

# HOUSE BILL 720

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5lr1486

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By: **Delegate Vaughn**

Introduced and read first time: February 13, 2015

Assigned to: Economic Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 13, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Architects, Landscape Architects, and Professional Land Surveyors – Firm**  
3 **Permits**

4 FOR the purpose of altering certain requirements for the responsible member of an entity  
5 providing architectural services; authorizing the State Board of Architects to deny a  
6 firm permit to an applicant, reprimand a permit holder, suspend or revoke a permit,  
7 or impose a certain penalty under certain circumstances and subject to certain  
8 hearing provisions; providing for the reinstatement of a firm permit issued by the  
9 State Board of Architects under certain circumstances; authorizing landscape  
10 architecture to be practiced through a limited liability company under certain  
11 circumstances; requiring a limited liability company to hold a permit issued by the  
12 State Board of Examiners of Landscape Architects before operating a business  
13 through which landscape architecture is practiced; establishing certain  
14 qualifications and application requirements for a firm permit issued by the State  
15 Board of Examiners of Landscape Architects; authorizing the State Board of  
16 Examiners of Landscape Architects to deny a firm permit to an applicant, reprimand  
17 a permit holder, suspend or revoke a permit, or impose a certain penalty under  
18 certain circumstances and subject to certain hearing provisions; providing for the  
19 reinstatement of a firm permit issued by the State Board of Examiners of Landscape  
20 Architects under certain circumstances; establishing certain qualifications,  
21 application requirements, and renewal requirements for a firm permit to operate a  
22 business through which land surveying or property line surveying is practiced;  
23 authorizing the State Board for Professional Land Surveyors to deny a firm permit  
24 to an applicant, reprimand a permit holder, suspend or revoke a permit, or impose a  
25 certain penalty under certain circumstances and subject to certain hearing

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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 provisions; providing for the reinstatement of a firm permit issued by the State  
 2 Board for Professional Land Surveyors under certain circumstances; requiring  
 3 certain permit holders to provide certain notification of certain changes or  
 4 occurrences within a certain period of time; altering certain definitions; making  
 5 stylistic and conforming changes; and generally relating to firm permits issued by  
 6 the State Board of Architects, the State Board of Examiners of Landscape Architects,  
 7 and the State Board for Professional Land Surveyors.

8 BY repealing and reenacting, with amendments,

9 Article – Business Occupations and Professions

10 Section 3–401, 3–403(b), 3–404(c)(3), 3–602, 9–401, 9–402, 9–403, 9–404, 9–602,  
 11 15–402, 15–403, and 15–406

12 Annotated Code of Maryland

13 (2010 Replacement Volume and 2014 Supplement)

14 BY adding to

15 Article – Business Occupations and Professions

16 Section 3–410 through 3–416, 9–405(b), 9–409 through 9–416, 15–402.1, and  
 17 15–407 through 15–414

18 Annotated Code of Maryland

19 (2010 Replacement Volume and 2014 Supplement)

20 BY repealing

21 Article – Business Occupations and Professions

22 Section 9–405(b) and 9–409

23 Annotated Code of Maryland

24 (2010 Replacement Volume and 2014 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

26 That the Laws of Maryland read as follows:

27 **Article – Business Occupations and Professions**

28 3–401.

29 In this subtitle, “responsible member” means a director **OR AN OFFICER** of a  
 30 corporation, a member of a limited liability company, or **A GENERAL** partner **OF A**  
 31 **PARTNERSHIP** who is appointed under § 3–404(c) of this subtitle to be in responsible  
 32 charge of architecture practiced through the corporation, limited liability company, or  
 33 partnership.

34 3–403.

35 (b) A corporation, **LIMITED LIABILITY COMPANY, OR PARTNERSHIP** may  
 36 provide architectural services for itself or for an affiliated corporation, **LIMITED LIABILITY**  
 37 **COMPANY, OR PARTNERSHIP** without a permit issued by the Board.

1 3-404.

2 (c) (3) Each responsible member shall be:

3 (i) a director **OR AN OFFICER** of a corporation, a member of a  
4 limited liability company, or a **GENERAL** partner of a partnership; and

5 (ii) a licensed architect.

