

HOUSE BILL 1309

C2

8lr2061

By: **Delegate McHale**

Introduced and read first time: February 8, 2008

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2008

CHAPTER _____

1 AN ACT concerning

2 **Business Regulation – Mold Remediation Services – Licensing**

3 FOR the purpose of requiring certain persons to be licensed by the Maryland Home
4 Improvement Commission to provide mold remediation services; requiring the
5 ~~Secretary~~ Commission to adopt regulations for the licensure and regulation of
6 mold remediation services; providing that this Act does not limit the rights of
7 certain individuals to engage in certain mold remediation; establishing the
8 purpose of this Act; providing for the powers and duties of the Commission in
9 licensing and regulating mold remediation service providers; requiring all fees
10 collected by the Commission under this Act to be paid into the General Fund;
11 requiring ~~certain~~ licensees to maintain certain ~~general liability~~ insurance;
12 providing that licensees are not required to pay certain assessments; providing
13 for the qualifications and applicant requirements of mold remediation
14 supervisors and technicians; establishing certain application procedures;
15 authorizing the issuance and renewal of certain licenses; providing for the
16 expiration and renewal of certain licenses; authorizing the ~~Secretary~~
17 Commission to deny a license to an applicant, ~~refuse to renew a license,~~
18 reprimand a licensee, suspend or revoke a license, or impose certain penalties
19 under certain circumstances; establishing certain hearing and appeal
20 procedures ~~for mold remediation technicians and supervisors;~~ prohibiting a
21 licensee from ~~employing certain individuals or from~~ engaging in certain
22 practices; providing for certain ~~criminal and~~ civil penalties; requiring certain
23 persons performing ~~companies or firms~~ providing mold remediation services to
24 be licensed on or before a certain date; defining certain terms; and generally
25 relating to the licensure and regulation of mold remediation services.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY renumbering
2 Article – State Government
3 Section 8–403(b)(39) through (69), respectively
4 to be Section 8–403(b)(40) through (b)(70), respectively
5 Annotated Code of Maryland
6 (2004 Replacement Volume and 2007 Supplement)

7 BY adding to
8 Article – Business Regulation
9 Section 8–701 through 8–718 to be under the new subtitle “Subtitle 7. Mold
10 Remediation Services”
11 Annotated Code of Maryland
12 (2004 Replacement Volume and 2007 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Business Regulation
15 Section 8–701 and 8–702 to be under the amended subtitle “Subtitle 8. Short
16 Title; Termination of Title”
17 Annotated Code of Maryland
18 (2004 Replacement Volume and 2007 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – State Government
21 Section 8–403(a)
22 Annotated Code of Maryland
23 (2004 Replacement Volume and 2007 Supplement)

24 BY adding to
25 Article – State Government
26 Section 8–403(b)(39)
27 Annotated Code of Maryland
28 (2004 Replacement Volume and 2007 Supplement)

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
30 MARYLAND, That Section(s) 8–403(b)(39) through (69), respectively, of Article – State
31 Government of the Annotated Code of Maryland be renumbered to be Section(s)
32 8–403(b)(40) through (70), respectively.

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

35 **Article – Business Regulation**

36 **SUBTITLE 7. MOLD REMEDIATION SERVICES.**

37 **8–701.**

1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) "ACCREDITATION BODY" MEANS THE AMERICAN INDOOR AIR
4 QUALITY COUNCIL OR ANY OTHER NATIONALLY RECOGNIZED ACCREDITATION
5 BODY THAT IS RECOGNIZED BY THE COMMISSION AND THAT OPERATES
6 INDEPENDENTLY OF TRAINING ORGANIZATIONS OR INDUSTRY TRADE
7 ASSOCIATIONS.

8 (C) "COMMISSION" MEANS THE MARYLAND HOME IMPROVEMENT
9 COMMISSION.

