



## **TITLE 14, BUSINESS OCCUPATIONS AND PROFESSIONS, ANNOTATED CODE OF MARYLAND**

§14–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Affiliate” means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, a permit holder.
- (c) “Board” means the State Board for Professional Engineers.
- (d) “Council” means the National Council of Examiners for Engineering and Surveying.
- (e) “Design coordination” means the review and coordination of services provided by individuals licensed or certified under Titles 3, 8, 9, 14, and 15 of this article.
- (f) “License” means, unless the context requires otherwise, a license issued by the Board to practice engineering.
- (g) “License fee” means, as applicable, the fee paid in connection with the issuance and renewal of a license and the issuance of a reciprocal license.

(h) “Managing agent” means a professional engineer designated as the managing agent by a permit holder under § 14–403 of this title.

(i) “Permit” means, unless the context requires otherwise, a permit issued by the Board to allow a corporation, partnership, or limited liability company to operate a business through which one or more professional engineers may practice engineering.

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

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

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

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

(i) consultation;

(ii) design;

(iii) evaluation;

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

(v) investigation;

(vi) planning; and

(vii) design coordination.

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

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

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

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

#### §14–102.

The purposes of this title are to safeguard life, health, and property and to promote the public welfare by regulating persons who practice engineering in the State.

#### §14–103.

(a) All engineering documents prepared in connection with the alteration, construction, design, or repair of a building, structure, building engineering system and its components, machine, equipment, process, works, subsystem, project, public or private utility, or facility in the built or economic environment, including an engineering document prepared at the request of the State or a political subdivision of the State, where the skills of a professional engineer are required, shall be signed, sealed, and dated by the professional engineer who prepared or approved the documents.

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

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

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

#### §14–201.

There is a State Board for Professional Engineers in the Department.

#### §14–202.

(a) (1) The Board consists of eight members.

(2) Of the eight members of the Board:

- (i) six shall be engineers; and
- (ii) two shall be consumer members.

(3) Of the six engineer members of the Board:

- (i) one shall be a chemical engineer;
- (ii) two shall be civil engineers;
- (iii) one shall be an electrical engineer;
- (iv) one shall be a mechanical engineer; and
- (v) one shall be a professional engineer appointed without regard to specific professional practice who shall represent other designations of professional engineering.

(4) The Governor shall appoint the members with the advice of the Secretary and with the advice and consent of the Senate.

(5) (i) The Governor shall appoint each of the engineer members from a single list of at least 3 names of engineers submitted by the local chapters of the applicable professional organization, as set forth in this paragraph and any list of qualified individuals that may have been submitted to the Governor by any person who is a resident of the State.

(ii) For the chemical engineer member, the list shall be submitted by the American Institute of Chemical Engineers.

(iii) For the civil engineer members, the list shall be submitted by the American Society of Civil Engineers.

(iv) For the electrical engineer member, the list shall be submitted by the Institute of Electrical and Electronics Engineers.

(v) For the mechanical engineer member, the list shall be submitted by the American Society of Mechanical Engineers.

(vi) For the one engineer member identified in paragraph (3)(v) of this subsection, the list shall be submitted by the Maryland Society of Professional Engineers.

(b) Each member of the Board shall be:

- (1) a citizen of the United States; and
- (2) a resident of the State.

(c) (1) Each engineer member of the Board shall have:

(i) practiced engineering for at least 10 years; and

(ii) been in responsible charge of important engineering work for at least 5 years.

(2) Each engineer member of the Board shall be licensed as a professional engineer in this State at all times during the member's term on the Board.

(d) Each consumer member of the Board:

(1) shall be a member of the general public;

(2) may not be a licensee or otherwise be subject to regulation by the Board;

(3) may not be required to meet the qualifications for the professional members of the Board; and

(4) may not, within 1 year before appointment, have had a financial interest in or have received compensation from a person regulated by the Board.

(e) While a member of the Board, a consumer member may not:

(1) have a financial interest in or receive compensation from a person regulated by the Board; or

(2) grade any examination given by or for the Board.

(f) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

(g) (1) The term of a member is 5 years and begins on July 1.

(2) The terms of members are staggered as required by the terms provided for members of the Board on October 1, 2011.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(h) (1) The Governor may remove a member for incompetence, misconduct, neglect of duties, or other sufficient cause.

(2) Except as provided in paragraph (3) of this subsection and subject to paragraph (4) of this subsection, a member shall be considered to have resigned if the member did not attend at least two-thirds of the Board meetings held during any consecutive 12-month period while the member was serving on the Board.

(3) The Governor may waive a member's resignation and allow the member to continue serving if the member has been unable to attend meetings for reasons satisfactory to the Governor and the reasons are made public.

(4) In accordance with § 8–501 of the State Government Article, the chairman shall provide notice to the Governor and the Governor shall appoint a successor.

§14–203.

(a) From among its members, the Board annually shall elect a chairman, a vice chairman, and a secretary.

(b) The manner of election of officers shall be as the Board determines.

§14–204.

(a) A majority of the authorized membership of the Board is a quorum.

(b) (1) The Board shall meet at least twice a year, at the times and places that the Board determines.

(2) The Board may hold special meetings as provided in its bylaws.

(3) Notice of meetings of the Board shall be given as required in its bylaws.

