
By: **Chairman, Economic Matters Committee (By Request - Departmental - Labor, Licensing and Regulation)**

Introduced and read first time: January 19, 2004

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: February 10, 2004

CHAPTER _____

1 AN ACT concerning

2 **State Board of Plumbing - Disciplinary Actions**

3 FOR the purpose of authorizing the State Board of Plumbing to deny a license to a
4 person or take certain disciplinary action against an applicant or a licensee
5 under the laws relating to the licensure and regulation of plumbers for a
6 violation of certain laws or regulations relating to plumbing services; and
7 generally relating to the licensure and regulation of plumbers.

8 BY repealing and reenacting, with amendments,
9 Article - Business Occupations and Professions
10 Section 12-312
11 Annotated Code of Maryland
12 (2000 Replacement Volume and 2003 Supplement)

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

15 **Article - Business Occupations and Professions**

16 12-312.

17 (a) (1) Subject to the hearing provisions of § 12-313 of this subtitle, the
18 Board may deny a license to any applicant, reprimand any licensee, or suspend or
19 revoke a license if the applicant or licensee:

20 (i) fraudulently or deceptively obtains or attempts to obtain a
21 license for the applicant or licensee or for another;

- 1 (ii) fraudulently or deceptively uses a license;
- 2 (iii) is guilty of gross negligence, incompetence, or misconduct while
3 providing plumbing services or assisting in providing plumbing services;
- 4 (iv) is guilty of violating the State Plumbing Code or applicable local
5 plumbing code while providing plumbing services or assisting in providing plumbing
6 services;
- 7 (v) under the laws of the United States or of any state, is convicted
8 of:
- 9 1. a felony; or
- 10 2. a misdemeanor that is directly related to the fitness and
11 qualification of the applicant or licensee to provide plumbing services;
- 12 (vi) is guilty of an unfair or deceptive trade practice, as defined in §
13 13-301 of the Commercial Law Article;
- 14 (vii) fails to train and control adequately any person who, while
15 under the direction and control of the master plumber or holder of a limited master
16 plumber license, sells or gives estimates for providing plumbing services OR
17 PROVIDES OR ASSISTS IN PROVIDING PLUMBING SERVICES;
- 18 (viii) fails to maintain the liability insurance required under §
19 12-501 of this title for a master plumber, holder of a limited master plumber license
20 who contracts to provide plumbing services on behalf of the master plumber, holder of
21 a limited master plumber license, or another, holder of a propane gas fitter certificate,
22 or holder of a master natural gas fitters license;
- 23 (ix) is guilty of violating § 12-605 of this title;
- 24 (x) as the holder of a limited license, propane gas fitter certificate,
25 master natural gas fitters license, journey plumber license, journeyman natural gas
26 fitters license, apprentice plumber license, or apprentice natural gas fitters license,
27 performs plumbing, propane gas fitting, or natural gas fitting services outside the
28 scope of that license; [or]
- 29 (xi) knowingly allows or permits another licensee to perform
30 plumbing, propane gas fitting, or natural gas fitting services outside the scope of that
31 individual's license;
- 32 (XII) VIOLATES ANY OTHER PROVISION OF THIS TITLE; OR
- 33 (XIII) VIOLATES ANY REGULATION ADOPTED UNDER THIS TITLE.
- 34 (2) (i) Instead of or in addition to reprimanding a licensee or
35 suspending or revoking a license under this subsection, the Board may impose a
36 penalty not exceeding \$5,000 for each violation.

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

- 3 1. the seriousness of the violation;
- 4 2. the harm caused by the violation;
- 5 3. the good faith of the licensee; and
- 6 4. any history of previous violations by the licensee.

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

9 (b) The Board shall consider the following facts in the granting, denial,
10 renewal, suspension, or revocation of a license or the reprimand of a licensee when an
11 applicant or licensee is convicted of a felony or misdemeanor described in subsection
12 (a)(1)(v) of this section:

- 13 (1) the nature of the crime;
- 14 (2) the relationship of the crime to the activities authorized by the
15 license;
- 16 (3) with respect to a felony, the relevance of the conviction to the fitness
17 and qualification of the applicant or licensee to provide plumbing services;
- 18 (4) the length of time since the conviction; and
- 19 (5) the behavior and activities of the applicant or licensee before and
20 after the conviction.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
22 effect October 1, 2004.