

HOUSE BILL 347

C2

(3lr0083)

ENROLLED BILL

— *Economic Matters/Education, Health, and Environmental Affairs* —

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

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Professional Engineers – Firm Permits**

3 FOR the purpose of requiring a corporation, partnership, or limited liability company
4 on or after a certain date to hold a permit issued by the State Board for
5 Professional Engineers before operating a business through which engineering
6 is practiced, with a certain exception; establishing certain qualifications,
7 application requirements, and fees for the firm permit to practice engineering;
8 establishing the scope of the engineering firm permit; providing for the renewal
9 and reinstatement ~~and reinstatement~~ of the engineering firm permit; requiring
10 permit holders to provide certain notification of certain changes or occurrences
11 within a certain period of time; authorizing the State Board for Professional
12 Engineers to deny a firm permit to an applicant, reprimand a permit holder,
13 suspend or revoke a permit, or ~~deny a firm permit to an applicant, reprimand a~~
14 ~~permit holder, suspend or revoke a permit, or~~ impose a certain penalty under

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.

Italics indicate opposite chamber/conference committee amendments.



1 certain circumstances and subject to certain hearing provisions; establishing
 2 certain prohibited acts; adding certain definitions; making stylistic and
 3 conforming changes; and generally relating to firm permits issued by the State
 4 Board for Professional Engineers.

5 BY renumbering

6 Article – Business Occupations and Professions

7 Section 14–402 and 14–403, respectively

8 to be Section 14–4A–01 and 14–4A–02, respectively, to be under the new
 9 subtitle “Subtitle 4A. Miscellaneous Provisions”

10 Annotated Code of Maryland

11 (2010 Replacement Volume and 2012 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Business Occupations and Professions

14 Section 14–101; and 14–401 to be under the amended subtitle “Subtitle 4.
 15 Permits”

16 Annotated Code of Maryland

17 (2010 Replacement Volume and 2012 Supplement)

18 BY adding to

19 Article – Business Occupations and Professions

20 Section 14–402 through ~~14–415~~, ~~14–411~~, 14–415, 14–501.1, and 14–502.1

21 Annotated Code of Maryland

22 (2010 Replacement Volume and 2012 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 24 MARYLAND, That Section(s) 14–402 and 14–403, respectively, of Article – Business
 25 Occupations and Professions of the Annotated Code of Maryland be renumbered to be
 26 Section(s) 14–4A–01 and 14–4A–02, respectively, to be under the new subtitle
 27 “Subtitle 4A. Miscellaneous Provisions”.

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 29 read as follows:

30 **Article – Business Occupations and Professions**

31 14–101.

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

33 (B) “AFFILIATE” MEANS A PERSON THAT DIRECTLY, OR INDIRECTLY
 34 THROUGH ONE OR MORE INTERMEDIARIES, CONTROLS, OR IS CONTROLLED BY,
 35 A PERMIT HOLDER.

36 [(b)] (C) “Board” means the State Board for Professional Engineers.

1 **[(c)] (D)** “Design coordination” means the review and coordination of
2 services provided by individuals licensed or certified under Titles 3, 8, 9, 14, and 15 of
3 this article.

4 **[(d)] (E)** “License” means, unless the context requires otherwise, a license
5 issued by the Board to practice engineering.

6 **[(e)] (F)** “License fee” means, as applicable, the fee paid in connection with
7 the issuance and renewal of a license and the issuance of a reciprocal license.

8 **(G) “MANAGING AGENT” MEANS A PROFESSIONAL ENGINEER**
9 **DESIGNATED AS THE MANAGING AGENT BY A PERMIT HOLDER UNDER § 14-403**
10 **OF THIS TITLE.**

11 **(H) “PERMIT” MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A**
12 **PERMIT ISSUED BY THE BOARD TO ALLOW A CORPORATION, PARTNERSHIP, OR**
13 **LIMITED LIABILITY COMPANY TO OPERATE A BUSINESS THROUGH WHICH ~~A ONE~~**
14 **OR MORE PROFESSIONAL ENGINEER ENGINEERS MAY PRACTICE ENGINEERING.**

15 **[(f)] (I)** (1) “Practice engineering” means to provide any service or
16 creative work the performance of which requires education, training, and experience in
17 the application of:

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

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

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

25 (i) consultation;

26 (ii) design;

27 (iii) evaluation;

28 (iv) inspection of construction to ensure compliance with
29 specifications and drawings;

30 (v) investigation;

31 (vi) planning; and

1 (vii) design coordination.

