

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 296

Session of  
1979

INTRODUCED BY CALTAGIRONE, DOMBROWSKI AND POLITE,  
FEBRUARY 13, 1979

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,  
FEBRUARY 14, 1979

AN ACT

1 Amending the act of May 23, 1945 (P.L.913, No.367), entitled "An  
2 act relating to and regulating the practice of the profession  
3 of engineering; including civil engineering, mechanical  
4 engineering, electrical engineering, mining engineering,  
5 chemical engineering, surveying and constituent parts and  
6 combinations thereof as herein defined; providing for the  
7 licensing and registration of persons practicing said  
8 profession, and the certification of engineers in training,  
9 and the suspension and revocation of said licenses,  
10 registrations and certifications for violation of this act;  
11 prescribing the powers and duties of the State Registration  
12 Board for Professional Engineers, the Department of Public  
13 Instruction and the courts; prescribing penalties; and  
14 repealing existing laws," further defining and adding terms;  
15 changing provisions relating to surveyors; increasing fees;  
16 and further providing for disposition thereof.

17 The General Assembly of the Commonwealth of Pennsylvania  
18 hereby enacts as follows:

19 Section 1. Sections 2, 3, 4 and 5, act of May 23, 1945  
20 (P.L.913, No.367), known as the "Professional Engineers  
21 Registration Law," amended November 24, 1967 (P.L.548, No.270)  
22 and section 4(b)(3) also amended December 14, 1967 (P.L.842,  
23 No.365), are amended to read:

24 Section 2. Definitions.--As used in this act--

1 (a) "Practice of Engineering" shall mean the application of  
2 the mathematical and physical sciences for the design of public  
3 or private buildings, structures, machines, equipment,  
4 processes, works or engineering systems, and the consultation,  
5 investigation, evaluation, engineering surveys, planning and  
6 inspection in connection therewith, the performance of the  
7 foregoing acts and services being prohibited to persons who are  
8 not licensed under this act as professional engineers unless  
9 exempt under other provisions of this act.

10 The term "Practice of Engineering" shall also mean and  
11 include related acts and services that may be performed by other  
12 qualified persons, including but not limited to, municipal  
13 planning, incidental landscape architecture, teaching,  
14 [surveying,] aerial photogrammetry, construction, maintenance  
15 and research but licensure under this act to engage in or  
16 perform any such related acts and services shall not be  
17 required.

18 The foregoing shall not be deemed to include the practice of  
19 architecture as such, for which separate registration is  
20 required under the provisions of the act of July 12, 1919  
21 (P.L.933, No.369), entitled "An act to regulate the practice of  
22 architecture in the Commonwealth of Pennsylvania by providing  
23 for the examination and registration of architects by a State  
24 Board of Examiners; defining the power and duties of said board  
25 of examiners; and providing penalties for the violation of this  
26 act," excepting only architectural work incidental to the  
27 "practice of engineering."

28 (b) "Engineering Surveys" means surveys for the development  
29 of any tract of land or a project including incidental design of  
30 related improvements such as line and grade extension of roads,

1 sewers, grading (except that no design of sewage treatment  
2 facilities shall be included): Provided, however, That tract  
3 perimeter surveys shall be the function of the Professional Land  
4 Surveyor; the determination of the configuration or contour of  
5 the earth's surface, or the position of fixed objects thereon or  
6 related thereto by means of measuring lines and angles and  
7 applying the principles of mathematics, photogrammetry or other  
8 measurement methods; geodetic or cadastral survey, underground  
9 survey and hydrographic survey; sedimentation and erosion  
10 control surveys; surveys for the determination of the quantities  
11 of materials; tests for water percolation in soils; and the  
12 preparation of plans and specifications and estimates of  
13 proposed work as described herein.

14     ~~[(b)]~~ (c) "Inspection" shall mean the acts and services  
15 performed in the practice of engineering during the  
16 construction, development, production or functioning of the  
17 things designed: Provided, That performance of such acts and  
18 services shall not be construed as a guarantee of satisfactory  
19 performance by others, or an assumption of financial liability  
20 for defects or deficiencies in the work of others.

