
By: **Delegate Krysiak**

Rules suspended

Introduced and read first time: March 8, 2005

Assigned to: Rules and Executive Nominations

Re-referred to: Economic Matters, March 14, 2005

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2005

CHAPTER _____

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; providing for certain credits that may be
12 applied toward licensing requirements; establishing certain examination
13 requirements for stationary engineers; authorizing the Board to deny a license
14 to an applicant, refuse to renew a license, reprimand a licensee, suspend or
15 revoke a license, or impose certain penalties under certain circumstances;
16 establishing certain hearing and appeal procedures for stationary engineers;
17 providing for certain criminal penalties; requiring certain fees and penalties
18 collected by the Board to be paid into the General Fund of the State; requiring
19 that an evaluation of the State Board of Stationary Engineers and the statutes
20 and regulations that relate to the State Board be performed on or before a
21 certain date; extending the termination date for the Board of Examining
22 Engineers; repealing the sections of the Public Local Laws of Baltimore City
23 regarding examining engineers; providing for the transition between the State
24 Board of Stationary Engineers and the Board of Examining Engineers regarding
25 the regulation and licensure of stationary engineers; defining certain terms;
26 making certain technical corrections; providing for the delayed effective dates

1 for certain provisions of this Act; and generally relating to the State Board of
2 Stationary Engineers and licensing and regulation of stationary engineers.

3 BY repealing and reenacting, with amendments,
4 The Public Local Laws of Baltimore City
5 Section 4-8
6 Article 4 - Public Local Laws of Maryland
7 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)
8 (As enacted by Chapter 316 of the Acts of the General Assembly of 2002)

9 BY repealing and reenacting, without amendments,
10 Article - State Government
11 Section 8-403(a)
12 Annotated Code of Maryland
13 (2004 Replacement Volume)

14 BY repealing and reenacting, with amendments,
15 Article - State Government
16 Section 8-403(b)(24)
17 Annotated Code of Maryland
18 (2004 Replacement Volume)

19 BY adding to
20 Article - Business Occupations and Professions
21 Section 6.5-101 through 6.5-502, inclusive, to be under the new title "Title 6.5.
22 Stationary Engineers"
23 Annotated Code of Maryland
24 (2004 Replacement Volume and 2004 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - Business Regulation
27 Section 2-108(a)(12)
28 Annotated Code of Maryland
29 (2004 Replacement Volume)

30 BY repealing
31 The Public Local Laws of Baltimore City
32 Section 4-1 through 4-7 and the subtitle "Subtitle 4. Examining Engineers"
33 Article 4 - Public Local Laws of Maryland
34 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

35 BY repealing
36 The Public Local Laws of Baltimore City
37 Section 4-8

1 Article 4 - Public Local Laws of Maryland
2 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)
3 (As enacted by Section 1 of this Act)

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

6 **Article 4 - Baltimore City**

7 4-8.

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

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

13 **Article - State Government**

14 8-403.

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

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

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

26 **Article - Business Occupations and Professions**

27 TITLE 6.5. STATIONARY ENGINEERS.

28 SUBTITLE 1. DEFINITIONS.

29 6.5-101.

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

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

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

4 (2) "LICENSE" INCLUDES, UNLESS THE CONTEXT REQUIRES
5 OTHERWISE:

6 (I) A GRADE 5 LICENSE;

7 (II) A GRADE 4 LICENSE;

8 (III) A GRADE 3 LICENSE;

9 (IV) A GRADE 2 LICENSE; AND

10 (V) A GRADE 1 LICENSE.

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

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

18 6.5-102.

19 THE PURPOSE OF THIS TITLE IS TO ESTABLISH A LICENSING PROGRAM TO
20 ENSURE THAT QUALIFIED INDIVIDUALS PROVIDE STATIONARY ENGINEER SERVICES
21 TO:

22 (1) PROTECT THE PUBLIC;

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

25 (3) PROMOTE HIGH PROFESSIONAL STANDARDS.

26 SUBTITLE 2. STATE BOARD OF STATIONARY ENGINEERS.

27 6.5-201.

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

29 6.5-202.

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

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

- 1 (I) THREE SHALL BE STATIONARY ENGINEERS;
- 2 (II) ONE SHALL BE A REPRESENTATIVE FROM THE BOILER
3 MANUFACTURE AND DESIGN INDUSTRY;
- 4 (III) ONE SHALL BE A BOILER OWNER;
- 5 (IV) TWO SHALL BE CONSUMER MEMBERS; AND
- 6 (V) ONE SHALL BE THE CHIEF BOILER INSPECTOR OF THE STATE,
7 OR THE CHIEF BOILER INSPECTOR'S DESIGNEE, WHO SHALL BE AN EX OFFICIO,
8 NONVOTING MEMBER OF THE BOARD.

