

House Bill 1742

By: Representative Rogers of the 20<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 15 of Title 43 of the Official Code of Georgia Annotated, relating to  
2 professional engineers and land surveyors, so as to substantially revise the laws relating to  
3 professional engineers and land surveyors and the State Board of Registration for  
4 Professional Engineers and Land Surveyors; to provide for the creation of two divisions on  
5 the board; to provide for the powers and duties of the board and of each division thereof; to  
6 change the provisions relating to membership of the board and provide for the membership  
7 of the divisions; to change certain definitions; to change the provisions relating to certificates  
8 and certificates of registration, eligibility therefor, procedures related thereto, and the effect  
9 thereof; to change the provisions relating to evaluations and examinations; to change the  
10 provisions relating to applications; to change the provisions relating to registration by  
11 comity; to change the provisions relating to practices and procedures; to change the  
12 provisions relating to revocation, suspension, or denial of certificates and certificates of  
13 registration and reprimands; to provide for reissuance and fees; to change the provisions  
14 relating to temporary permits; to change the provisions relating to seals; to change the  
15 provisions relating to practice by or through a firm, corporation, or other entity; to change  
16 the provisions relating to charges against a certificate holder; to change the provisions  
17 relating to cease and desist orders and penalties; to change the provisions relating to  
18 enforcement and the applicability of certain laws; to change the provisions relating to  
19 unlawful acts; to repeal conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **SECTION 1.**

22 Chapter 15 of Title 43 of the Official Code of Georgia Annotated, relating to professional  
23 engineers and land surveyors, is amended by striking Code Section 43-15-2, relating to  
24 definitions, and inserting in its place the following:

25 "43-15-2.

26 As used in this chapter, the term:

- 1 (1) 'Board' means the State Board of Registration for Professional Engineers and Land  
2 Surveyors.
- 3 (2) 'Certificate' means any certificate issued under Code Section 43-15-8 or 43-15-12.
- 4 (3) 'Certificate of registration' means any certificate issued under Code Section 43-15-9,  
5 43-15-13, or 43-15-16.
- 6 (4) 'Current certificate of registration' means a certificate of registration which has not  
7 expired or been revoked and the rights under which have not been suspended or otherwise  
8 restricted by the appropriate division of the board.
- 9 (5) 'Engineer-in-training' means an individual who meets the qualifications for and to  
10 whom the ~~board~~ professional engineers division has duly issued an engineer-in-training  
11 certificate.
- 12 (6) 'Land surveying' means any service, work, or practice, the adequate performance of  
13 which requires the application of special knowledge of the principles of mathematics, the  
14 related physical and applied sciences, and the requirements of relevant law in the  
15 evaluation and location of property rights, as applied to:
- 16 (A) Measuring and locating lines, angles, elevations, natural and manmade features in  
17 the air, on the surface of the earth, in underground works, and on the beds of bodies of  
18 water, for the purpose of determining and reporting positions, topography, areas, and  
19 volumes;
- 20 (B) Establishing or reestablishing, locating or relocating, or setting or resetting of  
21 monumentation for any property, easement, or right of way boundaries, or the boundary  
22 of any estate or interest therein;
- 23 (C) The platting and layout of lands and subdivisions thereof, including alignment and  
24 grades of streets and roads, excluding thoroughfares;
- 25 (D) The platting and layout, incidental to subdivisions, of grading, erosion control,  
26 storm drainage pipes and culverts, and water distribution or gravity sanitary collection  
27 sewer extensions therein, provided that the design and installation of such water  
28 distribution or gravity sanitary sewer extensions shall conform to local ordinances and  
29 regulations and shall be subjected to the review and approval of the local government  
30 or its engineer;
- 31 (E) Conducting horizontal and vertical control surveys, layout or stake-out of proposed  
32 construction, or the preparation of as-built surveys which relate to property, easement,  
33 or right of way boundaries;
- 34 (F) Utilization of measurement devices or systems, such as aerial photogrammetry,  
35 geodetic positioning systems, land information systems, or similar technology for  
36 evaluation or location of property, easement, or right of way boundaries; or

1 (G) The preparation and perpetuation of maps, record plats, drawings, exhibits, field  
2 notes, or property descriptions representing these services.

