
By: **Delegates Mitchell and Eckardt**
Introduced and read first time: February 12, 1999
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

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;
7 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) (1) "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 (e) "Forced air system" means a heating system that uses air being moved by
3 mechanical means to transmit heat.

4 (f) (1) "Heating system" means a system in which heat is transmitted by
5 radiation, conduction, or convection, or a combination of any of these methods, to the
6 air, surrounding surfaces, or both.

7 (2) "Heating system" does not include a fireplace or woodburning stove
8 not incorporated into or used as a primary heating system.

9 (g) "Heating, ventilation, air-conditioning, and refrigeration contractor"
10 means an individual who provides heating, ventilation, air-conditioning, or
11 refrigeration services.

12 (h) "Hydronic system" means a heating and cooling system using liquids or
13 steam to transmit or remove heat.

14 (i) "Independent agency" means an office, commission, board, department, or
15 agency established as an independent unit of government that may receive budgetary
16 or administrative support from the federal, State, or local government.

17 (J) "JOURNEYMAN LICENSE" MEANS A LICENSE ISSUED BY THE BOARD TO
18 PROVIDE HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION
19 SERVICES WHILE UNDER THE DIRECTION AND CONTROL OF A LICENSED
20 CONTRACTOR.

21 (K) "JOURNEYMAN RESTRICTED LICENSE" MEANS A LICENSE ISSUED BY THE
22 BOARD TO PROVIDE HEATING, VENTILATION, AIR-CONDITIONING, AND
23 REFRIGERATION SERVICES WHILE UNDER THE DIRECTION AND CONTROL OF A
24 LICENSED CONTRACTOR, 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.

30 [(j)] (L) (1) "License" means, unless the context requires otherwise, a
31 license issued by the Board to provide or to assist in providing heating, ventilation,
32 air-conditioning, or refrigeration 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.

6 [(k)] (M) "Licensed apprentice" means an individual who is licensed by the
7 Board to assist in providing heating, ventilation, air-conditioning, or refrigeration
8 services while:

- 9 (1) under the direction and control of a licensed contractor; and
- 10 (2) in training to become a journeyman.

11 [(l)] (N) "Licensed contractor" means a contractor who is licensed by the
12 Board to provide heating, ventilation, air-conditioning, or refrigeration services, but
13 does not include a licensed apprentice or licensed journeyman.

14 [(m)] "Licensed journeyman" means an individual who is licensed by the Board
15 to provide heating, ventilation, air-conditioning, or refrigeration services while under
16 the direction and control of a licensed contractor.]

17 [(n)] (O) "Limited license" means a license issued by the Board exclusively to
18 maintain or repair one or more of the following: heating systems, cooling systems,
19 refrigeration systems, ventilation systems, or hydronic systems.

20 [(o)] (P) "Master license" means a license issued by the Board to provide
21 heating, ventilation, air-conditioning, or refrigeration services.

22 [(p)] (Q) "Master restricted license" means a license issued by the Board to
23 provide services in only one of the following areas:

- 24 (1) heating - forced air systems;
- 25 (2) heating - hydronic systems;
- 26 (3) ventilation;
- 27 (4) air-conditioning; or
- 28 (5) refrigeration.

29 [(q)] (R) "Provide heating, ventilation, air-conditioning, or refrigeration
30 services" means to install, maintain, alter, remodel, or repair heating systems, cooling
31 systems, refrigeration systems, ventilation systems, or hydronic systems.

1 [(r)] (S) "Refrigeration system" means a system used to cool a surface or area
2 below 55 degrees Fahrenheit or 12.9 degrees Celsius.

3 [(s)] (T) "Subdivision of the State" means any of the 23 counties in Maryland,
4 the City of Baltimore, and any municipal corporation.

5 [(t)] (U) "Ventilation system" means the natural or mechanical process of
6 supplying air to, or removing air from, any space:

7 (1) whether the air is conditioned or is not conditioned; and

8 (2) at a rate of airflow of more than 250 cubic feet per minute.

9 9A-302.

10 (a) To qualify for an apprentice, journeyman, JOURNEYMAN RESTRICTED,
11 master, master restricted, or limited license, an applicant shall meet the
12 requirements of this section.

13 (b) An applicant for a master heating, ventilation, air-conditioning, and
14 refrigeration contractor license shall:

15 (1) have been regularly and principally employed in providing heating,
16 ventilation, air-conditioning, or refrigeration services under a journeyman,
17 JOURNEYMAN RESTRICTED, limited, or master restricted license for not less than 3
18 years of active experience under the direction and control of a master heating,
19 ventilation, air-conditioning, and refrigeration contractor and have been so employed
20 for not less than 1,875 hours in the year prior to application; and

21 (2) pass an examination administered by the Board.

