

HOUSE BILL 353

C2

3lr0093

By: **Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)**

Introduced and read first time: January 25, 2013

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: February 27, 2013

CHAPTER _____

1 AN ACT concerning

2 **Professional Engineers and Professional Land Surveyors – Licensing –**
3 **Examinations**

4 FOR the purpose of altering certain notice, review, and reexamination procedures for
5 applicants who fail certain examinations relating to the licensing of professional
6 engineers and professional land surveyors; repealing a requirement that the
7 State Board for Professional Engineers adopt certain regulations relating to
8 confirmation of test scores; authorizing the State Board for Professional
9 Engineers and the State Board for Professional Land Surveyors to adopt certain
10 regulations to set conditions for retaking examinations; altering certain
11 experience and examination requirements for applicants seeking licensure as
12 professional land surveyors; altering certain requirements relating to the
13 manner of administration and substance of certain examinations required for
14 the licensing of professional land surveyors; defining certain terms; making
15 stylistic and conforming changes; and generally relating to the licensing of
16 professional engineers and professional land surveyors.

17 BY renumbering

18 Article – Business Occupations and Professions

19 Section 14–101(c) through (h) and 15–101(c) through (n), respectively

20 to be Section 14–101(d) through (i) and 15–101(d) through (o), respectively

21 Annotated Code of Maryland

22 (2010 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, without amendments,
2 Article – Business Occupations and Professions
3 Section 14–101(a) and (b) and 15–101(a) and (b)
4 Annotated Code of Maryland
5 (2010 Replacement Volume and 2012 Supplement)

6 BY adding to
7 Article – Business Occupations and Professions
8 Section 14–101(c) and 15–101(c)
9 Annotated Code of Maryland
10 (2010 Replacement Volume and 2012 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Business Occupations and Professions
13 Section 14–308(a) through (c), 14–309, 15–305, 15–307, 15–308, and 15–309
14 Annotated Code of Maryland
15 (2010 Replacement Volume and 2012 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That Section(s) 14–101(c) through (h) and 15–101(c) through (n),
18 respectively, of Article – Business Occupations and Professions of the Annotated Code
19 of Maryland be renumbered to be Section(s) 14–101(d) through (i) and 15–101(d)
20 through (o), respectively.

21 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
22 read as follows:

23 **Article – Business Occupations and Professions**

24 14–101.

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

26 (b) “Board” means the State Board for Professional Engineers.

27 **(c) “COUNCIL” MEANS THE NATIONAL COUNCIL OF EXAMINERS FOR**
28 **ENGINEERING AND SURVEYING.**

29 14–308.

30 (a) **[(1)]** If an applicant fails an examination given under this subtitle, the
31 Board **OR ITS DESIGNEE** shall **[mail]** **PROVIDE** notice of the failure to the applicant.

32 **[(2)]** The notice required under this subsection shall be mailed to the
33 address that the applicant last gave to the Board.]

1 (b) (1) Subject to the provisions of this subsection, an applicant who fails
2 an examination may review the applicant's [answers and model answers to the]
3 examination **IN ACCORDANCE WITH THE COUNCIL'S REVIEW POLICIES UNLESS**
4 **THE POLICIES HAVE BEEN OTHERWISE AMENDED BY THE BOARD.**

5 (2) To conduct a review under this subsection, an applicant shall
6 submit a written request to the Board within 60 days after the date [on which the
7 Board mails notice of the applicant's failure] **THE APPLICANT IS NOTIFIED OF THE**
8 **APPLICANT'S FAILURE OF THE EXAMINATION.**

9 (3) An applicant who does not request review in accordance with
10 paragraph (2) of this subsection waives the right to review under this subsection.

11 (c) **[(1)]** The Board shall confirm the test score of any applicant who fails
12 an examination given under this subtitle if the applicant:

13 **[(i)] (1)** submits a written request to the Board in accordance
14 with its regulations; and

15 **[(ii)] (2)** pays to the Board the fee set by the Board.

