

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1173 Session of
2013

INTRODUCED BY SCHWANK, BRUBAKER, COSTA, PILEGGI, TEPLITZ,
ARGALL, GREENLEAF, YUDICHAK, RAFFERTY, VULAKOVICH, YAW,
SMITH, LEACH, EICHELBERGER, WHITE, SOLOBAY, DINNIMAN, FERLO,
BREWSTER AND VOGEL, NOVEMBER 15, 2013

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
NOVEMBER 15, 2013

AN ACT

1 Amending the act of May 23, 1945 (P.L.913, No.367), entitled, as
2 amended, "An act relating to and regulating the practice of
3 the profession of engineering, including civil engineering,
4 mechanical engineering, electrical engineering, mining
5 engineering and chemical engineering, the profession of land
6 surveying and the profession of geology and constituent parts
7 and combinations thereof as herein defined; providing for the
8 licensing and registration of persons practicing said
9 profession, and the certification of engineers-in-training
10 and surveyors-in-training, and the suspension and revocation
11 of said licenses, registrations and certifications for
12 violation of this act; prescribing the powers and duties of
13 the State Registration Board for Professional Engineers, Land
14 Surveyors and Geologists, the Department of State and the
15 courts; prescribing penalties; and repealing existing laws,"
16 expanding the scope of the act to include soil science;
17 further providing for definitions; and providing for
18 procedure for licensing as professional soil scientist.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. The title and section 1 of the act of May 23,
22 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and
23 Geologist Registration Law, amended December 16, 1992 (P.L.1151,
24 No.151), are amended to read:

AN ACT

Relating to and regulating the practice of the profession of engineering, including civil engineering, mechanical engineering, electrical engineering, mining engineering and chemical engineering, the profession of land surveying [and], the profession of geology and the profession of soil science and constituent parts and combinations thereof as herein defined; providing for the licensing and registration of persons practicing said profession, and the certification of engineers-in-training [and], surveyors-in-training, soil scientists-in-training and the suspension and revocation of said licenses, registrations and certifications for violation of this act; prescribing the powers and duties of the State Registration Board for Professional Engineers, Land Surveyors [and], Geologists and Soil Scientists, the Department of State and the courts; prescribing penalties; and repealing existing laws.

Section 1. Short Title.--This act shall be known and may be cited as the "Engineer, Land Surveyor [and], Geologist and Soil Scientist Registration Law."

Section 2. Section 2(g) of the act, amended December 16, 1992 (P.L.1151, No.151), is amended and the section is amended by adding subsections to read:

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

* * *

(g) "Board" means The State Registration Board for Professional Engineers, Land Surveyors [and], Geologists and Soil Scientists.

* * *

(u) "Practice of Soil Science" means the practice or the

offer to practice soil science for others for a fee. Practice of soil science includes, but is not limited to: describing and classifying soils; soil mapping; predicting, determining and locating natural or man-induced soil conditions which may be useful or hazardous to mankind; recognizing, determining and evaluating soil conditions important to soil and land use; and developing soil management means to ensure the public welfare by safeguarding life, health, property and the environment.

Practice of soil science includes the performance of soil science service or work, consultation, investigation, evaluation, planning, mapping and inspection of soil science work required in implementing the provisions of any Federal, State or local law or regulation or the provisions of any ordinance, code, rule or permit required by any political subdivision. Nothing in this definition shall be construed to preclude the practice of soil science by other scientific disciplines, where such practice is regulated by separate rules, certification or licensure.

(v) "Professional Soil Scientist" means an individual licensed and registered under the laws of this Commonwealth to engage in the practice of soil science. A professional soil scientist may not practice soil science unless licensed and registered as a professional soil scientist as defined and set forth in this act.

