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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1106 Session of  
2017

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INTRODUCED BY EMRICK, MURT, PICKETT, WARD, GILLEN, SCHLEGEL  
CULVER, MILLARD AND READSHAW, APRIL 10, 2017

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, APRIL 10, 2017

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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 further providing for definitions, for continuing  
17 professional competency requirements and for exemption from  
18 licensure and registration.

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

21 Section 1. Sections 2 (a) (1), (c), (d) and (j), 4.5(c) and 5  
22 of the act of May 23, 1945 (P.L.913, No.367), known as the  
23 Engineer, Land Surveyor and Geologist Registration Law, are  
24 amended to read:

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

26 (a) (1) "Practice of Engineering" shall mean the

1 application of the mathematical and physical sciences for the  
2 design and analysis of public or private buildings, structures,  
3 machines, equipment, processes, works or engineering systems,  
4 and the consultation, investigation, evaluation, engineering  
5 asset inventories or surveys, construction management,  
6 modification and alternation, planning and inspection in  
7 connection therewith, the performance of the foregoing acts and  
8 services being prohibited to persons who are not licensed under  
9 this act as professional engineers unless exempt under other  
10 provisions of this act.

11 \* \* \*

12 (c) ["Engineer-in-Training"] "Engineer Intern," formerly  
13 known as "engineer-in-training," means a candidate for licensure  
14 as a professional engineer, who has been granted a certificate  
15 as an engineer intern or the predecessor title of engineer-in-  
16 training after successfully passing the prescribed written  
17 examination in fundamental engineering subjects, and who shall  
18 be eligible upon the completion of the requisite years of  
19 experience in engineering, under the supervision of a  
20 professional engineer, or similarly qualified engineer, for the  
21 final examination prescribed for licensure as a professional  
22 engineer.

23 (d) "Practice of Land Surveying" [means the practice of that  
24 branch of the profession of engineering which involves the]  
25 shall mean the acts of location, relocation, establishment,  
26 reestablishment or retracement of any property line or boundary  
27 of any parcel of land or any road right-of-way, easement or  
28 alignment; the use of principles of land surveying,  
29 determination of the position of any structure or permanently  
30 installed equipment in relation to monuments or reference

1 points, determination of the position of any monument or  
2 reference point which marks a property line boundary, or corner  
3 setting, resetting or replacing any such monument or individual  
4 point including the writing of deed descriptions; the  
5 performance of engineering land surveys; procuring or offering  
6 to procure land surveying work for himself or others; managing  
7 or conducting as managers, proprietors or agent any place of  
8 business from which land surveying work is solicited, performed,  
9 or practiced; the performance of the foregoing acts and services  
10 being prohibited to persons who are not granted certificates of  
11 registration under this act as a professional land surveyor  
12 unless exempt under other provisions of this act.

13 \* \* \*

14 (j) "Engineering Land Surveys" means surveys for: (i) the  
15 development of any tract of land including the incidental design  
16 of related improvements, such as line and grade extension of  
17 roads, sewers and grading but not requiring independent  
18 engineering judgment: Provided, however, That tract perimeter  
19 surveys shall be the function of the Professional Land Surveyor;  
20 (ii) the determination of the configuration or contour of the  
21 earth's surface, or the position of fixed objects thereon or  
22 related thereto for purposes of review, analysis and  
23 determination of the location or as-built construction of fixed  
24 assets or objects, the post-development contours, or for the  
25 purposes of designs based thereon by means of measuring lines  
26 and angles and applying the principles of mathematics,  
27 photogrammetry or other measurement, mapping or positioning  
28 methods without regard to tools or technologies which currently  
29 exist or which may be developed in the future, the application  
30 of which means and methods involves professional understanding

1 as to the appropriate and safe usage; (iii) geodetic survey,  
2 underground survey and hydrographic survey; (iv) storm water  
3 management surveys and sedimentation and erosion control  
4 surveys; (v) the determination of the quantities of materials;  
5 (vi) tests for water percolation in soils; and (vii) the  
6 preparation of plans and specifications and estimates of  
7 proposed work and attendant costs as described in this  
8 subsection.

9 \* \* \*

10 Section 4.5. Continuing Professional Competency  
11 Requirements.--\* \* \*

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

17 (1) Successful completion of college courses relevant to  
18 professional practice.

19 (2) Completion of continuing education courses relevant to  
20 professional practice.

21 (3) Completion of [correspondence, televised, videotaped and  
22 other short courses or tutorials relevant to professional  
23 practice.] distance learning courses if the course relates to  
24 professional practice and the PDH units awarded are verifiable  
25 and measurable by the actual hours of instruction.

26 (4) Completion of seminars, employer-sponsored courses,  
27 workshops or professional or technical presentations made at  
28 meetings, conventions or conferences relevant to professional  
29 practice.

30 (5) Teaching, presenting or instructing in any of the

1 activities listed in clauses (1), (2), (3) and (4).

2 (6) Authoring published papers, articles or books relevant  
3 to professional practice.

4 (7) Obtaining patents relevant to professional practice.

5 \* \* \*

6 Section 5. Exemption from Licensure and Registration.--

7 Except as specifically provided in this section, this act shall  
8 not be construed to require licensure and registration in the  
9 following cases:

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

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

25 (c) The practice of engineering, land surveying or geology  
26 by officers and employes of the United States Government for the  
27 said government;

28 (d) Except as otherwise provided in subsection (g) of this  
29 section, the practice of engineering or land surveying by a  
30 regular employe of a public utility company, as defined by the

1 Public Utility Code (66 Pa.C.S. § 101 et seq.) in connection  
2 with the facilities of such public utility, which are subject to  
3 regulation by the Pennsylvania Public Utility Commission:

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

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

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

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

25 (h) The running of lines or grades and layout work on or  
26 within established property limits, or from established points  
27 outside the property limits to or within such property limits  
28 when performed by a contractor or home builder in conjunction  
29 with the construction, reconstruction, alteration, maintenance  
30 or demolition of a structure or other facility.

1 (i) The writing of deed descriptions.

2 (j) The preparation of shop drawings or the performance of  
3 construction management services by persons customarily engaged  
4 in construction work.

5 (k) The practice of individuals providing geologic services  
6 to businesses engaged in the exploration or development of gas  
7 or oil.

8 Section 2. This act shall take effect in 60 days.