
By: **Allegany County Delegation**

Introduced and read first time: January 29, 2004

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Western Maryland Code Counties - Licensed Professional Engineers**

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

9 BY repealing and reenacting, with amendments,
10 Article - Business Occupations and Professions
11 Section 3-103
12 Annotated Code of Maryland
13 (2000 Replacement Volume and 2003 Supplement)

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

16 **Article - Business Occupations and Professions**

17 3-103.

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

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

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

26 (2) has adequate experience in, and understanding of, achieving the
27 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 or other individual to provide interior
8 design services as that 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, TO AUTHORIZE A LICENSED PROFESSIONAL ENGINEER TO PREPARE,
17 SIGN, SEAL, AND DATE CONSTRUCTION DRAWINGS FOR PUBLIC STRUCTURES IN THE
18 COUNTY CLASSIFIED AS STORAGE OR UTILITY (S1, S2, AND U) OF LESS THAN 12,000
19 SQUARE FEET CONFORMING TO THE MARYLAND BUILDING PERFORMANCE
20 STANDARDS.

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

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

26 (ii) is limited to:

27 1. interior alterations or repairs;

28 2. storefronts or facades;

29 3. fixtures, cabinetwork or furniture; or

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

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

34 (2) Any work performed under this subsection shall be in compliance
35 with the Americans with Disabilities Act and the Maryland Building Performance
36 Standards set forth in Title 12, Subtitle 5 of the Public Safety Article.

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

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

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

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

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2004.