Unofficial Copy C2 1999 Regular Session 9lr2071

By: Delegates Mitchell and Eckardt

Introduced and read first time: February 12, 1999

Assigned to: Economic Matters

### A BILL ENTITLED

1	AN A	CT concerning	
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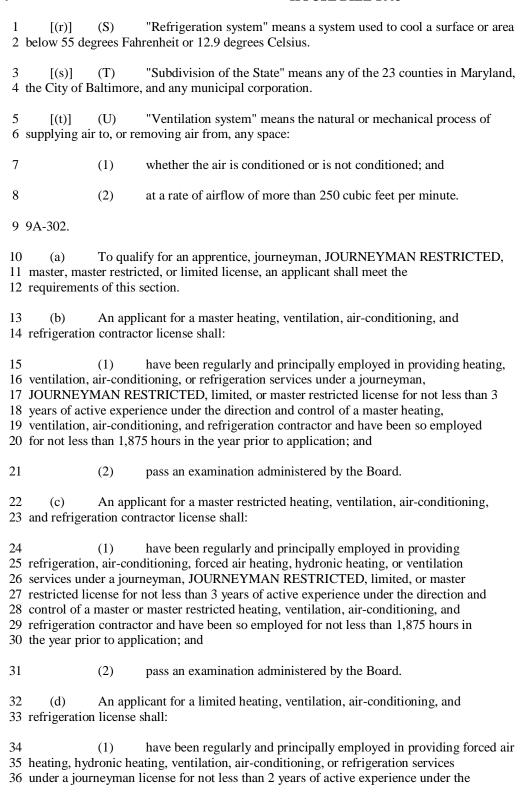
- 2 Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors 3 Journeyman Restricted License
- 4 FOR the purpose of creating a journeyman restricted license issued by the State
- 5 Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors;
- 6 setting the training requirements for a journeyman restricted license;
- authorizing waiver of the examination requirement for a journeyman restricted
- 8 license under certain circumstances; setting the insurance requirements for a
- 9 holder of a journeyman restricted license; defining a certain term; altering a
- 10 certain definition; and generally relating to journeymen restricted licenses for
- 11 heating, ventilation, air-conditioning, and refrigeration contractors.
- 12 BY repealing and reenacting, with amendments,
- 13 Article Business Regulation
- 14 Section 9A-101, 9A-302, 9A-304, 9A-305, 9A-306, 9A-308, and 9A-402
- 15 Annotated Code of Maryland
- 16 (1998 Replacement Volume)
- 17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 18 MARYLAND, That the Laws of Maryland read as follows:
- 19 Article Business Regulation

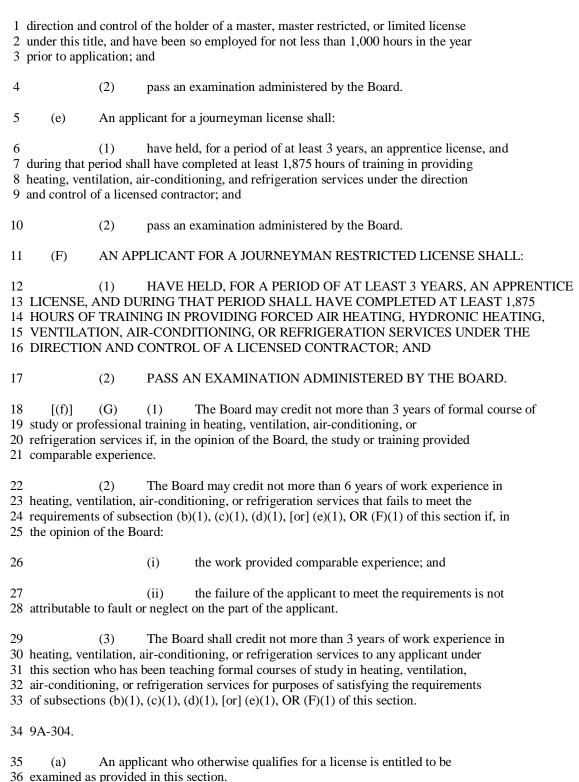
20 9A-101.