(w) "Soil Science" means the science that investigates soil as a natural three-dimensional body comprised of solids (minerals and organic matter), liquids, and gases, existing at the earth's surface, capable of supporting the growth of land plants and having properties resulting from the integrated effects of climate and living organisms, acting on earthy parent

1 material, as conditioned by topography, over periods of time.
2 Soil science includes, but is not limited to, the study of: soil
3 formation, classification and mapping; physical, chemical,
4 biological and fertility properties of soils; and the
5 interpretation of these properties in relation to the use and
6 management of soils. Soil science also includes the
7 subdisciplines of pedology (study of soil morphology, formation
8 and classification), soil biology (study of soil organisms),
9 soil edaphology (influence of soil on organisms, especially
10 plants), soil chemistry and soil physics.

11 (x) "Soil Scientist-in-Training" means a candidate for
12 licensure as a professional soil scientist who has been granted
13 a certificate as a soil scientist-in-training after successfully
14 passing the prescribed written examination in fundamental soil
15 science subjects and who shall be eligible, upon the completion
16 of the requisite years of experience in soil science under the
17 supervision of a professional soil scientist or similarly
18 qualified soil scientist, for the final examination prescribed
19 for licensure as a professional soil scientist.

20 Section 3. Section 3 of the act, amended December 16, 1992
21 (P.L.1151, No.151), is amended to read:

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

Commonwealth as a professional land surveyor [or], for any person to practice or to offer to practice geology unless he is licensed and registered under the laws of this Commonwealth as a professional geologist or for any person to practice or offer to practice soil science unless he is licensed and registered under the laws of this Commonwealth as a professional soil scientist.

Individuals licensed as professional engineers, professional land surveyors [or], registered landscape architects or professional soil scientists may perform geological work which is incidental to their engineering, surveying [or], landscape architecture or soil science without being licensed as a professional geologist.

(b) A person shall be construed to practice or offer to practice engineering, land surveying [or], geology or soil science who practices any branch of the profession of engineering, land surveying [or], geology or soil science; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be an engineer, land surveyor [or], geologist or soil scientist, or through the use of some other title implies that he is an engineer, land surveyor [or], geologist or soil scientist or that he is registered under this act; or who holds himself out as able to perform, or who does perform any engineering, land surveying [or], geological or soil science service or work or any other service designated by the practitioner or recognized as engineering, land surveying [or], geology or soil science.

Section 4. Section 4(a), (b), (c), (d), (f), (g) and (i) of the act, amended December 16, 1992 (P.L.1151, No.151) and May 12, 2010 (P.L.192, No.25), are amended and the section is amended by adding a subsection to read:

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

(a) Approval of Engineering, Surveying [and] Geology and Soil Science Curricula.--To investigate and to approve or disapprove engineering, surveying [and] geology and soil science curricula of this State, and other states, territories and countries for the education of students desiring to be licensed to engage in the practice of engineering, land surveying [or] geology or soil science, and to revoke or suspend approvals where they are no longer deemed proper.

(b) Licensing Professional Engineers, Professional Land Surveyors [and] Professional Geologists and Professional Soil Scientists.--To provide for and to regulate the licensing, and to license to engage in the practice of engineering, land surveying [or] geology or soil science any person of good moral character and repute who speaks and writes the English language, if such person either--

(1) Holds an unexpired license or certificate of registration issued to him by proper authority of some other state, foreign country or territory of the United States in which the requirements and qualifications to engage in the practice of engineering, land surveying [or] geology or soil science were at the time of the initial issuance of such license or certificate of registration at least equal to the existing standards of this Commonwealth: Provided, however, That such other state, territory or foreign country shall similarly license or register professional engineers, professional land surveyors [or] professional geologists or professional soil scientists licensed and registered in this Commonwealth. A person may be licensed under this subsection without

1 examination.

2 (2) In relation to engineers and surveyors, holds a
3 certificate of qualifications issued by the National Bureau of
4 Engineering Registration of the National Council of Examiners
5 for Engineering and Surveying: Provided, The requirements and
6 qualifications of said bodies to engage in the practice of
7 engineering or land surveying are at least equal to the
8 standards of this Commonwealth. A person may be licensed under
9 this subsection without examination.