(c) A member of the Board:

(1) may not receive compensation; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(d) The Board may employ a staff in accordance with the State budget.

§14–204.1.

At least annually, the chairman of the Board, the chairman of the State Board of Architects, the chairman of the State Board of Certified Interior Designers, the chairman of the State Board of Examiners of Landscape Architects, and the chairman of the State Board for Professional Land Surveyors shall meet to discuss issues of mutual importance to the design professions.

§14–205.

(a) With the advice of the established engineering societies, the Board shall adopt, by regulation, a code of ethics for practicing engineering.

(b) The Board shall distribute:

(1) to each applicant for a license, a copy of the Maryland Professional Engineers Act and the Board's rules and regulations; and

(2) on each renewal of a license, to each licensee, a copy of any amendments to the Maryland Professional Engineers Act and the Board's rules and regulations that took effect during the 2-year period ending on the date of renewal.

§14–206.

(a) Subject to the State budget, the Board may employ an investigative staff to:

(1) investigate a complaint; and

(2) perform any other related duty, as assigned by the Board.

(b) (1) The Board may issue a subpoena for the attendance of a witness to testify or the production of evidence in connection with:

(i) any disciplinary action under § 14-317 of this title; or

(ii) any proceeding brought for an alleged violation of this title.

(2) A subpoena shall be signed by the chairman of the Board and sealed with the seal of the Board.

(3) If a person fails to comply with a subpoena issued under this subsection, on petition of the Board, a circuit court may compel compliance with the subpoena.

(c) (1) The Board may sue in the name of the State to enforce any provision of this title by injunction.

(2) In seeking an injunction under this subsection, the Board is not required to:

(i) post bond; or

(ii) allege or prove either that:

1. an adequate remedy at law does not exist; or

2. substantial or irreparable damage would result from the continued violation of the provision.

(3) A member of the Board may not be held personally liable for any action taken under this subsection in good faith and with reasonable grounds.

§14–207.

(a) On request of any person and payment of a verification fee set by the Board, the Board

shall certify the licensing status and qualifications of any individual who is the subject of the request.

(b) Each certification under this section:

(1) shall include a statement of the licensing status of the individual who is the subject of the request; and

(2) may include:

(i) information about the examination results and other qualifications of that individual;

(ii) information about the dates of issuance and renewal of the license of that individual;

(iii) information about any disciplinary action taken against that individual; and

(iv) if authorized by that individual, information about any complaint against that individual.

§14–208.

(a) (1) In addition to any powers set forth elsewhere, the Board may adopt:

(i) any bylaw for the conduct of the proceedings of the Board; and

(ii) any regulation to carry out this title, subject to the limitation under paragraph (2) of this subsection.

(2) The Board may not adopt any regulation that would restrict or otherwise would affect competitive bidding for engineering services.

(b) In addition to any duties set forth elsewhere, the Board shall:

(1) administer this title;

(2) adopt a seal;

(3) keep a record of its proceedings; and

(4) keep a file on each applicant for:

(i) a license; and

(ii) certification under § 14-310 of this title.



§14–208.1.

(a) In this section, “code official” means a public official responsible for the review of building permit documents or the issuance of building permits.

(b) The Board shall:

(1) keep a list of the names and mailing addresses of all licensees and certificate holders;

(2) provide each code official with a copy of the list annually; and

(3) provide any other person who makes a request with a copy of the list at a reasonable fee set by the Board.

(c) (1) The Board shall provide all licensees, certificate holders, and code officials with a periodic newsletter not less than semiannually on the activities of the Board.

(2) The Board shall publish, on the Department website, the newsletter jointly with the State Board of Architects, the State Board of Examiners of Landscape Architects, the State Board of Certified Interior Designers, and the State Board for Professional Land Surveyors.

(d) The Board shall distribute:

(1) to each applicant for a license or a certificate and each code official, a copy of the Maryland Professional Engineers Act and the Board’s rules and regulations;

(2) on each renewal of a license or certificate, to each licensee or certificate holder, a copy of any amendments to the Maryland Professional Engineers Act and the Board’s rules and regulations that took effect during the 2-year period ending on the date of renewal; and

(3) to each code official, a copy of any amendments to the Maryland Professional Engineers Act and the Board’s rules and regulations.

(e) A licensee or certificate holder shall designate the licensee’s or certificate holder’s mailing address at the time of issuance of the license or certificate and on each renewal of the license or certificate.

§14–209.

(a) (1) The Board may set reasonable fees for its services.

(2) The fees charged shall be set so as to produce funds to approximate the cost of maintaining the Board and shall be based on the calculations performed by the Secretary under § 2–106.2 of the Business Regulation Article.

(b) The Board shall publish the fee schedule set by the Board by regulation.

(c) (1) The Board shall pay all fees collected under this title to the Comptroller of the

State.

(2) The Comptroller shall distribute the fees to the State Occupational and Professional Licensing Design Boards' Fund established in § 2–106.1 of the Business Regulation Article.

§14–210.

Any person aggrieved by any final action of the Board may take an appeal as allowed in §§ 10-222 and 10-223 of the State Government Article.

§14–211.

The Board exercises its powers, duties, and functions subject to the authority of the Secretary.

§14–301.

