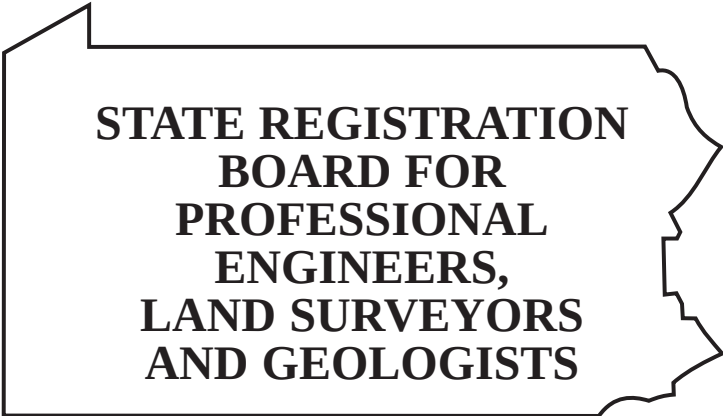


ENGINEER, LAND SURVEYOR AND GEOLOGIST REGISTRATION LAW

ACT 367



**STATE REGISTRATION
BOARD FOR
PROFESSIONAL
ENGINEERS,
LAND SURVEYORS
AND GEOLOGISTS**

COMMONWEALTH OF PENNSYLVANIA

Printed May 2004

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. *(Title amended Dec. 16, 1992, P.L.1151, No.151)*

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Section 1. Short Title.

This act shall be known and may be cited as the “Engineer, Land Surveyor and Geologist Registration Law.”

(1 amended Dec. 16, 1992, P.L.1151, No.151)

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 of public or private buildings, structures, machines, equipment, processes, works or engineering systems, and the consultation, investigation, evaluation, engineering surveys, construction management, 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 provisions of the act of July 12, 1919 (P.L.933, No.369), entitled “An act to regulate the practice of architecture in the Commonwealth of Pennsylvania by providing for the examination and registration of architects by a State Board of Examiners; defining the power and duties of said board of examiners; and providing penalties for the violation of this act,” excepting only architectural work incidental to the “practice of engineering.”
- (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.

((a) amended Dec. 19, 1990, P.L.782, No.192)

- (b) **“Inspection”** shall mean the acts and services performed in the practice of engineering during the construction, development, production or functioning of the things designed: Provided, That per-

formance of such acts and services shall not be construed as a guarantee of satisfactory performance by others, or an assumption of financial liability for defects or deficiencies in the work of others.

- (c) **“Engineer-in-Training”** means a candidate for licensure as a professional engineer, who has been granted a certificate as an engineer-in-training after successfully passing the prescribed written examination in fundamental engineering subjects, and who shall be 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.
- (d) **“Practice of Land Surveying”** means the practice of that branch of the profession of engineering which involves the location, relocation, establishment, reestablishment or retracement of any property line or boundary of any parcel of land or any road right-of-way, easement or alignment; the use of principles of land surveying, determination of the position of any monument or reference point which marks a property line boundary, or corner setting, resetting or replacing any such monument or individual point including the writing of deed descriptions; procuring or offering to procure land surveying work for himself or others; managing or conducting as managers, proprietors or agent any place of business from which land surveying work is solicited, performed, or practiced; the performance of the foregoing acts and services being prohibited to persons who are not granted certificates of registration under this act as a professional land surveyor unless exempt under other provisions of this act. *((d) amended Dec. 13, 1979, P.L.534, No.120)*
- (e) **“Professional Engineer”** means an individual licensed and registered under the laws of this Commonwealth to engage in the practice of engineering. A professional engineer may not practice land surveying unless licensed and registered as a professional land surveyor as defined and set forth in this act; however, a professional engineer may perform engineering land surveys. *((e) amended Dec. 13, 1979, P.L.534, No.120)*
- (f) **“Professional Land Surveyor”** means an individual licensed and registered under the laws of this Commonwealth to engage in the practice of land surveying. A professional land surveyor may perform engineering land surveys but may not practice any other branch of engineering. *((f) amended Dec. 13, 1979, P.L.534, No.120)*

- (g) **“Board”** means The State Registration Board for Professional Engineers, Land Surveyors and Geologists. ((g) amended Dec. 16, 1992, P.L.1151, No.151)
- (h) **“Department”** means the Department of State.
- (i) **“Responsible Charge”** means a position that requires initiative, skill and independent judgment, and implies such degree of competence and accountability gained by technical education and experience of a grade and character as is sufficient to qualify an individual to personally and independently engage in and be entrusted with the work involved in the practice of engineering or land surveying. This term does not include positions which require routine performance of subprofessional work such as auxiliary survey personnel (unless acting as chief of party) and drafting personnel. ((i) amended Dec. 13, 1979, P.L.534, No.120)
- (j) **“Engineering Land Surveys”** means surveys for: (i) the development of any tract of land including the incidental design of related improvements, such as line and grade extension of roads, sewers and grading but not requiring independent engineering judgment: Provided, however, That tract perimeter surveys shall be the function of the Professional Land Surveyor; (ii) the determination of the configuration or contour of the earth’s surface, or the position of fixed objects thereon or related thereto by means of measuring lines and angles and applying the principles of mathematics, photogrammetry or other measurement methods; (iii) geodetic survey, underground survey and hydrographic survey; (iv) storm water management surveys and sedimentation and erosion control surveys; (v) the determination of the quantities of materials; (vi) tests for water percolation in soils; and (vii) the preparation of plans and specifications and estimates of proposed work and attendant costs as described in this subsection. ((j) amended Dec. 19, 1990, P.L.782, No.192)
- (k) **“Employee”** means an individual who is on payroll and for whom taxes are withheld and Social Security is withheld and matched. ((k) added Dec. 19, 1990, P.L.782, No.192)
- (l) **“Surveyor-in-Training”** means a candidate for licensure as a professional land surveyor who has been granted a certificate as a surveyor-in-training after successfully passing the prescribed written examination in fundamental land surveying subjects and who shall be eligible, upon the completion of the requisite years of experience in land surveying, under the supervision of a professional land surveyor or similarly qualified surveyor, for the final examination