10 In carrying into effect clauses (1) and (2) of subsection (b)
11 of this section in relation to engineers and surveyors the board
12 may in its discretion enter into agreements for reciprocity with
13 the National Council of Examiners for Engineering and Surveying
14 and with states under such rules and regulations as the board
15 may prescribe.

16 (3) Complies with the education and experience criteria and
17 successfully completes the two-examination process for licensing
18 as a professional engineer, as set forth in section 4.2, or as a
19 professional land surveyor, as set forth in section 4.3 [or],
20 the examination process for licensing as a professional
21 geologist as set forth in section 4.4 or the examination process
22 for licensing as a professional soil scientist as set forth in
23 section 4.6.

24 (c) Investigations of Applications; Determination of
25 Competency of Applicants.--To investigate the allegations
26 contained in any application for licensure or certification
27 under this act in order to determine the truth of such
28 allegations and to determine the competency of any person
29 applying for licensure to assume responsible charge of the work
30 involved in the practice of engineering, land surveying [or],

1 geology or soil science, such competency to be determined by the
2 grade and character of the engineering work, the grade and
3 character of the land surveying work [or], the grade and
4 character of geologic work or the grade and character of the
5 soil science work actually performed. In relation to engineers
6 and surveyors, the mere execution as a contractor of work
7 designed by a professional engineer, or the supervision of the
8 construction of such work as a foreman or superintendent, or the
9 operation or maintenance of machinery or equipment, or work
10 performed as a salesman of engineering equipment or apparatus,
11 shall not be deemed to be active practice in engineering, unless
12 such work has involved the actual practice of engineering.
13 Engineering and land surveying work, performed under the
14 supervision of a professional engineer or land surveyor,
15 respectively, shall be given full credit. Whenever the board
16 determines otherwise than by examination, that an applicant has
17 not produced sufficient evidence to show that he is competent to
18 be placed in responsible charge and shall refuse to examine or
19 to license such applicant, it shall set forth in writing its
20 findings and the reasons for its conclusions and furnish a copy
21 thereof to the applicant.

22 (d) Examinations; Fees.--To prescribe the subjects, manner,
23 time and place of examinations for licenses as professional
24 engineers, professional land surveyors [and], professional
25 geologists and professional soil scientists and for certificates
26 for engineers-in-training, geologists-in-training [and],
27 surveyors-in-training and soil scientists-in-training, and the
28 filing of applications for such examinations, and to prepare or
29 provide for the preparation of such examinations, conduct or
30 provide for the conduct of such examinations, to make written

1 reports of such examinations, which reports shall be preserved
2 for a period of not less than three years, to collect such fees
3 for such examinations, and for licenses and certificates issued
4 without examination, as may be fixed according to law, and to
5 issue licenses and certificates to such persons as successfully
6 pass such examinations.

7 * * *

8 (f) Roster of Registrants.--To keep a roster showing the
9 names and addresses of professional engineers, professional land
10 surveyors [and], professional geologists and professional soil
11 scientists licensed under this act, and under prior laws, and
12 registered by the board, which roster shall be published in
13 booklet form by the board following each biennial renewal.
14 Copies of the roster shall be furnished upon request to each
15 registered or certified person and may be furnished to other
16 persons upon such terms as the board shall prescribe: Provided,
17 however, That copies of the roster shall be furnished to the
18 Planning Commission and the prothonotary of each county in the
19 Commonwealth.

20 (g) Suspension and Revocation of Licenses; Registrations and
21 Certificates; Reinstatements.--To suspend or revoke the license
22 and registration of any professional engineer, professional land
23 surveyor [or], professional geologist or professional soil
24 scientist or the certificate of any engineer-in-training,
25 geologist-in-training [or], surveyor-in-training or soil
26 scientist-in-training, who is found guilty by the board, by a
27 majority vote of all its members, of the practice of any fraud,
28 deceit or misrepresentation in obtaining his license,
29 certification or registration, or of gross negligence,
30 incompetency or misconduct in the practice of engineering, in

