

CHAPTER 731

(House Bill 1452)

AN ACT concerning

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

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

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

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

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

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

Article – Business Occupations and Professions

6.5–307.

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

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

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

(2) provides adequate evidence that the applicant:

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

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

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

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

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

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

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

(1) PAYS TO THE BOARD THE NONREFUNDABLE APPLICATION FEE REQUIRED UNDER § 6.5–304 OF THIS SUBTITLE;

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

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

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

12-305.1.

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

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

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

(2) provides adequate evidence that the applicant:

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

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

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

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

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

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

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

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

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

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

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

12-305.2.

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

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

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

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

(2) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

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

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

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

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

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

Article – Business Regulation

9A-305.

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

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

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

(2) provides adequate evidence that the applicant:

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 19, 2009.