
By: Chairman, Economic Matters Committee (Departmental - Labor, Licensing and Regulation)

Introduced and read first time: February 9, 1996

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Professional Land Surveyors, Professional Engineers, and Architects - Responsible**
3 **Charge**

4 FOR the purpose of altering the definition of "responsible charge" in a manner that
5 requires professional land surveyors, property line surveyors, architects, and
6 professional engineers to have direct knowledge and control, regular supervision,
7 substantive review, and authority over certain activities; clarifying provisions related
8 to "responsible charge" with regard to employees and other subordinates; clarifying
9 provisions related to the definition of "responsible member"; and generally relating
10 to responsibilities of professional land surveyors, property line surveyors, architects,
11 and professional engineers.

12 BY repealing and reenacting, with amendments,
13 Article - Business Occupations and Professions
14 Section 3-101, 3-401, 14-101, 15-101, and 15-303
15 Annotated Code of Maryland
16 (1995 Replacement Volume and 1995 Supplement)

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

19 **Article - Business Occupations and Professions**

20 3-101.

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

22 (b) "Architect" means an individual who practices architecture.

23 (c) "Board" means, unless the context requires otherwise, the State Board of
24 Architects.

25 (d) "License" means, unless the context requires otherwise, a license issued by the
26 Board to practice architecture.

27 (e) "Licensed architect" means, unless the context requires otherwise, an
28 architect who is licensed by the Board to practice architecture.

2

1 (f) "Permit" means, unless the context requires otherwise, a permit issued by the
2 Board to allow a partnership or corporation to operate a business through which an
3 individual may practice architecture.

4 (g) (1) "Practice architecture" means to provide any service or creative work:

5 (i) in regard to an addition to, alteration of, or construction of a
6 building or an integral part of a building; and

7 (ii) that requires education, training, and experience in architecture.

8 (2) "Practice architecture" includes:

9 (i) architectural design and preparation of related documents;

10 (ii) consultation;

11 (iii) coordination of services that civil, electrical, mechanical, or
12 structural engineers or any other consultants provide;

13 (iv) evaluation;

14 (v) investigation; and

15 (vi) planning.

16 (H) "RESPONSIBLE CHARGE" MEANS, WITH REGARD TO THE PRACTICING OF
17 ARCHITECTURE AS DEFINED IN SUBSECTION (G) OF THIS SECTION, SATISFYING THE
18 FOLLOWING REQUIREMENTS:

19 (1) DIRECT KNOWLEDGE AND CONTROL;

20 (2) REGULAR SUPERVISION;

21 (3) SUBSTANTIVE REVIEW; AND

22 (4) AUTHORITY TO MAKE REVISIONS.

23 3-401.

24 In this subtitle, "responsible member" means a director of a corporation, a member
25 of a limited liability company, or A partner OF A PARTNERSHIP who is appointed under
26 § 3-404(c) of this subtitle to be in responsible charge of architecture practiced through
27 the corporation, limited liability company, or partnership.

28 14-101.

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

30 (b) "Board" means the State Board for Professional Engineers.

31 (c) "Engineer" means an individual who practices engineering.

32 (d) (1) "License" means, unless the context requires otherwise, a license issued
33 by the Board to practice engineering.

3

1 (2) "License" includes, unless the context requires otherwise, a limited
2 license.

3 (e) "Limited license" means a license issued by the Board to practice engineering
4 as limited by § 14-316 of this title.

5 (f) (1) "Practice engineering" means to provide any service or creative work the
6 performance of which requires education, training, and experience in the application of:

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

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

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

12 (i) consultation;

13 (ii) design;

14 (iii) evaluation;

15 (iv) inspection of construction to ensure compliance with specifications
16 and drawings;

17 (v) investigation; and

18 (vi) planning.

19 (3) "Practice engineering" does not include:

20 (i) operating or maintaining machinery or other equipment;

21 (ii) practicing geodetic surveying;

22 (iii) practicing cartography;

23 (iv) practicing geological engineering;

24 (v) appraising real property; or

25 (vi) executing as a contractor or supervising as an employee of the
26 contractor the work designed by a professional engineer.

27 (g) "Professional engineer" means, unless the context requires otherwise, an
28 engineer who is licensed by the Board to practice engineering.

29 (h) [(1)] "Responsible charge" means [direct control and personal supervision of
30 engineering that requires initiative, professional skill, and independent judgment.

31 (2) "Responsible charge" includes responsible engineering teaching], WITH
32 REGARD TO PRACTICING ENGINEERING, AS DEFINED IN SUBSECTION (F) OF THIS
33 SECTION, SATISFYING THE FOLLOWING REQUIREMENTS:

34 (1) DIRECT KNOWLEDGE AND CONTROL;

4

- 1 (2) REGULAR SUPERVISION;
- 2 (3) SUBSTANTIVE REVIEW; AND
- 3 (4) AUTHORITY TO MAKE REVISIONS.

