AN ACT

Amending the act of May 23, 1945 (P.L.913, No.367), entitled, as amended, "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," ADDING DEFINITIONS; FURTHER PROVIDING FOR GENERAL POWERS OF BOARD AND FOR PROCEDURE FOR LICENSING AS PROFESSIONAL GEOLOGIST; providing for continuing professional competency and education requirements; and further providing for practice by firms and corporations.

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

Section 1. Section 4.5 of the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, added November 29, 2006 (P.L.1534, No.170), is...
amended to read:

SECTION 1. SECTION 2 OF THE ACT OF MAY 23, 1945 (P.L.913, NO.367), KNOWN AS THE ENGINEER, LAND SURVEYOR AND GEOLOGIST REGISTRATION LAW, IS AMENDED BY ADDING SUBSECTIONS TO READ:

SECTION 2. DEFINITIONS.--AS USED IN THIS ACT--

* * *

(O) "ACTIVITY" SHALL MEAN ANY QUALIFYING ACTIVITY WITH A CLEAR PURPOSE AND OBJECTIVE WHICH WILL MAINTAIN, IMPROVE OR EXPAND THE SKILLS AND KNOWLEDGE RELEVANT TO A LICENSEE'S PROFESSIONAL PRACTICE.

(P) "COLLEGE OR UNIT SEMESTER HOUR" OR "COLLEGE OR UNIT QUARTER HOUR" SHALL MEAN CREDIT FOR COURSES IN PROGRAMS APPROVED BY THE ACCREDITATION BOARD OF ENGINEERING AND TECHNOLOGY OR THE NATIONAL ASSOCIATION OF STATE BOARDS OF GEOLOGY OR OTHER RELATED COLLEGE COURSES.

(Q) "CONTINUING EDUCATION UNIT" SHALL MEAN A UNIT OF CREDIT CUSTOMARILY USED FOR CONTINUING EDUCATION COURSES.

(R) "COURSE" SHALL MEAN ANY QUALIFYING COURSE WITH A CLEAR PURPOSE AND OBJECTIVE WHICH WILL MAINTAIN, IMPROVE OR EXPAND THE SKILLS AND KNOWLEDGE RELEVANT TO A LICENSEE'S PROFESSIONAL PRACTICE.

(S) "GEOLOGIST-IN-TRAINING" MEANS A CANDIDATE FOR LICENSURE AS A PROFESSIONAL GEOLOGIST WHO HAS BEEN GRANTED A CERTIFICATE AS A GEOLOGIST-IN-TRAINING AFTER SUCCESSFULLY PASSING THE REQUIRED WRITTEN EXAMINATION IN FUNDAMENTAL GEOLOGY SUBJECTS AND WHO SHALL BE ELIGIBLE, UPON COMPLETION OF THE REQUISITE YEARS OF EXPERIENCE IN GEOLOGY UNDER THE SUPERVISION OF A PROFESSIONAL OR SIMILARLY QUALIFIED GEOLOGIST, FOR THE FINAL EXAMINATION PRESCRIBED FOR LICENSURE AS A PROFESSIONAL GEOLOGIST.

(T) "PROFESSIONAL DEVELOPMENT HOUR" OR "PDH" SHALL MEAN
FIFTY MINUTES OF INSTRUCTION OR PRESENTATION RELEVANT TO
PROFESSIONAL PRACTICE OR ANY EQUIVALENT.

SECTION 2. SECTIONS 4(D) AND (G) AND 4.4 OF THE ACT, AMENDED
OR ADDED DECEMBER 16, 1992 (P.L.1151, NO.151), ARE AMENDED AND
THE SECTIONS ARE AMENDED BY ADDING SUBSECTIONS TO READ:

SECTION 4. GENERAL POWERS OF BOARD.--THE BOARD SHALL HAVE

POWER--

* * *

(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,
GEOLOGISTS-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.

