



## ELR-035 Pennsylvania Rules, Regulations and Ethics

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# CHAPTER 37. STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

This is an extract from the Pennsylvania Regulations Chapter 37: State Registration Board for Professional Engineers, Land Surveyors and Geologists. To get access to the full document go to [Pennsylvania Professional Licensing Agency](http://www.pennsylvania.gov) web site

## GENERAL PROVISIONS

### § 37.2. Rules governing Board activities and proceedings.

(a) Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), is applicable to the activities of and administrative proceedings before the Board unless otherwise provided in this chapter.

(b) Except as otherwise provided by statute or by 1 Pa. Code Part II, “Roberts’ Rules of Order” will govern the meetings of the Board.

## ORGANIZATION AND PROCEDURE

### § 37.11. Meetings of the Board.

(a) *Regular meetings.* The Board will hold a minimum of four regular meetings each year. The administrative assistant to the Board, in conjunction with the administrative office of the Bureau, will give notice of the time and place of each meeting of the Board in accordance with section 9 of the Sunshine Act (65 P. S. § 279).

(b) *Special meetings.* Special meetings may be called at any time by the President of the Board. The administrative assistant to the Board, in conjunction with the administrative office of the Bureau, will give public notice of each special meeting at least 24 hours in advance of the time of convening of the meeting in accordance with section 9 of the Sunshine Act.

### § 37.12. Election of Board officers.

During the first meeting of each calendar year, the Board will elect from among its members a President and a Vice-President. The President will be the agency head of the Board and will preside at all meetings of the Board. The Vice-President will act as the agency head of the Board during a regular or special meeting of the Board in the absence of the President and will serve until the conclusion of the meeting or until the arrival of the President.

## REGISTERED PROFESSIONAL ENGINEERS

### § 37.31. Requirements for certification as an engineer-in-training and for licensure as a professional engineer.

(a) The following requirements apply to a candidate who received a qualifying academic degree on or after June 30, 1994, or who began acquiring qualifying experience on or after February 19, 1991.

(1) *Engineer-in-training.* A candidate for certification as an engineer-in-training shall be of good moral character and achieve a passing score on the NCEES fundamentals of engineering examination. To qualify for the fundamentals of engineering examination, the candidate shall possess one of the following qualifications:

(i) Graduation from an undergraduate engineering curriculum in the United States accredited by ABET. A student who has completed 2 years in an ABET-accredited undergraduate curriculum in the United States and has maintained current enrollment may, with Board approval, sit for the fundamentals of engineering examination, but will not be eligible for certification as an engineer-in-training until the student provides proof of graduation. The effective date of certification will be the later of the date of graduation or the date of notification from NCEES of achieving a passing score on the fundamentals of engineering examination.

(ii) Graduation from an ABET-accredited graduate-level engineering curriculum in the United States or from a foreign ABET-accredited undergraduate or graduate engineering curriculum. Enrollment in a graduate-level or foreign engineering curriculum does not authorize the student to sit for the fundamentals of engineering examination prior to graduation.

(iii) Graduation from both a graduate-level engineering curriculum at a college or university in the United States and from an undergraduate engineering curriculum at a college or university in the United States that was substantially equivalent to an ABET-accredited curriculum, as shown by an evaluation of the candidate's credentials by NCEES's credentials evaluation division.

(iv) Graduation from a foreign undergraduate or graduate, or both, engineering curriculum that was substantially equivalent to an ABET-accredited curriculum, as shown by an evaluation of the candidate's credentials by NCEES's credentials evaluation division.

(v) Eight years of progressive experience in engineering work and knowledge, skill and education approximating that attained through graduation from an approved engineering curriculum. The experience must be of a grade and character sufficient to enable the candidate to independently learn through practice the principles of mathematics and science attained through formal education. Academic training in engineering subjects may be counted towards the experience requirement.

(2) *Professional engineer.* A candidate for licensure as a professional engineer shall be of good moral character, be certified as an engineer-in-training in this Commonwealth or another jurisdiction having satisfied the requirements under paragraph (1) to sit for the fundamentals of engineering examination, and achieve a passing score on the NCEES principles and practice of engineering examination in one of the branches of engineering as

listed in § 37.34 (relating to branches of engineering). Unless otherwise stated by the appropriate licensing authority of that jurisdiction, the effective date of the engineer-in-training certificate of a candidate who was certified in a jurisdiction other than this Commonwealth will be the date the certificate was first issued. To qualify for the principles and practice examination, the engineer-in-training shall have obtained one of the following experience qualifications after the effective date of the engineer-in-training certificate and before the submission of the examination application:

(i) Four years of progressive experience in a major branch of engineering, acquired under the supervision of a professional engineer licensed in the United States or an engineer who, through education and experience, possesses the equivalent level of expertise as that of a professional engineer licensed in the United States. The experience must be of a grade and character to qualify the candidate to assume responsible charge of the work involved in the practice of the major branch of engineering in which the candidate indicates proficiency. For sales, construction and similar nondesign experience to be acceptable, the candidate shall demonstrate that engineering principles and engineering knowledge were actually employed. Unacceptable experience includes the selection of data or equipment from a company catalog or similar publication, the execution as a contractor of work designed by a professional engineer, the supervision of construction work as a superintendent and the operation or maintenance of machinery or equipment. The candidate shall support all work experience, regardless of duration, with adequate references.

(ii) Four years of progressive full-time teaching experience in an ABET-accredited engineering curriculum under the supervision of a professional engineer or an engineer who, through education and experience, possesses the equivalent level of expertise as a professional engineer. The experience must include the teaching of engineering courses at the third-year, fourth-year or graduate level, covering the breadth and depth of the curriculum, and be of a grade and character to qualify the candidate to assume responsible charge of the work involved in the practice of engineering.

(3) A post-baccalaureate engineering degree may be substituted for each year of experience required under paragraph (2), up to a maximum of 2 years, if the following conditions are met:

(i) The degree is from an academic institution that has an ABET-accredited undergraduate curriculum.

(ii) The degree is in the same discipline as an earned undergraduate degree.

(iii) The academic time is not concurrent with earned experience.

(b) A candidate who received a qualifying academic degree before June 30, 1994, or who began acquiring qualifying experience before February 19, 1991, may apply under § 37.33 or § 37.33a (relating to grandfather requirements for certification as an engineer-in-training and for licensure as a professional engineer; and grandfather requirements for licensure as a professional engineer without certification as an engineer-in-training), as appropriate.

