

HOUSE BILL 1452

C2

9lr0165

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

Introduced and read first time: February 27, 2009

Assigned to: Rules and Executive Nominations

Re-referred to: Economic Matters, March 2, 2009

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 1, 2009

CHAPTER _____

1 AN ACT concerning

2 **Waiver of Examination Requirements – BRAC – Stationary Engineers,**
3 **Plumbers, Gas Fitters, and Heating, Ventilation, Air-Conditioning, and**
4 **Refrigeration Contractors**

5 FOR the purpose of requiring the State Board of Stationary Engineers, the State
6 Board of Plumbing, and the State Board of Heating, Ventilation,
7 Air-Conditioning, and Refrigeration Contractors to waive examination
8 requirements for certain applicants affected by the Base Realignment and
9 Closure process under certain circumstances; limiting the waiver to a certain
10 time period and to certain applicants; and generally relating to the State Board
11 of Stationary Engineers, the State Board of Plumbers, and the State Board of
12 Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors.

13 BY repealing and reenacting, with amendments,
14 Article – Business Occupations and Professions
15 Section 6.5–307 and 12–305.1
16 Annotated Code of Maryland
17 (2004 Replacement Volume and 2008 Supplement)

18 BY adding to
19 Article – Business Occupations and Professions
20 Section 12–305.2
21 Annotated Code of Maryland
22 (2004 Replacement Volume and 2008 Supplement)

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 repealing and reenacting, with amendments,
 2 Article – Business Regulation
 3 Section 9A–305
 4 Annotated Code of Maryland
 5 (2004 Replacement Volume and 2008 Supplement)

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

8 **Article – Business Occupations and Professions**

9 6.5–307.

10 (a) Subject to the limitations in subsections (b) and (c) of this section, on the
 11 affirmative vote of a majority of its voting members then serving, the Board may waive
 12 the examination requirements of this title for an individual who is licensed in another
 13 state **OR IN A LOCALITY IN ANOTHER STATE** to provide stationary engineer services.

14 (b) The Board may grant a waiver under this section only if the applicant:

15 (1) pays to the Board the nonrefundable application fee required
 16 under § 6.5–304 of this subtitle; and

17 (2) provides adequate evidence that the applicant:

18 (i) meets the qualifications otherwise required by this subtitle;

19 (ii) holds an active license in good standing in the other state
 20 **OR THE LOCALITY;**

21 (iii) holds a license that is equivalent to the State license; and

22 (iv) became licensed in the other state **OR THE LOCALITY** after
 23 meeting the state’s **OR LOCALITY’S** requirements that are at least equivalent to the
 24 licensing requirements of the State, including the number of years of work experience
 25 equivalent to the experience required under § 6.5–303(c) of this subtitle.

26 (c) The Board may grant a waiver only if the state **OR THE LOCALITY** in
 27 which the applicant is licensed waives the examination of licensees of this State to a
 28 similar extent as the State waives the examination requirements for individuals
 29 licensed in that state **OR LOCALITY**.

30 **(D) (1) IN THIS SUBSECTION, “BRAC” MEANS THE BASE**
 31 **REALIGNMENT AND CLOSURE PROCESS AS ANNOUNCED BY THE UNITED**
 32 **STATES DEPARTMENT OF DEFENSE.**

1 **(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (A),**
 2 **(B), AND (C) OF THIS SECTION, THE BOARD SHALL GRANT A WAIVER TO AN**
 3 **APPLICANT WHO FILES A REQUEST BEFORE JULY 1, 2012, IF THE APPLICANT:**

4 ~~(1)~~ **(I) PAYS TO THE BOARD THE NONREFUNDABLE**
 5 **APPLICATION FEE REQUIRED UNDER § 6.5-304 OF THIS SUBTITLE;**

6 ~~(2)~~ **(II) HOLDS AN ACTIVE STATIONARY ENGINEER'S LICENSE IN**
 7 **GOOD STANDING FROM VIRGINIA OR NEW JERSEY, OR FROM A LOCALITY OF**
 8 **ONE OF THOSE STATES, THAT IS EQUIVALENT TO THE STATE LICENSE;**

9 ~~(3)~~ **(III) HAS EXPERIENCE IN THE PROVISION OF STATIONARY**
 10 **ENGINEER SERVICES THAT MEETS THE TIME REQUIREMENTS OF § 6.5-303 OF**
 11 **THIS SUBTITLE; AND**

12 ~~(4)~~ **(IV) INTENDS TO RELOCATE THE APPLICANT'S PLACE OF**
 13 **RESIDENCE FROM VIRGINIA OR NEW JERSEY TO THIS STATE HAS RELOCATED**
 14 **TO THE STATE AS A FAMILY MEMBER OF A BRAC EMPLOYEE.**

15 12-305.1.

