

CHAPTER 37. STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS**GENERAL PROVISIONS**

- Sec.
37.1. Definitions.
37.2. Rules governing Board activities and proceedings.

ORGANIZATION AND PROCEDURE

- 37.11. Meetings of the Board.
37.12. Election of Board officers.
37.13. [Reserved].
37.14. [Reserved].
37.15. [Reserved].

QUALIFICATIONS FOR LICENSURE

- 37.16. General information; application and examination.
37.17. Schedule of fees.
37.18. Reactivation of licensure status.
37.19. Biennial renewal of licensure status.
37.20. Licensure by endorsement.
37.20a. Provisional endorsement license.

REGISTERED PROFESSIONAL ENGINEERS

- 37.21. [Reserved].
37.22. [Reserved].
37.23. [Reserved].
37.24. [Reserved].
37.25. [Reserved].
37.26. [Reserved].
37.27. [Reserved].
37.28. [Reserved].
37.29. [Reserved].
37.30. [Reserved].
37.31. Requirements for certification as an engineer-in-training and for licensure as a professional engineer.
37.32. References for certification as an engineer-in-training or licensure as a professional engineer.
37.33. Grandfather requirements for certification as an engineer-in-training and for licensure as a professional engineer.
37.33a. Grandfather requirements for licensure as a professional engineer without certification as an engineer-in-training.
37.34. Branches of engineering.

REGISTERED PROFESSIONAL GEOLOGISTS

- 37.36. Requirements for certification as a geologist-in-training and for licensure as a professional geologist.
- 37.36a. Requirements for licensure as a professional geologist without certification as a geologist-in-training.
- 37.37. References for licensure as a professional geologist.

REGISTERED PROFESSIONAL LAND SURVEYORS

- 37.41. [Reserved].
- 37.42. [Reserved].
- 37.43. [Reserved].
- 37.44. [Reserved].
- 37.45. [Reserved].
- 37.46. [Reserved].
- 37.47. Requirements for certification as a surveyor-in-training and for licensure as a professional land surveyor.
- 37.48. References for certification as a surveyor-in-training or licensure as a professional land surveyor.
- 37.49. Grandfather requirements for licensure as a professional land surveyor.

REGISTRATION NUMBER AND SEAL

- 37.51. [Reserved].
- 37.52. [Reserved].
- 37.53. [Reserved].
- 37.54. [Reserved].
- 37.55. [Reserved].
- 37.56. [Reserved].
- 37.56a. Definitions.
- 37.57. Registration number.
- 37.58. Seal.
- 37.59. Use of seal.
- 37.60. Digital signature and seal.

**TEMPORARY PERMIT TO PRACTICE ENGINEERING
OR SURVEYING**

- 37.61. Temporary practice.
- 37.62. [Reserved].
- 37.63. [Reserved].

CERTIFICATE OF APPROVAL OF NAME

- 37.71. Form of application.
- 37.72. [Reserved].
- 37.73. [Reserved].
- 37.74. [Reserved].

DISCIPLINARY PROCESS AND PROCEDURES

- 37.81. Misconduct.
 37.82. Complaints.
 37.83. Hearing examiners.

EXCEPTIONS

- 37.101. Exceptions to the hearing examiner's decision.
 37.102. Appeal from the Board decision.

CONTINUING EDUCATION

- 37.111. Continuing Education.

Authority

The provisions of this Chapter 37 issued under section 4 of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. § 151), unless otherwise noted.

Source

The provisions of this Chapter 37 adopted March 30, 1917, unless otherwise noted.

Cross References

This chapter cited in 49 Pa. Code § 41.26 (relating to professional corporations).

GENERAL PROVISIONS

§ 37.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

ABET—The Nationally-recognized accrediting body that accredits undergraduate engineering programs offered by colleges and universities in the United States. ABET was formerly known as the Accreditation Board for Engineering and Technology, Inc.

ASBOG—The National Association of State Boards of Geology.

Act—The Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 148—158.2).

Board—The State Registration Board for Professional Engineers, Land Surveyors and Geologists.

Bureau—The Bureau of Professional and Occupational Affairs.

Documents—Specifications, land surveys, reports, plats, drawings, plans, design information and calculations.

Hearing examiner—An individual appointed by the Board, with the approval of the Governor, to conduct hearings as may be required under the act in accordance with the act and this chapter.

Jurisdiction—A state, territory or country.

NCEES—The National Council of Examiners for Engineering and Surveying.

Office management—

(i) The term includes mechanical office and business skills, such as typing, speed writing, preparation of advertising copy, development of sales promotion devices, word processing, calculator and computer operation, and internal operations and procedures that do not have a professional interest.

(ii) The term does not include the use of technology in delivering engineering, land surveying or geologic services.

*PDH—Professional development hour—*Fifty minutes of instruction or presentation relevant to professional practice as defined in section 2 of the act (63 P. S. § 149).

Practice building—

(i) Marketing or any other activity that has as its primary purpose increasing the business volume or revenue of a licensee or employer and does not involve the practice of engineering, land surveying or geology as defined in section 2 of the act.

(ii) The term includes procuring or offering to procure land surveying work for the licensee or others and managing or conducting as managers, proprietors or agents any place of business from which land surveying work is solicited, performed or practiced as included in the definition of “practice of land surveying” in section 2(d) of the act. This term includes procuring or offering to procure engineering or geologic work for the licensee or others and managing or conducting as managers, proprietors or agents any place of business from which engineering or geologic work is solicited, performed or practiced.

(iii) The term does not include education in a professional area merely because it would expand the licensee’s skills enabling the licensee to practice in an additional area.

*Special meetings—*A meeting scheduled by the Board after the Board’s regular schedule of meetings has been established.

Authority

The provisions of this § 37.1 amended under sections 4(b) and (l), 4.2, 4.3 and 4.4 of the Engineer, Land Surveyor and Geologist Registration Law (63 P.S. §§ 151(b) and (l), 151.2, 151.3 and 151.4).

Source

The provisions of this § 37.1 adopted March 30, 1917; amended January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; amended October 25, 1996, effective October 26, 1996, 26 Pa.B. 5106; amended June 3, 2011, effective June 4, 2011, 41 Pa.B. 2847; amended February 14, 2014, effective February 15, 2014, 44 Pa.B. 888; amended December 31, 2021, effective January 1, 2022, 52 Pa.B. 17. Immediately preceding text appears at serial pages (370989) to (370990).

§ 37.2. Rules governing Board activities and proceedings.

(a) Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), is applicable to the activities of and administrative proceedings before the Board unless otherwise provided in this chapter.

(b) Except as otherwise provided by statute or by 1 Pa. Code Part II, “Roberts’ Rules of Order” will govern the meetings of the Board.

Source

The provisions of this § 37.2 adopted January 30, 1976, effective January 31, 1976, 6 Pa.B. 159; amended January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145925).

ORGANIZATION AND PROCEDURE**§ 37.11. Meetings of the Board.**

(a) *Regular meetings.* The Board will hold a minimum of four regular meetings each year. The administrative assistant to the Board, in conjunction with the administrative office of the Bureau, will give notice of the time and place of each meeting of the Board in accordance with section 9 of the Sunshine Act (65 P. S. § 279).

(b) *Special meetings.* Special meetings may be called at any time by the President of the Board. The administrative assistant to the Board, in conjunction with the administrative office of the Bureau, will give public notice of each special meeting at least 24 hours in advance of the time of convening of the meeting in accordance with section 9 of the Sunshine Act.

Source

The provisions of this § 37.11 adopted March 30, 1917; amended February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; amended January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145925).

§ 37.12. Election of Board officers.

During the first meeting of each calendar year, the Board will elect from among its members a President and a Vice-President. The President will be the agency head of the Board and will preside at all meetings of the Board. The Vice-President will act as the agency head of the Board during a regular or special meeting of the Board in the absence of the President and will serve until the conclusion of the meeting or until the arrival of the President.

Source

The provision of this § 37.12 adopted March 30, 1917; amended January 27, 1978, effective January 28, 1978, 8 Pa.B. 253; amended January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145925).

§ 37.13. [Reserved].**Source**

The provisions of this § 37.13 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145926).

§ 37.14. [Reserved].**Source**

The provisions of this § 37.14 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145926).

§ 37.15. [Reserved].**Source**

The provisions of this § 37.15 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial pages (145926) and (181291).

QUALIFICATIONS FOR LICENSURE

§ 37.16. General information; application and examination.

(a) Applications. Applications to take a licensing examination to be certified as an engineer-in-training, surveyor-in-training or geologist-in-training, or to be licensed as a professional engineer, professional land surveyor or professional geologist shall be submitted directly to the Administrative office of the Board at Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649. Applications shall be submitted with the appropriate application fee in § 37.17 (relating to schedule of fees) and required supporting documentation. Application fees are nonrefundable and nontransferrable.

(b) Reexaminee applications. An approved examination application shall entitle the candidate to take the examination once upon payment of one fee. If the candidate fails the examination or fails to sit for the examination, the candidate shall submit a reexamination application to the Board and pay a new fee. If the candidate fails an examination or fails to sit for the examination, the candidate may also be required to submit a reexamination application, scheduling form and examination fees directly to NCEES or ASBOG or the examination service on behalf of the Board. NCEES or ASBOG may limit the number of reexamination attempts. Reexamination fees are nonrefundable and nontransferrable.

