

# HOUSE BILL 431

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By: **Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)**

Introduced and read first time: January 28, 2008

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration**  
3 **Contractors and State Board of Plumbing – Firm Permit**

4 FOR the purpose of establishing a permit for business entities operating a business  
5 through which heating, ventilation, air-conditioning, or refrigeration services  
6 and plumbing or gas services are offered or provided; requiring certain firms to  
7 obtain a permit; establishing a date by which firms must obtain a permit to  
8 offer heating, ventilation, air-conditioning, or refrigeration services, or  
9 plumbing and gas services; requiring an applicant for a permit to meet certain  
10 qualifications and provide certain information; establishing certain fees;  
11 authorizing the State Board of Heating, Ventilation, Air-Conditioning, and  
12 Refrigeration Contractors and the State Board of Plumbing to take certain  
13 actions under certain circumstances; requiring the maintenance of a certain list;  
14 authorizing the State Board of Heating, Ventilation, Air-Conditioning, and  
15 Refrigeration Contractors and the State Board of Plumbing to impose an  
16 administrative sanction or assess a monetary fine under certain circumstances;  
17 requiring advertisements for heating, ventilation, air-conditioning, or  
18 refrigeration services, or plumbing and gas services to contain certain  
19 information; defining certain terms; and generally relating to the State Board of  
20 Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors and the  
21 State Board of Plumbing.

22 BY repealing

23 Article – Business Occupations and Professions  
24 Section 12-401 through 12-403 and the subtitle “Subtitle 4. Engaging in the  
25 Business of Providing Plumbing Services”  
26 Annotated Code of Maryland  
27 (2004 Replacement Volume and 2007 Supplement)

28 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Business Regulation  
 2 Section 9A–101, 9A–401, 9A–402 (a) and (b)(1), 9A–404, and 9A–505  
 3 Annotated Code of Maryland  
 4 (2004 Replacement Volume and 2007 Supplement)

5 BY adding to  
 6 Article – Business Regulation  
 7 Section 9A–3A–01 through 9A–3A–19 to be under the new subtitle “Subtitle 3A.  
 8 Permits”; and 9A–501.1  
 9 Annotated Code of Maryland  
 10 (2004 Replacement Volume and 2007 Supplement)

11 BY repealing and reenacting, with amendments,  
 12 Article – Business Occupations and Professions  
 13 Section 12–101, 12–501(a) and (b)(1), 12–504, and 12–607  
 14 Annotated Code of Maryland  
 15 (2004 Replacement Volume and 2007 Supplement)

16 BY adding to  
 17 Article – Business Occupations and Professions  
 18 Section 12–401 through 12–419 to be under the new subtitle “Subtitle 4.  
 19 Permits”; and 12–505, 12–506, and 12–601.1  
 20 Annotated Code of Maryland  
 21 (2004 Replacement Volume and 2007 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 23 MARYLAND, That Section(s) 12–401 through 12–403 and the subtitle “Subtitle 4.  
 24 Engaging in the Business of Providing Plumbing Services” of Article – Business  
 25 Occupations and Professions of the Annotated Code of Maryland be repealed.

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

28 **Article – Business Regulation**

29 9A–101.

30 (a) In this title the following words have the meanings indicated.

31 (b) “Board” means the State Board of Heating, Ventilation,  
 32 Air–Conditioning, and Refrigeration Contractors.

33 (c) “Contractor” means a heating, ventilation, air–conditioning, and  
 34 refrigeration contractor.

35 (d) (1) “Cooling system” means a system in which heat is removed from  
 36 air, surrounding surfaces, or both.

1 (2) “Cooling system” includes an air-conditioning system.

2 (E) (1) **“FIRM” MEANS A SOLE PROPRIETORSHIP, CORPORATION,**  
3 **LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNERSHIP,**  
4 **PARTNERSHIP, OR LIMITED PARTNERSHIP THROUGH WHICH A LICENSED**  
5 **INDIVIDUAL MAY PROVIDE OR ASSIST IN PROVIDING HEATING, VENTILATION,**  
6 **AIR-CONDITIONING, OR REFRIGERATION SERVICES OR MAINTAIN OR REPAIR**  
7 **HEATING, COOLING, REFRIGERATION, VENTILATION, OR HYDRONIC SYSTEMS OR**  
8 **SYSTEM COMPONENTS.**

9 (2) **“FIRM” DOES NOT INCLUDE A LICENSED CONTRACTOR WHO:**

10 (I) **OFFERS HEATING, VENTILATION, AIR-CONDITIONING,**  
11 **OR REFRIGERATION SERVICES, OR SERVICES TO MAINTAIN OR REPAIR**  
12 **HEATING, COOLING, REFRIGERATION, VENTILATION, OR HYDRONIC SYSTEMS OR**  
13 **SYSTEM COMPONENTS UNDER A TRADE NAME; AND**

14 (II) **HAS NO EMPLOYEES WHO PROVIDE OR ASSIST IN**  
15 **PROVIDING HEATING, VENTILATION, AIR-CONDITIONING, OR REFRIGERATION**  
16 **SERVICES, OR WHO MAINTAIN OR REPAIR HEATING, COOLING, REFRIGERATION,**  
17 **VENTILATION, OR HYDRONIC SYSTEMS OR SYSTEM COMPONENTS.**

18 [(e)] (F) “Forced air system” means a heating system that uses air being  
19 moved by mechanical means to transmit heat.

20 [(f)] (G) (1) “Heating system” means a system in which heat is  
21 transmitted by radiation, conduction, or convection, or a combination of any of these  
22 methods, to the air, surrounding surfaces, or both.

23 (2) “Heating system” does not include a fireplace or woodburning stove  
24 not incorporated into or used as a primary heating system.

25 [(g)] (H) “Heating, ventilation, air-conditioning, and refrigeration  
26 contractor” means an individual who provides heating, ventilation, air-conditioning,  
27 or refrigeration services.

28 [(h)] (I) “Hydronic system” means a heating and cooling system using  
29 liquids or steam to transmit or remove heat.

30 [(i)] (J) “Independent agency” means an office, commission, board,  
31 department, or agency established as an independent unit of government that may  
32 receive budgetary or administrative support from the federal, State, or local  
33 government.

1            [(j)] (K)        “Journeyman license” means a license issued by the Board to  
2 provide heating, ventilation, air–conditioning, and refrigeration services while under  
3 the direction and control of a licensed contractor.

4            [(k)] (L)        “Journeyman restricted license” means a license issued by the  
5 Board to provide heating, ventilation, air–conditioning, and refrigeration services  
6 while under the direction and control of a licensed contractor, in only one of the  
7 following areas:

8                    (1)     heating – forced air systems;

9                    (2)     heating – hydronic systems;

10                   (3)     ventilation;

11                   (4)     air–conditioning; or

12                   (5)     refrigeration.

13            [(1)] (M)        (1)     “License” means, unless the context requires otherwise, a  
14 license issued by the Board to provide or to assist in providing heating, ventilation,  
15 air–conditioning, or refrigeration services.

16                   (2)     “License” includes, unless the context requires otherwise:

17                            (i)     a master license;

18                            (ii)    a master restricted license;

19                            (iii)   a limited license;

20                            (iv)    a journeyman license;

21                            (v)     a journeyman restricted license; and

22                            (vi)    an apprentice license.

23            [(m)] (N)        “Licensed apprentice” means an individual who is licensed by the  
24 Board to assist in providing heating, ventilation, air–conditioning, or refrigeration  
25 services while:

26                    (1)     under the direction and control of a licensed contractor; and

27                    (2)     in training to become a journeyman.

1           [(n)] (O)     “Licensed contractor” means a contractor who is licensed by the  
2 Board to provide heating, ventilation, air–conditioning, or refrigeration services, but  
3 does not include a licensed apprentice or licensed journeyman.

4           [(o)] (P)     “Limited license” means a license issued by the Board exclusively  
5 to maintain or repair one or more of the following: heating systems, cooling systems,  
6 refrigeration systems, ventilation systems, or hydronic systems.

7           [(p)] (Q)     “Master license” means a license issued by the Board to provide  
8 heating, ventilation, air–conditioning, or refrigeration services.

9           [(q)] (R)     “Master restricted license” means a license issued by the Board to  
10 provide services in only one of the following areas:

11                   (1)    heating – forced air systems;

12                   (2)    heating – hydronic systems;

13                   (3)    ventilation;

14                   (4)    air–conditioning; or

15                   (5)    refrigeration.

16           (S)     **“PERMIT” MEANS A PERMIT ISSUED BY THE BOARD TO ALLOW A**  
17 **FIRM TO OPERATE A BUSINESS THROUGH WHICH A LICENSED INDIVIDUAL MAY**  
18 **PROVIDE OR ASSIST IN PROVIDING HEATING, VENTILATION,**  
19 **AIR–CONDITIONING, OR REFRIGERATION SERVICES, OR MAY MAINTAIN OR**  
20 **REPAIR HEATING, COOLING, REFRIGERATION, VENTILATION, OR HYDRONIC**  
21 **SYSTEMS OR SYSTEM COMPONENTS.**

22           [(r)] (T)     “Provide heating, ventilation, air–conditioning, or refrigeration  
23 services” means to install, maintain, alter, remodel, or repair heating systems, cooling  
24 systems, refrigeration systems, ventilation systems, or hydronic systems.

25           [(s)] (U)     “Refrigeration system” means a system used to cool a surface or  
26 area below 55 degrees Fahrenheit or 12.9 degrees Celsius.

27           [(t)] (V)     “Self–contained appliance” means a heating, ventilation,  
28 air–conditioning, or refrigeration device that is designed and manufactured:

29                   (1)    with its component parts contained within a single chassis;

30                   (2)    with a standard factory–installed electrical line cord that requires  
31 a plug–in device;

32                   (3)    with no additional external fuel source; and

1 (4) independent of an air distribution system.

2 [(u)] (w) "Subdivision of the State" means any of the 23 counties in  
3 Maryland, the City of Baltimore, and any municipal corporation.

4 [(v)] (x) "Ventilation system" means the natural or mechanical process of  
5 supplying air to, or removing air from, any space:

6 (1) whether the air is conditioned or is not conditioned; and

7 (2) at a rate of airflow of more than 250 cubic feet per minute.

