

SENATE BILL 148

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2002 Regular Session
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By: **Senator Collins**

Introduced and read first time: January 14, 2002

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 26, 2002

CHAPTER_____

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:

1 **Article - Business Occupations and Professions**

2 3-101.

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

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

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

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

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

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

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

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

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

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

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

25 (ii) that requires education, training, and experience in
26 architecture.

27 (2) "Practice architecture" includes:

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

29 (ii) consultation;

30 (iii) design coordination;

31 (iv) evaluation;

32 (v) investigation; and

1 (vi) planning.

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

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

6 3-309.

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

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

10 (2) in an even-numbered year.

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

13 (1) a renewal application form; and

14 (2) a notice that states:

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

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

18 (iii) the amount of the renewal fee.

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

21 (1) otherwise is entitled to be licensed;

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

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

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

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

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

- 1 (1) otherwise is entitled to have the license renewed; [and]
- 2 (2) pays the renewal fee to the Board; AND
- 3 (3) MEETS THE CONTINUING EDUCATION REQUIREMENT FOR RENEWAL
4 OF A LICENSE UNDER § 3-309.1 OF THIS SUBTITLE.

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

7 3-309.1.

8 (A) (1) TO QUALIFY FOR RENEWAL OF A LICENSE UNDER THIS SUBTITLE, A
9 LICENSEE SHALL COMPLETE 12 CONTINUING EDUCATION CONTACT HOURS PER
10 12-MONTH PERIOD SINCE THE LAST RENEWAL OF A LICENSE THAT ARE RELATED TO
11 THE PROTECTION OF THE HEALTH, SAFETY, AND WELFARE OF THE GENERAL
12 PUBLIC.

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

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

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

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

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

28 (I) HAVE A CLEAR PURPOSE AND OBJECTIVE WHICH WILL
29 MAINTAIN, IMPROVE, OR EXPAND SKILLS AND KNOWLEDGE OBTAINED PRIOR TO
30 LICENSURE OR CERTIFICATION OR DEVELOP NEW AND RELEVANT SKILLS AND
31 KNOWLEDGE;

32 (II) BE PRESENTED IN A WELL-ORGANIZED AND SEQUENTIAL
33 MANNER;

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

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

3 (V) PROVIDE FOR DOCUMENTATION OF AN INDIVIDUAL'S
4 PARTICIPATION INCLUDING INFORMATION REQUIRED FOR RECORD KEEPING AND
5 REPORTING.

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

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

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

18 1. THE NAME, ADDRESS, AND PHONE NUMBER OF THE
19 COURSE OR ACTIVITY SPONSOR;

20 2. THE NAME OF THE COURSE OR ACTIVITY;

21 3. A DETAILED DESCRIPTION OF THE COURSE OR ACTIVITY;

22 4. THE LENGTH OF THE INSTRUCTIONAL PERIOD;

23 5. THE TOTAL HOURS FOR WHICH CREDIT IS SOUGHT;

24 6. THE NAME AND ACADEMIC OR PROFESSIONAL
25 CREDENTIALS OF THE COURSE OR ACTIVITY INSTRUCTOR;

26 7. THE TIME, PLACE, AND DATE OF THE COURSE OR
27 ACTIVITY; AND

28 8. THE SPONSOR'S METHOD FOR PROVIDING EVIDENCE OF
29 ATTENDANCE.

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

34 (C) (1) IN ACCOUNTING CREDIT, THE BOARD SHALL PROVIDE A SPACE ON
35 THE REGULAR LICENSE RENEWAL FORM FOR THE LICENSEE TO SIGN AS

1 CERTIFICATION THAT THE LICENSEE HAS COMPLIED WITH THE CONTINUING
2 EDUCATION REQUIREMENT OF THIS SECTION.

3 (2) THE BOARD MAY CONDUCT RANDOM AUDITS TO VERIFY
4 COMPLETION OF THE REQUIREMENT.

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

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

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

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

23 (E) THE BOARD MAY WAIVE THE REQUIREMENTS OF THIS SECTION FOR A
24 LICENSEE IF THE LICENSEE SHOWS GOOD CAUSE FOR BEING UNABLE TO MEET THE
25 REQUIREMENTS.

26 3-310.

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

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

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

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

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

35 (5) MEETS THE CONTINUING EDUCATION REQUIREMENT THAT WOULD
36 HAVE BEEN REQUIRED FOR RENEWAL OF A LICENSE UNDER § 3-309.1 OF THIS

1 SUBTITLE, IF THE LICENSE HAD NOT EXPIRED, UP TO A MAXIMUM OF 24 CONTACT
2 HOURS.

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

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