

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 526

(Prince George's County Delegation and Montgomery
County Delegation)

Economic Matters

Finance

**Washington Suburban Sanitary Commission - Plumbing and Fuel Gas Services -
Licenses and Penalties**
PG/MC 109-22

This bill prohibits a person from providing, attempting to provide, or offering to provide plumbing services in any area of Montgomery County or Prince George's County under the regulatory jurisdiction of the Washington Suburban Sanitary Commission (WSSC) without a license from WSSC. The bill similarly prohibits a person from assisting, attempting to assist, or offering to assist in providing fuel gas services in the same areas without a license. Further, the bill authorizes WSSC to deny a license to any applicant, reprimand a licensee, or suspend or revoke a license in specified circumstances, subject to existing procedures related to the revocation or suspension of licenses. Finally, WSSC is authorized by the bill to impose a penalty of up to \$5,000 for each violation, after taking into account certain factors (*i.e.*, the seriousness of the violation, the harm caused, the good faith of the licensee, and any history of previous violations).

Fiscal Summary

State Effect: None. The bill pertains only to WSSC.

Local Effect: No material effect to WSSC revenues or expenditures, as there are relatively few annual violations subject to the bill's enhanced penalty provisions. The bill's licensing provisions codify existing practice, so any changes to enforcement procedures are expected to be minimal and can be handled with existing budgeted resources.

Small Business Effect: Minimal.

Analysis

Current Law:

Commission Infractions (Generally)

The civil penalty WSSC may impose for a person who violates specified requirements are \$250 for a first violation; \$500 for a second violation; \$750 for a third violation; and \$1,000 for a fourth or subsequent violation. Each day that a violation remains uncorrected is a separate infraction subject to an additional citation and fine of \$250, payable within 10 to 20 calendar days after the citation is delivered. The recipient may pay the fine before the due date.

These penalty provisions apply to regulations governing:

- sewer cleaning;
- plumbing;
- erosion and sediment control for utility construction;
- gas fitting;
- required permits for public utility construction;
- the Commission Pretreatment Program; or
- any other regulation adopted in accordance with specified provisions of State law.

Citations

After verifying an infraction, the enforcement official must deliver the citation to the person charged in accordance with the appropriate procedures of the relevant regulations. The citation must be on the applicable form and include specified information.

Trial

A person who receives a citation may elect to stand trial by filing a statement of intent with WSSC, given at least five days before the payment due date. Upon receipt, WSSC must forward to the appropriate District Court a copy of the citation and a copy of the notice of intent to stand trial. Upon receipt, the District Court must schedule the case for trial and notify the parties of the trial date. The District Court must remit to WSSC all fines, penalties, or forfeitures collected as a result of related infractions.

Failure to Pay Fine

If a person fails to pay the fine by the due date *and* fails notice to stand trial, the person is liable for the assessed fine, and WSSC must send a notice of the infraction to the person's last known address. If the fine remains unpaid for 35 days after the notice date, WSSC may request adjudication of the case through the District Court, which may include the filing of a demand for judgment on affidavit. Upon receiving this request, the District Court must schedule the case for trial and summon the defendant to appear. If the defendant fails to respond, the District Court must enter judgment against the defendant in favor of WSSC in the amount due.

The adjudication of an infraction is not a criminal conviction and does not impose any of the civil disabilities imposed by a criminal conviction. Further, in a proceeding for a WSSC infraction before the District Court, the violation must be prosecuted in the same manner (and to the same extent) as specified municipal infractions.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Prince George's County; Washington Suburban Sanitary Commission; Maryland Department of Labor; Department of Legislative Services

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