8 **SUBTITLE 3A. PERMITS.**

9 **9A-3A-01.**

10 (A) **SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, A LICENSED**  
11 **INDIVIDUAL MAY PROVIDE OR ASSIST IN PROVIDING HEATING, VENTILATION,**  
12 **AIR-CONDITIONING, AND REFRIGERATION SERVICES, OR MAINTAIN OR REPAIR**  
13 **HEATING, COOLING, REFRIGERATION, VENTILATION, OR HYDRONIC SYSTEMS OR**  
14 **SYSTEM COMPONENTS THROUGH A FIRM THAT HOLDS A PERMIT UNDER THIS**  
15 **SUBTITLE.**

16 (B) **BEGINNING ON APRIL 1, 2009, A FIRM SHALL HOLD A PERMIT**  
17 **ISSUED BY THE BOARD BEFORE THE FIRM MAY OPERATE A BUSINESS THROUGH**  
18 **WHICH HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION**  
19 **SERVICES, OR SERVICES TO MAINTAIN OR REPAIR HEATING, COOLING,**  
20 **REFRIGERATION, VENTILATION, OR HYDRONIC SYSTEMS OR SYSTEM**  
21 **COMPONENTS ARE OFFERED OR PROVIDED.**

22 (C) **A FIRM THAT OPERATES A BUSINESS THROUGH WHICH HEATING,**  
23 **VENTILATION, AIR-CONDITIONING, AND REFRIGERATION SERVICES, OR**  
24 **SERVICES TO MAINTAIN OR REPAIR HEATING, COOLING, REFRIGERATION,**  
25 **VENTILATION, OR HYDRONIC SYSTEMS OR SYSTEM COMPONENTS ARE OFFERED**  
26 **OR PROVIDED SHALL DESIGNATE ONE OR MORE APPROPRIATELY LICENSED**  
27 **INDIVIDUALS AS RESPONSIBLE FOR THE DIRECTION AND CONTROL OF THE**  
28 **PROVISION OF THOSE SERVICES THROUGH THE FIRM.**

29 **9A-3A-02.**

30 (A) **TO QUALIFY FOR A PERMIT, A SOLE PROPRIETORSHIP SHALL MEET**  
31 **THE REQUIREMENTS OF THIS SECTION.**

1           **(B) (1) AN INDIVIDUAL WHO IS NOT LICENSED TO PROVIDE OR ASSIST**  
2 **IN PROVIDING HEATING, VENTILATION, AIR-CONDITIONING, OR**  
3 **REFRIGERATION SERVICES IN THE STATE MAY OPERATE A SOLE**  
4 **PROPRIETORSHIP THROUGH WHICH THOSE SERVICES ARE OFFERED OR**  
5 **PROVIDED IF THE SOLE PROPRIETORSHIP EMPLOYS ONE OR MORE INDIVIDUALS**  
6 **WHO:**

7                           **(I) 1. HOLD A CURRENT MASTER LICENSE; AND**

8   **2. ARE RESPONSIBLE FOR THE PROVISION OF**  
9 **HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION SERVICES**  
10 **THROUGH THE FIRM; OR**

11   **(II) 1. HOLD THE APPROPRIATE CURRENT MASTER**  
12 **RESTRICTED LICENSE; AND**

13   **2. ARE RESPONSIBLE FOR THE PROVISION OF**  
14 **HEATING, VENTILATION, AIR-CONDITIONING, OR REFRIGERATION SERVICES**  
15 **THROUGH THE FIRM.**

16           **(2) AN INDIVIDUAL WHO IS NOT LICENSED TO MAINTAIN OR**  
17 **REPAIR HEATING, COOLING, REFRIGERATION, VENTILATION, OR HYDRONIC**  
18 **SYSTEMS OR SYSTEM COMPONENTS IN THE STATE MAY OPERATE A SOLE**  
19 **PROPRIETORSHIP THROUGH WHICH THOSE SERVICES ARE OFFERED OR**  
20 **PROVIDED IF THE SOLE PROPRIETORSHIP EMPLOYS ONE OR MORE INDIVIDUALS**  
21 **WHO:**

22   **(I) HOLD A CURRENT MASTER LICENSE OR LIMITED**  
23 **LICENSE; AND**

24   **(II) ARE RESPONSIBLE FOR MAINTENANCE AND REPAIR**  
25 **SERVICES OFFERED OR PROVIDED THROUGH THE FIRM, SUBJECT TO THE**  
26 **LIMITATIONS OF THE LIMITED LICENSE.**

27 **9A-3A-03.**

28           **(A) TO QUALIFY FOR A PERMIT, A PARTNERSHIP, INCLUDING A LIMITED**  
29 **LIABILITY PARTNERSHIP AND A LIMITED PARTNERSHIP, SHALL MEET THE**  
30 **REQUIREMENTS OF THIS SECTION.**

31           **(B) (1) AN INDIVIDUAL WHO IS NOT LICENSED TO PROVIDE OR ASSIST**  
32 **IN PROVIDING HEATING, VENTILATION, AIR-CONDITIONING, OR**  
33 **REFRIGERATION SERVICES IN THE STATE MAY HAVE AN OWNERSHIP INTEREST**  
34 **IN A PARTNERSHIP THROUGH WHICH HEATING, VENTILATION,**

1 AIR-CONDITIONING, OR REFRIGERATION SERVICES ARE OFFERED OR  
2 PROVIDED IF THE PARTNERSHIP:

3 (I) INCLUDES ONE OR MORE PARTNERS WHO:

4 1. HOLD A CURRENT MASTER LICENSE; AND

5 2. ARE RESPONSIBLE FOR THE PROVISION OF  
6 HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION SERVICES  
7 THROUGH THE FIRM;

8 (II) EMPLOYS ONE OR MORE INDIVIDUALS WHO:

9 1. HOLD A CURRENT MASTER LICENSE; AND

10 2. ARE RESPONSIBLE FOR THE PROVISION OF  
11 HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION SERVICES  
12 THROUGH THE FIRM; OR

13 (III) EMPLOYS ONE OR MORE INDIVIDUALS WHO:

14 1. HOLD THE APPROPRIATE CURRENT MASTER  
15 RESTRICTED LICENSE; AND

16 2. ARE RESPONSIBLE FOR THE PROVISION OF  
17 HEATING, VENTILATION, AIR-CONDITIONING, OR REFRIGERATION SERVICES  
18 THROUGH THE FIRM.

19 (2) AN INDIVIDUAL WHO IS NOT LICENSED TO MAINTAIN OR  
20 REPAIR HEATING, COOLING, REFRIGERATION, VENTILATION, OR HYDRONIC  
21 SYSTEMS OR SYSTEM COMPONENTS IN THE STATE MAY HAVE AN OWNERSHIP  
22 INTEREST IN A PARTNERSHIP THROUGH WHICH THOSE SERVICES ARE OFFERED  
23 OR PROVIDED IF THE PARTNERSHIP:

24 (I) INCLUDES ONE OR MORE PARTNERS WHO:

25 1. HOLD A CURRENT MASTER LICENSE OR LIMITED  
26 LICENSE; AND

27 2. ARE RESPONSIBLE FOR THE PROVISION OF  
28 HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION SERVICES  
29 THROUGH THE FIRM; OR

30 (II) EMPLOYS ONE OR MORE INDIVIDUALS WHO:



1                                   1.    **HOLD A CURRENT MASTER LICENSE OR LIMITED**  
2 **LICENSE; AND**

3                                   2.    **ARE RESPONSIBLE FOR MAINTENANCE AND**  
4 **REPAIR SERVICES OFFERED OR PROVIDED THROUGH THE FIRM, SUBJECT TO**  
5 **THE LIMITATIONS OF THE LIMITED LICENSE.**

6 **9A-3A-04.**

7           **(A) TO QUALIFY FOR A PERMIT, A LIMITED LIABILITY COMPANY SHALL**  
8 **MEET THE REQUIREMENTS OF THIS SECTION.**

9           **(B) (1) AN INDIVIDUAL WHO IS NOT LICENSED TO PROVIDE OR ASSIST**  
10 **IN PROVIDING HEATING, VENTILATION, AIR-CONDITIONING, OR**  
11 **REFRIGERATION SERVICES IN THE STATE MAY HAVE AN OWNERSHIP INTEREST**  
12 **IN A LIMITED LIABILITY COMPANY THROUGH WHICH THOSE SERVICES ARE**  
13 **OFFERED OR PROVIDED IF THE LIMITED LIABILITY COMPANY:**

14                               **(I) INCLUDES ONE OR MORE MEMBERS WHO:**

15                                   1.    **HOLD A CURRENT MASTER LICENSE; AND**

16                                   2.    **ARE RESPONSIBLE FOR THE PROVISION OF**  
17 **HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION SERVICES**  
18 **THROUGH THE FIRM;**

19                               **(II) EMPLOYS ONE OR MORE INDIVIDUALS WHO:**

20                                   1.    **HOLD A CURRENT MASTER LICENSE; AND**

21                                   2.    **ARE RESPONSIBLE FOR THE PROVISION OF**  
22 **HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION SERVICES**  
23 **THROUGH THE FIRM; OR**

24                               **(III) EMPLOYS ONE OR MORE INDIVIDUALS WHO:**

25                                   1.    **HOLD THE APPROPRIATE CURRENT MASTER**  
26 **RESTRICTED LICENSE; AND**

27                                   2.    **ARE RESPONSIBLE FOR THE PROVISION OF**  
28 **HEATING, VENTILATION, AIR-CONDITIONING, OR REFRIGERATION SERVICES**  
29 **THROUGH THE FIRM.**

1           **(2) AN INDIVIDUAL WHO IS NOT LICENSED TO MAINTAIN OR**  
2 **REPAIR HEATING, COOLING, REFRIGERATION, VENTILATION, OR HYDRONIC**  
3 **SYSTEMS OR SYSTEM COMPONENTS IN THE STATE MAY HAVE AN OWNERSHIP**  
4 **INTEREST IN A LIMITED LIABILITY COMPANY THROUGH WHICH THOSE SERVICES**  
5 **ARE OFFERED OR PROVIDED IF THE LIMITED LIABILITY COMPANY:**

6                   **(I) INCLUDES ONE OR MORE MEMBERS WHO:**

7                           **1. HOLD A CURRENT MASTER LICENSE OR LIMITED**  
8 **LICENSE; AND**

9                           **2. ARE RESPONSIBLE FOR THE PROVISION OF**  
10 **HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION SERVICES**  
11 **THROUGH THE FIRM; OR**

12                   **(II) EMPLOYS ONE OR MORE INDIVIDUALS WHO:**

13                           **1. HOLD A CURRENT MASTER LICENSE OR LIMITED**  
14 **LICENSE; AND**

15                           **2. ARE RESPONSIBLE FOR MAINTENANCE AND**  
16 **REPAIR SERVICES OFFERED OR PROVIDED THROUGH THE FIRM, SUBJECT TO**  
17 **THE LIMITATIONS OF THE LIMITED LICENSE.**

18 **9A-3A-05.**

19           **(A) TO QUALIFY FOR A PERMIT, A CORPORATION SHALL MEET THE**  
20 **REQUIREMENTS OF THIS SECTION.**

21           **(B) (1) AN INDIVIDUAL WHO IS NOT LICENSED TO PROVIDE OR ASSIST**  
22 **IN PROVIDING HEATING, VENTILATION, AIR-CONDITIONING, OR**  
23 **REFRIGERATION SERVICES IN THE STATE MAY HAVE AN OWNERSHIP INTEREST**  
24 **IN A CORPORATION THROUGH WHICH THOSE SERVICES ARE OFFERED OR**  
25 **PROVIDED IF THE CORPORATION:**

