

HOUSE BILL 659

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By: **Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)**

Introduced and read first time: February 8, 2012

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Architects, Landscape Architects, Professional Engineers, and Professional**
3 **Land Surveyors – Firm Permits**

4 FOR the purpose of requiring a corporation, partnership, or limited liability company
5 on or after a certain date to hold a permit issued by the State Board for
6 Professional Engineers before operating a business through which engineering
7 is practiced, with a certain exception; establishing certain qualifications,
8 application requirements, and fees for the firm permit to practice engineering;
9 establishing the scope of the engineering firm permit; providing for the renewal
10 and reinstatement of the engineering firm permit; authorizing the State Board
11 for Professional Engineers to deny a firm permit to an applicant, reprimand a
12 permit holder, suspend or revoke a permit, or impose a certain penalty under
13 certain circumstances; altering certain requirements for the responsible
14 member of an entity providing architectural services; authorizing the State
15 Board of Architects to deny a firm permit to an applicant, reprimand a permit
16 holder, suspend or revoke a permit, or impose a certain penalty under certain
17 circumstances; providing for the reinstatement of a firm permit issued by the
18 State Board of Architects under certain circumstances; authorizing landscape
19 architecture to be practiced through a limited liability company under certain
20 circumstances; requiring a limited liability company to hold a permit issued by
21 the State Board of Examiners of Landscape Architects before operating a
22 business through which landscape architecture is practiced; establishing certain
23 qualifications and application requirements for a firm permit issued by the
24 State Board of Examiners of Landscape Architects; authorizing the State Board
25 of Examiners of Landscape Architects to deny a firm permit to an applicant,
26 reprimand a permit holder, suspend or revoke a permit, or impose a certain
27 penalty under certain circumstances; providing for the reinstatement of a firm
28 permit issued by the State Board of Examiners of Landscape Architects under
29 certain circumstances; establishing certain qualifications, application
30 requirements, and renewal requirements for a firm permit to operate a business

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 through which land surveying or property line surveying is practiced;
2 authorizing the State Board for Professional Land Surveyors to deny a firm
3 permit to an applicant, reprimand a permit holder, suspend or revoke a permit,
4 or impose a certain penalty under certain circumstances; providing for the
5 reinstatement of a firm permit issued by the State Board for Professional Land
6 Surveyors under certain circumstances; establishing certain prohibited acts;
7 requiring certain permit holders to provide certain notification of certain
8 changes or occurrences within a certain period of time; altering certain
9 definitions; making stylistic and conforming changes; and generally relating to
10 firm permits issued by the State Board of Architects, the State Board of
11 Examiners of Landscape Architects, the State Board for Professional Engineers,
12 and the State Board for Professional Land Surveyors.

13 BY renumbering

14 Article – Business Occupations and Professions
15 Section 14–402 and 14–403, respectively, and the subtitle “Subtitle 4.
16 Miscellaneous Provisions”
17 to be Section 14–4A–01 and 14–4A–02, respectively, and the subtitle “Subtitle
18 4A. Miscellaneous Provisions”
19 Annotated Code of Maryland
20 (2010 Replacement Volume and 2011 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article – Business Occupations and Professions
23 Section 3–401, 3–403(b), 3–404(c)(3), 3–602, 9–401, 9–402, 9–403, 9–404,
24 9–602, 14–401, 15–402, 15–403, and 15–406(d)
25 Annotated Code of Maryland
26 (2010 Replacement Volume and 2011 Supplement)

27 BY adding to

28 Article – Business Occupations and Professions
29 Section 3–410, 3–411, 3–412, 3–413, 3–414, 3–415, 3–416, 9–405(b), 9–409,
30 9–410, 9–411, 9–412, 9–413, 9–414, 9–415, 9–416; 14–402 through
31 14–415 to be under the new subtitle “Subtitle 4. Permits”; 14–501.1,
32 14–502.1, 15–402.1, 15–406(d), and 15–407 through 15–414
33 Annotated Code of Maryland
34 (2010 Replacement Volume and 2011 Supplement)

35 BY repealing

36 Article – Business Occupations and Professions
37 Section 9–405(b) and 9–409
38 Annotated Code of Maryland
39 (2010 Replacement Volume and 2011 Supplement)

40 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
41 MARYLAND, That Section(s) 14–402 and 14–403, respectively, and the subtitle
42 “Subtitle 4. Miscellaneous Provisions” of Article – Business Occupations and

1 Professions of the Annotated Code of Maryland be renumbered to be Section(s)
2 14-4A-01 and 14-4A-02, respectively, and the subtitle "Subtitle 4A. Miscellaneous
3 Provisions".

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

6 **Article – Business Occupations and Professions**

7 3-401.

8 In this subtitle, "responsible member" means a director of a corporation, a
9 member of a limited liability company, or **A GENERAL partner OF A PARTNERSHIP**
10 who is appointed under § 3-404(c) of this subtitle to be in responsible charge of
11 architecture practiced through the corporation, limited liability company, or
12 partnership.

13 3-403.

14 (b) A corporation, **LIMITED LIABILITY COMPANY, OR PARTNERSHIP** may
15 provide architectural services for itself or for an affiliated corporation, **A LIMITED**
16 **LIABILITY COMPANY, OR A PARTNERSHIP** without a permit issued by the Board.

17 3-404.

18 (c) (3) Each responsible member shall be:

19 (i) a director of a corporation, a member of a limited liability
20 company, or a **GENERAL** partner of a partnership; and

21 (ii) a licensed architect.

22 **3-410.**

23 **(A) SUBJECT TO THE HEARING PROVISIONS OF § 3-411 OF THIS**
24 **SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS**
25 **AUTHORIZED MEMBERSHIP, MAY DENY A PERMIT TO ANY APPLICANT,**
26 **REPRIMAND ANY PERMIT HOLDER, OR SUSPEND OR REVOKE A PERMIT:**

27 **(1) FOR ANY APPLICABLE GROUND UNDER § 3-311 OF THIS TITLE;**

28 **(2) IF THE APPLICANT OR PERMIT HOLDER FRAUDULENTLY OR**
29 **DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A PERMIT;**

1 **(3) IF THE PERMIT HOLDER FRAUDULENTLY OR DECEPTIVELY**
2 **USES A PERMIT;**

3 **(4) IF THE APPLICANT OR PERMIT HOLDER FAILS TO MEET OR**
4 **CONTINUE TO MEET THE QUALIFICATIONS OR REQUIREMENTS SET FORTH IN**
5 **THIS SUBTITLE; OR**

