

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	11/07/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 12/12/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

09 23 04 03

3. Name of Promulgating Authority

Department of Labor, Licensing, and Regulation

4. Name of Regulations Coordinator

Donnice M Turner

Telephone Number

410-230-6008

Mailing Address

500 N. Calvert Street, 4th Floor

City State Zip Code

Baltimore MD 21202

Email

donniturner@dllr.state.md.us

5. Name of Person to Call About this Document

Pamela J. Edwards

Telephone No.

410-230-6262

Email Address

pam.edwards@maryland.gov

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: October 29, 2014.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Milena Y. Trust, Assistant Attorney General, (telephone #410-230-6139) on November 7, 2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Pamela J. Edwards

Title

Executive Director

Telephone No.

410-230-6262

Date

November 7, 2014

Title 09
DEPARTMENT OF LABOR, LICENSING, AND
REGULATION

Subtitle 23 BOARD FOR PROFESSIONAL ENGINEERS

09.23.04 Fees

Authority: Business Regulation Article, §§2-106, 2-106.1, and 2-106.2; Business Occupations and Professions Article, §§14-101, 14-208, 14-209, 14-401- 14-405, 14-407, 14-413 and 14-414; Annotated Code of Maryland

Notice of Proposed Action

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The Board for Professional Engineers proposes to amend Regulation .03 under COMAR 09.23.04 Fees.

This action was considered by the Board for Professional Engineers at a public meeting held on March 13, 2014 notice of which was given by publication in 41:4 Md. R. 315 (February 21, 2014), pursuant to State Government Article §10-506(c).

Statement of Purpose

The purpose of this action is to set application, permit, and reinstatement fees for firms offering engineering services in the State of Maryland. Per legislation effective October 1, 2013, the Board for Professional Engineers has been mandated with licensing and regulating engineering firms. Accordingly, application and permit fees must be set in order to cover the costs of creating and operating the permitting functions by the Board. Engineering firms are required to hold a permit as of October 1, 2015.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

The fees will raise approximately \$150,000 in new revenue in the first year. Engineering firms and small businesses would be impacted. Details are itemized in Sections II and III below.

II. Types of Economic Impact.

Revenue (R+/R-)
Expenditure (E+/E-) Magnitude

A. On issuing agency:

State Occupational and Professional Design Boards	(R+)	\$150,000
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Benefit (+) Cost (-)	Magnitude
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D. On regulated industries or trade groups:

Engineering firms	(-)	\$150,000
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E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. Firms applying for the initial permit will pay the \$100 application fee and the \$200 permit fee. The Board estimates that there are 500 engineering firms that will be seeking a permit.

D. Engineering firms offering engineering services in the State of Maryland must hold a firm permit as of October 1, 2015. The Board estimates that 500 firms will apply for a required permit. The combined amount of the application fee and permit fee is \$300.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

Small businesses offering engineering services will be impacted by a new requirement to obtain a firm permit. Initial cost for the permit will be \$300, followed by a \$200 renewal fee every two years.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Pamela J. Edwards, Executive Director, Professional Licensing Boards, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6262, or email to pam.edwards@maryland.gov, or fax to 410-333-0021.

Comments will be accepted through January 16, 2015. A public hearing will be held, January 16, 2015, 10:30 a.m. at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202 to hear comments from the public on proposed fees for firm permits.

Open Meeting

Final action on the proposal will be considered by the Board for Professional Engineers during a public meeting to be held on February 12, 2015, 9 a.m., at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

State Occupational and Professional Design Boards' Fund

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

G. Small Business Worksheet:

Small Business Analysis Worksheet

1a. The public and households are the beneficiaries of the regulations.

1b. Income or purchasing power will not be directly affected. Engineering firms that will be holding a permit are required to have a licensed professional engineer as part of the structure of the firm. Therefore, the new permit requirements which necessitate promulgation of these regulations, will result in the public having a better understanding of the qualifications of the entity that provides engineering services.

1c. N/A

2a. The new regulations will result in additional expenditures that will have to be borne by businesses that offer engineering services. However, these expenses are not extremely burdensome, and are in line with similar fees set by other states.

2b. N/A

3. No long-term impacts can be identified.

4. An engineering firm will experience a minimal increase in the costs of providing goods and services due to expenditures for biennial permit fees.

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Subtitle 23 BOARD FOR PROFESSIONAL ENGINEERS

Chapter 04 Fees

Authority: Business Regulation Article, §§2-106, 2-106.1, and 2-106.2; Business Occupations and Professions Article, §§14-101, 14-208, 14-209, 14-401-14-405, 14-407, 14-413, and 14-414; Annotated Code of Maryland

.03 Fees and Costs.

A. The Secretary and the design boards have agreed to average their direct and indirect costs, based on the calculation of costs performed by the Secretary in consultation with the design boards. Based on these calculations, the Board sets the following fees:

(1) - (8) (text unchanged)

(9) *Permit Fee - \$200.00;*

(10) *Non-refundable initial application fee payable in connection with an application for permit - \$100.00; and*

(11) *Permit reinstatement fee - \$200.00.*

B. - E. (text unchanged)

HOWARD C. HARCLERODE II, Chairman
STATE BOARD FOR PROFESSIONAL ENGINEERS