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REPORT ON HOUSE BILL 302
(First Reading File Bill)

PLUMBERS' LAWS

I. GENERAL HISTORY OF THE REVISION.

As part of a continuing revision of the Annotated Code of Maryland by the Division of Statutory Revision of the Department of Legislative Reference, 16 revised articles and part of a 17th have become law: Agriculture, Commercial Law, Corporations and Associations, Courts and Judicial Proceedings, Education, Estates and Trusts, Family Law, Financial Institutions, Health--Environmental (now Environment), Health--General, Health Occupations, Natural Resources, Real Property, State Government, Tax-Property, Transportation, and the State Finance Division of State Finance and Procurement. Revisions of the Procurement Division (House Bill 1) and of the Tax-General Article (Senate Bill 1) are now pending. All of these articles have been prepared in accordance with the mandate of the Division, to rewrite the laws in a more organized, concise, and readable manner, without making substantive changes. The objective is to clarify the existing laws, but not to change their legal effect.

As part of the ongoing revision, the Division of Statutory Revision of the Department of Legislative Reference reviewed those laws proposed for inclusion in a Business Occupations Article. The problems inherent in the laws governing electricians, plumbing, and real estate brokers could not be resolved in routine nonsubstantive revision, because of the numerous gaps, inconsistencies, and ambiguities in those laws. Therefore, a Joint Subcommittee on the Business Occupations Article, comprised of members of the Senate Economic and Environmental Affairs Committee and the House Economic Matters Committee, was appointed to consider and to develop substantive legislation to address the substantive problems. The members of the Joint Subcommittee are Senator Gerald W. Winegrad and Delegate Joseph V. Lutz, as Co-chairmen, and Senators Michael Collins, John Derr, S. Frank Shore, and Delegates Hattie N. Harrison, George H. Littrell, Jr., and Lawrence Wiser.

The Joint Subcommittee undertook to address the plumbing laws by careful review of a draft revision of the existing laws in which were noted, e.g., provisions that were inconsistent either with other laws relating to plumbers or to business occupations generally, provisions that were obsolete, provisions that were impracticable to apply, and provisions that were at variance with practice in the industry. The absence of provisions that generally appear in laws governing business occupations also was noted. It is a precept that similar provisions should be stated in the same way every time. This is particularly true as to provisions that relate to licensing. To that end, therefore, provisions of the existing law that were retained and new provisions that were added have been conformed to the language and organization of revised articles.

During the 1987 interim, the Joint Subcommittee met almost weekly to consider the laws relating to electricians, plumbing, and real estate brokers. Eight of the meetings concerned the plumbing laws.

At these meetings, numerous helpful comments were provided by interested parties, including Jonathan Acton, II, from the Attorney General's Office, Michael Boswell for the Washington Suburban Sanitary Commission, Frederic Brandes for Plumbers and Gasfitters Local Union #48, Vicki Burry for the Washington Suburban Sanitary Commission, Vincent DeMarco from the Attorney General's Office, G. Thomas Dick for Harford County, Robert M. Diem, Sr., for Plumbers and Gasfitters Local Union #48, Judith Donaldson from the Department of Licensing and Regulation, Michael Dorsey for the Washington Building and Construction Trades Council, Harvey Epstein for the Maryland Plumbing-Heating-Cooling Contractors, Inc., Herbert Fishpaw for Plumbers and Gasfitters Local Union #48, Clarence Forrester for the Harford County Plumbing Board, William P. Kaczorowski for the Baltimore Building and Construction Trades Council,Charles A. Kreeger for the city of Salisbury, John Mathers for the Washington Suburban Sanitary Commission, J. Frank Nayden of the Maryland Insurance Division, W. Samuel Scott for Wicomico County, David W. Sewell for Harford County, Milton Snyder of the Maryland Board of Plumbing, Ronald Stiegler for the Maryland Plumbing-Heating-Cooling Contractors, Inc., and Ronald Yingling for the Washington Suburban Sanitary Commission.