prescribed for licensure as a professional land surveyor. ((l) added Dec. 19, 1990, P.L.782, No.192)

- (m) **“Geology”** means the science which treats the Earth in general, the study of the physical Earth, the investigation of the Earth’s crust and the rocks and other minerals which compose it and the applied science of utilizing knowledge of the Earth and its constituent rocks, minerals, liquids, gases and other materials for the benefit of mankind. ((m) added Dec. 16, 1992, P.L.1151, No.151)
- (n) **“Practice of geology”** means the practice or the offer to practice geology for others for a fee, including, but not limited to, describing the natural processes acting on earth materials, gases or fluids, predicting the probable occurrence of natural resources, predicting and locating natural or man-induced phenomena which may be useful or hazardous to mankind and recognizing, determining and evaluating geologic factors. The term shall also include the performance of geological service or work, consultation, investigation, evaluation, planning, mapping and inspection of geological work required in implementing the provisions of any Federal or State law or regulation or the provisions of any ordinance, code, rule or permit required by any local political subdivision. The term shall not include the practice of engineering, land surveying or landscape architecture for which separate licensure is required. ((n) added Dec. 16, 1992, P.L.1151, No.151)

(2 amended Nov. 24, 1967, P.L.548, No.270)

Section 3. Practice of Engineering, Land Surveying or Geology Without Licensure and Registration Prohibited.

- (a) In order to safeguard life, health or property and to promote the general welfare, it is unlawful for any person to practice or to offer to practice engineering in this Commonwealth, unless he is licensed and registered under the laws of this Commonwealth as a professional engineer, for any person to practice or to offer to practice land surveying, unless he is licensed and registered under the laws of this Commonwealth as a professional land surveyor or for any person to practice or to offer to practice geology unless he is licensed and registered under the laws of this Commonwealth as a professional geologist. Individuals licensed as professional engineers, professional land surveyors or registered landscape architects may perform geological work which is incidental to their engineering, surveying or landscape architecture without being licensed as a professional geologist.

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

(3 amended Dec. 16, 1992, P.L.1151, No.151)

Section 4. General Powers of Board.

The board shall have power –

- (a) Approval of Engineering, Surveying and Geology Curricula. – To investigate and to approve or disapprove engineering, surveying and geology curricula of this State, and other states, territories and countries for the education of students desiring to be licensed to engage in the practice of engineering, land surveying or geology, and to revoke or suspend approvals where they are no longer deemed proper.
- (b) Licensing Professional Engineers, Professional Land Surveyors and Professional Geologists. – To provide for and to regulate the licensing, and to license to engage in the practice of engineering, land surveying or geology any person of good moral character and repute who speaks and writes the English language, if such person either –
 - (1) Holds an unexpired license or certificate of registration issued to him by proper authority of some other state, foreign country or territory of the United States in which the requirements and qualifications to engage in the practice of engineering, land surveying or geology were at the time of the initial issuance of such license or certificate of registration at least equal to the existing standards of this Commonwealth: Provided, however, That such other state, territory or foreign country shall similarly license or register professional engineers, professional land surveyors or professional geologists licensed and registered in this Commonwealth. A person may be licensed under this subsection without examination.
 - (2) In relation to engineers and surveyors, holds a certificate of qualifications issued by the National Bureau of Engineering

Registration of the National Council of Examiners for Engineering and Surveying: Provided, The requirements and qualifications of said bodies to engage in the practice of engineering or land surveying are at least equal to the standards of this Commonwealth. A person may be licensed under this subsection without examination.

In carrying into effect clauses (1) and (2) of subsection (b) of this section in relation to engineers and surveyors the board may in its discretion enter into agreements for reciprocity with the National Council of Examiners for Engineering and Surveying and with states under such rules and regulations as the board may prescribe.

