1) A CITIZEN OF THE UNITED STATES; AND

22 (2) A RESIDENT OF THE STATE.

23 (C) EACH FIRST CLASS STATIONARY ENGINEER MEMBER OF THE BOARD
24 SHALL:

25 (1) HOLD A CURRENT ACTIVE LICENSE UNDER THIS TITLE; AND

26 (2) HAVE PERFORMED THE RESPONSIBILITIES OF A FIRST CLASS
27 STATIONARY ENGINEER FOR AT LEAST 5 YEARS.

28 (D) EACH CONSUMER MEMBER OF THE BOARD:

29 (1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

30 (2) MAY NOT BE A LICENSEE OR OTHERWISE BE SUBJECT TO
31 REGULATION BY THE BOARD; AND

1 (3) MAY NOT, WITHIN 1 YEAR BEFORE APPOINTMENT, HAVE HAD A
2 FINANCIAL INTEREST IN OR HAVE RECEIVED COMPENSATION FROM A PERSON
3 REGULATED BY THE BOARD.

4 (E) WHILE A MEMBER OF THE BOARD, A CONSUMER MEMBER MAY NOT:

5 (1) HAVE A FINANCIAL INTEREST IN OR RECEIVE COMPENSATION FROM
6 A PERSON REGULATED BY THE BOARD; OR

7 (2) GRADE ANY EXAMINATION GIVEN BY OR FOR THE BOARD.

8 (F) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE
9 THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

10 (G) (1) THE TERM OF A MEMBER IS 3 YEARS AND BEGINS ON MAY 1.

11 (2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
12 SUCCESSOR IS APPOINTED AND QUALIFIES.

13 (3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
14 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
15 QUALIFIES.

16 (H) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE,
17 MISCONDUCT, NEGLIGENCE OF DUTIES, OR OTHER GOOD CAUSE.

18 20-203.

19 (A) FROM AMONG THE BOARD MEMBERS, THE GOVERNOR SHALL APPOINT A
20 CHAIRMAN.

21 (B) EXCEPT FOR THE CHAIRMAN, THE MANNER OF ELECTION OF OFFICERS
22 SHALL BE AS THE BOARD DETERMINES.

23 20-204.

24 (A) (1) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS
25 MEETINGS.

26 (2) SPECIAL MEETINGS OF THE BOARD MAY BE HELD AS THE BOARD
27 PROVIDES IN ITS RULES AND REGULATIONS.

28 (B) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A
29 QUORUM.

30 (C) THE BOARD MAY EMPLOY A STAFF IN ACCORDANCE WITH THE STATE
31 BUDGET.

32 (D) EACH MEMBER OF THE BOARD IS ENTITLED TO:

33 (1) COMPENSATION IN ACCORDANCE WITH THE STATE BUDGET; AND

1 (2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE
2 TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

3 20-205.

4 (A) IN ADDITION TO ANY POWERS SET FORTH ELSEWHERE, THE BOARD MAY:

5 (1) ADOPT RULES AND REGULATIONS TO CARRY OUT THIS TITLE; AND

6 (2) ADOPT AN OFFICIAL SEAL.

7 (B) IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE BOARD SHALL:

8 (1) ENFORCE THIS TITLE;

9 (2) KEEP A RECORD OF ITS PROCEEDINGS;

10 (3) KEEP A LIST OF ALL LICENSEES; AND

11 (4) ADOPT REGULATIONS THAT ESTABLISH A CODE OF CONDUCT FOR
12 STATIONARY ENGINEERS TO ENSURE THE SAFE OPERATION OF BOILERS AND
13 PRESSURE VESSELS.

14 20-206.

15 ON ITS OWN INITIATIVE OR ON A WRITTEN COMPLAINT MADE TO THE BOARD BY
16 ANY PERSON, THE BOARD MAY COMMENCE PROCEEDINGS UNDER § 20-207 OF THIS
17 SUBTITLE.

18 20-207.

19 (A) THE BOARD MAY INVESTIGATE ANY COMPLAINT THAT ALLEGES FACTS
20 THAT CONSTITUTE A VIOLATION OF THIS TITLE.

