

# HOUSE BILL 1062

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By: **Delegate W. Miller**

Introduced and read first time: February 8, 2017

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Business Occupations and Professions – Professional Engineers and**  
3 **Professional Land Surveyors – Revisions and Repeal of Firm Permits**

4 FOR the purpose of requiring certain professional engineers, professional land surveyors,  
5 and licensed property line surveyors to be a certain employee, owner, director, officer,  
6 member, or partner of a certain entity; repealing certain provisions of law relating  
7 to certain permits for certain entities to operate certain businesses through which  
8 engineering or land surveying is practiced; and generally relating to the practice of  
9 professional engineering and professional land surveying.

10 BY repealing

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24 the Annotated Code of Maryland be repealed.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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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**Article – Business Occupations and Professions**

14–101.

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

(b) “Affiliate” means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, a permit holder.

(c) “Board” means the State Board for Professional Engineers.

(d) “Council” means the National Council of Examiners for Engineering and Surveying.

(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.

(f) “License” means, unless the context requires otherwise, a license issued by the Board to practice engineering.

(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.

(h) “Managing agent” means a professional engineer designated as the managing agent by a permit holder under § 14–403 of this title.

[(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.]

**[(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:

(i) special knowledge of the mathematical, physical, and engineering sciences; and

(ii) the principles and methods of engineering analysis and design.

(2) In regard to a building or other structure, machine, equipment, process, works, system, project, or public or private utility, “practice engineering” includes:

(i) consultation;

(ii) design;

(iii) evaluation;

1 (iv) inspection of construction to ensure compliance with  
2 specifications and drawings;

3 (v) investigation;

4 (vi) planning; and

5 (vii) design coordination.

6 (3) "Practice engineering" does not include the exclusive and sole  
7 performance of nontechnical management activities.

8 [(k)] (J) "Professional engineer" means, unless the context requires otherwise,  
9 an engineer who is licensed by the Board to practice engineering.

10 [(l)] (K) (1) "Responsible charge" means direct control and personal  
11 supervision of engineering that requires initiative, professional skill, and independent  
12 judgment.

13 (2) "Responsible charge" includes responsible engineering teaching.

14 14-401.

15 (b) A professional engineer who practices engineering through a corporation,  
16 limited liability company, or partnership under this subtitle shall be:

17 (1) AN EMPLOYEE, AN OWNER, A DIRECTOR, AN OFFICER, A MEMBER,  
18 OR A PARTNER, AS APPLICABLE, OF THE ENTITY THROUGH WHICH THE  
19 PROFESSIONAL ENGINEER PRACTICES ENGINEERING; AND

20 (2) subject to all of the provisions of this title that relate to practicing  
21 engineering.

22 15-101.

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

24 (b) "Board" means the State Board for Professional Land Surveyors.

25 (c) "Council" means the National Council of Examiners for Engineering and  
26 Surveying.

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.

1 (e) “Land surveyor” means an individual who practices land surveying.

2 (f) (1) “License” means, unless the context requires otherwise, a license issued  
3 by the Board to practice:

4 (i) land surveying; or

5 (ii) property line surveying.

6 (2) “License” includes, unless the context requires otherwise:

7 (i) a license to practice land surveying; and

8 (ii) a license to practice property line surveying.

9 (g) “License fee” means, as applicable, the fee paid in connection with the issuance  
10 and renewal of a license and the issuance of a limited license, temporary license, and  
11 reciprocal license.

12 (h) “Licensed property line surveyor” means, unless the context requires  
13 otherwise, a property line surveyor who is licensed by the Board to practice property line  
14 surveying.

15 [(i) “Permit” means, unless the context requires otherwise, a permit issued by the  
16 Board to allow a corporation or partnership to operate a business through which an  
17 individual may practice land surveying or property line surveying.

18 (j) “Permit fee” means, as applicable, the fee paid in connection with the issuance  
19 and renewal of a permit.]

20 [(k) (I) (1) “Practice land surveying” means any service, work,  
21 documentation, or practice, the performance or preparation of which requires the  
22 application of special knowledge of the principles of mathematics, the related physical and  
23 applied sciences, and the requirements of the relevant law, as applied to:

24 (i) measuring, platting, and locating lines, angles, elevations,  
25 natural or artificial features in the air, on the surface of the earth, in underground work,  
26 and on the beds of bodies of water for the purpose of determining and reporting positions,  
27 topography, areas, and volumes;

28 (ii) the platting or replatting, establishing or reestablishing, locating  
29 or relocating, or setting or resetting the monumentation for boundaries of real property,  
30 easements, or rights-of-way;

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 (iv) conducting horizontal and vertical control surveys, layout or  
8 stake-out of proposed construction, and the preparation and platting of as-constructed  
9 surveys;

10 (v) utilizing measurement devices or systems, such as aerial  
11 photogrammetry, global positioning systems, land information systems, geographic  
12 information systems, or similar technology for evaluation or location of boundaries of real  
13 property, easements, or rights-of-way; and

14 (vi) in conjunction with the site development or subdivision of land,  
15 the preparation and design of plans for the following projects, provided that such  
16 preparation and design are in accordance with design manuals, details, and standards  
17 accepted by the State or local authority:

- 18 1. road and street grades;
- 19 2. sediment and erosion control measures;
- 20 3. nonpressurized closed storm drainage and stormwater  
21 management systems; and
- 22 4. open conduit storm drainage and stormwater  
23 management systems.

24 (2) "Practice land surveying" does not include the design, preparation, or  
25 specifications for:

26 (i) community water or wastewater treatment collection or  
27 distribution systems;

28 (ii) community pumping or lift stations; or

29 (iii) geotechnical or structural design components of sediment control  
30 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)(1)(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  
10 investigation, design, construction, or operation of land surveying work that requires  
11 initiative, professional skill, and independent judgment.

12 15–401.

13           (b)   (1)   A professional land surveyor who practices land surveying through a  
14 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  
21 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**  
24 **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.

27           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2017.