

HOUSE BILL 64

Unofficial Copy
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2002 Regular Session
2lr0923
CF 2lr0922

(PRE-FILED)

By: **Delegate Love**

Requested: November 15, 2001

Introduced and read first time: January 9, 2002

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Architects - Continuing Education**

3 FOR the purpose of requiring a licensee to complete certain continuing education
4 requirements for renewal of an architect's license; requiring an architect to
5 complete certain continuing education requirements for reinstatement of an
6 architect's license; providing for certain exceptions to meeting certain continuing
7 education requirements for renewal; establishing certain criteria for approval by
8 the State Board of Architects of a continuing education course or activity;
9 establishing certain criteria for accounting credit of a continuing education
10 course or activity; defining a certain term; and generally relating to architects.

11 BY repealing and reenacting, with amendments,
12 Article - Business Occupations and Professions
13 Section 3-101, 3-309, and 3-310
14 Annotated Code of Maryland
15 (2000 Replacement Volume and 2001 Supplement)

16 BY adding to
17 Article - Business Occupations and Professions
18 Section 3-309.1
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2001 Supplement)

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

23 **Article - Business Occupations and Professions**

24 3-101.

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

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

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

3 (d) "Code official" means a public official responsible for the review of building
4 permit documents or the issuance of building permits.

5 (E) "CONTACT HOUR" MEANS A MINIMUM OF 50 MINUTES OF ACTUAL CLASS
6 TIME FOR EACH 60-MINUTE HOUR.

7 [(e)] (F) "Design coordination" means the review and coordination of services
8 provided by individuals licensed or certified under Titles 3, 8, 9, 14, and 15 of this
9 article.

10 [(f)] (G) "License" means, unless the context requires otherwise, a license
11 issued by the Board to practice architecture.

12 [(g)] (H) "Licensed architect" means, unless the context requires otherwise, an
13 architect who is licensed by the Board to practice architecture.

14 [(h)] (I) "Permit" means, unless the context requires otherwise, a permit
15 issued by the Board to allow a partnership or corporation to operate a business
16 through which an individual may practice architecture.

17 [(i)] (J) (1) "Practice architecture" means to provide any service or creative
18 work:

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

21 (ii) that requires education, training, and experience in
22 architecture.

23 (2) "Practice architecture" includes:

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

25 (ii) consultation;

26 (iii) design coordination;

27 (iv) evaluation;

28 (v) investigation; and

29 (vi) planning.

30 [(j)] (K) "Public use" means the use of a building or other structure for the
31 primary purpose of human use or habitation.

32 [(k)] (L) "Residential use" means the use of a building or other structure as a
33 dwelling.

1 3-309.

2 (a) Unless a license is renewed for a 2-year term as provided in this section,
3 the license expires on the first June 30 that comes:

4 (1) after the effective date of the license; and

5 (2) in an even-numbered year.

6 (b) At least 1 month before a license expires, the Board shall mail to the
7 licensee, at the last known address of the licensee:

8 (1) a renewal application form; and

9 (2) a notice that states:

10 (i) the date on which the current license expires;

11 (ii) the date by which the Board must receive the renewal
12 application for the renewal to be issued and mailed before the license expires; and

13 (iii) the amount of the renewal fee.

14 (c) Before a license expires, the licensee periodically may renew it for an
15 additional 2-year term, if the licensee:

16 (1) otherwise is entitled to be licensed;

17 (2) pays to the Board a renewal fee not exceeding \$70, as set by the
18 Board; [and]

19 (3) submits to the Board a renewal application on the form that the
20 Board provides; AND

21 (4) SUBMITS TO THE BOARD THE ORIGINAL CERTIFICATE OF
22 COMPLETION VERIFYING THE LICENSEE HAS COMPLIED WITH THE CONTINUING
23 EDUCATION REQUIREMENT UNDER § 3-309.1 OF THIS SUBTITLE.

24 (d) The Board shall renew the license of each licensee who meets the
25 requirements of this section.

26 (e) An architect has a grace period of 30 days after the architect's license
27 expires in which to renew it retroactively, if the architect:

28 (1) otherwise is entitled to have the license renewed; [and]

29 (2) pays the renewal fee to the Board; AND

30 (3) MEETS THE CONTINUING EDUCATION REQUIREMENT FOR RENEWAL
31 OF A LICENSE UNDER § 3-309.1 OF THIS SUBTITLE.

1 (f) The Secretary may determine that licenses issued under this subtitle shall
2 expire on a staggered basis.

3 3-309.1.