- (3) Complies with the education and experience criteria and successfully completes the two-examination process for licensing as a professional engineer, as set forth in section 4.2, or as a professional land surveyor, as set forth in section 4.3 or the examination process for licensing as a professional geologist as set forth in section 4.4.
- (c) Investigations of Applications; Determination of Competency of Applicants. – To investigate the allegations contained in any application for licensure or certification under this act in order to determine the truth of such allegations and to determine the competency of any person applying for licensure to assume responsible charge of the work involved in the practice of engineering, land surveying or geology, such competency to be determined by the grade and character of the engineering work, the grade and character of the land surveying work or the grade and character of geologic work actually performed. In relation to engineers and surveyors, the mere execution as a contractor of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent, or the operation or maintenance of machinery or equipment, or work performed as a salesman of engineering equipment or apparatus, shall not be deemed to be active practice in engineering, unless such work has involved the actual practice of engineering. Engineering and land surveying work, performed under the supervision of a professional engineer or land surveyor, respectively, shall be given full credit. Whenever the board determines otherwise than by examination, that an applicant has not produced sufficient evidence to show that he is competent to be placed in responsible charge and shall refuse to examine or to license such applicant, it shall set forth in writing its findings and the reasons for its conclusions and furnish a copy thereof to the applicant.

- (d) Examinations; Fees. – To prescribe the subjects, manner, time and place of examinations for licenses as professional engineers, professional land surveyors and professional geologists and for certificates for engineers-in-training and surveyors-in-training, and the filing of applications for such examinations, and to prepare or provide for the preparation of such examinations, conduct or provide for the conduct of such examinations, to make written reports of such examinations, which reports shall be preserved for a period of not less than three years, to collect such fees for such examinations, and for licenses and certificates issued without examination, as may be fixed according to law, and to issue licenses and certificates to such persons as successfully pass such examinations.
- (e) Biennial Registrations; Fees. – To provide for, regulate and require all persons licensed in accordance with the provisions of this act and all persons licensed and registered under prior laws of this Commonwealth, relating to the licensing of professional engineers and professional land surveyors, to register biennially with the board, to prescribe the form of such registration, after consultation with the Commissioner of Professional and Occupational Affairs and the payment of such biennial registration fee, as shall be fixed according to law, to issue biennial registration to such persons and to suspend or revoke the license or registration of such persons as fail, refuse or neglect to so register, or pay such fee within such time as the board shall prescribe by its rules and regulations, and to reinstate licenses and registrations of persons who shall thereafter pay such registration fees in accordance with the rules and regulations of the board.
- (f) Roster of Registrants. – To keep a roster showing the names and addresses of professional engineers, professional land surveyors and professional geologists licensed under this act, and under prior laws, and registered by the board, which roster shall be published in booklet form by the board following each biennial renewal. Copies of the roster shall be furnished upon request to each registered or certified person and may be furnished to other persons upon such terms as the board shall prescribe: Provided, however, That copies of the roster shall be furnished to the Planning Commission and the prothonotary of each county in the Commonwealth.
- (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-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-in-training or a surveyor-in-training which has been revoked, and such person shall be required to apply for a license, certificate or registration after a period of five years in accordance with section 2 if he 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 any professional engineer, professional land surveyor or professional geologist:

- (1) To act for his client or employer in professional matters otherwise than as a faithful agent or trustee, or to accept any remuneration other than his 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 his 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 such engineer, land surveyor or geologist, or unless the connection of such 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 such 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 his professional seal on work over which he 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. Such 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.

(h) Financial Requirements of Board. –

(1) To submit annually to the Department of State an estimate of the financial requirements of the board for its administrative, investigative, legal and miscellaneous expenses.

(2) To submit annually to the House and Senate Appropriations Committees, fifteen days after the Governor has submitted his budget to the General Assembly, a copy of the budget request for the upcoming fiscal year which the board previously submitted to the department.

(i) Administration and Enforcement of Laws. – To administer and enforce the laws of the Commonwealth relating to the practice of engineering, land surveying and geology, and to instruct and require its agents to bring prosecutions for unauthorized and unlawful practices.

(j) Minutes and Records. – To keep minutes and records of all its transactions and proceedings. Copies thereof duly certified by the secretary of the board shall be received in evidence in all courts and elsewhere.

(k) Member of National Council of Examiners for Engineering and Surveying; Dues. – To become a member of the National Council of Examiners for Engineering and Surveying, and to pay such dues as said council shall establish, and to send delegates to the annual meeting of said council, and to defray their expenses.

(l) Administrative Rules and Regulations. – To adopt, promulgate and enforce such administrative rules and regulations, not inconsistent with this act, as are deemed necessary and proper by the board to carry into effect the powers conferred by this act.

(m) Status of Complaints. – The board shall submit annually a report to the Professional Licensure Committee of the House of Representatives and to the Consumer Protection and Professional Licensure Committee of the Senate a description of the types of complaints received, status of cases, board action which has been taken and the length of time from the initial complaint to final board resolution.

(4 amended Dec. 16, 1992, P.L.1151, No.151)

Section 4.1. State Registration Board for Professional Engineers, Land Surveyors and Geologists.