21     ~~[(c)]~~ (d) "Engineer-in-Training" means a candidate for  
22 licensure as a professional engineer, who has been granted a  
23 certificate as an engineer-in-training after successfully  
24 passing the prescribed written examination in fundamental  
25 engineering subjects, and who shall be eligible upon the  
26 completion of the requisite years of experience in engineering,  
27 under the supervision of a professional engineer, or similarly  
28 qualified engineer, for the final examination prescribed for  
29 licensure as a professional engineer.

30     ~~[(d)]~~ "Practice of Surveying" means the practice of that

1 branch of the profession of engineering which makes surveys for  
2 the determination of area, and for the establishment or  
3 reestablishment of land boundaries and the subdivision and  
4 plotting of land, and who makes surveys for the establishment of  
5 lines, grades or elevations for carrying out engineering work,  
6 and who, in connection therewith, determines quantities of  
7 materials and prepares plans or specifications for minor work  
8 not involving safety to life or health, and who determines  
9 quantities or who makes estimates for proposed work, or for work  
10 under construction, or work that is completed, or who, in  
11 addition to the foregoing, makes estimates of quantities of  
12 mineral or minerals in place, or that have been removed.]

13 (e) "Practice of Land Surveying" means the practice of that  
14 branch of professional engineering which involves the location,  
15 relocation, establishment, re-establishment or retracement of  
16 any property line or boundary of any parcel of land or any road  
17 right-of-way, easement or alignment; the use of principles of  
18 land surveying, determination of the position of any monument or  
19 reference point which marks a property line boundary, or corner  
20 setting, resetting or replacing any such monument or individual  
21 point including the writing of deed descriptions; procuring or  
22 offering to procure land surveying work for himself or others;  
23 managing or conducting as managers, proprietors or agent any  
24 place of business from which land surveying work is solicited,  
25 performed, or practiced; the performance of the foregoing acts  
26 and services being prohibited to persons who are not granted  
27 certificates of registration under this act as a professional  
28 land surveyor unless exempt under other provisions of this act.

29 [(e)] (f) "Professional Engineer" means an individual  
30 licensed and registered under the laws of this Commonwealth to

1 engage in the practice of engineering. A professional engineer  
2 may not practice land surveying unless licensed and registered  
3 as a professional land surveyor as defined and set forth in this  
4 act.

5 [(f)] (g) "Professional Land Surveyor" means an individual  
6 licensed and registered under the laws of this Commonwealth to  
7 engage in the practice of land surveying. A professional land  
8 surveyor may perform engineering surveys but may not practice  
9 any other branch of engineering.

10 [(g)] (h) "Board" means The State Registration Board for  
11 Professional Engineers.

12 [(h)] (i) "Department" means the Department of State.

13 [(i)] (j) "Responsible Charge" means a position that  
14 requires initiative, skill and independent judgment, and implies  
15 such degree of competence and accountability gained by technical  
16 education and experience of a grade and character as is  
17 sufficient to qualify an individual to personally and  
18 independently engage in and be entrusted with the work involved  
19 in the practice of engineering or land surveying. This term does  
20 not include positions which require routine performance of  
21 subprofessional work such as auxiliary survey personnel (unless  
22 acting as chief of party) and drafting personnel.

23 Section 3. Practice of Engineering or Land Surveying Without  
24 Licensure and Registration Prohibited.--In order to safeguard  
25 life, health or property and to promote the general welfare, it  
26 is unlawful for any person to practice or to offer to practice  
27 engineering in this Commonwealth, unless he is licensed and  
28 registered under the laws of this Commonwealth as a professional  
29 engineer, or for any person to practice or to offer to practice  
30 land surveying, unless he is licensed and registered under the

1 laws of this Commonwealth as a professional land surveyor[, or  
2 as a professional engineer].

3 A person shall be construed to practice or offer to practice  
4 engineering or land surveying who practices any branch of the  
5 profession of engineering or land surveying; or who, by verbal  
6 claim, sign, advertisement, letterhead, card, or in any other  
7 way represents himself to be an engineer or land surveyor, or  
8 through the use of some other title implies that he is an  
9 engineer or land surveyor or that he is registered under this  
10 act; or who holds himself out as able to perform, or who does  
11 perform any engineering service or work or any other service  
12 designated by the practitioner or recognized as engineering or  
13 land surveying.

