

HOUSE BILL 528

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1998 Regular Session
(8lr1183)

ENROLLED BILL

-- Economic Matters/Economic and Environmental Affairs --

Introduced by **Delegates Gordon, Barve, Kagan, Snodgrass, Stup, Donoghue, Stocksdale, Elliott, Healey, W. Baker, Wood, Bozman, Conway, Edwards, McClenahan, Eckardt, Exum, V. Mitchell, and McKee**

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
3

~~Architects - Signatures and Seals~~
Signatures and Seals of Architects - Buildings in Municipal Corporations

4 FOR the purpose of providing ~~that a person is required, under certain circumstances,~~
5 ~~to a certain exception under certain circumstances to the requirement that a~~
6 person must employ a licensed architect to alter or repair a building or structure
7 located in a municipal corporation that is ~~for the personal use of the person~~
8 intended for public use; authorizing certain officials to require that certain
9 architectural documents be signed and sealed under certain circumstances;
10 defining a certain term; and generally relating to licensed architects and
11 buildings located in municipal corporations.

12 BY repealing and reenacting, without amendments,
13 Article 83B - Department of Housing and Community Development
14 Section 6-401 and 6-402

1 Annotated Code of Maryland
2 (1995 Replacement Volume and 1997 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article - Business Occupations and Professions
5 Section 3-101 and 3-103
6 Annotated Code of Maryland
7 (1995 Replacement Volume and 1997 Supplement)

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

10 **Article 83B - Department of Housing and Community Development**

11 6-401.

12 (a) In this subtitle the following words have the meanings indicated.

13 (b) "BOCA" means the organization known as the Building Officials and Code
14 Administrators International, Inc.

15 (c) (1) "BOCA National Building Code" means the first printing of the most
16 recent edition of the National Building Code periodically issued by BOCA.

17 (2) "BOCA National Building Code" does not include interim
18 amendments or subsequent printings of the most recent edition.

19 (d) "Building" has the meaning and interpretation set forth in the BOCA
20 National Building Code.

21 (e) "County" means any of the 23 counties of the State and the Mayor and City
22 Council of Baltimore.

23 (f) "Local jurisdiction" means the county or municipality responsible for
24 implementation and enforcement of the Maryland Building Performance Standards
25 as more specifically provided in § 6-402(f) of this subtitle.

26 (g) "Maryland Building Performance Standards" or "Standards" means the
27 BOCA National Building Code adopted by the Department under § 6-402 of this
28 subtitle.

29 (h) "Municipality" means a municipal corporation subject to the provisions of
30 Article XI-E of the State Constitution.

31 (i) "Standard Building Code" means the standard building code issued by the
32 Southern Building Code Congress International, Inc.

1 (j) "State Fire Prevention Code" means the fire prevention regulations
2 promulgated by the State Fire Prevention Commission in accordance with Article
3 38A, § 3 of the Code.

4 (k) "Structure" has the meaning and interpretation set forth in the BOCA
5 National Building Code.

6 6-402.

7 (a) The Department shall adopt by regulation, as the Maryland Building
8 Performance Standards, the BOCA National Building Code with the modifications
9 incorporated by the Department under § 6-403 of this subtitle.

10 (b) (1) The Department shall adopt the initial version of the Maryland
11 Building Performance Standards on or before August 1, 1994.

12 (2) The Department shall adopt all subsequent versions of the Standards
13 within 9 months of the date BOCA issues the BOCA National Building Code.

14 (c) (1) Except as otherwise provided in this subsection, the Maryland
15 Building Performance Standards shall apply to all buildings and structures within
16 the State for which a building permit application is received by a local jurisdiction on
17 or after August 1, 1995.

18 (2) In counties or municipalities that have not adopted a building code as
19 of October 1, 1992, the Standards shall apply to all buildings and structures for which
20 a building permit application is received by the local jurisdiction on or after August 1,
21 1997.

22 (3) In counties or municipalities that have adopted the standard building
23 code as of October 1, 1993, the Standards shall apply to all buildings and structures
24 for which a building permit application is received by the local jurisdiction on or after
25 August 1, 1999.

26 (4) (i) If the Department has not provided funding to a county or
27 municipality to cover all direct and reasonable costs necessary for converting or
28 establishing local systems to implement the Standards, then the provisions of this
29 subsection shall be void and without effect as to the particular county or municipality
30 until the time that the needed funds are made available by the Department.

31 (ii) 1. In this paragraph "costs" means expenses associated with
32 hardware, software, training, technical assistance, or other direct expenses that a
33 county or municipality incurs to implement the Standards.

34 2. In this paragraph "costs" does not include expenses that a
35 county or municipality would incur without implementation of the Standards.

