

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 655 Session of 2005

INTRODUCED BY MADIGAN, STOUT, O'PAKE, M. WHITE, COSTA, RAFFERTY, RHOADES, BOSCOLA, D. WHITE, ORIE AND WONDERLING, MAY 26, 2005

SENATOR WENGER, APPROPRIATIONS, RE-REPORTED AS AMENDED, JUNE 5, 2006

AN ACT

1 Amending the act of May 23, 1945 (P.L.913, No.367), entitled, as
2 amended, "An act relating to and regulating the practice of
3 the profession of engineering, including civil engineering,
4 mechanical engineering, electrical engineering, mining
5 engineering and chemical engineering, the profession of land
6 surveying and the profession of geology and constituent parts
7 and combinations thereof as herein defined; providing for the
8 licensing and registration of persons practicing said
9 profession, and the certification of engineers-in-training
10 and surveyors-in-training, and the suspension and revocation
11 of said licenses, registrations and certifications for
12 violation of this act; prescribing the powers and duties of
13 the State Registration Board for Professional Engineers, Land
14 Surveyors and Geologists, the Department of State and the
15 courts; prescribing penalties; and repealing existing laws,"
16 providing for the use of the terms "engineer" and
17 "engineering"; and providing for continuing professional
18 engineering competency and education requirements AND FOR
19 CONTINUING LAND SURVEYING COMPETENCY AND EDUCATION
20 REQUIREMENTS.

<—

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 Section 1. Section 3 of the act of May 23, 1945 (P.L.913,
24 No.367), known as the Engineer, Land Surveyor and Geologist
25 Registration Law, amended December 16, 1992 (P.L.1151, No.151),
26 is amended to read:

1 Section 3. Practice of Engineering, Land Surveying or  
2 Geology Without Licensure and Registration Prohibited.--(a) In  
3 order to safeguard life, health or property and to promote the  
4 general welfare, it is unlawful for any person to practice or to  
5 offer to practice engineering in this Commonwealth, unless he is  
6 licensed and registered under the laws of this Commonwealth as a  
7 professional engineer, for any person to practice or to offer to  
8 practice land surveying, unless he is licensed and registered  
9 under the laws of this Commonwealth as a professional land  
10 surveyor or for any person to practice or to offer to practice  
11 geology unless he is licensed and registered under the laws of  
12 this Commonwealth as a professional geologist. Individuals  
13 licensed as professional engineers, professional land surveyors  
14 or registered landscape architects may perform geological work  
15 which is incidental to their engineering, surveying or landscape  
16 architecture without being licensed as a professional geologist.

17 (b) A person shall be construed to practice or offer to  
18 practice engineering, land surveying or geology who practices  
19 any branch of the profession of engineering, land surveying or  
20 geology; or who, by verbal claim, sign, advertisement,  
21 letterhead, card, or in any other way represents himself to be  
22 an engineer, land surveyor or geologist, or through the use of  
23 some other title implies that he is an engineer, land surveyor  
24 or geologist or that he is registered under this act; or who  
25 holds himself out as able to perform, or who does perform any  
26 engineering, land surveying or geological service or work or any  
27 other service designated by the practitioner or recognized as  
28 engineering, land surveying or geology.

29 (c) Notwithstanding subsection (b), the title "engineer" may  
30 only be used by an individual licensed as a professional

1 engineer unless the individual is one of the following:

2 (1) A locomotive engineer.

3 (2) An operating engineer.

4 (3) A project engineer in the construction industry.

5 ~~(4) An individual who is not offering engineering services~~ <—  
6 ~~or engaged in the practice of engineering as defined in section~~  
7 ~~2(a)(1).~~

8 Section 2. The act is amended by adding a ~~section~~ SECTIONS <—  
9 to read:

10 Section 4.5. Continuing Professional Engineering Competency  
11 Requirements.--(a) In order to help safeguard life, health and  
12 property and to promote the public welfare, the practice of  
13 professional engineering in this Commonwealth requires  
14 continuing professional competency.

