
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 997 Session of
2013

INTRODUCED BY PETRI, COHEN AND MILLER, MARCH 14, 2013

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 14, 2013

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 expanding the scope of the act to include soil science;
17 further providing for definitions; and providing for
18 procedure for licensing as professional soil scientist.

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

21 Section 1. The title and section 1 of the act of May 23,
22 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and
23 Geologist Registration Law, amended December 16, 1992 (P.L.1151,
24 No.151), are amended to read:

25 AN ACT

26 Relating to and regulating the practice of the profession of

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

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

19 Section 2. Section 2(g) of the act, amended December 16,
20 1992 (P.L.1151, No.151), is amended and the section is amended
21 by adding 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 Soil Scientists.

27 * * *

28 (u) "Practice of Soil Science" means any service or work,
29 the adequate performance of which requires education in the
30 physical, chemical and biological sciences, as well as soil

1 science; training and experience in the application of special
2 knowledge of these sciences to the use and management of soils
3 by accepted principles and methods; and investigation,
4 evaluation and consultation in which the performance is related
5 to the public welfare by safeguarding life, health, property and
6 the environment. Practice of soil science includes, but is not
7 limited to, investigating and evaluating the interaction between
8 water, soil, nutrients, plants and other living organisms that
9 are used to prepare soil scientists' reports for subsurface
10 ground absorption systems, including infiltration galleries;
11 land application of residuals such as biosolids, septage and
12 other wastes; spray irrigation and drip dispersal of wastewater;
13 soil remediation at conventional rates; land application of
14 agricultural products; processing residues, bioremediation and
15 volatilization; soil erodibility and sedimentation; soil
16 drainage classification, soil mapping and taxonomic
17 classification; and identification of hydric soil and
18 redoximorphic features.

19 (v) "Professional Soil Scientist" means an individual
20 licensed and registered under the laws of this Commonwealth to
21 engage in the practice of soil science. A professional soil
22 scientist may not practice soil science unless licensed and
23 registered as a professional soil scientist as defined and set
24 forth in this act.

25 (w) "Soil Scientist-in-Training" means a candidate for
26 licensure as a professional soil scientist who has been granted
27 a certificate as a soil scientist-in-training after successfully
28 passing the prescribed written examination in fundamental soil
29 science subjects and who shall be eligible, upon the completion
30 of the requisite years of experience in soil science under the

1 supervision of a professional soil scientist or similarly
2 qualified soil scientist, for the final examination prescribed
3 for licensure as a professional soil scientist.

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 Soil Science 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 offer to
19 practice soil science unless he is licensed and registered under
20 the laws of this Commonwealth as a professional soil scientist.

21 Individuals licensed as professional engineers, professional
22 land surveyors [or], registered landscape architects or
23 professional soil scientists may perform geological work which
24 is incidental to their engineering, surveying [or], landscape
25 architecture or soil science without being licensed as a
26 professional geologist.

27 (b) A person shall be construed to practice or offer to
28 practice engineering, land surveying [or], geology or soil
29 science who practices any branch of the profession of
30 engineering, land surveying [or], geology or soil science; or

1 who, by verbal claim, sign, advertisement, letterhead, card, or
2 in any other way represents himself to be an engineer, land
3 surveyor [or], geologist or soil scientist, or through the use
4 of some other title implies that he is an engineer, land
5 surveyor [or], geologist or soil scientist or that he is
6 registered under this act; or who holds himself out as able to
7 perform, or who does perform any engineering, land surveying
8 [or], geological or soil science service or work or any other
9 service designated by the practitioner or recognized as
10 engineering, land surveying [or], geology or soil science.

11 Section 4. Section 4(a), (b), (c), (d), (f), (g) and (i) of
12 the act, amended December 16, 1992 (P.L.1151, No.151) and May
13 12, 2010 (P.L.192, No.25), are amended and the section is
14 amended by adding a subsection to read:

15 Section 4. General Powers of Board.--The board shall have
16 power--

17 (a) Approval of Engineering, Surveying [and], Geology and
18 Soil Science Curricula.--To investigate and to approve or
19 disapprove engineering, surveying [and], geology and soil
20 science curricula of this State, and other states, territories
21 and countries for the education of students desiring to be
22 licensed to engage in the practice of engineering, land
23 surveying [or], geology or soil science, and to revoke or
24 suspend approvals where they are no longer deemed proper.

