

West's Annotated Code of Maryland [Currentness](#)

Public Safety ([Refs & Annos](#))

▢ [Title 12](#). Building and Material Codes; Other Safety Provisions ([Refs & Annos](#))

→ [Subtitle 1](#). General Provisions

→ **§ 12-101. Administrative search warrants**

Scope of section

(a) This section applies only to inspections under [§ 12-909](#) and Subtitle 8, Part II of this title.

Application

(b) An inspector of the Division of Labor and Industry may apply to the District Court for an administrative search warrant under this section if the inspector:

(1) is authorized or required by law to inspect property in the State; and

(2) is denied access to the property after making a proper request for access of the owner, lessee, or other person in charge of the property.

Issuance

(c) A judge may issue an administrative search warrant under this section if the application:

(1) specifies the nature, scope, and purpose of the inspection; and

(2) shows that:

(i) the applicant is authorized or required by law to inspect the property;

(ii) the applicant was denied access to the property after making a proper request for access at a reasonable time;

(iii) the application is approved by the Attorney General; and

(iv) the inspection is sought for safety or health related purposes.

§ 12-201. Model Performance Code for building construction

Definitions

- (a)(1) In this section the following words have the meanings indicated.
- (2) “Department” means the Department of Housing and Community Development.
- (3) “Industrialized building” has the meaning stated in § 12-301 of this title.

Legislative findings

- (b) The General Assembly finds that:
 - (1) the potential benefits of new materials and techniques for building construction are not readily available to the State partly because existing building codes preclude their use; and
 - (2) several subdivisions in the State have no building codes of any type to protect the public against unsafe, unsound, or unsanitary buildings in their communities and this measure of protection should be provided to these communities.

Authorized

- (c) The Department may adopt a Model Performance Code for building construction in the State.

Not binding in subdivision unless specifically adopted

- (d) The Model Performance Code for building construction is not binding in a subdivision of the State unless the subdivision specifically adopts it.

Contents

- (e)(1) The Model Performance Code for building construction shall cover elements appropriate to ensure safe and sound construction, including plumbing, structure, and electrical systems.

(2) Any part of the Model Performance Code that relates to structure shall incorporate by reference the Maryland Building Performance Standards established under Subtitle 5 of this title.

(3)(i) Except as provided in subparagraph (ii) of this paragraph, any part of the Model Performance Code that relates to plumbing shall be consistent with the State Plumbing Code currently in effect under the Maryland Plumbing Act. [\[FN1\]](#)

(ii) Subparagraph (i) of this paragraph does not apply to industrialized buildings.

(4) The Model Performance Code shall also include elements that promote the efficient utilization of energy resources.

(5) The Model Performance Code shall be framed in terms of the purposes for which building codes are enacted instead of the specifications of materials and methods required to achieve the goals.

Duties of Department

(f)(1) The Department shall adopt regulations to establish standards for industrialized buildings.

(2) After public hearing, the Department shall adopt regulations to prohibit a jurisdiction in which the Model Performance Code is applicable from altering or modifying the Model Performance Code without the approval of the Department.

(3) The Department shall provide an appeal procedure for challenges to the interpretation or application of the Model Performance Code.

(4) The Department shall:

(i) consult regularly with local officials to review the application and effectiveness of the Model Performance Code in each jurisdiction; and

(ii) review recommendations from local officials for changes, modifications, or exceptions to increase the effectiveness and usefulness of the Model Performance Code in those jurisdictions.

(5) The Department shall train and certify building code enforcement officials in each jurisdiction where the Model Performance Code is in effect.

Requests for special provisions

(g) The Department may not unreasonably withhold approval of requests for special provisions in the Model Performance Code to meet local conditions.

[FN1] Business Occupations and Professions, § 12-101 et seq.

§ 12-202. Maryland Accessibility Code

“Department” defined

(a) In this section, “Department” means the Department of Housing and Community Development.

Adoption

(b)(1) The Department shall adopt by regulation a State building code to make buildings and facilities accessible and usable by individuals with physical disabilities to the extent feasible.

(2) The regulations shall be developed in conjunction with:

(i) the Governor's Committee on Employment of People with Disabilities;

(ii) the Maryland Rehabilitation Association; and

(iii) the Maryland Society of Architects.

Enforcement

(c) The Maryland Accessibility Code [FN1] shall be enforced by local jurisdictions or any other governmental units with authority over buildings or facilities.

Interpretation; waivers

(d) The Department:

(1) shall decide questions of interpretation of the Maryland Accessibility Code; and

(2) may authorize waivers or exemptions under the Maryland Accessibility Code.

Investigation by Department

(e) In addition to any other penalty for a violation of the Maryland Accessibility Code, the Department shall investigate to determine if a violation exists.

Action by Department

(f)(1) If the Department determines that a violation of the Maryland Accessibility Code exists, the Department may resolve any issue related to the violation by mediation and conciliation.

(2) In addition, the Department may bring an action for equitable or other appropriate relief in a court in the jurisdiction in which the violation occurred, including an action to enjoin the construction, renovation, or occupancy of a building or facility that violates the Maryland Accessibility Code.

(3) Notwithstanding paragraph (2) of this subsection, the Department may not seek an injunction until 5 working days after the Department has sought to resolve the violation through mediation and conciliation.

Prosecution by Attorney General

(g) The Attorney General may prosecute civil cases that arise under this section that are referred to the Attorney General by the Department.

Cooperation with Human Relations Commission

(h)(1) The Department shall cooperate with and provide technical assistance to the Human Relations Commission concerning an action brought by the Human Relations Commission to enforce [Article 49B, § 22 of the Code](#).

(2) This section does not limit the authority of the Human Relations Commission to enforce [Article 49B, § 22 of the Code](#).

Violation of Maryland Accessibility Code prohibited; penalties

(i)(1) A person may not willfully violate the Maryland Accessibility Code.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject for each violation to imprisonment not exceeding 3 months or a fine not exceeding \$500 for each day the violation exists or both.

(3) A penalty imposed under this subsection is in addition to and not a substitute for any other penalty imposed under federal, State, or local law.

[FN1] COMAR 05.02.02.01 et seq.

§ 12-203. Minimum Livability Code

“Department” defined

(a) In this section, “Department” means the Department of Housing and Community Development.

Local housing code required

(b) Each political subdivision shall adopt by regulation a local housing code that sets minimum property maintenance standards for housing in the subdivision.

Minimum Livability Code required

(c) The Department shall adopt by regulation a Minimum Livability Code. [FN1]

Applicability of Minimum Livability Code

(d)(1) Except as provided in paragraph (2) of this subsection, the Minimum Livability Code applies to residential structures used for human habitation.

(2) The Minimum Livability Code does not apply to:

(i) an owner-occupied housing unit;

(ii) any housing in a political subdivision that has adopted a local housing code that substantially conforms to the Minimum Livability Code; or

(iii) any housing exempted by the Department.

Contents of Minimum Livability Code

(e) The Minimum Livability Code shall:

(1) set minimum property standards for housing in the State;

(2) allow for exceptions and variations between political subdivisions:

(i) to reflect geographic differences; or

(ii) if the Department determines that unique local conditions justify exceptions or variations recommended by political subdivisions; and

(3) include minimum standards for:

(i) basic equipment and facilities used for light, ventilation, heat, and sanitation; and

(ii) safe and sanitary maintenance of residential structures and premises.

Enforcement

(f)(1) The political subdivision in which the housing is located shall enforce the Minimum Livability Code.

(2) Unless alternative housing is provided, an individual may not be displaced by enforcement of the Minimum Livability Code.

(3) A political subdivision may charge a property owner a fee for an inspection made to enforce the Minimum Livability Code.

Waiver of applicability by political subdivision

(g)(1) On application of the property owner, a political subdivision may waive the applicability of the Minimum Livability Code to a unit of rental housing if:

(i) each tenant of the unit is given adequate notice in the form and manner specified by the political subdivision;

(ii) each tenant is given an opportunity to comment on the application in writing or in person; and

(iii) the waiver would not threaten the health or safety of any tenant.

(2) A political subdivision may waive applicability of the Minimum Livability Code if the waiver is granted on the basis of the religious practices of the tenant of a unit of rental housing.

Interpretation and waiver by Department

(h) The Department:

(1) shall decide questions of interpretation of the Minimum Livability Code, including questions that relate to uniform enforcement by political subdivisions; and

(2) may authorize waivers or exemptions under the Minimum Livability Code.

Grants and technical assistance

(i)(1) The Department may provide matching grants and technical assistance to political subdivisions to implement the Minimum Livability Code.

(2) The matching grants shall be allocated using a formula developed by the Department to take into account population and other relevant factors.

(3) The Department may waive the requirement of a match if adequate local money is not available.

Violation of Minimum Livability Code prohibited; penalties

(j)(1) A property owner may not willfully violate the Minimum Livability Code.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject for each violation to imprisonment not exceeding 3 months or a fine not exceeding \$500 for each day the violation exists or both.

(3) A penalty imposed under this subsection is in addition to and not a substitute for any other penalty authorized under federal, State, or local law.

[FN1] COMAR 05.02.03.01 et seq.

§ 12-204. Guidelines for illumination levels in public buildings

Definitions

- (a)(1) In this section the following words have the meanings indicated.
- (2) “ASHRAE” means the American Society of Heating, Refrigerating, and Air Conditioning Engineers.
- (3) “Guidelines” means the guidelines for recommended illumination levels in existing public buildings.
- (4) “Public building” means a building owned by the State, a county, or municipal corporation or a unit of the State, a county, or municipal corporation.

Scope of section

- (b) This section applies to each public building that is 10,000 or more square feet in area per floor.

Adoption of guidelines

- (c) In conjunction with the Department of Natural Resources, the Department of Housing and Community Development shall develop guidelines for recommended illumination levels in existing public buildings in the State 6 months after ASHRAE 100 standards are adopted.

Publication of guidelines

- (d) After approval by the Joint Committee on Administrative, Executive, and Legislative Review, the guidelines shall be published in the Maryland Register and other appropriate media to:
 - (1) encourage use of the guidelines; and
 - (2) provide standards in accordance with which owners, operators, or both of existing public buildings, including local governments, the Department of General Services, and other governmental units that manage State buildings, may target their energy conservation effort with regard to illumination.

Training of local jurisdictions

- (e)(1) In conjunction with the Department of Natural Resources, the Department of Housing and Community Development shall provide training to local jurisdictions on the application of the guidelines.
- (2) The training may include a program developed by a federal agency or a contract agent.

Assistance to local jurisdictions

- (f) The Department of Natural Resources shall assist local jurisdictions to:
 - (1) determine the cost-benefit impacts of implementing the guidelines; and
 - (2) perform audits of specific buildings or installations to determine lighting performance characteristics and the savings possible through implementing the guidelines.

Advisory commission

- (g)(1) There is an advisory commission on energy conservation in buildings.
- (2) The commission consists of 15 members appointed by the Secretary of Housing and Community Development.
- (3) The members shall be broadly representative, including representatives from:
 - (i) State and local code enforcement agencies;
 - (ii) architectural and engineering professions;
 - (iii) public utilities;
 - (iv) the construction industry;
 - (v) legislative bodies of local government; and
 - (vi) the public.

(4) A member of the commission:

(i) may not receive compensation for service on the commission; but

(ii) is entitled to reimbursement for expenses under the Standard State Travel Regulations [FN1] as provided in the State budget.

[FN1] COMAR 23.02.01.01 et seq.

§ 12-301. Definitions

In general

(a) In this subtitle the following words have the meanings indicated.

Department

(b) “Department” means the Department of Housing and Community Development.

First user

(c)(1) “First user” means a person who initially installs an industrialized building or manufactured home in the State.

(2) “First user” does not include a person who subsequently buys a building that consists wholly or partly of an industrialized building.

Industrialized building

(d)(1) “Industrialized building” means a building assembly or system of building subassemblies manufactured in its entirety, or in substantial part, off site and transported to a site for installation or erection, with or without other specified components, as a finished building or as part of a finished building that comprises two or more industrialized building units.

(2) “Industrialized building” includes the electrical, plumbing, heating, ventilating, insulation, and other service systems of the building assembly or system of building subassemblies if the service systems are installed at the off site manufacture or assembly point.

(3) “Industrialized building” does not include:

(i) open frame construction that can be completely inspected on site;

(ii) a manufactured home; or

(iii) a building 8 body feet or less in width and 40 body feet or less in length that is:

1. used for business purposes, mobile offices, or storage; and
2. not open to the general public.

Install

(e) “Install” means to assemble an industrialized building or manufactured home on site and to affix the industrialized building or manufactured home to land, a foundation, footings, or an existing building.

Local enforcement agency

(f) “Local enforcement agency” means an agency of the governing body of a county or municipal corporation that enforces laws that govern the construction of buildings.

Manufactured home

(g)(1) “Manufactured home” means a structure that:

(i) is transportable in one or more sections;

(ii) is 8 body feet or more in width and 30 body feet or more in length;

(iii) is built on a permanent chassis; and

(iv) is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities.

(2) “Manufactured home” includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

Manufactured Home Construction and Safety Standards Act

(h) “Manufactured Home Construction and Safety Standards Act” means the National Manufactured Home Construction and Safety Standards Act of 1974, [42 U.S.C. § 5401 et seq.](#)

Site

(i) “Site” means the entire tract, subdivision, or parcel of land on which an industrialized building or manufactured home is installed.

§ 12-302. Legislative findings

The General Assembly finds that:

(1) with the acceleration in development of new materials, processes, and assemblies of building components, industrialized buildings, manufactured homes, and subassemblies, and the increased use of temporary and mobile structures, there is a need for a statewide building regulatory system;

(2) until the recent increase in demand for use of temporary and mobile structures, the present system with its essentially local building regulatory departments has done a creditable job protecting the health and safety of the public in their respective communities;

(3) this new demand calls for more in depth performance evaluations in terms of the intent of the building regulations and inspection services that usually involve going beyond the boundaries of local units of government and require the assistance of the State;

(4) local officials in the State possess great knowledge and insight in this field and are aware of the needs for modification, and their cooperation in developing, applying, and refining a satisfactory program is essential;

(5) there is a great opportunity to cooperate with other states, with organizations that have published widely used model building codes or standards of regulations, and with other similarly engaged agencies, including the National Institute of Standards and Technology;

(6) this cooperation shall be an integral element in the application and enforcement of this statewide program; and

(7) the health and safety of the public will be protected best if the State assumes the responsibility to enforce in the State federal construction and safety standards in accordance with the Manufactured Home Construction and Safety Standards Act. [FN1]

[FN1] Pub.L. 93-383, Title VI, Aug. 22, 1974, 88 Stat. 700, codified at 42 U.S.C.A. § 5401 et seq.

§ 12-303. Powers reserved to local government

Notwithstanding any other provision of this subtitle, local land use requirements, building setback requirements, side and rear yard requirements, site development and property line requirements, zoning requirements and uniform fire control regulations, regardless of where the requirements, ordinances, regulations, or statutes are set forth, are reserved to local government.

§ 12-304. Duties of Department

Fees

- (a)(1) The Department shall establish a schedule of fees to administer the inspection and certification program for industrialized buildings and the on-site inspection and enforcement program for manufactured homes.
- (2) To the extent possible, the fees shall be based on the cost of administration of these programs.
- (3) The payments of the fees shall be included in the money of the Department with receipts from contracts or grants under federal or interstate programs.
- (4) Any money unexpended at the end of the fiscal year does not revert to the General Fund, but shall be kept in a special fund available to the Department to carry out this subtitle.

Enforcement

- (b) The Department:
 - (1) shall enforce this subtitle and the regulations adopted under this subtitle; and
 - (2) may refer an apparent violation of this subtitle to the appropriate State's Attorney.

§ 12-305. Standards for industrialized buildings and manufactured homes

Industrialized buildings--In general

(a) The Department:

(1) shall adopt regulations that set standards to which industrialized buildings shall comply to protect against the hazards of industrialized buildings to safety, health, and property;

(2) may adopt regulations that govern the enforcement, inspection, and certification programs authorized by this subtitle; and

(3) with respect to industrialized buildings, shall adopt the Maryland Building Performance Standards [FN1] with exceptions or modifications that, after adequate public notice and public hearing, the Department considers appropriate to meet the needs and judgments of the State.

Industrialized buildings--Acceptance of new materials and methods

(b)(1) If practical, the regulations that set standards for industrialized buildings shall be stated in terms of required levels of performance to facilitate the prompt approval of acceptable new building materials and methods.