* * *

(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, GEOLOGIST-IN-TRAINING OR SURVEYOR-IN-
TRAINING, WHO IS FOUND GUILTY BY THE BOARD, BY A MAJORITY VOTE
OF ALL ITS MEMBERS, OF THE PRACTICE OF ANY FRAUD, DECEIT OR
MISREPRESENTATION IN OBTAINING HIS LICENSE, CERTIFICATION OR REGISTRATION, OR OF GROSS NEGLIGENCE, INCOMPETENCY OR MISCONDUCT IN THE PRACTICE OF ENGINEERING, IN THE PRACTICE OF LAND SURVEYING OR IN THE PRACTICE OF GEOLOGY, OR OF VIOLATION OF THE CODE OF ETHICS OF THE ENGINEERING PROFESSION, AND TO REINSTATE SUSPENDED LICENSES, REGISTRATIONS AND CERTIFICATES IN ANY CASES WHERE A MAJORITY OF ALL THE MEMBERS OF THE BOARD SHALL DETERMINE THE SAME TO BE JUST AND PROPER. UNLESS ORDERED TO DO SO BY A COURT, THE BOARD SHALL NOT REINSTATE THE LICENSE, CERTIFICATE OR REGISTRATION OF A PERSON TO PRACTICE AS A PROFESSIONAL ENGINEER, PROFESSIONAL LAND SURVEYOR, PROFESSIONAL GEOLOGIST OR AN ENGINEER-IN-TRAINING, GEOLOGIST-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:

* * *

(N) MEMBER OF NATIONAL ASSOCIATION OF STATE BOARDS OF
GEOLOGY; DUES.--TO BECOME A MEMBER OF THE NATIONAL ASSOCIATION
OF STATE BOARDS OF GEOLOGY, TO PAY DUES AS THE ASSOCIATION SHALL
ESTABLISH, TO SEND DELEGATES TO THE ANNUAL MEETING OF THE
ASSOCIATION AND TO DEFRAY THEIR EXPENSES.

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."] AN APPLICANT FOR LICENSURE AS A PROFESSIONAL GEOLOGIST
SHALL SATISFACTORILY COMPLETE THE FUNDAMENTALS OF GEOLOGY
EXAMINATION AND PROVIDE THE BOARD WITH SATISFACTORY EVIDENCE OF
EXPERIENCE THAT WOULD HAVE PREPARED THE APPLICANT FOR THE
PRACTICE OF GEOLOGY.

* * *

(C) (1) AN APPLICANT FOR THE GEOLOGIST-IN-TRAINING
CERTIFICATE SHALL PROVIDE SATISFACTORY EVIDENCE OF GRADUATION
FROM AN APPROVED GEOLOGY CURRICULUM OF FOUR OR MORE YEARS.

(2) A GEOLOGY STUDENT THAT HAS COMPLETED TWO OR MORE YEARS
OF AN APPROVED PROGRAM IN GEOLOGY MAY SIT FOR THE FUNDAMENTALS
OF GEOLOGY EXAMINATION IF APPROVED BY THE BOARD BUT MAY NOT BE
CERTIFIED UNTIL PROOF OF GRADUATION IS SUBMITTED TO THE BOARD.

(D) UPON GRADUATION AN APPLICANT THAT HAS SATISFACTORILY COMPLETED THE FUNDAMENTALS OF GEOLOGY EXAMINATION SHALL BE CERTIFIED AS A GEOLOGIST-IN-TRAINING AND MAY RETAIN THAT CERTIFICATION UNTIL THE APPLICANT BECOMES LICENSED AS A PROFESSIONAL GEOLOGIST.

SECTION 3. SECTION 4.5 OF THE ACT, ADDED NOVEMBER 29, 2006 (P.L.1534, NO.170), IS AMENDED TO READ:

Section 4.5. [Mandatory Continuing Education.--(a) The board shall adopt, promulgate and enforce administrative rules and regulations establishing requirements of continuing education to be fulfilled by individuals licensed and registered under this act. Except as otherwise provided in this section, beginning with the licensure period designated by regulation, individuals licensed and registered under this act shall be required to complete twenty-four hours of mandatory continuing education during each two-year licensure period as a condition of biennial renewal.