16 (a) Subject to the provisions of this section, the Board may waive the
 17 examination requirements for a master plumber license or a journey plumber license
 18 for an individual who is licensed to provide plumbing services in another state on the
 19 affirmative vote of at least a majority of the authorized membership of the Board.

20 (b) The Board may grant a waiver under this section only if an applicant:

21 (1) pays the appropriate fee required under § 12-306 of this subtitle;
 22 and

23 (2) provides adequate evidence that the applicant:

24 (i) meets the qualifications otherwise required by this title;

25 (ii) holds an active license in good standing in the other state;

26 (iii) holds a license that is equivalent to the State license; and

27 (iv) became licensed in the other state after meeting
 28 requirements that are at least equivalent to the licensing requirements of this State.

29 (c) The Board may grant a waiver only if the state in which the applicant is
 30 licensed waives the examination of licensees of this State to a similar extent as this
 31 State waives the examination requirements for individuals licensed in that state.

1 (D) (1) IN THIS SUBSECTION, "BRAC" MEANS THE BASE
2 REALIGNMENT AND CLOSURE PROCESS AS ANNOUNCED BY THE UNITED
3 STATES DEPARTMENT OF DEFENSE.

4 (2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (A),
5 (B), AND (C) OF THIS SECTION, THE BOARD SHALL GRANT A WAIVER TO AN
6 APPLICANT WHO FILES A REQUEST BEFORE JULY 1, 2012, IF THE APPLICANT:

7 ~~(1)~~ (1) PAYS THE APPROPRIATE FEE REQUIRED UNDER §
8 12-306 OF THIS SUBTITLE;

9 ~~(2)~~ (II) HOLDS AN ACTIVE VIRGINIA OR NEW JERSEY MASTER
10 PLUMBER'S LICENSE OR AN ACTIVE VIRGINIA JOURNEY PLUMBER'S LICENSE IN
11 GOOD STANDING THAT IS EQUIVALENT TO THE STATE LICENSE;

12 ~~(3)~~ (III) HAS EXPERIENCE IN THE PROVISION OF PLUMBING
13 SERVICES THAT MEETS THE TIME REQUIREMENTS OF § 12-302 OF THIS
14 SUBTITLE; AND

15 ~~(4)~~ (IV) ~~INTENDS TO RELOCATE THE APPLICANT'S PLACE OF~~
16 ~~RESIDENCE FROM VIRGINIA OR NEW JERSEY TO THIS STATE~~ HAS RELOCATED
17 TO THE STATE AS A FAMILY MEMBER OF A BRAC EMPLOYEE.

18 12-305.2.

19 (A) (1) IN THIS SUBSECTION, "BRAC" MEANS THE BASE
20 REALIGNMENT AND CLOSURE PROCESS AS ANNOUNCED BY THE UNITED
21 STATES DEPARTMENT OF DEFENSE.

22 (2) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD
23 SHALL WAIVE THE EXAMINATION REQUIREMENTS FOR A JOURNEY NATURAL
24 GAS FITTERS LICENSE FOR AN INDIVIDUAL WHO IS LICENSED TO PROVIDE GAS
25 FITTING SERVICES AS A JOURNEYMAN IN VIRGINIA.