15 (b) Each in-State and out-of-State engineering licensee  
16 shall be required to meet the continuing professional competency  
17 requirements of this section as a condition for licensure  
18 renewal. Continuing professional competency obtained by an  
19 engineering licensee should maintain, improve or expand skills  
20 and knowledge obtained prior to initial licensure or develop new  
21 and relevant skills and knowledge.

22 (c) Each engineering licensee shall be required to obtain  
23 twenty four PDH units during the ~~biannual~~ BIENNIAL renewal <—  
24 period. If an engineering licensee exceeds the requirement in  
25 any renewal period, a maximum of twelve PDH units may be carried  
26 forward into the subsequent renewal period. PDH units may be  
27 earned as follows:

28 (1) Successful completion of college courses relevant to the  
29 professional practice of engineering.

30 (2) Successful completion of continuing education courses

1 relevant to the professional practice of engineering.

2 (3) Successful completion of correspondence, televised,  
3 videotaped and other short courses or tutorials, relevant to the  
4 professional practice of engineering.

5 (4) Presenting or attending qualifying seminars, in-house  
6 courses, workshops or professional or technical presentations  
7 made at meetings, conventions or conferences, relevant to the  
8 professional practice of engineering.

9 (5) Teaching or instructing in any of the activities listed  
10 in clauses (1) through (4).

11 (6) Authoring published papers, articles, books or accepted  
12 licensing examination items.

13 (7) Actively participating in professional or technical  
14 societies relevant to the professional practice of engineering.

15 An engineering licensee shall serve as an officer or actively  
16 participate in a committee of the organization in order to  
17 receive credit. PDH credits shall not be earned until the end of  
18 each year of service is completed.

19 (8) Obtaining patents.

20 (d) (1) Except as provided in clause (2), units of other  
21 types of credit shall be converted to PDH units as follows:

22 (i) One college or unit semester hour shall equal forty-five  
23 PDH units.

24 (ii) One college or unit quarter hour shall equal thirty PDH  
25 units.

26 (iii) One continuing education unit shall equal ten PDH  
27 units.

28 (iv) One hour of professional development in course work,  
29 seminars or professional or technical presentations made at  
30 meetings, conventions or conferences shall equal one PDH unit.

1     (v) Each published paper, article or book shall equal ten  
2 PDH units.

3     (vi) Active participation in a professional and technical  
4 society, relevant to the professional practice of engineering  
5 shall equal, for each organization, two PDH units.

6     (vii) Each patent obtained shall equal ten PDH units.

7     (2) Teaching any of the activities listed in clause (1)(i)  
8 through (iv) shall equal double the amount of PDH units provided  
9 for in those subclauses. Teaching credit shall be awarded for  
10 teaching a course or seminar for the first time only, but shall  
11 not be awarded to full-time faculty in the performance of their  
12 duties at their employing institutions.

13     (e) The board shall have final authority with respect to  
14 approval of courses, credit, PDH value for courses and other  
15 methods of earning credit. Credit determination for activities  
16 listed in subsection (d)(1)(v) and (vii) shall be the  
17 responsibility of the engineering licensee.

18     (f) The engineering licensee shall be responsible for  
19 maintaining records to be used to support credits claimed.

20 Required records shall include all of the following:

21     (1) A log showing the type of activity claimed, sponsoring  
22 organization, location, duration, instructor's or speaker's name  
23 and PDH credits earned.

24     (2) Attendance verification records in the form of  
25 completion certificates or other documents supporting evidence  
26 of attendance.

27     (g) An engineering licensee may be exempt from the  
28 requirements of this section for any of the following reasons:

29     (1) New engineering licensees who are licensed as a result  
30 of examination or comity shall be exempt for their first renewal

1 period.