14 Section 4. General Powers of Board.--The board shall have  
15 power--

16 (a) Approval of Institutions and Colleges.--To investigate  
17 and to approve or disapprove institutions and colleges of this  
18 State, and other states, territories and countries for the  
19 education of students desiring to be licensed to engage in the  
20 practice of engineering or land surveying, and to revoke or  
21 suspend approvals where such institutions and colleges no longer  
22 are deemed proper.

23 (b) Licensing Professional Engineers.--To provide for and to  
24 regulate the licensing, and to license to engage in the practice  
25 of engineering any person of good character and repute who is at  
26 least in his twenty-fifth year of age, and who speaks and writes  
27 the English language, if such person either--

28 (1) Holds an unexpired license or certificate of  
29 registration issued to him by proper authority of some other  
30 state or foreign country in which the requirements and

1 qualifications to engage in the practice of engineering were at  
2 the time of the initial issuance of such license or certificate  
3 of registration at least equal to the then existing standards of  
4 this Commonwealth: Provided, however, That such other state,  
5 territory or foreign country shall similarly license or register  
6 professional engineers licensed and registered in this  
7 Commonwealth. A person may be licensed under this [subdivision]  
8 subsection without examination.

9 (2) Holds a certificate of qualifications issued by the  
10 National Bureau of Engineering Registration of the National  
11 Council of State Boards of Engineering Examiners: Provided, The  
12 requirements and qualifications of said bodies to engage in the  
13 practice of engineering are at least equal to the standards of  
14 this Commonwealth. A person may be licensed under this  
15 [subdivision] subsection without examination.

16 In carrying into effect clauses (1) and (2) of [subdivision]  
17 subsection (b) of this section the board may in its discretion  
18 enter into agreements for reciprocity with the National Council  
19 of State Boards of Engineering Examiners and with states under  
20 such rules and regulations as the board may prescribe.

21 (3) Has had four or more years' experience in engineering  
22 work under the supervision of a professional engineer, or a  
23 similarly qualified engineer of a grade or character to fit him  
24 to assume responsible charge of the work involved in the  
25 practice of engineering, and is either an engineer-in-training  
26 or a graduate in engineering of an approved institution or  
27 college having a course in engineering of four or more years, or  
28 has had four or more years of experience in engineering work,  
29 teaching in an approved institution or college, and who is a  
30 graduate of an approved institution or college having a course

1 in engineering of four or more years and who in either event  
2 successfully passes written examinations prescribed by the board  
3 in engineering subjects. In the case of the examination of an  
4 engineer-in-training his examination shall be directed and  
5 limited to those matters which will test the applicant's ability  
6 to apply the principles of engineering to the actual practice of  
7 engineering. In the case of an applicant who is not an engineer-  
8 in-training the examination shall be for the purpose of testing  
9 the applicant's knowledge of fundamental engineering subjects,  
10 including mathematics and the physical sciences and those  
11 matters which will test the applicant's ability to apply the  
12 principles of engineering to the actual practice of engineering:  
13 Provided, That graduates in engineering who were graduated prior  
14 to January 1, 1968 or engineers-in-training who received a  
15 certificate from the board prior to January 1, 1968, shall not  
16 be required to take the examination prescribed for engineers-in-  
17 training. To be licensed under this [subdivision] subsection,  
18 the person shall be required to successfully pass the  
19 examinations prescribed by the board for both professional  
20 engineers and engineers-in-training.

21 (4) Has had twelve or more years of active experience in  
22 engineering work, at least eight years of which shall have been  
23 under the supervision of a professional engineer, or similarly  
24 qualified engineer of a grade and character to fit him to assume  
25 responsible charge of the work involved in the practice of  
26 engineering, and who successfully passes written examinations  
27 prescribed by the board for the purpose of testing the  
28 applicant's knowledge of fundamental engineering subjects,  
29 including mathematics and the physical sciences and those  
30 matters which will test the applicant's ability to apply the



1 principles of engineering to the actual practice of engineering.  
2 To be licensed under this [subdivision] subsection, the person  
3 shall be required to successfully pass the examinations  
4 prescribed by the board for both professional engineers and  
5 engineers-in-training.