(c) Examinations. Examinations will be held in places designated by the Board, NCEES or ASBOG during at least two examination windows each year. Applications for examination eligibility shall be submitted to the Board office at least 120 days prior to the examination registration deadline established by NCEES, ASBOG or the examination service on behalf of the Board. The candidate shall register with NCEES or ASBOG as required and comply with the deadlines set by NCEES, ASBOG or the examination service on behalf of the Board.

(d) Eligibility determination. The Board will not review an application until the completed application, required supporting documents, if any, and required fees have been received by the Board office. Submission of an application to sit for an examination does not guarantee that the Board will approve or disapprove the application within a specified time frame.

Authority

The provisions of this § 37.16 amended under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a); and sections 4(b)—(f) and (l), 4.2, 4.3 and 4.4 of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 151(b)—(f) and (l), 151.2, 151.3 and 151.4).

Source

The provisions of this § 37.16 adopted March 30, 1917; amended April 13, 1990, effective April 14, 1990, 20 Pa.B. 2032; amended January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; amended February 14, 2014, effective February 15, 2014, 44 Pa.B. 888. Immediately preceding text appears at serial pages (356910) to (356911).

§ 37.17. Schedule of fees.

- (a) Renewal fee. The Board will charge the following renewal fee: Biennial renewal of registration \$100

(b) *Application fees.* The Board will charge the following nonrefundable application fees:

Permission to sit for examination	\$50
Certification, licensure or registration	\$50
Temporary permit	\$25

(c) *Other fees.* The Board will charge the following fees:

Certification of license, registration, permit or scores	\$25
Verification of license, registration or permit	\$15

(d) *Fees to testing organizations.* Examination fees for state-specific examinations are established by agreement between the Commonwealth and the third-party testing organizations that develop, administer and grade the examinations. Examination fees for the National examinations are established by NCEES or ASBOG. Examination candidates shall pay the required examination fees directly to the relevant testing organizations. Examination fees are paid separate from the application fees.

Authority

The provisions of this § 37.17 issued under section 9 of the Engineer, Land Surveyor and Geologist Registration Law (63 P.S. § 156); amended under section 812.1 of The Administrative Code of 1929 (71 P.S. § 279.3a); and sections 4(b)—(f), (i) and (l), 4.2—4.4, 5(b) and 9 of the Engineer, Land Surveyor and Geologist Registration Law (63 P.S. §§ 151(b)—(f), (i) and (l), 151.2—151.4, 152(b) and 156).

Source

The provisions of this § 37.17 adopted August 19, 1988, effective August 20, 1988, 18 Pa.B. 3699; amended April 13, 1990, effective April 14, 1990, 20 Pa.B. 2032; amended April 10, 1992, effective April 11, 1992, 22 Pa.B. 1757; amended April 30, 1993, effective May 1, 1993, 23 Pa.B. 2120; amended July 23, 1993, effective July 24, 1993, 23 Pa.B. 3471; amended May 13, 1994, effective May 14, 1994, 24 Pa.B. 2531; amended May 5, 1995, effective May 6, 1995, 25 Pa.B. 1775; amended December 22, 1995, effective December 23, 1995, and apply to examination fees charged on and after September 1, 1995, 25 Pa.B. 5966; amended May 23, 1997, effective May 24, 1997, 27 Pa.B. 2548; amended November 28, 1997, effective November 29, 1997, 27 Pa.B. 6223; amended May 26, 2000, effective May 27, 2000, 30 Pa.B. 2589; amended August 19, 2005, effective August 20, 2005, 35 Pa.B. 4725; amended February 14, 2014, effective February 15, 2014, 44 Pa.B. 888; amended September 29, 2017, effective September 30, 2017, 47 Pa.B. 6048. Immediately preceding text appears at serial pages (370992) to (370993).

Cross References

This section cited in 49 Pa. Code § 37.16 (relating to general information; application and examination); 49 Pa. Code § 37.19 (relating to biennial renewal of licensure statute); 49 Pa. Code § 37.20 (relating to licensure by endorsement); and 49 Pa. Code § 37.61 (relating to temporary practice).

§ 37.18. Reactivation of licensure status.

A licensed engineer, land surveyor or geologist who has allowed his licensure status to lapse by failing to register biennially with the Board may apply to the Board for reactivation of licensure status by satisfying the requirements of paragraph (1) on forms provided by the Board.

(1) A licensee applying for reactivation of licensure status is required to pay the current registration fee and submit a reactivation application verifying the period of time in which the licensee did not practice in this Commonwealth. Unless excused by the Board for good cause under section 4.5(g) of the act (63 P. S. § 151.5(g)), the Board will not reactivate any license until all delinquent continuing education, not to exceed 24 PDH, has been completed. Notwithstanding the general requirement in § 37.111(b) (relating to continuing education), an applicant for reactivation of an inactive license may complete this required continuing education during the biennial renewal period for which reactivation is sought. Completion of this previously-delinquent continuing education is in addition to the continuing education required for the biennium during which the license is reactivated.

(2) A licensee who seeks to reactivate his licensure status will not be assessed a late renewal fee for the preceding biennial registration periods in which the licensee did not engage in practice in this Commonwealth.

(3) With the exception of individuals who are engaged in the practice of engineering, land surveying or geology in a field which is exempt from licensure under section 5 of the act (63 P. S. § 152), a licensee whose licensure status has lapsed due to the failure to register biennially with the Board, is prohibited from the practice of engineering, land surveying or geology as applicable in this Commonwealth unless the licensure status is reactivated. If a licensee, who is not exempt from licensure, engages in practice in this Commonwealth during a period in which the licensees' registration is not renewed, the licensee is required to pay a late fee of \$5 for each month or part of a month beyond the date specified for renewal, as provided in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225), in addition to the prescribed biennial renewal fee. The payment of a late fee does not preclude the Board from taking disciplinary action against a licensee for practicing the profession of engineering, land surveying or geology as applicable in this Commonwealth without a current license.

Source

The provisions of this § 37.18 adopted August 31, 1990, effective September 1, 1990, 20 Pa.B. 4624; amended September 14, 1990, effective September 15, 1990, 20 Pa.B. 4797; amended October 25, 1996, effective October 26, 1996, 26 Pa.B. 5106; amended June 3, 2011, effective June 4, 2011, 41 Pa.B. 2847. Immediately preceding text appears at serial pages (312855) to (312856).

Cross References

This section cited in 49 Pa. Code § 37.111 (relating to continuing education).

§ 37.19. Biennial renewal of licensure status.

(a) A licensee shall register each biennial period to retain the right to practice in this Commonwealth. Initial registration shall automatically occur when a license is issued. Registration for a biennial period shall expire on September 30 of every odd numbered year.

(b) When a licensee changes the mailing address of record, the licensee shall notify the Board in writing within 10 days thereafter. Notice of renewal will be forwarded to the licensee's last known address on file with the Board. Failure of the Board to send or of the licensee to receive a biennial registration application does not relieve the licensee of the biennial registration responsibility.

(c) A licensee applying for biennial license renewal shall:

(1) Complete and submit the renewal application, including payment of the biennial renewal fee in § 37.17 (relating to schedule of fees).

(2) Disclose any license to practice engineering, land surveying or geology in another state, territory, possession or country.

(3) Disclose any disciplinary action taken or pending before the appropriate licensing authority in another jurisdiction since the most recent application for renewal. A licensee shall disclose disciplinary action in another jurisdiction whether or not the licensee holds an active license to practice in the other jurisdiction.

(4) Disclose any pending felony or misdemeanor criminal charges and any finding or verdict of guilt, admission of guilt, plea of nolo contendere or other criminal conviction since the most recent application for renewal.

(5) Verify that the licensee has complied with the continuing education requirements mandated under section 4.5 of the act (63 P. S. § 151.5) during the biennial period immediately preceding the period for which renewal is sought in accordance with § 37.111 (relating to continuing education).

Authority

The provisions of this § 37.19 issued under section 4.4 of the Engineer, Land, Surveyor and Geologist Registration Law (63 P. S. § 151.4).

Source

The provisions of this § 37.19 adopted June 3, 2011, effective June 4, 2011, 41 Pa.B. 2847.

Cross References

This section cited in 49 Pa. Code § 37.111 (relating to continuing education).

§ 37.20. Licensure by endorsement.

(a) *Requirements for issuance.* To be issued a license by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement), an applicant must satisfy all of the following conditions:

(1) Have a current license, certification, registration or permit in good standing to practice professional engineering, geology or land surveying in another jurisdiction whose standards are substantially equivalent to or exceed those established under sections 4.2 through 4.4 of the act (63 P.S. §§ 151.2—151.4) and §§ 37.31—37.49.

(i) An applicant must submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license.

(ii) If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

(iii) The copy of the applicable law, regulation or other rule must include the enactment date.

(2) Demonstrate competency by one of the following:

(i) Experience in the practice of professional engineering, geology or land surveying by demonstrating, at a minimum, that the applicant has actively engaged in the practice of professional engineering, geology or land surveying in the jurisdiction that issued the license, certificate, registration or permit for at least 2 of the last 5 years immediately preceding the filing of the application with the Board.

(ii) Completion of 24 professional development hours that meet the requirements of section 4.5 of the act (63 P.S. § 151.5), regarding continuing professional competency requirements, during the 24 months immediately preceding the date of the application.

(3) Have not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certification, registration or permit to practice professional engineering, geology or land surveying under section 4(g) of the act (63 P.S. § 151(g)) and § 37.81 (relating to misconduct).

