
By: **Chairman, Economic Matters Committee**
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Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 18, 2002

CHAPTER _____

1 AN ACT concerning

2 **Board of Boiler Rules and ~~State Board of Stationary~~ Board of Examining**
3 **Engineers - Sunset Extension and Program Evaluation**

4 FOR the purpose of continuing the Board of Boiler Rules in accordance with the
5 provisions of the Maryland Program Evaluation Act (Sunset Law) by extending
6 to a certain date the termination provisions relating to the statutory and
7 regulatory authority of the Board of Boiler Rules; requiring the Board of Boiler
8 Rules to elect its chairman from among its members with the advice and consent
9 of the Secretary; requiring that an evaluation of the Board of Boiler Rules and
10 the statutes and regulations that relate to the Board of Boiler Rules be
11 performed on or before a certain date; continuing the Board of Examining
12 Engineers in accordance with the provisions of the Maryland Program
13 Evaluation Act (Sunset Law) by extending to a certain date the termination
14 provisions relating to the statutory and regulatory authority of the Board of
15 Examining Engineers; requiring that an evaluation of the Board of Examining
16 Engineers and the statutes and regulations that relate to the Board of
17 Examining Engineers be performed on or before a certain date; establishing the
18 State Board of Stationary Engineers in the Department of Labor, Licensing, and
19 Regulation; providing for the composition, appointment, terms, and
20 compensation of the State Board of Stationary Engineers members; establishing
21 certain powers and duties of the State Board of Stationary Engineers; requiring
22 certain persons to be licensed by the State Board of Stationary Engineers as
23 stationary engineers before performing certain work on heating,
24 air conditioning, and ventilation equipment in the State; establishing certain
25 education and experience requirements for stationary engineers; establishing
26 certain licensing and license renewal requirements for stationary engineers;
27 establishing certain examination requirements for stationary engineers;
28 authorizing the State Board of Stationary Engineers to deny a license to an

1 applicant, refuse to renew a license, reprimand a licensee, suspend or revoke a
2 license, or impose certain penalties under certain circumstances; providing for
3 certain criminal penalties; establishing certain hearing and appeal procedures
4 for stationary engineers; requiring the State Board of Stationary Engineers to
5 adopt certain regulations to provide for the conduct of continuing education
6 courses before renewal of a license; requiring that an evaluation of the State
7 Board of Stationary Engineers and the statutes and regulations that relate to
8 the State Board of Stationary Engineers be performed on or before a certain
9 date; requiring the State Board of Stationary Engineers to submit a certain
10 report to certain committees of the General Assembly on or before a certain date;
11 repealing the sections of the Public Local Laws of Baltimore City regarding
12 examining engineers; defining certain terms; specifying the terms of the initial
13 members of the State Board of Stationary Engineers; providing for a delayed
14 effective date for certain provisions of this Act; requiring the Board of
15 Examining Engineers and, as appropriate, the Department of Labor, Licensing,
16 and Regulation, to report to certain committees of the General Assembly on or
17 before a certain date; and generally relating to the Board of Boiler Rules and the
18 State Board of Stationary Board of Examining Engineers.

19 BY repealing and reenacting, with amendments,
20 Article 48 - Inspections
21 Section 169(c) and 180A
22 Annotated Code of Maryland
23 (1998 Replacement Volume and 2001 Supplement)

24 BY repealing and reenacting, without amendments,
25 Article - State Government
26 Section 8-403(a)
27 Annotated Code of Maryland
28 (1999 Replacement Volume and 2001 Supplement)

29 BY repealing and reenacting, with amendments,
30 Article - State Government
31 Section 8-403(b)(10) and (23)
32 Annotated Code of Maryland
33 (1999 Replacement Volume and 2001 Supplement)

34 ~~BY adding to~~
35 ~~Article - Business Occupations and Professions~~
36 ~~Section 6.5-101 through 6.5-502 to be under the new title "Title 6.5. Stationary~~
37 ~~Engineers"~~
38 ~~Annotated Code of Maryland~~
39 ~~(2000 Replacement Volume and 2001 Supplement)~~

40 BY repealing

1 ~~The Public Local Laws of Baltimore City~~
 2 ~~Section 4-1 through 4-8, inclusive, and the subtitle "Subtitle 4. Examining~~
 3 ~~Engineers"~~
 4 ~~Article 4—Public Local Laws of Maryland~~
 5 ~~(1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)~~

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

8 **Article 48 - Inspections**

9 169.

10 (c) [The chairman of the Board shall be appointed by the Governor, with the
 11 advice of the Secretary, to serve in that capacity at the pleasure of the Governor.]
 12 FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIRMAN.

13 180A.

14 The provisions of this subtitle creating the Board of Boiler Rules and relating to
 15 the regulation of boilers or pressure vessels and any regulations promulgated under
 16 this subtitle are of no effect and may not be enforced after July 1, [2003] 2014.

17 **Article - State Government**

18 8-403.

19 (a) On or before December 15 of the 2nd year before the evaluation date of a
 20 governmental activity or unit, the Legislative Policy Committee, based on a
 21 preliminary evaluation, may waive as unnecessary the evaluation required under this
 22 section.

23 (b) Except as otherwise provided in subsection (a) of this section, on or before
 24 the evaluation date for the following governmental activities or units, an evaluation
 25 shall be made of the following governmental activities or units and the statutes and
 26 regulations that relate to the governmental activities or units:

27 (10) Boiler Rules, Board of (Article 48, § 169 of the Code: July 1, [2002]
 28 2013);

29 (23) Engineers, ~~STATE Board of [Examining] STATIONARY~~ (§ 4-1 of the
 30 Public Local Laws of Baltimore City: July 1, ~~2002 2004~~) § 6.5-502 OF THE BUSINESS
 31 OCCUPATIONS AND PROFESSIONS ARTICLE: JULY 1, 2013);

32 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland~~
 33 ~~read as follows:~~

