

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1235 Session of
2011

INTRODUCED BY PAYNE AND FABRIZIO, MARCH 29, 2011

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 29, 2011

AN ACT

Amending the act of May 23, 1945 (P.L.913, No.367), entitled, as amended, "An act relating to and regulating the practice of the profession of engineering, including civil engineering, mechanical engineering, electrical engineering, mining engineering and chemical engineering, the profession of land surveying and the profession of geology and constituent parts and combinations thereof as herein defined; providing for the licensing and registration of persons practicing said profession, and the certification of engineers-in-training and surveyors-in-training, and the suspension and revocation of said licenses, registrations and certifications for violation of this act; prescribing the powers and duties of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, the Department of State and the courts; prescribing penalties; and repealing existing laws," providing for the regulation of the profession of forestry.

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

Section 1. The title and section 1 of the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, amended December 16, 1992 (P.L.1151, No.151), are amended to read:

AN ACT

Amending the act of May 23, 1945 (P.L.913, No.367), entitled, as amended, "An act relating to and regulating the practice of

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

15 Section 1. Short Title.--This act shall be known and may be
16 cited as the "Engineer, Land Surveyor [and], Geologist and
17 Forester Registration Law."

18 Section 2. Section 2(g) and (i) of the act, amended December
19 13, 1979 (P.L.534, No.120) and December 16, 1992 (P.L.1151,
20 No.151), are amended and the section is amended by adding
21 subsections to read:

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

23 * * *

24 (g) "Board" means The State Registration Board for
25 Professional Engineers, Land Surveyors [and], Geologists and
26 Foresters.

27 * * *

28 (i) "Responsible Charge" means a position that requires
29 initiative, skill and independent judgment, and implies such
30 degree of competence and accountability gained by technical

1 education and experience of a grade and character as is
2 sufficient to qualify an individual to personally and
3 independently engage in and be entrusted with the work involved
4 in the practice of engineering [or], land surveying or forestry.
5 This term does not include positions which require routine
6 performance of subprofessional work such as auxiliary survey
7 personnel (unless acting as chief of party) and drafting
8 personnel.

9 * * *

10 (u) "Forestry" means the science, the art and the practice
11 of conserving and managing for human benefit the natural
12 resources, including the trees, other plants, animals, soil and
13 water that occur on and in association with forest lands.

14 (v) "Practice of forestry" means any professional services
15 requiring the application of forestry principles and techniques.
16 Such services shall include, but not be limited to, forest
17 inventory, forest management planning, timber appraisal, the
18 direction and supervision of silvicultural activities, the use
19 and protection of forested areas and the evaluation of the
20 economic and biological consequences of forest management
21 activities. The term shall not be construed to include:

22 (1) the usual and accustomed practices of loggers and timber
23 buyers in connection with purchasing and harvesting timber,
24 provided that they do not represent themselves to be foresters
25 or characterize their services as forestry services;

26 (2) preparation of erosion and sediment control plans
27 pursuant to State laws; and

28 (3) the practice of engineering, land surveying or geology
29 for which separate registration is required under the provisions
30 of this act or landscape architecture for which separate

1 registration is required under the provisions of the act of
2 January 24, 1966 (1965 P.L.1527, No.535), known as the
3 "Landscape Architects' Registration Law."

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

6 Section 3. Practice of Engineering, Land Surveying [or],
7 Geology or Forestry Without Licensure and Registration

8 Prohibited.--(a) In order to safeguard life, health or property
9 and to promote the general welfare, it is unlawful for any
10 person to practice or to offer to practice engineering in this
11 Commonwealth, unless he is licensed and registered under the
12 laws of this Commonwealth as a professional engineer, for any
13 person to practice or to offer to practice land surveying,
14 unless he is licensed and registered under the laws of this
15 Commonwealth as a professional land surveyor [or], for any
16 person to practice or to offer to practice geology unless he is
17 licensed and registered under the laws of this Commonwealth as a
18 professional geologist or for any person to practice or to offer
19 to practice forestry unless he is licensed and registered under
20 the laws of this Commonwealth as a professional forester.

