

CHAPTER 197
FORMERLY
HOUSE BILL NO. 124

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF PLUMBING, HEATING, VENTILATION, AIR CONDITIONING AND REFRIGERATION EXAMINERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 1808(a)(5), Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1808. Qualifications of applicant.

(a) An applicant for licensure as a master plumber shall submit evidence, satisfactory to the Board, and verified by oath or affirmation, that the applicant:

(5) Does not have any disciplinary proceedings or unresolved complaints pending against the applicant in any jurisdiction where the applicant has previously been or is currently authorized to provide plumbing services; or have a criminal conviction record ~~or any pending criminal charges~~ relating to an incident, the circumstances of which substantially relate to providing plumbing services. An applicant who has such a criminal conviction record ~~or any such pending criminal charges~~ must request appropriate authorities ~~to~~ provide information about the record ~~or charges~~ directly to the Board in sufficient specificity to enable the Board to make a determination of whether the record ~~or charge~~ is substantially related to providing plumbing services. In determining whether a crime is substantially related to the professions regulated by this chapter, the Board may not consider a conviction where more than 10 years have elapsed since the date of the conviction, if there have been no other criminal convictions in the intervening time. However, afterAfter a hearing or review of documentation that the applicant meets the specified criteria for a waiver, the Board, by an affirmative vote of a majority of the quorum, or during the time between meetings, the Board President or the President's designee, may waive this paragraph (a)(5) herein if it finds all of the following:

a. For waiver of a felony conviction, where the crime was committed against a person, more than ~~5~~3 years have passed since the date of the conviction and for all other felonies, more than 2 years have elapsed since the date of conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, ~~on or on~~ parole at Level III Supervision or higher, or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.

b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.

c. The applicant is capable of practicing plumbing services in a competent and professional manner.

d. The granting of the waiver will not endanger the public health, safety or welfare.

(6) Has not been convicted of a felony sexual offense.

Section 2. Amend § 1821(a)(7), Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1821. Qualifications of applicant — Heating, ventilation, air conditioning, and refrigeration.

(a) An applicant for licensure as a master HVACR licensee, or master HVACR restricted licensee, must submit evidence, satisfactory to the Board and verified by oath or affirmation, that the applicant:

(7) Does not have a criminal conviction record ~~or any pending criminal charges~~ relating to an incident, the circumstances of which substantially relate to providing HVACR or HVACR restricted services. An applicant who has such a criminal conviction record ~~or any such pending criminal charges~~ must request appropriate authorities ~~to~~ provide information about the record ~~or charges~~ directly to the Board in sufficient specificity to enable the Board to make a determination of whether the record ~~or charge~~ is substantially related to providing HVACR or HVACR services. In determining whether a crime is substantially related to the professions regulated by this chapter, the Board may not consider a conviction where more than 10 years have elapsed since the date of the conviction, if there have been no other criminal convictions in the intervening time. However, after After a hearing or review of documentation that the applicant meets the specified criteria for a waiver, the Board, by an affirmative vote of a majority of the quorum, or during the time between meetings, the Board President or the President's designee, may waive this paragraph (a)(7) herein if it finds all of the following:

a. For waiver of a felony conviction, where the crime was committed against a person, more than ~~5~~3 years have passed since the date of the conviction and for all other felonies, more than 2 years have elapsed since the date of conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, ~~or on parole~~ at Level III Supervision or higher, or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.

b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.

c. The applicant is capable of practicing plumbing services in a competent and professional manner.

d. The granting of the waiver will not endanger the public health, safety or welfare.

(8) Has not been convicted of a felony sexual offense.

Approved August 12, 2019