



09.21.01.00

Title 09 MARYLAND DEPARTMENT OF LABOR

Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS

Chapter 01 Code of Ethics for the Practice of Professional Land Surveying and Property Line Surveying

Authority: Business Occupations and Professions Article, §§15-205 and 15-208, Annotated

09.13.01.01

Definitions.

.01 Definitions

A. In the Code of Ethics, the following words have the meaning indicated.

B. Terms Defined.

(1) "Board" means the Board for Professional Land Surveyors.

(2) "Licensee" means any person holding a license issued by the Board as a professional land surveyor or a property line surveyor.

09.13.01.02

Responsibility to the Public.

.02 Responsibility to the Public.

In the performance of a licensee's professional duties, the licensee shall make every reasonable effort to protect the safety, health, property, and welfare of the public. If the licensee's professional judgment is overruled under circumstances in which the safety, health, property, or welfare of the public is endangered, the licensee shall inform the licensee's employer or client of the possible consequences.

09.13.01.03

Public Statements, Reports, and Testimony.

.03 Public Statements, Reports, and Testimony.

A. A licensee may not make statements or reports, or give expert testimony, on land-surveying matters connected with public policy, if the licensee's remarks are inspired by or paid for by an interested party, unless the licensee precedes the remarks by identifying himself or herself, by disclosing the identity of the party on whose behalf the licensee is speaking, and by revealing the existence of any pecuniary interest the licensee has in the matter.

B. A licensee may express publicly a professional opinion on a land-surveying subject only when that opinion is founded upon adequate knowledge of the material facts and a background of technical competence in the subject matter.

C. In a professional report, statement, or testimony, a licensee may not be untruthful or deceptive.

09.13.01.04

Competency for Assignments Undertaken or Approved.

.04 Competency for Assignments Undertaken or Approved.

A. A licensee may undertake or perform land-surveying assignments only when qualified to do by education or experience, or both, in the specific field of land surveying involved.

B. A license may affix the licensee's signature or seal to land surveying documents only if:

(1) The licensee is competent in the subject matter of those documents by virtue of education or experience, or both; and

(2) The documents were prepared under the licensee's direction as principal by an employee or an associate competent in the subject matter of those documents by virtue of education or experience, or both.

09.13.01.05

Conflicts of Interest.

.05 Conflicts of Interest.

A. A licensee shall avoid conflicts of interest with the licensee's employer or client. Whenever conflicts of interest appear unavoidable, however, the licensee shall disclose promptly and fully all the circumstances to the employer or client.

B. A licensee shall promptly inform the licensee's employer or client of any business association, interests, or circumstances which may influence the licensee's judgment or the quality of services to the licensee's employer or client.

C. A licensee may not accept compensation, financial or other, from more than one party for services on a project or for services pertaining to a project, unless the licensee makes full disclosure to all interested parties.

D. A licensee may not solicit or accept financial or other valuable consideration from any material supplier or equipment supplier for specifying the supplier's products, except when the licensee is a previously announced employee or agent of the supplier.

E. A licensee may not solicit or accept gratuities, directly or indirectly, from any contractor, architect, engineer, professional land surveyor or property line surveyor, or other party dealing with the licensee's employer or client in connection with work for which the licensee is responsible.

09.13.01.06

Improper Solicitation of Professional Employment.

.06 Improper Solicitation of Professional Employment.

A. Other than the usual commissions paid to licensed employment agencies, a licensee may not compensate, give anything of value, or offer to compensate or give anything of value, as follows:

(1) To a person or organization to recommend or secure the licensee's employment as a professional land surveyor or a property line surveyor; or

(2) As a reward for having made a recommendation resulting in the licensee's employment as a professional surveyor or a property line surveyor.

B. When competing for professional employment, a licensee may not falsify or permit misrepresentation of the licensee's qualifications or those of the licensee's associates.

C. An employed licensee may not solicit or accept other employment to the detriment of the licensee's regular work or the interests of the licensee's employer.

09.13.01.07

Knowledge of Improper Conduct by Others.

.07 Knowledge of Improper Conduct by Others.

Except to the extent the rules of privilege may apply, when questioned by any member or authorized representative of the Board concerning any alleged violation of another person or organization, a licensee may not conceal or refuse to divulge information that the licensee may have, or make false or misleading statements about the matter.

09.13.01.08

Licensees Designation.

.08 Licensees' Designation.

A licensee may not use any designation after the licensee's name on any business communication which misleads the public as to whether the licensee is a professional land surveyor or a property line surveyor.

.09.13.01.09

Failure to Respond.

.09 Failure to Respond.

A. An applicant or licensee shall respond in writing to a written communication from the Board within 30 days of the date of mailing.

B. The Board shall send a written communication by first-class mail to the last known address furnished to the Board by an applicant or licensee.

C. It is a responsibility of an applicant or licensee to notify the Board in writing if there has been a change in applicant's or licensee's address.

D. Failure to respond as required by this regulation may be considered by the Board to be a violation of Business Occupations and Professions Article, §15-317(a)(1)(v), Annotated Code of Maryland.

.09.13.02.00

Title 09 MARYLAND DEPARTMENT OF LABOR
Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS
Chapter 02 Hearing Regulations

Authority: Business Occupations and Professions Article, §§15-208(a) and 15-320, Annotated Code of Maryland

.09.13.02.01

Hearings Before The Board.

.01 Hearings Before the Board.

A. Except as otherwise provided in §§B and C of this regulation, all contested case hearings before the Board shall be governed by COMAR 09.01.02.

B. The administrative unit shall send the hearing notice described in COMAR 09.01.02.07B:

(1) At least 30 days before the hearing; or

(2) If the parties have agreed to a date for which 30 days notice cannot be given, at the earliest time possible.

C. During the hearing, the presiding officer may recognize members of the Board or counsel to the Board to ask questions of witnesses or of counsel.

D. The Board may call witnesses of its own or recall witnesses to elicit facts or opinions.

.09.13.02.02

Hearings Delegated to the Office of Administrative Hearings.

.02 Hearings Delegated to the Office of Administrative Hearings.

All contested case hearings delegated to the Office of Administrative Hearings shall be governed by COMAR 09.01.03.

.09.13.02.03

Complaint Committee.

.03 Complaint Committee.

A. The presiding officer shall appoint one professional Board member and one consumer Board member to constitute the complaint committee.

B. The complaint committee shall:

(1) Review all complaints filed with the Board; and

(2) Make a recommendation to the full Board on the disposition of each matter.

C. Before making a recommendation on a complaint, the complaint committee may request that the Department perform an investigation to obtain additional information. After receipt of this information, the committee shall make a recommendation to the full Board.

.09.13.03.00

Title 09 MARYLAND DEPARTMENT OF LABOR

Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS

Chapter 03 Survey Markers

Authority: Business Occupations and Professions Article, § 15-208, Annotated Code of Maryland

.09.13.03.01

Purpose.

.01 Purpose.

The purpose of these regulations is to promulgate minimum standards for survey markers set by all licensees that will insure the permanency of the marker and allow for easy identification of the licensee responsible for setting the marker.

.09.13.03.03

Marker Identification

.03 Marker Identification.

A. The top of all survey markers, described in Regulation .02, of this chapter, set by a licensee or a permit holder shall have a legible inscription that identifies the licensee or a permit holder responsible for setting the survey marker.

B. The top of all survey markers, described in Regulation .02, of this chapter, set by a licensee or a permit holder shall have a legible inscription stating the words "Property Marker" or the abbreviations "Prop. Mark." or "Prop. Mkr."

.09.13.03.04

Existing Natural Markers.

.04 Existing Natural Markers.

A. All licensees shall put an identifying mark on all existing objects that serve as markers for property corners.

B. The identifying mark may include any one of the following:

- (1) Drill hole;
- (2) Cross cut;
- (3) Square cut;
- (4) Spike;
- (5) P.K. nail; or
- (6) Lag bolt.

