

1 AN ACT  
2

3 Amending the Act of May 23, 1945 (P.L. 913, No. 367), entitled, as amended, "An Act  
4 related to and regulating the practice of engineering, including civil engineering,  
5 mechanical engineering, mining engineering and chemical engineering, the profession  
6 of land surveying and the profession of geology and constituent parts and  
7 combinations thereof as herein defined; providing for the licensing and registration of  
8 persons practicing such profession, and the certification of engineers-in-training and  
9 surveyors-in-training, and the suspension and revocation of said licenses, registrations  
10 and certifications for violation of this act; prescribing the powers and duties of the  
11 State Registration Board for Professional Engineers, Land Surveyors and Geologists,  
12 the Department of State and the courts; prescribing penalties; and repealing existing  
13 laws," providing for the regulation of the profession of forestry.  
14

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

17 Section 1. The title and section 1 of the Act of May 23, 1945 (P.L. 913, No. 367),  
18 known as the Professional Engineers, Professional Land Surveyors and Professional  
19 Geologists Registration Law, amended \_\_\_\_\_ (P.L. \_\_\_\_\_, No. \_\_\_\_\_) are amended to  
20 read:

21 AN ACT

22 Amending the Act of May 23, 1945 (P.L. 913, No. 367), entitled, as amended, "An Act  
23 related to and regulating the practice of engineering, including civil engineering,  
24 mechanical engineering, mining engineering and chemical engineering, the profession  
25 of land surveying [and], the profession of geology and the profession of forestry and  
26 constituent parts and combinations thereof as herein defined; providing for the  
27 licensing and registration of persons practicing such profession, and the certification  
28 of engineers-in-training and surveyors-in-training, and the suspension and revocation  
29 of said licenses, registrations and certifications for violation of this act; prescribing  
30 the powers and duties of the State Registration Board for Professional Engineers,  
31 Land Surveyors [and], Geologists and Foresters, the Department of State and the  
32 courts; prescribing penalties; and repealing existing laws.

33 Section 1. Short Title.—This act shall be known and may be cited as the "Engineer,  
34 Land Surveyor [and], Geologist and Forester Registration Law."

1 Section 2. Section 2 of the act, amended \_\_\_\_\_ (P.L. \_\_\_\_\_, No. \_\_\_\_\_) is amended  
2 and the section is amended by adding subsections to read:

3 Section 2. Definitions.—As used in this act—

4 \* \* \*

5 (g) “Board” means the State Registration Board for Professional Engineers, Land  
6 Surveyors [and], Geologists and Foresters.

7 \* \* \*

8 (i) “Responsible charge” means a position that requires initiative, skill and  
9 independent judgment, and implies such degrees of competence and accountability  
10 gained by technical education and experience of a grade and character as is sufficient to  
11 qualify an individual to personally and independently engage in and be entrusted with the  
12 work involved in the practice of engineering [or], land surveying or forestry. This term  
13 does not include positions which require routine performance of subprofessional work  
14 such as auxiliary survey personnel (unless acting as chief of party) and drafting  
15 personnel.

16 (o) “Forestry” means the science, the art and the practice of conserving and managing  
17 for human benefit the natural resources, including the trees, other plants, animals, and  
18 soil and water that occur on and in association with forest lands.

19 (p) “Practice of forestry” means any professional services requiring the application of  
20 forestry principles and techniques. Such services shall include, but not be limited to,  
21 forest inventory, forest management planning, timber appraisal, the direction and  
22 supervision of silvicultural activities, the use and protection of forested areas, and the  
23 evaluation of the economic and biological consequences of forest management activities.  
24 The term practice of forestry shall not be construed to include

25 (1) the usual and accustomed practices of loggers and timber buyers in connection  
26 with purchasing and harvesting timber, provided that they do not represent  
27 themselves to be foresters or characterize their services as forestry services;

28 (2) preparation of erosion and sediment control plans pursuant to state laws; and

29 (3) the practice of engineering, land surveying or geology for which separate  
30 registration is required under the provisions of this act or landscape architecture for  
31 which separate registration is required under the provisions of Act 535 of 1965.

