
By: **Chairman, Economic Matters Committee**
Introduced and read first time: January 30, 2002
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Board of Boiler Rules and State Board of Stationary Engineers - Sunset**
3 **Extension and Program Evaluation**

4 FOR the purpose of continuing the Board of Boiler Rules in accordance with the
5 provisions of the Maryland Program Evaluation Act (Sunset Law) by extending
6 to a certain date the termination provisions relating to the statutory and
7 regulatory authority of the Board of Boiler Rules; requiring the Board of Boiler
8 Rules to elect its chairman from among its members with the advice and consent
9 of the Secretary; requiring that an evaluation of the Board of Boiler Rules and
10 the statutes and regulations that relate to the Board of Boiler Rules be
11 performed on or before a certain date; establishing the State Board of Stationary
12 Engineers in the Department of Labor, Licensing, and Regulation; providing for
13 the composition, appointment, terms, and compensation of the State Board of
14 Stationary Engineers members; establishing certain powers and duties of the
15 State Board of Stationary Engineers; requiring certain persons to be licensed by
16 the State Board of Stationary Engineers as stationary engineers before
17 performing certain work on heating, air-conditioning, and ventilation
18 equipment in the State; establishing certain education and experience
19 requirements for stationary engineers; establishing certain licensing and license
20 renewal requirements for stationary engineers; establishing certain
21 examination requirements for stationary engineers; authorizing the State Board
22 of Stationary Engineers to deny a license to an applicant, refuse to renew a
23 license, reprimand a licensee, suspend or revoke a license, or impose certain
24 penalties under certain circumstances; providing for certain criminal penalties;
25 establishing certain hearing and appeal procedures for stationary engineers;
26 requiring the State Board of Stationary Engineers to adopt certain regulations
27 to provide for the conduct of continuing education courses before renewal of a
28 license; requiring that an evaluation of the State Board of Stationary Engineers
29 and the statutes and regulations that relate to the State Board of Stationary
30 Engineers be performed on or before a certain date; requiring the State Board of
31 Stationary Engineers to submit a certain report to certain committees of the
32 General Assembly on or before a certain date; repealing the sections of the
33 Public Local Laws of Baltimore City regarding examining engineers; defining
34 certain terms; specifying the terms of the initial members of the State Board of
35 Stationary Engineers; providing for a delayed effective date for certain

1 provisions of this Act; and generally relating to the Board of Boiler Rules and the
2 State Board of Stationary Engineers.

3 BY repealing and reenacting, with amendments,
4 Article 48 - Inspections
5 Section 169(c) and 180A
6 Annotated Code of Maryland
7 (1998 Replacement Volume and 2001 Supplement)

8 BY repealing and reenacting, without amendments,
9 Article - State Government
10 Section 8-403(a)
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2001 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - State Government
15 Section 8-403(b)(10) and (23)
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2001 Supplement)

18 BY adding to
19 Article - Business Occupations and Professions
20 Section 6.5-101 through 6.5-502 to be under the new title "Title 6.5. Stationary
21 Engineers"
22 Annotated Code of Maryland
23 (2000 Replacement Volume and 2001 Supplement)

24 BY repealing
25 The Public Local Laws of Baltimore City
26 Section 4-1 through 4-8, inclusive, and the subtitle "Subtitle 4. Examining
27 Engineers"
28 Article 4 - Public Local Laws of Maryland
29 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

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

32 **Article 48 - Inspections**

33 169.

34 (c) [The chairman of the Board shall be appointed by the Governor, with the
35 advice of the Secretary, to serve in that capacity at the pleasure of the Governor.]
36 FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIRMAN.

1 180A.

2 The provisions of this subtitle creating the Board of Boiler Rules and relating to
3 the regulation of boilers or pressure vessels and any regulations promulgated under
4 this subtitle are of no effect and may not be enforced after July 1, [2003] 2014.

5 **Article - State Government**

6 8-403.

7 (a) On or before December 15 of the 2nd year before the evaluation date of a
8 governmental activity or unit, the Legislative Policy Committee, based on a
9 preliminary evaluation, may waive as unnecessary the evaluation required under this
10 section.

11 (b) Except as otherwise provided in subsection (a) of this section, on or before
12 the evaluation date for the following governmental activities or units, an evaluation
13 shall be made of the following governmental activities or units and the statutes and
14 regulations that relate to the governmental activities or units:

15 (10) Boiler Rules, Board of (Article 48, § 169 of the Code: July 1, [2002]
16 2013);

17 (23) Engineers, STATE Board of [Examining] STATIONARY ([§ 4-1 of the
18 Public Local Laws of Baltimore City: July 1, 2002] § 6.5-502 OF THE BUSINESS
19 OCCUPATIONS AND PROFESSIONS ARTICLE: JULY 1, 2013);

20 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
21 read as follows:

22 **Article - Business Occupations and Professions**

23 TITLE 6.5. STATIONARY ENGINEERS.

24 SUBTITLE 1. DEFINITIONS.

25 6.5-101.

