

AMENDMENTS TO HOUSE BILL NO. 1801

Sponsor: SENATOR AUMENT

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1 Amend Bill, page 1, lines 16 and 17, by striking out all of
2 said lines and inserting

3 further providing for definitions, for general powers of board,
4 for procedure for licensing as professional engineer, for
5 continuing professional competency requirements, for fees and
6 for penalties.

7 Amend Bill, page 1, lines 20 through 26; page 2, lines 1
8 through 11; by striking out all of said lines on said pages and
9 inserting

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

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

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

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

32 (3) The foregoing shall not be deemed to include the
33 practice of architecture as such, for which separate
34 registration is required under [the provisions of the act of
35 July 12, 1919 (P.L.933, No.369), entitled "An act to regulate

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

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

12 * * *

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

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

31 * * *

32 Section 2. Sections 4(g), 4.2(a), (b) and (c), 4.5(c)(3),
33 9(a) and 11(a) of the act are amended to read:

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

36 * * *

37 (g) Suspension and Revocation of Licenses; Registrations and
38 Certificates; Reinstatements.--To suspend or revoke the license
39 and registration of any professional engineer, professional land
40 surveyor or professional geologist or the certificate of any
41 [engineer-in-training] engineer intern, geologist-in-training or
42 surveyor-in-training, who is found guilty by the board, by a
43 majority vote of all its members, of the practice of any fraud,
44 deceit or misrepresentation in obtaining his license,
45 certification or registration, or of gross negligence,
46 incompetency or misconduct in the practice of engineering, in
47 the practice of land surveying or in the practice of geology, or
48 of violation of the code of ethics of the engineering
49 profession, and to reinstate suspended licenses, registrations
50 and certificates in any cases where a majority of all the
51 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] engineer intern, geologist-in-training or a surveyor-in-training which has been revoked, and [such] the person [shall be] is required to apply for a license, certificate or registration after a period of five years in accordance with section 2 if [he] the person desires to practice at any time after such revocation. The board shall require a person whose license or registration has been suspended or revoked to return the license or registration in such manner as the board directs. Failure to do so shall be a misdemeanor of the third degree. Misconduct in the practice of engineering, land surveying or geology shall include, but not be limited to conviction for a criminal offense such as extortion, bribery or fraud or entry of a plea of nolo contendere to a charge thereof for conduct relating to the practice of engineering, land surveying or geology, or has violated any provision of this act or any regulation promulgated by the board. For the purposes of this subsection, the code of ethics is as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 * * *

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

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

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

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

50 (2) An engineering student who has completed two or more
51 years of an approved program in engineering may, subject to

1 board approval, sit for the examination; but [such] the student
2 shall not be eligible for certification until [he] the student
3 shows proof of graduation.

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

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

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

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

28 * * *

29 Section 4.5. Continuing Professional Competency
30 Requirements.--* * *

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

36 * * *

37 (3) Completion of [correspondence, televised, videotaped and
38 other short courses or tutorials relevant to professional
39 practice.] distance learning courses, if the courses relate to
40 professional practice and the PDH units awarded are verifiable
41 and measurable by the actual hours of instruction.

42 * * *

43 Section 9. Fees.--(a) The fee for an applicant for
44 licensure as a professional engineer, professional land surveyor
45 or professional geologist, including examination, and for
46 examination or certification, or both, as an [engineer-in-
47 training] engineer intern or a surveyor-in-training, shall be as
48 fixed by the board by regulation and shall be subject to review
49 in accordance with the act of June 25, 1982 (P.L.633, No.181),
50 known as the "Regulatory Review Act." If the revenues generated
51 by fees, fines and civil penalties imposed in accordance with

1 the provisions of this act are not sufficient to match
2 expenditures over a two-year period, the board shall increase
3 those fees by regulation, subject to review in accordance with
4 the "Regulatory Review Act," such that the projected revenues
5 will meet or exceed projected expenditures.

6 * * *

7 Section 11. Penalties.--(a) [Whoever shall engage] A person
8 who engages in the practice of engineering, the practice of land
9 surveying or the practice of geology without being licensed and
10 registered as required by this act, or exempted therefrom, as
11 provided in this act, or shall present or attempt to use, as
12 [his] the person's own, the license or certificate of
13 registration of another, or shall give any false or forged
14 evidence of any kind to the board, or to any member thereof, in
15 order to obtain a license or registration as a professional
16 engineer, professional land surveyor or professional geologist
17 or a certificate as an [engineer-in-training] engineer intern or
18 surveyor-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 * * *

30 Section 3. A reference to "engineer-in-training" in a
31 provision of 49 Pa. Code Ch. 37 shall be deemed to be a
32 reference to an engineer intern.

33 Section 4. A person who has been awarded a certificate as an
34 engineer-in-training prior to the effective date of this section
35 shall be deemed to have been awarded a certificate as an
36 engineer intern.

37 Amend Bill, page 2, line 12, by striking out "2" and
38 inserting