25 (b) Licensing Professional Engineers, Professional Land
26 Surveyors [and], Professional Geologists and Professional Soil
27 Scientists.--To provide for and to regulate the licensing, and
28 to license to engage in the practice of engineering, land
29 surveying [or], geology or soil science any person of good moral
30 character and repute who speaks and writes the English language,

1 if such person either--

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

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

24 In carrying into effect clauses (1) and (2) of subsection (b)
25 of this section in relation to engineers and surveyors the board
26 may in its discretion enter into agreements for reciprocity with
27 the National Council of Examiners for Engineering and Surveying
28 and with states under such rules and regulations as the board
29 may prescribe.

30 (3) Complies with the education and experience criteria and

1 successfully completes the two-examination process for licensing
2 as a professional engineer, as set forth in section 4.2, or as a
3 professional land surveyor, as set forth in section 4.3 [or],
4 the examination process for licensing as a professional
5 geologist as set forth in section 4.4 or the examination process
6 for licensing as a professional soil scientist as set forth in
7 section 4.6.

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

1 not produced sufficient evidence to show that he is competent to
2 be placed in responsible charge and shall refuse to examine or
3 to license such applicant, it shall set forth in writing its
4 findings and the reasons for its conclusions and furnish a copy
5 thereof to the applicant.

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

21 * * *

22 (f) Roster of Registrants.--To keep a roster showing the
23 names and addresses of professional engineers, professional land
24 surveyors [and], professional geologists and professional soil
25 scientists licensed under this act, and under prior laws, and
26 registered by the board, which roster shall be published in
27 booklet form by the board following each biennial renewal.
28 Copies of the roster shall be furnished upon request to each
29 registered or certified person and may be furnished to other
30 persons upon such terms as the board shall prescribe: Provided,

1 however, That copies of the roster shall be furnished to the
2 Planning Commission and the prothonotary of each county in the
3 Commonwealth.

4 (g) Suspension and Revocation of Licenses; Registrations and
5 Certificates; Reinstatements.--To suspend or revoke the license
6 and registration of any professional engineer, professional land
7 surveyor [or], professional geologist or professional soil
8 scientist or the certificate of any engineer-in-training,
9 geologist-in-training [or], surveyor-in-training or soil
10 scientist-in-training, who is found guilty by the board, by a
11 majority vote of all its members, of the practice of any fraud,
12 deceit or misrepresentation in obtaining his license,
13 certification or registration, or of gross negligence,
14 incompetency or misconduct in the practice of engineering, in
15 the practice of land surveying [or], in the practice of geology
16 or in the practice of soil science, or of violation of the code
17 of ethics of the engineering profession, and to reinstate
18 suspended licenses, registrations and certificates in any cases
19 where a majority of all the members of the board shall determine
20 the same to be just and proper. Unless ordered to do so by a
21 court, the board shall not reinstate the license, certificate or
22 registration of a person to practice as a professional engineer,
23 professional land surveyor, professional geologist, professional
24 soil scientist or an engineer-in-training, geologist-in-training
25 [or], a surveyor-in-training or a soil scientist-in-training
26 which has been revoked, and such person shall be required to
27 apply for a license, certificate or registration after a period
28 of five years in accordance with section 2 if he desires to
29 practice at any time after such revocation. The board shall
30 require a person whose license or registration has been

1 suspended or revoked to return the license or registration in
2 such manner as the board directs. Failure to do so shall be a
3 misdemeanor of the third degree. Misconduct in the practice of
4 engineering, land surveying [or], geology or soil science shall
5 include, but not be limited to conviction for a criminal offense
6 such as extortion, bribery or fraud or entry of a plea of nolo
7 contendere to a charge thereof for conduct relating to the
8 practice of engineering, land surveying [or], geology or soil
9 science, or has violated any provision of this act or any
10 regulation promulgated by the board. For the purposes of this
11 subsection, the code of ethics is as follows:

12 It shall be considered unprofessional and inconsistent with
13 honorable and dignified bearing for any professional engineer,
14 professional land surveyor [or], professional geologist or
15 professional soil scientist:

16 (1) To act for his client or employer in professional
17 matters otherwise than as a faithful agent or trustee, or to
18 accept any remuneration other than his stated recompense for
19 services rendered.

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

23 (3) To attempt to supplant another engineer, land surveyor
24 [or], geologist or soil scientist after definite steps have been
25 taken toward his employment.

26 (4) To compete with another engineer, land surveyor [or],
27 geologist or soil scientist for employment by the use of
28 unethical practices.