26 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

27 (B) "BOARD" MEANS THE STATE BOARD OF STATIONARY ENGINEERS.

28 (C) "LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A
29 LICENSE ISSUED BY THE BOARD TO PERFORM THE FUNCTIONS OF A STATIONARY
30 ENGINEER.

31 (D) "STATIONARY ENGINEER" MEANS AN INDIVIDUAL THAT STARTS UP,
32 OPERATES, REGULATES, MAINTAINS, AND REPAIRS MACHINERY THAT PROVIDES
33 HEAT, AIR-CONDITIONING, AND VENTILATION IN LARGE BUILDINGS AND
34 COMPLEXES.

1 6.5-102.

2 THE PURPOSES OF THIS TITLE ARE TO SAFEGUARD LIFE, HEALTH, AND
3 PROPERTY AND TO PROMOTE THE PUBLIC WELFARE BY REGULATING STATIONARY
4 ENGINEERS IN THE STATE.

5 SUBTITLE 2. STATE BOARD OF STATIONARY ENGINEERS.

6 6.5-201.

7 THERE IS A STATE BOARD OF STATIONARY ENGINEERS IN THE DEPARTMENT.

8 6.5-202.

9 (A) (1) THE BOARD CONSISTS OF FIVE MEMBERS.

10 (2) OF THE FIVE MEMBERS OF THE BOARD:

11 (I) THREE SHALL BE STATIONARY ENGINEERS;

12 (II) ONE SHALL BE A REPRESENTATIVE FROM THE BOILER
13 MANUFACTURE AND DESIGN INDUSTRY; AND

14 (III) ONE SHALL BE A BOILER OWNER.

15 (3) THE GOVERNOR SHALL APPOINT THE MEMBERS WITH THE ADVICE
16 OF THE SECRETARY AND WITH THE ADVICE AND CONSENT OF THE SENATE.

17 (B) EACH MEMBER OF THE BOARD SHALL BE:

18 (1) A CITIZEN OF THE UNITED STATES; AND

19 (2) A RESIDENT OF THE STATE.

20 (C) EACH ENGINEER MEMBER OF THE BOARD SHALL:

21 (1) HAVE AT LEAST 10 YEARS PRACTICAL EXPERIENCE IN RUNNING
22 STEAM ENGINES, BOILERS, AND APPLIANCES PERTAINING TO STATIONARY AND
23 PORTABLE ENGINES; AND

24 (2) HOLD A STATE LICENSE AT ALL TIMES DURING THE MEMBER'S TERM
25 ON THE BOARD.

26 (D) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE
27 THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

28 (E) (1) THE TERM OF A MEMBER IS 3 YEARS AND BEGINS ON JULY 1.

29 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
30 TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2003.

1 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
2 SUCCESSOR IS APPOINTED AND QUALIFIES.

3 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
4 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
5 QUALIFIES.

6 (F) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE,
7 MISCONDUCT, NEGLIGENCE OF DUTIES, OR OTHER SUFFICIENT CAUSE.

8 6.5-203.

9 (A) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIRMAN AND
10 OTHER OFFICERS AS NECESSARY.

11 (B) THE MANNER OF ELECTION AND THE TERMS OF OFFICERS SHALL BE AS
12 THE BOARD DETERMINES.

13 (C) THE CHIEF BOILER INSPECTOR, OR THE CHIEF BOILER INSPECTOR'S
14 DESIGNEE, SHALL BE AN EX OFFICIO NONVOTING MEMBER OF THE BOARD.

15 6.5-204.

16 (A) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE BOARD IS A
17 QUORUM.

18 (B) (1) THE BOARD SHALL MEET AT LEAST TWICE A YEAR, AT THE TIMES
19 AND PLACES THAT THE BOARD DETERMINES.

20 (2) THE BOARD MAY HOLD SPECIAL MEETINGS AS PROVIDED IN ITS
21 BYLAWS.

22 (3) NOTICE OF MEETINGS OF THE BOARD SHALL BE GIVEN AS REQUIRED
23 IN ITS BYLAWS.

24 (4) THE BOARD SHALL MEET WITH AND CONSULT THE BOARD OF
25 BOILER RULES AS NECESSARY BUT NOT LESS THAN ONE TIME EACH YEAR.

26 (C) A MEMBER OF THE BOARD:

27 (1) MAY NOT RECEIVE COMPENSATION; BUT

28 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
29 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

30 (D) THE BOARD MAY EMPLOY A STAFF IN ACCORDANCE WITH THE STATE
31 BUDGET.

1 6.5-205.

2 (A) THE BOARD SHALL ADOPT, BY REGULATION, A CODE OF ETHICS THAT
3 SHALL BE THE STANDARD OF CONDUCT REQUIRED BY THE BOARD FOR ALL PERSONS
4 LICENSED UNDER THE PROVISIONS OF THIS TITLE.

