

HOUSE BILL 67

C2, E1

8lr0407

(PRE-FILED)

By: **Delegate J. Lewis**

Requested: July 24, 2017

Introduced and read first time: January 10, 2018

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: January 23, 2018

CHAPTER _____

1 AN ACT concerning

2 **Maryland Plumbing Act – Non-Water-Conserving Fixtures and Devices – Repeal**
3 **of Criminal Penalties for Sale or Installation**

4 FOR the purpose of repealing certain criminal penalties for a violation of certain
5 prohibitions against selling or installing a certain plumbing-related fixture or other
6 device that is not water-conserving; and generally relating to the sale and
7 installation of plumbing-related fixtures and devices.

8 BY repealing and reenacting, without amendments,
9 Article – Business Occupations and Professions
10 Section 12-101(a) and (d), 12-605, and 12-607(d)
11 Annotated Code of Maryland
12 (2010 Replacement Volume and 2017 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Business Occupations and Professions
15 Section 12-607(b)
16 Annotated Code of Maryland
17 (2010 Replacement Volume and 2017 Supplement)

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

20 **Article – Business Occupations and Professions**

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 12-101.

2 (a) In this title the following words have the meanings indicated.

3 (d) "Board" means the State Board of Plumbing.

4 12-605.

5 (a) (1) A person may not install a plumbing fixture or other device that does
6 not meet the standards for approval as set out in the State Plumbing Code or any applicable
7 local plumbing code.

8 (2) A person may not sell or install a fixture or other device that does not
9 limit water consumption in accordance with the standards adopted by the Board.

10 (b) Subject to subsection (c) of this section, each local plumbing inspector shall
11 enforce the prohibition against the installation of a plumbing fixture that is not
12 water-conserving under the State Plumbing Code or any applicable local plumbing code to
13 ensure that the capacity for waste water treatment of municipal sewage treatment facilities
14 and private on-site wastewater disposal systems is not exceeded.

15 (c) Enforcement of this section may be suspended for a specified period if a local
16 plumbing inspector determines that:

17 (1) there is an inadequate supply of fixtures and devices that are required
18 by and meet the standards for approval as set out in the State Plumbing Code or any
19 applicable local plumbing code;

20 (2) the configuration of a drainage system for a building requires a greater
21 quantity of water to flush the system adequately than is delivered by fixtures and devices
22 that are required by and meet the standards for approval as set out in the State Plumbing
23 Code or any applicable local plumbing code; or

24 (3) historic restoration would be affected adversely.

25 12-607.

26 (b) (1) A person who violates any provision of the following sections of this
27 subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100
28 or imprisonment not exceeding 6 months or both for each day or part of each day that the
29 violation continues:

30 [(1)] (I) § 12-601;

31 [(2)] (II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
32 SUBSECTION, § 12-605; and

1 [(3)] (III) § 12-606.

2 (2) THIS SUBSECTION DOES NOT APPLY TO A VIOLATION OF ANY
3 PROHIBITION ON THE SALE OR INSTALLATION OF A FIXTURE OR OTHER DEVICE
4 THAT IS NOT WATER-CONSERVING.

5 (d) (1) In addition to any other penalties under this title, the Board may
6 impose on a person who violates any provision of this subtitle a penalty not exceeding
7 \$5,000 for each violation.

8 (2) In setting the amount of the penalty, the Board shall consider:

9 (i) the gravity of the violation;

10 (ii) the good faith of the violator;

11 (iii) the quantity and gravity of previous violations by the same
12 violator;

13 (iv) the harm caused to the complainant, the public, and the
14 plumbing profession;

15 (v) the assets of the violator; and

16 (vi) any other factors that the Board considers relevant.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.