6 **(5) IF THE APPLICANT OR PERMIT HOLDER HAS A PARTNER, AN**
7 **OFFICER, A SHAREHOLDER, A MEMBER, OR A MANAGER WHOSE LICENSE HAS**
8 **BEEN SUSPENDED OR REVOKED BY THE BOARD.**

9 **(B) (1) INSTEAD OF OR IN ADDITION TO REPRIMANDING THE PERMIT**
10 **HOLDER OR SUSPENDING OR REVOKING A PERMIT UNDER SUBSECTION (A) OF**
11 **THIS SECTION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000**
12 **FOR EACH VIOLATION.**

13 **(2) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED**
14 **UNDER THIS SUBSECTION, THE BOARD SHALL CONSIDER:**

15 **(I) THE SERIOUSNESS OF THE VIOLATION;**

16 **(II) THE HARM CAUSED BY THE VIOLATION;**

17 **(III) THE GOOD FAITH OF THE PERMIT HOLDER; AND**

18 **(IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE PERMIT**
19 **HOLDER.**

20 **(C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER**
21 **SUBSECTION (B) OF THIS SECTION INTO THE GENERAL FUND OF THE STATE.**

22 **3-411.**

23 **(A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE**
24 **GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER**
25 **§ 3-410 OF THIS SUBTITLE, IT SHALL GIVE THE PERMIT HOLDER AGAINST WHOM**
26 **THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE**
27 **BOARD.**

28 **(B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN**
29 **ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT**
30 **ARTICLE.**

1 **(C) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE**
2 **AND A COPY OF THE COMPLAINT SHALL BE:**

3 **(1) SERVED PERSONALLY ON A RESPONSIBLE MEMBER OF THE**
4 **ENTITY HOLDING THE PERMIT OR A PERSON DESIGNATED AS A RESIDENT**
5 **AGENT TO RECEIVE PROCESS ON BEHALF OF THE ENTITY; OR**

6 **(2) MAILED TO THE LAST KNOWN BUSINESS ADDRESS OF THE**
7 **ENTITY HOLDING THE PERMIT.**

8 **(D) IF, AFTER DUE NOTICE, THE PERMIT HOLDER FAILS OR REFUSES TO**
9 **APPEAR, NEVERTHELESS THE BOARD MAY HEAR AND DETERMINE THE MATTER.**

10 **3-412.**

11 **(A) (1) FOR THE LIMITED PURPOSE SET FORTH IN PARAGRAPH (2) OF**
12 **THIS SUBSECTION, A PERMIT SHALL REMAIN IN EFFECT AND DOES NOT EXPIRE**
13 **BY OPERATION OF LAW WHILE THE PERMIT HOLDER IS UNDER INVESTIGATION**
14 **BY THE BOARD OR AWAITING A HEARING OR DISPOSITION ON CHARGES**
15 **SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.**

16 **(2) AN EXTENSION OF A PERMIT TERM UNDER THIS SUBSECTION**
17 **IS EFFECTIVE ONLY FOR THE PURPOSE OF RETAINING THE JURISDICTION OF**
18 **THE BOARD OVER THE PERMIT HOLDER DURING THE COURSE OF DISCIPLINARY**
19 **PROCEEDINGS AND DOES NOT PREVENT THE PERMIT FROM EXPIRING FOR ANY**
20 **OTHER PURPOSE.**

21 **(B) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER, A**
22 **PERMIT HOLDER MAY NOT SURRENDER A PERMIT WHILE THE HOLDER IS UNDER**
23 **INVESTIGATION OR AWAITING A HEARING OR DISPOSITION ON CHARGES**
24 **SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.**

25 **3-413.**

26 **A CORPORATION, LIMITED LIABILITY COMPANY, OR PARTNERSHIP WHOSE**
27 **PERMIT HAS BEEN SUSPENDED OR REVOKED UNDER § 3-410 OF THIS SUBTITLE**
28 **MAY NOT OFFER OR PROVIDE ARCHITECTURAL SERVICES UNTIL THE**
29 **SUSPENSION IS LIFTED OR THE PERMIT IS REINSTATED.**

30 **3-414.**

31 **(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY**
32 **REINSTATE:**

1 (1) ANY PERMIT THAT HAS BEEN REVOKED; OR

2 (2) BEFORE FULFILLMENT OF THE CONDITIONS OF THE
3 SUSPENSION, ANY PERMIT THAT HAS BEEN SUSPENDED.

4 (B) A PERMIT MAY BE REINSTATED UNDER THIS SECTION ONLY IF:

5 (1) THE CORPORATION, LIMITED LIABILITY COMPANY, OR
6 PARTNERSHIP WHOSE PERMIT HAS BEEN REVOKED OR SUSPENDED SUBMITS A
7 WRITTEN REQUEST TO THE BOARD;

8 (2) THE BOARD HOLDS A HEARING ON THE REQUEST;

9 (3) THE BOARD, BY AN AFFIRMATIVE VOTE OF A MAJORITY OF ITS
10 AUTHORIZED MEMBERSHIP, VOTES TO REINSTATE THE PERMIT OR LIFT THE
11 SUSPENSION; AND

12 (4) THE CORPORATION, LIMITED LIABILITY COMPANY, OR
13 PARTNERSHIP PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD.

14 **3-415.**

15 THE BOARD MAY REINSTATE THE PERMIT OF A CORPORATION,
16 PARTNERSHIP, OR LIMITED LIABILITY COMPANY THAT HAS FAILED TO RENEW
17 THE PERMIT FOR ANY REASON IF THE CORPORATION, PARTNERSHIP, OR
18 LIMITED LIABILITY COMPANY:

19 (1) OTHERWISE IS ENTITLED TO A PERMIT; AND

20 (2) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE
21 BOARD.

22 **3-416.**

23 AFTER THE BOARD ISSUES OR REINSTATES A PERMIT, THE PERMIT
24 HOLDER SHALL CONTINUE TO COMPLY WITH ALL APPLICABLE REQUIREMENTS
25 SET FORTH IN THIS SUBTITLE.

26 **3-602.**

27 Except for a licensed architect who operates a business as a sole practitioner, a
28 person may not operate a business through which architecture is practiced, unless:

1 (1) the business is a corporation, **A LIMITED LIABILITY COMPANY**, or
2 a partnership; and

3 (2) the corporation, **A LIMITED LIABILITY COMPANY**, or partnership
4 holds a permit issued by the Board.

5 9-401.

6 In this subtitle, ["responsible member" means an officer of a corporation or
7 partner] **"PERSON IN RESPONSIBLE CHARGE" MEANS A LICENSEE** who is
8 appointed under § 9-404(b) of this subtitle [to be in responsible charge of landscape
9 architecture practiced through the corporation or partnership].

10 9-402.