**§ 37.32. References for certification as an engineer-in-training or licensure as a professional engineer.**

(a) A candidate for licensure as a professional engineer, and a candidate for certification as an engineer-in-training who seeks to qualify for the examination based on experience, shall provide as references the names and addresses of at least five persons who can attest to the candidate's good moral character and who either directly supervised the candidate or can otherwise verify the candidate's experience. At least three of the references shall be professional engineers licensed in the United States who are unrelated to the candidate. The remaining references may be professional land surveyors, professional geologists or unlicensed engineers who, through education and experience, possess an equivalent level of expertise as that of a professional engineer. A reference who is not a professional engineer licensed in the United States is required to submit a curriculum vitae.

(b) If, in the opinion of the Board, the references adversely reflect on the candidate's character or qualifications, the Board may withhold processing the candidate's application until an investigation into the candidate's character or qualifications, or both, is completed. The candidate will be notified in writing of any investigation that is being conducted. Based on the results of the investigation, the Board may require the candidate to submit additional references.

**§ 37.33. Grandfather requirements for certification as an engineer-in-training and for licensure as a professional engineer.**

(a) *Scope.* This section applies to a candidate for certification as an engineer-in-training and subsequent licensure as a professional engineer who received a qualifying academic degree before June 30, 1994, or who began acquiring qualifying experience before February 19, 1991.

(b) *Engineer-in-training.* A candidate for certification as an engineer-in-training under this subsection shall be of good moral character and achieve a passing score on the NCEES fundamentals of engineering examination, except that completion of the fundamentals of engineering examination is not required of a candidate who received a qualifying academic degree before January 1, 1968. To qualify for the fundamentals of engineering examination, the candidate shall possess one of the following qualifications:

(1) Graduation from an undergraduate or graduate-level engineering curriculum in the United States accredited by ABET or graduation from a foreign undergraduate or graduate-level engineering curriculum accredited by ABET.

(2) Graduation from both a graduate-level engineering curriculum at a college or university in the United States and from an undergraduate engineering curriculum at a college or university in the United States that was substantially equivalent to an ABET-accredited curriculum, as shown by an evaluation of the candidate's credentials by NCEES's credentials evaluation division.

(3) Graduation from a foreign undergraduate or graduate, or both, engineering curriculum that was substantially equivalent to an ABET-accredited curriculum, as shown by an evaluation of the candidate's credentials by NCEES's credentials evaluation division.

(4) Four years of experience in engineering work, having acquired knowledge, skill and education approximating that attained through graduation from an approved engineering curriculum. Experience used to satisfy this requirement may not also be used to satisfy the experience requirements of subsection (c)(1)(iii).

(c) *Professional engineer.* A candidate for licensure as a professional engineer under this subsection shall be of good moral character and achieve a passing score on the NCEES principles and practice examination in one of the branches of engineering.

(1) To qualify for the principles and practice examination, the candidate shall:

(i) Possess an engineer-in-training certificate in this Commonwealth or another jurisdiction.

(ii) Satisfy the requirements under subsection (b) to sit for the fundamentals of engineering examination.

(iii) Have at least 4 years of progressive engineering or teaching experience.

(2) The engineering and teaching experience required under this subsection must comply with the standards in § 37.31(a)(2)(i) and (ii) (relating to requirements for certification as an engineer-in-training and for licensure as a professional engineer). A candidate may not substitute a post-baccalaureate engineering degree for any part of the required experience.

### **§ 37.33a. Grandfather requirements for licensure as a professional engineer without certification as an engineer-in-training.**

(a) *Scope.* A candidate who began acquiring qualifying experience before February 19, 1991, may apply for licensure as a professional engineer without being certified as an engineer-in-training by satisfying the requirements of this section.

(b) *Qualifications.* A candidate for licensure as a professional engineer shall be of good moral character and have had 12 years or more of progressive experience in engineering work, at least 8 years of which must comply with the standards in § 37.31(a)(2) (relating to requirements for certification as an engineer-in-training and for licensure as a professional engineer).

(c) *Examinations.* A candidate who has satisfied the requirements of subsection (b) will be licensed as a professional engineer upon achieving a passing score on the NCEES fundamentals of engineering examination and the NCEES principles and practice examination in one of the branches of engineering. A candidate may not be admitted to sit for the principles and practice of engineering examination until achieving a passing score on the fundamentals of engineering examination.

### **§ 37.34. Branches of engineering.**

(a) The Board recognizes the following as major branches of engineering practice and may eliminate or add other branches of engineering practice it deems necessary in the interest of the profession.

(1) Aeronautical/aerospace engineering.

(2) Agricultural engineering.

- (3) Chemical engineering.
- (4) Civil engineering.
- (5) Electrical engineering.
- (6) Industrial engineering.
- (7) Manufacturing engineering.
- (8) Mechanical engineering.
- (9) Metallurgical engineering.
- (10) Mining/mineral engineering.
- (11) Nuclear engineering.
- (12) Petroleum engineering.
- (13) Fire protection engineering.
- (14) Sanitary engineering.
- (15) Structural engineering.
- (16) Control systems engineering.

(b) A candidate who has passed an examination in one of the major branches of engineering listed in subsection (a), or in other branches of engineering as are subsequently recognized by the Board, will be granted registration as a professional engineer. The professional engineer may then practice any branch of engineering in which the professional engineer has proven proficiency by reason of education and experience, and in which the professional engineer is willing to accept full legal, financial and professional responsibility. A professional engineer may not be limited to the practice of any one major branch of engineering because the professional engineer has passed a written examination based upon the major branch of engineering, subject to this chapter and the provisions of the act relating to Code of Ethics.

## **REGISTRATION NUMBER AND SEAL**

### **§ 37.57. Registration number.**

Upon registering with the Board, each registrant will be assigned a unique registration number.

### **§ 37.58. Seal.**

(a) A registrant shall obtain, at the registrant's own expense, a seal in the design authorized by the Board. The following are Board authorized seals for "Registered Professional Engineer" (Design A), "Registered Professional Land Surveyor" (Design B) and "Registered Professional Geologist" (Design C):

Design A



Design B



Design C



(b) The seal shall contain the legend “Registered Professional Engineer,” “Registered Professional Land Surveyor” or “Registered Professional Geologist” and the registrant’s name and registration number.

(c) The seal shall be 1 3/4 inch in diameter. The diameter of a pocket seal may be reduced to 1 1/2 inch if the design is in the same relative proportions in subsection (a).

(d) A registrant may use a rubber stamp or computer image which is a facsimile of the seal, if the registrant first obtains a seal in accordance with this section.

### § 37.59. Use of seal.

The following rules govern the proper use of a registrant’s seal:

(1) A registrant may use his seal and signature only when the work being sealed and signed was prepared by the registrant or under the registrant’s complete direction and control.