(4) Have not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.

(5) Have paid the certification, licensure or registration fee as set forth in § 37.17 (relating to schedule of fees).

(6) Have applied for licensure in accordance with this chapter in the manner and format prescribed by the Board.

(b) *Interview and additional information.* An applicant may be required to appear before the Board for a personal interview and may be requested to submit additional information, including supporting documentation relating to competency and experience. The applicant may request the interview to be conducted by video teleconference for good cause shown.

(c) *Prohibited acts.* Notwithstanding subsection (a)(3) and (4), the Board may, in its discretion, determine that an act prohibited under section 4(g) of the act or § 37.81 or disciplinary action by a jurisdiction is not an impediment to licensure under 63 Pa.C.S. § 3111.

Source

The provisions of this § 37.20 added December 31, 2021, effective January 1, 2022, 52 Pa.B. 17.

Cross References

This section cited in 49 Pa. Code § 37.20a (relating to provisional endorsement license).

§ 37.20a. Provisional endorsement license.

(a) *Provisional endorsement license.* The Board may, in its discretion, issue a provisional endorsement license to an applicant while the applicant is satisfying remaining requirements for licensure by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement) and § 37.20 (relating to licensure by endorsement).

(b) *Expiration of a provisional endorsement license.*

(1) An individual holding a provisional endorsement license may practice for up to 1 year after issuance of the provisional endorsement license. The Board, in its discretion, may determine that an expiration date of less than 1 year is appropriate.

(2) Upon a written request and a showing of good cause, the Board may grant an extension of no longer than 1 year from the expiration date of the provisional endorsement license.

(c) *Termination of a provisional endorsement license.* A provisional endorsement license terminates as follows:

(1) The provisional endorsement license terminates when the Board denies the license.

(2) Failure to comply with the terms of a provisional endorsement license will result in termination of the provisional endorsement license.

(d) *Reapplication.* An individual may reapply for licensure by endorsement under § 37.20 after expiration or termination of a provisional endorsement license; however, the individual may not be issued a subsequent provisional endorsement license.

(e) *Use of seal.* An individual issued a provisional endorsement license shall follow the rules governing the proper use of a registrant's seal under section 7 of the act (63 P.S. § 154) and §§ 37.57—37.59 (relating to registration number; seal; and use of seal).

Source

The provisions of this § 37.20a added December 31, 2021, effective January 1, 2022, 52 Pa.B. 17.

REGISTERED PROFESSIONAL ENGINEERS**§ 37.21. [Reserved].****Source**

The provisions of this § 37.21 adopted March 30, 1917; amended April 13, 1990, effective April 14, 1990, 20 Pa.B. 2032; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (167707).

37-10.1

(407617) No. 568 Mar. 22

§ 37.22. [Reserved].**Source**

The provisions of this § 37.22 adopted March 30, 1917; amended January 27, 1978, effective January 28, 1978, 8 Pa.B. 253; amended February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; amended April 13, 1990, effective April 14, 1990, 20 Pa.B. 2032; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial pages (167707) and (145929).

§ 37.23. [Reserved].**Source**

The provisions of this § 37.23 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145929).

§ 37.24. [Reserved].**Source**

The provisions of this § 37.24 adopted March 30, 1917; amended February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial pages (145929) to (145930).

§ 37.25. [Reserved].**Source**

The provisions of this § 37.25 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial pages (145930) to (145931).

§ 37.26. [Reserved].**Source**

The provisions of this § 37.26 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145931).

§ 37.27. [Reserved].**Source**

The provisions of this § 37.27 adopted March 30, 1917; amended January 27, 1978, effective January 28, 1978, 8 Pa.B. 253; amended February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial pages (145931) to (145932).

§ 37.28. [Reserved].**Source**

The provisions of this § 37.28 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145932).

§ 37.29. [Reserved].**Source**

The provisions of this § 37.29 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145932).

§ 37.30. [Reserved].**Source**

The provisions of this § 37.30 adopted March 30, 1917; amended February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial pages (145932) to (145933).

§ 37.31. Requirements for certification as an engineer-in-training and for licensure as a professional engineer.

(a) The following requirements apply to a candidate who received a qualifying academic degree on or after June 30, 1994, or who began acquiring qualifying experience on or after February 19, 1991.

(1) *Engineer-in-training.* A candidate for certification as an engineer-in-training shall be of good moral character and achieve a passing score on the NCEES fundamentals of engineering examination. To qualify for the fundamentals of engineering examination, the candidate shall possess one of the following qualifications:

(i) Graduation from an undergraduate engineering curriculum in the United States accredited by ABET. A student who has completed 2 years in an ABET-accredited undergraduate curriculum in the United States and has maintained current enrollment may, with Board approval, sit for the fundamentals of engineering examination, but will not be eligible for certification as an engineer-in-training until the student provides proof of graduation. The effective date of certification will be the later of the date of graduation or the date of notification from NCEES of achieving a passing score on the fundamentals of engineering examination.

(ii) Graduation from an ABET-accredited graduate-level engineering curriculum in the United States or from a foreign ABET-accredited undergraduate or graduate engineering curriculum. Enrollment in a graduate-level or foreign engineering curriculum does not authorize the student to sit for the fundamentals of engineering examination prior to graduation.

(iii) Graduation from both a graduate-level engineering curriculum at a college or university in the United States and from an undergraduate engineering curriculum at a college or university in the United States that was substantially equivalent to an ABET-accredited curriculum, as shown by an evaluation of the candidate's credentials by NCEES's credentials evaluation division.

(iv) Graduation from a foreign undergraduate or graduate, or both, engineering curriculum that was substantially equivalent to an ABET-accredited curriculum, as shown by an evaluation of the candidate's credentials by NCEES's credentials evaluation division.

(v) Eight years of progressive experience in engineering work and knowledge, skill and education approximating that attained through graduation from an approved engineering curriculum. The experience must be of a grade and character sufficient to enable the candidate to independently learn through practice the principles of mathematics and science attained through formal education. Academic training in engineering subjects may be counted towards the experience requirement.

(2) *Professional engineer.* A candidate for licensure as a professional engineer shall be of good moral character, be certified as an engineer-in-training in this Commonwealth or another jurisdiction having satisfied the requirements under paragraph (1) to sit for the fundamentals of engineering examination, and achieve a passing score on the NCEES principles and practice of engineering examination in one of the branches of engineering as listed in § 37.34 (relating to branches of engineering). Unless otherwise stated by the appropriate licensing authority of that jurisdiction, the effective date of the engineer-in-training certificate of a candidate who was certified in a jurisdiction other than this Commonwealth will be the date the certificate was first issued. To qualify for the principles and practice examination, the engineer-in-training shall have obtained one of the following experience qualifications after the effective date of the engineer-in-training certificate and before the submission of the examination application:

(i) Four years of progressive experience in a major branch of engineering, acquired under the supervision of a professional engineer licensed in the United States or an engineer who, through education and experience, possesses the equivalent level of expertise as that of a professional engineer licensed in the United States. The experience must be of a grade and character to qualify the candidate to assume responsible charge of the work involved in the practice of the major branch of engineering in which the candidate indicates proficiency. For sales, construction and similar nondesign experience to be acceptable, the candidate shall demonstrate that engineering principles and engineering knowledge were actually employed. Unacceptable experience includes the selection of data or equipment from a company catalog or similar publication, the execution as a contractor of work designed by a professional engineer, the supervision of construction work as a superintendent and the operation or maintenance of machinery or equipment. The candidate shall support all work experience, regardless of duration, with adequate references.

(ii) Four years of progressive full-time teaching experience in an ABET-accredited engineering curriculum under the supervision of a professional

engineer or an engineer who, through education and experience, possesses the equivalent level of expertise as a professional engineer. The experience must include the teaching of engineering courses at the third-year, fourth-year or graduate level, covering the breadth and depth of the curriculum, and be of a grade and character to qualify the candidate to assume responsible charge of the work involved in the practice of engineering.

(3) A post-baccalaureate engineering degree may be substituted for each year of experience required under paragraph (2), up to a maximum of 2 years, if the following conditions are met:

(i) The degree is from an academic institution that has an ABET-accredited undergraduate curriculum.

(ii) The degree is in the same discipline as an earned undergraduate degree.

(iii) The academic time is not concurrent with earned experience.

(b) A candidate who received a qualifying academic degree before June 30, 1994, or who began acquiring qualifying experience before February 19, 1991, may apply under § 37.33 or § 37.33a (relating to grandfather requirements for certification as an engineer-in-training and for licensure as a professional engineer; and grandfather requirements for licensure as a professional engineer without certification as an engineer-in-training), as appropriate.

Authority

The provisions of this § 37.31 amended under sections 4(b) and (l), 4.2, 4.3 and 4.4 of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 151(b) and (l), 151.2, 151.3 and 151.4).

Source

The provisions of this § 37.31 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; amended February 14, 2014, effective February 15, 2014, 44 Pa.B. 888. Immediately preceding text appears at serial pages (221133) to (221134).

Cross References

This section cited in 49 Pa. Code § 37.20 (relating to licensure by endorsement); 49 Pa. Code § 37.33 (relating to Grandfather requirements for certification as an engineer-in-training and for licensure as a professional engineer); and 49 Pa. Code § 37.33a (relating to Grandfather requirements for licensure as a professional engineer without certification as an engineer-in-training).

§ 37.32. References for certification as an engineer-in-training or licensure as a professional engineer.

