

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1106 Session of 2017

INTRODUCED BY EMRICK, MURT, PICKETT, WARD, GILLEN, SCHLEGEL
CULVER, MILLARD AND READSHAW, APRIL 10, 2017

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 7, 2017

AN ACT

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

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

21 Section 1. Sections 2(a)(1), (c), (d) and (j), 4.5(c) and 5
22 of the act of May 23, 1945 (P.L.913, No.367), known as the
23 Engineer, Land Surveyor and Geologist Registration Law, are
24 amended to read:

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

1 (a) (1) "Practice of Engineering" shall mean the
2 application of the mathematical and physical sciences for the
3 design and analysis of public or private buildings, structures,
4 machines, equipment, processes, works or engineering systems,
5 and the consultation, investigation, evaluation, engineering
6 asset inventories or surveys, construction management,
7 modification and alternation, planning and inspection in
8 connection therewith, the performance of the foregoing acts and
9 services being prohibited to persons who are not licensed under
10 this act as professional engineers unless exempt under other
11 provisions of this act. THE TERM INCLUDES THE PERFORMANCE OF <--
12 ENGINEERING LAND SURVEYS.

13 * * *

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

25 (d) "Practice of Land Surveying" [means the practice of that
26 branch of the profession of engineering which involves the]
27 shall mean the acts of location, relocation, establishment,
28 reestablishment or retracement of any property line or boundary
29 of any parcel of land or any road right-of-way, easement or
30 alignment; the use of principles of land surveying,

1 determination of the position of any structure or permanently
2 installed equipment in relation to monuments or reference
3 points, determination of the position of any monument or
4 reference point which marks a property line boundary, or corner
5 setting, resetting or replacing any such monument or individual
6 point including the writing of deed descriptions; the
7 performance of engineering land surveys; procuring or offering
8 to procure land surveying work for himself or others; managing
9 or conducting as managers, proprietors or agent any place of
10 business from which land surveying work is solicited, performed,
11 or practiced; the performance of the foregoing acts and services
12 being prohibited to persons who are not granted certificates of
13 registration under this act as a professional land surveyor
14 unless exempt under other provisions of this act.

15 * * *

16 (j) "Engineering Land Surveys" means surveys for: (i) the
17 development of any tract of land including the incidental design
18 of related improvements, such as line and grade extension of
19 roads, sewers and grading but not requiring independent
20 engineering judgment: Provided, however, That tract perimeter
21 surveys shall be the function of the Professional Land Surveyor;
22 (ii) the determination of the configuration or contour of the
23 earth's surface, or the position of fixed objects thereon or
24 related thereto for purposes of review, analysis and
25 determination of the location or as-built construction of fixed
26 assets or objects, the post-development contours, or for the
27 purposes of designs based thereon by means of measuring lines
28 and angles and applying the principles of mathematics,
29 photogrammetry or other measurement, mapping or positioning
30 methods without regard to tools or technologies which currently

1 exist or which may be developed in the future, the application
2 of which means and methods involves professional understanding
3 as to the appropriate and safe usage; (iii) geodetic survey,
4 underground survey and hydrographic survey; (iv) storm water
5 management surveys and sedimentation and erosion control
6 surveys; (v) the determination of the quantities of materials;
7 (vi) tests for water percolation in soils; and (vii) the
8 preparation of plans and specifications and estimates of
9 proposed work and attendant costs as described in this
10 subsection.

11 * * *

12 Section 4.5. Continuing Professional Competency
13 Requirements.--* * *

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

19 (1) Successful completion of college courses relevant to
20 professional practice.

21 (2) Completion of continuing education courses relevant to
22 professional practice.

23 (3) Completion of [correspondence, televised, videotaped and
24 other short courses or tutorials relevant to professional
25 practice.] distance learning courses if the course relates to
26 professional practice and the PDH units awarded are verifiable
27 and measurable by the actual hours of instruction.

28 (4) Completion of seminars, employer-sponsored courses,
29 workshops or professional or technical presentations made at
30 meetings, conventions or conferences relevant to professional

1 practice.

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

4 (6) Authoring published papers, articles or books relevant
5 to professional practice.

6 (7) Obtaining patents relevant to professional practice.

7 * * *

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

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

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

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

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

30 (d) Except as otherwise provided in subsection (g) of this

1 section, the practice of engineering or land surveying by a
2 regular employe of a public utility company, as defined by the
3 Public Utility Code (66 Pa.C.S. § 101 et seq.) in connection
4 with the facilities of such public utility, which are subject to
5 regulation by the Pennsylvania Public Utility Commission:

6 Provided, That such public utility shall employ at least one
7 professional engineer, as defined in this act, who shall be in
8 responsible charge of such utility's engineering work and shall
9 employ at least one professional land surveyor, as defined in
10 this act, who shall be in responsible charge of such utility's
11 land surveying;

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

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

21 (F.1) THE PRACTICE OF ENGINEERING OR LAND SURVEYING BY A <--
22 REGULAR EMPLOYE OR AGENT OF AN ELECTRIC COOPERATIVE CORPORATION,
23 AS DEFINED IN 15 PA.C.S. § 7302 (RELATING TO APPLICATION OF
24 CHAPTER), IN CONNECTION WITH THE FACILITIES OF THE ELECTRIC
25 COOPERATIVE, PROVIDED THAT THE ELECTRIC COOPERATIVE CORPORATION
26 OR AGENT THEREOF EITHER SHALL EMPLOY AT LEAST ONE PROFESSIONAL
27 ENGINEER OR PROFESSIONAL LAND SURVEYOR OR BELONGS TO A
28 PENNSYLVANIA ELECTRIC COOPERATIVE ASSOCIATION THAT EMPLOYS A
29 PROFESSIONAL ENGINEER OR PROFESSIONAL LAND SURVEYOR.

30 (g) The practice of engineering, land surveying or geology

1 work by a manufacturing, mining, communications common carrier,
2 research and development or other industrial corporation or by
3 employes of such corporation, provided such work is in
4 connection with or incidental to products of, or non-engineering
5 services rendered by, such corporation or its affiliates.

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

12 (i) The writing of deed descriptions.

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

16 (k) The practice of individuals providing geologic services
17 to businesses engaged in the exploration or development of gas
18 or oil.

19 Section 2. This act shall take effect in 60 days.