

(PRE-FILED)

---

By: **Chairman, Economic Matters Committee (Departmental - Labor,  
Licensing and Regulation)**  
 Requested: October 26, 2000  
 Introduced and read first time: January 10, 2001  
 Assigned to: Economic Matters

---

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration**  
3 **Contractors**

4 FOR the purpose of clarifying an exemption from the Heating, Ventilation,  
5 Air-Conditioning, and Refrigeration Contractors Act; increasing certain  
6 criminal penalties; specifying that a resident of Baltimore City may serve on the  
7 State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration  
8 Contractors under certain circumstances; defining certain terms; and generally  
9 relating to the State Board of Heating, Ventilation, Air-Conditioning, and  
10 Refrigeration Contractors.

11 BY repealing and reenacting, with amendments,  
12 Article - Business Regulation  
13 Section 9A-101, 9A-103(5), 9A-202(b), and 9A-505  
14 Annotated Code of Maryland  
15 (1998 Replacement Volume and 2000 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article - Business Regulation  
18 Section 9A-202(a)  
19 Annotated Code of Maryland  
20 (1998 Replacement Volume and 2000 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article Business Regulation**

24 9A-101.

25 (a) In this title the following words have the meanings indicated.

1 (b) "Board" means the State Board of Heating, Ventilation, Air-Conditioning,  
2 and Refrigeration Contractors.

3 (c) "Contractor" means a heating, ventilation, air-conditioning, and  
4 refrigeration contractor.

5 (d) (1) "Cooling system" means a system in which heat is removed from air,  
6 surrounding surfaces, or both.

7 (2) "Cooling system" includes an air-conditioning system.

8 (e) "Forced air system" means a heating system that uses air being moved by  
9 mechanical means to transmit heat.

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

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

15 (g) "Heating, ventilation, air-conditioning, and refrigeration contractor"  
16 means an individual who provides heating, ventilation, air-conditioning, or  
17 refrigeration services.

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

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

23 (j) "Journeyman license" means a license issued by the Board to provide  
24 heating, ventilation, air-conditioning, and refrigeration services while under the  
25 direction and control of a licensed contractor.

26 (k) "Journeyman restricted license" means a license issued by the Board to  
27 provide heating, ventilation, air-conditioning, and refrigeration services while under  
28 the direction and control of a licensed contractor, in only one of the following areas:

29 (1) heating - forced air systems;

30 (2) heating - hydronic systems;

31 (3) ventilation;

32 (4) air-conditioning; or

33 (5) refrigeration.

1 (l) (1) "License" means, unless the context requires otherwise, a license issued  
2 by the Board to provide or to assist in providing heating, ventilation,  
3 air-conditioning, or refrigeration services.

4 (2) "License" includes, unless the context requires otherwise, a:

- 5 (i) master license;
- 6 (ii) master restricted license;
- 7 (iii) limited license;
- 8 (iv) journeyman license;
- 9 (v) journeyman restricted license; and
- 10 (vi) apprentice license.

11 (m) "Licensed apprentice" means an individual who is licensed by the Board to  
12 assist in providing heating, ventilation, air-conditioning, or refrigeration services  
13 while:

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

16 (n) "Licensed contractor" means a contractor who is licensed by the Board to  
17 provide heating, ventilation, air-conditioning, or refrigeration services, but does not  
18 include a licensed apprentice or licensed journeyman.

19 (o) "Limited license" means a license issued by the Board exclusively to  
20 maintain or repair one or more of the following: heating systems, cooling systems,  
21 refrigeration systems, ventilation systems, or hydronic systems.

22 (p) "Master license" means a license issued by the Board to provide heating,  
23 ventilation, air-conditioning, or refrigeration services.

24 (q) "Master restricted license" means a license issued by the Board to provide  
25 services in only one of the following areas:

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

1 (r) "Provide heating, ventilation, air-conditioning, or refrigeration services"  
2 means to install, maintain, alter, remodel, or repair heating systems, cooling systems,  
3 refrigeration systems, ventilation systems, or hydronic systems.

4 (s) "Refrigeration system" means a system used to cool a surface or area below  
5 55 degrees Fahrenheit or 12.9 degrees Celsius.

6 (T) "SELF-CONTAINED APPLIANCE" MEANS A HEATING, VENTILATION,  
7 AIR-CONDITIONING, OR REFRIGERATION DEVICE THAT IS DESIGNED AND  
8 MANUFACTURED:

9 (1) WITH ITS COMPONENT PARTS CONTAINED WITHIN A SINGLE  
10 CHASSIS;

11 (2) WITH A STANDARD FACTORY-INSTALLED ELECTRICAL LINE CORD  
12 THAT REQUIRES A PLUG-IN DEVICE;

13 (3) WITH NO ADDITIONAL EXTERNAL FUEL SOURCE; AND

14 (4) INDEPENDENT OF AN AIR DISTRIBUTION SYSTEM.

15 [(t)] (U) "Subdivision of the State" means any of the 23 counties in Maryland,  
16 the City of Baltimore, and any municipal corporation.

17 [(u)] (V) "Ventilation system" means the natural or mechanical process of  
18 supplying air to, or removing air from, any space:

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

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

21 9A-103.

22 This title does not limit the right of:

23 (5) an individual employed in the installation, maintenance, alteration,  
24 repair, or replacement of self-contained [heating, air-conditioning, refrigeration, or  
25 ventilation systems, or other appliances] APPLIANCES requiring not more than 225  
26 volts or 25 amperes of electrical current;

27 9A-202.

28 (a) (1) The Board consists of 7 members.

29 (2) Of the 7 Board members:

30 (i) 3 shall be master heating, ventilation, air-conditioning, and  
31 refrigeration contractors licensed in the State, a subdivision of the State, or another  
32 state provided that state has licensing requirements equivalent to the licensing  
33 requirements of this title;

1 (ii) 1 shall be a master electrician;

2 (iii) 1 shall be a master plumber; and

3 (iv) 2 shall be consumer members.

4 (3) The Governor shall appoint the members of the Board with the advice  
5 of the Secretary and with the advice and consent of the Senate.

6 (b) Except for the initial members of the Board, of the members appointed  
7 under subsection (a)(2)(i), (ii), and (iii) of this section:

8 (1) 1 shall be from the area that consists of Caroline, Dorchester, Kent,  
9 Queen Anne's, Somerset, Talbot, Wicomico, and Worcester Counties;

10 (2) 1 shall be from the area that consists of BALTIMORE CITY, AND  
11 Baltimore, Cecil, and Harford Counties;

12 (3) 1 shall be from the area that consists of Anne Arundel, Calvert,  
13 Charles, and St. Mary's Counties;

14 (4) 1 shall be from the area that consists of Howard, Montgomery, and  
15 Prince George's Counties; and

16 (5) 1 shall be from the area that consists of Allegany, Carroll, Frederick,  
17 Garrett, and Washington Counties.

18 9A-505.

19 (a) (1) In this section, "officer" includes a superintendent, manager, or agent  
20 of a corporation regardless of whether the corporation provides heating, ventilation,  
21 air-conditioning, or refrigeration services.

22 (2) Any person, including an officer, who violates § 9A-501, § 9A-502, §  
23 9A-503, or § 9A-504 of this title is guilty of a misdemeanor, and on conviction is  
24 subject to a fine not exceeding [\$50 for each day or part of each day that the violation  
25 continues] \$1,000 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

26 (b) Any person who knowingly and willfully violates any provision of § 9A-402  
27 of this title is guilty of a misdemeanor, and on conviction is subject to a fine not  
28 exceeding \$1,000 or imprisonment not exceeding 6 months or both.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2001.