22 (c) An applicant for a master restricted heating, ventilation, air-conditioning,
23 and refrigeration contractor license shall:

24 (1) have been regularly and principally employed in providing
25 refrigeration, air-conditioning, forced air heating, hydronic heating, or ventilation
26 services under a journeyman, JOURNEYMAN RESTRICTED, limited, or master
27 restricted license for not less than 3 years of active experience under the direction and
28 control of a master or master restricted heating, ventilation, air-conditioning, and
29 refrigeration contractor and have been so employed for not less than 1,875 hours in
30 the year prior to application; and

31 (2) pass an examination administered by the Board.

32 (d) An applicant for a limited heating, ventilation, air-conditioning, and
33 refrigeration license shall:

34 (1) have been regularly and principally employed in providing forced air
35 heating, hydronic heating, ventilation, air-conditioning, or refrigeration services
36 under a journeyman license for not less than 2 years of active experience under the

1 direction and control of the holder of a master, master restricted, or limited license
2 under this title, and have been so employed for not less than 1,000 hours in the year
3 prior to application; and

4 (2) pass an examination administered by the Board.

5 (e) An applicant for a journeyman license shall:

6 (1) have held, for a period of at least 3 years, an apprentice license, and
7 during that period shall have completed at least 1,875 hours of training in providing
8 heating, ventilation, air-conditioning, and refrigeration services under the direction
9 and control of a licensed contractor; and

10 (2) pass an examination administered by the Board.

11 (F) AN APPLICANT FOR A JOURNEYMAN RESTRICTED LICENSE SHALL:

12 (1) HAVE HELD, FOR A PERIOD OF AT LEAST 3 YEARS, AN APPRENTICE
13 LICENSE, AND DURING THAT PERIOD SHALL HAVE COMPLETED AT LEAST 1,875
14 HOURS OF TRAINING IN PROVIDING FORCED AIR HEATING, HYDRONIC HEATING,
15 VENTILATION, AIR-CONDITIONING, OR REFRIGERATION SERVICES UNDER THE
16 DIRECTION AND CONTROL OF A LICENSED CONTRACTOR; AND

17 (2) PASS AN EXAMINATION ADMINISTERED BY THE BOARD.

18 [(f)] (G) (1) The Board may credit not more than 3 years of formal course of
19 study or professional training in heating, ventilation, air-conditioning, or
20 refrigeration services if, in the opinion of the Board, the study or training provided
21 comparable experience.

22 (2) The Board may credit not more than 6 years of work experience in
23 heating, ventilation, air-conditioning, or refrigeration services that fails to meet the
24 requirements of subsection (b)(1), (c)(1), (d)(1), [or] (e)(1), OR (F)(1) of this section if, in
25 the opinion of the Board:

26 (i) the work provided comparable experience; and

27 (ii) the failure of the applicant to meet the requirements is not
28 attributable to fault or neglect on the part of the applicant.

29 (3) The Board shall credit not more than 3 years of work experience in
30 heating, ventilation, air-conditioning, or refrigeration services to any applicant under
31 this section who has been teaching formal courses of study in heating, ventilation,
32 air-conditioning, or refrigeration services for purposes of satisfying the requirements
33 of subsections (b)(1), (c)(1), (d)(1), [or] (e)(1), OR (F)(1) of this section.

34 9A-304.

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

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

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

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

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

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

13 (f) To take an examination, an applicant shall pay to the Board or a testing
14 service chosen by the Board the examination fee set by the Board in an amount not to
15 exceed the cost of the examination.

16 (g) (1) The Board may use a testing service to administer the examinations
17 given under this title.

18 (2) If the Board uses a testing service, the testing service, subject to
19 requirements set by the Board, may:

20 (i) set the time and place of examinations;

21 (ii) give qualified applicants notice of the time and place of
22 examinations; and

23 (iii) furnish any other information that the Board may require the
24 testing service to provide.

25 9A-305.

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

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

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

36 (2) provides adequate evidence that the applicant:

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

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

11 9A-306.

12 (a) The Board shall issue without examination a master, master restricted, or
13 limited heating, ventilation, air-conditioning, and refrigeration contractor license to
14 any licensee holding a current, active or inactive master, master restricted, or limited
15 heating, ventilation, air-conditioning, and refrigeration contractor license, or a
16 similar license issued by a subdivision of the State, if the licensee:

17 (1) files an application for a license under this title by 1 year after the
18 date that the members of the Board are appointed; and

19 (2) submits with the application the prescribed fee and proof of eligibility
20 required by the Board.

21 (b) The Board shall issue without examination a master, master restricted, or
22 limited heating, ventilation, air-conditioning, and refrigeration contractor license,
23 whether a subdivision of the State requires a local license or not, to an individual
24 who:

25 (1) has lawfully provided heating, ventilation, air-conditioning, or
26 refrigeration services in a subdivision of the State for at least 5 years immediately
27 prior to 1 year after the date the members of the Board are appointed;

28 (2) files an application for a license under this title prior to 1 year after
29 the date the members of the Board are appointed; and

30 (3) submits with the application the prescribed fee and proof of eligibility
31 required by the Board.

