

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1995 Legislative Session

Bill No. _____ CB-11-1995

Chapter No. _____ 9

Proposed and Presented by _____ Council Member MacKinnon

Introduced by _____ Council Member MacKinnon

Co-Sponsors

Date of Introduction _____ May 2, 1995

BILL

AN ACT concerning

Building Contractor's Licenses

For the purpose of requiring licensed building contractors to participate in a new home warranty security plan as a condition of being licensed.

BY repealing and reenacting with amendments:

SUBTITLE 2. ADMINISTRATION.

Sections 2-253.06, and

2-253.09,

The Prince George's County Code

(1991 Edition, 1994 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 2-253.06 and 2-253.09 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 2. ADMINISTRATION.

DIVISION 14A. BUILDING CONTRACTOR'S LICENSE.

Sec. 2-253.06. Definitions.

(a) **Director.** The term "director" shall mean the director of the Department of Environmental Resources.

(b) **Fraudulent Advertising.** The term "fraudulent advertising" shall mean advertising of any oral or written means which purports to provide facilities for the use of a new home, to

include tennis courts, swimming pools, golf courses, stables and any other recreational uses which may induce an individual or individuals to purchase a new home and further that such facilities are not actually provided within one year after time of purchase or at such time as specified in the advertisement.

(c) **Person.** The term "person" shall include any person, firm, copartnership, corporation, association, or other organization or combination thereof.

(d) **Building Contractor.** The term "building contractor" shall mean any person, firm, copartnership, association, or corporation, or other organization or combination thereof that for a fixed price, commission, fee or percentage accepts or offers to accept, orders or contracts for performing or superintending the building or construction of any building or structure that is designed to be used as a residence or dwelling, or who constructs for sale any new building or structure for occupancy as a residence or dwelling.

(e) New Home Warranty. The term "new home warranty" shall mean a series of written promises made by a building contractor against defects in materials and workmanship which meets the requirements of the Real Property Article, Annotated Code of Maryland, Title 10, Subtitle 6, as amended from time to time.

Sec. 2-253.09. Application; fee; qualifications.

(a) The director shall maintain a register for the board of all applicants for licenses and all licensees, in such form as the board shall require.

(b) Any person desiring to be licensed as a building contractor in Prince George's County shall make and file with the director a written application on a form approved by the board. Each application shall be accompanied by the sum of Fifty Dollars (\$50.00) as application fee. The applicant shall furnish information which shall remain confidential for use of the board only as to his character references and financial responsibility, such responsibility may be shown by one or more of the following: Bank business reference and past record with lending institutions, financial statements, credit rating from an independent credit rating institution, bond, or other evidence of financial responsibility which the board exercises its expertise in the building field may find sufficient. The bond to be used to satisfy

the requirement of financial responsibility shall be in the amount of Two Thousand Dollars (\$2,000.00). The bond shall be conditioned that the licensee shall perform all work done by him in the County in accordance with the Building Code and laws of the County and State. The County or any person damaged by failure of the licensee to comply with such Code and laws may proceed against such bond in any court of competent jurisdiction. The bonding provision may be satisfied if the applicant has obtained a bond in at least the amount of Two Thousand Dollars (\$2,000.00) in connection with an organized program approved by the board which provides the same protection to the public set forth herein.

(c) [In addition, t]The applicant shall also furnish information as to his experience and/or training and education, or the experience and/or training and education of his associates, construction superintendent, or other principal employee or employees in the building trade as the board shall require and evidence, satisfactory to the board, of participating in a new home warranty security plan which meets the requirements of the Real Property Article, Annotated Code of Maryland, Title 10, Subtitle 6, as amended from time to time.

(d) Before the issuance of a license, the director shall ascertain from official sources the applicant's record of compliance with the laws of the State of Maryland and Prince George's County. The board may request further information from the director or other sources, make independent investigations and conduct examination of the applicant, at its discretion. On the basis of the foregoing, it shall be the board's duty, within a period of thirty (30) days from the date of the board meeting next following the date the application is received, unless the time is extended for good cause, to certify to the director whether the applicant and his organization are qualified to comply with the building code and laws of the County and State, to perform fully his building contracts, and should be licensed, and to notify the applicant. Before denying the issuance of a license, the board shall afford the applicant an opportunity for a hearing to show cause why his application should not be denied. The board shall give such applicant at least ten (10) days notice in writing of such hearing by personal service or by certified mail to the last address on file with this board and such notice shall state the intended

grounds of denial. In no case shall denial of certification be unreasonable and a denial shall be in writing stating the reason, and shall be personally served or mailed by certified mail to the address on the application. Any denial may be appealed to the Circuit Court for Prince George's County by filing a notice of appeal with the Clerk of the Court within the time period specified in the Court rules for appeals from administrative agency.

SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 23rd day of May, 1995.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:

Anne T. MacKinnon
Chairwoman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____

BY:

Wayne K. Curry
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.