C. All licensees shall describe the identifying mark in any legal description or plat prepared by the licensee.

.09.13.04.00

Title 09 MARYLAND DEPARTMENT OF LABOR

Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS

Chapter 04 Disciplinary Actions

Authority: Business Occupations and Professions Article, §15-208(a), Annotated Code of Maryland

.09.13.04.01

Definitions.

.01 Definitions.

A. For purposes of Business Occupations and Professions Article, §15-318(5), Annotated Code of Maryland, the following terms have the meanings indicated.

B. Terms Defined.

(1) Gross Negligence.

(a) "Gross negligence" means a wrongful act or omission, more culpable in nature than simple inadvertence or mistake, characterized by disregard of the property rights of others. It is conduct which constitutes substantial departure from the standard of care required of professional land surveyors or property line surveyors.

(b) "Gross negligence" includes but is not limited to:

(i) Knowingly or recklessly preparing a plat or other survey document which fails to protect the rights of interested parties where the surveyor knew those rights existed;

(ii) Knowingly or recklessly failing to provide minimal supervision of employees engaged in surveying work;

(iii) Knowingly or recklessly preparing a plat or other survey document which, if properly relied upon, could lead to serious injury to persons or property.

(2) "Incompetence" means:

(a) Physical or mental incapacity; or

(b) Engaging in conduct which evidences a lack of proficiency, learning, ability, skill, or fitness necessary to perform regular duties, tasks, and functions of a professional land surveyor or property line surveyor in a reasonably effective, professional, and competent manner.

(3) Misconduct.

(a) "Misconduct" means conduct by a professional land surveyor or property line surveyor which violates the standards of integrity of the profession.

(b) "Misconduct" includes but is not limited to:

(i) Violating the Code of Ethics set out in COMAR 09.13.01;

(ii) Expressing an opinion publicly on a land surveying subject without being informed as to the facts relating to it and being competent to form a sound opinion on it;

(iii) Being untruthful, deceptive, or misleading in any professional report, statement, or testimony whether under oath, or omitting relevant and pertinent information from the report, statement, or testimony when the result of an omission would or reasonably could lead to a fallacious conclusion on the part of the client or the general public;

(iv) Performing a land surveying assignment when not qualified by training or experience in the type of land surveying involved;

(v) Affixing a signature and seal to any land surveying plan or document in a subject matter over which the licensed professional land surveyor or property line surveyor lacks competence by virtue of inadequate training or experience and familiarity;

(vi) Offering directly or indirectly any bribe or commission to obtain selection or preferment for a land surveying employment with the exception of the payment of the usual commission for securing salaried positions through licensed employment agencies;

(vii) Soliciting or accepting gratuities directly or indirectly from contractors, their agents, or other parties dealing with the registered land surveyor's client or employer in connection with work for which the licensed professional land surveyor or property line surveyor is responsible;

(viii) Use by a licensed professional registered land surveyor or property line surveyor of the surveyor's land surveying expertise or professional land surveying status, or both, to commit a crime;

(ix) Affixing a surveyor's seal or signature, or both, to drawings, plats, or other documents required to be sealed pursuant to Business Occupations and Professions Article, §15-502, Annotated Code of Maryland, when the document has not been personally prepared by the registered land surveyor or prepared under the surveyor's responsible supervision, direction, and control;

(x) Knowingly associating with or permitting the use of the surveyor's name or firm name in a business venture with a person or firm which the surveyor knows or has reason to believe is engaging in business or professional practices of a fraudulent or dishonest nature;

(xi) Failing to present immediately information to the Board if a licensed professional land surveyor or property line surveyor has knowledge of or reason to believe that a person or firm is guilty of violating any of the provisions of Business Occupations and Professions Article, Title 15, Annotated Code of Maryland, or any of these rules of professional conduct.

.09.13.05.00

Title 09 MARYLAND DEPARTMENT OF LABOR

Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS

CHAPTER 05 Fees

Authority: Business Occupations and Professions Article, §§15-101, 15-207—15-209, 15-306, 15-307, 15-307.1, 15-311, 15-312, 15-314—15-316, 15-321, 15-403, 15-404, and 15-406; Business Regulation Article, §§2-106, 2-106.1, and 2-106.2; Annotated Code of Maryland

.09.13.05.01

Purpose.

.01 Purpose.

This chapter is intended to carry out the provisions of Business Regulation Article, §§2-106.1 and 2-106.2, Annotated Code of Maryland, and Business Occupations and Professions Article, Title 15, Annotated Code of Maryland. In particular, it is intended to set various fees in order to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the State Board of Architects, the State Board of Certified Interior Designers, the State Board of Examiners of Landscape

Architects, the State Board for Professional Engineers, and the State Board for Professional Land Surveyors.

.09.13.05.02

Definitions.

.02 Definitions.

A. In this chapter, the following terms have the meaning indicated.

B. Terms Defined.

(1) "Board" means the State Board for Professional Land Surveyors.

(2) "Design boards" means collectively the:

- (a) State Board of Architects;
- (b) State Board of Certified Interior Designers;
- (c) State Board of Examiners of Landscape Architects;
- (d) State Board for Professional Engineers; and
- (e) Board.

(3) "License fee" means the fee paid by an applicant or licensee, as applicable, in connection with the issuance and renewal of a license and the issuance of a reciprocal license.

(4) "Permit fee" means the fee paid in connection with the issuance and renewal of a permit.

(5) "Secretary" means the Secretary of Labor.

.09.13.05.03

Fees and Costs.

.03 Fees and Costs.

A. The Secretary and the design boards have agreed to average their direct and indirect costs, based on the calculation of costs performed by the Secretary in consultation with the design boards. Based on these calculations, the Board sets the following fees:

- (1) License fee — \$76.50;
- (2) Permit fee — \$100;
- (3) Nonrefundable initial application fee payable in connection with:
 - (a) An application for permit — \$35;

- (b) An application for license by reciprocity — \$50;
- (4) Reinstatement fee — \$100;
- (5) Verification fee — \$20;
- (6) Replacement license certificate fee — \$35.

B. An applicant for the appropriate licensing examination shall pay the following examination fees directly to the Board or its designee, as these fees are established by the National Council of Examiners of Engineers and Surveyors:

- (1) Fundamentals of Land Surveying — \$225;
- (2) Principles and Practice — \$250.

C. An applicant shall pay \$35 to the Board or its designee in connection with the Maryland Law and Ethics Issues portion of the examination.

D. An applicant shall pay \$35 to the Board or its designee in connection with the Maryland Storm Drain and Road Grade portion of the examination.

E. An applicant approved by the Board to take the appropriate licensing examination, and for whom the Board ordered appropriate examination materials, is not entitled to a refund of applicable fees paid under §B, C, or D of this regulation. An applicant who notifies the Board of the applicant's election not to take the appropriate licensing examination before the Board orders appropriate examination materials is entitled to a refund of applicable fees under §B, C, or D of this regulation.

F. An applicant for the appropriate licensing examination shall pay to the Board or its designee the testing service fee of \$60 in connection with the testing services.

.09.13.05.04

Retired Status License.

.04 Retired Status License.

The Board sets the following fees in connection with a retired status license:

- A. Retired status license fee — \$25;
- B. Reactivation from retired status fee — \$100 for each lapsed licensing period, but not to exceed \$300.

.9.13.06.00

Title 09 MARYLAND DEPARTMENT OF LABOR
Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS
Chapter 06 Minimum Standards of Practice

Authority: Business Occupations and Professions Article, §15-208(b)(4), Annotated Code of Maryland

.09.13.06.01

Purpose.

.01 Purpose.

A. In the general interest of the public, these standards are promulgated to set forth the minimum acceptable level of performance to be exercised by all individuals practicing professional land surveying and property line surveying in Maryland.

B. If anything contained in these regulations conflicts with other federal or State requirements, the more stringent requirements shall be followed.

09.13.06.02

Definitions.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Accurate and precise location" means a description of the position of a feature, object, or boundary that meets or exceeds the positional tolerance.

(2) "As-constructed survey" has the meaning stated in Regulation .07 of this chapter.