(2) If generally recognized standards of performance are not available, the regulations shall provide for acceptance of materials and methods whose performance has been determined by the Department, on the basis of reliable test and evaluation data presented by the proponent, to be substantially equal in safety to the materials and methods specified when used for the purpose and in the manner recommended.

Industrialized buildings--Pamphlets

(c)(1) The Department shall have printed and keep in pamphlet form the regulations that set standards for industrialized buildings.

(2) The pamphlets shall be provided at cost to the public on request.

Manufactured home construction or safety

(d) The Department may adopt regulations that relate to issues of construction or safety of manufactured homes for which a federal standard has not been established and which are not reserved to a local government under § 12-303 of

this subtitle.

[FN1] COMAR 05.02.07.01 et seq.

§ 12-306. Certification and insignia required

Industrialized buildings

(a) An industrialized building that is manufactured after June 30, 1977, may not be sold, offered for sale, or installed in the State unless the industrialized building:

- (1) is certified by the Department for sale in the State; and
- (2) bears the insignia provided by the Department.

Manufactured homes

(b) A manufactured home that is manufactured after January 1, 1973, may not be sold or offered for sale to a first user in the State unless the manufactured home:

- (1) is certified by the Department for sale in the State and bears the insignia provided by the Department; or
- (2) is certified and labeled under the Manufactured Home Construction and Safety Standards Act. [FN1]

[FN1] Pub.L. 93-383, Title VI, Aug. 22, 1974, 88 Stat. 700, codified at 42 U.S.C.A. § 5401 et seq.

§ 12-307. Evaluation and testing of industrialized buildings

In general

(a)(1) The Department shall determine whether each proposed industrialized building meets the standards contained in the regulations of the Department.

(2) The determination shall include the evaluation and testing of the industrialized building and the quality control system at the factory of origin and at the building site.

Authorized testers

(b)(1) The Department shall perform the determination required by subsection (a) of this section through its own personnel or through a designated agent.

(2) The designated agent shall be:

(i) qualified personnel of a local enforcement agency; or

(ii) a testing facility that is approved by the Department.

(3) The testing facility shall be:

(i) an architect or professional engineer whose registration is accepted by the State; or

(ii) a testing organization that is determined by the Department to be specifically qualified by reason of facilities, personnel, experience, and demonstrated reliability to investigate, test, and evaluate industrialized buildings or their component parts.

(4) In addition to evaluating and testing industrialized buildings or their component parts, the testing facility shall:

(i) list the units in compliance with the standards adopted by the Department;

(ii) provide adequate follow-up services at the point of manufacture to ensure that production units are in full compliance; and

(iii) provide for each unit an insignia in the form of a label, seal, or other evidence of compliance.

Exemptions

(c) A manufacturer of a building exempted from the applicability of this subtitle under [§ 12-301\(d\)\(3\)\(iii\)](#) of this subtitle may elect to have the Department perform a determination under subsection (a) of this section for the purpose of the Department certifying and providing an insignia for the building under this subtitle.

[§ 12-308. Certification of industrialized buildings](#)

In general

(a) If the Department determines that an industrialized building meets the standards set by the regulations of the Department, the Department shall certify the industrialized building for the prescribed area.

Local public hearings

(b) If a problem arises that is limited to a particular locality in the State, the Department if practicable shall hold a public hearing in that locality.

Standards set by another state

(c) By regulation, the Department may provide that industrialized buildings approved by another state are entitled to certification by the Department if, after public hearing, the Department determines that the standards set by law of the other state:

(1) are at least equal to the regulations adopted under this subtitle; and

(2) are enforced adequately by the other state.

§ 12-309. Insignia on certified buildings

In general

(a) Industrialized buildings certified by the Department for sale in the State shall bear the insignia provided by the Department.

Effect of insignia

(b) An industrialized building that bears an insignia provided by the Department is acceptable in all localities of the State:

(1) to comply with the requirements of this subtitle; and

(2) to meet the requirements of safety to life, health, and property required by a law or ordinance of a local governing body of the State without further investigation or inspection by the local governing body if the industrialized building is erected or installed in accordance with the conditions of the certification.

Industrialized buildings not required to bear insignia

(c)(1) An industrialized building that was manufactured on or before June 30, 1977, and is not required to bear the insignia provided by the Department:

(i) may be lawfully sold or installed; and

(ii) is subject to regulation by the local governing body of the jurisdiction where the industrialized building will be installed.

(2) If an industrialized building that is not required to bear the insignia provided by the Department is offered for sale, the seller or manufacturer shall specifically advise the prospective purchaser that the building has not been certified by the State.

§ 12-310. Issuance, denial, or modification of certification; forfeiture

In general

(a) The issuance, denial, or modification of a certification:

(1) shall be made by the Department; and

(2) may be reviewed by the Department's board of review.

Review of issuance or denial of certification

(b) Local enforcement agency representatives, manufacturers, and installers of industrialized buildings may seek review by the Department of the issuance or denial of a certification.

Forfeiture of certification and insignia

(c) Any alteration, modification, or attempted use of an industrialized building beyond the scope of the certification results in forfeiture of the certification and insignia unless approval for the modification or use is secured from the Department in advance.

§ 12-311. Inspections

In general

- (a) The Department shall maintain a program of adequate inspection of industrialized buildings.

Unannounced inspections

- (b)(1) Each manufacturer of industrialized buildings to be sold or offered for sale to first users in the State shall agree that the Department has the right to conduct unannounced inspections at the manufacturing site to review any aspect of the manufacturer's quality control program.
- (2) The cost of two unannounced inspections may be charged to the manufacturer in accordance with a fee schedule established by the Department.
- (3) In addition, the total travel costs on published air fare, or equivalent rate, between Baltimore and the location of the factory, plus necessary supplemental surface transportation and reimbursement for food and lodging consistent with allowances for State employees may be charged to the manufacturer.

Inspections by local enforcement agency personnel

- (c)(1) The Department may establish a program of training and accreditation of local enforcement agency personnel to:
 - (i) enable them to be most effective in inspection of industrialized buildings or manufactured homes; and
 - (ii) promote the possibility of reciprocal reliance between building personnel in this State and between this State and other states.
- (2) In those jurisdictions that employ accredited local enforcement agency personnel, the function of on-site inspection of the installation or assembly of industrialized buildings is reserved to those jurisdictions with appropriate appeal procedures from their decisions.

Reinspections

- (d)(1) Local enforcement agency representatives, manufacturers, and installers may report to the Department an industrialized building that has been damaged en route to the site so that the Department may arrange for a reinspection of the industrialized building.
- (2) The Department may charge a reinspection fee to the installer of the industrialized building.

§ 12-312. Enforcement of Manufactured Home Construction and Safety Standards Act

In general

(a) The Department may act as necessary or desirable to carry out a State plan of enforcement under the Manufactured Home Construction and Safety Standards Act. [FN1]

Specific authority

(b) The authority of the Department under subsection (a) of this section includes the authority to:

(1) contract with or accept grants from the Department of Housing and Urban Development, the National Conference of States on Building Codes and Standards, their successors, or other similar organizations with respect to the enforcement of manufactured home standards and perform the undertakings and conditions of the contract or grant;

(2) engage in factory inspection and quality control monitoring of manufactured home manufacturers in the State and outside the State with respect to manufactured homes to be sold in the State or, if on a reciprocal or cooperative basis, not intended for sale in the State;

(3) train and accredit local enforcement agency personnel with respect to manufactured home construction and safety standards and manufactured home installation;

(4) inspect manufactured homes in the possession of dealers or otherwise distributed in the State, to:

(i) verify that the federal certification is proper for the intended zone; and

(ii) ascertain any damage in transit that affects compliance with construction or safety standards or constitutes a safety hazard;

(5) establish procedures to ascertain, report on, and correct complaints and reports of defects from or to dealers or users of manufactured homes;

(6) conduct on-site inspection of the installation of manufactured homes, require a permit or other evidence of approval of the on-site installation, and charge a fee to cover costs although these functions may be performed by a local enforcement agency that employs accredited inspectors; and

(7) require manufactured home dealers and manufactured home park operators to allow entry and inspection of manu-

factured homes for purposes of this subtitle and submit reports for purposes of this subtitle.

[FN1] Pub.L. 93-383, Title VI, Aug. 22, 1974, 88 Stat. 700, codified at 42 U.S.C.A. § 5401 et seq.

§ 12-313. Prohibited acts; penalties

Violation of subtitle or regulation prohibited; penalty

- (a)(1) A person may not violate this subtitle or a regulation adopted under this subtitle.
- (2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject for each violation to a fine not exceeding \$1,000.
- (3) This subsection does not apply to a violation of 42 U.S.C. § 5409.

Violation of federal act--Civil penalty

- (b)(1) A person may not in the State violate 42 U.S.C. § 5409 or a regulation adopted or order issued under it.
- (2) A person who violates this subsection is liable to the State for a civil penalty not exceeding \$1,000 for each violation.
- (3) Each violation under this subsection is a separate violation with respect to each manufactured home or with respect to each failure or refusal to allow or perform an act required by 42 U.S.C. § 5409 or a regulation adopted or order issued under it.
- (4) A civil penalty under this subsection may not exceed \$1,000,000 for any related series of violations occurring within 1 year after the date of the first violation.

Violation of federal act--Criminal penalty

- (c)(1) An individual or a director, officer, or agent of a corporation may not in the State knowingly and willfully violate 42 U.S.C. § 5409 in a manner that threatens the health or safety of a purchaser of a manufactured home.
- (2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

§ 12-401. Definitions

In general

(a) In this subtitle the following words have the meanings indicated.

ANSI Standard

(b) “ANSI Standard” means the American National Standards Institute Standard ANSI z 97.1-1984, as adopted most recently by the Department in the Maryland Building Performance Standards.

Department

(c) “Department” means the Department of Housing and Community Development.

Fixed glazed panel immediately adjacent to an entrance or exit door

(d) “Fixed glazed panel immediately adjacent to an entrance or exit door” means the first fixed glazed panel that:

(1) is beside an entrance or exit door;

(2) has a glazing less than 18 inches from the finished floor or the least dimension of which is 18 inches or more; and

(3) may be mistaken as a means of egress or ingress.

Hazardous location

(e)(1) “Hazardous location” means a place for a door, panel, enclosure, or other element, that is glazed or to be glazed, in a residential, industrial, commercial, institutional, or public building where the use of material other than safety glazing material constitutes an unreasonable hazard.

(2) “Hazardous location” includes a place for a framed or unframed exit door, a storm door except an operating vent on a jalousie door, a fixed or moving sliding door, a shower door, a tub enclosure, a fixed glazed panel immediately adjacent to an entrance or exit door, and any other element, that is glazed or to be glazed, whether or not the glazing is transparent.

Safety glazing material

(f)(1) “Safety glazing material” means glazing material that:

(i) is constructed, treated, or combined with other materials to minimize the likelihood of cutting and piercing injuries resulting from human contact with the glazing material; and

(ii) meets the test requirements of the ANSI Standard.

(2) “Safety glazing material” includes tempered glass, laminated glass, wire glass, or rigid plastic.

§ 12-402. Scope of subtitle; effect of subtitle

Contracts executed before July 1, 1973

(a) This subtitle does not apply to a person who executed a legally binding written contract before July 1, 1973, to sell, fabricate, assemble, glaze, install, consent to, or cause to be installed, glazing material other than safety glazing material in, or for use in, a hazardous location in the State.

Effect of subtitle on county or municipal ordinances

(b)(1) This subtitle supersedes any county or municipal ordinance that relates to safety glazing, that is less stringent than those in effect under this subtitle.

(2) This subtitle does not preclude a political subdivision of the State from adopting and enforcing requirements and regulations that are more stringent than those in effect under this subtitle.

§ 12-403. Adoption of additional requirements for safety glazing material

After notice and hearing as required under Title 10, Subtitle 1 of the State Government Article, the Department may adopt additional requirements for safety glazing material.

§ 12-404. Determination of hazardous location

In general

(a) After notice and hearing as required under Title 10, Subtitle 1 of the State Government Article, the Department may determine whether a location is a hazardous location.

Exception

(b) After notice and hearing, the Department may except from safety glazing requirements a panel in a hazardous location if the panel:

(1) is less than 200 square inches; and

(2) is located so that the use of material other than safety glazing material would not constitute an unreasonable hazard.

§ 12-405. Labeling of safety glazing material

Permanent labeling required

(a)(1) Except as provided in subsection (c) of this section, each light of safety glazing material manufactured, imported, or sold for use in a hazardous location or installed in a hazardous location in the State shall be permanently labeled by etching, sandblasting, firing of ceramic material, hot-die stamping, or other means.

(2) The label shall be legible and visible after installation.

Contents

(b) The label shall:

(1) identify the labeler;

(2) identify whether the labeler is a manufacturer, fabricator, or installer;

(3) identify the nominal thickness and type of safety glazing material; and

(4) state that the safety glazing material meets the test requirements of the ANSI Standard.

Exception

(c) Wire glass, laminated glass, or rigid plastic that is further fabricated after manufacture need not be permanently labeled if the seller or installer of the material gives each buyer of the material a certificate that states that the wire glass, laminated glass, or rigid plastic meets the test requirements of the ANSI Standard.

Labeling on other material prohibited

(d) Safety glazing labeling may not be used on material other than safety glazing material.

§ 12-406. Sale or installation of material other than safety glazing material in hazardous location prohibited

In general

(a) A person may not in the State knowingly sell, install, consent, or cause to be installed glazing material other than safety glazing material in, or for use in, a hazardous location.

Liability of employees

(b) A worker who is an employee of a contractor, subcontractor, or other employer responsible for compliance with this subtitle, is not liable for a violation of this subtitle.

§ 12-407. Violation of subtitle

Prohibited

(a) A person may not violate this subtitle.

Penalty

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

§ 12-501. Definitions

In general

(a) In this subtitle the following words have the meanings indicated.

Building

(b) “Building” has the meaning stated in the International Building Code.

Department

(c) “Department” means the Department of Housing and Community Development.

International Building Code

(d)(1) “International Building Code” means the first printing of the most recent edition of the International Building Code issued by the International Code Council.

(2) “International Building Code” does not include interim amendments or subsequent printings of the most recent edition of the International Building Code.

Local jurisdiction

(e) “Local jurisdiction” means the county or municipal corporation that is responsible for implementation and enforcement of the Standards under this subtitle.

Standards

(f) “Standards” means the Maryland Building Performance Standards. [\[FN1\]](#)

Structure

(g) “Structure” has the meaning stated in the International Building Code.

[\[FN1\]](#) COMAR 05.02.07.01 et seq.

§ 12-502. Effect of subtitle

On State boards and commissions

(a) This subtitle does not alter or abrogate the authority of:

(1) the State Board of Plumbing to adopt and enforce the State Plumbing Code under the Maryland Plumbing Act, [FN1] Title 12 of the Business Occupations and Professions Article;

(2) the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors to adopt and enforce the State Heating, Ventilation, Air-Conditioning, and Refrigeration Code under the Maryland Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors Act, [FN2] Title 9A of the Business Regulation Article;

(3) the Commissioner of Labor and Industry to adopt and enforce standards for elevator safety under Subtitle 8 of this title;

(4) the State Fire Prevention Commission to enforce the Electrical Code under Subtitle 6 of this title; or

(5) the Public Service Commission to enforce the Energy Code defined under the Energy Conservation Building Standards Act, [FN3] Title 7, Subtitle 4 of the Public Utility Companies Article.

On zoning power of counties and municipal corporations

(b) This subtitle does not alter or abrogate any zoning power or related authority that a county or municipal corporation had on October 1, 1993.

On role of State to administer and enforce standards

(c) This subtitle does not allow or encourage the State to initiate or assume an independent role in the administration and enforcement of the Standards for a building or structure that is not owned or operated by the State.

[FN1] Business Occupations and Professions, § 12-101 et seq.

[FN2] Business Regulation, § 9A-101 et seq.

[FN3] Public Utility Companies, § 7-401 et seq.

§ 12-503. Maryland Building Performance Standards

Adoption required

(a)(1) The Department shall adopt by regulation, as the Maryland Building Performance Standards, the International Building Code with the modifications incorporated by the Department under subsection (b) of this section.

(2) The Department shall adopt each subsequent version of the Standards within 12 months after it is issued.

Modifications to International Building Code

(b)(1) Before adopting each version of the Standards, the Department shall:

(i) review the International Building Code to determine whether modifications should be incorporated in the Standards;

(ii) accept written comments;

(iii) consider any comments received; and

(iv) hold a public hearing on each proposed modification.

