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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 709      Session of  
1989

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INTRODUCED BY SHAFFER, LINCOLN, SALVATORE, PORTERFIELD AND  
REIBMAN, MARCH 20, 1989

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
NOVEMBER 20, 1990

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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

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

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

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

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

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

23 (a) (1) "Practice of Engineering" shall mean the  
24 application of the mathematical and physical sciences for the  
25 design of public or private buildings, structures, machines,  
26 equipment, processes, works or engineering systems, and the  
27 consultation, investigation, evaluation, engineering surveys,  
28 construction management, planning and inspection in connection  
29 therewith, the performance of the foregoing acts and services  
30 being prohibited to persons who are not licensed under this act

1 as professional engineers unless exempt under other provisions  
2 of this act.

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

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

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

23 \* \* \*

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

26 \* \* \*

27 (j) "Engineering Land Surveys" means surveys for: (i) the  
28 development of any tract of land including the incidental design  
29 of related improvements, such as line and grade extension of  
30 roads, sewers and grading but not requiring independent

1 engineering judgment: Provided, however, That tract perimeter  
2 surveys shall be the function of the Professional Land Surveyor;  
3 (ii) the determination of the configuration or contour of the  
4 earth's surface, or the position of fixed objects thereon or  
5 related thereto by means of measuring lines and angles and  
6 applying the principles of mathematics, photogrammetry or other  
7 measurement methods; (iii) geodetic [or] survey, [cadastral  
8 survey,] underground survey and hydrographic survey; (iv) ~~storm~~ <—  
9 ~~water management surveys and~~ STORM WATER MANAGEMENT SURVEYS AND <—  
10 sedimentation and erosion control surveys; (v) the determination  
11 of the quantities of materials; (vi) tests for water percolation  
12 in soils; and (vii) the preparation of plans and specifications  
13 and estimates of proposed work and attendant costs as described  
14 in this subsection.

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

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

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

29 Section 3. Practice of Engineering or Land Surveying Without  
30 Licensure and Registration Prohibited.--(a) In order to

1 safeguard life, health or property and to promote the general  
2 welfare, it is unlawful for any person to practice or to offer  
3 to practice engineering in this Commonwealth, unless he is  
4 licensed and registered under the laws of this Commonwealth as a  
5 professional engineer, or for any person to practice or to offer  
6 to practice land surveying, unless he is licensed and registered  
7 under the laws of this Commonwealth as a professional land  
8 surveyor.

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

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

24 Section 4. General Powers of Board.--The board shall have  
25 power--

26 (a) Approval of [Institutions and Colleges] Engineering and  
27 Surveying Curricula.--~~(1)~~ To investigate and to approve or <—  
28 disapprove [institutions and colleges] engineering and surveying  
29 curricula of this State, and other states, territories and  
30 countries for the education of students desiring to be licensed

1 to engage in the practice of engineering or land surveying, and  
2 to revoke or suspend approvals where [such institutions and  
3 colleges] they are no longer [are] deemed proper.

4 ~~(2) To set, for the licensure examination, the qualification~~ <—  
5 ~~to sit for the examination, the location of the examination and~~  
6 ~~the criteria for the examination.~~

7 (b) Licensing Professional Engineers and Professional Land  
8 Surveyors.--To provide for and to regulate the licensing, and to  
9 license to engage in the practice of engineering or land  
10 surveying any person of good moral character and repute [who is  
11 at least in his twenty-fifth year of age, and] who speaks and  
12 writes the English language, if such person either--

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

25 (2) Holds a certificate of qualifications issued by the  
26 National Bureau of Engineering Registration of the National  
27 Council of [State Boards of] Engineering] Examiners FOR <—  
28 ENGINEERING AND SURVEYING: Provided, The requirements and  
29 qualifications of said bodies to engage in the practice of  
30 engineering or land surveying are at least equal to the

1 [standards of this Commonwealth] ~~the requirements and~~ <—  
2 ~~qualifications established by the regulations of the board.~~ A  
3 person may be licensed under this subsection without  
4 examination.

5 In carrying into effect clauses (1) and (2) of subsection (b)  
6 of this section the board may in its discretion enter into  
7 agreements for reciprocity with the National Council of [State  
8 Boards of] Engineering] Examiners FOR ENGINEERING AND SURVEYING <—  
9 and with states under such rules and regulations as the board  
10 may prescribe.