1 Section 3. Section 3, 4, and 4.1 of the act, amended \_\_\_\_\_ (P.L. \_\_\_\_\_, No. \_\_\_\_\_)  
2 are amended to read:

3 Section 3. Practice of Engineering, Land Surveying [or], Geology or Forestry Without  
4 Licensure and Registration Prohibited.—

5 (a) In order to safeguard life, health or property and to promote the general welfare, it  
6 is unlawful for any person to practice or to offer to practice engineering in this  
7 Commonwealth, unless he is licensed and registered under the laws of this  
8 Commonwealth as a professional engineer, for any person to practice or to offer to  
9 practice land surveying, unless he is licensed and registered under the laws of this  
10 Commonwealth as a professional land surveyor [or], for any person to practice or to offer  
11 to practice geology unless he is licensed and registered under the laws of this  
12 Commonwealth as a professional geologist or for any person to practice or to offer to  
13 practice forestry unless he is licensed and registered under the laws of this  
14 Commonwealth as a professional forester. Individuals licensed as professional engineers,  
15 professional land surveyors or registered landscape architects may perform geological  
16 work which is incidental to their engineering, surveying or landscape architecture without  
17 being licensed as a professional geologist. Individuals licensed as professional engineers,  
18 professional land surveyors, professional geologists or registered landscape architects  
19 may perform forestry work which is incidental to their engineering, surveying, geology or  
20 landscape architecture without being a professional forester. Individuals licensed as  
21 professional foresters may perform engineering, surveying, geological or landscape  
22 architecture work which is incidental to their forestry work.

23 (b) A person shall be construed to practice or offer to practice engineering, land  
24 surveying [or], geology or forestry who practices any branch of the profession of  
25 engineering, land surveying [or], geology or forestry; or who, by verbal claim, sign,  
26 advertisement, letterhead, card, or in any other way represents himself to be an engineer,  
27 land surveyor [or], geologist or forester, or through the use of some other title implies  
28 that he is an engineer, land surveyor [or], geologist or forester or that he is registered  
29 under this act; or who holds himself out as able to perform, or who does perform any

1 engineering, land surveying [or], geological or forestry service or work or any other  
2 service designated by the practitioner or recognized as engineering, land surveying or  
3 geology.

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

5 (a) Approval of Engineering, Surveying [and], Geology and Forestry Curricula.—To  
6 investigate and to approve or disapprove engineering, surveying [and], geology and  
7 forestry curricula of this State, and other states, territories and countries for the education  
8 of students desiring to be licensed to engage in the practice of engineering, land  
9 surveying [or], geology or forestry, and to revoke or suspend approvals where they are no  
10 longer deemed proper.

11 (b) Licensing Professional Engineers, Professional Land Surveyors [and],  
12 Professional Geologists and Professional Foresters.—To provide for and to regulate the  
13 licensing, and to license to engage in the practice of engineering, land surveying [or],  
14 geology or forestry any person of good moral character and repute who speaks and writes  
15 the English language, if such person either—

16 (1) Holds an unexpired license or certificate of registration issued to him by  
17 proper authority of some other state, foreign country or territory of the United States  
18 in which the requirements and qualifications to engage in the practice of engineering,  
19 land surveying [or], geology or forestry were at the time of the initial issuance of such  
20 license or certificate of registration at least equal to the existing standards of this  
21 Commonwealth: Provided, however, That such other state, territory or foreign  
22 country shall similarly license or register professional engineers, professional land  
23 surveyors [or], professional geologists or professional foresters licensed and  
24 registered in this Commonwealth. A person may be licensed under this subsection  
25 without examination.

26 (2) In relation to engineers and surveyors, holds a certificate of qualifications  
27 issued by the National Bureau of Engineering Registration of the National Council of  
28 Examiners for Engineering and Surveying: Provided, The requirements and  
29 qualifications of said bodies to engage in the practice of engineering or land

1 surveying are at least equal to the standards of this Commonwealth. A person may be  
2 licensed under this subsection without examination.

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

8 (3) Complies with the education and experience criteria and successfully  
9 completes the two-examination process for licensing as a professional engineer, as set  
10 forth in section 4.2, or as a professional land surveyor, as set forth in section 4.3, or  
11 the examination process for licensing as a professional geologist as set forth in  
12 section 4.4 or as a professional forester as set forth in section 4.5.