(2) The Department may not adopt, as part of the Standards, a modification of a building code requirement that is more stringent than the requirement in the International Building Code.

Applicability

(c) The Standards apply to each building or structure in the State for which a building permit application is received by a local jurisdiction on or after August 1, 1995.

§ 12-504. Local amendments to Standards

Authority to adopt

(a) A local jurisdiction may adopt local amendments to the Standards if the local amendments do not prohibit the minimum implementation and enforcement activities set forth in § 12-505 of this subtitle.

Applicability

(b) If a local jurisdiction adopts a local amendment to the Standards, the Standards as amended by the local jurisdiction apply in the local jurisdiction.

Conflict with Standards

(c) If a local amendment conflicts with the Standards, the local amendment prevails in the local jurisdiction.

Adopted in accordance with local law

(d) A local jurisdiction that adopts a local amendment to the Standards shall ensure that the local amendment is adopted in accordance with applicable local law.

Copy of amendments

(e) To keep the database established under this subtitle current, a local jurisdiction that adopts a local amendment to the Standards shall provide a copy of the local amendment to the Department:

- (1) at least 15 days before the effective date of the amendment; or
- (2) within 5 days after the adoption of an emergency local amendment.

§ 12-505. Implementation and enforcement of Standards

In general

- (a)(1) Each local jurisdiction shall implement and enforce the Standards and any local amendments to the Standards.
- (2) At a minimum, the local jurisdiction shall ensure that implementation and enforcement of the Standards includes:
 - (i) review and acceptance of appropriate plans;
 - (ii) issuance of building permits;
 - (iii) inspection of the work authorized by the building permits; and

(iv) issuance of appropriate use and occupancy certificates.

(3) Each local jurisdiction shall determine the manner in which the minimum implementation and enforcement activities of this subsection are carried out.

Responsible county or municipal corporation

(b)(1) Except as otherwise provided in this subsection, the county in which a building or structure is located shall implement and enforce the Standards for that building or structure in accordance with this subtitle.

(2)(i) A municipal corporation that did not adopt a building code on or before October 1, 1992, may elect to implement and enforce the Standards in accordance with this subtitle for buildings or structures located in the municipal corporation.

(ii) If a municipal corporation elects to implement and enforce the Standards under this paragraph, the county in which the municipal corporation is located is not responsible for implementation and enforcement of the Standards in the municipal corporation.

(3) A county that did not adopt a building code on or before October 1, 1992, shall implement and enforce the Standards in the county unless it elects to negotiate with a municipal corporation in the county to have the municipal corporation implement and enforce the Standards in the county.

(4) A municipal corporation that adopted a building code on or before October 1, 1992, shall implement and enforce the Standards in the municipal corporation unless it elects to negotiate with the county in which the municipal corporation is located to have the county implement and enforce the Standards in the municipal corporation.

Fees

(c) A local jurisdiction may charge fees necessary to cover the cost of implementation and enforcement of the Standards and any local amendments to the Standards.

§ 12-506. Central automated database

In general

(a) The Department shall maintain a central automated database in accordance with this section.

Contents

(b)(1) At a minimum, the Department shall include in the database:

(i) the Standards;

(ii) local amendments to the Standards;

(iii) the State Fire Prevention Code adopted by the State Fire Prevention Commission under Title 6 of this article;

(iv) fire prevention codes adopted by local jurisdictions;

(v) the Electrical Code required under Subtitle 6 of this title;

(vi) local amendments to the Electrical Code;

(vii) the Energy Code defined under the Energy Conservation Building Standards Act, [\[FN1\]](#) Title 7, Subtitle 4 of the Public Utility Companies Article;

(viii) local code provisions that are more restrictive than the Energy Code defined under the Energy Conservation Building Standards Act; [\[FN2\]](#)

(ix) information compiled by the Department under paragraph (2) of this subsection;

(x) the Maryland Building Rehabilitation Code; [\[FN3\]](#)

(xi) local amendments to the Maryland Building Rehabilitation Code; and

(xii) proposed federal or State legislation of which the Department is aware and that directly affects the construction industry.

(2) The Department may compile and include in the database:

(i) any information provided by a local jurisdiction on the implementation and interpretation of the Standards by the local jurisdiction; and

(ii) interim amendments to the International Building Code including subsequent printings of the most recent edition.

Other duties of Department

(c) The Department shall:

(1) make information from the database available to a local jurisdiction, State unit, or other interested party;

(2) provide each local jurisdiction with the necessary hardware or software to enable the local jurisdiction to access the information in the database; and

(3) coordinate with local building officials, the State Fire Marshal, and local fire officials in compiling information for the database.

Fees for information from database

(d)(1)(i) Except as provided in subparagraph (ii) of this paragraph, the Department may charge a fee for information provided from the database.

(ii) The Department may not charge a fee to a State unit or local jurisdiction.

(2) The Department may not charge a fee to a local jurisdiction for the ongoing maintenance of the database.

(3) Fees collected in accordance with this subsection unexpended at the end of the fiscal year do not revert to the General Fund, but shall be kept in a special fund available to the Department to carry out this subtitle.

Amendments to local codes

(e)(1) A local jurisdiction shall provide to the Department a copy of each amendment to the local jurisdiction's fire prevention code or Electrical Code within 15 days after the effective date of the amendment.

(2) A local jurisdiction shall provide to the Department a copy of each amendment to the local jurisdiction's energy code that is more restrictive than the Energy Code defined under the Energy Conservation Building Standards Act within 15 days after the effective date of the amendment.

[FN1] [Public Utility Companies, § 7-401 et seq.](#)

[FN2] Public Utility Companies § 7-408 et seq.

[FN3] COMAR 05.16.01.01 et seq.

§ 12-507. Other powers and duties of Department

Powers

(a) The Department may:

- (1) develop a voluntary forum that may be used, on request of a local jurisdiction, to resolve conflicts that involve the Standards; and
- (2) adopt regulations to carry out this subtitle.

Duties

(b) The Department:

- (1) shall notify each local jurisdiction of each change to the International Building Code and the impact the change will have on the local amendments in that local jurisdiction;
- (2) in conjunction with the Maryland Building Officials Association and other interested organizations, shall provide training for local building officials on the Standards and certify the participation of local building officials in the training; and
- (3) on request, shall provide a local jurisdiction with technical assistance to implement and enforce the Standards.

§ 12-508. Agritourism building requirements

“Agricultural building” defined

- (a)(1) In this section, “agricultural building” means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products.
- (2) “Agricultural building” does not include a place of human residence.

Scope of section

(b) This section applies only to Calvert County, Charles County, Dorchester County, Frederick County, Harford County, Prince George's County, St. Mary's County, Somerset County, and Talbot County.

Application of Standards

(c) The Standards do not apply to the construction, alteration, or modification of an agricultural building for which agritourism is an intended subordinate use.

Building permits

(d) An existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit if the subordinate use of agritourism:

- (1) is in accordance with limitations set forth in regulations adopted by the Department;
- (2) occupies only levels of the building on which a ground level exit is located; and
- (3) does not require more than 50 people to occupy an individual building at any one time.

Building requirements

(e) An agricultural building used for agritourism:

- (1) shall be structurally sound and in good repair; but
- (2) need not comply with:

(i) requirements for bathrooms, sprinkler systems, and elevators set forth in the Standards; or

(ii) any other requirements of the Standards or other building codes as set forth in regulations adopted by the Department.

Regulations

(f) The Department shall adopt regulations to implement this section.

§ 12-601. Definitions

In general

(a) In this subtitle the following words have the meanings indicated.

Authorized electrical inspection agency

(b) “Authorized electrical inspection agency” means a nongovernmental organization approved by the State Fire Marshal to inspect electrical installations for conformity with the National Electrical Code or a local code.

Electrical installation

(c) “Electrical installation” means any installed:

(1) electrical wires or conductors that transmit electric current for electric light, heat, or power purposes;

(2) molding, duct, raceway, or conduit for the reception or protection of wires or conductors; or

(3) electrical machinery, apparatus, device, or fixture.

§ 12-602. Scope of subtitle

Counties exempt from subtitle

(a) This subtitle does not apply to Baltimore County, Carroll County, Frederick County, or Montgomery County.

Public utilities

(b) This subtitle does not apply to public utilities, their affiliated companies, and electrical appliances and devices used in their work.

§ 12-603. Electrical installation to conform to code

Each electrical installation in the State shall conform to:

- (1) the National Electrical Code; or
- (2) the electrical code adopted by the county in which the electrical installation is done.

§ 12-604. Certification of electrical installation required

Within 15 days after completion, each electrical installation shall be certified by an authorized electrical inspection agency or a governmental unit that is qualified to issue electrical inspection certificates.

§ 12-605. Authorized electrical inspection agencies

Issuance of qualification certificates

- (a)(1) This subsection does not apply in a county that has a board or department of electrical inspections.
- (2) The State Fire Marshal may test and issue a qualification certificate to a nongovernmental organization that seeks to qualify as an authorized electrical inspection agency.

Scope of certificate

- (b) An authorized electrical inspection agency may inspect electrical installations for conformity with the National Electrical Code or a local electrical code.

State Fire Marshal to regulate inspections

- (c) The State Fire Marshal shall regulate the quality and performance of inspections by authorized electrical inspection agencies.

§ 12-606. Installation of electrical wiring by homeowners

Scope of section

(a) This section applies in Charles County and St. Mary's County.

In general

(b) In a county subject to this section, a homeowner may install electrical wiring in a home that is to be used as the homeowner's residence subject to standards set by the county commissioners.

Regulations

(c)(1) The county commissioners of Charles County may adopt regulations to govern the issuance of permits to homeowners under this section.

(2) The county commissioners of St. Mary's County shall adopt regulations to govern the issuance of permits to homeowners under this section.

§ 12-607. Violation of subtitle

Prohibited

(a) A person may not violate this subtitle.

Penalty

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

§ 12-701. Exit signs in buildings with three or more levels or floors

Required

(a)(1) Except as provided in paragraph (2) of this subsection, each elevator and each stairway in a building with three or more levels or floors shall indicate clearly by sign or otherwise which levels or floors are most accessible to the exits of the building.

(2) This requirement does not apply to an elevator or stairway in a dwelling for the personal use of a family.

Prohibited act; penalty

(b) The owner of a building subject to this section who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

§ 12-702. Emergency power and lighting systems for buildings

Definitions

(a)(1) In this section the following words have the meanings indicated.

(2) “Commission” means the State Fire Prevention Commission.

(3) “NFPA 70” means the most recent edition of the National Electrical Code adopted by the Commission.

(4) “NFPA 101” means the most recent edition of the National Life Safety Code adopted by the Commission.

Applicability in Baltimore City

(b)(1) Notwithstanding any other provisions of this article, this section applies in Baltimore City.

(2) In Baltimore City, the Baltimore City Fire Department shall enforce this section.

(3) In Baltimore City, appeals concerning this section shall be made to the Baltimore City fire board.

Emergency power and lighting required

(c)(1) This subsection applies to:

(i) a public building or structure owned by the State or a subdivision of the State; and

(ii) a hotel, apartment building, lodging house, hospital, nursing home, dormitory, or educational building with:

1. a potential evening occupancy of more than 25 individuals; and

2. at least 4 stories, excluding attics and basements.

(2) Each building or structure subject to this subsection shall be equipped with adequate emergency power and lighting in accordance with NFPA 101.

Power source for emergency system

(d) The emergency electrical power supply system required by this section may be powered by generators, battery packs, or other similar devices at the discretion of the owner of the building or structure.

Duties of Commission

(e)(1) The Commission shall administer this section.

(2) The Commission shall adopt regulations to enforce this section, including regulations that require:

(i) emergency electrical systems in accordance with NFPA 101, to provide sufficient light in halls, corridors, and stairways during outages or blockages of regular services to facilitate the movement of individuals in the event of an emergency;

(ii) sufficient exit signs that are adequately lighted to guide individuals on the premises;

(iii) sufficient emergency electrical power to operate elevators, electrical facilities in hospital operating rooms, hospital X-ray equipment, and other emergency equipment that are necessary to the proper operation of medical services in hospitals and nursing homes;

(iv) adequate emergency electric lighting in accordance with NFPA 101 in each building for commercial, mercantile, industrial, storage, office, or similar purposes if the building is at least 4 stories, excluding attics and basements, and evening occupancy is more than 25 individuals; and

(v) installation and operation of emergency power and lighting in accordance with NFPA 101 and NFPA 70.

(3)(i) For purposes of paragraph (2)(iii) of this subsection, the Commission shall consult with the Secretary of Health and Mental Hygiene to evaluate the requirements to be adopted for the operation of hospitals and nursing homes.

(ii) In making this evaluation, the Secretary of Health and Mental Hygiene shall consider the size and nature of the

particular hospital or nursing home operation.

Enforcement by State Fire Marshal

(f) Except as provided in subsection (b) of this section, the State Fire Marshal shall enforce this section and the regulations adopted by the Commission so that individuals on the premises are reasonably protected in the event of an emergency.

Penalty

(g) A person who violates this section is guilty of a misdemeanor and on conviction is subject to the penalties of § 6-601 of this article.

§ 12-703. Use of welded “clip-type” connectors as temporary fastening devices

Prohibited

(a) A person may not use welded clip and seat type connections or other welded “clip-type” connectors as temporary fastening devices in construction that involves the use of structural iron or steel.

Penalty

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 for each violation.

§ 12-704. Use of structural iron or steel beams or girders with studs or reinforcing shear connectors

Prohibited

(a) A person may not erect structural steel or iron beams or girders with shear composite studs, other studs, or reinforcing shear connectors, unless these devices are attached after the erection is completed of all structural members or forming or decking of a particular floor or deck level or span of a bridge or area between transverse floor beams.

Penalty

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding

\$100 for each violation.

§ 12-801. Definitions

In general

(a) In this subtitle the following words have the meanings indicated.

Board

(b) “Board” means the Elevator Safety Review Board.

Certificate

(c) “Certificate” means a certificate of registration and inspection issued by the Commissioner to operate an elevator unit.

Commissioner

(d) “Commissioner” means the Commissioner of Labor and Industry or an authorized representative of the Commissioner of Labor and Industry.

Dumbwaiter

(e) “Dumbwaiter” means a hoisting and lowering machine equipped with a car of limited capacity and size that moves in guides in a substantially vertical direction and is used exclusively for carrying material.

Elevator

(f) “Elevator” means a hoisting and lowering machine equipped with a car or platform that moves in guides in a substantially vertical direction and serves two or more floors of a building or structure.

Elevator contractor

(g) “Elevator contractor” means a person who is engaged in the business of erecting, constructing, wiring, altering, re-

placing, maintaining, repairing, dismantling, or servicing elevator units.

Elevator mechanic

(h) “Elevator mechanic” means a person who is engaged in erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevator units.

Elevator refinisher

(i) “Elevator refinisher” means a person who is engaged in the refinishing of existing metal and wood elements in elevator cabs, including the stripping of old lacquer on wood and bronze items, staining wood to match existing finishes, cleaning, polishing, oxidizing, painting, lacquering, and the removing of scratches to maintain existing finishes.

Elevator renovator contractor

(j) “Elevator renovator contractor” means a person who is engaged in the business of performing work:

(1) on the interior of an elevator involving the removal or installation of the nonstructural surface of the elevator's wall, ceiling, floor, rail, or handle; and

(2) that does not affect the elevator's moving operation.

Elevator renovator mechanic

(k) “Elevator renovator mechanic” means a person who performs work:

(1) on the interior of an elevator involving the removal or installation of the nonstructural surface of the elevator's wall, ceiling, floor, rail, or handle; and

(2) that does not affect the elevator's moving operation.

Elevator unit

(l) “Elevator unit” includes an elevator, escalator, dumbwaiter, and moving walk.

Escalator

(m) “Escalator” means a power driven, inclined, continuous stairway used for raising and lowering passengers.

License

(n) “License” includes:

- (1) an elevator contractor license;
- (2) an elevator mechanic license;
- (3) an elevator renovator contractor license; and
- (4) an elevator renovator mechanic license.

Moving walk

(o) “Moving walk” means a type of passenger-carrying device on which passengers stand or walk and in which the passenger-carrying surface remains parallel to its direction of motion and is uninterrupted.

Safety code

(p) “Safety Code” means the American National Standard/American Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, known as ANSI A17.1-1971, and all subsequent amendments and revisions to it, as adopted by the Commissioner.

Secretary

(q) “Secretary” means the Secretary of Labor, Licensing, and Regulation.