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

- 10 (1) A CITIZEN OF THE UNITED STATES; AND
- 11 (2) A RESIDENT OF THE STATE.

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

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

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

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

20 (D) EACH CONSUMER MEMBER OF THE BOARD:

- 21 (1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;
- 22 (2) MAY NOT BE A LICENSEE OR OTHERWISE BE SUBJECT TO
23 REGULATION BY THE BOARD; AND

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

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

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

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

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

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

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

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

10 6.5-203.

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

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

15 6.5-204.

16 (A) A MAJORITY OF THE VOTING MEMBERS THEN SERVING ON THE BOARD IS
17 A QUORUM.

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

20 (2) THE BOARD MAY HOLD SPECIAL MEETINGS AS PROVIDED IN ITS
21 REGULATIONS.

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

24 (C) A MEMBER OF THE BOARD:

25 (1) MAY NOT RECEIVE COMPENSATION; BUT

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

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

30 6.5-205.

31 (A) THE BOARD SHALL:

32 (1) ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS
33 TITLE;

- 1 (2) ADMINISTER EXAMINATIONS;
- 2 (3) ISSUE LICENSES;
- 3 (4) MAINTAIN A LIST OF ALL LICENSEES; AND
- 4 (5) MAINTAIN A RECORD OF ITS PROCEEDINGS.

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

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

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

13 6.5-206.

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

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

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

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

26 (I) POST BOND;

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

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

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

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

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

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

9 (II) A PROCEEDING BROUGHT FOR AN ALLEGED VIOLATION OF
10 THIS TITLE.

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

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

16 6.5-207.

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

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

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

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

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

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

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

29 6.5-208.

30 THE BOARD EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS SUBJECT TO
31 THE AUTHORITY OF THE SECRETARY.

SUBTITLE 3. LICENSING.

1
2 6.5-301.

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

6 6.5-302.

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

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

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

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

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

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

20 (I) IS RESPONSIBLE FOR THE SAFE OPERATION OF THE
21 EQUIPMENT AT ALL TIMES;

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

25 (III) MAINTAINS A DAILY INSPECTION LOG.

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

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

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

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

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

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

5 (II) IF LOCATED IN A SCHOOL:

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

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

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

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

16 1. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH
17 EQUIPMENT AT ALL TIMES;

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

21 3. MAINTAINS A DAILY INSPECTION LOG; AND

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

24 1. DURING REGULAR SCHOOL HOURS; AND

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

28 A. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH
29 EQUIPMENT AT ALL TIMES;

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

33 C. MAINTAINS A DAILY INSPECTION LOG.

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

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

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

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

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

11 (I) IF NOT LOCATED IN A BUILDING OPEN FOR PUBLIC USE, DOES
12 NOT REQUIRE REGULAR FULL-TIME ATTENDANCE OR SCHEDULED VISITATION, IF
13 THE 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; AND

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

24 1. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH
25 EQUIPMENT AT ALL TIMES;

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

29 3. MAINTAINS A DAILY INSPECTION LOG.

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

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

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

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

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

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

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

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

15 3. MAINTAINS A DAILY INSPECTION LOG; AND

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

20 1. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH
21 EQUIPMENT AT ALL TIMES;

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

25 3. MAINTAINS A DAILY INSPECTION LOG.

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

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

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

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

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

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

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

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

11 3. MAINTAINS A DAILY INSPECTION LOG; AND

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

16 1. IS RESPONSIBLE FOR THE SAFE OPERATION OF SUCH
17 EQUIPMENT AT ALL TIMES;

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

21 3. MAINTAINS A DAILY INSPECTION LOG.

22 6.5-303.

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

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

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

33 (I) 5 YEARS OF DOCUMENTED EXPERIENCE AS AN ACTIVE GRADE 2
34 STATIONARY ENGINEER UNDER THE DIRECTION AND CONTROL OF A GRADE 1
35 STATIONARY ENGINEER, ~~THAT INCLUDES~~ TOWARD WHICH AN APPLICANT MAY
36 RECEIVE:

- 1 1. 1 YEAR OF CREDIT FOR 6 CREDIT HOURS OF CLASSES OR
2 CONTINUING EDUCATION UNITS IN BOILER SAFETY OR OPERATIONS; AND
- 3 2. 1 YEAR OF CREDIT FOR HOLDING A CURRENT ACTIVE
4 LICENSE AS A:
- 5 A. MASTER PLUMBER;
- 6 B. MASTER HEATING, VENTILATION, AIR-CONDITIONING,
7 AND REFRIGERATION CONTRACTOR; OR
- 8 C. MASTER RESTRICTED HEATING, VENTILATION, AND
9 AIR-CONDITIONING CONTRACTOR;
- 10 (II) A 4-YEAR DEGREE IN MECHANICAL ENGINEERING FROM AN
11 ACCREDITED UNIVERSITY OR COLLEGE;
- 12 (III) LICENSURE AS A PROFESSIONAL ENGINEER INCLUDING:
- 13 1. 1 YEAR OF DOCUMENTED EXPERIENCE AS A
14 PROFESSIONAL ENGINEER; AND
- 15 2. 1 YEAR OF DOCUMENTED EXPERIENCE AS A GRADE 2
16 STATIONARY ENGINEER UNDER THE DIRECTION AND CONTROL OF A GRADE 1
17 STATIONARY ENGINEER; OR
- 18 (IV) A VALID MARINE ENGINEER'S CERTIFICATE OR A CHIEF PETTY
19 OFFICER'S CERTIFICATE FROM THE UNITED STATES NAVY WITH DOCUMENTATION
20 OF STEAM BOILER ENGINEER TRAINING.
- 21 (2) AN APPLICANT FOR A GRADE 2 STATIONARY ENGINEER'S
22 EXAMINATION QUALIFIES UNDER THIS SECTION IF THE APPLICANT POSSESSES AT
23 LEAST ONE OF THE FOLLOWING QUALIFICATIONS:
- 24 (I) 36 MONTHS OF DOCUMENTED EXPERIENCE AS AN ACTIVE
25 GRADE 3 ENGINEER UNDER THE DIRECTION AND CONTROL OF A LICENSED GRADE 2
26 OR GRADE 1 STATIONARY ENGINEER, THAT MAY INCLUDE:
- 27 1. 1 YEAR OF CREDIT FOR 6 CREDIT HOURS OF CLASSES OR
28 CONTINUING EDUCATION UNITS IN BOILER SAFETY OR OPERATIONS; AND
- 29 2. 1 YEAR OF CREDIT FOR HOLDING A CURRENT ACTIVE
30 LICENSE AS A :
- 31 A. MASTER PLUMBER;
- 32 B. MASTER HEATING, VENTILATION, AIR-CONDITIONING,
33 AND REFRIGERATION CONTRACTOR; OR
- 34 C. MASTER RESTRICTED HEATING, VENTILATION, AND
35 AIR-CONDITIONING CONTRACTOR;

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

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

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

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

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

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

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

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

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

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

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

28 6.5-304.

29 (A) AN APPLICANT FOR A LICENSE SHALL:

30 (1) SUBMIT TO THE BOARD:

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

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

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

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

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

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

5 (C) IF THE BOARD FINDS THAT AN APPLICATION FORM AND THE
6 ACCOMPANYING DOCUMENTATION DO NOT DEMONSTRATE THAT THE APPLICANT
7 MEETS THE REQUIREMENTS FOR A LICENSE UNDER THIS SUBTITLE, THE BOARD
8 MAY REQUIRE THE APPLICANT TO SUBMIT ADDITIONAL INFORMATION OR
9 DOCUMENTATION.

10 6.5-305.

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

13 (B) THE BOARD PERIODICALLY SHALL OFFER THE EXAMINATIONS REQUIRED
14 UNDER THIS SUBTITLE TO QUALIFIED APPLICANTS AT THE TIMES AND PLACES THAT
15 THE BOARD DETERMINES.

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

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

20 6.5-306.

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

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

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

26 (2) GIVE QUALIFIED APPLICANTS NOTICE OF THE TIME AND PLACE OF
27 THE EXAMINATION;

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

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

32 6.5-307.

33 (A) SUBJECT TO THE LIMITATIONS IN SUBSECTIONS (B) AND (C) OF THIS
34 SECTION, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS VOTING MEMBERS

1 THEN SERVING, THE BOARD MAY WAIVE THE EXAMINATION REQUIREMENTS OF THIS
2 TITLE FOR AN INDIVIDUAL WHO IS LICENSED IN ANOTHER STATE TO PROVIDE
3 STATIONARY ENGINEER SERVICES.

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

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

8 (2) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

9 (I) MEETS THE QUALIFICATIONS OTHERWISE REQUIRED BY THIS
10 SUBTITLE;

11 (II) HOLDS AN ACTIVE LICENSE IN GOOD STANDING IN THE OTHER
12 STATE;

13 (III) HOLDS A LICENSE THAT IS EQUIVALENT TO THE STATE
14 LICENSE; AND

15 (IV) BECAME LICENSED IN THE OTHER STATE AFTER MEETING THE
16 STATE'S REQUIREMENTS THAT ARE AT LEAST EQUIVALENT TO THE LICENSING
17 REQUIREMENTS OF THE STATE, INCLUDING THE NUMBER OF YEARS OF WORK
18 EXPERIENCE EQUIVALENT TO THE EXPERIENCE REQUIRED UNDER § 6.5-303(C) OF
19 THIS TITLE.

