

HOUSE BILL 1445

C2

2lr3377

By: **Delegate Stifler**

Introduced and read first time: March 5, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Plumbing and Heating, Ventilation, Air-Conditioning, and Refrigeration**
3 **Employees – Public Work Contracts – License Requirement and Employee**
4 **Classification**

5 FOR the purpose of prohibiting a person from employing an individual to provide or
6 assist in providing plumbing services under a certain public work contract
7 unless the individual is licensed by the State Board of Plumbing; prohibiting a
8 person from employing an individual to provide or assist in providing heating,
9 ventilation, air-conditioning, or refrigeration services under a certain public
10 work contract unless the individual is licensed by the State Board of Heating,
11 Ventilation, Air-Conditioning, and Refrigeration Contractors; prohibiting
12 certain persons from classifying certain employees under certain public work
13 contracts at a certain work classification higher than the employee's license
14 type; and generally relating to plumbing and heating, ventilation,
15 air-conditioning, and refrigeration employees under public work contracts.

16 BY repealing and reenacting, with amendments,
17 Article – Business Occupations and Professions
18 Section 12-602
19 Annotated Code of Maryland
20 (2010 Replacement Volume and 2011 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Business Regulation
23 Section 9A-502
24 Annotated Code of Maryland
25 (2010 Replacement Volume and 2011 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Business Occupations and Professions**

2 12–602.

3 (A) Except as otherwise provided in this title, a master plumber, holder of a
4 limited master plumber license, or other person who engages in the business of
5 providing plumbing services may not employ an individual to provide or assist in
6 providing plumbing services unless the individual:

7 (1) is licensed by the Board as a master plumber or holder of a limited
8 master plumber license; or

9 (2) (i) is licensed by the Board as a journey plumber, holder of a
10 limited journey plumber license, or apprentice plumber; and

11 (ii) provides or assists in providing the plumbing services within
12 the scope of the license.

13 (B) **A PERSON MAY NOT EMPLOY AN INDIVIDUAL TO PROVIDE OR ASSIST**
14 **IN PROVIDING PLUMBING SERVICES UNDER A PUBLIC WORK CONTRACT**
15 **SUBJECT TO TITLE 17, SUBTITLE 2 OF THE STATE FINANCE AND**
16 **PROCUREMENT ARTICLE UNLESS THE INDIVIDUAL IS LICENSED BY THE BOARD.**

17 (C) **A PERSON MAY NOT CLASSIFY AN EMPLOYEE UNDER A PUBLIC**
18 **WORK CONTRACT SUBJECT TO TITLE 17, SUBTITLE 2 OF THE STATE FINANCE**
19 **AND PROCUREMENT ARTICLE WHO IS LICENSED UNDER THIS TITLE AT A**
20 **SPECIFIC WORK CLASSIFICATION THAT IS HIGHER THAN THE EMPLOYEE’S**
21 **LICENSE TYPE.**

22 **Article – Business Regulation**

23 9A–502.

24 (A) Except as otherwise provided in this title, a holder of a master, master
25 restricted, or limited heating, ventilation, air–conditioning, and refrigeration license,
26 or other person who engages in the business of providing heating, ventilation,
27 air–conditioning, or refrigeration services, may not employ an individual to provide or
28 assist in providing heating, ventilation, air–conditioning, or refrigeration services
29 unless the individual is licensed by the Board.

30 (B) **A PERSON MAY NOT EMPLOY AN INDIVIDUAL TO PROVIDE OR ASSIST**
31 **IN PROVIDING HEATING, VENTILATION, AIR–CONDITIONING, OR**
32 **REFRIGERATION SERVICES UNDER A PUBLIC WORK CONTRACT SUBJECT TO**
33 **TITLE 17, SUBTITLE 2 OF THE STATE FINANCE AND PROCUREMENT ARTICLE**
34 **UNLESS THE INDIVIDUAL IS LICENSED BY THE BOARD.**

1 **(C) A PERSON MAY NOT CLASSIFY AN EMPLOYEE UNDER A PUBLIC**
2 **WORK CONTRACT SUBJECT TO TITLE 17, SUBTITLE 2 OF THE STATE FINANCE**
3 **AND PROCUREMENT ARTICLE WHO IS LICENSED UNDER THIS TITLE AT A**
4 **SPECIFIC WORK CLASSIFICATION THAT IS HIGHER THAN THE EMPLOYEE'S**
5 **LICENSE TYPE.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2012.