

HOUSE BILL 80

C2

01r0078

(PRE-FILED)

By: **Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)**

Requested: October 8, 2009

Introduced and read first time: January 13, 2010

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 3, 2010

CHAPTER _____

1 AN ACT concerning

2 **State Board for Professional Engineers**

3 FOR the purpose of requiring the State Board for Professional Engineers to adopt
4 regulations to require a demonstration of professional competency as a
5 condition of renewal of a license to practice engineering under certain
6 circumstances; providing for implementation of the continuing competency
7 program on a phased-in basis; authorizing the Board to issue certain retired
8 status licenses; prohibiting a holder of a retired status license from practicing
9 engineering; authorizing the holder of a retired status license to use a certain
10 designation; authorizing the Board to reactivate a retired status license under
11 certain circumstances; and generally relating to the practice of professional
12 engineering.

13 BY repealing and reenacting, with amendments,
14 Article – Business Occupations and Professions
15 Section 14-314
16 Annotated Code of Maryland
17 (2004 Replacement Volume and 2009 Supplement)

18 BY adding to
19 Article – Business Occupations and Professions
20 Section 14-316
21 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2004 Replacement Volume and 2009 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article – Business Occupations and Professions**

5 14–314.

6 (a) Unless a license is renewed for a 2–year term as provided in this section,
7 the license expires on the first June 30 that comes:

8 (1) after the effective date of the license; and

9 (2) in an even–numbered year.

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

12 (i) a renewal application form; and

13 (ii) a notice that states:

14 1. the date on which the current license expires;

15 2. the date by which the Board must receive the renewal
16 application for the renewal to be issued and mailed before the license expires; and

17 3. the amount of the license fee.

18 (2) The failure of a licensee to receive the notice for which this
19 subsection provides does not prevent the license from expiring as specified under
20 subsection (a) of this section.

21 (c) Before a license expires, the licensee periodically may renew it for an
22 additional 2–year term, if the licensee:

23 (1) otherwise is entitled to be licensed;

24 (2) pays to the Board a license fee set by the Board; and

25 (3) submits to the Board a renewal application on the form that the
26 Board provides.

27 (d) (1) The Board shall renew the license of and issue a renewal certificate
28 to each licensee who meets the requirements of this section.

1 (2) The Board shall include on each renewal certificate that the Board
2 issues:

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

4 (ii) the signatures of the chairman and secretary of the Board,
5 under seal of the Board.

6 (e) The Secretary may determine that licenses issued under this subtitle
7 shall expire on a staggered basis.

8 **(F) THE BOARD SHALL ADOPT REGULATIONS TO REQUIRE A
9 DEMONSTRATION OF CONTINUING PROFESSIONAL COMPETENCY FOR A
10 LICENSEE AS A CONDITION OF RENEWAL OF A LICENSE UNDER THIS SECTION IN
11 ACCORDANCE WITH THE FOLLOWING:**

12 **(1) CONTINUING PROFESSIONAL COMPETENCY REQUIREMENTS
13 DO NOT APPLY TO THE FIRST RENEWAL OF A LICENSE;**

14 **(2) IF A LICENSE EXPIRES ON OR BEFORE SEPTEMBER 30, ~~2011~~
15 2012, A LICENSEE IS NOT REQUIRED TO FULFILL THE CONTINUING
16 PROFESSIONAL COMPETENCY REQUIREMENTS;**

17 **(3) IF A LICENSE EXPIRES BETWEEN OCTOBER 1, ~~2011~~ 2012, AND
18 SEPTEMBER 30, ~~2012~~ 2013, A LICENSEE IS REQUIRED TO FULFILL 50% OF THE
19 CONTINUING PROFESSIONAL COMPETENCY REQUIREMENT AS PROVIDED IN THE
20 REGULATIONS ADOPTED BY THE BOARD UNDER THIS SUBSECTION; AND**

21 **(4) IF A LICENSE EXPIRES ON OR AFTER OCTOBER 1, ~~2012~~ 2013, A
22 LICENSEE IS REQUIRED TO FULFILL THE FULL CONTINUING PROFESSIONAL
23 COMPETENCY REQUIREMENT AS PROVIDED IN THE REGULATIONS ADOPTED BY
24 THE BOARD UNDER THIS SUBSECTION.**

25 **14-316.**

26 **(A) THE BOARD MAY ISSUE A RETIRED STATUS LICENSE TO AN
27 INDIVIDUAL WHO:**

28 **(1) IS CURRENTLY LICENSED IN MARYLAND AS A PROFESSIONAL
29 ENGINEER;**

30 **(2) HAS BEEN LICENSED AS A PROFESSIONAL ENGINEER FOR AT
31 LEAST 25 YEARS, OF WHICH AT LEAST 5 YEARS WERE IN MARYLAND;**

1 **(3) IS NOT THE SUBJECT OF A PENDING DISCIPLINARY ACTION**
2 **RELATED TO THE PRACTICE OF ENGINEERING IN THIS OR ANY OTHER STATE;**

3 **(4) SUBMITS TO THE BOARD AN APPLICATION ON THE FORM**
4 **APPROVED BY THE BOARD; AND**

5 **(5) PAYS TO THE BOARD A FEE AS SET BY THE BOARD.**

6 **(B) (1) THE HOLDER OF A RETIRED STATUS LICENSE ISSUED UNDER**
7 **THIS SECTION MAY NOT ENGAGE IN THE PRACTICE OF PROFESSIONAL**
8 **ENGINEERING.**

9 **(2) THE HOLDER OF A RETIRED STATUS LICENSE SHALL BE**
10 **PERMITTED TO USE THE DESIGNATION OF “PROFESSIONAL ENGINEER,**
11 **RETIRED”.**

12 **(C) THE BOARD MAY REACTIVATE THE LICENSE OF THE HOLDER OF A**
13 **RETIRED STATUS LICENSE IF THAT INDIVIDUAL:**

14 **(1) SUBMITS TO THE BOARD AN APPLICATION FOR REACTIVATION**
15 **ON THE FORM APPROVED BY THE BOARD;**

16 **(2) MEETS ALL APPLICABLE CONTINUING COMPETENCY**
17 **REQUIREMENTS DETERMINED BY THE BOARD;**

18 **(3) IS NOT THE SUBJECT OF A PENDING DISCIPLINARY ACTION**
19 **RELATED TO THE PRACTICE OF ENGINEERING IN THIS OR ANY OTHER STATE;**
20 **AND**

21 **(4) PAYS TO THE BOARD A REACTIVATION FEE AS SET BY THE**
22 **BOARD.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.