

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 709 Session of
1989INTRODUCED BY SHAFFER, LINCOLN, SALVATORE, PORTERFIELD AND
REIBMAN, MARCH 20, 1989SENATOR BELL, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS
AMENDED, NOVEMBER 14, 1989

AN ACT

1 Amending the act of May 23, 1945 (P.L.913, No.367), entitled, as
2 amended, "An act relating to and regulating the practice of
3 the profession of engineering; including civil engineering,
4 mechanical engineering, electrical engineering, mining
5 engineering, chemical engineering, surveying and constituent
6 parts and combinations thereof as herein defined; providing
7 for the licensing and registration of persons practicing said
8 profession, and the certification of engineers in training,
9 and the suspension and revocation of said licenses,
10 registrations and certifications for violation of this act;
11 prescribing the powers and duties of the State Registration
12 Board for Professional Engineers, the Department of State and
13 the courts; prescribing penalties; and repealing existing
14 laws," further providing for the regulation of the
15 professions of engineering and land surveying.

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

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

AN ACT

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

and chemical engineering, and the profession of land
surveying 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] 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 AND
PROFESSIONAL LAND SURVEYORS, the Department of State and the
courts; prescribing penalties; and repealing existing laws.

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

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

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

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

(a) (1) "Practice of Engineering" shall mean the
application of the mathematical and physical sciences for the
design of public or private buildings, structures, machines,
equipment, processes, works or engineering systems, and the
consultation, investigation, evaluation, engineering surveys,
construction management, planning and inspection in connection
therewith, the performance of the foregoing acts and services
being prohibited to persons who are not licensed under this act
as professional engineers unless exempt under other provisions
of this act.

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

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

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

21 * * *

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

24 * * *

25 (j) "Engineering Land Surveys" means surveys for: (i) the
26 development of any tract of land including the incidental design
27 of related improvements, such as line and grade extension of
28 roads, sewers and grading but not requiring independent
29 engineering judgment: Provided, however, That tract perimeter
30 surveys shall be the function of the Professional Land Surveyor;

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

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

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

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

27 Section 3. Practice of Engineering or Land Surveying Without
28 Licensure and Registration Prohibited.--(a) In order to
29 safeguard life, health or property and to promote the general
30 welfare, it is unlawful for any person to practice or to offer

1 to practice engineering in this Commonwealth, unless he is
2 licensed and registered under the laws of this Commonwealth as a
3 professional engineer, or for any person to practice or to offer
4 to practice land surveying, unless he is licensed and registered
5 under the laws of this Commonwealth as a professional land
6 surveyor.

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

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

22 Section 4. General Powers of Board.--The board shall have
23 power--

24 (a) Approval of [Institutions and Colleges] Engineering and
25 Surveying Curricula.--(1) To investigate and to approve or
26 disapprove [institutions and colleges] engineering and surveying
27 curricula of this State, and other states, territories and
28 countries for the education of students desiring to be licensed
29 to engage in the practice of engineering or land surveying, and
30 to revoke or suspend approvals where [such institutions and

1 colleges] they are no longer [are] deemed proper.

2 (2) To set, for the licensure examination, the qualification
3 to sit for the examination, the location of the examination and
4 the criteria for the examination.

5 (b) Licensing Professional Engineers AND PROFESSIONAL LAND <—
6 SURVEYORS.--To provide for and to regulate the licensing, and to
7 license to engage in the practice of engineering OR LAND <—
8 SURVEYING any person of good moral character and repute [who is
9 at least in his twenty-fifth year of age, and] who speaks and
10 writes the English language, if such person either--

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

23 (2) Holds a certificate of qualifications issued by the
24 National Bureau of Engineering Registration of the National
25 Council of [State Boards of] Engineering Examiners: Provided,
26 The requirements and qualifications of said bodies to engage in
27 the practice of engineering or land surveying are at least equal
28 to the [standards of this Commonwealth] the requirements and
29 qualifications established by the regulations of the board. A
30 person may be licensed under this subsection without

1 examination.

2 In carrying into effect clauses (1) and (2) of subsection (b)
3 of this section the board may in its discretion enter into
4 agreements for reciprocity with the National Council of [State
5 Boards of] Engineering Examiners and with states under such
6 rules and regulations as the board may prescribe.