(2) When a registrant issues final or complete documents to a client for the client’s records, or when a registrant submits final or complete documents to public or governmental agencies for final review, the seal and signature of the registrant who prepared or who directed and controlled the preparation of the documents, along with the date of issuance, shall be prominently displayed on the first page of all documents. Facsimile seals shall appear on all subsequent pages of plans or plats.

(3) When multiple registrants prepare or direct and control the preparation of documents, each registrant’s seal and signature shall appear on the first page of the documents, or on the first page of the identifiable portion or section of the documents which were prepared or directed and controlled by that registrant, if the respective registrants’ direction and control can be reasonably segregated.

(4) When a registrant’s signature is applied, it shall be applied near or across the seal, but not in a location that obliterates the registration number.

(5) A registrant may not affix or permit a seal and signature to be affixed to a document after the expiration of the registrant’s licensure status, or for the purpose of aiding or abetting another person to evade or attempt to evade a provision of the act or this chapter.

(6) In the case of a temporary permit issued to an engineering, land surveying or geology registrant of another state, the registrant shall use the seal of the registrant’s home state and shall affix his signature and a copy of the temporary permit to work performed in this Commonwealth.

## **TEMPORARY PERMIT TO PRACTICE ENGINEERING, SURVEYING OR GEOLOGY**

### **§ 37.61. Temporary practice.**

(a) A professional engineer, professional land surveyor or professional geologist who holds a valid license to practice engineering, land surveying or geology from a licensing board of the state or territory of the person's residence may practice engineering, land surveying or geology in this Commonwealth for a period not to exceed 30 days in the aggregate in a calendar year if the person neither resides nor has a place of business in this Commonwealth and the standards for licensing engineers, land surveyors and geologists in the other state or territory are at least equal to the standards of the Commonwealth.

(b) Applications for temporary permits shall be made on forms provided by the Board.

(c) Applications shall be accompanied by a nonrefundable fee in the amount prescribed by § 37.17(b) (relating to schedule of fees). Incomplete applications and applications not accompanied by the proper fee will be returned to applicants with a statement of the reason for return.

(d) When the Board, after consideration of an application, is satisfied that the applicant is eligible for a temporary permit to practice engineering, land surveying or geology, the Board will issue to the applicant a temporary permit to practice in this Commonwealth. If an application is rejected, the Board will advise the applicant of the reason for rejection.

## **CERTIFICATE OF APPROVAL OF NAME**

### **§ 37.71. Form of application.**

(a) Applications for certificate of approval of fictitious name or corporate name shall be made on forms provided by the Board prior to submission of articles of incorporation or fictitious name registrations to the Corporation Bureau of the Department of State. The file shall identify the parties with an ownership interest in the business and the licensed and unlicensed professional staff.

(b) Applications shall be accompanied by a nonrefundable fee in the amount prescribed by law. Incomplete applications and applications not accompanied by the proper fee will be returned to applicants with a statement of the reason for return.

(c) The Board will approve the use of a fictitious name or corporate name, if at least one of the persons filing for the use of the name, one of the incorporators of a proposed corporation, or one of the directors of an existing corporation, has been properly registered as a professional engineer or professional land surveyor in this Commonwealth.

(d) Upon approval of an application for certificate of approval of a fictitious name or corporate name, the Board will issue a certificate of approval to the Corporation Bureau of

the Department of State. If an application is rejected, the Board will advise the applicant of the reason for rejection.

## **DISCIPLINARY PROCESS AND PROCEDURES**

### **§ 37.81. Misconduct.**

A professional engineer, professional land surveyor or professional geologist who is found guilty by the Board of gross negligence, incompetency or misconduct in the practice of engineering, land surveying or geology or of a violation of the Code of Ethics of the profession of engineering or land surveying is subject to disciplinary action under section 4(g) of the act (63 P. S. § 151(g)). Misconduct in the practice of engineering, land surveying or geology includes the following:

(1) Being convicted of 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.

(2) Being unable to practice engineering, land surveying or geology with reasonable skill and safety by reason of drunkenness, use of controlled substances, chemicals or other types of inhibiting materials, or as a result of a mental or physical incapacity which prevents the practice of engineering, land surveying or geology.

(3) Failing to exercise supervision over a person who is authorized by the employer to practice engineering, land surveying or geology only under the supervision of a professional engineer, professional land surveyor or professional geologist.

(4) Delegating responsible charge to an individual who the professional engineer, professional land surveyor or professional geologist knows or has reason to know is not qualified by training or experience to personally and independently engage in and be entrusted with the work involved in the practice of engineering, land surveying or geology.

(5) Being convicted of a felony in a state or Federal court or being convicted of a misdemeanor in the practice of engineering, land surveying or geology. As used in this paragraph, the term “convicted” includes a finding or verdict of guilt, an admission of guilt or a plea of nolo contendere.

(6) Making misleading, deceptive, untrue or fraudulent representations in the practice of engineering, land surveying or geology.

(7) Practicing fraud or deceit in obtaining a license to practice engineering, land surveying or geology.

(8) Submitting a false or deceptive biennial registration to the Board.

(9) Reviewing on behalf of a public entity or an agency of government plans on which the individual performing the review, or a member or employe of the individual’s firm, has participated in any manner, including an advisory capacity. A violation of the act of October 4, 1978 (P. L 883, No. 170) (65 P. S. §§ 401—413), known as the Public Official and Employee Ethics Law, as the violation relates to the practice of engineering, land surveying or geology, is a violation of this section and chapter.

(10) Violating a provision of the act or this chapter.

(11) Having a license to practice engineering, land surveying or geology suspended or revoked or having other disciplinary action taken for conduct relating to the practice of engineering, land surveying or geology, by the proper licensing authority of another state, territory or country.

**§ 37.82. Complaints.**

An individual, firm or corporation who has reason to believe that a professional engineer, professional land surveyor or professional geologist has engaged in gross negligence, incompetency or misconduct in the practice of engineering, land surveying or geology or has violated the act or this chapter, shall report the action to the Complaints Office of the Bureau of Professional and Occupational Affairs by telephoning the Complaints Office at 1 (800) 822-2113 or by submitting a written complaint to the Complaints Officer of the Bureau of Professional and Occupational Affairs, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, charging the professional engineer, professional land surveyor or professional geologist with a violation of the act, and specifying the grounds upon which the complaint is based.