10 (D) "LICENSE" MEANS A LICENSE ISSUED BY THE COMMISSION TO
11 ~~PERFORM OR ASSIST IN PERFORMING A COMPANY OR FIRM TO PROVIDE MOLD~~
12 ~~REMEDIAATION SERVICES AND INCLUDES:~~

13 (1) ~~A MOLD REMEDIATION TECHNICIAN LICENSE; AND~~

14 (2) ~~A MOLD REMEDIATION SUPERVISOR LICENSE.~~

15 (E) "MOLD" MEANS AN ORGANISM OF THE CLASS FUNGI THAT CAUSES
16 DISINTEGRATION OF ORGANIC MATTER AND PRODUCES SPORES, AS WELL AS
17 ANY SPORES, HYPHAE, AND MYCOTOXINS THAT ARE PRODUCED BY MOLD.

18 (F) "MOLD ASSESSMENT" MEANS:

19 (1) AN INSPECTION, INVESTIGATION, OR SURVEY OF A DWELLING
20 OR OTHER STRUCTURE TO PROVIDE INFORMATION TO THE OWNER REGARDING
21 THE PRESENCE, IDENTIFICATION, OR EVALUATION OF MOLD;

22 (2) THE DEVELOPMENT OF A MOLD MANAGEMENT PLAN; OR

23 (3) THE COLLECTION OR ANALYSIS OF A MOLD SAMPLE.

24 (G) "MOLD REMEDIATION" MEANS THE REMOVAL, CLEANING,
25 SANITIZING, DEMOLITION, OR OTHER TREATMENT OF MOLD OR
26 MOLD-CONTAMINATED MATTER, LIVE OR DEAD, THAT WAS NOT INTENDED TO
27 BE GROWN AT THAT LOCATION.

28 **8-702.**

29 (A) THIS SUBTITLE DOES NOT APPLY TO:

30 (1) THE PERFORMANCE OF MOLD REMEDIATION ON
31 NONRESIDENTIAL PROPERTY;

1 ~~(1)~~ **(2)** THE PERFORMANCE OF MOLD REMEDIATION IN AN
2 AREA LESS THAN 10 SQUARE FEET;

3 ~~(2)~~ **(3)** THE PERFORMANCE OF MOLD ASSESSMENTS; OR

4 ~~(3)~~ **(4)** ROUTINE CLEANING THAT IS NOT PERFORMED FOR THE
5 PURPOSE OF MOLD REMEDIATION.

6 **(B) THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF:**

7 **(1) AN INDIVIDUAL RESIDENTIAL PROPERTY OWNER WHO**
8 **PERFORMS MOLD REMEDIATION ON THE INDIVIDUAL'S PROPERTY;**

9 **(2) AN EMPLOYEE OF THE UNITED STATES GOVERNMENT, THE**
10 **STATE GOVERNMENT, A LOCAL GOVERNMENT, OR AN INDEPENDENT AGENCY**
11 **WHILE THAT EMPLOYEE IS PERFORMING MOLD REMEDIATION SERVICES ON OR**
12 **WITHIN BUILDINGS OR STRUCTURES OWNED OR SOLELY OCCUPIED BY THE**
13 **UNITED STATES GOVERNMENT, THE STATE GOVERNMENT, A LOCAL**
14 **GOVERNMENT, OR AN INDEPENDENT AGENCY;**

15 **(3) AN INDUSTRIAL HYGIENIST, AS DEFINED BY THE AMERICAN**
16 **INDUSTRIAL HYGIENE ASSOCIATION, A PROFESSIONAL ENGINEER, OR AN**
17 **ENVIRONMENTAL SANITARIAN WHO ENGAGES IN MOLD REMEDIATION**
18 **SERVICES; OR**

19 **(4) AN INDIVIDUAL REGULARLY EMPLOYED BY THE OWNER OF**
20 **PROPERTY, OR THE OWNER'S AGENT, TO ENGAGE IN MAINTENANCE AND REPAIR**
21 **WORK.**

22 **8-703.**

23 **THE PURPOSE OF THIS SUBTITLE IS TO ESTABLISH A LICENSING**
24 **PROGRAM FOR ~~INDIVIDUALS WHO PERFORM OR ASSIST IN PERFORMING~~**
25 **COMPANIES AND FIRMS THAT PROVIDE MOLD REMEDIATION SERVICES TO:**