(a) A candidate for licensure as a professional engineer, and a candidate for certification as an engineer-in-training who seeks to qualify for the examination based on experience, shall provide as references the names and addresses of at least five persons who can attest to the candidate's good moral character and who either directly supervised the candidate or can otherwise verify the candidate's experience. At least three of the references shall be professional engineers licensed in the United States who are unrelated to the candidate. The remaining references may be professional land surveyors, professional geologists or unlicensed engineers who, through education and experience, possess an equivalent

level of expertise as that of a professional engineer. A reference who is not a professional engineer licensed in the United States is required to submit a curriculum vitae.

(b) If, in the opinion of the Board, the references adversely reflect on the candidate's character or qualifications, the Board may withhold processing the candidate's application until an investigation into the candidate's character or qualifications, or both, is completed. The candidate will be notified in writing of any investigation that is being conducted. Based on the results of the investigation, the Board may require the candidate to submit additional references.

Authority

The provisions of this § 37.32 amended under sections 4(b) and (l), 4.2, 4.3 and 4.4 of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 151(b) and (l), 151.2, 151.3 and 151.4).

Source

The provisions of this § 37.32 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; amended February 14, 2014, effective February 15, 2014, 44 Pa.B. 888. Immediately preceding text appears at serial pages (221134) to (221135).

Cross References

This section cited in 49 Pa. Code § 37.20 (relating to licensure by endorsement).

§ 37.33. Grandfather requirements for certification as an engineer-in-training and for licensure as a professional engineer.

(a) *Scope.* This section applies to a candidate for certification as an engineer-in-training and subsequent licensure as a professional engineer who received a qualifying academic degree before June 30, 1994, or who began acquiring qualifying experience before February 19, 1991.

(b) *Engineer-in-training.* A candidate for certification as an engineer-in-training under this subsection shall be of good moral character and achieve a passing score on the NCEES fundamentals of engineering examination, except that completion of the fundamentals of engineering examination is not required of a candidate who received a qualifying academic degree before January 1, 1968. To qualify for the fundamentals of engineering examination, the candidate shall possess one of the following qualifications:

(1) Graduation from an undergraduate or graduate-level engineering curriculum in the United States accredited by ABET or graduation from a foreign undergraduate or graduate-level engineering curriculum accredited by ABET.

(2) Graduation from both a graduate-level engineering curriculum at a college or university in the United States and from an undergraduate engineering curriculum at a college or university in the United States that was substantially equivalent to an ABET-accredited curriculum, as shown by an evaluation of the candidate's credentials by NCEES's credentials evaluation division.

(3) Graduation from a foreign undergraduate or graduate, or both, engineering curriculum that was substantially equivalent to an ABET-accredited curriculum, as shown by an evaluation of the candidate's credentials by NCEES's credentials evaluation division.

(4) Four years of experience in engineering work, having acquired knowledge, skill and education approximating that attained through graduation from an approved engineering curriculum. Experience used to satisfy this requirement may not also be used to satisfy the experience requirements of subsection (c)(1)(iii).

(c) *Professional engineer.* A candidate for licensure as a professional engineer under this subsection shall be of good moral character and achieve a passing score on the NCEES principles and practice examination in one of the branches of engineering.

(1) To qualify for the principles and practice examination, the candidate shall:

(i) Possess an engineer-in-training certificate in this Commonwealth or another jurisdiction.

(ii) Satisfy the requirements under subsection (b) to sit for the fundamentals of engineering examination.

(iii) Have at least 4 years of progressive engineering or teaching experience.

(2) The engineering and teaching experience required under this subsection must comply with the standards in § 37.31(a)(2)(i) and (ii) (relating to requirements for certification as an engineer-in-training and for licensure as a professional engineer). A candidate may not substitute a post-baccalaureate engineering degree for any part of the required experience.

Authority

The provisions of this § 37.33 amended under sections 4(b) and (l), 4.2, 4.3 and 4.4 of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 151(b) and (l), 151.2, 151.3 and 151.4).

Source

The provisions of this § 37.33 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; amended February 14, 2014, effective February 15, 2014, 44 Pa.B. 888. Immediately preceding text appears at serial page (221135).

Cross References

This section cited in 49 Pa. Code § 37.20 (relating to licensure by endorsement); and 49 Pa. Code § 37.31 (relating to requirements for certification as an engineer-in-training and for licensure as a professional engineer).

§ 37.33a. Grandfather requirements for licensure as a professional engineer without certification as an engineer-in-training.

(a) *Scope.* A candidate who began acquiring qualifying experience before February 19, 1991, may apply for licensure as a professional engineer without being certified as an engineer-in-training by satisfying the requirements of this section.

(b) *Qualifications.* A candidate for licensure as a professional engineer shall be of good moral character and have had 12 years or more of progressive experience in engineering work, at least 8 years of which must comply with the standards in § 37.31(a)(2) (relating to requirements for certification as an engineer-in-training and for licensure as a professional engineer).

(c) *Examinations.* A candidate who has satisfied the requirements of subsection (b) will be licensed as a professional engineer upon achieving a passing score on the NCEES fundamentals of engineering examination and the NCEES principles and practice examination in one of the branches of engineering. A candidate may not be admitted to sit for the principles and practice of engineering examination until achieving a passing score on the fundamentals of engineering examination.

Authority

The provisions of this § 37.33a issued under sections 4(b) and (l), 4.2, 4.3 and 4.4 of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 151(b) and (l), 151.2, 151.3 and 151.4).

Source

The provisions of this § 37.33a adopted February 14, 2014, effective February 15, 2014, 44 Pa.B. 888.

Cross References

This section cited in 49 Pa. Code § 37.20 (relating to licensure by endorsement); and 49 Pa. Code § 37.31 (relating to requirements for certification as a engineer-in-training and for licensure as a professional engineer).

§ 37.34. Branches of engineering.

(a) The Board recognizes the following as major branches of engineering practice and may eliminate or add other branches of engineering practice it deems necessary in the interest of the profession.

- (1) Aeronautical/aerospace engineering.
- (2) Agricultural engineering.
- (3) Chemical engineering.
- (4) Civil engineering.
- (5) Electrical engineering.
- (6) Industrial engineering.
- (7) Manufacturing engineering.
- (8) Mechanical engineering.
- (9) Metallurgical engineering.
- (10) Mining/mineral engineering.
- (11) Nuclear engineering.
- (12) Petroleum engineering.
- (13) Fire protection engineering.
- (14) Sanitary engineering.
- (15) Structural engineering.
- (16) Control systems engineering.

(b) A candidate who has passed an examination in one of the major branches of engineering listed in subsection (a), or in other branches of engineering as are subsequently recognized by the Board, will be granted registration as a professional engineer. The professional engineer may then practice any branch of engineering in which the professional engineer has proven proficiency by reason of education and experience, and in which the professional engineer is willing to accept full legal, financial and professional responsibility. A professional engineer

may not be limited to the practice of any one major branch of engineering because the professional engineer has passed a written examination based upon the major branch of engineering, subject to this chapter and the provisions of the act relating to Code of Ethics.

Authority

The provisions of this § 37.34 amended under sections 4(b) and (l), 4.2, 4.3 and 4.4 of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 151(b) and (l), 151.2, 151.3 and 151.4).

Source

The provisions of this § 37.34 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; amended February 14, 2014, effective February 15, 2014, 44 Pa.B. 888. Immediately preceding text appears at serial pages (221135) to (221136).

Cross References

This section cited in 49 Pa. Code § 37.20 (relating to licensure by endorsement); and 49 Pa. Code § 37.31 (relating to requirements for certification as an engineer-in-training and for licensure as a professional engineer).

REGISTERED PROFESSIONAL GEOLOGISTS

§ 37.36. Requirements for certification as a geologist-in-training and for licensure as a professional geologist.

(a) *General.* The requirements in this section apply to candidates for certification as a geologist-in-training and candidates for subsequent licensure as a professional geologist. A candidate who meets the applicable requirements may apply at the same time both to sit for the fundamentals of geology examination and to sit for the principles and practice of geology examination to be licensed as a professional geologist as provided in § 37.36a (relating to requirements for licensure as a professional geologist without certification as geologist-in-training).

(b) *Geologist-in-training.* A candidate for certification as a geologist-in-training shall be of good moral character and achieve a passing score on the ASBOG fundamentals of geology examination.

(1) To qualify for the fundamentals of geology examination, the candidate shall possess one of the following qualifications:

(i) Graduation from an accredited institution of higher learning in the United States, having majored in geology, geophysics, geochemistry or engineering geology and having completed 30 semester hours or 45 quarter hours in the major. A student who has completed 2 years in a program and has maintained current enrollment may, with Board approval, sit for the fundamentals of geology examination, but will not be eligible for certification as a geologist-in-training until the student provides proof of graduation, including compliance with the educational content requirements of paragraph (2). The effective date of certification will be the later of the date of graduation or the date of notification from ASBOG of achieving a passing score on the fundamentals of geology examination.

(ii) Graduation from an accredited institution of higher learning in the United States that does not offer a major in geology, geophysics, geochemistry or engineering geology, having completed 30 semester hours or 45 quarter hours or an equivalent amount of geological education, including 24 semester hours or an equivalent amount in third-year or fourth-year courses or graduate courses. A student who has completed 2 years in a program and has maintained current enrollment may, with Board approval, sit for the fundamentals of geology examination, but will not be eligible for certification as an geologist-in-training until the student provides proof of graduation, including compliance with the educational content requirements of paragraph (2). The effective date of certification will be the later of the date of graduation or the date of notification from ASBOG of achieving a passing score on the fundamentals of geology examination.