1 the practice of land surveying [or], in the practice of geology
2 or in the practice of soil science, or of violation of the code
3 of ethics of the engineering profession, and to reinstate
4 suspended licenses, registrations and certificates in any cases
5 where a majority of all the members of the board shall determine
6 the same to be just and proper. Unless ordered to do so by a
7 court, the board shall not reinstate the license, certificate or
8 registration of a person to practice as a professional engineer,
9 professional land surveyor, professional geologist, professional
10 soil scientist or an engineer-in-training, geologist-in-training
11 [or], a surveyor-in-training or a soil scientist-in-training
12 which has been revoked, and such person shall be required to
13 apply for a license, certificate or registration after a period
14 of five years in accordance with section 2 if he desires to
15 practice at any time after such revocation. The board shall
16 require a person whose license or registration has been
17 suspended or revoked to return the license or registration in
18 such manner as the board directs. Failure to do so shall be a
19 misdemeanor of the third degree. Misconduct in the practice of
20 engineering, land surveying [or], geology or soil science shall
21 include, but not be limited to conviction for a criminal offense
22 such as extortion, bribery or fraud or entry of a plea of nolo
23 contendere to a charge thereof for conduct relating to the
24 practice of engineering, land surveying [or], geology or soil
25 science, or has violated any provision of this act or any
26 regulation promulgated by the board. For the purposes of this
27 subsection, the code of ethics is as follows:

28 It shall be considered unprofessional and inconsistent with
29 honorable and dignified bearing for any professional engineer,
30 professional land surveyor [or], professional geologist or

1 professional soil scientist:

2 (1) To act for his client or employer in professional
3 matters otherwise than as a faithful agent or trustee, or to
4 accept any remuneration other than his stated recompense for
5 services rendered.

6 (2) To attempt to injure falsely or maliciously, directly or
7 indirectly, the professional reputation, prospects or business
8 of anyone.

9 (3) To attempt to supplant another engineer, land surveyor
10 [or], geologist or soil scientist after definite steps have been
11 taken toward his employment.

12 (4) To compete with another engineer, land surveyor [or],
13 geologist or soil scientist for employment by the use of
14 unethical practices.

15 (5) To review the work of another engineer, land surveyor
16 [or], geologist or soil scientist for the same client, except
17 with the knowledge of such engineer, land surveyor [or],
18 geologist or soil scientist, or unless the connection of such
19 engineer, land surveyor [or], geologist or soil scientist with
20 the work has terminated.

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

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

28 (8) To attempt to practice in any field of engineering, land
29 surveying [or], geology or soil science in which the registrant
30 is not proficient.

1 (9) To use or permit the use of his professional seal on
2 work over which he was not in responsible charge.

3 (10) To aid or abet any person in the practice of
4 engineering, land surveying [or], geology or soil science not in
5 accordance with the provision of this act or prior laws.

6 The board shall appoint, with the approval of the Governor,
7 such hearing examiners as shall be necessary to conduct hearings
8 as may be required under this subsection.

9 The board shall have the power to adopt and promulgate rules
10 and regulations setting forth the functions, powers, standards
11 and duties to be followed by the hearing examiners.

12 The hearing examiners shall have the power to conduct
13 hearings in accordance with the regulations of the board, and to
14 issue subpoenas requiring the attendance and testimony of
15 individuals or the production of, pertinent books, records,
16 documents and papers by persons whom they believe to have
17 information relevant to any matter pending before the examiner.
18 Such examiner shall also have the power to administer oaths.

19 The hearing examiner shall hear evidence submitted and
20 arguments of counsel, if any, with reasonable dispatch, and
21 shall promptly record his decision, supported by findings of
22 fact, and a copy thereof shall immediately be sent to the board
23 and to counsel of record, or the parties, if not represented.

24 If application for review is made to the board within twenty
25 days from the date of any decision made as a result of a hearing
26 held by a hearing examiner, the board shall review the evidence,
27 and if deemed advisable by the board, hear argument and
28 additional evidence. As soon as practicable, the board shall
29 make a decision and shall file the same with its finding of the
30 facts on which it is based and send a copy thereof to each of

1 the parties in dispute.

