

No. 1979-120

AN ACT

HB 485

Amending the act of May 23, 1945 (P.L.913, No.367), entitled "An act relating to and regulating the practice of the profession of engineering; including civil engineering, mechanical engineering, electrical engineering, mining engineering, chemical engineering, 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," providing for engineering land surveys, providing for legislative oversight, changing certain educational, work experience and licensing qualifications, further providing for the duties of the board, authorizing the use of hearing examiners, increasing penalties, and making editorial corrections.

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

Section 1. The title, act of May 23, 1945 (P.L.913, No.367), known as the "Professional Engineers Registration Law," is amended to read:

AN ACT

Relating to and regulating the practice of the profession of engineering; including civil engineering, mechanical engineering, electrical engineering, mining engineering, chemical engineering, 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] State** and the courts; prescribing penalties; and repealing existing laws.

Section 2. Subsections (a), (d), (e), (f) and (i) of section 2, amended November 24, 1967 (P.L.548, No.270), are amended and a subsection is added to read:

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

(c) **(1)** "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, **engineering** 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 **as professional engineers** unless exempt under other provisions of this act.

(2) 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.

(3) 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, No.369), 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."

(4) The "Practice of Engineering" shall not preclude the practice of other sciences which shall include but not be limited to: soil science, geology, physics and chemistry.

* * *

(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 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.] *"Practice of Land Surveying" means the practice of that branch of the profession of engineering which involves the location, relocation, establishment, reestablishment or retracement of any property line or boundary of any parcel of land or any road right-of-way, easement or alignment; the use of principles of land surveying, determination of the position of any monument or reference point which marks a property line boundary, or corner setting, resetting or replacing any such monument or individual point including the writing of deed descriptions; procuring or offering to procure land surveying work for himself or others; managing or conducting as managers, proprietors or agent any place of business from which land surveying work is solicited, performed, or practiced; the performance of the foregoing acts and services being prohibited to persons who are not granted certificates of registration under this act as a professional land surveyor unless exempt under other provisions of this act.*

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

of engineering. *A professional engineer may not practice land surveying unless licensed and registered as a professional land surveyor as defined and set forth in this act; however, a professional engineer may perform engineering land surveys.*

(f) “**Professional Land Surveyor**” means an individual licensed and registered under the laws of this Commonwealth to engage in the practice of *land* surveying. A *professional land* surveyor may *perform engineering land surveys but may* not practice any other branch of engineering.

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(i) “**Responsible Charge**” means *a position that requires initiative, skill and independent judgment, and implies* 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 *land* surveying. *This term does not include positions which require routine performance of subprofessional work such as auxiliary survey personnel (unless acting as chief of party) and drafting personnel.*

(j) “**Engineering Land Surveys**” means surveys for: (i) *the development of any tract of land including the incidental design of related improvements, such as line and grade extension of roads, sewers and grading but not requiring independent engineering judgment: Provided, however, That tract perimeter surveys shall be the function of the Professional Land Surveyor;* (ii) *the determination of the configuration or contour of the earth’s surface, or the position of fixed objects thereon or related thereto by means of measuring lines and angles and applying the principles of mathematics, photogrammetry or other measurement methods;* (iii) *geodetic or cadastral survey, underground survey and hydrographic survey;* (iv) *sedimentation and erosion control surveys;* (v) *the determination of the quantities of materials;* (vi) *tests for water percolation in soils;* and (vii) *the preparation of plans and specifications and estimates of proposed work as described in this subsection.*

Section 3. Sections 3, 4, and 5 of the act, amended November 24, 1967 (P.L.548, No.270) and section 4(b)(3) also amended December 14, 1967 (P.L.842, No.365), are amended to read:

Section 3. Practice of Engineering or *Land* Surveying Without Licensure and Registration Prohibited.—(a) In order to safeguard life, health or property and to promote the general welfare, it is unlawful for any person to practice or to offer to practice 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 practice or to offer to practice *land* surveying, unless he is licensed and registered under the laws of this Commonwealth as a [surveyor, or as a professional engineer] *professional land surveyor.*

(b) A person shall be construed to practice or offer to practice engineering or *land* surveying who practices any branch of the profession

of engineering or *land* surveying; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be an engineer or *land* surveyor, or through the use of some other title implies that he is an engineer or *land* 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 *land* surveying.

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 *or land surveying*, 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 at least 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, 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] *subsection* 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] *subsection* without examination.

