

AMENDMENTS TO HOUSE BILL NO. 609

Sponsor: SENATOR AUMENT

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1 Amend Bill, page 1, lines 16 through 19, by striking out all
2 of said lines and inserting
3 further providing for definitions, for general powers of board,
4 for procedure for licensing as professional engineer, for
5 procedure for licensing as professional geologist, for
6 continuing professional competency requirements, for
7 exemption from licensure and registration, for fees and for
8 penalties.

9 Amend Bill, page 1, lines 22 through 26; pages 2 through 8,
10 lines 1 through 30; page 9, lines 1 through 10; by striking out
11 all of said lines on said pages and inserting

12 Section 1. Section 2(a) and (c) of the act of May 23, 1945
13 (P.L.913, No.367), known as the Engineer, Land Surveyor and
14 Geologist Registration Law, are amended and the section is
15 amended by adding a subsection to read:

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

17 (a) (1) "Practice of Engineering" shall mean the
18 application of the mathematical and physical sciences for the
19 design or analysis of public or private buildings, structures,
20 machines, equipment, processes, works or engineering systems,
21 and the consultation, investigation, evaluation[, engineering]
22 or surveys, construction management, modification and
23 alteration, planning and inspection in connection therewith, the
24 performance of the foregoing acts and services being prohibited
25 to persons who are not licensed under this act as professional
26 engineers unless exempt under other provisions of this act.

27 (2) The term "Practice of Engineering" shall also mean and
28 include related acts and services that may be performed by other
29 qualified persons, including but not limited to, municipal
30 planning, incidental landscape architecture, teaching,
31 construction, maintenance and research but licensure under this
32 act to engage in or perform any such related acts and services
33 shall not be required.

34 (3) The foregoing shall not be deemed to include the
35 practice of architecture as such, for which separate

1 registration is required under [the provisions of the act of
2 July 12, 1919 (P.L.933, No.369), entitled "An act to regulate
3 the practice of architecture in the Commonwealth of Pennsylvania
4 by providing for the examination and registration of architects
5 by a State Board of Examiners; defining the power and duties of
6 said board of examiners; and providing penalties for the
7 violation of this act," excepting only architectural work
8 incidental to the "practice of engineering."] the act of
9 December 14, 1982 (P.L.1227, No.281), known as the "Architects
10 Licensure Law."

11 (4) The "Practice of Engineering" shall not preclude the
12 practice of the sciences which shall include but not be limited
13 to: soil science, geology, physics and chemistry.

14 * * *

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

24 (c.1) "Engineer Intern" means a candidate for licensure as a
25 professional engineer, who has been granted a certificate as an
26 engineer intern after successfully passing the prescribed
27 written examination in fundamental engineering subjects, and who
28 is eligible upon the completion of the requisite years of
29 experience in engineering, under the supervision of a
30 professional engineer, or similarly qualified engineer, for the
31 final examination prescribed for licensure as a professional
32 engineer.

33 * * *

34 Section 2. Section 4(b) and (g) of the act are amended and
35 the section is amended by adding a subsection to read:

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

38 * * *

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

45 (1) Holds an unexpired license or certificate of
46 registration issued to [him] the person by proper authority of
47 some other state, foreign country or territory of the United
48 States in which the requirements and qualifications to engage in
49 the practice of engineering, land surveying or geology were at
50 the time of the initial issuance of [such] the license or
51 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 licensed and registered in this Commonwealth. A person may be licensed under this subsection without examination.

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

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

(3) Complies with the education and experience criteria and successfully completes the two-examination process for licensing as a professional engineer, as set forth in section 4.2, or as a professional land surveyor, as set forth in section 4.3 or the examination process for licensing as a professional geologist as set forth in section 4.4.

(b.1) Individualized Assessment of Moral Character.--In assessing the moral character of an applicant with a criminal conviction under subsection (b), the board shall conduct an individualized assessment in accordance with 63 Pa.C.S. § 3113 (relating to consideration of criminal convictions).