16 **[(2)]** The Board shall adopt regulations that set procedures for
17 confirmation of test scores under this subsection.]

18 14-309.

19 (a) Subject to this section, if an applicant fails an examination given under
20 this subtitle, the applicant may retake the examination **IN ACCORDANCE WITH THE**
21 **COUNCIL'S REEXAMINATION POLICIES UNLESS THE POLICIES HAVE BEEN**
22 **OTHERWISE AMENDED BY THE BOARD.**

23 (b) **[Except as provided in subsection (c) of this section, an] AN** applicant for
24 reexamination shall:

25 (1) submit to the Board a request for reexamination on the form that
26 the Board provides; and

27 (2) pay to the Board or the Board's designee the reexamination fee set
28 by the Board in an amount not to exceed the cost of the examination.

29 **[(c)]** An applicant who fails 2 reexaminations given under this section may
30 take the examination again only on a new application for a license that is submitted to
31 the Board at least 2 years after the applicant last failed a reexamination.]

1 **(C) THE BOARD MAY ADOPT REGULATIONS TO SET CONDITIONS FOR**
2 **RETAKING EXAMINATIONS, INCLUDING REQUIREMENTS THAT AN APPLICANT:**

3 **(1) WAIT A REASONABLE PERIOD AFTER FAILING AN**
4 **EXAMINATION; AND**

5 **(2) PROVIDE EVIDENCE ACCEPTABLE TO THE BOARD OF**
6 **UPDATED EXPERIENCE OR EDUCATION.**

7 (d) A reexamination fee paid under subsection (b)(2) of this section is not
8 refundable.

9 15–101.

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

11 (b) “Board” means the State Board for Professional Land Surveyors.

12 **(C) “COUNCIL” MEANS THE NATIONAL COUNCIL OF EXAMINERS FOR**
13 **ENGINEERING AND SURVEYING.**

14 15–305.

15 (a) **[(1)]** In addition to the other qualifications for a license to practice land
16 surveying, an applicant shall qualify under this section by meeting the educational,
17 experience, and examination requirements set forth in subsection (b), (c), (d), or (e) of
18 this section.

19 **[(2)]** An applicant shall complete the requirements of subsection (b), (c),
20 (d), or (e) of this section in the order the requirements are listed.]

21 (b) An applicant qualifies under this section if the applicant:

22 (1) has been graduated from a college or university **[on] UPON**
23 completion of at least a 4–year curriculum in land surveying that the Board approves;

24 (2) has passed **[a written] THE** examination in the fundamentals of
25 **[land] surveying;**

26 (3) has **A SPECIFIC RECORD OF** at least 2 years of **PROGRESSIVE**
27 **OFFICE AND FIELD** experience in land surveying **OF A GRADE AND CHARACTER**
28 that is satisfactory to the Board and that indicates to the Board that the applicant
29 may be competent to practice land surveying; and

1 (4) has passed [a written examination in the principles and practice of
2 land surveying] **THE FOLLOWING EXAMINATIONS:**

3 **(I) THE PRINCIPLES AND PRACTICE OF SURVEYING; AND**

4 **(II) UNLESS EXCUSED BY THE BOARD, STATE-SPECIFIC**
5 **EXAMINATION MODULES SPECIFIED AND APPROVED BY THE BOARD THAT**
6 **PERTAIN TO THE PRACTICE OF SURVEYING IN THE STATE.**

7 (c) An applicant qualifies under this section if the applicant:

8 (1) has been graduated upon completion of at least a 4-year
9 curriculum from a college or university that is accredited by, or is a constituent unit of
10 an institution accredited by, the Middle States Association of Colleges and Schools or
11 the equivalent regional accrediting association of other regional areas;

12 (2) has passed [a written] **THE** examination in the fundamentals of
13 [land] surveying;