Third-party qualified elevator inspector

(r) “Third-party qualified elevator inspector” means an inspector who:

- (1) meets the qualifications, insurance requirements, and procedures established by the Commissioner; and

(2) is certified by an organization accredited by the American Society of Mechanical Engineers in accordance with the American National Standard/American Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, known as ANSI A17.1-1971, and all subsequent amendments, and any related consensus standards.

§§ 12-802, 12-803. Reserved

§§ 12-802, 12-803. Reserved

§ 12-804. Scope of part; applicability of other provisions

Scope of part

(a) Part II of this subtitle does not apply to an elevator unit that is:

(1) installed in a privately owned single-family residential dwelling; or

(2) installed in a building or structure under federal control or regulation.

Applicability of other provisions

(b) Sections 5-205(j), 5-207, 5-214, 5-215, and 5-216 and Title 5, Subtitle 8 of the Labor and Employment Article apply to Part II of this subtitle.

§ 12-805. Administration and enforcement

In general

(a) The Commissioner shall administer and enforce Part II of this subtitle.

Regulations

(b)(1) The Commissioner shall adopt regulations that conform generally to the American National Standard/American Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI Code A17.1-1971, and all subsequent amendments and revisions to it.

(2) If necessary to fulfill the Commissioner's responsibilities under Part II of this subtitle, the Commissioner shall:

(i) adopt regulations that amend standards set forth in the American National Standard/American Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI Code A17.1-1971, and all subsequent amendments and revisions to it; and

(ii) adopt other regulations.

(3) The regulations shall be consistent with the requirements of [§ 12-1006](#) of this title.

Chief elevator inspector

(c) The Commissioner may assign duties and functions imposed by Part II of this subtitle to the chief elevator inspector.

Cost of administration

(d) The cost of administering Part II of this subtitle is provided for under [§ 5-204 of the Labor and Employment Article](#).

[§ 12-806. Safety standards for elevators](#)

In general

(a) Except as otherwise provided in this section, each elevator unit shall be inspected, tested, and maintained in a safe operating condition in accordance with:

(1) the Safety Code; and

(2) any other regulations adopted by the Commissioner.

Installation before July 1, 1955

(b)(1)(i) Subject to subparagraph (ii) of this paragraph, an elevator unit installed before July 1, 1955, may be used without being altered or rebuilt to comply with the requirements of the Safety Code.

(ii) Each elevator shall be equipped with standard hoistway entrance protection, and each passenger elevator of more than 100 feet per minute contract speed shall be provided with car doors or gates that meet the requirements of the Safety Code.

(2) Notwithstanding any other provision of this subsection, each elevator unit installed before July 1, 1955:

(i) shall be maintained in a safe operating condition so as not to create a substantial probability of serious physical harm or death; and

(ii) is subject to inspections and tests as required.

Alterations and relocations

(c)(1) For purposes of this subsection, an alteration of an existing elevator unit is any change made to it other than the repair or replacement of damaged, worn, or broken parts necessary for normal operation.

(2) Each alteration or relocation of an elevator unit installed after January 1, 1975, shall meet the requirements of the Safety Code.

Exceptions

(d) On written request, the Commissioner may grant exceptions from the literal requirements or allow the use of devices or methods other than those specified under the Safety Code and other regulations adopted by the Commissioner if:

(1) it is evident that the exception is necessary to prevent undue hardship; or

(2) existing conditions prevent practical compliance and in the opinion of the Commissioner reasonable safety can be secured.

§ 12-807. Certificate required

Certificate issued by Commissioner

(a) An elevator unit may not be operated in a building, structure, or place of employment in the State unless a certificate is issued by the Commissioner.

Other certificates

(b) Notwithstanding subsection (a) of this section, the Commissioner shall accept certificates of inspection from a political subdivision or municipal corporation instead of the certificate required by subsection (a) of this section.

§ 12-808. Registration with Commissioner

In general

(a) Except as otherwise provided in this section, each elevator unit owned or to be operated shall be registered with the Commissioner at least 60 days before its planned completion and before it is placed in service.

Form of registration; information required

(b)(1) The owner or lessee of each elevator unit shall register it on the form provided by the Commissioner.

(2) For each elevator unit registered, the owner or lessee shall provide:

(i) its type;

(ii) its rating load and speed;

(iii) the name of its manufacturer;

(iv) its location;

(v) the purpose for which it is used; and

(vi) any other information the Commissioner requires.

Emergency circumstances

(c) Under emergency circumstances, an owner or lessee may register an elevator unit with the Commissioner with less than 60 days' notice in accordance with regulations adopted under Part II of this subtitle.

Reregistration

(d) After an elevator unit is placed in service and a certificate issued pursuant to [§ 12-811\(a\)](#) of this subtitle, the owner or lessee shall reregister the elevator unit with the Commissioner 30 days prior to the expiration of the certificate.

§ 12-809. Inspections generally

(a) A State inspector shall make the following inspections:

(1) final acceptance inspection of all new elevator units prior to issuance of first certificate;

(2) investigation of accidents and complaints;

(3) follow-up inspections to confirm corrective action;

(4) final acceptance inspection of the modernization or alteration of an elevator unit;

(5) a comprehensive 5-year inspection as defined by regulation;

(6) except as provided by [§ 12-807\(b\)](#) of this subtitle, inspections of elevator units owned by the State or a political subdivision; and

(7) quality control monitoring of inspections conducted by third-party qualified elevator inspectors.

(b)(1) A contractor, owner, or lessee shall provide the Commissioner with at least 60 days' notice of a requested inspection.

(2) If a contractor, owner, or lessee provides the Commissioner with less than 60 days' notice of a requested inspection that will be conducted by a State inspector, the Commissioner shall schedule the inspection at the convenience of the State subject to the availability of State resources.

(c)(1) For all inspections conducted by a State inspector, the contractor, owner, or lessee of an elevator unit shall pay a fee for an inspection under [§ 12-810\(d\)](#) or [§ 12-812\(d\)\(3\)](#) of this subtitle at the following rate:

(i) half day (up to 4 hours), not to exceed \$250; or

(ii) full day (up to 8 hours), not to exceed \$500.

(2) Each fee collected under this subsection shall be paid into the Elevator Safety Review Board Fund established under this subtitle.

(3) A contractor, owner, or lessee who notifies the Commissioner at least 24 hours in advance of a scheduled inspection that the elevator unit does not comply with the requirements of Part II of this subtitle may not be charged a fee under paragraph (1) of this subsection.

(d)(1) An owner shall hire a third-party qualified elevator inspector to conduct all periodic annual inspections that are required by the Safety Code.

(2) An inspection by a third-party qualified elevator inspector shall ensure that the elevator unit complies with the Safety Code and other regulations adopted by the Commissioner under Part II of this subtitle.

(3) The Commissioner shall establish qualifications, insurance requirements, and procedures based on nationally accepted standards that the Commissioner considers necessary to register third-party qualified elevator inspectors under Part II of this subtitle.

(4) Any fees collected by the Commissioner to register third-party qualified elevator inspectors shall be paid into the Elevator Safety Review Board Fund established under this subtitle.

§ 12-810. Final acceptance inspection

Required

(a) The Commissioner shall conduct a final acceptance inspection on completion of the installation, modification, or alteration of an elevator unit before it is placed in service.

Inspection checklist

(b) The Commissioner shall provide an inspection checklist that specifies the requirements for compliance with the Safety Code and other regulations adopted by the Commissioner.

Duties of contractor

(c) At least 15 days before a scheduled final acceptance inspection for an elevator unit being installed, modified, or altered in the State, the contractor, owner, or lessee shall submit to the Commissioner a written certification that:

- (1) the elevator plans and construction documents have been reviewed by a third-party qualified elevator inspector;
- (2) the third-party qualified elevator inspector has certified that the elevator unit as constructed and installed complies with this subtitle, its regulations, and the safety code; and
- (3) the elements indicated on the inspection checklist are operational, have been tested, and are functional.

Failure to meet criteria

(d) If a State inspector arrives to inspect an elevator unit at the designated time and the elevator unit does not meet the criteria established in subsection (c) of this section, the inspector may cancel the inspection and charge the contractor a fee in accordance with [§ 12-809](#) of this subtitle.

§ 12-811. Issuance of certificate; posting; scope

Issuance of certificate

(a) If an inspection discloses that an elevator unit complies with the Safety Code and other regulations adopted by the Commissioner, the Commissioner shall issue a certificate to the owner or lessee of the elevator unit.

Posting

(b) The certificate shall be posted conspicuously in or on the elevator unit.

Scope of certificate

(c) While a certificate is in effect, it authorizes the holder to operate the elevator unit in a building, structure, or place of employment in the State.

§ 12-812. Term of certificate; annual inspection

Term of certificate

(a) A certificate is valid for the period indicated on the certificate.

Annual inspection--Required

(b) Each elevator unit in the State shall have a periodic annual inspection by a State inspector as provided for in § 12-809(a)(6) of this subtitle or by a third-party qualified elevator inspector as provided for in § 12-809(d) of this subtitle.

Annual inspection--Duties of contractor, owner, or lessee

(c) Before scheduling an inspection with the Commissioner or a third-party qualified elevator inspector, the contractor, owner, or lessee of an elevator unit shall:

(1) ensure that the elevator unit is operated, inspected, and repaired in accordance with Part II of this subtitle and the regulations adopted under Part II of this subtitle; and

(2) make inspection, maintenance, and repair records available to the inspector charged with inspecting the elevator unit.

Annual inspection--Failure; corrections required

(d)(1) When an inspector conducts an inspection and the elevator unit fails the inspection, the inspector shall issue an inspection checklist that specifies the corrections required.

(2) The inspection checklist shall be on a form provided by the Commissioner and shall specify the requirements for compliance with the Safety Code and other regulations adopted by the Commissioner.

(3) If a State inspector conducts a follow-up inspection to ensure compliance with the corrections specified on the inspection checklist, the contractor, owner, or lessee shall pay a fee in accordance with § 12-809 of this subtitle.

§ 12-813. Cancellation of inspection; maintenance of records

(a) If a State inspector cancels a final acceptance inspection under § 12-810 of this subtitle or if a follow-up inspection is required under § 12-812 of this subtitle, the contractor, owner, or lessee of the elevator unit shall:

(1) reschedule the inspection with the State inspector; and

(2) ensure that the elevator unit complies with the requirements of Part II of this subtitle, including correcting as necessary any safety hazards or violations of the Safety Code, on the designated date.

(b) A contractor, owner, or lessee shall maintain a copy of any inspection, maintenance, and repair records at a central location in a manner consistent with regulations adopted under Part II of this subtitle.

(c) A contractor, owner, or lessee of an elevator unit shall file with the Commissioner the following records at time intervals set by regulation:

(1) records of all test reports and inspection reports as defined by regulation; and

(2) records of all incidents or serious injuries as defined by regulation.

(d) All records submitted to the Commissioner electronically shall be in a format and method defined by regulation.

§ 12-814. Inspection discloses unsafe conditions

(a) When an inspection by a State inspector discloses that an elevator unit is in unsafe condition so that its continued operation will violate the Safety Code, or any other regulation adopted by the Commissioner under Part II of this subtitle, a citation may be issued and penalties may be assessed in accordance with §§ 12-814.2 and 12-814.3 of this subtitle.

(b)(1) When an inspection by a third-party qualified elevator inspector discloses that an elevator unit is in unsafe condition so that its continued operation will violate the Safety Code, or any other regulation adopted by the Commissioner under Part II of this subtitle, the third-party qualified elevator inspector shall notify the Commissioner immediately.

(2) On notification, the Commissioner shall conduct an inspection of the unsafe condition to determine whether to issue a citation and assess penalties in accordance with §§ 12-814.2 and 12-814.3 of this subtitle.

§ 12-814.1. Commissioner may prohibit use of elevator

In general

(a) The Commissioner may prohibit use of an elevator unit after determining, based on an inspection, that:

(1) the elevator unit violates § 12-806 of this subtitle; or

(2) there is a substantial probability that death or serious physical harm could result from continued use of the elevator unit.

Written notice

(b) The Commissioner shall issue a written notice prohibiting use of the elevator unit to the contractor, owner, lessee, or agent in charge of the elevator unit.

Posting notice

(c) A copy of the notice:

(1) shall be attached to the elevator unit; and

(2) may not be removed until a State inspector determines that the elevator unit complies with this subtitle.

Use of elevator

(d) Use of the elevator unit is prohibited while a notice is posted on the elevator unit.

Court action

(e) A person aggrieved by the decision to prohibit use of an elevator unit may bring an action to modify or vacate the decision on the ground that it is unlawful or unreasonable.

Venue

(f) An action under this section shall be brought in the circuit court for the county where the elevator unit is located.

Stay by court

(g) In a proceeding under this section, a court may not stay an order of the Commissioner unless:

(1) the court gives the Commissioner notice and an opportunity for a hearing; and

(2) the aggrieved person posts security or meets any other condition that the court considers proper.

§ 12-814.2. Commissioner may issue citations for violations

(a) Subject to subsection (k) of this section, if, after an inspection or investigation, the Commissioner determines that, within the immediately preceding 6 months, an elevator unit is in violation of the Safety Code or another regulation adopted by the Commissioner under Part II of this subtitle, the Commissioner shall issue a citation to the owner.

(b) Each citation under this section shall:

(1) be in writing;

(2) describe, with particularity, the nature of the alleged violation;

(3) reference the provision of the Safety Code or regulation that is alleged to be in violation; and

(4) set a reasonable period of time for abatement and correction of the alleged violation.

(c) An owner who is issued a citation shall post the citation or a copy of the citation conspicuously at or near the elevator unit alleged to be in violation.

(d) Within a reasonable time after issuance of a citation, the Commissioner shall send by certified mail to the owner:

(1) notice of the violation with a copy of the citation and proposed penalty; and

(2) notice of the opportunity to request a hearing.

(e) Within 15 days after an owner receives a notice under subsection (d) of this section, the owner may submit a written request for a hearing on the citation and proposed penalty.

(f) If a hearing is not requested within 15 days, the citation, including any penalties, shall become a final order of the Commissioner.

(g) If the owner requests a hearing, the Commissioner may delegate to the Office of Administrative Hearings the authority to hold a hearing and issue proposed findings of fact, conclusions of law, and an order in accordance with Title 10, Subtitle 2 of the State Government Article.

(h) A decision of an administrative law judge issued in accordance with Title 10, Subtitle 2 of the State Government Article shall become a final order of the Commissioner unless, within 15 days after the issuance of the proposed decision:

(1) the Commissioner orders a review of the proposed decision; or

(2) an owner submits to the Commissioner a written request for a review of the proposed decision.

(i) After review of the proposed order under subsection (h) of this section, whether or not a hearing on the record is held, the Commissioner shall issue an order that, on the basis of findings of fact and conclusions of law, affirms, modifies, or vacates the proposed decision.

(j) An order of the Commissioner under subsection (i) of this section is the final administrative order.

(k) The Commissioner may establish, by regulation, procedures for the issuance of a warning notice instead of a citation for a de minimus violation that has no direct or immediate relationship to health or safety.

§ 12-814.3. Commissioner may assess and collect civil penalties

(a) If, after investigation, the Commissioner determines that an owner violated the Safety Code or a regulation adopted by the Commissioner under Part II of this subtitle, the Commissioner may assess and collect a civil penalty of up to \$5,000 for each elevator unit in violation of the Safety Code or regulations.

(b) In determining the amount of the penalty, the Commissioner shall consider:

(1) the gravity of the violation;

(2) the owner's good faith; and

(3) the owner's history of violations under this subtitle.

(c) If, after investigation, the Commissioner determines that an owner willfully or repeatedly violated the Safety Code or a regulation adopted by the Commissioner under Part II of this subtitle, the Commissioner may assess and collect double the administrative penalties set forth in subsection (a) of this section.

(d) If, after the issuance of a final order affirming a violation of the Safety Code or a regulation adopted by the Com-

missioner under Part II of this subtitle, an owner fails to correct the violation within 10 days, the Commissioner may impose a civil penalty, not exceeding \$1,000 for each day a violation continues, against the owner.

(e) Each civil penalty shall be paid into the General Fund of the State.

§ 12-815. Warning signs in case of fire

In general

(a) Each passenger elevator in a permanent installation used by the public shall have a sign that reads “Warning--Elevators shall not be used in event of fire--Use marked exit stairways”.

Location of sign--In general

(b) The sign described in subsection (a) of this section shall be posted:

(1) at the entrance to the elevator shaft on each floor; and

(2) directly above the call button.

Location of sign--In elevator car

(c) A sign similar to the sign described in subsection (a) of this section shall be posted within the elevator car.

