

Senate Bill 526

By: Senator Fort of the 39th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to provide for the licensing of power engineers; to create the Georgia Board
3 of Power Engineers; to provide definitions; to provide for the appointment of members of the
4 board; to provide for members' terms, qualifications, compensation, and removal; to provide
5 for meetings and quorums; to define the powers and duties of the board; to provide for the
6 classification of all plants and equipment; to provide for examinations and the issuance of
7 licenses to qualified applicants for such licenses; to provide for fees; to provide for
8 provisional licenses; to provide for revocation of licenses; to provide for reciprocity; to
9 empower the board to adopt rules and regulations necessary to administer this Act; to provide
10 for enforcement of this Act; to provide an implementation date; to provide a penalty; to
11 repeal conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
15 is amended by striking Chapter 36 which is reserved and inserting a new Chapter 36 to read
16 as follows:

17 **"CHAPTER 36**

18 43-36-1.

19 As used in this chapter, the term:

20 (1) 'Board' means the Georgia Board of Power Engineers created by Code Section
21 43-36-2.

- 1 (2) 'Boiler' means any vessel in which gas or vapor may be generated or liquids may be
2 put under pressure by the application of heat and includes any pipe or fitting, prime
3 mover, machinery, or other equipment attached thereto or used therewith.
- 4 (3) 'Compression plant' means any plant where the compression of air or other gases,
5 coming within the meaning of this chapter, is performed for any purpose, including a
6 refrigeration process.
- 7 (4) 'Engine' means any machine by which physical power is applied to produce a
8 physical effect, as one converting heat into a more desirable usable form, as torque on a
9 crankshaft. Internal combustion engines, turbines, compressors, pumps, and similar
10 engines are all classed as engines within the meaning of this definition.
- 11 (5) 'Examining engineer' means a person who is a member of the Georgia Board of
12 Power Engineers for the purpose of examining power engineers and performing other
13 duties as directed by the board for the purpose of protecting health, life, property, and
14 environment.
- 15 (6) 'Horsepower of a boiler' means the total capacity in horsepower as calculated below:
16 (A) Ten square feet of heating surface shall equal one boiler horsepower. In cases
17 where electric power is used as a heat source, the boiler horsepower rating shall be the
18 maximum kilowatt capacity of the heating element divided by ten;
19 (B) In cases where vessels have irregularly shaped heating surfaces as a cast iron
20 sectional boiler, then one square foot of grate area shall equal one and one-half boiler
21 horsepower; and
22 (C) In cases where none of the above is applicable, a heat transfer of 33,500 British
23 Thermal Units per hour shall equal one boiler horsepower.
- 24 (7) 'Horsepower of a refrigeration plant' means one and one-half times its capacity in
25 tons of refrigeration.
- 26 (8) 'License' means a document issued by the board stating that the operator has met the
27 requirements for the specified classification of the licensing program.
- 28 (9) 'Plant' means a facility consisting of engines, boilers, pressure vessels, piping,
29 electrical systems, compression plants, or similar facilities or equipment.
- 30 (10) 'Power engineer' or 'station engineer' means any person who has responsibility for
31 the operation, maintenance, or management of a plant comprised of engines, boilers,
32 pressure vessels, piping, electrical systems, compression plants, or similar facilities.
- 33 (11) 'Pressure vessel' means any vessel in which any gas, vapor, or liquid is stored or
34 processed under a pressure which is unfired.

1 43-36-2.

2 (a) There is created the Georgia Board of Power Engineers. The board shall consist of ten
3 members each of whom shall be appointed by the Governor. Four members of the board
4 shall comprise an executive staff and six members of the board shall be assigned to districts
5 for the purpose of holding examinations throughout the state. Of the four members of the
6 board who constitute the executive staff, one shall be chief examining engineer who shall
7 perform as the chairperson of the board; one shall be a chief examining engineer who shall
8 serve as vice chairperson; one shall serve as secretary of the board; and one shall be an
9 inspection engineer.

10 (b) The initial terms of office for the four members of the executive staff shall be for one
11 year, two years, three years, and four years respectively; thereafter, successors shall be
12 appointed for terms of four years.

13 (c) The original district examining engineers will be appointed in six districts as
14 determined by the executive staff. The headquarters of each such district shall be located
15 in an area of a vocational-technical school. The foregoing appointed members shall serve
16 for four-year terms.

17 (d) In the event of a vacancy for any reason, the executive board shall fill such vacancy
18 for the unexpired term. The executive staff may remove any member of the board for
19 cause.

20 (e) No person shall be eligible for appointment as a member of the board who has not had
21 ten years' experience in power engineering and each member must be the holder of a chief
22 engineer's license and an examining engineer's license issued by the Georgia State
23 Association of Power Engineers, Inc., or pass the required written examination.

24 (f) The members of the board shall receive as compensation for their service only such
25 allowances as are authorized by subsection (f) of Code Section 43-1-2.

26 (g) The district examining engineers shall meet at least once each quarter for the
27 examination of applicants if there are ten or more applications on file at the time such
28 meeting would be held. The division director, examining boards, and the chief examining
29 engineer shall have the power to call special meetings of the board when deemed
30 necessary. A majority of the board shall constitute a quorum for the transaction of
31 business, and the secretary of the board shall be required to keep minutes of all meetings.

32 (h) The board shall be a professional licensing board and have those powers and duties
33 provided to professional licensing boards.

34 43-36-3.