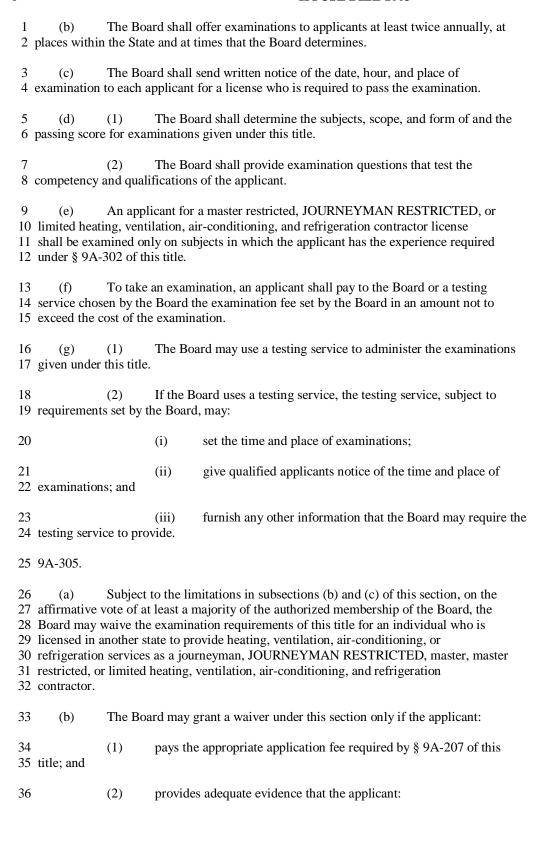
- 21 (a) In this title the following words have the meanings indicated.
- 22 (b) "Board" means the State Board of Heating, Ventilation, Air-Conditioning,
- 23 and Refrigeration Contractors.
- 24 (c) "Contractor" means a heating, ventilation, air-conditioning, and
- 25 refrigeration contractor.
- 26 (d) "Cooling system" means a system in which heat is removed from air,
- 27 surrounding surfaces, or both.

1	(2)	Cooling system includes an air-conditioning system.			
2 3	(e) "Forced mechanical means to	air system" means a heating system that uses air being moved by transmit heat.			
	(f) (1) radiation, conduction air, surrounding surfa	"Heating system" means a system in which heat is transmitted by , or convection, or a combination of any of these methods, to the ces, or both.			
7 8	(2) not incorporated into	"Heating system" does not include a fireplace or woodburning stove or used as a primary heating system.			
	(g) "Heating, ventilation, air-conditioning, and refrigeration contractor" means an individual who provides heating, ventilation, air-conditioning, or refrigeration services.				
12 13	(h) "Hydros steam to transmit or	nic system" means a heating and cooling system using liquids or remove heat.			
	agency established a	ndent agency" means an office, commission, board, department, or s an independent unit of government that may receive budgetary port from the federal, State, or local government.			
19	PROVIDE HEATIN	NEYMAN LICENSE" MEANS A LICENSE ISSUED BY THE BOARD TO G, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION UNDER THE DIRECTION AND CONTROL OF A LICENSED			
23	BOARD TO PROVI REFRIGERATION	NEYMAN RESTRICTED LICENSE" MEANS A LICENSE ISSUED BY THE DE HEATING, VENTILATION, AIR-CONDITIONING, AND SERVICES WHILE UNDER THE DIRECTION AND CONTROL OF A LACTOR, IN ONLY ONE OF THE FOLLOWING AREAS:			
25	(1)	HEATING - FORCED AIR SYSTEMS;			
26	(2)	HEATING - HYDRONIC SYSTEMS;			
27	(3)	VENTILATION;			
28	(4)	AIR-CONDITIONING; OR			
29	(5)	REFRIGERATION.			
	20/1	(1) "License" means, unless the context requires otherwise, a Board to provide or to assist in providing heating, ventilation, efrigeration services.			
33	(2)	"License" includes, unless the context requires otherwise, a:			
34		(i) master license;			