Requirements for signs

(d)(1) The top of each sign may not be more than 6 feet above the floor.

(2) The lettering in the word “warning” shall be at least three-eighths inch high and the rest of the lettering shall be at least one-fourth inch high.

§ 12-816. Elevator in new building to accommodate rescue litter

Scope of section

(a) This subsection does not apply to:

(1) one or two family dwellings; or

(2) buildings under three stories.

Required

(b) Each new building constructed after July 1, 1985, in which at least one elevator is planned, shall have a passenger elevator that can accommodate a horizontally carried and positioned 6 foot 8 inch rescue litter.

Effect of specified changes

(c)(1) In this section, “repair” has the meaning stated in the Safety Code.

(2) For purposes of this section, repair, renovation, modification, reconstruction, change of occupancy, or addition to an existing building as defined in Subtitle 10 of this title does not constitute a new building.

§§ 12-817, 12-818. Reserved

§§ 12-817, 12-818. Reserved

§ 12-819. Established

There is an Elevator Safety Review Board in the Department of Labor, Licensing, and Regulation.

§ 12-820. Membership

Composition; appointment of members

(a)(1) The Board consists of the following nine members:

(i) as an ex officio member, the Commissioner; and

(ii) eight members appointed by the Governor with the advice of the Secretary and with the advice and consent of the

Senate.

(2) Of the eight appointed members of the Board:

(i) one shall represent a major elevator manufacturing company or its authorized representative;

(ii) one shall represent an elevator servicing company;

(iii) one shall represent the architectural design profession;

(iv) one shall represent a municipal corporation in the State;

(v) one shall represent a building owner or manager;

(vi) one shall represent labor involved in the installation, maintenance, and repair of elevators; and

(vii) two shall be members of the public.

Tenure; vacancies

(b)(1) The term of an appointed member is 3 years.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(3) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

§ 12-821. Chairman

In general

(a) The Governor shall appoint a chairman from among the members of the Board.

Tie vote

(b) The chairman shall be the deciding vote if there is a tie vote by the Board.

§ 12-822. Meetings; compensation

Meetings

(a)(1) The Board shall meet at least once each calendar quarter, at the times and places that it determines.

(2) The Board may hold special meetings as provided in its regulations.

Compensation and reimbursement for expenses

(b) A member of the Board:

(1) may not receive compensation as a member of the Board; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, [FN1] as provided in the State budget.

[FN1] COMAR 23.02.01.01 et seq.

§ 12-823. Miscellaneous powers

In addition to any powers set forth elsewhere, the Board may:

(1) consult with engineering authorities and organizations concerned with standard safety codes about:

(i) regulations governing the operation, maintenance, servicing, construction, alteration, installation, and inspection of elevator units; and

(ii) qualifications that are adequate, reasonable, and necessary for elevator mechanics and elevator contractors;

(2) recommend applicable legislation;

(3) adopt bylaws for the conduct of its proceedings; and

(4) adopt regulations to carry out Part III of this subtitle.

§ 12-824. Establishment of fees

(a) The Board shall establish fees for the application, issuance, and renewal of licenses issued under Part III of this subtitle.

(b) The total amount of fees established under subsection (a) of this section may not exceed, for the 2-year term of the license:

(1) \$100 per year for an elevator mechanic or elevator renovator mechanic; and

(2) \$150 per year for an elevator contractor or elevator renovator contractor.

(c) Each fee for the application, issuance, and renewal of licenses collected by the Board shall be paid into the Elevator Safety Review Board Fund established under this subtitle.

§ 12-824.1. Elevator Safety Review Board Fund

(a) In this section, “Fund” means the Elevator Safety Review Board Fund.

(b) There is an Elevator Safety Review Board Fund.

(c) The purpose of the Fund is to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board.

(d) The Commissioner shall administer the Fund.

(e)(1) The Fund is a special, nonlapsing fund that is not subject to [§ 7-302 of the State Finance and Procurement Article](#).

(2) The State Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.

(f) The Fund consists of:

(1) revenue distributed to the Fund under this subtitle;

(2) money appropriated in the State budget to the Fund;

(3) investment earnings of the Fund; and

(4) any other money from any other source accepted for the benefit of the Fund.

(g) The Fund may be used only to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board.

(h)(1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund shall be paid into the Fund.

(i) Expenditures from the Fund may be made only in accordance with the State budget.

(j) Any balance in the Fund at the end of June 30 of each fiscal year in excess of 10% of the actual expenses of operating the Elevator Safety Review Board shall revert to the General Fund of the State.

(k) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in [§ 2-1220 of the State Government Article](#).

(l) On or before October 1, 2009, and each year thereafter, subject to [§ 2-1246 of the State Government Article](#), the Board shall report to the Senate Budget and Taxation Committee, the Senate Finance Committee, the House Appropriations Committee, and the House Economic Matters Committee on the implementation of the Fund.

[§ 12-825. Authority of Secretary](#)

The Board exercises its powers, duties, and functions subject to the authority of the Secretary.

[§ 12-826. License required; exceptions](#)

Elevator mechanic

(a) Except as otherwise provided in Part III of this subtitle, a person shall be licensed by the Board as an elevator mechanic before the person erects, constructs, wires, alters, replaces, maintains, repairs, dismantles, or services elevator units in the State.

Elevator contractor

(b) Except as otherwise provided in Part III of this subtitle, a person shall be licensed by the Board as an elevator contractor before the person engages in the business of erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevator units in the State.

Elevator renovator contractor

(c)(1) Except as otherwise provided in Part III of this subtitle, a person shall be licensed by the Board as an elevator renovator contractor before the person engages in the business of elevator renovating.

(2) By June 1, 2004, a person who engages in the business of elevator renovating for a business incorporated before January 1, 2002, shall be licensed by the Board as an elevator renovator contractor before the person engages in the business of elevator renovating.

Elevator renovator mechanic

(d) Except as otherwise provided in Part III of this subtitle, a person shall be licensed by the Board as an elevator renovator mechanic before the person performs elevator renovator work.

Exceptions

(e)(1) A licensed elevator contractor is not required for removing or dismantling an elevator unit if:

- (i) the elevator unit is destroyed as a result of a complete demolition of a building; or
- (ii) a hoistway or wellway is demolished back to the basic support structure.

(2)(i) An individual who works as an elevator apprentice under the direct supervision of a licensed elevator mechanic or licensed elevator renovator mechanic need not obtain a license.

(ii) An individual commonly known as an elevator helper who works under the direct supervision of a licensed elev-

ator mechanic or a licensed elevator renovator mechanic need not obtain a license.

(3) An elevator refinisher need not obtain a license.

§ 12-827. Qualifications of applicants

Elevator mechanic license

(a) An applicant for an elevator mechanic license shall:

(1)(i) have an acceptable combination of documented experience and education credits, with at least 3 years of recent and active work experience in the elevator industry, in construction, maintenance, and service or repair, as verified by current and previous employers; and

(ii) pass a written examination administered by the Board on the Safety Code;

(2)(i) have completed at least 3 years of recent and active work experience in the elevator industry, in construction, maintenance, and service or repair, as verified by current and previous employers; and

(ii) have a certificate of completion of the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program or its equivalent; or

(3) have a certificate of completion of an apprenticeship program for elevator mechanics that has standards substantially equivalent to those of Part III of this subtitle and is registered with the Bureau of Apprenticeship and Training of the U.S. Department of Labor or a state apprenticeship council.

Elevator contractor license

(b) An applicant for an elevator contractor license shall have at least 5 years of work experience in the elevator industry in construction, maintenance, service, or repair.

Elevator renovator contractor license; elevator renovator mechanic license

(c) The Board shall adopt regulations governing:

(1) the qualifications of an applicant for an elevator renovator contractor license and an applicant for an elevator renov-

ator mechanic license; and

(2) the scope of practice of a licensed elevator renovator contractor and a licensed elevator renovator mechanic.

§ 12-828. Applications for licenses

In general

(a)(1) An applicant for a license shall:

(i) submit to the Board an application on the form that the Board provides;

(ii) submit to the Board any proof of eligibility that the Board requires; and

(iii) pay to the Board or designee of the Board an application fee set by the Board.

(2) The application fee is nonrefundable.

Required information

(b) Each application shall contain the following information:

(1) if the applicant is an individual, the name, residence, and business address of the applicant;

(2) if the applicant is a partnership, the name, residence, and business address of each general partner;

(3) if the applicant is a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of the corporation;

(4) if the applicant is a corporation other than a domestic corporation, the name and address of the resident agent;

(5) the number of years the applicant has engaged in the business of installing, altering, repairing, renovating, or servicing elevators;

(6) the approximate number of individuals, if any, to be employed by an applicant that is an elevator contractor or elev-

ator renovator contractor and, if applicable, evidence satisfactory to the Board that the employees are or will be covered by workers' compensation insurance;

(7) evidence satisfactory to the Board that the applicant is or will be covered by general liability, personal injury, and property damage insurance; and

(8) any other information that the Board requires.

§ 12-829. Examinations

Right to examination

(a) An applicant who otherwise qualifies for an elevator mechanic license is entitled to be examined as provided in this section on payment of an examination fee to the Board or designee of the Board.

Time and place of examination

(b) The Board periodically shall give examinations to applicants at the times and places that the Board determines.

Notice of examination

(c) The Board shall give each qualified applicant notice of the time and place of examination.

Fee, subjects, and methods of examination

(d) The Board shall determine the fee, content, scope, and passing score for examinations given under this section.

Use of testing service

(e)(1) The Board may use a testing service to administer the examinations required under this section.

(2) If the Board uses a testing service under this section, the testing service, subject to requirements set by the Board, may:

(i) set the times and places of the examinations;

(ii) provide notice of the times and places of examinations to the applicants; and

(iii) provide any other information that the Board may require the testing service to provide.

Notice of examination results

(f) The Board or designee of the Board shall provide to the applicant notice of the examination result of the applicant.

§ 12-830. Reciprocal waiver of examination requirements

In general

(a) Subject to the limitations of this section, the Board may waive the examination requirements of Part III of this subtitle for an individual who is licensed to perform elevator installation, alteration, repair, or service work in another state or a subdivision of another state.

Conditions

(b) The Board may grant a waiver under this section only if the applicant:

(1) pays to the Board the appropriate application fee required by Part III of this subtitle; and

(2) provides adequate evidence that the applicant:

(i) meets the qualifications otherwise required by Part III of this subtitle;

(ii) holds an active license in good standing in the other state or subdivision that is equivalent to a license in this State; and

(iii) became licensed in the other state or subdivision after passing an examination that is similar to the examination for which the applicant is seeking the waiver.

Reciprocity

(c) The Board may grant a waiver only if the state or subdivision in which the applicant is licensed waives the examin-

ation of licensees of this State to a similar extent as this State waives the examination requirements for individuals licensed in that state or subdivision.

§ 12-831. Issuance of license

Notice of qualification

(a) If an applicant qualifies for a license under Part III of this subtitle, the Board shall send the applicant a notice that states:

(1) the applicant has qualified for a license; and

(2) on receipt of a license fee set by the Board, the Board shall issue a license to the applicant.

Issuance

(b) On payment of the license fee, the Board shall issue a license to each applicant who meets the requirements of Part III of this subtitle.

§ 12-832. Scope of license

Elevator mechanic license

(a) While an elevator mechanic license is in effect, it authorizes the licensee to erect, construct, wire, alter, replace, maintain, repair, dismantle, or service elevator units under the direct supervision of a licensed elevator contractor.

Elevator contractor license

(b) While an elevator contractor license is in effect, it authorizes the licensee to engage in the business of erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevator units.

Elevator renovator contractor license

(c) While an elevator renovator contractor license is in effect, it authorizes the licensee to engage in the business of performing work:

(1) on the interior of an elevator involving the removal or installation of the nonstructural surface of the elevator's wall, ceiling, floor, rail, or handle; and

(2) that does not affect the elevator's moving operation.

Elevator renovator mechanic license

(d) While an elevator renovator mechanic license is in effect, it authorizes the licensee to perform work:

(1) on the interior of an elevator involving the removal or installation of the nonstructural surface of the elevator's wall, ceiling, floor, rail, or handle; and

(2) that does not affect the elevator's moving operation.

§ 12-833. Term and renewal of license

Term of license

(a)(1) Subject to paragraph (2) of this subsection, unless a license is renewed for a 2-year term as provided in this section, the license expires on the second anniversary of its effective date.

(2) The Secretary may determine that licenses issued under Part III of this subtitle shall expire on a staggered basis.

Renewal notice

(b) At least 1 month before a license expires, the Board shall mail to the licensee, at the last known address of the licensee:

(1) a renewal application form; and

(2) a notice that states:

(i) the date on which the current license expires;

(ii) the date by which the Board must receive the renewal application for the renewal to be issued and mailed before

the license expires; and

(iii) the amount of the renewal fee.

Applications for renewal

(c) Before the license expires, the licensee periodically may renew the license for an additional 2-year term if the licensee:

- (1) otherwise is entitled to be licensed;
- (2) pays the renewal fee to the Board; and
- (3) submits to the Board a renewal application on the form that the Board provides.

Continuing professional competency

(d) The Board shall adopt regulations to:

- (1) require a demonstration of continuing professional competency for a licensee as a condition of renewal of a license under this section;
- (2) establish criteria for continuing education providers;
- (3) provide for a temporary waiver of continuing education under specified circumstances; and
- (4) set record keeping criteria for approved continuing education providers.

Issuance of renewal

(e) The Board shall renew the license of and issue a renewal certificate to each licensee who meets the requirements of this section.

§ 12-834. Temporary elevator mechanic licenses

Notice of shortage of licensed personnel

(a) A licensed elevator contractor shall notify the Board if there are no licensed elevator mechanics available to perform elevator work.

Request for issuance of temporary licenses

(b) The licensed elevator contractor may request that the Board issue temporary elevator mechanic licenses to individuals certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision.

Application for license; fee

(c) An individual certified by a licensed elevator contractor as qualified under subsection (b) of this section shall:

(1) immediately seek a temporary elevator mechanic license from the Board; and

(2) pay the fee that the Board determines.

Term of license

(d) A temporary elevator mechanic license is valid for 30 days while the licensee is employed by the licensed elevator contractor that certified the licensee as qualified under subsection (b) of this section.

Renewal of license

(e) A temporary elevator mechanic license may be renewed as long as the shortage of licensed elevator mechanics continues.

§ 12-835. Emergency elevator mechanic licenses

Response during emergency

(a) A licensed elevator contractor shall respond as necessary to ensure public safety if:

(1) an emergency exists in the State because of disaster, act of God, or work stoppage; and

(2) the number of licensed elevator mechanics in the State is insufficient to cope with the emergency.

Certified individuals to seek license

(b) Within 5 business days after beginning work that requires an elevator mechanic license, an individual certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic license from the Board.

Proof of competency

(c) The licensed elevator contractor shall provide proof of competency as the Board may require for an individual certified by the licensed elevator contractor under subsection (b) of this section.

Issuance of licenses

(d) The Board shall issue emergency elevator mechanic licenses.

Scope of license

(e) An emergency elevator mechanic license entitles the licensee to the rights and privileges of an elevator mechanic license issued under Part III of this subtitle.

Term of license

(f) An emergency elevator mechanic license is valid for 30 days for particular elevator units or geographical areas as the Board designates.

Renewal of license

(g) The Board shall renew an emergency elevator mechanic license during the existence of an emergency.

Fee

(h) The Board may not charge a fee for the issuance or renewal of an emergency elevator mechanic license.

§ 12-836. Insurance requirements

In general

(a) An elevator contractor may not engage in the business of elevator installation, alteration, repair, or service work unless the work of the elevator contractor is covered by:

(1) general liability insurance in the amount of at least \$1,000,000; and

(2) property damage insurance in the amount of at least \$500,000.

Proof of insurance

(b) An applicant for an elevator contractor license shall submit proof of the insurance required under subsection (a) of this section to the Board with the license application.

License renewal prohibited

(c) Unless a licensee meets the insurance requirements of this section, the Board may not renew the license of a licensee to whom the insurance requirements of this section apply.

Notice of cancellation

(d) A licensed elevator contractor shall give the Board notice of the cancellation of insurance at least 10 days before the effective date of the cancellation.

§ 12-837. Denials, refusals to renew, reprimands, suspensions, and revocations--Grounds; civil penalty

Grounds

(a) 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.

Civil penalty

- (b) 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.

