
By: **Delegate Krysiak**

Rules suspended

Introduced and read first time: March 8, 2005

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Stationary Engineers Act**

3 FOR the purpose of creating the State Board of Stationary Engineers in the
 4 Department of Labor, Licensing, and Regulation; providing for the composition,
 5 appointment, terms, and expenses of the Board members; specifying the terms
 6 of the initial members of the Board; establishing certain powers and duties of
 7 the Board; requiring certain persons to be licensed by the Board as stationary
 8 engineers before performing certain work; establishing certain grades of
 9 licenses; establishing certain education and experience requirements for
 10 stationary engineers; establishing certain licensing and license renewal
 11 requirements for stationary engineers; establishing certain examination
 12 requirements for stationary engineers; authorizing the Board to deny a license
 13 to an applicant, refuse to renew a license, reprimand a licensee, suspend or
 14 revoke a license, or impose certain penalties under certain circumstances;
 15 establishing certain hearing and appeal procedures for stationary engineers;
 16 providing for certain criminal penalties; requiring certain fees and penalties
 17 collected by the Board to be paid into the General Fund of the State; requiring
 18 that an evaluation of the State Board of Stationary Engineers and the statutes
 19 and regulations that relate to the State Board be performed on or before a
 20 certain date; extending the termination date for the Board of Examining
 21 Engineers; repealing the sections of the Public Local Laws of Baltimore City
 22 regarding examining engineers; providing for the transition between the State
 23 Board of Stationary Engineers and the Board of Examining Engineers regarding
 24 the regulation and licensure of stationary engineers; defining certain terms;
 25 making certain technical corrections; providing for the delayed effective dates
 26 for certain provisions of this Act; and generally relating to the State Board of
 27 Stationary Engineers and licensing and regulation of stationary engineers.

28 BY repealing and reenacting, with amendments,
 29 The Public Local Laws of Baltimore City
 30 Section 4-8
 31 Article 4 - Public Local Laws of Maryland
 32 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)
 33 (As enacted by Chapter 316 of the Acts of the General Assembly of 2002)

1 BY repealing and reenacting, without amendments,
2 Article - State Government
3 Section 8-403(a)
4 Annotated Code of Maryland
5 (2004 Replacement Volume)

6 BY repealing and reenacting, with amendments,
7 Article - State Government
8 Section 8-403(b)(24)
9 Annotated Code of Maryland
10 (2004 Replacement Volume)

11 BY adding to
12 Article - Business Occupations and Professions
13 Section 6.5-101 through 6.5-502, inclusive, to be under the new title "Title 6.5.
14 Stationary Engineers"
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2004 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Business Regulation
19 Section 2-108(a)(12)
20 Annotated Code of Maryland
21 (2004 Replacement Volume)

22 BY repealing
23 The Public Local Laws of Baltimore City
24 Section 4-1 through 4-7 and the subtitle "Subtitle 4. Examining Engineers"
25 Article 4 - Public Local Laws of Maryland
26 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

27 BY repealing
28 The Public Local Laws of Baltimore City
29 Section 4-8
30 Article 4 - Public Local Laws of Maryland
31 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)
32 (As enacted by Section 1 of this Act)

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

1 **Article 4 - Baltimore City**

2 4-8.

3 The provisions of this subtitle creating the Board of Examining Engineers and
4 relating to the regulation of engineers and any regulations promulgated under this
5 subtitle are of no effect and may not be enforced after [July] OCTOBER 1, 2005.

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

8 **Article - State Government**

9 8-403.

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

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

18 (24) Engineers, STATE Board of [Examining] STATIONARY ([§ 4-1 of the
19 Public Local Laws of Baltimore City] § 6.5-201 OF THE BUSINESS OCCUPATIONS AND
20 PROFESSIONS ARTICLE: July 1, [2004] 2013);

21 **Article - Business Occupations and Professions**

22 TITLE 6.5. STATIONARY ENGINEERS.

23 SUBTITLE 1. DEFINITIONS.

24 6.5-101.

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

26 (B) "BOARD" MEANS THE STATE BOARD OF STATIONARY ENGINEERS.

27 (C) (1) "LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A
28 LICENSE ISSUED BY THE BOARD TO PERFORM THE FUNCTIONS OF A STATIONARY
29 ENGINEER.

30 (2) "LICENSE" INCLUDES, UNLESS THE CONTEXT REQUIRES
31 OTHERWISE:

32 (I) A GRADE 5 LICENSE;

1 (II) A GRADE 4 LICENSE;

2 (III) A GRADE 3 LICENSE;

3 (IV) A GRADE 2 LICENSE; AND

4 (V) A GRADE 1 LICENSE.

5 (D) "PROVIDE STATIONARY ENGINEER SERVICES" MEANS TO OVERSEE THE
6 OPERATION OF A POWER PLANT, PLANT OF MACHINERY, OR BOILER, EACH
7 GENERATING PRESSURE OF AT LEAST 15 PSI AND OPERATING AT 30 OR MORE
8 HORSEPOWER.

9 (E) "STATIONARY ENGINEER" MEANS AN INDIVIDUAL WHO IS LICENSED BY
10 THE BOARD TO PROVIDE STATIONARY ENGINEER SERVICES IN ACCORDANCE WITH
11 THE LICENSE GRADES DESCRIBED IN § 6.5-302 OF THIS TITLE.

12 6.5-102.

13 THE PURPOSE OF THIS TITLE IS TO ESTABLISH A LICENSING PROGRAM TO
14 ENSURE THAT QUALIFIED INDIVIDUALS PROVIDE STATIONARY ENGINEER SERVICES
15 TO:

16 (1) PROTECT THE PUBLIC;

17 (2) PROVIDE FOR THE SAFE OPERATION OF POWER PLANTS, PLANTS OF
18 MACHINERY, AND BOILERS; AND

19 (3) PROMOTE HIGH PROFESSIONAL STANDARDS.

20 SUBTITLE 2. STATE BOARD OF STATIONARY ENGINEERS.

21 6.5-201.

22 THERE IS A STATE BOARD OF STATIONARY ENGINEERS IN THE DEPARTMENT.

23 6.5-202.

24 (A) (1) THE BOARD CONSISTS OF EIGHT MEMBERS APPOINTED BY THE
25 GOVERNOR WITH THE ADVICE OF THE SECRETARY AND THE SENATE.