**§ 37.83. Hearing examiners.**

(a) *Powers and duties of hearing examiners.* The hearing examiner appointed by the Board shall have the following powers and duties:

(1) To regulate the course of the hearing, including the scheduling thereof, and the recessing, reconvening and adjournment of the hearing, if at least 20 days notice of the date of the hearing or a continuance thereof is given to the Board counsel, on behalf of the Board.

(2) To administer oaths and affirmations.

(3) To issue subpoenas requiring the attendance and testimony of individuals or the production of pertinent records, documents and papers by persons believed to have information relevant to a matter pending before the hearing examiner.

(4) To rule upon offers of proof and receive evidence.

(5) To hold appropriate conferences before or during hearings.

(6) To hear evidence submitted and arguments of counsel, if any.

(b) *Certification of record with or without a proposed report.*

(1) Unless otherwise provided by order of the Board, the hearing examiner shall review the record in light of the applicable law, and promptly prepare, certify and file with the prothonotary of the Bureau and with the Board counsel, on behalf of the Board a proposed report in accordance with 1 Pa. Code § 35.205 (relating to contents of proposed reports), a copy of the transcript of record of the hearing and the briefs, if any, filed in the proceeding. A copy of the proposed report shall also be provided to counsel of record, or to the parties, if they are not represented.

(2) When, in the opinion of the Board, the factual allegations of a complaint involve issues which require knowledge of complex engineering, land surveying or geology principles to

properly decide the merits of a case, the Board will issue an order directing the hearing examiner to preside at the formal hearing and to perform the duties in subsection (a), but, to certify and file with the prothonotary of the Bureau and with the Board counsel, on behalf of the Board, the entire record of the case without a proposed report.

## **EXCEPTIONS**

### **§ 37.101. Exceptions to the hearing examiner's decision.**

(a) A participant desiring to except to a hearing examiner's decision shall, within 30 days after the service of a copy of the proposed report, file exceptions to the proposed report in a brief, designated as a "Brief On Exceptions." A "Brief Opposing Exceptions" may be filed in response to a Brief On Exceptions within 20 days after service of a copy of the Brief On Exceptions. Further response will not be entertained by the Board.

(b) The content and form of briefs on exceptions shall be in accordance with 1 Pa. Code § 35.212 (relating to content and form of briefs on exceptions).

(c) Failure to file a brief on exceptions within the time specified in subsection (a) constitutes a waiver of objections to the proposed report. The Board will thereupon commence its review of the proposed report and prepare and issue the final order of the Board, which will either be an order adopting the hearing examiner's proposed report or an adjudication and order of the Board. This subsection supplements 1 Pa. Code § 35.226 (relating to final orders).

### **§ 37.102. Appeal from the Board decision.**

A party aggrieved by the Board's decision may, within 30 days after the entry of the order, appeal to the Commonwealth Court in accordance with the applicable rules of appellate procedure.

### **§ 37.111. Continuing education.**

(a) During each biennial renewal period, a licensee shall complete 24 PDH units of continuing education. A licensee who holds more than one license from the Board shall complete the required amount of continuing education to renew each license. A licensee who completes a continuing education activity applicable to more than one class of license may apply the credit to each license held by the licensee for which the course is applicable. Continuing education credit will not be given for a course in practice building or office management.

(b) Except as necessary to comply with § 37.18(1) (relating to reactivation of licensure status), carried over from the prior biennium as permitted by section 4.5(c) of the act (63 P. S. § 151.5(c)), to correct a deficiency as required under subsection (d) or as otherwise ordered by the Board in a disciplinary action, continuing education may satisfy the requirement of subsection (a) only for the biennium during which it was completed. A PDH unit may not be used to satisfy the requirement of subsection (a) for more than one biennium. Unless otherwise excused by the Board, continuing education completed to reactivate the license as provided in § 37.18(1), to correct a deficiency as required under subsection (d) or as otherwise ordered by the Board in a disciplinary action is in addition

to the continuing education requirement for the biennium during which that activity is completed. A licensee may not receive credit for more than one presentation of a particular course or other specific activity in a given renewal period.

(c) The requirement of subsection (a) will first take effect during the October 1, 2009, through September 30, 2011, biennial renewal period. A licensee who corrects all deficiencies in continuing education during the 2009-2011 renewal cycle by April 1, 2012, will not have a disciplinary sanction imposed as provided in subsection (d) for having failed to complete the required amount of continuing education by September 30, 2011.

(d) Unless otherwise excused by the act or this chapter, failure to complete the minimum required amount of continuing education during the applicable renewal period will subject the licensee to discipline under section 11(b) of the act (63 P. S. § 158(b)) in accordance with the schedule of civil penalties in § 43b.13a (relating to schedule of civil penalties—engineers, land surveyors and geologists). Within 6 months after the issuance of a citation under § 43b.13a for failure to complete the required amount of continuing education, the licensee shall make up the deficiency and provide proof of the entire required amount of continuing education in section 4.5(f) of the act. In addition to any civil penalty assessed under this subsection, failure to complete the required amount of continuing education and to provide the Board with proof of completion of the required amount of continuing education within 6 months after the issuance of a citation under § 43b.13a for failure to complete the required amount of continuing education shall subject the licensee to disciplinary action under section 4(g) of the act (63 P. S. § 151(g)). This subsection does not apply to a licensee who permitted the license to expire at the conclusion of the biennial renewal period for which the licensee did not complete the required amount of continuing education and did not practice the profession prior to reactivating that license under § 37.18(1) upon a demonstration that the licensee subsequently completed all required deficient continuing education.

(e) A licensee seeking exemption from the continuing education requirements as provided in section 4.5(g)(1)(ii) of the act based upon physical disability, illness or other extenuating circumstances shall submit the request with all supporting documentation to the Board. The request must explain why the licensee is not able to complete mandatory continuing education on time and why exempting the licensee will not harm the public interest. The Board may take up to 90 days to rule upon a request for exemption. An exemption may include extending the deadline by which the required continuing education must be completed. The Board will consider a request for exemption from a licensee who has renewed the license, but a request for exemption may not be used to avoid a disciplinary sanction under subsection (d).

(f) The Board will audit licensees to verify compliance with continuing education requirements. A licensee who is being audited shall fully respond to each request for information within 30 days of the request or other time specified in the request.

(g) Each licensee shall maintain records verifying completion of continuing education for 5 years after completion of the activity. In any audit or disciplinary proceeding, the Board may infer from a licensee's failure to maintain records as provided in this subsection that the licensee did not complete the required continuing education.