(iii) Graduation from a foreign college or university that World Education Services or other Board-approved professional evaluation service deems equivalent to a bachelor's degree in geology, geophysics, geochemistry or engineering geology from an accredited institution of higher learning in the United States and which satisfies the educational content requirements of paragraph (2).

(2) The formal education required under this subsection must include field geology and structural geology coursework that is sufficient to demonstrate that the candidate has educational experience in tectonics and fractured bedrock geology and the field methods needed to measure, map and evaluate geologic data.

(c) *Professional geologist.* A candidate for licensure as a professional geologist shall be of good moral character, be certified as a geologist-in-training and achieve a passing score on the ASBOG principles and practice of geology examination.

(1) To qualify for the principles and practice examination, the geologist-in-training certified in this Commonwealth or another jurisdiction who also satisfies the requirements under subsection (b) to sit for the fundamentals of geology examination shall have obtained one of the following experience qualifications prior to the submission of the examination application:

(i) Five years of experience performing geological services or work in a position that requires independent judgment, competence and accountability.

(ii) Five years of experience performing geological services or work, including 3 years under the supervision of a professional geologist, except that experience acquired prior to February 16, 1993, may be under the supervision of an unlicensed geologist who, through education and experience, possesses the equivalent level of expertise as that of a professional geologist.

(iii) Five years of progressive full-time teaching experience in a geological curriculum, including senior-level or graduate-level coursework, at an accredited institution of higher learning.

(2) The experience required under this subsection must require the utilization, application and interpretation of fundamental and practical principles of the geological science and be of a character and grade to qualify the candidate to assume responsible charge of the work involved in the practice of geology. Acceptable experience may include the technical completeness reviews or inspections of unfinalized work product. Unacceptable experience includes routine sampling, laboratory work and geological drafting. A graduate degree in geology, geophysics, geochemistry or engineering geology may be substituted as part of the experience requirements in this paragraph, at a rate of 1 year for a master's degree and 1 year for a doctoral degree. Credit for graduate degrees may not exceed 2 years of experience.

Authority

The provisions of this § 37.36 amended under sections 4(b) and (l), 4.2, 4.3 and 4.4 of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 151(b) and (l), 151.2, 151.3 and 151.4).

Source

The provisions of this § 37.36 adopted October 25, 1996, effective October 26, 1996, 26 Pa.B. 5106; amended February 14, 2014, effective February 15, 2014, 44 Pa.B. 888. Immediately preceding text appears at serial pages (221136) to (221137).

Cross References

This section cited in 49 Pa. Code § 37.20 (relating to licensure by endorsement); and 49 Pa. Code § 37.36a (relating to requirements for licensure as a professional geologist without certification as a geologist-in-training).

§ 37.36a. Requirements for licensure as a professional geologist without certification as geologist-in-training.

(a) *General.* As an alternative to the requirements of § 37.36 (relating to requirements for certification as a geologist-in-training and for licensure as a professional geologist), a candidate who is not certified as a geologist-in-training may apply for licensure as a professional geologist by satisfying the requirements of this section.

(b) *Qualifications.* A candidate for licensure as a professional geologist shall be of good moral character and satisfy the requirements of this subsection.

(1) The candidate shall possess one of the following educational qualifications that include field geology and structural geology coursework that is sufficient to demonstrate that the candidate has educational experience in tectonics and fractured bedrock geology and the field methods needed to measure, map and evaluate geologic data:

(i) Graduation from an accredited institution of higher learning in the United States, having majored in geology, geophysics, geochemistry or engineering geology and having completed 30 semester hours or 45 quarter hours in the major.

(ii) Graduation from an accredited institution of higher learning in the United States that does not offer a major in geology, geophysics, geochemistry or engineering geology, having completed 30 semester hours or 45 quarter hours or an equivalent amount of geological education, including 24 semester hours or an equivalent amount in third-year or fourth-year courses or graduate courses.

(iii) Graduation from a foreign college or university that World Education Services or other Board-approved professional evaluation service deems equivalent to a bachelor's degree in geology, geophysics, geochemistry or engineering geology from an accredited institution of higher learning in the United States.

(2) The candidate shall have obtained experience in accordance with this paragraph prior to the submission of the examination application. The experience must require the utilization, application and interpretation of fundamental and practical principles of the geological science and be of a character and grade to qualify the candidate to assume responsible charge of the work involved in the practice of geology. Acceptable experience may include the technical completeness reviews or inspections of unfinalized work product. Unacceptable experience includes routine sampling, laboratory work and geological drafting. A graduate degree in geology, geophysics, geochemistry or engineering geology may be substituted as part of the experience requirements in this paragraph at a rate of 1 year for a master's degree and 1 year for a doctoral degree. Credit for graduate degrees may not exceed 2 years of experience. The candidate shall possess one of the following experience qualifications:

(i) Five years of experience performing geological services or work in a position that requires independent judgment, competence and accountability.

(ii) Five years of experience performing geological services or work, including 3 years under the supervision of a professional geologist, except that experience acquired prior to February 16, 1993, may be under the supervision of an unlicensed geologist who, through education and experience, possesses the equivalent level of expertise as that of a professional geologist.

(iii) Five years of progressive full-time teaching experience in a geological curriculum, including senior-level or graduate-level coursework, at an accredited institution of higher learning.

(c) *Examinations.* A candidate who has satisfied the requirements of subsection (b) will be licensed as a professional geologist upon achieving passing scores on the ASBOG fundamentals of geology examination and the ASBOG principles and practice of geology examination. A candidate may not be admitted to sit for the principles and practice of geology examination until achieving a passing score on the fundamentals of geology examination.

Authority

The provisions of this § 37.36a issued under sections 4(b) and (l), 4.2, 4.3 and 4.4 of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 151(b) and (l), 151.2, 151.3 and 151.4).

Source

The provisions of this § 37.36a adopted February 14, 2014, effective February 15, 2014, 44 Pa.B. 888.

Cross References

This section cited in 49 Pa. Code § 37.20 (relating to licensure by endorsement); and 49 Pa.B. 3736 (relating to requirements for certification as a geologist-in-training and for licensure as a professional geologist).

§ 37.37. References for licensure as a professional geologist.

(a) A candidate for licensure as a professional geologist shall provide as references the names and addresses of at least five persons who can attest to the candidate's good moral character and who either directly supervised the candidate or can otherwise verify the candidate's experience. At least three of the references shall be professional geologists licensed in the United States who are unrelated to the candidate. The remaining references may be professional engineers, professional land surveyors or unlicensed geologists who, through education and experience, possess an equivalent level of expertise as that of a professional geologist. A reference who is an unlicensed geologist is required to submit a curriculum vitae.

(b) If, in the opinion of the Board, the references reflect adversely on the candidate's character or qualifications, the Board may withhold processing the candidate's application until an investigation into the candidate's character or qualifications, or both, is completed. The candidate will be notified in writing of any investigation that is being conducted. Based upon the results of the investigation, the Board may require the candidate to submit additional references.

Authority

The provisions of this § 37.37 amended under sections 4(b) and (l), 4.2, 4.3 and 4.4 of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 151(b) and (l), 151.2, 151.3 and 151.4).

Source

The provisions of this § 37.37 adopted October 25, 1996, effective October 26, 1996, 26 Pa.B. 5106; amended February 14, 2014, effective February 15, 2014, 44 Pa.B. 888. Immediately preceding text appears at serial pages (221137) to (221138).

Cross References

This section cited in 49 Pa. Code § 37.20 (relating to licensure by endorsement).

REGISTERED PROFESSIONAL LAND SURVEYORS**§ 37.41. [Reserved].****Source**

The provisions of this § 37.41 adopted March 30, 1917; amended February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145934).

§ 37.42. [Reserved].**Source**

The provisions of this § 37.42 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145934).

§ 37.43. [Reserved].**Source**

The provisions of this § 37.43 adopted March 30, 1917; amended January 27, 1978, effective January 28, 1978, 8 Pa.B. 253; amended through February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145934).

§ 37.44. [Reserved].**Source**

The provisions of this § 37.44 adopted March 30, 1917; amended April 16, 1982, effective April 17, 1982, 12 Pa.B. 1232; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145934).

§ 37.45. [Reserved].**Source**

The provisions of this § 37.45 adopted March 30, 1917; amended February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145935).

§ 37.46. [Reserved].**Source**

The provisions of this § 37.46 adopted March 30, 1917; amended February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145935).

§ 37.47. Requirements for certification as a surveyor-in-training and for licensure as a professional land surveyor.

The following requirements apply to a candidate who received a qualifying academic degree on or after June 30, 1994, or who began obtaining qualifying experience on or after February 19, 1991.

- (1) *Surveyor-in-training.* A candidate for certification as a surveyor-in-training shall be of good moral character and achieve a passing score on the NCEES fundamentals of surveying examination. To qualify for the fundamentals of surveying examination, the candidate shall possess one of the following qualifications:

(i) Graduation from an undergraduate civil engineering curriculum in the United States accredited by ABET, including a minimum of 10 credit hours of instruction in surveying or graduation from an undergraduate 4-year surveying curriculum in the United States accredited by ABET. A student who has completed 2 years of a 4-year surveying curriculum and has maintained current enrollment may, with Board approval, sit for the fundamentals of surveying examination, but will not be eligible for certification as a surveyor-in-training until the student provides proof of graduation. The effective date of certification will be the later of the date of graduation or the date of notification from NCEES of achieving a passing score on the fundamentals of surveying examination.