26                   **(I) INCLUDES ONE OR MORE SHAREHOLDERS WHO:**

27                           **1. HOLD A CURRENT MASTER LICENSE; AND**

28                           **2. ARE RESPONSIBLE FOR THE PROVISION OF**  
29 **HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION SERVICES**  
30 **THROUGH THE FIRM;**

31                   **(II) EMPLOYS ONE OR MORE INDIVIDUALS WHO:**

1                   1.     **HOLD A CURRENT MASTER LICENSE; AND**

2                   2.     **ARE RESPONSIBLE FOR THE PROVISION OF**  
3 **HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION SERVICES**  
4 **THROUGH THE FIRM; OR**

5                   (III) **EMPLOYS ONE OR MORE INDIVIDUALS WHO:**

6                   1.     **HOLD THE APPROPRIATE CURRENT MASTER**  
7 **RESTRICTED LICENSE; AND**

8                   2.     **ARE RESPONSIBLE FOR THE PROVISION OF**  
9 **HEATING, VENTILATION, AIR-CONDITIONING, OR REFRIGERATION SERVICES**  
10 **THROUGH THE FIRM.**

11                   (2)   **AN INDIVIDUAL WHO IS NOT LICENSED TO MAINTAIN OR**  
12 **REPAIR HEATING, COOLING, REFRIGERATION, VENTILATION, OR HYDRONIC**  
13 **SYSTEMS OR SYSTEM COMPONENTS IN THE STATE MAY HAVE AN OWNERSHIP**  
14 **INTEREST IN A CORPORATION THROUGH WHICH THOSE SERVICES ARE OFFERED**  
15 **OR PROVIDED IF THE CORPORATION:**

16                   (I)   **INCLUDES ONE OR MORE SHAREHOLDERS WHO:**

17                   1.     **HOLD A CURRENT MASTER LICENSE; AND**

18                   2.     **ARE RESPONSIBLE FOR THE PROVISION OF**  
19 **HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION SERVICES**  
20 **THROUGH THE FIRM; OR**

21                   (II) **EMPLOYS ONE OR MORE INDIVIDUALS WHO:**

22                   1.     **HOLD A CURRENT MASTER LICENSE OR LIMITED**  
23 **LICENSE; AND**

24                   2.     **ARE RESPONSIBLE FOR MAINTENANCE AND**  
25 **REPAIR SERVICES OFFERED OR PROVIDED THROUGH THE FIRM, SUBJECT TO**  
26 **THE LIMITATIONS OF THE LIMITED LICENSE.**

27 **9A-3A-06.**

28                   (A)   **AN APPLICANT FOR A PERMIT SHALL:**

1           (1)    **SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT**  
2 **THE BOARD PROVIDES;**

3           (2)    **PAY TO THE BOARD AN APPLICATION FEE OF \$25; AND**

4           (3)    **FURNISH PROOF OF INSURANCE AS REQUIRED BY § 9A-402 OF**  
5 **THIS TITLE COVERING:**

6                    (I)    **EACH LICENSEE WHO DIRECTS AND CONTROLS THE**  
7 **PROVISION OF HEATING, VENTILATION, AIR-CONDITIONING, AND**  
8 **REFRIGERATION SERVICES THROUGH THE FIRM; AND**

9                    (II)   **EACH LICENSEE WHO PROVIDES, ASSISTS IN**  
10 **PROVIDING, OR INTENDS TO PROVIDE OR ASSIST IN PROVIDING HEATING,**  
11 **VENTILATION, AIR-CONDITIONING, AND REFRIGERATION SERVICES, OR WHO**  
12 **MAINTAINS, REPAIRS, OR INTENDS TO MAINTAIN OR REPAIR HEATING,**  
13 **COOLING, REFRIGERATION, VENTILATION, OR HYDRONIC SYSTEMS OR SYSTEM**  
14 **COMPONENTS IN THE STATE.**

15           **(B)    THE APPLICATION SHALL REQUIRE AN APPLICANT TO PROVIDE:**

16                    (1)    **THE NAME, BUSINESS ADDRESS, AND LICENSE NUMBER OF**  
17 **EACH INDIVIDUAL RESPONSIBLE FOR THE DIRECTION AND CONTROL OF THE**  
18 **PROVISION OF SERVICES THROUGH THE FIRM AS REQUIRED BY § 9A-3A-01(C)**  
19 **OF THIS SUBTITLE;**

20                    (2)    **THE NAME, BUSINESS ADDRESS, AND LICENSE NUMBER OF**  
21 **EACH INDIVIDUAL, EXCLUDING LICENSED APPRENTICES, EMPLOYED BY THE**  
22 **FIRM WHO:**

23                            (I)    **PROVIDES OR INTENDS TO PROVIDE HEATING,**  
24 **VENTILATION, AIR-CONDITIONING, OR REFRIGERATION SERVICES; OR**

25                            (II)   **MAINTAINS, REPAIRS, OR INTENDS TO MAINTAIN OR**  
26 **REPAIR HEATING, COOLING, REFRIGERATION, VENTILATION, OR HYDRONIC**  
27 **SYSTEMS OR SYSTEM COMPONENTS ON BEHALF OF THE FIRM;**

28                    (3)    **A DESCRIPTION OF THE NATURE OF THE BUSINESS OF THE**  
29 **APPLICANT;**

30                    (4)    **THE TRADE NAME OF THE APPLICANT;**

31                    (5)    **FOR A PARTNERSHIP APPLICANT, THE NAME AND BUSINESS**  
32 **ADDRESS OF EACH PARTNER;**

1           **(6) FOR A LIMITED LIABILITY COMPANY, THE NAME AND**  
2 **BUSINESS ADDRESS OF EACH MEMBER; AND**

3           **(7) (I) FOR A CORPORATE APPLICANT, OTHER THAN A**  
4 **PUBLICLY HELD CORPORATION, THE NAME AND BUSINESS ADDRESS OF EACH**  
5 **OFFICER, SHAREHOLDER, OR MEMBER UNIT OWNER; AND**

6           **(II) FOR A PUBLICLY HELD CORPORATION, THE NAME AND**  
7 **BUSINESS ADDRESS OF EACH OFFICER OR AGENT INVOLVED IN THE OFFERING**  
8 **OR PROVISION OF HEATING, VENTILATION, AIR-CONDITIONING, OR**  
9 **REFRIGERATION SERVICES, OR MAINTENANCE AND REPAIR SERVICES.**

10 **9A-3A-07.**

11           **(A) IF AN APPLICANT QUALIFIES FOR A PERMIT UNDER THIS SUBTITLE,**  
12 **THE BOARD SHALL SEND THE APPLICANT A NOTICE THAT STATES THAT:**

13                   **(1) THE APPLICANT HAS QUALIFIED FOR A PERMIT; AND**

14                   **(2) ON RECEIPT OF A \$25 PERMIT FEE, THE BOARD WILL ISSUE A**  
15 **PERMIT TO THE APPLICANT.**

16           **(B) ON PAYMENT OF THE PERMIT FEE, THE BOARD SHALL ISSUE A**  
17 **PERMIT TO EACH APPLICANT THAT MEETS THE REQUIREMENTS OF THIS**  
18 **SUBTITLE.**

19 **9A-3A-08.**

20           **(A) SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION AND**  
21 **WHILE IT IS IN EFFECT, THE PERMIT AUTHORIZES THE HOLDER TO OPERATE A**  
22 **BUSINESS THROUGH WHICH AN INDIVIDUAL OFFERS TO PROVIDE, PROVIDES, OR**  
23 **INTENDS TO PROVIDE HEATING, VENTILATION, AIR-CONDITIONING, OR**  
24 **REFRIGERATION SERVICES, OR MAINTENANCE AND REPAIR SERVICES.**

25           **(B) A PERMIT AUTHORIZES THE HOLDER TO PROVIDE HEATING,**  
26 **VENTILATION, AIR-CONDITIONING, OR REFRIGERATION SERVICES ONLY IF THE**  
27 **SERVICES ARE PROVIDED BY AN INDIVIDUAL WHO IS LICENSED BY THE BOARD**  
28 **TO PROVIDE THOSE SERVICES.**

29           **(C) A PERMIT AUTHORIZES THE HOLDER TO MAINTAIN OR REPAIR**  
30 **HEATING, COOLING, REFRIGERATION, VENTILATION, OR HYDRONIC SYSTEMS OR**  
31 **SYSTEM COMPONENTS ONLY IF THE MAINTENANCE OR REPAIR SERVICES ARE**  
32 **PROVIDED BY AN INDIVIDUAL WHO IS LICENSED BY THE BOARD TO:**

1           (1) PROVIDE HEATING, VENTILATION, AIR-CONDITIONING, AND  
2 REFRIGERATION SERVICES; OR

3           (2) MAINTAIN OR REPAIR HEATING, COOLING, REFRIGERATION,  
4 VENTILATION, OR HYDRONIC SYSTEMS OR SYSTEM COMPONENTS.

5 **9A-3A-09.**

6           (A) UNLESS A PERMIT IS RENEWED FOR A 2-YEAR TERM AS PROVIDED  
7 IN THIS SECTION, THE PERMIT EXPIRES ON THE FIRST OCTOBER 1 THAT COMES:

8           (1) AFTER THE EFFECTIVE DATE OF THE PERMIT; AND

9           (2) IN AN ODD-NUMBERED YEAR.

10          (B) BEFORE A PERMIT EXPIRES, THE HOLDER MAY RENEW IT FOR AN  
11 ADDITIONAL 2-YEAR TERM, IF THE HOLDER:

12          (1) OTHERWISE IS ENTITLED TO BE GRANTED A PERMIT;

13          (2) PAYS TO THE BOARD A RENEWAL FEE OF \$50; AND

14          (3) SUBMITS:

15                  (I) A RENEWAL APPLICATION ON THE FORM THAT THE  
16 BOARD PROVIDES; AND

17                  (II) PROOF OF INSURANCE AS REQUIRED BY § 9A-502 OF  
18 THIS TITLE.

19          (C) THE BOARD SHALL RENEW THE PERMIT OF EACH PERMIT HOLDER  
20 WHO MEETS THE REQUIREMENTS OF THIS SECTION.

