

GENERAL REVISOR'S NOTE TO ARTICLE:

The Division of Statutory Revision of the Department of Legislative Reference is charged with revising the law in a clear, concise, and organized manner, without changing the effect of the law. A precept of revision has been that, once something is said, it should be said in the same way every time. To that end, the language and organization of this article is conformed to the 18 previously enacted articles.

This article particularly lends itself to a standard format and consistent phraseology since every title includes provisions for a regulatory body, provisions for licensing, and prohibited acts. Accordingly, the Model Guide for Drafting Board, Commission, and Licensing Provisions, developed in conjunction with the revision of the Health Occupations Article, has been used in the revision of this article.

The Model calls for use of the terms "license" and "licensed" to denote an authorization to practice a particular occupation that a person who is not licensed in that occupation may not practice. Throughout this article, the terms "certification" and "certified" are used to indicate an official recognition of a person as a qualified practitioner and an accompanying grant of the exclusive privilege or right to make certain representations. Thus, a certified person may make certain representations that an uncertified person may not make, but the certified person is not authorized to provide any service that an uncertified person may not provide. In this article, the term "permit" denotes the authorization of a corporation or partnership to operate a business through which the practice of a particular occupation is conducted. None of these terms have any legal significance in themselves, and the Business Occupations Article Review Committee easily could have decided to use any of them in a different sense or to use different terms. The real significance lies in the substantive provisions in which these terms appear. However, the Business Occupations Article Review Committee believes that, if the terms consistently are used as indicated, the substantive provisions become more easily understandable.

At various places throughout this article, the terms "certificate" and "registered" also appear. "Certificate" is used to signify a sheet of paper used for documentation -- e.g., one that documents the grant of a license or certification. "Certificate" is not used as a substitute for "license", "certification", or "permit". "Registered" is used only as a descriptive adjective and does not denote any sort of grant authority by this State. Thus, references to a "registration" requirement for students are substituted for the former references to "student permit[s]".