3 (7) 'Land surveyor' means an individual who is qualified to engage in the practice of land  
4 surveying and who possesses a current certificate of registration as a land surveyor issued  
5 by the ~~board~~ land surveyors division. A person shall be construed to practice or offer to  
6 practice land surveying within the meaning of this chapter who by verbal claim, sign,  
7 advertisement, letterhead, cards, or in any other way represents or holds himself or herself  
8 out as able or qualified to perform or who does perform any of the services defined as  
9 land surveying.

10 (8) 'Land surveyor-in-training' means an individual who meets the qualifications for and  
11 to whom the ~~board~~ land surveyors division has duly issued a certificate as a land  
12 surveyor-in-training.

13 (9) 'Person' means an individual and any legal or commercial entity, including, by way  
14 of illustration and not limitation, a partnership, corporation, association, or governmental  
15 agency.

16 (10) 'Professional engineer' means an individual who is qualified, by reason of  
17 knowledge of mathematics, the physical sciences, and the principles by which mechanical  
18 properties of matter are made useful to man in structures and machines, acquired by  
19 professional education and practical experience, to engage in the practice of professional  
20 engineering and who possesses a current certificate of registration as a professional  
21 engineer issued by the ~~board~~ professional engineers division.

22 (11) 'Professional engineering' means the practice of the art and sciences, known as  
23 engineering, by which mechanical properties of matter are made useful to man in  
24 structures and machines and shall include any professional service, such as consultation,  
25 investigation, evaluation, planning, designing, or responsible supervision of construction  
26 or operation, in connection with any public or private utilities, structures, buildings,  
27 machines, equipment, processes, works, or projects, wherein the public welfare or the  
28 safeguarding of life, health, or property is concerned or involved, when such professional  
29 service requires the application of engineering principles and data and training in the  
30 application of mathematical and physical sciences. A person shall be construed to  
31 practice or offer to practice professional engineering, within the meaning of this chapter  
32 who by verbal claim, sign, advertisement, letterhead, card, or in any other way represents  
33 or holds himself or herself out as a professional engineer or engineer or as able or  
34 qualified to perform engineering services or who does perform any of the services set out  
35 in this paragraph. Nothing contained in this chapter shall include the work ordinarily  
36 performed by persons who operate or maintain machinery or equipment."



1 year at which time the board shall elect a ~~chairman~~ chairperson and a vice ~~chairman~~  
 2 chairperson. The chairperson of the board shall not also serve contemporaneously as the  
 3 chairperson of either division of the board. The chairperson shall not be elected from the  
 4 same division as the immediately preceding chairperson. The chairperson shall be an ex  
 5 officio member of both divisions but shall not be counted for purposes of determining  
 6 whether a quorum is present in a meeting for the division in which he or she is not a regular  
 7 member."

#### 8 SECTION 4.

9 Said chapter is further amended by striking Code Section 43-15-5, relating to the duty of the  
 10 board to keep records, and inserting in its place the following:

11 "43-15-5.

12 The board shall keep records of its proceedings and of the proceedings of each division of  
 13 the board."

#### 14 SECTION 5.

15 Said chapter is further amended by striking subsection (a) of Code Section 43-15-6, relating  
 16 to the general powers of the board, and inserting in its place the following:

17 "(a) All powers and duties under this chapter not specifically reserved to the board shall be  
 18 the powers and duties of the appropriate division of the board. In carrying out this chapter,  
 19 in addition to other powers conferred upon it under this chapter, the board shall have the  
 20 power:

21 (1) To adopt and enforce regulations implementing this chapter, including regulations  
 22 governing the professional conduct of those individuals registered by it;