21 (B) ON RECEIPT OF THE RESULTS OF AN INVESTIGATION MADE UNDER THIS
22 SECTION, THE BOARD PROMPTLY SHALL TAKE ACTION THAT IS APPROPRIATE UNDER
23 THIS TITLE TO ENSURE COMPLIANCE WITH THIS TITLE.

24 (C) (1) IF THE BOARD CONCLUDES THAT ANY CONDUCT ALLEGED TO BE IN
25 VIOLATION OF THIS TITLE WILL RESULT IN HARM TO ANY CITIZEN OF THE STATE OR
26 HARM TO PROPERTY, THE BOARD MAY SEEK A PERMANENT OR TEMPORARY
27 INJUNCTION WITH RESPECT TO THE CONDUCT FROM THE CIRCUIT COURT OF THE
28 COUNTY IN WHICH THE ALLEGED VIOLATION OCCURRED.

29 (2) IN SEEKING AN INJUNCTION UNDER THIS SUBSECTION, THE BOARD
30 IS NOT REQUIRED TO:

31 (I) POST BOND;

32 (II) ALLEGE OR PROVE THAT AN ADEQUATE REMEDY AT LAW DOES
33 NOT EXIST; OR

1 (III) ALLEGE OR PROVE THAT SUBSTANTIAL OR IRREPARABLE
2 DAMAGE WOULD RESULT FROM THE CONTINUED VIOLATION OF THE PROVISION.

3 20-208.

4 (A) THERE IS A STATIONARY ENGINEERS FUND.

5 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE BOARD MAY SET
6 REASONABLE FEES, INCLUDING APPLICATION FEES, FOR THE ISSUANCE AND
7 RENEWAL OF LICENSES AND OTHER SERVICES.

8 (C) REVENUES GENERATED BY THE BOARD SHALL BE SET TO APPROXIMATE
9 THE DIRECT AND INDIRECT EXPENSES INCURRED BY THE BOARD.

10 (D) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THIS TITLE TO THE
11 COMPTROLLER WHO SHALL DISTRIBUTE THE FEES TO THE STATIONARY ENGINEERS
12 FUND.

13 (E) (1) THE STATIONARY ENGINEERS FUND SHALL BE USED TO COVER THE
14 ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE
15 STATUTORY AND REGULATORY DUTIES OF THE BOARD.

16 (2) THE STATIONARY ENGINEERS FUND IS A CONTINUING, NONLAPSING
17 FUND AND IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT
18 ARTICLE.

19 (3) ANY UNSPENT PORTION OF THE STATIONARY ENGINEERS FUND MAY
20 NOT REVERT OR BE TRANSFERRED TO THE GENERAL FUND OF THE STATE, BUT
21 SHALL REMAIN IN THE STATIONARY ENGINEERS FUND TO BE USED FOR THE
22 PURPOSES SPECIFIED IN THIS TITLE.

23 (4) NO OTHER STATE MONEY MAY BE USED TO SUPPORT THE
24 STATIONARY ENGINEERS FUND.

25 (F) (1) A DESIGNEE OF THE SECRETARY SHALL ADMINISTER THE
26 STATIONARY ENGINEERS FUND.

27 (2) MONEY IN THE STATIONARY ENGINEERS FUND MAY BE EXPENDED
28 FOR ANY LAWFUL PURPOSE AUTHORIZED UNDER THIS TITLE.

29 (G) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND
30 TRANSACTIONS OF THE STATIONARY ENGINEERS FUND AS PROVIDED IN § 2-1220 OF
31 THE STATE GOVERNMENT ARTICLE.

SUBTITLE 3. LICENSING.

20-301.

(A) TO QUALIFY FOR A FIRST, SECOND, THIRD, OR FOURTH CLASS STATIONARY ENGINEER'S LICENSE, AN APPLICANT SHALL MEET THE REQUIREMENTS OF THIS SECTION.

