

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 655 Session of
2005INTRODUCED BY MADIGAN, STOUT, O'PAKE, M. WHITE, COSTA, RAFFERTY,
RHOADES, BOSCOLA, D. WHITE, ORIE AND WONDERLING, MAY 26, 2005SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL
LICENSURE, AS AMENDED, NOVEMBER 15, 2005

AN ACT

1 Amending the act of May 23, 1945 (P.L.913, No.367), entitled, as
2 amended, "An act relating to and regulating the practice of
3 the profession of engineering, including civil engineering,
4 mechanical engineering, electrical engineering, mining
5 engineering and chemical engineering, the profession of land
6 surveying and the profession of geology and constituent parts
7 and combinations thereof as herein defined; providing for the
8 licensing and registration of persons practicing said
9 profession, and the certification of engineers-in-training
10 and surveyors-in-training, and the suspension and revocation
11 of said licenses, registrations and certifications for
12 violation of this act; prescribing the powers and duties of
13 the State Registration Board for Professional Engineers, Land
14 Surveyors and Geologists, the Department of State and the
15 courts; prescribing penalties; and repealing existing laws,"
16 providing for the use of the terms "engineer" and
17 ~~"engineering."~~ "ENGINEERING"; AND PROVIDING FOR CONTINUING <—
18 PROFESSIONAL ENGINEERING COMPETENCY AND EDUCATION
19 REQUIREMENTS.

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

22 Section 1. ~~Sections 3 and 6~~ SECTION 3 of the act of May 23, <—
23 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and
24 Geologist Registration Law, amended December 16, 1992 (P.L.1151,
25 No.151), ~~are~~ IS amended to read: <—

26 Section 3. Practice of Engineering, Land Surveying or

1 Geology Without Licensure and Registration Prohibited.--(a) In
2 order to safeguard life, health or property and to promote the
3 general welfare, it is unlawful for any person to practice or to
4 offer to practice engineering in this Commonwealth, unless he is
5 licensed and registered under the laws of this Commonwealth as a
6 professional engineer, for any person to practice or to offer to
7 practice land surveying, unless he is licensed and registered
8 under the laws of this Commonwealth as a professional land
9 surveyor or for any person to practice or to offer to practice
10 geology unless he is licensed and registered under the laws of
11 this Commonwealth as a professional geologist. Individuals
12 licensed as professional engineers, professional land surveyors
13 or registered landscape architects may perform geological work
14 which is incidental to their engineering, surveying or landscape
15 architecture without being licensed as a professional geologist.

16 (b) A person shall be construed to practice or offer to
17 practice engineering, land surveying or geology who practices
18 any branch of the profession of engineering, land surveying or
19 geology; or who, by verbal claim, sign, advertisement,
20 letterhead, card, or in any other way represents himself to be
21 an engineer, land surveyor or geologist, or through the use of
22 some other title implies that he is an engineer, land surveyor
23 or geologist or that he is registered under this act; or who
24 holds himself out as able to perform, or who does perform any
25 engineering, land surveying or geological service or work or any
26 other service designated by the practitioner or recognized as
27 engineering, land surveying or geology.

28 (c) Notwithstanding subsection (b), the title "engineer" may
29 only be used by an individual licensed as a professional
30 engineer unless the individual is one of the following:

1 (1) A locomotive engineer.

2 (2) An operating engineer.

3 (3) A PROJECT ENGINEER IN THE CONSTRUCTION INDUSTRY. <—

4 ~~(3)~~ (4) An individual who is not offering engineering <—
5 services or engaged in the practice of engineering as defined in
6 section 2(a)(1).

7 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

8 SECTION 4.5. CONTINUING PROFESSIONAL ENGINEERING COMPETENCY
9 REQUIREMENTS.--(A) IN ORDER TO HELP SAFEGUARD LIFE, HEALTH AND
10 PROPERTY AND TO PROMOTE THE PUBLIC WELFARE, THE PRACTICE OF
11 PROFESSIONAL ENGINEERING IN THIS COMMONWEALTH REQUIRES
12 CONTINUING PROFESSIONAL COMPETENCY.