26 (2) OF THE EIGHT MEMBERS OF THE BOARD:

27 (I) THREE SHALL BE STATIONARY ENGINEERS;

28 (II) ONE SHALL BE A REPRESENTATIVE FROM THE BOILER
29 MANUFACTURE AND DESIGN INDUSTRY;

30 (III) ONE SHALL BE A BOILER OWNER;

31 (IV) TWO SHALL BE CONSUMER MEMBERS; AND

1 (V) ONE SHALL BE THE CHIEF BOILER INSPECTOR OF THE STATE,
2 OR THE CHIEF BOILER INSPECTOR'S DESIGNEE, WHO SHALL BE AN EX OFFICIO,
3 NONVOTING MEMBER OF THE BOARD.

4 (B) EACH MEMBER OF THE BOARD SHALL BE:

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

6 (2) A RESIDENT OF THE STATE.

7 (C) (1) AT LEAST TWO OF THE ENGINEER MEMBERS OF THE BOARD SHALL
8 HOLD A GRADE 1 STATIONARY ENGINEER LICENSE.

9 (2) EACH ENGINEER MEMBER OF THE BOARD SHALL:

10 (I) HAVE AT LEAST 10 YEARS PRACTICAL EXPERIENCE IN
11 RUNNING STEAM ENGINES, BOILERS, AND APPLIANCES PERTAINING TO STATIONARY
12 AND PORTABLE ENGINES; AND

13 (II) HOLD A STATE LICENSE AT ALL TIMES DURING THE MEMBER'S
14 TERM ON THE BOARD.

15 (D) EACH CONSUMER MEMBER OF THE BOARD:

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

17 (2) MAY NOT BE A LICENSEE OR OTHERWISE BE SUBJECT TO
18 REGULATION BY THE BOARD; AND

19 (3) MAY NOT HAVE HAD WITHIN 1 YEAR BEFORE APPOINTMENT A
20 FINANCIAL INTEREST IN OR HAVE RECEIVED COMPENSATION FROM A PERSON
21 REGULATED BY THE BOARD.

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

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

25 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
26 TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2005.

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

29 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
30 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
31 QUALIFIES.

32 (5) EACH MEMBER OF THE BOARD IS ELIGIBLE FOR REAPPOINTMENT
33 BUT MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.

1 (G) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE,
2 MISCONDUCT, NEGLIGENCE OF DUTIES, OR OTHER SUFFICIENT CAUSE.

3 6.5-203.

4 (A) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR AND
5 OTHER OFFICERS AS NECESSARY.

6 (B) THE MANNER OF ELECTION AND THE TERM OF AN OFFICER SHALL BE AS
7 THE BOARD DETERMINES.

8 6.5-204.

9 (A) A MAJORITY OF THE VOTING MEMBERS THEN SERVING ON THE BOARD IS
10 A QUORUM.

11 (B) (1) THE BOARD SHALL MEET AT LEAST TWICE A YEAR AT A LOCATION
12 AND IN AN OFFICE PROVIDED BY THE STATE.

13 (2) THE BOARD MAY HOLD SPECIAL MEETINGS AS PROVIDED IN ITS
14 REGULATIONS.

15 (3) THE BOARD SHALL MEET WITH AND CONSULT THE BOARD OF
16 BOILER RULES AS NECESSARY BUT NOT LESS THAN TWO TIMES EACH YEAR.

17 (C) A MEMBER OF THE BOARD:

18 (1) MAY NOT RECEIVE COMPENSATION; BUT

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

21 (D) THE BOARD MAY EMPLOY A STAFF IN ACCORDANCE WITH THE STATE
22 BUDGET.

23 6.5-205.

24 (A) THE BOARD SHALL:

25 (1) ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS
26 TITLE;

27 (2) ADMINISTER EXAMINATIONS;

28 (3) ISSUE LICENSES;

29 (4) MAINTAIN A LIST OF ALL LICENSEES; AND

30 (5) MAINTAIN A RECORD OF ITS PROCEEDINGS.

1 (B) THE BOARD SHALL MAKE AVAILABLE THROUGH WRITTEN, ELECTRONIC,
2 OR OTHER MEANS:

3 (1) TO EACH APPLICANT FOR A LICENSE, A COPY OF THE MARYLAND
4 STATIONARY ENGINEERS ACT AND THE BOARD'S REGULATIONS; AND

5 (2) ON EACH RENEWAL OF A LICENSE, TO EACH LICENSEE, A COPY OF
6 ANY AMENDMENTS TO THE MARYLAND STATIONARY ENGINEERS ACT AND THE
7 BOARD'S REGULATIONS THAT TOOK EFFECT DURING THE 2-YEAR PERIOD ENDING
8 ON THE DATE OF RENEWAL.

9 6.5-206.

10 (A) THE BOARD MAY INVESTIGATE ANY COMPLAINT THAT ALLEGES A
11 VIOLATION OF THIS TITLE.

12 (B) ON RECEIPT OF THE RESULTS OF AN INVESTIGATION MADE UNDER THIS
13 SECTION, THE BOARD SHALL PROMPTLY TAKE ACTION THAT IS APPROPRIATE UNDER
14 THIS TITLE TO ENSURE COMPLIANCE WITH THE TITLE.

15 (C) (1) IF THE BOARD CONCLUDES THAT ANY CONDUCT ALLEGED TO BE IN
16 VIOLATION OF THIS TITLE WILL RESULT IN HARM TO A CITIZEN OF THE STATE, THE
17 BOARD MAY SEEK A PERMANENT OR TEMPORARY INJUNCTION WITH RESPECT TO
18 THE CONDUCT FROM THE CIRCUIT COURT OF ANY COUNTY IN WHICH THE ALLEGED
19 VIOLATION OCCURS.

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

22 (I) POST BOND;

23 (II) ALLEGE OR PROVE THAT AN ADEQUATE REMEDY AT LAW DOES
24 NOT EXIST; OR

25 (III) ALLEGE OR PROVE THAT SUBSTANTIAL OR IRREPARABLE
26 DAMAGE WOULD RESULT FROM THE CONTINUED VIOLATION OF THE PROVISION.

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

30 (D) THE BOARD, OR A HEARING OFFICER DESIGNATED BY THE BOARD, MAY
31 ADMINISTER OATHS, HOLD HEARINGS, AND TAKE TESTIMONY ABOUT ALL MATTERS
32 WITHIN THE JURISDICTION OF THE BOARD.

33 (E) (1) THE BOARD OR ITS DESIGNEE MAY ISSUE A SUBPOENA FOR THE
34 ATTENDANCE OF A WITNESS TO TESTIFY OR THE PRODUCTION OF EVIDENCE IN
35 CONNECTION WITH:

1 (I) A DISCIPLINARY ACTION BROUGHT UNDER § 6.5-314 OF THIS
2 TITLE; AND

3 (II) A PROCEEDING BROUGHT FOR AN ALLEGED VIOLATION OF
4 THIS TITLE.