6 (5) Is possessed of long established and recognized standing  
7 in the engineering field, provided said person is not less than  
8 fifty years of age and has a record of not less than twenty-five  
9 years' experience in engineering, of which at least fifteen  
10 years has been in responsible charge of important, and  
11 outstanding, engineering work or teaching. Upon application from  
12 such an individual and the payment of the required registration  
13 fees, the board may issue to such an applicant a certificate of  
14 registration as a professional engineer based upon an oral  
15 examination and after approval of a majority of the board.

16 Prior to consideration by the board of any such application  
17 made under this clause (5) and prior to giving any such oral  
18 examination, the board shall issue public notice of the names of  
19 all such applicants in a newspaper of general circulation in  
20 Dauphin County, Pennsylvania, and the duly approved Legal  
21 Journal of Dauphin County. The application forms relative to  
22 such applicants shall be open to public inspection, and the  
23 board shall receive and consider all written comments relative  
24 to such applicants in processing such applications.

25 (c) Examination and Certification of Engineers-in-  
26 Training.--To provide for and to regulate the examination of any  
27 person who has produced satisfactory evidence that he has  
28 graduated in an engineering curriculum from an approved  
29 institution or college having a course of four years or more in  
30 engineering or who has had four or more years' experience in

1 engineering work, and who produces satisfactory evidence to show  
2 knowledge, skill and education approximating that attained  
3 through graduation from an approved institution or college, and  
4 to issue to any such person who successfully passes such  
5 examination a certificate showing that he has successfully  
6 passed this portion of the professional examination and is  
7 recognized as an engineer-in-training. The examination of  
8 applicants as engineers-in-training shall be designed to permit  
9 an applicant for licensure as a professional engineer to take  
10 his examination in two stages. The examination for certification  
11 as an engineer-in-training shall be for the purpose of testing  
12 the applicant's knowledge of fundamental engineering subjects,  
13 including mathematics and the physical sciences. Satisfactory  
14 passing of this portion of the examination shall constitute a  
15 credit for the life of the applicant or until he is licensed  
16 under this act as a professional engineer.

17 (d) Licensing of Land Surveyors.--To provide for and to  
18 regulate the licensing and to license to engage in the practice  
19 of land surveying any person of good character and repute who is  
20 at least in his [twenty-first] twenty-fifth year of age, and who  
21 speaks and writes the English language if such person either:

22 (1) Has graduated in civil engineering or surveying from an  
23 approved institution or college having an engineering course of  
24 not less than four years, and including at least ten credit  
25 hours of surveying or has graduated in an approved two-year  
26 course in surveying leading to an associate degree in surveying,  
27 and has had [two] four or more years' progressive experience in  
28 land surveying under the supervision of a professional [engineer  
29 or surveyor] land surveyor or a similarly qualified surveyor of  
30 a character indicating that the applicant is competent to assume

1 responsible charge of the practice of land surveying, [A person  
2 may be licensed under this subdivision without examination.] and  
3 who successfully passes a written sixteen-hour examination  
4 prescribed by the board in surveying subjects; or

5 (2) Has had [six] ten or more years' active progressive  
6 experience in land surveying work, half of which time shall have  
7 been spent in responsible charge of primary land surveying  
8 functions, under the supervision of a professional [engineer or]  
9 land surveyor or a similarly qualified surveyor, of a character  
10 indicating that the applicant is competent to assume responsible  
11 charge of the work involved in the practice of land surveying  
12 and who successfully passes a written sixteen-hour examination  
13 prescribed by the board in surveying subjects.

14 In carrying into effect clauses (1) and (2) the board shall  
15 require all applicants to show a diversification of both field  
16 and office experience, with the smallest percentage of time  
17 allowed in either category to be twenty-five percent.