26 **(1) PROTECT THE PUBLIC;**

27 **(2) IMPROVE INDOOR AIR QUALITY; AND**

28 **(3) PROMOTE HIGH PROFESSIONAL STANDARDS.**

29 **8-704.**

1 IN ADDITION TO ANY OTHER POWERS AND DUTIES SET FORTH
2 ELSEWHERE, THE COMMISSION SHALL:

- 3 (1) ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE;
- 4 (2) ISSUE LICENSES;
- 5 (3) KEEP A LIST OF ALL LICENSEES; AND
- 6 (4) KEEP A RECORD OF ITS PROCEEDINGS.

7 **8-705.**

8 (A) SUBJECT TO ~~SUBSECTIONS (B) AND (C)~~ SUBSECTION (B) OF THIS
9 SECTION, THE COMMISSION MAY SET REASONABLE FEES FOR ITS SERVICES.

10 (B) ~~EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,~~
11 ~~REVENUES~~ REVENUES GENERATED BY THE COMMISSION SHALL BE AT LEAST
12 EQUAL TO EXPENSES INCURRED BY THE COMMISSION.

13 (C) THE COMMISSION SHALL PAY ALL MONEY COLLECTED UNDER THIS
14 SUBTITLE INTO THE GENERAL FUND OF THE STATE.

15 **8-706.**

16 (A) (1) ~~EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A~~
17 A PERSON LICENSED UNDER THIS SUBTITLE MAY NOT CONTRACT OR SOLICIT TO
18 ~~ENGAGE IN THE BUSINESS OF~~ PROVIDE MOLD REMEDIATION SERVICES UNLESS
19 THE WORK OF THE LICENSEE IS COVERED BY ~~GENERAL LIABILITY~~ INSURANCE
20 IN THE AMOUNT OF AT LEAST \$1,000,000.

21 (2) A LICENSEE SHALL GIVE THE COMMISSION NOTICE OF THE
22 CANCELLATION OF INSURANCE AT LEAST 10 DAYS BEFORE THE EFFECTIVE
23 DATE OF THE CANCELLATION.

24 (B) ~~A LICENSED MOLD REMEDIATION TECHNICIAN OR SUPERVISOR~~
25 ~~NEED NOT OBTAIN SEPARATE INSURANCE WHILE PERFORMING OR ASSISTING IN~~
26 ~~PERFORMING MOLD REMEDIATION SERVICES UNDER THE CONTROL AND~~
27 ~~SUPERVISION OF A LICENSED FIRM~~ A PERSON LICENSED TO PROVIDE MOLD
28 REMEDICATION SERVICES UNDER THIS SUBTITLE IS NOT REQUIRED TO PAY
29 ASSESSMENTS TO THE FUND UNDER SUBTITLE 4 OF THIS TITLE.

30 **8-707.**

1 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, ~~AN~~
2 ~~INDIVIDUAL~~ A COMPANY OR FIRM SHALL BE LICENSED BY THE COMMISSION
3 BEFORE THE ~~INDIVIDUAL PERFORMS OR ASSISTS IN PERFORMING~~ COMPANY OR
4 FIRM PROVIDES MOLD REMEDIATION SERVICES IN THE STATE.

5 (B) (1) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL MEET THE
6 REQUIREMENTS OF THIS SECTION.

7 (2) IF THE APPLICANT IS A COMPANY OR FIRM, THE COMPANY OR
8 FIRM SHALL APPOINT A COMPANY OR FIRM MEMBER AS A REPRESENTATIVE
9 MEMBER TO MAKE THE APPLICATION ON BEHALF OF THE COMPANY OR FIRM.