(B) AN APPLICANT FOR A FIRST CLASS LICENSE SHALL:

(1) (I) HAVE HELD A SECOND CLASS LICENSE FOR 1 YEAR AND HAVE AT LEAST 1,750 WORKING HOURS IN THE OPERATION OF HIGH PRESSURE BOILERS;

(II) HAVE 5 YEARS' OPERATING EXPERIENCE IN A PLANT THAT GENERATES A MINIMUM OF 17,250 POUNDS OF STEAM PER HOUR;

(III) HAVE A DEGREE IN MECHANICAL ENGINEERING FROM AN ACCREDITED UNIVERSITY OR COLLEGE, AND 6 MONTHS OF PRACTICAL EXPERIENCE; OR

(IV) HAVE A MARINE ENGINEER'S OR CHIEF PETTY OFFICER'S CERTIFICATE FROM THE UNITED STATES NAVY, WITH STEAM BOILER ENGINEERING TRAINING; AND

(2) EXCEPT AS PROVIDED IN § 20-305 OF THIS SUBTITLE, PASS AN EXAMINATION ADMINISTERED BY THE BOARD.

(C) AN APPLICANT FOR A SECOND CLASS LICENSE SHALL:

(1) (I) HAVE AT LEAST 3,500 WORKING HOURS IN A POWER PLANT UNDER THE DIRECT SUPERVISION OF A LICENSED FIRST CLASS STATIONARY ENGINEER;

(II) HAVE AT LEAST 3,500 WORKING HOURS AS A LICENSED THIRD CLASS STATIONARY ENGINEER; OR

(III) HAVE A MARINE ENGINEER'S OR CHIEF PETTY OFFICER'S CERTIFICATE FROM THE UNITED STATES NAVY; AND

(2) EXCEPT AS PROVIDED IN § 20-305 OF THIS SUBTITLE, PASS AN EXAMINATION ADMINISTERED BY THE BOARD.

(D) AN APPLICANT FOR A THIRD CLASS LICENSE SHALL:

(1) BE AT LEAST 18 YEARS OF AGE;

(2) HAVE AT LEAST 1,750 WORKING HOURS OF EXPERIENCE UNDER THE DIRECT SUPERVISION OF A FIRST OR SECOND CLASS STATIONARY ENGINEER OR EQUIVALENT EXPERIENCE SATISFACTORY TO THE BOARD; AND

(3) PASS AN EXAMINATION ADMINISTERED BY THE BOARD.

1 (E) AN APPLICANT FOR A FOURTH CLASS LICENSE SHALL:

2 (1) BE AT LEAST 18 YEARS OF AGE;

3 (2) HAVE AT LEAST 1,750 WORKING HOURS OF EXPERIENCE UNDER THE
4 DIRECT SUPERVISION OF A LICENSED STATIONARY ENGINEER OR EQUIVALENT
5 EXPERIENCE SATISFACTORY TO THE BOARD; AND

6 (3) PASS AN EXAMINATION ADMINISTERED BY THE BOARD.

7 20-302.

8 AN APPLICANT FOR A LICENSE SHALL:

9 (1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT THE
10 BOARD PROVIDES; AND

11 (2) PAY TO THE BOARD AN EXAMINATION FEE ESTABLISHED BY THE
12 BOARD.

13 20-303.

14 (A) AN APPLICANT IS ENTITLED TO BE EXAMINED AS PROVIDED IN THIS
15 SECTION IF THE APPLICANT:

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

17 (2) PAYS AN EXAMINATION FEE ESTABLISHED BY THE BOARD IN
18 ACCORDANCE WITH § 20-304 OF THIS SUBTITLE TO THE BOARD OR THE BOARD'S
19 DESIGNEE.

20 (B) THE BOARD PERIODICALLY SHALL GIVE EXAMINATIONS TO APPLICANTS
21 AT TIMES AND PLACES THAT THE BOARD DETERMINES.

22 (C) THE BOARD SHALL GIVE EACH QUALIFIED APPLICANT NOTICE OF THE
23 TIME AND PLACE OF EXAMINATION.

24 (D) THE BOARD SHALL DETERMINE THE SUBJECTS, SCOPE, AND PASSING
25 SCORE FOR THE EXAMINATIONS GIVEN UNDER THIS SECTION.

26 (E) (1) THE BOARD MAY USE ONE OR MORE TESTING SERVICES TO
27 ADMINISTER THE EXAMINATIONS REQUIRED UNDER THIS SECTION.

28 (2) IF THE BOARD USES A TESTING SERVICE UNDER THIS SUBSECTION,
29 THE TESTING SERVICE, SUBJECT TO REQUIREMENTS SET BY THE BOARD, MAY:

30 (I) SET THE TIMES AND PLACES OF THE EXAMINATIONS;

31 (II) PROVIDE NOTICE OF THE TIMES AND PLACES OF
32 EXAMINATIONS TO THE APPLICANTS; AND

1 (III) PROVIDE ANY OTHER INFORMATION THAT THE BOARD MAY
2 REQUIRE A TESTING SERVICE TO PROVIDE.

