

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 966

Session of
1983

INTRODUCED BY BELL, SHUMAKER, KRATZER, MOORE, BODACK,
ANDREZESKI, HANKINS AND WENGER, SEPTEMBER 8, 1983

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 24, 1983

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, chemical engineering, surveying and constituent
6 parts and combinations thereof as herein defined; providing
7 for the licensing and registration of persons practicing said
8 profession, and the certification of engineers in training,
9 and the suspension and revocation of said licenses,
10 registrations and certifications for violation of this act;
11 prescribing the powers and duties of the State Registration
12 Board for Professional Engineers, the Department of State and
13 the courts; prescribing penalties; and repealing existing
14 laws," reestablishing the State Registration Board for
15 Professional Engineers; and making a repeal.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 ~~Section 1. The act of May 23, 1945 (P.L.913, No.367), known~~ <—
19 ~~as the Professional Engineers Registration Law, is amended by~~
20 ~~adding a section to read:~~

21 SECTION 1. SECTION 4(J) OF THE ACT OF MAY 23, 1945 (P.L.913, <—
22 NO.367), KNOWN AS THE PROFESSIONAL ENGINEERS REGISTRATION LAW,
23 AMENDED DECEMBER 13, 1979 (P.L.534, NO.120), IS AMENDED TO READ:

SECTION 4. GENERAL POWERS OF BOARD.--THE BOARD SHALL HAVE
POWER--

* * *

(J) FINANCIAL REQUIREMENTS OF BOARD.--TO [CONSULT ANNUALLY
WITH THE COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
ON THE FINANCIAL REQUIREMENTS OF THE BOARD] SUBMIT ANNUALLY TO
THE DEPARTMENT OF STATE AND TO THE HOUSE AND SENATE
APPROPRIATIONS COMMITTEES, WITHIN FIFTEEN DAYS OF THE DATE ON
WHICH THE GOVERNOR HAS SUBMITTED HIS BUDGET TO THE GENERAL
ASSEMBLY, AN ESTIMATE OF THE FINANCIAL REQUIREMENTS OF THE BOARD
FOR ITS ADMINISTRATIVE, INVESTIGATIVE, LEGAL AND MISCELLANEOUS
EXPENSES.

* * *

SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

Section 4.1. State Registration Board for Professional
Engineers.--(a) The State Registration Board for Professional
Engineers shall consist of the Commissioner of Professional and
Occupational Affairs, two members who shall be persons
representing the public at large, and five members all of whom
shall be registered professional engineers and full corporate
members in good standing in at least one of the following
societies: American Society of Civil Engineers, American
Institute of Mining and Metallurgical Engineers, American
Society of Mechanical Engineers, or American Institute of
Electrical Engineers. The professional members of the board
shall be so selected that not more than two of them shall be
members of the same society. Each member of the board shall be a
citizen of the United States and a resident of this
Commonwealth. Each professional member shall have been engaged
in the practice of the profession of engineering for at least

ten years and shall have been in responsible charge of
engineering work for at least five years.

(b) The terms of members of the board shall be six years.

(c) Four members of the board shall constitute a quorum.

(d) The board shall select annually a president from among
its members and shall elect a secretary who need not be a member
of the board.

(e) Each member of the board, except the Commissioner of
Professional and Occupational Affairs, shall receive thirty
dollars (\$30) per diem, when actually attending to the work of
the board, and the secretary shall receive such reasonable
compensation as shall be determined by the board, with the
approval of the Commissioner of Professional and Occupational
Affairs.

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

(g) A member of the board who fails to attend three
consecutive unexcused meetings shall be subject to removal.

(h) A board member shall be excused from meetings due to
illness or due to the death of an immediate family member.

SECTION 3. SECTION 9 OF THE ACT, AMENDED DECEMBER 13, 1979
(P.L.534, NO.120), IS AMENDED TO READ:

SECTION 9. FEES.--(A) THE FEE FOR AN APPLICANT FOR
LICENSURE AS A PROFESSIONAL ENGINEER OR PROFESSIONAL LAND
SURVEYOR, INCLUDING EXAMINATION, AND FOR EXAMINATION OR
CERTIFICATION, OR BOTH, AS AN ENGINEER-IN-TRAINING, SHALL BE AS
FIXED BY [LAW.] THE BOARD BY REGULATION AND SHALL BE SUBJECT TO
REVIEW IN ACCORDANCE WITH THE ACT OF JUNE 25, 1982 (P.L.633,

<—

1 NO.181), KNOWN AS THE "REGULATORY REVIEW ACT." IF THE REVENUES
2 GENERATED BY FEES, FINES AND CIVIL PENALTIES IMPOSED IN
3 ACCORDANCE WITH THE PROVISIONS OF THIS ACT ARE NOT SUFFICIENT TO
4 MATCH EXPENDITURES OVER A TWO-YEAR PERIOD, THE BOARD SHALL
5 INCREASE THOSE FEES BY REGULATION, SUBJECT TO REVIEW IN
6 ACCORDANCE WITH THE "REGULATORY REVIEW ACT," SUCH THAT THE
7 PROJECTED REVENUES WILL MEET OR EXCEED PROJECTED EXPENDITURES.

8 (B) IF THE BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
9 DETERMINES THAT THE FEES ESTABLISHED BY THE BOARD ARE INADEQUATE
10 TO MEET THE MINIMUM ENFORCEMENT EFFORTS REQUIRED, THEN THE
11 BUREAU, AFTER CONSULTATION WITH THE BOARD, SHALL INCREASE THE
12 FEES BY REGULATION, SUBJECT TO REVIEW IN ACCORDANCE WITH THE
13 "REGULATORY REVIEW ACT," SUCH THAT ADEQUATE REVENUES ARE RAISED
14 TO MEET THE REQUIRED ENFORCEMENT EFFORT.

15 (C) ALL PERSONS NOW QUALIFIED AND ENGAGED IN THE PRACTICE OF
16 ENGINEERING AND LAND SURVEYING, OR WHO SHALL HEREAFTER BE
17 LICENSED BY THE BOARD, SHALL REGISTER, BIENNIALY, WITH THE
18 BOARD AND PAY THE FEE FOR EACH BIENNIAL REGISTRATION. ALL FEES
19 COLLECTED UNDER THE PROVISIONS OF THIS ACT SHALL BE RECEIVED BY
20 THE BOARD AND SHALL BE PAID INTO THE PROFESSIONAL LICENSURE
21 AUGMENTATION ACCOUNT.

22 ~~Section 2~~ 4. Section 425 of the act of April 9, 1929 <—
23 (P.L.177, No.175), known as The Administrative Code of 1929, is
24 repealed.

25 ~~Section 3~~ 5. This act reestablishes the State Registration <—
26 Board for Professional Engineers in accordance with the
27 procedures set forth in section 7(a) of the act of December 22,
28 1981 (P.L.508, No.142), known as the Sunset Act.

29 Section 4 6. The presently confirmed members of the State <—
30 Registration Board for Professional Engineers constituted under

1 section 425 of the act of April 9, 1929 (P.L.177, No.175), known
2 as The Administrative Code of 1929, as of December 31, 1983
3 shall continue to serve as board members until their present
4 terms of office expire.

5 Section ~~5~~ 7. Each rule and regulation of the board in effect <—
6 on December 31, 1983, shall remain in effect after such date
7 until repealed or amended by the board.

8 Section ~~6~~ 8. This act shall be retroactive to December 31, <—
9 1983 if enacted finally after that date.

10 Section ~~7~~ 9. This act shall take effect immediately. <—