36 (5) A local jurisdiction may implement and enforce the Maryland
37 Building Performance Standards and any local amendment on or before the dates
38 specified in this subsection for application of the Standards.

1 (d) (1) A local jurisdiction may adopt local amendments to the Maryland
2 Building Performance Standards provided that the amendments may not prohibit the
3 minimum implementation and enforcement activities set forth in subsection (e) of this
4 section.

5 (2) If a local jurisdiction adopts a local amendment to the Maryland
6 Building Performance Standards, the Standards as amended by the local jurisdiction
7 shall apply within the local jurisdiction.

8 (3) If a local amendment conflicts with the provisions of the Maryland
9 Building Performance Standards, the provisions of the local amendment shall prevail
10 in the local jurisdiction.

11 (4) In adopting a local amendment to the Maryland Building
12 Performance Standards a local jurisdiction shall:

13 (i) Ensure that the amendment is adopted in accordance with
14 applicable local laws and regulations; and

15 (ii) In order to enable the central data base established under §
16 6-404 of this subtitle to remain current, furnish a copy of the amendment to the
17 Department:

18 1. At least 15 days before the effective date of the
19 amendment; or

20 2. In the case of an emergency adoption of a local
21 amendment, within 5 days of its adoption.

22 (e) (1) In accordance with the provisions of subsection (c) of this section local
23 jurisdictions shall implement and enforce the Maryland Building Performance
24 Standards and, if adopted by the local jurisdiction, any local amendments to the
25 Standards. At a minimum, a local jurisdiction shall ensure that implementation and
26 enforcement includes:

27 (i) Review and acceptance of appropriate plans;

28 (ii) Issuance of building permits;

29 (iii) Inspection of the work authorized by the building permits; and

30 (iv) Issuance of appropriate use and occupancy certificates.

31 (2) The manner in which the minimum implementation and enforcement
32 activities set forth in paragraph (1) of this subsection are carried out shall be
33 determined by the local jurisdiction.

34 (3) Nothing in this subtitle may be construed to permit or encourage the
35 State to initiate or assume an independent role in the administration and
36 enforcement of the Maryland Building Performance Standards for a building or

1 structure within the State, a county, or a municipality that is not owned or operated
2 by the State.

3 (f) (1) Except as otherwise provided in this subsection the county in which a
4 structure is situated is responsible for implementation and enforcement of the
5 Maryland Building Performance Standards in accordance with this subtitle.

6 (2) (i) A municipality that has not adopted a building code as of
7 October 1, 1992 may elect to implement and enforce the Maryland Building
8 Performance Standards in accordance with this subtitle for structures located within
9 the municipality.

10 (ii) If a municipality elects to implement and enforce the Standards
11 under subparagraph (i) of this paragraph, the county, in which the municipality is
12 located, is not responsible for implementation and enforcement of the standards
13 within the municipality.

14 (3) A county that has not adopted a building code as of October 1, 1992 is
15 responsible for implementation and enforcement of the Maryland Building
16 Performance Standards within the county unless it elects to negotiate with a
17 municipality located within the county to have the municipality implement and
18 enforce the Standards within the county.

19 (4) A municipality that has adopted a building code as of October 1, 1992
20 is responsible for implementation and enforcement of the Maryland Building
21 Performance Standards within the municipality unless it elects to negotiate with the
22 county in which the municipality is located to have the county implement and enforce
23 the standards within the municipality.

24 (g) A local jurisdiction may charge fees necessary to cover the cost of
25 implementation and enforcement of the Maryland Building Performance Standards
26 and any local amendments to the Standards.

27 (h) This subtitle may not be construed to alter or abrogate any existing zoning
28 power or related authority that municipalities and counties may exercise as of
29 October 1, 1993.

30 **Article - Business Occupations and Professions**

31 3-101.

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

33 (b) "Architect" means an individual who practices architecture.

34 (c) "Board" means, unless the context requires otherwise, the State Board of
35 Architects.

1 (D) "CODE OFFICIAL" MEANS A PUBLIC OFFICIAL RESPONSIBLE FOR THE
 2 REVIEW OF BUILDING PERMIT DOCUMENTS OR THE ISSUANCE OF BUILDING
 3 PERMITS.

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

6 [(e)] (F) "Licensed architect" means, unless the context requires otherwise, an
 7 architect who is licensed by the Board to practice architecture.

8 [(f)] (G) "Permit" means, unless the context requires otherwise, a permit
 9 issued by the Board to allow a partnership or corporation to operate a business
 10 through which an individual may practice architecture.