21 **9A-3A-10.**

22          (A) THE BOARD MAY REINSTATE A PERMIT THAT HAS EXPIRED IF THE  
23 PERMIT HOLDER:

24          (1) APPLIES TO THE BOARD FOR REINSTATEMENT WITHIN 30  
25 DAYS AFTER THE PERMIT EXPIRES;

26          (2) OTHERWISE MEETS THE REQUIREMENTS OF § 9A-3A-09 OF  
27 THIS SUBTITLE; AND

1           **(3) PAYS TO THE BOARD A REINSTATEMENT FEE ESTABLISHED BY**  
2 **THE BOARD NOT TO EXCEED \$100, IN ADDITION TO THE RENEWAL FEE**  
3 **REQUIRED UNDER § 9A-3A-09 OF THIS SUBTITLE.**

4           **(B) IF A PERMIT HOLDER HAS FAILED TO RENEW A PERMIT AND**  
5 **APPLIES TO THE BOARD FOR REINSTATEMENT MORE THAN 30 DAYS AFTER THE**  
6 **PERMIT HAS EXPIRED, THE BOARD SHALL REINSTATE THE PERMIT ONLY IF THE**  
7 **PERMIT HOLDER QUALIFIES FOR A PERMIT IN ACCORDANCE WITH §§ 9A-3A-02**  
8 **THROUGH 9A-3A-05 OF THIS SUBTITLE.**

9 **9A-3A-11.**

10           **WITHIN 1 MONTH AFTER THE EFFECTIVE DATE OF THE CHANGE, A FIRM**  
11 **SHALL GIVE TO THE BOARD WRITTEN NOTICE OF:**

12           **(1) A CHANGE IN THE NAME OF THE FIRM THROUGH WHICH THE**  
13 **FIRM PROVIDES SERVICES UNDER THIS SUBTITLE;**

14           **(2) A CHANGE IN THE NAME OF THE INDIVIDUAL RESPONSIBLE**  
15 **FOR THE DIRECTION AND CONTROL OF THE SERVICES PROVIDED BY THE FIRM**  
16 **UNDER THIS SUBTITLE;**

17           **(3) THE ADMISSION, WITHDRAWAL, OR DEATH OF:**

18                   **(I) A PARTNER, IF THE FIRM IS A PARTNERSHIP;**

19                   **(II) A MEMBER, IF THE FIRM IS A LIMITED LIABILITY**  
20 **COMPANY; OR**

21                   **(III) AN OFFICER, DIRECTOR, OR SHAREHOLDER INVOLVED**  
22 **IN THE OFFERING OR PROVISION OF SERVICES BY THE FIRM UNDER THIS**  
23 **SUBTITLE, IF THE FIRM IS A CORPORATION.**

24 **9A-3A-12.**

25           **THE FIRM SHALL:**

26           **(1) MAINTAIN A CURRENT LIST OF ALL LICENSEES, EXCLUDING**  
27 **LICENSED APPRENTICES, WHO PROVIDE HEATING, VENTILATION,**  
28 **AIR-CONDITIONING, AND REFRIGERATION SERVICES, OR MAINTENANCE AND**  
29 **REPAIR SERVICES ON BEHALF OF THE FIRM; AND**

1           (2) NOTIFY THE BOARD IN WRITING WITHIN 10 WORKING DAYS OF  
2 ANY CHANGES TO THAT LIST.

3 **9A-3A-13.**

4           THE SURVIVING PARTNER OF A PARTNERSHIP THAT HOLDS A PERMIT MAY  
5 USE THE PARTNERSHIP NAME FOR 1 YEAR AFTER THE DEATH OF THE NEXT TO  
6 THE LAST PARTNER.

7 **9A-3A-14.**

8           (A) SUBJECT TO THE HEARING PROVISIONS OF § 9A-3A-16 OF THIS  
9 SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS  
10 MEMBERS, MAY DENY A PERMIT TO AN APPLICANT, REPRIMAND A PERMIT  
11 HOLDER, OR SUSPEND OR REVOKE A PERMIT:

12           (1) FOR ANY APPLICABLE GROUND UNDER § 9A-310 OF THIS  
13 TITLE;

14           (2) IF THE APPLICANT OR PERMIT HOLDER FRAUDULENTLY OR  
15 DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A PERMIT;

16           (3) IF THE APPLICANT OR PERMIT HOLDER FRAUDULENTLY OR  
17 DECEPTIVELY USES A PERMIT;

18           (4) IF THE APPLICANT OR PERMIT HOLDER ENGAGES IN OR IS  
19 FOUND GUILTY OF AN UNFAIR OR DECEPTIVE TRADE PRACTICE, AS DEFINED IN  
20 § 13-301 OF THE COMMERCIAL LAW ARTICLE;

21           (5) IF THE APPLICANT OR PERMIT HOLDER FAILS TO MEET OR  
22 CONTINUE TO MEET THE QUALIFICATIONS OR REQUIREMENTS SET FORTH IN §§  
23 9A-3A-02 THROUGH 9A-3A-05 OF THIS SUBTITLE; OR

24           (6) IF THE APPLICANT OR PERMIT HOLDER HAS A PARTNER,  
25 MEMBER, OR CORPORATE OFFICER WHOSE LICENSE HAS BEEN SUSPENDED OR  
26 REVOKED BY THE BOARD.

27           (B) ON SUSPENSION OR REVOCATION OF A PERMIT, THE HOLDER SHALL  
28 SURRENDER TO THE BOARD THE PERMIT CERTIFICATE.

29           (C) AT THE END OF A SUSPENSION PERIOD, THE BOARD SHALL RETURN  
30 TO THE PERMIT HOLDER THE PERMIT CERTIFICATE SURRENDERED UNDER THIS  
31 SECTION.



1 **9A-3A-15.**

2 **ON ITS OWN INITIATIVE OR ON A WRITTEN COMPLAINT MADE TO THE**  
3 **BOARD BY ANY PERSON, THE BOARD MAY COMMENCE PROCEEDINGS UNDER §**  
4 **9A-3A-14 OF THIS SUBTITLE.**

5 **9A-3A-16.**

6 **(A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE**  
7 **GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER**  
8 **§ 9A-3A-14 OF THIS SUBTITLE, IT SHALL GIVE THE PERSON AGAINST WHOM**  
9 **THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE**  
10 **BOARD.**

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

14 **(C) THE BOARD MAY ADMINISTER OATHS IN CONNECTION WITH ANY**  
15 **PROCEEDING UNDER THIS SECTION.**

16 **(D) (1) THE BOARD MAY ISSUE A SUBPOENA FOR THE ATTENDANCE**  
17 **OF A WITNESS TO TESTIFY OR THE PRODUCTION OF EVIDENCE IN CONNECTION**  
18 **WITH ANY PROCEEDING UNDER THIS SECTION.**

19 **(2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED**  
20 **UNDER THIS SUBSECTION, ON PETITION OF THE BOARD, A CIRCUIT COURT MAY**  
21 **COMPEL COMPLIANCE WITH THE SUBPOENA.**

22 **(E) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS**  
23 **CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE BOARD**  
24 **MAY HEAR AND DETERMINE THE MATTER.**

25 **9A-3A-17.**

26 **(A) (1) FOR THE LIMITED PURPOSE SET FORTH IN PARAGRAPH (2) OF**  
27 **THIS SUBSECTION, A PERMIT SHALL REMAIN IN EFFECT AND MAY NOT EXPIRE**  
28 **BY OPERATION OF LAW WHILE THE PERMIT HOLDER IS UNDER INVESTIGATION**  
29 **BY THE BOARD OR AWAITING A HEARING OR DISPOSITION ON CHARGES**  
30 **SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.**

31 **(2) ANY EXTENSION OF A PERMIT TERM CAUSED UNDER THIS**  
32 **SUBSECTION IS EFFECTIVE ONLY FOR THE PURPOSE OF RETAINING THE**  
33 **JURISDICTION OF THE BOARD OVER THE PERMIT HOLDER DURING THE COURSE**

1 **OF DISCIPLINARY PROCEEDINGS AND DOES NOT PREVENT THE PERMIT FROM**  
2 **EXPIRING FOR ANY OTHER PURPOSE.**

3 **(B) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER, A**  
4 **PERMIT HOLDER MAY NOT SURRENDER A PERMIT WHILE THE HOLDER IS UNDER**  
5 **INVESTIGATION OR AWAITING A HEARING OR DISPOSITION ON CHARGES**  
6 **SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.**

7 **9A-3A-18.**

8 **(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY**  
9 **REINSTATE:**

10 **(1) A PERMIT THAT HAS BEEN REVOKED; OR**

11 **(2) BEFORE FULFILLMENT OF THE CONDITIONS OF THE**  
12 **SUSPENSION, A PERMIT THAT HAS BEEN SUSPENDED.**

13 **(B) A PERMIT MAY BE REINSTATED UNDER THIS SECTION ONLY IF:**

14 **(1) THE FIRM WHOSE PERMIT HAS BEEN REVOKED OR**  
15 **SUSPENDED SUBMITS A WRITTEN REQUEST TO THE BOARD;**

16 **(2) THE BOARD HOLDS A HEARING ON THE REQUEST; AND**

17 **(3) THE BOARD, BY AN AFFIRMATIVE VOTE OF A MAJORITY OF ITS**  
18 **MEMBERS, VOTES TO REINSTATE THE PERMIT.**

19 **9A-3A-19.**

20 **AFTER THE BOARD ISSUES A PERMIT, THE PERMIT HOLDER SHALL**  
21 **CONTINUE TO COMPLY WITH THE REQUIREMENTS OF §§ 9A-3A-02 THROUGH**  
22 **9A-3A-05 OF THIS SUBTITLE.**

23 **9A-401.**

24 **(a) Each licensed master, master restricted, or limited heating, ventilation,**  
25 **air-conditioning, and refrigeration contractor shall display:**

26 **(1) the license and the license number conspicuously in the principal**  
27 **place of business of the licensee; and**

28 **(2) the license number of the licensee on each vehicle used on the job**  
29 **for providing heating, ventilation, air-conditioning, or refrigeration services, OR**  
30 **MAINTENANCE OR REPAIR SERVICES.**

1           **(B) EACH FIRM SHALL DISPLAY:**

2                   **(1) THE FIRM PERMIT IN PUBLIC VIEW IN THE PRINCIPAL PLACE**  
3 **OF BUSINESS OF THE FIRM; AND**

4                   **(2) THE PERMIT NUMBER OF THE FIRM ON EACH VEHICLE USED**  
5 **FOR PROVIDING HEATING, VENTILATION, AIR-CONDITIONING, AND**  
6 **REFRIGERATION SERVICES, OR MAINTENANCE OR REPAIR SERVICES FOR THE**  
7 **FIRM.**

8           **[(b)] (C) (1)** Each licensee shall give the Board written notice of any  
9 change of name, address, or employment from that which appears on the current  
10 license, at least 10 working days before the change is to take effect.