(3) "Authoritative" means the process of surveying which results in an accurately and precisely established location of a feature, object, or boundary.

(4) "Bench mark" means an identifiable stable reference point established as a record for future use or reestablishment of the elevation datum of a survey requiring vertical data.

(5) "Boundary survey" has the meaning stated in Regulation .03 of this chapter.

(6) "Certification entity" means an entity acceptable to the Board, as stated in Business Occupations and Professions Article, §15-301(b)(4), Annotated Code of Maryland, including, but not limited to, the following entities:

(a) American Society for Photogrammetry and Remote Sensing;

(b) GIS Certification Institute;

(c) United States Geospatial Intelligence Foundation; and

(d) National Society of Professional Surveyors.

- (7) "Consumer" means a property owner or a prospective property owner, as the case may be, for whose benefit surveying services are performed.
- (8) "Date" means the date of the latest field work.
- (9) "Licensee" means:
- (a) A professional land surveyor as stated in Business Occupations and Professions Article, §15-101(l), Annotated Code of Maryland; or
 - (b) A licensed property line surveyor as stated in Business Occupations and Professions Article, §15-101(g), Annotated Code of Maryland.
- (10) "Metes and bounds description" has the meaning stated in Regulation .08 of this chapter.
- (11) "Monument" means an identifiable object or marker which physically identifies the location of property division lines or other survey points on the ground.
- (12) "Planimetric survey" has the meaning stated in Regulation .05 of this chapter.
- (13) "Plat" means a drawing prepared at an appropriate scale to show the results of the findings and conclusions of a survey.
- (14) "Positional tolerance" means the maximum allowable relative positional precision of 0.07 feet (or 2 centimeters) plus 50 parts per million, based on the direct distance between the two survey markers or monuments, as applicable.
- (15) "Qualifying activity" means an activity which:
- (a) Is acceptable to the Board;
 - (b) Is offered by a certification entity; and
 - (c) Has content areas related to the utilization of measurement devices or systems for the purpose of determining topography or contours.
- (16) "Relative positional precision" means the length of the semi-major axis expressed in feet or meters, of the error ellipse representing the uncertainty due to random errors in measurements used to control surveys in the location of the property evidence, marking any corner of the surveyed property relative to the property evidence, and marking any other corner of the surveyed property at the 95 percent confidence level (two standard deviations).
- (17) "Right of way/easement survey" has the meaning stated in Regulation .09 of this chapter.
- (18) "Special purpose survey" has the meaning stated in Regulation .10 of this chapter.
- (19) "Survey" means the process of conducting research, performing field measurements and observations, and applying mathematical principles to determine or obtain the data necessary to record, display, or indicate, or all of these, land boundaries, land areas, and the position and characteristics of any natural or artificial, or both, features on or near the surface of the earth.
- (20) "Survey marker" means, within the meaning of COMAR 09.13.03, an identifiable point, object, or mark which physically identifies the location of any point utilized or established to fix the position of a survey control station.
- (21) "Surveyor" means:
- (a) A professional land surveyor as stated in Business Occupations and Professions Article, §15-101(l), Annotated Code of Maryland;

(b) A licensed property line surveyor as stated in Business Occupations and Professions Article, §15-101(g), Annotated Code of Maryland; or

(c) An individual otherwise authorized to practice professional land surveying or property line surveying under Business Occupations and Professions Article, §15-303, Annotated Code of Maryland.

(22) "Topographic survey" has the meaning stated in Regulation .04 of this chapter.

(23) "Witness monument" means an identifiable point, object, or marker offset from the position of a survey marker, boundary point, or line which is used for the purpose of identifying the position of the survey marker, boundary point, or point on line through the use of distance measurements or angular measurements, or both.

.09.13.06.03

Boundary Surveys.

.03 Boundary Surveys.

A. Purpose.

(1) The boundary survey is a means of marking boundaries for sufficient definition and identification to uniquely locate each lot, parcel, or tract.

(2) The purpose of a boundary survey is to establish, reestablish, or describe, or all of these, the physical position and extent of the boundaries of real property.

B. Result. Unless otherwise directed by the party requesting the survey, sufficient monuments or reference control points which were used to determine the property lines shall be:

(1) Set or recovered on the ground, to the extent feasible; and

(2) Shown on a plat upon completion of the boundary survey so that the property lines can be determined or readily reestablished.

C. Research and Investigation.

(1) The surveyor shall be provided by the party requesting the survey with copies of public records and private records, if any, in sufficient scope and depth that a surveyor of ordinary prudence and skill may consider in identifying with reasonable certainty the following:

(a) The location of the property's record boundaries, so long as the information exists in the public records and is properly indexed; and

(b) Conflicting record property boundary line locations which may differently locate the property's boundaries.

(2) The surveyor shall make a reasonable effort to identify, locate, and review private survey records which are cited in the provided public records and which may:

(a) Be material in locating the property's boundaries,

(b) Have the potential for disclosing conflicting descriptions of the property's boundaries, or

(c) Affect the location of the property's boundaries.

D. Monumentation. In providing appropriate monumentation for boundary surveys, a surveyor shall comply with the minimum standards for survey markers set forth in COMAR 09.13.03.

E. Field Procedures.

(1) Field measurements shall be made by methods that will provide the precision required by this regulation.

(2) Observable physical evidence, including boundary, possession, visible encroachments, and visible indications of rights, including evidence of recorded servitudes or those that may be acquired by prescription or adverse possession, shall be located.

F. Plats.

(1) An original plat of a boundary survey shall be a reproducible drawing at a suitable scale, clearly indicating the results of the field work, computations, research, and record information, as compiled, checked, and analyzed.

(2) A plat shall be prepared in conformity with the following procedures:

(a) A reasonably stable and durable drawing paper, linen, or film of reproducible quality, is considered suitable material for boundary survey plats;

(b) Plats may not be smaller than 8-1/2 x 11 inches;

(c) Dimensions, bearings, or angles, including sufficient data to define curves, shall be neatly and legibly shown with respect to each property boundary line;

(d) Markers shall be labeled as "found" or "set", with a brief description of the marker and relevant reference markers, if any, along with their spatial relationship to the subject corner;

(e) Relevant natural or artificial visible features shall be labeled, dimensioned, and referenced to the nearest property boundary line or represented by a symbol on the plat in its proper location, and each symbol shall clearly indicate what is represented or shall be labeled for identification either individually or in a separate key to symbols;

(f) Plats shall show a north arrow;

(g) A statement indicating the origin and method of determination of the bearings or coordinate system shall be made on a plat, and shall include one of the following:

(i) A reference to true north, as determined by astronomic observation;

(ii) A reference to the Maryland Coordinate System with the controlling stations and a combination factor comprised of an elevation factor and a scale factor noted;

(iii) A reference to a local coordinate system with the controlling stations listed;

(iv) A reference to the record bearing of a well-established line found monumented on the ground, as called for in a relevant deed or plat; or

(v) If the above alternatives in this paragraph are not practical, a dated magnetic bearing may be used;

(h) If separate intricate details or inserts are required for clarity, they shall be properly referenced to the portion of the plat where they apply, particularly in areas where:

(i) Lines of occupation do not conform to the deed lines; and

(ii) A comparison of adjoining properties' deed descriptions indicates the existence of a gap or an overlap;

(i) Cemeteries and burial grounds found by the surveyor within the premises being surveyed shall be noted on the plat;

(j) All relevant evidence of monuments found beyond the subject tract, on which establishment of the corners of the subject tract are dependent, and their application related to the survey shall be indicated;

(k) Different line weights or delineating letters or numbers shall be used to clearly show the limits of the survey; and

(l) Evidence of any easements, servitudes, or uses burdening the surveyed property, whether or not disclosed in the record documents provided to the surveyor, observed in the process of conducting the survey.

