

MARYLAND HOUSE BILL 684

Professional Land Surveyors – Surveying Practice – Definition and Licensing Exception

**A Discussion with James M. Shaw, Jr., MSS
& Charlie Wrenn, MSGIC**





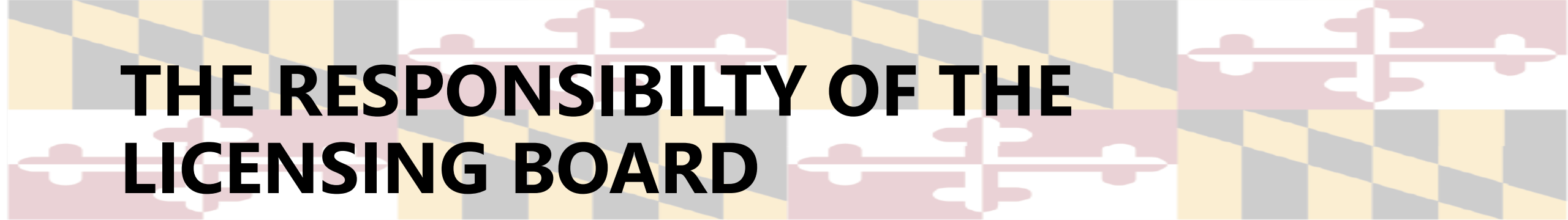
A BRIEF HISTORY – THE ROAD TO HB684

- May 24, 2016 – Southeastern Reprographics Inc v. Bureau of Professional and Occupational Affairs (Pennsylvania)
- April 18, 2018 – Defining Mapping: A Legislative Challenge (MSGIC Spring Quarterly)
- February 6, 2019 – First joint-committee meeting between the Maryland Society of Surveyors and the Licensing Board to revise the Practice Act
- August 2019 – Joint-committee adjourns



A BRIEF HISTORY – THE ROAD TO HB684

- August 2019 to March 2020 – MSS approves intended bill and seeks a sponsor. Discussing idea among MSS Chapters.
- March 13, 2020 – COVID-19 Lockdowns
- January 26, 2021 – Bill introduced to MD General Assembly – First Reading Economic Matters
- May 30, 2021- HB684 Enacted



THE RESPONSIBILITY OF THE LICENSING BOARD

- PROTECT THE PUBLIC!!!
- From who? Licensed land surveyors and the unlicensed practice of land surveying.
- Determines who is qualified to practice land surveying.
- Can only respond to complaints.
- Reminder – GISPs are the public.



THE ORIGINAL LANGUAGE

MARYLAND BUSINESS OCCUPATIONS AND PROFESSIONS §15-101

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

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



JOINT-COMMITTEE CHARGE

Charge 1 – Conduct a comprehensive review of the current Maryland Surveyor's Practice Act and make recommendations for changes to the statute with consideration to the following items:

- Not reducing the current scope of practice with respects to minor engineering
- Current trends in technology, equipment, methods, and practice.
- The Kentucky Model for authoritative, precise, and general location
- NCEES Model Law and Rules
- Current practice laws of other states, including, but not limited to Virginia, North Carolina, South Carolina, and Florida.
- Analyze the current Maryland license categories and recommend potential additions or deletion appropriate to our current requirements.



JOINT-COMMITTEE CHARGE

Charge 2 – Upon thorough review, provide the Board with written proposed changes for consideration. Proposed changes that are approved by the Board will be used by the Maryland Society of Surveyors (MSS) legislative committee to prepare draft bills that can be introduced to the State Legislature.



LAW MAKING IS COMPLICATED

- Maryland Society of Surveyors
- Land Surveyors Licensing Board
- Assistant Attorney General to the Design Boards
- The Maryland General Assembly

ANNOTATED CODE OF MARYLAND

Business Occupations and Professions

15-101 (k) (1)

“Practice land surveying” means **PROVIDING OR OFFERING TO PROVIDE PROFESSIONAL SERVICES THAT REQUIRE** the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the requirements of the relevant law **TO AUTHORITATIVELY DETERMINE, REGARDLESS OF THE TECHNOLOGY OR METHOD USED, THE ACCURATE AND PRECISE LOCATION OF A FEATURE, OBJECT, OR BOUNDARY OF REAL PROPERTY WITH REFERENCE TO THE SURFACE OF THE EARTH, SPACE ABOVE THE SURFACE OF THE EARTH, OR UNDERGROUND.**

ANNOTATED CODE OF MARYLAND

Business Occupations and Professions

15-101 (k) (1)

“PRACTICE LAND SURVEYING” INCLUDES:

- (i) measuring, platting, and locating lines, angles, elevations, natural or artificial features in the air, on the surface of the earth, in underground work, and on the beds of bodies of water for the purpose of determining and reporting positions, topography, areas, and volumes;
- (ii) the **DESCRIBING**, platting or replatting, establishing or reestablishing, locating or relocating, or setting or resetting the monumentation for boundaries of real property, easements, or rights-of-way;

ANNOTATED CODE OF MARYLAND

Business Occupations and Professions

15-301 (b) (4)

(b) This section does not apply to:

(4) AN INDIVIDUAL WHO UTILIZES MEASUREMENT DEVICES OR SYSTEMS, REGARDLESS OF THE TECHNOLOGY OR METHODS USED, FOR THE EXCLUSIVE PURPOSE OF DETERMINING TOPOGRAPHY AND CONTOURS, PROVIDED THAT THE INDIVIDUAL IS CERTIFIED BY AN ENTITY ACCEPTABLE TO THE BOARD.