

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 143 (Chairman, Economic Matters Committee)
(By Request – Departmental – Labor, Licensing, and Regulation)
Economic Matters Education, Health, and Environmental
Affairs

State Board of Plumbing - Disciplinary Actions

This departmental bill authorizes the State Board of Plumbing to deny a license to any applicant, reprimand any licensee, or suspend or revoke the license of an applicant or licensee who: (1) violates any provision of the Maryland Plumbing Act; (2) violates any regulation adopted by the board; or (3) fails to train or adequately control any person who, while under the direction and control of the master plumber or holder of a limited master plumber license, provides or assists in providing plumbing services.

Fiscal Summary

State Effect: The bill would not affect the finances of the State Board of Plumbing within the Department of Labor, Licensing, and Regulation (DLLR).

Local Effect: None.

Small Business Effect: DLLR has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: The State Board of Plumbing may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license if the applicant or licensee: (1) fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another; (2) fraudulently or deceptively uses a license; (3) is guilty of gross negligence, incompetence, or misconduct while providing plumbing services or assisting in providing plumbing services; (4) is guilty of violating the State Plumbing

Code or applicable local plumbing code while providing plumbing services or assisting in providing plumbing services; (5) under the laws of the United States or any state is convicted of a felony or of a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to provide plumbing services; (6) is guilty of an unfair or deceptive trade practice; (7) fails to train and control adequately any person who, while under the direction and control of the master plumber or holder of a limited master plumber license, sells or gives estimates for providing plumbing services; (8) fails to maintain liability insurance; (9) is guilty of installing unapproved fixtures; (10) performs work outside the scope of a license; or (11) knowingly allows or permits another licensee to perform work outside the scope of that individual's license.

Background: In recent years it has become more common for plumbing businesses to be owned by individuals who are not licensed as master plumbers. In these cases, the business must employ a master plumber in order to obtain permits to provide plumbing services in local jurisdictions and direct and control the work of journey and apprentice plumbers. DLLR advises that current statute does not authorize disciplinary action against a master plumber who fails to train and control any person who provides or assists in providing plumbing services when the master plumber is not that person's employer.

The department further advises that having statutory authority to discipline licensees who violate State laws and regulations will bring the State Board of Plumbing in line with other occupational and licensing boards housed within the department that have the authority to discipline applicants and licensees for violations of State law and regulations.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Labor, Licensing, and Regulation; Department of Legislative Services

Fiscal Note History: First Reader - January 26, 2004
n/ljm

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