23 (2) Under the hand of its ~~chairman~~ chairperson or his or her delegate and the seal of the  
 24 board, to subpoena witnesses and compel their attendance and to require thereby the  
 25 production of books, papers, documents, and other things relevant to such investigation  
 26 in order to investigate conduct subject to regulation by the board or either division; the  
 27 ~~chairman~~ chairperson of the board or the chairperson of a division ~~or the member of the~~  
 28 ~~board who is his or her delegate~~ may administer oaths to witnesses appearing before the  
 29 board or a division; and the board may secure the enforcement of its subpoenas in the  
 30 manner provided by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act';  
 31 ~~and~~

32 (3) To receive applications for certificates and certificates of registration and to forward  
 33 them to the appropriate division; and

34 ~~(3)(4)~~ (4) To maintain in its name an action for injunctive or other appropriate legal or  
 35 equitable relief to remedy violations of this chapter and, in pursuing equitable remedies,

1 it shall not be necessary that the board allege or prove that it has no adequate remedy at  
2 law."

3 **SECTION 6.**

4 Said chapter is further amended by striking Code Section 43-15-8, relating to the  
5 engineer-in-training certificate and eligibility therefor, and inserting in its place the  
6 following:

7 "43-15-8.

8 To be eligible for certification as an engineer-in-training, an applicant must meet the  
9 following minimum requirements:

10 (1)(A) Graduate in an engineering curriculum of not less than four years from a school  
11 or college approved by the ~~board~~ professional engineers division; and

12 (B) Pass a written examination in fundamental engineering subjects  
13 (engineer-in-training examination); ~~or~~

14 (2)(A) Graduate in an engineering curriculum of not less than four years or in a  
15 curriculum of four or more years in engineering technology or related science; from a  
16 school or college approved by the ~~board~~ professional engineers division; and

17 (B) Pass a written examination in fundamental engineering subjects  
18 (engineer-in-training examination); or

19 (3)(A) Acquire not less than eight years of experience in engineering work of a nature  
20 satisfactory to the ~~board~~ professional engineers division; and

21 (B) Pass a written examination in fundamental engineering subjects  
22 (engineer-in-training examination)."

23 **SECTION 7.**

24 Said chapter is further amended by striking Code Section 43-15-9, relating to the professional  
25 engineer certificate of registration and eligibility therefor, and inserting in its place the  
26 following:

27 "43-15-9.

28 To be eligible for a certificate of registration as a professional engineer, an applicant must  
29 meet the following minimum requirements:

30 (1)(A) Obtain certification by the ~~board~~ professional engineers division as an  
31 engineer-in-training under paragraph (1) of Code Section 43-15-8;

32 (B) Acquire a specific record of not less than four years' experience in engineering  
33 work of a character satisfactory to the ~~board~~ professional engineers division which  
34 indicates the applicant is competent to practice professional engineering; and

1 (C) Subsequently pass a written examination in the principles and practice of  
2 engineering (professional engineer's examination); or

3 (2)(A) Obtain certification by the ~~board~~ professional engineers division as an  
4 engineer-in-training under paragraph (2) of Code Section 43-15-8;

5 (B) Acquire a specific record of not less than seven years' experience in engineering  
6 work of a character satisfactory to the ~~board~~ professional engineers division which  
7 indicates the applicant is competent to practice professional engineering; and

8 (C) Subsequently pass a written examination in the principles and practice of  
9 engineering (professional engineer's examination); or

10 (3)(A) Obtain certification by the ~~board~~ professional engineers division as an  
11 engineer-in-training under paragraph (3) of Code Section 43-15-8;

12 (B) Acquire a specific record of not less than seven years' experience in engineering  
13 work of a character satisfactory to the ~~board~~ professional engineers division which  
14 indicates the applicant is competent to practice professional engineering; and

15 (C) Subsequently pass a written examination in the principles and practice of  
16 engineering (professional engineer's examination); or

17 (4)(A) Graduate in an engineering or related science curriculum of not less than four  
18 academic years;

19 (B) Acquire a specific record of not less than 16 years' experience in engineering  
20 work, of which at least eight years have been in responsible charge of important  
21 engineering work of a character satisfactory to the ~~board~~ professional engineers  
22 division, which indicates the applicant is competent to practice professional  
23 engineering; and

24 (C) Subsequently pass a written examination in the principles and practice of  
25 engineering (professional engineer's examination)."