- (a) There is hereby established within the Department of State the State Registration Board for Professional Engineers, Land Surveyors and Geologists. The board shall consist of the Commissioner of Professional and Occupational Affairs, three members appointed by the Governor who shall be persons representing the public at large and nine members appointed by the Governor, five of whom shall be registered professional engineers, two of whom shall be registered professional land surveyors and two of whom shall be registered professional geologists. Any land surveyor appointed to serve on the board shall have received the land surveyor license upon the passage of the appropriate examination. Any geologist licensed under section 4.4 of this act shall be eligible for appointment to the board. The professional members of the board shall be so selected that not more than two of them shall specialize in any one of the five major disciplines of engineering: civil, mining and metallurgical, mechanical, electrical and chemical. Each member of the board shall be a citizen of the United States and a resident of this Commonwealth. Each professional member shall have been engaged in the practice of the respective profession for at least ten years and shall have been in responsible charge of work for at least five years. *((a) amended Nov. 25, 2002, P.L.1113, No.136)*
- (b) The terms of members of the board shall be six years, or until his successor has been appointed and qualified but not longer than six months beyond the six-year period. In the event that any of said members shall die or resign during his term, his successor shall be appointed in the same way and with the same qualifications and shall hold office for the unexpired term. No member shall be eligible for appointment to serve more than two consecutive full terms.
- (c) Seven members of the board shall constitute a quorum. A member may not be counted as part of a quorum or vote on any issue, other than temporary and automatic suspension, under this act unless he is physically in attendance at the meeting.
- (d) The board shall select annually a president from among its members.
- (e) Each member of the board, except the Commissioner of Professional and Occupational Affairs and the Director of the Bureau of Consumer Protection in the Office of Attorney General, or his designee, shall receive sixty dollars per diem when actually attending to the work of the board. Members shall also receive the

amount of reasonable traveling, hotel and other necessary expenses incurred in the performance of their duties.

- (f) The board is subject to evaluation, review and termination within the time and in the manner provided in the act of December 22, 1981 (P.L.508, No.142), known as the “Sunset Act.”
- (g) A member of the board who fails to attend three consecutive meetings shall forfeit his seat unless the Commissioner of Professional and Occupational Affairs, upon written request from the member, finds that the member should be excused from a meeting because of illness or the death of a family member.
- (h) A public member who fails to attend two consecutive statutorily mandated training seminars in accordance with section 813(e) of the act of April 9, 1929 (P.L.177, No.175), known as “The Administrative Code of 1929,” shall forfeit board membership unless the Commissioner of Professional and Occupational Affairs, upon written request from the public member, finds that the public member should be excused from a meeting because of illness or the death of a family member.

(4.1 amended Dec. 16, 1992, P.L.1151, No.151)

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-in-training 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-in-training 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 such student shall not be eligible for certification until he shows proof of graduation.
 - (3) An applicant who satisfactorily completes the examination in engineering fundamentals shall be certified as an engineer-in-

training without time limitation and may remain certified until such time as he becomes licensed under this act as a professional engineer.

- (c) An applicant who is a certified engineer-in-training 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-in-training certificate, show satisfactory proof of:
 - (1) four or more years of progressive experience in engineering work performed after the issuance of the engineer-in-training certificate and under the supervision of a professional engineer or a similarly qualified engineer of a grade and character to fit him 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 fit him to assume responsible charge of the work involved in the practice of engineering.
- (d) The board may grant one year of experience credit for each post-baccalaureate engineering degree earned by applicants for licensure, not to exceed two years, provided that:
 - (1) the degree is from an engineering program approved by the board;
 - (2) the degree is in the same discipline as an earned undergraduate degree; and
 - (3) the academic time is not concurrent with earned experience.

((d)added Nov. 27, 2003, P.L.35)

(4.2 added Dec. 19, 1990, P.L.782, No.192)

Compiler's Note: Section 14 of Act 192 of 1990, which added section 4.2, provided that sections 4.2 and 4.3 shall not apply to any person who completes the educational requirements by June 30, 1994, for licensure as a professional engineer or professional land surveyor as those requirements existed on the day prior to the effective date of Act 192. Sections 4.2 and 4.3 shall not apply to any person who begins the experience requirements prior to the effective date of this act for licensure as a professional engineer or land surveyor as those requirements existed on the day prior to the effective date of Act 192. Such persons to whom sections 4.2 and 4.3 do not apply shall comply with the education and experience

requirements as they existed on the day prior to the effective date of Act 192.

Section 4.3. Procedure for Licensing as Professional Land Surveyor.

- (a) An applicant for licensure as a professional land surveyor shall satisfactorily complete the surveying fundamentals examination and become certified as a surveyor-in-training and subsequently show evidence of experience satisfactory to the board to prepare for the land surveying principles and practice examination.
- (b) (1) An applicant for the surveyor-in-training certificate shall show satisfactory evidence of:
 - (i) graduation from an approved civil engineering curriculum of at least four years, including no less than ten credit hours instruction in surveying;
 - (ii) six or more years of progressive experience in surveying and knowledge, skill and education deemed equivalent, in accordance with board regulation, to graduation from an approved curriculum in land surveying or civil engineering; or
 - (iii) an associate's degree in an approved surveying technology curriculum.