20 (C) THE BOARD MAY GRANT A WAIVER ONLY IF THE STATE IN WHICH THE
21 APPLICANT IS LICENSED WAIVES THE EXAMINATION OF LICENSEES OF THIS STATE
22 TO A SIMILAR EXTENT AS THE STATE WAIVES THE EXAMINATION REQUIREMENTS
23 FOR INDIVIDUALS LICENSED IN THAT STATE.

24 6.5-308.

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

28 (B) (1) AN APPLICANT WHO FAILS AN EXAMINATION OR FAILS TO APPEAR
29 FOR A SCHEDULED EXAMINATION SHALL FILE A NEW APPLICATION AND PAY A NEW
30 APPLICATION FEE.

31 (2) AN EXAMINATION FEE IS NONREFUNDABLE.

32 (C) AN APPLICANT WHO TAKES AN EXAMINATION REQUIRED BY THIS TITLE
33 SHALL BE NOTIFIED OF THE RESULTS OF THE EXAMINATION AS SOON AS
34 PRACTICABLE.

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

1 6.5-309.

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

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

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

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

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

10 (1) THE FULL NAME OF THE LICENSEE;

11 (2) THE LICENSE GRADE LEVEL; AND

12 (3) THE REGISTRATION NUMBER ASSIGNED BY THE BOARD TO THE
13 LICENSEE.

14 6.5-310.

15 WHILE A LICENSE IS IN EFFECT, IT AUTHORIZES THE LICENSEE TO PROVIDE
16 STATIONARY ENGINEER SERVICES IN ACCORDANCE WITH THE LICENSEE'S GRADE
17 LEVEL.

18 6.5-311.

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

22 6.5-312.

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

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

29 (I) A RENEWAL APPLICATION FORM; AND

30 (II) A NOTICE THAT STATES:

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

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

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

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

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

11 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

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

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

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

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

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

23 6.5-313.

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

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

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

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

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

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

4 (II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, REINSTATE
5 THE LICENSE.

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

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

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

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

15 (C) THE BOARD MAY WAIVE A REINSTATEMENT FEE FOR A LICENSEE WHO
16 PROVIDES EVIDENCE SATISFACTORY TO THE BOARD THAT THE LICENSEE DID NOT
17 PROVIDE STATIONARY ENGINEER SERVICES DURING THE TIME THE LICENSE
18 LAPSED.

19 6.5-314.

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

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

26 (II) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

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

29 1. A FELONY; OR

30 2. A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE
31 FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE
32 SERVICES AS A STATIONARY ENGINEER;

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

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

3 (VI) PERMITS AN INDIVIDUAL TO PROVIDE SERVICES AS A
4 STATIONARY ENGINEER WITHOUT THE APPROPRIATE LICENSE ISSUED BY THE
5 BOARD;

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

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

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

11 (X) VIOLATES ANY PROVISION OF THIS TITLE.

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

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

- 17 1. THE SERIOUSNESS OF THE VIOLATION;
- 18 2. THE HARM CAUSED BY THE VIOLATION;
- 19 3. THE GOOD FAITH OF THE LICENSEE; AND
- 20 4. ANY HISTORY OF PREVIOUS VIOLATIONS BY THE
21 LICENSEE.

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

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

- 28 (1) THE NATURE OF THE CRIME;
- 29 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
30 BY THE LICENSE;
- 31 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION
32 TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE
33 SERVICES AS A STATIONARY ENGINEER;
- 34 (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 6.5-315.

4 (A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE
5 GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER §
6 6.5-314 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, THE BOARD MAY HEAR AND
12 DETERMINE THE MATTER.

13 6.5-316.

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

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

18 6.5-401.

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

23 6.5-402.

24 A PERSON MAY NOT:

25 (1) USE OR ATTEMPT TO USE THE LICENSE OF ANOTHER INDIVIDUAL;
26 OR

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

28 6.5-403.

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

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

1 6.5-404.

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

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

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

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

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

13 (I) THE SERIOUSNESS OF THE VIOLATION;

14 (II) THE HARM CAUSED BY THE VIOLATION;

15 (III) THE GOOD FAITH OF THE VIOLATOR;

16 (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE VIOLATOR;
17 AND

18 (V) ANY OTHER RELEVANT FACTORS.

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

21 SUBTITLE 5. SHORT TITLE.

22 6.5-501.

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

24 6.5-502.

25 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
26 MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS
27 ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY
28 1, 2014.

29 **Article - Business Regulation**

30 2-108.

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

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

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

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

7 (1) two members in 2006;

8 (2) two members in 2007; and

9 (3) three members in 2008.

10 SECTION 5. AND BE IT FURTHER ENACTED, That, on October 1, 2005, all
11 the functions, powers, duties, equipment, assets, liabilities, records, and employees of
12 the Board of Examining Engineers shall be transferred to the State Board of
13 Stationary Engineers.

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

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

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

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

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

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

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

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