2 * * *

3 (i) Administration and Enforcement of Laws.--To administer
4 and enforce the laws of the Commonwealth relating to the
5 practice of engineering, land surveying [and], geology and soil
6 science, and to instruct and require its agents to bring
7 prosecutions for unauthorized and unlawful practices.

8 * * *

9 (o) Affiliation With the Council of Soil Science Examiners;
10 Dues.--To become affiliated with the Council of Soil Science
11 Examiners, and to pay such dues as the council shall establish,
12 and to send delegates to the annual meeting of the council, and
13 to defray their expenses.

14 Section 5. Section 4.1 of the act, amended December 16, 1992
15 (P.L.1151, No.151) and November 25, 2002 (P.L.1113, No.136), is
16 amended to read:

17 Section 4.1. State Registration Board for Professional
18 Engineers, Land Surveyors [and], Geologists and Soil
19 Scientists.--(a) There is hereby established within the
20 Department of State the State Registration Board for
21 Professional Engineers, Land Surveyors [and], Geologists and
22 Soil Scientists. The board shall consist of the Commissioner of
23 Professional and Occupational Affairs, three members appointed
24 by the Governor who shall be persons representing the public at
25 large and [nine] eleven members appointed by the Governor, five
26 of whom shall be registered professional engineers, two of whom
27 shall be registered professional land surveyors [and], two of
28 whom shall be registered professional geologists and two of whom
29 shall be professional soil scientists. Any land surveyor
30 appointed to serve on the board shall have received the land

1 surveyor license upon the passage of the appropriate
2 examination. Any geologist licensed under section 4.4 of this
3 act shall be eligible for appointment to the board. The
4 professional members of the board shall be so selected that not
5 more than two of them shall specialize in any one of the five
6 major disciplines of engineering: civil, mining and
7 metallurgical, mechanical, electrical and chemical. Each member
8 of the board shall be a citizen of the United States and a
9 resident of this Commonwealth. Each professional member shall
10 have been engaged in the practice of the respective profession
11 for at least ten years and shall have been in responsible charge
12 of work for at least five years.

13 (b) The terms of members of the board shall be six years, or
14 until his successor has been appointed and qualified but not
15 longer than six months beyond the six-year period. In the event
16 that any of said members shall die or resign during his term,
17 his successor shall be appointed in the same way and with the
18 same qualifications and shall hold office for the unexpired
19 term. No member shall be eligible for appointment to serve more
20 than two consecutive full terms.

21 (c) [Seven] Eight members of the board shall constitute a
22 quorum. A member may not be counted as part of a quorum or vote
23 on any issue, other than temporary and automatic suspension,
24 under this act unless he is physically in attendance at the
25 meeting.

26 (d) The board shall select annually a president from among
27 its members.

28 (e) Each member of the board, except the Commissioner of
29 Professional and Occupational Affairs and the Director of the
30 Bureau of Consumer Protection in the Office of Attorney General,

1 or his designee, shall receive sixty dollars per diem when
2 actually attending to the work of the board. Members shall also
3 receive the amount of reasonable traveling, hotel and other
4 necessary expenses incurred in the performance of their duties.

5 [(f) The board is subject to evaluation, review and
6 termination within the time and in the manner provided in the
7 act of December 22, 1981 (P.L.508, No.142), known as the "Sunset
8 Act."]

9 (g) A member of the board who fails to attend three
10 consecutive meetings shall forfeit his seat unless the
11 Commissioner of Professional and Occupational Affairs, upon
12 written request from the member, finds that the member should be
13 excused from a meeting because of illness or the death of a
14 family member.

15 (h) A public member who fails to attend two consecutive
16 statutorily mandated training seminars in accordance with
17 section 813(e) of the act of April 9, 1929 (P.L.177, No.175),
18 known as "The Administrative Code of 1929," shall forfeit board
19 membership unless the Commissioner of Professional and
20 Occupational Affairs, upon written request from the public
21 member, finds that the public member should be excused from a
22 meeting because of illness or the death of a family member.