~~Article—Business Occupations and Professions~~~~TITLE 6.5. STATIONARY ENGINEERS.~~~~SUBTITLE 1. DEFINITIONS.~~~~6.5-101.~~~~(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~~~(B) "BOARD" MEANS THE STATE BOARD OF STATIONARY ENGINEERS.~~~~(C) "LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A LICENSE ISSUED BY THE BOARD TO PERFORM THE FUNCTIONS OF A STATIONARY ENGINEER.~~~~(D) "STATIONARY ENGINEER" MEANS AN INDIVIDUAL THAT STARTS UP, OPERATES, REGULATES, MAINTAINS, AND REPAIRS MACHINERY THAT PROVIDES HEAT, AIR CONDITIONING, AND VENTILATION IN LARGE BUILDINGS AND COMPLEXES.~~~~6.5-102.~~~~THE PURPOSES OF THIS TITLE ARE TO SAFEGUARD LIFE, HEALTH, AND PROPERTY AND TO PROMOTE THE PUBLIC WELFARE BY REGULATING STATIONARY ENGINEERS IN THE STATE.~~~~SUBTITLE 2. STATE BOARD OF STATIONARY ENGINEERS.~~~~6.5-201.~~~~THERE IS A STATE BOARD OF STATIONARY ENGINEERS IN THE DEPARTMENT.~~~~6.5-202.~~~~(A) (1) THE BOARD CONSISTS OF FIVE MEMBERS.~~~~(2) OF THE FIVE MEMBERS OF THE BOARD:~~~~(I) THREE SHALL BE STATIONARY ENGINEERS;~~~~(II) ONE SHALL BE A REPRESENTATIVE FROM THE BOILER MANUFACTURE AND DESIGN INDUSTRY; AND~~~~(III) ONE SHALL BE A BOILER OWNER.~~~~(3) THE GOVERNOR SHALL APPOINT THE MEMBERS WITH THE ADVICE OF THE SECRETARY AND WITH THE ADVICE AND CONSENT OF THE SENATE.~~~~(B) EACH MEMBER OF THE BOARD SHALL BE:~~

1 (1) A CITIZEN OF THE UNITED STATES; AND

2 (2) A RESIDENT OF THE STATE.

3 (C) EACH ENGINEER MEMBER OF THE BOARD SHALL:

4 (1) HAVE AT LEAST 10 YEARS PRACTICAL EXPERIENCE IN RUNNING
5 STEAM ENGINES, BOILERS, AND APPLIANCES PERTAINING TO STATIONARY AND
6 PORTABLE ENGINES; AND

7 (2) HOLD A STATE LICENSE AT ALL TIMES DURING THE MEMBER'S TERM
8 ON THE BOARD.

9 (D) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE
10 THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

11 (E) (1) THE TERM OF A MEMBER IS 3 YEARS AND BEGINS ON JULY 1.

12 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
13 TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2003.

14 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
15 SUCCESSOR IS APPOINTED AND QUALIFIES.

16 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
17 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
18 QUALIFIES.

19 (F) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE,
20 MISCONDUCT, NEGLIGENCE OF DUTIES, OR OTHER SUFFICIENT CAUSE.

21 ~~6.5-203.~~

22 (A) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIRMAN AND
23 OTHER OFFICERS AS NECESSARY.

24 (B) THE MANNER OF ELECTION AND THE TERMS OF OFFICERS SHALL BE AS
25 THE BOARD DETERMINES.

26 (C) THE CHIEF BOILER INSPECTOR, OR THE CHIEF BOILER INSPECTOR'S
27 DESIGNEE, SHALL BE AN EX OFFICIO NONVOTING MEMBER OF THE BOARD.

28 ~~6.5-204.~~

29 (A) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE BOARD IS A
30 QUORUM.

31 (B) (1) THE BOARD SHALL MEET AT LEAST TWICE A YEAR, AT THE TIMES
32 AND PLACES THAT THE BOARD DETERMINES.

1 (2) ~~THE BOARD MAY HOLD SPECIAL MEETINGS AS PROVIDED IN ITS~~
2 ~~BYLAWS.~~

3 (3) ~~NOTICE OF MEETINGS OF THE BOARD SHALL BE GIVEN AS REQUIRED~~
4 ~~IN ITS BYLAWS.~~

5 (4) ~~THE BOARD SHALL MEET WITH AND CONSULT THE BOARD OF~~
6 ~~BOILER RULES AS NECESSARY BUT NOT LESS THAN ONE TIME EACH YEAR.~~

7 (C) ~~A MEMBER OF THE BOARD:~~

8 (1) ~~MAY NOT RECEIVE COMPENSATION; BUT~~

9 (2) ~~IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE~~
10 ~~STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.~~

11 (D) ~~THE BOARD MAY EMPLOY A STAFF IN ACCORDANCE WITH THE STATE~~
12 ~~BUDGET.~~

13 ~~6.5-205.~~

14 (A) ~~THE BOARD SHALL ADOPT, BY REGULATION, A CODE OF ETHICS THAT~~
15 ~~SHALL BE THE STANDARD OF CONDUCT REQUIRED BY THE BOARD FOR ALL PERSONS~~
16 ~~LICENSED UNDER THE PROVISIONS OF THIS TITLE.~~

17 (B) ~~THE BOARD SHALL DISTRIBUTE:~~

18 (1) ~~TO EACH APPLICANT FOR A LICENSE, A COPY OF THE MARYLAND~~
19 ~~STATIONARY ENGINEERS ACT AND THE BOARD'S RULES AND REGULATIONS; AND~~

20 (2) ~~ON EACH RENEWAL OF A LICENSE, TO EACH LICENSEE, A COPY OF~~
21 ~~ANY AMENDMENTS TO THE MARYLAND STATIONARY ENGINEERS ACT AND THE~~
22 ~~BOARD'S RULES AND REGULATIONS THAT TOOK EFFECT DURING THE 2-YEAR~~
23 ~~PERIOD ENDING ON THE DATE OF RENEWAL.~~

24 ~~6.5-206.~~

25 (A) ~~SUBJECT TO THE STATE BUDGET, THE BOARD MAY EMPLOY AN~~
26 ~~INVESTIGATIVE STAFF TO:~~

27 (1) ~~INVESTIGATE A COMPLAINT; AND~~

28 (2) ~~PERFORM ANY OTHER RELATED DUTY, AS ASSIGNED BY THE BOARD.~~

29 (B) (1) ~~THE BOARD MAY ISSUE A SUBPOENA FOR THE ATTENDANCE OF A~~
30 ~~WITNESS TO TESTIFY OR THE PRODUCTION OF EVIDENCE IN CONNECTION WITH:~~

31 (I) ~~ANY DISCIPLINARY ACTION UNDER § 6.5-313 OF THIS TITLE; OR~~

32 (II) ~~ANY PROCEEDING BROUGHT FOR AN ALLEGED VIOLATION OF~~
33 ~~THIS TITLE.~~

1 (2) A SUBPOENA SHALL BE SIGNED BY THE CHAIRMAN AND THE
2 SECRETARY OF THE BOARD AND SEALED.