6 **3-410.**

7 (A) **SUBJECT TO THE HEARING PROVISIONS OF § 3-411 OF THIS SUBTITLE,**  
8 **THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN**  
9 **SERVING, MAY DENY A PERMIT TO ANY APPLICANT, REPRIMAND A PERMIT HOLDER,**  
10 **OR SUSPEND OR REVOKE A PERMIT IF:**

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

13 (2) **THE PERMIT HOLDER FRAUDULENTLY OR DECEPTIVELY USES A**  
14 **PERMIT.**

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

17 (I) **EACH VIOLATION FOR WHICH A DENIAL, REPRIMAND,**  
18 **SUSPENSION, OR REVOCATION WAS IMPOSED UNDER SUBSECTION (A) OF THIS**  
19 **SECTION; AND**

20 (II) **EACH FAILURE TO MEET OR CONTINUE TO MEET THE**  
21 **QUALIFICATIONS OR REQUIREMENTS SET FORTH IN THIS SUBTITLE.**

22 (2) **TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER**  
23 **THIS SUBSECTION, THE BOARD SHALL CONSIDER:**

24 (I) **THE SERIOUSNESS OF THE VIOLATION;**

25 (II) **THE HARM CAUSED BY THE VIOLATION;**

26 (III) **THE GOOD FAITH OF THE PERMIT HOLDER OR THE**  
27 **APPLICANT; AND**

28 (IV) **ANY HISTORY OF PREVIOUS VIOLATIONS BY THE PERMIT**  
29 **HOLDER OR THE APPLICANT.**

1 (C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER SUBSECTION  
2 (B) OF THIS SECTION INTO THE GENERAL FUND OF THE STATE.

3 3-411.

4 (A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE  
5 GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER §  
6 3-410 OF THIS SUBTITLE, IT SHALL GIVE THE PERSON AGAINST WHOM THE ACTION  
7 IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

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

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

12 (1) SERVED PERSONALLY ON THE APPLICANT OR ON A PERSON IN  
13 RESPONSIBLE CHARGE OF ARCHITECTURE PRACTICED THROUGH THE ENTITY  
14 HOLDING THE PERMIT OR A PERSON DESIGNATED AS A RESIDENT AGENT TO  
15 RECEIVE PROCESS ON BEHALF OF THE ENTITY; OR

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

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

21 3-412.

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

27 (2) AN EXTENSION OF A PERMIT TERM UNDER THIS SUBSECTION IS  
28 EFFECTIVE ONLY FOR THE PURPOSE OF RETAINING THE JURISDICTION OF THE  
29 BOARD OVER THE PERMIT HOLDER DURING THE COURSE OF DISCIPLINARY  
30 PROCEEDINGS AND DOES NOT PREVENT THE PERMIT FROM EXPIRING FOR ANY  
31 OTHER PURPOSE.

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

5 **3-413.**

6           **A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY WHOSE**  
7 **PERMIT HAS BEEN SUSPENDED OR REVOKED UNDER § 3-410 OF THIS SUBTITLE MAY**  
8 **NOT OFFER OR PROVIDE ARCHITECTURAL SERVICES UNTIL THE SUSPENSION IS**  
9 **LIFTED OR THE PERMIT IS REINSTATED.**

10 **3-414.**

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

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

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

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

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

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

22           **(C) THE BOARD, BY AN AFFIRMATIVE VOTE OF A MAJORITY OF ITS**  
23 **MEMBERS THEN SERVING, SHALL VOTE ON THE REQUEST FOR REINSTATEMENT OR**  
24 **LIFTING OF THE SUSPENSION WITHIN 60 DAYS OF RECEIPT OF THE WRITTEN**  
25 **REQUEST.**

26 **3-415.**

27           **THE BOARD MAY REINSTATE THE PERMIT OF A CORPORATION, PARTNERSHIP,**  
28 **OR LIMITED LIABILITY COMPANY THAT HAS FAILED TO RENEW THE PERMIT FOR ANY**  
29 **REASON IF THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY:**

30                   **(1) OTHERWISE IS ENTITLED TO A PERMIT; AND**

1           **(2) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD.**

2 **3-416.**

3           **AFTER THE BOARD REINSTATES A PERMIT, THE PERMIT HOLDER SHALL**  
4 **CONTINUE TO COMPLY WITH ALL APPLICABLE REQUIREMENTS SET FORTH IN THIS**  
5 **SUBTITLE.**

6 **3-602.**

7           Except for a licensed architect who operates a business as a sole practitioner, a  
8 person may not operate a business through which architecture is practiced, unless:

9           (1) the business is a corporation [or a], partnership, **OR LIMITED**  
10 **LIABILITY COMPANY**; and

11           (2) the corporation [or], partnership, **OR LIMITED LIABILITY COMPANY**  
12 holds a permit issued by the Board.

