
By: **Delegate Love**

Introduced and read first time: February 13, 2004

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Glass Technician Examiners - Licensure and Regulation**

3 FOR the purpose of creating the State Board of Glass Technician Examiners in the
4 Department of Labor, Licensing, and Regulation; providing for the composition,
5 appointment, terms, and expenses of the Board members; authorizing the Board
6 to sue in the name of the State, with the permission of the Attorney General, to
7 enjoin certain conduct; establishing certain powers and duties of the Board;
8 requiring the Board to maintain certain records; requiring the Board to pay all
9 money into the General Fund of the State; requiring certain persons to be
10 licensed by the Board before an individual may provide automotive glass work
11 or glazing services in the State; establishing certain education, experience, and
12 examination requirements for automotive glass work technicians and glaziers;
13 establishing certain requirements for qualifying, renewing, reinstating, and
14 surrendering a license for automotive glass technicians and glaziers; providing
15 for the reciprocity of a license with other states; requiring a licensee to provide
16 the Board notice of certain changes within a certain time frame; authorizing the
17 Board to deny a license to an applicant, refuse to renew a license, reprimand a
18 licensee, suspend or revoke a license, or impose certain penalties under certain
19 circumstances; establishing certain hearing and appeal procedures for
20 automotive glass technicians and glaziers; prohibiting certain persons from
21 performing the functions of an automotive glass technician or glazier unless
22 licensed by the Board; prohibiting certain persons from misrepresenting an
23 individual's status of licensure as an automotive glass technician or glazier by
24 the Board; providing for certain criminal penalties; requiring that an evaluation
25 of the Board and the statutes and regulations that relate to the Board be
26 performed on or before a certain date; defining certain terms; specifying the
27 terms of the initial members of the Board; providing for status of individuals
28 providing automotive glass work or glazing services on or before a certain date;
29 providing for the qualifications of the initial members of the Board; requiring
30 the Board to submit a certain report to certain committees of the General
31 Assembly on or before a certain date; making certain technical corrections; and
32 generally relating to the State Board of Glass Technician Examiners and
33 licensing and regulation of automotive glass technicians and glaziers.

34 BY renumbering

1 Article - State Government
2 Section 8-403(b)(29) through (70), respectively
3 to be Section 8-403(b)(30) through (71), respectively
4 Annotated Code of Maryland
5 (1999 Replacement Volume and 2003 Supplement)

6 BY adding to
7 Article - Business Occupations and Professions
8 Section 7.5-101 through 7.5-502 to be under the new title "Title 7.5. Glass
9 Technicians"
10 Annotated Code of Maryland
11 (2000 Replacement Volume and 2003 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article - State Government
14 Section 8-403(a)
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2003 Supplement)

17 BY adding to
18 Article - State Government
19 Section 8-403(b)(29)
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2003 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That Section(s) 8-403(b)(29) through (70), respectively, of Article -
24 State Government of the Annotated Code of Maryland be renumbered to be Section(s)
25 8-403(b)(30) through (71), respectively.

26 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
27 read as follows:

28 **Article - Business Occupations and Professions**

29 TITLE 7.5. GLASS TECHNICIANS.

30 SUBTITLE 1. DEFINITIONS.

31 7.5-101.

32 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

33 (B) (1) "AUTOMOTIVE GLASS WORK" MEANS INSTALLING, MAINTAINING,
34 REPAIRING, OR REPLACING FIXED OR MOVEABLE GLASS IN MOTOR VEHICLES.

1 (2) "BOARD" MEANS THE STATE BOARD OF GLASS TECHNICIAN
2 EXAMINERS.

3 (C) "GLAZING" MEANS THE INSTALLING, MAINTAINING, OR REPAIRING OF
4 GLASS IN RESIDENTIAL OR COMMERCIAL STRUCTURES.

5 (D) "LICENSE" MEANS A LICENSE ISSUED BY THE STATE BOARD TO PROVIDE
6 AUTOMOTIVE GLASS REPAIR WORK, AUTOMOTIVE GLASS REPLACEMENT WORK, OR
7 GLAZING SERVICES.

8 (E) "LICENSED AUTOMOTIVE GLASS TECHNICIAN" MEANS AN INDIVIDUAL
9 WHO IS LICENSED BY THE STATE BOARD TO PROVIDE AUTOMOTIVE GLASS WORK
10 SERVICES.

11 (F) "LICENSED GLAZIER" MEANS AN INDIVIDUAL WHO IS LICENSED BY THE
12 STATE BOARD TO PROVIDE GLAZING SERVICES.

13 (G) "NGA" MEANS THE NATIONAL GLASS ASSOCIATION.

14 (H) "TRAINEE" MEANS AN UNLICENSED INDIVIDUAL WHO WORKS UNDER THE
15 ON-SITE SUPERVISION OF AN INDIVIDUAL LICENSED OR CERTIFIED IN THE
16 APPLICABLE TRADE.

17 7.5-102.