21 Individuals licensed as professional engineers, professional
22 land surveyors or registered landscape architects may perform
23 geological work which is incidental to their engineering,
24 surveying or landscape architecture without being licensed as a
25 professional geologist. Individuals licensed as professional
26 engineers, professional land surveyors, professional geologists
27 or registered landscape architects may perform forestry work
28 which is incidental to their engineering, surveying, geology or
29 landscape architecture without being a professional forester.
30 Individuals licensed as professional foresters may perform

1 engineering, surveying, geological or landscape architecture
2 work which is incidental to their forestry work.

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

17 Section 4. Section 4 of the act, amended December 16, 1992
18 (P.L.1151, No.151), November 29, 2006 (P.L.1534, No.170) and May
19 12, 2010 (P.L.192, No.25), is amended to read:

20 Section 4. General Powers of Board.--The board shall have
21 power--

22 (a) Approval of Engineering, Surveying [and], Geology and
23 Forestry Curricula.--To investigate and to approve or disapprove
24 engineering, surveying [and], geology and forestry curricula of
25 this State, and other states, territories and countries for the
26 education of students desiring to be licensed to engage in the
27 practice of engineering, land surveying [or], geology or
28 forestry, and to revoke or suspend approvals where they are no
29 longer deemed proper.

30 (b) Licensing Professional Engineers, Professional Land

1 Surveyors [and], Professional Geologists and Professional
2 Foresters.--To provide for and to regulate the licensing, and to
3 license to engage in the practice of engineering, land surveying
4 [or], geology or forestry any person of good moral character and
5 repute who speaks and writes the English language, if such
6 person either--

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

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

28 In carrying into effect clauses (1) and (2) of subsection (b)
29 of this section in relation to engineers and surveyors the board
30 may in its discretion enter into agreements for reciprocity with

1 the National Council of Examiners for Engineering and Surveying
2 and with states under such rules and regulations as the board
3 may prescribe.

4 (3) Complies with the education and experience criteria and
5 successfully completes the two-examination process for licensing
6 as a professional engineer, as set forth in section 4.2, or as a
7 professional land surveyor, as set forth in section 4.3 or the
8 examination process for licensing as a professional geologist as
9 set forth in section 4.4 or as a professional forester as set
10 forth in section 4.6.

11 (c) Investigations of Applications; Determination of
12 Competency of Applicants.--To investigate the allegations
13 contained in any application for licensure or certification
14 under this act in order to determine the truth of such
15 allegations and to determine the competency of any person
16 applying for licensure to assume responsible charge of the work
17 involved in the practice of engineering, land surveying [or],
18 geology or forestry, such competency to be determined by the
19 grade and character of the engineering work, the grade and
20 character of the land surveying work [or], the grade and
21 character of geologic work or the grade and character of
22 forestry work actually performed. In relation to engineers and
23 surveyors, the mere execution as a contractor of work designed
24 by a professional engineer, or the supervision of the
25 construction of such work as a foreman or superintendent, or the
26 operation or maintenance of machinery or equipment, or work
27 performed as a salesman of engineering equipment or apparatus,
28 shall not be deemed to be active practice in engineering, unless
29 such work has involved the actual practice of engineering.
30 Engineering and land surveying work, performed under the

1 supervision of a professional engineer or land surveyor,
2 respectively, shall be given full credit. Whenever the board
3 determines otherwise than by examination, that an applicant has
4 not produced sufficient evidence to show that he is competent to
5 be placed in responsible charge and shall refuse to examine or
6 to license such applicant, it shall set forth in writing its
7 findings and the reasons for its conclusions and furnish a copy
8 thereof to the applicant.

9 (d) Examinations; Fees.--To prescribe the subjects, manner,
10 time and place of examinations for licenses as professional
11 engineers, professional land surveyors [and], professional
12 geologists and professional foresters and for certificates for
13 engineers-in-training, geologists-in-training and surveyors-in-
14 training, and the filing of applications for such examinations,
15 and to prepare or provide for the preparation of such
16 examinations, conduct or provide for the conduct of such
17 examinations, to make written reports of such examinations,
18 which reports shall be preserved for a period of not less than
19 three years, to collect such fees for such examinations, and for
20 licenses and certificates issued without examination, as may be
21 fixed according to law, and to issue licenses and certificates
22 to such persons as successfully pass such examinations.

