
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

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
FEBRUARY 21, 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 continuing professional competency requirements, for fees
19 and for penalties.

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

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

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

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

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

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

30 (4) The "Practice of Engineering" shall not preclude the

1 practice of the sciences which shall include but not be limited
2 to: soil science, geology, physics and chemistry.

3 * * *

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

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

22 * * *

23 Section 2. Sections 4(g), 4.2(a), (b) and (c), 4.5(c)(3),
24 9(a) and 11(a) of the act are amended to read:

25 Section 4. General Powers of Board.--The board shall have
26 power--

27 * * *

28 (g) Suspension and Revocation of Licenses; Registrations and
29 Certificates; Reinstatements.--To suspend or revoke the license
30 and registration of any professional engineer, professional land

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

1 violated any provision of this act or any regulation promulgated
2 by the board. For the purposes of this subsection, the code of
3 ethics is as follows:

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

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

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

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

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

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

25 (6) To attempt to obtain or render technical services or
26 assistance without fair and just compensation commensurate with
27 the services rendered: Provided, however, the donation of [such]
28 the services to a civic, charitable, religious or eleemosynary
29 organization shall not be deemed a violation.

30 (7) To advertise in self-laudatory language, or in any other

1 manner, derogatory to the dignity of the profession.

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

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

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

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

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

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

22 [Such] The examiner shall also have the power to administer
23 oaths.

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

29 If application for review is made to the board within twenty
30 days from the date of any decision made as a result of a hearing

1 held by a hearing examiner, the board shall review the evidence,
2 and if deemed advisable by the board, hear argument and
3 additional evidence. As soon as practicable, the board shall
4 make a decision and shall file the same with its finding of the
5 facts on which it is based and send a copy thereof to each of
6 the parties in dispute.

7 * * *

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

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

17 (i) graduation from an approved engineering curriculum of
18 four or more years; or

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

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

28 (3) An applicant who satisfactorily completes the
29 examination in engineering fundamentals shall be certified as an
30 [engineer-in-training] engineer intern without time limitation

1 and may remain certified until such time as [he] the applicant
2 becomes licensed under this act as a professional engineer.

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

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

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

22 * * *

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.