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

1 successfully pass the examinations prescribed by the board for
2 both professional engineers and engineers-in-training: Provided,
3 That graduates in engineering who were graduated prior to
4 January 1, 1968 or engineers-in-training who received a
5 certificate from the board prior to January 1, 1968, shall not
6 be required to take the examination prescribed for engineers-in-
7 training.

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

22 (5) Is possessed of long established and recognized standing
23 in the engineering field, provided said person is not less than
24 fifty years of age and has a record of not less than twenty-five
25 years' experience in engineering, of which at least fifteen
26 years has been in responsible charge of important and
27 outstanding engineering work or teaching. Upon application from
28 such an individual and the payment of the required registration
29 fees, the board may issue to such an applicant a certificate of
30 registration as a professional engineer based upon an oral

1 examination and after approval of a majority of the board:
2 Provided, however, That no certificate of registration as a
3 professional engineer shall be issued by the board pursuant to
4 this provision on any application for same which is filed more
5 than two years after the effective date of this act.

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

15 (c) Examination and Certification of Engineers-in-
16 Training.--To provide for and to regulate the examination of any
17 person who has produced satisfactory evidence that he has
18 graduated in an engineering curriculum from an approved
19 institution or college having a course of four years or more in
20 engineering or who has had four or more years' experience in
21 engineering work, and who produces satisfactory evidence to show
22 knowledge, skill and education approximating that attained
23 through graduation from an approved institution or college, and
24 to issue to any such person who successfully passes such
25 examination a certificate showing that he has successfully
26 passed this portion of the professional examination and is
27 recognized as an engineer-in-training. The examination of
28 applicants as engineers-in-training shall be designed to permit
29 an applicant for licensure as a professional engineer to take
30 his examination in two stages. The examination for certification

1 as an engineer-in-training shall be for the purpose of testing
2 the applicant's knowledge of fundamental engineering subjects,
3 including mathematics and the physical sciences. Satisfactory
4 passing of this portion of the examination shall constitute a
5 credit for the life of the applicant or until he is licensed
6 under this act as a professional engineer.

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

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

27 (2) If licensing occurs before 1985 has had six or more
28 years' progressive experience or if licensing occurs in 1985 or
29 thereafter has had ten or more years' progressive experience in
30 land surveying work half of which time shall have been spent in

1 responsible charge of primary land surveying functions, under
2 the supervision of a professional land surveyor or a similarly
3 qualified surveyor of a character indicating that the applicant
4 is competent to assume responsible charge of the work involved
5 in the practice of land surveying and who successfully passes a
6 written examination prescribed by the board in surveying and
7 related design subjects.

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

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

23 (3) Complies with the education and experience criteria and
24 passes the two-examination process for licensing as a
25 professional engineer, as set forth in section 4.2, or as a
26 professional land surveyor, as set forth in section 4.3.

27 [(e)] (c) Investigations of Applications; Determination of
28 Competency of Applicants.--To investigate the allegations
29 contained in any application for licensure or certification
30 under this act in order to determine the truth of such

1 allegations and to determine the competency of any person
2 applying for licensure to assume responsible charge of the work
3 involved in the practice of engineering or land surveying, such
4 competency to be determined by the grade and character of the
5 engineering work, or the grade and character of the land
6 surveying work actually performed. The mere execution as a
7 contractor of work designed by a professional engineer, or the
8 supervision of the construction of such work as a foreman or
9 superintendent, or the operation or maintenance of machinery or
10 equipment, or work performed as a salesman of engineering
11 equipment or apparatus, shall not be deemed to be active
12 practice in engineering, unless such work has involved the
13 actual practice of engineering. Engineering and land surveying
14 work, performed under the supervision of a professional engineer
15 or land surveyor, respectively, shall be given full credit.
16 Whenever the board determines otherwise than by examination,
17 that an applicant has not produced sufficient evidence to show
18 that he is competent to be placed in responsible charge and
19 shall refuse to examine or to license such applicant, it shall
20 set forth in writing its findings and the reasons for its
21 conclusions and furnish a copy thereof to the applicant.

22 [(f)] (d) Examinations; Fees.--To prescribe the subjects,
23 manner, time and place of examinations for licenses as
24 professional engineers and professional land surveyors and for
25 certificates for engineers-in-training and surveyors-in-
26 training, and the filing of applications for such examinations,
27 and to prepare or provide for the preparation of such
28 examinations, conduct or provide for the conduct of such
29 examinations, to make written reports of such examinations,
30 which reports shall be preserved for a period of not less than

1 three years, to collect such fees for such examinations, and for
2 licenses and certificates issued without examination, as may be
3 fixed according to law, and to issue licenses and certificates
4 to such persons as successfully pass such examinations.

