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

Introduced and read first time: January 20, 2005

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 18, 2005

CHAPTER _____

1 AN ACT concerning

2 **Occupational and Professional Licensing - Disciplinary Actions - Grounds**

3 FOR the purpose of altering certain grounds that may be used as the basis for taking
4 certain disciplinary actions against applicants or licensees under the laws of
5 Maryland relating to the regulation of architects, certified interior designers,
6 landscape architects, professional engineers, professional land surveyors, and
7 property line surveyors; and generally relating to architects, certified interior
8 designers, landscape architects, professional engineers, professional land
9 surveyors, and property line surveyors.

10 BY repealing and reenacting, with amendments,
11 Article - Business Occupations and Professions
12 Section 3-311(a)(1), 8-310(a)(1), 9-310(a)(1), 14-317(a)(1), and 15-317(a)(1)
13 Annotated Code of Maryland
14 (2004 Replacement Volume and 2004 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 3-311.

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

1 (i) the applicant or licensee fraudulently or deceptively obtains or
2 renews or attempts to obtain or renew a license or permit for the applicant or licensee
3 or for another;

4 (ii) the applicant or licensee fraudulently or deceptively uses a
5 license;

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

8 (iv) the applicant or licensee [knowingly] violates any [provision of
9 the code of ethics] REGULATION adopted by the Board;

10 (v) the applicant or licensee [knowingly] violates any provision of
11 this title;

12 (vi) the applicant or licensee aids or abets an unauthorized person
13 to practice architecture;

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

16 1. a felony; or

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

19 (viii) the applicant or licensee has had a license to practice
20 architecture in another state revoked or suspended for grounds that would justify
21 revocation or suspension of a license under this title, except for failure to pay a license
22 fee.

23 8-310.

24 (a) (1) Subject to the hearing provisions of § 8-312 of this subtitle, the Board
25 may deny a certificate to any applicant, reprimand any certificate holder, or suspend
26 or revoke a certificate if the applicant or certificate holder:

27 (i) fraudulently or deceptively obtains or renews or attempts to
28 obtain or renew a certificate for the applicant or certificate holder or for another;

29 (ii) fraudulently or deceptively uses the title "certified interior
30 designer" or the term "certified interior design services";

31 (iii) under the laws of the United States or of any state, is convicted
32 of:

33 1. a felony; or

1 2. a misdemeanor that is directly related to the fitness and
2 qualification of the applicant or certificate holder to perform certified interior design
3 services;

4 (iv) is guilty of any fraud, gross negligence, incompetence, or
5 misconduct in the use of the title "certified interior designer" or the term "certified
6 interior design services";

7 (v) signs or seals any interior design documents after a certificate
8 holder's certificate expires or has been suspended or revoked by the Board;

9 (vi) [knowingly] violates any [provision of the code of ethics]
10 REGULATION that the Board adopts; or

11 (vii) [knowingly] violates any provision of this title.

12 9-310.

13 (a) (1) Subject to the hearing provisions of § 9-312 of this subtitle, the
14 Board, on the affirmative vote of a majority of its members then serving, may deny a
15 license to any applicant, reprimand any licensee, or suspend or revoke a license if:

16 (i) the applicant or licensee fraudulently or deceptively obtains or
17 attempts to obtain a license for the applicant or licensee or for another;

18 (ii) the applicant or licensee fraudulently or deceptively uses a
19 license;

20 (iii) under the laws of the United States or of any state, the
21 applicant or licensee is convicted of:

22 1. a felony; or

23 2. a misdemeanor that is directly related to the fitness and
24 qualification of the applicant or licensee to practice landscape architecture;

25 (iv) the applicant or licensee is guilty of gross negligence,
26 incompetence, or misconduct while practicing landscape architecture;

27 (v) the applicant or licensee has had a license to practice landscape
28 architecture in another state revoked or suspended by the other state for a cause that
29 would justify revocation or suspension under this title, except for the failure to pay a
30 license fee;

31 (vi) the applicant or licensee [knowingly] violates any [provision of
32 the code of ethics] REGULATION adopted by the Board; or

33 (vii) the applicant or licensee [knowingly] violates any provision of
34 this title.

1 14-317.

2 (a) (1) Subject to the hearing provisions of § 14-319 of this subtitle, the
3 Board, on the affirmative vote of a majority of its members then serving, may deny a
4 license to any applicant, reprimand any licensee, or suspend or revoke a license if:

5 (i) the applicant or licensee fraudulently or deceptively obtains or
6 attempts to obtain a license for the applicant or licensee or for another;

7 (ii) the applicant or licensee fraudulently or deceptively uses a
8 license;

9 (iii) under the laws of the United States or of any state, the
10 applicant or licensee is convicted of:

11 1. a felony; or

12 2. a misdemeanor that is directly related to the fitness and
13 qualification of the applicant or licensee to practice engineering;

14 (iv) the applicant or licensee is guilty of gross negligence,
15 incompetence, or misconduct while practicing engineering;

16 (v) the applicant or licensee has had a license to practice
17 engineering in another state revoked or suspended by the other state for a cause that
18 would justify revocation or suspension under this title, except for the failure to pay a
19 license fee;

20 (vi) the applicant or licensee [knowingly] violates any [provision of
21 the code of ethics] REGULATION adopted by the Board; or

22 (vii) the applicant or licensee [knowingly] violates any provision of
23 this title.

24 15-317.

25 (a) (1) Subject to the hearing provisions of § 15-319 of this subtitle, the
26 Board, on the affirmative vote of a majority of its members then serving, may deny a
27 license to any applicant, reprimand any licensee, or suspend or revoke a license if:

28 (i) the applicant or licensee fraudulently or deceptively obtains,
29 renews, or attempts to obtain or renew a license or permit for the applicant or licensee
30 or for another;

31 (ii) the applicant or licensee fraudulently or deceptively uses a
32 license;

33 (iii) under the laws of the United States or of any state, the
34 applicant or licensee is convicted of:

35 1. a felony; or

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1 2. a misdemeanor that is directly related to the fitness and
2 qualification of the applicant or licensee to practice land surveying or property line
3 surveying;

4 (iv) the applicant or licensee is guilty of gross negligence,
5 incompetence, or misconduct while practicing land surveying or property line
6 surveying;

7 (v) the applicant or licensee [knowingly] violates any [provision of
8 the code of ethics] REGULATION adopted by the Board;

9 (vi) the applicant or licensee [knowingly] violates any provision of
10 this title; or

11 (vii) the applicant or licensee has had a license to practice land
12 surveying or property line surveying in another state revoked or suspended by the
13 other state for a cause that would justify revocation or suspension under this title,
14 except for the failure to pay a license fee.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
16 effect October 1, 2005.