Maryland Rules And Laws

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Module 1: Maryland Engineering Law and Regulatory Framework

Module Overview

Maryland's engineering requirements affect decisions made before an engineer begins calculations or prepares drawings. Accepting an assignment, advertising services, organizing a consulting business, and assigning work to unlicensed employees can raise licensing questions.

This module explains how Maryland's engineering statutes, regulations, and Board guidance work together. It emphasizes three separate questions:

1. Does the proposed service constitute the practice of engineering?
2. Is the individual authorized to perform that service?
3. Is the business authorized to offer or provide that service?

A compliant project requires attention to all three. An individual PE license does not automatically authorize a corporation or limited liability company to offer engineering services. Similarly, a firm permit does not establish that every employee may independently practice engineering.

References appear only in the reference table at the end of this module.

Learning Objectives

After completing this module, participants will be able to:

1. Locate Maryland's principal statutes and regulations governing professional engineering.
2. Classify professional services using Maryland's statutory definition of engineering practice.
3. Distinguish individual licensure from an engineering business permit.
4. Identify the managing-agent requirements applicable to permitted engineering businesses.
5. Apply selected licensing exceptions to employment and supervision scenarios.
6. Select appropriate actions when proposed services or public representations exceed an individual's or firm's authority.

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1.1 Maryland's Engineering Regulatory Framework

Statutes, Regulations, and Board Guidance

Maryland regulates professional engineering primarily through the Business Occupations and Professions Article, Title 14, and the Code of Maryland Regulations, commonly called COMAR, Title 09, Subtitle 23.

These sources serve different purposes.

Source	Function	Practical use
Business Occupations and Professions Article, Title 14	Establishes licensing requirements, business permits, restrictions, and disciplinary authority	Determine whether an individual or business is legally authorized to practice
COMAR 09.23	Establishes detailed regulatory requirements, including the engineering code of ethics	Evaluate competence, conduct, signing, sealing, and continuing professional competency
Official Board guidance	Explains procedures and the Board's administration of requirements	Find application instructions, permit procedures, and explanations of regulatory requirements

Section 14-205 directs the Board to adopt a code of ethics through regulation. Consequently, Maryland's engineering code of ethics forms part of its enforceable regulatory framework. Engineers should treat compliance with COMAR as a professional obligation.

The Board's Role

The Maryland Board for Professional Engineers licenses individuals and issues permits to engineering businesses. It also investigates complaints involving licensees and unlicensed practice.

Section 14-317 authorizes disciplinary action against individual licensees for specified grounds, including gross negligence, incompetence, misconduct, and violations of Title 14 or Board regulations. Subject to applicable procedures, sanctions can include reprimand, suspension, revocation, and a penalty of up to $5,000 for each violation.

An engineer should therefore evaluate more than whether a project passes a local permitting review. Board compliance also concerns the engineer's authority, competence, and conduct.

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Practical Application

Before accepting an assignment, identify the applicable licensing requirements and ethical duties. A client's acceptance of the proposed arrangement does not replace statutory authorization.

Recommended practice is to maintain a brief project acceptance record that identifies the contracting entity, responsible professionals, scope of services, and basis for accepting the work.

1.2 What Constitutes the Practice of Engineering?

Statutory Rule

Section 14-101 defines engineering practice by the technical knowledge and methods required to perform the service. Its definition includes:

> "the principles and methods of engineering analysis and design."

The definition covers consultation, design, evaluation, construction inspection for conformity with specifications and drawings, investigation, planning, and design coordination involving specified structures, equipment, processes, systems, projects, and utilities.

Plain-Language Explanation

Engineering practice extends beyond preparing construction drawings. An evaluation, investigation, or consultation may qualify even when the final deliverable is a memorandum or verbal recommendation.

Consider a consultant who evaluates whether an existing support frame can safely carry new equipment. Calling the deliverable a condition assessment does not determine its regulatory status. The substance of the service matters.

Hypothetical Example: "It Is Only a Report"

An owner asks a consultant to evaluate the capacity of an existing floor for heavier equipment. The consultant will provide a written recommendation without drawings.

Issue-identification question: Does the absence of drawings remove the service from engineering practice?

Analysis: The assignment requires engineering evaluation and analysis. Its report format does not remove it from the statutory definition.

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Appropriate action: Establish the individual's authorization and competence, and address business permitting where applicable, before providing the service.

1.3 Individual Licensure and Professional Representations

General Licensing Requirement

Section 14-301 establishes the general requirement that individuals obtain Maryland Board licensure before practicing engineering in the State, subject to applicable exceptions.

A license from another jurisdiction does not, by itself, establish authorization under Maryland's ordinary licensing requirements.

For project acceptance, distinguish three matters:

- Possession of engineering education or experience.
- Possession of a professional license.
- Authorization to perform the particular Maryland assignment.

These matters overlap, but they are not interchangeable.

Titles and Representations

Section 14-502 addresses representations that a person is authorized to practice engineering in Maryland. It covers titles, business names, descriptions of services, and other representations, subject to the statute's authorization provisions.

The practical issue is the message conveyed to the public. A proposal, website, email signature, or capability statement can communicate professional authority before any engineering document is issued.

An unlicensed subordinate should accurately describe the subordinate role and avoid implying independent authority to practice.

Competence Remains a Separate Requirement

COMAR 09.23.03.03 permits licensees to undertake assignments only when qualified by education, experience, or both in the specific engineering field involved.

Licensure establishes professional authorization. Competence determines whether the engineer may responsibly accept the particular assignment.

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For example, experience designing municipal drainage systems does not automatically establish competence to evaluate industrial electrical protection. The engineer must assess the actual technical demands and arrange qualified participation where needed.

1.4 Individual Licensure Versus Engineering Business Permits

Two Levels of Authorization

Section 14-501.1 generally requires a business through which engineering services are performed or offered to be a corporation, partnership, or limited liability company holding a Board permit. It provides an exception for a professional engineer operating as a sole practitioner.

The permit requirement includes offering services. A business should address authorization before marketing or proposing engineering services.

Individual authorization	Business authorization
Establishes the engineer's licensing status	Establishes the entity's authority to operate an engineering business
Does not establish competence for every assignment	Does not replace the qualifications of the professionals performing the work
Does not automatically supply a permit to an LLC or corporation	Does not authorize unlicensed employees to practice independently

A one-owner LLC is still an LLC. The owner should not assume that working alone makes the entity eligible for the sole-practitioner exception.

Ordinary business registration also does not replace an engineering firm permit.

Managing-Agent Requirements

Under §14-403, the entity must designate a Maryland PE in good standing as managing agent. The individual must occupy a qualifying relationship with the entity and be positioned to act for it in matters concerning engineering practice or its offer.

The section also limits designation as managing agent for multiple engineering entities, with an exception involving affiliates of a permit holder.

A managing-agent designation does not authorize that person to seal every technical discipline. Competence and document approval remain separate obligations.

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