18 THE POLICY OF THE STATE IS TO REGULATE, THROUGHOUT THE STATE, THOSE
19 PERSONS WHO PROVIDE AUTOMOTIVE GLASS WORK OR GLAZING SERVICES OR
20 ENGAGE IN THE BUSINESS OF PROVIDING AUTOMOTIVE GLASS WORK OR GLAZING
21 SERVICES, TO SAFEGUARD THE LIFE, HEALTH, PROPERTY, AND PUBLIC WELFARE OF
22 THE CITIZENS OF THE STATE.

23 SUBTITLE 2. STATE BOARD OF GLASS TECHNICIAN EXAMINERS.

24 7.5-201.

25 THERE IS A STATE BOARD OF GLASS TECHNICIAN EXAMINERS IN THE
26 DEPARTMENT.

27 7.5-202.

28 (A) (1) THE BOARD CONSISTS OF SEVEN MEMBERS APPOINTED BY THE
29 GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.

30 (2) OF THE SEVEN MEMBERS OF THE BOARD:

31 (I) ONE SHALL BE A LICENSED AUTOMOTIVE GLASS
32 REPLACEMENT TECHNICIAN;

33 (II) ONE SHALL BE A LICENSED AUTOMOTIVE GLASS REPAIR
34 TECHNICIAN;

1 (III) ONE SHALL BE A LICENSED GLAZIER;

2 (IV) ONE SHALL BE THE OWNER OR PRINCIPAL SHAREHOLDER OF A
3 COMPANY THAT REPLACES AUTOMOTIVE GLASS AS THE COMPANY'S MAIN BUSINESS;

4 (V) ONE SHALL BE THE OWNER OR PRINCIPAL SHAREHOLDER OF A
5 COMPANY THAT REPAIRS AUTOMOTIVE GLASS AS THE COMPANY'S MAIN BUSINESS;

6 (VI) ONE SHALL BE THE OWNER OR PRINCIPAL SHAREHOLDER OF A
7 COMPANY THAT PROVIDES GLAZING SERVICES AS THE COMPANY'S MAIN BUSINESS;
8 AND

9 (VII) ONE SHALL BE A CONSUMER MEMBER.

10 (B) EACH MEMBER OF THE BOARD SHALL BE A U.S. CITIZEN AND RESIDENT OF
11 THE STATE.

12 (C) EACH AUTOMOTIVE GLASS TECHNICIAN AND GLAZIER MEMBER OF THE
13 BOARD SHALL:

14 (1) HOLD AN ACTIVE STATE LICENSE; AND

15 (2) BE ENGAGED ACTIVELY IN PROVIDING AUTOMOTIVE GLASS WORK
16 OR GLAZING SERVICES FOR AT LEAST 5 CONSECUTIVE YEARS IMMEDIATELY BEFORE
17 APPOINTMENT.

18 (D) THE CONSUMER MEMBER OF THE BOARD:

19 (1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

20 (2) MAY NOT BE A LICENSEE OR OTHERWISE BE SUBJECT TO
21 REGULATION BY THE BOARD;

22 (3) MAY NOT BE REQUIRED TO MEET THE QUALIFICATIONS FOR THE
23 PROFESSIONAL MEMBERS OF THE BOARD; AND

24 (4) MAY NOT, WITHIN 1 YEAR BEFORE APPOINTMENT, HAVE HAD A
25 FINANCIAL INTEREST IN OR HAVE RECEIVED COMPENSATION FROM A PERSON
26 REGULATED BY THE BOARD.

27 (E) WHILE A MEMBER OF THE BOARD, A CONSUMER MEMBER MAY NOT:

28 (1) HAVE A FINANCIAL INTEREST IN OR RECEIVE COMPENSATION FROM
29 A PERSON REGULATED BY THE STATE BOARD; OR

30 (2) GRADE AN EXAMINATION GIVEN BY OR FOR THE BOARD.

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

33 (G) (1) THE TERM OF A MEMBER IS 4 YEARS.

1 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
2 TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2004.

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

5 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
6 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
7 QUALIFIES.

8 (5) A MEMBER MAY NOT BE REAPPOINTED FOR MORE THAN TWO
9 CONSECUTIVE 4-YEAR TERMS.

10 (H) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE,
11 MISCONDUCT, OR NEGLIGENCE OF DUTY.

12 7.5-203.

13 (A) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIRMAN AND
14 ANY OTHER OFFICERS THE BOARD DEEMS NECESSARY.

15 (B) (1) THE MANNER OF ELECTION OF OFFICERS SHALL BE AS THE BOARD
16 DETERMINES.

17 (2) THE TERMS OF THE OFFICERS ARE FOR 1 YEAR.

18 7.5-204.

19 (A) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE BOARD IS A
20 QUORUM.

21 (B) (1) THE BOARD SHALL MEET AT LEAST ONCE A MONTH AND SHALL
22 DETERMINE THE TIMES AND PLACES OF ITS MEETINGS.

23 (2) THE BOARD MAY HOLD SPECIAL MEETINGS AS NECESSARY.