3 (3) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER
4 THIS SUBSECTION, ON PETITION OF THE BOARD, A CIRCUIT COURT MAY COMPEL
5 COMPLIANCE WITH THE SUBPOENA.

6 (C) (1) THE BOARD MAY SUE IN THE NAME OF THE STATE TO ENFORCE ANY
7 PROVISION OF THIS TITLE BY INJUNCTION.

8 (2) IN SEEKING AN INJUNCTION UNDER THIS SUBSECTION, THE BOARD
9 IS NOT REQUIRED TO:

10 (I) POST BOND; OR

11 (II) ALLEGE OR PROVE EITHER THAT:

12 1. AN ADEQUATE REMEDY AT LAW DOES NOT EXIST; OR

13 2. SUBSTANTIAL OR IRREPARABLE DAMAGE WOULD RESULT
14 FROM THE CONTINUED VIOLATION OF THE PROVISION.

15 (3) A MEMBER OF THE BOARD MAY NOT BE HELD PERSONALLY LIABLE
16 FOR ANY ACTION TAKEN UNDER THIS SUBSECTION IN GOOD FAITH AND WITH
17 REASONABLE GROUNDS.

18 6.5-207.

19 (A) ON REQUEST OF ANY PERSON AND PAYMENT OF A FEE OF \$10, THE BOARD
20 SHALL CERTIFY THE LICENSING STATUS AND QUALIFICATIONS OF ANY INDIVIDUAL
21 WHO IS THE SUBJECT OF THE REQUEST.

22 (B) EACH CERTIFICATION UNDER THIS SECTION:

23 (1) SHALL INCLUDE A STATEMENT OF THE LICENSING STATUS OF THE
24 INDIVIDUAL WHO IS THE SUBJECT OF THE REQUEST; AND

25 (2) MAY INCLUDE:

26 (I) INFORMATION ABOUT THE EXAMINATION RESULTS AND
27 OTHER QUALIFICATIONS OF THAT INDIVIDUAL;

28 (II) INFORMATION ABOUT THE DATES OF ISSUANCE AND RENEWAL
29 OF THE LICENSE OF THAT INDIVIDUAL;

30 (III) INFORMATION ABOUT ANY DISCIPLINARY ACTION TAKEN
31 AGAINST THAT INDIVIDUAL; AND

32 (IV) IF AUTHORIZED BY THAT INDIVIDUAL, INFORMATION ABOUT
33 ANY COMPLAINT AGAINST THAT INDIVIDUAL.

1 ~~(C) THE BOARD SHALL COLLECT A FEE OF \$10 FOR EACH CERTIFICATION~~
2 ~~UNDER THIS SECTION.~~

3 ~~6.5-208.~~

4 ~~(A) IN ADDITION TO ANY POWERS SET FORTH ELSEWHERE, THE BOARD MAY~~
5 ~~ADOPT:~~

6 ~~(1) ANY BYLAW FOR THE CONDUCT OF THE PROCEEDINGS OF THE~~
7 ~~BOARD; AND~~

8 ~~(2) ANY RULE OR REGULATION TO CARRY OUT THIS TITLE, SUBJECT TO~~
9 ~~THE LIMITATION UNDER PARAGRAPH (2) OF THIS SUBSECTION.~~

10 ~~(B) IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE BOARD SHALL:~~

11 ~~(1) ADMINISTER THIS TITLE;~~

12 ~~(2) KEEP A RECORD OF ITS PROCEEDINGS; AND~~

13 ~~(3) KEEP A FILE ON EACH APPLICANT FOR A LICENSE.~~

14 ~~6.5-209.~~

15 ~~(A) THE BOARD SHALL:~~

16 ~~(1) KEEP A LIST OF THE NAMES AND MAILING ADDRESSES OF ALL~~
17 ~~LICENSEES; AND~~

18 ~~(2) PROVIDE ANY OTHER PERSON WHO MAKES A REQUEST WITH A COPY~~
19 ~~OF THE LIST AT A REASONABLE FEE SET BY THE BOARD.~~

20 ~~(B) THE BOARD SHALL DISTRIBUTE:~~

21 ~~(1) TO EACH APPLICANT FOR A LICENSE, A COPY OF THE MARYLAND~~
22 ~~STATIONARY ENGINEERS ACT AND THE BOARD'S RULES AND REGULATIONS; AND~~

23 ~~(2) ON EACH RENEWAL OF A LICENSE OR CERTIFICATE, TO EACH~~
24 ~~LICENSEE OR CERTIFICATE HOLDER, A COPY OF ANY AMENDMENTS TO THE~~
25 ~~MARYLAND STATIONARY ENGINEERS ACT AND THE BOARD'S RULES AND~~
26 ~~REGULATIONS THAT TOOK EFFECT DURING THE 2 YEAR PERIOD ENDING ON THE~~
27 ~~DATE OF RENEWAL.~~

28 ~~(C) A LICENSEE SHALL DESIGNATE THE LICENSEE'S MAILING ADDRESS AT~~
29 ~~THE TIME OF ISSUANCE OF THE LICENSE AND ON EACH RENEWAL OF THE LICENSE.~~
30 ~~6.5-210.~~

31 ~~(A) EXCEPT FOR THE FEES SPECIFICALLY SET BY THIS TITLE, THE BOARD~~
32 ~~MAY SET THE FEES FOR WHICH THIS TITLE PROVIDES FOR THE ISSUANCE AND~~
33 ~~RENEWAL OF LICENSES AND ITS OTHER SERVICES.~~

1 ~~(B) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE BOARD SHALL PAY ALL~~
2 ~~MONEY COLLECTED UNDER THIS TITLE INTO THE GENERAL FUND OF THE STATE.~~