29 (5) To review the work of another engineer, land surveyor
30 [or], geologist or soil scientist for the same client, except

1 with the knowledge of such engineer, land surveyor [or],
2 geologist or soil scientist, or unless the connection of such
3 engineer, land surveyor [or], geologist or soil scientist with
4 the work has terminated.

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

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

12 (8) To attempt to practice in any field of engineering, land
13 surveying [or], geology or soil science in which the registrant
14 is not proficient.

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

17 (10) To aid or abet any person in the practice of
18 engineering, land surveying [or], geology or soil science not in
19 accordance with the provision of this act or prior laws.

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

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

26 The hearing examiners shall have the power to conduct
27 hearings in accordance with the regulations of the board, and to
28 issue subpoenas requiring the attendance and testimony of
29 individuals or the production of, pertinent books, records,
30 documents and papers by persons whom they believe to have

1 information relevant to any matter pending before the examiner.

2 Such examiner shall also have the power to administer oaths.

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

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

16 * * *

17 (i) Administration and Enforcement of Laws.--To administer
18 and enforce the laws of the Commonwealth relating to the
19 practice of engineering, land surveying [and], geology and soil
20 science, and to instruct and require its agents to bring
21 prosecutions for unauthorized and unlawful practices.

22 * * *

23 (o) Affiliation With the Council of Soil Science Examiners;
24 Dues.--To become affiliated with the Council of Soil Science
25 Examiners, and to pay such dues as the council shall establish,
26 and to send delegates to the annual meeting of the council, and
27 to defray their expenses.

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

1 Section 4.1. State Registration Board for Professional
2 Engineers, Land Surveyors [and], Geologists and Soil
3 Scientists.--(a) There is hereby established within the
4 Department of State the State Registration Board for
5 Professional Engineers, Land Surveyors [and], Geologists and
6 Soil Scientists. The board shall consist of the Commissioner of
7 Professional and Occupational Affairs, three members appointed
8 by the Governor who shall be persons representing the public at
9 large and [nine] eleven members appointed by the Governor, five
10 of whom shall be registered professional engineers, two of whom
11 shall be registered professional land surveyors [and], two of
12 whom shall be registered professional geologists and two of whom
13 shall be professional soil scientists. 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 examination. Any geologist licensed under section 4.4 of this
17 act shall be eligible for appointment to the board. The
18 professional members of the board shall be so selected that not
19 more than two of them shall specialize in any one of the five
20 major disciplines of engineering: civil, mining and
21 metallurgical, mechanical, electrical and chemical. Each member
22 of the board shall be a citizen of the United States and a
23 resident of this Commonwealth. Each professional member shall
24 have been engaged in the practice of the respective profession
25 for at least ten years and shall have been in responsible charge
26 of work for at least five years.

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

1 his successor shall be appointed in the same way and with the
2 same qualifications and shall hold office for the unexpired
3 term. No member shall be eligible for appointment to serve more
4 than two consecutive full terms.

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

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

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

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

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

29 (h) A public member who fails to attend two consecutive
30 statutorily mandated training seminars in accordance with

1 section 813(e) of the act of April 9, 1929 (P.L.177, No.175),
2 known as "The Administrative Code of 1929," shall forfeit board
3 membership unless the Commissioner of Professional and
4 Occupational Affairs, upon written request from the public
5 member, finds that the public member should be excused from a
6 meeting because of illness or the death of a family member.

7 Section 6. Section 4.5(a) and (c) of the act, amended May
8 12, 2010 (P.L.192, No.25), are amended to read:

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

15 * * *

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

21 (1) Successful completion of college courses relevant to
22 professional practice.

23 (2) Completion of continuing education courses relevant to
24 professional practice.

25 (3) Completion of correspondence, televised, videotaped and
26 other short courses or tutorials relevant to professional
27 practice.

28 (4) Completion of seminars, employer-sponsored courses,
29 workshops or professional or technical presentations made at
30 meetings, conventions or conferences relevant to professional

1 practice.

2 (5) Teaching, presenting or instructing in any of the
3 activities listed in clauses (1), (2), (3) and (4).

4 (6) Authoring published papers, articles or books relevant
5 to professional practice.

6 (7) Obtaining patents relevant to professional practice.

7 (8) For individuals licensed as a professional soil
8 scientist under section 4.6, successful completion of a
9 designated program offered by the Soil Science Society of
10 America, which shall equal the twenty-four PDH units described
11 under this subsection.

