

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 709 Session of
1989

INTRODUCED BY SHAFFER, LINCOLN, SALVATORE, PORTERFIELD AND
REIBMAN, MARCH 20, 1989

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 13, 1990

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," further providing for the regulation of the
15 professions of engineering and land surveying.

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

18 Section 1. The title of the act of May 23, 1945 (P.L.913,
19 No.367), known as the Professional Engineers Registration Law,
20 amended December 13, 1979 (P.L.534, No.120), is amended to read:

AN ACT

22 Relating to and regulating the practice of the profession of
23 engineering[;], including civil engineering, mechanical

1 engineering, electrical engineering, mining engineering[,]
2 and chemical engineering, and the profession of land
3 surveying and constituent parts and combinations thereof as
4 herein defined; providing for the licensing and registration
5 of persons practicing said profession, and the certification
6 of [engineers in training] engineers-in-training and
7 surveyors-in-training, and the suspension and revocation of
8 said licenses, registrations and certifications for violation
9 of this act; prescribing the powers and duties of the State
10 Registration Board for Professional Engineers and
11 ~~professional land surveyors~~ PROFESSIONAL LAND SURVEYORS, the <—
12 Department of State and the courts; prescribing penalties;
13 and repealing existing laws.

14 Section 2. Section 1 of the act is amended to read:

15 Section 1. Short Title.--This act shall be known and may be
16 cited as the "Professional Engineers and Professional Land
17 Surveyors Registration Law."

18 Section 3. Section 2(a), (g) and (j) of the act, amended or
19 added November 24, 1967 (P.L.548, No.270) and December 13, 1979
20 (P.L.534, No.120), are amended and the section is amended by
21 adding subsections to read:

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

23 (a) (1) "Practice of Engineering" shall mean the
24 application of the mathematical and physical sciences for the
25 design of public or private buildings, structures, machines,
26 equipment, processes, works or engineering systems, and the
27 consultation, investigation, evaluation, engineering surveys,
28 construction management, planning and inspection in connection
29 therewith, the performance of the foregoing acts and services
30 being prohibited to persons who are not licensed under this act

1 as professional engineers unless exempt under other provisions
2 of this act.

3 (2) The term "Practice of Engineering" shall also mean and
4 include related acts and services that may be performed by other
5 qualified persons, including but not limited to, municipal
6 planning, incidental landscape architecture, teaching,
7 construction, maintenance and research but licensure under this
8 act to engage in or perform any such related acts and services
9 shall not be required.

10 (3) The foregoing shall not be deemed to include the
11 practice of architecture as such, for which separate
12 registration is required under the provisions of the act of July
13 12, 1919 (P.L.933, No.369), entitled "An act to regulate the
14 practice of architecture in the Commonwealth of Pennsylvania by
15 providing for the examination and registration of architects by
16 a State Board of Examiners; defining the power and duties of
17 said board of examiners; and providing penalties for the
18 violation of this act," excepting only architectural work
19 incidental to the "practice of engineering."

20 (4) The "Practice of Engineering" shall not preclude the
21 practice of [other] the sciences which shall include but not be
22 limited to: soil science, geology, physics and chemistry.

23 * * *

24 (g) "Board" means The State Registration Board for
25 Professional Engineers and Professional Land Surveyors.

26 * * *

27 (j) "Engineering Land Surveys" means surveys for: (i) the
28 development of any tract of land including the incidental design
29 of related improvements, such as line and grade extension of
30 roads, sewers and grading but not requiring independent

1 engineering judgment: Provided, however, That tract perimeter
2 surveys shall be the function of the Professional Land Surveyor;
3 (ii) the determination of the configuration or contour of the
4 earth's surface, or the position of fixed objects thereon or
5 related thereto by means of measuring lines and angles and
6 applying the principles of mathematics, photogrammetry or other
7 measurement methods; (iii) geodetic [or] survey, [cadastral
8 survey,] underground survey and hydrographic survey; (iv) ~~storm~~ <—
9 ~~water management surveys and~~ sedimentation and erosion control
10 surveys; (v) the determination of the quantities of materials;
11 (vi) tests for water percolation in soils; and (vii) the
12 preparation of plans and specifications and estimates of
13 proposed work and attendant costs as described in this
14 subsection.

15 (k) "Employee" means an individual who is on payroll and for
16 whom taxes are withheld and social security is withheld and
17 matched.

18 (l) "Surveyor-in-Training" means a candidate for licensure
19 as a professional land surveyor who has been granted a
20 certificate as a surveyor-in-training after successfully passing
21 the prescribed written examination in fundamental land surveying
22 subjects and who shall be eligible, upon the completion of the
23 requisite years of experience in land surveying, under the
24 supervision of a professional land surveyor or similarly
25 qualified surveyor, for the final examination prescribed for
26 licensure as a professional land surveyor.

27 Section 4. Section 3 of the act, amended December 13, 1979
28 (P.L.534, No.120), is amended to read:

29 Section 3. Practice of Engineering or Land Surveying Without
30 Licensure and Registration Prohibited.--(a) In order to

1 safeguard life, health or property and to promote the general
2 welfare, it is unlawful for any person to practice or to offer
3 to practice engineering in this Commonwealth, unless he is
4 licensed and registered under the laws of this Commonwealth as a
5 professional engineer, or for any person to practice or to offer
6 to practice land surveying, unless he is licensed and registered
7 under the laws of this Commonwealth as a professional land
8 surveyor.

9 (b) A person shall be construed to practice or offer to
10 practice engineering or land surveying who practices any branch
11 of the profession of engineering or land surveying; or who, by
12 verbal claim, sign, advertisement, letterhead, card, or in any
13 other way represents himself to be an engineer or land surveyor,
14 or through the use of some other title implies that he is an
15 engineer or land surveyor or that he is registered under this
16 act; or who holds himself out as able to perform, or who does
17 perform any engineering or land surveying service or work or any
18 other service designated by the practitioner or recognized as
19 engineering or land surveying.

20 Section 5. Section 4 of the act, amended, added or repealed
21 in part December 13, 1979 (P.L.534, No.120), June 25, 1982
22 (P.L.633, No.181) and December 22, 1983 (P.L.348, No.87), is
23 amended to read:

24 Section 4. General Powers of Board.--The board shall have
25 power--

26 (a) Approval of [Institutions and Colleges] Engineering and
27 Surveying Curricula.--~~(1)~~ To investigate and to approve or <—
28 disapprove [institutions and colleges] engineering and surveying
29 curricula of this State, and other states, territories and
30 countries for the education of students desiring to be licensed

1 to engage in the practice of engineering or land surveying, and
2 to revoke or suspend approvals where [such institutions and
3 colleges] they are no longer [are] deemed proper.