5 (2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER
6 THIS SUBSECTION, ON PETITION OF THE BOARD, A COURT OF COMPETENT
7 JURISDICTION MAY COMPEL COMPLIANCE WITH THE SUBPOENA.

8 (F) A MEMBER OF THE BOARD MAY NOT BE HELD PERSONALLY LIABLE FOR
9 ANY ACTION TAKEN UNDER THIS SECTION.

10 6.5-207.

11 (A) SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, THE BOARD MAY
12 SET REASONABLE FEES FOR ITS SERVICES.

13 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, REVENUES
14 GENERATED BY THE BOARD SHALL BE AT LEAST EQUAL TO THE DIRECT AND
15 INDIRECT COSTS ASSOCIATED WITH THE OPERATION OF THE BOARD.

16 (C) THE BOARD SHALL REQUIRE THE FOLLOWING FEES FOR THE ISSUANCE
17 OR RENEWAL OF THE FOLLOWING LICENSES:

18 (1) GRADE 1 LICENSE - \$65;

19 (2) GRADE 2 OR GRADE 3 LICENSE - \$50; AND

20 (3) GRADE 4 OR GRADE 5 LICENSE - \$35.

21 (D) THE BOARD SHALL PAY ALL MONEY COLLECTED UNDER THIS TITLE INTO
22 THE GENERAL FUND OF THE STATE.

23 6.5-208.

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

26 SUBTITLE 3. LICENSING.

27 6.5-301.

28 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL SHALL BE
29 LICENSED BY THE BOARD TO PROVIDE STATIONARY ENGINEER SERVICES BEFORE
30 THE INDIVIDUAL MAY PROVIDE STATIONARY ENGINEER SERVICES IN THE STATE.

31 6.5-302.

32 (A) A GRADE 5 STATIONARY ENGINEER LICENSEE MAY OVERSEE THE
33 OPERATION OF A BOILER THAT:

1 (1) (I) OPERATES AT A PRESSURE OF MORE THAN 15 PSI AND CAN BE
2 OPERATED AT 30 TO 99 HORSEPOWER; AND

3 (II) IS LOCATED IN A BUILDING NOT OPEN FOR PUBLIC USE;

4 (2) IS INSPECTED IN ACCORDANCE WITH THE BOILER LAWS AND
5 REGULATIONS BY A SPECIAL INSPECTOR OR A DEPUTY BOILER INSPECTOR;

6 (3) IF NOT EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING
7 SYSTEM AND AUTOMATIC CONTROLS, IS VISITED BY A GRADE 5 LICENSEE AT LEAST
8 ONCE EVERY 24 HOURS THAT THE BOILER IS IN OPERATION; AND

9 (4) IF EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING
10 SYSTEM AND AUTOMATIC CONTROLS, IS VISITED BY A GRADE 5 LICENSEE AT LEAST
11 ONCE PER WEEK THAT THE BOILER IS IN OPERATION, IF THE LICENSEE:

12 (I) IS RESPONSIBLE FOR THE SAFE OPERATION OF THE
13 EQUIPMENT AT ALL TIMES;

14 (II) IS AVAILABLE TO OBSERVE THE MONITORING EQUIPMENT OR
15 DEVICES AND MAKE THE NECESSARY ADJUSTMENTS AT LEAST ONCE EVERY 24
16 HOURS; AND

17 (III) MAINTAINS A DAILY INSPECTION LOG.

18 (B) A GRADE 4 STATIONARY ENGINEER LICENSEE MAY OVERSEE THE
19 OPERATION OF A BOILER THAT:

20 (1) (I) OPERATES AT A PRESSURE OF MORE THAN 15 PSI AND CAN
21 OPERATE AT 30 TO 99 HORSEPOWER; AND

22 (II) IS LOCATED IN A BUILDING OPEN FOR PUBLIC USE;

23 (2) IS INSPECTED IN ACCORDANCE WITH THE BOILER LAWS AND
24 REGULATIONS BY A SPECIAL INSPECTOR OR A DEPUTY BOILER INSPECTOR;

25 (3) IF NOT EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING
26 SYSTEM AND AUTOMATIC CONTROLS, IS ATTENDED BY A GRADE 4 LICENSEE AS
27 FOLLOWS:

28 (I) AT ALL TIMES THAT THE BOILER IS IN OPERATION; OR

29 (II) IF LOCATED IN A SCHOOL:

30 1. AT ALL TIMES DURING REGULAR SCHOOL HOURS; AND

31 2. ONLY WHEN AT LEAST 150 STUDENTS, FACULTY, OR
32 MEMBERS OF THE PUBLIC OCCUPY THE BUILDING WHERE THE BOILER IS LOCATED
33 DURING NONREGULAR SCHOOL HOURS;

1 (4) IF EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING
2 SYSTEM AND AUTOMATIC CONTROLS, IS ATTENDED BY A GRADE 4 LICENSEE AS
3 FOLLOWS:

4 (I) IF LOCATED IN A HOSPITAL, HOTEL, RESIDENTIAL FACILITY, OR
5 OTHER BUILDING GENERALLY OPEN TO THE PUBLIC, IS VISITED AT LEAST ONCE
6 EVERY 8 HOURS THAT THE BUILDING IS OPEN FOR PUBLIC USE, IF THE LICENSEE:

7 1. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH
8 EQUIPMENT AT ALL TIMES;

9 2. IS AVAILABLE TO OBSERVE THE MONITORING
10 EQUIPMENT OR DEVICES AND MAKE NECESSARY ADJUSTMENTS AT LEAST ONCE
11 EVERY 24 HOURS; AND

12 3. MAINTAINS A DAILY INSPECTION LOG; AND

13 (II) IF LOCATED IN A SCHOOL, IS VISITED AT LEAST ONCE EVERY 8
14 HOURS:

15 1. DURING REGULAR SCHOOL HOURS; AND

16 2. DURING NONREGULAR SCHOOL HOURS WHEN THE
17 SCHOOL BUILDING IN WHICH THE BOILER IS LOCATED IS OCCUPIED BY AT LEAST 150
18 STUDENTS, FACULTY, OR MEMBERS OF THE PUBLIC, IF THE LICENSEE:

19 A. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH
20 EQUIPMENT AT ALL TIMES;

21 B. IS AVAILABLE TO OBSERVE THE MONITORING
22 EQUIPMENT OR DEVICES AND MAKE NECESSARY ADJUSTMENTS AT LEAST ONCE
23 EVERY 24 HOURS; AND

24 C. MAINTAINS A DAILY INSPECTION LOG.

25 (C) A GRADE 3 STATIONARY ENGINEER LICENSEE MAY OVERSEE THE
26 OPERATION OF A BOILER THAT:

27 (1) OPERATES AT A PRESSURE OF MORE THAN 15 PSI AND CAN OPERATE
28 AT 100 TO 299 HORSEPOWER;

29 (2) IS INSPECTED IN ACCORDANCE WITH THE BOILER LAWS AND
30 REGULATIONS BY A SPECIAL INSPECTOR OR A DEPUTY BOILER INSPECTOR;

31 (3) IF NOT EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING
32 SYSTEM AND AUTOMATIC CONTROLS, HAS A GRADE 3 LICENSEE IN ATTENDANCE AT
33 ALL TIMES THAT THE BOILER IS IN OPERATION; AND

34 (4) IF EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING
35 SYSTEM AND AUTOMATIC CONTROLS, IS ATTENDED BY A GRADE 3 LICENSEE AS
36 FOLLOWS:

1 (I) IF NOT LOCATED IN A BUILDING OPEN FOR PUBLIC USE, DOES
2 NOT REQUIRE REGULAR FULL-TIME ATTENDANCE OR SCHEDULED VISITATION, IF
3 THE LICENSEE:

4 1. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH
5 EQUIPMENT AT ALL TIMES;

6 2. IS AVAILABLE TO OBSERVE THE MONITORING
7 EQUIPMENT OR DEVICES AND MAKE NECESSARY ADJUSTMENTS AT LEAST ONCE
8 EVERY 24 HOURS; AND

9 3. MAINTAINS A DAILY INSPECTION LOG; AND

10 (II) IF LOCATED IN A SCHOOL, HOSPITAL, HOTEL, RESIDENTIAL
11 FACILITY, OR OTHER BUILDING GENERALLY OPEN TO THE PUBLIC, IS VISITED AT
12 LEAST ONCE EVERY 8 HOURS THAT THE BUILDING IS OPEN FOR PUBLIC USE, IF THE
13 LICENSEE:

14 1. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH
15 EQUIPMENT AT ALL TIMES;

16 2. IS AVAILABLE TO OBSERVE THE MONITORING
17 EQUIPMENT OR DEVICES AND MAKE NECESSARY ADJUSTMENTS AT LEAST ONCE
18 EVERY 24 HOURS; AND

19 3. MAINTAINS A DAILY INSPECTION LOG.

20 (D) A GRADE 2 STATIONARY ENGINEER LICENSEE MAY OVERSEE THE
21 OPERATION OF A BOILER THAT:

22 (1) OPERATES AT A PRESSURE OF MORE THAN 15 PSI AND CAN OPERATE
23 AT 300 TO 499 HORSEPOWER;

24 (2) IS INSPECTED IN ACCORDANCE WITH THE BOILER LAWS AND
25 REGULATIONS BY A SPECIAL INSPECTOR OR A DEPUTY BOILER INSPECTOR;

26 (3) IF NOT EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING
27 SYSTEM AND AUTOMATIC CONTROLS, HAS A GRADE 2 LICENSEE IN ATTENDANCE AT
28 ALL TIMES THAT THE BOILER IS IN OPERATION; AND

29 (4) IF EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING
30 SYSTEM AND AUTOMATIC CONTROLS, IS ATTENDED BY A GRADE 2 LICENSEE AS
31 FOLLOWS:

32 (I) IF NOT LOCATED IN A BUILDING OPEN FOR PUBLIC USE, DOES
33 NOT REQUIRE REGULAR FULL-TIME ATTENDANCE OR SCHEDULED VISITATION, IF
34 THE LICENSEE:

35 1. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH
36 EQUIPMENT AT ALL TIMES;

1 2. IS AVAILABLE TO OBSERVE THE MONITORING
2 EQUIPMENT OR DEVICES AND MAKE NECESSARY ADJUSTMENTS AT LEAST ONCE
3 EVERY 24 HOURS; AND

4 3. MAINTAINS A DAILY INSPECTION LOG; AND

5 (II) IF LOCATED IN A SCHOOL, HOSPITAL, HOTEL, RESIDENTIAL
6 FACILITY, OR OTHER BUILDING GENERALLY OPEN TO THE PUBLIC, IS VISITED AT
7 LEAST ONCE EVERY 8 HOURS THAT THE BUILDING IS OPEN FOR PUBLIC USE, IF THE
8 LICENSEE:

9 1. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH
10 EQUIPMENT AT ALL TIMES;

11 2. IS AVAILABLE TO OBSERVE THE MONITORING
12 EQUIPMENT OR DEVICES AND MAKE NECESSARY ADJUSTMENTS AT LEAST ONCE
13 EVERY 24 HOURS; AND

14 3. MAINTAINS A DAILY INSPECTION LOG.

15 (E) A GRADE 1 STATIONARY ENGINEER LICENSEE MAY OVERSEE THE
16 OPERATION OF A BOILER THAT:

17 (1) OPERATES AT A PRESSURE OF MORE THAN 15 PSI AND CAN OPERATE
18 AT 500 OR MORE HORSEPOWER;

19 (2) IS INSPECTED IN ACCORDANCE WITH THE BOILER LAWS AND
20 REGULATIONS BY A SPECIAL INSPECTOR OR A DEPUTY BOILER INSPECTOR;

21 (3) IF NOT EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING
22 SYSTEM AND AUTOMATIC CONTROLS, HAS A GRADE 1 LICENSEE IN ATTENDANCE AT
23 ALL TIMES THAT THE BOILER IS IN OPERATION; AND

24 (4) IF EQUIPPED WITH A 24-HOUR COMPUTERIZED MONITORING
25 SYSTEM AND AUTOMATIC CONTROLS AND IS ATTENDED BY A GRADE 1 LICENSEE AS
26 FOLLOWS:

27 (I) IF NOT LOCATED IN A BUILDING OPEN FOR PUBLIC USE, DOES
28 NOT REQUIRE REGULAR VISITATION, IF THE LICENSEE:

29 1. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH
30 EQUIPMENT AT ALL TIMES;

31 2. IS AVAILABLE TO OBSERVE THE MONITORING
32 EQUIPMENT OR DEVICES AND MAKE NECESSARY ADJUSTMENTS AT LEAST ONCE
33 EVERY 24 HOURS; AND

34 3. MAINTAINS A DAILY INSPECTION LOG; AND

35 (II) IF LOCATED IN A SCHOOL, HOSPITAL, HOTEL, RESIDENTIAL
36 FACILITY, OR OTHER BUILDING GENERALLY OPEN TO THE PUBLIC, IS VISITED AT

1 LEAST ONCE EVERY 8 HOURS THAT THE BUILDING IS OPEN FOR PUBLIC USE, IF THE
2 LICENSEE:

3 1. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH
4 EQUIPMENT AT ALL TIMES;

5 2. IS AVAILABLE TO OBSERVE THE MONITORING
6 EQUIPMENT OR DEVICES AND MAKE NECESSARY ADJUSTMENTS AT LEAST ONCE
7 EVERY 24 HOURS; AND

8 3. MAINTAINS A DAILY INSPECTION LOG.