11                   **(2) EACH PERMIT HOLDER SHALL GIVE THE BOARD WRITTEN**  
12 **NOTICE OF ANY CHANGE OF PERMIT NAME OR ADDRESS FROM THAT WHICH**  
13 **APPEARS ON THE CURRENT PERMIT AT LEAST 10 WORKING DAYS BEFORE THE**  
14 **CHANGE IS TO TAKE EFFECT.**

15 9A-402.

16           **(a) A PERMIT HOLDER OR** holder of a master, master restricted, or limited  
17 heating, ventilation, air-conditioning, and refrigeration license may not contract to  
18 provide services on behalf of **THE FIRM**, the licensee, or another person who provides  
19 heating, ventilation, air-conditioning, or refrigeration services, unless the work of the  
20 licensee, including completed operations, is covered by:

21                   (1) general liability insurance in the amount of at least \$300,000; and

22                   (2) property damage insurance in the amount of at least \$100,000.

23           **(b) (1)** The insurance required under this section may be bought:

24                   (i) by a holder of a master, master restricted, or limited  
25 heating, ventilation, air-conditioning, and refrigeration license; or

26                   (ii) by the [person who engages in the business of providing  
27 heating, ventilation, air-conditioning, or refrigeration services and] **FIRM THAT**  
28 employs the holder of the master, master restricted, or limited license.

29 9A-404.

30           **(A)** Each advertisement for heating, ventilation, air-conditioning, or  
31 refrigeration services that is in the name of a person who provides heating,  
32 ventilation, air-conditioning, or refrigeration services shall contain the license number

1 and name of a master, master restricted, or limited license holder whom the person  
2 employs and designates to direct and control the provision of heating, ventilation,  
3 air-conditioning, or refrigeration services through the business of the person.

4 **(B) EACH ADVERTISEMENT FOR HEATING, VENTILATION,**  
5 **AIR-CONDITIONING, OR REFRIGERATION SERVICES IN THE NAME OF A FIRM**  
6 **SHALL CONTAIN:**

7 **(1) THE TRADE NAME AND THE PERMIT NUMBER OF THE FIRM;**  
8 **AND**

9 **(2) THE LICENSE NUMBER AND NAME OF A MASTER, MASTER**  
10 **RESTRICTED, OR LIMITED LICENSE HOLDER WHO IS EMPLOYED BY THE FIRM**  
11 **AND HAS BEEN DESIGNATED IN ACCORDANCE WITH § 9A-3A-01(C) OF THIS**  
12 **TITLE AS AN INDIVIDUAL RESPONSIBLE FOR THE DIRECTION AND CONTROL OF**  
13 **THE PROVISION OF HEATING, VENTILATION, AIR-CONDITIONING, OR**  
14 **REFRIGERATION SERVICES, OR MAINTENANCE OR REPAIR SERVICES THROUGH**  
15 **THE FIRM.**

16 **9A-501.1.**

17 **EXCEPT AS PROVIDED IN § 9A-101(E)(2) OF THIS TITLE, A PERSON MAY**  
18 **NOT OPERATE A BUSINESS THROUGH WHICH HEATING, VENTILATION,**  
19 **AIR-CONDITIONING, AND REFRIGERATION SERVICES, OR SERVICES TO**  
20 **MAINTAIN OR REPAIR HEATING, COOLING, REFRIGERATION, VENTILATION, OR**  
21 **HYDRONIC SYSTEMS OR SYSTEM COMPONENTS ARE OFFERED OR PROVIDED,**  
22 **UNLESS:**

23 **(1) THE BUSINESS IS A SOLE PROPRIETORSHIP, CORPORATION,**  
24 **LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNERSHIP,**  
25 **PARTNERSHIP, OR LIMITED PARTNERSHIP; AND**

26 **(2) THE SOLE PROPRIETORSHIP, CORPORATION, LIMITED**  
27 **LIABILITY COMPANY, LIMITED LIABILITY PARTNERSHIP, PARTNERSHIP, OR**  
28 **LIMITED PARTNERSHIP HOLDS A PERMIT ISSUED BY THE BOARD.**

29 **9A-505.**

30 **(a) (1) In this section, “officer” includes a superintendent, manager, or**  
31 **agent of a corporation regardless of whether the corporation provides heating,**  
32 **ventilation, air-conditioning, or refrigeration services.**

33 **(2) Any person, including an officer, who violates § 9A-501,**  
34 **§ 9A-501.1, § 9A-502, § 9A-503, or § 9A-504 of this subtitle is guilty of a**  
35 **misdemeanor, and on conviction is subject to a fine not exceeding \$1,000 or**

1 imprisonment not exceeding 6 months or both and, on a second or subsequent  
2 conviction, subject to a fine not exceeding \$5,000 or imprisonment not exceeding 2  
3 years or both.

4 (b) Any person who violates any provision of § 9A-402 of this title is guilty of  
5 a misdemeanor, and on conviction is subject to a fine not exceeding \$1,000 or  
6 imprisonment not exceeding 6 months or both.

7 (c) (1) Except as otherwise provided by this title, the Board may impose  
8 on a person who violates any provision of this title a penalty not exceeding \$5,000 for  
9 each violation.

10 (2) In setting the amount of the penalty, the Board shall consider:

11 (i) the seriousness of the violation;

12 (ii) the harm caused by the violation;

13 (iii) the good faith of the violator;

14 (iv) any history of previous violations by the violator; and

15 (v) any other relevant factors.

16 (3) The Board shall pay any penalty collected under this subsection  
17 into the General Fund of the State.

## 18 **Article – Business Occupations and Professions**

19 12-101.

20 (a) In this title the following words have the meanings indicated.

21 (b) “Apprentice natural gas fitter” means, unless the context requires  
22 otherwise, an individual who is licensed by the Board to assist a master natural gas  
23 fitter in providing natural gas services while:

24 (1) under the direction and control of the master natural gas fitter;  
25 and

26 (2) in training to become a journeyman natural gas fitter.

27 (c) “Apprentice plumber” means, unless the context requires otherwise, an  
28 individual who is licensed by the Board to assist a master plumber or a holder of a  
29 limited master plumber license in providing plumbing services while:

30 (1) under the direction and control of the master plumber or holder of  
31 the limited master plumber license; and

1 (2) in training to become a journey plumber.

2 (d) “Board” means the State Board of Plumbing.

3 (e) “Certified propane gas fitter” means an individual who has been certified  
4 by the Board to provide propane gas services.

5 (F) (1) **“FIRM” MEANS A SOLE PROPRIETORSHIP, CORPORATION,  
6 LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNERSHIP,  
7 PARTNERSHIP, OR LIMITED PARTNERSHIP THROUGH WHICH A LICENSED  
8 INDIVIDUAL MAY PROVIDE OR ASSIST IN PROVIDING PLUMBING OR GAS  
9 SERVICES.**

10 (2) **“FIRM” DOES NOT INCLUDE A MASTER PLUMBER OR MASTER  
11 NATURAL GAS FITTER WHO:**

12 (I) **OFFERS PLUMBING OR GAS SERVICES UNDER A TRADE  
13 NAME; AND**

14 (II) **HAS NO EMPLOYEES WHO PROVIDE OR ASSIST IN  
15 PROVIDING PLUMBING OR GAS SERVICES.**

16 [(f)] (G) “Gas” means natural gas, propane gas, or any other gas used for  
17 any purpose, including residential, medical, commercial, or industrial purposes.

18 [(g)] (H) “Journey plumber” means, unless the context requires otherwise,  
19 an individual who is licensed by the Board to provide plumbing services while under  
20 the direction and control of a master plumber or holder of a limited master plumber  
21 license.

22 [(h)] (I) “Journeyman natural gas fitter” means, unless the context requires  
23 otherwise, an individual who is licensed by the Board to provide natural gas services  
24 while under the direction and control of a master natural gas fitters license.

25 [(i)] (J) (1) “License” means, unless the context requires otherwise, a  
26 license issued by the Board to:

27 (i) provide plumbing services;

28 (ii) assist in providing plumbing services;

29 (iii) provide propane gas services; or

30 (iv) provide natural gas services.

1                   (2) “License” includes, unless the context requires otherwise, each of  
2 the following licenses:

- 3                   (i) a master plumber license;
- 4                   (ii) a journey plumber license;
- 5                   (iii) an apprentice plumber license;
- 6                   (iv) a limited license;
- 7                   (v) a propane gas fitter certificate;
- 8                   (vi) a master natural gas fitters license;
- 9                   (vii) a journeyman natural gas fitters license; and
- 10                  (viii) an apprentice natural gas fitters license.

11                [(j)] (K) (1) “Limited license” means a license issued by the Board as  
12 limited by § 12–310 of this title to:

- 13                   (i) provide plumbing services as a master plumber; or
- 14                   (ii) provide plumbing services as a journey plumber.

15                   (2) “Limited license” includes:

- 16                   (i) a limited master plumber license; and
- 17                   (ii) a limited journey plumber license.

18                [(k)] (L) “Master natural gas fitter” means, unless the context requires  
19 otherwise, an individual who is licensed by the Board to provide natural gas services.

20                [(l)] (M) (1) “Master plumber” means, unless the context requires  
21 otherwise, an individual who is licensed by the Board to provide plumbing services  
22 and natural gas services.

23                   (2) “Master plumber” includes a master plumber gas fitter.

24                [(m)] (N) (1) “Provide natural gas services” means the installation,  
25 maintenance, extension, alteration, and removal of piping, gas-fired equipment,  
26 appliances, or appurtenances in connection with a natural gas supply system  
27 downstream of the gas utility point of delivery.

1           (2) “Provide natural gas services” does not include the installation,  
2 maintenance, extension, alteration, or removal of any of the following with respect to  
3 the plumbing water supply and drainage system:

4                   (i) fixtures that require additional energy sources, including  
5 clothes washers, dishwashers, food grinders, humidifiers, ice pumps, sterilizers, water  
6 coolers, and water heaters; and

7                   (ii) operational devices, including aerators, backflow preventers,  
8 expansion tanks, filters, flow controls, heat exchangers, interceptors, meters,  
9 separators, and relief valves.

10           **(O) “PERMIT” MEANS A PERMIT ISSUED BY THE BOARD TO ALLOW A**  
11 **FIRM TO OPERATE A BUSINESS THROUGH WHICH A LICENSED INDIVIDUAL MAY**  
12 **PROVIDE OR ASSIST IN PROVIDING PLUMBING OR GAS SERVICES.**

13           ~~[(n)]~~ **(P)** (1) “Provide plumbing services” means to install, maintain,  
14 extend, alter, or remove piping, a plumbing fixture, a plumbing appliance, a plumbing  
15 appurtenance, or other plumbing apparatus:

16                   (i) within or adjacent to a building, structure, or property; and

17                   (ii) in connection with:

18                           1. a public or private disposal system, sanitary drainage  
19 facility, or storm drainage facility;

20                           2. a venting system; or

21                           3. a public or private water supply system.