(ii) Graduation from an associate's degree program in a surveying technology curriculum accredited by ABET.

(iii) Six years of progressive experience in surveying, and knowledge, skill and education equivalent to that attained through graduation from an approved land surveying or civil engineering curriculum. The experience must reflect diversification of field and office work, with no less than 25% of the experience in either area and be of a grade and character sufficient to enable the candidate to independently learn through practice the surveying skills and principles of mathematics attained through formal education.

(2) *Professional land surveyor.* A candidate for licensure as a professional land surveyor shall be of good moral character, be certified as a surveyor-in-training and achieve a passing score on the NCEES principles and practice of surveying examination. Unless otherwise stated by the appropriate licensing authority of that jurisdiction, the effective date of the surveyor-in-training certificate of a candidate who was certified in a jurisdiction other than this Commonwealth will be the date the certificate was first issued. To qualify for the principles and practice examination, the surveyor-in-training shall have obtained one of the following experience qualifications between the effective date of the surveyor-in-training certificate and the submission of the examination application:

(i) Four years of progressive experience in surveying work acquired under the supervision of a professional land surveyor or a land surveyor who, through education and experience, possesses the equivalent level of expertise as that of a professional land surveyor. The experience shall be of a grade and character to qualify the candidate to assume responsible charge of the work involved in the practice of land surveying.

(ii) Four years of progressive full-time faculty teaching experience in a surveying curriculum accredited by ABET under the supervision of a professional land surveyor or a surveyor who, through education and experience, possesses the equivalent level of expertise as a professional land surveyor. The experience must include the teaching of surveying courses at the third-year, fourth-year or graduate level, covering the breadth and depth of the curriculum, and be of a grade or character to qualify the candidate to assume responsible charge of the work involved in the practice of land surveying.

Authority

The provisions of this § 37.47 amended under sections 4(b) and (l), 4.2, 4.3 and 4.4 of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 151(b) and (l), 151.2, 151.3 and 151.4).

Source

The provisions of this § 37.47 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; amended February 14, 2014, effective February 15, 2014, 44 Pa.B. 888. Immediately preceding text appears at serial pages (221139) to (221140).

Cross References

This section cited in 49 Pa. Code § 37.20 (relating to licensure by endorsement).

§ 37.48. References for certification as a surveyor-in-training or licensure as a professional land surveyor.

(a) A candidate for licensure as a professional land surveyor, and a candidate for certification as a surveyor-in-training who seeks to qualify for the certification examination based on experience, shall provide as references the names and addresses of at least five persons who can attest to the candidate's good moral character and who either directly supervised the candidate or can otherwise verify the candidate's experience. At least three of the references shall be professional land surveyors licensed in the United States who are unrelated to the candidate. The remaining references may be professional engineers, professional geologists or unlicensed surveyors who, through education and experience, possess an equivalent level of expertise as that of a professional land surveyor. A reference who is an unlicensed surveyor is required to submit a curriculum vitae.

(b) If, in the opinion of the Board, the references reflect adversely on the candidate's character or qualifications, the Board may withhold processing the candidate's application until an investigation into the candidate's character or qualifications, or both, is completed. The candidate will be notified in writing of any investigation that is being conducted. Based on the results of the investigation, the Board may require additional references.

Authority

The provisions of this § 37.48 amended under sections 4(b) and (l), 4.2, 4.3 and 4.4 of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 151(b) and (l), 151.2, 151.3 and 151.4).

Source

The provisions of this § 37.48 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; amended February 14, 2014, effective February 15, 2014, 44 Pa.B. 888. Immediately preceding text appears at serial page (221140).

Cross References

This section cited in 49 Pa. Code § 37.20 (relating to licensure by endorsement).

§ 37.49. Grandfather requirements for licensure as a professional land surveyor.

(a) This section applies to a candidate who received a qualifying academic degree before June 30, 1994, or who began obtaining qualifying experience before February 19, 1991.

(b) A candidate for licensure as a professional land surveyor under this section shall be of good moral character and achieve passing scores on the NCEES fundamentals of surveying examination and principles and practice of surveying examination. To qualify for the examinations, the candidate shall possess one of the following sets of qualifications prior to submission of the examination application:

(1) Graduation from an undergraduate civil engineering curriculum in the United States accredited by ABET, including a minimum of 10 credit hours of instruction in surveying, and 4 years of progressive experience in land surveying work.

(2) Graduation from an associate's degree program in a curriculum in surveying accredited by ABET and 4 years of progressive experience in land surveying work.

(3) Ten years of progressive experience in land surveying work, including 5 years in responsible charge of primary land surveying functions.

(c) The experience required under this section must have been acquired under the supervision of a professional land surveyor or an unlicensed surveyor who, through education and experience, possesses the equivalent level of expertise as that of a professional land surveyor. The experience must be of a grade and character to qualify the candidate to assume responsible charge of the work involved in the practice of land surveying. The experience must reflect diversification of field and office work, with no less than 25% of the experience in either area.

(d) A candidate may not be admitted to sit for the principles and practice of land surveying examination and the state-specific land surveying examination until achieving a passing score on the fundamentals of land surveying examination.

Authority

The provisions of this § 37.49 amended under sections 4(b) and (l), 4.2, 4.3 and 4.4 of the Engineer, Land Surveyor and Geologist Registration Law (63 P.S. §§ 151(b) and (l), 151.2, 151.3 and 151.4).

Source

The provisions of this § 37.49 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; amended February 14, 2014, effective February 15, 2014, 44 Pa.B. 888. Immediately preceding text appears at serial page (221140).

Cross References

This section cited in 49 Pa. Code § 37.20 (relating to licensure by endorsement).

REGISTRATION NUMBER AND SEAL**§ 37.51. [Reserved].****Source**

The provisions of this § 37.51 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145935).

§ 37.52. [Reserved].**Source**

The provisions of this § 37.52 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial pages (145935) to (145936).

§ 37.53. [Reserved].**Source**

The provision of this § 37.53 adopted March 30, 1917; amended January 27, 1978, effective January 28, 1978, 8 Pa.B. 253; amended February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145936).

§ 37.54. [Reserved].**Source**

The provisions of this § 37.54 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145936).

§ 37.55. [Reserved].**Source**

The provisions of this § 37.55 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145936).

§ 37.56. [Reserved].**Source**

The provisions of this § 37.56 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145936).

§ 37.56a. Definitions.

The following words and terms, when used in this section and §§ 37.59 and 37.60 (relating to use of seal; and digital signature and seal), have the following meanings, unless the context clearly indicates otherwise:

Digital seal—An electronic image attached to or logically associated with a document and executed or adopted by a licensee with the intent to seal the document.

Digital signature—An electronic sound, symbol or process attached to or logically associated with a document and executed or adopted by a licensee with the intent to sign the document.

Electronic—Relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

Handwritten signature—The scripted name or legal mark of an individual, written by that individual and executed or adopted with the present intention to authenticate a writing in a permanent form.

Sole control—A situation in which only the registrant decides when and where the signature and seal are applied.

Verification—Confirmation that a signature and seal are actually from the registrant whose name and registration number appears on the document.

Authority

The provisions of this § 37.56a added under sections 4(l) and 7 of the Engineer, Land Surveyor and Geologist Registration Law (63 P.S. §§ 151(l) and 154).

Source

The provisions of this § 37.56a added December 16, 2022, effective December 17, 2022, 52 Pa.B. 7709.

§ 37.57. Registration number.

Upon approval of an application for registration by the Board, each registrant will be assigned a unique registration number.

Authority

The provisions of this § 37.57 amended under sections 4(b) and (l), 4.2, 4.3, 4.4 and 7 of the Engineer, Land Surveyor and Geologist Registration Law (63 P.S. §§ 151(b) and (l), 151.2, 151.3, 151.4 and 154).

Source

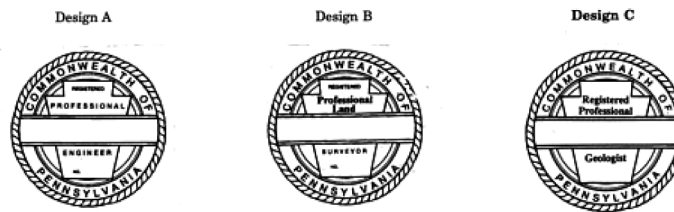
The provisions of this § 37.57 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; amended February 14, 2014, effective February 15, 2014, 44 Pa.B. 888; amended December 16, 2022, effective December 17, 2022, 52 Pa.B. 7709. Immediately preceding text appears at serial pages (407990) and (407619).

Cross References

This section cited in 49 Pa. Code § 37.20a (relating to provisional endorsement license).

§ 37.58. Seal.

(a) A registrant shall obtain, at the registrant's own expense, a seal in the identical design authorized by the Board. The following are Board authorized seals for "Registered Professional Engineer" (Design A), "Registered Professional Land Surveyor" (Design B) and "Registered Professional Geologist" (Design C):



(b) The seal shall contain the legend "Registered Professional Engineer," "Registered Professional Land Surveyor" or "Registered Professional Geologist" and the registrant's name and registration number together with a reference to the Commonwealth of Pennsylvania.