13 (c) Investigations of Applications; Determination of Competency of Applicants.—To  
14 investigate the allegations contained in any application for licensure or certification under  
15 this act in order to determine the truth of such allegations and to determine the  
16 competency of any person applying for licensure to assume responsible charge of the  
17 work involved in the practice of engineering, land surveying [or], geology or forestry,  
18 such competency to be determined by the grade and character of the engineering work,  
19 the grade and character of the land surveying work [or], the grade and character of  
20 geologic work or the grade and character of forestry work actually performed. In relation  
21 to engineers and surveyors, the mere execution as a contractor of work designed by a  
22 professional engineer, or the supervision of the construction of such work as a foreman or  
23 superintendent, or the operation or maintenance of machinery or equipment, or work  
24 performed as a salesman of engineering equipment or apparatus, shall not be deemed to  
25 be active practice in engineering, unless such work has involved the actual practice of  
26 engineering. Engineering and land surveying work, performed under the supervision of a  
27 professional engineer or land surveyor, respectively, shall be given full credit. Whenever  
28 the board determines otherwise than by examination, that an applicant has not produced  
29 sufficient evidence to show that he is competent to be placed in responsible charge and

1 shall refuse to examine or to license such applicant, it shall set forth in writing its  
2 findings and the reasons for its conclusions and furnish a copy thereof to the applicant.

3 (d) Examinations; Fees.—To prescribe the subjects, manner, time and place of  
4 examinations for licenses as professional engineers, professional land surveyors [and],  
5 professional geologists and professional foresters and for certificates for engineers-in-  
6 training and surveyors-in-training, and the filing of applications for such examinations,  
7 and to prepare or provide for the preparation of such examinations, conduct or provide  
8 for the conduct of such examinations, to make written reports of such examinations,  
9 which reports shall be preserved for a period of not less than three years, to collect such  
10 fees for such examinations, and for licenses and certificates issued without examination,  
11 as may be fixed according to law, and to issue licenses and certificates to such persons as  
12 successfully pass such examinations.

13 (e) Biennial Registrations; Fees.—To provide for, regulate and require all persons  
14 licensed in accordance with the provisions of this act and all persons licensed and  
15 registered under prior laws of this Commonwealth, relating to the licensing of  
16 professional engineers [and], professional land surveyors, professional geologists and  
17 professional foresters, to register biennially with the board, to prescribe the form of such  
18 registration, after consultation with the Commissioner of Professional and Occupational  
19 Affairs and the payment of such biennial registration fee, as shall be fixed according to  
20 law, to issue biennial registration to such persons and to suspend or revoke the license or  
21 registration of such persons as fail, refuse or neglect to so register, or pay such fee within  
22 such time as the board shall prescribe by its rules and regulations, and to reinstate  
23 licenses and registrations of persons who shall thereafter pay such registration fees in  
24 accordance with the rules and regulations of the board.

25 (f) Roster of Registrants.—To keep a roster showing the names and addresses of  
26 professional engineers, professional land surveyors [and], professional geologists and  
27 professional foresters licensed under this act, and under prior laws, and registered by the  
28 board, which roster shall be published in booklet form by the board following each  
29 biennial renewal. Copies of the roster shall be furnished upon request to each registered

1 or certified person and may be furnished to other persons upon such terms as the board  
2 shall prescribe: Provided, however, That copies of the roster shall be furnished to the  
3 Planning Commission and the prothonotary of each county in the Commonwealth.

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

1 It shall be considered unprofessional and inconsistent with honorable and dignified  
2 bearing for any professional engineer, professional land surveyor [or], professional  
3 geologist or professional forester:

4 (1) To act for his client or employer in professional matters otherwise than as a  
5 faithful agent or trustee, or to accept any remuneration other than his stated  
6 recompense for services rendered.

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

9 (3) To attempt to supplant another engineer, land surveyor [or], geologist or  
10 forester after definite steps have been taken toward his employment.

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

13 (5) To review the work of another engineer, land surveyor [or], geologist or  
14 forester for the same client, except with the knowledge of such engineer, land  
15 surveyor [or], geologist or forester, or unless the connection of such engineer, land  
16 surveyor [or], geologist or forester with the work has terminated.

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

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

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

25 (9) To use or permit the use of his professional seal on work over which he was  
26 not in responsible charge.

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

29 The board shall appoint, with the approval of the Governor, such hearing examiners

1 as shall be necessary to conduct hearings as may be required under this subsection.

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

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

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

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

19 (h) Financial Requirements of Board.—

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

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

27 (i) Administration and Enforcement of Laws.—To administer and enforce the laws of  
28 the Commonwealth relating to the practice of engineering, land surveying [and], geology  
29 or forestry, and to instruct and require its agents to bring prosecutions for unauthorized

1 and unlawful practices.

