



# Maryland– Statutes, Regulations, and Ethics for Professional Engineers

Three (3) Continuing Education Hours  
Course #MD101

Approved Continuing Education for Licensed Professional Engineers

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### Course Description:

The Maryland Statutes, Regulations, and Ethics course satisfies the minimum 1 hour ethics/laws (ref. MAC 09.23.06.03) and awards 3 of the 16 hours of Continuing Professional Competency (CPC) required for Maryland licensed professional engineers.

The course is designed as a distance learning interactive course that enables the practicing professional engineer to examine the canons of ethics as well as keep up to date on the legal aspects that govern the practice of engineering in the state of Maryland.

### Objectives:

The primary objective of this course is to familiarize the student with the canons of ethics and familiarize the student with the laws and rules regulating the practice of engineering in the state of Maryland.

Upon successful completion of the course, the student will have increased understanding of ethical practices and be well versed with the MD state laws and board rules.

### Grading:

Students must achieve a minimum score of 70% on the online quiz to pass this course.

The quiz may be taken as many times as necessary to successful pass and complete the course.

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# Code of Maryland Statutes -

## Title 14. Professional Engineers

### SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS

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#### **§ 14-101. Definitions**

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

(b) **Affiliate.** -- "Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, a permit holder.

(c) **Board.** -- "Board" means the State Board for Professional Engineers.

(d) **Council.** -- "Council" means the National Council of Examiners for Engineering and Surveying.

(e) **Design coordination.** -- "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.** -- "License" means, unless the context requires otherwise, a license issued by the Board to practice engineering.

(g) **License fee.** -- "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.** -- "Managing agent" means a professional engineer designated as the managing agent by a permit holder under § 14-403 of this title.

(i) **Permit.** -- "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) **Practice engineering.** --

(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.** -- "Professional engineer" means, unless the context requires otherwise, an engineer who is licensed by the Board to practice engineering.

**(l) Responsible charge.** --

(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. Legislative policy**

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. Signature, sealing, and dating of engineering documents**

**(a) In general.** -- 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) Design coordination.** -- 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.

## **SUBTITLE 2. STATE BOARD FOR PROFESSIONAL ENGINEERS**

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### **§ 14-201. Established**

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

### **§ 14-202. Membership**

**(a) Composition; appointment of members.** --

- (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) Qualifications of all members.** -- Each member of the Board shall be:

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

**(c) Qualifications of engineer members. --**

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

- (i) practiced engineering for at least 12 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) Qualifications of consumer members. --** 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) Restrictions on consumer members. --** 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) Oath. --** Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

**(g) Tenure; vacancies. --**

- (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) Removal; resignation for nonattendance; waiver; appointment of successor. --**

(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. Officers**

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

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

**§ 14-204. Quorum; meetings; compensation; staff**

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

**(b) Meetings.** --

(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) **Compensation and reimbursement for expenses.** -- 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) **Staff.** -- The Board may employ a staff in accordance with the State budget.

### **§ 14-204.1. Annual meeting**

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. Code of ethics**

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

(b) **Distribution.** -- 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. Investigative and enforcement powers**

(a) **Investigative staff.** -- 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) **Subpoena power.** --

- (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) Injunctive power. --**

(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. Certification about licensee**

**(a) Request for certification. --** 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) Contents of certification. --** 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. Miscellaneous powers and duties**

### **(a) Powers. --**

- (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) Duties. --** 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. Maintenance of list of licensees and certificate holders**

**(a) "Code official" defined. --** In this section, "code official" means a public official responsible for the review of building permit documents or the issuance of building permits.

### **(b) Maintenance of list. --** 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) Newsletter. --**

(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) Distribution of rules and regulations. --** 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) Designation of mailing address. --** 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. Establishment of fees; disposition of fees**

**(a) In general. --**

(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) Fee schedule. --** The Board shall publish the fee schedule set by the Board by regulation.

**(c) Distribution of fees. --**

(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. Judicial review**

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. Authority of Secretary**

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

## **SUBTITLE 3. LICENSING**

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### **§ 14-301. License required; exceptions**

(a) **In general.** -- 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) **Exceptions.** -- 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. Practice by corporate officers and employees

**(a) Work for federal government.** -- 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) Manufacturing and industrial work.** -- 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) Scope of practice.** -- 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. Practice by employees and other subordinates

**(a) In general.** -- 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) Conditions.** -- 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.

## **§ 14-304. Qualifications of applicants**

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

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

**(c) Education, experience, and examinations.** -- 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. Education, experience, and examinations**

**(a) In general.** -- 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) Approved curriculum option.** --

**(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) Unapproved curriculum option.** -- 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) Nonacademic option. --**

- (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, in at least 5 years of which the applicant has been in responsible charge, if the collective experience 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) Substitution of teaching for work experience. --** 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. Applications for licenses**

**(a) In general.** -- 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) Contents of application form.** --

- (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) Additional evidence.** -- 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. Examinations -- In general**

**(a) Right to examination.** --

(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) Time and place of examination.** -- The Board periodically shall give the examinations required under this subtitle to qualified applicants at the times and places that the Board determines.

