

tractor operating the equipment and the sign shall be displayed by the contractor at all times the equipment is being operated on a State rental reimbursement cost.

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APPROVED—The 24th day of November, A. D. 1967.

RAYMOND P. SHAFER

No. 269
AN ACT

SB 281

Amending the act of June 1, 1933 (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," deleting a route in Millersburg Borough in Dauphin County.

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

Section 1. The following route established by section 2, act of June 1, 1933 (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," and its amendments is deleted as follows:

[Route 22057. Extending Route 22057.—Beginning at a point on the Millersburg Borough-Upper Paxton Township line; thence in a southerly direction to an intersection with Route 199, in the borough of Millersburg, Dauphin County, a distance of about 0.42 of a mile.]

Section 2. This act shall take effect immediately.

APPROVED—The 24th day of November, A. D. 1967.

RAYMOND P. SHAFER

No. 270
AN ACT

SB 549

Amending the act of May 23, 1945 (P. L. 913), entitled "An act relating to and regulating the practice of the profession of engineering; including civil engineering, mechanical engineering, electrical engineering, mining engineering, chemical engi-

neering, surveying 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 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, the Department of Public Instruction and the courts; prescribing penalties; and repealing existing laws," redefining the practice of engineering and acts which constitute the practice of engineering or surveying; changing certain requirements relating to the granting of licenses, qualifications for licensure, and conducting examinations; prescribing certain conduct deemed unethical and constituting cause for suspension or revocation of licenses.

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

Section 1. Sections 2 and 3, act of May 23, 1945 (P. L. 913), known as the "Professional Engineers Registration Law," are amended to read:

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

(a) "Practice of Engineering" [means the practice of the profession which engages in the application of mathematics and the physical sciences, and in the utilization of the forces, energies and materials of nature and in the measurement and delineation of the earth's surface, for the development, production and functioning of engineering processes, apparatus, machines, equipment, facilities, structures, works or utilities, or any combinations, or aggregations thereof, employed in or devoted to private enterprises or uses. Such practice includes consultation, investigation, research, surveys, planning, designing, direction, supervision and such other services or acts as are a necessary part of such practice. The term "practice of engineering" comprehends the practice of civil engineering, mechanical engineering, electrical engineering, mining engineering, chemical engineering, surveying or any constituent part or parts of these, or combination thereof, such as architectural engineering, ceramic engineering, industrial engineering, metallurgical engineering, petroleum and natural gas engineering, sanitary engineering and structural engineering, the pursuit of any of which affect life, health, or property, or the public welfare. Said practice also includes the doing of such architectural work as is incidental to the practice of engineering] shall mean the application of the mathematical and physical sciences for the design of public or private buildings, structures, machines, equipment, processes, works or engineering systems, and the consultation, investigation, evaluation, surveys, planning and inspection in connection therewith, the performance of the foregoing acts and services being prohibited to persons who are not licensed under this act unless exempt under other provisions of this act.

The term "Practice of Engineering" shall also mean and include

related acts and services that may be performed by other qualified persons, including but not limited to, municipal planning, incidental landscape architecture, teaching, surveying, aerial photogrammetry, construction, maintenance and research but licensure under this act to engage in or perform any such related acts and services shall not be required.

The foregoing shall not be deemed to include the practice of architecture as such, for which separate registration is required under the provisions of the act of July 12, 1919 (P. L. 933), entitled "An act to regulate the practice of architecture in the Commonwealth of Pennsylvania by providing for the examination and registration of architects by a State Board of Examiners; defining the power and duties of said board of examiners; and providing penalties for the violation of this act," excepting only architectural work incidental to the "practice of engineering."

(b) "Inspection" shall mean the acts and services performed in the practice of engineering during the construction, development, production or functioning of the things designed: Provided, That performance of such acts and services shall not be construed as a guarantee of satisfactory performance by others, or an assumption of financial liability for defects or deficiencies in the work of others.