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

21 [(h)] (f) Roster of Registrants.--To keep a roster showing
22 the names and addresses of[, the places of business of all]
23 professional engineers and professional land surveyors licensed
24 under this act, and under prior laws, and registered by the
25 board, which roster shall be published in booklet form by the
26 board [every five years. The roster shall also contain the names
27 and addresses of all engineers-in-training certified under this
28 act, and under prior laws, and registered by the board. In the
29 interim years following the publishing of the complete roster,
30 the board shall each year publish a supplemental roster

1 containing the names, registration numbers where applicable, and
2 addresses of all professional engineers, professional land
3 surveyors and engineers-in-training registered or certified by
4 the board subsequent to the publishing of the last published
5 roster or supplemental roster] following each biennial renewal.
6 Copies of the roster [and supplemental roster] shall be
7 furnished upon request to each registered or certified person
8 and may be furnished to other persons upon such terms as the
9 board shall prescribe: Provided, however, That copies of the
10 roster [and supplemental roster] shall be furnished to the
11 Planning Commission and the prothonotary of each county in the
12 Commonwealth. The roster shall include a copy of this act and
13 the regulations of the board.

14 [(i)] (g) Suspension and Revocation of Licenses;
15 Registrations and Certificates; Reinstatements.--To suspend or
16 revoke the license and registration of any professional engineer
17 or professional land surveyor or the certificate of any
18 engineer-in-training or surveyor-in-training, who is found
19 guilty by the board, by a majority vote of all its members, of
20 the practice of any fraud, deceit or misrepresentation in
21 obtaining his license, certification or registration, or of
22 gross negligence, incompetency or misconduct in the practice of
23 engineering, or in the practice of land surveying, or of
24 violation of the code of ethics of the engineering profession,
25 and to reinstate suspended licenses, registrations and
26 certificates in any cases where a majority of all the members of
27 the board shall determine the same to be just and proper. Unless
28 ordered to do so by a court, the board shall not reinstate the
29 license, certificate or registration of a person to practice as
30 a professional engineer or professional land surveyor or an

1 engineer-in-training or a surveyor-in-training which has been
2 revoked, and such person shall be required to apply for a
3 license, certificate or registration after a period of five
4 years in accordance with section 2 if he desires to practice at
5 any time after such revocation. Misconduct in the practice of
6 engineering or land surveying shall include, but not be limited
7 to conviction for a criminal offense such as extortion, bribery
8 or fraud or entry of a plea of nolo contendere to a charge
9 thereof for conduct relating to the practice of engineering or
10 land surveying, or has violated any provision of this act or any
11 regulation promulgated by the board. For the purposes of this
12 subsection, the code of ethics is as follows:

13 It shall be considered unprofessional and inconsistent with
14 honorable and dignified bearing for any professional engineer or
15 professional land surveyor:

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 or land surveyor
24 after definite steps have been taken toward his employment.

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

27 (5) To review the work of another engineer or land surveyor
28 for the same client, except with the knowledge of such engineer
29 or land surveyor, or unless the connection of such engineer or
30 land surveyor with the work has terminated.

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

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

8 (8) To attempt to practice in any field of engineering in
9 which the registrant is not proficient.

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

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

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

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

21 The hearing examiners shall have the power to conduct
22 hearings in accordance with the regulations of the board, and to
23 issue subpoenas requiring the attendance and testimony of
24 individuals or the production of, pertinent books, records,
25 documents and papers by persons whom they believe to have
26 information relevant to any matter pending before the examiner.
27 Such examiner shall also have the power to administer oaths.

28 The hearing examiner shall hear evidence submitted and
29 arguments of counsel, if any, with reasonable dispatch, and
30 shall promptly record his decision, supported by findings of

1 fact, and a copy thereof shall immediately be sent to the board
2 and to counsel of record, or the parties, if not represented.

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

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

15 (2) To submit annually to the House and Senate
16 Appropriations Committees, fifteen days after the Governor has
17 submitted his budget to the General Assembly, a copy of the
18 budget request for the upcoming fiscal year which the board
19 previously submitted to the department.