24 (C) SUBJECT TO THE STATE BUDGET, EACH MEMBER OF THE BOARD IS
25 ENTITLED TO:

26 (1) COMPENSATION IN ACCORDANCE WITH THE STATE BUDGET; AND

27 (2) REIMBURSEMENT FOR REASONABLE EXPENSES UNDER THE
28 STANDARD STATE TRAVEL REGULATIONS.

29 (D) THE BOARD MAY EMPLOY A STAFF IN ACCORDANCE WITH THE STATE
30 BUDGET.

31 7.5-205.

32 IN ADDITION TO ANY OTHER REMEDY AUTHORIZED UNDER THIS TITLE, THE
33 BOARD, WITH THE APPROVAL OF THE ATTORNEY GENERAL, MAY SUE IN THE NAME

1 OF THE STATE TO ENJOIN ANY ACT THAT IS PROHIBITED UNDER SUBTITLE 4 OF THIS
2 TITLE.

3 7.5-206.

4 IN ADDITION TO ANY POWERS AND DUTIES SET FORTH ELSEWHERE IN THIS
5 TITLE, THE BOARD SHALL ADOPT:

6 (1) BYLAWS NECESSARY TO CONDUCT THE BUSINESS OF THE BOARD;

7 (2) REGULATIONS TO CARRY OUT THIS TITLE;

8 (3) RULES OF PROFESSIONAL CONDUCT AS APPROPRIATE TO ESTABLISH
9 A HIGH STANDARD OF INTEGRITY FOR PROVIDING AUTOMOTIVE GLASS WORK AND
10 GLAZING SERVICES; AND

11 (4) A SEAL.

12 7.5-207.

13 (A) THE BOARD SHALL MAINTAIN A LISTING OF THE NAMES AND MAILING
14 ADDRESSES OF ALL LICENSEES.

15 (B) THE BOARD MAY RELEASE THE LIST TO THE PUBLIC.

16 (C) THE LICENSEE SHALL DESIGNATE THE MAILING ADDRESS AT THE TIME
17 OF ISSUANCE OF THE ORIGINAL LICENSE OR PERMIT AND ON THE RENEWAL OF THE
18 LICENSE OR PERMIT.

19 7.5-208.

20 THE BOARD SHALL PAY ALL MONEY COLLECTED UNDER THIS TITLE INTO THE
21 GENERAL FUND OF THE STATE.

22 7.5-209.

23 THE BOARD EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS SUBJECT TO
24 THE AUTHORITY OF THE SECRETARY.

25 SUBTITLE 3. LICENSING.

26 7.5-301.

27 (A) AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE THE
28 INDIVIDUAL MAY PROVIDE AUTOMOTIVE GLASS WORK AND GLAZING SERVICES.

29 (B) THIS SECTION DOES NOT APPLY TO THE FOLLOWING INDIVIDUALS:

30 (1) A PERSON EMPLOYED BY THE FEDERAL, STATE, OR LOCAL
31 GOVERNMENT AS AN AUTOMOTIVE GLASS WORK TECHNICIAN OR GLAZIER WHILE
32 THE INDIVIDUAL IS PRACTICING WITHIN THE SCOPE OF THAT EMPLOYMENT;

1 (2) A STUDENT ENROLLED IN AN APPROVED EDUCATION OR TRAINING
2 PROGRAM AS DETERMINED BY THE BOARD WHILE PRACTICING AUTOMOTIVE GLASS
3 WORK OR GLAZING;

4 (3) AN NGA CERTIFIED OR LICENSED GLASS INSTRUCTOR FROM
5 ANOTHER STATE THAT IS EMPLOYED AS A TEMPORARY INSTRUCTOR IN THE STATE
6 WHILE THE INDIVIDUAL IS PRACTICING WITHIN THE SCOPE OF THAT EMPLOYMENT;

7 (4) A TRAINEE PRACTICING UNDER THE SUPERVISION OF A CERTIFIED
8 OR LICENSED SUPERVISOR WITHIN THE SCOPE OF THAT EMPLOYMENT;

9 (5) AN EMPLOYEE OF AN INDUSTRIAL FIRM WHOSE MAIN DUTIES
10 RELATE TO THE MAINTENANCE OF AUTOMOTIVE GLASS WORK OR GLAZING WHILE
11 PRACTICING WITHIN THE SCOPE OF THAT EMPLOYMENT ON PREMISES OWNED OR
12 LEASED BY THE INDUSTRIAL FIRM IF THE WORK IS NOT INTENDED FOR CONSUMER
13 USE;

14 (6) AN INDIVIDUAL FABRICATING GLASS PRODUCTS;

15 (7) A HOMEOWNER INSTALLING, MAINTAINING, REPAIRING, OR
16 SERVICING GLASS AT THE HOMEOWNER'S RESIDENCE;

17 (8) A RETAIL SELLER OF GLASS PRODUCTS THAT DOES NOT PERFORM
18 AUTOMOTIVE GLASS WORK OR GLAZING SERVICES; OR

19 (9) AN INSTALLER OF SAFETY-BACKED MIRROR PRODUCTS OR A
20 REPAIRER OR REPLACER OF FLAT GLASS IN SIZES OF 30 SQUARE FEET OR LESS IN
21 RESIDENTIAL BUILDINGS.

