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§6–316.

(a) (1) Subject to the hearing provisions of § 6–317 of this subtitle, the State Board may deny a State license to any applicant, reprimand any State licensee, or suspend or revoke a State license if the applicant or State licensee:

(i) fraudulently or deceptively obtains or attempts to obtain a State license for the applicant, State licensee, or another person;

(ii) fraudulently or deceptively uses a State license;

(iii) transfers the authority granted by a State license to another person;

(iv) engages in an unfair or deceptive trade practice, as defined in § 13–301 of the Commercial Law Article;

(v) willfully or deliberately disregards and violates a building code, electrical code, or law of the State or a local jurisdiction;

(vi) under the laws of the United States or of any state, is convicted of:

1. a felony; or

2. a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to provide electrical services;

(vii) aids or abets a person to evade a provision of this title;

(viii) willfully or deliberately disregards disciplinary action taken by a local jurisdiction against the individual in connection with the provision of electrical services;

(ix) fails in a material respect to comply with a provision of this title;

(x) fails to train and control adequately a person who, while under the supervision of the State licensee, sells or estimates electrical work or provides or assists in providing electrical services;

(xi) fails to maintain a local registration, if required, under § 6–601 of this title;

(xii) fails to maintain the general liability and property damage insurance required under § 6–604 of this title;

(xiii) offers or provides electrical services outside the scope of the license held by the licensee;

(xiv) permits another licensee employed by the individual to provide electrical services outside the scope of that individual's license;

(xv) without justification, fails to perform a contract or abandons a project to provide electrical services;

(xvi) provides electrical services that are inadequate or incomplete, according to the terms of a contract or a project;

(xvii) directly or indirectly publishes an advertisement relating to the provision of electrical services that contains a representation or statement that is false, deceptive, or misleading;

(xviii) certifies on a license renewal application that the continuing education requirement of license renewal has been completed if the licensee has not fully completed the continuing education requirement at the time the license renewal application is submitted;

(xix) violates any other provision of this title; or

(xx) violates any regulation adopted under this title.

(2) (i) Instead of or in addition to reprimanding a licensee or suspending or revoking a license under this subsection, the Board may impose a civil penalty not exceeding $5,000 for each violation.

(ii) To determine the amount of the penalty imposed under this subsection, the Board shall consider:

1. the seriousness of the violation;

2. the harm caused by the violation;

3. the good faith of the licensee; and

4. any history of previous violations by the licensee.

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

(b) Allowing a State license to be used by another person is, in a disciplinary proceeding under this section, prima facie evidence that a State licensee transferred the authority granted by a State license to another person.

(c) The State Board shall consider the following facts in the granting, denial, renewal, suspension, or revocation of a State license or the reprimand of a State licensee when an applicant or State licensee is convicted of a felony or misdemeanor described in subsection (a)(1)(vi) of this section:

(1) the nature of the crime;

(2) the relationship of the crime to the activities authorized by the State license;

(3) with respect to a felony, the relevance of the conviction to the fitness and qualification of the applicant or State licensee to provide electrical services;

(4) the length of time since the conviction; and

(5) the behavior and activities of the applicant or State licensee before and after the conviction.

(d) This section may not be construed to limit the ability of a local board to take disciplinary action against the holder of a local registration or the holder of a local permit in that jurisdiction under § 6–103 of this title.

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