13 **9-401.**

14           In this subtitle, [“responsible member” means an officer of a corporation or partner]  
15 **“PERSON IN RESPONSIBLE CHARGE” MEANS A LICENSEE** who is appointed under §  
16 9-404(b) of this subtitle [to be in responsible charge of landscape architecture practiced  
17 through the corporation or partnership].

18 **9-402.**

19           (a) (1) Subject to the provisions of this subtitle, a licensed landscape architect  
20 may practice landscape architecture for others through:

21                           (i) a corporation as an officer, employee, or agent of the corporation;  
22 **[or]**

23                           (ii) a partnership as a partner, **AN** employee, or **AN** agent of the  
24 partnership; **OR**

25                           **(III) A LIMITED LIABILITY COMPANY AS A MEMBER, AN**  
26 **EMPLOYEE, OR AN AGENT OF THE LIMITED LIABILITY COMPANY.**

27           (2) Subject to the provisions of this subtitle, a corporation [or],  
28 partnership, **OR LIMITED LIABILITY COMPANY** may provide landscape architectural  
29 services through a licensed landscape architect [but may not use the title “landscape  
30 architect” in connection with the name of the corporation or partnership].

1 (b) A licensed landscape architect who practices landscape architecture through  
2 a corporation [or], partnership, **OR LIMITED LIABILITY COMPANY** under this subtitle is  
3 subject to all of the provisions of this title that relate to practicing landscape architecture.

4 (c) (1) A corporation [or], partnership, **OR LIMITED LIABILITY COMPANY**  
5 that provides landscape architectural services to others under this subtitle is not, by its  
6 compliance with this subtitle, relieved of any responsibility that the corporation [or],  
7 partnership, **OR LIMITED LIABILITY COMPANY** may have for an act or omission of its  
8 officer, partner, **MEMBER**, employee, or agent.

9 (2) An individual who practices landscape architecture through a  
10 corporation [or], partnership, **OR LIMITED LIABILITY COMPANY** is not, by reason of the  
11 individual's employment or other relationship with the corporation [or], partnership, **OR**  
12 **LIMITED LIABILITY COMPANY**, relieved of any individual responsibility that the  
13 individual may have regarding that practice.

14 9-403.

15 (a) Except as provided in subsection (b) of this section, a corporation [or],  
16 partnership, **OR LIMITED LIABILITY COMPANY** shall hold a permit issued by the Board  
17 before the corporation [or], partnership, **OR LIMITED LIABILITY COMPANY** may operate  
18 a business through which landscape architecture is practiced.

19 (b) A corporation, **PARTNERSHIP, OR LIMITED LIABILITY COMPANY** may  
20 provide landscape architectural services for itself or for an affiliated corporation,  
21 **PARTNERSHIP, OR LIMITED LIABILITY COMPANY** without a permit issued by the Board.

22 9-404.

23 (a) To qualify for a permit, a corporation [or], partnership, **OR LIMITED**  
24 **LIABILITY COMPANY** shall meet the requirements of this section.

25 [(b) (1) A corporation or partnership shall have appointed at least 1 responsible  
26 member of the corporation or partnership.

27 (2) A responsible member shall be in responsible charge of landscape  
28 architecture practiced through the corporation or partnership.

29 (3) The responsible member shall be:

30 (i) an officer of a corporation or a partner of a partnership; and

31 (ii) a licensed landscape architect.]