3 ~~6.5-211.~~

4 ~~ANY PERSON AGGRIEVED BY ANY FINAL ACTION OF THE BOARD MAY TAKE AN~~
5 ~~APPEAL AS ALLOWED IN §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.~~
6 ~~6.5-212.~~

7 ~~THE BOARD EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS SUBJECT TO~~
8 ~~THE AUTHORITY OF THE SECRETARY.~~

9 ~~SUBTITLE 3. LICENSING.~~

10 ~~6.5-301.~~

11 ~~EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE BOARD HAS GENERAL~~
12 ~~SUPERVISION OF ALL STATIONARY ENGINEERS WITHIN THE STATE.~~

13 ~~6.5-302.~~

14 ~~(A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL~~
15 ~~WHO MEETS THE REQUIREMENTS OF THIS SECTION.~~

16 ~~(B) THE APPLICANT SHALL BE OF GOOD CHARACTER AND REPUTATION.~~

17 ~~(C) THE APPLICANT SHALL MEET THE EDUCATIONAL AND EXPERIENCE~~
18 ~~REQUIREMENTS AND SHALL PASS AN EXAMINATION AS REQUIRED UNDER § 6.5-305~~
19 ~~OF THIS SUBTITLE.~~

20 ~~6.5-303.~~

21 ~~(A) IN ADDITION TO THE OTHER QUALIFICATIONS FOR A LICENSE SET FORTH~~
22 ~~IN THIS SUBTITLE, AN APPLICANT SHALL QUALIFY UNDER THIS SECTION BY~~
23 ~~MEETING THE EDUCATIONAL AND EXPERIENCE REQUIREMENTS SET FORTH IN~~
24 ~~SUBSECTION (B) OF THIS SECTION.~~

25 ~~(B) (I) AN APPLICANT FOR THE FIRST GRADE STATIONARY ENGINEER'S~~
26 ~~EXAMINATION QUALIFIES UNDER THIS SECTION IF THE APPLICANT POSSESSES AT~~
27 ~~LEAST ONE OF THE FOLLOWING QUALIFICATIONS:~~

28 ~~(I) A SECOND GRADE STATIONARY ENGINEER LICENSE FOR 1 YEAR~~
29 ~~OR MORE AND EMPLOYMENT FOR AT LEAST 12 MONTHS (1,750 WORKING HOURS) IN~~
30 ~~THE OPERATION OF HIGH PRESSURE BOILERS;~~

31 ~~(II) FIVE YEARS OR MORE OPERATING EXPERIENCE IN A PLANT~~
32 ~~THAT GENERATES A MINIMUM OF 17,250 POUNDS OF STEAM PER HOUR;~~

1 (III) A DEGREE IN MECHANICAL ENGINEERING FROM AN
2 ACCREDITED UNIVERSITY OR COLLEGE, AND 6 MONTHS OR MORE OF PRACTICAL
3 EXPERIENCE; OR

4 (IV) A VALID MARINE ENGINEER'S CERTIFICATE OR A CHIEF PETTY
5 OFFICER'S CERTIFICATE FROM THE UNITED STATES NAVY, WITH STEAM BOILER
6 ENGINEER TRAINING.

7 (2) AN APPLICANT FOR A SECOND GRADE STATIONARY ENGINEER'S
8 EXAMINATION QUALIFIES UNDER THIS SECTION IF THE APPLICANT POSSESSES AT
9 LEAST ONE OF THE FOLLOWING QUALIFICATIONS:

10 (I) EMPLOYMENT FOR AT LEAST 24 MONTHS (3,500 WORKING
11 HOURS) IN A POWER PLANT UNDER THE DIRECT SUPERVISION OF A LICENSED FIRST
12 GRADE STATIONARY ENGINEER;

13 (II) EMPLOYMENT AS A THIRD GRADE STATIONARY ENGINEER FOR
14 1 YEAR OR MORE; OR

15 (III) A VALID MARINE ENGINEER'S CERTIFICATE OR CHIEF PETTY
16 OFFICER'S CERTIFICATE FROM THE UNITED STATES NAVY.

17 (3) AN APPLICANT FOR A THIRD OR FOURTH GRADE STATIONARY
18 ENGINEER'S EXAMINATION QUALIFIES UNDER THIS SECTION IF THE APPLICANT
19 SHOWS EXPERIENCE IN THE OPERATION OF OR EXPERIENCE AROUND A PLANT OR
20 MACHINERY.

21 (C) AN APPLICANT FOR ANY EXAMINATION MAY SUBSTITUTE 2 YEARS OF
22 EDUCATION IN A TRADE OR VOCATIONAL SCHOOL FOR 1 YEAR OF PRACTICAL
23 EXPERIENCE.

24 ~~6.5-304.~~

25 (A) AN APPLICANT FOR A LICENSE SHALL:

26 (1) SUBMIT TO THE BOARD:

27 (I) AN APPLICATION ON THE FORM THAT THE BOARD PROVIDES;
28 AND

29 (II) ANY RELEVANT DOCUMENT THAT THE BOARD REQUIRES; AND

30 (2) PAY TO THE BOARD OR THE BOARD'S DESIGNEE AN EXAMINATION
31 FEE SET BY THE BOARD IN AN AMOUNT NOT TO EXCEED THE COST OF THE
32 REQUIRED EXAMINATIONS.

33 (B) AN APPLICATION SHALL BE MADE UNDER OATH.