§ 12-838. Denials, refusals to renew, reprimands, suspensions, and revocations--Hearings

Right to hearing

- (a) Except as otherwise provided in Title 10, Subtitle 2 of the State Government Article, before the Board takes any final action under Part III of this subtitle, the Board shall give the person against whom the action is contemplated an op-

portunity for a hearing before the Board.

Application of contested case provisions

(b) The Board shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

§ 12-839. Judicial review

Any person aggrieved by a final decision of the Board in a contested case, as defined in § 10-202 of the State Government Article, may take an appeal as allowed in §§ 10-222 and 10-223 of the State Government Article.

§ 12-840. Prohibited acts

Elevator installation, repair, or maintenance work without license prohibited

(a) Except as otherwise provided in Part III of this subtitle, an individual may not perform, attempt to perform, or offer to perform elevator installation, repair, or maintenance work in the State unless licensed by the Board.

Assistance without license prohibited

(b) Except as otherwise provided in Part III of this subtitle, an individual may not assist, attempt to assist, or offer to assist in performing elevator installation, repair, or maintenance work in the State unless licensed by the Board.

Prohibited employment

(c) Except as otherwise provided in Part III of this subtitle, an elevator contractor may not employ an elevator mechanic unless the elevator mechanic is licensed by the Board.

§ 12-841. Penalties

In general

(a) Except as provided in subsection (b) of this section, a person who violates Part III of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$100 for each day that the violation continues or both.

Willful violation

(b) A person who knowingly and willfully violates Part III of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$5,000 or both.

§ 12-842. Termination

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, [FN1] the provisions of this title that create or relate to the Board and any regulations adopted by the Board shall terminate and be of no effect after July 1, 2014.

[FN1] State Government § 8-401 et seq.

§ 12-901. Definitions

In general

(a) In this subtitle the following words have the meanings indicated.

Authorized inspection agency

(b) “Authorized inspection agency” means an entity that:

(1) is accredited in accordance with the National Board of Boiler and Pressure Vessel Inspectors NB-369; or

(2) meets the qualification and definition of the National Board of Boiler and Pressure Vessel Inspectors NB-360.

Board

(c) “Board” means the Board of Boiler Rules.

Boiler

(d) “Boiler” means:

(1) a closed vessel in which water is heated, steam is generated, steam is superheated, or a combination of these func-

tions is accomplished, under pressure or vacuum for use externally to the vessel by the direct application of heat from the combustion of fuels or from electricity or nuclear energy; or

(2) a fired unit for heating or vaporizing liquids other than water if the unit is separate from a processing system and is complete within itself.

Certificate

(e) "Certificate" means a certificate issued by the Chief Boiler Inspector to operate a boiler or pressure vessel.

Certificate inspection

(f) "Certificate inspection" means an inspection, the report of which is used by the Chief Boiler Inspector to determine whether to issue a certificate.

Commissioner

(g) "Commissioner" means the Commissioner of Labor and Industry.

Heating boiler

(h) "Heating boiler" means:

(1) a steam boiler that operates at pressures not exceeding 15 psig; or

(2) a hot water boiler that operates at pressures not exceeding 160 psig or temperatures not exceeding 250 degrees Fahrenheit.

High pressure, high temperature water boiler

(i) "High pressure, high temperature water boiler" means a water boiler that operates at pressures exceeding 160 psig or temperatures exceeding 250 degrees Fahrenheit.

Model steam boiler

(j) “Model steam boiler” means a boiler that is:

- (1) individually fabricated for noncommercial use;
- (2) used primarily for demonstration, exhibition, or educational purposes; and
- (3) not for profit.

Power boiler

(k) “Power boiler” means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig.

Pressure vessel

(l)(1) “Pressure vessel” means a vessel in which the pressure is obtained:

(i) from an external source; or

(ii) by the application of heat from:

1. an indirect source; or
2. a direct source other than a boiler.

(2) “Pressure vessel” does not include a pipe, piping component, or structure whose primary function is to transport fluids.

Secretary

(m) “Secretary” means the Secretary of Labor, Licensing, and Regulation.

§ 12-902. Legislative findings and intent

Findings

(a) The General Assembly finds that there have been many incidents of danger to public safety because of improper or inadequate construction, installation, maintenance, use, repair, or inspection of boilers and pressure vessels that operate in the State.

Intent

(b) The intent of this subtitle is to establish boiler and pressure vessel safety standards in the State to provide a level consistent with the needs of public safety.

§ 12-903. Applicability and scope of Subtitle

Applicability

(a) Except as otherwise provided in this subtitle, this subtitle applies to all boilers and pressure vessels.

Scope

(b) This subtitle does not apply to:

(1) a boiler or pressure vessel that is under federal control or regulation;

(2) a pressure vessel that:

(i) is used to transport or store compressed gases;

(ii) is constructed in compliance with specifications of the U.S. Department of Transportation; and

(iii) when charged with gas, is marked, maintained, and periodically requalified for use, as required by the regulations of the U.S. Department of Transportation;

(3) an air tank that is located on a vehicle that is operating under the rules of other State authorities and is used for carrying passengers or freight;

(4) an air tank that is installed on the right-of-way of a railroad and is used directly in the operation of trains;

(5) a pressure vessel that does not exceed:

- (i) 5 cubic feet in volume and 250 psig pressure;
- (ii) 1 1/2 cubic feet in volume and 600 psig pressure; or
- (iii) an inside diameter of 6 inches with no limitation on pressure;

(6) a pressure vessel that operates at a working pressure not exceeding 15 psig;

(7) subject to subsection (c) of this section, a vessel that contains water under pressure, including a vessel that contains air, the compression of which serves only as a cushion, if neither of the following limitations is exceeded:

- (i) a design pressure of 300 psig; and
- (ii) a design temperature of 210 degrees Fahrenheit;

(8) a hot water supply boiler that is equipped with a safety relief valve and is directly fired with oil, gas, or electricity if none of the following limitations is exceeded:

- (i) heat input of 200,000 BTU/hour;
- (ii) water temperature of 210 degrees Fahrenheit; and
- (iii) nominal water capacity of 120 gallons;

(9) a mechanical device of any of the following types:

- (i) a pump;
- (ii) a compressor;
- (iii) a turbine;
- (iv) a generator; or

(v) a hydraulic or pneumatic cylinder; or

(10) the water-containing part of an air-conditioning or refrigeration system condenser or evaporator:

(i) that uses halocarbon refrigerant;

(ii) that is constructed in accordance with the requirements of ANSI/ASHRAE Standard 15 (the Safety Code for Mechanical Refrigeration) in effect at the time of construction; and

(iii) if neither of the following limitations is exceeded:

1. a design pressure of 300 psig; and

2. a design temperature of 210 degrees Fahrenheit.

Water additives

(c) For purposes of subsection (b)(7) of this section, water may contain additives if the ASTM flash point of the aqueous solution at atmospheric pressure is 185 degrees Fahrenheit or higher.

§ 12-904. Board of Boiler Rules

Established

(a) There is a Board of Boiler Rules in the Division of Labor and Industry in the Department of Labor, Licensing, and Regulation.

Composition; appointment of members

(b)(1) The Board consists of the following 10 members:

(i) as an ex officio member, the Commissioner; and

(ii) nine members appointed by the Governor with the advice of the Secretary and with the advice and consent of the Senate.

(2) Of the nine appointed members of the Board:

- (i) one shall be a representative of owners and users of power boilers;
- (ii) one shall be a representative of owners and users of heating boilers;
- (iii) one shall be a representative of owners and users of pressure vessels;
- (iv) one shall be a representative of manufacturers or assemblers of boilers or pressure vessels;
- (v) one shall be a representative of an insurer authorized to insure boilers or pressure vessels;
- (vi) one shall be a mechanical engineer on the faculty of a recognized engineering college in the State;
- (vii) one shall be a stationary engineer;
- (viii) one shall be a professional engineer with boiler or pressure vessel experience; and
- (ix) one shall be a consumer member.

Consumer member

(c)(1) The consumer member of the Board:

- (i) shall be a member of the public;
- (ii) may not be a licensee or otherwise be subject to regulation by the Board;
- (iii) may not be required to meet the qualifications for the professional members of the Board; and
- (iv) may not, within 1 year before appointment, have had a financial interest in or have received compensation from a person regulated by the Board.

(2) While a member of the Board, the consumer member may not:

(i) have a financial interest in or receive compensation from a person regulated by the Board; or

(ii) grade any examination given by or for the Board.

Tenure; vacancies

(d)(1) The term of an appointed member is 4 years.

(2) The terms of the appointed members are staggered as required by the terms provided for members of the Board on October 1, 2003.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

Chairman

(e) The Board shall elect a chairman from among its members.

Voting

(f) The Commissioner may not vote.

Compensation

(g)(1) The Commissioner may not receive additional compensation as a member of the Board.

(2) An appointed member of the Board:

(i) may not receive a salary as a member of the Board; but

(ii) is entitled to:

1. compensation in accordance with the State budget; and

2. reimbursement for expenses under the Standard State Travel Regulations, [FN1] as provided in the State budget.

Authority of Secretary

(h) The exercise or performance of the powers, authority, duties, and functions of the Board under this subtitle is subject to the power and authority of the Secretary.

[FN1] COMAR 23.02.01.01 et seq.

§ 12-905. Regulations for boilers and pressure vessels

Board to formulate

(a) The Board shall formulate regulations for the safe construction, use, installation, maintenance, repair, and inspection of boilers and pressure vessels in the State.

Conformity to subtitle and national codes

(b) The regulations formulated by the Board shall conform as nearly as possible to the requirements of:

(1) this subtitle; and

(2) the following codes as amended and interpreted:

(i) the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers;

(ii) the Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors;

(iii) the Code for Power Piping, B31.1 of the American Society of Mechanical Engineers;

(iv) the Code for Controls and Safety Devices for Automatically Fired Boilers, CSD-1 of the American Society of Mechanical Engineers;

(v) NFPA 85 Boiler and Combustion Systems Hazards Code; and

(vi) the Code for Chemical Plant and Petroleum Refinery Piping, B31.3 of the American Society of Mechanical En-

gineers.

Adoption by Commissioner and approval by Secretary

(c) The regulations formulated by the Board may be adopted by the Commissioner subject to the approval of the Secretary.

Consistency with Maryland Building Rehabilitation Code

(d) The Board and the Commissioner shall submit proposed amendments to regulations adopted under this subtitle to be consistent with the Maryland Building Rehabilitation Code within 90 days after any amendments to the Maryland Building Rehabilitation Code are adopted by the Department of Housing and Community Development under Subtitle 10 of this title.

§ 12-906. Inspectors--Chief Boiler Inspector and deputy boiler inspectors

Appointment

(a)(1) Whenever the position of Chief Boiler Inspector or deputy boiler inspector becomes vacant, the Secretary of Budget and Management as soon as practicable shall conduct a competitive examination in accordance with Title 7 of the State Personnel and Pensions Article.

(2) The examination shall be the same as or equivalent to the examination given by the Board for special inspectors under § 12-907 of this subtitle.

(3) With the approval of the Secretary, the Commissioner shall appoint from the successful candidates a Chief Boiler Inspector or deputy boiler inspector.

Duties of Chief Boiler Inspector

(b) If authorized by the Commissioner, the Chief Boiler Inspector shall:

(1) take action necessary to enforce the regulations adopted under this subtitle and the laws of the State that govern the use of boilers and pressure vessels to which this subtitle applies;

(2) keep a complete record of the type, dimensions, maximum allowable pressure, age, location, and date of the last re-

corded inspection of each boiler and each pressure vessel to which this subtitle applies;

(3) issue, and for cause shown, suspend or revoke certificates under § 12-911 of this subtitle; and

(4) refer for prosecution each person who violates this subtitle.

Duties of deputy boiler inspectors

(c) Each deputy boiler inspector:

(1) is responsible to the Chief Boiler Inspector; and

(2) shall perform the duties that the Chief Boiler Inspector directs.

Fees

(d) All money received by the Chief Boiler Inspector from fees shall be deposited in the General Fund.

§ 12-907. Inspectors--Special inspectors

Authorization to request special inspector commissions

(a)(1) The following entities may request the Commissioner to issue special inspector commissions:

(i) an authorized insurer that insures boilers and pressure vessels in the State;

(ii) a person that operates pressure vessels in the State that regularly are inspected and rated by an established inspection service under the supervision of engineers whose qualifications are satisfactory to the Board and in accordance with the regulations adopted under this subtitle; or

(iii) an authorized inspection agency.

(2) On request of an entity described in paragraph (1) of this subsection, the Commissioner may issue a special inspector commission to an individual employed by the entity to serve as a special inspector if the entity and the individual satisfy the requirements of this section.

Qualifications of applicants

(b)(1) An applicant for a special inspector commission shall be employed by the entity that requests the special inspector commission.

(2) An applicant for a special inspector commission for a person that operates pressure vessels shall:

(i) be employed full time by the person; and

(ii) be responsible for making inspections of pressure vessels that are used or to be used by the person and are not for resale.

(3) An applicant for a special inspector commission shall:

(i) pass the examination given by the Board under subsection (e) of this section;

(ii) hold a commission or certificate of competency as an inspector of boilers and pressure vessels in another state that has an examination substantially equivalent to the examination given by the Board; or

(iii) 1. hold a commission as an inspector of boilers and pressure vessels issued by the National Board of Boiler and Pressure Vessel Inspectors; and

2. pass the part of the examination given by the Board that differs from the national examination.

Applications for special inspector commissions

(c)(1) The employer of an applicant for a special inspector commission shall:

(i) submit to the Commissioner an application on the form that the Commissioner requires; and

(ii) pay to the Commissioner a fee of \$50.

(2) The application shall include:

(i) the name and qualifications of the individual who will serve as a special inspector; and

(ii) evidence that the individual satisfies the requirements of subsection (b) of this section.

Insurance requirements

(d) By regulation, the Commissioner shall establish insurance requirements that must be satisfied by an authorized inspection agency before a commission may be issued to an inspector employed by the authorized inspection agency.

Examinations

(e)(1) The Board shall give examinations to applicants for special inspector commissions as provided in this subsection.

(2) The examination:

(i) shall be in writing;

(ii) shall be limited to questions the answers to which will help to determine the fitness and competency of the individual for the intended service; and

(iii) may consist of questions prepared by the National Board of Boiler and Pressure Vessel Inspectors.

(3)(i) An applicant who fails the examination may appeal to the Board for a reexamination.

(ii) The reexamination shall be given by the Board within 90 days.

(4) The record of an applicant's examination shall be available to the applicant and the applicant's employer.

(5) The fee for an examination or reexamination is \$50.

Issuance of special inspector commission

(f)(1) The Commissioner shall issue a special inspector commission to each applicant who meets the requirements of this subtitle.

(2) The Commissioner may issue a special inspector commission to a representative of an employee organization

covered by a collective bargaining agreement.

Exemption from inspection fees

(g) An inspection by a special inspector of a boiler or pressure vessel insured or pressure vessel operated by the employer of the special inspector, or an inspection by a special inspector employed by an authorized inspection agency, exempts the owner or user of the boiler or pressure vessel from the payment to the State of inspection fees required by this subtitle for the boiler or pressure vessel.

Salary

(h) A special inspector may not receive a salary from or have any expenses paid by the State.

Term and renewal of commission

(i)(1) A special inspector commission expires 2 years after its effective date.

(2) Before a special inspector commission expires, the employer of the special inspector may renew the commission if the employer:

(i) pays to the Commissioner a renewal fee of \$50; and

(ii) submits evidence to the Commissioner that the special inspector:

1. meets the standards imposed by this subtitle;

2. remains in the employment of the employer; and

3. has been trained on current boiler and pressure vessel technology in accordance with regulations adopted under this subtitle.

Termination of employment

(j) Within 30 days after the termination of the employment of a special inspector, the employer shall return the special inspector commission to the Chief Boiler Inspector.

Lost or destroyed identification card

(k)(1) If an identification card of a special inspector is lost or destroyed, the Commissioner shall issue a new identification card in its place without another examination.

(2) The fee for replacement of an identification card is \$50.

Suspension of commission

(l)(1) After investigation and recommendation by the Board, the Commissioner may suspend the special inspector commission for:

(i) incompetence of the special inspector;

(ii) untrustworthiness of the special inspector;

(iii) willful falsification of any matter or statement contained in the application for the special inspector commission;
or

(iv) willful falsification of any matter or statement contained in a report of an inspection made by the special inspector.

(2) Within 10 days after suspending a special inspector commission, the Commissioner shall give written notice of the suspension to the special inspector and the employer of the special inspector.