Copies of each draft revision were distributed to representatives of each county plumbing board, the Washington Suburban Sanitary Commission, and the Maryland Board of Plumbing, as well as labor unions and management organizations. Also, the staff replied to questions and comments posed by interested persons. In particular, the staff maintained extensive correspondence with representatives from Washington and Worcester Counties and the Washington Suburban Sanitary Commission.

II. COMMITTEE COMMENTS.

In nonsubstantive revisions, revisor's notes provide a link between the current and revised law, by explaining, in detail, their relationship. Each section -- or, in some instances, subsection -- of the revised law would be followed by a revisor's note that identifies the present law that the new section or subsection replaces. These revisor's notes also explain all significant changes made in the revision process. Although not part of the law, revisor's notes serve an important function in preserving the intent and substance of the present law. In Murray v. State, 27 Md. App. 404 (1975), the Court of Special Appeals recognized the importance of revisor's notes not only as a statement of the revisor's intent, but as a statement of legislative intent as well:

> "These notes were part of the legislation enacting the revisions explaining to the legislators not only what changes were effected but what their expressed intention was in changing the wording." Murray v. State, 27 Md. App. at 409 (Emphasis in original).

The Committee Comments in House Bill 302 are drafted to serve the same purpose. In light of their importance as recognizable elements of legislative history, the Committee Comments in the third reading file bill will differ from those in the first reading file bill as little as practicable. Additional minor changes also may be made in them before publication.

In some instances, comments may be rendered obsolete by separate legislation enacted during this Session. The Division staff will update these comments, which the Michie Company will publish under the heading of "Special Committee Comments".

III. STRUCTURE OF HOUSE BILL 302.

House Bill 302 proposes creation of Article 56A -- Miscellaneous Business Occupations, pending the anticipated enactment of the revised Business Occupations Article during the 1989 Session. Article 56A would include the Joint Subcommittee's proposed revision of the electricians laws (House Bill 303), plumbing laws (House Bill 302), and real estate brokers laws (Senate Bill 201).

Each of these bills contains a Title 1, which includes definitions and provisions generally applicable to all three occupations.

IV. LIST OF SIGNIFICANT CHANGES FOR PLUMBING LAWS.

While almost every section of the revised Title 3 involves an extensive revision of the current law, the majority of the changes would be considered routine under a normal nonsubstantive revision prepared by the Division. The following sets forth a general summary of those points that merit special attention by the General Assembly.

This list is based on a comparison of the current plumbers' law (Art. 56, §§ 444 through 462C of the Code) and House Bill 302. References to House Bill 302 are to the First Reading File Copy.

**1. Terminology.**

House Bill 302 would replace several current terms with new ones, for brevity, clarity, or consistency.

| Current Term | New Term |
|---|---|
| apprentice | apprentice plumber |
| journeyman | journey plumber |
| State Board of Commissioners of Practical Plumbing | State Board of Plumbing or "Board" |
| license, certificate of competency, certificate | license |
| State regulations | State Plumbing Code |

**2. Definition of "provide plumbing services" (3-101(h)).**

Current law does not contain a definition of "plumbing". House Bill 302 would fill this gap by defining the term "provide plumbing services". See beginning on page 10, line 20 through page 11, line 9 and the Committee Comment at page 11, lines 10 thorugh 25.

**3. Statement of purpose (3-102).**

House Bill 302 states expressly the purposes of Title 3. See page 12, lines 3 through 10 and the Committee Comment at page 12, lines 11 and 12.

**4. Scope of title (3-103).**

The scope of the current general provisions on plumbing is unclear because of the numerous provisions that affect only one or two counties. House Bill 302 would transfer or delete those provisions. See item 33 of this list. Accordingly, with two exceptions, the revised law would apply Statewide. The exceptions are: (1) areas under the jurisdiction of the Washington Suburban Sanitary Commission (WSSC), and (2) Baltimore County, which would be affected only by the reciprocity provision in § 3-305. See page 12, lines 13 through 21, and the Committee Comment at lines 22 through 39.