4 ~~(2) To set, for the licensure examination, the qualification~~ <—
5 ~~to sit for the examination, the location of the examination and~~
6 ~~the criteria for the examination.~~

7 (b) Licensing Professional Engineers and Professional Land
8 Surveyors.--To provide for and to regulate the licensing, and to
9 license to engage in the practice of engineering or land
10 surveying any person of good moral character and repute [who is
11 at least in his twenty-fifth year of age, and] who speaks and
12 writes the English language, if such person either--

13 (1) Holds an unexpired license or certificate of
14 registration issued to him by proper authority of some other
15 state, [or] foreign country or territory of the United States in
16 which the requirements and qualifications to engage in the
17 practice of engineering or land surveying were at the time of
18 the initial issuance of such license or certificate of
19 registration at least equal to the existing standards of this
20 Commonwealth: Provided, however, That such other state,
21 territory or foreign country shall similarly license or register
22 professional engineers or professional land surveyors licensed
23 and registered in this Commonwealth. A person may be licensed
24 under this subsection without examination.

25 (2) Holds a certificate of qualifications issued by the
26 National Bureau of Engineering Registration of the National
27 Council of [State Boards of] Engineering] Examiners FOR <—
28 ENGINEERING AND SURVEYING: Provided, The requirements and
29 qualifications of said bodies to engage in the practice of
30 engineering or land surveying are at least equal to the

1 [standards of this Commonwealth] ~~the requirements and~~ <—
2 ~~qualifications established by the regulations of the board.~~ A
3 person may be licensed under this subsection without
4 examination.

5 In carrying into effect clauses (1) and (2) of subsection (b)
6 of this section the board may in its discretion enter into
7 agreements for reciprocity with the National Council of [State
8 Boards of] Engineering] Examiners FOR ENGINEERING AND SURVEYING <—
9 and with states under such rules and regulations as the board
10 may prescribe.

11 [(3) Has had four or more years' progressive experience in
12 engineering work under the supervision of a professional
13 engineer, or a similarly qualified engineer of a grade or
14 character to fit him to assume responsible charge of the work
15 involved in the practice of engineering, and is either an
16 engineer-in-training or a graduate in engineering of an approved
17 institution or college having a course in engineering of four or
18 more years, or has had four or more years of progressive
19 experience in engineering work, teaching in an approved
20 institution or college, and who is a graduate of an approved
21 institution or college having a course in engineering of four or
22 more years and who in either event successfully passes written
23 examinations prescribed by the board in engineering subjects. In
24 the case of the examination of an engineer-in-training his
25 examination shall be directed and limited to those matters which
26 will test the applicant's ability to apply the principles of
27 engineering to the actual practice of engineering. In the case
28 of an applicant who is not an engineer-in-training the
29 examination shall be for the purpose of testing the applicant's
30 knowledge of fundamental engineering subjects, including

1 mathematics and the physical sciences and those matters which
2 will test the applicant's ability to apply the principles of
3 engineering to the actual practice of engineering. To be
4 licensed under this subsection, the person shall be required to
5 successfully pass the examinations prescribed by the board for
6 both professional engineers and engineers-in-training: Provided,
7 That graduates in engineering who were graduated prior to
8 January 1, 1968 or engineers-in-training who received a
9 certificate from the board prior to January 1, 1968, shall not
10 be required to take the examination prescribed for engineers-in-
11 training.

12 (4) Has had twelve or more years of progressive experience
13 in engineering work, at least eight years of which shall have
14 been under the supervision of a professional engineer, or
15 similarly qualified engineer of a grade and character to fit him
16 to assume responsible charge of the work involved in the
17 practice of engineering, and who successfully passes written
18 examinations prescribed by the board for the purpose of testing
19 the applicant's knowledge of fundamental engineering subjects,
20 including mathematics and the physical sciences and those
21 matters which will test the applicant's ability to apply the
22 principles of engineering to the actual practice of engineering.
23 To be licensed under this subsection, the person shall be
24 required to successfully pass the examinations prescribed by the
25 board for both professional engineers and engineers-in-training.

26 (5) Is possessed of long established and recognized standing
27 in the engineering field, provided said person is not less than
28 fifty years of age and has a record of not less than twenty-five
29 years' experience in engineering, of which at least fifteen
30 years has been in responsible charge of important and

1 outstanding engineering work or teaching. Upon application from
2 such an individual and the payment of the required registration
3 fees, the board may issue to such an applicant a certificate of
4 registration as a professional engineer based upon an oral
5 examination and after approval of a majority of the board:
6 Provided, however, That no certificate of registration as a
7 professional engineer shall be issued by the board pursuant to
8 this provision on any application for same which is filed more
9 than two years after the effective date of this act.

10 Prior to consideration by the board of any such application
11 made under this clause (5) and prior to giving any such oral
12 examination, the board shall issue public notice of the names of
13 all such applicants in a newspaper of general circulation in
14 Dauphin County, Pennsylvania, and the duly approved Legal
15 Journal of Dauphin County. The application forms relative to
16 such applicants shall be open to public inspection, and the
17 board shall receive and consider all written comments relative
18 to such applicants in processing such applications.

19 (c) Examination and Certification of Engineers-in-
20 Training.--To provide for and to regulate the examination of any
21 person who has produced satisfactory evidence that he has
22 graduated in an engineering curriculum from an approved
23 institution or college having a course of four years or more in
24 engineering or who has had four or more years' experience in
25 engineering work, and who produces satisfactory evidence to show
26 knowledge, skill and education approximating that attained
27 through graduation from an approved institution or college, and
28 to issue to any such person who successfully passes such
29 examination a certificate showing that he has successfully
30 passed this portion of the professional examination and is

1 recognized as an engineer-in-training. The examination of
2 applicants as engineers-in-training shall be designed to permit
3 an applicant for licensure as a professional engineer to take
4 his examination in two stages. The examination for certification
5 as an engineer-in-training shall be for the purpose of testing
6 the applicant's knowledge of fundamental engineering subjects,
7 including mathematics and the physical sciences. Satisfactory
8 passing of this portion of the examination shall constitute a
9 credit for the life of the applicant or until he is licensed
10 under this act as a professional engineer.