11 (a) (1) Subject to the provisions of this subtitle, a licensed landscape
12 architect may practice landscape architecture for others through:

13 (i) a corporation as an officer, employee, or agent of the
14 corporation; **[or]**

15 (ii) a partnership as a partner, employee, or agent of the
16 partnership; **OR**

17 **(III) A LIMITED LIABILITY COMPANY AS A MEMBER,**
18 **EMPLOYEE, OR AGENT OF THE LIMITED LIABILITY COMPANY.**

19 (2) Subject to the provisions of this subtitle, a corporation **[or]**,
20 partnership, **OR LIMITED LIABILITY COMPANY** may provide landscape architectural
21 services through a licensed landscape architect [but may not use the title "landscape
22 architect" in connection with the name of the corporation or partnership].

23 (b) A licensed landscape architect who practices landscape architecture
24 through a corporation **[or]**, partnership, **OR LIMITED LIABILITY COMPANY** under
25 this subtitle is subject to all of the provisions of this title that relate to practicing
26 landscape architecture.

27 (c) (1) A corporation **[or]**, partnership, **OR LIMITED LIABILITY**
28 **COMPANY** that provides landscape architectural services to others under this subtitle
29 is not, by its compliance with this subtitle, relieved of any responsibility that the
30 corporation **[or]**, partnership, **OR LIMITED LIABILITY COMPANY** may have for an act
31 or omission of its officer, partner, **MEMBER**, employee, or agent.

32 (2) An individual who practices landscape architecture through a
33 corporation **[or]**, partnership, **OR LIMITED LIABILITY COMPANY** is not, by reason of

1 the individual's employment or other relationship with the corporation [or],
2 partnership, **OR LIMITED LIABILITY COMPANY**, relieved of any individual
3 responsibility that the individual may have regarding that practice.

4 9-403.

5 (a) Except as provided in subsection (b) of this section, a corporation [or],
6 partnership, **OR LIMITED LIABILITY COMPANY** shall hold a permit issued by the
7 Board before the corporation [or], partnership, **OR LIMITED LIABILITY COMPANY**
8 may operate a business through which landscape architecture is practiced.

9 (b) A corporation, **PARTNERSHIP, OR LIMITED LIABILITY COMPANY** may
10 provide landscape architectural services for itself or for an affiliated corporation,
11 **PARTNERSHIP, OR LIMITED LIABILITY COMPANY** without a permit issued by the
12 Board.

13 9-404.

14 (a) To qualify for a permit, a corporation [or], partnership, **OR LIMITED**
15 **LIABILITY COMPANY** shall meet the requirements of this section.

16 [(b) (1) A corporation or partnership shall have appointed at least 1
17 responsible member of the corporation or partnership.

18 (2) A responsible member shall be in responsible charge of landscape
19 architecture practiced through the corporation or partnership.

20 (3) The responsible member shall be:

21 (i) an officer of a corporation or a partner of a partnership; and

22 (ii) a licensed landscape architect.]

23 **(B) (1) A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY**
24 **COMPANY SHALL APPOINT AT LEAST 1 PERSON IN RESPONSIBLE CHARGE OF**
25 **THE LANDSCAPE ARCHITECTURAL SERVICES PERFORMED OR OFFERED TO BE**
26 **PERFORMED THROUGH THE CORPORATION, PARTNERSHIP, OR LIMITED**
27 **LIABILITY COMPANY.**

28 **(2) A PERSON IN RESPONSIBLE CHARGE SHALL BE:**

29 **(I) IN DIRECT CONTROL OF THE LANDSCAPE**
30 **ARCHITECTURAL SERVICES PERFORMED OR OFFERED TO BE PERFORMED**
31 **THROUGH THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY;**

1 **(II) IN A POSITION TO ACT ON BEHALF OF, AND**
2 **RESPONSIBLE FOR, THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY**
3 **COMPANY IN MATTERS RELATED TO THE PRACTICE OF LANDSCAPE**
4 **ARCHITECTURE; AND**

5 **(III) A LICENSED LANDSCAPE ARCHITECT IN GOOD**
6 **STANDING.**

7 9-405.

8 **[(b) In addition to any other information required on an application form, the**
9 **form shall require the name and address of:**

10 (1) each responsible member of a corporation or partnership;

11 (2) each officer and shareholder of a corporation; and

12 (3) each partner of a partnership.]

13 **(B) IN ADDITION TO ANY OTHER INFORMATION REQUIRED ON THE**
14 **APPLICATION FORM, THE FORM SHALL REQUIRE THE NAME AND ADDRESS OF AT**
15 **LEAST 1 PERSON IN RESPONSIBLE CHARGE OF LANDSCAPE ARCHITECTURE**
16 **PRACTICED THROUGH THE CORPORATION, PARTNERSHIP, OR LIMITED**
17 **LIABILITY COMPANY.**

18 [9-409.

19 **Within 1 month after the effective date of the change, a permit holder shall**
20 **submit to the Board an application form that shows a change in the name of:**

21 (1) a responsible member of the holder;

22 (2) an officer or shareholder, if the holder is a corporation; or

23 (3) a partner, if the holder is a partnership.]

24 **9-409.**

25 **WITHIN 1 MONTH AFTER THE EFFECTIVE DATE OF THE CHANGE OR**
26 **OCCURRENCE, A PERMIT HOLDER SHALL NOTIFY THE BOARD IN WRITING IF**
27 **THERE HAS BEEN A CHANGE IN:**

28 **(1) THE IDENTITY OF THE PERSON IN RESPONSIBLE CHARGE OF**
29 **LANDSCAPE ARCHITECTURAL SERVICES PERFORMED OR OFFERED TO BE**

1 PERFORMED THROUGH THE CORPORATION, PARTNERSHIP, OR LIMITED
2 LIABILITY COMPANY; OR

3 (2) THE NAME OF THE CORPORATION, PARTNERSHIP, OR LIMITED
4 LIABILITY COMPANY.

5 9-410.

6 (A) SUBJECT TO THE HEARING PROVISIONS OF § 9-411 OF THIS
7 SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS
8 AUTHORIZED MEMBERSHIP, MAY DENY A PERMIT TO ANY APPLICANT,
9 REPRIMAND A PERMIT HOLDER, OR SUSPEND OR REVOKE A PERMIT:

10 (1) FOR ANY APPLICABLE GROUND UNDER § 9-310 OF THIS TITLE;

11 (2) IF THE APPLICANT OR PERMIT HOLDER FRAUDULENTLY OR
12 DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A PERMIT;

13 (3) IF THE PERMIT HOLDER FRAUDULENTLY OR DECEPTIVELY
14 USES A PERMIT;

15 (4) IF THE APPLICANT OR PERMIT HOLDER FAILS TO MEET OR
16 CONTINUE TO MEET THE QUALIFICATIONS OR REQUIREMENTS SET FORTH IN
17 THIS SUBTITLE; OR

18 (5) IF THE APPLICANT OR PERMIT HOLDER HAS A PARTNER,
19 OFFICER, SHAREHOLDER, MEMBER, OR MANAGER WHOSE LICENSE HAS BEEN
20 SUSPENDED OR REVOKED BY THE BOARD.

