
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2642

Session of
1980

INTRODUCED BY SERAFINI, W. W. FOSTER, STAIRS, GRUPPO AND
KLINGAMAN, JUNE 11, 1980

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 11, 1980

AN ACT

1 Relating to and regulating the practice of forestry; providing
2 for the registering of persons practicing forestry, and for
3 the suspension and revocation of registrations and
4 certifications; prescribing the powers and duties of the
5 Department of State and the courts; and prescribing
6 penalties.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the "Professional
11 Forester Registration Law."

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have, unless the context clearly indicates otherwise, the
15 meanings given to them in this section:

16 "Department. The Department of State of the Commonwealth of
17 Pennsylvania.

18 "Practice of professional forestry." The practice of the
19 profession which engages in the technical application of

1 responsible supervision, consultation, investigation,
2 reconnaissance, research, planning, or evaluation in connection
3 with the production, utilization, protection, or conservation of
4 forest lands and the products thereof where and to the extent
5 that the dominant purpose of the service is to conserve, improve
6 and properly use forest land resources. This practice shall
7 include the location and arrangement of those tangible objects
8 and features as are incidental and necessary to the purposes
9 outlined herein, but shall not include the design of structures
10 or facilities with separate and self-contained purposes such as
11 are ordinarily included in the practice of engineering,
12 architecture or landscape architecture, and shall not include
13 the making of land surveys or final land plots for legal
14 recording. Nothing contained herein shall preclude a duly
15 registered professional forester from performing any of the
16 services described in the first sentence of this clause.

17 "Registered professional forester." An individual registered
18 under this act to engage in the practice of professional
19 forestry.

20 "Secretary." The Secretary of the Commonwealth.

21 Section 3. General provisions.

22 (a) No person shall use in connection with his name or
23 otherwise assume, use or advertise any title or description
24 tending directly or indirectly to convey the impression that he
25 is a registered professional forester, unless he is registered
26 under this act.

27 (b) Nothing herein shall be construed as preventing or
28 prohibiting any person from engaging in forestry practices if he
29 does not represent himself to be a registered professional
30 forester, unless properly registered under this act.

1 Section 4. Powers and duties of department.

2 (a) The department shall administer the provisions of this
3 act. In carrying out its duties, the department may subpoena
4 witnesses and compel their attendance and may also require the
5 production of books, papers, and documents in a case involving
6 the revocation of registration or practicing or offering to
7 practice under the title of registered professional forester
8 without being registered. The secretary or a deputy may
9 administer oaths or affirmations to witnesses. Witnesses
10 officially called shall receive the same compensation and shall
11 be reimbursed for expenses as is provided for witnesses in the
12 court of common pleas in the county in which this secretary may
13 sit.

14 (b) The secretary shall keep a register of all applications
15 for registration, which register shall show the date of the
16 application, the name, age, and residence of each applicant; the
17 place of business of such applicant; his educational and other
18 qualifications; whether the application was rejected; whether
19 registration was granted; the date of the action of the
20 secretary; and such other information as may be deemed
21 necessary.

22 (c) A roster, showing the names and places of business of
23 all registered professional foresters, shall be prepared by the
24 secretary during the month of July of each year. Copies of this
25 roster shall be mailed to each person so registered, placed on
26 file with the secretary, and furnished to the public on request.

27 Section 5. Registering of professional foresters.

28 (a) The department will regulate the registering of
29 professional foresters. Any person of good character and repute,
30 who is a citizen of the United States, or has declared his

1 intention of becoming a citizen thereof, and who speaks and
2 writes the English language can apply for registration, provided
3 that the following shall be submitted as minimum evidence
4 satisfactory to the board that the applicant is qualified for
5 registration as a registered professional forester:

6 (1) Graduation with a Bachelor of Science Degree or
7 advance degree in forestry from a school or college
8 accredited by the Society of American Foresters; and

9 (2) A specific record of an additional two years or more
10 of experience in forestry of a character satisfactory to the
11 department, indicating that the applicant is competent to
12 practice forestry.

13 (b) The fee for applying to become a registered professional
14 forester, and for annual registrations shall be \$5. All fees
15 under the provisions of this act shall be received by the
16 department and shall be paid into the State Treasury through the
17 Department of Revenue for the use of the General Fund of the
18 Commonwealth.

19 (c) The department shall issue a registration certificate to
20 any applicant who upon payment of the initial registration fee,
21 and in the opinion of the department, is qualified. This
22 certificate shall show the full name of the registrant, have a
23 serial number and be signed by the secretary. The issuance of a
24 registration certificate shall be evidence that the registrant
25 is entitled to all the rights and privileges of a registered
26 professional forester while his registration remains unrevoked
27 or unexpired. Plans, maps, specifications, and reports issued by
28 a registrant may be endorsed with his name and registration
29 number.