23 (e) Biennial Registrations; Fees.--To provide for, regulate
24 and require all persons licensed in accordance with the
25 provisions of this act and all persons licensed and registered
26 under prior laws of this Commonwealth, relating to the licensing
27 of professional engineers [and], professional land surveyors, professional geologists and professional foresters,
28 to register biennially with the board, to prescribe the form of such
29 registration, after consultation with the Commissioner of
30

1 Professional and Occupational Affairs and the payment of such
2 biennial registration fee, as shall be fixed according to law,
3 to issue biennial registration to such persons and to suspend or
4 revoke the license or registration of such persons as fail,
5 refuse or neglect to so register, or pay such fee within such
6 time as the board shall prescribe by its rules and regulations,
7 and to reinstate licenses and registrations of persons who shall
8 thereafter pay such registration fees in accordance with the
9 rules and regulations of the board.

10 (f) Roster of Registrants.--To keep a roster showing the
11 names and addresses of professional engineers, professional land
12 surveyors [and], professional geologists and professional
13 foresters licensed under this act, and under prior laws, and
14 registered by the board, which roster shall be published in
15 booklet form by the board following each biennial renewal.
16 Copies of the roster shall be furnished upon request to each
17 registered or certified person and may be furnished to other
18 persons upon such terms as the board shall prescribe: Provided,
19 however, That copies of the roster shall be furnished to the
20 Planning Commission and the prothonotary of each county in the
21 Commonwealth.

22 (g) Suspension and Revocation of Licenses; Registrations and
23 Certificates; Reinstatements.--To suspend or revoke the license
24 and registration of any professional engineer, professional land
25 surveyor [or], professional geologist or professional forester
26 or the certificate of any engineer-in-training, geologist-in-
27 training or surveyor-in-training, who is found guilty by the
28 board, by a majority vote of all its members, of the practice of
29 any fraud, deceit or misrepresentation in obtaining his license,
30 certification or registration, or of gross negligence,

1 incompetency or misconduct in the practice of engineering, in
2 the practice of land surveying [or], in the practice of geology
3 or in the practice of forestry, or of violation of the code of
4 ethics of the engineering profession or of violation of the code
5 of ethics of the forestry profession, and to reinstate suspended
6 licenses, registrations and certificates in any cases where a
7 majority of all the members of the board shall determine the
8 same to be just and proper. Unless ordered to do so by a court,
9 the board shall not reinstate the license, certificate or
10 registration of a person to practice as a professional engineer,
11 professional land surveyor, professional geologist, professional
12 forester or an engineer-in-training, geologist-in-training or a
13 surveyor-in-training which has been revoked, and such person
14 shall be required to apply for a license, certificate or
15 registration after a period of five years in accordance with
16 section 2 if he desires to practice at any time after such
17 revocation. The board shall require a person whose license or
18 registration has been suspended or revoked to return the license
19 or registration in such manner as the board directs. Failure to
20 do so shall be a misdemeanor of the third degree. Misconduct in
21 the practice of engineering, land surveying [or], geology or
22 forestry shall include, but not be limited to, conviction for a
23 criminal offense such as extortion, bribery or fraud or entry of
24 a plea of nolo contendere to a charge thereof for conduct
25 relating to the practice of engineering, land surveying [or],
26 geology or forestry, or has violated any provision of this act
27 or any regulation promulgated by the board. For the purposes of
28 this subsection, the code of ethics is as follows:

29 It shall be considered unprofessional and inconsistent with
30 honorable and dignified bearing for any professional engineer,

1 professional land surveyor [or], professional geologist or
2 professional forester:

3 (1) To act for his client or employer in professional
4 matters otherwise than as a faithful agent or trustee, or to
5 accept any remuneration other than his stated recompense for
6 services rendered.

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

10 (3) To attempt to supplant another engineer, land surveyor
11 [or], geologist or forester after definite steps have been taken
12 toward his employment.

13 (4) To compete with another engineer, land surveyor [or],
14 geologist or forester for employment by the use of unethical
15 practices.