# Engineer, Land Surveyor And Geologist Registration Law

This is an extract from the Pennsylvania Act 367: Engineer, Land Surveyor and Geologist Registration Law. To get access to the full document go to [Pennsylvania Professional Licensing Agency web site](#)

## **Section 3. Practice of Engineering, Land Surveying or Geology 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, 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 professional land surveyor or for any person to practice or to offer to practice geology unless he is licensed and registered under the laws of this Commonwealth as a professional geologist. Individuals licensed as professional engineers, professional land surveyors or registered landscape architects may perform geological work which is incidental to their engineering, surveying or landscape architecture without being licensed as a professional geologist.
- b) A person shall be construed to practice or offer to practice engineering, land surveying or geology who practices any branch of the profession of engineering, land surveying or geology; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be an engineer, land surveyor or geologist, or through the use of some other title implies that he is an engineer, land surveyor or geologist or that he is registered under this act; or who holds himself out as able to perform, or who does perform any engineering, land surveying or geological service or work or any other service designated by the practitioner or recognized as engineering, land surveying or geology.

## **Section 4. General Powers of Board.**

The board shall have power

- a) Approval of Engineering, Surveying and Geology Curricula.

To investigate and to approve or disapprove engineering, surveying and geology curricula 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, land surveying or geology, and to revoke or suspend approvals where they are no longer deemed proper.

- b) Licensing Professional Engineers, Professional Land Surveyors and Professional Geologists.

To provide for and to regulate the licensing, and to license to engage in the practice of engineering, land surveying or geology any person of good moral character and repute 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, foreign country or territory of the United States in which the requirements and qualifications to engage in the practice of engineering, land surveying or geology 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<sup>9</sup> state, territory or foreign country shall similarly license or register professional engineers, professional land surveyors or professional geologists licensed and registered in this Commonwealth. A person may be licensed under this subsection without examination.
- (2) In relation to engineers and surveyors, holds a certificate of qualifications issued by the National Bureau of Engineering Registration of the National Council of Examiners for Engineering and Surveying: Provided, The requirements and qualifications of said bodies to engage in the practice of engineering or land surveying are at least equal to the standards of this Commonwealth. A person may be licensed under this subsection without examination. In carrying into effect clauses (1) and (2) of subsection (b) of this section in relation to engineers and surveyors the board may in its discretion enter into agreements for reciprocity with the National Council of Examiners for Engineering and Surveying and with states under such rules and regulations as the board may prescribe.
- (3) Complies with the education and experience criteria and successfully completes the two-examination process for licensing as a professional engineer, as set forth in section 4.2, or as a professional land surveyor, as set forth in section 4.3 or the examination process for licensing as a professional geologist as set forth in section 4.4.

c) 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, land surveying or geology, such competency to be determined by the grade and character of the engineering work, the grade and character of the land surveying work or the grade and character of geologic work actually performed. In relation to engineers and surveyors, 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.

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.

e) 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.

f) Roster of Registrants.

To keep a roster showing the names and addresses of professional engineers, professional land surveyors and professional geologists licensed under this act, and under prior laws, and registered by the board, which roster shall be published in booklet form by the board following each biennial renewal. Copies of the 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 shall be furnished to the Planning Commission and the prothonotary of each county in the Commonwealth.

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:

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

- (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, land surveyor or geologist after definite steps have been taken toward his employment.
- (4) To compete with another engineer, land surveyor or geologist for employment by the use of unethical practices.
- (5) To review the work of another engineer, land surveyor or geologist for the same client, except with the knowledge of such engineer, land surveyor or geologist, or unless the connection of such engineer, land surveyor or geologist 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, land surveying or geology 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, land surveying or geology 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 finding of the facts on which it is based and send a copy thereof to each of the parties in dispute.

**h) Financial Requirements of Board.**

- (1) To submit annually to the Department of State an estimate of the financial requirements of the board for its administrative, investigative, legal and miscellaneous expenses.
- (2) To submit annually to the House and Senate Appropriations Committees, fifteen days after the Governor has submitted his budget to the General Assembly, a copy of the budget request for the upcoming fiscal year which the board previously submitted to the department.

**i) Administration and Enforcement of Laws.**

To administer and enforce the laws of the Commonwealth relating to the practice of engineering, land surveying and geology, and to instruct and require its agents to bring prosecutions for unauthorized and unlawful practices.

**j) 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.

k) Member of National Council of Examiners for Engineering and Surveying; Dues.

To become a member of the National Council of Examiners for Engineering and Surveying, 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.

l) 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, which shall include establishing requirements for continuing education to be fulfilled by individuals licensed and registered under this act. The rules and regulations shall include any fees necessary for the board to carry out its responsibilities regarding establishing continuing education requirements.

m) Status of Complaints.

The board shall submit annually a report to the Professional Licensure Committee of the House of Representatives and to the Consumer Protection and Professional Licensure Committee of the Senate a description of the types of complaints received, status of cases, board action which has been taken and the length of time from the initial complaint to final board resolution.

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 4.1. State Registration Board for Professional Engineers, Land Surveyors and Geologists.**

- a) There is hereby established within the Department of State the State Registration Board for Professional Engineers, Land Surveyors and Geologists. The board shall consist of the Commissioner of Professional and Occupational Affairs, three members appointed by the Governor who shall be persons representing the public at large and nine members appointed by the Governor, five of whom shall be registered professional engineers, two of whom shall be registered professional land surveyors and two of whom shall be registered professional geologists. Any land surveyor appointed to serve on the board shall have received the land surveyor license upon the passage of the appropriate examination. Any geologist licensed under section 4.4 of this act shall be eligible for appointment to the board. The professional members of the board shall be so selected that not more than two of them shall specialize in any one of the five major disciplines of engineering: civil, mining and metallurgical, mechanical, electrical and chemical. Each member of the board shall be a citizen of the United States and a resident of this Commonwealth. Each professional member shall have been engaged in the practice of the respective

profession for at least ten years and shall have been in responsible charge of work for at least five years.

- b) The terms of members of the board shall be six years, or until his successor has been appointed and qualified but not longer than six months beyond the six-year period. In the event that any of said members shall die or resign during his term, his successor shall be appointed in the same way and with the same qualifications and shall hold office for the unexpired term. No member shall be eligible for appointment to serve more than two consecutive full terms.
- c) Seven members of the board shall constitute a quorum. A member may not be counted as part of a quorum or vote on any issue, other than temporary and automatic suspension, under this act unless he is physically in attendance at the meeting.
- d) The board shall select annually a president from among its members.
- e) Each member of the board, except the Commissioner of Professional and Occupational Affairs and the Director of the Bureau of Consumer Protection in the Office of Attorney General, or his designee, shall receive sixty dollars per diem when actually attending to the work of the board. Members shall also receive the amount of reasonable traveling, hotel and other necessary expenses incurred in the performance of their duties.
- f) The board is subject to evaluation, review and termination within the time and in the manner provided in the act of December 22, 1981 (P.L.508, No.142), known as the "Sunset Act."
- g) A member of the board who fails to attend three consecutive meetings shall forfeit his seat unless the Commissioner of Professional and Occupational Affairs, upon written request from the member, finds that the member should be excused from a meeting because of illness or the death of a family member.
- h) A public member who fails to attend two consecutive statutorily mandated training seminars in accordance with section 813(e) of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," shall forfeit board membership unless the Commissioner of Professional and Occupational Affairs, upon written request from the public member, finds that the public member should be excused from a meeting because of illness or the death of a family member.