3 (F) THE BOARD OR A DESIGNEE OF THE BOARD SHALL PROVIDE TO THE
4 APPLICANT NOTICE OF THE APPLICANT'S EXAMINATION RESULT.

5 20-304.

6 (A) SUBJECT TO THIS SECTION, THE BOARD MAY WAIVE THE EXAMINATION
7 REQUIREMENTS OF THIS SUBTITLE FOR AN INDIVIDUAL WHO IS LICENSED IN
8 ANOTHER STATE OR A SUBDIVISION OF ANOTHER STATE AS A STATIONARY
9 ENGINEER.

10 (B) THE BOARD MAY GRANT A WAIVER UNDER THIS SECTION ONLY IF THE
11 APPLICANT:

12 (1) PAYS AN APPLICATION FEE ESTABLISHED BY THE BOARD NOT TO
13 EXCEED \$100; AND

14 (2) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

15 (I) MEETS THE QUALIFICATIONS OTHERWISE REQUIRED BY THIS
16 SUBTITLE;

17 (II) HOLDS AN ACTIVE LICENSE IN GOOD STANDING IN THE OTHER
18 STATE;

19 (III) HOLDS A LICENSE THAT IS EQUIVALENT TO THE STATE
20 LICENSE; AND

21 (IV) BECAME LICENSED IN THE OTHER STATE OR SUBDIVISION
22 AFTER MEETING, IN THAT STATE OR SUBDIVISION, REQUIREMENTS THAT ARE AT
23 LEAST EQUIVALENT TO THE LICENSING REQUIREMENTS OF THIS STATE.

24 (C) THE BOARD MAY GRANT A WAIVER ONLY IF THE STATE OR SUBDIVISION
25 IN WHICH THE APPLICANT IS LICENSED WAIVES THE EXAMINATION OF LICENSEES
26 OF THIS STATE TO A SIMILAR EXTENT AS THIS STATE WAIVES THE EXAMINATION
27 REQUIREMENTS FOR INDIVIDUALS LICENSED IN THAT STATE OR SUBDIVISION.

28 20-305.

29 (A) THE BOARD SHALL ISSUE WITHOUT EXAMINATION A FIRST CLASS
30 LICENSE TO AN INDIVIDUAL WHO:

31 (1) HAS 8,750 WORKING HOURS OF EXPERIENCE OPERATING A STEAM OR
32 PRESSURE BOILER OF AT LEAST 500 HORSEPOWER IN A SUBDIVISION OF THE STATE
33 OUTSIDE BALTIMORE CITY OR EQUIVALENT EXPERIENCE SATISFACTORY TO THE
34 BOARD;

35 (2) FILES AN APPLICATION FOR THE LICENSE NO LATER THAN
36 DECEMBER 31, 1999; AND

1 (3) SUBMITS WITH THE APPLICATION THE REQUIRED FEE AND PROOF
2 OF ELIGIBILITY REQUIRED BY THE BOARD.

3 (B) THE BOARD SHALL ISSUE WITHOUT EXAMINATION A SECOND CLASS
4 LICENSE TO AN INDIVIDUAL WHO:

5 (1) HAS 5,250 WORKING HOURS OF EXPERIENCE OPERATING A STEAM OR
6 PRESSURE BOILER OF 250 HORSEPOWER IN A SUBDIVISION OF THE STATE OUTSIDE
7 BALTIMORE CITY OR EQUIVALENT EXPERIENCE SATISFACTORY TO THE BOARD;

8 (2) FILES AN APPLICATION FOR THE LICENSE NO LATER THAN
9 DECEMBER 31, 1999; AND

10 (3) SUBMITS WITH THE APPLICATION THE REQUIRED FEE AND PROOF
11 OF ELIGIBILITY REQUIRED BY THE BOARD.

12 (C) (1) ALL APPLICANTS FOR A FIRST OR SECOND CLASS LICENSE AFTER
13 DECEMBER 31, 1999 SHALL SUBMIT TO EXAMINATION UNDER THIS SUBTITLE UNLESS
14 THE EXAMINATION REQUIREMENT HAS BEEN WAIVED BY THE BOARD PURSUANT TO
15 § 20-304 OF THIS SUBTITLE.