(a) Except as otherwise provided in this title, an individual shall be licensed by the Board before the individual may practice engineering in the State.

(b) This section does not apply to:

(1) an individual who practices engineering while performing official duties as an officer or employee of the federal government;

(2) a regular employee of a public utility company while providing engineering services to any facility of the company that the State or federal government regulates to safeguard life, health, and property;

(3) an officer or employee of a corporation, while the officer or employee practices engineering under the conditions authorized under § 14-302 of this subtitle;

(4) an employee or other subordinate of a professional engineer, while the subordinate practices engineering under the conditions authorized under § 14-303(a)(1) of this subtitle; or

(5) an employee of an individual who is not a professional engineer but who, nevertheless, is authorized to practice engineering, while the employee practices engineering under the conditions authorized under § 14-303(a)(2) of this subtitle.

§14–302.

(a) An officer or employee of a corporation may practice engineering without a license if:

(1) the corporation is engaged in research and development engineering for the federal government; and

(2) the work of the officer or employee relates to that research and development engineering.

(b) An officer or employee of a corporation may practice engineering without a license if:

(1) the corporation is engaged in:

(i) manufacturing;

(ii) industrial processes;

(iii) industrial engineering; or

(iv) maintenance and repair of structures or equipment used in industrial processes or manufacturing; and

(2) the work of the officer or employee relates to the products or systems of the corporation or its subsidiaries or affiliates.

(c) An officer or employee of a corporation may practice engineering under this section only as the practice relates to the officer's or employee's work for the corporation.

14–303.

(a) Subject to this section, the following individuals may practice engineering without a license:

(1) an employee or other subordinate of a professional engineer; and

(2) an employee of an individual who is not licensed but is otherwise authorized under this title to practice engineering without supervision.

(b) The authority to practice engineering under this section applies only while the employee or other subordinate works under the responsible charge of the licensee or other authorized individual.

4–304.

(a) To qualify for a license, an applicant shall be an individual who meets the requirements of this section.

(b) The applicant shall be of good character and reputation.

(c) The applicant shall meet the educational and experience requirements under and, except as otherwise provided in this subtitle, shall pass each examination required under § 14-305 of this subtitle.

§14–305.

(a) In addition to the other qualifications for a license set forth in this subtitle, an applicant shall qualify under this section by meeting the educational and experience requirements set forth in subsection (b), (c), or (d) of this section.

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

(i) has been graduated from a college or university on completion of at least a 4–year curriculum in engineering, or its equivalent, that the Board approves;

(ii) subject to paragraph (2) of this subsection, has at least 4 years of work experience in engineering that is satisfactory to the Board and that indicates to the Board that the applicant may be competent to practice engineering;

(iii) has passed the examination in the fundamentals of engineering given by the Board under this subtitle; and

(iv) after passing the examination in fundamentals, has passed the examination in the principles and practice of engineering given by the Board under this subtitle.

(2) If an applicant has completed graduate study in engineering that is satisfactory to the Board, it may allow the applicant up to a 1–year credit toward the experience requirement of paragraph (1)(ii) of this subsection.

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

(1) has been graduated from a college or university on completion of at least a 4–year curriculum in engineering, or its equivalent, that the Board has not approved;

(2) has at least 8 years of work experience in engineering that is satisfactory to the Board and that indicates to the Board that the applicant may be competent to practice engineering;

(3) has passed the examination in the fundamentals of engineering given by the Board under this subtitle; and

(4) after passing the examination in fundamentals, has passed the examination in the principles and practice of engineering given by the Board under this subtitle.

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

(i) subject to paragraph (2) of this subsection, has at least 12 years of work experience in engineering that is satisfactory to the Board and that indicates to the Board that the applicant may be competent to practice engineering; and

(ii) has passed the examination in the principles and practice of engineering given by the Board under this subtitle.

(2) If an applicant has completed 1 or more years of a college or university curriculum in engineering that the Board approves, it may allow, for each of those years, a 1–year credit towards the experience requirement of paragraph (1)(i) of this subsection.

(3) If an applicant has completed 1 or more years of a college or university curriculum in engineering that has not been approved by the Board, the Board may allow, for each of those

years, a credit of up to 6 months towards the experience requirement under paragraph (1)(i) of this subsection.

(e) If an applicant has taught undergraduate or graduate courses in the practice of engineering or has directed engineering research and projects in the applicant's field in a college or university offering an engineering curriculum that is approved by the Board, the Board may count the teaching experience as work experience for purposes of the experience requirements under any subsection of this section.

14-306.

(a) An applicant for a license shall:

(1) submit to the Board:

- (i) an application on the form that the Board provides; and
- (ii) any relevant document that the Board requires; and

(2) pay to the Board or the Board's designee:

- (i) a nonrefundable application fee set by the Board; and
- (ii) an examination fee set by the Board in an amount not to exceed the cost of the required examinations.

(b) (1) The application form shall require:

- (i) a statement about the education of the applicant;
- (ii) a statement about the engineering experience of the applicant;
- (iii) a list of at least 5 references, which, unless excused by the Board, shall include at least 3 professional engineers who have personal knowledge of the applicant's engineering experience; and
- (iv) any other relevant information that the Board requires.

(2) An application shall be made under oath.