(3)(i) An individual whose special inspector commission has been suspended may appeal to the Board.

(ii) At the hearing on the appeal, the individual may be present and represented by counsel.

(4) An individual whose special inspector commission has been suspended may apply for reinstatement of the commission after 90 days following the date of the suspension.

Notice and hearing, revocation proceedings

(m)(1) If the Board has reason to believe that a special inspector is no longer qualified to hold a commission, the Board shall hold a hearing.

- (2) The Board shall give at least 10 days' written notice of the hearing to the special inspector and to the employer of the special inspector.
- (3) At the hearing, the special inspector and the employer shall have an opportunity to be heard.
- (4) If after the hearing the Board finds that the special inspector is no longer qualified to hold a commission:
 - (i) the Board shall recommend to the Commissioner that the special inspector commission be revoked; and
 - (ii) the Commissioner shall revoke the special inspector commission immediately.

§ 12-908. Standards for boilers and pressure vessels

New boilers and pressure vessels

- (a)(1) A new boiler or pressure vessel may not be installed and operated in the State unless:
 - (i) the boiler or pressure vessel conforms to the regulations adopted under this subtitle that govern new construction and installation; or
 - (ii) the Board issues a special installation and operating permit for the boiler or pressure vessel.
- (2) The Board may issue a special installation and operating permit for a boiler or pressure vessel if it:
 - (i) is of special design or construction; and
 - (ii) is not inconsistent with the spirit and safety objectives of the regulations adopted under this subtitle.

Existing boilers and pressure vessels--Maximum allowable pressure

- (b) For existing boiler and pressure vessel installations:
 - (1) the maximum allowable pressure of a boiler or pressure vessel that carries the ASME Code symbol shall be determined by the applicable provisions of the ASME Code under which it was constructed and stamped; and

(2) the maximum allowable pressure of a boiler or pressure vessel that does not carry the ASME Code symbol shall be computed in accordance with the Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors.

Existing boilers and pressure vessels--Effect of subtitle

(c) This subtitle does not prevent the use, sale, or reinstallation of an existing boiler or pressure vessel if the boiler or pressure vessel:

(1) has been made to conform to the regulations adopted under this subtitle that govern existing installations; and

(2) has been inspected and found not to be in an unsafe condition.

§ 12-909. Inspections--In general

Exemptions

(a) The requirements of this section and §§ 12-910 and 12-911 of this subtitle do not apply to:

(1) a boiler or pressure vessel that is located on a farm and used solely for agricultural purposes;

(2) a heating boiler that is located in a private residence or an apartment house with less than six family units;

(3) a pressure vessel that:

(i) contains only water under pressure for domestic supply purposes, including a pressure vessel that contains air, the compression of which serves only as a cushion or airlift pumping system; and

(ii) is located in a private residence or an apartment house with less than six family units; or

(4) an exhibition or antique boiler or pressure vessel, including a steam or gas engine, wheat thresher, or antique tractor, if the boiler or pressure vessel:

(i) has been inspected and issued a certificate of safety by another state that has safety requirements equal to or greater than those of this State; and

(ii) has been brought into this State to be used in a temporary exhibit or show.

Access to premises

(b) The Chief Boiler Inspector or a deputy boiler inspector shall have free access, during reasonable hours, to any

premises in the State:

- (1) to determine whether a boiler or pressure vessel is being constructed for use or installed in the State in accordance with this subtitle;
- (2) to inspect or investigate an accident or explosion that involves a boiler or pressure vessel; or
- (3) to make an inspection required under this subtitle.

Expertise needed for inspections

(c)(1) Except as provided in paragraphs (2), (3), (4) and (5) of this subsection, the Chief Boiler Inspector or a deputy boiler inspector shall make the certificate inspections required under subsection (d) of this section.

(2) If a boiler or pressure vessel is insured by an insurer, a special inspector employed by the insurer, or by an authorized inspection agency under contract with the insurer, shall make the inspections required under subsection (d) of this section.

(3) If a pressure vessel is owned or operated by a person who employs a special inspector who holds a commission, the special inspector, or a special inspector employed by an authorized inspection agency under contract with the owner or operator, shall make the inspections required under subsection (d) of this section.

(4)(i) In this paragraph, "private inspector" means an individual who:

1. has a level II or level III certification from the American Society for Nondestructive Testing (ASNT); and
2. is commissioned as a special inspector by the National Board of Boiler and Pressure Vessel Inspectors.

(ii) If a boiler or pressure vessel is an exhibition or antique boiler or pressure vessel, including a steam or gas engine, wheat thresher, or antique tractor, that will be used in an exhibit or show for noncommercial purposes, the inspections required under subsection (d) of this section may be made by a private inspector.

(iii) If a private inspector makes the inspections required under subsection (d) of this section, the private inspector shall file a report with the Chief Boiler Inspector on the results of the inspection.

(iv) If the report of the private inspector shows that the exhibition or antique boiler or pressure vessel complies with the requirements of subsection (d) of this section and the regulations adopted under this subtitle, the Chief Boiler Inspector shall issue a certificate to the owner or user of the exhibition or antique boiler or pressure vessel that authorizes it to be used in an exhibit or show for noncommercial purposes.

(5) If a boiler or pressure vessel is not insured by an insurer, the Commissioner may contract with an insurer or an authorized inspection agency to have a special inspector who is employed by that insurer or authorized inspection agency make the inspections required under subsection (d) of this section.

Inspections regarding construction, installation, and condition

(d)(1) Except for boilers and pressure vessels exempt under subsection (a) of this section or [§ 12-903](#) of this subtitle, each boiler and each pressure vessel that is used or proposed to be used in the State shall be inspected thoroughly as to its construction, installation, and condition in accordance with this subsection.

(2) A certificate inspection required under this subsection shall be:

- (i) an internal inspection if construction allows; or
- (ii) an inspection that is as complete as possible.

(3)(i) Except for model steam boilers, a power boiler or a high pressure, high temperature water boiler shall:

- 1. receive a certificate inspection annually; and
- 2. be externally inspected annually while under pressure, if possible.

(ii) The Board may extend to 2 years the interval between certificate inspections of a power boiler if:

- 1. the power boiler has internal continuous water treatment under the general supervision of a professional engineer who has experience in the treatment of boiler water; and
- 2. the owner or user of the power boiler keeps available, for examination by the Chief Boiler Inspector or by a deputy boiler inspector or special inspector, accurate records that show:
 - A. the date, time, and reason that the power boiler is out of service; and
 - B. a chemical and physical analysis of samples of the boiler water taken at regular intervals of not more than 48 hours of operation that adequately show the condition of the boiler water and any elements or characteristics of the boiler water that are capable of producing corrosion or other deterioration of the power boiler or its parts.

(4) A nuclear vessel within the scope of this subtitle shall be inspected and reported in a form and with appropriate information designated by the Board.

(5)(i) Except as provided in paragraph (3) of this subsection, certificate inspections shall be conducted at time intervals set forth in regulations adopted under this subtitle and in accordance with Title 10 of the State Government Article.

(ii) The intervals shall protect public safety taking into consideration, consistent with [§ 12-905](#) of this subtitle, the design, type, age, extent of automated monitoring, fuel, and operating characteristics of the boiler or pressure vessel.

Hydrostatic tests

(e) If, at the discretion of the inspector, a hydrostatic test is considered necessary, the owner or user of a boiler or pressure vessel shall make the hydrostatic test.

Notice of installations

(f)(1) Except as provided in paragraph (2) of this subsection, at least 30 days before installing a boiler or pressure vessel covered by this subtitle, the person who will perform the installation shall give the Commissioner notice of the installation in accordance with regulations adopted under this subtitle.

(2) Under emergency circumstances, the person who will perform the installation of a boiler or pressure vessel may give the Commissioner notice of the installation less than 30 days before installation in accordance with regulations adopted under this subtitle.

(3) Except for a cast-iron sectional boiler or pressure vessel, each boiler to be installed in the State shall be inspected:

(i) during construction or field assembly, as required by regulations adopted under this subtitle, by an inspector authorized to inspect boilers and pressure vessels in the State; or

(ii) if the boiler is constructed outside the State, by an inspector who holds a commission issued by the National Board of Boiler and Pressure Vessel Inspectors.

Notice of accidents or explosions

(g)(1) Within 24 hours after an accident or explosion, the owner or user of a boiler or pressure vessel shall give the Chief Boiler Inspector notice of the accident or explosion in accordance with regulations adopted under this subtitle.

(2) On notification or information, the Chief Boiler Inspector or a deputy boiler inspector shall investigate each accident or explosion that involves a boiler or pressure vessel covered by this subtitle.

Interpretation and application of inspection requirements

(h)(1) The Board shall provide for public safety and therefore has jurisdiction over the interpretation and application of the inspection requirements provided in the regulations adopted under this subtitle.

(2) Inspection requirements of operating equipment shall:

(i) be in accordance with generally accepted practice; and

(ii) be compatible with the actual service conditions, including:

1. previous experience, based on records of performance and maintenance;
2. location, with respect to personnel hazard;
3. provision for related safe operation of controls; and

4. interrelation with other operations outside the scope of this subtitle.

Fee schedule

(i) The owner or user of a boiler or pressure vessel required by this subtitle to be inspected by the Chief Boiler Inspector or a deputy boiler inspector shall pay directly to the Chief Boiler Inspector, on completion of the inspection, a fee in accordance with the following schedule:

(1	certificate inspection:	
(i)	initial certificate inspection of a boiler or pressure vessel not previously inspected in the State	no charge
(ii)	certificate inspection of a boiler or pressure vessel, other than a pressure vessel attached to an air compressor, previously inspected in the State	\$40
(iii)	certificate inspection of a pressure vessel, attached to an air compressor, previously inspected in the State	\$10
(iv)	certificate inspection of an additional boiler or pressure vessel previously inspected in the State, at the same location, on the same date	\$10
(v)	follow-up inspection to determine compliance	\$50
(2)	inspection of an antique or model steam boiler or pressure vessel	\$15
(3)	investigation of an accident or complaint	no charge
(4)	special inspection, such as an inspection at a fabrication or repair facility, ASME joint review, or National Board of Inspection Code Repair Review, shall be charged at the following rates, and shall include all expenses such as travel and hotel costs:	
(i)	half day (up to 4 hours)	\$250
(ii)	full day (up to 8 hours)	\$500

§ 12-910. Inspections--Reports by special inspectors

Insurers

(a)(1) Each authorized insurer, or authorized inspection agency, that employs a special inspector shall file with the Chief Boiler Inspector a report on:

(i) each certificate inspection; and

(ii) any other inspection for which a report is required to be filed under regulations adopted under this subtitle.

(2) The report filed under paragraph (1) of this subsection shall:

(i) be filed within 30 days after an inspection; and

(ii) be in the form required by regulations adopted under this subtitle.

(3) For each report not filed electronically, the authorized insurer shall pay a \$5 report filing fee.

(4) Within 24 hours after an inspection, each authorized insurer, or authorized inspection agency, that employs a special inspector shall notify the Chief Boiler Inspector if an inspection reveals a hazardous condition as described in § 12-915(a)(2) of this subtitle that affects the safety of a boiler or pressure vessel.

Owner-user inspection service

(b)(1) Each person that operates pressure vessels covered by an owner-user inspection service that meets the requirements of this subtitle shall maintain in its files an inspection record that lists, by a Maryland number and by an abbreviated identification description:

(i) each pressure vessel covered by this subtitle;

(ii) the date of the last inspection of the pressure vessel; and

(iii) the approximate date for the next inspection of the pressure vessel, calculated by applying the appropriate rules for inspection to all data available when the inspection record is compiled.

(2) The inspection record shall be readily available for examination by the Chief Boiler Inspector or authorized representative during business hours.

(3)(i) In addition, the person shall file annually with the Chief Boiler Inspector a statement that:

1. is signed by the professional engineer who supervised the inspections made during the period covered;
2. states the number of pressure vessels covered by this subtitle that were inspected during the year; and
3. certifies that each inspection was conducted in accordance with the inspection requirements of this subtitle.

(ii) The statement shall be accompanied by a filing fee of:

1. \$5 per pressure vessel, for a statement that covers not more than 25 pressure vessels;
2. \$125, for a statement that covers more than 25 but less than 101 pressure vessels;
3. \$250, for a statement that covers more than 100 but less than 501 pressure vessels; or
4. \$325, for a statement that covers more than 500 pressure vessels.

§ 12-911. Inspections--Certificates

Issuance

(a) If the report filed in accordance with § 12-910(a) of this subtitle shows that a boiler or pressure vessel complies with regulations adopted under this subtitle, the Chief Boiler Inspector shall issue to the owner or user of the boiler or pressure vessel a certificate that bears the date of inspection, specifies the inspection interval, and specifies the maximum pressure under which the boiler or pressure vessel may be operated.

Term

(b) Except as provided in § 12-909(d)(3) of this subtitle, the certificate is valid for the period that corresponds to the interval between certificate inspections as established by regulation under § 12-909 of this subtitle.

Extension

(c) If the certificate inspection interval for a boiler or pressure vessel is extended under § 12-909(d)(5) of this subtitle,

the Chief Boiler Inspector shall promptly issue a certificate to the owner of the boiler or pressure vessel that bears the new expiration date.

Posting

(d)(1) The certificate shall be posted under glass in the room that contains the boiler or pressure vessel that was inspected.

(2) If the boiler or pressure vessel is not located in a building, the certificate shall be posted in a location convenient to the boiler or pressure vessel that was inspected or in any place where the certificate will be accessible to interested parties.

Suspension

(e)(1) The Chief Boiler Inspector or an authorized deputy boiler inspector may suspend a certificate at any time when, in the opinion of the inspector, the boiler or pressure vessel for which the certificate was issued:

(i) cannot be operated without danger to public safety; or

(ii) is found not to comply with regulations adopted under this subtitle.

(2) The suspension of a certificate continues until:

(i) the boiler or pressure vessel is made to conform to the regulations adopted under this subtitle; and

(ii) the certificate is reinstated.

Insurance ceases

(f) If a boiler or pressure vessel for which a certificate was issued based on the report of a special inspector ceases to be insured by an authorized insurer, the certificate is invalid.

§ 12-912. Duties of owners or users

The owner or user of a boiler or pressure vessel shall:

- (1) ensure that the boiler or pressure vessel is operated, inspected, and repaired in accordance with this subtitle and regulations adopted under this subtitle;
- (2) maintain a copy of inspection, maintenance, and repair records at a central location in accordance with regulations adopted under this subtitle; and
- (3) make inspection, maintenance, and repair records available to the inspector required to inspect the boiler or pressure vessel.

§ 12-913. Duties of authorized insurers

In general

- (a) An authorized insurer that provides insurance coverage for boilers or pressure vessels in the State shall:
 - (1) conduct the certificate inspection for each boiler and pressure vessel that the insurer insures by the date the certificate inspection is due;
 - (2) file with the Chief Boiler Inspector the reports required under [§ 12-910](#) of this subtitle;
 - (3) develop, maintain, submit, and update, as defined by regulation, a database of all boilers and pressure vessels that the insurer insures in the State and track the date when the certificate inspection for each boiler or pressure vessel is due to ensure that the certificate inspections are due and completed as required under this subtitle; and
 - (4) develop, maintain, and make available to the Commissioner a quality assurance program in accordance with regulations adopted under this subtitle.

Multiple insurers or owner-users

- (b) If more than one insurer provides insurance coverage for a boiler or pressure vessel or if an owner-user employs an individual with a special inspector commission, the insurers or owner-user:
 - (1) may agree to coordinate certificate inspections to ensure that the boiler or pressure vessel is inspected; and
 - (2) shall ensure that responsibility for the certificate inspection is clearly defined.

§ 12-914. Duties of persons who alter or repair boilers and pressure vessels

A person who repairs or alters a boiler or pressure vessel shall:

(1) give notice to and obtain approval from the Chief Boiler Inspector, a deputy boiler inspector, or a special inspector before beginning a repair or alteration that:

(i) affects the working pressure or safety of a boiler or pressure vessel; or

(ii) involves fusion welding;

(2) repair the boiler or pressure vessel in accordance with regulations adopted under this subtitle; and

(3) provide reports, as required by regulations adopted under this subtitle, to the Chief Boiler Inspector and the owner of the boiler or pressure vessel.

§ 12-915. Prohibition on use of boiler or pressure vessel

Grounds

(a) On inspection, the Chief Boiler Inspector or an authorized deputy boiler inspector may prohibit the use of a boiler or pressure vessel if the inspector determines that:

(1) the boiler or pressure vessel or part of it violates a standard, safety code, or regulation adopted under this subtitle; and

(2) there is substantial probability that death, serious physical harm, or serious damage to property could result from continued use of the boiler or pressure vessel.

