

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Labor, Licensing, and Regulation
(DLS Control No. 14-056)**

Overview and Legal and Fiscal Impact

This regulation specifies the procedures by which certain professional land surveyor licensees may renew a license without fulfilling certain continuing professional competency (CPC) requirements.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Labor, Licensing, and Regulation:

Board of Professional Land Surveyors:

Continuing Professional Competency Requirements:

COMAR 09.13.08.12

Legal Analysis

Background

Chapters 154 and 155 of 2013 aimed to facilitate professional licensing for active military personnel, veterans, and their spouses through the expedited issuance of specified licenses, registrations, and certificates. The measures required occupational and professional licensing units within the Department of Labor, Licensing, and Regulation to issue expedited temporary licenses, registrations, or certificates to military service members, veterans, and military spouses if specified education, training, and experience conditions are met. The 2013 legislation authorizes a unit to allow an individual licensee who is a member of an armed force deployed outside the State to complete any continuing education or continuing competency requirements for renewal within a reasonable time after renewing the license.

Summary of Regulation

The regulation clarifies that a professional land surveyor licensee may renew a professional land surveyor license without complying with the CPC requirements if the licensee has been granted an initial license and is renewing for the next full term and if the license qualifies under Title 2.5 of the Business Regulation Article. The regulation authorizes a licensee who is unable to comply with the CPC requirements due to physical disability, illness, or other extenuating circumstances to request a one-time exception from compliance by filing with the

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State Board for Professional Land Surveyors at least 60 days before the license expiration date accompanied by a detailed proposal of the licensee's intended plan of compliance with the CPC requirements within six months after the license expiration date and in some instances other supporting documentation.

Legal Issue

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites §§ 15-314(f), 15-315, and 15-316 of the Business Occupations and Professions Article as authority for the regulation. Specifically, the regulation is authorized by § 15-314(f), which requires the board to adopt regulations to require a demonstration of CPC for a licensee as a condition of license renewal. In addition to this authority, § 15-208(a)(2) of the Business Occupations and Professions Article generally authorizes the board to adopt any regulation to carry out the Maryland Professional Land Surveyors Act. Finally, § 2.5-103 authorizes the renewal of licenses held by a member of the Armed Forces deployed outside of the United States under separate procedures, as described above. This authority is correct and complete. The regulation complies with the legislative intent of the law.

Technical Corrections and Special Notes

The department will be submitting replacement pages to correct several grammatical errors and to clarify that a licensee may renew a professional land surveyor license without complying with the CPC requirements if the licensee has been granted an initial license and is renewing for the next full term *and* if the license qualifies under Title 2.5 of the Business Regulation Article.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation has minimal or no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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