

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 975 Session of 2009

INTRODUCED BY ADOLPH, KILLION, MUSTIO, BOYD, BRENNAN, DENLINGER, GEIST, GINGRICH, GROVE, HARHAI, HARHART, KULA, LONGIETTI, MILLER, MOUL, PAYNE, REICHLEY, SCAVELLO, SIPTROTH, WATSON AND YUDICHAK, MARCH 18, 2009

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 18, 2009

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 continuing professional competency and
 17 education requirements; and further providing for practice by
 18 firms and corporations.

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

21 Section 1. Section 4.5 of the act of May 23, 1945 (P.L.913,
 22 No.367), known as the Engineer, Land Surveyor and Geologist
 23 Registration Law, added November 29, 2006 (P.L.1534, No.170), is
 24 amended to read:

25 Section 4.5. [Mandatory Continuing Education.--(a) The

1 board shall adopt, promulgate and enforce administrative rules
2 and regulations establishing requirements of continuing
3 education to be fulfilled by individuals licensed and registered
4 under this act. Except as otherwise provided in this section,
5 beginning with the licensure period designated by regulation,
6 individuals licensed and registered under this act shall be
7 required to complete twenty-four hours of mandatory continuing
8 education during each two-year licensure period as a condition
9 of biennial renewal.

10 (b) An individual applying for initial licensure and
11 registration shall be exempt from the requirement set forth in
12 subsection (a) for the licensure period immediately following
13 initial licensure and registration.

14 (c) The board may waive all or a portion of the continuing
15 education requirement established in subsection (a) for an
16 individual licensed and registered under this act who shows to
17 the satisfaction of the board that the individual was unable to
18 complete the requirements due to serious illness, military
19 service or other demonstrated hardship. The request shall be
20 made in writing, with appropriate documentation, and shall
21 include a description of circumstances sufficient to show why
22 the individual is unable to comply with the continuing education
23 requirement set forth in subsection (a). Requests for waiver of
24 the continuing education requirement shall be evaluated by the
25 board on a case-by-case basis. The board shall send the
26 individual written notification of its approval or denial of the
27 request for waiver.

28 (d) An individual seeking to reinstate an inactive or lapsed
29 license and registration shall show proof of compliance with the
30 continuing education requirement for the preceding biennial

1 renewal period.

2 (e) All courses, locations, instructors and providers of
3 mandatory continuing education shall be approved by the board.
4 However, no credit shall be given for a course in practice
5 building or office management.

6 (f) The board shall promulgate regulations to carry out the
7 provisions of this section within eighteen months of the
8 effective date of this section.] Continuing Professional
9 Competency Requirements.--(a) In order to help safeguard life,
10 health and property and to promote the public welfare, the
11 practice of professional engineering, professional land
12 surveying and professional geology in this Commonwealth requires
13 continuing professional competency.

14 (b) Each licensee shall be required to meet the continuing
15 professional competency requirements of this section as a
16 condition for licensure renewal. Continuing professional
17 competency obtained by a licensee should maintain, improve or
18 expand skills and knowledge obtained prior to initial licensure
19 or develop new and relevant skills and knowledge.

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

25 (1) Successful completion of college courses relevant to
26 professional practice.

27 (2) Completion of continuing education courses relevant to
28 professional practice.

29 (3) Completion of correspondence, televised, videotaped and
30 other short courses or tutorials relevant to professional

1 practice.

2 (4) Completion of seminars, employer-sponsored courses,
3 workshops or professional or technical presentations made at
4 meetings, conventions or conferences relevant to professional
5 practice.

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

8 (6) Authoring published papers, articles or books relevant
9 to professional practice.

10 (7) Obtaining patents relevant to professional practice.

11 (d) (1) Except as provided in clause (2), units of other
12 types of credit shall be converted to PDH units as follows:

13 (i) One college or unit semester hour shall equal forty-five
14 PDH units.

15 (ii) One college or unit quarter hour shall equal thirty PDH
16 units.

17 (iii) One continuing education unit shall equal ten PDH
18 units.

19 (iv) One hour of professional development in course work,
20 seminars or professional, technical presentations made at
21 meetings, employer-sponsored courses, conventions or conferences
22 shall equal one PDH unit.