((1) carried without amendment Nov. 25, 2002, P.L.1113, No.136)
- (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 he 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 his experience in each.
- (4) An applicant who is a surveying student who has completed two or more years of an approved curriculum may, subject to board approval, sit for the examination, but such student shall not be eligible for certification until that student shows proof of graduation. *((4) added Nov. 25, 2002, P.L.1113, No.136)*
- (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 after the issuance of the surveyor-in-training certificate and under the supervision of a professional land surveyor or a similarly qualified surveyor of a grade or character to fit him 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 him to assume responsible charge of the work involved in the practice of land surveying.

(4.3 added Dec. 19, 1990, P.L.782, No.192)

Compiler's Note: Section 14 of Act 192 of 1990, which added section 4.3, provided that sections 4.2 and 4.3 shall not apply to any person who completes the educational requirements by June 30, 1994, for licensure as a professional engineer or professional land surveyor as those requirements existed on the day prior to the effective date of Act 192. Sections 4.2 and 4.3 shall not apply to any person who begins the experience requirements prior to the effective date of this act for licensure as a professional engineer or land surveyor as those requirements existed on the day prior to the effective date of Act 192. Such persons to whom sections 4.2 and 4.3 do not apply shall comply with the education and experience requirements as they existed on the day prior to the effective date of Act 192.

Section 4.4. Procedure for Licensing as Professional Geologist.

- (a) The board shall provide for a licensure examination. All written, oral and practical examinations shall be prepared and administered by a qualified and approved professional testing organization in the manner prescribed for written examinations by the provisions of section 812.1 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." However, during the first two years after the effective date of this act, the board shall issue licenses without examination to applicants who meet the requirements of subsection (b)(1), (2), (3) and (5). The board may further postpone the examination for up to two additional years if necessary in order to provide for an examination in accordance with section 812.1 of "The Administrative Code of 1929."
- (b) An applicant shall be qualified to be licensed after submission of proof satisfactory to the board that the applicant:
 - (1) Is of good moral character.

- (2) Has graduated from an accredited institution of higher learning with a major in geology, geophysics, geochemistry or engineering geology with a minimum of thirty semester or forty-five quarter hours in geology, geophysics, geochemistry, engineering geology or their subdivisions; or completion of thirty semester or forty-five quarter hours or an equivalent amount of geological education from institutions which do not grant semester or quarter hours in geological science courses leading to a major in geology, of which at least twenty-four semester hours or an equivalent amount are in third or fourth year or graduate courses.
- (3) Has completed at least five years of professional geological work, which shall include either a minimum of three years of professional geological work under the supervision of a licensed professional geologist or a minimum of five years experience in a responsible position in professional geological work. Professional geological work performed prior to the effective date of this section shall satisfy the requirement of this clause if it is performed under the supervision of either a licensed professional geologist or a qualified geologist who was not licensed. For purposes of this clause, professional geological work does not include routine sampling, laboratory work or geological drafting. Credit for graduate study may not exceed a total of two years toward meeting the required number of years of professional geological work.
- (4) Has passed any examination adopted by the board.
- (5) Has paid all appropriate fees in the amount determined by the board by regulation.

(4.4 added Dec. 16, 1992, P.L.1151, No.151)

Section 5. Exemption from Licensure and Registration.

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

- (a) The practice of engineering, land surveying or geology by any person who acts under the supervision of a professional engineer, professional land surveyor or geologist, respectively, or by an employee of a person lawfully engaged in the practice of engineering, land surveying or geology and who, in either event, does not assume responsible charge of design or supervisions;
- (b) The practice of engineering, land surveying or geology, not exceeding thirty days in the aggregate in one calendar year, by a nonresi-

dent not having a place of business in this Commonwealth, if such person is legally qualified to engage in the practice of engineering, land surveying or geology in the state or territory of his residence: Provided, That standards of such state or territory are at least equal to the standards of this Commonwealth;

- (c) The practice of engineering, land surveying or geology by officers and employes of the United States Government for the said government;
- (d) Except as otherwise provided in subsection (g) of this section, the practice of engineering or land surveying by a regular employe of a public utility company, as defined by the Public Utility Code (66 Pa.C.S. § 101 et seq.) in connection with the facilities of such public utility, which are subject to regulation by the Pennsylvania Public Utility Commission: Provided, That such public utility shall employ at least one professional engineer, as defined in this act, who shall be in responsible charge of such utility's engineering work and shall employ at least one professional land surveyor, as defined in this act, who shall be in responsible charge of such utility's land surveying;
- (e) The practice of architecture by a duly registered architect, and the doing of such engineering work as is incidental to his architectural work;
- (f) The practice of engineering, land surveying or geology by any person or by any employe of any copartnership, association or corporation upon property owned by such person or such copartnership, association or corporation, unless such practice affects the public safety or health or the property of some other person or entity.
- (g) The practice of engineering, land surveying or geology work by a manufacturing, mining, communications common carrier, research and development or other industrial corporation or by employes of such corporation, provided such work is in connection with or incidental to products of, or non-engineering services rendered by, such corporation or its affiliates.
- (h) The running of lines or grades and layout work on or within established property limits, or from established points outside the property limits to or within such property limits when performed by a contractor or home builder in conjunction with the construction, reconstruction, alteration, maintenance or demolition of a structure or other facility.
- (i) The writing of deed descriptions.