21 (B) (1) INSTEAD OF OR IN ADDITION TO REPRIMANDING THE PERMIT
22 HOLDER OR SUSPENDING OR REVOKING A PERMIT UNDER SUBSECTION (A) OF
23 THIS SECTION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000
24 FOR EACH VIOLATION.

25 (2) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED
26 UNDER THIS SUBSECTION, THE BOARD SHALL CONSIDER:

27 (I) THE SERIOUSNESS OF THE VIOLATION;

28 (II) THE HARM CAUSED BY THE VIOLATION;

29 (III) THE GOOD FAITH OF THE PERMIT HOLDER; AND

1 **(IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE PERMIT**
2 **HOLDER.**

3 **(C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER**
4 **SUBSECTION (B) OF THIS SECTION INTO THE GENERAL FUND OF THE STATE.**

5 **9-411.**

6 **(A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE**
7 **GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER**
8 **§ 9-410 OF THIS SUBTITLE, IT SHALL GIVE THE PERMIT HOLDER AGAINST WHOM**
9 **THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE**
10 **BOARD.**

11 **(B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN**
12 **ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT**
13 **ARTICLE.**

14 **(C) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE**
15 **AND A COPY OF THE COMPLAINT SHALL BE:**

16 **(1) SERVED PERSONALLY ON A PERSON IN RESPONSIBLE CHARGE**
17 **OF LANDSCAPE ARCHITECTURE PRACTICED THROUGH THE ENTITY HOLDING**
18 **THE PERMIT OR A PERSON DESIGNATED AS A RESIDENT AGENT TO RECEIVE**
19 **PROCESS ON BEHALF OF THE ENTITY; OR**

20 **(2) MAILED TO THE LAST KNOWN BUSINESS ADDRESS OF THE**
21 **ENTITY HOLDING THE PERMIT.**

22 **(D) IF, AFTER DUE NOTICE, THE PERMIT HOLDER FAILS OR REFUSES TO**
23 **APPEAR, NEVERTHELESS THE BOARD MAY HEAR AND DETERMINE THE MATTER.**

24 **9-412.**

25 **(A) (1) FOR THE LIMITED PURPOSE SET FORTH IN PARAGRAPH (2) OF**
26 **THIS SUBSECTION, A PERMIT SHALL REMAIN IN EFFECT AND DOES NOT EXPIRE**
27 **BY OPERATION OF LAW WHILE THE PERMIT HOLDER IS UNDER INVESTIGATION**
28 **BY THE BOARD OR AWAITING A HEARING OR DISPOSITION ON CHARGES**
29 **SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.**

30 **(2) AN EXTENSION OF A PERMIT TERM UNDER THIS SUBSECTION**
31 **IS EFFECTIVE ONLY FOR THE PURPOSE OF RETAINING THE JURISDICTION OF**
32 **THE BOARD OVER THE PERMIT HOLDER DURING THE COURSE OF DISCIPLINARY**

1 PROCEEDINGS AND DOES NOT PREVENT THE PERMIT FROM EXPIRING FOR ANY
2 OTHER PURPOSE.

3 (B) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER, A
4 PERMIT HOLDER MAY NOT SURRENDER A PERMIT WHILE THE HOLDER IS UNDER
5 INVESTIGATION OR AWAITING A HEARING OR DISPOSITION ON CHARGES
6 SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.

7 9-413.

8 A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY WHOSE
9 PERMIT HAS BEEN SUSPENDED OR REVOKED UNDER § 9-410 OF THIS SUBTITLE
10 MAY NOT OFFER OR PROVIDE LANDSCAPE ARCHITECTURAL SERVICES UNTIL
11 THE SUSPENSION IS LIFTED OR THE PERMIT IS REINSTATED.

12 9-414.

13 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY
14 REINSTATE:

15 (1) ANY PERMIT THAT HAS BEEN REVOKED; OR

16 (2) BEFORE FULFILLMENT OF THE CONDITIONS OF THE
17 SUSPENSION, ANY PERMIT THAT HAS BEEN SUSPENDED.

18 (B) A PERMIT MAY BE REINSTATED UNDER THIS SECTION ONLY IF:

19 (1) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY
20 COMPANY WHOSE PERMIT HAS BEEN REVOKED OR SUSPENDED SUBMITS A
21 WRITTEN REQUEST TO THE BOARD;

22 (2) THE BOARD HOLDS A HEARING ON THE REQUEST;

23 (3) THE BOARD, BY AN AFFIRMATIVE VOTE OF A MAJORITY OF ITS
24 AUTHORIZED MEMBERSHIP, VOTES TO REINSTATE THE PERMIT OR LIFT THE
25 SUSPENSION; AND

26 (4) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY
27 COMPANY PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD.

28 9-415.

1 **THE BOARD MAY REINSTATE THE PERMIT OF A CORPORATION,**
 2 **PARTNERSHIP, OR LIMITED LIABILITY COMPANY THAT HAS FAILED TO RENEW**
 3 **THE PERMIT FOR ANY REASON IF THE CORPORATION, PARTNERSHIP, OR**
 4 **LIMITED LIABILITY COMPANY:**

5 **(1) OTHERWISE IS ENTITLED TO A PERMIT; AND**

6 **(2) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE**
 7 **BOARD.**

8 **9-416.**

9 **AFTER THE BOARD ISSUES OR REINSTATES A PERMIT, THE PERMIT**
 10 **HOLDER SHALL CONTINUE TO COMPLY WITH ALL APPLICABLE REQUIREMENTS**
 11 **SET FORTH IN THIS SUBTITLE.**

12 **9-602.**

13 Except for a licensed landscape architect who operates a business as a sole
 14 practitioner, a person may not operate a business through which landscape
 15 architecture is practiced unless:

16 (1) the business is a corporation [or], a partnership, **OR A LIMITED**
 17 **LIABILITY COMPANY;** and

18 (2) the corporation [or], partnership, **OR LIMITED LIABILITY**
 19 **COMPANY** holds a permit issued by the Board.

