

SENATE BILL 738

C2

5lr2177
CF HB 752

By: **Senator Simonaire**

Introduced and read first time: February 13, 2015

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Professional Engineers – Responsible Charge – Review and Approval of**
3 **Engineering Documents**

4 FOR the purpose of requiring certain engineering documents prepared in connection with
5 certain projects conducted by, jointly with, or under contract with the State or a
6 political subdivision of the State, where certain skills are required, to be signed,
7 sealed, and dated by a certain professional engineer; requiring any review or
8 approval by a unit of State or local government of a certain engineering document to
9 be undertaken by a certain professional engineer with responsible charge for the
10 governmental unit's oversight of a certain project for which a certain engineering
11 document was prepared; and generally relating to the review and approval of
12 engineering documents by a professional engineer with responsible charge.

13 BY repealing and reenacting, without amendments,
14 Article – Business Occupations and Professions
15 Section 14–101(a), (j), (k), and (l)
16 Annotated Code of Maryland
17 (2010 Replacement Volume and 2014 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Business Occupations and Professions
20 Section 14–103
21 Annotated Code of Maryland
22 (2010 Replacement Volume and 2014 Supplement)

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

25 **Article – Business Occupations and Professions**

26 14–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (j) (1) “Practice engineering” means to provide any service or creative work
3 the performance of which requires education, training, and experience in the application
4 of:

5 (i) special knowledge of the mathematical, physical, and
6 engineering sciences; and

7 (ii) the principles and methods of engineering analysis and design.

8 (2) In regard to a building or other structure, machine, equipment, process,
9 works, system, project, or public or private utility, “practice engineering” includes:

10 (i) consultation;

11 (ii) design;

12 (iii) evaluation;

13 (iv) inspection of construction to ensure compliance with
14 specifications and drawings;

15 (v) investigation;

16 (vi) planning; and

17 (vii) design coordination.

18 (3) “Practice engineering” does not include the exclusive and sole
19 performance of nontechnical management activities.

20 (k) “Professional engineer” means, unless the context requires otherwise, an
21 engineer who is licensed by the Board to practice engineering.

22 (l) (1) “Responsible charge” means direct control and personal supervision of
23 engineering that requires initiative, professional skill, and independent judgment.

24 (2) “Responsible charge” includes responsible engineering teaching.

25 14–103.

26 (a) **(1)** All engineering documents prepared in connection with the alteration,
27 construction, design, or repair of a building, structure, building engineering system and its
28 components, machine, equipment, process, works, subsystem, project, public or private
29 utility, or facility in the built or economic environment, **INCLUDING ANY PROJECT**

1 CONDUCTED BY, JOINTLY WITH, OR UNDER CONTRACT WITH THE STATE OR A
2 POLITICAL SUBDIVISION OF THE STATE, where the skills of a professional engineer are
3 required, shall be signed, sealed, and dated by the professional engineer who prepared or
4 approved the documents.

5 (2) ANY REQUIRED REVIEW OR APPROVAL BY A UNIT OF STATE OR
6 LOCAL GOVERNMENT OF AN ENGINEERING DOCUMENT PREPARED UNDER
7 PARAGRAPH (1) OF THIS SUBSECTION SHALL BE UNDERTAKEN BY A PROFESSIONAL
8 ENGINEER WITH RESPONSIBLE CHARGE WITH RESPECT TO THE GOVERNMENTAL
9 UNIT'S OVERSIGHT OF THE PROJECT FOR WHICH THE ENGINEERING DOCUMENT
10 WAS PREPARED.

11 (b) A professional engineer may perform design coordination for a project or
12 portion of a project provided that the professional engineer:

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

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2015.