
By: **Allegany County Delegation**

Introduced and read first time: January 30, 2003

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Western Maryland Code Counties - Licensed Design Professionals and**
3 **Licensed Professional Engineers**

4 FOR the purpose of providing an exception to certain provisions of law regulating
5 architects to authorize the governing body of a Western Maryland code county to
6 determine which licensed design professionals or licensed professional engineers
7 may design or prepare, sign, seal, and date construction drawings for certain
8 projects in the county; and generally relating to the authority to prepare, sign,
9 seal, and date certain construction drawings in a Western Maryland code county.

10 BY repealing and reenacting, with amendments,
11 Article - Business Occupations and Professions
12 Section 3-103
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2002 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 3-103.

19 (a) Except as otherwise provided in this section, all architectural documents
20 prepared in connection with the addition, alteration, construction, or design of a
21 building, an integral part of a building, or a group of buildings which are intended for
22 public use or residential use shall be signed, sealed, and dated by a licensed architect
23 in accordance with § 3-501 of this title.

24 (b) A licensed architect may perform design coordination for a project or
25 portion of a project provided that the licensed architect:

26 (1) holds a current license issued by the Board; and

27 (2) has adequate experience in, and understanding of, achieving the
28 purpose of the project or portion of the project being coordinated.

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

2 (1) a construction contractor to administer construction contracts;

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

7 (3) a certified interior designer to provide interior design services as that
8 term is defined in Title 8 of this article; [or]

9 (4) an individual to prepare plans, drawings, and other documents in
10 connection with the addition, alteration, construction, design, or repair of a
11 single-family dwelling and appurtenances that are for the personal use of that
12 individual or a member of the immediate family of that individual; OR

13 (5) THE GOVERNING BODY OF A COUNTY THAT HAS ADOPTED HOME
14 RULE POWERS UNDER ARTICLE XI-F OF THE MARYLAND CONSTITUTION AND IS A
15 WESTERN MARYLAND CODE COUNTY AS CLASSIFIED UNDER ARTICLE 25B, § 2(B)(2)(IV)
16 OF THE CODE:

17 (I) TO DETERMINE WHICH LICENSED DESIGN PROFESSIONALS
18 LICENSED UNDER THIS ARTICLE MAY DESIGN, SIGN, SEAL, AND DATE
19 CONSTRUCTION DRAWINGS FOR NONRESIDENTIAL AND MULTIFAMILY STRUCTURES
20 IN THE COUNTY OF LESS THAN 12,000 SQUARE FEET; AND

21 (II) TO AUTHORIZE A LICENSED PROFESSIONAL ENGINEER TO
22 PREPARE, SIGN, SEAL, AND DATE CONSTRUCTION DRAWINGS FOR STRUCTURES IN
23 THE COUNTY CLASSIFIED AS STORAGE OR UTILITY (S1, S2, AND U) IN ACCORDANCE
24 WITH THE MARYLAND BUILDING PERFORMANCE STANDARDS.

25 (d) (1) A person may not be required to employ a licensed architect in
26 connection with the alteration or repair of an existing building or structure in a
27 municipal corporation if the alteration or repair:

28 (i) does not exceed \$5,000 in estimated costs, including labor and
29 materials;

30 (ii) is limited to:

31 1. interior alterations or repairs;

32 2. storefronts or facades;

33 3. fixtures, cabinetwork or furniture; or

34 4. exterior stairways, landings, decks, and ramps; and

1 (iii) does not adversely affect the structural system of the building,
2 including foundations, footings, walls, floors, roofs, bearing partitions, beams,
3 columns, joists, or the mechanical, electrical, or plumbing systems.

4 (2) Any work performed under this subsection shall be in compliance
5 with the Americans with Disabilities Act and the Maryland Building Performance
6 Standards set forth in Article 83B, § 6-402 of the Code.

7 (3) The exclusion provided for in this subsection shall be used only once
8 per building or structure in a 12-month period.

9 (4) A building permit issued under this subsection:

10 (i) shall contain an affidavit signed by the person who has
11 submitted the permit stating that the repair or alteration is in compliance with this
12 subsection; and

13 (ii) may not be amended or revised in any way to cause the
14 alteration or repair to exceed \$5,000 in total costs, including labor and materials.

15 (5) Any building permit issued under this subsection that contains
16 technical submissions that fail to conform to the requirements of this subsection shall
17 be invalid.

18 (e) Notwithstanding the provisions of subsection (d) of this section, a code
19 official may require that architectural documents for alterations or repairs of existing
20 buildings or structures be signed and sealed by a licensed architect if the code official
21 determines that the signature and seal of a licensed architect is necessary to provide
22 conformity with the Maryland Building Performance Standards or to otherwise
23 provide for the health and safety of the public.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
25 effect October 1, 2003.