In carrying into effect clauses (1) and (2) of [subdivision] *subsection* (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' *progressive* 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 four or more years of *progressive* experience in engineering

work, teaching in an approved institution or college, 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 written 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] subsection**, the person shall be required to successfully pass the examinations prescribed by the board for both professional engineers and engineers-in-training: Provided, That graduates in engineering who were graduated prior to January 1, 1968 or engineers-in-training who received a certificate from the board prior to January 1, 1968, shall not be required to take the examination prescribed for engineers-in-training.

(4) Has had twelve or more years of **[active] progressive** 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 written 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] subsection**, 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: ***Provided, however, That no certificate of registration as a professional engineer shall be issued by the board pursuant to this provision on any application for same which is filed more than two years after the effective date of this act.***

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.

(d) Licensing of *Land* Surveyors.—To provide for and to regulate the licensing and to license to engage in the practice of *land* surveying any person of good character and repute who is at least in his twenty-first year of age, and who speaks and writes the English language if such person:

(1) Has graduated in *civil* engineering *or surveying* from an approved institution or college having an engineering course of not less than four years, *and including at least ten credit hours of surveying, or has graduated in an approved two-year course in surveying and related areas of engineering design leading to an associate degree in surveying, and if licensing occurs before 1983* has had two or more years' *progressive* experience *or if licensing occurs in 1983 or thereafter has had four or more years' progressive experience* in *land* surveying under the supervision of a professional [engineer or] *land surveyor, or a similarly qualified* surveyor of a character indicating that the applicant is competent to assume responsible charge of the practice of *land* surveying. [A person may be licensed under this subdivision without examination.] *and who successfully passes a written examination prescribed by the board in surveying and related design subjects; or*

(2) [Has] *If licensing occurs before 1985* has had six or more years' [active] *progressive* experience *or if licensing occurs in 1985 or thereafter has had ten or more years' progressive experience* in *land* surveying work

half of which time shall have been spent in responsible charge of primary land surveying functions, under the supervision of a professional [engineer or] land surveyor or a similarly qualified surveyor of a character indicating that the applicant is competent to assume responsible charge of the work involved in the practice of land surveying and who successfully passes a written examination prescribed by the board in surveying and related design subjects.

(3) 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 land surveying were at the time of the initial issuance of such license or certificate of registration at least equal to the existing standards of this Commonwealth: Provided, however, That such other state, territory or foreign country shall similarly license or register professional land surveyors licensed and registered in this Commonwealth. A person may be licensed under this clause without examination.

In carrying into effect clauses (1) and (2), the board shall require all applicants to show a diversification in both field and office experiences, with the smallest percentage of time allowed in either category to be twenty-five per cent.

(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 land surveying, such competency to be determined by the grade and character of the engineering work, or the grade and character of the land 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 land surveying work, performed under the supervision of a professional engineer or land surveyor, *respectively*, 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 land surveyors and for certificates for engineers-in-training, and the filing of applications for such examinations, and to prepare [and] or provide for the preparation of such examinations, conduct [and] 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) 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 *professional land* surveyors, to register biennially with the board, to prescribe the form of such registration, *after consultation with the Commissioner of Professional and Occupational Affairs* 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 *professional land* 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 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, *professional land* 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 furnished upon request to each registered or certified person and may be furnished to other persons upon such terms as the board shall prescribe: *Provided, however, That copies of the roster and supplemental roster shall be furnished to the Planning Commission and the prothonotary of each county in the Commonwealth.*

(i) Suspension and Revocation of Licenses; Registrations and Certificates; Reinstatements.—To suspend or revoke the license and registration of any professional engineer or *professional land* 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 *land* 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. ***Misconduct in the practice of engineering or land surveying 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 or land surveying, 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:

It shall be considered unprofessional and inconsistent with honorable and dignified bearing for any professional engineer or ***professional land*** 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 ***land*** surveyor after definite steps have been taken toward his employment.

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

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

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

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

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

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

The hearing examiners shall have the power to conduct hearings in accordance with the regulations of the board, and to issue subpoenas

requiring the attendance and testimony of individuals or the production of, pertinent books, records, documents and papers by persons whom they believe to have information relevant to any matter pending before the examiner. Such examiner shall also have the power to administer oaths.