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

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

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

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

17 Section 4.1. State Registration Board for Professional Engineers, Land Surveyors [and],  
18 Geologists and Foresters.—

19 (a) There is hereby established within the Department of State the State Registration  
20 Board for Professional Engineers, Land Surveyors [and], Geologists and Foresters. The  
21 board shall consist of the Commissioner of Professional and Occupational Affairs, three  
22 members appointed by the Governor who shall be persons representing the public at large  
23 and [nine] eleven members appointed by the Governor, five of whom shall be registered  
24 professional engineers, two of whom shall be registered professional land surveyors  
25 [and], two of whom shall be registered professional geologists and two of whom shall be  
26 registered professional foresters. Any land surveyor [and], geologist or forester appointed  
27 to serve on the board shall have received the respective land surveyor license [or],  
28 geologist license or forester license upon the passage of the appropriate examinations:  
29 Provided, however, That for the initial board appointments, the two professional

1 [geologist] forester members need not be licensed by examination at the time of  
2 appointment but must have satisfied the education and experience requirements of this act  
3 for licensure as a professional [geologist] forester. The professional members of the  
4 board shall be so selected that not more than two of them shall specialize in any one of  
5 the five major disciplines of engineering: civil, mining and metallurgical, mechanical,  
6 electrical and chemical. Each member of the board shall be a citizen of the United States  
7 and a resident of this Commonwealth. Each professional member shall have been  
8 engaged in the practice of the respective profession for at least ten years and shall have  
9 been in responsible charge of work for at least five years.

10 (b) The terms of members of the board shall be six years, or until his successor has  
11 been appointed and qualified but not longer than six months beyond the six-year period.  
12 In the event that any of said members shall die or resign during his term, his successor  
13 shall be appointed in the same way and with the same qualifications and shall hold office  
14 for the unexpired term. No member shall be eligible for appointment to serve more than  
15 two consecutive full terms.

16 (c) [~~Seven~~] Eight members of the board shall constitute a quorum. A member may not  
17 be counted as part of a quorum or vote on any issue, other than temporary and automatic  
18 suspension, under this act unless he is physically in attendance at the meeting.

19 (d) The board shall select annually a president from among its members.

20 (e) Each member of the board, except the Commissioner of Professional and  
21 Occupational Affairs and the Director of the Bureau of Consumer Protection in the Office  
22 of Attorney General, or his designee, shall receive sixty dollars per diem when actually  
23 attending to the work of the board. Members shall also receive the amount of reasonable  
24 traveling, hotel and other necessary expenses incurred in the performance of their duties.

25 (f) The board is subject to evaluation, review and termination within the time and in  
26 the manner provided in the act of December 22, 1981 (P.L. 508,  
27 No. 142), known as the "Sunset Act."

28 (g) A member of the board who fails to attend three consecutive meetings shall forfeit  
29 his seat unless the Commissioner of Professional and Occupational Affairs, upon written

1 request from the member, finds that the member should be excused from a meeting  
2 because of illness or the death of a family member.

3 (h) A public member who fails to attend two consecutive statutorily mandated  
4 training seminars in accordance with section 813(e) of the act of April 9, 1929 (P.L. 177,  
5 No. 175), known as "The Administrative Code of 1929," shall forfeit board membership  
6 unless the Commissioner of Professional and Occupational Affairs, upon written request  
7 from the public member, finds that the public member should be excused from a meeting  
8 because of illness or the death of a family member.

9 Section 4. The act is amended by adding a section to read:

10 Section 4.5. Procedure for licensing as a Professional Forester.—

11 (a) The board shall provide for a licensure examination. All written, oral and practical  
12 examinations shall be prepared and administered by a qualified and approved  
13 professional testing organization in a manner prescribed for written examinations by the  
14 provisions of section 812.1 of the act of April 9, 1929 (P.L. 177, No. 175), known as  
15 “The Administrative Code of 1929.” However, during the first two years after the  
16 effective date of this act, the board shall issue licenses without examination to applicants  
17 who meet the requirements of subsection (b)(1, (2) and (4). The board may further  
18 postpone the examination for up to two additional years if necessary in order to provide  
19 for an examination in accordance with section 812.1 of “The Administrative Code of  
20 1929.”