1           **(B) (1) A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY**  
2 **COMPANY SHALL APPOINT AT LEAST ONE PERSON IN RESPONSIBLE CHARGE OF THE**  
3 **LANDSCAPE ARCHITECTURAL SERVICES PERFORMED OR OFFERED TO BE**  
4 **PERFORMED THROUGH THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY**  
5 **COMPANY.**

6           **(2) A PERSON IN RESPONSIBLE CHARGE SHALL BE:**

7                   **(I) IN DIRECT CONTROL OF LANDSCAPE ARCHITECTURAL**  
8 **SERVICES PERFORMED OR OFFERED TO BE PERFORMED THROUGH THE**  
9 **CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY;**

10                   **(II) IN A POSITION TO ACT ON BEHALF OF, AND BE RESPONSIBLE**  
11 **FOR, THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY IN**  
12 **MATTERS RELATED TO THE PRACTICE OF LANDSCAPE ARCHITECTURE; AND**

13                   **(III) A LICENSED LANDSCAPE ARCHITECT IN GOOD STANDING.**

14           **(3) A LICENSEE MAY NOT BE DESIGNATED AS A PERSON IN**  
15 **RESPONSIBLE CHARGE FOR MORE THAN ONE CORPORATION, PARTNERSHIP, OR**  
16 **LIMITED LIABILITY COMPANY THAT PROVIDES OR OFFERS TO PROVIDE LANDSCAPE**  
17 **ARCHITECTURAL SERVICES WITHOUT THE PRIOR APPROVAL OF THE BOARD.**

18 9-405.

19           **[(b) In addition to any other information required on an application form, the form**  
20 **shall require the name and address of:**

21                   (1) each responsible member of a corporation or partnership;

22                   (2) each officer and shareholder of a corporation; and

23                   (3) each partner of a partnership.]

24           **(B) IN ADDITION TO ANY OTHER INFORMATION REQUIRED ON AN**  
25 **APPLICATION FORM, THE FORM SHALL REQUIRE THE FOLLOWING:**

26                   **(1) THE NAME AND ADDRESS OF AT LEAST ONE PERSON IN**  
27 **RESPONSIBLE CHARGE OF THE LANDSCAPE ARCHITECTURAL SERVICES**  
28 **PERFORMED OR OFFERED TO BE PERFORMED THROUGH THE CORPORATION,**  
29 **PARTNERSHIP, OR LIMITED LIABILITY COMPANY; AND**

30                   **(2) EVIDENCE ACCEPTABLE TO THE BOARD THAT A PERSON IN**  
31 **RESPONSIBLE CHARGE IS AN EMPLOYEE, AN OWNER, A DIRECTOR, AN OFFICER, A**  
32 **MEMBER, OR A PARTNER, AS APPLICABLE, OF THE ENTITY SEEKING A PERMIT.**

1 [9-409.

2 Within 1 month after the effective date of the change, a permit holder shall submit  
3 to the Board an application form that shows a change in the name of:

- 4 (1) a responsible member of the holder;
- 5 (2) an officer or shareholder, if the holder is a corporation; or
- 6 (3) a partner, if the holder is a partnership.]

7 **9-409.**

8 **WITHIN 1 MONTH AFTER THE EFFECTIVE DATE OF THE CHANGE OR**  
9 **OCCURRENCE, A PERMIT HOLDER SHALL NOTIFY THE BOARD IN WRITING IF THERE**  
10 **HAS BEEN A CHANGE IN:**

11 (1) THE IDENTITY OF THE PERSON IN RESPONSIBLE CHARGE OF  
12 LANDSCAPE ARCHITECTURAL SERVICES PERFORMED OR OFFERED TO BE  
13 PERFORMED THROUGH THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY  
14 COMPANY; OR

15 (2) THE NAME OF THE CORPORATION, PARTNERSHIP, OR LIMITED  
16 LIABILITY COMPANY.

17 **9-410.**

18 (A) SUBJECT TO THE HEARING PROVISIONS OF § 9-411 OF THIS SUBTITLE,  
19 THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN  
20 SERVING, MAY DENY A PERMIT TO ANY APPLICANT, REPRIMAND A PERMIT HOLDER,  
21 OR SUSPEND OR REVOKE A PERMIT IF:

22 (1) THE APPLICANT OR PERMIT HOLDER FRAUDULENTLY OR  
23 DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A PERMIT; OR

24 (2) THE PERMIT HOLDER FRAUDULENTLY OR DECEPTIVELY USES A  
25 PERMIT.