11 (d) Licensing of Land Surveyors.--To provide for and to
12 regulate the licensing and to license to engage in the practice
13 of land surveying any person of good character and repute who is
14 at least in his twenty-first year of age, and who speaks and
15 writes the English language if such person:

16 (1) Has graduated in civil engineering or surveying from an
17 approved institution or college having an engineering course of
18 not less than four years, and including at least ten credit
19 hours of surveying, or has graduated in an approved two-year
20 course in surveying and related areas of engineering design
21 leading to an associate degree in surveying, and if licensing
22 occurs before 1983 has had two or more years' progressive
23 experience or if licensing occurs in 1983 or thereafter has had
24 four or more years' progressive experience in land surveying
25 under the supervision of a professional land surveyor, or a
26 similarly qualified surveyor of a character indicating that the
27 applicant is competent to assume responsible charge of the
28 practice of land surveying, and who successfully passes a
29 written examination prescribed by the board in surveying and
30 related design subjects; or

1 (2) If licensing occurs before 1985 has had six or more
2 years' progressive experience or if licensing occurs in 1985 or
3 thereafter has had ten or more years' progressive experience in
4 land surveying work half of which time shall have been spent in
5 responsible charge of primary land surveying functions, under
6 the supervision of a professional land surveyor or a similarly
7 qualified surveyor of a character indicating that the applicant
8 is competent to assume responsible charge of the work involved
9 in the practice of land surveying and who successfully passes a
10 written examination prescribed by the board in surveying and
11 related design subjects.

12 (3) Holds an unexpired license or certificate of
13 registration issued to him by proper authority of some other
14 state or foreign country in which the requirements and
15 qualifications to engage in the practice of land surveying were
16 at the time of the initial issuance of such license or
17 certificate of registration at least equal to the existing
18 standards of this Commonwealth: Provided, however, That such
19 other state, territory or foreign country shall similarly
20 license or register professional land surveyors licensed and
21 registered in this Commonwealth. A person may be licensed under
22 this clause without examination.

23 In carrying into effect clauses (1) and (2), the board shall
24 require all applicants to show a diversification in both field
25 and office experience, with the smallest percentage of time
26 allowed in either category to be twenty-five per cent.]

27 (3) Complies with the education and experience criteria and
28 ~~passes~~ SUCCESSFULLY COMPLETES the two-examination process for <—
29 licensing as a professional engineer, as set forth in section
30 4.2, or as a professional land surveyor, as set forth in section

1 4.3.

2 [(e)] (c) Investigations of Applications; Determination of
3 Competency of Applicants.--To investigate the allegations
4 contained in any application for licensure or certification
5 under this act in order to determine the truth of such
6 allegations and to determine the competency of any person
7 applying for licensure to assume responsible charge of the work
8 involved in the practice of engineering or land surveying, such
9 competency to be determined by the grade and character of the
10 engineering work, or the grade and character of the land
11 surveying work actually performed. The mere execution as a
12 contractor of work designed by a professional engineer, or the
13 supervision of the construction of such work as a foreman or
14 superintendent, or the operation or maintenance of machinery or
15 equipment, or work performed as a salesman of engineering
16 equipment or apparatus, shall not be deemed to be active
17 practice in engineering, unless such work has involved the
18 actual practice of engineering. Engineering and land surveying
19 work, performed under the supervision of a professional engineer
20 or land surveyor, respectively, shall be given full credit.

21 Whenever the board determines otherwise than by examination,
22 that an applicant has not produced sufficient evidence to show
23 that he is competent to be placed in responsible charge and
24 shall refuse to examine or to license such applicant, it shall
25 set forth in writing its findings and the reasons for its
26 conclusions and furnish a copy thereof to the applicant.

27 [(f)] (d) Examinations; Fees.--To prescribe the subjects,
28 manner, time and place of examinations for licenses as
29 professional engineers and professional land surveyors and for
30 certificates for engineers-in-training and surveyors-in-

1 training, and the filing of applications for such examinations,
2 and to prepare or provide for the preparation of such
3 examinations, conduct or provide for the conduct of such
4 examinations, to make written reports of such examinations,
5 which reports shall be preserved for a period of not less than
6 three years, to collect such fees for such examinations, and for
7 licenses and certificates issued without examination, as may be
8 fixed according to law, and to issue licenses and certificates
9 to such persons as successfully pass such examinations.

10 [(g)] (e) Biennial Registrations; Fees.--To provide for,
11 regulate and require all persons licensed in accordance with the
12 provisions of this act and all persons licensed and registered
13 under prior laws of this Commonwealth, relating to the licensing
14 of professional engineers and professional land surveyors, to
15 register biennially with the board, to prescribe the form of
16 such registration, after consultation with the Commissioner of
17 Professional and Occupational Affairs and the payment of such
18 biennial registration fee, as shall be fixed according to law,
19 to issue biennial registration to such persons and to suspend or
20 revoke the license or registration of such persons as fail,
21 refuse or neglect to so register, or pay such fee within such
22 time as the board shall prescribe by its rules and regulations,
23 and to reinstate licenses and registrations of persons who shall
24 thereafter pay such registration fees in accordance with the
25 rules and regulations of the board.

26 [(h)] (f) Roster of Registrants.--To keep a roster showing
27 the names and addresses of[, the places of business of all]
28 professional engineers and professional land surveyors licensed
29 under this act, and under prior laws, and registered by the
30 board, which roster shall be published in booklet form by the

1 board [every five years. The roster shall also contain the names
2 and addresses of all engineers-in-training certified under this
3 act, and under prior laws, and registered by the board. In the
4 interim years following the publishing of the complete roster,
5 the board shall each year publish a supplemental roster
6 containing the names, registration numbers where applicable, and
7 addresses of all professional engineers, professional land
8 surveyors and engineers-in-training registered or certified by
9 the board subsequent to the publishing of the last published
10 roster or supplemental roster] following each biennial renewal.

11 Copies of the roster [and supplemental roster] shall be
12 furnished upon request to each registered or certified person
13 and may be furnished to other persons upon such terms as the
14 board shall prescribe: Provided, however, That copies of the
15 roster [and supplemental roster] shall be furnished to the
16 Planning Commission and the prothonotary of each county in the
17 Commonwealth. ~~The roster shall include a copy of this act and~~ <—
18 ~~the regulations of the board.~~

19 [(i)] (g) Suspension and Revocation of Licenses;
20 Registrations and Certificates; Reinstatements.--To suspend or
21 revoke the license and registration of any professional engineer
22 or professional land surveyor or the certificate of any
23 engineer-in-training or surveyor-in-training, who is found
24 guilty by the board, by a majority vote of all its members, of
25 the practice of any fraud, deceit or misrepresentation in
26 obtaining his license, certification or registration, or of
27 gross negligence, incompetency or misconduct in the practice of
28 engineering, or in the practice of land surveying, or of
29 violation of the code of ethics of the engineering profession,
30 and to reinstate suspended licenses, registrations and