5 (B) THE BOARD SHALL DISTRIBUTE:

6 (1) TO EACH APPLICANT FOR A LICENSE, A COPY OF THE MARYLAND
7 STATIONARY ENGINEERS ACT AND THE BOARD'S RULES AND REGULATIONS; AND

8 (2) ON EACH RENEWAL OF A LICENSE, TO EACH LICENSEE, A COPY OF
9 ANY AMENDMENTS TO THE MARYLAND STATIONARY ENGINEERS ACT AND THE
10 BOARD'S RULES AND REGULATIONS THAT TOOK EFFECT DURING THE 2-YEAR
11 PERIOD ENDING ON THE DATE OF RENEWAL.

12 6.5-206.

13 (A) SUBJECT TO THE STATE BUDGET, THE BOARD MAY EMPLOY AN
14 INVESTIGATIVE STAFF TO:

15 (1) INVESTIGATE A COMPLAINT; AND

16 (2) PERFORM ANY OTHER RELATED DUTY, AS ASSIGNED BY THE BOARD.

17 (B) (1) THE BOARD MAY ISSUE A SUBPOENA FOR THE ATTENDANCE OF A
18 WITNESS TO TESTIFY OR THE PRODUCTION OF EVIDENCE IN CONNECTION WITH:

19 (I) ANY DISCIPLINARY ACTION UNDER § 6.5-313 OF THIS TITLE; OR

20 (II) ANY PROCEEDING BROUGHT FOR AN ALLEGED VIOLATION OF
21 THIS TITLE.

22 (2) A SUBPOENA SHALL BE SIGNED BY THE CHAIRMAN AND THE
23 SECRETARY OF THE BOARD AND SEALED.

24 (3) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER
25 THIS SUBSECTION, ON PETITION OF THE BOARD, A CIRCUIT COURT MAY COMPEL
26 COMPLIANCE WITH THE SUBPOENA.

27 (C) (1) THE BOARD MAY SUE IN THE NAME OF THE STATE TO ENFORCE ANY
28 PROVISION OF THIS TITLE BY INJUNCTION.

29 (2) IN SEEKING AN INJUNCTION UNDER THIS SUBSECTION, THE BOARD
30 IS NOT REQUIRED TO:

31 (I) POST BOND; OR

32 (II) ALLEGE OR PROVE EITHER THAT:

33 1. AN ADEQUATE REMEDY AT LAW DOES NOT EXIST; OR

1 2. SUBSTANTIAL OR IRREPARABLE DAMAGE WOULD RESULT
2 FROM THE CONTINUED VIOLATION OF THE PROVISION.

3 (3) A MEMBER OF THE BOARD MAY NOT BE HELD PERSONALLY LIABLE
4 FOR ANY ACTION TAKEN UNDER THIS SUBSECTION IN GOOD FAITH AND WITH
5 REASONABLE GROUNDS.

6 6.5-207.

7 (A) ON REQUEST OF ANY PERSON AND PAYMENT OF A FEE OF \$10, THE BOARD
8 SHALL CERTIFY THE LICENSING STATUS AND QUALIFICATIONS OF ANY INDIVIDUAL
9 WHO IS THE SUBJECT OF THE REQUEST.

10 (B) EACH CERTIFICATION UNDER THIS SECTION:

11 (1) SHALL INCLUDE A STATEMENT OF THE LICENSING STATUS OF THE
12 INDIVIDUAL WHO IS THE SUBJECT OF THE REQUEST; AND

13 (2) MAY INCLUDE:

14 (I) INFORMATION ABOUT THE EXAMINATION RESULTS AND
15 OTHER QUALIFICATIONS OF THAT INDIVIDUAL;

16 (II) INFORMATION ABOUT THE DATES OF ISSUANCE AND RENEWAL
17 OF THE LICENSE OF THAT INDIVIDUAL;

18 (III) INFORMATION ABOUT ANY DISCIPLINARY ACTION TAKEN
19 AGAINST THAT INDIVIDUAL; AND

20 (IV) IF AUTHORIZED BY THAT INDIVIDUAL, INFORMATION ABOUT
21 ANY COMPLAINT AGAINST THAT INDIVIDUAL.

22 (C) THE BOARD SHALL COLLECT A FEE OF \$10 FOR EACH CERTIFICATION
23 UNDER THIS SECTION.

24 6.5-208.

25 (A) IN ADDITION TO ANY POWERS SET FORTH ELSEWHERE, THE BOARD MAY
26 ADOPT:

27 (1) ANY BYLAW FOR THE CONDUCT OF THE PROCEEDINGS OF THE
28 BOARD; AND

29 (2) ANY RULE OR REGULATION TO CARRY OUT THIS TITLE, SUBJECT TO
30 THE LIMITATION UNDER PARAGRAPH (2) OF THIS SUBSECTION.

31 (B) IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE BOARD SHALL:

32 (1) ADMINISTER THIS TITLE;

33 (2) KEEP A RECORD OF ITS PROCEEDINGS; AND

1 (3) KEEP A FILE ON EACH APPLICANT FOR A LICENSE.