2 (3) “Practice engineering” does not include the exclusive and sole
3 performance of nontechnical management activities.

4 [(g)] (J) “Professional engineer” means, unless the context requires
5 otherwise, an engineer who is licensed by the Board to practice engineering.

6 [(h)] (K) (1) “Responsible charge” means direct control and personal
7 supervision of engineering that requires initiative, professional skill, and independent
8 judgment.

9 (2) “Responsible charge” includes responsible engineering teaching.

10 Subtitle 4. [Miscellaneous Provisions] **PERMITS.**

11 14–401.

12 (a) (1) Subject to the provisions of this [section] **SUBTITLE**, a professional
13 engineer may practice engineering for others through:

14 (i) a corporation as an officer, employee, or agent of the
15 corporation;

16 (ii) a limited liability company as a member, employee, or agent
17 of the limited liability company; or

18 (iii) a partnership as a partner, employee, or agent of the
19 partnership.

20 (2) Subject to the provisions of this [section] **SUBTITLE**, a corporation,
21 limited liability company, or partnership may provide engineering services through ~~a~~
22 **ONE OR MORE** professional ~~engineer~~ **ENGINEERS**.

23 (b) A professional engineer who practices engineering through a corporation,
24 limited liability company, or partnership under this [section] **SUBTITLE** shall be
25 subject to all of the provisions of this title that relate to practicing engineering.

26 (c) (1) A corporation, limited liability company, or partnership that
27 provides engineering services under this [section] **SUBTITLE** is not, by its compliance
28 with this [section] **SUBTITLE**, relieved of any responsibility that the corporation,
29 limited liability company, or partnership may have for an act or omission of its officer,
30 member, partner, employee, or agent.

1 (2) An individual who practices engineering through a corporation,
2 limited liability company, or partnership is not, by reason of the individual's
3 employment or other relationship with the corporation, limited liability company, or
4 partnership, relieved of any ~~individual~~ **PROFESSIONAL** responsibility that the
5 individual may have regarding that practice.

6 **14-402.**

7 (A) **BEGINNING ON OCTOBER 1, 2015, EXCEPT AS PROVIDED IN**
8 **SUBSECTION (B) OF THIS SECTION, A CORPORATION, PARTNERSHIP, OR LIMITED**
9 **LIABILITY COMPANY SHALL HOLD A PERMIT ISSUED BY THE BOARD BEFORE**
10 **THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY MAY**
11 **OPERATE A BUSINESS THROUGH WHICH ENGINEERING IS PRACTICED.**

12 (B) **A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY**
13 **MAY PROVIDE ENGINEERING SERVICES FOR ITSELF OR ITS AFFILIATE WITHOUT**
14 **A PERMIT ISSUED BY THE BOARD.**

15 **14-403.**

16 (A) **TO QUALIFY FOR A PERMIT, A CORPORATION, PARTNERSHIP, OR**
17 **LIMITED LIABILITY COMPANY SHALL MEET THE REQUIREMENTS OF THIS**
18 **SECTION.**

19 (B) (1) **A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY**
20 **COMPANY SHALL DESIGNATE A MARYLAND PROFESSIONAL ENGINEER IN GOOD**
21 **STANDING TO BE THE MANAGING AGENT FOR THE ENTITY.**

22 (2) **THE MANAGING AGENT SHALL BE:**

23 (I) **IN A POSITION TO ACT ON BEHALF ~~OF, AND~~**
24 **~~RESPONSIBLE FOR,~~ OF THE CORPORATION, PARTNERSHIP, OR LIMITED**
25 **LIABILITY COMPANY IN MATTERS RELATED TO THE PRACTICE OF OR THE**
26 **OFFERING OF THE PRACTICE OF ENGINEERING; AND**

27 (II) **AN EMPLOYEE, AN OWNER, A DIRECTOR, AN OFFICER, A**
28 **MEMBER, OR A PARTNER, AS APPLICABLE, OF THE ENTITY SEEKING A PERMIT.**

29 (C) **A LICENSEE MAY NOT BE DESIGNATED AS A MANAGING AGENT FOR**
30 **MORE THAN ONE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY**
31 **COMPANY THAT PROVIDES OR OFFERS TO PROVIDE ENGINEERING SERVICES,**
32 **EXCEPT IF THE OTHER ENTITY IS AN AFFILIATE OF A PERMIT HOLDER.**

33 **14-404.**

1 (A) AN APPLICANT FOR A PERMIT SHALL:

2 (1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT
3 THE BOARD PROVIDES; AND

4 (2) PAY TO THE BOARD A NONREFUNDABLE APPLICATION FEE
5 SET BY THE BOARD.