**5. Membership of the Board (3-202(a)).**

House Bill 302 reflects the current practice of the Board to allow 1 journey plumber to be a member of the 9-member Board. See page 13, lines 34 through 37 and the Committee Comment at page 15, lines 22 through 27.

House Bill 302 would modify the residency requirement to prohibit a member of the Board from residing in a county "or area of a county" that is exempted from this title. This modification reflects the areas of the several counties under the jurisdiction of the WSSC. See page 14, lines 17 and 18 and the Committee Comment at page 16, lines 12 through 14. Similarly, the current reference to residency in Baltimore County would be deleted. See the Committee Comment at page 16, lines 9 through 11.

**6. Oath of office (3-202(d)).**

Current Art. 56, § 452 specifically requires an appointee to take an oath of office, before the Clerk of the Circuit Court for Baltimore City, within 30 days after notification of appointment. House Bill 302 would delete these requirements so that Art. 70, §§ 7 and 11, which generally apply to offices of profit or trust, would apply. Thus, an appointee could take the oath before the clerk of any circuit court or a deputy clerk. The oath would have to be taken within 30 days after the clerk received the commission or, if no commission is sent, within 30 days after notice of appointment. See the Committee Comment at page 16, lines 22 through 41.

**7. Officers (3-203(b)).**

Standard language would provide for officers of the Board, other than its chairman, to be elected and have the terms of office set by the Board. See page 18, lines 1 through 3, and the Committee Comment at lines 7 through 9. The exception for the Chairman reflects that the current provisions for gubernatorial appointment would be retained. See page 17, lines 44 through 46.

**8. Meetings (3-204(a) & (b)).**

A quorum provision, based on the current practice of the Board, is proposed. See page 18, lines 14 through 16, and the Committee Comment at lines 29 through 31.

A standard provision that enables the Board to set the time and place for meetings is proposed. See page 18, lines 17 through 19, and the Committee Comment at lines 29 through 31.

**9. Staff (3-204(d)).**

Standard language that allows the Board to employ staff, subject to budgetary limits, is proposed. See page 18, lines 26 through 28, and the Committee Comment at lines 29 through 31.

**10. State Plumbing Code (3-205).**

Current Art. 56, § 445(f) allows the Board to adopt standards as part of the State Plumbing Code, based on standards of the American National Standards Institute. House Bill 302 would give the Board the latitude to adopt standards of the Institute "or any other nationally recognized organization". See page 19, lines 23 through 25 and the Committee Comment at lines 36 through 39.

**11. Enforcement of plumbing codes (3-206).**

Current Art. 56, § 444 allows, but does not require, political subdivisions to enact and enforce regulations that meet or exceed the State Plumbing Code and provides that, if a subdivision chooses not to do so, the State must enforce the State Plumbing Code.

House Bill 302 would require, rather than allow a county to enforce the State Plumbing Code or to adopt and enforce a local plumbing code that meets or exceeds the minimum standards of the State Plumbing Code. Regardless of whether a county complies, the Board would be required to enforce the State Plumbing Code unless the Board made a cooperative agreement with a county for the county to enforce the State Plumbing Code, or, if the County has one, its local plumbing code. The Committee was apprised that the Board does not have the resources to enforce the State Plumbing Code in each county. Nonetheless, the Committee believes that a code should be in force in each county and that the provision of money and other resources to carry out enforcement should be addressed separately.

See page 20, lines 6 through 22, and the Committee Comment beginning on page 20, at line 23 through page 21, line 6. Plumbing work begun on or before June 30, 1991, is unaffected by these provisions. See page 73, lines 14 through 19.

Accordingly, the express powers act in Art. 25 would be amended to expressly authorize adoption of plumbing codes and provisions for enforcement, including inspections, permits, and charges. See beginning at line 45 on page 62 through line 9 on page 64. Therefore, authorizations for individual counties are deleted. See, e.g., page 64, lines 28 through 35.

House Bill 302 also would require a person providing plumbing services to comply with the applicable code regardless of whether the person receives compensation. See page 49, lines 31 through 36, and the Committee Comment at page 50, lines 4 through 10.