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

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

(j) Financial Requirements of Board.—To [submit biennially to the department a budget estimate of] *consult annually with the Commissioner of Professional and Occupational Affairs on 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 *land* 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 delegates to the annual meeting of said council, and to defray 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. *The proposed rules and regulations shall be submitted to the Chief Clerk of the Senate and House of Representatives who shall cause the regulations to be printed and distributed among all members of both chambers in the same manner as a reorganization plan. If both bodies fail to act within sixty days of receipt of such regulations, or within ten legislative days after receipt, whichever shall last occur, the regulations shall be promulgated pursuant to the provisions of the act of July 31, 1968 (P.L.769, No.240), referred to as the*

Commonwealth Documents Law and 45 Pa.C.S. Part II (relating to publication and effectiveness of Commonwealth documents). If either chamber disapproves any regulation, such information shall be certified by the Speaker of the House of Representatives or President pro tempore of the Senate to the department, and such regulation shall not be promulgated as a final regulation.

Section 5. Exemption from Licensure and Registration.—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 *land* surveying by any person who acts under the supervision of a professional engineer or *land* surveyor, **respectively**, or by an employe of a person lawfully engaged in the practice of engineering or *land* surveying and who, in either event, does not assume responsible charge of design or supervisions;

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

(d) Except as otherwise provided in subsection (g) of this section, the practice of engineering or *land* surveying by a regular employe of a public utility company, as defined by the [Pennsylvania] Public Utility [Law] Code (66 Pa.C.S. § 101 et seq.) 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 **and shall employ at least one professional land surveyor, as defined in this act, who shall be in responsible charge of such utility's land surveying;**

(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 *land* 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. Sections 6 and 7 of the act are amended to read:

Section 6. Practice by Firms and Corporations.—The practice of engineering and of *land* surveying 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 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 and seal shall be stamped on all plans, specification plates and reports issued by such firm or corporation.

Section 7. Seal of Registrants.—(a) Each person, registered under this act, shall obtain a seal of a design authorized by the board which shall bear the registrant's name and number and the legend "Registered Professional Engineer" or "Registered *Professional Land* Surveyor." Such seal, or a facsimile imprint of same, shall be stamped on all plans, specifications, plates and reports issued by a professional engineer or *land* surveyor.

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

Section 5. Section 9 of the act, amended November 24, 1967 (P.L. 548, No. 270), is amended to read:

Section 9. Fees.—The fee for an applicant for licensure as a professional engineer or *professional land* surveyor, including examination, and for examination or certification, or both, as an engineer-in-training, shall be *as* fixed by [the board in accordance with existing] law. All persons now qualified and engaged in the practice of engineering and *land* surveying, or who shall hereafter be licensed by the board, shall register, biennially, with the board and pay *the fee* 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 board and shall be paid into the [State Treasury through the Department of Revenue for the use of the General Fund of the Commonwealth] *Professional Licensure Augmentation Account*.

Section 6. Section 10 of the act, amended December 17, 1959 (P.L. 1885, No. 688), is amended to read:

Section 10. Status of Existing Licensees and Registrants Preserved.—Any person, licensed or legally authorized to practice as a professional engineer or surveyor in this Commonwealth at the time this

act takes effect, shall thereafter continue to possess the same rights and privileges with respect to the practice of engineering or *land* surveying without being required to be licensed anew under the provisions of this act, subject, however, to the *following*:

(a) Any person licensed to practice as a professional engineer at the time of the effective date of this act, upon application to the board within two years of the effective date of this act, shall be granted a certificate of registration to practice land surveying.

(b) All actions shall be subject to the power of the board as provided in this act to suspend or revoke the license of any such person for any of the causes set forth in this act, and subject to the power of the board to require any such person to register biennially with the board as provided in this act.

Section 7. Section 11 of the act is amended to read:

Section 11. Penalties.—Whoever shall engage in the practice of engineering or the practice of *land* surveying without being licensed and registered as required by this act, or exempted therefrom, as provided in this act, or shall present or attempt to use, as his own, the license or certificate of registration of another, or shall give any false or forged evidence of any kind to the board, or to any member thereof, in order to obtain a license or registration as a professional engineer or *professional land* surveyor or a certificate as an engineer-in-training, or shall use any expired, suspended or revoked certificate of registration, or shall otherwise violate the provisions of this act, shall be guilty of a [misdemeanor,] *summary offense* and upon conviction thereof *for a first offense*, shall be sentenced to pay a fine not exceeding five hundred dollars, or suffer imprisonment, not exceeding three months, or both *and for a second or subsequent offense shall be guilty of a felony, and upon conviction thereof, shall be sentenced to pay a fine of not less than two thousand dollars but not more than five thousand dollars or to imprisonment for not less than one year but not more than two years, or both.*

Section 8. This act shall take effect in 60 days.

APPROVED—The 13th day of December, A. D. 1979.

DICK THORNBURGH