(c) The seal shall be 1 3/4 inch in diameter. The diameter of a pocket seal may be reduced to 1 1/2 inch if the design is in the same relative proportions in subsection (a).

(d) A registrant may use a metal seal, rubber stamp, computer image which is a facsimile of the seal or digital seal, if the registrant first obtains a seal in accordance with this section.

Authority

The provisions of this section amended under sections 4(l) and 7 of the Engineer, Land Surveyor and Geologist Registration Law (63 P.S. §§ 151(1) and 154).

Source

The provisions of this § 37.58 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; amended October 25, 1996, effective October 26, 1996, 26 Pa.B. 5106; amended December 16, 2022, effective December 17, 2022, 52 Pa.B. 7709. Immediately preceding text appears at serial page (407619).

Cross References

This section cited in 49 Pa. Code § 37.56a (relating to definitions); and 49 Pa. Code § 37.20a (relating to provisional endorsement license).

§ 37.59. Use of seal.

The following rules govern the proper use of a registrant's seal:

- (1) A registrant may use the registrant's seal and signature only when the work being sealed and signed was prepared by the registrant or under the registrant's complete direction and control.

(2) When a registrant issues final or complete documents to a client for the client's records, or when a registrant submits final or complete documents to public or governmental agencies for final review, the seal and signature of the registrant who prepared or who directed and controlled the preparation of the documents, along with the date of issuance, shall be prominently displayed on the first page of all documents. The seal on the first page of a final or complete document shall be impressed, stamped or digital. Facsimile or digital seals shall appear on all subsequent pages of plans or plats.

(3) When multiple registrants prepare or direct and control the preparation of documents, each registrant's seal and signature shall appear on the first page of the documents, or on the first page of the identifiable portion or section of the documents, which were prepared or directed and controlled by that registrant, if the respective registrants' direction and control can be reasonably segregated.

(4) When a registrant's signature is applied, it shall be applied near or across the seal, but not in a location that obliterates the registration number.

(5) A registrant may not affix or permit a seal and signature to be applied to a document after the expiration of the registrant's licensure status, or for the purpose of aiding or abetting another person to evade or attempt to evade a provision of the act or this chapter.

(6) In the case of a temporary permit issued to an engineering, land surveying or geology registrant of another state, the registrant shall use the seal of the registrant's home state and shall affix his signature and a copy of the temporary permit to work performed in this Commonwealth.

(7) When a registrant seals and signs engineering, surveying or geology documents, one of the following methods must be used:

- (i) Physical placement of a seal and a handwritten signature in permanent ink containing the name of the registrant.
- (ii) Digital placement of a seal and a handwritten signature in permanent ink containing the name of the registrant.
- (iii) Digital placement of a seal and a digital signature containing the name of the registrant.

Authority

The provisions of this section amended under sections 4(l) and 7 of the Engineer, Land Surveyor and Geologist Registration Law (63 P.S. §§ 151(1) and 154).

Source

The provisions of this § 37.59 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; amended October 25, 1996, effective October 26, 1996, 26 Pa.B. 5106; amended December 16, 2022, effective December 17, 2022, 52 Pa.B. 7709. Immediately preceding text appears at serial page (407620).

Cross References

This section cited in 49 Pa. Code § 37.56a (relating to definitions); and 49 Pa. Code § 37.20a (relating to provisional endorsement license).

§ 37.60. Digital signature and seal.

(a) Documents that are signed using a digital signature must have an electronic authentication process attached to or logically associated with the electronic document. The digital signature must be:

- (1) Unique to the registrant.
- (2) Capable of verification.
- (3) Under the sole control of the registrant.
- (4) Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.

(b) Documents that are sealed with a digital seal must have an electronic authentication process attached to or logically associated with the electronic document. The digital seal must be:

- (1) Unique to the licensee.
- (2) Capable of verification.
- (3) Under the sole control of the licensee.
- (4) Linked to a document in such a manner that the digital seal is invalidated if any data in the document is changed.

(c) A hard copy printed from the transmitted electronic file shall bear the facsimile of the digital signature and seal and be a confirmation that the electronic file was not altered after the initial digital signing of the file. Alterations to the file shall cause the signature and seal to be voided.

Authority

The provisions of this § 37.60 added under sections 4(l) and 7 of the Engineer, Land Surveyor and Geologist Registration Law (63 P.S. §§ 151(l) and 154).

Source

The provisions of this § 37.60 added December 16, 2022, effective December 17, 2022, 52 Pa.B. 7709.

Cross References

This section cited in 49 Pa. Code § 37.56a (relating to definitions).

**TEMPORARY PERMIT TO PRACTICE ENGINEERING,
SURVEYING OR GEOLOGY****§ 37.61. Temporary practice.**

(a) A professional engineer, professional land surveyor or professional geologist who holds a valid license to practice engineering, land surveying or geology from a licensing board of the state or territory of the person's residence may practice engineering, land surveying or geology in this Commonwealth for a period not to exceed 30 days in the aggregate in a calendar year if the person neither resides nor has a place of business in this Commonwealth and the stan-

dards for licensing engineers, land surveyors and geologists in the other state or territory are at least equal to the standards of the Commonwealth.

(b) Applications for temporary permits shall be made on forms provided by the Board.

(c) Applications shall be accompanied by a nonrefundable fee in the amount prescribed by § 37.17(b) (relating to schedule of fees). Incomplete applications and applications not accompanied by the proper fee will be returned to applicants with a statement of the reason for return.

(d) When the Board, after consideration of an application, is satisfied that the applicant is eligible for a temporary permit to practice engineering, land surveying or geology, the Board will issue to the applicant a temporary permit to practice in this Commonwealth. If an application is rejected, the Board will advise the applicant of the reason for rejection.

Authority

The provisions of this § 37.61 amended under section 5(b) of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. § 156); and sections 102 and 219 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. §§ 1401-102 and 1401-219).

Source

The provisions of this § 37.61 adopted March 30, 1917; amended January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; corrected November 28, 1997, effective September 2, 1995, 27 Pa.B. 6222. Immediately preceding text appears at serial pages (221143) to (221144).

§ 37.62. [Reserved].

Source

The provisions of this § 37.62 adopted March 30, 1917; amended January 27, 1978, effective January 28, 1978, 8 Pa.B. 253; amended February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145937).

§ 37.63. [Reserved].

Source

The provisions of this § 37.63 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145937).

CERTIFICATE OF APPROVAL OF NAME

§ 37.71. Form of application.

(a) Applications for certificate of approval of fictitious name or corporate name shall be made on forms provided by the Board prior to submission of articles of incorporation or fictitious name registrations to the Corporation Bureau of the Department of State. The file shall identify the parties with an ownership interest in the business and the licensed and unlicensed professional staff.

(b) Applications shall be accompanied by a nonrefundable fee in the amount prescribed by law. Incomplete applications and applications not accompanied by the proper fee will be returned to applicants with a statement of the reason for return.

(c) The Board will approve the use of a fictitious name or corporate name, if at least one of the persons filing for the use of the name, one of the incorporators of a proposed corporation, or one of the directors of an existing corporation, has been properly registered as a professional engineer or professional land surveyor in this Commonwealth.

(d) Upon approval of an application for certificate of approval of a fictitious name or corporate name, the Board will issue a certificate of approval to the Corporation Bureau of the Department of State. If an application is rejected, the Board will advise the applicant of the reason for rejection.

Source

The provisions of this § 37.71 adopted March 30, 1917; amended January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145938).

§ 37.72. [Reserved].

Source

The provisions of this § 37.72 adopted March 30, 1917; amended January 27, 1978, effective January 28, 1978, 8 Pa.B. 253; amended February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145938).

§ 37.73. [Reserved].

Source

The provisions of this § 37.73 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518.

§ 37.74. [Reserved].

Source

The provisions of this § 37.74 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145939).

DISCIPLINARY PROCESS AND PROCEDURES

§ 37.81. Misconduct.

A professional engineer, professional land surveyor or professional geologist who is found guilty by the Board of gross negligence, incompetency or misconduct in the practice of engineering, land surveying or geology or of a violation of the Code of Ethics of the profession of engineering or land surveying is subject to disciplinary action under section 4(g) of the act (63 P. S. § 151(g)). Misconduct in the practice of engineering, land surveying or geology includes the following:

- (1) Being convicted of a criminal offense such as extortion, bribery or fraud or entry of a plea of nolo contendere to a charge thereof for conduct relating to the practice of engineering, land surveying or geology.
- (2) Being unable to practice engineering, land surveying or geology with reasonable skill and safety by reason of drunkenness, use of controlled sub-

stances, chemicals or other types of inhibiting materials, or as a result of a mental or physical incapacity which prevents the practice of engineering, land surveying or geology.

(3) Failing to exercise supervision over a person who is authorized by the employer to practice engineering, land surveying or geology only under the supervision of a professional engineer, professional land surveyor or professional geologist.

(4) Delegating responsible charge to an individual who the professional engineer, professional land surveyor or professional geologist knows or has reason to know is not qualified by training or experience to personally and independently engage in and be entrusted with the work involved in the practice of engineering, land surveying or geology.

(5) Being convicted of a felony in a state or Federal court or being convicted of a misdemeanor in the practice of engineering, land surveying or geology. As used in this paragraph, the term “convicted” includes a finding or verdict of guilt, an admission of guilt or a plea of nolo contendere.