22 7.5-302.

23 (A) TO QUALIFY FOR A STATE LICENSE, AN APPLICANT SHALL BE AN
24 INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

25 (B) AN APPLICANT SHALL BE OF GOOD MORAL CHARACTER.

26 (C) AN APPLICANT SHALL BE AT LEAST 18 YEARS OLD.

27 (D) AN APPLICANT SHALL HAVE SUCCESSFULLY COMPLETED THE EIGHTH
28 GRADE EDUCATION OR THE EQUIVALENT.

29 (E) THE APPLICANT SHALL MEET THE EDUCATIONAL AND EXPERIENCE
30 REQUIREMENTS AND SHALL PASS AN EXAMINATION AS REQUIRED UNDER § 7.5-305
31 OF THIS SUBTITLE.

32 7.5-303.

33 (A) IN ADDITION TO THE OTHER QUALIFICATIONS FOR A LICENSE SET FORTH
34 IN THIS SUBTITLE, AN APPLICANT SHALL QUALIFY UNDER THIS SECTION BY
35 MEETING THE EDUCATIONAL AND EXPERIENCE REQUIREMENTS SET FORTH IN
36 SUBSECTION (B) OF THIS SECTION.

1 (B) (1) AN APPLICANT FOR AN AUTOMOTIVE GLASS REPLACEMENT
2 TECHNICIAN LICENSE SHALL:

3 (I) HAVE SUCCESSFULLY COMPLETED THE NGA AUTO GLASS
4 TECHNICAL INSTITUTE TRAINING PROGRAM OR AN EQUIVALENT PROGRAM AS
5 DETERMINED BY THE BOARD;

6 (II) HAVE 6 MONTHS DOCUMENTED EXPERIENCE AS A TRAINEE;
7 AND

8 (III) HAVE SUCCESSFULLY PASSED THE NGA AUTOMOTIVE GLASS
9 REPLACEMENT TECHNICIAN EXAMINATION.

10 (2) AN APPLICANT FOR AN AUTOMOTIVE GLASS REPAIR TECHNICIAN
11 LICENSE SHALL:

12 (I) 1. HAVE SUCCESSFULLY COMPLETED A WINDSHIELD
13 REPAIR MANUFACTURER'S FACTORY TRAINING PROGRAM OR AN EQUIVALENT
14 PROGRAM AS DETERMINED BY THE BOARD; OR

15 2. HAVE 6 MONTHS DOCUMENTED EXPERIENCE AS A
16 TRAINEE;

17 (II) HAVE PERFORMED 200 OR MORE AUTO GLASS REPAIRS; AND

18 (III) HAVE SUCCESSFULLY PASSED THE NGA AUTOMOTIVE GLASS
19 REPAIR TECHNICIAN EXAMINATION.

20 (3) AN APPLICANT FOR A GLAZIER LICENSE SHALL:

21 (I) HAVE SUCCESSFULLY COMPLETED THE NGA GLASS INSTALLER
22 TECHNICAL INSTITUTE TRAINING PROGRAM OR AN EQUIVALENT PROGRAM AS
23 DETERMINED BY THE BOARD;

24 (II) HAVE 1 YEAR DOCUMENTED EXPERIENCE AS A TRAINEE; AND

25 (III) HAVE SUCCESSFULLY PASSED THE NGA GLAZIER
26 EXAMINATION.

27 7.5-304.

28 AN APPLICANT FOR A LICENSE SHALL:

29 (1) SUBMIT TO THE BOARD:

30 (I) AN APPLICATION ON THE FORM THAT THE BOARD PROVIDES;
31 AND

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

1 (2) PAY TO THE BOARD AN EXAMINATION FEE SET BY THE BOARD IN AN
2 AMOUNT NOT TO EXCEED THE COST OF THE REQUIRED EXAMINATION.

3 7.5-305.

4 (A) AN APPLICANT WHO OTHERWISE QUALIFIES FOR A LICENSE IS ENTITLED
5 TO BE EXAMINED AS PROVIDED IN THIS SECTION.

6 (B) (1) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE
7 BOARD SHALL GIVE EXAMINATIONS TO QUALIFIED APPLICANTS AT LEAST ONCE PER
8 MONTH, AT THE DATES, TIMES, AND PLACES THAT THE BOARD DETERMINES.

9 (2) THE SUBJECTS EXAMINED SHALL INCLUDE:

10 (I) 1. AUTOMOTIVE GLASS REPLACEMENT;

11 2. AUTOMOTIVE GLASS REPAIR; OR

12 3. GLAZING; AND

13 (II) INDUSTRY SAFETY STANDARDS, INCLUDING:

14 1. AUTOMOTIVE GLASS REPLACEMENT SAFETY STANDARDS
15 (AGRSS) FOR AUTOMOTIVE GLASS TECHNICIANS; OR

16 2. FEDERAL OCCUPATIONAL SAFETY AND HEALTH
17 ADMINISTRATION STANDARDS FOR GLAZIERS.