#### **Section 4.2. Procedure for Licensing as Professional Engineer.**

- a) An applicant for licensure as a professional engineer shall satisfactorily complete the engineering fundamentals examination and become certified as an engineer-in-training and subsequently show evidence of experience satisfactory to the board to prepare him for the engineering principles and practice examination.
- b) (1) An applicant for the engineer-in-training certificate shall show satisfactory evidence of:
  - (i) graduation from an approved engineering curriculum of four or more

- years; or
- (ii) eight or more years of progressive experience in engineering work and knowledge, skill and education approximating that attained through graduation from an approved engineering curriculum.
- (2) An engineering student who has completed two or more years of an approved program in engineering may, subject to board approval, sit for the examination; but such student shall not be eligible for certification until he shows proof of graduation.
  - (3) An applicant who satisfactorily completes the examination in engineering fundamentals shall be certified as an engineer-in-training without time limitation and may remain certified until such time as he becomes licensed under this act as a professional engineer.
- c) An applicant who is a certified engineer-in-training may apply for licensure and shall pass the examination in engineering principles and practice. To qualify for the principles and practice examination, an applicant shall, in addition to holding the engineer-in-training certificate, show satisfactory proof of:
- (1) four or more years of progressive experience in engineering work performed after the issuance of the engineer-in-training certificate and under the supervision of a professional engineer or a similarly qualified engineer of a grade and character to fit him to assume responsible charge of the work involved in the practice of engineering; or
  - (2) four or more years of progressive teaching experience in an approved curriculum 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.
- d) The board may grant one year of experience credit for each postbaccalaureate engineering degree earned by applicants for licensure, not to exceed two years, provided that:
- (1) the degree is from an engineering program approved by the board;
  - (2) the degree is in the same discipline as an earned undergraduate degree; and
  - (3) the academic time is not concurrent with earned experience.

#### **Section 4.5. 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) Except as otherwise provided under subsection (g), 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.

- 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. 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 request exemption from the requirements of this section for any of the following reasons and to the extent specified in this subsection:
  - (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.
  - (iii) A licensee who lists his occupation as retired on the board-approved renewal form and certifies to the board that he no longer engages in the practice of his licensed profession shall be exempt from the requirement set forth in subsection (a), and the board shall issue him a retired-status license. If the licensee intends to return to active practice, then the licensee must complete the number of professional development hours required for each year exempted, not to exceed the annual requirement for two years. An individual who holds a retired-status license shall hold himself out to others as a retired licensee, which includes using this designation in advertising and signatures.
    - (a) 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) (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 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, land surveying or geology by any person who acts under the supervision of a professional engineer, professional land surveyor or geologist, respectively, or by an employe of a person lawfully engaged in the practice of engineering, land surveying or geology and who, in either event, does not assume responsible charge of design or supervisions;

- b) The practice of engineering, land surveying or geology, 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, land surveying or geology 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, land surveying or geology 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 Public Utility 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, land surveying or geology 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 or entity.
- g) The practice of engineering, land surveying or geology 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.
- i) The writing of deed descriptions.
- j) The preparation of shop drawings or the performance of construction management services by persons customarily engaged in construction work.
- k) The practice of individuals providing geologic services to businesses engaged in the exploration or development of gas or oil.

**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 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,” “Registered Professional Land Surveyor” or “Registered Professional Geologist.” Such seal, or a facsimile imprint of same, shall be stamped on all plans, specifications, plats and reports issued by a professional engineer, professional land surveyor or professional geologist.
- 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 8. Procedure for the Suspension and Revocation of Licenses and Registrations; Appeals.**

Before the license of any licensee, or any registration, or any certification is suspended or revoked by the board, a written copy of the complaint made shall be furnished to the licensee, registrant, or person against whom the same is directed, and an opportunity be afforded him to be heard before the board personally and by counsel. At least ten days’ written notice of the time and place of such hearing shall be given the licensee, registrant or person by registered mail addressed to the post office address as shown on the biennial registration, or other record, or information in possession of the board.

**Section 9. Fees.**

- a) The fee for an applicant for licensure as a professional engineer, professional land surveyor or professional geologist, including examination, and for examination or certification, or both, as an engineer-in-training or a surveyor-in-training, shall be as fixed by the board by regulation and shall be subject to review in accordance with the act of June 25, 1982 (P.L.633, No.181), known as the “Regulatory Review Act.” If the revenues generated by fees, fines and civil penalties imposed in accordance with the provisions of this act are not sufficient to match expenditures over a two-year period, the board shall increase those fees by regulation, subject to review in accordance with the “Regulatory Review Act,” such that the projected revenues will meet or exceed projected expenditures.
- b) If the Bureau of Professional and Occupational Affairs determines that the fees established by the board are inadequate to meet the minimum enforcement efforts

required, then the bureau, after consultation with the board, shall increase the fees by regulation, subject to review in accordance with the "Regulatory Review Act," such that adequate revenues are raised to meet the required enforcement effort.

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

### **Section 10. Status of Existing Licensees and Registrants Preserved.**

Any person, licensed or legally authorized to practice as a professional engineer or professional land 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. However, 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 10.1. Temporary and Automatic Suspensions.**

- a) A license issued under this act may be temporarily suspended under circumstances as determined by the board to be an immediate and clear danger to the public health and safety. The board shall issue an order to that effect without a hearing, but upon due notice to the licensee concerned at his or her last known address, which shall include a written statement of all allegations against the licensee. The board shall thereupon commence formal action to suspend, revoke or restrict the license of the person concerned as otherwise provided for in this act. All actions shall be taken promptly and without delay. Within thirty days following the issuance of an order temporarily suspending a license, the board shall conduct, or cause to be conducted, a preliminary hearing to determine that there is a prima facie case supporting the suspension. The licensee whose license has been temporarily suspended may be present at the preliminary hearing and may be represented by counsel, cross-examine witnesses, inspect physical evidence, call witnesses, offer evidence and testimony and make a record of the proceedings. If it is determined that there is not a prima facie case, the suspended license shall be immediately restored. The temporary suspension shall remain in effect until vacated by the board, but in no event longer than one hundred eighty days.
- b) A license issued under this act shall automatically be suspended upon the legal commitment to an institution of a licensee because of mental incompetency from any cause upon filing with the board a certified copy of such commitment, conviction of a felony under the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or conviction of an offense under the laws of another jurisdiction, which, if committed in Pennsylvania, would be a felony under "The Controlled Substance, Drug, Device and Cosmetic Act."