(3) In addition to the criteria set forth in §F(2) of this regulation, each plat shall show the following:

(a) Caption or title and general location of the property or a vicinity map;

(b) Scale;

(c) Date;

(d) Land area;

(e) Name and address of the surveyor or firm;

(f) A statement to the effect that a licensee either personally prepared a boundary survey or was in responsible charge over its preparation and the surveying work reflected in it, all in compliance with requirements set forth in Regulation .12 of this chapter; and

(g) Seal and signature of the surveyor who personally prepared or was in responsible charge over the preparation of the boundary survey.

G. Accuracy Standards.

(1) The maximum allowable relative positional precision for boundary surveys shall be 0.07 feet (or 2 centimeters) plus 50 parts per million, based on the direct distance between the two corners being tested.

(2) The surveyor shall ascertain that the positional uncertainties resulting from the survey measurements do not exceed the allowable relative positional precision.

(3) If the size or configuration of the property to be surveyed or the relief, vegetation, or improvements on the property will result in survey measurements for which the relative positional precision will exceed the allowable amount, the surveyor shall add a note to a survey explaining the site conditions that necessitated the deviation from the relative positional precision.

(4) The surveyor shall, to the extent necessary to achieve the standards set forth in §G of this regulation, compensate or correct for systematic errors, including those associated with instrument calibration.

(5) The surveyor shall use appropriate error propagation and other measurement design theory to select the proper instruments, field procedures, geometric layouts, and computational procedures to control and adjust random errors to achieve the allowable relative positional precision tolerance.

09.13.06.04

Topographic Surveys.

.04 Topographic Surveys.

A. Purpose. The purpose of a topographic survey is to locate, describe, or map, or all of these, the elevations and positions of the physical features and characteristics of the surface of the earth, including spot elevations, contours, and other features.

B. Result.

(1) The results of a topographic survey shall clearly show the results of the field and office work and shall be presented, depending on the type of professional services requested, in the form of:

- (a) A plat;
- (b) A worksheet;
- (c) Raw data; or
- (d) Adjusted data.

(2) Plats are intended for a release as stand-alone products. Worksheets and raw data are intended as components to be included in other surveying or engineering documents and are not intended as stand-alone products. Worksheets and raw data are not required to comply with this regulation.

C. Field Procedures.

(1) Field work shall be performed in accordance with accepted surveying theory, practice, and procedures as specified in this section.

(2) A surveyor in responsible charge shall adhere to the following procedures:

- (a) The vertical datum of a topographic survey shall run from a known bench mark, if possible, or as otherwise specified in the scope of survey services for the project;
- (b) A closed level loop, where practical, shall run through or include a second established bench mark to confirm the vertical datum;
- (c) A minimum of one bench mark shall be established on or near the surveyed site;
- (d) Topographic data may be obtained based on an assumed vertical datum, if the base elevation of the datum is obviously different than the existing datum, and if the final document clearly indicates that the data was obtained based on an assumed vertical datum; and
- (e) Field data satisfying the requirements of these regulations shall be gathered, and the surveyor shall make a reasonable effort to maintain the data.

D. Plats.

(1) An original plat of a topographic survey shall be a reproducible drawing at a suitable scale clearly indicating the results of the field work, computations, research, and record information as compiled, checked, and analyzed.

(2) A plat shall be prepared in conformity with the following procedures:

- (a) A reasonably stable and durable drawing paper, linen, or film of reproducible quality is considered suitable material for topographic survey plats;
- (b) Plats may not be smaller than 8-1/2 x 11 inches;
- (c) The source of the vertical datum shall be noted on the plat;
- (d) Relevant natural or artificial visible features shall be labeled and represented by a symbol on the plat in its proper location, and each symbol shall clearly indicate what is being represented or shall be labeled for identification either individually or in a separate key to symbols;
- (e) Plats shall show a north arrow;
- (f) A statement indicating the source of the bearings shall be made on the plat;

- (g) The source of a coordinate system, if used on the plat, shall be identified;
 - (h) A description and the elevation of a minimum of two bench marks established on or near the site for the survey shall be indicated on the plat;
 - (i) Cemeteries and burial grounds found by the surveyor within the premises being surveyed shall be noted on the plat;
 - (j) Different line weights or delineating letters or numbers shall be used to clearly show the limits of the survey; and
 - (k) Spot elevations shall be shown in accordance with vertical accuracy standards as specified in §E(3) of this regulation.
- (3) In addition to the criteria set forth in §D(2) of this regulation, the plat shall show the following:
- (a) Caption or title and general location of the property or a vicinity map;
 - (b) Scale;
 - (c) Date;
 - (d) Name and address of the firm or surveyor;
 - (e) A statement to the effect that a licensee either personally prepared a topographic survey or was in responsible charge over its preparation and the surveying work reflected in it, all in compliance with requirements set forth in Regulation .12 of this chapter; and
 - (f) Seal and signature of the surveyor who personally prepared or was in responsible charge over the preparation of the topographic survey.

E. Tolerances.

- (1) Horizontal tolerances for topographic mapping shall meet the following accuracy standards of this subsection. On maps with publication scales larger than 1:20,000, not more than 10 percent of the points tested shall be in error by more than 1/30 inch, measured on the publication scale, and on maps with publication scales of 1:20,000 or smaller, 1/50 inch. These limits of accuracy shall apply in all cases to positions of well-defined points only. Well defined points are those that are easily visible or recoverable on the ground, such as monuments or markers, including:
- (a) Bench marks;
 - (b) Property boundary monuments;
 - (c) Intersections of roads;
 - (d) Railroads;
 - (e) Corners of large buildings; and
 - (f) Other similar points.
- (2) In general, what is well defined may also be determined by what is plottable on the scale of the map within 1/100 inch.
- (3) Vertical tolerances for topographic mapping shall meet the accuracy standards of this subsection. Vertical accuracy, as applied to contour maps on all publication scales, shall be such that not more than 10 percent of the elevations tested shall be in error more than 1/2 the contour interval. In checking elevations taken from the map, the apparent vertical error may be decreased by assuming a horizontal displacement within the permissible horizontal error for a map of that scale.

F. Exemptions. Individuals who successfully completed the qualifying activity, as defined in Regulation.02B(15) of this chapter, from the certification entity, as defined in Regulation .02B(6) of this chapter, are permitted to produce topographic surveys.

09.13.06.05

Planimetric Surveys.

.05 Planimetric Surveys.

A. Purpose. The purpose of a planimetric survey is to locate, describe, or map, or all of these, the horizontal positions of the physical features and characteristics of the surface of the earth and other features.

B. Result.

(1) The results of a planimetric survey shall clearly show the results of the field and office work, and shall be presented, depending on the type of professional services requested, in the form of:

- (a) A plat;
- (b) A worksheet;
- (c) Raw data; or
- (d) Adjusted data.

(2) Plats are intended for a release as stand-alone products. Worksheets and raw data are intended as components to be included in other surveying or engineering documents and are not intended as stand-alone products. Worksheets and raw data are not required to comply with this regulation.

C. Field Procedures.

(1) Field work shall be performed in accordance with accepted surveying theory, practice, and procedures specified in this section.

(2) Field data satisfying the requirements of these regulations shall be gathered, and the surveyor shall make a reasonable effort to maintain the data.

D. Plats.

(1) An original plat of a planimetric survey shall be a reproducible drawing at a suitable scale clearly indicating the results of the field work, computations, research, and record information, as compiled, checked, and analyzed.

(2) The plat shall be prepared in conformity with the following procedures:

(a) A reasonably stable and durable drawing paper, linen, or film of reproducible quality is considered suitable material for planimetric survey drawings;

(b) Plats may not be smaller than 8-½" × 11" inches;

(c) Relevant natural or artificial visible features shall be labeled and represented by a symbol on the plat in its proper location, and each symbol shall clearly indicate what is being represented or shall be labeled for identification either individually or in a separate key to symbols;

(d) The plat shall show a north arrow;

(e) A statement indicating the source of the bearings shall be made on the plat;

(f) The source of a coordinate system, if used on the plat, shall be identified;

(g) Cemeteries and burial grounds found by the surveyor within the premises being surveyed shall be noted on the plat; and

(h) Different line weights or delineating letters or numbers shall be used to clearly show the limited of the survey.