22           (2) “Provide plumbing services” includes installing, repairing,  
23 servicing, and replacing gas piping, gas utilization equipment, and associated  
24 accessories.

25           (3) Except for the first connection to a potable water supply that is  
26 downstream of a backflow preventer and the final connection that discharges  
27 indirectly into a public or private disposal system, sanitary drainage facility, or storm  
28 drainage facility, “providing plumbing services” does not include using piping,  
29 equipment, or material only for:

30                   (i) environmental control;

31                   (ii) the incorporation of a liquid or gas into a product or into a  
32 process, including product development, in the manufacture or storage of a product;



1 (iii) the installation, alteration, repair, or removal of an  
2 automatic sprinkler system, related apparatus, or standpipe that is used only for fire  
3 protection; or

4 (iv) an overhead or underground fire line beginning from where  
5 water is used only for fire protection.

6 [(o)] (Q) "Provide propane gas services" means to install, repair, service,  
7 and replace propane gas piping, propane gas utilization equipment, and associated  
8 accessories.

9 [(p)] (R) "State Plumbing Code" means the regulations adopted by the  
10 Secretary, as amended by the Board, to provide standards that:

11 (1) are based on principles of environmental sanitation and safety; and

12 (2) provide for properly designed, acceptably installed, and adequately  
13 maintained plumbing systems.

#### 14 **SUBTITLE 4. PERMITS.**

##### 15 **12-401.**

16 (A) **SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, AN INDIVIDUAL**  
17 **MAY PROVIDE PLUMBING OR GAS SERVICES, OR ASSIST IN PROVIDING**  
18 **PLUMBING OR GAS SERVICES THROUGH A FIRM THAT HOLDS A PERMIT UNDER**  
19 **THIS SUBTITLE.**

20 (B) **BEGINNING ON APRIL 1, 2009, A FIRM SHALL HOLD A PERMIT**  
21 **ISSUED BY THE BOARD BEFORE THE FIRM MAY OPERATE A BUSINESS THROUGH**  
22 **WHICH PLUMBING OR GAS SERVICES ARE OFFERED OR PROVIDED.**

23 (C) **A FIRM THAT OPERATES A BUSINESS THROUGH WHICH PLUMBING**  
24 **OR GAS SERVICES ARE OFFERED OR PROVIDED SHALL DESIGNATE ONE OR**  
25 **MORE APPROPRIATELY LICENSED INDIVIDUALS AS RESPONSIBLE FOR THE**  
26 **DIRECTION AND CONTROL OF THE PROVISION OF THOSE SERVICES THROUGH**  
27 **THE FIRM.**

##### 28 **12-402.**

29 (A) **TO QUALIFY FOR A PERMIT, A SOLE PROPRIETORSHIP THAT IS NOT**  
30 **OWNED BY A LICENSED MASTER PLUMBER OR LICENSED MASTER GAS FITTER**  
31 **SHALL MEET THE REQUIREMENTS OF THIS SECTION.**

1           **(B) (1) AN INDIVIDUAL WHO IS NOT LICENSED TO PROVIDE**  
2 **PLUMBING SERVICES IN THE STATE MAY OPERATE A SOLE PROPRIETORSHIP**  
3 **THROUGH WHICH PLUMBING SERVICES, GAS SERVICES, OR BOTH ARE OFFERED**  
4 **OR PROVIDED IF THE SOLE PROPRIETORSHIP EMPLOYS ONE OR MORE**  
5 **INDIVIDUALS WHO:**

6                   **(I) HOLD A CURRENT MASTER PLUMBER; AND**

7                   **(II) ARE RESPONSIBLE FOR THE PROVISION OF PLUMBING**  
8 **SERVICES THROUGH THE FIRM.**

9           **(2) AN INDIVIDUAL WHO IS NOT LICENSED TO PROVIDE**  
10 **PLUMBING OR GAS SERVICES IN THE STATE MAY OPERATE A SOLE**  
11 **PROPRIETORSHIP THROUGH WHICH GAS SERVICES EXCLUSIVELY ARE OFFERED**  
12 **OR PROVIDED IF THE SOLE PROPRIETORSHIP EMPLOYS ONE OR MORE**  
13 **INDIVIDUALS WHO:**

14                   **(I) HOLD A CURRENT MASTER PLUMBER OR MASTER GAS**  
15 **FITTER LICENSE; AND**

16                   **(II) ARE RESPONSIBLE FOR THE PROVISION OF GAS**  
17 **SERVICES THROUGH THE FIRM.**

18 **12-403.**

19           **(A) TO QUALIFY FOR A PERMIT, A PARTNERSHIP, INCLUDING A LIMITED**  
20 **LIABILITY PARTNERSHIP AND A LIMITED PARTNERSHIP, SHALL MEET THE**  
21 **REQUIREMENTS OF THIS SECTION.**

22           **(B) (1) AN INDIVIDUAL WHO IS NOT LICENSED TO PROVIDE**  
23 **PLUMBING SERVICES IN THE STATE MAY HAVE AN OWNERSHIP INTEREST IN A**  
24 **PARTNERSHIP THROUGH WHICH PLUMBING SERVICES, GAS SERVICES, OR BOTH**  
25 **ARE OFFERED OR PROVIDED IF THE PARTNERSHIP:**

26                   **(I) INCLUDES ONE OR MORE PARTNERS WHO:**

27                           **1. HOLD A CURRENT MASTER PLUMBER LICENSE;**

28 **AND**

29                           **2. ARE RESPONSIBLE FOR THE PROVISION OF**  
30 **PLUMBING SERVICES THROUGH THE FIRM; OR**

31                   **(II) EMPLOYS ONE OR MORE INDIVIDUALS WHO:**

1                   1.    HOLD A CURRENT MASTER PLUMBER LICENSE;  
2 AND

3                   2.    ARE RESPONSIBLE FOR THE PROVISION OF  
4 PLUMBING SERVICES THROUGH THE FIRM.

5                   (2)   AN INDIVIDUAL WHO IS NOT LICENSED TO PROVIDE OR ASSIST  
6 IN PROVIDING PLUMBING OR GAS SERVICES IN THE STATE MAY HAVE AN  
7 OWNERSHIP INTEREST IN A PARTNERSHIP THROUGH WHICH GAS SERVICES  
8 EXCLUSIVELY ARE OFFERED OR PROVIDED IF THE PARTNERSHIP:

9                   (I)   INCLUDES ONE OR MORE INDIVIDUALS WHO:

10                   1.    HOLD A CURRENT MASTER PLUMBER OR MASTER  
11 GAS FITTER LICENSE; AND

12                   2.    ARE RESPONSIBLE FOR THE PROVISION OF GAS  
13 SERVICES THROUGH THE FIRM; OR

14                   (II)   EMPLOYS ONE OR MORE INDIVIDUALS WHO:

15                   1.    HOLD A CURRENT MASTER PLUMBER OR MASTER  
16 GAS FITTER LICENSE ISSUED BY THE BOARD; AND

17                   2.    ARE RESPONSIBLE FOR THE PROVISION OF GAS  
18 SERVICES THROUGH THE FIRM.

19 12-404.

20                   (A)   TO QUALIFY FOR A PERMIT, A LIMITED LIABILITY COMPANY SHALL  
21 MEET THE REQUIREMENTS OF THIS SECTION.

22                   (B)   (1)   AN INDIVIDUAL WHO IS NOT LICENSED TO PROVIDE OR ASSIST  
23 IN PROVIDING PLUMBING SERVICES IN THE STATE MAY HAVE AN OWNERSHIP  
24 INTEREST IN A LIMITED LIABILITY COMPANY THROUGH WHICH PLUMBING  
25 SERVICES, GAS SERVICES, OR BOTH, ARE OFFERED OR PROVIDED IF THE  
26 LIMITED LIABILITY COMPANY:

27                   (I)   INCLUDES ONE OR MORE MEMBERS WHO:

28                   1.    HOLD A CURRENT MASTER PLUMBER LICENSE;  
29 AND

1                                   **2. ARE RESPONSIBLE FOR THE PROVISION OF**  
2 **PLUMBING AND GAS SERVICES THROUGH THE FIRM; OR**

3                                   **(II) EMPLOYS ONE OR MORE INDIVIDUALS WHO:**

4                                   **1. HOLD A CURRENT MASTER PLUMBER LICENSE;**  
5 **AND**

6                                   **2. ARE RESPONSIBLE FOR THE PROVISION OF**  
7 **PLUMBING AND GAS SERVICES THROUGH THE FIRM.**

8                                   **(2) AN INDIVIDUAL WHO IS NOT LICENSED TO PROVIDE OR ASSIST**  
9 **IN PROVIDING PLUMBING OR GAS SERVICES IN THE STATE MAY HAVE AN**  
10 **OWNERSHIP INTEREST IN A LIMITED LIABILITY COMPANY THROUGH WHICH GAS**  
11 **SERVICES EXCLUSIVELY ARE OFFERED OR PROVIDED IF THE LIMITED LIABILITY**  
12 **COMPANY EMPLOYS ONE OR MORE INDIVIDUALS WHO:**

13                                   **(I) HOLD A CURRENT MASTER PLUMBER OR MASTER GAS**  
14 **FITTER LICENSE; AND**

15                                   **(II) ARE RESPONSIBLE FOR THE PROVISION OF GAS**  
16 **SERVICES THROUGH THE FIRM.**

17 **12-405.**

18                                   **(A) TO QUALIFY FOR A PERMIT, A CORPORATION SHALL MEET THE**  
19 **REQUIREMENTS OF THIS SECTION.**

20                                   **(B) (1) AN INDIVIDUAL WHO IS NOT LICENSED TO PROVIDE**  
21 **PLUMBING SERVICES IN THE STATE MAY HAVE AN OWNERSHIP INTEREST IN A**  
22 **CORPORATION THROUGH WHICH PLUMBING SERVICES, GAS SERVICES, OR**  
23 **BOTH, ARE OFFERED OR PROVIDED IF THE CORPORATION:**

24                                   **(I) INCLUDES ONE OR MORE SHAREHOLDERS WHO:**

25                                   **1. HOLD A CURRENT MASTER PLUMBER LICENSE;**  
26 **AND**

27                                   **2. ARE RESPONSIBLE FOR THE PROVISION OF**  
28 **PLUMBING AND GAS SERVICES THROUGH THE FIRM; OR**

29                                   **(II) EMPLOYS ONE OR MORE INDIVIDUALS WHO:**

1                   1.    **HOLD A CURRENT MASTER PLUMBER LICENSE;**  
2 **AND**

3                   2.    **ARE RESPONSIBLE FOR THE PROVISION OF**  
4 **PLUMBING AND GAS SERVICES THROUGH THE FIRM.**

5                   (2)   **AN INDIVIDUAL WHO IS NOT LICENSED TO PROVIDE OR ASSIST**  
6 **IN PROVIDING PLUMBING OR GAS SERVICES IN THE STATE MAY HAVE AN**  
7 **OWNERSHIP INTEREST IN A CORPORATION THROUGH WHICH GAS SERVICES**  
8 **EXCLUSIVELY ARE OFFERED OR PROVIDED IF THE CORPORATION EMPLOYS ONE**  
9 **OR MORE INDIVIDUALS WHO:**