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

1 mathematics and the physical sciences and those matters which  
2 will test the applicant's ability to apply the principles of  
3 engineering to the actual practice of engineering. To be  
4 licensed under this subsection, the person shall be required to  
5 successfully pass the examinations prescribed by the board for  
6 both professional engineers and engineers-in-training: Provided,  
7 That graduates in engineering who were graduated prior to  
8 January 1, 1968 or engineers-in-training who received a  
9 certificate from the board prior to January 1, 1968, shall not  
10 be required to take the examination prescribed for engineers-in-  
11 training.

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

26 (5) Is possessed of long established and recognized standing  
27 in the engineering field, provided said person is not less than  
28 fifty years of age and has a record of not less than twenty-five  
29 years' experience in engineering, of which at least fifteen  
30 years has been in responsible charge of important and



1 outstanding engineering work or teaching. Upon application from  
2 such an individual and the payment of the required registration  
3 fees, the board may issue to such an applicant a certificate of  
4 registration as a professional engineer based upon an oral  
5 examination and after approval of a majority of the board:  
6 Provided, however, That no certificate of registration as a  
7 professional engineer shall be issued by the board pursuant to  
8 this provision on any application for same which is filed more  
9 than two years after the effective date of this act.

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

19 (c) Examination and Certification of Engineers-in-  
20 Training.--To provide for and to regulate the examination of any  
21 person who has produced satisfactory evidence that he has  
22 graduated in an engineering curriculum from an approved  
23 institution or college having a course of four years or more in  
24 engineering or who has had four or more years' experience in  
25 engineering work, and who produces satisfactory evidence to show  
26 knowledge, skill and education approximating that attained  
27 through graduation from an approved institution or college, and  
28 to issue to any such person who successfully passes such  
29 examination a certificate showing that he has successfully  
30 passed this portion of the professional examination and is

1 recognized as an engineer-in-training. The examination of  
2 applicants as engineers-in-training shall be designed to permit  
3 an applicant for licensure as a professional engineer to take  
4 his examination in two stages. The examination for certification  
5 as an engineer-in-training shall be for the purpose of testing  
6 the applicant's knowledge of fundamental engineering subjects,  
7 including mathematics and the physical sciences. Satisfactory  
8 passing of this portion of the examination shall constitute a  
9 credit for the life of the applicant or until he is licensed  
10 under this act as a professional engineer.

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

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

1       (2) If licensing occurs before 1985 has had six or more  
2 years' progressive experience or if licensing occurs in 1985 or  
3 thereafter has had ten or more years' progressive experience in  
4 land surveying work half of which time shall have been spent in  
5 responsible charge of primary land surveying functions, under  
6 the supervision of a professional land surveyor or a similarly  
7 qualified surveyor of a character indicating that the applicant  
8 is competent to assume responsible charge of the work involved  
9 in the practice of land surveying and who successfully passes a  
10 written examination prescribed by the board in surveying and  
11 related design subjects.

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

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

27       (3) Complies with the education and experience criteria and  
28 ~~passes~~ SUCCESSFULLY COMPLETES the two-examination process for <—  
29 licensing as a professional engineer, as set forth in section  
30 4.2, or as a professional land surveyor, as set forth in section

1 4.3.

2 [(e)] (c) Investigations of Applications; Determination of  
3 Competency of Applicants.--To investigate the allegations  
4 contained in any application for licensure or certification  
5 under this act in order to determine the truth of such  
6 allegations and to determine the competency of any person  
7 applying for licensure to assume responsible charge of the work  
8 involved in the practice of engineering or land surveying, such  
9 competency to be determined by the grade and character of the  
10 engineering work, or the grade and character of the land  
11 surveying work actually performed. The mere execution as a  
12 contractor of work designed by a professional engineer, or the  
13 supervision of the construction of such work as a foreman or  
14 superintendent, or the operation or maintenance of machinery or  
15 equipment, or work performed as a salesman of engineering  
16 equipment or apparatus, shall not be deemed to be active  
17 practice in engineering, unless such work has involved the  
18 actual practice of engineering. Engineering and land surveying  
19 work, performed under the supervision of a professional engineer  
20 or land surveyor, respectively, shall be given full credit.

21 Whenever the board determines otherwise than by examination,  
22 that an applicant has not produced sufficient evidence to show  
23 that he is competent to be placed in responsible charge and  
24 shall refuse to examine or to license such applicant, it shall  
25 set forth in writing its findings and the reasons for its  
26 conclusions and furnish a copy thereof to the applicant.