20 [(k)] (i) Administration and Enforcement of Laws.--To
21 administer and enforce the laws of the Commonwealth relating to
22 the practice of engineering and land surveying, and to instruct
23 and require its agents to bring prosecutions for unauthorized
24 and unlawful practices.

25 [(l)] (j) Minutes and Records.--To keep minutes and records
26 of all its transactions and proceedings. Copies thereof duly
27 certified by the secretary of the board shall be received in
28 evidence in all courts and elsewhere.

29 [(m)] (k) Member of National Council of Engineering
30 Examiners; Dues.--To become a member of the National Council of

1 Engineering Examiners, and to pay such dues as said council
2 shall establish, and to send delegates to the annual meeting of
3 said council, and to defray their expenses.

4 [(n)] (1) Administrative Rules and Regulations.--To adopt,
5 promulgate and enforce such administrative rules and
6 regulations, not inconsistent with this act, as are deemed
7 necessary and proper by the board to carry into effect the
8 powers conferred by this act.

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

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

18 Section 4.1. [State Registration Board for Professional
19 Engineers] Board.--(a) The [State Registration Board for
20 Professional Engineers] board shall consist of the Commissioner
21 of Professional and Occupational Affairs, the Director of the
22 Bureau of Consumer Protection in the Office of Attorney General,
23 or his designee, two members appointed by the Governor who shall
24 be persons representing the public at large and [five] seven
25 members appointed by the Governor, [all] five of whom shall be
26 registered professional engineers and two of whom shall be
27 registered professional land surveyors and full-time
28 practitioners in the surveying profession. The professional
29 members of the board shall be so selected that not more than two
30 of them shall specialize in any one of the five major

1 disciplines of engineering: civil, mining and metallurgical,
2 mechanical, electrical and chemical. Each member of the board
3 shall be a citizen of the United States and a resident of this
4 Commonwealth. Each professional member shall have been engaged
5 in the practice of the respective profession [of engineering]
6 for at least ten years and shall have been in responsible charge
7 of [engineering] work for at least five years.

8 (b) The terms of members of the board shall be six years, or
9 until his successor has been appointed and qualified but not
10 longer than six months beyond the six-year period. In the event
11 that any of said members shall die or resign during his term,
12 his successor shall be appointed in the same way and with the
13 same qualifications and shall hold office for the unexpired
14 term. No member shall be eligible for appointment to serve more
15 than two consecutive full terms.

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

21 (d) The board shall select annually a president from among
22 its members.

23 (e) Each member of the board, except the Commissioner of
24 Professional and Occupational Affairs and the Director of the
25 Bureau of Consumer Protection in the Office of Attorney General,
26 or his designee, shall receive sixty dollars per diem when
27 actually attending to the work of the board. Members shall also
28 receive the amount of reasonable traveling, hotel and other
29 necessary expenses incurred in the performance of their duties.

30 (f) The board is subject to evaluation, review and

1 termination within the time and in the manner provided in the
2 act of December 22, 1981 (P.L.508, No.142), known as the "Sunset
3 Act."

4 (g) A member of the board who fails to attend three
5 consecutive meetings shall forfeit his seat unless the
6 Commissioner of Professional and Occupational Affairs, upon
7 written request from the member, finds that the member should be
8 excused from a meeting because of illness or the death of a
9 family member.

10 (h) A public member who fails to attend two consecutive
11 statutorily mandated training seminars in accordance with
12 section 813(e) of the act of April 9, 1929 (P.L.177, No.175),
13 known as "The Administrative Code of 1929," shall forfeit board
14 membership unless the Commissioner of Professional and
15 Occupational Affairs, upon written request from the public
16 member, finds that the public member should be excused from a
17 meeting because of illness or the death of a family member.

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

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

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

27 (a) (1) The first step in the licensing process is to pass
28 the examination in engineering fundamentals and become certified
29 as an engineer-in-training. To qualify for this examination, the
30 examinee must produce satisfactory evidence of one of the

1 following:

2 (i) Graduation from an approved engineering curriculum of
3 four years or more.

4 (ii) Eight or more years of progressive experience in
5 engineering work, and knowledge, skill and education
6 approximating that attained through graduation from an approved
7 engineering curriculum.