26 (B) THE BOARD SHALL GRANT A WAIVER UNDER THIS SECTION TO AN
27 APPLICANT WHO FILES A REQUEST BEFORE JULY 1, 2012, IF THE APPLICANT:

28 (1) PAYS THE APPROPRIATE FEE REQUIRED UNDER § 12-306 OF
29 THIS SUBTITLE;

30 (2) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

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

1 (II) HOLDS AN ACTIVE LICENSE IN GOOD STANDING IN
 2 VIRGINIA;

3 (III) HOLDS A LICENSE THAT IS EQUIVALENT TO THE STATE
 4 LICENSE; AND

5 (IV) HAS EXPERIENCE IN THE PROVISION OF NATURAL GAS
 6 SERVICES THAT MEETS THE TIME REQUIREMENTS OF § 12-302 OF THIS
 7 SUBTITLE; AND

8 (3) ~~INTENDS TO RELOCATE THE APPLICANT'S PLACE OF~~
 9 ~~RESIDENCE FROM VIRGINIA TO THIS STATE~~ HAS RELOCATED TO THE STATE AS
 10 A FAMILY MEMBER OF A BRAC EMPLOYEE.

11 **Article - Business Regulation**

12 9A-305.

13 (a) Subject to the limitations in subsections (b) and (c) of this section, on the
 14 affirmative vote of at least a majority of the authorized membership of the Board, the
 15 Board may waive the examination requirements of this title for an individual who is
 16 licensed in another state to provide heating, ventilation, air-conditioning, or
 17 refrigeration services as a journeyman, journeyman restricted, master, master
 18 restricted, or limited heating, ventilation, air-conditioning, and refrigeration
 19 contractor.

20 (b) The Board may grant a waiver under this section only if the applicant:

21 (1) pays the appropriate application fee required by § 9A-207 of this
 22 title; and

23 (2) provides adequate evidence that the applicant:

24 (i) meets the qualifications otherwise required by this title;

25 (ii) holds an active license in good standing in the other state;

26 (iii) holds a license that is equivalent to the State license; and

27 (iv) became licensed in the other state after meeting, in that
 28 state, requirements that are at least equivalent to the licensing requirements of this
 29 State, including the number of years of work experience equivalent to the experience
 30 required under § 9A-302(b), (c), and (d) of this subtitle.

31 (c) The Board may grant a waiver only if the state in which the applicant is
 32 licensed waives the examination of licensees of this State to a similar extent as this
 33 State waives the examination requirements for individuals licensed in that state.

1 (D) (1) IN THIS SUBSECTION, "BRAC" MEANS THE BASE
 2 REALIGNMENT AND CLOSURE PROCESS AS ANNOUNCED BY THE UNITED
 3 STATES DEPARTMENT OF DEFENSE.

4 (2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (A),
 5 (B), AND (C) OF THIS SECTION, THE BOARD SHALL GRANT A WAIVER TO AN
 6 APPLICANT WHO FILES A REQUEST BEFORE JULY 1, 2012, IF THE APPLICANT:

7 ~~(1)~~ (I) PAYS THE APPROPRIATE APPLICATION FEE REQUIRED
 8 UNDER § 9A-207 OF THIS TITLE;

9 ~~(2)~~ (II) HOLDS AN ACTIVE VIRGINIA LICENSE IN GOOD
 10 STANDING THAT IS EQUIVALENT TO THE STATE LICENSE;

11 ~~(3)~~ (III) HAS EXPERIENCE IN THE PROVISION OF HEATING,
 12 VENTILATION, AIR-CONDITIONING, OR REFRIGERATION SERVICES THAT MEETS
 13 THE TIME REQUIREMENTS OF § 9A-302 OF THIS SUBTITLE; AND

14 ~~(4)~~ (IV) ~~INTENDS TO RELOCATE THE APPLICANT'S PLACE OF~~
 15 ~~RESIDENCE FROM VIRGINIA TO THIS STATE~~ HAS RELOCATED TO THE STATE AS
 16 A FAMILY MEMBER OF A BRAC EMPLOYEE.

17 SECTION 2. AND BE IT FURTHER ENACTED, That, the State Board of
 18 Stationary Engineers, the State Board of Plumbing, and the State Board of Heating,
 19 Ventilation, Air Conditioning, and Refrigeration Contractors shall require applicants
 20 seeking to waive the examination requirement based on relocation to the State
 21 through the Base Realignment and Closure process to furnish to the respective board
 22 documentation verifying that their relocation to the State is a direct result of a family
 23 member's involvement in the Base Realignment and Closure process.

24 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
 25 effect October 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.