(c) If the Board finds that an application form and the accompanying documentation do not demonstrate that the applicant meets the requirements for a license under this subtitle, the Board may require the applicant to submit additional information or documentation.

§14-307.

(a) (1) Except as otherwise provided in § 14-307.1 of this subtitle, an applicant who otherwise qualifies for a license is entitled to be examined as provided in this section.

(2) Subject to § 14-310 of this subtitle, an individual may take the examination in the

fundamentals of engineering before meeting other qualifications for a license.

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

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

(d) (1) As provided under § 14–305 of this subtitle, the Board shall give the following 2 separate examinations:

(i) the examination in the fundamentals of engineering; and

(ii) the examination in the principles and practice of engineering.

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

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

14–307.1.

(a) The Board may use a testing service to administer the examinations required under this subtitle.

(b) If the Board uses a testing service, the testing service, subject to the requirements set by the Board, may:

(1) set the time and place of examinations;

(2) give qualified applicants notice of the time and place of examinations; and

(3) furnish any other information that the Board may require the testing service to provide.

4–308.

(a) If an applicant fails an examination given under this subtitle, the Board or its designee shall provide notice of the failure to the applicant.

(b) (1) Subject to the provisions of this subsection, an applicant who fails an examination may review the applicant's examination in accordance with the Council's review policies unless the policies have been otherwise amended by the Board.

(2) To conduct a review under this subsection, an applicant shall submit a written request to the Board within 60 days after the date the applicant is notified of the applicant's failure of the examination.

(3) An applicant who does not request review in accordance with paragraph (2) of this

subsection waives the right to review under this subsection.

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

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

(2) pays to the Board the fee set by the Board.

(d) (1) Subject to this subsection, an applicant who fails an examination 3 times may have a conference with a member of the Board.

(2) To have a conference under this subsection, an applicant shall submit a written request to the Board within 45 days after the date on which the Board mails notice of the applicant's 3rd failure.

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

14-309.

(a) Subject to this section, if an applicant fails an examination given under this subtitle, the applicant may retake the examination in accordance with the Council's reexamination policies unless the policies have been otherwise amended by the Board.

(b) An applicant for reexamination shall:

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

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

(c) The Board may adopt regulations to set conditions for retaking examinations, including requirements that an applicant:

(1) wait a reasonable period after failing an examination; and

(2) provide evidence acceptable to the Board of updated experience or education.

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

14-310.

(a) An individual may apply to the Board or the Board's designee to take the Fundamentals of Engineering examination before the individual completes the requirements set forth in § 14-305(b) and (c) of this subtitle.

(b) If an individual passes the Fundamentals of Engineering examination and elects to obtain from the Board, on payment of a certification fee set by the Board, a certificate that states that the individual is an engineer-in-training, the Board shall:

- (1) keep a record that the individual passed the examination; and
- (2) issue to the individual a certificate that states that the individual is an engineer-in-training because the individual has passed the examination and that sets forth:
  - (i) the full name of the individual;
  - (ii) a certificate number assigned by the Board to the individual; and
  - (iii) the signature of an authorized official of the Board, under seal of the Board.

14-311.

(a) Subject to the provisions of this section, the Board may issue a license by reciprocity to practice engineering in this State to an individual who is currently licensed to practice engineering in another state or territory of the United States or in a foreign country.

(b) The Board may issue a license under this section only if the applicant:

- (1) is of good character and reputation;
- (2) pays to the Board:
  - (i) a nonrefundable application fee set by the Board; and
  - (ii) a license fee set by the Board; and
- (3) provides adequate evidence that:
  - (i) at the time the applicant was licensed by the other state, territory, or foreign country, the applicant met requirements that were equivalent to those then required by the laws of this State; or
  - (ii) at the time of application for licensure by reciprocity under this section, the applicant meets the requirements currently required by the laws of this State.

(c) An engineer who is licensed by the Board by reciprocity may not be required to maintain licensure in any other state, territory, or foreign country as a condition of maintaining the license granted by the Board.

14-312.

(a) If an applicant qualifies for a license under this subtitle, the Board shall send the applicant a notice that states that:

- (1) the applicant has qualified for a license; and



(2) on receipt of a license fee set by the Board, the Board will issue a license to the applicant.

(b) On payment of the license fee, the Board shall issue a license to each applicant who meets the requirements of this subtitle.

(c) The Board shall include on each license that the Board issues:

(1) the full name of the licensee; and

(2) the registration number assigned by the Board to the licensee.

(d) Subject to any regulation that the Board adopts, it shall replace any lost, mutilated, or destroyed license certificate on:

(1) request of the licensee; and

(2) payment of the replacement fee set by the Board.

§14–313.

While a license is in effect, it authorizes the licensee to practice engineering.

§14–314.

(a) Unless a license is renewed for a 2–year term as provided in this section, the license expires on the first June 30 that comes:

(1) after the effective date of the license; and

(2) in an even–numbered year.

(b) (1) At least 1 month before a license expires, the Board shall mail or electronically transmit to the licensee:

(i) a renewal application form; and

(ii) a notice that states:

1. the date on which the current license expires; and

2. the amount of the license fee.

(2) If an electronic transmission under paragraph (1) of this subsection is returned to the Board as undeliverable, the Board shall mail to the licensee, at the last known address of the licensee, the materials required under paragraph (1) of this subsection within 10 business days of the date the Board received the notice that the electronic transmission was undeliverable.