4 (A) (1) TO QUALIFY FOR RENEWAL OF A LICENSE UNDER THIS SUBTITLE, A
5 LICENSEE SHALL COMPLETE 12 CONTINUING EDUCATION CONTACT HOURS PER
6 12-MONTH PERIOD SINCE THE LAST RENEWAL OF A LICENSE, INCLUDING 8
7 CONTINUING EDUCATION CONTACT HOURS THAT ARE RELATED TO THE PROTECTION
8 OF THE HEALTH, SAFETY, AND WELFARE OF THE GENERAL PUBLIC.

9 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION:

10 (I) A LICENSEE WHO IS GRANTED AN INITIAL LICENSE MAY
11 RENEW A LICENSE FOR THE NEXT FULL TERM WITHOUT COMPLYING WITH THE
12 CONTINUING EDUCATION REQUIREMENT OF THIS SECTION;

13 (II) A LICENSEE SERVING ON TEMPORARY ACTIVE DUTY IN THE
14 ARMED FORCES OF THE UNITED STATES FOR A PERIOD OF TIME EXCEEDING 120
15 CONSECUTIVE DAYS IN A YEAR, WHERE SUCH ACTIVITY RESTRICTS PARTICIPATION
16 IN A CONTINUING EDUCATION PROGRAM, MAY RENEW A LICENSE FOR THE NEXT
17 FULL TERM WITHOUT COMPLYING WITH THE CONTINUING EDUCATION
18 REQUIREMENT OF THIS SECTION; AND

19 (III) A LICENSEE EXPERIENCING PHYSICAL DISABILITY, ILLNESS,
20 OR OTHER EXTENUATING CIRCUMSTANCES AS REVIEWED AND APPROVED BY THE
21 BOARD MAY RENEW A LICENSE FOR THE NEXT FULL TERM WITHOUT COMPLYING
22 WITH THE CONTINUING EDUCATION REQUIREMENT OF THIS SECTION.

23 (B) (1) A CONTINUING EDUCATION COURSE OR ACTIVITY MUST:

24 (I) HAVE A CLEAR PURPOSE AND OBJECTIVE WHICH WILL
25 MAINTAIN, IMPROVE, OR EXPAND SKILLS AND KNOWLEDGE OBTAINED PRIOR TO
26 LICENSURE OR CERTIFICATION OR DEVELOP NEW AND RELEVANT SKILLS AND
27 KNOWLEDGE;

28 (II) BE PRESENTED IN A WELL-ORGANIZED AND SEQUENTIAL
29 MANNER;

30 (III) PROVIDE EVIDENCE OF PREPLANNING WHICH MUST INCLUDE
31 THE OPPORTUNITY FOR INPUT BY THE GROUP TO BE SERVED;

32 (IV) BE CONDUCTED BY PERSONS WHO ARE WELL QUALIFIED BY
33 EDUCATION OR EXPERIENCE; AND

34 (V) PROVIDE FOR DOCUMENTATION OF AN INDIVIDUAL'S
35 PARTICIPATION INCLUDING INFORMATION REQUIRED FOR RECORD KEEPING AND
36 REPORTING.

1 (2) A COURSE OR ACTIVITY APPROVED BY THE AMERICAN INSTITUTE OF
2 ARCHITECTS (AIA) AND THE NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION
3 BOARDS (NCARB) SHALL BE ACCEPTED AS MEETING THE REQUIREMENTS OF
4 PARAGRAPH (1) OF THIS SUBSECTION.

5 (3) (I) A COURSE OR ACTIVITY NOT APPROVED BY THIS SUBSECTION,
6 THE AIA, OR NCARB MAY BE GIVEN APPROVAL BY THE BOARD IF THE LICENSEE
7 SEEKING APPROVAL OF THE COURSE OR ACTIVITY SUBMITS A WRITTEN REQUEST TO
8 THE BOARD AND OBTAINS PRE-APPROVAL FROM THE BOARD.

9 (II) AN INDIVIDUAL SEEKING TO OBTAIN PRE-APPROVAL OF A
10 CONTINUING EDUCATION COURSE OR ACTIVITY SHALL SUBMIT THE FOLLOWING AT
11 LEAST 30 CALENDAR DAYS IN ADVANCE OF THE PROGRAM SO THAT THE BOARD MAY
12 ANALYZE AND RESPOND TO THE INDIVIDUAL:

- 13 1. THE NAME, ADDRESS, AND PHONE NUMBER OF THE
14 COURSE OR ACTIVITY SPONSOR;
- 15 2. THE NAME OF THE COURSE OR ACTIVITY;
- 16 3. A DETAILED DESCRIPTION OF THE COURSE OR ACTIVITY;
- 17 4. THE LENGTH OF THE INSTRUCTIONAL PERIOD;
- 18 5. THE TOTAL HOURS FOR WHICH CREDIT IS SOUGHT;
- 19 6. THE NAME AND ACADEMIC OR PROFESSIONAL
20 CREDENTIALS OF THE COURSE OR ACTIVITY INSTRUCTOR;
- 21 7. THE TIME, PLACE, AND DATE OF THE COURSE OR
22 ACTIVITY; AND
- 23 8. THE SPONSOR'S METHOD FOR PROVIDING EVIDENCE OF
24 ATTENDANCE.