2 6.5-209.

3 (A) THE BOARD SHALL:

4 (1) KEEP A LIST OF THE NAMES AND MAILING ADDRESSES OF ALL
5 LICENSEES; AND

6 (2) PROVIDE ANY OTHER PERSON WHO MAKES A REQUEST WITH A COPY
7 OF THE LIST AT A REASONABLE FEE SET BY THE BOARD.

8 (B) THE BOARD SHALL DISTRIBUTE:

9 (1) TO EACH APPLICANT FOR A LICENSE, A COPY OF THE MARYLAND
10 STATIONARY ENGINEERS ACT AND THE BOARD'S RULES AND REGULATIONS; AND

11 (2) ON EACH RENEWAL OF A LICENSE OR CERTIFICATE, TO EACH
12 LICENSEE OR CERTIFICATE HOLDER, A COPY OF ANY AMENDMENTS TO THE
13 MARYLAND STATIONARY ENGINEERS ACT AND THE BOARD'S RULES AND
14 REGULATIONS THAT TOOK EFFECT DURING THE 2-YEAR PERIOD ENDING ON THE
15 DATE OF RENEWAL.

16 (C) A LICENSEE SHALL DESIGNATE THE LICENSEE'S MAILING ADDRESS AT
17 THE TIME OF ISSUANCE OF THE LICENSE AND ON EACH RENEWAL OF THE LICENSE.
18 6.5-210.

19 (A) EXCEPT FOR THE FEES SPECIFICALLY SET BY THIS TITLE, THE BOARD
20 MAY SET THE FEES FOR WHICH THIS TITLE PROVIDES FOR THE ISSUANCE AND
21 RENEWAL OF LICENSES AND ITS OTHER SERVICES.

22 (B) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE BOARD SHALL PAY ALL
23 MONEY COLLECTED UNDER THIS TITLE INTO THE GENERAL FUND OF THE STATE.

24 6.5-211.

25 ANY PERSON AGGRIEVED BY ANY FINAL ACTION OF THE BOARD MAY TAKE AN
26 APPEAL AS ALLOWED IN §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.
27 6.5-212.

28 THE BOARD EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS SUBJECT TO
29 THE AUTHORITY OF THE SECRETARY.

30 SUBTITLE 3. LICENSING.

31 6.5-301.

32 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE BOARD HAS GENERAL
33 SUPERVISION OF ALL STATIONARY ENGINEERS WITHIN THE STATE.

1 6.5-302.

2 (A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL
3 WHO MEETS THE REQUIREMENTS OF THIS SECTION.

4 (B) THE APPLICANT SHALL BE OF GOOD CHARACTER AND REPUTATION.

5 (C) THE APPLICANT SHALL MEET THE EDUCATIONAL AND EXPERIENCE
6 REQUIREMENTS AND SHALL PASS AN EXAMINATION AS REQUIRED UNDER § 6.5-305
7 OF THIS SUBTITLE.

8 6.5-303.

9 (A) IN ADDITION TO THE OTHER QUALIFICATIONS FOR A LICENSE SET FORTH
10 IN THIS SUBTITLE, AN APPLICANT SHALL QUALIFY UNDER THIS SECTION BY
11 MEETING THE EDUCATIONAL AND EXPERIENCE REQUIREMENTS SET FORTH IN
12 SUBSECTION (B) OF THIS SECTION.

13 (B) (1) AN APPLICANT FOR THE FIRST GRADE STATIONARY ENGINEER'S
14 EXAMINATION QUALIFIES UNDER THIS SECTION IF THE APPLICANT POSSESSES AT
15 LEAST ONE OF THE FOLLOWING QUALIFICATIONS:

16 (I) A SECOND GRADE STATIONARY ENGINEER LICENSE FOR 1 YEAR
17 OR MORE AND EMPLOYMENT FOR AT LEAST 12 MONTHS (1,750 WORKING HOURS) IN
18 THE OPERATION OF HIGH PRESSURE BOILERS;

19 (II) FIVE YEARS OR MORE OPERATING EXPERIENCE IN A PLANT
20 THAT GENERATES A MINIMUM OF 17,250 POUNDS OF STEAM PER HOUR;

21 (III) A DEGREE IN MECHANICAL ENGINEERING FROM AN
22 ACCREDITED UNIVERSITY OR COLLEGE, AND 6 MONTHS OR MORE OF PRACTICAL
23 EXPERIENCE; OR

24 (IV) A VALID MARINE ENGINEER'S CERTIFICATE OR A CHIEF PETTY
25 OFFICER'S CERTIFICATE FROM THE UNITED STATES NAVY, WITH STEAM BOILER
26 ENGINEER TRAINING.