23 Section 6. Section 4.5(a) and (c) of the act, amended May
24 12, 2010 (P.L.192, No.25), are amended to read:

25 Section 4.5. Continuing Professional Competency
26 Requirements.--(a) In order to help safeguard life, health and
27 property and to promote the public welfare, the practice of
28 professional engineering, professional land surveying [and],
29 professional geology and professional soil science in this
30 Commonwealth requires continuing professional competency.

1 * * *

2 (c) Each licensee shall be required to obtain twenty-four
3 PDH units during the biennial renewal period. If a licensee
4 exceeds the requirement in any renewal period, a maximum of
5 twelve PDH units may be carried forward into the subsequent
6 renewal period. PDH units may be earned as follows:

7 (1) Successful completion of college courses relevant to
8 professional practice.

9 (2) Completion of continuing education courses relevant to
10 professional practice.

11 (3) Completion of correspondence, televised, videotaped and
12 other short courses or tutorials relevant to professional
13 practice.

14 (4) Completion of seminars, employer-sponsored courses,
15 workshops or professional or technical presentations made at
16 meetings, conventions or conferences relevant to professional
17 practice.

18 (5) Teaching, presenting or instructing in any of the
19 activities listed in clauses (1), (2), (3) and (4).

20 (6) Authoring published papers, articles or books relevant
21 to professional practice.

22 (7) Obtaining patents relevant to professional practice.

23 (8) For individuals licensed as a professional soil
24 scientist under section 4.6, successful completion of a
25 designated program offered by the Soil Science Society of
26 America, which shall equal the twenty-four PDH units described
27 under this subsection.

28 * * *

29 Section 7. The act is amended by adding a section to read:

30 Section 4.6. Procedure for Licensing as Professional Soil

1 Scientist.--(a) An applicant for licensure as a professional
2 soil scientist shall complete an application for licensure and
3 pay fees as required by the board.

4 (b) An applicant shall be qualified to be licensed after
5 submission of proof satisfactory to the board that the
6 applicant:

7 (1) Is of good moral character.

8 (2) Has graduated from an accredited institution of higher
9 learning with a bachelor of science or bachelor of arts degree
10 or advanced degree with at least fifteen credits in soil
11 science.

12 (3) Has completed at least five years of professional soil
13 science work, or has completed a minimum of three years of
14 professional soil science work under the supervision of a
15 licensed professional soil scientist and two years of graduate
16 school in a relevant field.

17 (4) Has passed an examination on fundamentals of soil
18 science and professional practice of soil science adopted by the
19 board with development of the examination in conjunction with
20 the Council of Soil Science Examiners of the Soil Science
21 Society of America.

22 (c) Within one year from the effective date of this section,
23 those individuals who are engaged in the practice of soil
24 science on the date of enactment who have submitted proof that
25 they have the designation of Certified Professional Soil
26 Scientist or Certified Professional Soil Classifier through the
27 certification program of the Soil Science Society of America
28 shall be deemed to have met the requirements of subsection (b).

29 (d) Within one year from the effective date of this section,
30 those individuals who are engaged in the practice of soil

1 science on the date of enactment who meet the requirements in
2 subsection (b) (1), (2) and (3) shall be exempt from taking the
3 examination specified in subsection (b) (4).

4 Section 8. Sections 5, 7, 9, 10.2, 11 and 11.1 of the act,
5 amended December 16, 1992 (P.L.1151, No.151), are amended to
6 read:

7 Section 5. Exemption from Licensure and Registration.--
8 Except as specifically provided in this section, this act shall
9 not be construed to require licensure and registration in the
10 following cases:

11 (a) The practice of engineering, land surveying [or],
12 geology or soil science by any person who acts under the
13 supervision of a professional engineer, professional land
14 surveyor [or], geologist or professional soil scientist,
15 respectively, or by an employe of a person lawfully engaged in
16 the practice of engineering, land surveying [or], geology or
17 soil science and who, in either event, does not assume
18 responsible charge of design or supervisions;