1 certificates in any cases where a majority of all the members of
2 the board shall determine the same to be just and proper. Unless
3 ordered to do so by a court, the board shall not reinstate the
4 license, certificate or registration of a person to practice as
5 a professional engineer or professional land surveyor or an
6 engineer-in-training or a surveyor-in-training which has been
7 revoked, and such person shall be required to apply for a
8 license, certificate or registration after a period of five
9 years in accordance with section 2 if he desires to practice at
10 any time after such revocation. THE BOARD SHALL REQUIRE A PERSON <—
11 WHOSE LICENSE OR REGISTRATION HAS BEEN SUSPENDED OR REVOKED TO
12 RETURN THE LICENSE OR REGISTRATION IN SUCH MANNER AS THE BOARD
13 DIRECTS. FAILURE TO DO SO SHALL BE A MISDEMEANOR OF THE THIRD
14 DEGREE. Misconduct in the practice of engineering or land
15 surveying shall include, but not be limited to conviction for a
16 criminal offense such as extortion, bribery or fraud or entry of
17 a plea of nolo contendere to a charge thereof for conduct
18 relating to the practice of engineering or land surveying, or
19 has violated any provision of this act or any regulation
20 promulgated by the board. For the purposes of this subsection,
21 the code of ethics is as follows:

22 It shall be considered unprofessional and inconsistent with
23 honorable and dignified bearing for any professional engineer or
24 professional land surveyor:

25 (1) To act for his client or employer in professional
26 matters otherwise than as a faithful agent or trustee, or to
27 accept any remuneration other than his stated recompense for
28 services rendered.

29 (2) To attempt to injure falsely or maliciously, directly or
30 indirectly, the professional reputation, prospects or business

1 of anyone.

2 (3) To attempt to supplant another engineer or land surveyor
3 after definite steps have been taken toward his employment.

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

6 (5) To review the work of another engineer or land surveyor
7 for the same client, except with the knowledge of such engineer
8 or land surveyor, or unless the connection of such engineer or
9 land surveyor with the work has terminated.

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

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

17 (8) To attempt to practice in any field of engineering OR
18 LAND SURVEYING in which the registrant is not proficient.

<—

19 (9) To use or permit the use of his professional seal on
20 work over which he was not in responsible charge.

21 (10) To aid or abet any person in the practice of
22 engineering or land surveying not in accordance with the
23 provision of this act or prior laws.

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

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

30 The hearing examiners shall have the power to conduct

1 hearings in accordance with the regulations of the board, and to
2 issue subpoenas requiring the attendance and testimony of
3 individuals or the production of, pertinent books, records,
4 documents and papers by persons whom they believe to have
5 information relevant to any matter pending before the examiner.
6 Such examiner shall also have the power to administer oaths.

7 The hearing examiner shall hear evidence submitted and
8 arguments of counsel, if any, with reasonable dispatch, and
9 shall promptly record his decision, supported by findings of
10 fact, and a copy thereof shall immediately be sent to the board
11 and to counsel of record, or the parties, if not represented.

12 If application for review is made to the board within twenty
13 days from the date of any decision made as a result of a hearing
14 held by a hearing examiner, the board shall review the evidence,
15 and if deemed advisable by the board, hear argument and
16 additional evidence. As soon as practicable, the board shall
17 make a decision and shall file the same with its finding of the
18 facts on which it is based and send a copy thereof to each of
19 the parties in dispute.

20 [(j)] (h) Financial Requirements of Board.--(1) To submit
21 annually to the Department of State an estimate of the financial
22 requirements of the board for its administrative, investigative,
23 legal and miscellaneous expenses.

24 (2) To submit annually to the House and Senate
25 Appropriations Committees, fifteen days after the Governor has
26 submitted his budget to the General Assembly, a copy of the
27 budget request for the upcoming fiscal year which the board
28 previously submitted to the department.

29 [(k)] (i) Administration and Enforcement of Laws.--To
30 administer and enforce the laws of the Commonwealth relating to

1 the practice of engineering and land surveying, and to instruct
2 and require its agents to bring prosecutions for unauthorized
3 and unlawful practices.

4 [(1)] (j) Minutes and Records.--To keep minutes and records
5 of all its transactions and proceedings. Copies thereof duly
6 certified by the secretary of the board shall be received in
7 evidence in all courts and elsewhere.

8 [(m)] (k) Member of National Council of [Engineering] <—
9 Examiners FOR ENGINEERING AND SURVEYING; Dues.--To become a <—
10 member of the National Council of [Engineering] Examiners FOR <—
11 ENGINEERING AND SURVEYING, and to pay such dues as said council
12 shall establish, and to send delegates to the annual meeting of
13 said council, and to defray their expenses.

14 [(n)] (l) Administrative Rules and Regulations.--To adopt,
15 promulgate and enforce such administrative rules and
16 regulations, not inconsistent with this act, as are deemed
17 necessary and proper by the board to carry into effect the
18 powers conferred by this act.

19 [(o)] (m) Status of Complaints.--The board shall submit
20 annually a report to the Professional Licensure Committee of the
21 House of Representatives and to the Consumer Protection and
22 Professional Licensure Committee of the Senate a description of
23 the types of complaints received, status of cases, board action
24 which has been taken and the length of time from the initial
25 complaint to final board resolution.

26 Section 6. Section 4.1 of the act, added December 22, 1983
27 (P.L.348, No.87), is amended to read:

28 Section 4.1. †State Registration Board for Professional <—
29 Engineers†~~Board~~ AND PROFESSIONAL LAND SURVEYORS.--(a) [The <—
30 †State Registration Board for Professional Engineers†~~board~~ <—

1 shall consist of the Commissioner of Professional and
2 Occupational Affairs, the Director of the Bureau of Consumer
3 Protection in the Office of Attorney General, or his designee,
4 two] THERE IS HEREBY ESTABLISHED WITHIN THE DEPARTMENT OF STATE <—
5 THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS AND
6 PROFESSIONAL LAND SURVEYORS. THE BOARD SHALL CONSIST OF THE
7 COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS, THREE
8 members appointed by the Governor who shall be persons
9 representing the public at large and [five] seven members
10 appointed by the Governor, [all] five of whom shall be
11 registered professional engineers[.] and two of whom shall be <—
12 registered professional land surveyors and full time <—
13 practitioners in the surveying profession. ANY LAND SURVEYOR <—
14 APPOINTED TO SERVE ON THE BOARD SHALL HAVE RECEIVED THE LAND
15 SURVEYOR LICENSE UPON THE PASSAGE OF THE APPROPRIATE
16 EXAMINATIONS. The professional members of the board shall be so
17 selected that not more than two of them shall specialize in any
18 one of the five major disciplines of engineering: civil, mining
19 and metallurgical, mechanical, electrical and chemical. Each
20 member of the board shall be a citizen of the United States and
21 a resident of this Commonwealth. Each professional member shall
22 have been engaged in the practice of the respective profession
23 [of engineering] for at least ten years and shall have been in
24 responsible charge of [engineering] work for at least five
25 years.