[(b)] (c) "Engineer-in-Training" means a candidate for licensure as a professional engineer, who has been granted a certificate as an engineer-in-training [by reason of graduation from an approved institution or college, or] after successfully passing the prescribed written examination in fundamental engineering subjects, and who shall be eligible upon the completion of the requisite years of experience in engineering, under the supervision of a professional engineer, or similarly qualified engineer, for the final examination prescribed for licensure as a professional engineer.

[(c)] (d) "Practice of Surveying" means the practice of that branch of the profession of engineering which makes surveys for the determination of area, and for the establishment or reestablishment

¹ "examintaion" in original.

of land boundaries and the subdivision and plotting of land, and who makes surveys for the establishment of lines, grades or elevations for carrying out engineering work, and who, in connection therewith, determines quantities of materials and prepares plans or specifications for minor work not involving safety to life or health, and who determines quantities or who makes estimates for proposed work, or for work under construction, or work that is completed, or who, in addition to the foregoing, makes estimates of quantities of mineral or minerals in place, or that have been removed.

[(d)] (e) "Professional Engineer" means an individual licensed and registered under the laws of this Commonwealth to engage in the practice of engineering.

[(e)] (f) "Surveyor" means an individual licensed and registered under the laws of this Commonwealth to engage in the practice of surveying. A surveyor may not practice any other branch of engineering.

[(f)] (g) "Board" means The State Registration Board for Professional Engineers.

[(g)] (h) "Department" means the Department of [Public Instruction] State.

[(h)] (i) "Responsible Charge" means such degree of competence and accountability gained by technical education and experience of a grade and character as is sufficient to qualify an individual to personally and independently engage in and be entrusted with the work involved in the practice of engineering or surveying.

Section 3. Practice of Engineering or Surveying Without Licensure and Registration Prohibited.—In order to safeguard life, health or property and to promote the general welfare, it is unlawful for any person to [engage] practice or to offer to [engage in the] practice [of] engineering in this Commonwealth, unless he is licensed and registered under the laws of this Commonwealth as a professional engineer, or for any person to [engage] practice or to offer to [engage in the] practice [of] surveying, unless he is licensed and registered under the laws of this Commonwealth as a surveyor, or as a professional engineer. [It is unlawful for any person to use in connection with his name or to otherwise assume, use or advertise any title or description tending to convey the impression that he is a professional engineer, or a surveyor, or that he is engaged in the practice of engineering or surveying unless such person is licensed and registered with the board.]

A person shall be construed to practice or offer to practice engineering or surveying who practices any branch of the profession

of engineering or surveying: or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be an engineer or surveyor, or through the use of some other title implies that he is an engineer or surveyor or that he is registered under this act; or who holds himself out as able to perform, or who does perform any engineering service or work or any other service designated by the practitioner or recognized as engineering or surveying.

Section 2. Section 4 of the act, amended December 17, 1959 (P. L. 1885), is amended to read:

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

(a) Approval of Institutions and Colleges.—To investigate and to approve or disapprove institutions and colleges of this State, and other states, territories and countries for the education of students desiring to be licensed to engage in the practice of engineering, and to revoke or suspend approvals where such institutions and colleges no longer are deemed proper.

(b) Licensing Professional Engineers.—To provide for and to regulate the licensing, and to license to engage in the practice of engineering any person of good character and repute who is [a citizen of the United States, or has declared his intention of becoming a citizen thereof,] at least [twenty-five years] in his twenty-fifth year of age, and who speaks and writes the English language, if such person either—

(1) Holds an unexpired license or certificate of registration issued to him by proper authority of some other state or foreign country in which the requirements and qualifications to engage in the practice of engineering were at the time of the initial issuance of such license or certificate of registration at least equal to the then existing standards of this Commonwealth: Provided, however, That such other state, [or] territory or foreign country shall similarly license or register professional engineers licensed and registered in this Commonwealth. A person may be licensed under this subdivision without examination.

(2) Holds a certificate of qualifications issued by the National Bureau of Engineering Registration of the National Council of State Boards of Engineering Examiners: Provided, The requirements and qualifications of said bodies to engage in the practice of engineering are at least equal to the standards of this Commonwealth. A person may be licensed under this subdivision without examination.