12 * * *

13 Section 7. The act is amended by adding a section to read:

14 Section 4.6. Procedure for Licensing as Professional Soil
15 Scientist.--(a) An applicant for licensure as a professional
16 soil scientist shall complete an application for licensure and
17 pay fees as required by the board.

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 graduated from an accredited institution of higher
23 learning with a bachelor of science or bachelor of arts degree
24 or advanced degree with at least fifteen credits in soil
25 science.

26 (3) Has completed at least five years of professional soil
27 science work, or has completed a minimum of three years of
28 professional soil science work under the supervision of a
29 licensed professional soil scientist and two years of graduate
30 school in a relevant field.

1 (4) Has passed an examination on fundamentals of soil
2 science and professional practice of soil science adopted by the
3 board with development of the examination in conjunction with
4 the Council of Soil Science Examiners of the Soil Science
5 Society of America.

6 (c) Those individuals who are engaged in the practice of
7 soil science at the time of enactment who have submitted proof
8 that they have the designation of Certified Professional Soil
9 Scientist or Certified Professional Soil Classifier through the
10 certification program of the Soil Science Society of America
11 shall be deemed to have met the requirements of subsection (b).

12 (d) Those individuals who are engaged in the practice of
13 soil science at the time of enactment who meet the requirements
14 in section 4(b) will be exempted from taking the examination
15 specified in section (4) (b).

16 Section 8. Sections 5, 7, 9, 10.2, 11 and 11.1 of the act,
17 amended December 16, 1992 (P.L.1151, No.151), are amended to
18 read:

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

23 (a) The practice of engineering, land surveying [or],
24 geology or soil science by any person who acts under the
25 supervision of a professional engineer, professional land
26 surveyor [or], geologist or professional soil scientist,
27 respectively, or by an employe of a person lawfully engaged in
28 the practice of engineering, land surveying [or], geology or
29 soil science and who, in either event, does not assume
30 responsible charge of design or supervisions;

1 (b) The practice of engineering, land surveying [or],
2 geology or soil science, not exceeding thirty days in the
3 aggregate in one calendar year, by a nonresident not having a
4 place of business in this Commonwealth, if such person is
5 legally qualified to engage in the practice of engineering, land
6 surveying or geology in the state or territory of his residence:
7 Provided, That standards of such state or territory are at least
8 equal to the standards of this Commonwealth;

9 (c) The practice of engineering, land surveying [or],
10 geology or soil science by officers and employes of the United
11 States Government for the said government;

12 (d) Except as otherwise provided in subsection (g) of this
13 section, the practice of engineering or land surveying by a
14 regular employe of a public utility company, as defined by the
15 Public Utility Code (66 Pa.C.S. § 101 et seq.) in connection
16 with the facilities of such public utility, which are subject to
17 regulation by the Pennsylvania Public Utility Commission:
18 Provided, That such public utility shall employ at least one
19 professional engineer, as defined in this act, who shall be in
20 responsible charge of such utility's engineering work and shall
21 employ at least one professional land surveyor, as defined in
22 this act, who shall be in responsible charge of such utility's
23 land surveying;

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

27 (f) The practice of engineering, land surveying [or],
28 geology or soil science by any person or by any employe of any
29 copartnership, association or corporation upon property owned by
30 such person or such copartnership, association or corporation,

1 unless such practice affects the public safety or health or the
2 property of some other person or entity.

3 (g) The practice of engineering, land surveying [or],
4 geology or soil science work by a manufacturing, mining,
5 communications common carrier, research and development or other
6 industrial corporation or by employes of such corporation,
7 provided such work is in connection with or incidental to
8 products of, or non-engineering services rendered by, such
9 corporation or its affiliates.

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

16 (i) The writing of deed descriptions.

17 (j) The preparation of shop drawings or the performance of
18 construction management services by persons customarily engaged
19 in construction work.

20 (k) The practice of individuals providing geologic services,
21 excluding soil science services, to businesses engaged in the
22 exploration or development of gas or oil.

23 Section 7. Seal of Registrants.--(a) Each person,
24 registered under this act, shall obtain a seal of a design
25 authorized by the board which shall bear the registrant's name
26 and number and the legend "Registered Professional Engineer,"
27 "Registered Professional Land Surveyor" [or], "Registered
28 Professional Geologist" or "Registered Professional Soil
29 Scientist." Such seal, or a facsimile imprint of same, shall be
30 stamped on all plans, specifications, plats and reports issued

1 by a professional engineer, professional land surveyor [or],
2 professional geologist or professional soil scientist.