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

**(d) Separate examinations; subjects and method of examination.** --

(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. Examinations -- Use of testing service to administer**

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

**(b) Powers of testing service.** -- 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.

## **§ 14-308. Examinations -- Failure**

**(a) Notice.** -- 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) Review of examination.** --

**(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) Confirmation of scores.** -- 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) Conference with Board member.** --

**(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. Examinations -- Reexamination**

**(a) In general.** -- 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) Procedure for reexamination.** -- 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) Regulations for conditions for retaking examinations.** -- 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) Fee not refundable.** -- A reexamination fee paid under subsection (b)(2) of this section is not refundable.

## **§ 14-310. Examinations -- Early administration of fundamentals examination**

**(a) In general.** -- 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) Passage of examination; certificate.** -- 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. Waiver of examination requirements**

**(a) In general.** -- 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) Conditions.** -- 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) Maintenance of foreign licensure not required.** -- 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. Issuance, contents, and replacement of license**

**(a) Notice to qualified applicant.** -- 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) Issuance.** -- On payment of the license fee, the Board shall issue a license to each applicant who meets the requirements of this subtitle.

**(c) Contents.** -- 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) Replacement of license certificate.** -- 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. Scope of license**

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

### **§ 14-314. Term and renewal of license**

**(a) Term of license.** -- 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) Renewal notice.** --

(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) Applications for renewal.** -- 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) Issuance of renewal.** --

- (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) Staggered expiration of licenses.** -- The Secretary may determine that licenses issued under this subtitle shall expire on a staggered basis.

**(f) Regulations -- Continuing professional responsibility.** -- 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. Reinstatement of expired licenses**

**(a) Expired for 2 years or less. --** 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) Expired for more than 2 years. --**

(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) Waiver of reinstatement fee. --** 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. Retired status license; reactivation**

**(a) Retired status license.** -- 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) Effect of retired status license.** --

- (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) Reactivation.** -- 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. Denials, reprimands, suspensions, and revocations -- Grounds**

**(a) In general.** --

**(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) Facts considered.** -- 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. Denials, reprimands, suspensions, and revocations -- Commencement of proceedings**

**(a) In general.** -- 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) Form and contents of complaint.** --

(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) Hearing; dismissal.** -- 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. Denials, reprimands, suspensions, and revocations -- Hearings**

### **(a) Right to hearing. --**

(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) Application of contested case provisions. --** The Board shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

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

**(d) Specific notice requirements. --** 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) Right to counsel. --** The individual may be represented at the hearing by counsel.

**(f) Failure or refusal to appear. --** 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. Reinstatement of revoked license**

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

**(b) Conditions. --** 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.

## SUBTITLE 4. PERMITS.

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### **§ 14-401. Practice through corporation, limited liability company, or partnership authorized**

**(a) In general. --**

(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) Application of title. --** 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) Liability not affected. --**

(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. Permit required; exception.**

**(a) Permit required.** -- 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) Exception.** -- 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. Requirements for permit.**

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

**(b) Managing agent.** --

**(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) Licensee not permitted to be designated as managing agent for more than one entity other than affiliates.** -- 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. Application for permit.**

**(a) Form; fee.** -- 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) Required contents.** -- 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. Issuance.**

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. Authority conferred.**

**(a) In general.** -- 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) Permit authorizes practice for licensees or authorized individuals.** -- 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. Expiration and renewal.**

**(a) Expiration date.** -- 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) Renewal application and notice.** --

- (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) Requirements.** -- 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) Contents of renewal application.** -- The renewal application form shall require the same information required on the original application form under § 14-404(b) of this subtitle.

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

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

### **§ 14-408. Notice to Board of changes.**

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. Denials, reprimands, suspensions, revocations; penalties.**

**(a) In general; grounds.** -- 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) Penalties. --**

(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) Remittance of penalties to General Fund. --** The Board shall pay any penalty collected under subsection (b) of this section into the General Fund of the State.

**§ 14-410. Hearing.**

**(a) Notice and opportunity for hearing. --** 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) Procedure. --** The Board shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

**(c) Service of notice and complaint. --** 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) Failure or refusal to appear.** -- 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. Extension of permit term pending investigation or legal proceedings.**

**(a) In general.** --

- (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) Surrender of permit prohibited during investigation or legal proceedings.**

-- 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. Providing services during suspension or revocation of permit prohibited.**

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. Reinstatement -- Revoked or suspended permits.**

**(a) In general.** -- 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) Requirements.** -- 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) Voting on request for reinstatement.** -- 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. Reinstatement -- Nonrenewed permits.**

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. Compliance.**

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

### **SUBTITLE 4A. MISCELLANEOUS PROVISIONS.**

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#### **§ 14-4A-01. Seals**

**(a) Allowed.** -- Each professional engineer may obtain a seal for use as required under § 14-403 of this subtitle.

**(b) Design.** -- 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. Endorsement of documents**

**(a) In general.** -- 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) Acceptance of documents by public authorities.** -- 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.

## **SUBTITLE 5. PROHIBITED ACTS; PENALTIES**

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### **§ 14-501. Practicing without license**

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. Practicing without permit -- Corporation, partnership, or limited liability company**

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. Misrepresentation**

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. Misrepresentation -- Operating business through which engineering is practiced.**

**(a) In general.** -- 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) Section inapplicable to sole practitioners.** -- Subsection (a) of this section does not apply to a professional engineer who operates the business as a sole practitioner.

