

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 403 Session of 2023

INTRODUCED BY BAKER, STEFANO, J. WARD, PENNYCUICK, KEARNEY, CAPPELLETTI AND ROBINSON, FEBRUARY 21, 2023

SENATOR STEFANO, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, OCTOBER 25, 2023

AN ACT

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

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

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

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

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

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

19 (3) The foregoing shall not be deemed to include the  
20 practice of architecture as such, for which separate  
21 registration is required under [the provisions of the act of  
22 July 12, 1919 (P.L.933, No.369), entitled "An act to regulate  
23 the practice of architecture in the Commonwealth of Pennsylvania  
24 by providing for the examination and registration of architects  
25 by a State Board of Examiners; defining the power and duties of  
26 said board of examiners; and providing penalties for the  
27 violation of this act," excepting only architectural work  
28 incidental to the "practice of engineering."] the act of  
29 December 14, 1982 (P.L.1227, No.281), known as the "Architects  
30 Licensure Law."

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

4 \* \* \*

5 [(c) "Engineer-in-Training" means a candidate for licensure  
6 as a professional engineer, who has been granted a certificate  
7 as an engineer-in-training after successfully passing the  
8 prescribed written examination in fundamental engineering  
9 subjects, and who shall be eligible upon the completion of the  
10 requisite years of experience in engineering, under the  
11 supervision of a professional engineer, or similarly qualified  
12 engineer, for the final examination prescribed for licensure as  
13 a professional engineer.]

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

23 \* \* \*

24 Section 2. Sections 4(g), 4.2(a), (b) and (c), 4.3(B) (2) AND <--  
25 (3) AND (C), 4.5(c) (3), 9(a) and 11(a) of the act are amended to  
26 read:

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

29 \* \* \*

30 (g) Suspension and Revocation of Licenses; Registrations and

1 Certificates; Reinstatements.--To suspend or revoke the license  
2 and registration of any professional engineer, professional land  
3 surveyor or professional geologist or the certificate of any  
4 [engineer-in-training] engineer intern, geologist-in-training or  
5 surveyor-in-training, who is found guilty by the board, by a  
6 majority vote of all its members, of the practice of any fraud,  
7 deceit or misrepresentation in obtaining his license,  
8 certification or registration, or of gross negligence,  
9 incompetency or misconduct in the practice of engineering, in  
10 the practice of land surveying or in the practice of geology, or  
11 of violation of the code of ethics of the engineering  
12 profession, and to reinstate suspended licenses, registrations  
13 and certificates in any cases where a majority of all the  
14 members of the board shall determine the same to be just and  
15 proper. Unless ordered to do so by a court, the board shall not  
16 reinstate the license, certificate or registration of a person  
17 to practice as a professional engineer, professional land  
18 surveyor, professional geologist or an [engineer-in-training]  
19 engineer intern, geologist-in-training or a surveyor-in-training  
20 which has been revoked, and [such] the person [shall be] is  
21 required to apply for a license, certificate or registration  
22 after a period of five years in accordance with section 2 if  
23 [he] the person desires to practice at any time after such  
24 revocation. The board shall require a person whose license or  
25 registration has been suspended or revoked to return the license  
26 or registration in such manner as the board directs. Failure to  
27 do so shall be a misdemeanor of the third degree. Misconduct in  
28 the practice of engineering, land surveying or geology shall  
29 include, but not be limited to conviction for a criminal offense  
30 such as extortion, bribery or fraud or entry of a plea of nolo

1    contendere to a charge thereof for conduct relating to the  
2    practice of engineering, land surveying or geology, or has  
3    violated any provision of this act or any regulation promulgated  
4    by the board. For the purposes of this subsection, the code of  
5    ethics is as follows:

6        It shall be considered unprofessional and inconsistent with  
7    honorable and dignified bearing for [any] a person who is a  
8    professional engineer, professional land surveyor or  
9    professional geologist:

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

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

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

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

22       (5) To review the work of another engineer, land surveyor or  
23    geologist for the same client, except with the knowledge of  
24    [such] that engineer, land surveyor or geologist, or unless the  
25    connection of [such] that engineer, land surveyor or geologist  
26    with the work has terminated.

27       (6) To attempt to obtain or render technical services or  
28    assistance without fair and just compensation commensurate with  
29    the services rendered: Provided, however, the donation of [such]  
30    the services to a civic, charitable, religious or eleemosynary

1 organization shall not be deemed a violation.

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

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

6 (9) To use or permit the use of [his] the person's  
7 professional seal on work over which [he] the person was not in  
8 responsible charge.

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

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

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

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

24 [Such] The examiner shall also have the power to administer  
25 oaths.

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

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

9 \* \* \*

10 Section 4.2. Procedure for Licensing as Professional  
11 Engineer.--(a) An applicant for licensure as a professional  
12 engineer shall satisfactorily complete the engineering  
13 fundamentals examination and become certified as an [~~engineer-~~  
14 ~~in-training~~] engineer intern and subsequently show evidence of  
15 experience satisfactory to the board to prepare him for the  
16 engineering principles and practice examination.

17 (b) (1) An applicant for the [~~engineer-in-training~~]  
18 engineer intern certificate shall show satisfactory evidence of:

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

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

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

30 (3) An applicant who satisfactorily completes the

1 examination in engineering fundamentals shall be certified as an  
2 [engineer-in-training] engineer intern without time limitation  
3 and may remain certified until such time as [he] the applicant  
4 becomes licensed under this act as a professional engineer.