34 (C) IF THE BOARD FINDS THAT AN APPLICATION FORM AND THE
35 ACCOMPANYING DOCUMENTATION DO NOT DEMONSTRATE THAT THE APPLICANT
36 MEETS THE REQUIREMENTS FOR A LICENSE UNDER THIS SUBTITLE, THE BOARD

~~1 MAY REQUIRE THE APPLICANT TO SUBMIT ADDITIONAL INFORMATION OR
2 DOCUMENTATION.~~

~~3 6.5-305.~~

~~4 (A) THE BOARD SHALL EXAMINE ALL ENGINEERS WHO ARE 18 YEARS OLD OR
5 OLDER AND WHO APPLY AND QUALIFY FOR EXAMINATION.~~

~~6 (B) THE BOARD PERIODICALLY SHALL GIVE THE EXAMINATIONS REQUIRED
7 UNDER THIS SUBTITLE TO QUALIFIED APPLICANTS AT THE TIMES AND PLACES THAT
8 THE BOARD DETERMINES.~~

~~9 (C) THE BOARD SHALL GIVE EACH QUALIFIED APPLICANT NOTICE OF THE
10 TIME AND PLACE OF EXAMINATION.~~

~~11 (D) THE BOARD SHALL DETERMINE THE SUBJECTS, SCOPE, AND FORM OF AND
12 METHOD OF GRADING AND PASSING SCORES FOR EXAMINATIONS GIVEN UNDER
13 THIS SUBTITLE.~~

~~14 6.5-306.~~

~~15 (A) THE BOARD MAY USE A TESTING SERVICE TO ADMINISTER THE
16 EXAMINATIONS REQUIRED UNDER THIS SUBTITLE.~~

~~17 (B) IF THE BOARD USES A TESTING SERVICE, THE TESTING SERVICE, SUBJECT
18 TO THE REQUIREMENTS SET BY THE BOARD, MAY:~~

~~19 (1) SET THE TIME AND PLACE OF EXAMINATIONS;~~

~~20 (2) GIVE QUALIFIED APPLICANTS NOTICE OF THE TIME AND PLACE OF
21 EXAMINATIONS;~~

~~22 (3) CHARGE AN EXAMINATION FEE NOT TO EXCEED THE COST OF
23 ADMINISTERING THE EXAMINATION; AND~~

~~24 (4) FURNISH ANY OTHER INFORMATION THAT THE BOARD MAY
25 REQUIRE THE TESTING SERVICE TO PROVIDE.~~

~~26 6.5-307.~~

~~27 (A) (1) IF AN APPLICANT FAILS AN EXAMINATION GIVEN UNDER THIS
28 SUBTITLE, THE BOARD SHALL MAIL NOTICE OF THE FAILURE TO THE APPLICANT.~~

~~29 (2) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL BE MAILED
30 TO THE ADDRESS THAT THE APPLICANT LAST GAVE TO THE BOARD.~~

~~31 (B) (1) THE BOARD SHALL CONFIRM THE TEST SCORE OF ANY APPLICANT
32 WHO FAILS AN EXAMINATION GIVEN UNDER THIS SUBTITLE IF THE APPLICANT:~~

~~33 (I) SUBMITS A WRITTEN REQUEST TO THE BOARD IN ACCORDANCE
34 WITH ITS REGULATIONS; AND~~

1 (HI) ~~PAYS TO THE BOARD THE FEE SET BY THE BOARD.~~

2 (2) ~~THE BOARD SHALL ADOPT REGULATIONS THAT SET PROCEDURES~~
3 ~~FOR CONFIRMATION OF TEST SCORES UNDER THIS SUBSECTION.~~

4 (C) ~~SUBJECT TO THIS SECTION, IF AN APPLICANT FAILS AN EXAMINATION~~
5 ~~GIVEN UNDER THIS SUBTITLE, THE APPLICANT MAY RETAKE THE EXAMINATION.~~

6 ~~6.5-308.~~

7 (A) ~~IF AN APPLICANT QUALIFIES FOR A LICENSE UNDER THIS SUBTITLE, THE~~
8 ~~BOARD SHALL SEND THE APPLICANT A NOTICE THAT STATES THAT:~~

9 (1) ~~THE APPLICANT HAS QUALIFIED FOR A LICENSE; AND~~

10 (2) ~~ON RECEIPT OF A REASONABLE LICENSE FEE SET BY THE BOARD,~~
11 ~~THE BOARD SHALL ISSUE A LICENSE TO THE APPLICANT.~~

12 (B) ~~ON PAYMENT OF THE LICENSE FEE, THE BOARD SHALL ISSUE A LICENSE~~
13 ~~TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.~~

14 (C) ~~THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD ISSUES:~~

15 (1) ~~THE FULL NAME OF THE LICENSEE; AND~~

16 (2) ~~THE REGISTRATION NUMBER ASSIGNED BY THE BOARD TO THE~~
17 ~~LICENSEE.~~

18 (D) ~~SUBJECT TO ANY REGULATION THAT THE BOARD ADOPTS, IT SHALL~~
19 ~~REPLACE ANY LOST, MUTILATED, OR DESTROYED LICENSE CERTIFICATE ON:~~

20 (1) ~~REQUEST OF THE LICENSEE; AND~~

21 (2) ~~PAYMENT OF THE REPLACEMENT FEE SET BY THE BOARD, NOT~~
22 ~~EXCEEDING \$30.~~

23 ~~6.5-309.~~

24 (A) ~~WHILE A LICENSE IS IN EFFECT, IT AUTHORIZES THE LICENSEE TO~~
25 ~~PERFORM THE FUNCTIONS OF A STATIONARY ENGINEER.~~

26 (B) ~~EACH LICENSEE SHALL DISPLAY THE STATIONARY ENGINEER LICENSE,~~
27 ~~INCLUDING A PHOTOGRAPH OF THE LICENSEE, CONSPICUOUSLY IN THE LICENSEE'S~~
28 ~~PRINCIPAL PLACE OF BUSINESS.~~

29 ~~6.5-310.~~

30 TO QUALIFY FOR RENEWAL OF A LICENSE UNDER THIS SUBTITLE, A LICENSEE
31 ~~SHALL PROVIDE TO THE BOARD ADEQUATE EVIDENCE THAT THE LICENSEE MEETS~~
32 ~~THE MINIMUM CONTINUING EDUCATION REQUIREMENTS ESTABLISHED BY THE~~
33 ~~BOARD.~~

1 ~~6.5-311.~~

2 (A) ~~EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, AND UNLESS~~
3 ~~A LICENSE IS RENEWED FOR A 2-YEAR TERM AS PROVIDED IN THIS SECTION, THE~~
4 ~~LICENSE EXPIRES EVERY OTHER YEAR ON THE ANNIVERSARY OF THE DATE OF~~
5 ~~ISSUANCE OF THE LICENSE.~~

6 ~~(B) (1) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL~~
7 ~~MAIL TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE LICENSEE:~~