6 (B) IN ADDITION TO ANY OTHER INFORMATION REQUIRED ON AN
7 APPLICATION FORM, THE FORM SHALL REQUIRE:

8 (1) THE NAME AND ADDRESS OF THE MANAGING AGENT; AND

9 (2) A NOTARIZED STATEMENT THAT THE MANAGING AGENT IS AN
10 EMPLOYEE, AN OWNER, A DIRECTOR, AN OFFICER, A MEMBER, OR A PARTNER,
11 AS APPLICABLE, OF THE ENTITY SEEKING A PERMIT.

12 14-405.

13 THE BOARD SHALL ISSUE A PERMIT TO EACH APPLICANT THAT MEETS
14 THE REQUIREMENTS OF THIS SUBTITLE AND PAYS TO THE BOARD A PERMIT FEE
15 SET BY THE BOARD.

16 14-406.

17 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION AND WHILE A
18 PERMIT IS IN EFFECT, THE PERMIT AUTHORIZES THE HOLDER TO:

19 (1) OPERATE A BUSINESS THROUGH WHICH ~~A~~ ONE OR MORE
20 PROFESSIONAL ~~ENGINEER~~ ENGINEERS OR ~~AN INDIVIDUAL~~ INDIVIDUALS
21 AUTHORIZED TO PRACTICE ENGINEERING UNDER § 14-303 OF THIS TITLE
22 ~~PRACTICES OR OFFERS~~ PRACTICE OR OFFER TO PRACTICE ENGINEERING; AND

23 (2) REPRESENT TO THE PUBLIC THAT THE BUSINESS PROVIDES
24 OR OFFERS TO PROVIDE THE SERVICES OF A PROFESSIONAL ENGINEER.

25 (B) A PERMIT AUTHORIZES THE HOLDER TO PROVIDE A SERVICE THAT
26 CONSTITUTES THE PRACTICE OF ENGINEERING ONLY IF THE SERVICE IS
27 PERFORMED BY AN INDIVIDUAL WHO IS LICENSED OR OTHERWISE AUTHORIZED
28 TO PRACTICE ENGINEERING UNDER THIS TITLE.

29 14-407.

1 **(A) UNLESS A PERMIT IS RENEWED FOR A 2-YEAR TERM AS PROVIDED**
2 **IN THIS SECTION, THE PERMIT EXPIRES ON THE FIRST JUNE 30 THAT COMES:**

3 **(1) AFTER THE EFFECTIVE DATE OF THE PERMIT; AND**

4 **(2) IN AN EVEN-NUMBERED YEAR.**

5 **(B) AT LEAST 1 MONTH BEFORE A PERMIT EXPIRES, THE BOARD SHALL**
6 **MAIL TO THE PERMIT HOLDER, AT THE LAST KNOWN ADDRESS OF THE HOLDER:**

7 **(1) A RENEWAL APPLICATION FORM; AND**

8 **(2) A NOTICE THAT STATES:**

9 **(I) THE DATE ON WHICH THE CURRENT PERMIT EXPIRES;**

10 **(II) THE DATE BY WHICH THE BOARD MUST RECEIVE THE**
11 **RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE**
12 **THE PERMIT EXPIRES; AND**

13 **(III) THE AMOUNT OF THE PERMIT FEE.**

14 **(C) BEFORE A PERMIT EXPIRES, THE PERMIT HOLDER MAY RENEW THE**
15 **PERMIT PERIODICALLY FOR AN ADDITIONAL 2-YEAR TERM IF THE HOLDER:**

16 **(1) OTHERWISE IS ENTITLED TO A PERMIT;**

17 **(2) PAYS TO THE BOARD A PERMIT FEE SET BY THE BOARD; AND**

18 **(3) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE**
19 **FORM THAT THE BOARD PROVIDES.**