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

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

1 (II) EACH FAILURE TO MEET OR CONTINUE TO MEET THE  
2 QUALIFICATIONS OR REQUIREMENTS SET FORTH IN THIS SUBTITLE.

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

5 (I) THE SERIOUSNESS OF THE VIOLATION;

6 (II) THE HARM CAUSED BY THE VIOLATION;

7 (III) THE GOOD FAITH OF THE PERMIT HOLDER OR THE  
8 APPLICANT; AND

9 (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE PERMIT  
10 HOLDER OR THE APPLICANT.

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

13 9-411.

14 (A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE  
15 GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER §  
16 9-410 OF THIS SUBTITLE, IT SHALL GIVE THE PERSON AGAINST WHOM THE ACTION  
17 IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

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

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

22 (1) SERVED PERSONALLY ON THE APPLICANT OR ON A PERSON IN  
23 RESPONSIBLE CHARGE OF LANDSCAPE ARCHITECTURE PRACTICED THROUGH THE  
24 ENTITY HOLDING THE PERMIT OR A PERSON DESIGNATED AS A RESIDENT AGENT TO  
25 RECEIVE PROCESS ON BEHALF OF THE ENTITY; OR

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

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

1 **9-412.**

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

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

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

16 **9-413.**

17 A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY WHOSE  
18 PERMIT HAS BEEN SUSPENDED OR REVOKED UNDER § 9-410 OF THIS SUBTITLE MAY  
19 NOT OFFER OR PROVIDE LANDSCAPE ARCHITECTURAL SERVICES UNTIL THE  
20 SUSPENSION IS LIFTED OR THE PERMIT IS REINSTATED.

21 **9-414.**

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

24 (1) A PERMIT THAT HAS BEEN REVOKED; OR

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

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

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

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

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

7 **9-415.**

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

11           **(1) OTHERWISE IS ENTITLED TO A PERMIT; AND**

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

13 **9-416.**

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

17 **9-602.**

18           Except for a licensed landscape architect who operates a business as a sole  
19 practitioner, a person may not operate a business through which landscape architecture is  
20 practiced unless:

21           (1) the business is a corporation [or a], partnership, **OR LIMITED**  
22 **LIABILITY COMPANY; and**

23           (2) the corporation [or], partnership, **OR LIMITED LIABILITY COMPANY**  
24 holds a permit issued by the Board.

25 **15-402.**

26           **(A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A**  
27 **corporation, partnership, or limited liability company shall hold a permit issued by the**  
28 **Board before the corporation, partnership, or limited liability company may operate a**  
29 **business through which land surveying or property line surveying is practiced.**

30           **(B) A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY MAY**  
31 **PROVIDE LAND SURVEYING OR PROPERTY LINE SURVEYING SERVICES FOR ITSELF**

1 OR FOR AN AFFILIATED CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY  
2 COMPANY WITHOUT A PERMIT ISSUED BY THE BOARD.

3 15-402.1.

4 (A) TO QUALIFY FOR A PERMIT, A CORPORATION, PARTNERSHIP, OR  
5 LIMITED LIABILITY COMPANY SHALL MEET THE REQUIREMENTS OF THIS SECTION.

6 (B) (1) A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY  
7 COMPANY SHALL APPOINT AT LEAST ONE PERSON IN RESPONSIBLE CHARGE OF THE  
8 PROFESSIONAL LAND SURVEYING OR PROPERTY LINE SURVEYING SERVICES  
9 PERFORMED OR OFFERED TO BE PERFORMED THROUGH THE CORPORATION,  
10 PARTNERSHIP, OR LIMITED LIABILITY COMPANY.