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

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

21 (b) If the Bureau of Professional and Occupational Affairs
22 determines that the fees established by the board are inadequate
23 to meet the minimum enforcement efforts required, then the
24 bureau, after consultation with the board, shall increase the
25 fees by regulation, subject to review in accordance with the
26 "Regulatory Review Act," such that adequate revenues are raised
27 to meet the required enforcement effort.

28 (c) All persons now qualified and engaged in the practice of
29 engineering, land surveying [and], geology and soil science, or
30 who shall hereafter be licensed by the board, shall register,

1 biennially, with the board and pay the fee for each biennial
2 registration. All fees collected under the provisions of this
3 act shall be received by the board and shall be paid into the
4 Professional Licensure Augmentation Account.

5 Section 10.2. Reporting of Multiple Licensure.--Any licensee
6 of this Commonwealth who is also licensed to practice
7 engineering, land surveying [or], geology or soil science in any
8 other state, territory or country shall report this information
9 to the board on the biennial renewal application. Any
10 disciplinary action taken in other states, territories or
11 countries shall be reported to the board on the biennial renewal
12 application or within ninety days of final disposition,
13 whichever is sooner. Multiple licensure shall be noted by the
14 board on the engineer's, land surveyor's [or], geologist's or
15 soil scientist's record, and each state, territory or country
16 shall be notified by the board of any disciplinary action taken
17 against the licensee in this Commonwealth.

18 Section 11. Penalties.--(a) Whoever shall engage in the
19 practice of engineering, the practice of land surveying [or],
20 the practice of geology or the practice of soil science without
21 being licensed and registered as required by this act, or
22 exempted therefrom, as provided in this act, or shall present or
23 attempt to use, as his own, the license or certificate of
24 registration of another, or shall give any false or forged
25 evidence of any kind to the board, or to any member thereof, in
26 order to obtain a license or registration as a professional
27 engineer, professional land surveyor [or], professional
28 geologist or professional soil scientist or a certificate as an
29 engineer-in-training [or], surveyor-in-training or soil
30 scientist-in-training, or shall use any expired, suspended or

1 revoked certificate of registration, or shall otherwise violate
2 the provisions of this act, shall be guilty of a summary offense
3 and upon conviction thereof for a first offense, shall be
4 sentenced to pay a fine not exceeding one thousand dollars, or
5 suffer imprisonment, not exceeding three months, or both and for
6 a second or subsequent offense shall be guilty of a felony, and
7 upon conviction thereof, shall be sentenced to pay a fine of not
8 less than two thousand dollars but not more than five thousand
9 dollars or to imprisonment for not less than one year but not
10 more than two years, or both.

11 (b) In addition to any other civil remedy or criminal
12 penalty provided for in this act, the board, by a vote of the
13 majority of the maximum number of the authorized membership of
14 the board as provided by law, or by a vote of the majority of
15 the duly qualified and confirmed membership or a minimum of six
16 members, whichever is greater, may levy a civil penalty of up to
17 one thousand dollars on any current licensee who violates any
18 provision of this act or on any person who practices the
19 profession of an engineer, land surveyor [or], geologist or soil
20 scientist without being properly licensed to do so under this
21 act. The board shall levy this penalty only after affording the
22 accused party the opportunity for a hearing, as provided in
23 Title 2 of the Pennsylvania Consolidated Statutes (relating to
24 administrative law and procedure).

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

28 Section 11.1. Injunction Against Unlawful Practice.--It
29 shall be unlawful for any person to practice, or attempt to
30 offer to practice, engineering, land surveying [or], geology or

1 soil science, as defined in this act, without having at the time
2 of so doing a valid, unexpired, unrevoked and unsuspended
3 license issued under this act. The unlawful practice of
4 engineering, land surveying [or], geology or soil science, as
5 defined in this act, may be enjoined by the courts on petition
6 of the board or the Commissioner of Professional and
7 Occupational Affairs. In any such proceeding, it shall not be
8 necessary to show that any person is individually injured by the
9 actions complained of. If the respondent is found guilty of the
10 unlawful practice of engineering, land surveying [or], geology
11 or soil science, the court shall enjoin him from so practicing
12 unless and until he has been duly licensed. Procedure in such
13 cases shall be the same as in any other injunction suit. The
14 remedy by injunction hereby given is in addition to any other
15 civil or criminal prosecution and punishment.

16 Section 9. This act shall take effect in 60 days.