(3) In addition to the criteria set forth in §D(2) of this regulation, the plat shall show the following:

(a) Caption or title and general location of the property or a vicinity map;

(b) Scale;

(c) Date;

(d) Name and address of the firm or surveyor;

(e) A statement to the effect that a licensee either personally prepared a planimetric survey or was in responsible charge over its preparation and the surveying work reflected in it, all in compliance with requirements set forth in Regulation .12 of this chapter; and

(f) Seal and signature of the surveyor who personally prepared or was in responsible charge over the preparation of the planimetric survey.

E. Tolerances.

(1) Horizontal tolerances for planimetric mapping shall meet the accuracy standards of this subsection. On maps with publication scales larger than 1:20,000, not more than 10 percent of the points tested shall be in error by more than 1/30 inch, measured on the publication scale, and on maps with publication scales of 1:20,000 or smaller, 1/50 inch. These limits of accuracy shall apply in all cases to positions of well-defined points only. Well-defined points are those that are easily visible or recoverable on the ground, such as the following monuments or markers, including:

(a) Property boundary monuments;

(b) Intersections of roads;

(c) Railroads;

(d) Corners of large buildings; and

(e) Other similar points.

(2) In general, what is well defined may also be determined by what is plottable on the scale of the map within 1/100 inch.

.09.13.06.06

Location Drawings.

.06 Location Drawings.

A. Purpose. The purpose of a location drawing is to locate, describe, and represent the positions of buildings or other visible improvements affecting the subject property.

B. Result. The location drawing shall delineate the subject property and the location of the buildings and other visible improvements on the property. Location drawings do not include foundation certifications or wall checks.

C. Approval by the Consumer and Disclosures.

(1) The surveyor may not accept compensation pursuant to this regulation until the surveyor receives a signed approval form as described in this section.

(2) A surveyor is presumed to have received the approval form, if it is delivered to the surveyor by the following means:

- (a) Personal delivery;
- (b) Regular, registered, or certified mail, return receipt requested; or
- (c) Facsimile device or email transmission capable of producing a tangible record of delivery.

(3) The approval form shall be sufficient if it is signed by the consumer, whether one or more, with respect to the property for which services pursuant to this regulation are sought.

(4) The approval form shall contain at least the following statements:

Approval Form

In connection with the purchase or refinancing of the property located at _____ (this office has been requested) (a licensed Maryland surveyor will be engaged) to prepare a location drawing. A location drawing shows the property inspected and the locations of buildings or other visible improvements affecting the property. A LOCATION DRAWING IS NOT A BOUNDARY SURVEY AND CANNOT BE RELIED UPON BY ANYONE TO SHOW WHERE THE PROPERTY'S BOUNDARIES ARE. The only purpose of a location drawing is to provide some assurance that improvements are located on the property. This assurance is for the use of a lender or an insurer only.

If a boundary survey, which could be relied upon for various purposes (for example setting the property markers, erecting a fence, building a garage, or making other improvements on the property), is desired, a surveyor should be contacted independently. The cost of a boundary survey will be greater than the cost of a location drawing.

For further information, contact:

Surveyor's/Company's Name:

Address:

Telephone Number:

Initial appropriate lines:

_____ I/we approve the preparation of a location drawing. I/we have read and understand that, in the absence of any problem revealed by or during the preparation of this drawing, it will be all that is required by the lending institutions and title companies for settlement.

_____ I/we request a boundary survey that will include a location drawing, and will identify property boundary lines and mark property boundary corners. I/we have read and understand that this may not be required for settlement purposes.

Consumer's Signature Consumer's Signature

Date _____ Date _____

Contact Phone Number _____

(5) Upon receipt of an approval form which complies with this section and upon complying with Regulation .12A of this chapter, the surveyor shall perform the services approved by the consumer. If the consumer requests a boundary survey which includes a location drawing, the survey shall be consistent with the provisions set forth in Regulation .03 of this chapter and the requirements set forth in §D(5) of this regulation.

(6) If the consumer approves the preparation of a location drawing, the surveyor shall perform at least the following procedures:

(a) Examine the current deed to and recorded plat, if any, of the subject parcel; and

(b) Take sufficient on-site measurements to enable the surveyor to perform the tasks called for by this regulation with regard to the:

(i) Approximate locations of buildings and those other improvements referenced in this regulation,

(ii) Possible encroachments reasonably determined based on a visual inspection, and

(iii) A flood hazard zone, if requested.

(7) If, in connection with the preparation of a location drawing, a surveyor finds evidence to warrant, in the surveyor's professional opinion, the performance of a boundary survey, the surveyor shall so notify the consumer.

(8) Disclosures.

(a) If the consumer, pursuant to this regulation, has approved a location drawing, the plat prepared by the surveyor shall prominently display, at a minimum, advice to the effect that the plat:

(i) Is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing;

(ii) Is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements; and

(iii) Does not provide for the accurate identification of property boundary lines, but this identification may not be required, for the transfer of title or securing financing or refinancing.

(b) The statements under this regulation may be written on a separate page, if the:

(i) Separate page is stapled or otherwise permanently affixed to the plat; and

(ii) Page containing the plat bears a prominent statement to the effect that the advice is an integral part of the plat, and is to be found on the affixed page.

(9) If the consumer, pursuant to this regulation, has approved a location drawing, the following shall be shown:

(a) Significant buildings, structures, and other improvements, in their approximate relationship to the apparent property lines reflected in the deed, based on the field measurements taken by the surveyor, and any other evidence considered by the surveyor;

(b) Statement with regard to the level of accuracy of distances to apparent property lines; and

(c) Possible encroachments to the extent reasonably determined by a visual inspection of the property either way across property lines.

D. Plats.

(1) The original plat of a location drawing shall be a reproducible drawing at a scale which clearly shows the results of the field work, computations, research, and record information, as compiled, checked, and analyzed.

(2) The plat shall be prepared in accordance with the following procedures:

- (a) A reasonably stable and durable drawing paper, linen, or film is considered a suitable material;
- (b) Plats may not be smaller than 8-1/2 × 11 inches;
- (c) Plats shall show a north arrow;
- (d) A statement indicating the source of the bearings shall be made on the plat; and
- (e) The source of a coordinate system, if used on the plat, shall be identified.

(3) In addition to the criteria set forth in §D(2) of this regulation, the plat shall show the following:

- (a) Caption or title and address of the property or a vicinity map;
- (b) Scale;
- (c) Date;
- (d) Name and address of the firm or surveyor;

(e) A statement to the effect that a licensee either personally prepared a location drawing or was in responsible charge over its preparation and the surveying work reflected in it, all in compliance with requirements set forth in Regulation .12 of this chapter; and

(f) Seal and signature of the surveyor who personally prepared or was in responsible charge over the preparation of the location drawing.

.09.13.06.07

As-Constructed or Record Surveys.

.07 As-Constructed or Record Surveys.

A. General. At the time the surveyor performs as-constructed, sometimes referred to as an as-built, or record surveys, the surveyor shall obtain field measurements of vertical or horizontal dimensions, or both, of constructed improvements. The constructed improvements located by the survey shall be shown by symbols, notations, or delineations and shall be so certified. All plats prepared shall meet these minimum technical standards as applicable.

B. Accuracy. The horizontal or vertical accuracy, or both, shall permit the determination of whether the position of visible constructed improvements encroach upon adjoining properties or whether they are properly placed on the subject property, in rights-of-way, or in easements provided. The vertical accuracy or horizontal accuracy, or both, shall be such that it may be determined whether the position of visible improvements is in accordance with the plans or other documents as approved by appropriate jurisdictions.

C. Seal and signature of the surveyor who personally prepared or was in responsible charge over the preparation of the as-constructed or record survey.

.09.13.06.08

Metes and Bounds Descriptions.

.08 Metes and Bounds Descriptions.

A. Purpose. The purpose of a metes and bounds description is to create a written legal description of the subject tract of land that provides information necessary to properly locate the property on the ground and distinctly set it apart from all other properties.