21 (b) An applicant shall be qualified to be licensed after submission of proof  
22 satisfactory to the board that the applicant:

23 (1) Is of good moral character.

24 (2) Has met one of the following education and experience requirements:

25 (i) Has graduated from an approved 4 year forestry curriculum or attained a  
26 higher degree in an approved forestry curriculum and has completed at least 4  
27 years of professional forestry work including at least 2 years under the  
28 supervision of a licensed professional forester or 4 years in a responsible position  
29 in professional forestry work; or

1           (ii) Has graduated from an approved 2 year forestry curriculum and has  
2 completed at least 6 years of professional forestry experience including at least 3  
3 years under the supervision of a licensed professional forester or 6 years in a  
4 responsible position in forestry work. For the purposes of this act individuals who  
5 have graduated from a one year concentrated 12 month curriculum in forestry  
6 technology, such as the Syracuse Wanakena Ranger, Forest Technician School  
7 shall be considered to have attained the equivalent of a two year forest technology  
8 degree.

9           (iii) Professional forestry work performed prior to the effective date of this  
10 section shall satisfy the requirement of section 4.5 (b)(2)(i) and section  
11 4.5(b)(2)(ii) if it is performed under the supervision of either a licensed  
12 professional forester or a forester who was not licensed. For the purposes of this  
13 section, professional forestry work does not include routine activities in the  
14 process of sampling, laboratory work, forestry drafting, timber marking, log and  
15 lumber scaling and grading, and timber harvesting activity. Credit for graduate  
16 study may not exceed a total of 2 years of professional forestry work.

17           (3) Has passed any examination adopted by the board.

18           (4) Has paid all appropriate fees in the amount determined by the board by  
19 regulation.

20           (5) Other than herein otherwise provided, a licensed professional forester shall  
21 only maintain licensure upon submission of documentation to the satisfaction of the  
22 board, submitted concurrent with required biennial fees, that the individual licensed  
23 under this act as a registered professional forester has completed a minimum of 40  
24 contact hours in continuing forestry education training during the preceding biennial  
25 registration period provided by any board recognized national professional forestry  
26 society or association serving licensed professional foresters or continuing forestry  
27 education training which was otherwise approved by the board.

28           (c) Individuals engaged in the practice of forestry on the effective date of this act who  
29 have attained, at the minimum, a two year degree in a field of study closely related to

1 forestry or who have only completed 3 years of an approved four year forestry curriculum  
2 who meet all requirements of subsections (b)(1), (2) and (4) other than graduating from a  
3 two or four year forestry curriculum shall not be denied the privilege of the practice of  
4 forestry until they have had the opportunity to pass the examination provided for under  
5 subsection 4.5(a) of this act, provided that they comply with the continuing education  
6 requirement of subsection 4.5(b)(5) of this act during any period prior to their  
7 examination.

8 (i) Individuals so practicing without a license may not represent themselves to be  
9 licensed foresters, but shall be permitted to represent themselves as “forester  
10 applicant, license pending examination.”

11 (ii) Other applicants who have graduated from an approved two year or four year  
12 forestry curriculum, who have submitted to the board any application required by this  
13 act during the first two years following the effective date of this act which fully  
14 documents the required training and forestry work experience as required in  
15 subsection (2)(i) or (2)(ii) of this section shall not be denied the privilege of  
16 representing themselves to be foresters, unless their application is denied by the  
17 board.

18 (iii) No person may represent themselves to be a registered professional forester  
19 in Pennsylvania until so licensed by the board.

20 Section 5. Section 5 of the act, as amended, is amended to read:

21 Section 5. Exemption from Licensure and Registration.—Except as specifically  
22 provided in this section, this act shall not be construed to require licensure and  
23 registration in the following cases:

24 (a) The practice of engineering, land surveying [or], geology or forestry by any  
25 person who acts under the supervision of a professional engineer, professional land  
26 surveyor or geologist, respectively, or by an employe of a person lawfully engaged in the  
27 practice of engineering, land surveying [or], geology or forestry and who, in either event,  
28 does not assume responsible charge of design or supervisions;

29 (b) The practice of engineering, land surveying [or], geology or forestry, not

1 exceeding thirty days in the aggregate in one calendar year, by a nonresident not having a  
2 place of business in this Commonwealth, if such person is legally qualified to engage in  
3 the practice of engineering, land surveying [or], geology or forestry in the state or  
4 territory of his residence: Provided, That standards of such state or territory are at least  
5 equal to the standards of this Commonwealth;

