

HB1162/783824/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1162
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “is” and substitute “does”; in line 6, strike “licensed” and substitute “hold a certain license issued”; strike beginning with “collect” in line 7 down through “or” in line 8; strike beginning with “requiring” in line 10 down through “year;” in line 11; and after line 22, insert:

“BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 9A–505

Annotated Code of Maryland

(2024 Replacement Volume)”.

AMENDMENT NO. 2

On page 3, strike beginning with “**IN**” in line 11 down through “**(B)**” in line 14 and substitute:

“(1) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO:

(I) SELLS CONSTRUCTION MATERIALS OTHER THAN MATERIALS INVOLVED IN THE INSTALLATION OF HEATING, VENTILATION, AIR-CONDITIONING, OR REFRIGERATION EQUIPMENT; AND

(II) DERIVES LESS THAN 25% OF THE PERSON’S REVENUES FROM THE SALE OF HEATING, VENTILATION, AIR-CONDITIONING, OR REFRIGERATION EQUIPMENT.

HB1162/783824/01 Economic Matters Committee
Amendments to HB 1162
Page 2 of 4

(2);

in line 17, strike “(1)” and substitute “(I)”; in the same line, strike “IS LICENSED BY” and substitute “HOLDS A MASTER LICENSE, A MASTER RESTRICTED LICENSE, OR A LIMITED LICENSE”; in the same line, strike “LICENSED BY THE” and substitute “WHO HOLDS A MASTER LICENSE, A MASTER RESTRICTED LICENSE, OR A LIMITED LICENSE ISSUED BY THE”; in line 19, after “SERVICES;” insert:

“(II) OPERATES A BUSINESS THAT RESELLS HEATING, VENTILATION, AIR-CONDITIONING, OR REFRIGERATION EQUIPMENT TO INDIVIDUALS LICENSED BY THE BOARD;”;

in line 20, strike “(2)” and substitute “(III)”; in line 22, strike “(C)” and substitute “(B)”; in the same line, strike “(1)”; strike beginning with “COLLECT” in line 23 down through “SHALL” in line 29 and substitute “, AT THE TIME OF SALE,”; and in line 30, strike “WITH” and substitute “PURCHASING THE EQUIPMENT THAT CONTAINS”.

On page 4, strike beginning with “(D)” in line 3 down through “(E)” in line 8 and substitute “(C)”; and after line 9, insert:

“9A-505.

(a) (1) In this section, “officer” includes a superintendent, manager, or agent of a corporation regardless of whether the corporation provides heating, ventilation, air-conditioning, or refrigeration services.

(2) Any person, including an officer, who violates § 9A-501, § 9A-502, § 9A-503, or § 9A-504 of this subtitle is guilty of a misdemeanor, and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 6 months or both and, on a second or subsequent conviction, subject to a fine not exceeding \$5,000 or imprisonment not exceeding 2 years or both.

(3) ANY PERSON, INCLUDING AN OFFICER, WHO VIOLATES § 9A-501.1 OF THIS SUBTITLE IS SUBJECT TO:

(I) FOR A FIRST VIOLATION, A CIVIL PENALTY NOT EXCEEDING \$1,000; AND

(II) FOR A SECOND OR SUBSEQUENT VIOLATION, A CIVIL PENALTY NOT EXCEEDING \$5,000.

(b) Any person who violates any provision of § 9A-402 of this title is guilty of a misdemeanor, and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 6 months or both.

(c) (1) Except as otherwise provided by this title, the Board may impose on a person who violates any provision of this title a penalty not exceeding \$5,000 for each violation.

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

(i) the seriousness of the violation;

(ii) the harm caused by the violation;

(iii) the good faith of the violator;

(iv) any history of previous violations by the violator; and

(v) any other relevant factors.

(Over)

HB1162/783824/01 Economic Matters Committee
Amendments to HB 1162
Page 4 of 4

(3) The Board shall pay any penalty collected under this subsection into the General Fund of the State.