

SENATE BILL 258

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1998 Regular Session  
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By: **Senators Stoltzfus and Colburn**  
Introduced and read first time: February 2, 1998  
Assigned to: Economic and Environmental Affairs

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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.

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

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

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

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

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

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

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

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

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

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

22 6-402.

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

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

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

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

34 (2) In counties or municipalities that have not adopted a building code as  
35 of October 1, 1992, the Standards shall apply to all buildings and structures for which

1 a building permit application is received by the local jurisdiction on or after August 1,  
2 1997.

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

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

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

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

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

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

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

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

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

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

34 (ii) In order to enable the central data base established under §  
35 6-404 of this subtitle to remain current, furnish a copy of the amendment to the  
36 Department:

37 1. At least 15 days before the effective date of the  
38 amendment; or



1 county in which the municipality is located to have the county implement and enforce  
2 the standards within the municipality.

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

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

9 **Article - Business Occupations and Professions**

10 3-101.

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

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

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

15 (D) "CODE OFFICIAL" MEANS A PUBLIC OFFICIAL RESPONSIBLE FOR THE  
16 REVIEW OF BUILDING PERMIT DOCUMENTS OR THE ISSUANCE OF BUILDING  
17 PERMITS.

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

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

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

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

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

29 (ii) that requires education, training, and experience in  
30 architecture.

31 (2) "Practice architecture" includes:

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

33 (ii) consultation;

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

3 (iv) evaluation;

4 (v) investigation; and

5 (vi) planning.

6 3-103.

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

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

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

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

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

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

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

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

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

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