27 (2) AN APPLICANT FOR A SECOND GRADE STATIONARY ENGINEER'S
28 EXAMINATION QUALIFIES UNDER THIS SECTION IF THE APPLICANT POSSESSES AT
29 LEAST ONE OF THE FOLLOWING QUALIFICATIONS:

30 (I) EMPLOYMENT FOR AT LEAST 24 MONTHS (3,500 WORKING
31 HOURS) IN A POWER PLANT UNDER THE DIRECT SUPERVISION OF A LICENSED FIRST
32 GRADE STATIONARY ENGINEER;

33 (II) EMPLOYMENT AS A THIRD GRADE STATIONARY ENGINEER FOR
34 1 YEAR OR MORE; OR

35 (III) A VALID MARINE ENGINEER'S CERTIFICATE OR CHIEF PETTY
36 OFFICER'S CERTIFICATE FROM THE UNITED STATES NAVY.

1 (3) AN APPLICANT FOR A THIRD OR FOURTH GRADE STATIONARY
2 ENGINEER'S EXAMINATION QUALIFIES UNDER THIS SECTION IF THE APPLICANT
3 SHOWS EXPERIENCE IN THE OPERATION OF OR EXPERIENCE AROUND A PLANT OR
4 MACHINERY.

5 (C) AN APPLICANT FOR ANY EXAMINATION MAY SUBSTITUTE 2 YEARS OF
6 EDUCATION IN A TRADE OR VOCATIONAL SCHOOL FOR 1 YEAR OF PRACTICAL
7 EXPERIENCE.

8 6.5-304.

9 (A) AN APPLICANT FOR A LICENSE SHALL:

10 (1) SUBMIT TO THE BOARD:

11 (I) AN APPLICATION ON THE FORM THAT THE BOARD PROVIDES;
12 AND

13 (II) ANY RELEVANT DOCUMENT THAT THE BOARD REQUIRES; AND

14 (2) PAY TO THE BOARD OR THE BOARD'S DESIGNEE AN EXAMINATION
15 FEE SET BY THE BOARD IN AN AMOUNT NOT TO EXCEED THE COST OF THE
16 REQUIRED EXAMINATIONS.

17 (B) AN APPLICATION SHALL BE MADE UNDER OATH.

18 (C) IF THE BOARD FINDS THAT AN APPLICATION FORM AND THE
19 ACCOMPANYING DOCUMENTATION DO NOT DEMONSTRATE THAT THE APPLICANT
20 MEETS THE REQUIREMENTS FOR A LICENSE UNDER THIS SUBTITLE, THE BOARD
21 MAY REQUIRE THE APPLICANT TO SUBMIT ADDITIONAL INFORMATION OR
22 DOCUMENTATION.

23 6.5-305.

24 (A) THE BOARD SHALL EXAMINE ALL ENGINEERS WHO ARE 18 YEARS OLD OR
25 OLDER AND WHO APPLY AND QUALIFY FOR EXAMINATION.

26 (B) THE BOARD PERIODICALLY SHALL GIVE THE EXAMINATIONS REQUIRED
27 UNDER THIS SUBTITLE TO QUALIFIED APPLICANTS AT THE TIMES AND PLACES THAT
28 THE BOARD DETERMINES.

29 (C) THE BOARD SHALL GIVE EACH QUALIFIED APPLICANT NOTICE OF THE
30 TIME AND PLACE OF EXAMINATION.

31 (D) THE BOARD SHALL DETERMINE THE SUBJECTS, SCOPE, AND FORM OF AND
32 METHOD OF GRADING AND PASSING SCORES FOR EXAMINATIONS GIVEN UNDER
33 THIS SUBTITLE.

1 6.5-306.

2 (A) THE BOARD MAY USE A TESTING SERVICE TO ADMINISTER THE
3 EXAMINATIONS REQUIRED UNDER THIS SUBTITLE.

4 (B) IF THE BOARD USES A TESTING SERVICE, THE TESTING SERVICE, SUBJECT
5 TO THE REQUIREMENTS SET BY THE BOARD, MAY:

6 (1) SET THE TIME AND PLACE OF EXAMINATIONS;

7 (2) GIVE QUALIFIED APPLICANTS NOTICE OF THE TIME AND PLACE OF
8 EXAMINATIONS;

9 (3) CHARGE AN EXAMINATION FEE NOT TO EXCEED THE COST OF
10 ADMINISTERING THE EXAMINATION; AND

11 (4) FURNISH ANY OTHER INFORMATION THAT THE BOARD MAY
12 REQUIRE THE TESTING SERVICE TO PROVIDE.

13 6.5-307.

14 (A) (1) IF AN APPLICANT FAILS AN EXAMINATION GIVEN UNDER THIS
15 SUBTITLE, THE BOARD SHALL MAIL NOTICE OF THE FAILURE TO THE APPLICANT.

16 (2) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL BE MAILED
17 TO THE ADDRESS THAT THE APPLICANT LAST GAVE TO THE BOARD.