20 **SUBTITLE 4. PERMITS.**

21 **14-401.**

22 (a) (1) Subject to the provisions of this [section] **SUBTITLE**, a professional
 23 engineer may practice engineering for others through:

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

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

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

1 (2) Subject to the provisions of this [section] SUBTITLE, a corporation,
2 limited liability company, or partnership may provide engineering services through a
3 professional engineer.

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

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

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

17 **14-402.**

18 **(A) BEGINNING ON OCTOBER 1, 2014, EXCEPT AS PROVIDED IN**
19 **SUBSECTION (B) OF THIS SECTION, A CORPORATION, PARTNERSHIP, OR LIMITED**
20 **LIABILITY COMPANY SHALL HOLD A PERMIT ISSUED BY THE BOARD BEFORE**
21 **THE CORPORATION, A PARTNERSHIP, OR A LIMITED LIABILITY COMPANY MAY**
22 **OPERATE A BUSINESS THROUGH WHICH ENGINEERING IS PRACTICED.**

23 **(B) A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY**
24 **MAY PROVIDE ENGINEERING SERVICES FOR ITSELF OR FOR AN AFFILIATED**
25 **CORPORATION, A PARTNERSHIP, OR A LIMITED LIABILITY COMPANY WITHOUT A**
26 **PERMIT ISSUED BY THE BOARD.**

27 **14-403.**

28 **(A) TO QUALIFY FOR A PERMIT, A CORPORATION, PARTNERSHIP, OR**
29 **LIMITED LIABILITY COMPANY SHALL MEET THE REQUIREMENTS OF THIS**
30 **SECTION.**

31 **(B) (1) A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY**
32 **COMPANY SHALL APPOINT AT LEAST 1 PERSON IN RESPONSIBLE CHARGE OF**
33 **THE ENGINEERING SERVICES PERFORMED OR OFFERED TO BE PERFORMED**
34 **THROUGH THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY.**

35 **(2) A PERSON IN RESPONSIBLE CHARGE SHALL BE:**

1 **(I) IN DIRECT CONTROL OF ENGINEERING SERVICES**
2 **PERFORMED OR OFFERED TO BE PERFORMED THROUGH THE CORPORATION,**
3 **PARTNERSHIP, OR LIMITED LIABILITY COMPANY;**

4 **(II) IN A POSITION TO ACT ON BEHALF OF, AND**
5 **RESPONSIBLE FOR, THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY**
6 **COMPANY IN MATTERS RELATED TO THE PRACTICE OF ENGINEERING; AND**

7 **(III) A PROFESSIONAL ENGINEER IN GOOD STANDING.**

8 **14-404.**

9 **(A) AN APPLICANT FOR A PERMIT SHALL:**

10 **(1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT**
11 **THE BOARD PROVIDES; AND**

12 **(2) PAY TO THE BOARD A NONREFUNDABLE APPLICATION FEE**
13 **SET BY THE BOARD.**

14 **(B) IN ADDITION TO ANY OTHER INFORMATION REQUIRED ON AN**
15 **APPLICATION FORM, THE FORM SHALL REQUIRE THE NAME AND ADDRESS OF AT**
16 **LEAST 1 PERSON IN RESPONSIBLE CHARGE OF ENGINEERING PRACTICED**
17 **THROUGH THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY.**

18 **14-405.**

19 **THE BOARD SHALL ISSUE A PERMIT TO EACH APPLICANT WHO MEETS THE**
20 **REQUIREMENTS OF THIS SUBTITLE AND PAYS TO THE BOARD A PERMIT FEE SET**
21 **BY THE BOARD.**

22 **14-406.**

23 **(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION AND WHILE A**
24 **PERMIT IS IN EFFECT, IT AUTHORIZES THE HOLDER TO:**

25 **(1) OPERATE A BUSINESS THROUGH WHICH A PROFESSIONAL**
26 **ENGINEER OR AN INDIVIDUAL AUTHORIZED TO PRACTICE ENGINEERING UNDER**
27 **§ 14-303 OF THIS TITLE PRACTICES OR OFFERS TO PRACTICE ENGINEERING;**
28 **AND**

29 **(2) REPRESENT TO THE PUBLIC THAT THE BUSINESS PROVIDES**
30 **OR OFFERS TO PROVIDE THE SERVICES OF A PROFESSIONAL ENGINEER.**

1 **(B) A PERMIT AUTHORIZES THE HOLDER TO PROVIDE A SERVICE THAT**
2 **CONSTITUTES PRACTICE OF ENGINEERING ONLY IF THE SERVICE IS**
3 **PERFORMED BY AN INDIVIDUAL WHO IS LICENSED OR OTHERWISE AUTHORIZED**
4 **TO PRACTICE ENGINEERING UNDER THIS TITLE.**

5 **14-407.**

6 **(A) UNLESS A PERMIT IS RENEWED FOR A 2-YEAR TERM AS PROVIDED**
7 **IN THIS SECTION, THE PERMIT EXPIRES ON THE FIRST JUNE 30 THAT COMES:**

8 **(1) AFTER THE EFFECTIVE DATE OF THE PERMIT; AND**

9 **(2) IN AN EVEN-NUMBERED YEAR.**

10 **(B) AT LEAST 1 MONTH BEFORE A PERMIT EXPIRES, THE BOARD SHALL**
11 **MAIL TO THE PERMIT HOLDER, AT THE LAST KNOWN ADDRESS OF THE HOLDER:**

12 **(1) A RENEWAL APPLICATION FORM; AND**

13 **(2) A NOTICE THAT STATES:**

14 **(I) THE DATE ON WHICH THE CURRENT PERMIT EXPIRES;**

15 **(II) THE DATE BY WHICH THE BOARD MUST RECEIVE THE**
16 **RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE**
17 **THE PERMIT EXPIRES; AND**

18 **(III) THE AMOUNT OF THE PERMIT FEE.**

19 **(C) BEFORE A PERMIT EXPIRES, THE PERMIT HOLDER MAY RENEW THE**
20 **PERMIT PERIODICALLY FOR AN ADDITIONAL 2-YEAR TERM, IF THE HOLDER:**

21 **(1) OTHERWISE IS ENTITLED TO A PERMIT;**

22 **(2) PAYS TO THE BOARD A PERMIT FEE SET BY THE BOARD; AND**

23 **(3) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE**
24 **FORM THAT THE BOARD PROVIDES.**

25 **(D) THE RENEWAL APPLICATION FORM SHALL REQUIRE THE SAME**
26 **INFORMATION REQUIRED ON THE ORIGINAL APPLICATION FORM UNDER §**
27 **14-404(B) OF THIS SUBTITLE.**