18 (e) Investigations of Applications; Determination of  
19 Competency of Applicants.--To investigate the allegations  
20 contained in any application for licensure or certification  
21 under this act in order to determine the truth of such  
22 allegations and to determine the competency of any person  
23 applying for licensure to assume responsible charge of the work  
24 involved in the practice of engineering or land surveying, such  
25 competency to be determined by the grade and character of the  
26 engineering work, or the grade and character of the land  
27 surveying work actually performed. The mere execution as a  
28 contractor of work designed by a professional engineer, or the  
29 supervision of the construction of such work as a foreman or  
30 superintendent, or the operation or maintenance of machinery or

1 equipment, or work performed as a salesman of engineering  
2 equipment or apparatus, shall not be deemed to be active  
3 practice in engineering, unless such work has involved the  
4 actual practice of engineering. Engineering and land surveying  
5 work, performed under the supervision of a professional engineer  
6 or land surveyor respectively, shall be given full credit.  
7 Whenever the board determines otherwise than by examination,  
8 that an applicant has not produced sufficient evidence to show  
9 that he is competent to be placed in responsible charge and  
10 shall refuse to examine or to license such applicant, it shall  
11 set forth in writing its findings and the reasons for its  
12 conclusions and furnish a copy thereof to the applicant.

13 (f) Examinations; Fees.--To prescribe the subjects, manner,  
14 time and place of examinations for licenses as professional  
15 engineers and land surveyors, and for certificates for  
16 engineers-in-training, and the filing of applications for such  
17 examinations, and to prepare and provide for the preparation of  
18 such examinations, conduct and provide for the conduct of such  
19 examinations, to make written reports of such examinations,  
20 which reports shall be preserved for a period of not less than  
21 three years, to collect such fees for such examinations, and for  
22 licenses and certificates issued without examination, as may be  
23 fixed according to law, and to issue licenses and certificates  
24 to such persons as successfully pass such examinations.

25 (g) Biennial Registrations; Fees.--To provide for, regulate  
26 and require all persons licensed in accordance with the  
27 provisions of this act and all persons licensed and registered  
28 under prior laws of this Commonwealth, relating to the licensing  
29 of professional engineers and land surveyors, to register  
30 biennially with the board, to prescribe the form of such

1 registration, and the payment of such biennial registration fee,  
2 as shall be fixed according to law, to issue biennial  
3 registration to such persons and to suspend or revoke the  
4 license or registration of such persons as fail, refuse or  
5 neglect to so register, or pay such fee within such time as the  
6 board shall prescribe by its rules and regulations, and to  
7 reinstate licenses and registrations of persons who shall  
8 thereafter pay such registration fees in accordance with the  
9 rules and regulations of the board.

10 (h) Roster of Registrants.--To keep a roster showing the  
11 names and addresses of, the places of business of all  
12 professional engineers and land surveyors licensed under this  
13 act, and under prior laws, and registered by the board, which  
14 roster shall be published in booklet form by the board every  
15 [five] two years. The roster shall also contain the names and  
16 addresses of all engineers-in-training certified under this act,  
17 and under prior laws, and registered by the board. In the  
18 interim years following the publishing of the complete roster,  
19 the board shall each year publish a supplemental roster  
20 containing the names, registration numbers where applicable, and  
21 addresses of all professional engineers, land surveyors and  
22 engineers-in-training registered or certified by the board  
23 subsequent to the publishing of the last published roster. [or  
24 supplemental roster.] Copies of the roster and supplemental  
25 roster shall be furnished [upon request] to each registered or  
26 certified person, the Planning Commission, and the prothonotary  
27 of each county in the Commonwealth and may be furnished to other  
28 persons upon such terms as the board shall prescribe.

29 (i) Suspension and Revocation of Licenses; Registrations and  
30 Certificates; Reinstatements.--To suspend or revoke the license

1 and registration of any professional engineer or land surveyor  
2 or the certificate of any engineer-in-training, who is found  
3 guilty by the board, by a majority vote of all its members, of  
4 the practice of any fraud, deceit or misrepresentation in  
5 obtaining his license, certification or registration, or of  
6 gross negligence, incompetency or misconduct in the practice of  
7 engineering, or in the practice of land surveying, or of  
8 violation of the code of ethics of the engineering profession,  
9 and to reinstate licenses, registrations and certificates in any  
10 cases where a majority of all the members of the board shall  
11 determine the same to be just and proper. For the purposes of  
12 this subsection, the code of ethics is as follows:

13 It shall be considered unprofessional and inconsistent with  
14 honorable and dignified bearing for any professional engineer or  
15 land surveyor:

16 (1) To act for his client or employer in professional  
17 matters otherwise than as a faithful agent or trustee, or to  
18 accept any remuneration other than his stated recompense for  
19 services rendered.