- (j) The preparation of shop drawings or the performance of construction management services by persons customarily engaged in construction work.
- (k) The practice of individuals providing geologic services to businesses engaged in the exploration or development of gas or oil.

(5 amended Dec. 16, 1992, P.L.1151, No.151)

Section 6. Practice by Firms and Corporations.

The practice of engineering, of land surveying and of geology being the function of an individual or of individuals working in concerted effort, it shall be unlawful for any firm or corporation to engage in such practice, or to offer to practice, or to assume use or advertise any title or description conveying the impression that such firm or corporation is engaged in or is offering to practice such profession, unless the directing heads and employes of such firm or corporation in responsible charge of its activities in the practice of such profession are licensed and registered in conformity with the requirements of this act, and whose name, seal and signature, along with the date of signature, shall be stamped on all plans, specifications, plats and reports issued by such firm or corporation.

(6 amended Dec. 16, 1992, P.L.1151, No.151)

Section 7. Seal of Registrants.

- (a) Each person, registered under this act, shall obtain a seal of a design authorized by the board which shall bear the registrant's name and number and the legend "Registered Professional Engineer," "Registered Professional Land Surveyor" or "Registered Professional Geologist." Such seal, or a facsimile imprint of same, shall be stamped on all plans, specifications, plats and reports issued by a professional engineer, professional land surveyor or professional geologist.
- (b) It shall be unlawful for any person to use such seal during the period the license or registration of the holder thereof has been suspended or revoked, or to use a seal of any design not approved by the board.

(7 amended Dec. 16, 1992, P.L.1151, No.151)

Section 8. Procedure for the Suspension and Revocation of Licenses and Registrations; Appeals.

Before the license of any licensee, or any registration, or any certification is suspended or revoked by the board, a written copy of the complaint made shall be furnished to the licensee, registrant, or person against whom

the same is directed, and an opportunity be afforded him to be heard before the board personally and by counsel. At least ten days' written notice of the time and place of such hearing shall be given the licensee, registrant or person by registered mail addressed to the post office address as shown on the biennial registration, or other record, or information in possession of the board. (*Par. amended Dec. 17, 1959, P.L.1885, No.688*)

(8 repealed in part Apr. 28, 1978, P.L.202, No.53)

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-in-training 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.
- (b) If the Bureau of Professional and Occupational Affairs determines that the fees established by the board are inadequate to meet the minimum enforcement efforts required, then the bureau, after consultation with the board, shall increase the fees by regulation, subject to review in accordance with the "Regulatory Review Act," such that adequate revenues are raised to meet the required enforcement effort.
- (c) All persons now qualified and engaged in the practice of engineering, land surveying and geology, or who shall hereafter be licensed by the board, shall register, biennially, with the board and pay the fee for each biennial registration. All fees collected under the provisions of this act shall be received by the board and shall be paid into the Professional Licensure Augmentation Account.

(9 amended Dec. 16, 1992, P.L.1151, No.151)

Section 10. Status of Existing Licensees and Registrants Preserved.

Any person, licensed or legally authorized to practice as a professional engineer or professional land surveyor in this Commonwealth at the time this act takes effect, shall thereafter continue to possess the same rights and privileges with respect to the practice of engineering or land surveying without being required to be licensed anew under the provisions of

this act. However, all actions shall be subject to the power of the board as provided in this act to suspend or revoke the license of any such person for any of the causes set forth in this act, and subject to the power of the board to require any such person to register biennially with the board as provided in this act.

(10 amended Dec. 19, 1990, P.L.782, No.192)

Section 10.1. Temporary and Automatic Suspensions.

- (a) A license issued under this act may be temporarily suspended under circumstances as determined by the board to be an immediate and clear danger to the public health and safety. The board shall issue an order to that effect without a hearing, but upon due notice to the licensee concerned at his or her last known address, which shall include a written statement of all allegations against the licensee. The board shall thereupon commence formal action to suspend, revoke or restrict the license of the person concerned as otherwise provided for in this act. All actions shall be taken promptly and without delay. Within thirty days following the issuance of an order temporarily suspending a license, the board shall conduct, or cause to be conducted, a preliminary hearing to determine that there is a prima facie case supporting the suspension. The licensee whose license has been temporarily suspended may be present at the preliminary hearing and may be represented by counsel, cross-examine witnesses, inspect physical evidence, call witnesses, offer evidence and testimony and make a record of the proceedings. If it is determined that there is not a prima facie case, the suspended license shall be immediately restored. The temporary suspension shall remain in effect until vacated by the board, but in no event longer than one hundred eighty days.
- (b) A license issued under this act shall automatically be suspended upon the legal commitment to an institution of a licensee because of mental incompetency from any cause upon filing with the board a certified copy of such commitment, conviction of a felony under the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or conviction of an offense under the laws of another jurisdiction, which, if committed in Pennsylvania, would be a felony under "The Controlled Substance, Drug, Device and Cosmetic Act." As used in this subsection, the term "conviction" shall include a judgment, an admission of guilt or a plea of nolo contendere. Automatic suspension under this subsection shall not be stayed pending any appeal of a conviction. Restoration of such license shall be made as hereinafter provided in the case of revocation or suspension of such license.