10                   (I)   **HOLD A CURRENT MASTER PLUMBER OR MASTER GAS**  
11 **FITTER LICENSE; AND**

12                   (II) **ARE RESPONSIBLE FOR THE PROVISION OF GAS**  
13 **SERVICES THROUGH THE FIRM.**

14 **12-406.**

15                   (A)   **AN APPLICANT FOR A PERMIT SHALL:**

16                   (1)   **SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT**  
17 **THE BOARD PROVIDES;**

18                   (2)   **PAY TO THE BOARD AN APPLICATION FEE OF \$25;**

19                   (3)   **FURNISH PROOF OF INSURANCE AS REQUIRED BY § 12-501 OF**  
20 **THIS TITLE COVERING:**

21                   (I)   **EACH LICENSEE WHO DIRECTS AND CONTROLS THE**  
22 **PROVISION OF PLUMBING SERVICES THROUGH THE FIRM; AND**

23                   (II) **EACH LICENSEE WHO PROVIDES, ASSISTS IN**  
24 **PROVIDING, OR INTENDS TO PROVIDE OR ASSIST IN PROVIDING PLUMBING**  
25 **SERVICES IN THE STATE.**

26                   (B)   **THE APPLICATION SHALL REQUIRE AN APPLICANT TO PROVIDE:**

27                   (1)   **THE NAME, BUSINESS ADDRESS, AND LICENSE NUMBER OF**  
28 **EACH INDIVIDUAL RESPONSIBLE FOR THE DIRECTION AND CONTROL OF THE**  
29 **PROVISION OF SERVICES THROUGH THE FIRM AS REQUIRED BY § 12-401(C) OF**  
30 **THIS SUBTITLE;**

1           (2) THE NAME, BUSINESS ADDRESS, AND LICENSE NUMBER OF  
2 EACH INDIVIDUAL, EXCLUDING APPRENTICE PLUMBERS AND APPRENTICE  
3 NATURAL GAS FITTERS, EMPLOYED BY THE FIRM OR WHO PROVIDES, OR  
4 INTENDS TO PROVIDE PLUMBING OR GAS SERVICES ON BEHALF OF THE FIRM;

5           (3) A DESCRIPTION OF THE NATURE OF THE BUSINESS OF THE  
6 APPLICANT;

7           (4) THE TRADE NAME OF THE APPLICANT;

8           (5) FOR A PARTNERSHIP APPLICANT, THE NAME AND BUSINESS  
9 ADDRESS OF EACH PARTNER;

10          (6) FOR A LIMITED LIABILITY COMPANY APPLICANT, THE NAME  
11 AND BUSINESS ADDRESS OF EACH MEMBER; AND

12          (7) (I) FOR A CORPORATE APPLICANT, OTHER THAN A  
13 PUBLICLY HELD CORPORATION, THE NAME AND BUSINESS ADDRESS OF EACH  
14 OFFICER, SHAREHOLDER, OR MEMBER UNIT OWNER; AND

15                   (II) FOR A PUBLICLY HELD CORPORATION, THE NAME AND  
16 BUSINESS ADDRESS OF EACH OFFICER OR AGENT INVOLVED IN THE OFFERING  
17 OR PROVISION OF PLUMBING OR GAS SERVICES.

18 **12-407.**

19          (A) IF AN APPLICANT QUALIFIES FOR A PERMIT UNDER THIS SUBTITLE,  
20 THE BOARD SHALL SEND THE APPLICANT A NOTICE THAT STATES:

21           (1) THE APPLICANT HAS QUALIFIED FOR A PERMIT; AND

22           (2) ON RECEIPT OF A \$25 PERMIT FEE, THE BOARD WILL ISSUE A  
23 PERMIT TO THE APPLICANT.

24          (B) ON PAYMENT OF THE PERMIT FEE, THE BOARD SHALL ISSUE A  
25 PERMIT TO EACH APPLICANT THAT MEETS THE REQUIREMENTS OF THIS  
26 SUBTITLE.

27 **12-408.**

28          (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, AND WHILE IT IS IN  
29 EFFECT, THE PERMIT AUTHORIZES THE HOLDER TO OPERATE A BUSINESS  
30 THROUGH WHICH A LICENSED INDIVIDUAL MAY PROVIDE PLUMBING OR GAS  
31 SERVICES.

1           **(B) (1) A PERMIT AUTHORIZES THE HOLDER TO PROVIDE PLUMBING**  
2 **AND GAS SERVICES ONLY IF THE SERVICES ARE PROVIDED BY AN INDIVIDUAL**  
3 **WHO IS LICENSED BY THE BOARD TO PROVIDE PLUMBING SERVICES.**

4           **(2) A PERMIT AUTHORIZES THE HOLDER TO PROVIDE GAS**  
5 **SERVICES ONLY IF THE SERVICES ARE PROVIDED BY AN INDIVIDUAL WHO IS**  
6 **LICENSED BY THE BOARD TO PROVIDE PLUMBING OR GAS SERVICES.**

7 **12-409.**

8           **(A) A PERMIT HOLDER MAY EMPLOY AN INDIVIDUAL WHO IS NOT A**  
9 **MASTER PLUMBER OR HOLDER OF A LIMITED MASTER PLUMBER LICENSE TO**  
10 **PROVIDE OR ASSIST IN PROVIDING PLUMBING SERVICES IF THE INDIVIDUAL:**

11           **(1) IS LICENSED:**

12                   **(I) AS AN APPRENTICE PLUMBER, TO ASSIST IN PROVIDING**  
13 **PLUMBING SERVICES; OR**

14                   **(II) AS A JOURNEY PLUMBER OR HOLDER OF A LIMITED**  
15 **JOURNEY PLUMBER LICENSE, TO PROVIDE PLUMBING SERVICES; AND**

16           **(2) PROVIDES OR ASSISTS IN PROVIDING THE SERVICES ONLY**  
17 **WITHIN THE SCOPE OF THE LICENSE.**

18           **(B) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL PERFORMING**  
19 **WORK THAT IS ONLY INCIDENTAL TO THE LICENSEE PROVIDING OR ASSISTING**  
20 **IN PROVIDING PLUMBING SERVICES.**

21 **12-410.**

22           **(A) UNLESS A PERMIT IS RENEWED FOR A 2-YEAR TERM AS PROVIDED**  
23 **IN THIS SECTION, THE PERMIT EXPIRES ON THE FIRST MAY 1 THAT COMES:**

24           **(1) AFTER THE EFFECTIVE DATE OF THE PERMIT; AND**

25           **(2) IN AN ODD-NUMBERED YEAR.**

26           **(B) AT LEAST 1 MONTH BEFORE A PERMIT EXPIRES, THE BOARD SHALL**  
27 **MAIL TO THE PERMIT HOLDER, AT THE LAST KNOWN BUSINESS ADDRESS OF THE**  
28 **HOLDER:**

29           **(1) A RENEWAL APPLICATION FORM; AND**

1           **(2) A NOTICE THAT STATES:**

2                   **(I) THE DATE ON WHICH THE CURRENT PERMIT EXPIRES;**

3                   **(II) THE DATE BY WHICH THE BOARD MUST RECEIVE THE**  
4 **RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE**  
5 **THE PERMIT EXPIRES; AND**

6                   **(III) THE AMOUNT OF THE RENEWAL FEE.**

7           **(C) BEFORE A PERMIT EXPIRES, THE HOLDER MAY RENEW IT FOR AN**  
8 **ADDITIONAL 2-YEAR TERM, IF THE HOLDER:**

9                   **(1) OTHERWISE IS ENTITLED TO BE GRANTED A PERMIT;**

10                  **(2) PAYS TO THE BOARD A RENEWAL FEE OF \$50; AND**

11                  **(3) SUBMITS:**

12                   **(I) PROOF OF INSURANCE AS REQUIRED BY § 12-501 OF**  
13 **THIS TITLE; AND**

14                   **(II) A RENEWAL APPLICATION ON THE FORM THAT THE**  
15 **BOARD PROVIDES.**

16           **(D) THE BOARD SHALL RENEW THE PERMIT OF EACH PERMIT**  
17 **HOLDER WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

18 **12-411.**

19           **(A) THE BOARD MAY REINSTATE A PERMIT THAT HAS EXPIRED IF THE**  
20 **PERMIT HOLDER:**

21                   **(1) APPLIES TO THE BOARD FOR REINSTATEMENT WITHIN 30**  
22 **DAYS AFTER THE PERMIT EXPIRES;**

23                   **(2) OTHERWISE MEETS THE REQUIREMENTS OF § 12-410 OF THIS**  
24 **SUBTITLE; AND**

25                   **(3) PAYS TO THE BOARD A REINSTATEMENT FEE ESTABLISHED BY**  
26 **THE BOARD NOT TO EXCEED \$100, IN ADDITION TO THE RENEWAL FEE**  
27 **REQUIRED UNDER § 12-410 OF THIS SUBTITLE.**



1           **(B) IF A PERMIT HOLDER HAS FAILED TO RENEW A PERMIT AND**  
2 **APPLIES TO THE BOARD FOR REINSTATEMENT MORE THAN 30 DAYS AFTER THE**  
3 **PERMIT HAS EXPIRED, THE BOARD SHALL REINSTATE THE PERMIT ONLY IF THE**  
4 **PERMIT HOLDER QUALIFIES FOR A PERMIT IN ACCORDANCE WITH §§ 12-402**  
5 **THROUGH 12-405 OF THIS SUBTITLE.**

6 **12-412.**

7           **WITHIN 1 MONTH AFTER THE EFFECTIVE DATE OF THE CHANGE, A FIRM**  
8 **SHALL GIVE TO THE BOARD WRITTEN NOTICE OF:**

9                   **(1) A CHANGE IN THE NAME OF THE FIRM THROUGH WHICH THE**  
10 **FIRM PROVIDES SERVICES UNDER THIS SUBTITLE;**

11                   **(2) A CHANGE IN THE NAME OF THE INDIVIDUAL RESPONSIBLE**  
12 **FOR THE DIRECTION AND CONTROL OF THE SERVICES PROVIDED BY THE FIRM**  
13 **UNDER THIS SUBTITLE; OR**

