

# HOUSE BILL 1254

C2, P1, L6

9lr2120

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By: **Delegate Valderrama**

Introduced and read first time: February 8, 2019

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Governmental Units – Designation of Individual in Responsible Charge of Land**  
3 **Surveying and Property Line Surveying Activities**

4 FOR the purpose of requiring, on and after a certain date, a certain governmental unit to  
5 designate at least one individual licensed by the State Board for Professional Land  
6 Surveyors to be in responsible charge of certain land surveying and property line  
7 surveying activities practiced by or on behalf of the governmental unit; defining  
8 certain terms; and generally relating to the practice of land surveying and property  
9 line surveying by certain governmental units.

10 BY repealing and reenacting, without amendments,  
11 Article – Business Occupations and Professions  
12 Section 15–101  
13 Annotated Code of Maryland  
14 (2018 Replacement Volume)

15 BY adding to  
16 Article – Business Occupations and Professions  
17 Section 15–503  
18 Annotated Code of Maryland  
19 (2018 Replacement Volume)

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

22 **Article – Business Occupations and Professions**

23 15–101.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (c) “Council” means the National Council of Examiners for Engineering and  
3 Surveying.

4 (d) “Design coordination” means the review and coordination of services provided  
5 by individuals licensed or certified under Titles 3, 8, 9, 14, and 15 of this article.

6 (e) “Land surveyor” means an individual who practices land surveying.

7 (f) (1) “License” means, unless the context requires otherwise, a license issued  
8 by the Board to practice:

9 (i) land surveying; or

10 (ii) property line surveying.

11 (2) “License” includes, unless the context requires otherwise:

12 (i) a license to practice land surveying; and

13 (ii) a license to practice property line surveying.

14 (g) “License fee” means, as applicable, the fee paid in connection with the issuance  
15 and renewal of a license and the issuance of a limited license, temporary license, and  
16 reciprocal license.

17 (h) “Licensed property line surveyor” means, unless the context requires  
18 otherwise, a property line surveyor who is licensed by the Board to practice property line  
19 surveying.

20 (i) “Permit” means, unless the context requires otherwise, a permit issued by the  
21 Board to allow a corporation or partnership to operate a business through which an  
22 individual may practice land surveying or property line surveying.

23 (j) “Permit fee” means, as applicable, the fee paid in connection with the issuance  
24 and renewal of a permit.

25 (k) (1) “Practice land surveying” means any service, work, documentation, or  
26 practice, the performance or preparation of which requires the application of special  
27 knowledge of the principles of mathematics, the related physical and applied sciences, and  
28 the requirements of the relevant law, as applied to:

29 (i) measuring, platting, and locating lines, angles, elevations,  
30 natural or artificial features in the air, on the surface of the earth, in underground work,  
31 and on the beds of bodies of water for the purpose of determining and reporting positions,  
32 topography, areas, and volumes;

1 (ii) the platting or replatting, establishing or reestablishing, locating  
2 or relocating, or setting or resetting the monumentation for boundaries of real property,  
3 easements, or rights-of-way;

4 (iii) platting, layout, and preparation of surveys, plats, plans, and  
5 drawings, including:

6 1. site plans;

7 2. subdivision plans;

8 3. subdivision plats;

9 4. condominium plats;

10 5. right-of-way and easement plats; and

11 6. other recordable plats;

12 (iv) conducting horizontal and vertical control surveys, layout or  
13 stake-out of proposed construction, and the preparation and platting of as-constructed  
14 surveys;

15 (v) utilizing measurement devices or systems, such as aerial  
16 photogrammetry, global positioning systems, land information systems, geographic  
17 information systems, or similar technology for evaluation or location of boundaries of real  
18 property, easements, or rights-of-way; and

19 (vi) in conjunction with the site development or subdivision of land,  
20 the preparation and design of plans for the following projects, provided that such  
21 preparation and design are in accordance with design manuals, details, and standards  
22 accepted by the State or local authority:

23 1. road and street grades;

24 2. sediment and erosion control measures;

25 3. nonpressurized closed storm drainage and stormwater  
26 management systems; and

27 4. open conduit storm drainage and stormwater  
28 management systems.

29 (2) "Practice land surveying" does not include the design, preparation, or  
30 specifications for:

1 (i) community water or wastewater treatment collection or  
2 distribution systems;

3 (ii) community pumping or lift stations; or

4 (iii) geotechnical or structural design components of sediment control  
5 or stormwater management ponds or basins.

6 (l) (1) "Practice property line surveying" means to practice land surveying,  
7 except for the services excluded under paragraph (2) of this subsection.

8 (2) "Practice property line surveying" does not include the performance of  
9 the services described in subsection (k)(1)(vi) of this section.

10 (m) "Professional land surveyor" means, unless the context requires otherwise, a  
11 land surveyor who is licensed by the Board to practice land surveying.

12 (n) "Property line surveyor" means an individual who practices property line  
13 surveying.

14 (o) "Responsible charge" means direct control and personal direction of the  
15 investigation, design, construction, or operation of land surveying work that requires  
16 initiative, professional skill, and independent judgment.

17 **15-503.**

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
19 INDICATED.

20 (2) "GOVERNMENTAL UNIT" INCLUDES:

21 (I) A UNIT OR DEPARTMENT OF THE STATE, A COUNTY, OR A  
22 MUNICIPAL CORPORATION; AND

23 (II) A PUBLIC INSTITUTION OF HIGHER EDUCATION.

24 (3) "INSTITUTION OF HIGHER EDUCATION" HAS THE SAME MEANING  
25 AS PROVIDED IN § 10-101 OF THE EDUCATION ARTICLE.

26 (B) BEGINNING ON AND AFTER JANUARY 1, 2024, EACH GOVERNMENTAL  
27 UNIT THAT ENGAGES IN THE PRACTICE OF LAND SURVEYING OR PROPERTY  
28 SURVEYING SHALL DESIGNATE AT LEAST ONE INDIVIDUAL WHO IS LICENSED BY THE  
29 BOARD TO BE IN RESPONSIBLE CHARGE OF ANY LAND SURVEYING OR PROPERTY  
30 LINE SURVEYING ACTIVITIES PRACTICED BY OR ON BEHALF OF THE GOVERNMENTAL  
31 UNIT.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2019.