2 (2) An engineering licensee serving on temporary active duty  
3 in the armed forces of the United States for a period of time  
4 exceeding one hundred twenty consecutive days in a year shall be  
5 exempt from obtaining the professional development hours  
6 required during that year.

7 (3) Engineering licensees experiencing physical disability,  
8 illness or other extenuating circumstances as reviewed and  
9 approved by the board may be exempt. Supporting documentation  
10 must be furnished to the board.

11 (4) Licensees who list their occupation as retired or  
12 inactive on the board-approved renewal form and who certify that  
13 they are no longer receiving any remuneration for providing  
14 professional engineering services shall be exempt from the  
15 professional development hours requirement. In the event such a  
16 person elects to return to active practice of professional  
17 engineering, professional development hours must be earned  
18 before returning to active practice for each year exempted, not  
19 to exceed the ~~biannual~~ BIENNIAL renewal requirements. ←

20 (h) An engineering licensee may bring an inactive license to  
21 active status by obtaining all delinquent PDH units, except that  
22 under no circumstance shall an engineering licensee be required  
23 to obtain more than twenty-four PDH units to restore an inactive  
24 license.

25 (i) The continuing professional competency requirements of  
26 this section are satisfied when a nonresident certifies to be  
27 licensed in and has met the mandatory continuing professional  
28 competency requirements of any jurisdiction approved and listed  
29 by the board.

30 (j) The following words and phrases shall have the meanings

1 given to them in this subsection:

2 "Activity" shall mean any qualifying activity with a clear  
3 purpose and objective which will maintain, improve or expand the  
4 skills and knowledge relevant to a licensee's practice of  
5 professional engineering.

6 "College or Unit Semester Hour" or "College or Unit Quarter  
7 Hour" shall mean credit for courses in ABET-approved programs or  
8 other related college courses.

9 "Continuing Education Unit" shall mean a unit of credit  
10 customarily used for continuing education courses.

11 "Course" shall mean any qualifying course with a clear  
12 purpose and objective which will maintain, improve or expand the  
13 skills and knowledge relevant to a licensee's practice of  
14 professional engineering.

15 "Professional Development Hour" or "PDH" shall mean a contact  
16 hour of instruction or presentation relevant to the professional  
17 practice of engineering.

18 SECTION 4.6. CONTINUING PROFESSIONAL LAND SURVEYING ←  
19 COMPETENCY REQUIREMENTS.--(A) IN ORDER TO HELP SAFEGUARD LIFE,  
20 HEALTH AND PROPERTY AND TO PROMOTE THE PUBLIC WELFARE, THE  
21 PRACTICE OF PROFESSIONAL LAND SURVEYING IN THIS COMMONWEALTH  
22 REQUIRES CONTINUING PROFESSIONAL COMPETENCY.

23 (B) EACH IN-STATE AND OUT-OF-STATE LAND SURVEYING LICENSEE  
24 SHALL BE REQUIRED TO MEET THE CONTINUING PROFESSIONAL COMPETENCY  
25 REQUIREMENTS OF THIS SECTION AS A CONDITION FOR LICENSURE  
26 RENEWAL. CONTINUING PROFESSIONAL COMPETENCY OBTAINED BY A LAND  
27 SURVEYING LICENSEE SHOULD MAINTAIN, IMPROVE OR EXPAND SKILLS AND  
28 KNOWLEDGE OBTAINED PRIOR TO INITIAL LICENSURE OR DEVELOP NEW AND  
29 RELEVANT SKILLS AND KNOWLEDGE.

30 (C) EACH LAND SURVEYING LICENSEE SHALL BE REQUIRED TO OBTAIN

1 TWENTY-FOUR PDH UNITS DURING THE BIENNIAL RENEWAL PERIOD. IF A  
2 LAND SURVEYING LICENSEE EXCEEDS THE REQUIREMENT IN ANY RENEWAL  
3 PERIOD, A MAXIMUM OF TWELVE PDH UNITS MAY BE CARRIED FORWARD  
4 INTO THE SUBSEQUENT RENEWAL PERIOD. PDH UNITS MAY BE EARNED AS  
5 FOLLOWS:

6 (1) SUCCESSFUL COMPLETION OF COLLEGE COURSES RELEVANT TO THE  
7 PROFESSIONAL PRACTICE OF LAND SURVEYING.