(3) The failure of a licensee to receive the notice for which this subsection provides does

not prevent the license from expiring as specified under subsection (a) of this section.

(c) Before a license expires, the licensee periodically may renew it for an additional 2-year term, if the licensee:

- (1) otherwise is entitled to be licensed;
- (2) pays to the Board a license fee set by the Board; and
- (3) submits to the Board a renewal application on the form that the Board provides.

(d) (1) The Board shall renew the license of and issue a renewal certificate to each licensee who meets the requirements of this section.

(2) The Board shall include on each renewal certificate that the Board issues:

- (i) the date on which the current license expires; and
- (ii) the signatures of the chairman and secretary of the Board, under seal of the Board.

(e) The Secretary may determine that licenses issued under this subtitle shall expire on a staggered basis.

(f) The Board shall adopt regulations to require a demonstration of continuing professional competency for a licensee as a condition of renewal of a license under this section in accordance with the following:

(1) continuing professional competency requirements do not apply to the first renewal of a license;

(2) if a license expires on or before September 30, 2012, a licensee is not required to fulfill the continuing professional competency requirements;

(3) if a license expires between October 1, 2012, and September 30, 2013, a licensee is required to fulfill 50% of the continuing professional competency requirements as provided in the regulations adopted by the Board under this subsection; and

(4) if a license expires on or after October 1, 2013, a licensee is required to fulfill the full continuing professional competency requirements as provided in the regulations adopted by the Board under this subsection.

§14–314.

(a) Unless a license is renewed for a 2-year term as provided in this section, the license expires on the first June 30 that comes:

- (1) after the effective date of the license; and
- (2) in an even-numbered year.

(b) (1) At least 1 month before a license expires, the Board shall mail or electronically transmit to the licensee:

(i) a renewal application form; and

(ii) a notice that states:

1. the date on which the current license expires; and

2. the amount of the license fee.

(2) If an electronic transmission under paragraph (1) of this subsection is returned to the Board as undeliverable, the Board shall mail to the licensee, at the last known address of the licensee, the materials required under paragraph (1) of this subsection within 10 business days of the date the Board received the notice that the electronic transmission was undeliverable.

(3) The failure of a licensee to receive the notice for which this subsection provides does not prevent the license from expiring as specified under subsection (a) of this section.

(c) Before a license expires, the licensee periodically may renew it for an additional 2-year term, if the licensee:

(1) otherwise is entitled to be licensed;

(2) pays to the Board a license fee set by the Board; and

(3) submits to the Board a renewal application on the form that the Board provides.

(d) (1) The Board shall renew the license of and issue a renewal certificate to each licensee who meets the requirements of this section.

(2) The Board shall include on each renewal certificate that the Board issues:

(i) the date on which the current license expires; and

(ii) the signatures of the chairman and secretary of the Board, under seal of the Board.

(e) The Secretary may determine that licenses issued under this subtitle shall expire on a staggered basis.

(f) The Board shall adopt regulations to require a demonstration of continuing professional competency for a licensee as a condition of renewal of a license under this section in accordance with the following:

(1) continuing professional competency requirements do not apply to the first renewal of a license;

(2) if a license expires on or before September 30, 2012, a licensee is not required to

fulfill the continuing professional competency requirements;

(3) if a license expires between October 1, 2012, and September 30, 2013, a licensee is required to fulfill 50% of the continuing professional competency requirements as provided in the regulations adopted by the Board under this subsection; and

(4) if a license expires on or after October 1, 2013, a licensee is required to fulfill the full continuing professional competency requirements as provided in the regulations adopted by the Board under this subsection.

§14–315.

(a) The Board shall reinstate the license of an individual who, for any reason, has failed to renew the license if the individual:

(1) applies to the Board for reinstatement within 2 years after the license expires;

(2) meets the renewal requirements of § 14–314 of this subtitle; and

(3) except as otherwise provided in subsection (c) of this section, pays to the Board a reinstatement fee set by the Board.

(b) (1) If an individual has failed to renew a license for any reason and then applies to the Board for reinstatement more than 2 years after the license has expired, the Board may:

(i) require the individual to reapply for a license in the same manner as an applicant applies for an original license under this subtitle; or

(ii) subject to paragraph (2) of this subsection, reinstate the license.

(2) The Board may reinstate a license under paragraph (1)(ii) of this subsection only if the individual:

(i) meets the renewal requirements of § 14–314 of this subtitle;

(ii) if required by the Board, states reasons why reinstatement should be granted; and

(iii) except as otherwise provided in subsection (c) of this section, pays to the Board a reinstatement fee set by the Board.

(c) The Board may waive a reinstatement fee for a licensee who provides evidence satisfactory to the Board that the licensee did not practice engineering during the time the license lapsed.

14–316.

(a) The Board may issue a retired status license to an individual who:

(1) is currently licensed in Maryland as a professional engineer;

(2) has been licensed as a professional engineer for at least 25 years, of which at least 5 years were in Maryland;

(3) is not the subject of a pending disciplinary action related to the practice of engineering in this or any other state;

(4) submits to the Board an application on the form approved by the Board; and

(5) pays to the Board a fee as set by the Board.

(b) (1) The holder of a retired status license issued under this section may not engage in the practice of professional engineering.