8 (I) ~~A RENEWAL APPLICATION FORM; AND~~

9 (II) ~~A NOTICE THAT STATES:~~

10 1. ~~THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;~~

11 2. ~~THE DATE BY WHICH THE BOARD MUST RECEIVE THE~~
12 ~~RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE~~
13 ~~LICENSE EXPIRES; AND~~

14 3. ~~THE AMOUNT OF THE RENEWAL FEE.~~

15 (2) ~~THE FAILURE OF A LICENSEE TO RECEIVE THE NOTICE FOR WHICH~~
16 ~~THIS SUBSECTION PROVIDES DOES NOT PREVENT THE LICENSE FROM EXPIRING AS~~
17 ~~SPECIFIED UNDER SUBSECTION (A) OF THIS SECTION.~~

18 (C) ~~BEFORE A LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW~~
19 ~~IT FOR AN ADDITIONAL 2-YEAR TERM, IF THE LICENSEE:~~

20 (1) ~~OTHERWISE IS ENTITLED TO BE LICENSED;~~

21 (2) ~~PAYS TO THE BOARD A REASONABLE RENEWAL FEE SET BY THE~~
22 ~~BOARD; AND~~

23 (3) ~~SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM~~
24 ~~THAT THE BOARD PROVIDES.~~

25 (D) (1) ~~THE BOARD SHALL RENEW THE LICENSE OF AND ISSUE A RENEWAL~~
26 ~~CERTIFICATE TO EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS~~
27 ~~SECTION.~~

28 (2) ~~THE BOARD SHALL INCLUDE ON EACH RENEWAL CERTIFICATE THAT~~
29 ~~THE BOARD ISSUES:~~

30 (I) ~~THE DATE ON WHICH THE CURRENT LICENSE EXPIRES; AND~~

31 (II) ~~THE SIGNATURES OF THE CHAIRMAN AND SECRETARY OF THE~~
32 ~~BOARD.~~

33 (E) ~~THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER THIS~~
34 ~~SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.~~

1 ~~6.5-312.~~

2 (A) ~~THE BOARD SHALL REINSTATE THE LICENSE OF AN INDIVIDUAL WHO,~~
3 ~~FOR ANY REASON, HAS FAILED TO RENEW THE LICENSE IF THE INDIVIDUAL:~~

4 (1) ~~APPLIES TO THE BOARD FOR REINSTATEMENT WITHIN 2 YEARS~~
5 ~~AFTER THE LICENSE EXPIRES;~~

6 (2) ~~MEETS THE RENEWAL REQUIREMENTS OF § 6.5-311 OF THIS~~
7 ~~SUBTITLE AND PAYS TO THE BOARD ALL PAST DUE RENEWAL FEES; AND~~

8 (3) ~~EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS~~
9 ~~SECTION, PAYS TO THE BOARD A REINSTATEMENT FEE OF \$100, IN ADDITION TO ALL~~
10 ~~PAST DUE RENEWAL FEES.~~

11 (B) (1) ~~IF AN INDIVIDUAL HAS FAILED TO RENEW A LICENSE FOR ANY~~
12 ~~REASON AND THEN APPLIES TO THE BOARD FOR REINSTATEMENT MORE THAN 2~~
13 ~~YEARS AFTER THE LICENSE HAS EXPIRED, THE BOARD MAY:~~

14 (I) ~~REQUIRE THE INDIVIDUAL TO REAPPLY FOR A LICENSE IN THE~~
15 ~~SAME MANNER AS AN APPLICANT APPLIES FOR AN ORIGINAL LICENSE UNDER THIS~~
16 ~~SUBTITLE; OR~~

17 (II) ~~SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, REINSTATE~~
18 ~~THE LICENSE.~~

19 (2) ~~THE BOARD MAY REINSTATE A LICENSE UNDER PARAGRAPH (I)(II)~~
20 ~~OF THIS SUBSECTION ONLY IF THE INDIVIDUAL:~~

21 (I) ~~MEETS THE RENEWAL REQUIREMENTS OF § 6.5-311 OF THIS~~
22 ~~SUBTITLE AND PAYS TO THE BOARD ALL PAST DUE RENEWAL FEES;~~

23 (II) ~~IF REQUIRED BY THE BOARD, STATES REASONS WHY~~
24 ~~REINSTATEMENT SHOULD BE GRANTED; AND~~

25 (III) ~~EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS~~
26 ~~SECTION, PAYS TO THE BOARD A REINSTATEMENT FEE OF \$100, IN ADDITION TO ALL~~
27 ~~PAST DUE RENEWAL FEES.~~

28 (C) ~~THE BOARD MAY WAIVE A REINSTATEMENT FEE FOR A LICENSEE WHO~~
29 ~~PROVIDES EVIDENCE SATISFACTORY TO THE BOARD THAT THE LICENSEE DID NOT~~
30 ~~OPERATE, MAINTAIN, OR REPAIR MACHINERY AS A STATIONARY ENGINEER DURING~~
31 ~~THE TIME THE LICENSE LAPSED.~~

32 ~~6.5-313.~~

33 (A) (1) ~~SUBJECT TO THE HEARING PROVISIONS OF § 6.5-315 OF THIS~~
34 ~~SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS~~
35 ~~THEN SERVING, MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY~~
36 ~~LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF:~~

1 (I) ~~THE APPLICANT OR LICENSEE FRAUDULENTLY OR~~
2 ~~DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE APPLICANT OR~~
3 ~~LICENSEE OR FOR ANOTHER;~~

4 (II) ~~THE APPLICANT OR LICENSEE FRAUDULENTLY OR~~
5 ~~DECEPTIVELY USES A LICENSE;~~

6 (III) ~~UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE,~~
7 ~~THE APPLICANT OR LICENSEE IS CONVICTED OF:~~

8 1. ~~A FELONY; OR~~

9 2. ~~A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE~~
10 ~~FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PRACTICE~~
11 ~~ENGINEERING;~~

12 (IV) ~~THE APPLICANT OR LICENSEE IS GUILTY OF GROSS~~
13 ~~NEGLIGENCE, INCOMPETENCE, OR MISCONDUCT WHILE IN CHARGE OF AN ENGINE~~
14 ~~OR BOILER;~~