1 **(E) THE BOARD SHALL RENEW THE PERMIT OF EACH PERMIT HOLDER**
2 **THAT MEETS THE REQUIREMENTS OF THIS SECTION.**

3 **14-408.**

4 **WITHIN 1 MONTH AFTER THE EFFECTIVE DATE OF THE CHANGE OR**
5 **OCCURRENCE, A PERMIT HOLDER SHALL NOTIFY THE BOARD IN WRITING IF**
6 **THERE HAS BEEN A CHANGE IN:**

7 **(1) THE IDENTITY OF THE PERSON IN RESPONSIBLE CHARGE OF**
8 **ENGINEERING SERVICES PERFORMED OR OFFERED TO BE PERFORMED**
9 **THROUGH THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY;**
10 **OR**

11 **(2) THE NAME OF THE CORPORATION, PARTNERSHIP, OR LIMITED**
12 **LIABILITY COMPANY.**

13 **14-409.**

14 **(A) SUBJECT TO THE HEARING PROVISIONS OF § 14-410 OF THIS**
15 **SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS**
16 **MEMBERS THEN SERVING, MAY DENY A PERMIT TO ANY APPLICANT, REPRIMAND**
17 **A PERMIT HOLDER, OR SUSPEND OR REVOKE A PERMIT:**

18 **(1) FOR ANY APPLICABLE GROUND UNDER § 14-317 OF THIS**
19 **TITLE;**

20 **(2) IF THE APPLICANT OR PERMIT HOLDER FRAUDULENTLY OR**
21 **DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A PERMIT;**

22 **(3) IF THE PERMIT HOLDER FRAUDULENTLY OR DECEPTIVELY**
23 **USES A PERMIT;**

24 **(4) IF THE APPLICANT OR PERMIT HOLDER FAILS TO MEET OR**
25 **CONTINUE TO MEET THE QUALIFICATIONS OR REQUIREMENTS SET FORTH IN**
26 **THIS SUBTITLE; OR**

27 **(5) IF THE APPLICANT OR PERMIT HOLDER HAS A PARTNER,**
28 **OFFICER, SHAREHOLDER, MEMBER, OR MANAGER WHOSE LICENSE HAS BEEN**
29 **SUSPENDED OR REVOKED BY THE BOARD.**

1 **(B) (1) INSTEAD OF OR IN ADDITION TO REPRIMANDING THE PERMIT**
2 **HOLDER OR SUSPENDING OR REVOKING A PERMIT UNDER SUBSECTION (A) OF**
3 **THIS SECTION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000**
4 **FOR EACH VIOLATION.**

5 **(2) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED**
6 **UNDER THIS SUBSECTION, THE BOARD SHALL CONSIDER:**

7 **(I) THE SERIOUSNESS OF THE VIOLATION;**

8 **(II) THE HARM CAUSED BY THE VIOLATION;**

9 **(III) THE GOOD FAITH OF THE PERMIT HOLDER; AND**

10 **(IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE PERMIT**
11 **HOLDER.**

12 **(C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER**
13 **SUBSECTION (B) OF THIS SECTION INTO THE GENERAL FUND OF THE STATE.**

14 **14-410.**

15 **(A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE**
16 **GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER**
17 **§ 14-409 OF THIS SUBTITLE, IT SHALL GIVE THE PERMIT HOLDER AGAINST**
18 **WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING**
19 **BEFORE THE BOARD.**

20 **(B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN**
21 **ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT**
22 **ARTICLE.**

23 **(C) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE**
24 **AND A COPY OF THE COMPLAINT SHALL BE:**

25 **(1) SERVED PERSONALLY ON A PERSON IN RESPONSIBLE CHARGE**
26 **OF ENGINEERING PRACTICED THROUGH THE ENTITY HOLDING THE PERMIT OR**
27 **A PERSON DESIGNATED AS A RESIDENT AGENT TO RECEIVE PROCESS ON**
28 **BEHALF OF THE ENTITY; OR**

29 **(2) MAILED TO THE LAST KNOWN BUSINESS ADDRESS OF THE**
30 **ENTITY HOLDING THE PERMIT.**

1 **(D) IF, AFTER DUE NOTICE, THE PERMIT HOLDER FAILS OR REFUSES TO**
2 **APPEAR, NEVERTHELESS THE BOARD MAY HEAR AND DETERMINE THE MATTER.**

3 **14-411.**

4 **(A) (1) FOR THE LIMITED PURPOSE SET FORTH IN PARAGRAPH (2) OF**
5 **THIS SUBSECTION, A PERMIT SHALL REMAIN IN EFFECT AND DOES NOT EXPIRE**
6 **BY OPERATION OF LAW WHILE THE PERMIT HOLDER IS UNDER INVESTIGATION**
7 **BY THE BOARD OR AWAITING A HEARING OR DISPOSITION ON CHARGES**
8 **SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.**

9 **(2) AN EXTENSION OF A PERMIT TERM UNDER THIS SUBSECTION**
10 **IS EFFECTIVE ONLY FOR THE PURPOSE OF RETAINING THE JURISDICTION OF**
11 **THE BOARD OVER THE PERMIT HOLDER DURING THE COURSE OF DISCIPLINARY**
12 **PROCEEDINGS AND DOES NOT PREVENT THE PERMIT FROM EXPIRING FOR ANY**
13 **OTHER PURPOSE.**

14 **(B) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER, A**
15 **PERMIT HOLDER MAY NOT SURRENDER A PERMIT WHILE THE HOLDER IS UNDER**
16 **INVESTIGATION OR AWAITING A HEARING OR DISPOSITION ON CHARGES**
17 **SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.**

18 **14-412.**

19 **A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY WHOSE**
20 **PERMIT HAS BEEN SUSPENDED OR REVOKED UNDER § 14-409 OF THIS**
21 **SUBTITLE MAY NOT OFFER OR PROVIDE ENGINEERING SERVICES UNTIL THE**
22 **SUSPENSION IS LIFTED OR THE PERMIT IS REINSTATED.**

23 **14-413.**

24 **(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY**
25 **REINSTATE:**

26 **(1) ANY PERMIT THAT HAS BEEN REVOKED; OR**

27 **(2) BEFORE FULFILLMENT OF THE CONDITIONS OF THE**
28 **SUSPENSION, ANY PERMIT THAT HAS BEEN SUSPENDED.**

29 **(B) A PERMIT MAY BE REINSTATED UNDER THIS SECTION ONLY IF:**

1 **(1) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY**
2 **COMPANY WHOSE PERMIT HAS BEEN REVOKED OR SUSPENDED SUBMITS A**
3 **WRITTEN REQUEST TO THE BOARD;**