8 (2) Engineering students in their last two years of an
9 approved engineering curriculum may, with board approval, sit
10 for the examination; but they will not be certified until they
11 have shown proof of graduation.

12 (3) Satisfactorily passing the fundamentals examination
13 shall constitute a credit for life to the applicant or until the
14 applicant is licensed under this act as a professional engineer.

15 (b) Unless otherwise exempted by this act, all applicants
16 must pass an examination in engineering principles and practice.
17 To qualify for the principles and practice examination, the
18 examinee must be a certified engineer-in-training and have one
19 of the following:

20 (1) Four or more years of progressive experience in
21 engineering work under the supervision of a professional
22 engineer or a similarly qualified engineer of a grade and
23 character to fit him to assume responsible charge of the work
24 involved in the practice of engineering. Experience used to meet
25 the EIT requirement may not be reused.

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

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

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

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

13 (ii) Six or more years of progressive experience in
14 surveying work, and knowledge, skill and education approximating
15 that attained through graduation from an approved ~~civil~~ <—
16 ~~engineering~~ SURVEYING curriculum. <—

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

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

23 (3) THE BOARD SHALL REQUIRE ALL APPLICANTS TO SHOW A <—
24 DIVERSIFICATION IN BOTH FIELD AND OFFICE EXPERIENCE, WITH THE
25 SMALLEST PERCENTAGE OF TIME IN EITHER CATEGORY TO BE TWENTY-FIVE
26 PERCENT.

27 (b) Unless otherwise exempted by this act, all applicants
28 must pass an examination in surveying principles and practice.
29 To qualify for the principles and practice examination, the
30 examinee must be a certified surveyor-in-training and have one

1 of the following:

2 (1) Four or more years of progressive experience in land
3 surveying work under the supervision of a professional land
4 surveyor or a similarly qualified surveyor of a grade or
5 character to fit him to assume responsible charge of the work
6 involved in the practice of land surveying. Experience used to
7 meet the surveyor-in-training requirements may not be reused.

8 (2) Four or more years of progressive teaching experience in
9 an approved curriculum under the supervision of a professional
10 land surveyor or a similarly qualified surveyor of a grade and
11 character to fit him to assume responsible charge of the work
12 involved in the practice of land surveying.

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

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

20 (a) The practice of engineering or land surveying by any
21 person who acts under the supervision of a professional engineer
22 or professional land surveyor, respectively, or by an employe of
23 a person lawfully engaged in the practice of engineering or land
24 surveying and who, in either event, does not assume responsible
25 charge of design or supervisions;

26 (b) The practice of engineering or land surveying, not
27 exceeding thirty days in the aggregate in one calendar year, by
28 a nonresident not having a place of business in this
29 Commonwealth, if such person is legally qualified to engage in
30 the practice of engineering or land surveying in the state or

territory of his residence: Provided, That standards of such state or territory are at least equal to the [standards of this Commonwealth] requirements of the regulations of the board and that the proper permit be obtained;

* * *

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

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

~~corporation shall retain or employ at least one professional engineer, who shall be in responsible charge of the~~

~~corporation's engineering work directly related to products, services or activities which affect public safety, health or~~

~~welfare and shall retain or employ at least one professional land surveyor, who shall be in responsible charge of the~~

~~corporation's land surveying work which affects public safety or welfare or property rights of a person or entity~~

CORPORATION OR ITS EMPLOYES MAY NOT IN ANY WAY REPRESENT THEMSELVES TO BE ENGINEERS OR LAND SURVEYORS, OR THROUGH THE USE OF SOME OTHER TITLE IMPLY THAT THEY ARE ENGINEERS OR LAND SURVEYORS OR THAT THEY ARE REGISTERED UNDER THIS ACT.

(h) The running of lines or grades and layout work on or

1 within established property limits, [or from established points
2 outside the property limits to or within such property limits]
3 when performed by a contractor or home builder in conjunction
4 with the construction, reconstruction, alteration, maintenance
5 or demolition of a structure or other facility.

6 * * *

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

10 Section 9. Sections 6 and 7 of the act, amended December 13,
11 1979 (P.L.534, No.120), are amended to read:

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

27 Section 7. Seal of Registrants.--(a) Each person,
28 registered under this act, shall obtain a seal of a design
29 authorized by the board which shall bear the registrant's name
30 and number and the legend "Registered Professional Engineer" or

1 "Registered Professional Land Surveyor." Such seal, or a
2 facsimile imprint of same, shall be stamped on all plans,
3 specifications, [plates] plats and reports issued by a
4 professional engineer or professional land surveyor.