16 (2) THE APPLICATION SHALL INCLUDE ALL INFORMATION REQUIRED BY
17 THE BOARD REGARDING PROOF OF ELIGIBILITY.

18 20-306.

19 (A) IF AN APPLICANT QUALIFIES FOR A LICENSE UNDER THIS SUBTITLE, THE
20 BOARD SHALL SEND THE APPLICANT A NOTICE THAT STATES THAT:

21 (1) THE APPLICANT HAS QUALIFIED FOR A LICENSE; AND

22 (2) ON RECEIPT OF A LICENSE FEE ESTABLISHED BY THE BOARD, THE
23 BOARD SHALL ISSUE A LICENSE TO THE APPLICANT.

24 (B) ON PAYMENT OF THE LICENSE FEE, THE BOARD SHALL ISSUE A LICENSE
25 TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

26 20-307.

27 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, UNLESS THE LICENSE IS
28 RENEWED FOR A 2-YEAR TERM AS PROVIDED IN THIS SECTION, A LICENSE EXPIRES 2
29 YEARS AFTER ITS DATE OF ISSUANCE.

30 (B) THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER THIS
31 TITLE SHALL EXPIRE ON A STAGGERED BASIS.

32 (C) BEFORE THE LICENSE EXPIRES, THE LICENSEE MAY RENEW IT FOR AN
33 ADDITIONAL 2-YEAR TERM IF THE LICENSEE:

34 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

1 (2) PAYS TO THE BOARD A RENEWAL FEE ESTABLISHED BY THE BOARD;
2 AND

3 (3) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM
4 THAT THE BOARD PROVIDES.

5 (D) THE BOARD SHALL RENEW THE LICENSE OF AND ISSUE A RENEWAL
6 CERTIFICATE TO EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS
7 SECTION.

8 (E) THE BOARD SHALL REINSTATE THE LICENSE OF A LICENSEE UNDER THIS
9 TITLE WHOSE LICENSE HAS EXPIRED, IF THE LICENSEE:

10 (1) APPLIES TO THE BOARD FOR REINSTATEMENT WITHIN 2 YEARS
11 AFTER THE LICENSE EXPIRES;

12 (2) MEETS THE RENEWAL REQUIREMENTS OF SUBSECTION (C) OF THIS
13 SECTION; AND

14 (3) PAYS TO THE BOARD A REINSTATEMENT FEE OF \$100.

15 20-308.

16 (A) THE BOARD MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY
17 LICENSEE, OR SUSPEND OR REVOKE A LICENSE AFTER A PUBLIC HEARING
18 CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF § 20-309 OF THIS SUBTITLE,
19 IF THE BOARD FINDS THAT THE INDIVIDUAL:

20 (1) OBTAINED A LICENSE BY FALSE OR FRAUDULENT
21 REPRESENTATION;

22 (2) TRANSFERRED THE AUTHORITY GRANTED BY THE LICENSE TO
23 ANOTHER PERSON;

24 (3) OPERATED A STEAM BOILER OR OTHER PRESSURE VESSEL UNDER
25 THE LICENSEE'S SUPERVISION IN A NEGLIGENT OR CARELESS MANNER;

26 (4) WITHOUT PROPER SUPERVISION, OPERATED A STEAM OR PRESSURE
27 BOILER OF A SIZE LARGER THAN THAT PERMITTED UNDER THE INDIVIDUAL'S
28 LICENSE;

29 (5) FAILED TO ATTEND PROPERLY TO THE LICENSEE'S DUTIES IN
30 MONITORING THE PERFORMANCE OF A STEAM BOILER OR OTHER PRESSURE VESSEL;

31 (6) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE,
32 PLEADED GUILTY OR NOLO CONTENDERE WITH RESPECT TO, RECEIVED PROBATION
33 BEFORE JUDGMENT WITH RESPECT TO, OR WAS CONVICTED OF:

34 (I) A FELONY; OR

35 (II) A CRIME OF MORAL TURPITUDE; OR

1 (7) VIOLATED A PROVISION OF THE CODE OF CONDUCT ADOPTED BY
2 THE BOARD.