8 (2) SUCCESSFUL COMPLETION OF CONTINUING EDUCATION COURSES  
9 RELEVANT TO THE PROFESSIONAL PRACTICE OF LAND SURVEYING.

10 (3) SUCCESSFUL COMPLETION OF CORRESPONDENCE, TELEVISED,  
11 VIDEOTAPED AND OTHER SHORT COURSES OR TUTORIALS RELEVANT TO THE  
12 PROFESSIONAL PRACTICE OF LAND SURVEYING.

13 (4) PRESENTING OR ATTENDING QUALIFYING SEMINARS, IN-HOUSE  
14 COURSES, WORKSHOPS OR PROFESSIONAL OR TECHNICAL PRESENTATIONS  
15 MADE AT MEETINGS, CONVENTIONS OR CONFERENCES RELEVANT TO THE  
16 PROFESSIONAL PRACTICE OF LAND SURVEYING.

17 (5) TEACHING OR INSTRUCTING IN ANY OF THE ACTIVITIES LISTED  
18 IN CLAUSES (1) THROUGH (4).

19 (6) AUTHORIZING PUBLISHED PAPERS, ARTICLES, BOOKS OR ACCEPTED  
20 LICENSING EXAMINATION ITEMS.

21 (7) ACTIVELY PARTICIPATING IN PROFESSIONAL OR TECHNICAL  
22 SOCIETIES RELEVANT TO THE PROFESSIONAL PRACTICE OF LAND  
23 SURVEYING. A LAND SURVEYING LICENSEE SHALL SERVE AS AN OFFICER  
24 OR ACTIVELY PARTICIPATE IN A COMMITTEE OF THE ORGANIZATION IN  
25 ORDER TO RECEIVE CREDIT. PDH CREDITS SHALL NOT BE EARNED UNTIL  
26 THE END OF EACH YEAR OF SERVICE IS COMPLETED.

27 (8) OBTAINING PATENTS.

28 (D) (1) EXCEPT AS PROVIDED IN CLAUSE (2), UNITS OF OTHER  
29 TYPES OF CREDIT SHALL BE CONVERTED TO PDH UNITS AS FOLLOWS:

30 (I) ONE COLLEGE OR UNIT SEMESTER HOUR SHALL EQUAL FORTY-FIVE

1 PDH UNITS.

2 (II) ONE COLLEGE OR UNIT QUARTER HOUR SHALL EQUAL THIRTY PDH  
3 UNITS.

4 (III) ONE CONTINUING EDUCATION UNIT SHALL EQUAL TEN PDH  
5 UNITS.

6 (IV) ONE HOUR OF PROFESSIONAL DEVELOPMENT IN COURSE WORK,  
7 SEMINARS OR PROFESSIONAL OR TECHNICAL PRESENTATIONS MADE AT  
8 MEETINGS, CONVENTIONS OR CONFERENCES SHALL EQUAL ONE PDH UNIT.

9 (V) EACH PUBLISHED PAPER, ARTICLE OR BOOK SHALL EQUAL TEN  
10 PDH UNITS.

11 (VI) ACTIVE PARTICIPATION IN A PROFESSIONAL AND TECHNICAL  
12 SOCIETY RELEVANT TO THE PROFESSIONAL PRACTICE OF LAND SURVEYING  
13 SHALL EQUAL, FOR EACH ORGANIZATION, TWO PDH UNITS.

14 (VII) EACH PATENT OBTAINED SHALL EQUAL TEN PDH UNITS.