26 (b) The terms of members of the board shall be six years, or
27 until his successor has been appointed and qualified but not
28 longer than six months beyond the six-year period. In the event
29 that any of said members shall die or resign during his term,
30 his successor shall be appointed in the same way and with the

1 same qualifications and shall hold office for the unexpired
2 term. No member shall be eligible for appointment to serve more
3 than two consecutive full terms.

4 (c) [Five] Six members of the board shall constitute a
5 quorum. A member may not be counted as part of a quorum or vote
6 on any issue, other than temporary and automatic suspension,
7 under this act unless he is physically in attendance at the
8 meeting.

9 (d) The board shall select annually a president from among
10 its members.

11 (e) Each member of the board, except the Commissioner of
12 Professional and Occupational Affairs and the Director of the
13 Bureau of Consumer Protection in the Office of Attorney General,
14 or his designee, shall receive sixty dollars per diem when
15 actually attending to the work of the board. Members shall also
16 receive the amount of reasonable traveling, hotel and other
17 necessary expenses incurred in the performance of their duties.

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

22 (g) A member of the board who fails to attend three
23 consecutive meetings shall forfeit his seat unless the
24 Commissioner of Professional and Occupational Affairs, upon
25 written request from the member, finds that the member should be
26 excused from a meeting because of illness or the death of a
27 family member.

28 (h) A public member who fails to attend two consecutive
29 statutorily mandated training seminars in accordance with
30 section 813(e) of the act of April 9, 1929 (P.L.177, No.175),

known as "The Administrative Code of 1929," shall forfeit board membership unless the Commissioner of Professional and Occupational Affairs, upon written request from the public member, finds that the public member should be excused from a meeting because of illness or the death of a family member.

~~(i) The board, with the approval of the Commissioner of Professional and Occupational Affairs, may employ and fix the compensation and duties of necessary personnel to assist it in the performance of its duties.~~

Section 7. The act is amended by adding sections to read:

Section 4.2. Procedure for Licensing as Professional Engineer. ~~The procedure to become a licensed professional engineer is a two examination process coupled with education and experience criteria:~~

~~(a) (1) The first step in the licensing process is to pass the examination in engineering fundamentals and become certified as an engineer in training. To qualify for this examination, the examinee must produce satisfactory evidence of one of the following:~~ ENGINEER.--AN APPLICANT FOR LICENSURE AS A

PROFESSIONAL ENGINEER SHALL SATISFACTORILY COMPLETE THE ENGINEERING FUNDAMENTALS EXAMINATION AND BECOME CERTIFIED AS AN ENGINEER-IN-TRAINING AND SUBSEQUENTLY SHOW EVIDENCE OF EXPERIENCE SATISFACTORY TO THE BOARD TO PREPARE HIM FOR THE ENGINEERING PRINCIPLES AND PRACTICE EXAMINATION.

(A) (1) AN APPLICANT FOR THE ENGINEER-IN-TRAINING CERTIFICATE SHALL SHOW SATISFACTORY EVIDENCE OF:

(i) Graduation GRADUATION from an approved engineering curriculum of four years or more OR MORE YEARS; OR.

(ii) Eight EIGHT or more years of progressive experience in engineering work, and knowledge, skill and education

1 approximating that attained through graduation from an approved
2 engineering curriculum.

3 ~~(2) Engineering students in their last two years of an~~ <—
4 ~~approved engineering curriculum may, with board approval, sit~~
5 ~~for the examination; but they will not be certified until they~~
6 ~~have shown proof of graduation.~~

7 ~~(3) Satisfactorily passing the fundamentals examination~~
8 ~~shall constitute a credit for life to the applicant or until the~~
9 ~~applicant is licensed under this act as a professional engineer.~~

10 ~~(b) Unless otherwise exempted by this act, all applicants~~
11 ~~must pass an examination in engineering principles and practice.~~
12 ~~To qualify for the principles and practice examination, the~~
13 ~~examinee must be a certified engineer in training and have one~~
14 ~~of the following:~~

15 (2) AN ENGINEERING STUDENT WHO HAS COMPLETED TWO OR MORE <—
16 YEARS OF AN APPROVED PROGRAM IN ENGINEERING MAY, SUBJECT TO
17 BOARD APPROVAL, SIT FOR THE EXAMINATION; BUT SUCH STUDENT SHALL
18 NOT BE ELIGIBLE FOR CERTIFICATION UNTIL HE SHOWS PROOF OF
19 GRADUATION.

20 (3) AN APPLICANT WHO SATISFACTORILY COMPLETES THE
21 EXAMINATION IN ENGINEERING FUNDAMENTALS SHALL BE CERTIFIED AS AN
22 ENGINEER-IN-TRAINING WITHOUT TIME LIMITATION AND MAY REMAIN
23 CERTIFIED UNTIL SUCH TIME AS HE BECOMES LICENSED UNDER THIS ACT
24 AS A PROFESSIONAL ENGINEER.

25 (B) AN APPLICANT WHO IS A CERTIFIED ENGINEER-IN-TRAINING MAY
26 APPLY FOR LICENSURE AND SHALL PASS THE EXAMINATION IN
27 ENGINEERING PRINCIPLES AND PRACTICE. TO QUALIFY FOR THE
28 PRINCIPLES AND PRACTICE EXAMINATION, AN APPLICANT SHALL, IN
29 ADDITION TO HOLDING THE ENGINEER-IN-TRAINING CERTIFICATE, SHOW
30 SATISFACTORY PROOF OF:

~~(1) Four FOUR or more years of progressive experience in engineering work PERFORMED AFTER THE ISSUANCE OF THE ENGINEER-IN-TRAINING CERTIFICATE AND under the supervision of a professional engineer or a similarly qualified engineer of a grade and character to fit him to assume responsible charge of the work involved in the practice of engineering. Experience used to meet the EIT requirement may not be reused.; OR~~

~~(2) Four FOUR or more years of progressive teaching experience in an approved curriculum under the supervision of a professional engineer or a similarly qualified engineer of a grade or character to fit him to assume responsible charge of the work involved in the practice of engineering.~~

~~Section 4.3. Procedure for Licensing as Professional Land Surveyor. The procedure to become a licensed professional land surveyor is a two examination process coupled with education and experience criteria:~~

~~(a) (1) The first step in the licensing process is to pass the examination in surveying fundamentals and become certified as a surveyor in training. To qualify for this examination, the examinee must produce satisfactory evidence of one of the following:~~

~~(i) Graduation from an approved civil engineering curriculum of four years or more, which includes at least ten credit hours of surveying.~~

