

(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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 6, 2001

CHAPTER _____

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~~ altering certain
6 criminal ~~penalties~~ penalty provisions; specifying that a resident of Baltimore
7 City may serve on the State Board of Heating, Ventilation, Air-Conditioning,
8 and Refrigeration Contractors under certain circumstances; defining certain
9 terms; and generally relating to the State Board of Heating, Ventilation,
10 Air-Conditioning, and 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:

1 **Article - Business Regulation**

2 9A-101.

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

4 (b) "Board" means the State Board of Heating, Ventilation, Air-Conditioning,
5 and Refrigeration Contractors.6 (c) "Contractor" means a heating, ventilation, air-conditioning, and
7 refrigeration contractor.8 (d) (1) "Cooling system" means a system in which heat is removed from air,
9 surrounding surfaces, or both.

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

11 (e) "Forced air system" means a heating system that uses air being moved by
12 mechanical means to transmit heat.13 (f) (1) "Heating system" means a system in which heat is transmitted by
14 radiation, conduction, or convection, or a combination of any of these methods, to the
15 air, surrounding surfaces, or both.16 (2) "Heating system" does not include a fireplace or woodburning stove
17 not incorporated into or used as a primary heating system.18 (g) "Heating, ventilation, air-conditioning, and refrigeration contractor"
19 means an individual who provides heating, ventilation, air-conditioning, or
20 refrigeration services.21 (h) "Hydronic system" means a heating and cooling system using liquids or
22 steam to transmit or remove heat.23 (i) "Independent agency" means an office, commission, board, department, or
24 agency established as an independent unit of government that may receive budgetary
25 or administrative support from the federal, State, or local government.26 (j) "Journeyman license" means a license issued by the Board to provide
27 heating, ventilation, air-conditioning, and refrigeration services while under the
28 direction and control of a licensed contractor.29 (k) "Journeyman restricted license" means a license issued by the Board to
30 provide heating, ventilation, air-conditioning, and refrigeration services while under
31 the direction and control of a licensed contractor, in only one of the following areas:

32 (1) heating - forced air systems;

33 (2) heating - hydronic systems;

34 (3) ventilation;

1 (4) air-conditioning; or

2 (5) refrigeration.

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

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

7 (i) master license;

8 (ii) master restricted license;

9 (iii) limited license;

10 (iv) journeyman license;

11 (v) journeyman restricted license; and

12 (vi) apprentice license.

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

16 (1) under the direction and control of a licensed contractor; and

17 (2) in training to become a journeyman.

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

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

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

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

28 (1) heating - forced air systems;

29 (2) heating - hydronic systems;

30 (3) ventilation;

31 (4) air-conditioning; or

1 (5) refrigeration.

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

5 (s) "Refrigeration system" means a system used to cool a surface or area below
6 55 degrees Fahrenheit or 12.9 degrees Celsius.

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

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

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

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

15 (4) INDEPENDENT OF AN AIR DISTRIBUTION SYSTEM.

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

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

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

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

22 9A-103.

23 This title does not limit the right of:

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

28 9A-202.

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

30 (2) Of the 7 Board members:

31 (i) 3 shall be master heating, ventilation, air-conditioning, and
32 refrigeration contractors licensed in the State, a subdivision of the State, or another

1 state provided that state has licensing requirements equivalent to the licensing
2 requirements of this title;

3 (ii) 1 shall be a master electrician;

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

5 (iv) 2 shall be consumer members.

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

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

10 (1) 1 shall be from the area that consists of Caroline, Dorchester, Kent,
11 Queen Anne's, Somerset, Talbot, Wicomico, and Worcester Counties;

12 (2) 1 shall be from the area that consists of BALTIMORE CITY, AND
13 Baltimore, Cecil, and Harford Counties;

14 (3) 1 shall be from the area that consists of Anne Arundel, Calvert,
15 Charles, and St. Mary's Counties;

16 (4) 1 shall be from the area that consists of Howard, Montgomery, and
17 Prince George's Counties; and

18 (5) 1 shall be from the area that consists of Allegany, Carroll, Frederick,
19 Garrett, and Washington Counties.

20 9A-505.

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

24 (2) Any person, including an officer, who violates § 9A-501, § 9A-502, §
25 9A-503, or § 9A-504 of this title is guilty of a misdemeanor, and on conviction is
26 subject to a fine not exceeding [\$50 for each day or part of each day that the violation
27 continues] \$1,000 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH AND, ON A
28 SECOND OR SUBSEQUENT CONVICTION, SUBJECT TO A FINE NOT EXCEEDING \$5,000
29 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

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

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