

**ENGINEER, LAND SURVEYOR AND GEOLOGIST REGISTRATION LAW - OMNIBUS
AMENDMENTS**

Act of Jun. 28, 2024, P.L. 421, No. 32

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SB 403

AN ACT

Amending the act of May 23, 1945 (P.L.913, No.367), entitled "An act relating to and regulating the practice of the profession of engineering, including civil engineering, mechanical engineering, electrical engineering, mining engineering and chemical engineering, the profession of land surveying and the profession of geology and constituent parts and combinations thereof as herein defined; providing for the licensing and registration of persons practicing said profession, and the certification of engineers-in-training and surveyors-in-training, and the suspension and revocation of said licenses, registrations and certifications for violation of this act; prescribing the powers and duties of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, the Department of State and the courts; prescribing penalties; and repealing existing laws," further providing for definitions, for general powers of board, for procedure for licensing as professional engineer, for procedure for licensing as professional land surveyor, for continuing professional competency requirements, for fees and for penalties.

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

Section 1. Section 2(a) and (c) of the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, are amended and the section is amended by adding a subsection to read:

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

(a) (1) "Practice of Engineering" shall mean the application of the mathematical and physical sciences for the design or analysis of public or private buildings, structures, machines, equipment, processes, works or engineering systems, and the consultation, investigation, evaluation or surveys, construction management, modification and alteration, planning and inspection in connection therewith, the performance of the foregoing acts and services being prohibited to persons who are not licensed under this act as professional engineers unless exempt under other provisions of this act.

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

(3) The foregoing shall not be deemed to include the practice of architecture as such, for which separate registration is required under the act of December 14, 1982 (P.L.1227, No.281), known as the "Architects Licensure Law."

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

* * *

(c.1) "Engineer Intern" means a candidate for licensure as a professional engineer, who has been granted a certificate as an engineer intern after successfully passing the prescribed written examination in fundamental engineering subjects, and who is eligible upon the completion of the requisite years of experience in engineering, under the supervision of a professional engineer, or similarly qualified engineer, for the final examination prescribed for licensure as a professional engineer.

* * *

Section 2. Sections 4(g), 4.2(a), (b) and (c), 4.3(b) (2) and (3) and (c), 4.5(c) (3), 9(a) and 11(a) of the act are amended to read:

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

* * *

(g) Suspension and Revocation of Licenses; Registrations and Certificates; Reinstatements.--To suspend or revoke the license and registration of any professional engineer, professional land surveyor or professional geologist or the certificate of any engineer intern, geologist-in-training or surveyor-in-training, who is found guilty by the board, by a majority vote of all its members, of the practice of any fraud, deceit or misrepresentation in obtaining his license, certification or registration, or of gross negligence, incompetency or misconduct in the practice of engineering, in the practice of land surveying or in the practice of geology, or of violation of the code of ethics of the engineering profession, and to reinstate suspended licenses, registrations and certificates in any cases where a majority of all the members of the board shall determine the same to be just and proper. Unless ordered to do so by a court, the board shall not reinstate the license, certificate or registration of a person to practice as a professional engineer, professional land surveyor, professional geologist or an engineer intern, geologist-in-training or a surveyor-in-training which has been revoked, and the person is required to apply for a license, certificate or registration after a period of five years in accordance with section 2 if the person desires to practice at any time after such revocation. The board shall require a person whose license or registration has been suspended or revoked to return the license or registration in such manner as the board directs. Failure to do so shall be a misdemeanor of the third degree. Misconduct in the practice of engineering, land surveying or geology shall include, but not be limited to conviction for 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, or has violated any provision of this act or any regulation promulgated by the board. For the purposes of this subsection, the code of ethics is as follows:

It shall be considered unprofessional and inconsistent with honorable and dignified bearing for a person who is a professional engineer, professional land surveyor or professional geologist:

(1) To act for the person's client or employer in professional matters otherwise than as a faithful agent or trustee, or to accept any remuneration other than the person's stated recompense for services rendered.

(2) To attempt to injure falsely or maliciously, directly or indirectly, the professional reputation, prospects or business of anyone.

(3) To attempt to supplant another engineer, land surveyor or geologist after definite steps have been taken toward the other's employment.

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

(5) To review the work of another engineer, land surveyor or geologist for the same client, except with the knowledge of that engineer, land surveyor or geologist, or unless the connection of that engineer, land surveyor or geologist with the work has terminated.

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

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

(8) To attempt to practice in any field of engineering, land surveying or geology in which the registrant is not proficient.

(9) To use or permit the use of the person's professional seal on work over which the person was not in responsible charge.

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

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

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

The hearing examiners shall have the power to conduct hearings in accordance with the regulations of the board, and to issue subpoenas requiring the attendance and testimony of individuals or the production of, pertinent books, records, documents and papers by persons whom they believe to have information relevant to any matter pending before the examiner. The examiner shall also have the power to administer oaths.

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

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

* * *

Section 4.2. Procedure for Licensing as Professional Engineer.--(a) An applicant for licensure as a professional engineer shall satisfactorily complete the engineering fundamentals examination and become certified as an engineer intern and subsequently show evidence of experience satisfactory to the board to prepare him for the engineering principles and practice examination.

(b) (1) An applicant for the engineer intern certificate shall show satisfactory evidence of:

(i) graduation from an approved engineering curriculum of four or more years; or

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

(2) An engineering student who has completed two or more years of an approved program in engineering may, subject to board approval, sit for the examination; but the student shall not be eligible for certification until the student shows proof of graduation.

(3) An applicant who satisfactorily completes the examination in engineering fundamentals shall be certified as an engineer intern without time limitation and may remain certified until such time as the applicant becomes licensed under this act as a professional engineer.

(c) An applicant who is a certified engineer intern may apply for licensure and shall pass the examination in engineering principles and practice. To qualify for the principles and practice examination, an applicant shall, in addition to holding the engineer intern certificate, show satisfactory proof of:

(1) four or more years of progressive experience in engineering work performed under the supervision of a professional engineer or a similarly qualified engineer of a grade and character to qualify the applicant to assume responsible charge of the work involved in the practice of engineering; or

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

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Section 4.3. Procedure for Licensing as Professional Land Surveyor.--* * *

(b) * * *

(2) An applicant who satisfactorily completes the fundamentals examination shall be certified as a surveyor-in-training without time limitation and may remain certified until such time as the applicant becomes licensed under this act as a professional land surveyor.

(3) An applicant shall show diversification of field and office experience, with at least twenty-five per cent of the applicant's experience in each.

* * *

(c) Each applicant for licensure shall be certified as a surveyor-in-training and shall pass an examination in land surveying principles and practice. To qualify for the principles and practice examination, the applicant shall demonstrate:

(1) Four or more years of progressive experience in land surveying work performed under the supervision of a professional land surveyor or a similarly qualified surveyor of a grade or character to fit the applicant to assume responsible charge of the work involved in the practice of land surveying.

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

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

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

* * *

(3) Completion of distance learning courses, if the courses relate to professional practice and the PDH units awarded are verifiable and measurable by the actual hours of instruction.

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

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

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Section 3. A reference to "engineer-in-training" in a provision of 49 Pa. Code Ch. 37 shall be deemed to be a reference to an engineer intern.

Section 4. A person who has been awarded a certificate as an engineer-in-training prior to the effective date of this section shall be deemed to have been awarded a certificate as an engineer intern.

Section 5. This act shall take effect in 60 days.

APPROVED--The 28th day of June, A.D. 2024.

JOSH SHAPIRO