

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1020
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “an” in line 3 down through “circumstances” in line 4 and substitute “a certain application form for a contractor license to require a certain lead paint abatement accreditation number and accreditation expiration date if the applicant provides certain lead paint abatement services”; strike beginning with “proof” in line 6 down through “requirements” in line 7 and substitute “a certain lead paint abatement accreditation number and expiration date if the licensee performs certain lead paint abatement services”; strike beginning with “clarifying” in line 8 down through “household;” in line 14; in line 15, after “tenant,” insert “under certain circumstances”; in line 17, after “amount;” insert “providing that an owner may provide certain information to a tenant in response to a certain request;”; and in line 18, after “circumstances;” insert “providing that certain actions, inaction, or findings may not be construed to have any effect on any civil action or any administrative proceeding brought under certain provision of law;”.

On page 2, in line 3, strike “8-302.2” and substitute “8-303(a) and (b)”; in line 8, strike “, (r), and (s), 6-815(a) and (b), 6-839, and 6-840”; and strike in their entirety lines 11 through 15, inclusive.

AMENDMENT NO. 2

On page 4, strike in their entirety lines 9 through 25, inclusive, and substitute:

“8-303.

(a) (1) An applicant for a license shall:

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(i) submit to the Commission an application on the form that the Commission provides;

(ii) submit to the Commission with the license application proof of compliance with the insurance requirement of § 8–302.1 of this subtitle, if the applicant is applying for a contractor license;

(iii) pay into the Fund the fee required under § 8–404(a) of this title, if the applicant is applying for a contractor license; and

(iv) pay to the Commission an application fee.

(2) The application fee:

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

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

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

(3) To cover the cost of processing an application, \$15 of the application fee is nonrefundable.

(b) In addition to any other information required on an application form, the form shall require:

(1) for an individual applicant, the name and address of the applicant;

(2) for a corporate applicant, the name and address of each officer;

(3) for a partnership applicant, the name and address of each partner;

(4) for a joint venture applicant, the name and address of each party to the joint venture;

(5) if the applicant acts as a contractor or subcontractor through a corporation or limited partnership, the name and address of the resident agent of the corporation or limited partnership in the State;

(6) if the applicant is applying for a contractor license or subcontractor license, a complete description of the nature of the contracting business of the applicant;

(7) if the applicant is applying for a salesperson license, a complete description of the duties of the applicant;

(8) a record of the applicant's experience in the field of home improvement or other construction work, including dates when and addresses where the applicant has resided and done business;

(9) IF THE APPLICANT PROVIDES LEAD PAINT ABATEMENT SERVICES, THE DEPARTMENT OF THE ENVIRONMENT LEAD PAINT ABATEMENT ACCREDITATION NUMBER AND ACCREDITATION EXPIRATION DATE;

~~[(9)]~~ **(10)** whether the applicant has ever held a professional or vocational license in this or any other state; and

~~[(10)]~~ **(11)** whether the applicant has had a professional or vocational license denied, suspended, or revoked.”.

On page 5, strike beginning with “SUBMITS” in line 23 down through “SUBTITLE” in line 24 and substitute **“SUBMITS TO THE COMMISSION THE**

(Over)

**DEPARTMENT OF THE ENVIRONMENT LEAD PAINT ABATEMENT
ACCREDITATION NUMBER AND ACCREDITATION EXPIRATION DATE, IF THE
LICENSEE PROVIDES LEAD PAINT ABATEMENT SERVICES**.

AMENDMENT NO. 3

On page 7, in line 3, after “**ARTICLE**” insert “**OR ANY REGULATION ADOPTED UNDER THAT SECTION**”; strike beginning with the colon in line 18 down through “**(1)**” in line 19; in lines 19, 20, 22, and 23, in each instance, strike the bracket; in line 19, strike “**A**”; and in lines 20, 22, and 23, strike “**(I)**”, “**(II)**”, and “**(III)**”, respectively.

On page 8, in lines 1, 3, 4, 5, and 10, in each instance, strike the bracket; in lines 1, 3, 5, and 10, strike “**(IV)**”, “**1.**”, “**2.**”, and “**3.**”, respectively; in line 5, strike “particulate” and substitute “**CONTAMINATED DUST**”; strike beginning with “within” in line 7 down through “**OCCUPANCY**” in line 8 and substitute “**WITHIN A TIME FRAME ESTABLISHED BY THE DEPARTMENT BY REGULATION**”; strike beginning with the semicolon in line 11 down through “**SALE**” in line 23; and strike in their entirety lines 24 through 28, inclusive.

AMENDMENT NO. 4

On pages 9 through 13, strike in their entirety the lines beginning with line 1 on page 9 through line 2 on page 13, inclusive.

AMENDMENT NO. 5

On page 13, in line 5, strike “**HAS**” and substitute “**AND “OWNER” HAVE**”; in the same line, strike “**MEANING**” and substitute “**MEANINGS**”; strike beginning with “**PASSED**” in line 16 down through “**6-816**” in line 17 and substitute “**SATISFIED THE RISK REDUCTION STANDARD IN ACCORDANCE WITH § 6-815**”; in line 19, strike “**COMPLIANCE**” and substitute “**RISK REDUCTION CERTIFICATION**”; after line 20, insert:

“(3) WITHIN 3 BUSINESS DAYS OF RECEIPT OF A TENANT’S WRITTEN REQUEST UNDER PARAGRAPH (1) OF THIS SUBSECTION, AN OWNER MAY PROVIDE TO THE TENANT:

(I) A CURRENT AND VALID RISK REDUCTION CERTIFICATE;

(II) A LEAD-FREE CERTIFICATE;

(III) A STATEMENT OF VERIFICATION BY THE OWNER AND TENANT OF WORK PERFORMED IN ACCORDANCE WITH § 6-819(F)(1) OF THE ENVIRONMENT ARTICLE FOR THE AFFECTED PROPERTY; OR

(IV) THE FINAL REPORT OF AN INSPECTOR VERIFYING THAT WORK WAS PERFORMED ON THE AFFECTED PROPERTY IN ACCORDANCE WITH § 6-819(F)(2) OF THE ENVIRONMENT ARTICLE.”;

in line 21, after “(C)” insert “(1)”; strike beginning with “RELEASE” in line 21 down through “SECTION” in line 23 and substitute “PROVIDE INFORMATION IN ACCORDANCE WITH SUBSECTION (B)(3) OF THIS SECTION OR TO COMPLY WITH THE TENANT’S WRITTEN REQUEST UNDER SUBSECTION (B)(1) OF THIS SECTION WITHIN 3 BUSINESS DAYS OF RECEIPT OF THE REQUEST”; in lines 25, 26, and 28, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively; and after line 28, insert:

“(2) A TENANT DOES NOT HAVE A CAUSE OF ACTION UNDER THIS SUBSECTION IF THE OWNER OF AN AFFECTED PROPERTY PROVIDES INFORMATION IN ACCORDANCE WITH SUBSECTION(B)(3) OF THIS SECTION.”.

On page 14, after line 4, insert:

(Over)

“(E) ANY ACTION OR INACTION OF THE OWNER OF AN AFFECTED PROPERTY OR TENANT UNDER THIS SECTION OR ANY FINDING IN A PROCEEDING UNDER THIS SECTION MAY NOT BE CONSTRUED TO HAVE ANY EFFECT ON:

(1) ANY CIVIL ACTION; OR

(2) ANY ADMINISTRATIVE PROCEEDING BROUGHT UNDER THIS TITLE OR TITLE 6 OF THE ENVIRONMENT ARTICLE.”.