

# HOUSE BILL 1445

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By: **Delegate Stifler**

Introduced and read first time: March 5, 2012

Assigned to: Rules and Executive Nominations

Re-referred to: Economic Matters, March 9, 2012

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 30, 2012

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## CHAPTER \_\_\_\_\_

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

17 BY repealing and reenacting, with amendments,  
18 Article – Business Occupations and Professions  
19 Section 12-602  
20 Annotated Code of Maryland  
21 (2010 Replacement Volume and 2011 Supplement)

22 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.

Underlining indicates amendments to bill.

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



1 Article – Business Regulation  
2 Section 9A–502  
3 Annotated Code of Maryland  
4 (2010 Replacement Volume and 2011 Supplement)

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

7 **Article – Business Occupations and Professions**

8 12–602.

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

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

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

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

19 (B) **A PERSON MAY NOT EMPLOY AN INDIVIDUAL TO PROVIDE OR ASSIST**  
20 **IN PROVIDING PLUMBING SERVICES UNDER A PUBLIC WORK CONTRACT**  
21 **SUBJECT TO TITLE 17, SUBTITLE 2 OF THE STATE FINANCE AND**  
22 **PROCUREMENT ARTICLE UNLESS THE INDIVIDUAL IS LICENSED BY THE BOARD,**  
23 **THE BALTIMORE COUNTY PLUMBING BOARD, OR THE WASHINGTON SUBURBAN**  
24 **SANITARY COMMISSION.**

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

30 **Article – Business Regulation**

31 9A–502.

32 (A) Except as otherwise provided in this title, a holder of a master, master  
33 restricted, or limited heating, ventilation, air–conditioning, and refrigeration license,  
34 or other person who engages in the business of providing heating, ventilation,

1 air-conditioning, or refrigeration services, may not employ an individual to provide or  
2 assist in providing heating, ventilation, air-conditioning, or refrigeration services  
3 unless the individual is licensed by the Board.

4 **(B) A PERSON MAY NOT EMPLOY AN INDIVIDUAL TO PROVIDE OR ASSIST**  
5 **IN PROVIDING HEATING, VENTILATION, AIR-CONDITIONING, OR**  
6 **REFRIGERATION SERVICES UNDER A PUBLIC WORK CONTRACT SUBJECT TO**  
7 **TITLE 17, SUBTITLE 2 OF THE STATE FINANCE AND PROCUREMENT ARTICLE**  
8 **UNLESS THE INDIVIDUAL IS LICENSED BY THE BOARD.**

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.