* * *

(g) Suspension and Revocation of Licenses; Registrations and Certificates; Reinstatements.--To suspend or revoke the license and registration of any professional engineer, professional land surveyor or professional geologist or the certificate of any [engineer-in-training] engineer intern, geologist-in-training or surveyor-in-training, who is found guilty by the board, by a majority vote of all its members, of the practice of any fraud, deceit or misrepresentation in obtaining his license, certification or registration, or of gross negligence, incompetency or misconduct in the practice of engineering, in the practice of land surveying or in the practice of geology, or of violation of the code of ethics of the engineering profession, and to reinstate suspended licenses, registrations and certificates in any cases where a majority of all the members of the board shall determine the same to be just and proper. Unless ordered to do so by a court, the board shall not reinstate the license, certificate or registration of a person to practice as a professional engineer, professional land surveyor, professional geologist or an [engineer-in-training]

1 engineer intern, geologist-in-training or a surveyor-in-training
2 which has been revoked, and [such] the person [shall be] is
3 required to apply for a license, certificate or registration
4 after a period of five years in accordance with section 2 if
5 [he] the person desires to practice at any time after such
6 revocation. The board shall require a person whose license or
7 registration has been suspended or revoked to return the license
8 or registration in such manner as the board directs. Failure to
9 do so shall be a misdemeanor of the third degree. Misconduct in
10 the practice of engineering, land surveying or geology shall
11 include, but not be limited to conviction for a criminal offense
12 such as extortion, bribery or fraud or entry of a plea of nolo
13 contendere to a charge thereof for conduct relating to the
14 practice of engineering, land surveying or geology, or has
15 violated any provision of this act or any regulation promulgated
16 by the board. For the purposes of this subsection, the code of
17 ethics is as follows:

18 It shall be considered unprofessional and inconsistent with
19 honorable and dignified bearing for [any] a person who is a
20 professional engineer, professional land surveyor or
21 professional geologist:

22 (1) To act for [his] the person's client or employer in
23 professional matters otherwise than as a faithful agent or
24 trustee, or to accept any remuneration other than [his] the
25 person's stated recompense for services rendered.

26 (2) To attempt to injure falsely or maliciously, directly or
27 indirectly, the professional reputation, prospects or business
28 of anyone.

29 (3) To attempt to supplant another engineer, land surveyor
30 or geologist after definite steps have been taken toward [his]
31 the other's employment.

32 (4) To compete with another engineer, land surveyor or
33 geologist for employment by the use of unethical practices.

34 (5) To review the work of another engineer, land surveyor or
35 geologist for the same client, except with the knowledge of
36 [such] that engineer, land surveyor or geologist, or unless the
37 connection of [such] that engineer, land surveyor or geologist
38 with the work has terminated.

39 (6) To attempt to obtain or render technical services or
40 assistance without fair and just compensation commensurate with
41 the services rendered: Provided, however, the donation of [such]
42 the services to a civic, charitable, religious or eleemosynary
43 organization shall not be deemed a violation.

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

46 (8) To attempt to practice in any field of engineering, land
47 surveying or geology in which the registrant is not proficient.

48 (9) To use or permit the use of [his] the person's
49 professional seal on work over which [he] the person was not in
50 responsible charge.

51 (10) To aid or abet any person in the practice of

1 engineering, land surveying or geology not in accordance with
2 the provision of this act or prior laws.

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

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

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

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

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

30 * * *

31 Section 3. Sections 4.2(a), (b) and (c), 4.4(b)(1), 4.5(c)
32 (3), 5, 9(a) and 11(c) of the act are amended to read:

33 Section 4.2. Procedure for Licensing as Professional
34 Engineer.--(a) An applicant for licensure as a professional
35 engineer shall satisfactorily complete the engineering
36 fundamentals examination and become certified as an [engineer-
37 in-training] engineer intern and subsequently show evidence of
38 experience satisfactory to the board to prepare [him] the
39 applicant for the engineering principles and practice
40 examination.

41 (b) (1) An applicant for the [engineer-in-training]
42 engineer intern certificate shall show satisfactory evidence of:

43 (i) graduation from an approved engineering curriculum of
44 four or more years; or

45 (ii) eight or more years of progressive experience in
46 engineering work and knowledge, skill and education
47 approximating that attained through graduation from an approved
48 engineering curriculum.

49 (2) An engineering student who has completed two or more
50 years of an approved program in engineering may, subject to
51 board approval, sit for the examination; but [such] the student

1 shall not be eligible for certification until [he] the student
2 shows proof of graduation.

3 (3) An applicant who satisfactorily completes the
4 examination in engineering fundamentals shall be certified as an
5 [engineer-in-training] engineer intern without time limitation
6 and may remain certified until such time as [he] the applicant
7 becomes licensed under this act as a professional engineer.