27 [(f)] (d) Examinations; Fees.--To prescribe the subjects,  
28 manner, time and place of examinations for licenses as  
29 professional engineers and professional land surveyors and for  
30 certificates for engineers-in-training and surveyors-in-

1 training, and the filing of applications for such examinations,  
2 and to prepare or provide for the preparation of such  
3 examinations, conduct or provide for the conduct of such  
4 examinations, to make written reports of such examinations,  
5 which reports shall be preserved for a period of not less than  
6 three years, to collect such fees for such examinations, and for  
7 licenses and certificates issued without examination, as may be  
8 fixed according to law, and to issue licenses and certificates  
9 to such persons as successfully pass such examinations.

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

26 [(h)] (f) Roster of Registrants.--To keep a roster showing  
27 the names and addresses of[, the places of business of all]  
28 professional engineers and professional land surveyors licensed  
29 under this act, and under prior laws, and registered by the  
30 board, which roster shall be published in booklet form by the

1 board [every five years. The roster shall also contain the names  
2 and addresses of all engineers-in-training certified under this  
3 act, and under prior laws, and registered by the board. In the  
4 interim years following the publishing of the complete roster,  
5 the board shall each year publish a supplemental roster  
6 containing the names, registration numbers where applicable, and  
7 addresses of all professional engineers, professional land  
8 surveyors and engineers-in-training registered or certified by  
9 the board subsequent to the publishing of the last published  
10 roster or supplemental roster] following each biennial renewal.

11 Copies of the roster [and supplemental roster] shall be  
12 furnished upon request to each registered or certified person  
13 and may be furnished to other persons upon such terms as the  
14 board shall prescribe: Provided, however, That copies of the  
15 roster [and supplemental roster] shall be furnished to the  
16 Planning Commission and the prothonotary of each county in the  
17 Commonwealth. ~~The roster shall include a copy of this act and~~ <—  
18 ~~the regulations of the board.~~

19 [(i)] (g) Suspension and Revocation of Licenses;  
20 Registrations and Certificates; Reinstatements.--To suspend or  
21 revoke the license and registration of any professional engineer  
22 or professional land surveyor or the certificate of any  
23 engineer-in-training or surveyor-in-training, who is found  
24 guilty by the board, by a majority vote of all its members, of  
25 the practice of any fraud, deceit or misrepresentation in  
26 obtaining his license, certification or registration, or of  
27 gross negligence, incompetency or misconduct in the practice of  
28 engineering, or in the practice of land surveying, or of  
29 violation of the code of ethics of the engineering profession,  
30 and to reinstate suspended licenses, registrations and

1 certificates in any cases where a majority of all the members of  
2 the board shall determine the same to be just and proper. Unless  
3 ordered to do so by a court, the board shall not reinstate the  
4 license, certificate or registration of a person to practice as  
5 a professional engineer or professional land surveyor or an  
6 engineer-in-training or a surveyor-in-training which has been  
7 revoked, and such person shall be required to apply for a  
8 license, certificate or registration after a period of five  
9 years in accordance with section 2 if he desires to practice at  
10 any time after such revocation. THE BOARD SHALL REQUIRE A PERSON <—  
11 WHOSE LICENSE OR REGISTRATION HAS BEEN SUSPENDED OR REVOKED TO  
12 RETURN THE LICENSE OR REGISTRATION IN SUCH MANNER AS THE BOARD  
13 DIRECTS. FAILURE TO DO SO SHALL BE A MISDEMEANOR OF THE THIRD  
14 DEGREE. Misconduct in the practice of engineering or land  
15 surveying shall include, but not be limited to conviction for a  
16 criminal offense such as extortion, bribery or fraud or entry of  
17 a plea of nolo contendere to a charge thereof for conduct  
18 relating to the practice of engineering or land surveying, or  
19 has violated any provision of this act or any regulation  
20 promulgated by the board. For the purposes of this subsection,  
21 the code of ethics is as follows:

22 It shall be considered unprofessional and inconsistent with  
23 honorable and dignified bearing for any professional engineer or  
24 professional land surveyor:

25 (1) To act for his client or employer in professional  
26 matters otherwise than as a faithful agent or trustee, or to  
27 accept any remuneration other than his stated recompense for  
28 services rendered.