Notice

(b)(1) To prohibit the use of a boiler or pressure vessel, the Chief Boiler Inspector or an authorized deputy boiler inspector shall give the owner or the owner's agent notice that use of the boiler or pressure vessel is prohibited.

(2) The notice shall describe, in detail:

- (i) the nature of each alleged violation;
- (ii) the reason for the prohibition from use;
- (iii) the penalties of this subtitle; and
- (iv) if appropriate, a recommendation on how to correct the violation.

Posting of notice; removal

(c) A copy of the notice under subsection (b) of this section:

(1) shall be attached to the boiler or pressure vessel; and

(2) may not be removed by any person except the Chief Boiler Inspector or an authorized deputy boiler inspector until the Chief Boiler Inspector or an authorized deputy boiler inspector determines that:

- (i) each violation described in the notice has been corrected; and
- (ii) the threat of death, serious physical harm, or serious damage to property resulting from the violation has been eliminated.

Use prohibited while notice posted

(d) Use of a boiler or pressure vessel is prohibited while a notice under subsection (b) of this section is posted on the boiler or pressure vessel.

Civil penalty

(e) If the owner or user of a boiler or pressure vessel continues to use a boiler or pressure vessel after notice is issued under subsection (b) of this section, the Commissioner may assess a civil penalty against the owner or user not exceeding \$1,000 per day for each boiler or pressure vessel in violation.

Action to modify or vacate decision

(f)(1) An owner or user who is aggrieved by a decision of the Commissioner, the Chief Boiler Inspector, or an authorized deputy boiler inspector under this section may bring an action to modify or vacate the decision on the ground that it is unlawful.

(2) An action under this subsection may be brought in the Circuit Court for Baltimore City or in the circuit court for the county where the boiler or pressure vessel is located.

(3) In a proceeding under this subsection, a court may not stay a decision of the Commissioner, the Chief Boiler Inspector, or an authorized deputy boiler inspector unless:

(i) the court gives the Commissioner notice and an opportunity for a hearing; and

(ii) the aggrieved owner or user posts security or meets each condition that the court considers proper.

§ 12-916. Civil penalties

In general

(a) Except as otherwise provided in § 12-915(e) of this subtitle, the Commissioner may assess a civil penalty not exceeding \$5,000 for each violation against a person who:

(1) violates this subtitle;

(2) violates a regulation adopted or order issued under this subtitle; or

(3) operates in the State a boiler or pressure vessel, except a pressure vessel covered by an owner-user inspection service as provided by this subtitle, without a certificate.

Factors to be considered

(b) In assessing the appropriateness of a civil penalty under this section, the Commissioner shall give due consideration to:

(1) the nature or gravity of the violation;

(2) the person's good faith; and

(3) the person's history of previous violations.

Appeal; regulations

(c)(1) A person may request a hearing before the Commissioner or the Commissioner's authorized representative to contest a proposed penalty or an alleged violation of this subtitle.

(2) The Commissioner shall adopt regulations as reasonably necessary to carry out this subsection.

§ 12-917. Prohibited acts; penalty

Prohibited acts

(a) A person may not:

(1) willfully and persistently operate in the State a boiler or pressure vessel, except a pressure vessel covered by an owner-user inspection service as provided by this subtitle, without a certificate;

(2) operate in the State a boiler or pressure vessel at a pressure exceeding that specified on the certificate; or

(3) interfere with or impede the official duties of the Commissioner, an authorized representative of the Commissioner, or a member of the Board.

Penalty

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject for each violation to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

§ 12-918. Short title

This subtitle may be cited as the Boiler and Pressure Vessel Safety Act.

§ 12-919. Termination of subtitle

The provisions of this subtitle creating the Board and relating to the regulation of boilers or pressure vessels and any

regulations adopted under this subtitle are of no effect and may not be enforced after July 1, 2014.

§ 12-1001. Definitions

In general

(a) In this subtitle the following words have the meanings indicated.

Addition

(b) “Addition” means an increase in:

- (1) building area;
- (2) aggregate floor area;
- (3) height; or
- (4) number of stories.

Change of occupancy

(c) “Change of occupancy” means a change in the purpose or level of activity in a building or structure that involves a change in application of the local building code requirements.

Construction permit application

(d) “Construction permit application” means an application for a permit or other governmental approval for a rehabilitation project.

Department

(e) “Department” means the Department of Housing and Community Development.

Existing building

(f) “Existing building” means a building or structure that was erected and occupied, or was issued a certificate of occupancy, at least 1 year before a construction permit application for the building or structure was made to a local jurisdiction, the Maryland-National Capital Park and Planning Commission, or the Washington Suburban Sanitary Commission.

Local jurisdiction

(g) “Local jurisdiction” means:

- (1) a county; or
- (2) a municipal corporation in the State.

MBRC

(h) “MBRC” means the Maryland Building Rehabilitation Code.

Modification

(i) “Modification” means:

- (1) the reconfiguration of a space;
- (2) the addition or elimination of a door or window;
- (3) the reconfiguration or extension of a system; or
- (4) the installation of any additional equipment.

Reconstruction

(j) “Reconstruction” means:

- (1) the reconfiguration of a space that:

(i) affects an exit or element of the egress access that is shared by more than a single occupant; or

(ii) prevents occupancy of the work area because the existing means of egress and fire protection systems, or their equivalent, are not in place or continuously maintained; or

(2) extensive modifications.

Rehabilitation project

(k) “Rehabilitation project” means construction work undertaken in an existing building that includes repair, renovation, modification, reconstruction, change of occupancy, or addition.

Renovation

(l)(1) “Renovation” means:

(i) the change, strengthening, or addition of load bearing elements; or

(ii) the refinishing, replacement, bracing, strengthening, upgrading, or extensive repair of existing materials, elements, components, equipment, or fixtures.

(2) “Renovation” does not include:

(i) reconfiguration of a space; or

(ii) interior or exterior painting.

Repair

(m) “Repair” means the patching, restoration, or minor replacement of materials, elements, components, equipment, or fixtures to maintain them in good or sound condition.

§ 12-1002. Effect of subtitle

On other laws

(a) This subtitle is effective notwithstanding any other provisions of law.

On authority of units of local government

(b) This subtitle does not supersede the planning, zoning, or subdivision authority of local jurisdictions, the Maryland-National Capital Park and Planning Commission, or the Washington Suburban Sanitary Commission.

§ 12-1003. Maryland Building Rehabilitation Code Advisory Council

Established

(a) There is a Maryland Building Rehabilitation Code Advisory Council.

Composition

(b) The Council consists of the following 27 members:

(1) the Secretary of Housing and Community Development or the Secretary's designee;

(2) the Secretary of Labor, Licensing, and Regulation or the Secretary's designee;

(3) the State Fire Marshal or the Fire Marshal's designee;

(4) the State Historic Preservation Officer or the Officer's designee;

(5) the Secretary of Disabilities or the Secretary's designee; and

(6) the following 22 members appointed by the Governor:

(i) one representative of the State Fire Prevention Commission;

(ii) four representatives of the building trades who are directly involved or have experience in code setting or code enforcement, including plumbers, electricians, boiler operators, and heating, ventilation, air-conditioning, and refrigeration contractors;

- (iii) two architects practicing in the State, a significant portion of whose practice includes rehabilitation projects;
- (iv) one professional engineer;
- (v) two contractors specializing in rehabilitation construction;
- (vi) two representatives of county government;
- (vii) two representatives of municipal government;
- (viii) two building code officials serving local government;
- (ix) one commercial and industrial building owner or developer;
- (x) one multifamily building owner or developer;
- (xi) two local fire officials; and
- (xii) two members of the public.

Diversity

- (c) The composition of the Council shall reflect the racial, gender, and geographic diversity of the population of the State.

Tenure; vacancies

- (d)(1) The term of an appointed member is 4 years and begins on July 1.
- (2) The terms of appointed members are staggered as required by the terms provided for members of the Council on October 1, 2003.
- (3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.
- (4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is ap-

pointed and qualifies.

(5) An appointed member may serve no more than two terms.

Chairman

(e) The Governor shall designate a chairman from among the Council members.

Compensation and reimbursement for expenses

(f) A member of the Council:

(1) may not receive compensation for service on the Council; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, [\[FN1\]](#) as provided in the State budget.

Director

(g)(1) The Secretary of Housing and Community Development shall appoint the Director of the Council.

(2) The Director is a special appointment in the State Personnel Management System.

Duties

(h) The Council shall:

(1) advise the Department on the development and adoption of and amendments to the MBRC;

(2) provide technical advice on the interpretation of the MBRC to property owners, design professionals, contractors, and code officials and code appeal boards of local jurisdictions, the Maryland-National Capital Park and Planning Commission, and the Washington Suburban Sanitary Commission;

(3) develop the MBRC to the extent possible to avoid increased costs to local jurisdictions resulting from implementation of the MBRC; and

(4) to the extent provided in the State budget, provide training on the MBRC for code officials and other public and private construction-related professionals.

[FN1] COMAR 23.02.01.01 et seq.

§ 12-1004. Maryland Building Rehabilitation Code--In general

Adoption

(a)(1) The Department, in cooperation with the Maryland Building Rehabilitation Code Advisory Council, the Department of Labor, Licensing, and Regulation, and the State Fire Marshal, shall adopt by regulation the Maryland Building Rehabilitation Code.

(2) The MBRC shall be modeled on the nationally applicable recommended rehabilitation provisions developed by the United States Department of Housing and Urban Development and the National Association of Home Builders Research Center.

Purpose

(b) The purpose of the MBRC is to encourage and facilitate the rehabilitation of existing buildings by reducing the cost of and constraints on rehabilitation that result from existing procedures and standards.

Applicability

(c) Except as otherwise allowed under this subtitle and Subtitles 2, 3, 4, and 5 of this title, and notwithstanding [Articles 23A, 25, 25A, 25B, 28, and 29 of the Code](#) and any building codes, mechanical codes, plumbing codes, fire prevention codes, and electrical codes adopted under those articles of the Code, the MBRC applies to all rehabilitation projects for which a construction permit application is received by a local jurisdiction, the Maryland-National Capital Park and Planning Commission, or the Washington Suburban Sanitary Commission after adoption of the MBRC.

§ 12-1005. Maryland Building Rehabilitation Code--Contents

Minimum requirements

(a) At a minimum, the MBRC shall:

(1) maintain a level of safety consistent with existing codes;

- (2) provide for multiple categories of work with multiple compliance standards;
- (3) be enforceable by local officials using existing enforcement procedures;
- (4) apply to the repair, renovation, modification, and reconstruction of, a change of occupancy in, and an addition to, an existing building;
- (5) provide an expedited review process for proposed amendments to the MBRC submitted by a local government or an organization that represents local governments; and
- (6) provide an opportunity for a person proposing a complex project that involves multiple codes to meet, before submitting a construction permit application, with the local officials, or their designees, responsible for permit approval and enforcement of construction-related laws that apply to the project.

Meeting on complex projects

(b) To the extent possible, the meeting provided for under subsection (a)(6) of this section shall include the officials responsible for permit approval and enforcement in any of the following areas that apply to the complex project:

- (1) building code;
- (2) mechanical code;
- (3) plumbing code;
- (4) electrical code;
- (5) fire prevention code;
- (6) Boiler Safety Code;
- (7) energy code;
- (8) elevator code; and

- (9) local historic preservation ordinances.

Purpose of meeting

- (c) The purpose of the meeting provided for under subsection (a)(6) of this section is to anticipate and expedite the resolution of problems that a complex project may have in complying with the MBRC and any other applicable laws.

§ 12-1006. Maryland Building Rehabilitation Code--Conforming changes to other codes and standards

Within 90 days after the adoption of the MBRC and any subsequent amendments to the MBRC:

- (1) the Department of Labor, Licensing, and Regulation, the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors, the State Board of Plumbing, the Commissioner of Labor and Industry, and the Board of Boiler Rules shall submit proposed amendments to their regulations to make the Mechanical Code, the State Plumbing Code, the Boiler Safety Code, and the Elevator Code consistent with the MBRC;
- (2) the Department of State Police and the State Fire Prevention Commission shall submit proposed amendments to their regulations to make the State Fire Prevention Code consistent with the MBRC; and
- (3) the Department shall submit proposed amendments to its regulations to make the Maryland Building Performance Standards, the Safety Glazing Code, the Energy Code, and the Maryland Accessibility Code consistent with the MBRC.

§ 12-1007. Maryland Building Rehabilitation Code--Amendments

By Department

- (a) At least every 3 years, the Department, in cooperation with the Maryland Building Rehabilitation Code Advisory Council, shall review the MBRC and adopt any necessary or desirable amendments.

By local jurisdictions--Applicability of amendments

- (b)(1) A local jurisdiction may adopt amendments to the MBRC that apply only to the local jurisdiction.
- (2) A municipal corporation whose authority to adopt or amend a building code is limited, by law, by the authority of the county in which it is located, is not subject to an amendment to the MBRC adopted by the county unless the muni-

cipal corporation also adopts the amendment.

By local jurisdictions--Copy of amendments

(c) To keep current the central database established under § 12-506 of this title, a local jurisdiction that amends the MBRC shall provide a copy of the amendment to the Department:

- (1) at least 15 days before the effective date of the amendment; or
- (2) within 5 days after the adoption of an emergency local amendment.

By local jurisdictions--Effect on eligibility for funding

(d) A local jurisdiction that amends the MBRC is not eligible for any funding appropriated above the appropriation in fiscal year 2000 for:

- (1) circuit rider MBRC inspectors provided under the circuit rider program in the Department;
- (2) training for the local jurisdiction's code enforcement officials, as provided for in § 12-1003(h)(4) of this subtitle;
- (3) a smart growth mortgage program, to be established by the Department under Title 4, Subtitles 2 and 8 of the Housing and Community Development Article;
- (4) the Neighborhood Conservation Program in the Department of Transportation; and
- (5) the Rural Legacy Program established under Title 5, Subtitle 9A of the Natural Resources Article.

By local jurisdictions--Effect on eligibility for priority under transportation enhancements programs

(e) A local jurisdiction that amends the MBRC is not eligible for a priority under the Department of Transportation's transportation enhancements programs.

§ 12-1101. Definitions

(a) In this subtitle the following words have the meanings indicated.

(b) “Carbon monoxide alarm” means a device that:

(1) senses carbon monoxide;

(2) when sensing carbon monoxide, is capable of emitting a distinct and audible sound;

(3) is listed and carries the listing of a nationally recognized testing laboratory approved by the Office of the State Fire Marshal; and

(4) is wired into an alternating current (AC) powerline with secondary battery backup.

(c)(1) “Dwelling” means a building or part of a building that provides living or sleeping facilities for one or more individuals.

(2) “Dwelling” includes a one or two family dwelling, multifamily dwelling, hotel, motel, or dormitory.

(d) “Install” means to attach to the wall or ceiling of a dwelling in accordance with:

(1) the National Fire Protection Association (NFPA) 720 standard for the installation of carbon monoxide warning equipment in dwelling units; and

(2) the manufacturer's recommendations.

§ 12-1102. Application of Subtitle

This subtitle only applies to a dwelling that:

(1) relies on the combustion of a fossil fuel for heat, ventilation, hot water, or clothes dryer operation; and

(2) is a newly constructed dwelling for which a building permit is issued on or after January 1, 2008.

§ 12-1103. Combined carbon monoxide and smoke alarms

A carbon monoxide alarm may be combined with a smoke alarm if the combined device complies with:

- (1) this subtitle;
- (2) Title 9 of this article; and
- (3) Underwriters Laboratories (UL) standards 217 and 2034.

§ 12-1104. Location of carbon monoxide alarms

- (a) There must be a carbon monoxide alarm installed in a central location outside of each sleeping area within a dwelling subject to this subtitle.
- (b) Notwithstanding subsection (a) of this section, if there is a centralized alarm system that is capable of emitting a distinct and audible sound to warn all occupants, the owner of a dwelling may install a carbon monoxide alarm within 25 feet of any carbon monoxide-producing fixture and equipment.

§ 12-1105. Disabling of carbon monoxide alarms prohibited

Except as part of routine maintenance, a person may not render a carbon monoxide alarm inoperable.

§ 12-1106. County, municipal laws regarding carbon monoxide alarms

This subtitle does not prevent a county or municipal corporation from enacting more stringent laws that relate to carbon monoxide alarms.

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