(2) The holder of a retired status license shall be permitted to use the designation of "Professional Engineer, Retired".

(c) The Board may reactivate the license of the holder of a retired status license if that individual:

(1) submits to the Board an application for reactivation on the form approved by the Board;

(2) meets all applicable continuing competency requirements determined by the Board;

(3) is not the subject of a pending disciplinary action related to the practice of engineering in this or any other state; and

(4) pays to the Board a reactivation fee as set by the Board.

#### §14–317.

(a) (1) Subject to the hearing provisions of § 14–319 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license if:

(i) the applicant or licensee fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

(ii) the applicant or licensee fraudulently or deceptively uses a license;

(iii) under the laws of the United States or of any state, the applicant or licensee is convicted of:

1. a felony; or

2. a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to practice engineering;

(iv) the applicant or licensee is guilty of gross negligence, incompetence, or misconduct while practicing engineering;

(v) the applicant or licensee has had a license to practice engineering in another state revoked or suspended by the other state for a cause that would justify revocation or suspension under this title, except for the failure to pay a license fee;

(vi) the applicant or licensee violates any regulation adopted by the Board; or

(vii) the applicant or licensee violates any provision of this title.

(2) (i) Instead of or in addition to reprimanding a licensee or suspending or revoking a license under this subsection, the Board may impose a penalty not exceeding \$5,000 for each violation.

(ii) To determine the amount of the penalty imposed under this subsection, the Board shall consider:

1. the seriousness of the violation;
2. the harm caused by the violation;
3. the good faith of the licensee; and
4. any history of previous violations by the licensee.

(3) The Board shall pay any penalty collected under this subsection into the General Fund of the State.

(b) The Board shall consider the following facts in the granting, denial, renewal, suspension, or revocation of a license or the reprimand of a licensee when an applicant or licensee is convicted of a felony or misdemeanor described in subsection (a)(1)(iii) of this section:

(1) the nature of the crime;

(2) the relationship of the crime to the activities authorized by the license;

(3) with respect to a felony, the relevance of the conviction to the fitness and qualification of the applicant or licensee to practice engineering;

(4) the length of time since the conviction; and

(5) the behavior and activities of the applicant or licensee before and after the conviction.

§14-318.

(a) Subject to the provisions of this section, the Board shall commence proceedings under § 14-317 of this subtitle on a complaint made to the Board by a member or any other person.

(b) (1) A complaint shall:

- (i) be in writing;
- (ii) state specifically the facts on which the complaint is based; and
- (iii) be submitted to the secretary of the Board.

(2) If the complaint is made by any person other than a member of the Board, the complaint shall be made under oath by the person who submits the complaint.

(c) If the Board finds that a complaint alleges facts that are adequate grounds for action under § 14-317 of this subtitle, the Board shall act on the complaint as provided under § 14-319 of this subtitle. If the Board does not make that finding, it shall dismiss the complaint.

§14-319.

(a) (1) Except as otherwise provided in § 10-226 of the State Government Article, before the Board takes any final action under § 14-317 of this subtitle, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.

(2) A hearing shall be set down within a reasonable time, not exceeding 6 months, after the Board brings charges against a licensee.

(b) The Board shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

(c) The Board may administer oaths in connection with any proceeding under this section.

(d) At least 30 days before the hearing, the hearing notice and a copy of the complaint shall be:

- (1) served personally on the individual; or
- (2) mailed to the last known address of the individual.

(e) The individual may be represented at the hearing by counsel.

(f) If, after due notice, the individual against whom the action is contemplated fails or refuses to appear, nevertheless the Board may hear and determine the matter.

§14-320.

(a) Subject to any regulation that the Board adopts, it may reinstate a license that has been revoked.

(b) A license may be reinstated under this section only on:

- (1) the affirmative vote of a majority of the members of the Board then serving; and

(2) payment to the Board of a reinstatement fee set by the Board.

§14-401.

(a) (1) Subject to the provisions of this subtitle, a professional engineer may practice engineering for others through:

(i) a corporation as an officer, employee, or agent of the corporation;

(ii) a limited liability company as a member, employee, or agent of the limited liability company; or

(iii) a partnership as a partner, employee, or agent of the partnership.

(2) Subject to the provisions of this subtitle, a corporation, limited liability company, or partnership may provide engineering services through one or more professional engineers.

(b) A professional engineer who practices engineering through a corporation, limited liability company, or partnership under this subtitle shall be subject to all of the provisions of this title that relate to practicing engineering.

(c) (1) A corporation, limited liability company, or partnership that provides engineering services under this subtitle is not, by its compliance with this subtitle, relieved of any responsibility that the corporation, limited liability company, or partnership may have for an act or omission of its officer, member, partner, employee, or agent.

(2) An individual who practices engineering through a corporation, limited liability company, or partnership is not, by reason of the individual's employment or other relationship with the corporation, limited liability company, or partnership, relieved of any professional responsibility that the individual may have regarding that practice.

14-402.

(a) Beginning on October 1, 2015, except as provided in subsection (b) of this section, a corporation, partnership, or limited liability company shall hold a permit issued by the Board before the corporation, partnership, or limited liability company may operate a business through which engineering is practiced.