29 (2) To attempt to injure falsely or maliciously, directly or  
30 indirectly, the professional reputation, prospects or business

1 of anyone.

2 (3) To attempt to supplant another engineer or land surveyor  
3 after definite steps have been taken toward his employment.

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

6 (5) To review the work of another engineer or land surveyor  
7 for the same client, except with the knowledge of such engineer  
8 or land surveyor, or unless the connection of such engineer or  
9 land surveyor with the work has terminated.

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

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

17 (8) To attempt to practice in any field of engineering OR  
18 LAND SURVEYING in which the registrant is not proficient.

<—

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

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

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

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

30 The hearing examiners shall have the power to conduct



1 hearings in accordance with the regulations of the board, and to  
2 issue subpoenas requiring the attendance and testimony of  
3 individuals or the production of, pertinent books, records,  
4 documents and papers by persons whom they believe to have  
5 information relevant to any matter pending before the examiner.  
6 Such examiner shall also have the power to administer oaths.

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

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

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

24 (2) To submit annually to the House and Senate  
25 Appropriations Committees, fifteen days after the Governor has  
26 submitted his budget to the General Assembly, a copy of the  
27 budget request for the upcoming fiscal year which the board  
28 previously submitted to the department.

29 [(k)] (i) Administration and Enforcement of Laws.--To  
30 administer and enforce the laws of the Commonwealth relating to

1 the practice of engineering and land surveying, and to instruct  
2 and require its agents to bring prosecutions for unauthorized  
3 and unlawful practices.

4 [(1)] (j) Minutes and Records.--To keep minutes and records  
5 of all its transactions and proceedings. Copies thereof duly  
6 certified by the secretary of the board shall be received in  
7 evidence in all courts and elsewhere.

8 [(m)] (k) Member of National Council of [Engineering] <—  
9 Examiners FOR ENGINEERING AND SURVEYING; Dues.--To become a <—  
10 member of the National Council of [Engineering] Examiners FOR <—  
11 ENGINEERING AND SURVEYING, and to pay such dues as said council  
12 shall establish, and to send delegates to the annual meeting of  
13 said council, and to defray their expenses.

14 [(n)] (l) Administrative Rules and Regulations.--To adopt,  
15 promulgate and enforce such administrative rules and  
16 regulations, not inconsistent with this act, as are deemed  
17 necessary and proper by the board to carry into effect the  
18 powers conferred by this act.

19 [(o)] (m) Status of Complaints.--The board shall submit  
20 annually a report to the Professional Licensure Committee of the  
21 House of Representatives and to the Consumer Protection and  
22 Professional Licensure Committee of the Senate a description of  
23 the types of complaints received, status of cases, board action  
24 which has been taken and the length of time from the initial  
25 complaint to final board resolution.

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

28 Section 4.1. †State Registration Board for Professional <—  
29 Engineers†~~Board~~ AND PROFESSIONAL LAND SURVEYORS.--(a) [The <—  
30 †State Registration Board for Professional Engineers†~~board~~ <—

1 shall consist of the Commissioner of Professional and  
2 Occupational Affairs, the Director of the Bureau of Consumer  
3 Protection in the Office of Attorney General, or his designee,  
4 two] THERE IS HEREBY ESTABLISHED WITHIN THE DEPARTMENT OF STATE <—  
5 THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS AND  
6 PROFESSIONAL LAND SURVEYORS. THE BOARD SHALL CONSIST OF THE  
7 COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS, THREE  
8 members appointed by the Governor who shall be persons  
9 representing the public at large and [five] seven members  
10 appointed by the Governor, [all] five of whom shall be  
11 registered professional engineers[.] and two of whom shall be <—  
12 registered professional land surveyors and full time <—  
13 practitioners in the surveying profession. 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 EXAMINATIONS. The professional members of the board shall be so  
17 selected that not more than two of them shall specialize in any  
18 one of the five major disciplines of engineering: civil, mining  
19 and metallurgical, mechanical, electrical and chemical. Each  
20 member of the board shall be a citizen of the United States and  
21 a resident of this Commonwealth. Each professional member shall  
22 have been engaged in the practice of the respective profession  
23 [of engineering] for at least ten years and shall have been in  
24 responsible charge of [engineering] work for at least five  
25 years.

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

1 same qualifications and shall hold office for the unexpired  
2 term. No member shall be eligible for appointment to serve more  
3 than two consecutive full terms.