### **§ 14-503. Using license of another; impersonating professional engineer**

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. Endorsement of documents**

**(a) Unauthorized persons.** -- 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) Revoked, suspended, or expired license.** -- 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. Giving false information to Board**

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

### **§ 14-506. Prohibited activities while license suspended or revoked**

**(a) In general.** -- 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) Exceptions.** -- 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. Practicing while not qualified**

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. Criminal and civil penalties**

**(a) Criminal penalty.** -- 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) Civil penalty.** --

- (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.

## SUBTITLE 6. SHORT TITLE; TERMINATION OF TITLE

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### **§ 14-601. Short title**

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

### **§ 14-602. Termination of title**

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.



# Code of Maryland Regulations - Subtitle 23 Board for Professional Engineers

## Chapter 01 Procedural Regulations

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Authority: Business Occupations and Professions Article, §§14-205 and 14-208; State Government Article, §10-204; Annotated Code of Maryland

### **.01 Duties of Board Officers.**

- A. The Chairman shall preside at meetings of the Board, execute the decisions of the Board, and perform other duties which the Board may from time to time direct.
- B. The Vice-Chairman shall perform duties that the Board may from time to time direct. In the absence of the Chairman, the Vice-Chairman shall preside at meetings of the Board and perform other duties of the Chairman as directed by the Board.
- C. The Secretary shall perform such duties as the Board may from time to time direct.

### **.02 Board Meetings.**

- A. A meeting of the Board shall be held each month at the Department of Labor, Licensing, and Regulation for the purpose of acting upon applications and conducting other business, except that a specific meeting may be cancelled by the consent of the Board.
- B. The regular meeting held in the month of July shall be designated the Annual Meeting. At this meeting, Board officers shall be elected for the fiscal year beginning July 1. If the July meeting is cancelled, the next regular meeting shall be designated the Annual Meeting.
- C. Special meetings, in addition to the regular meetings, may be held at any time or location at the discretion of the Board.
- D. A special meeting may be called by the Board or by the Chairman.

### **.03 Licensee's Seal.**

- A. A licensee who engages in the practice of engineering in Maryland shall obtain an impression seal or a rubber stamp facsimile.
- B. A licensee's seal shall be a seal consisting of the pictorial device of the Great Seal of Maryland as a center, surrounded by the words "State of Maryland" and "Professional Engineer" and the licensee's name and license number.

### **.04 Examinations.**

- A. All examinations, except by specific action of the Board to the contrary, shall be those developed by the National Council of Examiners for Engineering and Surveying (NCEES).
- B. An applicant shall apply directly to NCEES to take or retake the Fundamentals of Engineering examination.
- C. An applicant to take or retake any of the Principles and Practice of Engineering examinations (the PE examination) shall apply directly to the Board. Applications which are not complete in all respects, as detailed in the most current application form, will not be reviewed by the Board.
- D. An applicant who fails any PE examination three times may take the examination again only if the applicant complies with the requirements set forth in Business Occupations and Professions Article, §14-309, Annotated Code of Maryland, and submits to the Board documentation that is acceptable to the Board indicating the applicant's updated work experience or education.

## **Chapter 02 Hearing Regulations**

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Authority: State Government Article, §10-204; Business Occupations and Professions Article, §§14-205 and 14-208; Annotated Code of Maryland

### **.01 Hearings Before the Board.**

- A. Except as otherwise provided in §B of this regulation, all contested case hearings before the Board are governed by COMAR 09.01.02.
- B. The administrative unit shall send the hearing notice described in COMAR 09.01.02.07B at least 30 days before the hearing.

## **.02 Hearings Delegated to the Office of Administrative Hearings.**

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

## **Chapter 03 Code of Ethics**

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Authority: Business Occupations and Professions Article, §§14-205 and 14-208,  
Annotated Code of Maryland

### **.01 Responsibility to the Public.**

A licensee shall make every reasonable effort to protect the safety, health, property, and welfare of the public. If the licensee's professional judgement is overruled under circumstances when the safety, health, property, or welfare of the public is endangered, the licensee shall inform the employer or client of the possible consequences.

### **.02 Public Statements, Reports, and Testimony.**

A. A licensee making public statements on engineering questions shall disclose when the licensee is being compensated for making the statement.

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

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

### **.03 Competency for Assignments Undertaken or Approved.**

A. In practicing engineering, a licensee shall act with reasonable care and competence, and shall apply the technical knowledge and skills which are ordinarily applied by professional engineers of good standing, practicing in the same field of engineering.

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

### **.04 Conflicts of Interest.**

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

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

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

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

E. When acting as the interpreter of engineering documents and the judge of performance under the documents, a licensee shall render decisions impartially, not favoring either party to the documents.

### **.05 Full Disclosure.**

A. A licensee shall accurately represent to a prospective or existing client or employer the licensee's qualifications and the scope of the licensee's responsibility in connection with work for which the licensee is claiming credit.

B. A licensee may not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with the licensee's application for licensure or renewal of licensure.

### **.06 Compliance with Laws.**

A. In the conduct of the licensee's engineering practice, the licensee may not knowingly violate any state or federal criminal laws.

B. A licensee shall comply with the licensing laws and regulations governing the licensee's professional practice in this or any other jurisdiction in which the licensee practices engineering.