11 [(g)] (H) (1) "Practice architecture" means to provide any service or creative
 12 work:

13 (i) in regard to an addition to, alteration of, or construction of a
 14 building or an integral part of a building; and

15 (ii) that requires education, training, and experience in
 16 architecture.

17 (2) "Practice architecture" includes:

18 (i) architectural design and preparation of related documents;

19 (ii) consultation;

20 (iii) coordination of services that civil, electrical, mechanical, or
 21 structural engineers or any other consultants provide;

22 (iv) evaluation;

23 (v) investigation; and

24 (vi) planning.

25 3-103.

26 (a) Except as otherwise provided in this section, all architectural documents
 27 prepared in connection with the alteration, construction, or design of a building
 28 intended for public use shall be signed and sealed by a licensed architect.

29 (b) ~~(1) [This] EXCEPT AS PROVIDED BY PARAGRAPH (2) OF THIS~~
 30 ~~SUBSECTION, THIS~~ title does not require a person to employ a licensed architect in
 31 connection with any alteration, construction, design, or repair of a building or other
 32 structure that:

33 ~~(1)~~ ~~(1)~~ is for the personal use of the person or a member of the
 34 immediate family of that person; and

1 ~~{2}~~ ~~(H)~~ is not intended for any use, including assembly, employment, or
2 occupancy, by the public.

3 ~~(2)~~ A PERSON IS NOT REQUIRED TO EMPLOY A LICENSED ARCHITECT IN
4 CONNECTION WITH AN ALTERATION TO OR REPAIR OF AN EXISTING BUILDING OR
5 STRUCTURE IF THE ALTERATION OR REPAIR DOES NOT EXCEED \$5,000 IN ESTIMATED
6 COST, INCLUDING LABOR AND MATERIALS, AND IS APPROVED BY A CODE OFFICIAL
7 AS BEING IN COMPLIANCE WITH THE REQUIREMENTS OF THE BUILDING
8 PERFORMANCE STANDARDS UNDER ARTICLE 83B, § 6 402 OF THE CODE.

9 ~~(2)~~ ~~(H)~~ SUBJECT TO SUBPARAGRAPH (H) OF THIS PARAGRAPH, A
10 PERSON IS NOT REQUIRED TO EMPLOY A LICENSED ARCHITECT IN CONNECTION
11 WITH AN ALTERATION TO OR REPAIR OF AN EXISTING BUILDING OR STRUCTURE
12 THAT IS LOCATED IN A MUNICIPAL CORPORATION AND INTENDED FOR PUBLIC USE
13 IF:

14 ~~1.~~ THE ESTIMATED COST OF THE ALTERATION OR REPAIR IS
15 NOT MORE THAN \$5,000, INCLUDING LABOR AND MATERIALS; AND

16 ~~2.~~ THE ALTERATION OR REPAIR IS DETERMINED BY A CODE
17 OFFICIAL TO BE IN COMPLIANCE WITH THE REQUIREMENTS OF THE BUILDING
18 PERFORMANCE STANDARDS UNDER ARTICLE 83B, § 6 402 OF THE CODE.

19 ~~(H)~~ NOTWITHSTANDING THE ESTIMATED COST OF REPAIR OR
20 ALTERATION, A CODE OFFICIAL MAY REQUIRE ARCHITECTURAL DOCUMENTS FOR
21 THE ALTERATION OR REPAIR OF AN EXISTING BUILDING OR STRUCTURE THAT IS
22 LOCATED IN A MUNICIPAL CORPORATION AND INTENDED FOR PUBLIC USE TO BE
23 SIGNED AND SEALED BY A LICENSED ARCHITECT IF THE CODE OFFICIAL
24 DETERMINES THAT THE SIGNATURE AND SEAL OF A LICENSED ARCHITECT IS
25 NECESSARY TO ENSURE CONFORMITY WITH THE BUILDING PERFORMANCE
26 STANDARDS UNDER ARTICLE 83B, § 6 402 OF THE CODE AND OTHERWISE ENSURE
27 PUBLIC SAFETY AND HEALTH.

28 (c) This title does not limit the right of:

29 (1) an individual to perform architectural services that are incidental to
30 practicing engineering and are not in conflict with the basic definition of practicing
31 architecture, if the individual is licensed or otherwise authorized under Title 14 of
32 this article to practice engineering;

33 (2) an individual to perform architectural services that are incidental to
34 practicing landscape architecture and are not in conflict with the basic definition of
35 practicing architecture, if the individual is licensed or otherwise authorized under
36 Title 9 of this article to practice landscape architecture;

37 (3) a real estate broker, associate real estate broker, or real estate
38 salesperson to appraise property or to choose sites;

39 (4) a construction contractor to administer construction contracts;

1 (5) a developer, builder, or contractor to provide design services related
 2 to the developer's, builder's, or contractor's own construction of new or existing
 3 single-family or two-family dwellings, or structures ancillary to them, or farm
 4 buildings; or

5 (6) an interior designer to provide interior design services as that term is
 6 defined in Title 8 of this article.