16 (5) To review the work of another engineer, land surveyor
17 [or], geologist or forester for the same client, except with the
18 knowledge of such engineer, land surveyor [or], geologist or
19 forester, or unless the connection of such engineer, land
20 surveyor [or], geologist or forester with the work has
21 terminated.

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

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

29 (8) To attempt to practice in any field of engineering, land
30 surveying [or], geology or forestry in which the registrant is

1 not proficient.

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

4 (10) To aid or abet any person in the practice of
5 engineering, land surveying [or], geology or forestry not in
6 accordance with 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 examiner shall also have the power to administer oaths.

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

25 If application for review is made to the board within twenty
26 days from the date of any decision made as a result of a hearing
27 held by a hearing examiner, the board shall review the evidence,
28 and if deemed advisable by the board, hear argument and
29 additional evidence. As soon as practicable, the board shall
30 make a decision and shall file the same with its finding of the

1 facts on which it is based and send a copy thereof to each of
2 the parties in dispute.

3 (h) Financial Requirements of Board.--(1) To submit
4 annually to the Department of State an estimate of the financial
5 requirements of the board for its administrative, investigative,
6 legal and miscellaneous expenses.

7 (2) To submit annually to the House and Senate
8 Appropriations Committees, fifteen days after the Governor has
9 submitted his budget to the General Assembly, a copy of the
10 budget request for the upcoming fiscal year which the board
11 previously submitted to the department.

12 (i) Administration and Enforcement of Laws.--To administer
13 and enforce the laws of the Commonwealth relating to the
14 practice of engineering, land surveying [and], geology or
15 forestry, and to instruct and require its agents to bring
16 prosecutions for unauthorized and unlawful practices.

17 (j) Minutes and Records.--To keep minutes and records of all
18 its transactions and proceedings. Copies thereof duly certified
19 by the secretary of the board shall be received in evidence in
20 all courts and elsewhere.

21 (k) Member of National Council of Examiners for Engineering
22 and Surveying; Dues.--To become a member of the National Council
23 of Examiners for Engineering and Surveying, and to pay such dues
24 as said council shall establish, and to send delegates to the
25 annual meeting of said council, and to defray their expenses.

26 (l) Administrative Rules and Regulations.--To adopt,
27 promulgate and enforce such administrative rules and
28 regulations, not inconsistent with this act, as are deemed
29 necessary and proper by the board to carry into effect the
30 powers conferred by this act, which shall include establishing

1 requirements for continuing education to be fulfilled by
2 individuals licensed and registered under this act. The rules
3 and regulations shall include any fees necessary for the board
4 to carry out its responsibilities regarding establishing
5 continuing education requirements.

6 (m) Status of Complaints.--The board shall submit annually a
7 report to the Professional Licensure Committee of the House of
8 Representatives and to the Consumer Protection and Professional
9 Licensure Committee of the Senate a description of the types of
10 complaints received, status of cases, board action which has
11 been taken and the length of time from the initial complaint to
12 final board resolution.

13 (n) Member of National Association of State Boards of
14 Geology; Dues.--To become a member of the National Association
15 of State Boards of Geology, to pay dues as the association shall
16 establish, to send delegates to the annual meeting of the
17 association and to defray their expenses.

18 Section 5. Section 4.1 of the act, amended December 16, 1992
19 (P.L.1151, No.151) and November 25, 2002 (P.L.1113, No.136), is
20 amended to read:

21 Section 4.1. State Registration Board for Professional
22 Engineers, Land Surveyors [and], Geologists and Foresters.--(a)
23 There is hereby established within the Department of State the
24 State Registration Board for Professional Engineers, Land
25 Surveyors [and], Geologists and Foresters. The board shall
26 consist of the Commissioner of Professional and Occupational
27 Affairs, three members appointed by the Governor who shall be
28 persons representing the public at large and [nine] eleven
29 members appointed by the Governor, five of whom shall be
30 registered professional engineers, two of whom shall be

1 registered professional land surveyors [and], two of whom shall
2 be registered professional geologists and two of whom shall be
3 registered professional foresters. Any land surveyor or forester
4 appointed to serve on the board shall have received the
5 respective land surveyor or forester license upon the passage of
6 the appropriate examination. Any geologist licensed under
7 section 4.4 of this act shall be eligible for appointment to the
8 board. For the initial board appointments, the two professional
9 forester members need not be licensed by examination at the time
10 of appointment but must have satisfied the education and
11 experience requirements of this act for licensure as a
12 professional forester. The professional members of the board
13 shall be so selected that not more than two of them shall
14 specialize in any one of the five major disciplines of
15 engineering: civil, mining and metallurgical, mechanical,
16 electrical and chemical. Each member of the board shall be a
17 citizen of the United States and a resident of this
18 Commonwealth. Each professional member shall have been engaged
19 in the practice of the respective profession for at least ten
20 years and shall have been in responsible charge of work for at
21 least five years.