B. Result.

(1) A metes and bounds description shall indicate the general location of the property by:

(a) Naming the particular lot or block, or other acceptable identification within which it is located, if the property is located in a subdivision; or

(b) By reference to the deed for the parcel being described, and information with regard to tax or election district, county, and state.

(2) The description shall also logically compile and incorporate calls for the following:

(a) Courses and distances with a statement regarding the basis of bearing;

(b) Adjoining record title lines, and rights-of-way as appropriate; and

(c) Statement of the subject land area.

(3) The point of beginning shall be carefully chosen and described in a manner which will distinguish it indisputably from any other point.

(4) Curved boundaries shall include sufficient data to define the curve, including the direction of curve, radius, arc length, chord bearing, and chord length. The description shall also include the identification of nontangent curves.

(5) If a metes and bounds description is based upon a boundary survey performed in accordance with Regulation .03 of this chapter, sufficient monuments or reference control points which were used to determine the property lines shall be called in the metes and bounds description.

(6) The metes and bounds description shall contain a statement to the effect that a licensee either personally prepared a metes and bounds description or was in responsible charge over its preparation and the surveying work reflected in it, all in compliance with requirements set forth in Regulation .12 of this chapter.

(7) The metes and bounds description shall be signed and sealed by a surveyor who personally prepared or was in responsible charge over the preparation of the metes and bounds description.

.09.13.06.09

Right-of-Way/Easement Surveys.

.09 Right-of-Way/Easement Surveys.

A. General. A right-of-way/easement survey is a means of obtaining, reporting, or displaying, or all of these, the necessary data to establish or reestablish the location of sufficient property lines of the

affected tract of land to assure the accurate location of the strip or parcel of land being described for the use and benefit of others.

B. Result. A right-of-way/easement survey shall result in the establishment of the location of lines, areas, if needed, and other relevant data. The surveyor is not required to set markers on a right-of-way/easement survey, unless required by a party requesting surveying services.

C. Compliance. In performing the right-of-way/easement survey, the surveyor shall comply with all terms, conditions, standards, and procedures that are set forth in Regulation .03 of this chapter, except as may be otherwise modified by this regulation, or by the State, its instrumentalities, or any public or corporate body having the power of eminent domain.

D. Seal and signature of the surveyor who personally prepared or was in responsible charge of the preparation of the right-of-way/easement survey.

.09.13.06.10

Special Purpose Surveys.

.10 Special Purpose Surveys.

A. General. A survey not previously defined in these regulations is classified as a special purpose survey and is permitted. The purpose and conditions of this survey shall be clearly shown on the survey plats. A survey performed in accordance with this regulation may not be construed to constitute a variance from these standards.

B. Special Conditions. If special conditions exist that effectively prevent the survey from meeting the minimum standards set forth in this chapter, the special conditions and any necessary deviation from the standards shall be noted on the plat. It is a violation of regulations in this chapter to use special conditions to circumvent the intent and purpose of the minimum standards set forth in this chapter.

C. Information Purposes. Copies of a plat provided for informational purposes only may be issued without the signature or seal, or both, of the surveyor in responsible charge when it is clearly shown that the plat is invalid without the signature or seal. It is a violation of the regulations of this chapter to use this section to circumvent the intent and purpose of the minimum standards set forth in this chapter.

.09.13.06.11

Compliance with Federal, State, and Local Requirements.

.11 Compliance with Federal, State and Local Requirements.

The surveyor shall comply with all applicable federal, State, and local requirements related to the preparation of site plans, road and street plans, subdivision plans and plats, condominium plats, foundation certifications, wall checks, sediment and erosion control plans, storm drain plans, stormwater management design plans, and any other surveying work products.

.09.13.06.12

Business Practices.

.12 Business Practices.

A. Before undertaking the performance of professional services for which payment or other consideration is expected, a surveyor or a duly authorized agent of the surveyor shall discuss at least the following with the requesting party:

- (1) The type of survey required;
- (2) The limits to be surveyed;
- (3) The specific survey services to be provided;
- (4) An approximate completion time schedule; and
- (5) An agreement for payment.

B. For mutual protection, it is encouraged that a written agreement be executed by both parties. The agreement may be in the form of a memorandum, services letter, confirmation of work ordered, or any other mutually acceptable form. The agreement may also establish the extent and limitations of the surveyor's responsibilities.

C. If previously unknown factors are discovered during work that significantly affects either cost or completion schedule, the surveyor shall immediately notify the party responsible for the payment of the cost of the surveying services.

D. The surveyor shall make a reasonable effort to maintain adequate records, including names or initials of all personnel, dates of service, references to field data, such as book number, loose-leaf pages, and other relevant data.

E. A licensee may not sign or seal surveys, plats, drawings, certificates, or other professional documents unless the licensee personally prepared the documents or the documents were prepared under the licensee's responsible charge.

F. Licensee In Responsible Charge. A licensee shall be considered to be in responsible charge within the meaning of Business Occupations and Professions Article, §15-101(n), Annotated Code of Maryland, if the licensee:

- (1) Has authority to make necessary revisions to surveying documents during their preparation by the licensee's employees or other subordinates;
- (2) Provides a detailed review and personal inspection of surveying documents; and
- (3) Has authority to direct the surveying tasks and provides actual direction of the specific surveying tasks performed.

G. A licensee in responsible charge shall be readily available to the licensee's employees or other subordinates on a reasonable basis to provide personal direction and direct control, as necessary and appropriate.

H. By signing and sealing surveying documents, a licensee assumes full responsibility for the preparation of the surveying documents described in this chapter and for the accuracy and adequacy of the surveying work reflected in the documents.

I. When signing and sealing surveying documents, a licensee shall indicate the license expiration date on the documents before submitting them in accordance with requirements set forth in Business Occupations and Professions Article, §15-502(a), Annotated Code of Maryland.

J. Types of Signatures.

- (1) A surveyor may sign surveying documents by one of the following methods:

- (a) A handwritten signature in permanent ink containing the name of person who applied it; or
 - (b) For electronic or digital documents, an electronic authentication process attached to or logically associated with the document.
- (2) A digital signature described in §J(1)(b) of this regulation shall satisfy the following criteria:
- (a) It must contain an identification unique to a licensee using it, such as the licensee’s name and license number;
 - (b) It must be under the exclusive control of the licensee using it;
 - (c) It must be verifiable; and
 - (d) It must be linked to the document in such a manner that any subsequent modifications to the document after the digital signature is appended to it will result in the document no longer being prepared or approved by the licensee.
- (3) Nothing in this regulation is intended to modify any of the requirements set forth in §I of this regulation.

.09.13.06.13

Violation of Minimum Standards.

.13 Violation of Minimum Standards.

Violation of the minimum standards of practice by a professional land surveyor or a property line surveyor shall constitute grounds for disciplinary actions under Business Occupations and Professions Article, Title 15, Annotated Code of Maryland.

.09.13.06.14

Review

.14 Review.

The Board shall undertake a periodic review of the minimum standards of practice set forth in these regulations to assure their accuracy and completeness and shall make those changes, if any, it deems appropriate.

.09.13.07.00

Title 09 MARYLAND DEPARTMENT OF LABOR

Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS

Chapter 07 Educational Equivalency Requirements

**Authority: Business Occupations and Professions Article, §§15-208 and 15-305,
Annotated Code of Maryland**

.09.13.07.01

Purpose.

.01 Purpose.

A. This chapter applies to an applicant who seeks eligibility to sit for the applicable examination for licensure as a professional land surveyor, as described in Business Occupations and Professions Article, Title 15, Annotated Code of Maryland, and this chapter.

B. Pursuant to Business Occupations and Professions Article, §15-305, Annotated Code of Maryland, an applicant for the appropriate licensing examination as a professional land surveyor shall meet certain experiential requirements. The experience that an applicant is to demonstrate pursuant to the above statutory authority must be acceptable to the Board for Professional Land Surveyors.

C. In order to assure a minimum acceptable level of competence of an applicant immediately after the passage of the applicable examination, the Board considers that it is in the best interests of Maryland consumers that the applicant has a diversified prelicensing experience in different aspects of land surveying.