20 (2) To attempt to injure falsely or maliciously, directly or  
21 indirectly, the professional reputation, prospects or business  
22 of anyone.

23 (3) To attempt to supplant another engineer or land surveyor  
24 after definite steps have been taken toward his employment.

25 (4) To compete with another engineer or land surveyor for  
26 employment by the use of unethical practices.

27 (5) To review the work of another engineer or land surveyor  
28 for the same client, except with the knowledge of such engineer  
29 or land surveyor, or unless the connection of such engineer or  
30 land surveyor with the work has terminated.

1 (6) To attempt to obtain or render technical services or  
2 assistance without fair and just compensation commensurate with  
3 the services rendered: Provided, however, the donation of such  
4 services to a civic, charitable, religious or eleemosynary  
5 organization shall not be deemed a violation.

6 (7) To advertise in self-laudatory language, or in any other  
7 manner, derogatory to the dignity of the profession.

8 (8) To attempt to practice in any field of engineering in  
9 which the registrant is not proficient.

10 (9) To aid or abet any person in the practice of engineering  
11 or land surveying unless such person is authorized to practice  
12 professional engineering or professional land surveying under  
13 the provisions of this act or prior laws.

14 (10) To permit the use of his professional seal on work over  
15 which he was not in responsible charge.

16 (j) Financial Requirements of Board.--To submit biennially  
17 to the department a budget estimate of the financial  
18 requirements of the board for administrative, investigative,  
19 legal and miscellaneous expenses, which budget estimate shall  
20 not exceed eighty percent of the estimated income to be derived  
21 from fees for examination, licenses and certificates in  
22 accordance with the provisions of this act.

23 (k) Administration and Enforcement of Laws.--To administer  
24 and enforce the laws of the Commonwealth relating to the  
25 practice of engineering and land surveying, and to instruct and  
26 require its agents to bring prosecutions for unauthorized and  
27 unlawful practices.

28 (l) Minutes and Records.--To keep minutes and records of all  
29 its transactions and proceedings. Copies thereof duly certified  
30 by the secretary of the board shall be received in evidence in

1 all courts and elsewhere.

2 (m) Member of National Council of State Boards of  
3 Engineering Examiners; Dues.--To become a member of the National  
4 Council of State Boards of Engineering Examiners, and to pay  
5 such dues as said council shall establish, and to send delegates  
6 to the annual meeting of said council, and to defray their  
7 expenses.

8 (n) Administrative Rules and Regulations.--To adopt,  
9 promulgate and enforce such administrative rules and  
10 regulations, not inconsistent with this act, as are deemed  
11 necessary and proper by the board to carry into effect the  
12 powers conferred by this act.

13 Section 5. Exemption from Licensure and Registration.--  
14 Except as specifically provided in this section, this act shall  
15 not be construed to require licensure and registration in the  
16 following cases:

17 (a) The practice of engineering or land surveying by any  
18 person who acts under the supervision of a professional engineer  
19 or land surveyor respectively, or by an employe of such a person  
20 lawfully engaged in the practice of engineering or land  
21 surveying and who, in either event, does not assume responsible  
22 charge of design or supervisions;

23 (b) The practice of engineering or land surveying, not  
24 exceeding thirty days in the aggregate in one calendar year, by  
25 a nonresident not having a place of business in this  
26 Commonwealth, if such person is legally qualified to engage in  
27 the practice of engineering or land surveying in the state or  
28 territory of his residence: Provided, That standards of such  
29 state or territory are at least equal to the standards of this  
30 Commonwealth;



1 (c) The practice of engineering or land surveying by  
2 officers and employes of the United States Government for the  
3 said government;

4 (d) Except as otherwise provided in subsection (g) of this  
5 section, the practice of engineering or land surveying by a  
6 regular employe of a public utility company, as defined by the  
7 Pennsylvania Public Utility Law in connection with the  
8 facilities of such public utility, which are subject to  
9 regulation by the Pennsylvania Public Utility Commission:

10 Provided, That such public utility shall employ at least one  
11 professional engineer, as defined in this act, who shall be in  
12 responsible charge of such utility's engineering work, and shall  
13 employ at least one professional land surveyor, as defined in  
14 this act, who shall be in responsible charge of such utilities'  
15 land surveyor work;

16 (e) The practice of architecture by a duly registered  
17 architect, and the doing of such engineering work as is  
18 incidental to his architectural work;

19 (f) The practice of engineering or land surveying by any  
20 person or by any employe of any copartnership, association or  
21 corporation upon property owned by such person or such  
22 copartnership, association or corporation, unless such practice  
23 affects the public safety or health or the property of some  
24 other person.