~~(ii) Six or more years of progressive experience in surveying work, and knowledge, skill and education approximating that attained through graduation from an approved surveying curriculum.~~

~~(iii) An associate's degree in an approved surveying technology curriculum.~~

~~(2) Satisfactorily passing the fundamentals examination shall constitute a credit for life to the applicant or until the applicant is licensed under this act as a professional land surveyor.~~

~~(3) The board shall require all applicants to show a diversification in both field and office experience, with the smallest percentage of time in either category to be twenty five percent.~~

~~(b) Unless otherwise exempted by this act, all applicants must pass an examination in surveying principles and practice. To qualify for the principles and practice examination, the examinee must be a certified surveyor in training and have one of the following:~~

SECTION 4.3. PROCEDURE FOR LICENSING AS PROFESSIONAL LAND SURVEYOR.--AN APPLICANT FOR LICENSURE AS A PROFESSIONAL LAND SURVEYOR SHALL SATISFACTORILY COMPLETE THE SURVEYING FUNDAMENTALS EXAMINATION AND BECOME CERTIFIED AS A SURVEYOR-IN-TRAINING AND SUBSEQUENTLY SHOW EVIDENCE OF EXPERIENCE SATISFACTORY TO THE BOARD TO PREPARE FOR THE LAND SURVEYING PRINCIPLES AND PRACTICE EXAMINATION.

(A) (1) AN APPLICANT FOR THE SURVEYOR-IN-TRAINING CERTIFICATE SHALL SHOW SATISFACTORY EVIDENCE OF:

(I) GRADUATION FROM AN APPROVED CIVIL ENGINEERING CURRICULUM OF AT LEAST FOUR YEARS, INCLUDING NO LESS THAN TEN CREDIT HOURS INSTRUCTION IN SURVEYING;

(II) SIX OR MORE YEARS OF PROGRESSIVE EXPERIENCE IN SURVEYING AND KNOWLEDGE, SKILL AND EDUCATION DEEMED EQUIVALENT, IN ACCORDANCE WITH BOARD REGULATION, TO GRADUATION FROM AN APPROVED CURRICULUM IN LAND SURVEYING OR CIVIL ENGINEERING; OR

(III) AN ASSOCIATE'S DEGREE IN AN APPROVED SURVEYING

1 TECHNOLOGY CURRICULUM.

2 (2) AN APPLICANT WHO SATISFACTORILY COMPLETES THE
3 FUNDAMENTALS EXAMINATION SHALL BE CERTIFIED AS A SURVEYOR-IN-
4 TRAINING WITHOUT TIME LIMITATION AND MAY REMAIN CERTIFIED UNTIL
5 SUCH TIME AS HE BECOMES LICENSED UNDER THIS ACT AS A
6 PROFESSIONAL LAND SURVEYOR.

7 (3) AN APPLICANT SHALL SHOW DIVERSIFICATION OF FIELD AND
8 OFFICE EXPERIENCE, WITH AT LEAST TWENTY-FIVE PER CENT OF HIS
9 EXPERIENCE IN EACH.

10 (B) EACH APPLICANT FOR LICENSURE SHALL BE CERTIFIED AS A
11 SURVEYOR-IN-TRAINING AND SHALL PASS AN EXAMINATION IN LAND
12 SURVEYING PRINCIPLES AND PRACTICE. TO QUALIFY FOR THE PRINCIPLES
13 AND PRACTICE EXAMINATION, THE APPLICANT SHALL DEMONSTRATE:

14 (1) Four or more years of progressive experience in land
15 surveying work PERFORMED AFTER THE ISSUANCE OF THE SURVEYOR-IN- <—
16 TRAINING CERTIFICATE AND under the supervision of a professional
17 land surveyor or a similarly qualified surveyor of a grade or
18 character to fit him to assume responsible charge of the work
19 involved in the practice of land surveying. ~~Experience used to <—~~
20 ~~meet the surveyor in training requirements may not be reused.~~

21 (2) Four or more years of progressive teaching experience in
22 an approved curriculum under the supervision of a professional
23 land surveyor or a similarly qualified surveyor of a grade and
24 character to fit him to assume responsible charge of the work
25 involved in the practice of land surveying.

26 Section 8. Section 5(a), (b), (f), (g) and (h) of the act,
27 amended December 13, 1979 (P.L.534, No.120), are amended and the
28 section is amended by adding a subsection to read:

29 Section 5. Exemption from Licensure and Registration.--
30 Except as specifically provided in this section, this act shall

1 not be construed to require licensure and registration in the
2 following cases:

3 (a) The practice of engineering or land surveying by any
4 person who acts under the supervision of a professional engineer
5 or professional land surveyor, respectively, or by an employe of
6 a person lawfully engaged in the practice of engineering or land
7 surveying and who, in either event, does not assume responsible
8 charge of design or supervisions;

9 (b) The practice of engineering or land surveying, not
10 exceeding thirty days in the aggregate in one calendar year, by
11 a nonresident not having a place of business in this
12 Commonwealth, if such person is legally qualified to engage in
13 the practice of engineering or land surveying in the state or
14 territory of his residence: Provided, That standards of such
15 state or territory are at least equal to the {standards of this <—
16 Commonwealth;} ~~requirements of the regulations of the board and <—~~
17 ~~that the proper permit be obtained;~~

18 * * *

19 (f) The practice of engineering or land surveying by any
20 person or by any employe of any copartnership, association or
21 corporation upon property owned by such person or such
22 copartnership, association or corporation, unless such practice
23 affects the public safety or health or the property of some
24 other person or entity.

25 (g) The practice of engineering or land surveying work by a
26 manufacturing, mining, communications common carrier, research
27 and development or other industrial corporation or by employes
28 of such corporation, provided such work is in connection with or
29 incidental to products of, or non-engineering services rendered
30 by, such corporation or its affiliates. ~~;~~ ~~except that the <—~~

~~1 corporation or its employees may not in any way represent~~
~~2 themselves to be engineers or land surveyors, or through the use~~
~~3 of some other title imply that they are engineers or land~~
~~4 surveyors registered under this act.~~

5 (h) The running of lines or grades and layout work on or
6 within established property limits, or from established points
7 outside the property limits to or within such property limits
8 when performed by a contractor or home builder in conjunction
9 with the construction, reconstruction, alteration, maintenance
10 or demolition of a structure or other facility.

11 * * *

12 (j) The preparation of shop drawings or the performance of
13 construction management services by persons customarily engaged
14 in construction work.