22 (b) The terms of members of the board shall be six years, or
23 until his successor has been appointed and qualified but not
24 longer than six months beyond the six-year period. In the event
25 that any of said members shall die or resign during his term,
26 his successor shall be appointed in the same way and with the
27 same qualifications and shall hold office for the unexpired
28 term. No member shall be eligible for appointment to serve more
29 than two consecutive full terms.

30 (c) [Seven] Eight members of the board shall constitute a

1 quorum. A member may not be counted as part of a quorum or vote
2 on any issue, other than temporary and automatic suspension,
3 under this act unless he is physically in attendance at the
4 meeting.

5 (d) The board shall select annually a president from among
6 its members.

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

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

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

24 (h) A public member who fails to attend two consecutive
25 statutorily mandated training seminars in accordance with
26 section 813(e) of the act of April 9, 1929 (P.L.177, No.175),
27 known as "The Administrative Code of 1929," shall forfeit board
28 membership unless the Commissioner of Professional and
29 Occupational Affairs, upon written request from the public
30 member, finds that the public member should be excused from a

1 meeting because of illness or the death of a family member.

2 Section 6. The act is amended by adding a section to read:

3 Section 4.6. Procedure for Licensing as a Professional

4 Forester.--(a) The board shall provide for a licensure

5 examination. All written, oral and practical examinations shall

6 be prepared and administered by a qualified and approved

7 professional testing organization in a manner prescribed for

8 written examinations by the provisions of section 812.1 of the

9 act of April 9, 1929 (P.L.177, No.175), known as "The

10 Administrative Code of 1929." However, during the first two

11 years after the effective date of this section, the board shall

12 issue licenses without examination to applicants who meet the

13 requirements of subsection (b) (1), (2) and (4). The board may

14 further postpone the examination for up to two additional years

15 if necessary in order to provide for an examination in

16 accordance with section 812.1 of "The Administrative Code of

17 1929."

18 (b) An applicant shall be qualified to be licensed after

19 submission of proof satisfactory to the board that the

20 applicant:

21 (1) Is of good moral character.

22 (2) Has met one of the following education and experience

23 requirements:

24 (i) Has graduated from an approved four-year forestry

25 curriculum or attained a higher degree in an approved forestry

26 curriculum and has completed at least four years of professional

27 forestry work including at least two years under the supervision

28 of a licensed professional forester or four years in a

29 responsible position in professional forestry work.

30 (ii) Has graduated from an approved two-year forestry

curriculum and has completed at least six years of professional forestry experience including at least three years under the supervision of a licensed professional forester or six years in a responsible position in forestry work. For the purposes of this section individuals who have graduated from a one-year concentrated twelve-month curriculum in forestry technology, such as the Syracuse Wanakena Ranger, Forest Technician School, shall be considered to have attained the equivalent of a two-year forest technology degree.

(3) Has passed any examination adopted by the board.

(4) Has paid all appropriate fees in the amount determined by the board by regulation.

(c) Professional forestry work performed prior to the effective date of this section shall satisfy the requirements of subsection (b) (2) (i) and (ii) if it is performed under the supervision of either a licensed professional forester or a forester who was not licensed.

(d) For the purposes of this section, professional forestry work does not include routine activities in the process of sampling, laboratory work, forestry drafting, timber marking, log and lumber scaling and grading, and timber harvesting activity. Credit for graduate study may not exceed a total of two years of professional forestry work.

