

HOUSE BILL 528

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

Introduced and read first time: February 5, 1998

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Architects - Signatures and Seals**

3 FOR the purpose of providing that a person is required, under certain circumstances,
4 to employ a licensed architect to alter or repair a building or structure that is for
5 the personal use of the person; authorizing certain officials to require that
6 certain architectural documents be signed and sealed under certain
7 circumstances; defining a certain term; and generally relating to licensed
8 architects.

9 BY repealing and reenacting, without amendments,
10 Article 83B - Department of Housing and Community Development
11 Section 6-401 and 6-402
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1997 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Business Occupations and Professions
16 Section 3-101 and 3-103
17 Annotated Code of Maryland
18 (1995 Replacement Volume and 1997 Supplement)

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

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

22 6-401.

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

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

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

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

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

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

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

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

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

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

19 (j) "State Fire Prevention Code" means the fire prevention regulations
20 promulgated by the State Fire Prevention Commission in accordance with Article
21 38A, § 3 of the Code.

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

24 6-402.

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

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

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

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

1 (2) In counties or municipalities that have not adopted a building code as
2 of October 1, 1992, the Standards shall apply to all buildings and structures for which
3 a building permit application is received by the local jurisdiction on or after August 1,
4 1997.

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

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

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

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

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

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

26 (2) If a local jurisdiction adopts a local amendment to the Maryland
27 Building Performance Standards, the Standards as amended by the local jurisdiction
28 shall apply within the local jurisdiction.

29 (3) If a local amendment conflicts with the provisions of the Maryland
30 Building Performance Standards, the provisions of the local amendment shall prevail
31 in the local jurisdiction.

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

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

36 (ii) In order to enable the central data base established under §
37 6-404 of this subtitle to remain current, furnish a copy of the amendment to the
38 Department:

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

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

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

12 **Article - Business Occupations and Professions**

13 3-101.

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

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

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

18 (D) "CODE OFFICIAL" MEANS A PUBLIC OFFICIAL RESPONSIBLE FOR THE
 19 REVIEW OF BUILDING PERMIT DOCUMENTS OR THE ISSUANCE OF BUILDING
 20 PERMITS.

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

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

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

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

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

32 (ii) that requires education, training, and experience in
 33 architecture.

34 (2) "Practice architecture" includes:

- 1 (i) architectural design and preparation of related documents;
2 (ii) consultation;
3 (iii) coordination of services that civil, electrical, mechanical, or
4 structural engineers or any other consultants provide;
5 (iv) evaluation;
6 (v) investigation; and
7 (vi) planning.

8 3-103.

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

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

16 [(1)] (I) is for the personal use of the person or a member of the
17 immediate family of that person; and

18 [(2)] (II) is not intended for any use, including assembly, employment, or
19 occupancy, by the public.

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

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

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

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

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

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

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

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

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

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

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