House Bill 302 also would ensure that services provided in State buildings to meet Code standards by allowing inspection. See beginning at line 37 on page 49 through line 3 on page 50 and the Committee Comment on page 50, lines 11 through 16. Plumbing work begun on or before June 30, 1991, is unaffected by this requirement. See page 73, lines 20 through 24.

**12. Investigative powers (3-208(a)).**

Current Art. 56, § 453(h)(2) requires the Board to investigate acts prohibited by the current plumbers' laws. Some of the grounds for disciplinary hearings, however, are violations, not of the plumbers' laws, but of other provisions. Therefore, House Bill 302 would extend the investigatory power of the Board to cover any ground for disciplinary action. See page 21, lines 28 and 29, and the Committee Comment at page 22, lines 19 through 23.

The Board also would be given express power to employ an investigative staff, subject to budgetary limitations. See page 21, lines 25 and 26.

**13. Injunctive powers (3-208(c)).**

Although Art. 56, § 453(g) currently gives the Board the power to seek injunctions, that power presumably is limited by the power of a court to deny an injunction if an adverse party shows that there is property from which damages can be made. See Md. R. BB76. House Bill 302 would remove this limitation. See page 22, lines 11 and 12, and the Committee Comment at lines 27 through 31.

Furthermore, the Board would be allowed to seek an injunction if "any person" will suffer irreparable harm. Currently, a "citizen of this State" must be harmed. See page 22, lines 3 and 4 and the Committee Comment at page 23, lines 31 through 33.

**14. Licensing exception for homeowner or occupant of residence (3-301(b)).**

House Bill 302 states expressly that which only is implied in the current law -- i.e., an individual who provides plumbing services within his or her own residence need not be licensed -- but also makes clear that this limited exception would not allow final connections between residences and disposal or water supply systems. See page 25, lines 1 through 10, and the Committee Comment at lines 36 through 45.

**15. Incidental helpers (3-301(d) and 3-402(b)).**

House Bill 302 would clarify that licensing requirements do not apply to an "incidental helper" -- i.e., an individual who performs work that is only incidental to a licensee providing or assisting in providing plumbing services. See page 25, lines 15 through 18, and the Committee Comment at page 26, lines 3 through 6, and page 45, lines 30 through 33, and the Committee Comment beginning at line 40 on page 45 through line 2 on page 46.

**16. Qualifications of applicants for licenses (3-302).**

With 2 exceptions, the current law is silent on the requirements that applicants for State licenses must meet. House Bill 302 provides this information, including the number of hours of training that applicants for a journey or master plumber license would need and the number of years that an applicant for a journey plumber license must hold an apprentice plumber license. Requirements also are stated for applicants who hold licenses issued by jurisdictions other than Maryland.

The exceptions are the current requirements for examinations and for holding a journey plumber license for 2 years. These requirements are retained. However, at the Board's request, House Bill 302 would delete the specific power of the Board to waive the latter requirement. See beginning at line 25 on page 26 through line 32 on page 27 and the Committee Comment beginning on page 27 at line 33 through line 30 on page 28.

**17. Fees (3-303).**

Current Art. 56, § 449(b), which distinguishes between resident and nonresident fees, is proposed for deletion since the Board requires the same fees from all applicants. See the Committee Comment at page 29, lines 12 through 17.

**18. Examinations (3-304(e)).**

While the current law requires applicants for journey and master plumber licenses to take examinations, only applicants for master plumber licenses have express authority to review their examinations. House Bill 302 would accord applicants for journey plumber licenses a similar right. See page 30, lines 1 through 9, and the Committee Comment at page 31, lines 1 through 25.

**19. Reciprocity (3-305).**

Current Art. 56, § 453(f) enables the Board to recognize a license issued to a master plumber by any subdivision. House Bill 302 specifically refers to the WSSC and Baltimore County and to a journey plumber license. See beginning at line 29 on page 31 through line 31 on page 32, and the Committee Comment on page 33, lines 9 through 15.