32 (c) The Board shall issue without examination a journeyman license to an
33 individual holding a current, active or inactive, journeyman license, or a similar
34 license issued by a subdivision of the State, if the individual:

35 (1) files an application for a license under this title prior to December 31,
36 1994; and

1 (2) submits with the application the prescribed fee and proof of eligibility
2 required by the Board.

3 (d) The Board shall issue without examination a journeyman license, whether
4 a subdivision of the State requires a local license or not, to an individual who:

5 (1) has lawfully provided heating, ventilation, air-conditioning, or
6 refrigeration services in a subdivision of the State:

7 (i) under the direction and control of one or more individuals who
8 meet the requirements for a master license under subsection (a) or (b) of this section;
9 and

10 (ii) for at least 3 years prior to December 31, 1994;

11 (2) holds an apprentice license at the time of the application;

12 (3) files an application for a license under this title prior to December 31,
13 1994; and

14 (4) submits with the application the prescribed fee and proof of eligibility
15 required by the Board.

16 (e) (1) The Board shall issue without examination a journeyman license to
17 an individual who has successfully completed an apprentice program in heating,
18 ventilation, air-conditioning, and refrigeration approved by the Apprenticeship and
19 Training Council.

20 (2) THE BOARD SHALL ISSUE WITHOUT EXAMINATION A JOURNEYMAN
21 RESTRICTED LICENSE TO AN INDIVIDUAL WHO HAS SUCCESSFULLY COMPLETED AN
22 APPRENTICE PROGRAM IN HEATING, VENTILATION, AIR-CONDITIONING, OR
23 REFRIGERATION APPROVED BY THE APPRENTICESHIP AND TRAINING COUNCIL.

24 (f) (1) All applicants for a master, master restricted, or limited heating,
25 ventilation, air-conditioning, and refrigeration contractor license on or after 1 year
26 after the date the members of the Board are appointed shall submit to examination
27 under this title.

28 (2) The application shall include all information required by the Board
29 regarding proof of eligibility.

30 (g) (1) Except as provided in subsection (e) of this section, all applicants for
31 a journeyman license on or after January 1, 1995 shall submit to examination under
32 this title.

33 (2) The application shall include all information required by the Board
34 regarding proof of eligibility.

35 (h) An applicant who qualifies for a license under subsection (a) or (b) of this
36 section but fails to apply for the license within the 1-year period:

- 1 (1) may take an examination under this title to be licensed;
- 2 (2) may not be required to obtain a journeyman license or an apprentice
3 license; and
- 4 (3) may provide services as a master, master restricted, or limited license
5 holder after obtaining the appropriate license.

6 (i) An individual who holds a limited license or a master restricted license
7 issued under subsection (a) or (b) of this section may take an examination
8 administered by the Board to qualify for a master license or an additional master
9 restricted license without meeting the requirements of § 9A-302 of this subtitle, if the
10 individual:

11 (1) submits to the Board on or before December 31, 1996 an application
12 on the form that the Board provides; and

13 (2) pays to the Board an application fee established by the Board.

14 9A-308.

15 (a) If an applicant passes the examination required by the Board and
16 otherwise qualifies for a master, master restricted, or limited heating, ventilation,
17 air-conditioning, and refrigeration contractor license under this title, the Board shall
18 send the applicant a notice that states:

19 (1) the applicant has qualified for the license; and

20 (2) the Board 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.

23 (b) If an applicant passes the examination required by the Board and
24 otherwise qualifies for a journeyman LICENSE OR JOURNEYMAN RESTRICTED license
25 under this title, the Board shall send the applicant a notice that states:

26 (1) the applicant has qualified for the license; and

27 (2) the Board will issue the license to an applicant on receipt of a license
28 fee established by the Board.

29 9A-402.

30 (a) A holder of a master, master restricted, or limited heating, ventilation,
31 air-conditioning, and refrigeration license may not contract to provide services on
32 behalf of the licensee, or another person who provides heating, ventilation,
33 air-conditioning, or refrigeration services, unless the work of the licensee, including
34 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 (i) by a holder of a master, master restricted, or limited heating,
5 ventilation, air-conditioning, and refrigeration license; or

6 (ii) by the person who engages in the business of providing heating,
7 ventilation, air-conditioning, or refrigeration services and employs the holder of the
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
11 employment for the person who carries the insurance.

12 (c) (1) 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 (2) 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) (1) 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 (2) 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 (e) 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
27 requirements of this section apply.

28 (f) A holder of a master, master restricted, or limited license shall give the
29 Board notice of the cancellation of insurance at least 10 days before the effective date
30 of the cancellation.

31 (g) If a county, municipal corporation, special taxing district, or other political
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.