8 (c) An applicant who is a certified [engineer-in-training]
9 engineer intern may apply for licensure and shall pass the
10 examination in engineering principles and practice. To qualify
11 for the principles and practice examination, an applicant shall,
12 in addition to holding the [engineer-in-training] engineer
13 intern certificate, show satisfactory proof of:

14 (1) four or more years of progressive experience in
15 engineering work performed [after the issuance of the engineer-
16 in-training certificate and] under the supervision of a
17 professional engineer or a similarly qualified engineer of a
18 grade and character to [fit him] qualify the applicant to assume
19 responsible charge of the work involved in the practice of
20 engineering; or

21 (2) four or more years of progressive teaching experience in
22 an approved curriculum under the supervision of a professional
23 engineer or a similarly qualified engineer of a grade or
24 character to [fit him] qualify the applicant to assume
25 responsible charge of the work involved in the practice of
26 engineering.

27 * * *

28 Section 4.4. Procedure for Licensing as Professional
29 Geologist.--* * *

30 (b) An applicant shall be qualified to be licensed after
31 submission of proof satisfactory to the board that the
32 applicant:

33 (1) Is of good moral character. In assessing the moral
34 character of an applicant with a criminal conviction, the board
35 shall conduct an individualized assessment in accordance with 63
36 Pa.C.S. § 3113 (relating to consideration of criminal
37 convictions).

38 * * *

39 Amend Bill, page 10, line 22, by inserting a bracket before
40 "his"

41 Amend Bill, page 10, line 22, by inserting after "his"

42] the person's

43 Amend Bill, page 11, line 12, by inserting a bracket before
44 "his"

45 Amend Bill, page 11, line 12, by inserting after "his"

1] the

2 Amend Bill, page 11, line 20, by inserting after "employee"
3 , contractor

4 Amend Bill, page 12, line 27, by striking out all of said
5 line and inserting

6 Section 9. Fees.--(a) The fee for an applicant for
7 licensure as a professional engineer, professional land surveyor
8 or professional geologist, including examination, and for
9 examination or certification, or both, as an [engineer-in-
10 training] engineer intern or a surveyor-in-training, shall be as
11 fixed by the board by regulation and shall be subject to review
12 in accordance with the act of June 25, 1982 (P.L.633, No.181),
13 known as the "Regulatory Review Act." If the revenues generated
14 by fees, fines and civil penalties imposed in accordance with
15 the provisions of this act are not sufficient to match
16 expenditures over a two-year period, the board shall increase
17 those fees by regulation, subject to review in accordance with
18 the "Regulatory Review Act," such that the projected revenues
19 will meet or exceed projected expenditures.

20 * * *

21 Section 11. Penalties.--(a) [Whoever shall engage] A person
22 who engages in the practice of engineering, the practice of land
23 surveying or the practice of geology without being licensed and
24 registered as required by this act, or exempted therefrom, as
25 provided in this act, or shall present or attempt to use, as
26 [his] the person's own, the license or certificate of
27 registration of another, or shall give any false or forged
28 evidence of any kind to the board, or to any member thereof, in
29 order to obtain a license or registration as a professional
30 engineer, professional land surveyor or professional geologist
31 or a certificate as an [engineer-in-training] engineer intern or
32 surveyor-in-training, or shall use any expired, suspended or
33 revoked certificate of registration, or shall otherwise violate
34 the provisions of this act, shall be guilty of a summary offense
35 and upon conviction thereof for a first offense, shall be
36 sentenced to pay a fine not exceeding one thousand dollars, or
37 suffer imprisonment, not exceeding three months, or both and for
38 a second or subsequent offense shall be guilty of a felony, and
39 upon conviction thereof, shall be sentenced to pay a fine of not
40 less than two thousand dollars but not more than five thousand
41 dollars or to imprisonment for not less than one year but not
42 more than two years, or both.

43 * * *

44 Section 4. A reference to "engineer-in-training" in a
45 provision of 49 Pa. Code Ch. 37 shall be deemed to be a
46 reference to an engineer intern.

47 Section 5. A person who has been awarded a certificate as an

1 engineer-in-training prior to the effective date of this section
2 shall be deemed to have been awarded a certificate as an
3 engineer intern.
4 Section 6. This act shall take effect in 60 days.