

12-837. DENIALS, REFUSALS TO RENEW, REPRIMANDS, SUSPENSIONS, AND REVOCATIONS — GROUNDS; CIVIL PENALTY.

(A) GROUNDS.

SUBJECT TO THE HEARING PROVISIONS OF § 12-838 OF THIS SUBTITLE, THE BOARD MAY DENY A LICENSE TO AN APPLICANT, REFUSE TO RENEW A LICENSE, REPRIMAND A LICENSEE, SUSPEND OR REVOKE A LICENSE, OR IMPOSE A CIVIL PENALTY NOT EXCEEDING \$1,000 IF THE BOARD FINDS THAT THE APPLICANT OR LICENSEE:

(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE;

(2) FAILS TO NOTIFY THE BOARD OR THE OWNER OR LESSEE OF AN ELEVATOR OR RELATED MECHANISM OF ANY CONDITION NOT IN COMPLIANCE WITH PART II OF THIS SUBTITLE;

(3) VIOLATES THIS SUBTITLE;

(4) TRANSFERS THE AUTHORITY GRANTED BY A LICENSE TO ANOTHER PERSON;

(5) INSTALLS, REPAIRS, OR MAINTAINS AN ELEVATOR OR ASSISTS IN THE INSTALLATION, REPAIR, OR MAINTENANCE OF AN ELEVATOR IN A NEGLIGENT OR CARELESS MANNER; OR

(6) WILLFULLY OR DELIBERATELY DISREGARDS AND VIOLATES A BUILDING CODE, ELECTRICAL CODE, OR CONSTRUCTION LAW OF THE STATE OR A COUNTY OR MUNICIPAL CORPORATION OF THE STATE.

(B) CIVIL PENALTY.

IN DETERMINING THE APPROPRIATE PENALTY TO BE IMPOSED UNDER SUBSECTION (A) OF THIS SECTION, THE BOARD SHALL CONSIDER:

(1) THE GRAVITY OF THE VIOLATION;

(2) THE GOOD FAITH OF THE VIOLATOR;

(3) THE NUMBER AND GRAVITY OF PREVIOUS VIOLATIONS BY THE SAME VIOLATOR;

(4) THE HARM CAUSED TO THE COMPLAINANT, THE PUBLIC, AND THE ELEVATOR MECHANIC PROFESSION;

(5) THE ASSETS OF THE VIOLATOR; AND

(6) ANY OTHER FACTORS THAT THE BOARD CONSIDERS RELEVANT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 89, § 49C(r).