(6) Making misleading, deceptive, untrue or fraudulent representations in the practice of engineering, land surveying or geology.

(7) Practicing fraud or deceit in obtaining a license to practice engineering, land surveying or geology.

(8) Submitting a false or deceptive biennial registration to the Board.

(9) Reviewing on behalf of a public entity or an agency of government plans on which the individual performing the review, or a member or employee of the individual’s firm, has participated in any manner, including an advisory capacity. A violation of the act of October 4, 1978 (P. L. 883, No. 170) (65 P. S. §§ 401—413), known as the Public Official and Employee Ethics Law, as the violation relates to the practice of engineering, land surveying or geology, is a violation of this section and chapter.

(10) Violating a provision of the act or this chapter.

(11) Having a license to practice engineering, land surveying or geology suspended or revoked or having other disciplinary action taken for conduct relating to the practice of engineering, land surveying or geology, by the proper licensing authority of another state, territory or country.

Source

The provisions of this § 37.81 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; amended October 25, 1996, effective October 26, 1996, 26 Pa.B. 5106. Immediately preceding text appears at serial pages (206181) to (206182).

Cross References

This section cited in 49 Pa. Code § 37.20 (relating to licensure by endorsement).

§ 37.82. Complaints.

An individual, firm or corporation who has reason to believe that a professional engineer, professional land surveyor or professional geologist has engaged in gross negligence, incompetency or misconduct in the practice of engineering, land surveying or geology or has violated the act or this chapter, shall report the action to the Complaints Office of the Bureau of Professional and Occupational

Affairs by telephoning the Complaints Office at 1 (800) 822-2113 or by submitting a written complaint to the Complaints Officer of the Bureau of Professional and Occupational Affairs, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, charging the professional engineer, professional land surveyor or professional geologist with a violation of the act, and specifying the grounds upon which the complaint is based.

Source

The provisions of this § 37.82 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; amended October 25, 1996, effective October 26, 1996, 26 Pa.B. 5106. Immediately preceding text appears at serial page (206182).

§ 37.83. Hearing examiners.

(a) *Powers and duties of hearing examiners.* The hearing examiner appointed by the Board shall have the following powers and duties:

- (1) To regulate the course of the hearing, including the scheduling thereof, and the recessing, reconvening and adjournment of the hearing, if at least 20 days notice of the date of the hearing or a continuance thereof is given to the Board counsel, on behalf of the Board.
- (2) To administer oaths and affirmations.
- (3) To issue subpoenas requiring the attendance and testimony of individuals or the production of pertinent records, documents and papers by persons believed to have information relevant to a matter pending before the hearing examiner.
- (4) To rule upon offers of proof and receive evidence.
- (5) To hold appropriate conferences before or during hearings.
- (6) To hear evidence submitted and arguments of counsel, if any.

(b) *Certification of record with or without a proposed report.*

(1) Unless otherwise provided by order of the Board, the hearing examiner shall review the record in light of the applicable law, and promptly prepare, certify and file with the prothonotary of the Bureau and with the Board counsel, on behalf of the Board a proposed report in accordance with 1 Pa. Code § 35.205 (relating to contents of proposed reports), a copy of the transcript of record of the hearing and the briefs, if any, filed in the proceeding. A copy of the proposed report shall also be provided to counsel of record, or to the parties, if they are not represented.

(2) When, in the opinion of the Board, the factual allegations of a complaint involve issues which require knowledge of complex engineering, land surveying or geology principles to properly decide the merits of a case, the Board will issue an order directing the hearing examiner to preside at the formal hearing and to perform the duties in subsection (a), but, to certify and file with the prothonotary of the Bureau and with the Board counsel, on behalf of the Board, the entire record of the case without a proposed report.

Source

The provisions of this § 37.83 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; amended October 25, 1996, effective October 26, 1996, 26 Pa.B. 5106. Immediately preceding text appears at serial pages (206182) to (206183).

EXCEPTIONS**§ 37.101. Exceptions to the hearing examiner's decision.**

(a) A participant desiring to except to a hearing examiner's decision shall, within 30 days after the service of a copy of the proposed report, file exceptions to the proposed report in a brief, designated as a "Brief On Exceptions." A "Brief Opposing Exceptions" may be filed in response to a Brief On Exceptions within 20 days after service of a copy of the Brief On Exceptions. Further response will not be entertained by the Board.

(b) The content and form of briefs on exceptions shall be in accordance with 1 Pa. Code § 35.212 (relating to content and form of briefs on exceptions).

(c) Failure to file a brief on exceptions within the time specified in subsection (a) constitutes a waiver of objections to the proposed report. The Board will thereupon commence its review of the proposed report and prepare and issue the final order of the Board, which will either be an order adopting the hearing examiner's proposed report or an adjudication and order of the Board. This subsection supplements 1 Pa. Code § 35.226 (relating to final orders).

Source

The provisions of this § 37.101 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518.

§ 37.102. Appeal from the Board decision.

A party aggrieved by the Board's decision may, within 30 days after the entry of the order, appeal to the Commonwealth Court in accordance with the applicable rules of appellate procedure.

Source

The provisions of this § 37.102 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; amended June 4, 1999, effective June 5, 1999, 29 Pa.B. 2857. Immediately preceding text appears at serial page (221148).

§ 37.111. Continuing education.

(a) During each biennial renewal period, a licensee shall complete 24 PDH units of continuing education. A licensee who holds more than one license from the Board shall complete the required amount of continuing education to renew each license. A licensee who completes a continuing education activity applicable to more than one class of license may apply the credit to each license held by the

licensee for which the course is applicable. Continuing education credit will not be given for a course in practice building or office management.

(b) Except as necessary to comply with § 37.18(1) (relating to reactivation of licensure status), carried over from the prior biennium as permitted by section 4.5(c) of the act (63 P. S. § 151.5(c)), to correct a deficiency as required under subsection (d) or as otherwise ordered by the Board in a disciplinary action, continuing education may satisfy the requirement of subsection (a) only for the biennium during which it was completed. A PDH unit may not be used to satisfy the requirement of subsection (a) for more than one biennium. Unless otherwise excused by the Board, continuing education completed to reactivate the license as provided in § 37.18(1), to correct a deficiency as required under subsection (d) or as otherwise ordered by the Board in a disciplinary action is in addition to the continuing education requirement for the biennium during which that activity is completed. A licensee may not receive credit for more than one presentation of a particular course or other specific activity in a given renewal period.

(c) The requirement of subsection (a) will first take effect during the October 1, 2009, through September 30, 2011, biennial renewal period. A licensee who corrects all deficiencies in continuing education during the 2009-2011 renewal cycle by April 1, 2012, will not have a disciplinary sanction imposed as provided in subsection (d) for having failed to complete the required amount of continuing education by September 30, 2011.

(d) Unless otherwise excused by the act or this chapter, failure to complete the minimum required amount of continuing education during the applicable renewal period will subject the licensee to discipline under section 11(b) of the act (63 P. S. § 158(b)) in accordance with the schedule of civil penalties in § 43b.13a (relating to schedule of civil penalties—engineers, land surveyors and geologists). Within 6 months after the issuance of a citation under § 43b.13a for failure to complete the required amount of continuing education, the licensee shall make up the deficiency and provide proof of the entire required amount of continuing education in section 4.5(f) of the act. In addition to any civil penalty assessed under this subsection, failure to complete the required amount of continuing education and to provide the Board with proof of completion of the required amount of continuing education within 6 months after the issuance of a citation under § 43b.13a for failure to complete the required amount of continuing education shall subject the licensee to disciplinary action under section 4(g) of the act (63 P. S. § 151(g)). This subsection does not apply to a licensee who permitted the license to expire at the conclusion of the biennial renewal period for which the licensee did not complete the required amount of continuing education and did not practice the profession prior to reactivating that license under § 37.18(1) upon a demonstration that the licensee subsequently completed all required deficient continuing education.

(e) A licensee seeking exemption from the continuing education requirements as provided in section 4.5(g)(1)(ii) of the act based upon physical disability, ill-

ness or other extenuating circumstances shall submit the request with all supporting documentation to the Board. The request must explain why the licensee is not able to complete mandatory continuing education on time and why exempting the licensee will not harm the public interest. The Board may take up to 90 days to rule upon a request for exemption. An exemption may include extending the deadline by which the required continuing education must be completed. The Board will consider a request for exemption from a licensee who has renewed the license, but a request for exemption may not be used to avoid a disciplinary sanction under subsection (d).

(f) The Board will audit licensees to verify compliance with continuing education requirements. A licensee who is being audited shall fully respond to each request for information within 30 days of the request or other time specified in the request.

(g) Each licensee shall maintain records verifying completion of continuing education for 5 years after completion of the activity. In any audit or disciplinary proceeding, the Board may infer from a licensee's failure to maintain records as provided in this subsection that the licensee did not complete the required continuing education.

Authority

The provisions of this § 37.111 issued under section 4.4 of the Engineer, Land, Surveyor and Geologist Registration Law (63 P. S. § 151.4).

Source

The provisions of this § 37.111 adopted June 3, 2011, effective June 4, 2011, 41 Pa.B. 2847.

Cross References

This section cited in 49 Pa. Code § 37.18 (relating to reactivation of licensure status); and 49 Pa. Code § 37.19 (relating to biennial renewal of licensure status).

[Next page is 39-1.]

37-38

(412188) No. 580 Mar. 23

Copyright © 2023 Commonwealth of Pennsylvania