(b) An individual applying for initial licensure and registration shall be exempt from the requirement set forth in subsection (a) for the licensure period immediately following initial licensure and registration.

(c) The board may waive all or a portion of the continuing education requirement established in subsection (a) for an individual licensed and registered under this act who shows to the satisfaction of the board that the individual was unable to complete the requirements due to serious illness, military service or other demonstrated hardship. The request shall be made in writing, with appropriate documentation, and shall include a description of circumstances sufficient to show why
the individual is unable to comply with the continuing education requirement set forth in subsection (a). Requests for waiver of the continuing education requirement shall be evaluated by the board on a case-by-case basis. The board shall send the individual written notification of its approval or denial of the request for waiver.

(d) An individual seeking to reinstate an inactive or lapsed license and registration shall show proof of compliance with the continuing education requirement for the preceding biennial renewal period.

(e) All courses, locations, instructors and providers of mandatory continuing education shall be approved by the board. However, no credit shall be given for a course in practice building or office management.

(f) The board shall promulgate regulations to carry out the provisions of this section within eighteen months of the effective date of this section.

Continuing Professional Competency Requirements.--(a) In order to help safeguard life, health and property and to promote the public welfare, the practice of professional engineering, professional land surveying and professional geology in this Commonwealth requires continuing professional competency.

(b) Each licensee shall be required to meet the continuing professional competency requirements of this section as a condition for licensure renewal. Continuing professional competency obtained by a licensee should maintain, improve or expand skills and knowledge obtained prior to initial licensure, including law and ethics applicable to the profession, or develop new and relevant skills and knowledge. No credit shall be given for a course in practice building or office management.

20090HB0975PN2060
(c) Each licensee shall be required to obtain twenty-four PDH units during the biennial renewal period. If a licensee exceeds the requirement in any renewal period, a maximum of twelve PDH units may be carried forward into the subsequent renewal period. PDH units may be earned as follows:

1. Successful completion of college courses relevant to professional practice.
2. Completion of continuing education courses relevant to professional practice.
3. Completion of correspondence, televised, videotaped and other short courses or tutorials relevant to professional practice.
4. Completion of seminars, employer-sponsored courses, workshops or professional or technical presentations made at meetings, conventions or conferences relevant to professional practice.
5. Teaching, presenting or instructing in any of the activities listed in clauses (1), (2), (3) and (4).
6. Authoring published papers, articles or books relevant to professional practice.
7. Obtaining patents relevant to professional practice.

d. (1) Except as provided in clause (2), units of other types of credit shall be converted to PDH units as follows:

   (i) One college or unit semester hour shall equal forty-five PDH units.
   (ii) One college or unit quarter hour shall equal thirty PDH units.
   (iii) One continuing education unit shall equal ten PDH units.
   (iv) One hour of professional development in course work,
seminars or professional, technical presentations made at meetings, employer-sponsored courses, conventions or conferences shall equal one PDH unit.

(v) Each published paper, article or book shall equal ten PDH units.

(vi) Each patent obtained shall equal ten PDH units.

(2) Teaching any of the activities listed in clause (1)(i), (ii), (iii) and (iv) shall equal double the amount of PDH units provided for in those subclauses. Teaching credit shall be awarded for teaching a course or seminar but shall not be awarded to full-time faculty members in the performance of their duties at their employing institutions.

(e) The board shall not require courses to be preapproved. The board may preapprove course providers that are trade associations or professional societies representing professional engineers, land surveyors or geologists. The board shall accept credits earned in other jurisdictions if applicable to professional practice.

(f) The board shall approve courses, credit, PDH value for courses and other methods of earning credit. Credit determination for each licensee for activities listed in subsection (d)(1)(v) and (vi) shall be the responsibility of the licensee.