In carrying into effect clauses (1) and (2) of subdivision (b) of this section the board may in its discretion enter into agreements for reciprocity with the National Council of State Boards of Engineering Examiners and with states under such rules and regulations as the board may prescribe.

(3) Has had four or more years' experience in engineering work under the supervision of a professional engineer, or a similarly qualified engineer of a grade or character to fit him to assume responsible charge of the work involved in the practice of engineering, and is either an engineer-in-training or a graduate in engineering of an approved institution or college having a course in engineering of four or more years, or has had [ten] four or more years of experience in engineering work, [seven years of which shall have been in] teaching [or study] in an approved institution or college, [and three years of which shall have been active experience in engineering work under the supervision of a professional engineer, or a similarly qualified engineer of a grade or character to fit him to assume responsible charge of the work involved in the practice of engineering,] and who is a graduate of an approved institution or college having a course in engineering of four or more years and who in either event successfully passes [a] written [examination] examinations prescribed by the board in engineering subjects. In the case of the examination of an engineer-in-training his examination shall be directed and limited to those matters which will test the applicant's ability to apply the principles of engineering to the actual practice of engineering. In the case of an applicant who is not an engineer-in-training the examination shall be for the purpose of testing the applicant's knowledge of fundamental engineering subjects, including mathematics and the physical sciences and those matters which will test the applicant's ability to apply the principles of engineering to the actual practice of engineering. To be licensed under this subdivision, the person shall be required to successfully pass the examinations prescribed by the board for both professional engineers and engineers-in-training.

(4) Has had twelve or more years of active experience in engineering work, at least eight years of which shall have been under the supervision of a professional engineer, or similarly qualified engineer of a grade and character to fit him to assume responsible charge of the work involved in the practice of engineering, and who successfully passes [a] written [examination] examinations prescribed by the board for the purpose of testing the applicant's knowledge of fundamental engineering subjects, including mathematics and the physical sciences and those matters which will test the applicant's ability to apply the principles of engineering to the actual

practice of engineering. To be licensed under this subdivision, the person shall be required to successfully pass the examinations prescribed by the board for both professional engineers and engineers-in-training.

(5) Is possessed of long established and recognized standing in the engineering field, provided said person is not less than fifty years of age and has a record of not less than twenty-five years' experience in engineering, of which at least fifteen years has been in responsible charge of important and outstanding engineering work or teaching. Upon application from such an individual and the payment of the required registration fees, the board may issue to such an applicant a certificate of registration as a professional engineer based upon an oral examination and after approval of a majority of the board.

Prior to consideration by the board of any such application made under this clause (5) and prior to giving any such oral examination, the board shall issue public notice of the names of all such applicants in a newspaper of general circulation in Dauphin County, Pennsylvania, and the duly approved Legal Journal of Dauphin County. The application forms relative to such applicants shall be open to public inspection, and the board shall receive and consider all written comments relative to such applicants in processing such applications.

(c) Examination and Certification of Engineers-in-Training.—To provide for and to regulate the examination of any person who has produced satisfactory evidence that he has graduated in an engineering curriculum from an approved institution or college having a course of four years or more in engineering or who has had four or more years' experience in engineering work, and who produces satisfactory evidence to show knowledge, skill and education approximating that attained through graduation from an approved institution or college, and to issue to any such person who successfully passes such examination a certificate showing that he has successfully passed this portion of the professional examination and is recognized as an engineer-in-training. The examination of applicants as engineers-in-training shall be designed to permit an applicant for licensure as a

professional engineer to take his examination in two stages. The examination for certification as an engineer-in-training shall be for the purpose of testing the applicant's knowledge of fundamental engineering subjects, including mathematics and the physical sciences. Satisfactory passing of this portion of the examination shall constitute a credit for the life of the applicant or until he is licensed under this act as a professional engineer.

[Any person who is a graduate in engineering from an approved institution or college having a course of four years or more in engineering shall be granted a certificate as an engineer-in-training without examination.]

