

SENATE BILL 614

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HB 64/02 - ECM

2003 Regular Session  
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By: **Senator Stone**

Introduced and read first time: February 6, 2003

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 12, 2003

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 7, 2003

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CHAPTER 396

1 AN ACT concerning

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**Architects - Continuing Education**

3 FOR the purpose of requiring a licensee to complete certain continuing education

4 requirements for renewal of an architect's license; requiring an architect to

5 complete certain continuing education requirements for reinstatement of an

6 architect's license; providing for certain exceptions to meeting certain continuing

7 education requirements for renewal of an architect's license; establishing certain

8 criteria for approval by the State Board of Architects of a continuing education

9 course or activity; establishing certain criteria for accounting credit of a

10 continuing education course or activity; defining a certain term; and generally

11 relating to architects.

12 BY repealing and reenacting, with amendments,

13 Article - Business Occupations and Professions

14 Section 3-101, 3-309, and 3-310

15 Annotated Code of Maryland

16 (2000 Replacement Volume and 2002 Supplement)

17 BY adding to

18 Article - Business Occupations and Professions

19 Section 3-309.1

20 Annotated Code of Maryland

21 (2000 Replacement Volume and 2002 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

23 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Business Occupations and Professions**

2 3-101.

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

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

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

7 (d) "Code official" means a public official responsible for the review of building  
8 permit documents or the issuance of building permits.

9 (E) "CONTACT HOUR" MEANS A MINIMUM OF 50 MINUTES OF ACTUAL CLASS  
10 TIME FOR EACH 60-MINUTE HOUR.

11 [(e)] (F) "Design coordination" means the review and coordination of services  
12 provided by individuals licensed or certified under Titles 3, 8, 9, 14, and 15 of this  
13 article.

14 [(f)] (G) "License" means, unless the context requires otherwise, a license  
15 issued by the Board to practice architecture.

16 [(g)] (H) "Licensed architect" means, unless the context requires otherwise, an  
17 architect who is licensed by the Board to practice architecture.

18 [(h)] (I) "Permit" means, unless the context requires otherwise, a permit  
19 issued by the Board to allow a partnership or corporation to operate a business  
20 through which an individual may practice architecture.

21 [(i)] (J) (1) "Practice architecture" means to provide any service or creative  
22 work:

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

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

27 (2) "Practice architecture" includes:

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

29 (ii) consultation;

30 (iii) design coordination;

31 (iv) evaluation;

32 (v) investigation; and

1 (vi) planning.

2 [(j)] (K) "Public use" means the use of a building or other structure for the  
3 primary purpose of human use or habitation.

4 [(k)] (L) "Residential use" means the use of a building or other structure as a  
5 dwelling.

6 3-309.

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

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

10 (2) in an even-numbered year.

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

13 (1) a renewal application form; and

14 (2) a notice that states:

15 (i) the date on which the current license expires;

16 (ii) the date by which the Board must receive the renewal  
17 application for the renewal to be issued and mailed before the license expires; and

18 (iii) the amount of the renewal fee.

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

21 (1) otherwise is entitled to be licensed;

22 (2) pays to the Board a renewal fee not exceeding \$70, as set by the  
23 Board; [and]

24 (3) submits to the Board a renewal application on the form that the  
25 Board provides; AND

26 (4) SUBMITS TO THE BOARD THE ORIGINAL CERTIFICATE OF  
27 COMPLETION VERIFYING THE LICENSEE HAS COMPLIED WITH THE CONTINUING  
28 EDUCATION REQUIREMENT UNDER § 3-309.1 OF THIS SUBTITLE.

29 (d) The Board shall renew the license of each licensee who meets the  
30 requirements of this section.

31 (e) An architect has a grace period of 30 days after the architect's license  
32 expires in which to renew it retroactively, if the architect:

1 (1) otherwise is entitled to have the license renewed; [and]

2 (2) pays the renewal fee to the Board; AND

3 (3) MEETS THE CONTINUING EDUCATION REQUIREMENT FOR RENEWAL  
4 OF A LICENSE UNDER § 3-309.1 OF THIS SUBTITLE.

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

7 3-309.1.

8 (A) (1) TO QUALIFY FOR RENEWAL OF A LICENSE UNDER THIS SUBTITLE, A  
9 LICENSEE SHALL COMPLETE 12 CONTINUING EDUCATION CONTACT HOURS PER  
10 12-MONTH PERIOD SINCE THE LAST RENEWAL OF A LICENSE, INCLUDING 8  
11 CONTINUING EDUCATION CONTACT HOURS THAT ARE RELATED TO THE  
12 PROTECTION OF THE HEALTH, SAFETY, AND WELFARE OF THE GENERAL PUBLIC.