4 **(2) THE BOARD HOLDS A HEARING ON THE REQUEST;**

5 **(3) THE BOARD, BY AN AFFIRMATIVE VOTE OF A MAJORITY OF ITS**
6 **MEMBERS THEN SERVING, VOTES TO REINSTATE THE PERMIT OR LIFT THE**
7 **SUSPENSION; AND**

8 **(4) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY**
9 **COMPANY PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD.**

10 **14-414.**

11 **THE BOARD MAY REINSTATE THE PERMIT OF A CORPORATION,**
12 **PARTNERSHIP, OR LIMITED LIABILITY COMPANY THAT HAS FAILED TO RENEW**
13 **THE PERMIT FOR ANY REASON IF THE CORPORATION, PARTNERSHIP, OR**
14 **LIMITED LIABILITY COMPANY:**

15 **(1) OTHERWISE IS ENTITLED TO A PERMIT; AND**

16 **(2) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE**
17 **BOARD.**

18 **14-415.**

19 **AFTER THE BOARD ISSUES OR REINSTATES A PERMIT, THE PERMIT**
20 **HOLDER SHALL CONTINUE TO COMPLY WITH ALL APPLICABLE REQUIREMENTS**
21 **SET FORTH IN THIS SUBTITLE.**

22 **14-501.1.**

23 **EXCEPT FOR A PROFESSIONAL ENGINEER WHO OPERATES A BUSINESS AS**
24 **A SOLE PRACTITIONER, A PERSON MAY NOT OPERATE A BUSINESS THROUGH**
25 **WHICH ENGINEERING SERVICES ARE PERFORMED OR OFFERED TO BE**
26 **PERFORMED UNLESS:**

27 **(1) THE BUSINESS IS A CORPORATION, PARTNERSHIP, OR**
28 **LIMITED LIABILITY COMPANY; AND**

29 **(2) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY**
30 **COMPANY HOLDS A PERMIT ISSUED BY THE BOARD.**

1 **14-502.1.**

2 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION AND UNLESS A
3 PERSON HOLDS A PERMIT ISSUED BY THE BOARD, THE PERSON MAY NOT
4 REPRESENT TO THE PUBLIC, BY THE USE OF A TITLE, INCLUDING “LICENSED
5 PROFESSIONAL ENGINEERS”, “PROFESSIONAL ENGINEERS”, OR “REGISTERED
6 ENGINEERS”, BY THE USE OF THE TERM “PROFESSIONAL ENGINEERING” OR
7 “ENGINEERING”, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES,
8 OR OTHERWISE, THAT THE PERSON HOLDS A PERMIT OR OTHERWISE IS
9 AUTHORIZED TO OPERATE A BUSINESS THROUGH WHICH ENGINEERING IS
10 PRACTICED IN THE STATE.

11 (B) SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A
12 PROFESSIONAL ENGINEER WHO OPERATES THE BUSINESS AS A SOLE
13 PRACTITIONER.

14 **15-402.**

15 (A) A corporation, partnership, or limited liability company shall hold a
16 permit issued by the Board before the corporation, partnership, or limited liability
17 company may operate a business through which land surveying or property line
18 surveying is practiced.

19 (B) A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY
20 MAY PROVIDE LAND SURVEYING OR PROPERTY LINE SURVEYING SERVICES FOR
21 ITSELF OR FOR AN AFFILIATED CORPORATION, PARTNERSHIP, OR LIMITED
22 LIABILITY COMPANY.

23 **15-402.1.**

24 (A) TO QUALIFY FOR A PERMIT, A CORPORATION, PARTNERSHIP, OR
25 LIMITED LIABILITY COMPANY SHALL MEET THE REQUIREMENTS OF THIS
26 SECTION.

27 (B) (1) A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY
28 COMPANY SHALL APPOINT AT LEAST 1 PERSON IN RESPONSIBLE CHARGE OF
29 THE PROFESSIONAL LAND SURVEYING OR PROPERTY LINE SURVEYING
30 SERVICES PERFORMED OR OFFERED TO BE PERFORMED THROUGH THE
31 CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY.

32 (2) A PERSON IN RESPONSIBLE CHARGE SHALL BE:

33 (I) IN DIRECT CONTROL OF PROFESSIONAL LAND
34 SURVEYING OR PROPERTY LINE SURVEYING SERVICES PERFORMED OR

1 OFFERED TO BE PERFORMED THROUGH THE CORPORATION, PARTNERSHIP, OR
2 LIMITED LIABILITY COMPANY;

3 (II) IN A POSITION TO ACT ON BEHALF OF, AND
4 RESPONSIBLE FOR, THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY
5 CORPORATION IN MATTERS RELATED TO THE PRACTICE OF PROFESSIONAL
6 LAND SURVEYING OR PROPERTY LINE SURVEYING; AND

7 (III) A PROFESSIONAL LAND SURVEYOR OR LICENSED
8 PROPERTY LINE SURVEYOR IN GOOD STANDING.

9 15-403.

10 (A) An applicant for a permit shall:

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

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

14 (B) IN ADDITION TO ANY OTHER INFORMATION REQUIRED ON AN
15 APPLICATION FORM, THE FORM SHALL REQUIRE THE NAME AND ADDRESS OF AT
16 LEAST 1 PERSON IN RESPONSIBLE CHARGE OF LAND SURVEYING OR PROPERTY
17 LINE SURVEYING SERVICES PERFORMED OR OFFERED TO BE PERFORMED
18 THROUGH THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY.

19 15-406.

20 (D) THE RENEWAL APPLICATION FORM SHALL REQUIRE THE SAME
21 INFORMATION REQUIRED ON THE ORIGINAL APPLICATION FORM UNDER §
22 15-403(B) OF THIS SUBTITLE.

23 [(d)](E) The Board shall renew the permit of each permit holder who meets
24 the requirements of this section.

25 15-407.

26 WITHIN 1 MONTH AFTER THE EFFECTIVE DATE OF THE CHANGE OR
27 OCCURRENCE, A PERMIT HOLDER SHALL NOTIFY THE BOARD IN WRITING IF
28 THERE HAS BEEN A CHANGE IN:

29 (1) THE IDENTITY OF THE PERSON IN RESPONSIBLE CHARGE OF
30 LAND SURVEYING OR PROPERTY LINE SURVEYING SERVICES PERFORMED OR

1 OFFERED TO BE PERFORMED THROUGH THE CORPORATION, PARTNERSHIP, OR
2 LIMITED LIABILITY COMPANY; OR

3 (2) THE NAME OF THE CORPORATION, PARTNERSHIP, OR LIMITED
4 LIABILITY COMPANY.

5 15-408.