14 (3) has **A SPECIFIC RECORD OF** at least 4 years of **PROGRESSIVE**
15 **OFFICE AND FIELD** experience in land surveying **OF A GRADE AND CHARACTER**
16 that is satisfactory to the Board and that indicates to the Board that the applicant
17 may be competent to practice land surveying; and

18 (4) has passed [a written examination in the principles and practice of
19 land surveying] **THE FOLLOWING EXAMINATIONS:**

20 **(I) THE PRINCIPLES AND PRACTICE OF SURVEYING; AND**

21 **(II) UNLESS EXCUSED BY THE BOARD, STATE-SPECIFIC**
22 **EXAMINATION MODULES SPECIFIED AND APPROVED BY THE BOARD THAT**
23 **PERTAIN TO THE PRACTICE OF SURVEYING IN THE STATE.**

24 (d) (1) An applicant qualifies under this section if the applicant:

25 (i) is a high school graduate or the equivalent;

26 (ii) subject to paragraph (2) of this subsection, has **A SPECIFIC**
27 **RECORD OF** at least 12 years of **PROGRESSIVE OFFICE AND FIELD** experience in
28 land surveying **OF A GRADE AND CHARACTER** that is satisfactory to the Board and
29 that indicates to the Board that the applicant may be competent to practice land
30 surveying; and

31 (iii) has passed [a written examination in the principles and
32 practices of land surveying] **THE FOLLOWING EXAMINATIONS:**

1 **1. THE PRINCIPLES AND PRACTICE OF SURVEYING;**
 2 **AND**

3 **2. UNLESS EXCUSED BY THE BOARD,**
 4 **STATE-SPECIFIC EXAMINATION MODULES SPECIFIED AND APPROVED BY THE**
 5 **BOARD THAT PERTAIN TO THE PRACTICE OF SURVEYING IN THE STATE.**

6 (2) For each 30 semester hours or its equivalent that an applicant
 7 completes in land surveying courses that the Board approves, the Board may allow a
 8 1-year credit towards the experience requirements of paragraph (1)(ii) of this
 9 subsection for a maximum of 3 years.

10 (e) (1) An applicant qualifies under this section if the applicant:

11 (i) is a high school graduate or the equivalent;

12 (ii) subject to paragraph (2) of this subsection, has **A SPECIFIC**
 13 **RECORD OF** at least **[4] 8** years of **PROGRESSIVE OFFICE AND FIELD** experience in
 14 land surveying **OF A GRADE AND CHARACTER** that is satisfactory to the Board and
 15 that indicates to the Board that the applicant may be competent to practice land
 16 surveying;

17 (iii) has passed **[a written] THE** examination in the
 18 fundamentals of **[land] surveying; AND**

19 (iv) **[has completed at least 4 years of experience in land**
 20 **surveying that is satisfactory to the Board and that indicates to the Board that the**
 21 **applicant may be competent to practice land surveying; and**

22 (v) has passed **[a written examination in the principles and**
 23 **practice of land surveying] THE FOLLOWING EXAMINATIONS:**

24 **1. THE PRINCIPLES AND PRACTICE OF SURVEYING;**
 25 **AND**

26 **2. UNLESS EXCUSED BY THE BOARD,**
 27 **STATE-SPECIFIC EXAMINATION MODULES SPECIFIED AND APPROVED BY THE**
 28 **BOARD THAT PERTAIN TO THE PRACTICE OF SURVEYING IN THE STATE.**

29 (2) For each 30 semester hours or its equivalent that an applicant
 30 completes in land surveying courses that the Board approves, the Board may allow a
 31 1-year credit towards the experience requirements of paragraph (1)(ii) of this
 32 subsection for a maximum of 3 years.

1 15-307.

2 (a) Except as otherwise provided in § 15-307.1 of this subtitle, an applicant
3 who otherwise qualifies for a license is entitled to be examined as provided in this
4 section.

5 (b) The Board periodically shall give the examinations required under this
6 subtitle to qualified applicants at the times and places that the Board determines.