6 (c) The practice of engineering, land surveying [or], geology or forestry by officers  
7 and employes of the United States Government for the said government;

8 (d) Except as otherwise provided in subsection (g) of this section, the practice of  
9 engineering [or], land surveying or forestry by a regular employe of a public utility  
10 company, as defined by the Public Utility Code (66 Pa.C.S. § 101 et seq.) in connection  
11 with the facilities of such public utility, which are subject to regulation by the  
12 Pennsylvania Public Utility Commission: Provided, That such public utility shall employ  
13 at least one professional engineer, as defined in this act, who shall be in responsible  
14 charge of such utility's engineering work [and], shall employ at least one professional  
15 land surveyor, as defined in this act, who shall be in responsible charge of such utility's  
16 land surveying and shall employ at least one professional forester, as defined by this act,  
17 who shall be in responsible charge of such utility's forestry work;

18 (e) The practice of architecture by a duly registered architect, and the doing of such  
19 engineering work as is incidental to his architectural work;

20 (f) The practice of engineering, land surveying [or], geology or forestry by any person  
21 or by any employe of any copartnership, association or corporation upon property owned  
22 by such person or such copartnership, association or corporation, unless such practice  
23 affects the public safety or health or the property of some other person or entity.

24 (g) The practice of engineering, land surveying [or], geology or forestry work by a  
25 manufacturing, mining, communications common carrier, research and development or  
26 other industrial corporation or by employes of such corporation, provided such work is in  
27 connection with or incidental to products of, or non-engineering or non-forestry services  
28 rendered by, such corporation or its affiliates.

29 (h) The running of lines or grades and layout work on or within established property

1 limits, or from established points outside the property limits to or within such property  
2 limits when performed by a contractor or home builder in conjunction with the  
3 construction, reconstruction, alteration, maintenance or demolition of a structure or other  
4 facility.

5 (i) The writing of deed descriptions.

6 (j) The preparation of shop drawings or the performance of construction management  
7 services by persons customarily engaged in construction work.

8 (k) The practice of individuals providing geologic services to businesses engaged in  
9 the exploration or development of gas or oil.

10 Section 6. Sections 6, 7, 9, 10.2, 11, and 11.1 of the act, as amended, are hereby  
11 amended to read:

12 Section 6. Practice by Firms and Corporations.—The practice of engineering, of land  
13 surveying [and], of geology and of forestry being the function of an individual or of  
14 individuals working in concerted effort, it shall be unlawful for any firm or corporation to  
15 engage in such practice, or to offer to practice, or to assume use or advertise any title or  
16 description conveying the impression that such firm or corporation is engaged in or is  
17 offering to practice such profession, unless the directing heads and employes of such firm  
18 or corporation in responsible charge of its activities in the practice of such profession are  
19 licensed and registered in conformity with the requirements of this act, and whose name,  
20 seal and signature, along with the date of signature, shall be stamped on all plans,  
21 specifications, plats and reports issued by such firm or corporation.

22 Section 7. Seal of Registrants.—

23 (a) Each person, registered under this act, shall obtain a seal of a design authorized by  
24 the board which shall bear the registrant's name and number and the legend "Registered  
25 Professional Engineer," "Registered Professional Land Surveyor," [or] "Registered  
26 Professional Geologist[.]" or "Registered Professional Forester." Such seal, or a facsimile  
27 imprint of same, shall be stamped on all plans, specifications, plats and reports issued by  
28 a professional engineer, professional land surveyor [or], professional geologist or  
29 professional forester.

1 (b) It shall be unlawful for any person to use such seal during the period the license or  
2 registration of the holder thereof has been suspended or revoked, or to use a seal of any  
3 design not approved by the board.

4 Section 9. Fees.—

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

15 (b) If the Bureau of Professional and Occupational Affairs determines that the fees  
16 established by the board are inadequate to meet the minimum enforcement efforts  
17 required, then the bureau, after consultation with the board, shall increase the fees by  
18 regulation, subject to review in accordance with the "Regulatory Review Act," such that  
19 adequate revenues are raised to meet the required enforcement effort.

20 (c) All persons now qualified and engaged in the practice of engineering, land  
21 surveying [and], geology and forestry, or who shall hereafter be licensed by the board  
22 shall register, biennially, with the board and pay the fee for each biennial registration. All  
23 fees collected under the provisions of this act shall be received by the board and shall be  
24 paid into the Professional Licensure Augmentation Account.

