

HOUSE BILL 1254

C2, P1, L6

9lr2120

By: **Delegate Valderrama**

Introduced and read first time: February 8, 2019

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 11, 2019

CHAPTER _____

1 AN ACT concerning

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

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

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Business Occupations and Professions

15–101.

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

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

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

(d) “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.

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

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

(i) land surveying; or

(ii) property line surveying.

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

(i) a license to practice land surveying; and

(ii) a license to practice property line surveying.

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

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

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

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

(k) (1) “Practice land surveying” means any service, work, documentation, or practice, the performance or preparation of which requires the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and

1 the requirements of the relevant law, as applied to:

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

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

9 (iii) platting, layout, and preparation of surveys, plats, plans, and
10 drawings, including:

- 11 1. site plans;
- 12 2. subdivision plans;
- 13 3. subdivision plats;
- 14 4. condominium plats;
- 15 5. right-of-way and easement plats; and
- 16 6. other recordable plats;

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

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

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

- 28 1. road and street grades;
- 29 2. sediment and erosion control measures;
- 30 3. nonpressurized closed storm drainage and stormwater
31 management systems; and

1 4. open conduit storm drainage and stormwater
2 management systems.

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

5 (i) community water or wastewater treatment collection or
6 distribution systems;

7 (ii) community pumping or lift stations; or

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

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

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

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

16 (n) "Property line surveyor" means an individual who practices property line
17 surveying.

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

21 **15-503.**

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

24 (2) "GOVERNMENTAL UNIT" INCLUDES:

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

27 (II) A PUBLIC INSTITUTION OF HIGHER EDUCATION.

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

30 (B) BEGINNING ON AND AFTER JANUARY 1, 2024, EACH GOVERNMENTAL

1 UNIT THAT ENGAGES IN THE PRACTICE OF LAND SURVEYING OR PROPERTY
2 SURVEYING SHALL DESIGNATE AT LEAST ONE INDIVIDUAL WHO IS LICENSED BY THE
3 BOARD TO BE IN RESPONSIBLE CHARGE OF ANY LAND SURVEYING OR PROPERTY
4 LINE SURVEYING ACTIVITIES PRACTICED BY OR ON BEHALF OF THE GOVERNMENTAL
5 UNIT.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.