18 (B) (1) THE BOARD SHALL CONFIRM THE TEST SCORE OF ANY APPLICANT
19 WHO FAILS AN EXAMINATION GIVEN UNDER THIS SUBTITLE IF THE APPLICANT:

20 (I) SUBMITS A WRITTEN REQUEST TO THE BOARD IN ACCORDANCE
21 WITH ITS REGULATIONS; AND

22 (II) PAYS TO THE BOARD THE FEE SET BY THE BOARD.

23 (2) THE BOARD SHALL ADOPT REGULATIONS THAT SET PROCEDURES
24 FOR CONFIRMATION OF TEST SCORES UNDER THIS SUBSECTION.

25 (C) SUBJECT TO THIS SECTION, IF AN APPLICANT FAILS AN EXAMINATION
26 GIVEN UNDER THIS SUBTITLE, THE APPLICANT MAY RETAKE THE EXAMINATION.

27 6.5-308.

28 (A) IF AN APPLICANT QUALIFIES FOR A LICENSE UNDER THIS SUBTITLE, THE
29 BOARD SHALL SEND THE APPLICANT A NOTICE THAT STATES THAT:

30 (1) THE APPLICANT HAS QUALIFIED FOR A LICENSE; AND

31 (2) ON RECEIPT OF A REASONABLE LICENSE FEE SET BY THE BOARD,
32 THE BOARD SHALL ISSUE A LICENSE TO THE APPLICANT.

1 (B) ON PAYMENT OF THE LICENSE FEE, THE BOARD SHALL ISSUE A LICENSE
2 TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

3 (C) THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD ISSUES:

4 (1) THE FULL NAME OF THE LICENSEE; AND

5 (2) THE REGISTRATION NUMBER ASSIGNED BY THE BOARD TO THE
6 LICENSEE.

7 (D) SUBJECT TO ANY REGULATION THAT THE BOARD ADOPTS, IT SHALL
8 REPLACE ANY LOST, MUTILATED, OR DESTROYED LICENSE CERTIFICATE ON:

9 (1) REQUEST OF THE LICENSEE; AND

10 (2) PAYMENT OF THE REPLACEMENT FEE SET BY THE BOARD, NOT
11 EXCEEDING \$30.

12 6.5-309.

13 (A) WHILE A LICENSE IS IN EFFECT, IT AUTHORIZES THE LICENSEE TO
14 PERFORM THE FUNCTIONS OF A STATIONARY ENGINEER.

15 (B) EACH LICENSEE SHALL DISPLAY THE STATIONARY ENGINEER LICENSE,
16 INCLUDING A PHOTOGRAPH OF THE LICENSEE, CONSPICUOUSLY IN THE LICENSEE'S
17 PRINCIPAL PLACE OF BUSINESS.

18 6.5-310.

19 TO QUALIFY FOR RENEWAL OF A LICENSE UNDER THIS SUBTITLE, A LICENSEE
20 SHALL PROVIDE TO THE BOARD ADEQUATE EVIDENCE THAT THE LICENSEE MEETS
21 THE MINIMUM CONTINUING EDUCATION REQUIREMENTS ESTABLISHED BY THE
22 BOARD.

23 6.5-311.

24 (A) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, AND UNLESS
25 A LICENSE IS RENEWED FOR A 2-YEAR TERM AS PROVIDED IN THIS SECTION, THE
26 LICENSE EXPIRES EVERY OTHER YEAR ON THE ANNIVERSARY OF THE DATE OF
27 ISSUANCE OF THE LICENSE.

28 (B) (1) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL
29 MAIL TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE LICENSEE:

30 (I) A RENEWAL APPLICATION FORM; AND

31 (II) A NOTICE THAT STATES:

32 1. THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

1 (B) (1) IF AN INDIVIDUAL HAS FAILED TO RENEW A LICENSE FOR ANY
2 REASON AND THEN APPLIES TO THE BOARD FOR REINSTATEMENT MORE THAN 2
3 YEARS AFTER THE LICENSE HAS EXPIRED, THE BOARD MAY:

4 (I) REQUIRE THE INDIVIDUAL TO REAPPLY FOR A LICENSE IN THE
5 SAME MANNER AS AN APPLICANT APPLIES FOR AN ORIGINAL LICENSE UNDER THIS
6 SUBTITLE; OR

7 (II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, REINSTATE
8 THE LICENSE.

9 (2) THE BOARD MAY REINSTATE A LICENSE UNDER PARAGRAPH (1)(II)
10 OF THIS SUBSECTION ONLY IF THE INDIVIDUAL:

11 (I) MEETS THE RENEWAL REQUIREMENTS OF § 6.5-311 OF THIS
12 SUBTITLE AND PAYS TO THE BOARD ALL PAST DUE RENEWAL FEES;

13 (II) IF REQUIRED BY THE BOARD, STATES REASONS WHY
14 REINSTATEMENT SHOULD BE GRANTED; AND

15 (III) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS
16 SECTION, PAYS TO THE BOARD A REINSTATEMENT FEE OF \$100, IN ADDITION TO ALL
17 PAST DUE RENEWAL FEES.