(d) Licensing of Surveyors.—To provide for and to regulate the licensing and to license to engage in the practice of surveying any person of good character and repute who is [a citizen of the United States, or has declared his intention of becoming a citizen thereof,] at least [twenty-one years] in his twenty-first year of age, and who speaks and writes the English language if such person:

(1) Has graduated in engineering from an approved institution or college having an engineering course of not less than four years, and has had two or more years' experience in surveying under the supervision of a professional engineer or surveyor of a character indicating that the applicant is competent to assume responsible charge of the practice of surveying. A person may be licensed under this subdivision without examination.

(2) Has had six or more years' active experience in surveying work under the supervision of a professional engineer or surveyor of a character indicating that the applicant is competent to assume responsible charge of the work involved in the practice of surveying and who successfully passes a written examination prescribed by the board in surveying subjects.

(e) Investigations of Applications; Determination of Competency of Applicants.—To investigate the allegations contained in any application for licensure or certification under this act in order to determine the truth of such allegations and to determine the competency of any person applying for licensure to assume responsible charge of the work involved in the practice of engineering or surveying, such competency to be determined by the grade and character of the engineering work, or the grade and character of the surveying work actually performed. The mere execution as a contractor of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent, or the operation or maintenance of machinery or equipment, or work performed as a salesman of engineering equipment or apparatus, shall not be deemed to be active practice in engineering, unless such work has involved the actual practice of engineering. Engineering and surveying work, performed under the supervision of a professional engineer or surveyor, shall be given full credit. Whenever the board determines

otherwise than by examination, that an applicant has not produced sufficient evidence to show that he is competent to be placed in responsible charge and shall refuse to examine or to license such applicant, it shall set forth in writing its findings and the reasons for its conclusions and furnish a copy thereof to the applicant.

(f) **Examinations; Fees.**—To prescribe the subjects, manner, time and place of examinations for licenses as professional engineers and surveyors and for certificates for engineers-in-training, and the filing of applications for such examinations, and to prepare and provide for the preparation of such examinations, conduct and 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) **Biennial Registrations; Fees.**—To provide for, regulate and require all persons licensed in accordance with the provisions of this act and all persons licensed and registered under prior laws of this Commonwealth, relating to the licensing of professional engineers and surveyors, to register biennially with the board, to prescribe the form of such registration, and the payment of such biennial registration fee, as shall be fixed according to law, to issue biennial registration to such persons and to suspend or revoke the license or registration of such persons as fail, refuse or neglect to so register, or pay such fee within such time as the board shall prescribe by its rules and regulations, and to reinstate licenses and registrations of persons who shall thereafter pay such registration fees in accordance with the rules and regulations of the board.

(h) **Roster of Registrants.**—To keep a roster showing the names and addresses of, the places of business of all professional engineers and surveyors licensed under this act, and under prior laws, and registered by the board, which roster shall be published in booklet form by the board every [two] five years. The roster shall also contain the names and addresses of all engineers-in-training certified under this act, and under prior laws, and registered by the board. In the interim years following the publishing of the complete roster, the board shall each year publish a supplemental roster containing the names, registration numbers where applicable, and addresses of all professional engineers, surveyors and engineers-in-training registered or certified by the board subsequent to the publishing of the last published roster or supplemental roster. Copies of the roster and

supplemental roster shall be [mailed] furnished upon request to each registered or certified person and may be furnished to other persons upon [request] such terms as the board shall prescribe.

(i) Suspension and Revocation of Licenses; Registrations and Certificates; Reinstatements.—To suspend or revoke the license and registration of any professional engineer or surveyor or the certificate of any engineer-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, or in the practice of surveying, or of violation of the code of ethics of the engineering profession, and to reinstate 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. For the purposes of this subsection, the code of ethics is as follows:

It shall be considered unprofessional and inconsistent with honorable and dignified bearing for any professional engineer or surveyor:

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

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

(3) To attempt to supplant another engineer or surveyor after definite steps have been taken toward his employment.

(4) To compete with another engineer or surveyor for employment by the use of unethical practices.

(5) To review the work of another engineer or surveyor for the same client, except with the knowledge of such engineer or surveyor, or unless the connection of such engineer or surveyor with the work has terminated.