### **.07 Professional Conduct.**

A. A licensee may not either offer or make any payment or gift to a government official, whether elected or appointed, with the intent of influencing the official's judgment in connection with a prospective or existing project in which the licensee is interested.

B. A licensee may not either offer or make any gifts, other than gifts of nominal value including, for example, reasonable entertainment and hospitality, with the intent of

influencing the judgment of an existing or prospective client in connection with a project in which the licensee is interested.

C. A licensee may not engage in conduct involving fraud or wanton disregard of the rights of others.

D. A licensee may not assist the application for licensure of a person known by the licensee to be unqualified in respect to education, training, experience, or character.

E. A licensee possessing knowledge of a violation of this chapter by another licensee shall report this knowledge to the Board.

## **.08 Names of Entities.**

A. An individual, a partnership, a corporation, a limited liability company, or any other entity through which engineering is practiced, shall use a name that complies with appropriate requirements set forth in the Corporations and Associations Article, Annotated Code of Maryland, and Business Occupations and Professions Article, Title 14, Annotated Code of Maryland.

B. A business entity may not use the term "engineering" or any of its derivatives, unless that entity employs, on a regular basis, a licensed professional engineer.

C. A misleading designation may not be used or implied in the name of a sole proprietorship, partnership, or corporation, limited liability company, or any other entity offering engineering services in Maryland.

## **.09 Sealing Requirements.**

A. A licensee may sign and seal plans, specifications, drawings, reports, or other documents that are required to be signed and sealed pursuant to the Business Occupations and Professions Article, §14-4A-02, Annotated Code of Maryland, only if the following requirements are met:

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

(2) The licensee either:

(a) Personally prepared the documents, or

(b) Approved the documents.

B. Definition. For purposes of §A(2)(b) of this regulation, the term "approved" means that the licensee satisfied the following criteria:

- (1) Had technical knowledge and responsible control over the content of technical submissions during their preparation; and
- (2) Performed substantive review and had authority to make revisions with regard to the preparation of submissions described in this regulation.

C. A licensee may complete, correct, revise, or add to the work performed by another licensee when engaged to do so by a client, if the following requirements are met:

- (1) The client furnishes the documentation of the work submitted to the client by the first licensee;
- (2) The first licensee, if still engaged in a business of providing engineering services, is notified in writing by the second licensee of the engagement referred to in this section immediately upon acceptance of the engagement; and
- (3) The second licensee signs, seals, and is responsible for the completions, corrections, revisions, or additions that the second licensee made.

D. Nothing in §C of this regulation is intended to relieve the first licensee from any liability that the first licensee is deemed to assume for work performed by the first licensee pursuant to the requirements set forth in this regulation.

E. Original Signature.

(1) A licensee who prepared or approved documents in accordance with the criteria set forth in this regulation shall place the licensee's original signature and date of the signature on the documents required to be signed and sealed pursuant to Business Occupations and Professions Article, §14-4A-02, Annotated Code of Maryland.

(2) For the purposes of this regulation, the term "original signature" means:

- (a) A handwritten signature in permanent ink; or
- (b) A digital signature, which satisfies the following requirements:
  - (i) It contains identification unique to a licensee using it, such as the licensee's name and license number;
  - (ii) It is under the exclusive control of the licensee using it;

(iii) It cannot be repudiated and is independently verifiable; and

(iv) It is linked to the document in such a manner that the digital signature is invalidated if any data in the document is modified.

F. Nothing in this regulation is intended to modify any of the requirements applicable to professional certifications or title blocks more specifically set forth in Regulation .10 of this chapter.

### **.10 Titleblock Rules.**

A. A person may not remove a titleblock from any print or reproduction of the documents described in this chapter.

B. The titleblock shall contain at least the printed name of the engineering entity.

C. The directors of a corporation, partners of a partnership, or members of a limited liability company through which engineering is practiced, may designate another employee of the entity to sign and seal the documents in accordance with the requirements set forth in this chapter, if:

(1) The designee is licensed in the State to practice engineering; and

(2) The designee prepared or approved the documents for a particular project in accordance with this chapter.

D. Documents described in this chapter shall contain the following certification: "Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No.\_\_\_\_\_, Expiration Date:\_\_\_\_\_."

E. The titleblock, certification, seal, and signature shall appear close to each other.

### **.11 Failure to Respond.**

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

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

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

D. Failure to respond as required by this regulation may be considered by the Board to be a violation of Business Occupations and Professions Article, §14-317(a)(1)(vi), Annotated Code of Maryland.

## Chapter 04 Fees

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Authority: Business Regulation Article, §§2-106.1 and 2-106.2; Business Occupations and Professions Article, §§14-101, 14-207—14-209, 14-306, 14-310—14-312, 14-314—14-316, and 14-320; Annotated Code of Maryland

### **.01 Purpose.**

This chapter is intended to carry out the provisions of Business Regulation Article, §§2-106.1 and 2-106.2, Annotated Code of Maryland, and Business Occupations and Professions Article, Title 14, Annotated Code of Maryland. In particular, it is intended to set various fees in order to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the State Board of Architects, the State Board of Certified Interior Designers, the State Board of Examiners of Landscape Architects, the State Board for Professional Engineers, and the State Board for Professional Land Surveyors.