18 (C) THE BOARD MAY WAIVE A REINSTATEMENT FEE FOR A LICENSEE WHO
19 PROVIDES EVIDENCE SATISFACTORY TO THE BOARD THAT THE LICENSEE DID NOT
20 OPERATE, MAINTAIN, OR REPAIR MACHINERY AS A STATIONARY ENGINEER DURING
21 THE TIME THE LICENSE LAPSED.

22 6.5-313.

23 (A) (1) SUBJECT TO THE HEARING PROVISIONS OF § 6.5-315 OF THIS
24 SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS
25 THEN SERVING, MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY
26 LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF:

27 (I) THE APPLICANT OR LICENSEE FRAUDULENTLY OR
28 DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE APPLICANT OR
29 LICENSEE OR FOR ANOTHER;

30 (II) THE APPLICANT OR LICENSEE FRAUDULENTLY OR
31 DECEPTIVELY USES A LICENSE;

32 (III) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE,
33 THE APPLICANT OR LICENSEE IS CONVICTED OF:

34 1. A FELONY; OR

1 (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

2 (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSEE
3 BEFORE AND AFTER THE CONVICTION.

4 6.5-314.

5 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD SHALL
6 COMMENCE PROCEEDINGS UNDER § 6.5-313 OF THIS SUBTITLE ON A COMPLAINT
7 MADE TO THE BOARD BY A MEMBER OR ANY OTHER PERSON.

8 (B) (1) A COMPLAINT SHALL:

9 (I) BE IN WRITING;

10 (II) STATE SPECIFICALLY THE FACTS ON WHICH THE COMPLAINT
11 IS BASED; AND

12 (III) BE SUBMITTED TO THE SECRETARY OF THE BOARD.

13 (2) IF THE COMPLAINT IS MADE BY ANY PERSON OTHER THAN A
14 MEMBER OF THE BOARD, THE COMPLAINT SHALL BE MADE UNDER OATH BY THE
15 PERSON WHO SUBMITS THE COMPLAINT.

16 (C) IF THE BOARD FINDS THAT A COMPLAINT ALLEGES FACTS THAT ARE
17 ADEQUATE GROUNDS FOR ACTION UNDER § 6.5-313 OF THIS SUBTITLE, THE BOARD
18 SHALL ACT ON THE COMPLAINT AS PROVIDED UNDER § 6.5-315 OF THIS SUBTITLE. IF
19 THE BOARD DOES NOT MAKE THAT FINDING, IT SHALL DISMISS THE COMPLAINT.

20 6.5-315.

21 (A) (1) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE
22 GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER §
23 6.5-313 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE
24 ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

25 (2) A HEARING SHALL BE SET WITHIN A REASONABLE TIME, NOT
26 EXCEEDING 6 MONTHS, AFTER THE BOARD BRINGS CHARGES AGAINST A LICENSEE.

27 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
28 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

29 (C) THE BOARD MAY ADMINISTER OATHS IN CONNECTION WITH ANY
30 PROCEEDING UNDER THIS SECTION.

31 (D) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE AND A
32 COPY OF THE COMPLAINT SHALL BE:

33 (1) SERVED PERSONALLY ON THE INDIVIDUAL; OR

34 (2) MAILED TO THE LAST KNOWN ADDRESS OF THE INDIVIDUAL.

1 (E) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

2 (F) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS
3 CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE BOARD MAY
4 HEAR AND DETERMINE THE MATTER.

5 6.5-316.

6 (A) SUBJECT TO ANY REGULATION THAT THE BOARD ADOPTS, IT MAY
7 REINSTATE A LICENSE THAT HAS BEEN REVOKED.

8 (B) A LICENSE MAY BE REINSTATED UNDER THIS SECTION ONLY ON:

9 (1) THE AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS OF THE
10 BOARD THEN SERVING; AND

11 (2) PAYMENT TO THE BOARD OF A REINSTATEMENT FEE OF \$100.

12 SUBTITLE 4. PROHIBITED ACTS; DISCIPLINARY ACTIONS; PENALTIES.

13 6.5-401.

14 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT
15 PERFORM, ATTEMPT TO PERFORM, OR OFFER TO PERFORM THE FUNCTIONS OF A
16 STATIONARY ENGINEER IN THE STATE UNLESS LICENSED BY THE BOARD.

17 6.5-402.

18 A PERSON MAY NOT:

19 (1) USE OR ATTEMPT TO USE THE LICENSE OF ANOTHER INDIVIDUAL;
20 OR

21 (2) IMPERSONATE ANOTHER INDIVIDUAL WHO HOLDS A LICENSE.

22 6.5-403.

23 A PERSON MAY NOT GIVE FALSE INFORMATION TO THE BOARD IN AN ATTEMPT
24 TO OBTAIN A LICENSE.

25 6.5-404.