(e) Unless otherwise provided in this section, a licensed professional forester shall only maintain licensure upon submission of documentation to the satisfaction of the board, submitted concurrent with required biennial fees, that the individual licensed under this act as a registered professional forester has completed a minimum of forty contact hours in continuing forestry education training during the preceding

biennial registration period provided by any board-recognized national professional forestry society or association serving licensed professional foresters or continuing forestry education training which was otherwise approved by the board.

(f) Individuals engaged in the practice of forestry on the effective date of this section who have attained, at the minimum, a two-year degree in a field of study closely related to forestry or who have only completed three years of an approved four-year forestry curriculum who meet all requirements of subsection (b) (1), (2) and (4), other than graduating from a two-year or four-year forestry curriculum shall not be denied the privilege of the practice of forestry until they have had the opportunity to pass the examination provided for under subsection (a), provided that they comply with the continuing education requirement of subsection (e) during any period prior to their examination. The following apply:

(i) Individuals so practicing without a license may not represent themselves to be licensed foresters, but shall be permitted to represent themselves as "forester applicant, license pending examination."

(ii) An applicant who has graduated from an approved two-year or four-year forestry curriculum, who has submitted to the board any application required by this section during the first two years following the effective date of this section which fully documents the required training and forestry work experience as required in subsection (b) (2) (i) or (ii) shall not be denied the privilege of representing himself to be a forester, unless the application is denied by the board.

(iii) No person may represent himself to be a registered professional forester in this Commonwealth until so licensed by

1 the board.

2 Section 7. Section 5 of the act, amended December 16, 1992
3 (P.L.1151, No.151), is amended to read:

4 Section 5. Exemption from Licensure and Registration.--
5 Except as specifically provided in this section, this act shall
6 not be construed to require licensure and registration in the
7 following cases:

8 (a) The practice of engineering, land surveying [or],
9 geology or forestry by any person who acts under the supervision
10 of a professional engineer, professional land surveyor [or],
11 professional geologist or professional forester, respectively,
12 or by an employe of a person lawfully engaged in the practice of
13 engineering, land surveying [or], geology or forestry and who,
14 in either event, does not assume responsible charge of design or
15 supervisions;

16 (b) The practice of engineering, land surveying [or],
17 geology or forestry, not exceeding thirty days in the aggregate
18 in one calendar year, by a nonresident not having a place of
19 business in this Commonwealth, if such person is legally
20 qualified to engage in the practice of engineering, land
21 surveying [or], geology or forestry in the state or territory of
22 his residence: Provided, That standards of such state or
23 territory are at least equal to the standards of this
24 Commonwealth;

25 (c) The practice of engineering, land surveying [or],
26 geology or forestry by officers and employes of the United
27 States Government for the said government;

28 (d) Except as otherwise provided in subsection (g) of this
29 section, the practice of engineering [or], land surveying or
30 forestry by a regular employe of a public utility company, as

1 defined by the Public Utility Code (66 Pa.C.S. § 101 et seq.) in
2 connection with the facilities of such public utility, which are
3 subject to regulation by the Pennsylvania Public Utility
4 Commission: Provided, That such public utility shall employ at
5 least one professional engineer, as defined in this act, who
6 shall be in responsible charge of such utility's engineering
7 work [and], shall employ at least one professional land
8 surveyor, as defined in this act, who shall be in responsible
9 charge of such utility's land surveying and shall employ at
10 least one professional forester, as defined by this act, who
11 shall be in responsible charge of such utility's forestry work;

12 (e) The practice of architecture by a duly registered
13 architect, and the doing of such engineering work as is
14 incidental to his architectural work;

15 (f) The practice of engineering, land surveying [or],
16 geology or forestry by any person or by any employee of any
17 copartnership, association or corporation upon property owned by
18 such person or such copartnership, association or corporation,
19 unless such practice affects the public safety or health or the
20 property of some other person or entity.

21 (g) The practice of engineering, land surveying [or],
22 geology or forestry work by a manufacturing, mining,
23 communications common carrier, research and development or other
24 industrial corporation or by employees of such corporation,
25 provided such work is in connection with or incidental to
26 products of, or non-engineering or non-forestry services
27 rendered by, such corporation or its affiliates.