7 (d) Services provided in accordance with subsection (c) of this section do not
 8 require an architect's seal.

9 ~~(E) A CODE OFFICIAL MAY REQUIRE THAT ARCHITECTURAL DOCUMENTS FOR~~
 10 ~~ALTERATIONS OR REPAIRS OF EXISTING BUILDINGS OR STRUCTURES UNDER~~
 11 ~~SUBSECTION (B)(2) OF THIS SECTION BE SIGNED AND SEALED BY A LICENSED~~
 12 ~~ARCHITECT IF THE CODE OFFICIAL DETERMINES THAT THE SIGNATURE AND SEAL~~
 13 ~~OF A LICENSED ARCHITECT IS NECESSARY TO PROVIDE CONFORMITY WITH THE~~
 14 ~~BUILDING PERFORMANCE STANDARDS AND OTHERWISE PROVIDE FOR PUBLIC~~
 15 ~~HEALTH AND SAFETY.~~

16 (E) (1) A PERSON MAY NOT BE REQUIRED TO EMPLOY A LICENSED
 17 ARCHITECT IN CONNECTION WITH THE ALTERATION OR REPAIR OF AN EXISTING
 18 BUILDING OR STRUCTURE IN A MUNICIPAL CORPORATION IF THE ALTERATION OR
 19 REPAIR:

20 (I) DOES NOT EXCEED \$5,000 IN ESTIMATED COSTS, INCLUDING
 21 LABOR AND MATERIALS;

22 (II) IS LIMITED TO:

23 1. INTERIOR ALTERATIONS OR REPAIRS;

24 2. STOREFRONTS OR FACADES;

25 3. FIXTURES, CABINETWORK OR FURNITURE; OR

26 4. EXTERIOR STAIRWAYS, LANDINGS, DECKS, AND RAMPS;

27 AND

28 (III) DOES NOT ADVERSELY AFFECT THE STRUCTURAL SYSTEM OF
 29 THE BUILDING, INCLUDING FOUNDATIONS, FOOTINGS, WALLS, FLOORS, ROOFS,
 30 BEARING PARTITIONS, BEAMS, COLUMNS, JOISTS, OR THE MECHANICAL,
 31 ELECTRICAL, OR PLUMBING SYSTEMS.

32 (2) ANY WORK PERFORMED UNDER THIS SUBSECTION SHALL BE IN
 33 COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT AND THE BUILDING
 34 PERFORMANCE STANDARDS SET FORTH IN ARTICLE 83B, § 6-402 OF THE CODE.

35 (3) THE EXCLUSION PROVIDED FOR IN THIS SUBSECTION SHALL BE
 36 USED ONLY ONCE PER BUILDING OR STRUCTURE IN A 12-MONTH PERIOD.

1 (4) A BUILDING PERMIT ISSUED UNDER THIS SUBSECTION:

2 (I) SHALL CONTAIN AN AFFIDAVIT SIGNED BY THE PERSON WHO
3 HAS SUBMITTED THE PERMIT STATING THAT THE REPAIR OR ALTERATION IS IN
4 COMPLIANCE WITH THIS SUBSECTION; AND

5 (II) MAY NOT BE AMENDED OR REVISED IN ANY WAY TO CAUSE THE
6 ALTERATION OR REPAIR TO EXCEED \$5,000 IN TOTAL COSTS, INCLUDING LABOR AND
7 MATERIALS.

8 (5) ANY BUILDING PERMIT ISSUED UNDER THIS SUBSECTION THAT
9 CONTAINS TECHNICAL SUBMISSIONS THAT FAIL TO CONFORM TO THE
10 REQUIREMENTS OF THIS SUBSECTION SHALL BE INVALID.

11 (F) NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION, A CODE
12 OFFICIAL MAY REQUIRE THAT ARCHITECTURAL DOCUMENTS FOR ALTERATIONS OR
13 REPAIRS OF EXISTING BUILDINGS OR STRUCTURES BE SIGNED AND SEALED BY A
14 LICENSED ARCHITECT IF THE CODE OFFICIAL DETERMINES THAT THE SIGNATURE
15 AND SEAL OF A LICENSED ARCHITECT IS NECESSARY TO PROVIDE CONFORMITY
16 WITH THE BUILDING PERFORMANCE STANDARDS OR TO OTHERWISE PROVIDE FOR
17 THE HEALTH AND SAFETY OF THE PUBLIC.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 1998.