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

27 (c) The practice of engineering, land surveying [or],
28 geology or soil science by officers and employes of the United
29 States Government for the said government;

30 (d) Except as otherwise provided in subsection (g) of this

1 section, the practice of engineering or land surveying by a
2 regular employe of a public utility company, as defined by the
3 Public Utility Code (66 Pa.C.S. § 101 et seq.) in connection
4 with the facilities of such public utility, which are subject to
5 regulation by the Pennsylvania Public Utility Commission:

6 Provided, That such public utility shall employ at least one
7 professional engineer, as defined in this act, who shall be in
8 responsible charge of such utility's engineering work and shall
9 employ at least one professional land surveyor, as defined in
10 this act, who shall be in responsible charge of such utility's
11 land surveying;

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

15 (f) The practice of engineering, land surveying [or],
16 geology or soil science by any person or by any employe of any
17 copartnership, association or corporation upon property owned by
18 such person or such copartnership, association or corporation,
19 unless such practice affects the public safety or health or the
20 property of some other person or entity.

21 (g) The practice of engineering, land surveying [or],
22 geology or soil science work by a manufacturing, mining,
23 communications common carrier, research and development or other
24 industrial corporation or by employes of such corporation,
25 provided such work is in connection with or incidental to
26 products of, or non-engineering services rendered by, such
27 corporation or its affiliates.

28 (h) The running of lines or grades and layout work on or
29 within established property limits, or from established points
30 outside the property limits to or within such property limits

1 when performed by a contractor or home builder in conjunction
2 with the construction, reconstruction, alteration, maintenance
3 or demolition of a structure or other facility.

4 (i) The writing of deed descriptions.

5 (j) The preparation of shop drawings or the performance of
6 construction management services by persons customarily engaged
7 in construction work.

8 (k) The practice of individuals providing geologic services,
9 excluding soil science services, to businesses engaged in the
10 exploration or development of gas or oil.

11 Section 7. Seal of Registrants.--(a) Each person,
12 registered under this act, shall obtain a seal of a design
13 authorized by the board which shall bear the registrant's name
14 and number and the legend "Registered Professional Engineer,"
15 "Registered Professional Land Surveyor" [or], "Registered
16 Professional Geologist" or Registered Professional Soil
17 Scientist." Such seal, or a facsimile imprint of same, shall be
18 stamped on all plans, specifications, plats and reports issued
19 by a professional engineer, professional land surveyor [or],
20 professional geologist or professional soil scientist.

21 (b) It shall be unlawful for any person to use such seal
22 during the period the license or registration of the holder
23 thereof has been suspended or revoked, or to use a seal of any
24 design not approved by the board.

25 Section 9. Fees.--(a) The fee for an applicant for
26 licensure as a professional engineer, professional land surveyor
27 [or], professional geologist or professional soil scientist,
28 including examination, and for examination or certification, or
29 both, as an engineer-in-training or a surveyor-in-training,
30 shall be as fixed by the board by regulation and shall be

1 subject to review in accordance with the act of June 25, 1982
2 (P.L.633, No.181), known as the "Regulatory Review Act." If the
3 revenues generated by fees, fines and civil penalties imposed in
4 accordance with the provisions of this act are not sufficient to
5 match expenditures over a two-year period, the board shall
6 increase those fees by regulation, subject to review in
7 accordance with the "Regulatory Review Act," such that the
8 projected revenues will meet or exceed projected expenditures.

9 (b) If the Bureau of Professional and Occupational Affairs
10 determines that the fees established by the board are inadequate
11 to meet the minimum enforcement efforts required, then the
12 bureau, after consultation with the board, shall increase the
13 fees by regulation, subject to review in accordance with the
14 "Regulatory Review Act," such that adequate revenues are raised
15 to meet the required enforcement effort.

