
By: **Delegates Oaks, Boutin, Cane, Harrison, Hubbard, Kirk,
Nathan-Pulliam, Phillips, and Rosenberg**

Introduced and read first time: February 8, 2002

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2002

CHAPTER _____

1 AN ACT concerning

2 **Home Improvement Contractor and Subcontractor Licenses - Lead**
3 **Abatement Requirement Accreditation Violations**

4 FOR the purpose of ~~requiring that an applicant for a home improvement contractor or~~
5 ~~subcontractor license be trained in a certain manner before a certain date;~~
6 ~~requiring that an applicant for a contractor or subcontractor license meet a~~
7 ~~certain accreditation requirement on or after a certain date; requiring that, for~~
8 ~~renewal of a contractor or subcontractor license, a licensee be trained in a~~
9 ~~certain manner before a certain date; requiring that, for renewal of a contractor~~
10 ~~or subcontractor license, a licensee meet a certain accreditation requirement on~~
11 ~~or after a certain date~~ prohibiting a certain licensee from violating a certain lead
12 paint abatement accreditation requirement; and generally relating to home
13 improvement contractors and subcontractors and lead abatement ~~training and~~
14 accreditation violations.

15 BY repealing and reenacting, without amendments,
16 Article - Business Regulation
17 Section 8-301 and 8-620
18 Annotated Code of Maryland
19 (1998 Replacement Volume and 2001 Supplement)

20 ~~BY adding to~~
21 ~~Article - Business Regulation~~
22 ~~Section 8-302.3~~
23 ~~Annotated Code of Maryland~~
24 ~~(1998 Replacement Volume and 2001 Supplement)~~

1 BY repealing and reenacting, with amendments,
2 Article - Business Regulation
3 Section ~~8-308~~ 8-611
4 Annotated Code of Maryland
5 (1998 Replacement Volume and 2001 Supplement)

6 BY repealing and reenacting, without amendments,
7 Article - Environment
8 Section 6-1002
9 Annotated Code of Maryland
10 (1996 Replacement Volume and 2001 Supplement)

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

13 **Article - Business Regulation**

14 8-301.

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

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

20 (c) Except as otherwise provided in this title, a person must have a
21 salesperson license or contractor license whenever the person sells a home
22 improvement in the State.

23 (d) This section does not apply to:

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

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

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

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

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

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

3 (iii) is:

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

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

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

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

11 8-611.

12 A licensee may not violate:

13 (1) a building law of the State or a political subdivision of the State;

14 (2) a safety or labor law of the State; [or]

15 (3) the Maryland Workers' Compensation Act; OR

16 (4) THE LEAD PAINT ABATEMENT ACCREDITATION REQUIREMENT
17 UNDER § 6-1002 OF THE ENVIRONMENT ARTICLE.

18 8-620.

19 (a) The Commission may impose on a person who violates this title, including
20 § 8-607(4) of this subtitle, a civil penalty not exceeding \$5,000 for each violation,
21 whether or not the person is licensed under this title.

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

23 (1) the seriousness of the violation;

24 (2) the good faith of the violator;

25 (3) any previous violations;

26 (4) the harmful effect of the violation on the complainant, the public, and
27 the business of home improvement;

28 (5) the assets of the violator; and

29 (6) any other relevant factors.

1 ~~8-302.3.~~

2 (A) ~~BEFORE OCTOBER 1, 2003, AN APPLICANT FOR A CONTRACTOR LICENSE OR~~
3 ~~SUBCONTRACTOR LICENSE SHALL MEET THE TRAINING REQUIREMENTS SET BY~~
4 ~~REGULATION OF THE DEPARTMENT OF THE ENVIRONMENT FOR A WORKER OR~~
5 ~~PROJECT DESIGNER IN ACCORDANCE WITH § 6-1002(C) OF THE ENVIRONMENT~~
6 ~~ARTICLE.~~

7 (B) ~~ON OR AFTER OCTOBER 1, 2003, AN APPLICANT FOR A CONTRACTOR~~
8 ~~LICENSE OR SUBCONTRACTOR LICENSE SHALL MEET THE ACCREDITATION~~
9 ~~REQUIREMENTS SET BY REGULATION OF THE DEPARTMENT OF THE ENVIRONMENT~~
10 ~~IN ACCORDANCE WITH § 6-1002(A) OF THE ENVIRONMENT ARTICLE.~~