25 (g) The practice of engineering or land surveying work by a  
26 manufacturing, mining, communications common carrier, research  
27 and development or other industrial corporation or by employes  
28 of such corporation, provided such work is in connection with or  
29 incidental to products of, or non-engineering services rendered  
30 by, such corporation or its affiliates.

1 (h) The running of lines or grades and layout work on or  
2 within established property limits, or from established points  
3 outside the property limits to or within such property limits  
4 when performed by a contractor or home builder in conjunction  
5 with the construction, reconstruction, alteration, maintenance  
6 or demolition of a structure or other facility.

7 Section 2. Sections 6 and 7 of the act are amended to read:

8 Section 6. Practice by Firms and Corporations.--The practice  
9 of engineering and of land surveying being the function of an  
10 individual or of individuals working in concerted effort, it  
11 shall be unlawful for any firm or corporation to engage in such  
12 practice, or to offer to practice, or to assume use or advertise  
13 any title or description conveying the impression that such firm  
14 or corporation is engaged in or is offering to practice such  
15 profession, unless the directing heads and employees of such firm  
16 or corporation in responsible charge of its activities in the  
17 practice of such profession are licensed and registered in  
18 conformity with the requirements of this act, and whose name and  
19 seal shall be stamped on all plans, specification plates and  
20 reports issued by such firm or corporation.

21 Section 7. Seal of Registrants.--Each person, registered  
22 under this act, shall obtain a seal of a design authorized by  
23 the board which shall bear the registrant's name and number and  
24 the legend "Registered Professional Engineer" or "Registered  
25 Professional Land Surveyor." Such seal, or a facsimile imprint  
26 of same, shall be stamped on all plans, specifications, plates  
27 and reports issued by a professional engineer or land surveyor.

28 It shall be unlawful for any person to use such seal during  
29 the period the license or registration of the holder thereof has  
30 been suspended or revoked, or to use a seal of any design not

1 approved by the board.

2 Section 3. Section 8 of the act, first paragraph amended  
3 December 17, 1959 (P.L.1885, No.688), is amended to read:

4 Section 8. Procedure for the Suspension and Revocation of  
5 Licenses and Registrations; Appeals.--Before the license of any  
6 licensee, or any registration, or any certification is suspended  
7 or revoked by the board, a written copy of the complaint made  
8 shall be furnished to the licensee, registrant, or person  
9 against whom the same is directed, and an opportunity be  
10 afforded him to be heard before the board personally and by  
11 counsel. At least ten days' written notice of the time and place  
12 of such hearing shall be given the licensee, registrant or  
13 person by registered mail addressed to the post office address  
14 as shown on the biennial registration, or other record, or  
15 information in possession of the board.

16 Any person aggrieved by the action of the board in suspending  
17 or revoking a license, registration or certification or by any  
18 other action of the board, which is alleged to be improper,  
19 unreasonable or unlawful may appeal from such action of the  
20 board, in writing, to the Commonwealth Court of Pennsylvania.

21 Appeals from suspensions and revocations of licenses,  
22 registrations and certifications must be taken within thirty  
23 days after such suspension or revocation, of which action,  
24 immediate notice shall be given by the board to the licensee,  
25 registrant or person by registered mail addressed as above  
26 provided. In the case of appeals from other actions of the  
27 board, the appeal may be taken at any time by the person  
28 aggrieved by such action. No such appeal shall act as  
29 supersedeas unless specially allowed by the court.

30 Appeals shall be taken by serving upon the board written

1 notice of such appeal, together with reasons for such appeal.  
2 Such service shall be made by filing the said notice of appeal  
3 in the office of the board.