13 (B) EACH IN-STATE AND OUT-OF-STATE ENGINEERING LICENSEE
14 SHALL BE REQUIRED TO MEET THE CONTINUING PROFESSIONAL COMPETENCY
15 REQUIREMENTS OF THIS SECTION AS A CONDITION FOR LICENSURE
16 RENEWAL. CONTINUING PROFESSIONAL COMPETENCY OBTAINED BY AN
17 ENGINEERING LICENSEE SHOULD MAINTAIN, IMPROVE OR EXPAND SKILLS
18 AND KNOWLEDGE OBTAINED PRIOR TO INITIAL LICENSURE OR DEVELOP NEW
19 AND RELEVANT SKILLS AND KNOWLEDGE.

20 (C) EACH ENGINEERING LICENSEE SHALL BE REQUIRED TO OBTAIN
21 TWENTY FOUR PDH UNITS DURING THE BIENNIAL RENEWAL PERIOD. IF AN
22 ENGINEERING LICENSEE EXCEEDS THE REQUIREMENT IN ANY RENEWAL
23 PERIOD, A MAXIMUM OF TWELVE PDH UNITS MAY BE CARRIED FORWARD
24 INTO THE SUBSEQUENT RENEWAL PERIOD. PDH UNITS MAY BE EARNED AS
25 FOLLOWS:

26 (1) SUCCESSFUL COMPLETION OF COLLEGE COURSES RELEVANT TO THE
27 PROFESSIONAL PRACTICE OF ENGINEERING.

28 (2) SUCCESSFUL COMPLETION OF CONTINUING EDUCATION COURSES
29 RELEVANT TO THE PROFESSIONAL PRACTICE OF ENGINEERING.

30 (3) SUCCESSFUL COMPLETION OF CORRESPONDENCE, TELEVISED,

VIDEOTAPED AND OTHER SHORT COURSES OR TUTORIALS, RELEVANT TO THE
PROFESSIONAL PRACTICE OF ENGINEERING.

(4) PRESENTING OR ATTENDING QUALIFYING SEMINARS, IN-HOUSE
COURSES, WORKSHOPS OR PROFESSIONAL OR TECHNICAL PRESENTATIONS
MADE AT MEETINGS, CONVENTIONS OR CONFERENCES, RELEVANT TO THE
PROFESSIONAL PRACTICE OF ENGINEERING.

(5) TEACHING OR INSTRUCTING IN ANY OF THE ACTIVITIES LISTED
IN CLAUSES (1) THROUGH (4).

(6) AUTHORIZING PUBLISHED PAPERS, ARTICLES, BOOKS OR ACCEPTED
LICENSING EXAMINATION ITEMS.

(7) ACTIVELY PARTICIPATING IN PROFESSIONAL OR TECHNICAL
SOCIETIES RELEVANT TO THE PROFESSIONAL PRACTICE OF ENGINEERING.

AN ENGINEERING LICENSEE SHALL SERVE AS AN OFFICER OR ACTIVELY
PARTICIPATE IN A COMMITTEE OF THE ORGANIZATION IN ORDER TO
RECEIVE CREDIT. PDH CREDITS SHALL NOT BE EARNED UNTIL THE END OF
EACH YEAR OF SERVICE IS COMPLETED.

(8) OBTAINING PATENTS.

(D) (1) EXCEPT AS PROVIDED IN CLAUSE (2), UNITS OF OTHER
TYPES OF CREDIT SHALL BE CONVERTED TO PDH UNITS AS FOLLOWS:

(I) ONE COLLEGE OR UNIT SEMESTER HOUR SHALL EQUAL FORTY-FIVE
PDH UNITS.

(II) ONE COLLEGE OR UNIT QUARTER HOUR SHALL EQUAL THIRTY PDH
UNITS.

(III) ONE CONTINUING EDUCATION UNIT SHALL EQUAL TEN PDH
UNITS.

