

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1447 Session of
2013

INTRODUCED BY GERGELY, MARSHALL, MILLARD, CALTAGIRONE, KORTZ,
GIBBONS AND COHEN, MAY 28, 2013

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MAY 28, 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 further providing for definitions, for practice of
17 engineering, land surveying or geology without licensure and
18 registration prohibited, for exemption from licensure and
19 registration, for seal of registrants and for status of
20 existing licensees and registrants preserved.

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

23 Section 1. Section 2(c) 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 November 24, 1967 (P.L.548, No.270),
26 is amended and the section is amended by adding a subsection to
27 read:

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

* * *

(c) "Engineer Intern" formerly known as "Engineer-in-Training" means a candidate for licensure as a professional engineer, who has been granted a certificate as an engineer intern or the predecessor title of engineer-in-training after successfully passing the prescribed written examination in fundamental engineering subjects, and who shall be eligible upon the completion of the requisite years of experience in engineering, under the supervision of a professional engineer, or similarly qualified engineer, for the final examination prescribed for licensure as a professional engineer.

* * *

(u) "Engineer" means an individual who is qualified to call himself or herself an engineer by reason of special knowledge and use of the mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience.

Section 2. Sections 3(b) and 5 of the act, amended December 16, 1992 (P.L.1151, No.151), are amended to read:

Section 3. Practice of Engineering, Land Surveying or Geology Without Licensure and Registration Prohibited.--* * *

(b) A person shall be construed to practice or offer to practice engineering, land surveying or geology who practices any branch of the profession of engineering, land surveying or geology; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be [an] a professional engineer, land surveyor or geologist, or through the use of some other title implies that he is an

1 engineer, land surveyor or geologist or that he is registered
2 under this act; or who holds himself out as able to perform, or
3 who does perform any engineering, land surveying or geological
4 service or work or any other service designated by the
5 practitioner or recognized as engineering, land surveying or
6 geology.

7 Section 5. Exemption from Licensure and Registration.--

8 Except as specifically provided in this section, this act shall
9 not be construed to require licensure and registration in the
10 following cases:

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

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

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

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

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

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

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

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

25 (h) The running of lines or grades and layout work on or
26 within established property limits, or from established points
27 outside the property limits to or within such property limits
28 when performed by a contractor or home builder in conjunction
29 with the construction, reconstruction, alteration, maintenance
30 or demolition of a structure or other facility.

1 (i) The writing of deed descriptions.

2 (j) The preparation of shop drawings or the performance of
3 construction management services by persons customarily engaged
4 in construction work.

5 (k) The practice of individuals providing geologic services
6 to businesses engaged in the exploration or development of gas
7 or oil.

8 Section 3. Section 7 of the act is amended by adding a
9 subsection to read:

10 Section 7. Seal of Registrants.--* * *

11 (c) Each licensee may register his seal electronically so
12 that a digital signature can be used to seal electronic plans
13 and documents. The signature will be affixed with the seal using
14 asymmetrical cryptography.

15 Section 4. Section 10 of the act, amended December 19, 1990
16 (P.L.782, No.192), is amended to read:

17 Section 10. Status of Existing Licensees and Registrants
18 Preserved.--(a) Any person, licensed or legally authorized to
19 practice as a professional engineer or professional land
20 surveyor in this Commonwealth at the time this act takes effect,
21 shall thereafter continue to possess the same rights and
22 privileges with respect to the practice of engineering or land
23 surveying without being required to be licensed anew under the
24 provisions of this act. However, all actions shall be subject to
25 the power of the board as provided in this act to suspend or
26 revoke the license of any such person for any of the causes set
27 forth in this act, and subject to the power of the board to
28 require any such person to register biennially with the board as
29 provided in this act.

30 (b) Any person performing activities prior to the effective

1 date of this subsection that did not require licensure under
2 this act may continue to practice those same duties without
3 obtaining licensure under this act.

4 Section 5. This act shall take effect in 60 days.