

COMMITTEE COMMENT: Subsection (a) of this section is standard language substituted for the requirement, in the twelfth sentence of former Art. 56, § 449(a), that "[u]pon application" the Board examine "each and every person who shall desire to work at the plumbing business". The substituted language states expressly that an applicant must otherwise qualify and, if so, the applicant is entitled to an opportunity to meet the final requirement for licensing -- i.e., to take the required examination. Stated from the other perspective, the subsection simply states that the Board may not arbitrarily deny an otherwise qualified applicant an opportunity to take the license examination. This subsection reflects the requirements of the due process clause under the 14th Amendment of the U.S. Constitution. See Douglas v. Noble, 261 U.S. 165 (1923); Schware v. Board of Bar Examiners, 353 U.S. 232 (1957); and Willner v. Committee on Character and Fitness, 373 U.S. 96 (1963).

Subsection (b) of this section is new language derived from the twelfth sentence of former Art. 56, § 449(a), except for the phrase "touching his competency and qualification".

Subsection (c) of this section is standard language added to conform to Board practice and to similar provisions in present Art. 56 that govern examination for licensing by other business occupation boards. This subsection provides an element of fundamental fairness by requiring the Board to give qualified applicants notice before the administration of examinations.

Subsection (d)(1) of this section is standard language substituted for the thirteenth sentence of former Art. 56, § 449(a), which required "written or oral answers to appropriate questions" and allowed "an actual demonstration relating to the applicant's knowledge contemplated to be performed under the license for which he has made application".

Subsection (d)(2) of this section is new language derived from the reference, in the twelfth sentence of former Art. 56, § 449(a), to an examination "touching his competency and qualifications".

Subsection (e) of this section is new language derived from the second sentence of former Art. 56, § 450.