As used in this subsection, the term “conviction” shall include a judgment, an admission of guilt or a plea of nolo contendere. Automatic suspension under this subsection shall not be stayed pending any appeal of a conviction. Restoration of such license shall be made as hereinafter provided in the case of revocation or suspension of such license.

- c) An attorney responsible for representing the Commonwealth in disciplinary matters before the board shall notify the board immediately upon receiving notification of an alleged violation of this act. The board shall maintain current records of all reports of alleged violations and periodically review the records for the purpose of determining that each alleged violation has been resolved in a timely manner.

### **Section 10.2. Reporting of Multiple Licensure.**

Any licensee of this Commonwealth who is also licensed to practice engineering, land surveying or geology in any other state, territory or country shall report this information to the board on the biennial renewal application. Any disciplinary action taken in other states, territories or countries shall be reported to the board on the biennial renewal application or within ninety days of final disposition, whichever is sooner. Multiple licensure shall be noted by the board on the engineer’s, land surveyor’s or geologist’s record, and each state, territory or country shall be notified by the board of any disciplinary action taken against the licensee in this Commonwealth.(10.2 amended Dec. 16, 1992, P.L.1151, No.151)

### **Section 11. Penalties.**

- a) Whoever shall engage in the practice of engineering, the practice of land surveying or the practice of geology 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, professional land surveyor or professional geologist or a certificate as an engineer-in-training or surveyor-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 summary offense and upon conviction thereof for a first offense, shall be sentenced to pay a fine not exceeding one thousand 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.
- b) In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by law, or by a vote of the majority of the duly qualified and confirmed membership or a minimum of six members, whichever is greater, may levy a civil penalty of up to one thousand dollars on any current

licensee who violates any provision of this act or on any person who practices the profession of an engineer, land surveyor or geologist without being properly licensed to do so under this act. The board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

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

### **Section 11.1. Injunction Against Unlawful Practice.**

It shall be unlawful for any person to practice, or attempt to offer to practice, engineering, land surveying or geology, as defined in this act, without having at the time of so doing a valid, unexpired, unrevoked and unsuspended license issued under this act. The unlawful practice of engineering, land surveying or geology, as defined in this act, may be enjoined by the courts on petition of the board or the Commissioner of Professional and Occupational Affairs. In any such proceeding, it shall not be necessary to show that any person is individually injured by the actions complained of. If the respondent is found guilty of the unlawful practice of engineering, land surveying or geology, the court shall enjoin him from so practicing unless and until he has been duly licensed. Procedure in such cases shall be the same as in any other injunction suit. The remedy by injunction hereby given is in addition to any other civil or criminal prosecution and punishment. (11.1 amended Dec. 16, 1992, P.L.1151, No.151)

### **Section 11.2. Investigative Subpoena.**

The board shall have the authority to issue subpoenas, upon application of an attorney responsible for representing the Commonwealth in disciplinary matters before the board, for the purpose of investigating alleged violations of the disciplinary provisions administered by the board. The board shall have the power to subpoena witnesses, to administer oaths, to examine witnesses and to take such testimony or compel the production of such books, records, papers and documents as it may deem necessary or proper in, and pertinent to, any proceeding, investigation or hearing held or had by it. Client records may not be subpoenaed without consent of the client or without order of a court of competent jurisdiction on a showing that the records are reasonably necessary for the conduct of the investigation. The court may impose such limitations on the scope of the subpoenas as are necessary to prevent unnecessary intrusion in client confidential information. The board is authorized to apply to the Commonwealth Court to enforce its subpoenas.

# CODE OF ETHICS

## Fundamental Principles

Engineers uphold and advance the integrity, honor and dignity of the engineering profession by:

1. using their knowledge and skill for the enhancement of human welfare and the environment;
2. being honest and impartial and serving with fidelity the public, their employers and clients;
3. striving to increase the competence and prestige of the engineering profession; and
4. supporting the professional and technical societies of their disciplines.

## Fundamental Canons

1. Engineers shall hold paramount the safety, health and welfare of the public and shall strive to comply with the principles of sustainable development in the performance of their professional duties.
2. Engineers shall perform services only in areas of their competence.
3. Engineers shall issue public statements only in an objective and truthful manner.
4. Engineers shall act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest.
5. Engineers shall build their professional reputation on the merit of their services and shall not compete unfairly with others.
6. Engineers shall act in such a manner as to uphold and enhance the honor, integrity, and dignity of the engineering profession and shall act with zero-tolerance for bribery, fraud, and corruption.
7. Engineers shall continue their professional development throughout their careers, and shall provide opportunities for the professional development of those engineers under their supervision.
8. Engineers shall, in all matters related to their profession, treat all persons fairly and encourage equitable participation without regard to gender or gender identity, race, national origin, ethnicity, religion, age, sexual orientation, disability, political affiliation, or family, marital, or economic status.

## **Guidelines to Practice Under the Fundamental Canons of Ethics**

### **Canon 1.**

Engineers shall hold paramount the safety, health and welfare of the public and shall strive to comply with the principles of sustainable development in the performance of their professional duties.

- a) Engineers shall recognize that the lives, safety, health and welfare of the general public are dependent upon engineering judgments, decisions and practices incorporated into structures, machines, products, processes and devices.
- b) Engineers shall approve or seal only those design documents, reviewed or prepared by them, which are determined to be safe for public health and welfare in conformity with accepted engineering standards.
- c) Engineers whose professional judgment is overruled under circumstances where the safety, health and welfare of the public are endangered, or the principles of sustainable development ignored, shall inform their clients or employers of the possible consequences.
- d) Engineers who have knowledge or reason to believe that another person or firm may be in violation of any of the provisions of Canon 1 shall present such information to the proper authority in writing and shall cooperate with the proper authority in furnishing such further information or assistance as may be required.
- e) Engineers should seek opportunities to be of constructive service in civic affairs and work for the advancement of the safety, health and well-being of their communities, and the protection of the environment through the practice of sustainable development.
- f) Engineers should be committed to improving the environment by adherence to the principles of sustainable development so as to enhance the quality of life of the general public.

