

Chapter 124

(House Bill 80)

AN ACT concerning

State Board for Professional Engineers

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

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

BY adding to
Article – Business Occupations and Professions
Section 14–316
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

Article – Business Occupations and Professions

14–314.

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

- (1) after the effective date of the license; and
- (2) in an even-numbered year.

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

- (i) a renewal application form; and
- (ii) a notice that states:
 - 1. the date on which the current license expires;
 - 2. the date by which the Board must receive the renewal application for the renewal to be issued and mailed before the license expires; and
 - 3. the amount of the license fee.

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

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

- (1) otherwise is entitled to be licensed;
- (2) pays to the Board a license fee set by the Board; and
- (3) submits to the Board a renewal application on the form that the Board provides.

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

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

- (i) the date on which the current license expires; and
- (ii) the signatures of the chairman and secretary of the Board, under seal of the Board.

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

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

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

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

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

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

14-316.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, April 13, 2010.