(g) THE BOARD SHALL HAVE FINAL AUTHORITY REGARDING APPROVAL OF COURSES, CREDIT, PDH VALUE FOR COURSES AND OTHER METHODS OF EARNING CREDIT. CREDIT DETERMINATION FOR ACTIVITIES LISTED IN SUBSECTION (D)(1)(V) AND (VI) SHALL BE THE RESPONSIBILITY OF THE LICENSEE. THE BOARD SHALL ACCEPT CREDITS EARNED IN OTHER JURISDICTIONS IF THE ACTIVITY OTHERWISE COMPLIES WITH THIS SECTION.
(F) The licensee shall be responsible for maintaining records to be used to support credits claimed. Required records shall include all of the following:

(1) A log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name and PDH credits earned.

(2) Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

(G) (1) A licensee may be exempt from the requirements of this section for any of the following reasons:

(I) A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding one hundred twenty consecutive days in a year shall be exempt from obtaining the professional development hours required during that year.

(II) A LICENSEE experiencing physical disability, illness or other extenuating circumstances as reviewed and approved by the board may be exempt. Supporting documentation must be furnished to the board.

(i) In the event such a person elects to return to active practice, professional development hours must be earned before returning to active practice for each year exempted, not to exceed twenty-four PDH units.

(j) The continuing professional competency requirements of this section are satisfied when a nonresident certifies that the nonresident is licensed in and has met the mandatory continuing professional competency requirements of any jurisdiction approved and listed by the board.

(k) The following words and phrases shall have the meanings
given to them in this subsection:

"Activity" shall mean any qualifying activity with a clear purpose and objective which will maintain, improve or expand the skills and knowledge relevant to a licensee's professional practice.

"College or Unit Semester Hour" or "College or Unit Quarter Hour" shall mean credit for courses in ABET approved programs or other related college courses.

"Continuing Education Unit" shall mean a unit of credit customarily used for continuing education courses.

"Course" shall mean any qualifying course with a clear purpose and objective which will maintain, improve or expand the skills and knowledge relevant to a licensee's professional practice.

"Professional Development Hour" or "PDH" shall mean fifty minutes of instruction or presentation relevant to professional practice or any equivalent.

(2) AN INDIVIDUAL APPLYING FOR INITIAL LICENSURE AND REGISTRATION SHALL BE EXEMPT FROM THE REQUIREMENT SET FORTH IN SUBSECTION (A) FOR THE LICENSURE PERIOD IMMEDIATELY FOLLOWING INITIAL LICENSURE AND REGISTRATION.

(H) AS PART OF THE PROCESS TO REACTIVATE A LICENSE, A LICENSEE MUST OBTAIN ALL DELINQUENT PDH UNITS, EXCEPT THAT UNDER NO CIRCUMSTANCE SHALL A LICENSEE BE REQUIRED TO OBTAIN MORE THAN THE BIENNIAL RENEWAL REQUIREMENT.

Section 24. Section 6 of the act, amended December 16, 1992 (P.L.1151, No.151), is amended to read:

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, including the use of the term "engineer" or "engineering" in its firm or corporate name, 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.

Section 3. The addition of section 4.5(b) of the act shall apply to license renewals beginning October 2009.

SECTION 5. A LICENSEE SHALL BEGIN TO COMPLY WITH THE CONTINUING PROFESSIONAL COMPETENCY REQUIREMENTS SET FORTH IN SECTION 4.5 OF THE ACT DURING THE 2009-2011 BIENNIAL RENEWAL CYCLE. THE BOARD MAY FIRST DENY RENEWAL FOR THE 2011-2013 BIENNIAL RENEWAL PERIOD TO A LICENSEE WHO HAS FAILED TO COMPLY WITH THE CONTINUING PROFESSIONAL COMPETENCY REQUIREMENTS FOR THE 2009-2011 BIENNIAL RENEWAL PERIOD.

SECTION 6. THE BOARD SHALL PROMULGATE REGULATIONS NECESSARY TO IMPLEMENT THIS ACT WITHIN 18 MONTHS OF THE EFFECTIVE DATE OF THIS SECTION.

Section 47. This act shall take effect in 60 days.