10 ~~(C) AN APPLICANT FOR A MOLD REMEDIATION SUPERVISOR LICENSE~~
11 ~~SHALL:~~

12 ~~(1) BE AT LEAST 18 YEARS OLD;~~

13 ~~(2) BE OF GOOD MORAL CHARACTER; AND~~

14 ~~(3) BE ACTIVELY CERTIFIED BY AN ACCREDITATION BODY AS A~~
15 ~~MICROBIAL REMEDIATION SUPERVISOR.~~

16 ~~(D) AN APPLICANT FOR A MOLD REMEDIATION TECHNICIAN LICENSE~~
17 ~~SHALL:~~

18 ~~(1) BE AT LEAST 18 YEARS OLD;~~

19 ~~(2) BE OF GOOD MORAL CHARACTER; AND~~

20 ~~(3) BE ACTIVELY CERTIFIED BY AN ACCREDITATION BODY AS A~~
21 ~~MICROBIAL REMEDIATOR.~~

22 ~~(E) AN APPLICANT FOR A MOLD REMEDIATION FIRM LICENSE SHALL:~~

23 ~~(1) BE AT LEAST 18 YEARS OLD;~~

24 ~~(2) BE OF GOOD MORAL CHARACTER; AND~~

25 ~~(3) BE ACTIVELY CERTIFIED BY AN ACCREDITATION BODY AS A~~
26 ~~MICROBIAL REMEDIATION SUPERVISOR.~~

27 8-708.

28 ~~(A) AN APPLICANT FOR A LICENSE SHALL:~~

1 (1) SUBMIT AN APPLICATION TO THE COMMISSION IN THE FORM
2 THAT THE COMMISSION PROVIDES;

3 (2) PAY A NONREFUNDABLE APPLICATION FEE ESTABLISHED
4 THROUGH REGULATION;

5 (3) SUBMIT PROOF ~~OF CERTIFICATION BY AN ACCREDITATION~~
6 ~~BODY AS A MOLD REMEDIATION SUPERVISOR OR REMEDIATOR~~ THAT EACH OF
7 ITS EMPLOYEES WHO PROVIDES MOLD REMEDIATION SERVICES IS CERTIFIED
8 BY AN ACCREDITATION BODY AS A MICROBIAL REMEDIATION SUPERVISOR OR
9 MICROBIAL REMEDIATION TECHNICIAN, WHICHEVER IS APPLICABLE;

10 (4) ~~IF APPLYING FOR A FIRM LICENSE,~~ SUBMIT PROOF OF
11 ~~GENERAL LIABILITY~~ INSURANCE AS REQUIRED BY § 8-706 OF THIS SUBTITLE;
12 AND

13 (5) PROVIDE ANY OTHER INFORMATION THE COMMISSION MAY
14 REQUIRE.

15 ~~(B) THE APPLICATION FORM PROVIDED BY THE COMMISSION SHALL~~
16 ~~REQUIRE AN APPLICANT TO PROVIDE:~~

17 ~~(1) THE APPLICANT'S NAME;~~

18 ~~(2) THE APPLICANT'S BUSINESS ADDRESS, TELEPHONE NUMBER,~~
19 ~~AND, IF APPLICABLE, ELECTRONIC MAIL ADDRESS;~~

20 ~~(3) THE APPLICANT'S SOCIAL SECURITY NUMBER; AND~~

21 ~~(4) ANY OTHER INFORMATION THAT THE COMMISSION DEEMS~~
22 ~~NECESSARY.~~

23 **8-709.**

24 (A) THE COMMISSION MAY GRANT A WAIVER TO THE REQUIREMENT
25 FOR A LICENSE ONLY IF THE APPLICANT:

26 (1) PAYS THE APPROPRIATE APPLICATION FEE; AND

27 (2) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

28 (I) MEETS THE QUALIFICATIONS OTHERWISE REQUIRED BY
29 THIS SUBTITLE; AND

1 (II) HAS AN ACTIVE LICENSE FROM ANOTHER STATE WITH
2 LICENSING REQUIREMENTS THAT ARE AT LEAST EQUIVALENT TO THE
3 LICENSING REQUIREMENTS OF THIS STATE.

4 (B) THE COMMISSION ~~WILL~~ SHALL ISSUE THE LICENSE TO EACH
5 APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE AND THE
6 REGULATIONS ADOPTED UNDER IT.