5 (c) An applicant who is a certified [engineer-in-training]  
6 engineer intern may apply for licensure and shall pass the  
7 examination in engineering principles and practice. To qualify  
8 for the principles and practice examination, an applicant shall,  
9 in addition to holding the [engineer-in-training] engineer  
10 intern certificate, show satisfactory proof of:

11 (1) four or more years of progressive experience in  
12 engineering work performed [after the issuance of the engineer-  
13 in-training certificate and] under the supervision of a  
14 professional engineer or a similarly qualified engineer of a  
15 grade and character to [fit him] qualify the applicant to assume  
16 responsible charge of the work involved in the practice of  
17 engineering; or

18 (2) four or more years of progressive teaching experience in  
19 an approved curriculum under the supervision of a professional  
20 engineer or a similarly qualified engineer of a grade or  
21 character to [fit him] qualify the applicant to assume  
22 responsible charge of the work involved in the practice of  
23 engineering.

24 \* \* \*

25 SECTION 4.3. PROCEDURE FOR LICENSING AS PROFESSIONAL LAND  
26 SURVEYOR.--\* \* \*

<--

27 (B) \* \* \*

28 (2) AN APPLICANT WHO SATISFACTORILY COMPLETES THE  
29 FUNDAMENTALS EXAMINATION SHALL BE CERTIFIED AS A SURVEYOR-IN-  
30 TRAINING WITHOUT TIME LIMITATION AND MAY REMAIN CERTIFIED UNTIL



1 SUCH TIME AS [HE] THE APPLICANT BECOMES LICENSED UNDER THIS ACT  
2 AS A PROFESSIONAL LAND SURVEYOR.

3 (3) AN APPLICANT SHALL SHOW DIVERSIFICATION OF FIELD AND  
4 OFFICE EXPERIENCE, WITH AT LEAST TWENTY-FIVE PER CENT OF [HIS]  
5 THE APPLICANT'S EXPERIENCE IN EACH.

6 \* \* \*

7 (C) EACH APPLICANT FOR LICENSURE SHALL BE CERTIFIED AS A  
8 SURVEYOR-IN-TRAINING AND SHALL PASS AN EXAMINATION IN LAND  
9 SURVEYING PRINCIPLES AND PRACTICE. TO QUALIFY FOR THE PRINCIPLES  
10 AND PRACTICE EXAMINATION, THE APPLICANT SHALL DEMONSTRATE:

11 (1) FOUR OR MORE YEARS OF PROGRESSIVE EXPERIENCE IN LAND  
12 SURVEYING WORK PERFORMED [AFTER THE ISSUANCE OF THE SURVEYOR-IN-  
13 TRAINING CERTIFICATE AND] UNDER THE SUPERVISION OF A  
14 PROFESSIONAL LAND SURVEYOR OR A SIMILARLY QUALIFIED SURVEYOR OF  
15 A GRADE OR CHARACTER TO FIT [HIM] THE APPLICANT TO ASSUME  
16 RESPONSIBLE CHARGE OF THE WORK INVOLVED IN THE PRACTICE OF LAND  
17 SURVEYING.

18 (2) FOUR OR MORE YEARS OF PROGRESSIVE TEACHING EXPERIENCE IN  
19 AN APPROVED CURRICULUM UNDER THE SUPERVISION OF A PROFESSIONAL  
20 LAND SURVEYOR OR A SIMILARLY QUALIFIED SURVEYOR OF A GRADE AND  
21 CHARACTER TO FIT [HIM] THE APPLICANT TO ASSUME RESPONSIBLE  
22 CHARGE OF THE WORK INVOLVED IN THE PRACTICE OF LAND SURVEYING.

23 Section 4.5. Continuing Professional Competency  
24 Requirements.--\* \* \*

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

30 \* \* \*

1 (3) Completion of [correspondence, televised, videotaped and  
2 other short courses or tutorials relevant to professional  
3 practice.] distance learning courses, if the courses relate to  
4 professional practice and the PDH units awarded are verifiable  
5 and measurable by the actual hours of instruction.

6 \* \* \*

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

21 \* \* \*

22 Section 11. Penalties.--(a) [Whoever shall engage] A person  
23 who engages in the practice of engineering, the practice of land  
24 surveying or the practice of geology without being licensed and  
25 registered as required by this act, or exempted therefrom, as  
26 provided in this act, or shall present or attempt to use, as  
27 [his] the person's own, the license or certificate of  
28 registration of another, or shall give any false or forged  
29 evidence of any kind to the board, or to any member thereof, in  
30 order to obtain a license or registration as a professional

1 engineer, professional land surveyor or professional geologist  
2 or a certificate as an [engineer-in-training] engineer intern or  
3 surveyor-in-training, or shall use any expired, suspended or  
4 revoked certificate of registration, or shall otherwise violate  
5 the provisions of this act, shall be guilty of a summary offense  
6 and upon conviction thereof for a first offense, shall be  
7 sentenced to pay a fine not exceeding one thousand dollars, or  
8 suffer imprisonment, not exceeding three months, or both and for  
9 a second or subsequent offense shall be guilty of a felony, and  
10 upon conviction thereof, shall be sentenced to pay a fine of not  
11 less than two thousand dollars but not more than five thousand  
12 dollars or to imprisonment for not less than one year but not  
13 more than two years, or both.

14 \* \* \*

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

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

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