D. To further the Board's goal in protecting the interests of Maryland consumers and also in order to guide an applicant in obtaining an appropriate type and amount of pre-licensing experience, the Board is promulgating these regulations to set forth the criteria for the type and amount of work experience that may be acceptable to the Board.

.09.13.07.02

Guidelines for Acceptable Work Experience.

.02 Guidelines for Acceptable Work Experience.

A. Applicants claiming the respective number of years of land surveying experience required in Business Occupations and Professions Article, §15-305(b), (c), (d), (e), or (f), Annotated Code of Maryland, shall demonstrate that the experience was gained by performing tasks in a variety of diverse surveying categories, including, but not limited to, the following:

- (1) Control surveys;
- (2) Boundary surveys;
- (3) Topographic surveys;
- (4) Subdivision planning;

(5) Road and street grade design, sediment and erosion control design, storm drainage systems design, and storm water management design, all as more particularly described in Business Occupations and Professions Article, §15-101(k)(1)(vi), Annotated Code of Maryland, and commonly known as “minor engineering experience”;

- (6) Construction surveys; and

(7) Location drawings.

B. The acceptable work experience described in §A(5) of this regulation may be acquired by a combination of education and experience approved by the Board, as more particularly described in Regulations .03—.05 of this chapter.

C. The Board has the final authority with regard to both the quality and quantity of acceptable work experience.

.09.13.07.03

Educational Equivalency.

.03 Educational Equivalency.

A. An applicant may claim 3 semester credit hours as an equivalent of 6 months of minor engineering experience after the completion, to the Board's satisfaction, of the courses described in this chapter.

B. In order to be eligible for the Board's approval, the courses of instruction shall be in the following areas:

- (1) Hydraulics;
- (2) Surface water hydrology;
- (3) Route surveying or road design;
- (4) Storm drainage system design;
- (5) Storm water management design;
- (6) Sediment and erosion control design; or
- (7) Infiltration.

C. The Board may choose to approve courses of instruction in areas other than those listed in §B of this regulation.

D. The courses described in §§B and C of this regulation are collectively referred to as eligible courses.

E. The Board may approve the eligible course if the following requirements are met:

(1) The course is offered by a university, community college, professional surveying organization, or other qualified provider acceptable to the Board; or

(2) The Board approves the individual course syllabus and description submitted by either an applicant or directly by the provider before the applicant takes the eligible course.

F. The Board may, at its discretion, approve courses successfully completed by an applicant before the effective date of this chapter if the courses meet the criteria and standards set forth in this chapter.

.09.13.07.04

Determination of Value.

.04 Determination of Value

A. An applicant shall furnish, at the time of filing the appropriate examination application, evidence of having completed, to the Board's satisfaction, the eligible course or courses, as described in Regulation .04 of this chapter.

B. A semester credit hour is defined as not less than 15 standard 50-minute classroom hours of instruction.

.09.13.07.05

Board's Discretion.

.05 Board's Discretion.

The Board has the final authority with regard to the approval of the type and value of courses and any other matters related to the educational equivalency requirements described in this chapter.

.9.13.08.00

Title 09 MARYLAND DEPARTMENT OF LABOR

Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS

Chapter 08 Continuing Professional Competency Requirements

Authority: Business Occupations and Professions Article, §§15-314(f), 15-315, and 15-316, Annotated Code of Maryland

.09.13.08.01

Purpose.

.01 Purpose.

The public interest requires that professional land surveyors and property line surveyors provide competent services in all areas of practice. The State legislature has determined that it is in the best interest of the public to require professional land surveyors and property line surveyors to comply with the continuing professional competency requirements as a prerequisite to the renewal of an applicable license.

09.13.08.02

Definitions.

.02 Definitions.

A. In this chapter, the following terms have the meaning indicated.

B. Terms Defined.

(1) "Activity" means attending and completing qualifying courses, seminars, workshops, technical presentations, and other qualifying programs that meet the criteria and objectives of continuing professional competency.

(2) "Authorized provider" means an organization or individual reviewed and approved by the CPC Standards Committee.

(3) "Board" means the State Board for Professional Land Surveyors.

(4) "College credit hour" means the credit for a course described in §B(6) of this regulation, offered by a university, college, or community college.

(5) "Continuing professional competency (CPC) unit" means one contact hour of instruction, presentation, or other activity.

(6) "Course" means a qualifying offering with a clear purpose and objective to maintain, improve, or expand the skills and knowledge of licensee's field of practice.

(7) "CPC Standards Committee" means a committee as established in Regulation .09 of this chapter.

(8) "Mentor" means a professional land surveyor or a property line surveyor who assists an individual in the process of qualifying for and obtaining licensure as a professional land surveyor.

(9) "Qualifying activity" means an activity that meets the criteria set forth in Regulation .04 of this chapter.

.09.13.08.03

Requirements.

.03 Requirements

A. A licensee shall complete, as a condition of a license renewal in each individual 2-year renewal cycle, a minimum of 24 CPC units earned from the participation in and upon completion of qualifying activities described in Regulation .04.

B. A minimum of 4 CPC units in every individual 2-year renewal cycle shall be earned from the participation in and upon completion of qualifying activities with content areas related to the following:

(1) Minimum Standards of Practice;

(2) Legal cases, commentaries, and other related materials as they apply to the law of land boundaries in Maryland;

- (3) The awareness of ethical concerns and conflicts;
- (4) An enhanced familiarity with the codes of conduct;
- (5) An understanding of standards of practice or care; or

(6) Similar topics aimed at maintaining, improving, or expanding the skills set and knowledge necessary to practice land surveying services or property line surveying services in the most ethical and responsible manner.

C. A licensee may carry over no more than 12 CPC units earned in excess of 24 CPC units, provided that the CPC units intended for the carryover have been earned on or before December 31, 2018. No carryover shall be permitted for any excess CPC units earned after January 1, 2019.

.09.13.08.04

Qualifying Activities.

.04 Qualifying Activities.

In order for an activity to be considered a qualifying activity, the activity must meet the following criteria:

A. Maintain and enhance professional competency of professional land surveyors or property line surveyors; and

B. Foster improvement, advancement, and extension of professional skills and knowledge related to the practice of land surveying or property line surveying.

.09.13.08.05

Determination of Qualifying Activities by the Board.

.05 Determination of Qualifying Activities by the Board.

The determination of whether the activity constitutes a qualifying activity is within the discretion of the Board.

.09.13.08.06

Nonqualifying Activities.

.06 Nonqualifying Activities.

Activities that do not meet the criteria set forth in Regulation .04 of this chapter shall be considered to be non-qualifying activities, including, but not limited to, the following:

- A. Regular employment as professional land surveyor or property line surveyor, or expert witness;
- B. Repetitive attendance of the same programs without substantial modifications or updates;
- C. Time management techniques and strategies;

D. Attending committee meetings or general business meetings of any organization;

E. Other activities that, in the Board's opinion, are not directly related to the practice of land surveying or property line surveying.

.09.13.08.07

Sources of Credit and Determination of Units.

.07 Sources of Credit and Determination of Units.

A. A licensee may earn the CPC units by any of the following methods:

(1) Attending and successfully completing qualifying activities in which the teaching methodology consists primarily of systematic presentation of subjects related to the practice of land or property line surveying, as such activities may from time to time be preapproved by the Board;

(2) Subject to limitations set forth in this Regulation, teaching of, lecturing or instructing on the subjects related to professional land or property line surveying in the environment described in §A(1) of this regulation;

(3) Serving as a mentor within the framework preapproved by the Board to an individual who is pursuing a path to licensure as a professional land surveyor;

(4) Developing examination content questions accepted for use on both national and State specific examinations; or

(5) Other appropriate methods that may from time to time be approved by the Board.

