

## Session 120 - (2013-2014)

### S 0497 General Bill, By Campbell

#### *Similar (H 3832)*

#### **Summary:** Regulation of Engineering and Surveyors

A BILL TO AMEND SECTION 40-22-2 OF THE 1976 CODE, RELATING TO THE REGULATION OF ENGINEERS AND SURVEYORS, TO PROVIDE THAT THE PRACTICE OF THE PROFESSION OF ENGINEERING AND SURVEYING IN THIS STATE IS SUBJECT TO REGULATION; TO AMEND SECTION 40-22-10, RELATING TO THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, TO PROVIDE FOR QUALIFICATIONS AND COMPOSITION FOR THE MEMBERS OF THE BOARD; TO AMEND SECTION 40-22-20, RELATING TO DEFINITIONS REGULATING THE PRACTICE OF ENGINEERING AND LAND SURVEYING, TO ADD THE TERMS "ENGAGED IN PRACTICE", "PERSON", AND "ETHICS" AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 40-22-30, RELATING TO PRACTICING WITHOUT A LICENSE AND PENALTIES, TO PROVIDE THAT BROKERING OR COORDINATING OF ENGINEERING OR SURVEYING SERVICES FOR A FEE IS PROHIBITED; TO ADD SECTION 40-22-35, TO PROVIDE THAT A REGISTERED ENGINEER OR SURVEYOR MAY NOT ENTER INTO A CONTRACT FOR PROFESSIONAL SERVICES ON PUBLIC WORK ON ANY BASIS OTHER THAN DIRECT NEGOTIATION, THEREBY PRECLUDING PARTICIPATION IN ANY SYSTEM REQUIRING A COMPARISON OF COMPENSATION, AND A REGISTERED ENGINEER OR SURVEYOR MAY STATE COMPENSATION TO A PROSPECTIVE CLIENT AS PART OF DIRECT NEGOTIATION AFTER THEIR SELECTION AS THE MOST QUALIFIED PROVIDER AND WHERE ENGINEERING AND SURVEYING SERVICES NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE HAVE BEEN DEFINED; TO AMEND SECTION 40-22-50, RELATING TO DUTIES OF THE BOARD, TO PROVIDE THAT THE BOARD SHALL MAINTAIN AN UPDATED ROSTER OR SUPPLEMENTS TO THE ROSTER CONTAINING THE CURRENT NAMES AND PLACES OF BUSINESS OF ALL PROFESSIONAL ENGINEERS AND ALL PROFESSIONAL SURVEYORS, AS WELL AS A LISTING OF BUSINESS ENTITIES HOLDING A VALID CERTIFICATE OF AUTHORIZATION TO PRACTICE ENGINEERING OR SURVEYING, OR BOTH, IN THIS STATE; TO AMEND SECTION 40-22-60 TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 40-22-75, RELATING TO THE WAIVER OF LICENSING REQUIREMENTS DURING EMERGENCIES, TO PROVIDE THAT THE BOARD MAY WAIVE ALL LICENSING AND CREDENTIALING REQUIREMENTS UNDER STATE LAW FOR THE PERIOD OF A DECLARED NATIONAL OR STATE PUBLIC EMERGENCY, NOT TO EXCEED NINETY DAYS; TO AMEND SECTION 40-22-110, RELATING TO PENALTIES, TO PROVIDE THAT THE LICENSE OF A PERSON ADJUDGED MENTALLY INCOMPETENT IS DEEMED AUTOMATICALLY SUSPENDED UNTIL THE PERSON IS ADJUDGED AS BEING RESTORED TO MENTAL COMPETENCY BY A COURT OF COMPETENT JURISDICTION OR IN ANY OTHER MANNER PROVIDED BY LAW; TO AMEND SECTION 40-22-220, RELATING TO ELIGIBILITY REQUIREMENTS FOR LICENSURE AS AN ENGINEER, TO PROVIDE FOR THE EDUCATIONAL REQUIREMENTS AND EXPERIENCE REQUIREMENTS FOR ENGINEERS; TO AMEND SECTION 40-22-222, RELATING TO LICENSING OF EXISTING ENGINEERS, TO ADD THE ETAC/ABET ACCREDITED CURRICULUM; TO AMEND SECTION 40-22-225, RELATING TO ELIGIBILITY REQUIREMENTS FOR LICENSURE AS A SURVEYOR, TO REMOVE A SPECIFIC RECORD OF ONE OR MORE YEARS OF PROGRESSIVE PRACTICAL EXPERIENCE OF A CHARACTER SATISFACTORY TO THE BOARD AND PERFORMED UNDER A PRACTICING REGISTERED PROFESSIONAL SURVEYOR AS MINIMUM EVIDENCE AS QUALIFICATION OF A SURVEYOR-IN-TRAINING, AND TO PROVIDE THAT THE APPLICANT IS REQUIRED TO TAKE SUCH STATE SPECIFIC EXAMINATIONS AS THE BOARD CONSIDERS NECESSARY TO ESTABLISH THAT HIS QUALIFICATIONS MEET THE REQUIREMENTS OF THIS CHAPTER AND THE REGULATIONS PROMULGATED BY THE BOARD; TO AMEND SECTION 40-22-230, RELATING TO REFERENCES AND EXAMINATIONS, TO PROVIDE THAT THE APPLICATION FOR ENGINEERING LICENSURE AND FOR SURVEYING LICENSURE MAY INCLUDE OTHER REFERENCES APPROVED BY THE BOARD, AND A CANDIDATE WHO HAS FAILED AN EXAMINATION MAY APPLY FOR RE-EXAMINATION AFTER A PERIOD OF TIME DETERMINED BY THE BOARD, BUT NOT EARLIER THAN THREE MONTHS FOLLOWING THE DATE OF THE FAILED EXAMINATION, AND NOT MORE THAN THREE TIMES IN ONE CALENDAR YEAR, AND MUST PAY ALL APPLICABLE EXAMINATION FEES, AND A CANDIDATE FOR LICENSURE WHO HAS FAILED THE SAME TOPICAL EXAMINATION TWO TIMES SHALL PROVIDE EVIDENCE SATISFACTORY TO THE BOARD THAT THE CANDIDATE HAS TAKEN ADDITIONAL STEPS, AND THE BOARD MAY REFUSE FURTHER EXAMINATION UNTIL THE CANDIDATE PROVIDES ACCEPTABLE EVIDENCE, AND A CANDIDATE WHO HAS FAILED AN EXAMINATION THREE TIMES MUST SUBMIT A NEW APPLICATION, AND A CERTIFICATE OF REGISTRATION MUST STATE THE FULL NAME OF THE LICENSEE AND LICENSE NUMBER; TO AMEND SECTION 40-22-250, RELATING TO CERTIFICATE OF AUTHORIZATION TO PRACTICE AS A FIRM, TO PROVIDE THAT ONE OR MORE OF THE CORPORATE OFFICERS, OR ONE OR MORE OF THE PRINCIPAL OWNERS, OR A FULL-TIME LICENSED EMPLOYEE, ARE DESIGNATED AS BEING RESPONSIBLE