18 (C) (1) AT LEAST 15 DAYS BEFORE THE EXAMINATION, THE BOARD SHALL
19 NOTIFY EACH APPLICANT WHETHER THE APPLICANT IS ELIGIBLE TO BE EXAMINED
20 UNDER THIS SECTION.

21 (2) THE NOTICE SHALL SPECIFY THE PASSING SCORE FOR THE
22 EXAMINATION.

23 (D) (1) THE BOARD MAY USE A TESTING SERVICE TO ADMINISTER THE
24 EXAMINATIONS REQUIRED UNDER THIS SUBTITLE.

25 (2) IF THE BOARD USES A TESTING SERVICE, THE TESTING SERVICE,
26 SUBJECT TO THE REQUIREMENTS SET BY THE BOARD, MAY:

27 (I) SET THE TIME AND PLACE OF EXAMINATIONS;

28 (II) GIVE QUALIFIED APPLICANTS NOTICE OF THE TIME AND PLACE
29 OF EXAMINATIONS; AND

30 (III) FURNISH ANY OTHER INFORMATION THAT THE BOARD MAY
31 REQUIRE THE TESTING SERVICE TO PROVIDE.

1 7.5-306.

2 (A) IF AN APPLICANT FAILS TO APPEAR FOR A SCHEDULED EXAMINATION,
3 THE APPLICANT MAY REAPPLY FOR AN EXAMINATION.

4 (B) THE APPLICANT:

5 (1) SHALL SUBMIT TO THE BOARD AN APPLICATION FOR
6 REEXAMINATION ON THE FORM THAT THE STATE BOARD PROVIDES; AND

7 (2) UNLESS, FOR GOOD CAUSE, THE BOARD WAIVES PAYMENT OF THE
8 EXAMINATION FEE, SHALL AGAIN PAY THE EXAMINATION FEE UNDER § 7.5-304 OF
9 THIS SUBTITLE.

10 7.5-307.

11 (A) SUBJECT TO THIS SECTION, IF AN APPLICANT FAILS AN EXAMINATION
12 UNDER THIS SUBTITLE, THE APPLICANT MAY RETAKE THE EXAMINATION.

13 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN
14 APPLICANT FOR REEXAMINATION SHALL:

15 (1) SUBMIT TO THE BOARD A REQUEST FOR REEXAMINATION ON THE
16 FORM THAT THE BOARD PROVIDES;

17 (2) PAY TO THE BOARD A REEXAMINATION FEE SET BY THE BOARD
18 UNDER § 7.5-304; AND

19 (3) WAIT 30 DAYS BEFORE REEXAMINATION.

20 (C) AN APPLICANT WHO FAILS TWO EXAMINATIONS GIVEN UNDER THIS
21 SECTION MAY TAKE THE EXAMINATION AGAIN ONLY ON A NEW APPLICATION FOR A
22 LICENSE THAT IS SUBMITTED TO THE BOARD AT LEAST 6 MONTHS AFTER THE
23 APPLICANT FAILED A REEXAMINATION.

24 (D) A REEXAMINATION FEE PAID UNDER SUBSECTION (B)(2) OF THIS SECTION
25 IS NOT REFUNDABLE.

26 7.5-308.

27 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY WAIVE
28 ANY EXAMINATION REQUIREMENT OF THIS SUBTITLE FOR AN INDIVIDUAL WHO IS
29 NGA CERTIFIED OR LICENSED IN ANOTHER STATE TO PROVIDE AUTOMOTIVE GLASS
30 WORK OR GLAZING SERVICES.

31 (B) THE BOARD MAY GRANT THE WAIVER UNDER THIS SECTION ONLY IF THE
32 APPLICANT:

33 (1) IS OF GOOD MORAL CHARACTER;

1 (2) PAYS TO THE BOARD THE LICENSE FEE REQUIRED UNDER § 7.5-309
2 OF THIS SUBTITLE; AND

3 (3) PROVIDES ADEQUATE EVIDENCE THAT, AT THE TIME THE
4 APPLICANT WAS NGA CERTIFIED LICENSED BY THE OTHER STATE, THE APPLICANT
5 MET REQUIREMENTS THAT WERE EQUIVALENT TO THOSE THEN REQUIRED BY THE
6 LAWS OF THIS STATE.

7 (C) THE BOARD MAY GRANT A WAIVER TO APPLICANTS LICENSED IN
8 ANOTHER STATE ONLY IF THE STATE IN WHICH THE APPLICANT IS LICENSED
9 WAIVES THE EXAMINATION OF LICENSEES OF THIS STATE TO A SIMILAR EXTENT AS
10 THIS STATE WAIVES THE EXAMINATION REQUIREMENTS FOR INDIVIDUALS
11 LICENSED IN THAT STATE.