9 6.5-303.

10 (A) TO QUALIFY FOR LICENSURE AS A STATIONARY ENGINEER, AN APPLICANT
11 SHALL MEET THE REQUIREMENTS OF THIS SECTION AND PASS AN EXAMINATION
12 ADMINISTERED BY THE BOARD.

13 (B) IN ADDITION TO THE OTHER QUALIFICATIONS FOR A LICENSE SET FORTH
14 IN THIS SUBTITLE, AN APPLICANT SHALL QUALIFY UNDER THIS SECTION BY
15 MEETING THE EDUCATIONAL AND EXPERIENCE REQUIREMENTS SET FORTH IN
16 SUBSECTION (C) OF THIS SECTION.

17 (C) (1) AN APPLICANT FOR THE GRADE 1 STATIONARY ENGINEER'S
18 EXAMINATION QUALIFIES UNDER THIS SECTION IF THE APPLICANT POSSESSES AT
19 LEAST ONE OF THE FOLLOWING QUALIFICATIONS:

20 (I) 5 YEARS OF DOCUMENTED EXPERIENCE AS AN ACTIVE GRADE 2
21 STATIONARY ENGINEER UNDER THE DIRECTION AND CONTROL OF A GRADE 1
22 STATIONARY ENGINEER, THAT INCLUDES:

23 1. 1 YEAR OF CREDIT FOR 6 CREDIT HOURS OF CLASSES OR
24 CONTINUING EDUCATION UNITS IN BOILER SAFETY OR OPERATIONS; AND

25 2. 1 YEAR OF CREDIT FOR HOLDING A CURRENT ACTIVE
26 LICENSE AS A:

27 A. MASTER PLUMBER;

28 B. MASTER HEATING, VENTILATION, AIR-CONDITIONING,
29 AND REFRIGERATION CONTRACTOR; OR

30 C. MASTER RESTRICTED HEATING, VENTILATION, AND
31 AIR-CONDITIONING CONTRACTOR;

32 (II) A 4-YEAR DEGREE IN MECHANICAL ENGINEERING FROM AN
33 ACCREDITED UNIVERSITY OR COLLEGE;

34 (III) LICENSURE AS A PROFESSIONAL ENGINEER INCLUDING:

1 1. 1 YEAR OF DOCUMENTED EXPERIENCE AS A
2 PROFESSIONAL ENGINEER; AND

3 2. 1 YEAR OF DOCUMENTED EXPERIENCE AS A GRADE 2
4 STATIONARY ENGINEER UNDER THE DIRECTION AND CONTROL OF A GRADE 1
5 STATIONARY ENGINEER; OR

6 (IV) A VALID MARINE ENGINEER'S CERTIFICATE OR A CHIEF PETTY
7 OFFICER'S CERTIFICATE FROM THE UNITED STATES NAVY WITH DOCUMENTATION
8 OF STEAM BOILER ENGINEER TRAINING.

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

12 (I) 36 MONTHS OF DOCUMENTED EXPERIENCE AS AN ACTIVE
13 GRADE 3 ENGINEER UNDER THE DIRECTION AND CONTROL OF A LICENSED GRADE 2
14 OR GRADE 1 STATIONARY ENGINEER, THAT MAY INCLUDE:

15 1. 1 YEAR OF CREDIT FOR 6 CREDIT HOURS OF CLASSES OR
16 CONTINUING EDUCATION UNITS IN BOILER SAFETY OR OPERATIONS; AND

17 2. 1 YEAR OF CREDIT FOR HOLDING A CURRENT ACTIVE
18 LICENSE AS A :

19 A. MASTER PLUMBER;

20 B. MASTER HEATING, VENTILATION, AIR-CONDITIONING,
21 AND REFRIGERATION CONTRACTOR; OR

22 C. MASTER RESTRICTED HEATING, VENTILATION, AND
23 AIR-CONDITIONING CONTRACTOR;

24 (II) A 4-YEAR DEGREE IN MECHANICAL ENGINEERING FROM AN
25 ACCREDITED UNIVERSITY OR COLLEGE;

26 (III) LICENSURE AS A PROFESSIONAL ENGINEER AND 6 MONTHS OF
27 DOCUMENTED EXPERIENCE AS A GRADE 3, GRADE 4, OR GRADE 5 STATIONARY
28 ENGINEER; OR

29 (IV) A VALID MARINE ENGINEER'S CERTIFICATE OR CHIEF PETTY
30 OFFICER'S CERTIFICATE FROM THE UNITED STATES NAVY.

31 (3) AN APPLICANT FOR A GRADE 3 STATIONARY ENGINEER'S
32 EXAMINATION QUALIFIES UNDER THIS SECTION IF THE APPLICANT POSSESSES AT
33 LEAST ONE OF THE FOLLOWING QUALIFICATIONS:

34 (I) 2 YEARS OF DOCUMENTED EXPERIENCE AS AN ACTIVE GRADE 4
35 OR GRADE 5 STATIONARY ENGINEER;

1 (II) 1 YEAR OF DOCUMENTED EXPERIENCE AS AN ACTIVE GRADE 4
2 OR GRADE 5 ENGINEER AND 6 CREDIT HOURS OR CONTINUING EDUCATION UNITS OF
3 CLASSES IN BOILER OPERATIONS OR SAFETY; OR

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

6 (4) AN APPLICANT FOR A GRADE 4 STATIONARY ENGINEER'S
7 EXAMINATION QUALIFIES UNDER THIS SECTION IF THE APPLICANT POSSESSES AT
8 LEAST ONE OF THE FOLLOWING QUALIFICATIONS:

9 (I) 6 MONTHS OF DOCUMENTED EXPERIENCE AS AN ACTIVE
10 GRADE 5 STATIONARY ENGINEER; OR

11 (II) 3 CREDIT HOURS OR CONTINUING EDUCATION UNITS OF
12 CLASSES IN BOILER OPERATIONS OR SAFETY.