**20. Issuance of licenses (3-306).**

House Bill 302 would require a qualified applicant for a master plumber license or limited master plumber license to obtain insurance if the licensee intends to contract to provide services and would specifically prohibit issuance of a license to an individual to whom the insurance requirement applies, absent proof of insurance. See page 34, at lines 3 through 7 and the Committee Comment at lines 13 through 18 and page 48, lines 3 through 6.

Also, the provision of current Art. 56, § 449(a) that requires any 5 members of the Board to grant a master plumber license to a qualified applicant and register the applicant in their books is proposed for deletion as unnecessary and possibly misleading, since the Board does not have the discretion, by a vote, to deny a license to a qualified applicant for any license. See page 34, lines 4 through 7 and the Committee Comment at lines 24 through 35.

**21. Scope of licenses (3-307).**

Current law does not clearly set out the scope of plumbing work that a master, journey, or apprentice plumber may perform. House Bill 302 states that a master or journey plumber license authorizes an individual to provide plumbing services, while an apprentice plumber license authorizes the licensee to assist in providing plumbing services. The current requirement that journey and apprentice plumbers act only under the direction and control of a master plumber or a holder of a limited master plumber license would be retained. See page 35, lines 5 through 18, and the Committee Comment at lines 19 through 38. See also § 3-101(b) and (d).

**22. Renewal of licenses (3-308).**

House Bill 302 sets forth requirements for and mechanics of license renewal in greater detail than in current law. For example, § 3-308(b) would require the Board to notify licensees that licenses are due to expire, while § 3-308(c)(1) would require the licensee not only to pay the renewal fee but to be "otherwise ... entitled to" the license. See page 36 and the Committee Comment on page 37, lines 1 through 33.

**23. Reinstatement of expired licenses (3-309).**

House Bill 302 would allow the Board to renew expired licenses. See beginning at line 35 on page 37 through line 8 on page 38 and the Committee Comment at lines 9 through 14.

Plumbers

**24. Limited license (3-310).**

Current Art. 56, § 453(b) authorizes the Board to set different standards for master or journey plumbers in different parts of the State. Accordingly, House Bill 302 provides for the Board to issue a "limited license" that would authorize a licensee to provide plumbing services only in a specified geographical area of the State. Specific references to holders of limited licenses are added throughout House Bill 302, to clarify that current references to master and journey plumbers included holders of limited licenses. See beginning at line 15 on page 38 through line 11 on page 39.

House Bill 302, however, would prohibit the issuance of new limited licenses after June 30, 1991, although individuals then holding limited licenses would be able to renew their licenses indefinitely. See page 39, lines 12 through 23.

House Bill 302 includes uncodified provisions that would allow individuals currently working in Washington and Worcester Counties 6 months to obtain a limited license. See beginning at line 35 on page 72 through line 13 on page 73.

**25. Display of license and number (3-311(a) and 3-504).**

Under House Bill 302, a master plumber would be required to display the license and license number at the principal place of business and the number on business vehicles. See page 40, lines 8 through 23, and the Committee Comment at lines 30 through 37.

A similar requirement is added in the provisions governing advertisements. See page 52, line 14, and the Committee Comment at lines 21 and 22.

**26. Disciplinary proceedings (3-312 and 3-313(d)).**

House Bill 302 would add new grounds for disciplinary action. They are fraudulent or deceptive use of or attempt to obtain a license, (3-312(2) and (1), respectively); and violation of restrictions on sale or installation of unapproved fixtures (3-312(8)). See page 41, lines 12 through 14 and 32 and 33, and the Committee Comment beginning at line 38 on page 41 through line 4 on page 42 and lines 7 through 10.

The Board would be given express authority to proceed, on the basis of any grounds, against any individual who fails or refuses to appear at a disciplinary hearing after notice. See page 43, lines 29 through 32, and the Committee Comment at page 44, lines 3 through 5.

An express statement of the right to judicial review is added. See page 44, lines 16 through 20, and the Committee Comment at lines 21 through 30.