6 (A) SUBJECT TO THE HEARING PROVISIONS OF § 15-409 OF THIS
7 SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS
8 MEMBERS THEN SERVING, MAY DENY A PERMIT TO ANY APPLICANT, REPRIMAND
9 A PERMIT HOLDER, OR SUSPEND OR REVOKE A PERMIT:

10 (1) FOR ANY APPLICABLE GROUND UNDER § 15-317 OF THIS
11 TITLE;

12 (2) IF THE APPLICANT OR PERMIT HOLDER FRAUDULENTLY OR
13 DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A PERMIT;

14 (3) IF THE PERMIT HOLDER FRAUDULENTLY OR DECEPTIVELY
15 USES A PERMIT;

16 (4) IF THE APPLICANT OR PERMIT HOLDER FAILS TO MEET OR
17 CONTINUE TO MEET THE QUALIFICATIONS OR REQUIREMENTS SET FORTH IN
18 THIS SUBTITLE; OR

19 (5) IF THE APPLICANT OR PERMIT HOLDER HAS A PARTNER,
20 OFFICER, SHAREHOLDER, MEMBER, OR MANAGER WHOSE LICENSE HAS BEEN
21 SUSPENDED OR REVOKED BY THE BOARD.

22 (B) (1) INSTEAD OF OR IN ADDITION TO REPRIMANDING THE PERMIT
23 HOLDER OR SUSPENDING OR REVOKING A PERMIT UNDER SUBSECTION (A) OF
24 THIS SECTION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000
25 FOR EACH VIOLATION.

26 (2) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED
27 UNDER THIS SUBSECTION, THE BOARD SHALL CONSIDER:

28 (I) THE SERIOUSNESS OF THE VIOLATION;

29 (II) THE HARM CAUSED BY THE VIOLATION;

30 (III) THE GOOD FAITH OF THE PERMIT HOLDER; AND

1 (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE PERMIT
2 HOLDER.

3 (C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER
4 SUBSECTION (B) OF THIS SECTION INTO THE GENERAL FUND OF THE STATE.

5 15-409.

6 (A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE
7 GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER
8 § 15-408 OF THIS SUBTITLE, IT SHALL GIVE THE PERMIT HOLDER AGAINST
9 WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING
10 BEFORE THE BOARD.

11 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
12 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT
13 ARTICLE.

14 (C) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE
15 AND A COPY OF THE COMPLAINT SHALL BE:

16 (1) SERVED PERSONALLY ON A PERSON IN RESPONSIBLE CHARGE
17 OF LAND SURVEYING OR PROPERTY LINE SURVEYING PRACTICED THROUGH
18 THE ENTITY HOLDING THE PERMIT OR A PERSON DESIGNATED AS A RESIDENT
19 AGENT TO RECEIVE PROCESS ON BEHALF OF THE ENTITY; OR

20 (2) MAILED TO THE LAST KNOWN BUSINESS ADDRESS OF
21 THE ENTITY HOLDING THE PERMIT.

22 (D) IF, AFTER DUE NOTICE, THE PERMIT HOLDER FAILS OR REFUSES TO
23 APPEAR, NEVERTHELESS THE BOARD MAY HEAR AND DETERMINE THE MATTER.

24 15-410.

25 (A) (1) FOR THE LIMITED PURPOSE SET FORTH IN PARAGRAPH (2) OF
26 THIS SUBSECTION, A PERMIT SHALL REMAIN IN EFFECT AND DOES NOT EXPIRE
27 BY OPERATION OF LAW WHILE THE PERMIT HOLDER IS UNDER INVESTIGATION
28 BY THE BOARD OR AWAITING A HEARING OR DISPOSITION ON CHARGES
29 SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.

30 (2) AN EXTENSION OF A PERMIT TERM UNDER THIS SUBSECTION
31 IS EFFECTIVE ONLY FOR THE PURPOSE OF RETAINING THE JURISDICTION OF

1 THE BOARD OVER THE PERMIT HOLDER DURING THE COURSE OF DISCIPLINARY
2 PROCEEDINGS AND DOES NOT PREVENT THE PERMIT FROM EXPIRING FOR ANY
3 OTHER PURPOSE.

4 (B) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER, A
5 PERMIT HOLDER MAY NOT SURRENDER A PERMIT WHILE THE HOLDER IS UNDER
6 INVESTIGATION OR AWAITING A HEARING OR DISPOSITION ON CHARGES
7 SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.

8 15-411.

9 A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY WHOSE
10 PERMIT HAS BEEN SUSPENDED OR REVOKED UNDER § 15-408 OF THIS
11 SUBTITLE MAY NOT OFFER OR PROVIDE LAND SURVEYING OR PROPERTY LINE
12 SURVEYING SERVICES UNTIL THE SUSPENSION IS LIFTED OR THE PERMIT IS
13 REINSTATED.

14 15-412.

15 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY
16 REINSTATE:

17 (1) ANY PERMIT THAT HAS BEEN REVOKED; OR

18 (2) BEFORE FULFILLMENT OF THE CONDITIONS OF THE
19 SUSPENSION, ANY PERMIT THAT HAS BEEN SUSPENDED.

20 (B) A PERMIT MAY BE REINSTATED UNDER THIS SECTION ONLY IF:

21 (1) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY
22 COMPANY WHOSE PERMIT HAS BEEN REVOKED OR SUSPENDED SUBMITS A
23 WRITTEN REQUEST TO THE BOARD;

24 (2) THE BOARD HOLDS A HEARING ON THE REQUEST;

25 (3) THE BOARD, BY AN AFFIRMATIVE VOTE OF A MAJORITY OF ITS
26 MEMBERS THEN SERVING, VOTES TO REINSTATE THE PERMIT OR LIFT THE
27 SUSPENSION; AND

28 (4) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY
29 COMPANY PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD.

30 15-413.

1 **THE BOARD MAY REINSTATE THE PERMIT OF A CORPORATION,**
2 **PARTNERSHIP, OR LIMITED LIABILITY COMPANY THAT HAS FAILED TO RENEW**
3 **THE PERMIT FOR ANY REASON IF THE CORPORATION, PARTNERSHIP, OR**
4 **LIMITED LIABILITY COMPANY:**

5 **(1) OTHERWISE IS ENTITLED TO A PERMIT; AND**

6 **(2) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE**
7 **BOARD.**

8 **15-414.**

9 **AFTER THE BOARD ISSUES OR REINSTATES A PERMIT, THE PERMIT**
10 **HOLDER SHALL CONTINUE TO COMPLY WITH ALL APPLICABLE REQUIREMENTS**
11 **SET FORTH IN THIS SUBTITLE.**

12 **SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect**
13 **October 1, 2012.**