12 7.5-309.

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

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

16 (2) THE BOARD WILL ISSUE A LICENSE TO THE APPLICANT ON RECEIPT
17 OF A REASONABLE FEE SET BY THE BOARD.

18 (B) ON PAYMENT OF THE LICENSE FEE, THE BOARD SHALL ISSUE A LICENSE
19 TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS TITLE.

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

21 (1) THE FULL NAME OF THE LICENSEE;

22 (2) THE REGISTRATION NUMBER ASSIGNED BY THE BOARD TO THE
23 LICENSEE;

24 (3) COMPLETES THE CONTINUING EDUCATION REQUIREMENTS
25 DETERMINED BY THE BOARD; AND

26 (4) THE SIGNATURE OF THE CHAIRMAN OF THE BOARD UNDER THE
27 SEAL OF THE BOARD.

28 7.5-310.

29 (A) (1) UNLESS AN AUTOMOTIVE GLASS REPAIR TECHNICIAN LICENSE IS
30 RENEWED FOR A 5-YEAR TERM AS PROVIDED IN THIS SECTION, THE LICENSE SHALL
31 EXPIRE ON THE FIRST JUNE 30 THAT OCCURS AFTER THE EFFECTIVE DATE OF THE
32 STATE LICENSE.

33 (2) UNLESS AN AUTOMOTIVE GLASS REPLACEMENT TECHNICIAN
34 LICENSE OR A GLAZIER LICENSE IS RENEWED FOR A 3-YEAR TERM AS PROVIDED IN
35 THIS SECTION, THE LICENSE SHALL EXPIRE ON THE FIRST JUNE 30 THAT OCCURS
36 AFTER THE EFFECTIVE DATE OF THE STATE LICENSE.

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

3 (1) A RENEWAL APPLICATION FORM; AND

4 (2) A NOTICE THAT STATES:

5 (I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

6 (II) THE DATE BY WHICH THE BOARD MUST RECEIVE THE
7 RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE
8 LICENSE EXPIRES; AND

9 (III) THE AMOUNT OF THE RENEWAL FEE.

10 (C) BEFORE A LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW
11 THE LICENSE FOR AN ADDITIONAL 5-YEAR OR 3-YEAR TERM IF THE LICENSEE:

12 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

13 (2) PAYS TO THE BOARD A REASONABLE RENEWAL FEE SET BY THE
14 BOARD; AND

15 (3) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM
16 THAT THE BOARD PROVIDES.

17 (D) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO MEETS
18 THE REQUIREMENTS OF THIS SECTION.

19 (E) A LICENSE TO PROVIDE AUTOMOTIVE GLASS WORK OR GLAZING SERVICES
20 IS NOT TRANSFERABLE.

21 (F) THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER THIS
22 SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

23 7.5-311.

24 (A) THE BOARD SHALL PLACE A LICENSEE ON INACTIVE STATUS AND ISSUE
25 AN INACTIVE STATUS CERTIFICATE TO THE LICENSEE, IF THE LICENSEE:

26 (1) SUBMITS TO THE BOARD AN APPLICATION FOR INACTIVE STATUS ON
27 THE FORM THAT THE BOARD PROVIDES;

28 (2) PAYS TO THE BOARD ANY APPLICABLE INACTIVE STATUS
29 APPLICATION FEE;

30 (3) QUALIFIES FOR AN ACTIVE LICENSE; AND

31 (4) RETURNS THE LICENSE TO THE BOARD.

1 (B) (1) UNLESS THE INDIVIDUAL APPLIES FOR A LICENSE FOR ANOTHER
2 5-YEAR OR 3-YEAR TERM AS PROVIDED IN THIS SUBSECTION, AN INDIVIDUAL ON
3 INACTIVE STATUS LOSES THAT STATUS ON THE FIRST JUNE 30 THAT OCCURS AFTER
4 THE INACTIVE STATUS REGISTRATION CERTIFICATE IS ISSUED TO THE LICENSEE.

5 (2) AT LEAST 1 MONTH BEFORE THE INACTIVE STATUS OF AN
6 INDIVIDUAL EXPIRES, THE BOARD SHALL MAIL TO THE INDIVIDUAL, AT THE LAST
7 KNOWN ADDRESS OF THE INDIVIDUAL:

8 (I) A RENEWAL APPLICATION FORM; AND

9 (II) A NOTICE THAT STATES:

10 1. THE DATE ON WHICH THE INACTIVE STATUS 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 INACTIVE STATUS EXPIRES; AND

14 3. THE AMOUNT OF THE RENEWAL FEE.

15 (3) BEFORE THE INACTIVE STATUS EXPIRES, AN INDIVIDUAL ON
16 INACTIVE STATUS PERIODICALLY MAY RENEW THE LICENSE FOR AN ADDITIONAL
17 5-YEAR OR 3-YEAR TERM, IF THE INDIVIDUAL:

18 (I) OTHERWISE IS ENTITLED TO BE PLACED ON INACTIVE STATUS;

19 (II) PAYS TO THE BOARD A REASONABLE RENEWAL FEE SET BY THE
20 BOARD; AND

21 (III) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE
22 FORM THAT THE BOARD PROVIDES.