26 EXCEPT AS OTHERWISE PROVIDED UNDER THIS SECTION, AN INDIVIDUAL
27 WHOSE LICENSE HAS BEEN SUSPENDED OR REVOKED UNDER § 6.5-313 OF THIS TITLE
28 MAY NOT PERFORM THE FUNCTIONS OF A STATIONARY ENGINEER IN ANY MANNER.
29 6.5-405.

30 AN INDIVIDUAL WHO IS AUTHORIZED TO PERFORM THE FUNCTIONS OF A
31 STATIONARY ENGINEER MAY NOT PRACTICE OR OFFER TO PRACTICE ENGINEERING

1 IN THOSE AREAS OF ENGINEERING IN WHICH THE INDIVIDUAL IS NOT COMPETENT
2 TO PRACTICE.

3 6.5-406.

4 (A) A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY OF A
5 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 OR
6 IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

7 (B) (1) THE BOARD MAY IMPOSE ON A PERSON WHO VIOLATES ANY
8 PROVISION OF THIS TITLE A PENALTY NOT EXCEEDING \$5,000 FOR EACH VIOLATION.

9 (2) IN SETTING THE AMOUNT OF THE PENALTY, THE BOARD SHALL
10 CONSIDER:

11 (I) THE SERIOUSNESS OF THE VIOLATION;

12 (II) THE HARM CAUSED BY THE VIOLATION;

13 (III) THE GOOD FAITH OF THE VIOLATOR;

14 (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE VIOLATOR;
15 AND

16 (V) ANY OTHER RELEVANT FACTORS.

17 (3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS
18 SUBSECTION INTO THE GENERAL FUND OF THE STATE.

19 SUBTITLE 5. SHORT TITLE.

20 6.5-501.

21 THIS TITLE MAY BE CITED AS THE "MARYLAND STATIONARY ENGINEERS ACT".

22 6.5-502.

23 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
24 MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS
25 ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY
26 1, 2014.

27 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 4-1 through
28 4-8, inclusive, and the subtitle "Subtitle 4. Examining Engineers" of Article 4 -
29 Baltimore City of the Code of Public Local Laws of Maryland be repealed.

30 SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the initial
31 members of the State Board of Stationary Engineers shall expire as follows:

32 (1) 1 member in 2004;

1 (2) 2 members in 2005; and

2 (3) 2 members in 2006.

3 SECTION 5. AND BE IT FURTHER ENACTED, That on July 1, 2003, all the
4 functions, powers, duties, equipment, assets, liability, records, and employees of the
5 Board of Examining Engineers shall be transferred to the State Board of Stationary
6 Engineers.

7 SECTION 6. AND BE IT FURTHER ENACTED, That an individual who holds
8 a license issued by the Board of Examining Engineers on July 1, 2003 may qualify for
9 the same grade license issued by the State Board of Stationary Engineers without
10 meeting the education, experience, and examination requirements of Title 6.5,
11 Subtitle 3 of the Business Occupations and Professions Article if the individual
12 qualifies for the license before the expiration of the individual's license.

13 SECTION 7. AND BE IT FURTHER ENACTED, That an individual who holds
14 a license issued by the Board of Examining Engineers on July 1, 2003, in all respects,
15 shall be considered licensed by the State Board of Stationary Engineers and subject to
16 the provisions of this Act for the remainder of the term of the individual's license. On
17 expiration of the individual's license, the individual may qualify for renewal of a
18 license under § 6.5-311 of the Business Occupations and Professions Article as if the
19 individual has held a license issued by the Board of Examining Engineers.

20 SECTION 8. AND BE IT FURTHER ENACTED, That if an individual holds a
21 license issued by the Board of Examining Engineers after July 1, 2003 and the
22 individual fails to timely renew the license, the individual may qualify for
23 reinstatement of the license under § 6.5-312 of the Business Occupations and
24 Professions Article as if the individual had held a license issued by the State Board of
25 Stationary Engineers.

26 SECTION 9. AND BE IT FURTHER ENACTED, That an individual who has
27 completed or partially completed any education, experience, or examination
28 requirements for a license to be issued by the Board of Examining Engineers prior to
29 July 1, 2003 shall be considered to have completed or partially completed the same
30 requirement for a license issued by the State Board of Stationary Engineers.

31 SECTION 10. AND BE IT FURTHER ENACTED, That the State Board of
32 Stationary Engineers shall report to the Senate Education, Health, and
33 Environmental Affairs Committee and the House Economic Matters Committee, on or
34 before December 31, 2004, in accordance with § 2-1246 of the State Government
35 Article, assessing the appropriateness of the fees charged to licensees and the ability
36 of the Board to be self-sufficient given the greater workload.

37 SECTION 11. AND BE IT FURTHER ENACTED, That Sections 2, 3, and 4 of
38 this Act shall take effect July 1, 2003.

39 SECTION 12. AND BE IT FURTHER ENACTED, That, except as provided in
40 Section 11 of this Act, this Act shall take effect July 1, 2002.