(b) A corporation, partnership, or limited liability company may provide engineering services for itself or its affiliate without a permit issued by the Board.

§14-403.

(a) To qualify for a permit, a corporation, partnership, or limited liability company shall meet the requirements of this section.

(b) (1) A corporation, partnership, or limited liability company shall designate a Maryland professional engineer in good standing to be the managing agent for the entity.



(2) The managing agent shall be:

(i) in a position to act on behalf of the corporation, partnership, or limited liability company in matters related to the practice of or the offering of the practice of engineering; and

(ii) an employee, an owner, a director, an officer, a member, or a partner, as applicable, of the entity seeking a permit.

(c) A licensee may not be designated as a managing agent for more than one corporation, partnership, or limited liability company that provides or offers to provide engineering services, except if the other entity is an affiliate of a permit holder.

§14–404.

(a) An applicant for a permit shall:

(1) submit to the Board an application on the form that the Board provides; and

(2) pay to the Board a nonrefundable application fee set by the Board.

(b) In addition to any other information required on an application form, the form shall require:

(1) the name and address of the managing agent; and

(2) a notarized statement that the managing agent is an employee, an owner, a director, an officer, a member, or a partner, as applicable, of the entity seeking a permit.

§14–405.

The Board shall issue a permit to each applicant that meets the requirements of this subtitle and pays to the Board a permit fee set by the Board.

§14–406.

(a) Subject to subsection (b) of this section and while a permit is in effect, the permit authorizes the holder to:

(1) operate a business through which one or more professional engineers or individuals authorized to practice engineering under § 14–303 of this title practice or offer to practice engineering; and

(2) represent to the public that the business provides or offers to provide the services of a professional engineer.

(b) A permit authorizes the holder to provide a service that constitutes the practice of engineering only if the service is performed by an individual who is licensed or otherwise authorized to practice engineering under this title.

§14–407.

(a) Unless a permit is renewed for a 2–year term as provided in this section, the permit expires on the first June 30 that comes:

(1) after the effective date of the permit; and

(2) in an even–numbered year.

(b) (1) At least 1 month before a permit expires, the Board shall mail or electronically transmit to the permit holder:

(i) a renewal application form; and

(ii) a notice that states:

1. the date on which the current permit expires; and

2. the amount of the permit fee.

(2) If an electronic transmission under paragraph (1) of this subsection is returned to the Board as undeliverable, the Board shall mail to the permit holder, at the last known address of the permit holder, the materials required under paragraph (1) of this subsection within 10 business days of the date the Board received the notice that the electronic transmission was undeliverable.

(c) Before a permit expires, the permit holder may renew the permit periodically for an additional 2–year term if the holder:

(1) otherwise is entitled to a permit;

(2) pays to the Board a permit fee set by the Board; and

(3) submits to the Board a renewal application on the form that the Board provides.

(d) The renewal application form shall require the same information required on the original application form under § 14–404(b) of this subtitle.

(e) The Board shall renew the permit of each permit holder that meets the requirements of this section.

(f) The Secretary may determine that permits issued under this subtitle shall expire on a staggered basis.

§14–408.

Within 60 days after the effective date of the change or occurrence, a permit holder shall notify the Board in writing if there has been a change in:

- (1) the identity of the managing agent; or
- (2) the name of the corporation, partnership, or limited liability company.

§14–409.

(a) Subject to the hearing provisions of § 14–410 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a permit to any applicant, reprimand a permit holder, or suspend or revoke a permit if:

(1) the applicant or permit holder fraudulently or deceptively obtains or attempts to obtain a permit; or

(2) the permit holder fraudulently or deceptively uses a permit.

(b) (1) In addition to a sanction imposed under subsection (a) of this section, the Board may impose a penalty not exceeding \$5,000 for each:

(i) violation for which a denial, reprimand, suspension, or revocation was imposed under subsection (a) of this section; and

(ii) failure to meet or continue to meet the qualifications or requirements set forth in this subtitle.

(2) To determine the amount of the penalty imposed under this subsection, the Board shall consider:

(i) the seriousness of the violation;

(ii) the harm caused by the violation;

(iii) the good faith of the permit holder; and

(iv) any history of previous violations by the permit holder.

(c) The Board shall pay any penalty collected under subsection (b) of this section into the General Fund of the State.

14–410.

(a) Except as otherwise provided in § 10–226 of the State Government Article, before the Board takes any final action under § 14–409 of this subtitle, it shall give the person against whom the action is contemplated an opportunity for a hearing before the Board.

(b) The Board shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

(c) At least 30 days before the hearing, the hearing notice and a copy of the complaint shall be:

(1) served personally on the applicant or on the managing agent of the entity holding the permit; or

(2) mailed to the last known business address of the applicant or the entity holding the permit.

(d) If, after due notice, the person against whom the action is contemplated fails or refuses to appear, the Board may hear and determine the matter.

§14-411.

(a) (1) For the limited purpose set forth in paragraph (2) of this subsection, a permit shall remain in effect and does not expire by operation of law while the permit holder is under investigation by the Board or awaiting a hearing or disposition on charges subject to disciplinary action under this subtitle.

(2) An extension of a permit term under this subsection is effective only for the purpose of retaining the jurisdiction of the Board over the permit holder during the course of disciplinary proceedings and does not prevent the permit from expiring for any other purpose.

