

Chapter 108

(Senate Bill 298)

AN ACT concerning

State Board of Electricians – Licensing – Penalties

FOR the purpose of authorizing the State Board of Electricians to impose a civil monetary penalty instead of or in addition to reprimanding a licensee or suspending or revoking a license for certain violations; requiring the Board to consider certain factors to determine the amount of a penalty imposed under this Act; requiring the Board to submit a certain report to certain committees of the General Assembly on the Board's practices and processes for the timely resolution of complaints and the approval of licenses; and generally relating to the State Board of Electricians.

BY repealing and reenacting, with amendments,
 Article – Business Occupations and Professions
 Section 6–316
 Annotated Code of Maryland
 (2018 Replacement Volume and 2023 Supplement)

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

Article – Business Occupations and Professions

6–316.

(a) **(1)** Subject to the hearing provisions of § 6–317 of this subtitle, the State Board may deny a State license to any applicant, reprimand any State licensee, or suspend or revoke a State license if the applicant or State licensee:

[(1)] (I) fraudulently or deceptively obtains or attempts to obtain a State license for the applicant, State licensee, or another person;

[(2)] (II) fraudulently or deceptively uses a State license;

[(3)] (III) transfers the authority granted by a State license to another person;

[(4)] (IV) engages in an unfair or deceptive trade practice, as defined in § 13–301 of the Commercial Law Article;

[(5)] (V) willfully or deliberately disregards and violates a building code, electrical code, or law of the State or a local jurisdiction;

of: [(6)] (VI) under the laws of the United States or of any state, is convicted

[(i)] 1. a felony; or

[(ii)] 2. a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to provide electrical services;

[(7)] (VII) aids or abets a person to evade a provision of this title;

[(8)] (VIII) willfully or deliberately disregards disciplinary action taken by a local jurisdiction against the individual in connection with the provision of electrical services;

[(9)] (IX) fails in a material respect to comply with a provision of this title;

[(10)] (X) fails to train and control adequately a person who, while under the supervision of the State licensee, sells or estimates electrical work or provides or assists in providing electrical services;

[(11)] (XI) fails to maintain a local registration, if required, under § 6–601 of this title;

[(12)] (XII) fails to maintain the general liability and property damage insurance required under § 6–604 of this title;

[(13)] (XIII) offers or provides electrical services outside the scope of the license held by the licensee;

[(14)] (XIV) permits another licensee employed by the individual to provide electrical services outside the scope of that individual's license;

[(15)] (XV) without justification, fails to perform a contract or abandons a project to provide electrical services;

[(16)] (XVI) provides electrical services that are inadequate or incomplete, according to the terms of a contract or a project;

[(17)] (XVII) directly or indirectly publishes an advertisement relating to the provision of electrical services that contains a representation or statement that is false, deceptive, or misleading;

[(18)] (XVIII) certifies on a license renewal application that the continuing education requirement of license renewal has been completed if the licensee has

not fully completed the continuing education requirement at the time the license renewal application is submitted;

[(19)] **(XIX)** violates any other provision of this title; or

[(20)] **(XX)** violates any regulation adopted under this title.

(2) (I) INSTEAD OF OR IN ADDITION TO REPRIMANDING A LICENSEE OR SUSPENDING OR REVOKING A LICENSE UNDER THIS SUBSECTION, THE BOARD MAY IMPOSE A CIVIL PENALTY NOT EXCEEDING \$5,000 FOR EACH VIOLATION.

(II) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER THIS SUBSECTION, THE BOARD SHALL CONSIDER:

- 1. THE SERIOUSNESS OF THE VIOLATION;**
- 2. THE HARM CAUSED BY THE VIOLATION;**
- 3. THE GOOD FAITH OF THE LICENSEE; AND**
- 4. ANY HISTORY OF PREVIOUS VIOLATIONS BY THE LICENSEE.**

(III) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.

(b) Allowing a State license to be used by another person is, in a disciplinary proceeding under this section, prima facie evidence that a State licensee transferred the authority granted by a State license to another person.

(c) The State Board shall consider the following facts in the granting, denial, renewal, suspension, or revocation of a State license or the reprimand of a State licensee when an applicant or State licensee is convicted of a felony or misdemeanor described in subsection [(a)(6)] **(A)(1)(VI)** of this section:

- (1) the nature of the crime;
- (2) the relationship of the crime to the activities authorized by the State license;
- (3) with respect to a felony, the relevance of the conviction to the fitness and qualification of the applicant or State licensee to provide electrical services;
- (4) the length of time since the conviction; and

(5) the behavior and activities of the applicant or State licensee before and after the conviction.

(d) This section may not be construed to limit the ability of a local board to take disciplinary action against the holder of a local registration or the holder of a local permit in that jurisdiction under § 6–103 of this title.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before October 1, 2024, the State Board of Electricians shall submit to the Senate Education, Energy, and the Environment Committee and the House Economic Matters Committee, in accordance with § 2–1257 of the State Government Article, a report on the Board’s practices and processes for the timely resolution of complaints filed against State licensees.

(b) The report required under this section shall include:

(1) for each of the years 2018 through 2023:

(i) the number and types of complaints filed against State licensees;

(ii) the dates on which each complaint was received and resolved by the Board;

(iii) the number of investigators employed by the Board;

(iv) a determination by the Board as to whether there was a complaint backlog; and

(v) the average length of time to approve a license; and

(2) a detailed explanation of the plan and strategies adopted by the Board to systematically address the complaint backlog and prevent future backlogs.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2024.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect ~~October~~ July 1, 2024.

Approved by the Governor, April 9, 2024.