4 15-101.

- 5 (a) In this title the following words have the meanings indicated.
- 6 (b) "Board" means the State Board for Professional Land Surveyors.
- 7 (c) "Land surveyor" means an individual who practices land surveying.
- 8 (d) (1) "License" means, unless the context requires otherwise, a license issued
- 9 by the Board to practice:

- 10 (i) land surveying; or
- 11 (ii) property line surveying.
- 12 (2) "License" includes, unless the context requires otherwise:

- 13 (i) a license to practice land surveying;
- 14 (ii) a license to practice property line surveying;
- 15 (iii) a limited license issued under § 15-316 of this title; and
- 16 (iv) a temporary license issued under § 15-317 of this title.

17 (e) "Licensed property line surveyor" means, unless the context requires
18 otherwise, a property line surveyor who is licensed by the Board to practice property line
19 surveying.

20 (f) "Permit" means, unless the context requires otherwise, a permit issued by the
21 Board to allow a corporation or partnership to operate a business through which an
22 individual may practice land surveying or property line surveying.

23 (g) (1) "Practice land surveying" means to provide any service the performance
24 of which requires education and experience in the application, to land surveying, of:

- 25 (i) special knowledge of the mathematical, physical, engineering, and
- 26 surveying sciences; and
- 27 (ii) the principles and methods of surveying.

28 (2) "Practice land surveying" includes:

- 29 (i) surveying an area to:
 - 30 1. determine and describe the area correctly for conveyancing;
 - 31 or
 - 32 2. establish or reestablish a land boundary; and
- 33 (ii) plotting of land and subdivision of land, including:

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- 1 1. determining topography and contours;
- 2 2. preparing a recordable plat; and
- 3 3. preparing a plan for:
 - 4 A. a storm drainage system that meets any standards set by the
 - 5 State or a local authority but does not require a hydraulic or structural design of system
 - 6 components;
 - 7 B. drainage for a street or road; and
 - 8 C. a grade design of a street or road.

9 (3) "Practice land surveying" does not include:

- 10 (i) practicing geodetic surveying;
- 11 (ii) practicing cartography; or
- 12 (iii) executing as a contractor or supervising as an employee of the
- 13 contractor the work designed by a professional land surveyor.

14 (h) (1) "Practice property line surveying" means to practice land surveying,

15 except for the services excluded under paragraph (2) of this subsection.

16 (2) "Practice property line surveying" does not include preparing a plan for:

- 17 (i) a storm drainage system;
- 18 (ii) drainage for a street or road; or
- 19 (iii) a grade design of a street or road.

20 (i) "Professional land surveyor" means, unless the context requires otherwise, a

21 land surveyor who is licensed by the Board to practice land surveying.

22 (j) "Property line surveyor" means an individual who practices property line

23 surveying.

24 (k) "Responsible charge" means [direct control and personal direction of the

25 investigation, design, construction, or operation of land surveying work that requires

26 initiative, professional skill, and independent judgment], WITH REGARD TO

27 PRACTICING LAND SURVEYING OR PRACTICING PROPERTY LINE SURVEYING, AS

28 THESE TERMS ARE DEFINED IN SUBSECTIONS (G) AND (H) OF THIS SECTION,

29 SATISFYING THE FOLLOWING REQUIREMENTS:

- 30 (1) DIRECT KNOWLEDGE AND CONTROL;
- 31 (2) REGULAR SUPERVISION;
- 32 (3) SUBSTANTIVE REVIEW; AND
- 33 (4) AUTHORITY TO MAKE REVISIONS.

6

1 15-303.

2 (a) (1) Subject to this section, the following individuals may practice land
3 surveying without a license:

4 (i) an employee or other subordinate of a professional land surveyor;
5 and

6 (ii) an employee of an individual who is not licensed but is otherwise
7 authorized under this title to practice land surveying without supervision.

8 (2) Subject to this section, the following individuals may practice property
9 line surveying without a license:

10 (i) an employee or other subordinate of a licensed property line
11 surveyor; and

12 (ii) an employee of an individual who is not licensed but is otherwise
13 authorized under this title to practice property line surveying without supervision.

14 (b) The authority to practice land surveying or property line surveying under this
15 section applies only if the licensee or other authorized individual [has, with respect to the
16 investigation, design, construction, and operation of the surveying work of the employee
17 or other subordinate, direct control and personal direction that requires initiative,
18 professional skill, and independent judgment] IS IN RESPONSIBLE CHARGE WITH
19 REGARD TO THE PRACTICE OF LAND SURVEYING OR THE PRACTICE OF PROPERTY
20 LINE SURVEYING ENGAGED IN BY THE EMPLOYEE OR OTHER SUBORDINATE.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 1996.