13 (5) AN APPLICANT FOR A GRADE 5 STATIONARY ENGINEER'S
14 EXAMINATION QUALIFIES UNDER THIS SECTION IF THE APPLICANT POSSESSES A
15 HIGH SCHOOL DIPLOMA OR GRADUATE EQUIVALENCE DIPLOMA.

16 6.5-304.

17 (A) AN APPLICANT FOR A LICENSE SHALL:

18 (1) SUBMIT TO THE BOARD:

19 (I) AN APPLICATION ON THE FORM THAT THE BOARD PROVIDES;
20 AND

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

22 (2) PAY TO THE BOARD OR THE BOARD'S DESIGNEE:

23 (I) A NONREFUNDABLE APPLICATION FEE OF \$25; AND

24 (II) AN EXAMINATION FEE SET BY THE BOARD IN AN AMOUNT NOT
25 TO EXCEED THE COST OF THE REQUIRED EXAMINATION.

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

27 (C) IF THE BOARD FINDS THAT AN APPLICATION FORM AND THE
28 ACCOMPANYING DOCUMENTATION DO NOT DEMONSTRATE THAT THE APPLICANT
29 MEETS THE REQUIREMENTS FOR A LICENSE UNDER THIS SUBTITLE, THE BOARD
30 MAY REQUIRE THE APPLICANT TO SUBMIT ADDITIONAL INFORMATION OR
31 DOCUMENTATION.

32 6.5-305.

33 (A) THE BOARD SHALL EXAMINE ALL ENGINEERS WHO ARE AT LEAST 18
34 YEARS OLD AND WHO OTHERWISE QUALIFY FOR EXAMINATION.

1 (B) THE BOARD PERIODICALLY SHALL OFFER THE EXAMINATIONS REQUIRED
2 UNDER THIS SUBTITLE TO QUALIFIED APPLICANTS AT THE TIMES AND PLACES THAT
3 THE BOARD DETERMINES.

4 (C) THE BOARD SHALL GIVE EACH QUALIFIED APPLICANT NOTICE OF THE
5 TIME AND PLACE OF EXAMINATION.

6 (D) THE BOARD SHALL DETERMINE THE SUBJECTS, SCOPE, AND FORM OF AND
7 PASSING SCORES FOR EXAMINATIONS GIVEN UNDER THIS SUBTITLE.

8 6.5-306.

9 (A) THE BOARD MAY USE A TESTING SERVICE TO ADMINISTER THE
10 EXAMINATION REQUIRED UNDER THIS SUBTITLE.

11 (B) IF THE BOARD USES A TESTING SERVICE, THE TESTING SERVICE, SUBJECT
12 TO THE REQUIREMENTS SET BY THE BOARD, SHALL:

13 (1) SET THE TIME AND PLACE OF THE EXAMINATION;

14 (2) GIVE QUALIFIED APPLICANTS NOTICE OF THE TIME AND PLACE OF
15 THE EXAMINATION;

16 (3) CHARGE AN EXAMINATION FEE NOT TO EXCEED THE COST OF
17 ADMINISTERING THE EXAMINATION; AND

18 (4) FURNISH ANY INFORMATION THAT THE BOARD MAY REQUIRE THE
19 TESTING SERVICE TO PROVIDE.

20 6.5-307.

21 (A) SUBJECT TO THE LIMITATIONS IN SUBSECTIONS (B) AND (C) OF THIS
22 SECTION, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS VOTING MEMBERS
23 THEN SERVING, THE BOARD MAY WAIVE THE EXAMINATION REQUIREMENTS OF THIS
24 TITLE FOR AN INDIVIDUAL WHO IS LICENSED IN ANOTHER STATE TO PROVIDE
25 STATIONARY ENGINEER SERVICES.

26 (B) THE BOARD MAY GRANT A WAIVER UNDER THIS SECTION ONLY IF THE
27 APPLICANT:

28 (1) PAYS TO THE BOARD THE NONREFUNDABLE APPLICATION FEE
29 REQUIRED UNDER § 6.5-304 OF THIS SUBTITLE; AND

30 (2) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

31 (I) MEETS THE QUALIFICATIONS OTHERWISE REQUIRED BY THIS
32 SUBTITLE;

33 (II) HOLDS AN ACTIVE LICENSE IN GOOD STANDING IN THE OTHER
34 STATE;

1 (III) HOLDS A LICENSE THAT IS EQUIVALENT TO THE STATE
2 LICENSE; AND

3 (IV) BECAME LICENSED IN THE OTHER STATE AFTER MEETING THE
4 STATE'S REQUIREMENTS THAT ARE AT LEAST EQUIVALENT TO THE LICENSING
5 REQUIREMENTS OF THE STATE, INCLUDING THE NUMBER OF YEARS OF WORK
6 EXPERIENCE EQUIVALENT TO THE EXPERIENCE REQUIRED UNDER § 6.5-303(C) OF
7 THIS TITLE.

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

12 6.5-308.

13 (A) THE USE OF UNAUTHORIZED MATERIAL BY AN APPLICANT DURING AN
14 EXAMINATION SHALL CAUSE THE IMMEDIATE REJECTION OF THE APPLICATION AND
15 SHALL BAR THE APPLICANT FROM REEXAMINATION FOR AT LEAST 1 YEAR.

16 (B) (1) AN APPLICANT WHO FAILS AN EXAMINATION OR FAILS TO APPEAR
17 FOR A SCHEDULED EXAMINATION SHALL FILE A NEW APPLICATION AND PAY A NEW
18 APPLICATION FEE.

19 (2) AN EXAMINATION FEE IS NONREFUNDABLE.

20 (C) AN APPLICANT WHO TAKES AN EXAMINATION REQUIRED BY THIS TITLE
21 SHALL BE NOTIFIED OF THE RESULTS OF THE EXAMINATION AS SOON AS
22 PRACTICABLE.

23 (D) IF AN APPLICANT FAILS AN EXAMINATION GIVEN UNDER THIS SUBTITLE,
24 THE APPLICANT MAY RETAKE THE EXAMINATION.

25 6.5-309.