23 (v) Each published paper, article or book shall equal ten
24 PDH units.

25 (vi) Each patent obtained shall equal ten PDH units.

26 (2) Teaching any of the activities listed in clause (1)(i),
27 (ii), (iii) and (iv) shall equal double the amount of PDH units
28 provided for in those subclauses. Teaching credit shall be
29 awarded for teaching a course or seminar but shall not be
30 awarded to full-time faculty members in the performance of their

1 duties at their employing institutions.

2 (e) The board shall not require courses to be preapproved.

3 The board may preapprove course providers that are trade
4 associations or professional societies representing professional
5 engineers, land surveyors or geologists. The board shall accept
6 credits earned in other jurisdictions if applicable to
7 professional practice.

8 (f) The board shall approve courses, credit, PDH value for
9 courses and other methods of earning credit. Credit
10 determination for each licensee for activities listed in
11 subsection (d) (1) (v) and (vi) shall be the responsibility of the
12 licensee.

13 (g) The licensee shall be responsible for maintaining
14 records to be used to support credits claimed. Required records
15 shall include all of the following:

16 (1) A log showing the type of activity claimed, sponsoring
17 organization, location, duration, instructor's or speaker's name
18 and PDH credits earned.

19 (2) Attendance verification records in the form of
20 completion certificates or other documents supporting evidence
21 of attendance.

22 (h) A licensee may be exempt from the requirements of this
23 section for any of the following reasons:

24 (1) A licensee serving on temporary active duty in the armed
25 forces of the United States for a period of time exceeding one
26 hundred twenty consecutive days in a year shall be exempt from
27 obtaining the professional development hours required during
28 that year.

29 (2) Licensees experiencing physical disability, illness or
30 other extenuating circumstances as reviewed and approved by the

1 board may be exempt. Supporting documentation must be furnished
2 to the board.

3 (i) In the event such a person elects to return to active
4 practice, professional development hours must be earned before
5 returning to active practice for each year exempted, not to
6 exceed twenty-four PDH units.

7 (j) The continuing professional competency requirements of
8 this section are satisfied when a nonresident certifies that the
9 nonresident is licensed in and has met the mandatory continuing
10 professional competency requirements of any jurisdiction
11 approved and listed by the board.

12 (k) The following words and phrases shall have the meanings
13 given to them in this subsection:

14 "Activity" shall mean any qualifying activity with a clear
15 purpose and objective which will maintain, improve or expand the
16 skills and knowledge relevant to a licensee's professional
17 practice.

18 "College or Unit Semester Hour" or "College or Unit Quarter
19 Hour" shall mean credit for courses in ABET-approved programs or
20 other related college courses.

21 "Continuing Education Unit" shall mean a unit of credit
22 customarily used for continuing education courses.

23 "Course" shall mean any qualifying course with a clear
24 purpose and objective which will maintain, improve or expand the
25 skills and knowledge relevant to a licensee's professional
26 practice.

27 "Professional Development Hour" or "PDH" shall mean fifty
28 minutes of instruction or presentation relevant to professional
29 practice or any equivalent.

30 Section 2. Section 6 of the act, amended December 16, 1992

1 (P.L.1151, No.151), is amended to read:

2 Section 6. Practice by Firms and Corporations.--The practice
3 of engineering, of land surveying and of geology being the
4 function of an individual or of individuals working in concerted
5 effort, it shall be unlawful for any firm or corporation to
6 engage in such practice, or to offer to practice, or to assume
7 use or advertise any title or description, including the use of
8 the term "engineer" or "engineering" in its firm or corporate
9 name, conveying the impression that such firm or corporation is
10 engaged in or is offering to practice such profession, unless
11 the directing heads and employes of such firm or corporation in
12 responsible charge of its activities in the practice of such
13 profession are licensed and registered in conformity with the
14 requirements of this act, and whose name, seal and signature,
15 along with the date of signature, shall be stamped on all plans,
16 specifications, plats and reports issued by such firm or
17 corporation.

18 Section 3. The addition of section 4.5(b) of the act shall
19 apply to license renewals beginning October 2009.

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