- (c) An attorney responsible for representing the Commonwealth in disciplinary matters before the board shall notify the board immediately upon receiving notification of an alleged violation of this act. The board shall maintain current records of all reports of alleged violations and periodically review the records for the purpose of determining that each alleged violation has been resolved in a timely manner.

(10.1 added Dec. 19, 1990, P.L.782, No.192)

Section 10.2. Reporting of Multiple Licensure.

Any licensee of this Commonwealth who is also licensed to practice engineering, land surveying or geology in any other state, territory or country shall report this information to the board on the biennial renewal application. Any disciplinary action taken in other states, territories or countries shall be reported to the board on the biennial renewal application or within ninety days of final disposition, whichever is sooner. Multiple licensure shall be noted by the board on the engineer's, land surveyor's or geologist's record, and each state, territory or country shall be notified by the board of any disciplinary action taken against the licensee in this Commonwealth.

(10.2 amended Dec. 16, 1992, P.L.1151, No.151)

Section 11. Penalties.

- (a) Whoever shall engage 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 his 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-in-training 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.

- (b) In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by law, or by a vote of the majority of the duly qualified and confirmed membership or a minimum of six members, whichever is greater, may levy a civil penalty of up to one thousand dollars on any current licensee who violates any provision of this act or on any person who practices the profession of an engineer, land surveyor or geologist without being properly licensed to do so under this act. The board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).
- (c) All fines and civil penalties imposed in accordance with this section shall be paid into the Professional Licensure Augmentation Account.

(11 amended Dec. 16, 1992, P.L.1151, No.151)

Section 11.1. Injunction Against Unlawful Practice.

It shall be unlawful for any person to practice, or attempt to offer to practice, engineering, land surveying or geology, as defined in this act, without having at the time of so doing a valid, unexpired, unrevoked and unsuspended license issued under this act. The unlawful practice of engineering, land surveying or geology, as defined in this act, may be enjoined by the courts on petition of the board or the Commissioner of Professional and Occupational Affairs. In any such proceeding, it shall not be necessary to show that any person is individually injured by the actions complained of. If the respondent is found guilty of the unlawful practice of engineering, land surveying or geology, the court shall enjoin him from so practicing unless and until he has been duly licensed. Procedure in such cases shall be the same as in any other injunction suit. The remedy by injunction hereby given is in addition to any other civil or criminal prosecution and punishment.

(11.1 amended Dec. 16, 1992, P.L.1151, No.151)

Section 11.2. Investigative Subpoena.

The board shall have the authority to issue subpoenas, upon application of an attorney responsible for representing the Commonwealth in disciplinary matters before the board, for the purpose of investigating alleged violations of the disciplinary provisions administered by the board. The board shall have the power to subpoena witnesses, to administer oaths, to examine witnesses and to take such testimony or compel the production

of such books, records, papers and documents as it may deem necessary or proper in, and pertinent to, any proceeding, investigation or hearing held or had by it. Client records may not be subpoenaed without consent of the client or without order of a court of competent jurisdiction on a showing that the records are reasonably necessary for the conduct of the investigation. The court may impose such limitations on the scope of the subpoenas as are necessary to prevent unnecessary intrusion in client confidential information. The board is authorized to apply to the Commonwealth Court to enforce its subpoenas.

(11.2 added Dec. 19, 1990, P.L.782, No.192)

Section 12. Repeal.

The act approved the sixth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, eight hundred twenty), is hereby repealed, except that said act shall not be repealed in so far as applications for licensure shall be made thereunder by honorably discharged members of the armed forces of the United States, and for such purposes the said act shall remain in full force and effect until two years after proclamation by the President of the United States that hostilities in all wars in which the United States is now engaged have ceased.

Section 13. Effective Date.

This act shall become effective June thirtieth, one thousand nine hundred and forty-six.

The following is included for those applicants who may be subject to the earlier provisions:

Section 14.

(Act 192, December 19, 1990) Sections 4.2 and 4.3 added by this act shall NOT apply to any person who completes the educational requirements by June 30, 1994, for licensure as a professional engineer or professional land surveyor as those requirements existed on the day prior to the effective date of this act. Sections 4.2 and 4.3 added by this act shall NOT apply to any person who begins the experience requirements prior to the effective date of this act for licensure as a professional engineer or professional land surveyor as those requirements existed on the day prior to the effective date of this act. Such persons to whom sections 4.2 and 4.3 do NOT apply shall comply with the education and experience requirements as they existed on the day prior to the effective date of this act.(These requirements appear on the following pages)

The amendments of Act 192 (see Section 14 above), December 19, 1990, became effective on February 19, 1991.

THE FOLLOWING REQUIREMENTS APPLY TO ENGINEER/SURVEYOR EXAMINATION CANDIDATES WHO RECEIVED THEIR DEGREE BEFORE JUNE 30, 1994, OR WHO BEGAN THEIR EXPERIENCE BEFORE FEBRUARY 19, 1991 (SEE SECTION 14).

Section 4. General Powers of Board.