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

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

29 (2) THE BOARD WILL ISSUE A LICENSE TO THE APPLICANT ON RECEIPT
30 OF THE APPROPRIATE LICENSE FEE REQUIRED UNDER § 6.5-207 OF THIS TITLE.

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

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

34 (1) THE FULL NAME OF THE LICENSEE;

35 (2) THE LICENSE GRADE LEVEL; AND

1 (3) THE REGISTRATION NUMBER ASSIGNED BY THE BOARD TO THE
2 LICENSEE.

3 6.5-310.

4 WHILE A LICENSE IS IN EFFECT, IT AUTHORIZES THE LICENSEE TO PROVIDE
5 STATIONARY ENGINEER SERVICES IN ACCORDANCE WITH THE LICENSEE'S GRADE
6 LEVEL.

7 6.5-311.

8 A LICENSEE SHALL PROVIDE THE BOARD WRITTEN NOTICE OF ANY CHANGE OF
9 NAME OR ADDRESS FROM THE NAME OR ADDRESS THAT APPEARS ON THE CURRENT
10 LICENSE, AT LEAST 10 WORKING DAYS BEFORE THE CHANGE IS TO TAKE EFFECT.

11 6.5-312.

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

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

18 (I) A RENEWAL APPLICATION FORM; AND

19 (II) A NOTICE THAT STATES:

20 1. THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

21 2. THE DATE BY WHICH THE BOARD MUST RECEIVE THE
22 RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE
23 LICENSE EXPIRES; AND

24 3. THE AMOUNT OF THE RENEWAL FEE AS REQUIRED
25 UNDER § 6.5-207 OF THIS TITLE.

26 (2) THE FAILURE OF A LICENSEE TO RECEIVE THE NOTICE AS PROVIDED
27 FOR IN THIS SUBSECTION DOES NOT PREVENT THE LICENSE FROM EXPIRING AS
28 SPECIFIED UNDER SUBSECTION (A) OF THIS SECTION.

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

31 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

32 (2) PAYS TO THE BOARD THE APPROPRIATE LICENSE RENEWAL FEE
33 REQUIRED UNDER § 6.5-207 OF THIS TITLE; AND

1 (3) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM
2 THAT THE BOARD PROVIDES.

3 (D) (1) THE BOARD SHALL RENEW THE LICENSE OF AND ISSUE A RENEWAL
4 CERTIFICATE TO EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS
5 SECTION.

6 (2) THE BOARD SHALL INCLUDE ON EACH RENEWAL CERTIFICATE THAT
7 THE BOARD ISSUES THE DATE ON WHICH THE CURRENT LICENSE EXPIRES.

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

10 6.5-313.

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

13 (1) APPLIES TO THE BOARD FOR REINSTATEMENT WITHIN 2 YEARS
14 AFTER THE LICENSE EXPIRES;

15 (2) MEETS THE RENEWAL REQUIREMENTS OF § 6.5-312 OF THIS
16 SUBTITLE AND PAYS TO THE BOARD ALL PAST DUE RENEWAL FEES; AND

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

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

23 (I) REQUIRE THE INDIVIDUAL TO REAPPLY FOR A LICENSE IN THE
24 SAME MANNER AS AN APPLICANT APPLIES FOR AN ORIGINAL LICENSE UNDER THIS
25 SUBTITLE; OR

26 (II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, REINSTATE
27 THE LICENSE.

28 (2) THE BOARD MAY REINSTATE A LICENSE UNDER PARAGRAPH (1)(II)
29 OF THIS SUBSECTION ONLY IF THE INDIVIDUAL:

30 (I) MEETS THE RENEWAL REQUIREMENTS OF § 6.5-312 OF THIS
31 SUBTITLE AND PAYS TO THE BOARD ALL PAST DUE RENEWAL FEES;

32 (II) IF REQUIRED BY THE BOARD, STATES REASONS WHY
33 REINSTATEMENT SHOULD BE GRANTED; AND

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

1 (C) THE BOARD MAY WAIVE A REINSTATEMENT FEE FOR A LICENSEE WHO
2 PROVIDES EVIDENCE SATISFACTORY TO THE BOARD THAT THE LICENSEE DID NOT
3 PROVIDE STATIONARY ENGINEER SERVICES DURING THE TIME THE LICENSE
4 LAPSED.

5 6.5-314.

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

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

12 (II) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

13 (III) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, IS
14 CONVICTED OF:

15 1. A FELONY; OR

16 2. A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE
17 FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE
18 SERVICES AS A STATIONARY ENGINEER;

19 (IV) FAILS TO CONTROL OR SUPERVISE ADEQUATELY A PERSON
20 WHO, WHILE UNDER THE SUPERVISION OF A LICENSEE, PROVIDES SERVICES AS A
21 STATIONARY ENGINEER;

22 (V) PERMITS A LICENSEE TO PROVIDE SERVICES AS A STATIONARY
23 ENGINEER OUTSIDE THE SCOPE OF THAT INDIVIDUAL'S LICENSE GRADE;

24 (VI) PERMITS AN INDIVIDUAL TO PROVIDE SERVICES AS A
25 STATIONARY ENGINEER WITHOUT THE APPROPRIATE LICENSE ISSUED BY THE
26 BOARD;

27 (VII) IS UNDER THE INFLUENCE OF DRUGS OR ALCOHOL WHILE
28 OPERATING AN ENGINE, BOILER, OR OTHER TYPE OF POWER EQUIPMENT;

29 (VIII) IS GUILTY OF NEGLIGENCE, INCOMPETENCE, OR MISCONDUCT
30 WHILE PROVIDING STATIONARY ENGINEER SERVICES;

31 (IX) VIOLATES ANY REGULATION ADOPTED UNDER THIS TITLE; OR

32 (X) VIOLATES ANY PROVISION OF THIS TITLE.

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

1 (II) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED
2 UNDER THIS SUBSECTION, THE BOARD SHALL CONSIDER:

- 3 1. THE SERIOUSNESS OF THE VIOLATION;
- 4 2. THE HARM CAUSED BY THE VIOLATION;
- 5 3. THE GOOD FAITH OF THE LICENSEE; AND
- 6 4. ANY HISTORY OF PREVIOUS VIOLATIONS BY THE
7 LICENSEE.

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

10 (B) THE BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING,
11 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE
12 REPRIMAND OF A LICENSEE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF A
13 FELONY OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(1)(III) OF THIS SECTION:

- 14 (1) THE NATURE OF THE CRIME;
- 15 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
16 BY THE LICENSE;
- 17 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION
18 TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE
19 SERVICES AS A STATIONARY ENGINEER;
- 20 (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND
- 21 (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSEE
22 BEFORE AND AFTER THE CONVICTION.

