

SENATE BILL 54

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1999 Regular Session
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(PRE-FILED)

By: **Chairman, Economic and Environmental Affairs Committee**
(Departmental - Labor, Licensing and Regulation)

Requested: July 27, 1998
Introduced and read first time: January 13, 1999
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable
Senate action: Adopted
Read second time: January 29, 1999

CHAPTER _____

1 AN ACT concerning

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Architects - Licenses

3 FOR the purpose of providing that a nonresident architect who wishes to practice
4 architecture in the State must obtain a license by reciprocity rather than a
5 waiver of examination; authorizing the State Board of Architects to deny a
6 license to practice architecture to an applicant, reprimand a licensee, or suspend
7 or revoke a license if an applicant or licensee has had a license to practice
8 architecture revoked or suspended by another state or country under certain
9 circumstances; and generally relating to the licensing of architects.

10 BY repealing and reenacting, with amendments,
11 Article - Business Occupations and Professions
12 Section 3-302, 3-306, and 3-311(a)(1)
13 Annotated Code of Maryland
14 (1995 Replacement Volume and 1998 Supplement)

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

17 **Article - Business Occupations and Professions**

18 3-302.

19 (a) Except as otherwise provided in this title, an individual shall be licensed
20 by the Board before the individual may practice architecture in the State.

1 (b) (1) An architect who resides outside the State and meets the
2 requirements for [waiver of examination] A LICENSE BY RECIPROCITY under § 3-306
3 of this subtitle may:

4 (i) offer to practice architecture in the State; and

5 (ii) accept a commission to practice architecture in the State.

6 (2) Notwithstanding paragraph (1) of this subsection, the architect shall
7 be licensed by the Board before the architect may practice architecture in the State.

8 3-306.

9 (a) Subject to the provisions of this section, the Board may [waive any
10 examination requirement of this subtitle for] ISSUE A LICENSE BY RECIPROCITY TO
11 PRACTICE ARCHITECTURE IN THE STATE TO an individual who:

12 (1) is licensed to practice architecture in another state or country; or

13 (2) is certified by the Council UNDER SUBSECTION (C) OF THIS SECTION.

14 (b) The Board may [grant a waiver] ISSUE A LICENSE BY RECIPROCITY under
15 this section for an applicant who is licensed to practice architecture in another state
16 or country only if the applicant:

17 (1) is of good character and reputation;

18 (2) pays to the Board an application fee not exceeding \$100, as set by the
19 Board; and

20 (3) provides adequate evidence that:

21 (i) the applicant became licensed in the other state or country after
22 meeting, in that or any other state or country, requirements that were at least
23 equivalent to those then required by the laws of this State; or

24 (ii) at the time of application for [waiver of the examination
25 requirements] A LICENSE BY RECIPROCITY under this section, the applicant meets
26 the [education and experience] requirements currently required by the laws of this
27 State.

28 (c) The Board may [grant a waiver] ISSUE A LICENSE BY RECIPROCITY under
29 this section for an applicant who is certified by the Council only if:

30 (1) the applicant:

31 (i) is of good character and reputation; and

32 (ii) pays to the Board an application fee not exceeding \$100, as set
33 by the Board; and

1 (2) the Board receives from the Council a certified copy of its certificate
2 for the applicant THAT CERTIFIES THAT THE APPLICANT IS LICENSED TO PRACTICE
3 ARCHITECTURE IN ANOTHER STATE OR COUNTRY.

4 (d) An architect who is granted a [waiver of the examination requirements
5 and becomes licensed] LICENSE BY RECIPROCITY by the Board may not be required to
6 maintain licensure in any other state or country as a condition of maintaining the
7 license granted by the Board.

8 3-311.

9 (a) (1) Subject to the hearing provisions of § 3-313 of this subtitle, the
10 Board, on the affirmative vote of a majority of its authorized membership, may deny
11 a license to any applicant, reprimand any licensee, or suspend or revoke a license if:

12 (i) the applicant or licensee fraudulently or deceptively obtains or
13 renews or attempts to obtain or renew a license or permit for the applicant or licensee
14 or for another;

15 (ii) the applicant or licensee fraudulently or deceptively uses a
16 license;

17 (iii) the applicant or licensee is guilty of any fraud, gross negligence,
18 incompetence, or misconduct while practicing architecture;

19 (iv) the applicant or licensee knowingly violates any provision of the
20 code of ethics adopted by the Board;

21 (v) the applicant or licensee knowingly violates any provision of
22 this title;

23 (vi) the applicant or licensee aids or abets an unauthorized person
24 to practice architecture; [or]

25 (vii) under the laws of the United States or of any state, the
26 applicant or licensee is convicted of:

27 1. a felony; or

28 2. a misdemeanor that is directly related to the fitness and
29 qualification of the applicant or licensee to practice architecture; OR

30 (VIII) THE APPLICANT OR LICENSEE HAS HAD A LICENSE TO
31 PRACTICE ARCHITECTURE IN ANOTHER STATE REVOKED OR SUSPENDED FOR
32 GROUNDS THAT WOULD JUSTIFY REVOCATION OR SUSPENSION OF A LICENSE
33 UNDER THIS TITLE, EXCEPT FOR FAILURE TO PAY A LICENSE OR LICENSE RENEWAL
34 FEE.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
36 effect October 1, 1999.