7 **8-710.**

8 (A) UNLESS THE LICENSE IS RENEWED AS PROVIDED IN THIS SECTION,
9 A LICENSE EXPIRES 2 YEARS AFTER THE DATE OF ISSUANCE.

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

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

13 (2) PAYS TO THE COMMISSION A RENEWAL FEE ESTABLISHED BY
14 THE COMMISSION; AND

15 (3) SUBMITS:

16 (I) PROOF OF INSURANCE, ~~IF APPLICABLE~~;

17 (II) A RENEWAL APPLICATION IN THE FORM THAT THE
18 COMMISSION PROVIDES; AND

19 (III) ~~PROOF OF THE LICENSEE'S ACTIVE CERTIFICATION OR~~
20 ~~RECERTIFICATION AS A MICROBIAL REMEDIATION SUPERVISOR OR MICROBIAL~~
21 ~~REMIEDIATOR~~ THAT EACH OF THE LICENSEE'S CURRENT EMPLOYEES WHO
22 PROVIDES MOLD REMEDIATION SERVICES HOLDS AN ACTIVE CERTIFICATION
23 FROM AN ACCREDITATION BODY AS A MICROBIAL REMEDIATION SUPERVISOR
24 OR MICROBIAL REMEDIATION TECHNICIAN.

25 (C) THE COMMISSION SHALL RENEW THE LICENSE OF EACH LICENSEE
26 WHO MEETS THE REQUIREMENTS OF THIS SECTION.

27 (D) (1) IF APPLICATION FOR RESTORATION IS MADE WITHIN 90 DAYS
28 OF EXPIRATION OF A LICENSE, THE LICENSE MAY BE RESTORED ONLY ON
29 PAYMENT OF A RENEWAL FEE.

30 (2) IF APPLICATION FOR RESTORATION IS NOT MADE WITHIN THE
31 90-DAY PERIOD, THE COMMISSION MAY REQUIRE COMPLIANCE WITH THE

1 PROCESS FOR INITIAL APPLICATIONS AS IF THE APPLICANT HAD NEVER BEEN
2 LICENSED.

3 8-711.

4 (A) ~~THE~~ SUBJECT TO THE HEARING PROVISIONS OF § 8-712 OF THIS
5 SUBTITLE, THE COMMISSION MAY DENY A LICENSE TO ANY APPLICANT,
6 REPRIMAND ANY LICENSEE, OR SUSPEND OR REVOKE A LICENSE ~~AFTER A~~
7 ~~PUBLIC HEARING CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF §~~
8 ~~8-712 OF THIS TITLE,~~ IF THE COMMISSION FINDS THAT THE ~~INDIVIDUAL~~
9 APPLICANT OR LICENSEE:

10 (1) OBTAINED A LICENSE BY FALSE OR FRAUDULENT
11 REPRESENTATION;

12 (2) TRANSFERRED THE AUTHORITY GRANTED BY THE LICENSE TO
13 ANOTHER PERSON;

14 (3) WILLFULLY OR DELIBERATELY DISREGARDED AND VIOLATED
15 ANY REGULATIONS ESTABLISHED BY THE COMMISSION UNDER THIS SUBTITLE;

16 (4) WILLFULLY OR DELIBERATELY DISREGARDED AND VIOLATED
17 LAWS OF THE STATE OR OF ANY MUNICIPALITY, CITY, OR COUNTY OF THE
18 STATE;

19 (5) IS CONVICTED OF:

20 (I) A FELONY; OR

21 (II) A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE
22 FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE
23 MOLD REMEDIATION SERVICES;

24 (6) AIDED OR ABETTED A PERSON TO EVADE A PROVISION OF
25 THIS SUBTITLE BY ALLOWING A LICENSE TO BE USED BY AN UNLICENSED
26 PERSON, FIRM, OR CORPORATION;

27 (7) PERFORMED WORK UNDER A MOLD REMEDIATION SERVICES
28 CONTRACT OR PROJECT THAT IS INADEQUATE OR INCOMPLETE;

29 (8) MADE ANY MATERIAL MISREPRESENTATION IN THE
30 PROCUREMENT OF A MOLD REMEDIATION SERVICES CONTRACT OR PROJECT;
31 OR

32 (9) ~~VIOLATES~~ VIOLATED THIS SUBTITLE.