23 (4) THE BOARD SHALL RENEW THE INACTIVE STATUS OF EACH
24 INDIVIDUAL OR GRANT THE REAPPLICATION FOR INACTIVE STATUS OF EACH
25 FORMER LICENSEE WHO MEETS THE REQUIREMENTS OF THIS SUBSECTION.

26 (C) THE BOARD SHALL REACTIVATE THE LICENSE OF AN INDIVIDUAL WHO IS
27 ON INACTIVE STATUS, IF THE INDIVIDUAL:

28 (1) MEETS THE RENEWAL REQUIREMENTS THAT ARE IN EFFECT WHEN
29 THE INDIVIDUAL REQUESTS THE REACTIVATION OF THE LICENSE;

30 (2) SUBMITS TO THE BOARD AN APPLICATION FOR REACTIVATION ON
31 THE FORM THAT THE BOARD PROVIDES; AND

32 (3) PAYS TO THE BOARD A REASONABLE REACTIVATION FEE SET BY THE
33 BOARD.

1 7.5-312.

2 WITHIN 30 DAYS AFTER THE CHANGE, EACH LICENSEE SHALL GIVE THE BOARD
3 WRITTEN NOTICE OF A CHANGE OF:

4 (1) THE NAME OF THE LICENSEE; OR

5 (2) THE ADDRESS OF THE LICENSEE.

6 7.5-313.

7 (A) SUBJECT TO THE HEARING PROVISIONS OF § 7.5-314 OF THIS SUBTITLE,
8 THE BOARD MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY LICENSEE,
9 OR SUSPEND OR REVOKE A LICENSE IF THE APPLICANT OR LICENSEE:

10 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
11 OBTAIN A LICENSE FOR THE APPLICANT, LICENSEE, OR ANOTHER PERSON;

12 (2) FRAUDULENTLY OR DECEPTIVELY USES A STATE LICENSE;

13 (3) TRANSFERS THE AUTHORITY GRANTED BY A LICENSE TO ANOTHER
14 PERSON;

15 (4) ENGAGES IN AN UNFAIR OR DECEPTIVE TRADE PRACTICE, AS
16 DEFINED IN § 13-301 OF THE COMMERCIAL LAW ARTICLE;

17 (5) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, IS
18 CONVICTED OF:

19 (I) A FELONY; OR

20 (II) A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS
21 AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE AUTOMOTIVE
22 GLASS WORK OR GLAZING SERVICES;

23 (6) AIDS OR ABETS A PERSON TO EVADE A PROVISION OF THIS TITLE;

24 (7) FAILS IN A MATERIAL RESPECT TO COMPLY WITH A PROVISION OF
25 THIS TITLE;

26 (8) IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT IN THE
27 PROVIDING OF AUTOMOTIVE GLASS WORK OR GLAZING SERVICES;

28 (9) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;

29 (10) IS HABITUALLY INTOXICATED;

30 (11) IS ADDICTED TO OR HABITUALLY ABUSES ANY NARCOTIC OR
31 CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL
32 LAW ARTICLE;

- 1 (12) PROVIDES PROFESSIONAL SERVICES WHILE:
- 2 (I) UNDER THE INFLUENCE OF ALCOHOL; OR
- 3 (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS
4 SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE OR ANY OTHER
5 DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL
6 INDICATION;
- 7 (13) KNOWINGLY MAKES A MISREPRESENTATION WHILE PROVIDING
8 AUTOMOTIVE GLASS WORK OR GLAZING SERVICES;
- 9 (14) KNOWINGLY SUBMITS FALSE STATEMENTS TO COLLECT FEES FOR
10 WHICH SERVICES ARE NOT PROVIDED;
- 11 (15) (I) HAS BEEN SUBJECT TO INVESTIGATION OR DISCIPLINARY
12 ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A COURT OF ANY
13 STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY
14 ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES; AND
- 15 (II) THE LICENSED INDIVIDUAL:
- 16 1. SURRENDERED THE CERTIFICATE OR LICENSE ISSUED BY
17 THE STATE OR COUNTRY; OR
- 18 2. ALLOWED THE CERTIFICATE OR LICENSE ISSUED BY THE
19 STATE OR COUNTRY TO EXPIRE OR LAPSE;
- 20 (16) PROVIDES OR ATTEMPTS TO PROVIDE AUTOMOTIVE GLASS WORK OR
21 GLAZING SERVICES IF THE APPLICANT OR LICENSED INDIVIDUAL HAS NOT
22 RECEIVED EDUCATION, TRAINING, OR EXPERIENCE IN THE PERFORMANCE OF THE
23 SERVICES; OR
- 24 (17) KNOWINGLY VIOLATES ANY PROVISION OF THIS TITLE.
- 25 (B) THE BOARD SHALL CONSIDER THE FOLLOWING FACTORS IN THE
26 GRANTING, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE
27 REPRIMAND OF A LICENSEE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF A
28 FELONY OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(5) OF THIS SECTION:
- 29 (1) THE NATURE OF THE CRIME;
- 30 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
31 BY THE LICENSE;
- 32 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION
33 TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE
34 GLASS WORK OR GLAZING SERVICES;
- 35 (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

1 (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSEE
2 BEFORE AND AFTER THE CONVICTION.