20 **(D) THE RENEWAL APPLICATION FORM SHALL REQUIRE THE SAME**
21 **INFORMATION REQUIRED ON THE ORIGINAL APPLICATION FORM UNDER §**
22 **14-404(B) OF THIS SUBTITLE.**

23 **(E) THE BOARD SHALL RENEW THE PERMIT OF EACH PERMIT HOLDER**
24 **THAT MEETS THE REQUIREMENTS OF THIS SECTION.**

25 **(F) THE SECRETARY MAY DETERMINE THAT PERMITS ISSUED UNDER**
26 **THIS SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.**

27 **14-408.**

1 **WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THE CHANGE OR**
 2 **OCCURRENCE, A PERMIT HOLDER SHALL NOTIFY THE BOARD IN WRITING IF**
 3 **THERE HAS BEEN A CHANGE IN:**

4 **(1) THE IDENTITY OF THE MANAGING AGENT; OR**

5 **(2) THE NAME OF THE CORPORATION, PARTNERSHIP, OR LIMITED**
 6 **LIABILITY COMPANY.**

7 **14-409.**

8 **(A) SUBJECT TO THE HEARING PROVISIONS OF § 14-410 OF THIS**
 9 **SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS**
 10 **MEMBERS THEN SERVING, MAY ~~DENY A PERMIT TO ANY APPLICANT, REPRIMAND~~**
 11 **~~A PERMIT HOLDER, OR SUSPEND OR REVOKE A PERMIT IMPOSE A PENALTY NOT~~**
 12 **~~EXCEEDING \$5,000 FOR EACH VIOLATION~~ DENY A PERMIT TO ANY APPLICANT,**
 13 **REPRIMAND A PERMIT HOLDER, OR SUSPEND OR REVOKE A PERMIT IF:**

14 **(1) THE APPLICANT OR PERMIT HOLDER FRAUDULENTLY OR**
 15 **DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A PERMIT; OR**

16 **(2) THE PERMIT HOLDER FRAUDULENTLY OR DECEPTIVELY USES**
 17 **A PERMIT; ~~OR~~**

18 **~~(3) THE APPLICANT OR PERMIT HOLDER FAILS TO MEET OR~~**
 19 **~~CONTINUE TO MEET THE QUALIFICATIONS OR REQUIREMENTS SET FORTH IN~~**
 20 **~~THIS SUBTITLE.~~**

21 **~~(B) (1) INSTEAD OF OR IN ADDITION TO REPRIMANDING THE PERMIT~~**
 22 **~~HOLDER OR SUSPENDING OR REVOKING A PERMIT UNDER SUBSECTION (A) OF~~**
 23 **~~THIS SECTION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000~~**
 24 **~~FOR EACH VIOLATION.~~**

25 **(1) IN ADDITION TO A SANCTION IMPOSED UNDER SUBSECTION**
 26 **(A) OF THIS SECTION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING**
 27 **\$5,000 FOR EACH:**

28 **(I) VIOLATION FOR WHICH A DENIAL, REPRIMAND,**
 29 **SUSPENSION, OR REVOCATION WAS IMPOSED UNDER SUBSECTION (A) OF THIS**
 30 **SECTION; AND**

31 **(II) FAILURE TO MEET OR CONTINUE TO MEET THE**
 32 **QUALIFICATIONS OR REQUIREMENTS SET FORTH IN THIS SUBTITLE.**

1 ~~(2)~~ (2) TO DETERMINE THE AMOUNT OF THE PENALTY
 2 IMPOSED UNDER THIS ~~SUBSECTION~~ ~~SECTION~~ SUBSECTION, THE BOARD SHALL
 3 CONSIDER:

4 ~~(I)~~ ~~(1)~~ (I) THE SERIOUSNESS OF THE VIOLATION;
 5 ~~(II)~~ ~~(2)~~ (II) THE HARM CAUSED BY THE VIOLATION;
 6 ~~(III)~~ ~~(3)~~ (III) THE GOOD FAITH OF THE PERMIT HOLDER; AND
 7 ~~(IV)~~ ~~(4)~~ (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE
 8 PERMIT HOLDER.

9 (C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER
 10 SUBSECTION (B) OF ~~SUBSECTION (B) OF~~ THIS SECTION INTO THE GENERAL
 11 FUND OF THE STATE.

12 14-410.