### **Canon 2.**

Engineers shall perform services only in areas of their competence.

- a) Engineers shall undertake to perform engineering assignments only when qualified by education or experience in the technical field of engineering involved.
- b) Engineers may accept an assignment requiring education or experience outside of their own fields of competence, provided their services are restricted to those phases of the project in which they are qualified. All other phases of such project shall be performed by qualified associates, consultants, or employees.
- c) Engineers shall not affix their signatures or seals to any engineering plan or document dealing with subject matter in which they lack competence by virtue of education or experience or to any such plan or document not reviewed or prepared under their supervisory control.

### **Canon 3.**

Engineers shall issue public statements only in an objective and truthful manner.

- a) Engineers should endeavor to extend the public knowledge of engineering and sustainable development, and shall not participate in the dissemination of untrue, unfair or exaggerated statements regarding engineering.
- b) Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony.
- c) Engineers, when serving as expert witnesses, shall express an engineering opinion only when it is founded upon adequate knowledge of the facts, upon a background of technical competence, and upon honest conviction.
- d) Engineers shall issue no statements, criticisms, or arguments on engineering matters which are inspired or paid for by interested parties, unless they indicate on whose behalf the statements are made.
- e) Engineers shall be dignified and modest in explaining their work and merit, and will avoid any act tending to promote their own interests at the expense of the integrity, honor and dignity of the profession.

### **Canon 4.**

Engineers shall act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest.

- a) Engineers shall avoid all known or potential conflicts of interest with their employers or clients and shall promptly inform their employers or clients of any business association, interests, or circumstances which could influence their judgment or the quality of their services.
- b) Engineers shall not accept compensation from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to and agreed to, by all interested parties.
- c) Engineers shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with their clients or employers in connection with work for which they are responsible.
- d) Engineers in public service as members, advisors, or employees of a governmental body or department shall not participate in considerations or actions with respect to services solicited or provided by them or their organization in private or public engineering practice.
- e) Engineers shall advise their employers or clients when, as a result of their studies, they believe a project will not be successful.
- f) Engineers shall not use confidential information coming to them in the course of their

assignments as a means of making personal profit if such action is adverse to the interests of their clients, employers or the public.

- g) Engineers shall not accept professional employment outside of their regular work or interest without the knowledge of their employers.

### **Canon 5.**

Engineers shall build their professional reputation on the merit of their services and shall not compete unfairly with others.

- a) Engineers shall not give, solicit or receive either directly or indirectly, any political contribution, gratuity, or unlawful consideration in order to secure work, exclusive of securing salaried positions through employment agencies.
- b) Engineers should negotiate contracts for professional services fairly and on the basis of demonstrated competence and qualifications for the type of professional service required.
- c) Engineers may request, propose or accept professional commissions on a contingent basis only under circumstances in which their professional judgments would not be compromised.
- d) Engineers shall not falsify or permit misrepresentation of their academic or professional qualifications or experience.
- e) Engineers shall give proper credit for engineering work to those to whom credit is due, and shall recognize the proprietary interests of others. Whenever possible, they shall name the person or persons who may be responsible for designs, inventions, writings or other accomplishments.
- f) Engineers may advertise professional services in a way that does not contain misleading language or is in any other manner derogatory to the dignity of the profession. Examples of permissible advertising are as follows:
- Professional cards in recognized, dignified publications, and listings in rosters or directories published by responsible organizations, provided that the cards or listings are consistent in size and content and are in a section of the publication regularly devoted to such professional cards.
  - Brochures which factually describe experience, facilities, personnel and capacity to render service, providing they are not misleading with respect to the engineer's participation in projects described.
  - Display advertising in recognized dignified business and professional publications, providing it is factual and is not misleading with respect to the engineer's extent of participation in projects described.
  - A statement of the engineers' names or the name of the firm and statement of the type of service posted on projects for which they render services.
  - Preparation or authorization of descriptive articles for the lay or technical

press, which are factual and dignified. Such articles shall not imply anything more than direct participation in the project described.

- Permission by engineers for their names to be used in commercial advertisements, such as may be published by contractors, material suppliers, etc., only by means of a modest, dignified notation acknowledging the engineers' participation in the project described. Such permission shall not include public endorsement of proprietary products.
- g) Engineers shall not maliciously or falsely, directly or indirectly, injure the professional reputation, prospects, practice or employment of another engineer or indiscriminately criticize another's work.
- h) Engineers shall not use equipment, supplies, laboratory or office facilities of their employers to carry on outside private practice without the consent of their employers.

#### **Canon 6.**

Engineers shall act in such a manner as to uphold and enhance the honor, integrity, and dignity of the engineering profession and shall act with zero-tolerance for bribery, fraud, and corruption.

- a) Engineers shall not knowingly engage in business or professional practices of a fraudulent, dishonest or unethical nature.
- b) Engineers shall be scrupulously honest in their control and spending of monies, and promote effective use of resources through open, honest and impartial service with fidelity to the public, employers, associates and clients.
- c) Engineers shall act with zero-tolerance for bribery, fraud, and corruption in all engineering or construction activities in which they are engaged.
- d) Engineers should be especially vigilant to maintain appropriate ethical behavior where payments of gratuities or bribes are institutionalized practices.
- e) Engineers should strive for transparency in the procurement and execution of projects. Transparency includes disclosure of names, addresses, purposes, and fees or commissions paid for all agents facilitating projects.
- f) Engineers should encourage the use of certifications specifying zero-tolerance for bribery, fraud, and corruption in all contracts.

#### **Canon 7.**

Engineers shall continue their professional development throughout their careers, and shall provide opportunities for the professional development of those engineers under their supervision.

- a) Engineers should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars.

- b) Engineers should encourage their engineering employees to become registered at the earliest possible date.
- c) Engineers should encourage engineering employees to attend and present papers at professional and technical society meetings.
- d) Engineers shall uphold the principle of mutually satisfying relationships between employers and employees with respect to terms of employment including professional grade descriptions, salary ranges, and fringe benefits.

**Canon 8.**

Engineers shall, in all matters related to their profession, treat all persons fairly and encourage equitable participation without regard to gender or gender identity, race, national origin, ethnicity, religion, age, sexual orientation, disability, political affiliation, or family, marital, or economic status.

- a) Engineers shall conduct themselves in a manner in which all persons are treated with dignity, respect, and fairness.
- b) Engineers shall not engage in discrimination or harassment in connection with their professional activities.
- c) Engineers shall consider the diversity of the community, and shall endeavor in good faith to include diverse perspectives, in the planning and performance of their professional services.