15 (2) TEACHING ANY OF THE ACTIVITIES LISTED IN CLAUSE (1)(I)  
16 THROUGH (IV) SHALL EQUAL DOUBLE THE AMOUNT OF PDH UNITS PROVIDED  
17 FOR IN THOSE SUBCLAUSES. TEACHING CREDIT SHALL BE AWARDED FOR  
18 TEACHING A COURSE OR SEMINAR FOR THE FIRST TIME ONLY, BUT SHALL  
19 NOT BE AWARDED TO FULL-TIME FACULTY IN THE PERFORMANCE OF THEIR  
20 DUTIES AT THEIR EMPLOYING INSTITUTIONS.

21 (E) THE BOARD SHALL HAVE FINAL AUTHORITY WITH RESPECT TO  
22 APPROVAL OF COURSES, CREDIT, PDH VALUE FOR COURSES AND OTHER  
23 METHODS OF EARNING CREDIT. CREDIT DETERMINATION FOR ACTIVITIES  
24 LISTED IN SUBSECTION (D)(1)(V) AND (VII) SHALL BE THE  
25 RESPONSIBILITY OF THE LAND SURVEYING LICENSEE.

26 (F) THE LAND SURVEYING LICENSEE SHALL BE RESPONSIBLE FOR  
27 MAINTAINING RECORDS TO BE USED TO SUPPORT CREDITS CLAIMED.

28 REQUIRED RECORDS SHALL INCLUDE ALL OF THE FOLLOWING:

29 (1) A LOG SHOWING THE TYPE OF ACTIVITY CLAIMED, SPONSORING  
30 ORGANIZATION, LOCATION, DURATION, INSTRUCTOR'S OR SPEAKER'S NAME

1 AND PDH CREDITS EARNED.

2 (2) ATTENDANCE VERIFICATION RECORDS IN THE FORM OF  
3 COMPLETION CERTIFICATES OR OTHER DOCUMENTS SUPPORTING EVIDENCE  
4 OF ATTENDANCE.

5 (G) A LAND SURVEYING LICENSEE MAY BE EXEMPT FROM THE  
6 REQUIREMENTS OF THIS SECTION FOR ANY OF THE FOLLOWING REASONS:

7 (1) NEW LAND SURVEYING LICENSEES WHO ARE LICENSED AS A  
8 RESULT OF EXAMINATION OR COMITY SHALL BE EXEMPT FOR THEIR FIRST  
9 RENEWAL PERIOD.

10 (2) A LAND SURVEYING LICENSEE SERVING ON TEMPORARY ACTIVE  
11 DUTY IN THE ARMED FORCES OF THE UNITED STATES FOR A PERIOD OF  
12 TIME EXCEEDING ONE HUNDRED TWENTY CONSECUTIVE DAYS IN A YEAR  
13 SHALL BE EXEMPT FROM OBTAINING THE PROFESSIONAL DEVELOPMENT  
14 HOURS REQUIRED DURING THAT YEAR.

15 (3) LAND SURVEYING LICENSEES EXPERIENCING PHYSICAL  
16 DISABILITY, ILLNESS OR OTHER EXTENUATING CIRCUMSTANCES AS  
17 REVIEWED AND APPROVED BY THE BOARD MAY BE EXEMPT. SUPPORTING  
18 DOCUMENTATION MUST BE FURNISHED TO THE BOARD.

19 (4) LICENSEES WHO LIST THEIR OCCUPATION AS RETIRED OR  
20 INACTIVE ON THE BOARD-APPROVED RENEWAL FORM AND WHO CERTIFY THAT  
21 THEY ARE NO LONGER RECEIVING ANY REMUNERATION FOR PROVIDING  
22 PROFESSIONAL LAND SURVEYING SERVICES SHALL BE EXEMPT FROM THE  
23 PROFESSIONAL DEVELOPMENT HOURS REQUIREMENT. IN THE EVENT SUCH A  
24 PERSON ELECTS TO RETURN TO ACTIVE PRACTICE OF PROFESSIONAL LAND  
25 SURVEYING, PROFESSIONAL DEVELOPMENT HOURS MUST BE EARNED BEFORE  
26 RETURNING TO ACTIVE PRACTICE FOR EACH YEAR EXEMPTED, NOT TO  
27 EXCEED THE BIENNIAL RENEWAL REQUIREMENTS.