15 Section 9. Sections 6 and 7 of the act, amended December 13,
16 1979 (P.L.534, No.120), are amended to read:

17 Section 6. Practice by Firms and Corporations.--The practice
18 of engineering and of land surveying being the function of an
19 individual or of individuals working in concerted effort, it
20 shall be unlawful for any firm or corporation to engage in such
21 practice, or to offer to practice, or to assume use or advertise
22 any title or description conveying the impression that such firm
23 or corporation is engaged in or is offering to practice such
24 profession, unless the directing heads and employees of such firm
25 or corporation in responsible charge of its activities in the
26 practice of such profession are licensed and registered in
27 conformity with the requirements of this act, and whose name
28 [and], seal and signature, along with the date of signature,
29 shall be stamped on all plans, [specification plates]
30 specifications, plats and reports issued by such firm or

1 corporation.

2 Section 7. Seal of Registrants.--(a) Each person,
3 registered under this act, shall obtain a seal of a design
4 authorized by the board which shall bear the registrant's name
5 and number and the legend "Registered Professional Engineer" or
6 "Registered Professional Land Surveyor." Such seal, or a
7 facsimile imprint of same, shall be stamped on all plans,
8 specifications, [plates] plats and reports issued by a
9 professional engineer or professional land surveyor.

10 (b) It shall be unlawful for any person to use such seal
11 during the period the license or registration of the holder
12 thereof has been suspended or revoked, or to use a seal of any
13 design not approved by the board.

14 Section 10. Sections 9 and 10 of the act, amended December
15 22, 1983 (P.L.348, No.87), are amended to read:

16 Section 9. Fees.--(a) The fee for an applicant for
17 licensure as a professional engineer or professional land
18 surveyor, including examination, and for examination or
19 certification, or both, as an engineer-in-training or a
20 surveyor-in-training, shall be as fixed by the board by
21 regulation and shall be subject to review in accordance with the
22 act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory
23 Review Act." If the revenues generated by fees, fines and civil
24 penalties imposed in accordance with the provisions of this act
25 are not sufficient to match expenditures over a two-year period,
26 the board shall increase those fees by regulation, subject to
27 review in accordance with the "Regulatory Review Act," such that
28 the projected revenues will meet or exceed projected
29 expenditures.

30 (b) If the Bureau of Professional and Occupational Affairs

1 determines that the fees established by the board are inadequate
2 to meet the minimum enforcement efforts required, then the
3 bureau, after consultation with the board, shall increase the
4 fees by regulation, subject to review in accordance with the
5 "Regulatory Review Act," such that adequate revenues are raised
6 to meet the required enforcement effort.

7 (c) All persons now qualified and engaged in the practice of
8 engineering and land surveying, or who shall hereafter be
9 licensed by the board, shall register, biennially, with the
10 board and pay the fee for each biennial registration. All fees
11 collected under the provisions of this act shall be received by
12 the board and shall be paid into the Professional Licensure
13 Augmentation Account.

14 Section 10. Status of Existing Licensees and Registrants
15 Preserved.--Any person, licensed or legally authorized to
16 practice as a professional engineer or professional land
17 surveyor in this Commonwealth at the time this act takes effect,
18 shall thereafter continue to possess the same rights and
19 privileges with respect to the practice of engineering or land
20 surveying without being required to be licensed anew under the
21 provisions of this act., subject, however, to the following:

22 (a) Any person licensed to practice as a professional
23 engineer at the time of the effective date of this act, upon
24 application to the board within two years of the effective date
25 of this act, shall be granted a certificate of registration to
26 practice land surveying.

27 (a.1) Any person licensed to practice as a professional
28 engineer limited to the practice of surveying at the time of the
29 effective date of this act may continue the practice of land
30 surveying thereunder and upon application to the board at any

1 time shall be granted a certificate of registration to practice
2 land surveying.

3 (b) All] However, all actions shall be subject to the power
4 of the board as provided in this act to suspend or revoke the
5 license of any such person for any of the causes set forth in
6 this act, and subject to the power of the board to require any
7 such person to register biennially with the board as provided in
8 this act.

9 Section 11. The act is amended by adding sections to read:

10 Section 10.1. Temporary and Automatic Suspensions.--(a) A
11 license issued under this act may be temporarily suspended under
12 circumstances as determined by the board to be an immediate and
13 clear danger to the public health and safety. The board shall
14 issue an order to that effect without a hearing, but upon due
15 notice to the licensee concerned at his or her last known
16 address, which shall include a written statement of all
17 allegations against the licensee. The board shall thereupon
18 commence formal action to suspend, revoke or restrict the
19 license of the person concerned as otherwise provided for in
20 this act. All actions shall be taken promptly and without delay.
21 Within thirty days following the issuance of an order
22 temporarily suspending a license, the board shall conduct, or
23 cause to be conducted, a preliminary hearing to determine that
24 there is a prima facie case supporting the suspension. The
25 licensee whose license has been temporarily suspended may be
26 present at the preliminary hearing and may be represented by
27 counsel, cross-examine witnesses, inspect physical evidence,
28 call witnesses, offer evidence and testimony and make a record
29 of the proceedings. If it is determined that there is not a
30 prima facie case, the suspended license shall be immediately

1 restored. The temporary suspension shall remain in effect until
2 vacated by the board, but in no event longer than one hundred
3 eighty days.

4 (b) A license issued under this act shall automatically be
5 suspended upon the legal commitment to an institution of a
6 licensee because of mental incompetency from any cause upon
7 filing with the board a certified copy of such commitment,
8 conviction of a felony under the act of April 14, 1972 (P.L.233,
9 No.64), known as "The Controlled Substance, Drug, Device and
10 Cosmetic Act," or conviction of an offense under the laws of
11 another jurisdiction, which, if committed in Pennsylvania, would
12 be a felony under "The Controlled Substance, Drug, Device and
13 Cosmetic Act." As used in this section, the term "conviction"
14 shall include a judgment, an admission of guilt or a plea of
15 nolo contendere. Automatic suspension under this subsection
16 shall not be stayed pending any appeal of a conviction.
17 Restoration of such license shall be made as hereinafter
18 provided in the case of revocation or suspension of such
19 license.

20 (c) An attorney responsible for representing the
21 Commonwealth in disciplinary matters before the board shall
22 notify the board immediately upon receiving notification of an
23 alleged violation of this act. The board shall maintain current
24 records of all reports of alleged violations and periodically
25 review the records for the purpose of determining that each
26 alleged violation has been resolved in a timely manner.

27 Section 10.2. Reporting of Multiple Licensure.--Any licensee
28 of this Commonwealth who is also licensed to practice
29 engineering or land surveying in any other state, territory or
30 country shall report this information to the board on the

1 biennial renewal application. Any disciplinary action taken in
2 other states, territories or countries shall be reported to the
3 board on the biennial renewal application or within ninety days
4 of final disposition, whichever is sooner. Multiple licensure
5 shall be noted by the board on the engineer's or land surveyor's
6 record, and each state, territory or country shall be notified
7 by the board of any disciplinary action taken against the
8 licensee in this Commonwealth.

