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By: **Delegates Gordon, Barve, Kagan, Snodgrass, Stup, Donoghue,  
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McClenahan, Eckardt, Exum, V. Mitchell, and McKee**

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Assigned to: Economic Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 19, 1998

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Architects – Signatures and Seals~~  
3 **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  
15 Annotated Code of Maryland  
16 (1995 Replacement Volume and 1997 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article - Business Occupations and Professions  
19 Section 3-101 and 3-103  
20 Annotated Code of Maryland  
21 (1995 Replacement Volume and 1997 Supplement)

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

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

4 6-401.

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

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

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

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

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

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

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

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

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

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

26 (j) "State Fire Prevention Code" means the fire prevention regulations  
27 promulgated by the State Fire Prevention Commission in accordance with Article  
28 38A, § 3 of the Code.

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

31 6-402.

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

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

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

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

9 (2) In counties or municipalities that have not adopted a building code as  
10 of October 1, 1992, the Standards shall apply to all buildings and structures for which  
11 a building permit application is received by the local jurisdiction on or after August 1,  
12 1997.

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

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

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

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

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

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

34 (2) If a local jurisdiction adopts a local amendment to the Maryland  
35 Building Performance Standards, the Standards as amended by the local jurisdiction  
36 shall apply within the local jurisdiction.

37 (3) If a local amendment conflicts with the provisions of the Maryland  
38 Building Performance Standards, the provisions of the local amendment shall prevail  
39 in the local jurisdiction.

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

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

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

8 1. At least 15 days before the effective date of the  
9 amendment; or

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

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

17 (i) Review and acceptance of appropriate plans;

18 (ii) Issuance of building permits;

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

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

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

24 (3) Nothing in this subtitle may be construed to permit or encourage the  
25 State to initiate or assume an independent role in the administration and  
26 enforcement of the Maryland Building Performance Standards for a building or  
27 structure within the State, a county, or a municipality that is not owned or operated  
28 by the State.

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

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

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

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

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

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

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

21 **Article - Business Occupations and Professions**

22 3-101.

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

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

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

27 (D) "CODE OFFICIAL" MEANS A PUBLIC OFFICIAL RESPONSIBLE FOR THE  
28 REVIEW OF BUILDING PERMIT DOCUMENTS OR THE ISSUANCE OF BUILDING  
29 PERMITS.

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

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

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

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

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

5 (ii) that requires education, training, and experience in  
6 architecture.

7 (2) "Practice architecture" includes:

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

9 (ii) consultation;

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

12 (iv) evaluation;

13 (v) investigation; and

14 (vi) planning.

15 3-103.

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

19 (b) (1) ~~†This † EXCEPT AS PROVIDED BY PARAGRAPH (2) OF THIS~~  
20 ~~SUBSECTION, THIS~~ title does not require a person to employ a licensed architect in  
21 connection with any alteration, construction, design, or repair of a building or other  
22 structure that:

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

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

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

33 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A  
34 PERSON IS NOT REQUIRED TO EMPLOY A LICENSED ARCHITECT IN CONNECTION  
35 WITH AN ALTERATION TO OR REPAIR OF AN EXISTING BUILDING OR STRUCTURE

1 THAT IS LOCATED IN A MUNICIPAL CORPORATION AND INTENDED FOR PUBLIC USE

2 IF:

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

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

8 (II) NOTWITHSTANDING THE ESTIMATED COST OF REPAIR OR  
9 ALTERATION, A CODE OFFICIAL MAY REQUIRE ARCHITECTURAL DOCUMENTS FOR  
10 THE ALTERATION OR REPAIR OF AN EXISTING BUILDING OR STRUCTURE THAT IS  
11 LOCATED IN A MUNICIPAL CORPORATION AND INTENDED FOR PUBLIC USE TO BE  
12 SIGNED AND SEALED BY A LICENSED ARCHITECT IF THE CODE OFFICIAL  
13 DETERMINES THAT THE SIGNATURE AND SEAL OF A LICENSED ARCHITECT IS  
14 NECESSARY TO ENSURE CONFORMITY WITH THE BUILDING PERFORMANCE  
15 STANDARDS UNDER ARTICLE 83B, § 6-402 OF THE CODE AND OTHERWISE ENSURE  
16 PUBLIC SAFETY AND HEALTH.

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

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

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

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

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

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

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

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

37 ~~(E) A CODE OFFICIAL MAY REQUIRE THAT ARCHITECTURAL DOCUMENTS FOR~~  
38 ~~ALTERATIONS OR REPAIRS OF EXISTING BUILDINGS OR STRUCTURES UNDER~~

~~1 SUBSECTION (B)(2) OF THIS SECTION BE SIGNED AND SEALED BY A LICENSED  
2 ARCHITECT IF THE CODE OFFICIAL DETERMINES THAT THE SIGNATURE AND SEAL  
3 OF A LICENSED ARCHITECT IS NECESSARY TO PROVIDE CONFORMITY WITH THE  
4 BUILDING PERFORMANCE STANDARDS AND OTHERWISE PROVIDE FOR PUBLIC  
5 HEALTH AND SAFETY.~~

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