**27. Engaging in the Business of Providing Plumbing Services (Subtitle 4).**

The current law lacks provisions about businesses providing plumbing services. House Bill 302 states that these businesses must be either self-employed master plumbers or persons who designate a master plumber or holder of a limited master plumber license actively to direct, to control, and to be responsible for all plumbing services. Thus, each piece of plumbing work for which the plumbing business contracts is to be performed under the direction and control of a master plumber. See beginning at line 34 on page 44 through line 5 on page 45. A master plumber or a holder of a limited master plumber license who provides plumbing services through a business must notify the Board. See page 46, lines 8 through 35, and the Committee Comment beginning at line 36 on page 46 through line 5 on page 47.

House Bill 302 also states the conditions under which a business may employ journey plumbers, holders of limited journey plumber licenses, or apprentice plumbers. See page 45, lines 14 through 33, and the Committee Comment beginning at line 34 on page 45 through line 7 on page 46.

A miscellaneous provision requiring a construction business license to construct "any sewer of stone, brick, terra cotta, or other material" is proposed for deletion. See beginning at line 30 on page 66 through line 22 on page 67.

**28. Insurance (3-501).**

The current law requires master plumbers who contract to provide plumbing services to be covered by self-insurance or liability insurance. House Bill 302 proposes deletion of Art. 56, § 462C(a)(1), which allows self-insurance. The Committee believes that this option should be discontinued, since self-insurance is difficult to regulate and has not proven attractive to master plumbers or holders of limited master plumber licenses. See the Committee Comment at page 49, lines 12 through 18.

Plumbers

House Bill 302 would state expressly that which only is implied in the current law -- i.e., apprentice plumbers, journey plumbers, and holders of limited journey plumber licenses need not obtain insurance since they provide plumbing services under the direction and control of a master plumber or holder of a limited master plumber license, and the insurance of the master plumber or holder of a limited master plumber license would cover the services. See page 47, lines 33 through 37, and the Committee Comment at page 48, lines 33 through 41.

**29. Plumbing Inspectors (3-503).**

House Bill 302 contains language to ensure that, in the future, each plumbing inspector meets minimum standards to be established by the Board and administered by the government that appoints or employs the inspector and that, each year, inspectors attend a continuing education course that the Board conducts. See page 50, lines 22 through 33, and the Committee Comment at page 51, lines 18 through 26. An uncodified section stipulates that individuals who are plumbing inspectors need not meet the new minimum standards. See page 72, lines 27 through 34.

**30. Providing services without license (3-601 through 3-603).**

The current law prohibits the providing of plumbing services by anyone other than a master plumber. House Bill 302 reflects that holders of limited licenses and apprentice and journey plumbers may provide or assist in providing services within the scope of their respective licenses. See beginning at line 40 on page 52 through line 10 on page 55.

**31. Misrepresentation (3-604).**

The current law only precludes misuse of the titles "master plumber" and "registered plumber". House Bill 302 would prohibit generally misrepresentation as to authority to provide plumbing services. See page 55, lines 11 through 19, and the Committee Comment at lines 20 through 31.

**32. Required fixtures and devices in buildings (3-605 and 3-606).**

Current Art. 56, § 445 provides specifications for certain "approved fixtures" that must be installed in buildings and precludes sale or installation of unauthorized fixtures. House Bill 302 proposes the deletion of these specifications and the list of approved fixtures, since this information is contained in the State Plumbing Code. The Committee believes that a person should adhere to the State Plumbing Code, including more stringent requirements that may be adopted in the future. See the Committee Comment at page 56, lines 9 through 19.

Current Art. 56, § 445(d)(1) and (2) allows suspension of enforcement if an adequate supply of approved fixtures is not available or the drainage system of a building could not handle those fixtures. These provisions are proposed for deletion. See the Committee Comment at page 56, lines 31 through 37.

Current Art. 56, § 445(g) provides a maximum penalty of $500 for each violation of these restrictions on fixtures. House Bill 302 would change the applicable penalties to a fine not exceeding $100 or imprisonment not exceeding 6 months for each day on which the violation occurs. See page 58, lines 17 through 21 and 24 through 27, and the Committee Comment at page 59, lines 6 through 10.