### **.02 Definitions.**

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

B. Terms Defined.

(1) "Board" means the State Board for Professional Engineers.

(2) "Design boards" means collectively the:

(a) State Board of Architects;

(b) State Board of Certified Interior Designers;

(c) State Board of Examiners of Landscape Architects;

(d) Board; and

(e) State Board for Professional Land Surveyors.



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

(4) "Secretary" means the Secretary of Labor, Licensing, and Regulation.

### **.03 Fees and Costs.**

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

- (1) License fee — \$76.50;
- (2) Engineer-in-training certification fee — \$15;
- (3) Nonrefundable initial application fee payable in connection with:
  - (a) An application for license — \$50;
  - (b) An application for license by reciprocity — \$50;
- (4) Reinstatement fee — \$100;
- (5) Retired Status License fee — \$50;
- (6) Reactivation fee — \$168;
- (7) Verification fee — \$20;
- (8) Replacement license certificate fee — \$35.

B. An applicant for the appropriate licensing examination shall pay the examination, re-examination, or testing service fees directly to the National Council of Examiners for Engineering and Surveying (NCEES), as these fees are established by NCEES.

C. An applicant approved by the Board to take the appropriate licensing examination, and to whom the Board or the Board's designee sent an applicable admission notice, is not entitled to a refund of applicable fees paid under §B of this regulation.

D. An applicant who notifies the Board or the Board's designee of the applicant's election not to take the appropriate licensing examination before the Board or the Board's designee sends to the applicant an applicable admission notice is entitled to a refund of applicable fees under §B of this regulation.

## Chapter 05 Unapproved Option—Engineering Curriculum

Authority: Business Occupations and Professions Article, §§14-205, 14-208, and 14-305,  
Annotated Code of Maryland

### .01 Definitions.

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

B. Terms Defined.

(1) "Board" means the Board for Professional Engineers.

(2) "Engineering subject" means an area of study rooted in mathematics and basic sciences but carried further towards creative application and design by providing a bridge between basic science and engineering practice.

(3) "One quarter hour" means credit which is awarded for instruction equivalent to  $\frac{2}{3}$  of the contact hours required for 1 semester hour of credit.

(4) "One semester hour" means credit which is awarded for a minimum of:

(a) 15 hours (50 minutes each) of actual class time, exclusive of registration, study days, and holidays;

(b) 30 (50 minutes each) of supervised laboratory time, exclusive of registration, study days, and holidays.

### .02 Engineering Curriculum.

A. An engineering curriculum is a course of study which imparts knowledge of the mathematical and natural sciences and trains an individual to apply that knowledge to developing ways to use the materials and forces of nature for the benefit of mankind. An "engineering curriculum of 4 scholastic years or more" is defined to be both an approved and unapproved college or university engineering and sciences curriculum consisting of at least:

(1) 15 semester-hours of instruction in mathematics that emphasizes mathematical concepts and principles rather than computation, which shall include differential calculus, integral calculus, and differential equations;

(2) 15 semester-hours of instruction in basic sciences including general chemistry and general physics with calculus;

(3) 30 semester-hours of instruction in engineering subjects, that includes a course, project, or thesis that focuses upon engineering design; and

(4) 15 semester-hours of instruction in advanced mathematics, basic science, or engineering.

B. Incorporated in the engineering curriculum as integral elements of instruction shall be:

(1) Hands-on, quantitative laboratory work correlated with the science and design instruction;

(2) For graduation subsequent to 1975, at least one high-level computer language such as FORTRAN, PASCAL, C/C++, or MATLAB so that the student is able to compose computer programs to solve problems in science and design; and

(3) Demonstrated familiarity with probability, statistics, and linear algebra.

### **.03 Engineering Subject Courses.**

Engineering subject courses shall be selected from subject areas such as:

A. Statics and dynamics;

B. Strength of materials;

C. Materials science;

D. Thermodynamics;

E. Transfer and transport phenomena;

F. Electrical, electronic, and computer engineering;

G. Solid state physics, nuclear physics, and quantum optics;

H. Physical chemistry, inorganic, and organic chemistry;

I. Electrodynamics;

- J. Digital signals and systems;
- K. Finite element analysis;
- L. Transient analysis and feedback control theory;
- M. Engineering design;
- N. Fluid mechanics, hydraulics, and gas dynamics;
- O. Civil and structural engineering;
- P. Sanitary and environmental engineering;
- Q. Computer science, other than computer programming skills;
- R. Biochemistry, biophysics, and biomechanics;
- S. Geochemistry and geophysics;
- T. Engineering economics; or
- U. Other subject areas acceptable to the Board.

#### **.04 Evidence of Completion**

An applicant who has graduated from a college or university curriculum which does not meet the standards set forth in Regulation .02 of this chapter may present to the Board evidence of satisfactory completion of instruction in other programs of study required by the Board to meet the requirements of Regulation .02 of this chapter.

#### **.05 Burden of Persuasion.**

The applicant shall:

- A. Have the burden of persuasion that the applicant's curriculum is substantially equal to the engineering curriculum defined in Regulation .02 of this chapter.
- B. Submit a university circular, official college catalog which includes, as a minimum, brief course descriptions of the courses identified in the student academic transcript or an independent evaluation satisfactory to the Board. When the evidence submitted by the applicant does not appear to the Board to qualify the curriculum as an engineering curriculum, the Board may require the applicant to submit further evidence.

