
By: **Delegates Oaks, Carter, and Rosenberg**
Introduced and read first time: February 13, 2004
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

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

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; and generally relating to home improvement contractors
12 and subcontractors and lead abatement training and accreditation.

13 BY adding to
14 Article - Business Regulation
15 Section 8-302.3
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 2003 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Business Regulation
20 Section 8-308
21 Annotated Code of Maryland
22 (1998 Replacement Volume and 2003 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article - Environment
25 Section 6-1002
26 Annotated Code of Maryland
27 (1996 Replacement Volume and 2003 Supplement)

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

1

Article - Business Regulation

2 8-302.3.

3 (A) BEFORE OCTOBER 1, 2005, AN APPLICANT FOR A CONTRACTOR LICENSE OR
4 SUBCONTRACTOR LICENSE SHALL MEET THE TRAINING REQUIREMENTS SET BY
5 REGULATION OF THE DEPARTMENT OF THE ENVIRONMENT FOR A WORKER OR
6 PROJECT DESIGNER IN ACCORDANCE WITH § 6-1002(C) OF THE ENVIRONMENT
7 ARTICLE.

8 (B) ON OR AFTER OCTOBER 1, 2005, AN APPLICANT FOR A CONTRACTOR
9 LICENSE OR SUBCONTRACTOR LICENSE SHALL MEET THE ACCREDITATION
10 REQUIREMENTS SET BY REGULATION OF THE DEPARTMENT OF THE ENVIRONMENT
11 IN ACCORDANCE WITH § 6-1002(A) OF THE ENVIRONMENT ARTICLE.

12 8-308.

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

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

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

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

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

22 (1) a renewal application form; and

23 (2) a notice that states:

24 (i) the date on which the current license expires;

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

27 (iii) the amount of the renewal fee.

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

30 (i) otherwise is entitled to be licensed;

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

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

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

5 (2) The renewal fee:

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

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

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

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

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

15 (1) submit to the Commission, by a credit reporting agency approved by
16 the Commission, a credit report that contains the information required by the
17 Commission; or

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

22 (F) (1) BEFORE OCTOBER 1, 2005, FOR RENEWAL OF A CONTRACTOR
23 LICENSE OR SUBCONTRACTOR LICENSE, THE LICENSEE SHALL MEET THE TRAINING
24 REQUIREMENTS SET BY REGULATION OF THE DEPARTMENT OF THE ENVIRONMENT
25 FOR A WORKER OR PROJECT DESIGNER IN ACCORDANCE WITH § 6-1002(C) OF THE
26 ENVIRONMENT ARTICLE.

27 (2) ON OR AFTER OCTOBER 1, 2005, FOR RENEWAL OF A CONTRACTOR
28 LICENSE OR SUBCONTRACTOR LICENSE, THE LICENSEE SHALL MEET THE
29 ACCREDITATION REQUIREMENTS SET BY REGULATION OF THE DEPARTMENT OF THE
30 ENVIRONMENT IN ACCORDANCE WITH § 6-1002(A) OF THE ENVIRONMENT ARTICLE.

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

33 (2) The Commission may not renew a contractor license unless the
34 contractor submits proof of compliance with the insurance requirement of § 8-302.1 of
35 this subtitle.

1 [g] (H) A licensed contractor shall give the Commission notice of the
2 cancellation of insurance required under § 8-302.1 of this subtitle at least 10 days
3 before the effective date of the cancellation.

4 **Article - Environment**

5 6-1002.

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

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

10 (2) Provide training to others who provide lead paint abatement services;
11 or

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

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
19 effect October 1, 2004.