15 (V) ~~THE APPLICANT OR LICENSEE KNOWINGLY VIOLATES ANY~~
16 ~~PROVISION OF THE CODE OF ETHICS ADOPTED BY THE BOARD;~~

17 (VI) ~~THE APPLICANT WAS UNDER THE INFLUENCE OF DRUGS OR~~
18 ~~ALCOHOL WHILE OPERATING AN ENGINE, BOILER, OR OTHER TYPE OF POWER~~
19 ~~EQUIPMENT; OR~~

20 (VII) ~~THE APPLICANT OR LICENSEE KNOWINGLY VIOLATES ANY~~
21 ~~PROVISION OF THIS TITLE.~~

22 (2) (I) ~~INSTEAD OF OR IN ADDITION TO REPRIMANDING A LICENSEE~~
23 ~~OR SUSPENDING OR REVOKING A LICENSE UNDER THIS SUBSECTION, THE BOARD~~
24 ~~MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000 FOR EACH VIOLATION.~~

25 (II) ~~TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED~~
26 ~~UNDER THIS SUBSECTION, THE BOARD SHALL CONSIDER:~~

27 1. ~~THE SERIOUSNESS OF THE VIOLATION;~~

28 2. ~~THE HARM CAUSED BY THE VIOLATION;~~

29 3. ~~THE GOOD FAITH OF THE LICENSEE; AND~~

30 4. ~~ANY HISTORY OF PREVIOUS VIOLATIONS BY THE~~
31 ~~LICENSEE.~~

32 (3) ~~THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS~~
33 ~~SUBSECTION INTO THE GENERAL FUND OF THE STATE.~~

34 (B) ~~THE BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING,~~
35 ~~DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE~~

1 ~~REPRIMAND OF A LICENSEE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF A~~
2 ~~FELONY OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(1)(III) OF THIS SECTION:~~

3 (1) ~~THE NATURE OF THE CRIME;~~

4 (2) ~~THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED~~
5 ~~BY THE LICENSE;~~

6 (3) ~~WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION~~
7 ~~TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO~~
8 ~~PRACTICE ENGINEERING;~~

9 (4) ~~THE LENGTH OF TIME SINCE THE CONVICTION; AND~~

10 (5) ~~THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSEE~~
11 ~~BEFORE AND AFTER THE CONVICTION.~~

12 ~~6.5-314.~~

13 (A) ~~SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD SHALL~~
14 ~~COMMENCE PROCEEDINGS UNDER § 6.5-313 OF THIS SUBTITLE ON A COMPLAINT~~
15 ~~MADE TO THE BOARD BY A MEMBER OR ANY OTHER PERSON.~~

16 (B) (1) ~~A COMPLAINT SHALL:~~

17 (I) ~~BE IN WRITING;~~

18 (II) ~~STATE SPECIFICALLY THE FACTS ON WHICH THE COMPLAINT~~
19 ~~IS BASED; AND~~

20 (III) ~~BE SUBMITTED TO THE SECRETARY OF THE BOARD.~~

21 (2) ~~IF THE COMPLAINT IS MADE BY ANY PERSON OTHER THAN A~~
22 ~~MEMBER OF THE BOARD, THE COMPLAINT SHALL BE MADE UNDER OATH BY THE~~
23 ~~PERSON WHO SUBMITS THE COMPLAINT.~~

24 (C) ~~IF THE BOARD FINDS THAT A COMPLAINT ALLEGES FACTS THAT ARE~~
25 ~~ADEQUATE GROUNDS FOR ACTION UNDER § 6.5-313 OF THIS SUBTITLE, THE BOARD~~
26 ~~SHALL ACT ON THE COMPLAINT AS PROVIDED UNDER § 6.5-315 OF THIS SUBTITLE. IF~~
27 ~~THE BOARD DOES NOT MAKE THAT FINDING, IT SHALL DISMISS THE COMPLAINT.~~

28 ~~6.5-315.~~

29 (A) (1) ~~EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE~~
30 ~~GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER §~~
31 ~~6.5-313 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE~~
32 ~~ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.~~

33 (2) ~~A HEARING SHALL BE SET WITHIN A REASONABLE TIME, NOT~~
34 ~~EXCEEDING 6 MONTHS, AFTER THE BOARD BRINGS CHARGES AGAINST A LICENSEE.~~

1 ~~(B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN~~
2 ~~ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.~~

3 ~~(C) THE BOARD MAY ADMINISTER OATHS IN CONNECTION WITH ANY~~
4 ~~PROCEEDING UNDER THIS SECTION.~~

5 ~~(D) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE AND A~~
6 ~~COPY OF THE COMPLAINT SHALL BE:~~

7 ~~(1) SERVED PERSONALLY ON THE INDIVIDUAL; OR~~

8 ~~(2) MAILED TO THE LAST KNOWN ADDRESS OF THE INDIVIDUAL.~~

9 ~~(E) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.~~

10 ~~(F) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS~~
11 ~~CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE BOARD MAY~~
12 ~~HEAR AND DETERMINE THE MATTER.~~

13 ~~6.5-316.~~

14 ~~(A) SUBJECT TO ANY REGULATION THAT THE BOARD ADOPTS, IT MAY~~
15 ~~REINSTATE A LICENSE THAT HAS BEEN REVOKED.~~

16 ~~(B) A LICENSE MAY BE REINSTATED UNDER THIS SECTION ONLY ON:~~

17 ~~(1) THE AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS OF THE~~
18 ~~BOARD THEN SERVING; AND~~

19 ~~(2) PAYMENT TO THE BOARD OF A REINSTATEMENT FEE OF \$100.~~

20 ~~SUBTITLE 4. PROHIBITED ACTS; DISCIPLINARY ACTIONS; PENALTIES.~~

21 ~~6.5-401.~~

22 ~~EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT~~
23 ~~PERFORM, ATTEMPT TO PERFORM, OR OFFER TO PERFORM THE FUNCTIONS OF A~~
24 ~~STATIONARY ENGINEER IN THE STATE UNLESS LICENSED BY THE BOARD.~~