## **.06 Approved and Unapproved Curricula.**

The Board considers an applicant's curriculum to be an approved curriculum if the applicant is:

- A. A graduate of a bachelor's degree program in a branch of engineering for which the college or university has met the basic-level criteria of the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET), and which is listed in the ABET Accreditation Yearbook, as it may be amended or modified from time to time;
- B. A graduate of a master's or doctoral degree program in a branch of engineering for which the college or university has met the advanced-level criteria of the EAC/ABET, and which is listed in the ABET Accreditation Yearbook, as it may be amended or modified from time to time;
- C. A graduate of a master's or doctoral degree program in a branch of engineering for which the college or university has met the basic-level criteria described in §A of this regulation; or
- D. A graduate of a degree program approved by the Board.

## **Chapter 06 Continuing Professional Competency Requirements**

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Authority: Business Occupations and Professions Article, §14-314, Annotated Code of Maryland

### **.01 Purpose.**

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

### **.02 Definitions.**

- A. In this chapter, the following terms have the meaning indicated.
- B. Terms Defined.

(1) "Activity" means attending and completing any qualifying courses, seminars, workshops, technical presentations, and other qualifying programs with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice. Regular duties in the course of employment are not considered qualified activities.

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

(3) "Board" means the State Board for Professional Engineers.

(4) "Dual Licensee" means a person who is licensed as both a professional engineer and a professional land or property line surveyor.

(5) "NCEES" means the National Council of Examiners for Engineering and Surveying.

(6) "Professional Development Hour (PDH)" means a contact hour (nominal) of instruction or presentation and is the common denominator for other units of credit.

(7) "Qualifying program" means any course, seminar, workshop, technical presentation, or other qualifying offering that meets the criteria set forth in Regulation .04 of this chapter.

(8) "Reporting period" means a 2-year licensing period immediately preceding a current individual licensing term.

(9) "Self-directed activity" means an activity that does not involve a face-to-face direct learning experience. The self-directed activity may include, but is not limited to, correspondence courses, online courses, and televised, videotaped, or audiotaped presentations and shall provide for, in addition to the requirements in Regulation .04 of this chapter, clear outcome measures in the form of a narrative, test, report, study, research paper, or any other appropriate form or method.

### **.03 Requirements.**

A. A licensee shall complete a minimum of 16 PDH units earned from the participation in and completion of qualifying programs described in Regulation .04 of this chapter as a condition of license renewal in each individual biennial licensing term.

B. A minimum of 1 PDH unit in each individual biennial licensing term shall be earned from the participation in and the completion of qualifying programs with content areas related to the following:

- (1) The awareness of ethical concerns and conflicts related to the practice of engineering;
- (2) An enhanced familiarity with the code of conduct for professional engineers;
- (3) An understanding of standards of practice or care related to the practice of engineering; or
- (4) Laws and regulations applicable to the practice of engineering in Maryland.

C. A maximum of 8 PDH units earned in excess of 16 units that are required for a license renewal during the licensing term can be carried forward to apply as credit toward the next individual licensing term.

#### **.04 Qualifying Programs.**

A. Programs shall meet at least the following criteria in order to be considered qualifying programs:

- (1) Maintain and enhance professional competency of professional engineers; and
- (2) Foster improvement, advancement, and extension of professional skills and knowledge related to the practice of engineering.

B. Qualifying programs shall have the following content areas:

- (1) Technical, research, analytical, or design aspects of engineering;
- (2) Laws and regulations applicable to the practice of engineering in Maryland;
- (3) Engineering-related computer hardware and software topics;
- (4) Standards of practice or care;
- (5) Professional engineering ethics;
- (6) Project management, risk assessment and management, or emergency and disaster management; or
- (7) Similar topics aimed to maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice.

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

## **.05 Sources of Credit.**

A. A licensee may earn PDH units by the following methods:

(1) Attendance and successful completion of structured educational programs in which the teaching methodology consists primarily of systematic presentation of subjects related to the practice of engineering, and which programs are:

(a) Offered by pre-approved or other authorized providers;

(b) Have a stated purpose and defined content areas; and

(c) Have a clearly stated duration.

(2) Serving as a single or first author of an original paper on engineering subject matters published in magazines, journals, professional proceedings, or other similar publications intended for professional use and distribution;

(3) Serving as a single or first author of an original published book on engineering subject matters that exhibits excellence in scholarship and has a significant impact and influence on the direction of engineering;

(4) Subject to limitations set forth in Regulation .06 of this chapter, active participation in an engineering professional or technical society;

(5) Obtaining a patent;

(6) Subject to limitations set forth in this Regulation .05, teaching or lecturing of a qualified program, as described in Regulation .04 of this chapter;

(7) Developing examination questions accepted for use on NCEES examinations;  
or

(8) Other appropriate methods approved by the Board.