13 (A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE
 14 GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER
 15 § 14-409 OF THIS SUBTITLE, IT SHALL GIVE THE PERSON AGAINST WHOM THE
 16 ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE
 17 BOARD.

18 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
 19 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT
 20 ARTICLE.

21 (C) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE
 22 AND A COPY OF THE COMPLAINT SHALL BE:

23 (1) SERVED PERSONALLY ON THE APPLICANT OR ON THE
 24 MANAGING AGENT OF THE ENTITY HOLDING THE PERMIT; OR

25 (2) MAILED TO THE LAST KNOWN BUSINESS ADDRESS OF THE
 26 APPLICANT OR THE ENTITY HOLDING THE PERMIT.

27 (D) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS
 28 CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY HEAR AND
 29 DETERMINE THE MATTER.

30 14-411.

1 **(A) (1) FOR THE LIMITED PURPOSE SET FORTH IN PARAGRAPH (2) OF**
2 **THIS SUBSECTION, A PERMIT SHALL REMAIN IN EFFECT AND DOES NOT EXPIRE**
3 **BY OPERATION OF LAW WHILE THE PERMIT HOLDER IS UNDER INVESTIGATION**
4 **BY THE BOARD OR AWAITING A HEARING OR DISPOSITION ON CHARGES**
5 **SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.**

6 **(2) AN EXTENSION OF A PERMIT TERM UNDER THIS SUBSECTION**
7 **IS EFFECTIVE ONLY FOR THE PURPOSE OF RETAINING THE JURISDICTION OF**
8 **THE BOARD OVER THE PERMIT HOLDER DURING THE COURSE OF DISCIPLINARY**
9 **PROCEEDINGS AND DOES NOT PREVENT THE PERMIT FROM EXPIRING FOR ANY**
10 **OTHER PURPOSE.**

11 **(B) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER, A**
12 **PERMIT HOLDER MAY NOT SURRENDER A PERMIT WHILE THE HOLDER IS UNDER**
13 **INVESTIGATION OR AWAITING A HEARING OR DISPOSITION ON CHARGES**
14 **SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.**

15 **14-412.**

16 **A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY WHOSE**
17 **PERMIT HAS BEEN SUSPENDED OR REVOKED UNDER § 14-409 OF THIS SUBTITLE**
18 **MAY NOT OFFER OR PROVIDE ENGINEERING SERVICES UNTIL THE SUSPENSION**
19 **IS LIFTED OR THE PERMIT IS REINSTATED.**

20 **14-413.**

21 **(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY**
22 **REINSTATE:**

23 **(1) A PERMIT THAT HAS BEEN REVOKED; OR**

24 **(2) BEFORE FULFILLMENT OF THE CONDITIONS OF THE**
25 **SUSPENSION, A PERMIT THAT HAS BEEN SUSPENDED.**

26 **(B) A PERMIT MAY BE REINSTATED UNDER THIS SECTION ONLY IF:**

27 **(1) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY**
28 **COMPANY WHOSE PERMIT HAS BEEN REVOKED OR SUSPENDED SUBMITS A**
29 **WRITTEN REQUEST TO THE BOARD; AND**

30 **(2) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY**
31 **COMPANY PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD.**

1 (C) THE BOARD, BY AN AFFIRMATIVE VOTE OF A MAJORITY OF ITS
2 MEMBERS THEN SERVING, SHALL VOTE ON THE REQUEST FOR REINSTATEMENT
3 OR LIFTING OF THE SUSPENSION WITHIN 60 DAYS AFTER RECEIPT OF THE
4 REQUEST.

5 14-414.

6 THE BOARD MAY REINSTATE THE PERMIT OF A CORPORATION,
7 PARTNERSHIP, OR LIMITED LIABILITY COMPANY THAT HAS FAILED TO RENEW
8 THE PERMIT FOR ANY REASON IF THE CORPORATION, PARTNERSHIP, OR
9 LIMITED LIABILITY COMPANY:

10 (1) OTHERWISE IS ENTITLED TO A PERMIT; AND

11 (2) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE
12 BOARD.

13 14-415.

14 AFTER THE BOARD REINSTATES A PERMIT, THE PERMIT HOLDER SHALL
15 CONTINUE TO COMPLY WITH ALL APPLICABLE REQUIREMENTS SET FORTH IN
16 THIS SUBTITLE.