(IV) ONE HOUR OF PROFESSIONAL DEVELOPMENT IN COURSE WORK,
SEMINARS OR PROFESSIONAL OR TECHNICAL PRESENTATIONS MADE AT
MEETINGS, CONVENTIONS OR CONFERENCES SHALL EQUAL ONE PDH UNIT.

(V) EACH PUBLISHED PAPER, ARTICLE OR BOOK SHALL EQUAL TEN
PDH UNITS.

1 (VI) ACTIVE PARTICIPATION IN A PROFESSIONAL AND TECHNICAL
2 SOCIETY, RELEVANT TO THE PROFESSIONAL PRACTICE OF ENGINEERING
3 SHALL EQUAL, FOR EACH ORGANIZATION, TWO PDH UNITS.

4 (VII) EACH PATENT OBTAINED SHALL EQUAL TEN PDH UNITS.

5 (2) TEACHING ANY OF THE ACTIVITIES LISTED IN CLAUSE (1)(I)
6 THROUGH (IV) SHALL EQUAL DOUBLE THE AMOUNT OF PDH UNITS PROVIDED
7 FOR IN THOSE SUBCLAUSES. TEACHING CREDIT SHALL BE AWARDED FOR
8 TEACHING A COURSE OR SEMINAR FOR THE FIRST TIME ONLY, BUT SHALL
9 NOT BE AWARDED TO FULL-TIME FACULTY IN THE PERFORMANCE OF THEIR
10 DUTIES AT THEIR EMPLOYING INSTITUTIONS.

11 (E) THE BOARD SHALL HAVE FINAL AUTHORITY WITH RESPECT TO
12 APPROVAL OF COURSES, CREDIT, PDH VALUE FOR COURSES AND OTHER
13 METHODS OF EARNING CREDIT. CREDIT DETERMINATION FOR ACTIVITIES
14 LISTED IN SUBSECTION (D)(1)(V) AND (VII) SHALL BE THE
15 RESPONSIBILITY OF THE ENGINEERING LICENSEE.

16 (F) THE ENGINEERING LICENSEE SHALL BE RESPONSIBLE FOR
17 MAINTAINING RECORDS TO BE USED TO SUPPORT CREDITS CLAIMED.
18 REQUIRED RECORDS SHALL INCLUDE ALL OF THE FOLLOWING:

19 (1) A LOG SHOWING THE TYPE OF ACTIVITY CLAIMED, SPONSORING
20 ORGANIZATION, LOCATION, DURATION, INSTRUCTOR'S OR SPEAKER'S NAME
21 AND PDH CREDITS EARNED.

22 (2) ATTENDANCE VERIFICATION RECORDS IN THE FORM OF
23 COMPLETION CERTIFICATES OR OTHER DOCUMENTS SUPPORTING EVIDENCE
24 OF ATTENDANCE.

25 (G) AN ENGINEERING LICENSEE MAY BE EXEMPT FROM THE
26 REQUIREMENTS OF THIS SECTION FOR ANY OF THE FOLLOWING REASONS:

27 (1) NEW ENGINEERING LICENSEES WHO ARE LICENSED AS A RESULT
28 OF EXAMINATION OR COMITY SHALL BE EXEMPT FOR THEIR FIRST RENEWAL
29 PERIOD.

30 (2) AN ENGINEERING LICENSEE SERVING ON TEMPORARY ACTIVE DUTY

1 IN THE ARMED FORCES OF THE UNITED STATES FOR A PERIOD OF TIME
2 EXCEEDING ONE HUNDRED TWENTY CONSECUTIVE DAYS IN A YEAR SHALL BE
3 EXEMPT FROM OBTAINING THE PROFESSIONAL DEVELOPMENT HOURS
4 REQUIRED DURING THAT YEAR.

5 (3) ENGINEERING LICENSEES EXPERIENCING PHYSICAL DISABILITY,
6 ILLNESS OR OTHER EXTENUATING CIRCUMSTANCES AS REVIEWED AND
7 APPROVED BY THE BOARD MAY BE EXEMPT. SUPPORTING DOCUMENTATION
8 MUST BE FURNISHED TO THE BOARD.

