

SENATE BILL 475

C2

11r2308
CF 11r2472

By: **Senator Benson**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Business Occupations – Plumbers and Gas Fitters – Apprentice License**
3 **Renewal**

4 FOR the purpose of prohibiting the State Board of Plumbing from renewing an
5 apprentice plumber license or apprentice natural gas fitters license for more
6 than a certain number of consecutive terms under certain circumstances and
7 subject to certain exceptions; authorizing the Board to deny, suspend, or revoke
8 certain licenses or reprimand certain licensees for failure to take or register to
9 take certain examinations within a certain period of time; and generally
10 relating to the license renewal of apprentice plumbers and apprentice natural
11 gas fitters.

12 BY repealing and reenacting, without amendments,
13 Article – Business Occupations and Professions
14 Section 12–101(b) and (c), 12–307(c) and (g), and 12–313(a)
15 Annotated Code of Maryland
16 (2010 Replacement Volume)

17 BY repealing and reenacting, with amendments,
18 Article – Business Occupations and Professions
19 Section 12–308(a) and 12–312(a)(1)
20 Annotated Code of Maryland
21 (2010 Replacement Volume)

22 BY adding to
23 Article – Business Occupations and Professions
24 Section 12–308.1
25 Annotated Code of Maryland
26 (2010 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Business Occupations and Professions**

4 12–101.

5 (b) “Apprentice natural gas fitter” means, unless the context requires
6 otherwise, an individual who is licensed by the Board to assist a master natural gas
7 fitter in providing natural gas services while:

8 (1) under the direction and control of the master natural gas fitter;
9 and

10 (2) in training to become a journeyman natural gas fitter.

11 (c) “Apprentice plumber” means, unless the context requires otherwise, an
12 individual who is licensed by the Board to assist a master plumber or a holder of a
13 limited master plumber license in providing plumbing services while:

14 (1) under the direction and control of the master plumber or holder of
15 the limited master plumber license; and

16 (2) in training to become a journey plumber.

17 12–307.

18 (c) While an apprentice plumber license is in effect, it authorizes the licensee
19 to assist in providing plumbing services only under the direction and control of a
20 master plumber or a holder of a limited master plumber license.

21 (g) While an apprentice natural gas fitters license is in effect, it authorizes
22 the licensee to provide natural gas service only under the direction and control of a
23 licensed master natural gas fitter.

24 12–308.

25 (a) [Unless] **SUBJECT TO § 12–308.1 OF THIS SUBTITLE, UNLESS** a
26 license is renewed for a 2–year term as provided in this section, the license expires on
27 the first May 1 that comes:

28 (1) after the effective date of the license; and

29 (2) in an odd–numbered year.

30 **12–308.1.**

1 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND**
2 **SUBJECT TO § 12–313 OF THIS SUBTITLE, THE BOARD MAY NOT RENEW AN**
3 **APPRENTICE PLUMBER LICENSE OR APPRENTICE NATURAL GAS FITTERS**
4 **LICENSE FOR MORE THAN THREE CONSECUTIVE TERMS IF THE LICENSEE HAS**
5 **NOT TAKEN OR REGISTERED TO TAKE A JOURNEY PLUMBER EXAMINATION OR**
6 **JOURNEYMAN GAS FITTERS EXAMINATION.**

7 **(B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, IF AN**
8 **APPRENTICE PLUMBER OR APPRENTICE NATURAL GAS FITTER FAILS A**
9 **JOURNEY PLUMBER EXAMINATION OR JOURNEYMAN GAS FITTERS**
10 **EXAMINATION, THE BOARD MAY RENEW THE APPRENTICE PLUMBER LICENSE**
11 **OR APPRENTICE NATURAL GAS FITTERS LICENSE FOR AN ADDITIONAL 2–YEAR**
12 **TERM FOR EACH FAILED EXAMINATION.**

13 12–312.

14 (a) (1) Subject to the hearing provisions of § 12–313 of this subtitle, the
15 Board may deny a license to any applicant, reprimand any licensee, or suspend or
16 revoke a license if the applicant or licensee:

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

19 (ii) fraudulently or deceptively uses a license;

20 (iii) is guilty of gross negligence, incompetence, or misconduct
21 while providing plumbing services or assisting in providing plumbing services;

22 (iv) is guilty of violating the State Plumbing Code or applicable
23 local plumbing code while providing plumbing services or assisting in providing
24 plumbing services;

25 (v) under the laws of the United States or of any state, is
26 convicted of:

27 1. a felony; or

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

30 (vi) is guilty of an unfair or deceptive trade practice, as defined
31 in § 13–301 of the Commercial Law Article;

32 (vii) fails to train and control adequately any person who, while
33 under the direction and control of the master plumber or holder of a limited master

1 plumber license, sells or gives estimates for providing plumbing services or provides or
2 assists in providing plumbing services;

3 (viii) fails to maintain the liability insurance required under §
4 12-501 of this title for a master plumber, holder of a limited master plumber license
5 who contracts to provide plumbing services on behalf of the master plumber, holder of
6 a limited master plumber license, or another, holder of a propane gas fitter certificate,
7 or holder of a master natural gas fitters license;

8 (ix) is guilty of violating § 12-605 of this title;

9 (x) as the holder of a limited license, propane gas fitter
10 certificate, master natural gas fitters license, journey plumber license, journeyman
11 natural gas fitters license, apprentice plumber license, or apprentice natural gas
12 fitters license, performs plumbing, propane gas fitting, or natural gas fitting services
13 outside the scope of that license;

14 (xi) knowingly allows or permits another licensee to perform
15 plumbing, propane gas fitting, or natural gas fitting services outside the scope of that
16 individual's license;

17 **(XII) HAS HELD AN APPRENTICE PLUMBER LICENSE OR**
18 **APPRENTICE NATURAL GAS FITTERS LICENSE FOR THREE CONSECUTIVE TERMS**
19 **AND HAS NOT TAKEN OR REGISTERED TO TAKE A JOURNEY PLUMBER**
20 **EXAMINATION OR JOURNEYMAN GAS FITTERS EXAMINATION;**

21 [(xii)] **(XIII)** violates any other provision of this title; or

22 [(xiii)] **(XIV)** violates any regulation adopted under this title.

23 12-313.

24 (a) Except as otherwise provided in § 10-226 of the State Government
25 Article, before the Board takes any final action under § 12-312 of this subtitle, it shall
26 give the individual against whom the action is contemplated an opportunity for a
27 hearing before the Board.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2011.