17 ~~14-412.~~

18 ~~A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY WHOSE~~
19 ~~PERMIT HAS BEEN SUSPENDED OR REVOKED UNDER § 14-409 OF THIS~~
20 ~~SUBTITLE MAY NOT OFFER OR PROVIDE ENGINEERING SERVICES UNTIL THE~~
21 ~~SUSPENSION IS LIFTED OR THE PERMIT IS REINSTATED.~~

22 ~~14-413.~~

23 ~~(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY~~
24 ~~REINSTATE:~~

25 ~~(1) A PERMIT THAT HAS BEEN REVOKED; OR~~

26 ~~(2) BEFORE FULFILLMENT OF THE CONDITIONS OF THE~~
27 ~~SUSPENSION, A PERMIT THAT HAS BEEN SUSPENDED.~~

28 ~~(B) A PERMIT MAY BE REINSTATED UNDER THIS SECTION ONLY IF:~~

1 ~~(1) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY~~
2 ~~COMPANY WHOSE PERMIT HAS BEEN REVOKED OR SUSPENDED SUBMITS A~~
3 ~~WRITTEN REQUEST TO THE BOARD; AND~~

4 ~~(2) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY~~
5 ~~COMPANY PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD.~~

6 ~~(C) THE BOARD, BY AN AFFIRMATIVE VOTE OF A MAJORITY OF ITS~~
7 ~~MEMBERS THEN SERVING, SHALL VOTE ON THE REQUEST FOR REINSTATEMENT~~
8 ~~OR LIFTING OF THE SUSPENSION WITHIN 60 DAYS AFTER RECEIPT OF THE~~
9 ~~REQUEST.~~

10 ~~14-414.~~

11 ~~THE BOARD MAY REINSTATE THE PERMIT OF A CORPORATION,~~
12 ~~PARTNERSHIP, OR LIMITED LIABILITY COMPANY THAT HAS FAILED TO RENEW~~
13 ~~THE PERMIT FOR ANY REASON IF THE CORPORATION, PARTNERSHIP, OR~~
14 ~~LIMITED LIABILITY COMPANY:~~

15 ~~(1) OTHERWISE IS ENTITLED TO A PERMIT; AND~~

16 ~~(2) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE~~
17 ~~BOARD.~~

18 ~~14-415.~~

19 ~~AFTER THE BOARD REINSTATES A PERMIT, THE PERMIT HOLDER SHALL~~
20 ~~CONTINUE TO COMPLY WITH ALL APPLICABLE REQUIREMENTS SET FORTH IN~~
21 ~~THIS SUBTITLE.~~

22 ~~14-501.1.~~

23 EXCEPT FOR A PROFESSIONAL ENGINEER WHO OPERATES A BUSINESS AS
24 A SOLE PRACTITIONER, A PERSON MAY NOT OPERATE A BUSINESS THROUGH
25 WHICH ENGINEERING SERVICES ARE PERFORMED OR OFFERED TO BE
26 PERFORMED UNLESS:

27 (1) THE BUSINESS IS A CORPORATION, PARTNERSHIP, OR
28 LIMITED LIABILITY COMPANY; AND

29 (2) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY
30 COMPANY HOLDS A PERMIT ISSUED BY THE BOARD.

31 ~~14-502.1.~~

1 **(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION AND UNLESS A**
2 **PERSON HOLDS A PERMIT ISSUED BY THE BOARD, THE PERSON MAY NOT**
3 **REPRESENT TO THE PUBLIC, BY THE USE OF A TITLE, INCLUDING “LICENSED**
4 **PROFESSIONAL ENGINEERS”, “PROFESSIONAL ENGINEERS”, OR “REGISTERED**
5 **ENGINEERS”, BY THE USE OF THE TERM “PROFESSIONAL ENGINEERING” OR**
6 **“ENGINEERING”, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES,**
7 **OR OTHERWISE, THAT THE PERSON HOLDS A PERMIT OR OTHERWISE IS**
8 **AUTHORIZED TO OPERATE A BUSINESS THROUGH WHICH ENGINEERING IS**
9 **PRACTICED IN THE STATE.**

10 **(B) SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A**
11 **PROFESSIONAL ENGINEER WHO OPERATES THE BUSINESS AS A SOLE**
12 **PRACTITIONER.**

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.