**33. Miscellaneous Provisions.**

**I. Transfers.**

Numerous current provisions affect only one or two counties. Several of those provisions are proposed for transfer to the appropriate article of the Public Local Law, or, or the WSSC, to Art. 29 of the Code.

Art. 56, § 444(b), which requires utility work in Carroll and Frederick Counties to be performed by a licensed utility contractor or master plumber, is bifurcated and proposed for transfer to § 3-23(b) of the Public Local Laws of Carroll County and to § 2-13-21A of the Public Local Laws of Frederick County. See page 68, lines 6 through 38, and the Committee Comment at page 61, lines 23 thorugh 30.

Art. 56, § 455(a) through (c), which makes plumbers in Montgomery and Prince George's Counties subject to the jurisdiction of the WSSC, is proposed for transfer to Art. 29, § 8-104 of the Code and amended to apply to "areas under the jurisdiction of the WSSC". See beginning at line 39 on page 68 through line 23 on page 71, and the Committee Comment at page 61, lines 31 through 35.

Plumbers

Part of Art. 56, § 457, as it relates to the waiver of the examination requirement for persons holding licenses issued by the Board, is proposed for transfer to § 238(3) of the Code of Public Local Laws of Baltimore County. The balance of § 457 and the second through eighth sentences of § 456, which create a Baltimore County plumbing board and provide licensing fees, are proposed for deletion as obsolete in light of later enacted provisions in §§ 23-4 through 23-36 of the Baltimore County Code. See beginning at line 24 on page 71 through line 8 on page 72, and the Committee Comment at page 61, lines 36 through 46.

Art. 56, § 462, which allows the Board of County Commissioners of Frederick County to license appliance installers, is proposed for transfer to § 2-13-21B of the Public Local Laws of Frederick County. See page 72, lines 9 through 12, and the Committee Comment on page 62, lines 1 through 5.

**II. Deletions.**

Art. 56, § 444(c), which requires the Board to issue maintenance plumber's certificates to Carroll County applicants, is proposed for deletion as obsolete. See the Committee Comment on page 62, lines 7 through 9.

Art. 56, § 454, which requires the Board of Commissioners of Charles County to license as master plumbers residents of the County who had worked as licensed journey plumbers for 5 years before April 1967, is proposed for deletion as obsolete. See the Committee Comment on page 62, lines 10 through 13.

Art. 56, § 458, which exempts Calvert County from the current plumbing laws "except as provided by local law", is proposed for deletion as misleading since the Calvert County Plumbing Board adheres to the State Plumbing Code and State licensing examination procedures to regulate plumbing, although local law does not expressly require the county Board to do so. If, in the future, Calvert County wishes to adopt a local plumbing code, it may do so in accordance with proposed § 3-206. Also see Art. 1, § 13 of the Code, which states that whenever the public general law and a public local law conflict, the public local law prevails. See the Committee Comment on page 62, lines 14 through 24.

Art. 56, § 459, which exempts Washington County from the plumbers' laws, is proposed for deletion in light of the desire of the Committee to bring Washington County within the scope of the Maryland Plumbing Act.

Plumbers

See the Committee Comment at page 62, lines 25 through 30. An individual who currently is licensed by the Washington County Plumbing Board would be allowed to apply to the State Board for a limited license. See beginning at line 35 on page 72 through line 2 on page 73.

Art. 56, § 460, which exempts Worcester County from the current plumbers' laws "after such time as the County Commissioners ... adopt a plumbing code for Worcester County", is proposed for deletion in light of the desire of the Committee to bring Worcester County within the scope of the Maryland Plumbing Act. See the Committee Comment at page 62, lines 31 through 40. A plumber in Worcester County who wishes to continue to provide plumbing services in Worcester County would be required to obtain a limited license from the Board within 6 months after the effective date of this Act. See page 73, lines 3 through 13.

Art. 56, § 461, which exempts Anne Arundel County from certain provisions of Art. 56, §§ 444 through 462C subject to adoption of a code before October 1, 1968, is proposed for deletion as obsolete. See the Committee Comment at page 62, lines 41 through 44.

Respectfully submitted,

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