25 ~~6.5-402.~~

26 ~~A PERSON MAY NOT:~~

27 ~~(1) USE OR ATTEMPT TO USE THE LICENSE OF ANOTHER INDIVIDUAL;~~

28 ~~OR~~

29 ~~(2) IMPERSONATE ANOTHER INDIVIDUAL WHO HOLDS A LICENSE.~~

1 ~~6.5-403.~~

2 A PERSON MAY NOT GIVE FALSE INFORMATION TO THE BOARD IN AN ATTEMPT
3 TO OBTAIN A LICENSE.

4 ~~6.5-404.~~

5 EXCEPT AS OTHERWISE PROVIDED UNDER THIS SECTION, AN INDIVIDUAL
6 WHOSE LICENSE HAS BEEN SUSPENDED OR REVOKED UNDER § 6.5-313 OF THIS TITLE
7 MAY NOT PERFORM THE FUNCTIONS OF A STATIONARY ENGINEER IN ANY MANNER.
8 ~~6.5-405.~~

9 AN INDIVIDUAL WHO IS AUTHORIZED TO PERFORM THE FUNCTIONS OF A
10 STATIONARY ENGINEER MAY NOT PRACTICE OR OFFER TO PRACTICE ENGINEERING
11 IN THOSE AREAS OF ENGINEERING IN WHICH THE INDIVIDUAL IS NOT COMPETENT
12 TO PRACTICE.

13 ~~6.5-406.~~

14 (A) A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY OF A
15 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 OR
16 IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

17 (B) (1) THE BOARD MAY IMPOSE ON A PERSON WHO VIOLATES ANY
18 PROVISION OF THIS TITLE A PENALTY NOT EXCEEDING \$5,000 FOR EACH VIOLATION.

19 (2) IN SETTING THE AMOUNT OF THE PENALTY, THE BOARD SHALL
20 CONSIDER:

21 (I) THE SERIOUSNESS OF THE VIOLATION;

22 (II) THE HARM CAUSED BY THE VIOLATION;

23 (III) THE GOOD FAITH OF THE VIOLATOR;

24 (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE VIOLATOR;

25 AND

26 (V) ANY OTHER RELEVANT FACTORS.

27 (3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS
28 SUBSECTION INTO THE GENERAL FUND OF THE STATE.

29 SUBTITLE 5. SHORT TITLE.

30 ~~6.5-501.~~

31 THIS TITLE MAY BE CITED AS THE "MARYLAND STATIONARY ENGINEERS ACT".

1 ~~6.5-502.~~

2 ~~SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE~~
3 ~~MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS~~
4 ~~ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY~~
5 ~~1, 2014.~~

6 ~~SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 4-1 through~~
7 ~~4-8, inclusive, and the subtitle "Subtitle 4. Examining Engineers" of Article 4-~~
8 ~~Baltimore City of the Code of Public Local Laws of Maryland be repealed.~~

9 ~~SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the initial~~
10 ~~members of the State Board of Stationary Engineers shall expire as follows:~~

11 (1) ~~1 member in 2004;~~

12 (2) ~~2 members in 2005; and~~

13 (3) ~~2 members in 2006.~~

14 ~~SECTION 5. AND BE IT FURTHER ENACTED, That on July 1, 2003, all the~~
15 ~~functions, powers, duties, equipment, assets, liability, records, and employees of the~~
16 ~~Board of Examining Engineers shall be transferred to the State Board of Stationary~~
17 ~~Engineers.~~

18 ~~SECTION 6. AND BE IT FURTHER ENACTED, That an individual who holds~~
19 ~~a license issued by the Board of Examining Engineers on July 1, 2003 may qualify for~~
20 ~~the same grade license issued by the State Board of Stationary Engineers without~~
21 ~~meeting the education, experience, and examination requirements of Title 6.5,~~
22 ~~Subtitle 3 of the Business Occupations and Professions Article if the individual~~
23 ~~qualifies for the license before the expiration of the individual's license.~~

24 ~~SECTION 7. AND BE IT FURTHER ENACTED, That an individual who holds~~
25 ~~a license issued by the Board of Examining Engineers on July 1, 2003, in all respects,~~
26 ~~shall be considered licensed by the State Board of Stationary Engineers and subject to~~
27 ~~the provisions of this Act for the remainder of the term of the individual's license. On~~
28 ~~expiration of the individual's license, the individual may qualify for renewal of a~~
29 ~~license under § 6.5-311 of the Business Occupations and Professions Article as if the~~
30 ~~individual has held a license issued by the Board of Examining Engineers.~~

31 ~~SECTION 8. AND BE IT FURTHER ENACTED, That if an individual holds a~~
32 ~~license issued by the Board of Examining Engineers after July 1, 2003 and the~~
33 ~~individual fails to timely renew the license, the individual may qualify for~~
34 ~~reinstatement of the license under § 6.5-312 of the Business Occupations and~~
35 ~~Professions Article as if the individual had held a license issued by the State Board of~~
36 ~~Stationary Engineers.~~

37 ~~SECTION 9. AND BE IT FURTHER ENACTED, That an individual who has~~
38 ~~completed or partially completed any education, experience, or examination~~
39 ~~requirements for a license to be issued by the Board of Examining Engineers prior to~~

1 July 1, 2003 shall be considered to have completed or partially completed the same
2 requirement for a license issued by the State Board of Stationary Engineers.

3 ~~SECTION 10. AND BE IT FURTHER ENACTED, That the State Board of~~
4 ~~Stationary Engineers shall report to the Senate Education, Health, and~~
5 ~~Environmental Affairs Committee and the House Economic Matters Committee, on or~~
6 ~~before December 31, 2004, in accordance with § 2-1246 of the State Government~~
7 ~~Article, assessing the appropriateness of the fees charged to licensees and the ability~~
8 ~~of the Board to be self-sufficient given the greater workload.~~

9 ~~SECTION 11. AND BE IT FURTHER ENACTED, That Sections 2, 3, and 4 of~~
10 ~~this Act shall take effect July 1, 2003.~~

11 ~~SECTION 12. AND BE IT FURTHER ENACTED, That, except as provided in~~
12 ~~Section 11 of this Act, this Act shall take effect July 1, 2002.~~

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Board of Examining
14 Engineers and, as appropriate, the Department of Labor, Licensing, and Regulation,
15 shall report to the Senate Education, Health, and Environmental Affairs Committee
16 and the House Economic Matters Committee on or before October 1, 2003, in
17 accordance with § 2-1246 of the State Government Article, on the proposed structure
18 and implementation of a statewide Stationary Engineer Licensing Program.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 July 1, 2002.