B. A licensee may not earn credits for such activities as:

(1) Regular employment as a professional engineer or expert witness;

(2) Marketing or business development or sales;



- (3) Equipment demonstrations or trade show displays;
- (4) Time management techniques and strategies;
- (5) Computer-aided drafting;
- (6) Repetitive attendance of the same course or activity without substantial modifications or updates;
- (7) Attending committee meetings or general business meetings of any organization;
- (8) Conversational language courses for personal use;
- (9) Executive coaching;
- (10) Basic computer software, including, but not limited to, Excel, Word, Outlook, and similar basic computer software; or
- (11) Any other topics not relevant to the practice of engineering.

## **.06 Values of Units.**

A. PDH units are earned or converted from other units of credit as follows:

- (1) 1 college or unit semester hour — 45 PDH units;
- (2) 1 college or unit quarter hour — 30 PDH units;
- (3) 1 continuing education unit — 10 PDH units;
- (4) Each published paper or article on an engineering subject as identified in Regulation .04 of this chapter — 5 PDH units;
- (5) Each published book on an engineering subject — 24 PDH units;
- (6) Teaching of engineering and related subjects on a part-time basis, provided that:
  - (a) The presenter may claim credit for the first time presentation of the qualifying program; and
  - (b) The presenter may claim up to 2 times the number of PDH units awarded by the Board for the same program;

(7) Participation in engineering, professional or technical societies, regardless of the number of organizations a licensee may be serving on simultaneously, as an officer, provided that the credit is not considered earned until the end of each year of service completed — 1 PDH unit;

(8) Work related to the development and submission of examination questions subject to the following limitations:

(a) Questions accepted for use on NCEES examinations — 2 PDH units per accepted question, up to 4 PDH units per year; and

(b) Attendance and participation in NCEES exam development committee meetings — up to 6 PDH units per year; and

(9) Obtaining a patent — 8 PDH units.

B. The final determinations of value and other matters related to the PDH units are the responsibility of the licensee, subject to review and approval by the Board.

### **.07 Authorizations of Providers/Other Presenters.**

A. The Board will review and, if appropriate, approve the providers of the qualifying programs.

B. Providers' Eligibility/Other Presenters.

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

(a) National (ABET/EAC), regional, or State accredited academic institutions;

(b) National, State, or regional engineering professional or technical societies or organizations;

(c) NCEES;

(d) American Council of Engineering Companies;

(e) International Association for Continuing Education and Training;

(f) Entities that are currently certified as approved providers by preauthorized providers; and

(g) Other entities that may from time to time become approved by the Board.

(2) In order to be eligible to become an approved provider, the provider must offer the qualifying activity that meets the criteria set forth in Regulation .04 of this chapter.

(3) The Board may allow appropriate credits for the attendance and participation in a technical activity or presentation by companies or organizations, whether or not approved by the Board under this regulation, if:

(a) The activity or presentation is consistent with Regulation .04 of this chapter; and

(b) A licensee maintains required documentation in accordance with Regulation .08 of this chapter, including a test or other appropriate outcome measure acceptable to the Board.

(4) Approval of Providers.

(a) The individuals or entities that are not considered to be pre-approved providers, including, but not limited to, professional firms conducting in-house presentations, may be approved by the Board to become authorized providers upon application and approval by the Board.

(b) During the application process, the Board will evaluate the suitability of the provider to serve as an approved provider.

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

(i) The types and descriptions of proposed or existing courses intended to be offered;

(ii) The number of PDH units to be awarded for each course;

(iii) The identity and qualifications of the course instructors;

(iv) The explanation and sample of outcome measures for any self-directed programs that may be offered; and

(v) The sample course outlines detailing the content of activity to be offered.

(d) The Board may suspend or revoke authorization as a provider if, in the judgment of the Board, the intent of Business Occupations and Professions Article, §14-314(f), Annotated Code of Maryland, is no longer served.

(e) An individual or organization whose provider's privilege has been suspended or revoked may appeal to the Board for a hearing, within 30 days after notification of the action by the Board.

(f) The Board may require approved providers to document the CPC activities for audit by the Board at any time within the 6-year period after the first presentation of the programs. Documentation shall include registration and attendance records, stated purpose, content, presentation, time and length of the activity, and participant evaluations.

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

## **.08 Record Keeping**

A. Responsibility to Maintain Records.

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

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

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

(1) Certificates of participation;

(2) Transcripts, if appropriate;

(3) Reprints of publications;

(4) Proof of presentations;

(5) Title and description of the activity;

(6) Dates and times attended;

(7) Presenter's name; and

(8) Any other information that may be required by the Board.

### **.09 Reporting Requirements for License Renewal.**

A. A licensee shall attest on the license renewal form to the fact that the licensee has completed all applicable CPC requirements set forth in this chapter before the licensee's license expiration date.

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

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

### **.10 Exceptions from Compliance with CPC Requirements.**

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

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

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

B. Compliance Exception Request.

(1) If a licensee is unable to comply with all or part of CPC requirements due to physical disability, illness, or other extenuating circumstances, the licensee may request the Board or the Board's administrative designee grant a one-time exception from compliance (Compliance Exception Request), provided that the Compliance Exception Request is filed with the Board or the Board's administrative designee at least 30 days prior to the licensee's license expiration date.

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

(3) A Compliance Exception Request must be accompanied by a detailed proposal acceptable to the Board indicating the licensee's intended plan of

compliance with CPC requirements within no later than 6 months after the license expiration date. Failure to provide the acceptable plan of compliance within the time period specified in this regulation may result in the Board's administrative dismissal of the Compliance Exception Request.

