

## Chapter 724

(House Bill 1445)

AN ACT concerning

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

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

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

BY repealing and reenacting, with amendments,  
Article – Business Regulation  
Section 9A-502  
Annotated Code of Maryland  
(2010 Replacement Volume and 2011 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**

12-602.

(A) Except as otherwise provided in this title, a master plumber, holder of a limited master plumber license, or other person who engages in the business of

providing plumbing services may not employ an individual to provide or assist in providing plumbing services unless the individual:

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

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

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

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

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

### **Article – Business Regulation**

9A-502.

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

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

**(C) A PERSON MAY NOT CLASSIFY AN EMPLOYEE UNDER A PUBLIC WORK CONTRACT SUBJECT TO TITLE 17, SUBTITLE 2 OF THE STATE FINANCE**

**AND PROCUREMENT ARTICLE WHO IS LICENSED UNDER THIS TITLE AT A SPECIFIC WORK CLASSIFICATION THAT IS HIGHER THAN THE EMPLOYEE'S LICENSE TYPE.**

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

**Approved by the Governor, May 22, 2012.**