3 7.5-314.

4 (A) EXCEPT AS OTHERWISE PROVIDED UNDER § 10-226 OF THE STATE
5 GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER §
6 7.5-315 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE
7 ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

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

10 (C) 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 7.5-315.

14 ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A
15 CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE,
16 MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-222 AND 10-223 OF THE STATE
17 GOVERNMENT ARTICLE.

18 SUBTITLE 4. PROHIBITED ACTS.

19 7.5-401.

20 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT
21 PERFORM, ATTEMPT TO PERFORM, OR OFFER TO PERFORM THE FUNCTIONS OF AN
22 AUTOMOTIVE GLASS WORK TECHNICIAN OR A GLAZIER UNLESS LICENSED BY THE
23 BOARD.

24 7.5-402.

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

27 7.5-403.

28 AN INDIVIDUAL WHOSE LICENSE HAS BEEN SUSPENDED OR REVOKED UNDER §
29 7.5-313 OF THIS TITLE MAY NOT PERFORM THE FUNCTIONS OF AN AUTOMOTIVE
30 GLASS TECHNICIAN OR GLAZIER IN ANY MANNER.

31 7.5-404.

32 UNLESS LICENSED TO PROVIDE AUTOMOTIVE GLASS WORK OR GLAZIER
33 SERVICES, A PERSON MAY NOT USE THE TITLE "AUTOMOTIVE GLASS WORK
34 TECHNICIAN", "AUTOMOTIVE GLASS REPLACEMENT TECHNICIAN", "AUTOMOTIVE
35 GLASS REPAIR TECHNICIAN", "GLAZIER", "LICENSED AUTOMOTIVE GLASS

1 TECHNICIAN", OR "LICENSED GLAZIER", OR ANY OTHER TERM OR TITLE WITH THE
2 INTENT TO REPRESENT THAT THE PERSON PROVIDES AUTOMOTIVE GLASS WORK OR
3 GLAZING SERVICES.

4 7.5-405.

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

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

10 (2) IN SETTING THE AMOUNT OF THE PENALTY, THE BOARD SHALL
11 CONSIDER:

12 (I) THE SERIOUSNESS OF THE VIOLATION;

13 (II) THE HARM CAUSED BY THE VIOLATION;

14 (III) THE GOOD FAITH OF THE VIOLATOR;

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

16 AND

17 (V) ANY OTHER RELEVANT FACTORS.

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

20 SUBTITLE 5. SHORT TITLE; TERMINATION OF TITLE.

21 7.5-501.

22 THIS TITLE MAY BE CITED AS THE "MARYLAND GLASS TECHNICIANS ACT".

23 7.5-502.

24 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
25 MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS
26 ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY
27 1, 2009.

28 **Article - State Government**

29 8-403.

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

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

5 (29) GLASS TECHNICIAN EXAMINERS, STATE BOARD OF (§ 7.5-201 OF THE
6 BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: JULY 1, 2008);

7 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
8 members of the State Board of Glass Technician Examiners shall expire as follows:

9 (1) two members in 2005;

10 (2) two members in 2006; and

11 (3) three members in 2007.

12 SECTION 4. AND BE IT FURTHER ENACTED, That an individual who
13 provided automotive glass work services full time for 6 months and an individual who
14 provided glazing services full time for 1 year on or before October 1, 2004 may qualify
15 for the license issued by the State Board of Glass Technician Examiners without
16 meeting the education, experience, and examination requirements of Title 7.5,
17 Subtitle 3 of the Business Occupations and Professions Article if the individual
18 presents adequate evidence of the individual's work history to the Board and passes
19 the appropriate examination on or before October 1, 2005.

20 SECTION 5. AND BE IT FURTHER ENACTED, That initial members of the
21 State Board of Glass Technician Examiners shall be considered, in all respects,
22 licensed by the Board, if the member provided automotive glass work or glazing
23 services for 5 years consecutively prior to their appointment to the initial State Board
24 of Glass Technician Examiners.

25 SECTION 6. AND BE IT FURTHER ENACTED, That the State Board of Glass
26 Technician Examiners shall report to the Senate Education, Health, and
27 Environmental Affairs Committee and the House Economic Matters Committee, on or
28 before December 31, 2006, in accordance with § 2-1246 of the State Government
29 Article, assessing the appropriateness of the fees charged to licensed automotive glass
30 work technicians and licensed glaziers and the ability of the Board to be
31 self-sufficient.

32 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2004.