

HOUSE BILL 684

C2

1lr1972

By: **Delegate Valderrama**

Introduced and read first time: January 26, 2021

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Professional Land Surveyors – Surveying Practice – Definition and Licensing**
3 **Exception**

4 FOR the purpose of altering the definition of “practice land surveying” for purposes of
5 certain provisions of law governing professional land surveyors; exempting certain
6 individuals who utilize certain tools for determining topography and contours and
7 are certified by certain entities approved by the State Board for Professional Land
8 Surveyors from certain licensing requirements; and generally relating to
9 professional land surveying.

10 BY repealing and reenacting, without amendments,
11 Article – Business Occupations and Professions
12 Section 15–101(a)
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2020 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Business Occupations and Professions
17 Section 15–101(k) and 15–301
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2020 Supplement)

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

22 **Article – Business Occupations and Professions**

23 15–101.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (k) (1) “Practice land surveying” means [any service, work, documentation, or
2 practice, the performance or preparation of which requires] **PROVIDING OR OFFERING TO**
3 **PROVIDE PROFESSIONAL SERVICES THAT REQUIRE** the application of special
4 knowledge of the principles of mathematics, the related physical and applied sciences, and
5 the requirements of the relevant law[, as applied to:] **TO AUTHORITATIVELY**
6 **DETERMINE, REGARDLESS OF THE TECHNOLOGY OR METHOD USED, THE ACCURATE**
7 **AND PRECISE LOCATION OF A FEATURE, OBJECT, OR BOUNDARY OF REAL PROPERTY**
8 **WITH REFERENCE TO THE SURFACE OF THE EARTH, SPACE ABOVE THE SURFACE OF**
9 **THE EARTH, OR UNDERGROUND.**

10 (2) “PRACTICE LAND SURVEYING” INCLUDES:

11 (i) measuring, platting, and locating lines, angles, elevations,
12 natural or artificial features in the air, on the surface of the earth, in underground work,
13 and on the beds of bodies of water for the purpose of determining and reporting positions,
14 topography, areas, and volumes;

15 (ii) the **DESCRIBING**, platting or replatting, establishing or
16 reestablishing, locating or relocating, or setting or resetting the monumentation for
17 boundaries of real property, easements, or rights-of-way;

18 (iii) platting, layout, and preparation of surveys, plats, plans, and
19 drawings, including:

- 20 1. site plans;
- 21 2. subdivision plans;
- 22 3. subdivision plats;
- 23 4. condominium plats;
- 24 5. right-of-way and easement plats; and
- 25 6. other recordable plats;

26 (iv) conducting horizontal and vertical control surveys, layout or
27 stake-out of proposed construction, and the preparation and platting of as-constructed
28 surveys;

29 (v) utilizing measurement devices or systems, such as aerial
30 photogrammetry, global positioning systems, land information systems, geographic
31 information systems, or similar technology for evaluation or location of boundaries of real
32 property, easements, or rights-of-way; and

33 (vi) in conjunction with the site development or subdivision of land,

1 the preparation and design of plans for the following projects, provided that such
2 preparation and design are in accordance with design manuals, details, and standards
3 accepted by the State or local authority:

- 4 1. road and street grades;
- 5 2. sediment and erosion control measures;
- 6 3. nonpressurized closed storm drainage and stormwater
7 management systems; and
- 8 4. open conduit storm drainage and stormwater
9 management systems.

10 ~~[(2)]~~ **(3)** “Practice land surveying” does not include the design,
11 preparation, or specifications for:

- 12 (i) community water or wastewater treatment collection or
13 distribution systems;
- 14 (ii) community pumping or lift stations; or
- 15 (iii) geotechnical or structural design components of sediment control
16 or stormwater management ponds or basins.

17 15–301.

18 (a) (1) Except as otherwise provided in this title, an individual shall be
19 licensed by the Board to practice land surveying before the individual may practice land
20 surveying in the State.

21 (2) Except as otherwise provided in this title, an individual shall be
22 licensed by the Board to practice property line surveying before the individual may practice
23 property line surveying in the State.

24 (b) This section does not apply to:

25 (1) an individual who practices land surveying while performing official
26 duties as an officer or employee of the federal government;

27 (2) an employee or other subordinate of a licensee, while the subordinate
28 practices land surveying or practices property line surveying under the conditions
29 authorized under § 15–303(a)(1)(i) or (2)(i) of this subtitle; **[or]**

30 (3) an employee of an individual who is not licensed but who, nevertheless,
31 is authorized to practice land surveying or to practice property line surveying, while the
32 employee practices land surveying or practices property line surveying under the conditions

1 authorized under § 15–303(a)(1)(ii) or (2)(ii) of this subtitle; OR

2 **(4) AN INDIVIDUAL WHO UTILIZES MEASUREMENT DEVICES OR**
3 **SYSTEMS, REGARDLESS OF THE TECHNOLOGY OR METHODS USED, FOR THE**
4 **EXCLUSIVE PURPOSE OF DETERMINING TOPOGRAPHY AND CONTOURS, PROVIDED**
5 **THAT THE INDIVIDUAL IS CERTIFIED BY AN ENTITY ACCEPTABLE TO THE BOARD.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2021.