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

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

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

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

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

28 (h) A public member who fails to attend two consecutive  
29 statutorily mandated training seminars in accordance with  
30 section 813(e) of the act of April 9, 1929 (P.L.177, No.175),

1 known as "The Administrative Code of 1929," shall forfeit board  
2 membership unless the Commissioner of Professional and  
3 Occupational Affairs, upon written request from the public  
4 member, finds that the public member should be excused from a  
5 meeting because of illness or the death of a family member.

6 ~~(i) The board, with the approval of the Commissioner of~~ <—  
7 ~~Professional and Occupational Affairs, may employ and fix the~~  
8 ~~compensation and duties of necessary personnel to assist it in~~  
9 ~~the performance of its duties.~~

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

11 Section 4.2. Procedure for Licensing as Professional  
12 Engineer. The procedure to become a licensed professional <—  
13 engineer is a two examination process coupled with education and  
14 experience criteria:

15 ~~(a) (1) The first step in the licensing process is to pass~~  
16 ~~the examination in engineering fundamentals and become certified~~  
17 ~~as an engineer in training. To qualify for this examination, the~~  
18 ~~examinee must produce satisfactory evidence of one of the~~  
19 ~~following:~~ ENGINEER.--AN APPLICANT FOR LICENSURE AS A <—

20 PROFESSIONAL ENGINEER SHALL SATISFACTORILY COMPLETE THE  
21 ENGINEERING FUNDAMENTALS EXAMINATION AND BECOME CERTIFIED AS AN  
22 ENGINEER-IN-TRAINING AND SUBSEQUENTLY SHOW EVIDENCE OF  
23 EXPERIENCE SATISFACTORY TO THE BOARD TO PREPARE HIM FOR THE  
24 ENGINEERING PRINCIPLES AND PRACTICE EXAMINATION.

25 (A) (1) AN APPLICANT FOR THE ENGINEER-IN-TRAINING  
26 CERTIFICATE SHALL SHOW SATISFACTORY EVIDENCE OF:

27 (i) ~~Graduation~~ GRADUATION from an approved engineering <—  
28 curriculum of four ~~years or more~~ OR MORE YEARS; OR. <—

29 (ii) ~~Eight~~ EIGHT or more years of progressive experience in <—  
30 engineering work, and knowledge, skill and education

1 approximating that attained through graduation from an approved  
2 engineering curriculum.

3 ~~(2) Engineering students in their last two years of an~~ <—  
4 ~~approved engineering curriculum may, with board approval, sit~~  
5 ~~for the examination; but they will not be certified until they~~  
6 ~~have shown proof of graduation.~~

7 ~~(3) Satisfactorily passing the fundamentals examination~~  
8 ~~shall constitute a credit for life to the applicant or until the~~  
9 ~~applicant is licensed under this act as a professional engineer.~~

10 ~~(b) Unless otherwise exempted by this act, all applicants~~  
11 ~~must pass an examination in engineering principles and practice.~~  
12 ~~To qualify for the principles and practice examination, the~~  
13 ~~examinee must be a certified engineer in training and have one~~  
14 ~~of the following:~~

15 (2) AN ENGINEERING STUDENT WHO HAS COMPLETED TWO OR MORE <—  
16 YEARS OF AN APPROVED PROGRAM IN ENGINEERING MAY, SUBJECT TO  
17 BOARD APPROVAL, SIT FOR THE EXAMINATION; BUT SUCH STUDENT SHALL  
18 NOT BE ELIGIBLE FOR CERTIFICATION UNTIL HE SHOWS PROOF OF  
19 GRADUATION.

20 (3) AN APPLICANT WHO SATISFACTORILY COMPLETES THE  
21 EXAMINATION IN ENGINEERING FUNDAMENTALS SHALL BE CERTIFIED AS AN  
22 ENGINEER-IN-TRAINING WITHOUT TIME LIMITATION AND MAY REMAIN  
23 CERTIFIED UNTIL SUCH TIME AS HE BECOMES LICENSED UNDER THIS ACT  
24 AS A PROFESSIONAL ENGINEER.

