

Chapter 102

(House Bill 353)

AN ACT concerning

Professional Engineers and Professional Land Surveyors – Licensing – Examinations

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

BY renumbering

Article – Business Occupations and Professions

Section 14–101(c) through (h) and 15–101(c) through (n), respectively
to be Section 14–101(d) through (i) and 15–101(d) through (o), respectively
Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,

Article – Business Occupations and Professions

Section 14–101(a) and (b) and 15–101(a) and (b)
Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY adding to

Article – Business Occupations and Professions

Section 14–101(c) and 15–101(c)

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions

Section 14–308(a) through (c), 14–309, 15–305, 15–307, 15–308, and 15–309

Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

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

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

Article – Business Occupations and Professions

14–101.

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

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

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

14–308.

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

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

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

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

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

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

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

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

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

14-309.

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

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

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

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

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

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

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

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

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

15-101.

- (a) In this title the following words have the meanings indicated.
- (b) “Board” means the State Board for Professional Land Surveyors.

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

15–305.

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

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

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

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

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

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

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

(I) THE PRINCIPLES AND PRACTICE OF SURVEYING; AND

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

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

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

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

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

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

(I) THE PRINCIPLES AND PRACTICE OF SURVEYING; AND

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

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

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

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

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

1. THE PRINCIPLES AND PRACTICE OF SURVEYING;

AND

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

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

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

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

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

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

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

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

1. THE PRINCIPLES AND PRACTICE OF SURVEYING;

AND

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

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

15-307.

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

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

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

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

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

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

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

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

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

15-308.

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

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

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

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

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

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

15-309.

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, April 9, 2013.