25 Section 10.2. Reporting of Multiple Licensure.—Any licensee of this Commonwealth  
26 who is also licensed to practice engineering, land surveying [or], geology or forestry in  
27 any other state, territory or country shall report this information to the board on the  
28 biennial renewal application. Any disciplinary action taken in other states, territories or  
29 countries shall be reported to the board on the biennial renewal application or within

1 ninety days of final disposition, whichever is sooner. Multiple licensure shall be noted by  
2 the board on the engineer's, land surveyor's [or], geologist's record or forester's record,  
3 and each state, territory or country shall be notified by the board of any disciplinary  
4 action taken against the licensee in this Commonwealth.

5 Section 11. Penalties.—

6 (a) Whoever shall engage in the practice of engineering, the practice of land  
7 surveying [or], the practice of geology or the practice of forestry without being licensed  
8 and registered as required by this act, or exempted therefrom, as provided in this act, or  
9 shall present or attempt to use, as his own, the license or certificate of registration of  
10 another, or shall give any false or forged evidence of any kind to the board, or to any  
11 member thereof, in order to obtain a license or registration as a professional engineer,  
12 professional land surveyor [or], professional geologist or professional forester or a  
13 certificate as an engineer-in-training or surveyor-in-training, or shall use any expired,  
14 suspended or revoked certificate of registration, or shall otherwise violate the provisions  
15 of this act, shall be guilty of a summary offense and upon conviction thereof for a first  
16 offense, shall be sentenced to pay a fine not exceeding one thousand dollars, or suffer  
17 imprisonment, not exceeding three months, or both and for a second or subsequent  
18 offense shall be guilty of a felony, and upon conviction thereof, shall be sentenced to pay  
19 a fine of not less than two thousand dollars but not more than five thousand dollars or to  
20 imprisonment for not less than one year but not more than two years, or both.

21 (b) In addition to any other civil remedy or criminal penalty provided for in this act,  
22 the board, by a vote of the majority of the maximum number of the authorized  
23 membership of the board as provided by law, or by a vote of the majority of the duly  
24 qualified and confirmed membership or a minimum of [six] seven members, whichever is  
25 greater, may levy a civil penalty of up to one thousand dollars on any current licensee  
26 who violates any provision of this act or on any person who practices the profession of an  
27 engineer, land surveyor [or], geologist or forester without being properly licensed to do  
28 so under this act. The board shall levy this penalty only after affording the accused party  
29 the opportunity for a hearing, as provided in Title 2 of the Pennsylvania Consolidated

1 Statutes (relating to administrative law and procedure).

2 (c) All fines and civil penalties imposed in accordance with this section shall be paid  
3 into the Professional Licensure Augmentation Account.

4 Section 11.1. Injunction Against Unlawful Practice.—It shall be unlawful for any  
5 person to practice, or attempt to offer to practice, engineering, land surveying [or],  
6 geology or forestry, as defined in this act, without having at the time of so doing a valid,  
7 unexpired, unrevoked and unsuspended license issued under this act. The unlawful  
8 practice of engineering, land surveying [or], geology or forestry, as defined in this act,  
9 may be enjoined by the courts on petition of the board or the Commissioner of  
10 Professional and Occupational Affairs. In any such proceeding, it shall not be necessary  
11 to show that any person is individually injured by the actions complained of. If the  
12 respondent is found guilty of the unlawful practice of engineering, land surveying [or],  
13 geology or forestry, the court shall enjoin him from so practicing unless and until he has  
14 been duly licensed. Procedure in such cases shall be the same as in any other injunction  
15 suit. The remedy by injunction hereby given is in addition to any other civil or criminal  
16 prosecution and punishment.

17 Section 7. Within 90 days of the effective date of this act, the Governor shall  
18 nominate one forester to serve a six-year term and one forester to serve a four-year term  
19 on the State Registration Board for Professional Engineers, Land Surveyors, Geologists,  
20 and Foresters.

21 Section 8. Severability. The provisions of this act are severable. If any provision of  
22 this act or its application to any person or circumstance is held invalid, the invalidity shall  
23 not affect other provisions or applications of this act which can be given effect without  
24 the invalid provision or application.

25 Section 9. This act shall take effect in 60 days.

26  
27