25 (B) AN APPLICANT WHO IS A CERTIFIED ENGINEER-IN-TRAINING MAY  
26 APPLY FOR LICENSURE AND SHALL PASS THE EXAMINATION IN  
27 ENGINEERING PRINCIPLES AND PRACTICE. TO QUALIFY FOR THE  
28 PRINCIPLES AND PRACTICE EXAMINATION, AN APPLICANT SHALL, IN  
29 ADDITION TO HOLDING THE ENGINEER-IN-TRAINING CERTIFICATE, SHOW  
30 SATISFACTORY PROOF OF:

~~(1) Four~~ FOUR or more years of progressive experience in engineering work PERFORMED AFTER THE ISSUANCE OF THE ENGINEER-IN-TRAINING CERTIFICATE AND under the supervision of a professional engineer or a similarly qualified engineer of a grade and character to fit him to assume responsible charge of the work involved in the practice of engineering. Experience used to meet the EIT requirement may not be reused.; OR

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

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

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

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

~~(ii) Six or more years of progressive experience in surveying work, and knowledge, skill and education approximating that attained through graduation from an approved surveying curriculum.~~

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

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

~~(3) The board shall require all applicants to show a diversification in both field and office experience, with the smallest percentage of time in either category to be twenty five percent.~~

~~(b) Unless otherwise exempted by this act, all applicants must pass an examination in surveying principles and practice. To qualify for the principles and practice examination, the examinee must be a certified surveyor in training and have one of the following:~~

SECTION 4.3. PROCEDURE FOR LICENSING AS PROFESSIONAL LAND SURVEYOR.--AN APPLICANT FOR LICENSURE AS A PROFESSIONAL LAND SURVEYOR SHALL SATISFACTORILY COMPLETE THE SURVEYING FUNDAMENTALS EXAMINATION AND BECOME CERTIFIED AS A SURVEYOR-IN-TRAINING AND SUBSEQUENTLY SHOW EVIDENCE OF EXPERIENCE SATISFACTORY TO THE BOARD TO PREPARE FOR THE LAND SURVEYING PRINCIPLES AND PRACTICE EXAMINATION.

(A) (1) AN APPLICANT FOR THE SURVEYOR-IN-TRAINING CERTIFICATE SHALL SHOW SATISFACTORY EVIDENCE OF:

(I) GRADUATION FROM AN APPROVED CIVIL ENGINEERING CURRICULUM OF AT LEAST FOUR YEARS, INCLUDING NO LESS THAN TEN CREDIT HOURS INSTRUCTION IN SURVEYING;

(II) SIX OR MORE YEARS OF PROGRESSIVE EXPERIENCE IN SURVEYING AND KNOWLEDGE, SKILL AND EDUCATION DEEMED EQUIVALENT, IN ACCORDANCE WITH BOARD REGULATION, TO GRADUATION FROM AN APPROVED CURRICULUM IN LAND SURVEYING OR CIVIL ENGINEERING; OR

(III) AN ASSOCIATE'S DEGREE IN AN APPROVED SURVEYING



1 TECHNOLOGY CURRICULUM.

2 (2) AN APPLICANT WHO SATISFACTORILY COMPLETES THE  
3 FUNDAMENTALS EXAMINATION SHALL BE CERTIFIED AS A SURVEYOR-IN-  
4 TRAINING WITHOUT TIME LIMITATION AND MAY REMAIN CERTIFIED UNTIL  
5 SUCH TIME AS HE BECOMES LICENSED UNDER THIS ACT AS A  
6 PROFESSIONAL LAND SURVEYOR.

7 (3) AN APPLICANT SHALL SHOW DIVERSIFICATION OF FIELD AND  
8 OFFICE EXPERIENCE, WITH AT LEAST TWENTY-FIVE PER CENT OF HIS  
9 EXPERIENCE IN EACH.

10 (B) EACH APPLICANT FOR LICENSURE SHALL BE CERTIFIED AS A  
11 SURVEYOR-IN-TRAINING AND SHALL PASS AN EXAMINATION IN LAND  
12 SURVEYING PRINCIPLES AND PRACTICE. TO QUALIFY FOR THE PRINCIPLES  
13 AND PRACTICE EXAMINATION, THE APPLICANT SHALL DEMONSTRATE:

14 (1) Four or more years of progressive experience in land  
15 surveying work PERFORMED AFTER THE ISSUANCE OF THE SURVEYOR-IN- <—  
16 TRAINING CERTIFICATE AND under the supervision of a professional  
17 land surveyor or a similarly qualified surveyor of a grade or  
18 character to fit him to assume responsible charge of the work  
19 involved in the practice of land surveying. ~~Experience used to <—~~  
20 ~~meet the surveyor in training requirements may not be reused.~~

21 (2) Four or more years of progressive teaching experience in  
22 an approved curriculum under the supervision of a professional  
23 land surveyor or a similarly qualified surveyor of a grade and  
24 character to fit him to assume responsible charge of the work  
25 involved in the practice of land surveying.