FOR THE PROFESSIONAL SERVICES REGULATED BY THIS BOARD AND ARE LICENSED UNDER THIS CHAPTER, AND PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS ENGAGED IN THE PRACTICE THROUGH FIRMS MAY MAINTAIN BRANCH OFFICES IN ADDITION TO THE PRINCIPAL PLACE OF BUSINESS, AND EACH PRINCIPAL PLACE OF BUSINESS, AS WELL AS EACH BRANCH OFFICE PROVIDING SERVICES IN THIS STATE, MUST HAVE A RESIDENT PROFESSIONAL ENGINEER IN RESPONSIBLE CHARGE OF ENGINEERING WORK OR A RESIDENT PROFESSIONAL SURVEYOR IN RESPONSIBLE CHARGE OF THE FIELD AND OFFICE SURVEYING WORK PROVIDED, AND A PROFESSIONAL ENGINEER MUST SUPERVISE THE ENGINEERING ACTIVITIES OF EACH BRANCH OFFICE AND A PROFESSIONAL SURVEYOR MUST SUPERVISE THE SURVEYING ACTIVITIES OF EACH BRANCH OFFICE, AND THE RESIDENT PROFESSIONAL ENGINEER OR RESIDENT PROFESSIONAL SURVEYOR IS CONSIDERED IN RESIDENCE IN ONLY ONE PLACE OF BUSINESS AT A GIVEN TIME; TO AMEND SECTION 40-22-260, RELATING TO TEMPORARY LICENSES AND CERTIFICATES OF AUTHORIZATION, TO PROVIDE THAT UPON APPLICATION TO AND APPROVAL BY THE BOARD AND PAYMENT OF THE FEE PROVIDED IN REGULATION, THE BOARD SHALL GRANT A TEMPORARY CERTIFICATE OF AUTHORIZATION TO A FIRM SUBJECT TO CERTAIN RESTRICTIONS AND TO STRIKE PROVISIONS RELATING TO BRANCH OFFICES; TO AMEND SECTION 40-22-270, RELATING TO INDIVIDUAL SEALS, BY ADDING THAT THE SEAL AND SIGNATURE OF A LICENSEE CERTIFIES THAT THE DOCUMENT WAS PREPARED BY THE LICENSEE OR HIS AGENT, AND FOR PROTOTYPICAL DOCUMENTS, THE SEAL AND SIGNATURE OF A LICENSEE INDICATES HE HAS SUFFICIENTLY REVIEWED THE DOCUMENT AND IS ABLE TO FULLY COORDINATE AND ASSUME RESPONSIBILITY FOR APPLICATION OF THE PLANS; TO AMEND SECTION 40-22-280, RELATING TO CERTAIN EXCEPTIONS, TO PROVIDE THAT THIS CHAPTER MAY NOT BE CONSTRUED TO PREVENT OR TO AFFECT FULL-TIME, NON-TEMPORARY EMPLOYEES; AND TO AMEND SECTION 40-22-290, RELATING TO TIER A SURVEYING, TO PROVIDE THAT THE PRACTICE OF TIER A SURVEYING DOES NOT INCLUDE THE CREATION OF NON-TECHNICAL MAPS, AND TO MAKE TECHNICAL CHANGES.

**03/07/13 Senate Introduced and read first time (Senate Journal-page 3)**

**03/07/13 Senate Referred to Committee on Labor, Commerce and Industry (Senate Journal-page 3)**