11 ~~8-308.~~

12 (a) ~~The Secretary may stagger the terms of licenses.~~

13 (b) ~~Unless a license is renewed for a 2-year term as provided in this section,~~
14 ~~the license expires:~~

15 (1) ~~if the Secretary staggers the terms of licenses, on the date that the~~
16 ~~Secretary sets; or~~

17 (2) ~~if the Secretary does not stagger the terms of licenses, on the first~~
18 ~~June 30 that comes after the effective date of the license in an odd-numbered year.~~

19 (c) ~~At least 1 month before a license expires, the Commission shall mail to the~~
20 ~~licensee, at the last known address of the licensee:~~

21 (1) ~~a renewal application form; and~~

22 (2) ~~a notice that states:~~

23 (i) ~~the date on which the current license expires;~~

24 (ii) ~~the date by which the Commission must receive the renewal~~
25 ~~application for the renewal to be issued and mailed before the license expires; and~~

26 (iii) ~~the amount of the renewal fee.~~

27 (d) (1) ~~Before a license expires, the licensee periodically may renew it for an~~
28 ~~additional 2-year term, if the licensee:~~

29 (i) ~~otherwise is entitled to be licensed;~~

30 (ii) ~~submits to the Commission a renewal application on the form~~
31 ~~that the Commission provides;~~

32 (iii) ~~submits to the Commission proof of compliance with the~~
33 ~~insurance requirement of § 8-302.1 of this subtitle, if the licensee is renewing a~~
34 ~~contractor license; and~~

1 (iv) pays to the Commission a renewal fee.

2 (2) The renewal fee:

3 (i) for a contractor license is \$225 for each place of business of the
4 contractor;

5 (ii) for a subcontractor license is \$125; or

6 (iii) for a salesperson license is \$75.

7 (3) Notwithstanding paragraph (2) of this subsection, a licensee that is
8 incorporated or has its principal office in another state shall pay to the Commission
9 the fee imposed in that state on a similar nonresident business if that fee is higher
10 than the renewal fee under paragraph (2) of this subsection.

11 (e) For renewal of a contractor license, the licensee shall:

12 (1) submit to the Commission, by a credit reporting agency approved by
13 the Commission, a credit report that contains the information required by the
14 Commission; or

15 (2) pay to the Commission or the Commission's designee a credit report
16 fee in an amount not to exceed the cost charged by a credit reporting agency approved
17 by the Commission to obtain a credit report that contains the information required by
18 the Commission for renewal of a contractor license.

19 (F) (1) ~~BEFORE OCTOBER 1, 2003, FOR RENEWAL OF A CONTRACTOR~~
20 ~~LICENSE OR SUBCONTRACTOR LICENSE, THE LICENSEE SHALL MEET THE TRAINING~~
21 ~~REQUIREMENTS SET BY REGULATION OF THE DEPARTMENT OF THE ENVIRONMENT~~
22 ~~FOR A WORKER OR PROJECT DESIGNER IN ACCORDANCE WITH § 6-1002(C) OF THE~~
23 ~~ENVIRONMENT ARTICLE.~~

24 (2) ~~ON OR AFTER OCTOBER 1, 2003, FOR RENEWAL OF A CONTRACTOR~~
25 ~~LICENSE OR SUBCONTRACTOR LICENSE, THE LICENSEE SHALL MEET THE~~
26 ~~ACCREDITATION REQUIREMENTS SET BY REGULATION OF THE DEPARTMENT OF THE~~
27 ~~ENVIRONMENT IN ACCORDANCE WITH § 6-1002(A) OF THE ENVIRONMENT ARTICLE.~~

28 [(f)] (G) (1) The Commission shall renew the license of each licensee who
29 meets the requirements of this section.

30 (2) ~~The Commission may not renew a contractor license unless the~~
31 ~~contractor submits proof of compliance with the insurance requirement of § 8-302.1 of~~
32 ~~this subtitle.~~

1

Article - Environment

2 6-1002.

3 (a) Except as provided in subsection (c) of this section, unless the person is
4 accredited by the Department under this subtitle, a person may not:

5 (1) Act as a contractor or supervisor for the purpose of providing lead
6 paint abatement services;

7 (2) Provide training to others who provide lead paint abatement services;
8 or

9 (3) Engage in the inspection of lead-based paint hazards.

10 (b) The Department shall, by regulation, create exceptions to the accreditation
11 requirement for instances where the disturbance of lead-containing substance is
12 incidental.

13 (c) An individual who acts only as a worker or project designer need not be
14 accredited, but must be trained.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
16 effect October 1, 2002.