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

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

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

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

1 to meet the required enforcement effort.

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

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

17 (a) Any person licensed to practice as a professional
18 engineer at the time of the effective date of this act, upon
19 application to the board within two years of the effective date
20 of this act, shall be granted a certificate of registration to
21 practice land surveying.

22 (a.1) Any person licensed to practice as a professional
23 engineer limited to the practice of surveying at the time of the
24 effective date of this act may continue the practice of land
25 surveying thereunder and upon application to the board at any
26 time shall be granted a certificate of registration to practice
27 land surveying.

28 (b) All] However, all actions shall be subject to the power
29 of the board as provided in this act to suspend or revoke the
30 license of any such person for any of the causes set forth in

1 this act, and subject to the power of the board to require any
2 such person to register biennially with the board as provided in
3 this act.

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

5 Section 10.1. Temporary and Automatic Suspensions.--(a) A
6 license issued under this act may be temporarily suspended under
7 circumstances as determined by the board to be an immediate and
8 clear danger to the public health and safety. The board shall
9 issue an order to that effect without a hearing, but upon due
10 notice to the licensee concerned at his or her last known
11 address, which shall include a written statement of all
12 allegations against the licensee. The board shall thereupon
13 commence formal action to suspend, revoke or restrict the
14 license of the person concerned as otherwise provided for in
15 this act. All actions shall be taken promptly and without delay.
16 Within thirty days following the issuance of an order
17 temporarily suspending a license, the board shall conduct, or
18 cause to be conducted, a preliminary hearing to determine that
19 there is a prima facie case supporting the suspension. The
20 licensee whose license has been temporarily suspended may be
21 present at the preliminary hearing and may be represented by
22 counsel, cross-examine witnesses, inspect physical evidence,
23 call witnesses, offer evidence and testimony and make a record
24 of the proceedings. If it is determined that there is not a
25 prima facie case, the suspended license shall be immediately
26 restored. The temporary suspension shall remain in effect until
27 vacated by the board, but in no event longer than one hundred
28 eighty days.

29 (b) A license issued under this act shall automatically be
30 suspended upon the legal commitment to an institution of a

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

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

22 Section 10.2. Reporting of Multiple Licensure.--Any licensee
23 of this Commonwealth who is also licensed to practice
24 engineering or land surveying in any other state, territory or
25 country shall report this information to the board on the
26 biennial renewal application. Any disciplinary action taken in
27 other states, territories or countries shall be reported to the
28 board on the biennial renewal application or within ninety days
29 of final disposition, whichever is sooner. Multiple licensure
30 shall be noted by the board on the engineer's or land surveyor's

record, and each state, territory or country shall be notified
by the board of any disciplinary action taken against the
licensee in this Commonwealth.

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

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

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

(d) If a person convicted of a felony or crime deemed to be
a felony is subsequently pardoned by the governor of the state
where such conviction was had or by the President of the United
States, or shall receive a certificate of good conduct granted
by the Board of Probation and Parole, the board may, in its
discretion, on application of such person and on the submission
of evidence satisfactory to the board, restore to such person
the engineering or land surveying license and/or registration.

Section 12. Section 11 of the act, amended December 22, 1983

1 (P.L.348, No.87), is amended to read:

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

23 (b) In addition to any other civil remedy or criminal
24 penalty provided for in this act, the board, by a vote of the
25 majority of the maximum number of the authorized membership of
26 the board as provided by law, or by a vote of the majority of
27 the duly qualified and confirmed membership or a minimum of
28 [four] six members, whichever is greater, may levy a civil
29 penalty of up to one thousand dollars on any current licensee
30 who violates any provision of this act or on any person who

1 practices the profession of an engineer or land surveyor without
2 being properly licensed to do so under this act. The board shall
3 levy this penalty only after affording the accused party the
4 opportunity for a hearing, as provided in Title 2 of the
5 Pennsylvania Consolidated Statutes (relating to administrative
6 law and procedure).

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

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

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

28 Section 11.2. Investigative Subpoena.--The board shall have
29 the authority to issue subpoenas, upon application of an
30 attorney responsible for representing the Commonwealth in

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

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