13 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION:

14 (I) A LICENSEE WHO IS GRANTED AN INITIAL LICENSE MAY  
15 RENEW A LICENSE FOR THE NEXT FULL TERM WITHOUT COMPLYING WITH THE  
16 CONTINUING EDUCATION REQUIREMENT OF THIS SECTION;

17 (II) A LICENSEE SERVING ON TEMPORARY ACTIVE DUTY IN THE  
18 ARMED FORCES OF THE UNITED STATES FOR A PERIOD OF TIME EXCEEDING 120  
19 CONSECUTIVE DAYS IN A YEAR, IF THE ACTIVITY RESTRICTS PARTICIPATION IN A  
20 CONTINUING EDUCATION PROGRAM, MAY RENEW A LICENSE FOR THE NEXT FULL  
21 TERM WITHOUT COMPLYING WITH THE CONTINUING EDUCATION REQUIREMENT OF  
22 THIS SECTION; AND

23 (III) A LICENSEE EXPERIENCING PHYSICAL DISABILITY, ILLNESS,  
24 OR OTHER EXTENUATING CIRCUMSTANCES AS REVIEWED AND APPROVED BY THE  
25 BOARD MAY RENEW A LICENSE FOR THE NEXT FULL TERM WITHOUT COMPLYING  
26 WITH THE CONTINUING EDUCATION REQUIREMENT OF THIS SECTION.

27 (B) (1) A CONTINUING EDUCATION COURSE OR ACTIVITY MUST:

28 (I) HAVE A CLEAR PURPOSE AND OBJECTIVE WHICH WILL  
29 MAINTAIN, IMPROVE, OR EXPAND SKILLS AND KNOWLEDGE OBTAINED PRIOR TO  
30 LICENSURE OR CERTIFICATION OR DEVELOP NEW AND RELEVANT SKILLS AND  
31 KNOWLEDGE;

32 (II) BE PRESENTED IN A WELL-ORGANIZED AND SEQUENTIAL  
33 MANNER;

34 (III) PROVIDE EVIDENCE OF PREPLANNING WHICH MUST INCLUDE  
35 THE OPPORTUNITY FOR INPUT BY THE GROUP TO BE SERVED;

1 (IV) BE CONDUCTED BY PERSONS WHO ARE WELL QUALIFIED  
2 BASED ON EDUCATION OR EXPERIENCE; AND

3 (V) PROVIDE FOR DOCUMENTATION OF AN INDIVIDUAL'S  
4 PARTICIPATION INCLUDING INFORMATION REQUIRED FOR RECORD KEEPING AND  
5 REPORTING.

6 (2) A COURSE OR ACTIVITY APPROVED BY THE AMERICAN INSTITUTE OF  
7 ARCHITECTS (AIA) AND THE NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION  
8 BOARDS (NCARB) SHALL BE ACCEPTED AS MEETING THE REQUIREMENTS OF  
9 PARAGRAPH (1) OF THIS SUBSECTION.

10 (3) (I) A COURSE OR ACTIVITY NOT APPROVED BY THIS SUBSECTION,  
11 THE AIA, OR NCARB MAY BE GIVEN APPROVAL BY THE BOARD IF THE LICENSEE  
12 SEEKING APPROVAL OF THE COURSE OR ACTIVITY SUBMITS A WRITTEN REQUEST TO  
13 THE BOARD AND OBTAINS PRE-APPROVAL FROM THE BOARD.

14 (II) AN INDIVIDUAL SEEKING TO OBTAIN PRE-APPROVAL OF A  
15 CONTINUING EDUCATION COURSE OR ACTIVITY SHALL SUBMIT THE FOLLOWING AT  
16 LEAST 30 CALENDAR DAYS IN ADVANCE OF THE PROGRAM SO THAT THE BOARD MAY  
17 ANALYZE AND RESPOND TO THE INDIVIDUAL:

18 1. THE NAME, ADDRESS, AND PHONE NUMBER OF THE  
19 COURSE OR ACTIVITY SPONSOR;

20 2. THE NAME OF THE COURSE OR ACTIVITY;

21 3. A DETAILED DESCRIPTION OF THE COURSE OR ACTIVITY;

22 4. THE LENGTH OF THE INSTRUCTIONAL PERIOD;

23 5. THE TOTAL NUMBER OF CONTACT HOURS FOR WHICH  
24 CREDIT IS SOUGHT;

25 6. THE NAME AND ACADEMIC OR PROFESSIONAL  
26 CREDENTIALS OF THE COURSE OR ACTIVITY INSTRUCTOR;

27 7. THE TIME, PLACE, AND DATE OF THE COURSE OR  
28 ACTIVITY; AND

29 8. THE SPONSOR'S METHOD FOR PROVIDING EVIDENCE OF  
30 ATTENDANCE.