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

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

(8) To attempt to practice in any field of engineering in which the registrant is not proficient.

(j) Financial Requirements of Board.—To submit biennially to the department [an] a budget estimate of the financial requirements of the board for administrative, investigative, legal and miscellaneous expenses, which budget estimate shall not exceed eighty percent of the estimated income to be derived from fees for examination, licenses and certificates in accordance with the provisions of this act.

(k) Administration and Enforcement of Laws.—To administer and enforce the laws of the Commonwealth relating to the practice of engineering and surveying, and to instruct and require its agents to bring prosecutions for unauthorized and unlawful practices.

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

(m) Member of National Council of State Boards of Engineering Examiners; Dues.—To become a member of the National Council of State Boards of Engineering Examiners, and to pay such dues as said council shall establish, and to send [a delegate] delegates to the annual meeting of said council, and to defray [his] their expenses.

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

Section 3. Section 5 of the act is amended to read:

Section 5. Exemption from Licensure and Registration.—[This] Except as specifically provided in this section, this act shall not be

construed to require licensure and registration in the following cases:

(a) The practice of engineering or surveying by any person who acts under the supervision of a professional engineer or surveyor, or by an employe of a person lawfully engaged in the practice of engineering or surveying and who, in either event, does not assume responsible charge of design or supervisions;

(b) The practice of engineering or surveying, not exceeding thirty days in the aggregate in one calendar year, by a nonresident not having a place of business in this Commonwealth, if such person is legally qualified to engage in the practice of engineering or surveying in the state or territory of his residence: Provided, That standards of such state or territory are at least equal to the standards of this Commonwealth;

(c) The practice of engineering or surveying by officers and employes of the United States Government for the said government;

(d) [The] Except as otherwise provided in subsection (g) of this section, the practice of engineering or surveying by a regular employe of a public utility company, as defined by the Pennsylvania Public Utility Law in connection with the facilities of such public utility, which are subject to regulation by the Pennsylvania Public Utility Commission: Provided, That such public utility shall employ at least one professional engineer, as defined in this act, who shall be in responsible charge of such utility's engineering work;

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

(f) The practice of engineering or land surveying by any person or by any employe of any copartnership, association or corporation upon property owned by such person or such copartnership, association or corporation, unless such practice affects the public safety or health or the property of some other person.

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

(h) The running of lines or grades and layout work on or within established property limits, or from established points outside the property limits to or within such property limits when performed by a contractor or home builder in conjunction with the construction, reconstruction, alteration, maintenance or demolition of a structure or other facility.

Section 4. Section 9 of the act, amended December 17, 1959 (P. L. 1885), is amended to read:

Section 9. Fees.—The fee for an applicant for licensure as a professional engineer or surveyor, including examination, and for examination or certification, or both, as an engineer-in-training, shall be fixed by the [department] board in accordance with existing law. All persons now qualified and engaged in the practice of engineering and surveying, or who shall hereafter be licensed by the board, shall register, biennially, with the board and pay for each

biennial registration a fee of ten dollars (\$10.00). All fees collected under the provisions of this act shall be received by the [department] board and shall be paid into the State Treasury through the Department of Revenue for the use of the General Fund of the Commonwealth.

Section 5. This act shall take effect January 1, 1968.

APPROVED—The 24th day of November, A. D. 1967.

RAYMOND P. SHAFER

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No. 271

AN ACT

SB 566

Amending the act of June 22, 1931 (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," deleting a route in Mercer County.

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

Section 1. Route 43139, established by the act of June 22, 1931 (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," and its amendments, is deleted as follows:

Mercer County

[Route 43139. Beginning at the intersection of Legislative Route 206 and Township Road 867 in Greene Township; thence easterly over Township Road 867 to its intersection with Township Road 482; thence northerly over Township Road 482 to its intersection with Township Road 869 in Sugar Grove Township and Legislative Route 20110, a distance of approximately 2.6 miles, in Greene and Sugar Grove Townships, Mercer County.]

APPROVED—The 24th day of November, A. D. 1967.

RAYMOND P. SHAFER