B. A licensee may earn the applicable number of CPC units in accordance with the following conversion schedule:

(1) 1 college credit hour — 5 CPC units;

(2) 1 contact hour of professional development work, or professional or technical presentations made at meetings, conventions, or conferences — 1 CPC unit;

(3) Board approved mentoring activities — 3 CPC units;

(4) Developing of examination content questions — 4 CPC units; and

(5) Subject to exclusions set forth in this Regulation, teaching of, lecturing or instructing on land surveying and related subjects, subject to the following limitations:

(a) For the first time presentation, a presenter may claim credit for the activity that is equivalent to two times the number of CPC units awarded by the Board for the activity; and

(b) Unless the presentation had been substantially modified and updated for the subsequent presentations or is being presented to a different group of recipients, a presenter may claim only the same number of CPC credits as awarded by the Board to the recipients of the qualifying activity.

09.13.08.08

Determination of Units' Value by the Board.

.08 Determination of Units' Value by the Board.

The final determination with regard to the value, sources, and number of credits is within the discretion of the Board.

.09.13.08.09

Approval of Providers.

.09 Approval of Providers.

A. Responsibility for Providers' Approval.

(1) The Board shall select and establish a committee to approve providers of the CPC units (the "CPC Standards Committee").

(2) The CPC Standards Committee shall consist of the following individuals:

- (a) A professional land or property line surveyor serving on the Board; and
- (b) A consumer member serving on the Board.

(3) In addition to the individuals referred to in §A(2) of this regulation, the CPC Standards Committee may also include any or all of the following individuals:

- (a) A professional land surveyor;
- (b) A property line surveyor; or

(c) An educator from a higher education institution or a community college familiar with the land surveying or property line surveying curriculum.

(4) The Board shall assign the responsibility of reviewing and approving the providers to the CPC Standards Committee. To the extent feasible and necessary, the CPC Standards Committee shall establish guidelines and procedures for approval of providers in accordance with the objectives stated in this chapter.

B. Providers' Eligibility.

(1) The following are considered to be preapproved providers without any further action by the Committee:

- (a) National, regional, or State accredited academic institutions;
- (b) National, State, or regional land surveying organizations; and
- (c) Other entities that may from time to time become preapproved by the Board.

(2) The individuals or entities, including, but not limited to, professional firms conducting in-house presentations, may be approved by the Board to become approved providers upon application and approval by the CPC Standards Committee.

(3) During the application process, the Committee will determine the suitability of the provider to serve as an approved provider.

(4) The provider shall submit general information that will enable the CPC Standards Committee to evaluate the provider's qualifications. At a minimum, the CPC Standards Committee requires the following information to be submitted with each application for approval:

- (a) The sample course outline detailing the content of activity to be offered;
- (b) The number of CPC units to be awarded for each course; and
- (c) The identity and qualifications of the course instructors.

(5) In order to be eligible to become the approved provider, the provider must offer the activity that meets the criteria for a qualifying activity set forth in Regulation .04.

C. Review and Audit of Providers. The Board may require the approved provider to document the CPC activities for audit by the Board at any time after the first presentation of the activity. Documentation shall include registration and attendance records, stated purpose, content, presentation, time and length of the activity, and participants' evaluations.

D. Suspension and Revocation.

(1) The CPC Standards Committee, with the Board's concurrence, may suspend or revoke approval of a provider if, in the judgment of the Board, the intent of Business Occupations and Professions Article, §15-314(f), Annotated Code of Maryland, is no longer served.

(2) An individual or organization whose provider's privilege has been suspended or revoked by the CPC Standards Committee may appeal the denial to the Board for a hearing within 30 days after the CPC Standards Committee notifies the individual or organization of the denial.

E. Roster of approved providers. The Board shall maintain and make available to licensees, as often as it considers appropriate, a roster of approved providers.

.09.13.08.10

Record Keeping.

.10 Record Keeping.

A. Responsibility to Maintain Records.

(1) The responsibility of maintaining records to be used to support the continuing professional competency credit claim is the responsibility of each licensee.

(2) A licensee shall maintain the records for a period of at least 4 years from the date of completion of the qualifying activity.

B. Documentation referred to in §A(2) of this regulation, includes, but is not limited to, the following:

- (1) Certificates of participation;
- (2) Transcripts, if appropriate;
- (3) Reprints of publications;
- (4) Proof of presentations;
- (5) Title and description of the activity;

- (6) Dates attended;
- (7) Presenter's name; or
- (8) Any other appropriate information.

C. Upon the Board's request, approved providers shall electronically transmit to the Board records of attendance, completion of a qualifying activity, and any other pertinent information requested by the Board.

.09.13.08.11

Reporting Requirements for License Renewal.

.11 Reporting Requirements for License Renewal.

A. A licensee shall attest to the satisfactory completion of the CPC requirements prior to the licensee's individual license renewal for the following 2-year cycle. The licensee shall provide the attestation in connection with the renewal application and shall pay appropriate renewal fees.

B. The Board at its discretion may audit randomly selected licensees to ascertain compliance with CPC requirements.

C. Licensees who are audited shall provide any additional documentation required by the Board to complete the audit.

.09.13.08.12

Extenuating Circumstances/Exceptions.

.12 Extenuating Circumstances/Exceptions.

A. Exemptions. Notwithstanding other requirements set forth in this chapter, a licensee who is granted an initial license may renew a license for the next full term without complying with the CPC requirements if:

(1) The licensee has been granted an initial license and is renewing a license for the next full term; and

(2) The licensee qualifies under the criteria set forth in Business Regulation Article, Title 2.5, Annotated Code of Maryland.

B. Compliance Exception Request.

(1) If a licensee is unable to comply with all or part of CPC requirements due to physical disability, illness, or other extenuating circumstances, the licensee may request the Board grant a one-time exception from compliance (Compliance Exception Request), provided that the Compliance Exception Request is filed with the Board at least 60 days prior to the licensee's license expiration date.

(2) If a Compliance Exception Request is based on physical disability or illness, the licensee must provide the Board with written documentation acceptable to the Board supporting the basis for the request.

(3) A Compliance Exception Request must be accompanied by a detailed proposal acceptable to the Board indicating the licensee's intended plan of compliance with CPC requirements within no later than 6 months after the license expiration date. Failure to provide the acceptable plan of compliance within the time period specified in this regulation may result in the Board's administrative dismissal of the Compliance Exception Request.

.09.13.08.13

Failure to Meet the CPC Requirements.

.13 Failure to Meet the CPC Requirements.

In the event a licensee fails to comply with the CPC requirements set forth in this chapter, the Board, subject to the hearing provisions of Business Occupations and Professions Article, §15-319, Annotated Code of Maryland, may take any and all available disciplinary actions under Business Occupations and Professions Article, §15-317, Annotated Code of Maryland.

09.13.08.14

Reinstatement of License.

.14 Reinstatement of License.

A licensee who wishes to reinstate a license shall fulfill past due CPC requirements for the previous CPC reporting periods up to 48 CPC units and pay all applicable fees.

.09.13.08.15

Reactivation of Retired Status License.

.15 Reactivation of Retired Status License.

An individual who elects to receive a retired status license shall be exempt from the compliance with the CPC requirements. In the event such individual elects to have the license reactivated, the individual shall fulfill past due CPC requirements up to 48 CPC units and pay all applicable fees.

.09.13.08.16

Dual Licensees.

.16 Dual Licensees.

A licensee who maintains current licenses in the State of Maryland both as a professional land or property line surveyor and as a professional engineer shall comply with the CPC requirements set forth in COMAR 09.23.06 applicable to licensed professional engineers, except that a minimum of 1/3 of the units earned shall be gained from the qualifying programs on a land surveying subject as set forth in Regulations .03 and .04 of this chapter.

.09.13.08.17

CPC Units Earned in Other States.

.17 CPC Units Earned in Other States.

The Board will accept CPC units earned for activities completed in other jurisdictions, provided that:

A. The activities and programs are consistent and comply with the requisite criteria set forth in this chapter;

B. Licensee provides evidence of attending and completing a qualifying activity in another state, together with applicable number of CPC units earned; and

C. Licensee otherwise fulfills all other applicable license renewal requirements in the State of Maryland.