28 (H) A LAND SURVEYING LICENSEE MAY BRING AN INACTIVE LICENSE  
29 TO ACTIVE STATUS BY OBTAINING ALL DELINQUENT PDH UNITS, EXCEPT  
30 THAT UNDER NO CIRCUMSTANCE SHALL A LAND SURVEYING LICENSEE BE

1 REQUIRED TO OBTAIN MORE THAN TWENTY-FOUR PDH UNITS TO RESTORE AN  
2 INACTIVE LICENSE.

3 (I) THE CONTINUING PROFESSIONAL COMPETENCY REQUIREMENTS OF  
4 THIS SECTION ARE SATISFIED WHEN A NONRESIDENT CERTIFIES TO BE  
5 LICENSED IN AND HAS MET THE MANDATORY CONTINUING PROFESSIONAL  
6 COMPETENCY REQUIREMENTS OF ANY JURISDICTION APPROVED AND LISTED  
7 BY THE BOARD.

8 (J) THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS  
9 GIVEN TO THEM IN THIS SUBSECTION:

10 "ACTIVITY" SHALL MEAN ANY QUALIFYING ACTIVITY WITH A CLEAR  
11 PURPOSE AND OBJECTIVE WHICH WILL MAINTAIN, IMPROVE OR EXPAND THE  
12 SKILLS AND KNOWLEDGE RELEVANT TO A LICENSEE'S PRACTICE OF  
13 PROFESSIONAL LAND SURVEYING.

14 "COLLEGE OR UNIT SEMESTER HOUR" OR "COLLEGE OR UNIT QUARTER  
15 HOUR" SHALL MEAN CREDIT FOR COURSES IN ABET-APPROVED PROGRAMS OR  
16 OTHER RELATED COLLEGE COURSES.

17 "CONTINUING EDUCATION UNIT" SHALL MEAN A UNIT OF CREDIT  
18 CUSTOMARILY USED FOR CONTINUING EDUCATION COURSES.

19 "COURSE" SHALL MEAN ANY QUALIFYING COURSE WITH A CLEAR  
20 PURPOSE AND OBJECTIVE WHICH WILL MAINTAIN, IMPROVE OR EXPAND THE  
21 SKILLS AND KNOWLEDGE RELEVANT TO A LICENSEE'S PRACTICE OF  
22 PROFESSIONAL LAND SURVEYING.

23 "PROFESSIONAL DEVELOPMENT HOUR" OR "PDH" SHALL MEAN A CONTACT  
24 HOUR OF INSTRUCTION OR PRESENTATION RELEVANT TO THE PROFESSIONAL  
25 PRACTICE OF LAND SURVEYING.

26 Section 3. Section 6 of the act, amended December 16, 1992  
27 (P.L.1151, No.151), is amended to read:

28 Section 6. Practice by Firms and Corporations.--The practice  
29 of engineering, of land surveying and of geology being the  
30 function of an individual or of individuals working in concerted

1 effort, it shall be unlawful for any firm or corporation to  
2 engage in such practice, or to offer to practice, or to assume  
3 use or advertise any title or description, including the use of  
4 the term "engineer" or "engineering" in its firm or corporate  
5 name, conveying the impression that such firm or corporation is  
6 engaged in or is offering to practice such profession, unless  
7 the directing heads and employes of such firm or corporation in  
8 responsible charge of its activities in the practice of such  
9 profession are licensed and registered in conformity with the  
10 requirements of this act, and whose name, seal and signature,  
11 along with the date of signature, shall be stamped on all plans,  
12 specifications, plats and reports issued by such firm or  
13 corporation.

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