(b) Unless the Board agrees to accept the surrender, a permit holder may not surrender a permit while the holder is under investigation or awaiting a hearing or disposition on charges subject to disciplinary action under this subtitle.

§14-412.

A corporation, partnership, or limited liability company whose permit has been suspended or revoked under § 14-409 of this subtitle may not offer or provide engineering services until the suspension is lifted or the permit is reinstated.

§14-413.

(a) Subject to the provisions of this section, the Board may reinstate:

(1) a permit that has been revoked; or

(2) before fulfillment of the conditions of the suspension, a permit that has been suspended.

(b) A permit may be reinstated under this section only if:

(1) the corporation, partnership, or limited liability company whose permit has been revoked or suspended submits a written request to the Board; and

(2) the corporation, partnership, or limited liability company pays to the Board a reinstatement fee set by the Board.

(c) The Board, by an affirmative vote of a majority of its members then serving, shall vote

on the request for reinstatement or lifting of the suspension within 60 days after receipt of the request.

§14–414.

The Board may reinstate the permit of a corporation, partnership, or limited liability company that has failed to renew the permit for any reason if the corporation, partnership, or limited liability company:

- (1) otherwise is entitled to a permit; and
- (2) pays to the Board a reinstatement fee set by the Board.

§14–415.

After the Board reinstates a permit, the permit holder shall continue to comply with all applicable requirements set forth in this subtitle.

§14–4A–01.

(a) Each professional engineer may obtain a seal for use as required under § 14–403 of this title.

(b) The seal shall:

- (1) be of a design determined by the Board; and
- (2) include:
  - (i) the legend “professional engineer”; and
  - (ii) the name and license number of the professional engineer who holds the seal.

§14–4A–02.

(a) Before a professional engineer issues to a client or submits to a public authority any plan, specification, or report, the professional engineer who prepared or approved the document shall endorse on the document the professional engineer’s:

- (1) original signature and date of signature; and
- (2) seal or a facsimile of the seal.

(b) A public authority may not accept any engineering plan, specification, or report unless the document is endorsed as required under subsection (a) of this section.

§14–501.

Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice engineering in the State unless licensed by the Board.

#### §14–501.1.

Except for a professional engineer who operates a business as a sole practitioner, a person may not operate a business through which engineering services are performed or offered to be performed unless:

- (1) the business is a corporation, partnership, or limited liability company; and
- (2) the corporation, partnership, or limited liability company holds a permit issued by the Board.

#### §14–502.

Unless authorized under this title to practice engineering without the supervision required under § 14-303 of this title, a person may not represent to the public, by use of a title, including “engineer”, “professional engineer”, “licensed engineer”, or “registered engineer”, by use of the term “engineering” in the name of the person’s business activity, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice engineering in this State.

#### §14–502.1.

(a) Subject to subsection (b) of this section and unless a person holds a permit issued by the Board, the person may not represent to the public, by the use of a title, including “licensed professional engineers”, “professional engineers”, or “registered engineers”, by the use of the term “professional engineering” or “engineering”, by description of services, methods, or procedures, or otherwise, that the person holds a permit or otherwise is authorized to operate a business through which engineering is practiced in the State.

(b) Subsection (a) of this section does not apply to a professional engineer who operates the business as a sole practitioner.

#### §14–503.

A person may not:

- (1) use or attempt to use the license of another individual; or
- (2) impersonate another individual who holds a license.

#### §14–504.

(a) Other than a professional engineer who obtains a seal as authorized under this title, a person may not use or attempt to use a seal.

(b) While the license of an individual is suspended, revoked, or expired, a person may not endorse a document, as provided under § 14-402 of this title, with the name or seal of the individual.

§14–505.

A person may not give false information to the Board in an attempt to obtain a license.

14–506.

(a) Except as otherwise provided under this section, an individual whose license has been suspended or revoked under § 14-317 of this title may not practice engineering in any manner as:

- (1) an associate, agent, employee, or other subordinate of a professional engineer; or
- (2) a principal, associate, agent, employee, or other subordinate of a corporation or partnership that provides engineering services.

(b) The prohibition set forth under subsection (a) of this section does not apply to an individual while practicing engineering:

- (1) as an officer or employee of the federal government, as provided under § 14-301(b)(1) of this title;
- (2) as an employee of a regulated utility company, as provided under § 14-301(b)(2) of this title; or
- (3) as an officer or employee of a corporation, subject to the conditions provided under § 14-302 of this title.

§14–507.

An individual who is authorized to practice engineering may not practice or offer to practice engineering in those areas of engineering in which the individual is not competent to practice.

§14–508.

(a) A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 6 months or both.

(b) (1) The Board may impose on a person who violates any provision of this title a penalty not exceeding \$5,000 for each violation.

(2) In setting the amount of the penalty, the Board shall consider:

- (i) the seriousness of the violation;
- (ii) the harm caused by the violation;
- (iii) the good faith of the violator;

(iv) any history of previous violations by the violator; and

(v) any other relevant factors.

(3) The Board shall pay any penalty collected under this subsection into the General Fund of the State.

§14-601.

This title may be cited as the “Maryland Professional Engineers Act”.

§14-602.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all regulations adopted under this title shall terminate and be of no effect after July 1, 2033.