23 6.5-315.

24 (A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE
25 GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER §
26 6.5-314 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE
27 ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

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

30 (C) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS
31 CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY HEAR AND
32 DETERMINE THE MATTER.

1 6.5-316.

2 A PERSON AGGRIEVED BY A FINAL ACTION OF THE BOARD MAY TAKE AN
3 APPEAL AS SPECIFIED UNDER §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT
4 ARTICLE.

5 SUBTITLE 4. PROHIBITED ACTS; DISCIPLINARY ACTIONS; PENALTIES.

6 6.5-401.

7 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT
8 PERFORM, ATTEMPT TO PERFORM, OR OFFER TO PERFORM THE FUNCTIONS OF A
9 STATIONARY ENGINEER IN THE STATE UNLESS LICENSED BY THE BOARD IN THE
10 APPROPRIATE GRADE TO PROVIDE SUCH SERVICES.

11 6.5-402.

12 A PERSON MAY NOT:

13 (1) USE OR ATTEMPT TO USE THE LICENSE OF ANOTHER INDIVIDUAL;
14 OR

15 (2) IMPERSONATE ANOTHER INDIVIDUAL WHO HOLDS A LICENSE.

16 6.5-403.

17 (A) A PERSON MAY NOT ALLOW AN INDIVIDUAL TO PROVIDE SERVICES AS A
18 STATIONARY ENGINEER IF THE INDIVIDUAL DOES NOT HOLD AN APPROPRIATE
19 LICENSE ISSUED BY THE BOARD.

20 (B) A PERSON MAY NOT ALLOW AN INDIVIDUAL TO PROVIDE SERVICES AS A
21 STATIONARY ENGINEER OUTSIDE THE SCOPE OF THAT INDIVIDUAL'S LICENSE
22 GRADE.

23 6.5-404.

24 (A) A PERSON WHO VIOLATES § 6.5-401, § 6.5-402, OR § 6.5-403 OF THIS
25 SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

26 (1) A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 6
27 MONTHS OR BOTH; AND

28 (2) ON A SECOND OR SUBSEQUENT CONVICTION, A FINE NOT
29 EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

30 (B) (1) EXCEPT AS OTHERWISE PROVIDED BY THIS TITLE, THE BOARD MAY
31 IMPOSE ON A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE A PENALTY
32 NOT EXCEEDING \$5,000 FOR EACH VIOLATION.

33 (2) IN SETTING THE AMOUNT OF THE PENALTY, THE BOARD SHALL
34 CONSIDER:

- 1 (I) THE SERIOUSNESS OF THE VIOLATION;
- 2 (II) THE HARM CAUSED BY THE VIOLATION;
- 3 (III) THE GOOD FAITH OF THE VIOLATOR;
- 4 (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE VIOLATOR;
- 5 AND
- 6 (V) ANY OTHER RELEVANT FACTORS.

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

9 SUBTITLE 5. SHORT TITLE.

10 6.5-501.

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

12 6.5-502.

13 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
14 MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS
15 ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY
16 1, 2014.

17 **Article - Business Regulation**

18 2-108.

19 (a) The following units are in the Department:

20 (12) the STATE Board of [Examining] STATIONARY Engineers.

21 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 4-1 through
22 4-8, inclusive, and the subtitle "Subtitle 4. Examining Engineers" of Article 4 -
23 Baltimore City of the Code of Public Local Laws of Maryland be repealed.

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

- 26 (1) two members in 2006;
- 27 (2) two members in 2007; and
- 28 (3) three members in 2008.

29 SECTION 5. AND BE IT FURTHER ENACTED, That, on October 1, 2005, all
30 the functions, powers, duties, equipment, assets, liabilities, records, and employees of

1 the Board of Examining Engineers shall be transferred to the State Board of
2 Stationary Engineers.

3 SECTION 6. AND BE IT FURTHER ENACTED, That an individual who holds
4 a license issued by the Board of Examining Engineers on October 1, 2005, may qualify
5 for a license authorizing the individual to perform services at the same level issued by
6 the State Board of Stationary Engineers without meeting the education, experience,
7 and examination requirements of Title 6.5, Subtitle 3 of the Business Occupations
8 and Professions Article, as enacted by this Act, if the individual qualifies for the
9 license before the expiration of the individual's license.

10 SECTION 7. AND BE IT FURTHER ENACTED, That an individual who holds
11 a license issued by the Board of Examining Engineers on October 1, 2005, in all
12 respects, shall be considered licensed by the State Board of Stationary Engineers and,
13 subject to the provisions of this Act, for the remainder of the term of the individual's
14 license. On expiration of the individual's license, the individual may qualify for
15 renewal of a license under § 6.5-312 of the Business Occupations and Professions
16 Article, as enacted by this Act, as if the individual has held a license issued by the
17 State Board of Stationary Engineers.

18 SECTION 8. AND BE IT FURTHER ENACTED, That, if an individual holds a
19 license issued by the Board of Examining Engineers after October 1, 2005, and the
20 individual fails to timely renew the license, the individual may qualify for
21 reinstatement of the license under § 6.5-313 of the Business Occupations and
22 Professions Article, as enacted by this Act, as if the individual had held a license
23 issued by the State Board of Stationary Engineers.

24 SECTION 9. AND BE IT FURTHER ENACTED, That an individual who has
25 completed or partially completed any education, experience, or examination
26 requirements for a license to be issued by the Board of Examining Engineers prior to
27 October 1, 2005, shall be considered to have completed or partially completed the
28 same requirement for a license issued by the State Board of Stationary Engineers.

29 SECTION 10. AND BE IT FURTHER ENACTED, That § 6.5-301 of the
30 Business Occupations and Professions Article as enacted by this Act shall require that
31 an individual who provides stationary engineer services in Baltimore City be licensed
32 by the Board on or after October 1, 2005, and that an individual who provides
33 stationary engineer services in a subdivision of the State other than Baltimore City
34 on or after October 1, 2005, be licensed by the Board on or after July 1, 2006.

35 SECTION 11. AND BE IT FURTHER ENACTED, That Sections 2 and 4
36 through 10 of this Act shall take effect October 1, 2005.

37 SECTION 12. AND BE IT FURTHER ENACTED, That Section 3 of this Act
38 shall take effect October 2, 2005.

39 SECTION 13. AND BE IT FURTHER ENACTED, That, except as provided in
40 Sections 11 and 12 of this Act, this Act shall take effect July 1, 2005.