9 (4) LICENSEES WHO LIST THEIR OCCUPATION AS RETIRED OR
10 INACTIVE ON THE BOARD-APPROVED RENEWAL FORM AND WHO CERTIFY THAT
11 THEY ARE NO LONGER RECEIVING ANY REMUNERATION FOR PROVIDING
12 PROFESSIONAL ENGINEERING SERVICES SHALL BE EXEMPT FROM THE
13 PROFESSIONAL DEVELOPMENT HOURS REQUIREMENT. IN THE EVENT SUCH A
14 PERSON ELECTS TO RETURN TO ACTIVE PRACTICE OF PROFESSIONAL
15 ENGINEERING, PROFESSIONAL DEVELOPMENT HOURS MUST BE EARNED
16 BEFORE RETURNING TO ACTIVE PRACTICE FOR EACH YEAR EXEMPTED, NOT
17 TO EXCEED THE BIENNIAL RENEWAL REQUIREMENTS.

18 (H) AN ENGINEERING LICENSEE MAY BRING AN INACTIVE LICENSE TO
19 ACTIVE STATUS BY OBTAINING ALL DELINQUENT PDH UNITS, EXCEPT THAT
20 UNDER NO CIRCUMSTANCE SHALL AN ENGINEERING LICENSEE BE REQUIRED
21 TO OBTAIN MORE THAN TWENTY-FOUR PDH UNITS TO RESTORE AN INACTIVE
22 LICENSE.

23 (I) THE CONTINUING PROFESSIONAL COMPETENCY REQUIREMENTS OF
24 THIS SECTION ARE SATISFIED WHEN A NONRESIDENT CERTIFIES TO BE
25 LICENSED IN AND HAS MET THE MANDATORY CONTINUING PROFESSIONAL
26 COMPETENCY REQUIREMENTS OF ANY JURISDICTION APPROVED AND LISTED
27 BY THE BOARD.

28 (J) THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS
29 GIVEN TO THEM IN THIS SUBSECTION:

30 "ACTIVITY" SHALL MEAN ANY QUALIFYING ACTIVITY WITH A CLEAR

1 PURPOSE AND OBJECTIVE WHICH WILL MAINTAIN, IMPROVE OR EXPAND THE
2 SKILLS AND KNOWLEDGE RELEVANT TO A LICENSEE'S PRACTICE OF
3 PROFESSIONAL ENGINEERING.

4 "COLLEGE OR UNIT SEMESTER HOUR" OR "COLLEGE OR UNIT QUARTER
5 HOUR" SHALL MEAN CREDIT FOR COURSES IN ABET-APPROVED PROGRAMS OR
6 OTHER RELATED COLLEGE COURSES.

7 "CONTINUING EDUCATION UNIT" SHALL MEAN A UNIT OF CREDIT
8 CUSTOMARILY USED FOR CONTINUING EDUCATION COURSES.

9 "COURSE" SHALL MEAN ANY QUALIFYING COURSE WITH A CLEAR
10 PURPOSE AND OBJECTIVE WHICH WILL MAINTAIN, IMPROVE OR EXPAND THE
11 SKILLS AND KNOWLEDGE RELEVANT TO A LICENSEE'S PRACTICE OF
12 PROFESSIONAL ENGINEERING.

13 "PROFESSIONAL DEVELOPMENT HOUR" OR "PDH" SHALL MEAN A CONTACT
14 HOUR OF INSTRUCTION OR PRESENTATION RELEVANT TO THE PROFESSIONAL
15 PRACTICE OF ENGINEERING.

16 SECTION 3. SECTION 6 OF THE ACT, AMENDED DECEMBER 16, 1992
17 (P.L.1151, NO.151), IS AMENDED TO READ:

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

1 along with the date of signature, shall be stamped on all plans,
2 specifications, plats and reports issued by such firm or
3 corporation.

4 Section ~~2~~ 4. This act shall take effect in 60 days.

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