C2 7lr3182

By: Delegate W. Miller

AN ACT concerning

Introduced and read first time: February 8, 2017

Assigned to: Economic Matters

A BILL ENTITLED

Professional Land Surveyors – Revisions and Repeal of Firm Permits

2 Business Occupations and Professions – Professional Engineers and

FOR the purpose of requiring certain professional engineers, professional land surveyors, and licensed property line surveyors to be a certain employee, owner, director, officer,

member, or partner of a certain entity; repealing certain provisions of law relating

to certain permits for certain entities to operate certain businesses through which engineering or land surveying is practiced; and generally relating to the practice of

professional engineering and professional land surveying.

10 BY repealing

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- 11 Article Business Occupations and Professions
- 12 Section 14–402 through 14–415, 14–501.1, 14–502.1, 15–402, 15–402.1, 15–403
- 13 through 15–414, 15–602, and 15–604
- 14 Annotated Code of Maryland
- 15 (2010 Replacement Volume and 2016 Supplement)
- 16 BY repealing and reenacting, with amendments,
- 17 Article Business Occupations and Professions
- 18 Section 14–101, 14–401(b), 15–101, and 15–401(b)
- 19 Annotated Code of Maryland
- 20 (2010 Replacement Volume and 2016 Supplement)
- 21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 22 That Section(s) 14–402 through 14–415, 14–501.1, 14–502.1, 15–402, 15–402.1, 15–403
- 23 through 15–414, 15–602, and 15–604 of Article Business Occupations and Professions of
- 24 the Annotated Code of Maryland be repealed.
- 25 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
- 26 as follows:

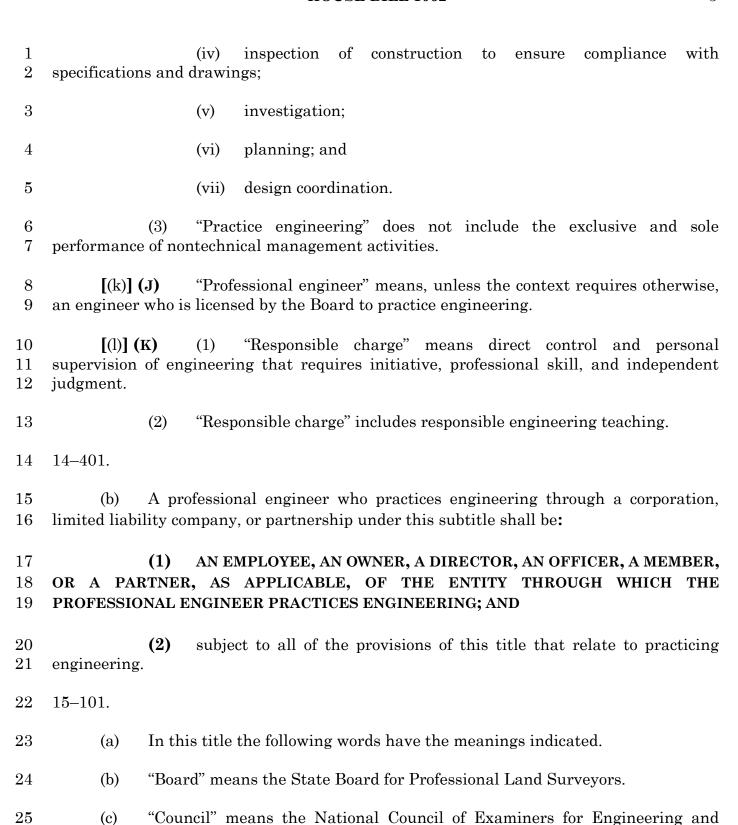


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1	Article – Business Occupations and Professions
2	14–101.
3	(a) In this title the following words have the meanings indicated.
4 5	(b) "Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, a permit holder.
6	(c) "Board" means the State Board for Professional Engineers.
7 8	(d) "Council" means the National Council of Examiners for Engineering and Surveying.
9 10	(e) "Design coordination" means the review and coordination of services provided by individuals licensed or certified under Titles 3, 8, 9, 14, and 15 of this article.
11 12	(f) "License" means, unless the context requires otherwise, a license issued by the Board to practice engineering.
13 14	(g) "License fee" means, as applicable, the fee paid in connection with the issuance and renewal of a license and the issuance of a reciprocal license.
15 16	(h) "Managing agent" means a professional engineer designated as the managing agent by a permit holder under § 14–403 of this title.
17 18 19	[(i) "Permit" means, unless the context requires otherwise, a permit issued by the Board to allow a corporation, partnership, or limited liability company to operate a business through which one or more professional engineers may practice engineering.]
20 21 22	[(j)] (I) (1) "Practice engineering" means to provide any service or creative work the performance of which requires education, training, and experience in the application of:
23 24	(i) special knowledge of the mathematical, physical, and engineering sciences; and
25	(ii) the principles and methods of engineering analysis and design.
26 27	(2) In regard to a building or other structure, machine, equipment, process works, system, project, or public or private utility, "practice engineering" includes:
28	(i) consultation;
29	(ii) design;

evaluation;