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

29 Section 5. Exemption from Licensure and Registration.--  
30 Except as specifically provided in this section, this act shall

1 not be construed to require licensure and registration in the  
2 following cases:

3 (a) The practice of engineering or land surveying by any  
4 person who acts under the supervision of a professional engineer  
5 or professional land surveyor, respectively, or by an employe of  
6 a person lawfully engaged in the practice of engineering or land  
7 surveying and who, in either event, does not assume responsible  
8 charge of design or supervisions;

9 (b) The practice of engineering or land surveying, not  
10 exceeding thirty days in the aggregate in one calendar year, by  
11 a nonresident not having a place of business in this  
12 Commonwealth, if such person is legally qualified to engage in  
13 the practice of engineering or land surveying in the state or  
14 territory of his residence: Provided, That standards of such  
15 state or territory are at least equal to the {standards of this <—  
16 Commonwealth;} ~~requirements of the regulations of the board and <—~~  
17 ~~that the proper permit be obtained;~~

18 \* \* \*

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

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

~~1 corporation or its employees may not in any way represent~~  
~~2 themselves to be engineers or land surveyors, or through the use~~  
~~3 of some other title imply that they are engineers or land~~  
~~4 surveyors registered under this act.~~

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

11 \* \* \*

12 (j) The preparation of shop drawings or the performance of  
13 construction management services by persons customarily engaged  
14 in construction work.

15 Section 9. Sections 6 and 7 of the act, amended December 13,  
16 1979 (P.L.534, No.120), are amended to read:

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

1 corporation.

2 Section 7. Seal of Registrants.--(a) Each person,  
3 registered under this act, shall obtain a seal of a design  
4 authorized by the board which shall bear the registrant's name  
5 and number and the legend "Registered Professional Engineer" or  
6 "Registered Professional Land Surveyor." Such seal, or a  
7 facsimile imprint of same, shall be stamped on all plans,  
8 specifications, [plates] plats and reports issued by a  
9 professional engineer or professional land surveyor.

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

14 Section 10. Sections 9 and 10 of the act, amended December  
15 22, 1983 (P.L.348, No.87), are amended to read:

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

30 (b) If the Bureau of Professional and Occupational Affairs

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

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

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

22 (a) Any person licensed to practice as a professional  
23 engineer at the time of the effective date of this act, upon  
24 application to the board within two years of the effective date  
25 of this act, shall be granted a certificate of registration to  
26 practice land surveying.

27 (a.1) Any person licensed to practice as a professional  
28 engineer limited to the practice of surveying at the time of the  
29 effective date of this act may continue the practice of land  
30 surveying thereunder and upon application to the board at any

1 time shall be granted a certificate of registration to practice  
2 land surveying.

3 (b) All] However, all actions shall be subject to the power  
4 of the board as provided in this act to suspend or revoke the  
5 license of any such person for any of the causes set forth in  
6 this act, and subject to the power of the board to require any  
7 such person to register biennially with the board as provided in  
8 this act.

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

10 Section 10.1. Temporary and Automatic Suspensions.--(a) A  
11 license issued under this act may be temporarily suspended under  
12 circumstances as determined by the board to be an immediate and  
13 clear danger to the public health and safety. The board shall  
14 issue an order to that effect without a hearing, but upon due  
15 notice to the licensee concerned at his or her last known  
16 address, which shall include a written statement of all  
17 allegations against the licensee. The board shall thereupon  
18 commence formal action to suspend, revoke or restrict the  
19 license of the person concerned as otherwise provided for in  
20 this act. All actions shall be taken promptly and without delay.  
21 Within thirty days following the issuance of an order  
22 temporarily suspending a license, the board shall conduct, or  
23 cause to be conducted, a preliminary hearing to determine that  
24 there is a prima facie case supporting the suspension. The  
25 licensee whose license has been temporarily suspended may be  
26 present at the preliminary hearing and may be represented by  
27 counsel, cross-examine witnesses, inspect physical evidence,  
28 call witnesses, offer evidence and testimony and make a record  
29 of the proceedings. If it is determined that there is not a  
30 prima facie case, the suspended license shall be immediately

1 restored. The temporary suspension shall remain in effect until  
2 vacated by the board, but in no event longer than one hundred  
3 eighty days.

