

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1200

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “Requirement” and substitute “Accreditation Violations”; strike beginning with “requiring” in line 4 down through “date” in line 11 and substitute “prohibiting a certain licensee from violating a certain lead paint abatement accreditation requirement”; in line 12, strike “training and”; in the same line, after “accreditation” insert “violations”; after line 12, insert:

“BY repealing and reenacting, without amendments,

Article - Business Regulation

Section 8-301 and 8-620

Annotated Code of Maryland

(1998 Replacement Volume and 2001 Supplement)”;

strike in their entirety lines 13 through 17, inclusive; and in line 20, strike “8-308” and substitute “8-611”.

AMENDMENT NO. 2

On page 2, after line 3, insert:

“8-301.

(a) Except as otherwise provided in this title, a person must have a contractor license whenever the person acts as a contractor in the State.

(b) Except as otherwise provided in this title, a person must have a subcontractor license or contractor license whenever the person acts as a subcontractor in the State.

(c) Except as otherwise provided in this title, a person must have a salesperson license or

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contractor license whenever the person sells a home improvement in the State.

(d) This section does not apply to:

(1) an individual who works for a contractor or subcontractor for a salary or wages but who is not a salesperson for the contractor;

(2) a clerical employee, retail clerk, or other employee of a licensed contractor who is not a salesperson, as to a transaction on the premises of the licensed contractor;

(3) a solicitor for a contractor who calls an owner by telephone only;

(4) an architect, electrician, plumber, heating, ventilation, air-conditioning, or refrigeration contractor, or other person who:

(i) is required by State or local law to meet standards of competency or experience before engaging in an occupation or profession;

(ii) currently is licensed in that occupation or profession under State or local law; and

(iii) is:

1. acting only within the scope of that occupation or profession;

or

2. installing a central heating or air-conditioning system;

(5) a security systems technician licensed under Title 18 of the Business Occupations and Professions Article; or

(6) a person who is selling a home improvement to be performed by a person described in item (4) of this subsection.

8-611.

A licensee may not violate:

- (1) a building law of the State or a political subdivision of the State;
- (2) a safety or labor law of the State; [or]
- (3) the Maryland Workers' Compensation Act; OR
- (4) THE LEAD PAINT ABATEMENT ACCREDITATION REQUIREMENT UNDER § 6-1002 OF THE ENVIRONMENT ARTICLE.

8-620.

(a) The Commission may impose on a person who violates this title, including § 8-607(4) of this subtitle, a civil penalty not exceeding \$5,000 for each violation, whether or not the person is licensed under this title.

(b) In setting the amount of a civil penalty, the Commission shall consider:

- (1) the seriousness of the violation;
- (2) the good faith of the violator;
- (3) any previous violations;
- (4) the harmful effect of the violation on the complainant, the public, and the business of home improvement;
- (5) the assets of the violator; and
- (6) any other relevant factors.”.

On pages 2 through 4, strike in their entirety the lines beginning with line 4 on page 2 through line 3 on page 4, inclusive.

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