30 (d) Registration shall expire on the last day of the month

1 of June following issuance or renewal and shall become invalid
2 on that date unless renewed. It shall be the duty of the
3 secretary to notify, at his last registered address, every
4 person registered under this act, of the date of the expiration
5 of his registration and the amount of the fee that shall be
6 required for its renewal for one year. Such notice shall be
7 mailed at least one month in advance of the date of the
8 expiration of such registration.

9 (e) Registration shall be determined upon a basis of
10 individual personal qualifications. No firm, company,
11 partnership, or corporation shall be registered.

12 (f) Applicants for registration shall make application on
13 forms prescribed and furnished by the department. The
14 applications shall contain statements made under oath showing
15 the applicant's education and a detailed summary of his
16 technical work and shall include not less than five references,
17 of whom three or more shall be foresters having personal or
18 professional knowledge of his forestry experience.

19 (g) A charge of \$3 shall be made for the reissuance of a
20 registration certificate that has been lost, destroyed or
21 mutilated.

22 Section 6. Seal of registration.

23 (a) Each person registered under this act shall obtain a
24 seal of a design authorized by the board which shall bear the
25 registrant's name, registration number, and the legend
26 "Registered Professional Forester." Such seal, or a facsimile
27 imprint of same, may be stamped on all plans, specifications,
28 plates and reports issued by a registered professional forester.

29 (b) It shall be unlawful to use a seal of any design other
30 than the one authorized by the department.

1 Section 7. Procedure for the suspension and revocation of
2 registration and appeals thereof.

3 (a) The department shall have the power to suspend or revoke
4 the registration of any registered professional forester who is
5 found guilty by the department of gross negligence,
6 incompetency, or misconduct in the practice of forestry. The
7 department may designate a person to investigate and report to
8 it upon any charges of fraud, deceit, gross negligence,
9 incompetency or other misconduct in connection with any forestry
10 practice against any registered professional forester, as may
11 come to its attention. Any person may prefer charges of fraud,
12 deceit, gross negligence, incompetency, or misconduct in
13 connection with any forestry practice, against any registered
14 professional forester. Such charges shall be in writing, shall
15 be sworn to by the person making them and shall be filed with
16 the secretary.

17 (b) Before the registration of any registered professional
18 forester is suspended or revoked, a written copy of the
19 complaint shall be furnished to the registered professional
20 forester, and an opportunity shall be afforded him to be heard
21 before the department personally and by counsel. At least ten
22 days' written notice of the time and place of such hearing shall
23 be given the registered professional forester by registered mail
24 addressed to the post office address as shown on the annual
25 registration.

26 (c) If after such hearing the accused is found guilty, the
27 department shall revoke or suspend the registration of such
28 registered professional forester. Immediate notice of the
29 decision shall be sent to the accused by registered mail
30 addressed as above provided.

1 (d) Any person aggrieved by the action of the department in
2 suspending or revoking a registration, or by any other action of
3 the department, which is alleged to be improper, unreasonable or
4 unlawful may file an appeal in writing from such action to the
5 Commonwealth Court.

6 (e) Appeals from suspensions and revocations of registration
7 shall be taken within 30 days after notice of such suspension or
8 revocation. In case of appeals from other actions of the
9 department, the appeal may be taken at any time by the person
10 aggrieved by such action. No such appeal shall act as
11 supersedeas unless specifically allowed by the court.

12 (f) Within 30 days after the service of notice of appeal on
13 the department, the department shall file with the prothonotary
14 of the Commonwealth Court a transcript of the record of the
15 proceedings.

16 (g) Either party may appeal from the decision of the
17 Commonwealth Court to the Superior Court. Such appeals shall be
18 taken and prosecuted, in the same manner, and with like effect,
19 as is provided by law in other cases of appeal to the Superior
20 Court, and the records certified to the Superior Court shall
21 contain all that was before the Commonwealth Court. The decree
22 of the Superior Court shall be final and conclusive.

23 (h) The department, for reasons it may deem sufficient, may
24 reregister any person whose registration has been revoked. A new
25 registration certificate to replace any revoked, may be issued,
26 subject to the rules of the department.

27 Section 8. Penalties.

28 Any person not registered who shall present or attempt to
29 use, as his own, the certificate of registration or seal of
30 registered professional forester, or shall give any false or

1 forged evidence of any kind to the department in order to obtain
2 registration as a professional forester or shall use any
3 expired, suspended or revoked certificate of registration, or
4 shall otherwise violate the provisions of this act, shall be
5 guilty of a misdemeanor, and upon conviction thereof, shall be
6 sentenced to pay a fine not exceeding \$500 or undergo
7 imprisonment not exceeding three months, or both.

8 Section 9. Effective date.

9 This act shall take effect immediately.