7 (c) The Board shall give each qualified applicant notice of the time and place
8 of examination.

9 (d) As provided for applicants for a license to practice land surveying under §
10 15-305 of this subtitle, the Board shall give the following [2] separate examinations:

11 (1) [a written examination in] the fundamentals of [land] surveying;
12 [and]

13 (2) [a written examination in] the principles and practice of [land]
14 surveying; AND

15 **(3) UNLESS EXCUSED BY THE BOARD, STATE-SPECIFIC**
16 **EXAMINATION MODULES SPECIFIED AND APPROVED BY THE BOARD THAT**
17 **PERTAIN TO THE PRACTICE OF SURVEYING IN THE STATE.**

18 (e) (1) The Board shall determine the subjects, scope, and form of and
19 method of grading and passing scores for the examinations given under this subtitle.

20 (2) The Board shall structure the examinations to test the ability of an
21 applicant to design, plan, and direct land surveying in order to ensure the safety of
22 life, health, and property.

23 15-308.

24 (a) [(1)] If an applicant fails an examination given under this subtitle, the
25 Board **OR ITS DESIGNEE** shall [mail] **PROVIDE** notice of the failure to the applicant.

26 [(2)] The notice required under this subsection shall be mailed to the
27 address that the applicant last gave to the Board.]

28 (b) (1) Subject to this subsection, an applicant who fails an examination
29 may review the applicant's [answers and model answers to the] examination **IN**
30 **ACCORDANCE WITH THE COUNCIL'S REVIEW POLICIES UNLESS THE POLICIES**
31 **HAVE BEEN OTHERWISE AMENDED BY THE BOARD.**

1 (2) To conduct a review under this subsection, an applicant shall
2 submit a written request to the Board within 60 days after the date [on which the
3 Board mails notice of the applicant's failure] **THE APPLICANT IS NOTIFIED OF THE**
4 **APPLICANT'S FAILURE OF THE EXAMINATION.**

5 (3) An applicant who does not request review in accordance with
6 paragraph (2) of this subsection waives the right to review under this subsection.

7 (c) The Board shall confirm the test score of any applicant who fails an
8 examination given under this subtitle if the applicant submits a written request to the
9 Board.

10 15-309.

11 (a) Subject to this section, if an applicant fails an examination given under
12 this subtitle, the applicant may retake the examination **IN ACCORDANCE WITH THE**
13 **COUNCIL'S REEXAMINATION POLICIES UNLESS THE POLICIES HAVE BEEN**
14 **OTHERWISE AMENDED BY THE BOARD.**

15 (b) [Except as provided in subsection (c) of this section, an] **AN** applicant for
16 reexamination shall:

17 (1) submit to the Board a request for reexamination on the form that
18 the Board provides; and

19 (2) pay to the Board or the Board's designee a reexamination fee set by
20 the Board in § 15-306(a)(2) of this subtitle.

21 [(c) An applicant, for a professional land surveyor license, who fails 2
22 reexaminations given under this section may take the examination again only if the
23 applicant submits to the Board:

24 (1) a request for reexamination on the form provided by the Board;
25 and

26 (2) the appropriate documentation indicating the applicant's updated
27 work experience required by the Board.]

28 **(C) THE BOARD MAY ADOPT REGULATIONS TO SET CONDITIONS FOR**
29 **RETAKING EXAMINATIONS, INCLUDING REQUIREMENTS THAT AN APPLICANT:**

30 **(1) WAIT A REASONABLE PERIOD AFTER FAILING AN**
31 **EXAMINATION; AND**

1 **(2) PROVIDE EVIDENCE ACCEPTABLE TO THE BOARD OF**
2 **UPDATED EXPERIENCE OR EDUCATION.**

3 (d) (1) A reexamination fee paid under subsection (b)(2) of this section is
4 not refundable.

5 (2) If an applicant does not take the reexamination that the applicant
6 asked to take, the Board shall credit that fee toward any reexamination that the
7 applicant later takes.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.