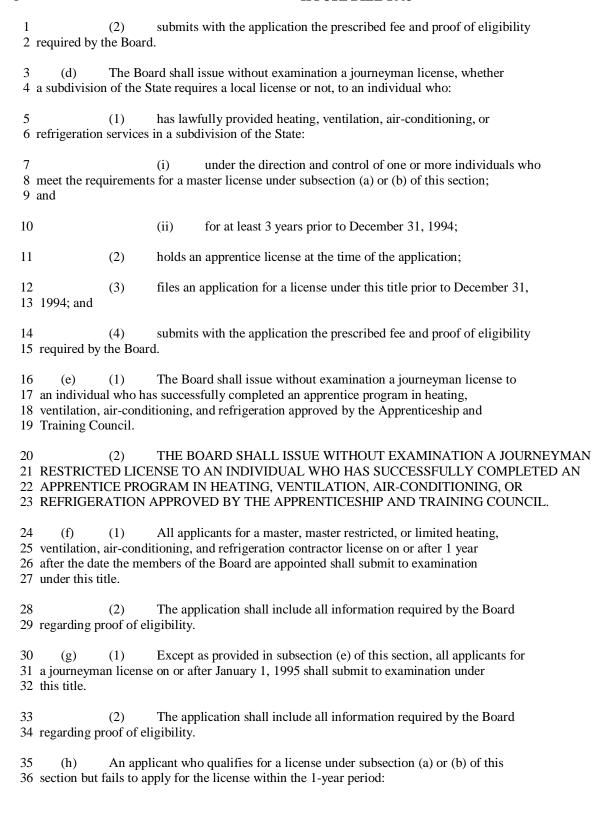
1			(ii)	master restricted license;
2			(iii)	limited license;
3			(iv)	journeyman license; [and]
4			(V)	JOURNEYMAN RESTRICTED LICENSE; AND
5			[(v)]	(VI) apprentice license.
	[(k)] Board to assi services whil			ed apprentice" means an individual who is licensed by the ating, ventilation, air-conditioning, or refrigeration
9		(1)	under th	ne direction and control of a licensed contractor; and
10		(2)	in traini	ng to become a journeyman.
			ting, vent	ed contractor" means a contractor who is licensed by the tilation, air-conditioning, or refrigeration services, but prentice or licensed journeyman.
		eating, ve	entilation	syman" means an individual who is licensed by the Board a, air-conditioning, or refrigeration services while under licensed contractor.]
			e or more	d license" means a license issued by the Board exclusively to e of the following: heating systems, cooling systems, ion systems, or hydronic systems.
20 21	[(o)] heating, ven	(P) tilation, a		license" means a license issued by the Board to provide tioning, or refrigeration services.
22 23	[(p)] provide serv	(Q) ices in or		restricted license" means a license issued by the Board to f the following areas:
24		(1)	heating	- forced air systems;
25		(2)	heating	- hydronic systems;
26		(3)	ventilati	ion;
27		(4)	air-cond	litioning; or
28		(5)	refrigera	ation.
			stall, mai	e heating, ventilation, air-conditioning, or refrigeration intain, alter, remodel, or repair heating systems, cooling systems, or hydronic systems.







1	(i) meets the qualifications otherwise required by this title;				
2	(ii) holds an active license in good standing in the other state;				
3	(iii) holds a license that is equivalent to the State license; and				
6	(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 requirements for individuals licensed in that state.				
11	9A-306.				
14 15	(a) The Board shall issue without examination a master, master restricted, or limited heating, ventilation, air-conditioning, and refrigeration contractor license to any licensee holding a current, active or inactive master, master restricted, or limited heating, ventilation, air-conditioning, and refrigeration contractor license, or a similar license issued by a subdivision of the State, if the licensee:				
17 18	(1) files an application for a license under this title by 1 year after the date that the members of the Board are appointed; and				
19 20	(2) submits with the application the prescribed fee and proof of eligibility required by the Board.				
23	(b) The Board shall issue without examination a master, master restricted, or limited heating, ventilation, air-conditioning, and refrigeration contractor license, whether a subdivision of the State requires a local license or not, to an individual who:				
	(1) has lawfully provided heating, ventilation, air-conditioning, or refrigeration services in a subdivision of the State for at least 5 years immediately prior to 1 year after the date the members of the Board are appointed;				
28 29	(2) files an application for a license under this title prior to 1 year after the date the members of the Board are appointed; and				
30 31	(3) submits with the application the prescribed fee and proof of eligibility required by the Board.				
	(c) The Board shall issue without examination a journeyman license to an individual holding a current, active or inactive, journeyman license, or a similar license issued by a subdivision of the State, if the individual:				
35 36	(1) files an application for a license under this title prior to December 31, 1994; and				