11 (2) A PERSON IN RESPONSIBLE CHARGE SHALL BE:

12 (I) IN DIRECT CONTROL OF PROFESSIONAL LAND SURVEYING  
13 OR PROPERTY LINE SURVEYING SERVICES PERFORMED OR OFFERED TO BE  
14 PERFORMED THROUGH THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY  
15 COMPANY;

16 (II) IN A POSITION TO ACT ON BEHALF OF, AND BE RESPONSIBLE  
17 FOR, THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY IN  
18 MATTERS RELATED TO THE PRACTICE OF PROFESSIONAL LAND SURVEYING OR  
19 PROPERTY LINE SURVEYING; AND

20 (III) A PROFESSIONAL LAND SURVEYOR OR LICENSED PROPERTY  
21 LINE SURVEYOR IN GOOD STANDING.

22 (3) A LICENSEE MAY NOT BE DESIGNATED AS A PERSON IN  
23 RESPONSIBLE CHARGE FOR MORE THAN ONE CORPORATION, PARTNERSHIP, OR  
24 LIMITED LIABILITY COMPANY THAT PROVIDES OR OFFERS TO PROVIDE  
25 PROFESSIONAL LAND OR PROPERTY LINE SURVEYING SERVICES WITHOUT THE  
26 PRIOR APPROVAL OF THE BOARD.

27 15-403.

28 (A) An applicant for a permit shall:

29 (1) submit to the Board an application on the form that the Board provides;  
30 and

31 (2) pay to the Board a nonrefundable application fee set by the Board.

1           **(B) IN ADDITION TO ANY OTHER INFORMATION REQUIRED ON AN**  
2 **APPLICATION FORM, THE FORM SHALL REQUIRE THE FOLLOWING:**

3           **(1) THE NAME AND ADDRESS OF AT LEAST ONE PERSON IN**  
4 **RESPONSIBLE CHARGE OF LAND SURVEYING OR PROPERTY LINE SURVEYING**  
5 **SERVICES PERFORMED OR OFFERED TO BE PERFORMED THROUGH THE**  
6 **CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY; AND**

7           **(2) EVIDENCE ACCEPTABLE TO THE BOARD THAT A PERSON IN**  
8 **RESPONSIBLE CHARGE IS AN EMPLOYEE, AN OWNER, A DIRECTOR, AN OFFICER, A**  
9 **MEMBER, OR A PARTNER, AS APPLICABLE, OF THE ENTITY SEEKING A PERMIT.**

10 15-406.

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

13           (1) after the effective date of the permit; and

14           (2) in an odd-numbered year.

15           (b) At least 1 month before a permit expires, the Board shall mail to the permit  
16 holder, at the last known address of the holder:

17           (1) a renewal application form; and

18           (2) a notice that states:

19                   (i) the date on which the current permit expires;

20                   (ii) the date by which the Board must receive the renewal application  
21 for the renewal to be issued and mailed before the permit expires; and

22                   (iii) the amount of the permit fee.

23           (c) Before a permit expires, the permit holder periodically may renew it for an  
24 additional 2-year term, if the holder:

25           (1) submits to the Board a renewal application on the form that the Board  
26 provides; and

27           (2) pays to the Board a permit fee set by the Board.

28           **(d) THE RENEWAL APPLICATION FORM SHALL REQUIRE THE SAME**  
29 **INFORMATION REQUIRED ON THE ORIGINAL APPLICATION FORM UNDER**  
30 **§ 15-403(B) OF THIS SUBTITLE.**

1           **(E)** The Board shall renew the permit of each permit holder who meets the  
2 requirements of this section.

3 **15-407.**

4           **WITHIN 1 MONTH AFTER THE EFFECTIVE DATE OF THE CHANGE OR**  
5 **OCCURRENCE, A PERMIT HOLDER SHALL NOTIFY THE BOARD IN WRITING IF THERE**  
6 **HAS BEEN A CHANGE IN:**

7                   **(1) THE IDENTITY OF THE PERSON IN RESPONSIBLE CHARGE OF LAND**  
8 **SURVEYING OR PROPERTY LINE SURVEYING SERVICES PERFORMED OR OFFERED TO**  
9 **BE PERFORMED THROUGH THE CORPORATION, PARTNERSHIP, OR LIMITED**  
10 **LIABILITY COMPANY; OR**