1 (B) SUBJECT TO THE HEARING PROVISIONS OF § 8-712 OF THIS ~~TITLE~~
2 SUBTITLE, THE COMMISSION MAY REPRIMAND A LICENSEE OR SUSPEND OR
3 REVOKE A LICENSE OF A LICENSEE FOR A VIOLATION OF THIS TITLE BY AN
4 AGENT, DIRECTOR, EMPLOYEE, MANAGER, OFFICER, PARTNER, OR
5 SALESPERSON OF THE LICENSEE, UNLESS THE COMMISSION FINDS THAT THE
6 LICENSEE:

7 (1) HAD NO KNOWLEDGE OF THE WRONGFUL CONDUCT; OR

8 (2) COULD NOT PREVENT THE VIOLATION.

9 (C) INSTEAD OF OR IN ADDITION TO REPRIMANDING A LICENSEE OR
10 SUSPENDING OR REVOKING A LICENSE, THE COMMISSION MAY IMPOSE A CIVIL
11 PENALTY UNDER § 8-620 OF THIS TITLE.

12 (D) THE COMMISSION SHALL CONSIDER THE FOLLOWING FACTS IN THE
13 GRANTING, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR
14 THE REPRIMAND OF A LICENSEE WHEN AN APPLICANT OR LICENSEE IS
15 CONVICTED OF A FELONY OR MISDEMEANOR:

16 (1) THE NATURE OF THE CRIME;

17 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES
18 AUTHORIZED BY THE LICENSE;

19 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE
20 CONVICTION TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR
21 LICENSEE TO ~~PERFORM~~ PROVIDE MOLD REMEDIATION SERVICES;

22 (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

23 (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR
24 LICENSEE BEFORE AND AFTER THE CONVICTION.

25 (E) THE COMMISSION SHALL PAY ANY PENALTY COLLECTED UNDER
26 THIS ~~SUBSECTION~~ SECTION INTO THE GENERAL FUND OF THE STATE.

27 **8-712.**

28 (A) EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 2 OF THE
29 STATE GOVERNMENT ARTICLE, BEFORE THE COMMISSION TAKES ANY FINAL
30 ACTION UNDER THIS SUBTITLE, THE COMMISSION SHALL GIVE THE ~~INDIVIDUAL~~
31 PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR
32 A HEARING BEFORE THE COMMISSION.

1 (B) THE COMMISSION SHALL GIVE NOTICE AND HOLD THE HEARING IN
2 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT
3 ARTICLE.

4 (C) THE COMMISSION MAY ADMINISTER OATHS IN CONNECTION WITH
5 ANY PROCEEDING UNDER THIS SECTION.

6 (D) IF, AFTER DUE NOTICE, THE ~~INDIVIDUAL~~ PERSON AGAINST WHOM
7 THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS
8 THE COMMISSION MAY HEAR AND DETERMINE THE MATTER.

9 **8-713.**

10 ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE COMMISSION MAY
11 TAKE AN APPEAL AS ALLOWED IN §§ 10-222 AND 10-223 OF THE STATE
12 GOVERNMENT ARTICLE.

13 **8-714.**

14 (A) ~~EACH LICENSED MOLD REMEDIATION SUPERVISOR OR TECHNICIAN~~
15 LICENSEE SHALL DISPLAY:

16 (1) THE LICENSE AND THE LICENSE NUMBER CONSPICUOUSLY IN
17 THE PRINCIPAL PLACE OF BUSINESS OF THE LICENSEE; AND

18 (2) THE LICENSE NUMBER OF THE LICENSEE ON EACH VEHICLE
19 USED ON THE JOB FOR ~~PERFORMING~~ PROVIDING MOLD REMEDIATION
20 SERVICES.