28 (h) The running of lines or grades and layout work on or
29 within established property limits, or from established points
30 outside the property limits to or within such property limits

1 when performed by a contractor or home builder in conjunction
2 with the construction, reconstruction, alteration, maintenance
3 or demolition of a structure or other facility.

4 (i) The writing of deed descriptions.

5 (j) The preparation of shop drawings or the performance of
6 construction management services by persons customarily engaged
7 in construction work.

8 (k) The practice of individuals providing geologic services
9 to businesses engaged in the exploration or development of gas
10 or oil.

11 Section 8. Section 6 of the act, amended May 12, 2010
12 (P.L.192, No.25), is amended to read:

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

30 Section 9. Sections 7, 9, 10.2, 11 and 11.1 of the act,

1 amended December 16, 1992 (P.L.1151, No.151), are amended to
2 read:

3 Section 7. Seal of Registrants.--(a) Each person,
4 registered under this act, shall obtain a seal of a design
5 authorized by the board which shall bear the registrant's name
6 and number and the legend "Registered Professional Engineer,"
7 "Registered Professional Land Surveyor," [or] "Registered
8 Professional Geologist" or "Registered Professional Forester."

9 Such seal, or a facsimile imprint of same, shall be stamped on
10 all plans, specifications, plats and reports issued by a
11 professional engineer, professional land surveyor [or],
12 professional geologist or professional forester.

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

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

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

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

15 Section 10.2. Reporting of Multiple Licensure.--Any licensee
16 of this Commonwealth who is also licensed to practice
17 engineering, land surveying [or], geology or forestry in any
18 other state, territory or country shall report this information
19 to the board on the biennial renewal application. Any
20 disciplinary action taken in other states, territories or
21 countries shall be reported to the board on the biennial renewal
22 application or within ninety days of final disposition,
23 whichever is sooner. Multiple licensure shall be noted by the
24 board on the engineer's, land surveyor's [or], geologist's or
25 forester's record, and each state, territory or country shall be
26 notified by the board of any disciplinary action taken against
27 the licensee in this Commonwealth.

28 Section 11. Penalties.--(a) Whoever shall engage in the
29 practice of engineering, the practice of land surveying [or],
30 the practice of geology or the practice of forestry without

1 being licensed and registered as required by this act, or
2 exempted therefrom, as provided in this act, or shall present or
3 attempt to use, as his own, the license or certificate of
4 registration of another, or shall give any false or forged
5 evidence of any kind to the board, or to any member thereof, in
6 order to obtain a license or registration as a professional
7 engineer, professional land surveyor [or], professional
8 geologist or professional forester or a certificate as an
9 engineer-in-training or surveyor-in-training, or shall use any
10 expired, suspended or revoked certificate of registration, or
11 shall otherwise violate the provisions of this act, shall be
12 guilty of a summary offense and upon conviction thereof for a
13 first offense, shall be sentenced to pay a fine not exceeding
14 one thousand dollars, or suffer imprisonment, not exceeding
15 three months, or both and for a second or subsequent offense
16 shall be guilty of a felony, and upon conviction thereof, shall
17 be sentenced to pay a fine of not less than two thousand dollars
18 but not more than five thousand dollars or to imprisonment for
19 not less than one year but not more than two years, or both.

20 (b) In addition to any other civil remedy or criminal
21 penalty provided for in this act, the board, by a vote of the
22 majority of the maximum number of the authorized membership of
23 the board as provided by law, or by a vote of the majority of
24 the duly qualified and confirmed membership or a minimum of
25 [six] seven members, whichever is greater, may levy a civil
26 penalty of up to one thousand dollars on any current licensee
27 who violates any provision of this act or on any person who
28 practices the profession of an engineer, land surveyor [or], geologist or forester
29 without being properly licensed to do so
30 under this act. The board shall levy this penalty only after

1 affording the accused party the opportunity for a hearing, as
2 provided in Title 2 of the Pennsylvania Consolidated Statutes
3 (relating to administrative law and procedure).

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

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

25 Section 10. Within 90 days of the effective date of this
26 act, the Governor shall nominate one forester to serve a six-
27 year term and one forester to serve a four-year term on the
28 State Registration Board for Professional Engineers, Land
29 surveyors, Geologists and Foresters.

30 Section 11. This act shall take effect in 60 days.