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

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

27 Section 10.2. Reporting of Multiple Licensure.--Any licensee  
28 of this Commonwealth who is also licensed to practice  
29 engineering or land surveying in any other state, territory or  
30 country shall report this information to the board on the

1 biennial renewal application. Any disciplinary action taken in  
2 other states, territories or countries shall be reported to the  
3 board on the biennial renewal application or within ninety days  
4 of final disposition, whichever is sooner. Multiple licensure  
5 shall be noted by the board on the engineer's or land surveyor's  
6 record, and each state, territory or country shall be notified  
7 by the board of any disciplinary action taken against the  
8 licensee in this Commonwealth.

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

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

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

27 (d) If a person convicted of a felony or crime deemed to be  
28 a felony is subsequently pardoned by the governor of the state  
29 where such conviction was had or by the President of the United  
30 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 (P.L.348, No.87), is amended to read:

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

(b) In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote of the majority of the maximum number of the authorized membership of

1 the board as provided by law, or by a vote of the majority of  
2 the duly qualified and confirmed membership or a minimum of  
3 [four] ~~six~~ FIVE members, whichever is greater, may levy a civil ←  
4 penalty of up to one thousand dollars on any current licensee  
5 who violates any provision of this act or on any person who  
6 practices the profession of an engineer or land surveyor without  
7 being properly licensed to do so under this act. The board shall  
8 levy this penalty only after affording the accused party the  
9 opportunity for a hearing, as provided in Title 2 of the  
10 Pennsylvania Consolidated Statutes (relating to administrative  
11 law and procedure).

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

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

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

1 in addition to any other civil or criminal prosecution and  
2 punishment.

3 Section 11.2. Investigative Subpoena.--The board shall have  
4 the authority to issue subpoenas, upon application of an  
5 attorney responsible for representing the Commonwealth in  
6 disciplinary matters before the board, for the purpose of  
7 investigating alleged violations of the disciplinary provisions  
8 administered by the board. The board shall have the power to  
9 subpoena witnesses, to administer oaths, to examine witnesses  
10 and to take such testimony or compel the production of such  
11 books, records, papers and documents as it may deem necessary or  
12 proper in, and pertinent to, any proceeding, investigation or  
13 hearing held or had by it. Client records may not be subpoenaed  
14 without consent of the client or without order of a court of  
15 competent jurisdiction on a showing that the records are  
16 reasonably necessary for the conduct of the investigation. The  
17 court may impose such limitations on the scope of the subpoenas  
18 as are necessary to prevent unnecessary intrusion in client  
19 confidential information. The board is authorized to apply to  
20 the Commonwealth Court to enforce its subpoenas.

21 SECTION 14. SECTIONS 4.1 AND 4.2 AMENDED OR ADDED BY THIS <—  
22 ACT SHALL NOT APPLY TO ANY PERSON WHO COMPLETES THE EDUCATIONAL  
23 REQUIREMENTS BY JUNE 30, 1994, FOR LICENSURE AS A PROFESSIONAL  
24 ENGINEER OR PROFESSIONAL LAND SURVEYOR AS THOSE REQUIREMENTS  
25 EXISTED ON THE DAY PRIOR TO THE EFFECTIVE DATE OF THIS ACT.  
26 SECTIONS 4.1 AND 4.2 AMENDED OR ADDED BY THIS ACT SHALL NOT  
27 APPLY TO ANY PERSON WHO BEGINS THE EXPERIENCE REQUIREMENTS PRIOR  
28 TO THE EFFECTIVE DATE OF THIS ACT FOR LICENSURE AS A  
29 PROFESSIONAL ENGINEER OR LAND SURVEYOR AS THOSE REQUIREMENTS  
30 EXISTED ON THE DAY PRIOR TO THE EFFECTIVE DATE OF THIS ACT. SUCH

1 PERSONS TO WHOM SECTIONS 4.1 AND 4.2 DO NOT APPLY SHALL COMPLY  
2 WITH THE EDUCATION AND EXPERIENCE REQUIREMENTS AS THEY EXISTED  
3 ON THE DAY PRIOR TO THE EFFECTIVE DATE OF THIS ACT.

4 Section ~~14~~ 15. This act shall take effect in 60 days.

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