35 The board or other duly qualified recognized authority shall classify all plants and
36 equipment with due regard to the size, type, character, and other conditions affecting such

1 plants and equipment. This classification of plants and equipment shall be made according
2 to the skill, knowledge, and experience that the power engineer in charge must have to
3 successfully operate the plant or equipment, or both, so as to protect health, life, and
4 property and prevent air pollution. The board shall be guided by the rules and regulations
5 published by or pursuant to the federal Occupational Safety and Health Act (29 U.S.C.A.
6 Section 651, et seq.), the Georgia State Association of Power Engineers, Inc., and local,
7 state, and federal health regulations pertaining to air pollution.

8 43-36-4.

9 (a) The board shall license persons as to their qualifications to supervise successfully the
10 operation of such plants and equipment.

11 (b) Any person desiring to be licensed as a power engineer shall make application to the
12 board, which application shall be accompanied by the required fee.

13 (c) The license granted under this chapter shall be valid from January 1 until the following
14 December 31. Each license shall be renewed annually on or before January 1. Application
15 for renewal of certification shall be accompanied by a renewal fee of \$10.00.

16 43-36-5.

17 The board shall prepare or obtain examinations that meet or surpass the national standards
18 to be used in determining the knowledge, ability, and judgment of applicants for licensing.
19 In certain cases the board may require practical and oral examinations in addition to the
20 written examination. The cost for these examinations shall be borne by a fee established
21 by the board. Any individual who takes the examination has the right of appeal to the full
22 board in case of an adverse decision by the district examiner.

23 43-36-6.

24 (a) Any person who presently holds a current, valid license attained by examination under
25 the voluntary license program administered by the Georgia State Association of Power
26 Engineers, Inc., shall be issued, upon proper application, a license of equal classification.

27 (b) The administrative costs for transferring a license shall be determined by the board.

28 (c) A chief engineer's license can only be issued to the holder of a first-class engineer's
29 license after the passing of the chief engineer's examination.

30 (d) The board, upon application, may issue a license without examination in a comparable
31 classification to any person who holds a current, valid license with a licensing agency in
32 any other state that is acceptable according to present licensing procedures of the Georgia
33 State Association of Power Engineers, Inc., provided that the requirements for licensing
34 power engineers under which the person's license was issued do not conflict with the

1 provisions of this chapter and are of a standard not lower than that specified by regulations
2 adopted under this chapter, and provided, further, that such state grants reciprocal
3 privileges to license holders of this profession.

4 (e) Licenses of proper classification will be issued, upon proper application, without
5 examination to the person or persons certified by the owner of a plant to have been in
6 responsible charge of such plant on July 1, 2002. A license so issued will be valid only for
7 that plant.

8 43-36-7.

9 (a) The board may issue provisional licenses as follows:

10 (1) A provisional license may be issued for not more than 90 days if a properly graded
11 engineer is not available;

12 (2) A person who possesses a license of current issue by an agency, county, municipality,
13 or state may be granted a provisional license up to and including the equivalent grade for
14 90 days;

15 (3) A person may be issued a provisional license one grade higher than his or her current
16 Georgia state license, not to exceed 90 days; and

17 (4) The 90 day provisional license is granted to allow time for preparing for and taking
18 the examination.

19 The charge for each 90 day provisional license shall be determined by the board.

20 (b) At the discretion of the examining board, provisional licenses may be renewed.

21 43-36-8.

22 (a) The board may deny, suspend, or revoke the license of an engineer following due
23 notice and an opportunity for a hearing before the board or its designated representative,
24 when it is found that the person has practiced fraud or deception; that reasonable care,
25 judgment, or the application of his or her knowledge or ability was not used in the
26 performance of his or her duties, or that the operator is incompetent or unable to perform
27 his or her duties.

28 (b) Any person aggrieved by any order of the board denying, suspending, or revoking any
29 license issued pursuant to this chapter shall have a right of appeal to the Georgia State
30 Association of Power Engineers, Inc., state convention or other appeal processes to be
31 determined as necessary.

32 43-36A-9.

33 The board shall have the authority to adopt such rules and regulations as may be necessary
34 to administer this chapter and to effectuate its purposes. The rules and regulations shall

1 include, but are not limited to, provisions establishing the basis for the classification of
2 plants and provisions establishing qualifications of applicants and procedures for
3 examination of candidates. As deemed advisable by the board, rules and regulations may
4 be adopted and promulgated by the board after consultation with the State Department of
5 Labor to meet the federal Occupational Health and Safety Standards and the Department
6 of Natural Resources to meet air quality control standards.

7 43-36A-10.

8 Plants and personnel requirements shall be classified according to criteria determined by
9 the board.

10 43-36-11.

11 On or after January 1, 2003, any government agency, firm, or corporation operating an
12 engine, pressure vessel, steam boiler, or compression plant shall comply with the
13 provisions of this chapter.

14 43-36-12.

15 The State Department of Labor, to meet the federal Occupational Health and Safety
16 Standards, shall enforce provisions of this chapter relating to safety. The Department of
17 Natural Resources shall enforce provisions relating to air pollution with enforcement
18 provisions provided respectively. Any person who shall be convicted of a violation of any
19 of the provisions of this chapter shall, in the discretion of the court, be subject to a fine of
20 not less than \$25.00, nor more than \$500.00, or be imprisoned for a term not exceeding 90
21 days, or both, for each offense. Each day on which such violation shall occur shall be
22 deemed to constitute a separate and distinct offense."

23

SECTION 2.

24 All laws and parts of laws in conflict with this Act are repealed.