11                   **(2) THE NAME OF THE CORPORATION, PARTNERSHIP, OR LIMITED**  
12 **LIABILITY COMPANY.**

13 **15-408.**

14           **(A) SUBJECT TO THE HEARING PROVISIONS OF § 15-409 OF THIS SUBTITLE,**  
15 **THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN**  
16 **SERVING, MAY DENY A PERMIT TO ANY APPLICANT, REPRIMAND A PERMIT HOLDER,**  
17 **OR SUSPEND OR REVOKE A PERMIT IF:**

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

20                   **(2) THE PERMIT HOLDER FRAUDULENTLY OR DECEPTIVELY USES A**  
21 **PERMIT.**

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

24                   **(I) EACH VIOLATION FOR WHICH A DENIAL, REPRIMAND,**  
25 **SUSPENSION, OR REVOCATION WAS IMPOSED UNDER SUBSECTION (A) OF THIS**  
26 **SECTION; AND**

27                   **(II) EACH FAILURE TO MEET OR CONTINUE TO MEET THE**  
28 **QUALIFICATIONS OR REQUIREMENTS SET FORTH IN THIS SUBTITLE.**

29                   **(2) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER**  
30 **THIS SUBSECTION, THE BOARD SHALL CONSIDER:**

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

7           **(C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER SUBSECTION**  
8 **(B) OF THIS SECTION INTO THE GENERAL FUND OF THE STATE.**  
9 **15-409.**

10           **(A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE**  
11 **GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER §**  
12 **15-408 OF THIS SUBTITLE, IT SHALL GIVE THE PERSON AGAINST WHOM THE ACTION**  
13 **IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.**

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

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

18                   **(1) SERVED PERSONALLY ON THE APPLICANT OR ON A PERSON IN**  
19 **RESPONSIBLE CHARGE OF LAND SURVEYING OR PROPERTY LINE SURVEYING**  
20 **PRACTICED THROUGH THE ENTITY HOLDING THE PERMIT OR A PERSON**  
21 **DESIGNATED AS A RESIDENT AGENT TO RECEIVE PROCESS ON BEHALF OF THE**  
22 **ENTITY; OR**

23                   **(2) MAILED TO THE LAST KNOWN BUSINESS ADDRESS OF THE ENTITY**  
24 **HOLDING THE PERMIT.**

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

28 **15-410.**

29           **(A) (1) FOR THE LIMITED PURPOSE SET FORTH IN PARAGRAPH (2) OF**  
30 **THIS SUBSECTION, A PERMIT SHALL REMAIN IN EFFECT AND DOES NOT EXPIRE BY**  
31 **OPERATION OF LAW WHILE THE PERMIT HOLDER IS UNDER INVESTIGATION BY THE**

1 **BOARD OR AWAITING A HEARING OR DISPOSITION ON CHARGES SUBJECT TO**  
2 **DISCIPLINARY ACTION UNDER THIS SUBTITLE.**

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

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

12 **15-411.**

13 **A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY WHOSE**  
14 **PERMIT HAS BEEN SUSPENDED OR REVOKED UNDER § 15-408 OF THIS SUBTITLE**  
15 **MAY NOT OFFER OR PROVIDE LAND SURVEYING OR PROPERTY LINE SURVEYING**  
16 **SERVICES UNTIL THE SUSPENSION IS LIFTED OR THE PERMIT IS REINSTATED.**

17 **15-412.**

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

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

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

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

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

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

29 **(C) THE BOARD, BY AN AFFIRMATIVE VOTE OF A MAJORITY OF ITS**  
30 **MEMBERS THEN SERVING, SHALL VOTE ON THE REQUEST FOR REINSTATEMENT OR**  
31 **LIFTING OF THE SUSPENSION WITHIN 60 DAYS OF RECEIPT OF THE WRITTEN**  
32 **REQUEST.**

1 15-413.

2 THE BOARD MAY REINSTATE THE PERMIT OF A CORPORATION, PARTNERSHIP,  
3 OR LIMITED LIABILITY COMPANY THAT HAS FAILED TO RENEW THE PERMIT FOR ANY  
4 REASON IF THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY:

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

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

7 15-414.

8 AFTER THE BOARD REINSTATES A PERMIT, THE PERMIT HOLDER SHALL  
9 CONTINUE TO COMPLY WITH ALL APPLICABLE REQUIREMENTS SET FORTH IN THIS  
10 SUBTITLE.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2015.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.