4 Within thirty days after the service of such notice of  
5 appeal, the board shall file with the prothonotary of the said  
6 [court of common pleas] Commonwealth Court, a transcript of the  
7 record of the proceedings. Notice of the filing of said  
8 transcript, with the term and number to which filed, shall be  
9 forthwith given by the board to the appellant and as well to the  
10 party or parties, if any, upon whose complaint the proceedings  
11 before the board were instituted. The cost of the said  
12 transcript at twenty-five cents per folio and one dollar for the  
13 certification shall be entered as part of the record costs in  
14 the cause to be paid as the court may direct.

15 The court, upon application by the board or the appellant,  
16 shall fix a time and place for hearing, at which time or at any  
17 adjournment thereof, the appeal shall be heard by the judge or  
18 judges of the court without a jury. The court shall affirm the  
19 decision of the board, unless it shall find the same is in  
20 violation of the constitutional rights of the appellant, or is  
21 not in accordance with law, or was made upon unlawful procedure,  
22 or that any finding of fact made by the board and necessary to  
23 support its adjudication is not supported by substantial  
24 evidence. If the adjudication of the board is not affirmed the  
25 court may set aside or modify it in whole or in part, or may  
26 remand the proceeding to the board for further disposition in  
27 accordance with the order of court.

28 Section 4. Section 9 of the act, amended November 24, 1967  
29 (P.L.548, No.270), is amended to read:

30 Section 9. Fees.--The fee for an applicant for licensure as

1 a professional engineer or land surveyor, including examination,  
2 and for examination or certification, or both, as an engineer-  
3 in-training, shall be fixed by the board in accordance with  
4 existing law. All persons now qualified and engaged in the  
5 practice of engineering and land surveying, or who shall  
6 hereafter be licensed by the board, shall register, biennially,  
7 with the board and pay for each biennial registration a fee of  
8 ten dollars (\$10.00). All fees collected under the provisions of  
9 this act shall be received by the board [and] twenty percent of  
10 which shall be paid into the State Treasury through the  
11 Department of Revenue for the use of the General Fund of the  
12 Commonwealth, the remainder to be retained by the board to  
13 defray the board's expenses as budgeted.

14 Section 5. Section 10 of the act, amended December 17, 1959  
15 (P.L.1885, No.688), is amended to read:

16 Section 10. Status of Existing Licensees and Registrants  
17 Preserved.--Any person, licensed or legally authorized to  
18 practice as a professional engineer or land surveyor in this  
19 Commonwealth at the time this act takes effect, shall thereafter  
20 continue to possess the same rights and privileges with respect  
21 to the practice of engineering or land surveying without being  
22 required to be licensed anew under the provisions of this act,  
23 subject, however, to the following:

24 (1) Any person licensed to practice as a professional  
25 engineer at the time of the effective date of this act, upon  
26 application to the board within two years of the effective date  
27 of this act, shall be granted a certificate of registration to  
28 practice land surveying.

29 (2) All actions shall be subject to the power of the board  
30 as provided in this act to suspend or revoke the license of any

1 such person for any of the causes set forth in this act, and  
2 subject to the power of the board to require any such person to  
3 register biennially with the board as provided in this act.

4 Section 6. Section 11 of the act is amended to read:

5 Section 11. Penalties.--Whoever shall engage in the practice  
6 of engineering or the practice of land surveying without being  
7 licensed and registered as required by this act, or exempted  
8 therefrom, as provided in this act, or shall present or attempt  
9 to use, as his own, the license or certificate of registration  
10 of another, or shall give any false or forged evidence of any  
11 kind to the board, or to any member thereof, in order to obtain  
12 a license or registration as a professional engineer or  
13 professional land surveyor or a certificate as an engineer-in-  
14 training, or shall use any expired, suspended or revoked  
15 certificate of registration, or shall otherwise violate the  
16 provisions of this act, shall be guilty of a misdemeanor, and  
17 upon conviction thereof, shall be sentenced to pay a fine not  
18 exceeding [five hundred dollars] one thousand dollars, or suffer  
19 imprisonment, not exceeding [three] six months, or both.

20 Section 7. This act shall take effect in 60 days.