1		(1)	may tak	e an examination under this title to be licensed;	
2 3	license; and	(2)	may not	be required to obtain a journeyman license or an apprentice	
4 5	holder after o	(3) obtaining		vide services as a master, master restricted, or limited license opriate license.	
8 9	administered	subsection by the B	on (a) or ( soard to q	to holds a limited license or a master restricted license (b) of this section may take an examination ualify for a master license or an additional master ing the requirements of § 9A-302 of this subtitle, if the	
11 12	on the form	(1) that the I		to the Board on or before December 31, 1996 an application vides; and	
13		(2)	pays to t	he Board an application fee established by the Board.	
14	9A-308.				
17	(a) If an applicant passes the examination required by the Board and otherwise qualifies for a master, master restricted, or limited heating, ventilation, air-conditioning, and refrigeration contractor license under this title, the Board shall send the applicant a notice that states:				
19		(1)	the appl	icant has qualified for the license; and	
20		(2)	the Boar	rd will issue the license to an applicant on receipt of:	
21			(i)	proof of insurance as required under § 9-402 of this article; and	
22			(ii)	a license fee established by the Board.	
		ualifies fo	or a journ	sses the examination required by the Board and eyman LICENSE OR JOURNEYMAN RESTRICTED license I send the applicant a notice that states:	
26		(1)	the appl	icant has qualified for the license; and	
27 28	fee establish	(2) ned by the		rd will issue the license to an applicant on receipt of a license	
29	9A-402.				
32 33	(a) A holder of a master, master restricted, or limited heating, ventilation, air-conditioning, and refrigeration license may not contract to provide services on behalf of the licensee, or another person who provides heating, ventilation, air-conditioning, or refrigeration services, unless the work of the licensee, including completed operations, is covered by:				

1 (1) general liability insurance in the amount of at least \$300,000; and 2 (2) property damage insurance in the amount of at least \$100,000. 3 (b) (1) The insurance required under this section may be bought: 4 by a holder of a master, master restricted, or limited heating, 5 ventilation, air-conditioning, and refrigeration license; or by the person who engages in the business of providing heating. 6 ventilation, air-conditioning, or refrigeration services and employs the holder of the 7 8 master, master restricted, or limited license. 9 (2)The insurance requirement of this section is not meant for work that 10 a master, master restricted, or limited license holder does outside the scope of employment for the person who carries the insurance. 12 A licensed apprentice [or], licensed journeyman, OR LICENSED 13 JOURNEYMAN RESTRICTED in the employ of a master, master restricted, or limited 14 licensee need not obtain separate insurance while providing or assisting in providing 15 heating, ventilation, air-conditioning, or refrigeration services under the control and 16 supervision of the licensee. 17 Subject to the restrictions of § 9A-309 of this title regarding inactive 18 status, inactive licensees who have had their inactive status approved by the Board 19 need not obtain insurance while maintaining inactive status. 20 (d) An applicant for any license under this title shall submit proof of the 21 insurance required under this section to the Board with the license application. 22 Unless the applicant submits proof of insurance, the Board may not 23 issue any license to an applicant to whom the insurance requirements of this section 24 apply. 25 Unless an applicant meets the insurance requirements of this section, the 26 Board may not renew any license of the applicant to whom the insurance requirements of this section apply. 28 A holder of a master, master restricted, or limited license shall give the (f) 29 Board notice of the cancellation of insurance at least 10 days before the effective date 30 of the cancellation. If a county, municipal corporation, special taxing district, or other political 31 32 subdivision requires a master, master restricted, or limited heating, ventilation, 33 air-conditioning, and refrigeration license holder, or other person who engages in the 34 business of providing heating, ventilation, air-conditioning, and refrigeration 35 services, to execute a surety bond under local heating, ventilation, air-conditioning, 36 and refrigeration requirements, the person may satisfy the bond requirement by 37 submitting proof of the insurance required under this section.

- 1 (h) The Board shall specify on each license whether the license holder meets 2 the insurance requirements of this section.
- 3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 4 October 1, 1999.