21 (B) EACH LICENSEE SHALL GIVE THE COMMISSION NOTICE OF ANY
22 CHANGE OF NAME, ADDRESS, OR EMPLOYMENT FROM THAT WHICH APPEARS ON
23 THE CURRENT LICENSE, AT LEAST 10 WORKING DAYS BEFORE THE CHANGE IS
24 TO TAKE EFFECT.

25 **8-715.**

26 (A) ~~EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOLDER OF~~
27 ~~A MOLD REMEDIATION LICENSE MAY NOT EMPLOY AN INDIVIDUAL TO PERFORM~~
28 ~~OR ASSIST IN PERFORMING~~ PERSON MAY NOT PROVIDE MOLD REMEDIATION
29 SERVICES UNLESS THE ~~INDIVIDUAL~~ PERSON IS LICENSED BY THE COMMISSION.

30 (B) ~~A LICENSED MOLD REMEDIATION TECHNICIAN OR LICENSED MOLD~~
31 ~~REMEDICATION SUPERVISOR~~ LICENSEE MAY NOT:

1 (1) ~~PERFORM~~ PROVIDE OR OFFER TO ~~PERFORM~~ PROVIDE ANY
 2 MOLD REMEDIATION TO A STRUCTURE ON WHICH THE FIRM ~~THAT EMPLOYS THE~~
 3 ~~LICENSED TECHNICIAN OR LICENSED SUPERVISOR~~ OR COMPANY OR ITS
 4 EMPLOYEES HAS PROVIDED A MOLD ASSESSMENT WITHIN THE LAST 12
 5 MONTHS; OR

6 (2) PAY ANY COMPENSATION, INDUCEMENT, OR REWARD TO A
 7 MOLD ASSESSOR OR A MOLD ASSESSOR'S FIRM IN ORDER TO GENERATE THE
 8 REFERRAL OF ANY BUSINESS TO THE ~~LICENSED TECHNICIAN, LICENSED~~
 9 ~~SUPERVISOR, OR FIRM THAT EMPLOYS THE LICENSED TECHNICIAN OR~~
 10 ~~LICENSED SUPERVISOR~~ LICENSEE'S FIRM OR COMPANY OR ITS EMPLOYEES.

11 **8-716.**

12 UNLESS LICENSED TO PROVIDE MOLD REMEDIATION SERVICES UNDER
 13 THIS SUBTITLE, A PERSON MAY NOT REPRESENT TO THE PUBLIC BY USE OF THE
 14 TITLES "MOLD REMEDIATION LICENSE HOLDER", "REGISTERED MOLD
 15 REMEDIATION CONTRACTOR", BY OTHER TITLE, OR BY DESCRIPTION OF
 16 SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE PERSON IS
 17 LICENSED TO ~~PERFORM OR TO ASSIST IN PERFORMING~~ PROVIDE MOLD
 18 REMEDIATION SERVICES.

19 **8-717.**

20 THIS SUBTITLE MAY BE CITED AS THE "MARYLAND MOLD REMEDIATION
 21 SERVICES ACT".

22 **8-718.**

23 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF
 24 THE MARYLAND PROGRAM EVALUATION ACT, THIS SUBTITLE AND ALL
 25 REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF
 26 NO EFFECT AFTER JULY 1, ~~2013~~ 2015.

27 Subtitle [7.] 8. Short Title; Termination of Title.

28 [8-701.] 8-801.

29 This title is the Maryland Home Improvement Law.

30 [8-702.] 8-802.

31 Subject to the evaluation and reestablishment provisions of the Maryland
 32 Program Evaluation Act, this title and all regulations adopted under this title shall
 33 terminate on October 1, 2012.

1 Article - State Government

2 8-403.

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

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

11 (39) MOLD REMEDIATION SERVICES, LICENSING AND REGULATION
12 OF (§ 8-701 OF THE BUSINESS REGULATION ARTICLE: JULY 1, ~~2012~~ 2015);

13 SECTION 3. AND BE IT FURTHER ENACTED, That on or before ~~January~~
14 June 1, 2010, a ~~person performing~~ company or firm providing mold remediation
15 services shall be licensed by the Maryland Home Improvement Commission, subject to
16 the qualification and application requirements of this Act.

17 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.