16 (c) All persons now qualified and engaged in the practice of
17 engineering, land surveying [and], geology and soil science, or
18 who shall hereafter be licensed by the board, shall register,
19 biennially, with the board and pay the fee for each biennial
20 registration. All fees collected under the provisions of this
21 act shall be received by the board and shall be paid into the
22 Professional Licensure Augmentation Account.

23 Section 10.2. Reporting of Multiple Licensure.--Any licensee
24 of this Commonwealth who is also licensed to practice
25 engineering, land surveying [or], geology or soil science in any
26 other state, territory or country shall report this information
27 to the board on the biennial renewal application. Any
28 disciplinary action taken in other states, territories or
29 countries shall be reported to the board on the biennial renewal
30 application or within ninety days of final disposition,

1 whichever is sooner. Multiple licensure shall be noted by the
2 board on the engineer's, land surveyor's [or], geologist's or
3 soil scientist's record, and each state, territory or country
4 shall be notified by the board of any disciplinary action taken
5 against the licensee in this Commonwealth.

6 Section 11. Penalties.--(a) Whoever shall engage in the
7 practice of engineering, the practice of land surveying [or],
8 the practice of geology or the practice of soil science without
9 being licensed and registered as required by this act, or
10 exempted therefrom, as provided in this act, or shall present or
11 attempt to use, as his own, the license or certificate of
12 registration of another, or shall give any false or forged
13 evidence of any kind to the board, or to any member thereof, in
14 order to obtain a license or registration as a professional
15 engineer, professional land surveyor [or], professional
16 geologist or professional soil scientist or a certificate as an
17 engineer-in-training [or], surveyor-in-training or soil
18 scientist-in-training, or shall use any expired, suspended or
19 revoked certificate of registration, or shall otherwise violate
20 the provisions of this act, shall be guilty of a summary offense
21 and upon conviction thereof for a first offense, shall be
22 sentenced to pay a fine not exceeding one thousand dollars, or
23 suffer imprisonment, not exceeding three months, or both and for
24 a second or subsequent offense shall be guilty of a felony, and
25 upon conviction thereof, shall be sentenced to pay a fine of not
26 less than two thousand dollars but not more than five thousand
27 dollars or to imprisonment for not less than one year but not
28 more than two years, or both.

29 (b) In addition to any other civil remedy or criminal
30 penalty provided for in this act, the board, by a vote of the

1 majority of the maximum number of the authorized membership of
2 the board as provided by law, or by a vote of the majority of
3 the duly qualified and confirmed membership or a minimum of six
4 members, whichever is greater, may levy a civil penalty of up to
5 one thousand dollars on any current licensee who violates any
6 provision of this act or on any person who practices the
7 profession of an engineer, land surveyor [or], geologist or soil
8 scientist without being properly licensed to do so under this
9 act. The board shall levy this penalty only after affording the
10 accused party the opportunity for a hearing, as provided in
11 Title 2 of the Pennsylvania Consolidated Statutes (relating to
12 administrative law and procedure).

13 (c) All fines and civil penalties imposed in accordance with
14 this section shall be paid into the Professional Licensure
15 Augmentation Account.

16 Section 11.1. Injunction Against Unlawful Practice.--It
17 shall be unlawful for any person to practice, or attempt to
18 offer to practice, engineering, land surveying [or], geology or
19 soil science, as defined in this act, without having at the time
20 of so doing a valid, unexpired, unrevoked and unsuspended
21 license issued under this act. The unlawful practice of
22 engineering, land surveying [or], geology or soil science, as
23 defined in this act, may be enjoined by the courts on petition
24 of the board or the Commissioner of Professional and
25 Occupational Affairs. In any such proceeding, it shall not be
26 necessary to show that any person is individually injured by the
27 actions complained of. If the respondent is found guilty of the
28 unlawful practice of engineering, land surveying [or], geology
29 or soil science, the court shall enjoin him from so practicing
30 unless and until he has been duly licensed. Procedure in such

1 cases shall be the same as in any other injunction suit. The
2 remedy by injunction hereby given is in addition to any other
3 civil or criminal prosecution and punishment.

4 Section 9. This act shall take effect in 60 days.