25 (III) THE SPONSOR OF A PRE-APPROVED COURSE OR ACTIVITY MAY
26 ANNOUNCE OR INDICATE AS FOLLOWS: "THIS COURSE HAS BEEN APPROVED BY THE
27 MARYLAND STATE BOARD OF ARCHITECTS FOR THE MAXIMUM OF ___ CONTACT
28 HOURS OF CONTINUING EDUCATION."

29 (C) (1) IN ACCOUNTING CREDIT, THE BOARD SHALL PROVIDE A SPACE ON
30 THE REGULAR LICENSE RENEWAL FORM FOR THE LICENSEE TO SIGN AS
31 CERTIFICATION THAT THE LICENSEE HAS COMPLIED WITH THE CONTINUING
32 EDUCATION REQUIREMENT OF THIS SECTION.

33 (2) THE BOARD MAY CONDUCT RANDOM AUDITS TO VERIFY
34 COMPLETION OF THE REQUIREMENT.

1 (3) IN RESPONSE TO AN AUDIT, A LICENSEE MAY SUBMIT A TRANSCRIPT
2 FROM THE CONTINUING EDUCATION SYSTEM OF THE AIA OR ANOTHER FORM
3 PRESCRIBED OR ACCEPTED BY THE BOARD.

4 (4) EVIDENCE OF COMPLIANCE SHALL BE MAINTAINED BY THE
5 LICENSEE FOR 2 YEARS AFTER EACH RENEWAL PERIOD.

6 (5) IF AS A RESULT OF AN AUDIT THE BOARD DISALLOWS ANY CONTACT
7 HOURS, THE LICENSEE SHALL HAVE 6 MONTHS FROM NOTICE OF SUCH
8 DISALLOWANCE EITHER TO PROVIDE ACCEPTABLE EVIDENCE OF HAVING ACQUIRED
9 CONTACT HOURS OR TO ACQUIRE THE REQUIRED NUMBER OF CONTACT HOURS
10 PRIOR TO REVOCATION OF A LICENSE.

11 (D) THE REQUIREMENTS OF THIS SECTION MAY BE MET IF AN INDIVIDUAL IS
12 LICENSED OR CERTIFIED IN ANOTHER STATE, PROVINCE, OR DISTRICT WHICH HAS A
13 CONTINUING EDUCATION REQUIREMENT FOR RENEWAL OF A LICENSE THAT IS
14 SIMILAR TO THE PROGRAM IN SUBSECTION (B) OF THIS SECTION PROVIDED THAT
15 THE PROGRAM IS ACCEPTED AS SUCH BY THE BOARD AND THE INDIVIDUAL
16 CERTIFIES THAT ALL CONTINUING EDUCATION AND LICENSING REQUIREMENTS
17 FOR THE STATE, PROVINCE, OR DISTRICT FROM WHICH THE INDIVIDUAL IS
18 LICENSED OR CERTIFIED HAVE BEEN MET, SUBJECT TO AUDIT BY THE BOARD.

19 (E) THE BOARD MAY WAIVE THE REQUIREMENTS OF THIS SECTION FOR A
20 LICENSEE IF THE LICENSEE SHOWS GOOD CAUSE FOR BEING UNABLE TO MEET THE
21 REQUIREMENTS.

22 3-310.

23 (a) The Board shall reinstate the license of an architect who, for any reason,
24 has failed to renew the license by the end of the 30-day grace period if the architect:

25 (1) meets the renewal requirements of § 3-309 of this subtitle;

26 (2) pays to the Board all past due renewal fees;

27 (3) except as otherwise provided in subsection (b) of this section, pays to
28 the Board a reinstatement fee of \$100, in addition to all past due renewal fees; [and]

29 (4) submits to the Board a reinstatement application on the form that
30 the Board provides; AND

31 (5) MEETS THE CONTINUING EDUCATION REQUIREMENT THAT WOULD
32 HAVE BEEN REQUIRED FOR RENEWAL OF A LICENSE UNDER § 3-309.1 OF THIS
33 SUBTITLE, IF THE LICENSE HAD NOT EXPIRED, UP TO A MAXIMUM OF 24 CONTACT
34 HOURS.

35 (b) The Board may waive a reinstatement fee for a licensee who provides
36 evidence satisfactory to the Board that the licensee did not practice architecture
37 during the time the license lapsed.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 2002.