### **.11 Failure to Meet the CPC Requirements.**

In the event a licensee fails to comply with the CPC requirements set forth in this chapter, the Board, subject to the hearing provisions of Business Occupations and Professions Article, §14–319, Annotated Code of Maryland, may take any and all available disciplinary actions under Business Occupations and Professions Article, §14–317, Annotated Code of Maryland.

### **.12 Reinstatement of License.**

A licensee who wishes to reinstate a license shall fulfill at least 16 PDH units by attending and successfully completing one or more qualifying programs described in Regulations .03 and .04 of this chapter for the immediately preceding CPC reporting period and pay all applicable fees.

### **.13 Retired Status.**

An individual who elected to receive retired status license shall be exempt from the compliance with the CPC requirements. In the event such individual elects to have the license reactivated, the individual shall fulfill at least 16 PDH units by attending and successfully completing one or more qualifying programs described in Regulations .03 and .04 of this chapter.

### **.14 Dual Licensees.**

A licensee who maintains current licenses in the State of Maryland both as a professional engineer and as a professional land or property line surveyor shall fulfill at least 8 PDH units that satisfy the CPC requirements set forth in COMAR 09.13.08 applicable to licensed professional land or property line surveyors, and at least 8 PDH units that satisfy the CPC requirements of this chapter.

### **.15 CPC Units Earned in Other States.**

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

A. The activity is consistent and complies with the requisite criteria set forth in this chapter;

B. An out-of-State licensee provides evidence of attending and completing a qualifying activity in another state, together with the applicable number of CPC units earned; and

C. An out-of-State licensee otherwise fulfills all other applicable license renewal requirements in the State of Maryland.

# Code of Ethics

## Preamble

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Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

## I. Fundamental Canons

Engineers, in the fulfillment of their professional duties, shall:

- 1) Hold paramount the safety, health, and welfare of the public.
- 2) Perform services only in areas of their competence.
- 3) Issue public statements only in an objective and truthful manner.
- 4) Act for each employer or client as faithful agents or trustees.
- 5) Avoid deceptive acts.
- 6) Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

## II. Rules of Practice

1. Engineers shall hold paramount the safety, health, and welfare of the public.
  - 1) If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
  - 2) Engineers shall approve only those engineering documents that are in conformity with applicable standards.
  - 3) Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.



- 4) Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.
  - 5) Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
  - 6) Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.
2. Engineers shall perform services only in the areas of their competence.
    - 1) Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
    - 2) Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.
    - 3) Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.
  3. Engineers shall issue public statements only in an objective and truthful manner.
    - 1) Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.
    - 2) Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.
    - 3) Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.
  4. Engineers shall act for each employer or client as faithful agents or trustees.

- 1) Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
  - 2) Engineers shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.
  - 3) Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.
  - 4) Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.
  - 5) Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.
5. Engineers shall avoid deceptive acts.
- 1) Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.
  - 2) Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

### III. Professional Obligations

1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.
  - 1) Engineers shall acknowledge their errors and shall not distort or alter the facts.
  - 2) Engineers shall advise their clients or employers when they believe a project will not be successful.
  - 3) Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.
  - 4) Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.
  - 5) Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.
2. Engineers shall at all times strive to serve the public interest.
  - 1) Engineers are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.
  - 2) Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.
  - 3) Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.
  - 4) Engineers are encouraged to adhere to the principles of sustainable development<sup>1</sup> in order to protect the environment for future generations.
3. Engineers shall avoid all conduct or practice that deceives the public.
  - 1) Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.
  - 2) Consistent with the foregoing, engineers may advertise for recruitment of personnel.
  - 3) Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.

4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.

1) Engineers shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.

2) Engineers shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.

5. Engineers shall not be influenced in their professional duties by conflicting interests.

1) Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.

2) Engineers shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or employers of the engineer in connection with work for which the engineer is responsible.

6. Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.

1) Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.

2) Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.

3) Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.

7. Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.

- 1) Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.
  - 2) Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.
  - 3) Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.
8. Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.
- 1) Engineers shall conform with state registration laws in the practice of engineering.
  - 2) Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.
9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.
- 1) Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.
  - 2) Engineers using designs supplied by a client recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.
  - 3) Engineers, before undertaking work for others in connection with which the engineer may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, should enter into a positive agreement regarding ownership.
  - 4) Engineers' designs, data, records, and notes referring exclusively to an employer's work are the employer's property. The employer should indemnify the engineer for use of the information for any purpose other than the original purpose.
  - 5) Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses,

reading in the technical literature, and attending professional meetings and seminars.

# References

Maryland Division of Occupational and Professional Licensing, Links to Maryland Law and Regulations

<http://www.dllr.state.md.us/license/law/pelaw.shtml>

Maryland Code, Business Occupations and Professions: Title 14. Professional Engineers, Subtitle 1-6, (14-101 to 14-602)

<http://www.lexisnexis.com/hottopics/mdcode/cgi>

Maryland Regulations: Title 09 Department of Labor, Licensing, and Regulation, Subtitle 23 Board of Professional Engineers, (Ch01 – Ch06)

<https://dsd.maryland.gov/Pages/COMARHome.aspx>

National Society of Professional Engineers, Code of Ethics

<http://www.nspe.org/resources/ethics/code-ethics>