31 (III) THE SPONSOR OF A PRE-APPROVED COURSE OR ACTIVITY MAY  
32 ANNOUNCE OR INDICATE AS FOLLOWS: "THIS COURSE HAS BEEN APPROVED BY THE  
33 MARYLAND STATE BOARD OF ARCHITECTS FOR THE MAXIMUM OF \_\_\_ CONTACT  
34 HOURS OF CONTINUING EDUCATION."

35 (C) (1) IN ACCOUNTING CREDIT, THE BOARD SHALL PROVIDE A SPACE ON  
36 THE REGULAR LICENSE RENEWAL FORM FOR THE LICENSEE TO SIGN AS

1 CERTIFICATION THAT THE LICENSEE HAS COMPLIED WITH THE CONTINUING  
2 EDUCATION REQUIREMENT OF THIS SECTION.

3 (2) THE BOARD MAY CONDUCT RANDOM AUDITS TO VERIFY  
4 COMPLETION OF THE REQUIREMENT.

5 (3) IN RESPONSE TO AN AUDIT, A LICENSEE MAY SUBMIT A TRANSCRIPT  
6 FROM THE CONTINUING EDUCATION SYSTEM OF THE AIA OR ANOTHER FORM  
7 PRESCRIBED OR ACCEPTED BY THE BOARD.

8 (4) EVIDENCE OF COMPLIANCE SHALL BE MAINTAINED BY THE  
9 LICENSEE FOR 2 YEARS AFTER EACH RENEWAL PERIOD.

10 (5) IF AS A RESULT OF AN AUDIT THE BOARD DISALLOWS ANY CONTACT  
11 HOURS, THE LICENSEE SHALL HAVE 6 MONTHS FROM NOTICE OF SUCH  
12 DISALLOWANCE EITHER TO PROVIDE ACCEPTABLE EVIDENCE OF HAVING ACQUIRED  
13 CONTACT HOURS OR TO ACQUIRE THE REQUIRED NUMBER OF CONTACT HOURS  
14 PRIOR TO REVOCATION OF A LICENSE.

15 (D) THE REQUIREMENTS OF THIS SECTION MAY BE MET IF AN INDIVIDUAL IS  
16 LICENSED OR CERTIFIED IN ANOTHER STATE, PROVINCE, OR DISTRICT WHICH HAS A  
17 CONTINUING EDUCATION REQUIREMENT FOR RENEWAL OF A LICENSE THAT IS  
18 SIMILAR TO THE PROGRAM IN SUBSECTION (B) OF THIS SECTION, AND THE PROGRAM  
19 IS ACCEPTED BY THE BOARD AND THE INDIVIDUAL CERTIFIES THAT ALL  
20 CONTINUING EDUCATION AND LICENSING REQUIREMENTS FOR THE STATE,  
21 PROVINCE, OR DISTRICT FROM WHICH THE INDIVIDUAL IS LICENSED OR CERTIFIED  
22 HAVE BEEN MET, SUBJECT TO AUDIT BY THE BOARD.

23 (E) THE BOARD MAY WAIVE THE REQUIREMENTS OF THIS SECTION FOR A  
24 LICENSEE IF THE LICENSEE SHOWS GOOD CAUSE FOR BEING UNABLE TO MEET THE  
25 REQUIREMENTS.

26 3-310.

27 (a) The Board shall reinstate the license of an architect who, for any reason,  
28 has failed to renew the license by the end of the 30-day grace period if the architect:

29 (1) meets the renewal requirements of § 3-309 of this subtitle;

30 (2) pays to the Board all past due renewal fees;

31 (3) except as otherwise provided in subsection (b) of this section, pays to  
32 the Board a reinstatement fee of \$100, in addition to all past due renewal fees; [and]

33 (4) submits to the Board a reinstatement application on the form that  
34 the Board provides; AND

35 (5) MEETS THE CONTINUING EDUCATION REQUIREMENT THAT WOULD  
36 HAVE BEEN REQUIRED FOR RENEWAL OF A LICENSE UNDER § 3-309.1 OF THIS

1 SUBTITLE, IF THE LICENSE HAD NOT EXPIRED, UP TO A MAXIMUM OF 24 CONTACT  
2 HOURS.

3 (b) The Board may waive a reinstatement fee for a licensee who provides  
4 evidence satisfactory to the Board that the licensee did not practice architecture  
5 during the time the license lapsed.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
7 effect October 1, 2003.