14                   **(3) THE ADMISSION, WITHDRAWAL, OR DEATH OF:**

15                           **(I) A PARTNER, IF THE FIRM IS A PARTNERSHIP;**

16                           **(II) A MEMBER, IF THE FIRM IS A LIMITED LIABILITY**  
17 **COMPANY; OR**

18                           **(III) AN OFFICER, DIRECTOR, OR SHAREHOLDER INVOLVED**  
19 **IN THE OFFERING OR PROVISION OF SERVICES BY THE FIRM UNDER THIS**  
20 **SUBTITLE, IF THE FIRM IS A CORPORATION.**

21 **12-413.**

22           **THE SURVIVING PARTNER OF A PARTNERSHIP THAT HOLDS A PERMIT MAY**  
23 **USE THE PARTNERSHIP NAME FOR 1 YEAR AFTER THE DEATH OF THE NEXT TO**  
24 **THE LAST PARTNER.**

25 **12-414.**

26           **(A) SUBJECT TO THE HEARING PROVISIONS OF § 12-416 OF THIS**  
27 **SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS**  
28 **MEMBERS, MAY DENY A PERMIT TO AN APPLICANT, REPRIMAND A PERMIT**  
29 **HOLDER, OR SUSPEND OR REVOKE A PERMIT:**

30                   **(1) FOR ANY APPLICABLE GROUND UNDER § 12-312 OF THIS**  
31 **TITLE;**

1           **(2) IF THE APPLICANT OR PERMIT HOLDER FRAUDULENTLY OR**  
2 **DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A PERMIT;**

3           **(3) IF THE APPLICANT OR PERMIT HOLDER FRAUDULENTLY OR**  
4 **DECEPTIVELY USES A PERMIT;**

5           **(4) IF THE APPLICANT OR PERMIT HOLDER FAILS TO MEET OR**  
6 **CONTINUE TO MEET THE QUALIFICATIONS OR REQUIREMENTS SET FORTH IN §§**  
7 **12-402 THROUGH 12-405 OF THIS SUBTITLE; OR**

8           **(5) IF THE APPLICANT OR PERMIT HOLDER HAS A PARTNER,**  
9 **MEMBER, OR CORPORATE OFFICER WHOSE LICENSE HAS BEEN SUSPENDED OR**  
10 **REVOKED BY THE BOARD.**

11           **(B) ON SUSPENSION OR REVOCATION OF A PERMIT, THE HOLDER SHALL**  
12 **SURRENDER TO THE BOARD THE PERMIT CERTIFICATE.**

13           **(C) AT THE END OF A SUSPENSION PERIOD, THE BOARD SHALL RETURN**  
14 **TO THE PERMIT HOLDER THE PERMIT CERTIFICATE SURRENDERED UNDER THIS**  
15 **SECTION.**

16 **12-415.**

17           **ON ITS OWN INITIATIVE OR ON A WRITTEN COMPLAINT MADE TO THE**  
18 **BOARD BY ANY PERSON, THE BOARD MAY COMMENCE PROCEEDINGS UNDER §**  
19 **12-414 OF THIS SUBTITLE.**

20 **12-416.**

21           **(A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE**  
22 **GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER**  
23 **§ 12-414 OF THIS SUBTITLE, IT SHALL GIVE THE PERSON AGAINST WHOM THE**  
24 **ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE**  
25 **BOARD.**

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

29           **(C) THE BOARD MAY ADMINISTER OATHS IN CONNECTION WITH ANY**  
30 **PROCEEDING UNDER THIS SECTION.**

1           (D) (1) THE BOARD MAY ISSUE A SUBPOENA FOR THE ATTENDANCE  
2 OF A WITNESS TO TESTIFY OR THE PRODUCTION OF EVIDENCE IN CONNECTION  
3 WITH ANY PROCEEDING UNDER THIS SECTION.

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

7           (E) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS  
8 CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE BOARD  
9 MAY HEAR AND DETERMINE THE MATTER.

10   12-417.

11           (A) (1) FOR THE LIMITED PURPOSE SET FORTH IN PARAGRAPH (2) OF  
12 THIS SUBSECTION, A PERMIT SHALL REMAIN IN EFFECT AND MAY NOT EXPIRE  
13 BY OPERATION OF LAW WHILE THE PERMIT HOLDER IS UNDER INVESTIGATION  
14 BY THE BOARD OR AWAITING A HEARING OR DISPOSITION ON CHARGES  
15 SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.

16           (2) ANY EXTENSION OF A PERMIT TERM CAUSED UNDER THIS  
17 SUBSECTION IS EFFECTIVE ONLY FOR THE PURPOSE OF RETAINING THE  
18 JURISDICTION OF THE BOARD OVER THE PERMIT HOLDER DURING THE COURSE  
19 OF DISCIPLINARY PROCEEDINGS AND DOES NOT PREVENT THE PERMIT FROM  
20 EXPIRING FOR ANY OTHER PURPOSE.

21           (B) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER, A  
22 PERMIT HOLDER MAY NOT SURRENDER A PERMIT WHILE THE HOLDER IS UNDER  
23 INVESTIGATION OR AWAITING A HEARING OR DISPOSITION ON CHARGES  
24 SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.

25   12-418.

26           (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY  
27 REINSTATE:

28           (1) A PERMIT THAT HAS BEEN REVOKED; OR

29           (2) BEFORE FULFILLMENT OF THE CONDITIONS OF THE  
30 SUSPENSION, A PERMIT THAT HAS BEEN SUSPENDED.

31           (B) A PERMIT MAY BE REINSTATED UNDER THIS SECTION ONLY IF:

1           **(1) THE FIRM WHOSE PERMIT HAS BEEN REVOKED OR**  
2 **SUSPENDED SUBMITS A WRITTEN REQUEST TO THE BOARD;**

3           **(2) THE BOARD HOLDS A HEARING ON THE REQUEST; AND**

4           **(3) THE BOARD, BY AN AFFIRMATIVE VOTE OF A MAJORITY OF ITS**  
5 **MEMBERS, APPROVES REINSTATEMENT OF THE PERMIT.**

6 **12-419.**

7           **AFTER THE BOARD ISSUES A PERMIT, THE PERMIT HOLDER SHALL**  
8 **CONTINUE TO COMPLY WITH THE REQUIREMENTS OF §§ 12-402 THROUGH**  
9 **12-405 OF THIS SUBTITLE.**

10 **12-501.**

11           (a) A **PERMIT HOLDER**, master [plumber] **PLUMBER**, or holder of a limited  
12 master plumber license may not contract to provide plumbing services on behalf of  
13 **THE FIRM**, the master plumber, holder of a limited master plumber license, or another  
14 person who engages in the business of providing plumbing services unless the  
15 plumbing work of the master plumber or holder of a limited master plumber license is  
16 covered by liability insurance, including completed operations:

17                   (1) for bodily injury in the amount of at least \$300,000; and

18                   (2) for property damage in the amount of at least \$100,000.

19           (b) (1) The insurance required under this section may be bought:

20                           (i) by a master plumber or holder of a limited master plumber  
21 license; or

22                           (ii) for a master plumber or holder of a limited master plumber  
23 license, by the [person who engages in the business of providing plumbing services  
24 and] **FIRM THAT** employs the master plumber or holder of a limited master plumber  
25 license.

26 **12-504.**

27           **(A)** Each plumbing advertisement in the name of a person who engages in  
28 the business of providing plumbing services shall contain the license number and  
29 name of a master plumber or holder of a limited master plumber license whom the  
30 person employs and designates to direct and control the provision of plumbing services  
31 through the business of the person.

1           **(B) EACH PLUMBING ADVERTISEMENT IN THE NAME OF A FIRM SHALL**  
2 **CONTAIN:**

3                   **(1) THE TRADE NAME AND PERMIT NUMBER OF THE FIRM; AND**

4                   **(2) THE LICENSE NUMBER AND NAME OF A MASTER PLUMBER OR**  
5 **HOLDER OF A LIMITED MASTER PLUMBER LICENSE WHO IS EMPLOYED BY THE**  
6 **PERMIT HOLDER FOR THE FIRM AND HAS BEEN DESIGNATED AS AN INDIVIDUAL**  
7 **RESPONSIBLE FOR THE DIRECTION AND CONTROL OF THE PROVISION OF**  
8 **PLUMBING SERVICES THROUGH THE FIRM.**

9           **(C) EACH GAS ADVERTISEMENT IN THE NAME OF A FIRM SHALL**  
10 **CONTAIN:**

11                   **(1) THE TRADE NAME AND PERMIT NUMBER OF THE FIRM; AND**

12                   **(2) THE LICENSE NUMBER AND NAME OF A MASTER PLUMBER,**  
13 **MASTER GAS FITTER, OR HOLDER OF A LIMITED MASTER PLUMBER LICENSE**  
14 **WHO IS EMPLOYED BY THE PERMIT HOLDER FOR THE FIRM AND HAS BEEN**  
15 **DESIGNATED AS AN INDIVIDUAL RESPONSIBLE FOR THE DIRECTION AND**  
16 **CONTROL OF THE PROVISION OF GAS SERVICES THROUGH THE FIRM.**

17 **12-505.**

18           **EACH FIRM SHALL DISPLAY:**

19                   **(1) THE FIRM PERMIT IN PUBLIC VIEW IN THE PERMANENT**  
20 **OFFICE OF THE FIRM; AND**

21                   **(2) THE PERMIT NUMBER OF THE FIRM ON EACH VEHICLE USED**  
22 **FOR PROVIDING PLUMBING OR GAS SERVICES FOR THE FIRM.**

23 **12-506.**

24           **(A) EACH PERMIT HOLDER SHALL GIVE THE BOARD AND ANY OTHER**  
25 **APPROPRIATE LICENSING AUTHORITY WRITTEN NOTICE OF ANY CHANGE OF**  
26 **NAME, BUSINESS ADDRESS, OR EMPLOYMENT FROM THAT WHICH APPEARS ON**  
27 **THE CURRENT PERMIT, AT LEAST 10 WORKING DAYS BEFORE THE CHANGE IS TO**  
28 **TAKE EFFECT.**

29           **(B) EACH PERMIT HOLDER SHALL:**



1           (3)    [§ 12-606] § **12-605**; AND

2           (4)    § **12-606**.

3           (c)    Any person who knowingly and willfully violates any provision of §  
4 12-501(a) of this title is guilty of a misdemeanor and on conviction is subject to a fine  
5 not exceeding \$1,000 or imprisonment not exceeding 6 months or both.

6           (d)    (1)    In addition to any other penalties under this title, the Board may  
7 impose on a person who violates any provision of this subtitle a penalty not exceeding  
8 \$5,000 for each violation.

9           (2)    In setting the amount of the penalty, the Board shall consider:

10                   (i)    the gravity of the violation;

11                   (ii)   the good faith of the violator;

12                   (iii)  the quantity and gravity of previous violations by the same  
13 violator;

14                   (iv)   the harm caused to the complainant, the public, and the  
15 plumbing profession;

16                   (v)    the assets of the violator; and

17                   (vi)   any other factors that the Board considers relevant.

18           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2008.