The board shall have power –

- (b) Licensing Professional Engineers. – To provide for and to regulate the licensing, and to license to engage in the practice of engineering any person of good character and repute who is at least in his twenty-fifth year of age, and who speaks and writes the English language, if such person either –
 - (3) Has had four or more years' progressive experience in engineering work, under the supervision of a professional engineer or a similarly qualified engineer, of a grade or character to fit him to assume responsible charge of the work involved in the practice of engineering, and is either an engineer-in-training or a graduate in engineering of an approved institution or college having a course in engineering of four or more years, or has had four or more years of progressive experience in engineering work, teaching in an approved institute or college, and who is a graduate of an approved institute or college having a course in engineering of four or more years and who in either event successfully passes written examination prescribed by the board in engineering subjects. In the case of the examination of an engineer-in-training his examination shall be directed and limited to those matters which will test the applicant's ability to apply the principles of engineering to the actual practice of engineering. In the case of an applicant who is not an engineer-in-training the examinations shall be for the purpose of testing the applicant's knowledge of fundamental engineering subjects, including mathematics and the physical sciences and those matters which will test the applicant's ability to apply the principles of engineering to the actual practice of engineering. To be licensed under this subsection, the person shall be required to successfully pass the examinations prescribed by the board for both professional engineers and engineers-in-training: Provided, that graduates in engineering who were graduated prior to January 1, 1968 or engineers-in-

training who received a certificate from the board prior to January 1, 1968, shall not be required to take the examination prescribed for engineers-in-training.

- (4) Has had twelve or more years of progressive experience in engineering work, at least eight years of which shall have been under the supervision of a professional engineer or similarly qualified engineer, of a grade and character to fit him to assume responsible charge of the work involved in the practice of engineering, and who successfully passes written examinations prescribed by the board for the purpose of testing the applicant's knowledge of fundamental engineering subjects, including mathematics and the physical sciences and those matters which will test the applicant's ability to apply the principles of engineering to the actual practice of engineering. To be licensed under this subsection, the person shall be required to successfully pass the examinations prescribed by the board for both professional engineers and engineers-in-training.
- (c) Examination and Certification of Engineers-in-Training. – To provide for and to regulate the examination of any person who has produced satisfactory evidence that he has graduated in an engineering curriculum from an approved institution or college having a course of four years or more in engineering or who has had four or more years' experience in engineering work, and who produces satisfactory evidence to show knowledge, skill and education approximating that attained through graduation from an approved institution or college, and to issue to any such person who successfully passes such examination a certificate showing that he has successfully passed this portion of the professional examination and is recognized as an engineer-in-training. The examination of applicants as engineers-in-training shall be designed to permit an applicant for licensure as a professional engineer to take his examination in two stages. The examination for certification as an engineer-in-training shall be for the purpose of testing the applicant's knowledge of fundamental engineering subjects, including mathematics and the physical sciences. Satisfactory passing of this portion of the examination shall constitute a credit for the life of the applicant or until he is licensed under this act as a professional engineer.
- (d) Licensing of Land Surveyors. – To provide for and to regulate the licensing and to license to engage in the practice of land surveying any person of good character and repute who is at least in his twenty-first year of age, and who speaks and writes the English language if such person:

- (1) Has graduated in civil engineering or surveying from an approved institution or college having an engineering course of not less than four years, and including at least ten credit hours of surveying, or has graduated in an approved two-year course in surveying and related areas of engineering design leading to an associate degree in surveying, and if licensing occurs before 1983 has had two or more years' progressive experience or if licensing occurs in 1983 or thereafter has had four or more years' progressive experience in land surveying, under the supervision of a professional land surveyor or a similarly qualified surveyor, of a character indicating that the applicant is competent to assume responsible charge of the practice of land surveying, and who successfully passes a written examination prescribed by the board in surveying and related design subjects; or
- (2) If licensing occurs before 1985 has had six or more years' progressive experience or if licensing occurs in 1985 or thereafter has had ten or more years' progressive experience in land surveying work half of which time shall have been spent in responsible charge of primary land surveying functions, under the supervision of a professional land surveyor or a similarly qualified surveyor, of a character indicating that the applicant is competent to assume responsible charge of the work involved in the practice of land surveying and who successfully passes a written examination prescribed by the board in surveying and related design subjects.

In carrying into effect clauses (1) and (2), the board shall require all applicants to show a diversification in both field and office experience, with the smallest percentage of time allowed in either category to be twenty-five percent.

APPENDIX

Supplementary Provisions of Amendatory Statutes

1983, DECEMBER 22, P.L.348, NO.87

Section 5. This act reestablishes the State Registration Board for Professional Engineers in accordance with the procedures set forth in section 7(a) of the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Compiler's Note: Act 87 added or amended sections 4, 4.1. 9, 10 and 11 of Act 367.

Section 6. The presently confirmed members of the State Registration Board for Professional Engineers constituted under section 425 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, as of December 31, 1983, shall continue to serve as board members until their present terms of office expire.

Section 7. Each rule and regulation of the board in effect on December 31, 1983, shall remain in effect after such date until repealed or amended by the board.