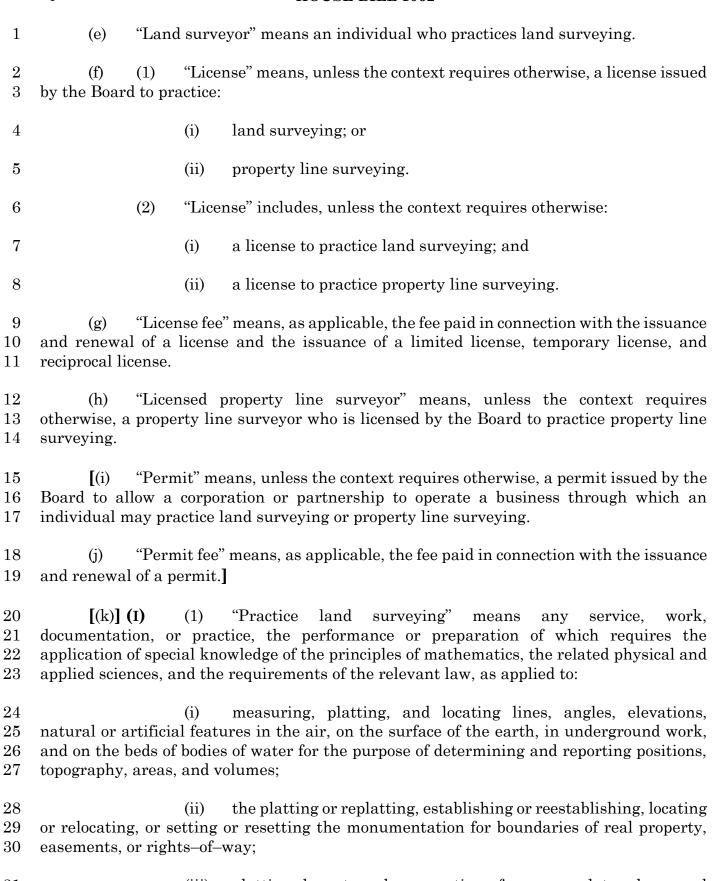
(iii)



27 (d) "Design coordination" means the review and coordination of services provided 28 by individuals licensed or certified under Titles 3, 8, 9, 14, and 15 of this article.

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Surveying.



31 (iii) platting, layout, and preparation of surveys, plats, plans, and 32 drawings, including:

1	1. site plans;
2	2. subdivision plans;
3	3. subdivision plats;
4	4. condominium plats;
5	5. right–of–way and easement plats; and
6	6. other recordable plats;
7 8 9	(iv) conducting horizontal and vertical control surveys, layout or stake—out of proposed construction, and the preparation and platting of as—constructed surveys;
10 11 12 13	(v) utilizing measurement devices or systems, such as aerial photogrammetry, global positioning systems, land information systems, geographic information systems, or similar technology for evaluation or location of boundaries of real property, easements, or rights—of—way; and
14 15 16 17	(vi) in conjunction with the site development or subdivision of land, the preparation and design of plans for the following projects, provided that such preparation and design are in accordance with design manuals, details, and standards accepted by the State or local authority:
18	1. road and street grades;
19	2. sediment and erosion control measures;
20 21	3. nonpressurized closed storm drainage and stormwater management systems; and
22 23	4. open conduit storm drainage and stormwater management systems.
24 25	(2) "Practice land surveying" does not include the design, preparation, or specifications for:
26 27	(i) community water or wastewater treatment collection or distribution systems;
28	(ii) community pumping or lift stations; or
29 30	(iii) geotechnical or structural design components of sediment control or stormwater management ponds or basins.

- 1 **[(l)] (J)** (1) "Practice property line surveying" means to practice land 2 surveying, except for the services excluded under paragraph (2) of this subsection.
- 3 (2) "Practice property line surveying" does not include the performance of 4 the services described in subsection [(k)(1)(vi)] (I)(VI) of this section.
- 5 **[(m)] (K)** "Professional land surveyor" means, unless the context requires 6 otherwise, a land surveyor who is licensed by the Board to practice land surveying.
- 7 **[(n)] (L)** "Property line surveyor" means an individual who practices property 8 line surveying.
- 9 **[(o)] (M)** "Responsible charge" means direct control and personal direction of the investigation, design, construction, or operation of land surveying work that requires initiative, professional skill, and independent judgment.
- 12 15-401.
- 13 (b) (1) A professional land surveyor who practices land surveying through a corporation, partnership, or limited liability company under this section shall be:
- 15 (I) AN EMPLOYEE, AN OWNER, A DIRECTOR, AN OFFICER, A
 16 MEMBER, OR A PARTNER, AS APPLICABLE, OF THE ENTITY THROUGH WHICH THE
 17 PROFESSIONAL LAND SURVEYOR PRACTICES LAND SURVEYING; AND
- 18 **(II)** subject to all of the provisions of this title that relate to practicing 19 land surveying.
- 20 (2) A licensed property line surveyor who practices property line surveying through a corporation, partnership, or limited liability company under this section shall be:
- 22 (I) AN EMPLOYEE, AN OWNER, A DIRECTOR, AN OFFICER, A 23 MEMBER, OR A PARTNER, AS APPLICABLE, OF THE ENTITY THROUGH WHICH THE LICENSED PROPERTY LINE SURVEYOR PRACTICES PROPERTY LINE SURVEYING; AND
- 25 (II) subject to all of the provisions of this title that relate to practicing 26 property line surveying.
- SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.