9 Section 10.3. Restoration of Licenses and/or <—
10 Registrations. (a) Unless ordered to do so by Commonwealth
11 Court or an appeal therefrom, the board shall not reinstate the
12 license or registration of a person to practice engineering or
13 land surveying pursuant to this act, which license or
14 registration has been revoked. Any person whose license or
15 registration has been revoked may apply for reinstatement, after
16 a period of at least five years, but must meet all of the
17 licensing qualifications of this act for the license applied
18 for, to include the examination requirement, if he or she
19 desires to practice at any time after such revocation.

20 (b) The board shall require a person whose license or
21 registration has been suspended or revoked to return the license
22 or registration in such manner as the board directs. Failure to
23 do so shall be a misdemeanor of the third degree.

24 (c) Application for the reissuance of a license and/or
25 registration shall be made in such manner as the board may
26 direct.

27 (d) If a person convicted of a felony or crime deemed to be
28 a felony is subsequently pardoned by the governor of the state
29 where such conviction was had or by the President of the United
30 States, or shall receive a certificate of good conduct granted

~~by the Board of Probation and Parole, the board may, in its discretion, on application of such person and on the submission of evidence satisfactory to the board, restore to such person the engineering or land surveying license and/or registration.~~

Section 12. Section 11 of the act, amended December 22, 1983 (P.L.348, No.87), is amended to read:

Section 11. Penalties.--(a) Whoever shall engage in the practice of engineering or the practice of land surveying without being licensed and registered as required by this act, or exempted therefrom, as provided in this act, or shall present or attempt to use, as his own, the license or certificate of registration of another, or shall give any false or forged evidence of any kind to the board, or to any member thereof, in order to obtain a license or registration as a professional engineer or professional land surveyor or a certificate as an engineer-in-training or surveyor-in-training, or shall use any expired, suspended or revoked certificate of registration, or shall otherwise violate the provisions of this act, shall be guilty of a summary offense and upon conviction thereof for a first offense, shall be sentenced to pay a fine not exceeding [five hundred] one thousand dollars, or suffer imprisonment, not exceeding three months, or both and for a second or subsequent offense shall be guilty of a felony, and upon conviction thereof, shall be sentenced to pay a fine of not less than two thousand dollars but not more than five thousand dollars or to imprisonment for not less than one year but not more than two years, or both.

(b) In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote of the majority of the maximum number of the authorized membership of

1 the board as provided by law, or by a vote of the majority of
2 the duly qualified and confirmed membership or a minimum of
3 [four] ~~six~~ FIVE members, whichever is greater, may levy a civil ←
4 penalty of up to one thousand dollars on any current licensee
5 who violates any provision of this act or on any person who
6 practices the profession of an engineer or land surveyor without
7 being properly licensed to do so under this act. The board shall
8 levy this penalty only after affording the accused party the
9 opportunity for a hearing, as provided in Title 2 of the
10 Pennsylvania Consolidated Statutes (relating to administrative
11 law and procedure).

12 (c) All fines and civil penalties imposed in accordance with
13 this section shall be paid into the Professional Licensure
14 Augmentation Account.

15 Section 13. The act is amended by adding sections to read:

16 Section 11.1. Injunction Against Unlawful Practice.--It
17 shall be unlawful for any person to practice or attempt to offer
18 to practice engineering or land surveying, as defined in this
19 act, without having at the time of so doing a valid, unexpired,
20 unrevoked and unsuspended license issued under this act. The
21 unlawful practice of engineering or land surveying, as defined
22 in this act, may be enjoined by the courts on petition of the
23 board or the Commissioner of Professional and Occupational
24 Affairs. In any such proceeding, it shall not be necessary to
25 show that any person is individually injured by the actions
26 complained of. If the respondent is found guilty of the unlawful
27 practice of engineering or land surveying, the court shall
28 enjoin him from so practicing unless and until he has been duly
29 licensed. Procedure in such cases shall be the same as in any
30 other injunction suit. The remedy by injunction hereby given is

1 in addition to any other civil or criminal prosecution and
2 punishment.

3 Section 11.2. Investigative Subpoena.--The board shall have
4 the authority to issue subpoenas, upon application of an
5 attorney responsible for representing the Commonwealth in
6 disciplinary matters before the board, for the purpose of
7 investigating alleged violations of the disciplinary provisions
8 administered by the board. The board shall have the power to
9 subpoena witnesses, to administer oaths, to examine witnesses
10 and to take such testimony or compel the production of such
11 books, records, papers and documents as it may deem necessary or
12 proper in, and pertinent to, any proceeding, investigation or
13 hearing held or had by it. Client records may not be subpoenaed
14 without consent of the client or without order of a court of
15 competent jurisdiction on a showing that the records are
16 reasonably necessary for the conduct of the investigation. The
17 court may impose such limitations on the scope of the subpoenas
18 as are necessary to prevent unnecessary intrusion in client
19 confidential information. The board is authorized to apply to
20 the Commonwealth Court to enforce its subpoenas.

21 SECTION 14. SECTIONS 4.1 AND 4.2 AMENDED OR ADDED BY THIS <—
22 ACT SHALL NOT APPLY TO ANY PERSON WHO COMPLETES THE EDUCATIONAL
23 REQUIREMENTS BY JUNE 30, 1994, FOR LICENSURE AS A PROFESSIONAL
24 ENGINEER OR PROFESSIONAL LAND SURVEYOR AS THOSE REQUIREMENTS
25 EXISTED ON THE DAY PRIOR TO THE EFFECTIVE DATE OF THIS ACT.
26 SECTIONS 4.1 AND 4.2 AMENDED OR ADDED BY THIS ACT SHALL NOT
27 APPLY TO ANY PERSON WHO BEGINS THE EXPERIENCE REQUIREMENTS PRIOR
28 TO THE EFFECTIVE DATE OF THIS ACT FOR LICENSURE AS A
29 PROFESSIONAL ENGINEER OR LAND SURVEYOR AS THOSE REQUIREMENTS
30 EXISTED ON THE DAY PRIOR TO THE EFFECTIVE DATE OF THIS ACT. SUCH

1 PERSONS TO WHOM SECTIONS 4.1 AND 4.2 DO NOT APPLY SHALL COMPLY
2 WITH THE EDUCATION AND EXPERIENCE REQUIREMENTS AS THEY EXISTED
3 ON THE DAY PRIOR TO THE EFFECTIVE DATE OF THIS ACT.

4 Section ~~14~~ 15. This act shall take effect in 60 days.

<—