3 (B) THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE ISSUANCE,
4 DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN APPLICANT OR
5 LICENSEE IS CONVICTED OF A FELONY OR A CRIME OF MORAL TURPITUDE:

6 (1) THE NATURE OF THE CRIME;

7 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
8 BY THE LICENSE;

9 (3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND
10 QUALIFICATION OF THE APPLICANT OR LICENSEE TO ACT AS A STATIONARY
11 ENGINEER;

12 (4) OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS BEEN
13 CONVICTED;

14 (5) THE LENGTH OF TIME SINCE THE CONVICTION; AND

15 (6) THE ACTIVITIES AND BEHAVIOR OF THE APPLICANT OR LICENSEE
16 BEFORE, AND SUBSEQUENT TO, THE CONVICTION.

17 20-309.

18 (A) EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 4 OF THE STATE
19 GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER §
20 20-308 OF THIS SUBTITLE, THE BOARD SHALL GIVE THE INDIVIDUAL AGAINST WHOM
21 THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE
22 BOARD.

23 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
24 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

25 (C) THE BOARD MAY ADMINISTER OATHS IN CONNECTION WITH ANY
26 PROCEEDING UNDER THIS SECTION.

27 (D) (1) THE BOARD MAY ISSUE SUBPOENAS FOR THE ATTENDANCE OF
28 WITNESSES TO TESTIFY OR THE PRODUCTION OF EVIDENCE IN CONNECTION WITH
29 ANY PROCEEDING UNDER THIS SECTION.

30 (2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER
31 THIS SUBSECTION, ON PETITION OF THE BOARD, A CIRCUIT COURT MAY COMPEL
32 COMPLIANCE WITH THE SUBPOENA.

33 (E) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS
34 CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY HEAR AND
35 DETERMINE THE MATTER.

1 20-310.

2 ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A
3 CONTESTED CASE, AS DEFINED IN § 10-201 OF THE STATE GOVERNMENT ARTICLE,
4 MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-215 AND 10-216 OF THE STATE
5 GOVERNMENT ARTICLE.

6 SUBTITLE 4. PROHIBITED ACTS; PENALTIES.

7 20-401.

8 (A) TO THE EXTENT PROVIDED BY STATUTE, REGULATION, OR LOCAL LAW, A
9 PERSON MAY NOT BE IN COMPLETE CONTROL OF A STEAM OR PRESSURE BOILER
10 EXCEEDING 25 HORSEPOWER UNLESS THAT PERSON HOLDS AN ACTIVE STATIONARY
11 ENGINEER'S LICENSE APPROPRIATE TO THE LEVEL OF HORSEPOWER OR PRESSURE
12 OF THAT STEAM OR PRESSURE BOILER.

13 (B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY OF
14 A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100
15 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH FOR EACH DAY OR PART OF
16 EACH DAY THAT THE VIOLATION CONTINUES.

17 (C) (1) IN ADDITION TO THE PENALTY SET FORTH IN SUBSECTION (B) OF
18 THIS SECTION, THE BOARD MAY IMPOSE ON A PERSON WHO VIOLATES SUBSECTION
19 (A) OF THIS SECTION A PENALTY NOT EXCEEDING \$1,000 FOR EACH VIOLATION.

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

23 (I) THE GRAVITY OF THE VIOLATION;

24 (II) THE GOOD FAITH OF THE VIOLATOR;

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

27 (IV) THE HARM CAUSED TO THE COMPLAINANT, THE PUBLIC, AND
28 THE STATIONARY ENGINEERING PROFESSION;

29 (V) THE ASSETS OF THE VIOLATOR; AND

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

31 SUBTITLE 5. SHORT TITLE; TERMINATION OF TITLE.

32 20-501.

33 THIS TITLE MAY BE CITED AS THE "MARYLAND STATIONARY ENGINEERS ACT".

1 20-502.

2 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
3 MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS
4 ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY
5 1, 2009.

6 SECTION 3. AND BE IT FURTHER ENACTED, That the members of the
7 Board of Examining Engineers serving immediately prior to the effective date of this
8 Act shall serve on the State Board of Stationary Engineers until their terms expire
9 unless they are removed for cause prior to that time.

10 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 June 1, 1998.