## 26 SECTION 8.

27 Said chapter is further amended by striking Code Section 43-15-10, relating to evaluation of  
28 engineering experience, and inserting in its place the following:

29 "43-15-10.

30 (a) For the purpose of determining whether an applicant has acquired the experience  
31 required under Code Section 43-15-8 or 43-15-9:

32 (1) Responsible charge of engineering teaching may, in the board's sole discretion, be  
33 considered as responsible charge of engineering work;

34 (2) The satisfactory completion of each academic year of an approved course in  
35 engineering or engineering technology in a school or college approved by the ~~board~~

1 professional engineers division, without graduation, may be considered as equivalent to  
2 a year of engineering experience;

3 (3) Partial credit may be granted by the ~~board~~ professional engineers division for the  
4 successful completion of one or more scholastic years of a four-year engineering  
5 curriculum in a school or college not approved by the ~~board~~ professional engineers  
6 division or in a curriculum in related science in a school or college approved by the ~~board~~  
7 professional engineers division. The degree of credit shall be determined by the ~~board~~  
8 professional engineers division upon consideration of the mathematics, science, and  
9 engineering courses completed by the applicant;

10 (4) No applicant shall receive experience credit for more than four years of  
11 undergraduate education; and

12 (5) The satisfactory completion of graduate study in an approved engineering curriculum  
13 may, in the board's sole discretion, be credited for not more than one year's experience.

14 (b) The execution, as a contractor, of work designed by a professional engineer or the  
15 supervision of the construction of such work as foreman, inspector, or superintendent shall  
16 not be deemed to be engineering experience unless such work involves the application of  
17 engineering principles and the applicant presents evidence of additional engineering  
18 experience of a character satisfactory to the ~~board~~ professional engineers division and  
19 indicating the applicant is competent to be placed in responsible charge of engineering  
20 work."

## 21 **SECTION 9.**

22 Said chapter is further amended by striking Code Section 43-15-11, relating to the  
23 professional engineer's examination, and inserting in its place the following:

24 "43-15-11.

25 An applicant for the professional engineer's examination shall designate the special branch  
26 of engineering in which the applicant proposes to engage. The scope of the professional  
27 engineer's examination administered to him or her shall be prescribed by the ~~board~~  
28 professional engineers division with respect to that branch of engineering, with special  
29 reference to the applicant's ability to design and supervise engineering work so as to ensure  
30 the safety of life, health, and property."

## 31 **SECTION 10.**

32 Said chapter is further amended by striking Code Section 43-15-12, relating to the land  
33 surveyor-in-training certificate and eligibility therefor, and inserting in its place the  
34 following:

35 "43-15-12.

1 To be eligible for certification as a land surveyor-in-training, an applicant must meet the  
2 following minimum requirements:

3 (1)(A) Earn a bachelor's degree in a curriculum approved by the ~~board~~ land surveyors  
4 division; or

5 (B) Earn an associate degree, or its equivalent, in a curriculum approved by the ~~board~~  
6 land surveyors division and acquire not less than two years of combined office and field  
7 experience in land surveying of a nature satisfactory to the ~~board~~ land surveyors  
8 division; or

9 (C) Earn a high school diploma, or its equivalent and acquire not less than four years'  
10 experience in land surveying of a nature satisfactory to the ~~board~~ land surveyors  
11 division; and

12 (2) Acquire a minimum of 15 quarter hours' credit, or its equivalent, in land surveying  
13 subjects in a course of study approved by the ~~board~~ land surveyors division; provided,  
14 however, that on and after January 1, 1995, the minimum requirement shall be 20 quarter  
15 hours' credit, five of which shall be in hydrology; and

16 (3) Subsequently pass ~~the board's~~ a written examination in the fundamentals of land  
17 surveying (land surveyor-in-training examination)."

#### 18 SECTION 11.

19 Said chapter is further amended by striking Code Section 43-15-13, relating to the land  
20 surveyor certificate of registration and eligibility therefor, and inserting in its place the  
21 following:

22 "43-15-13.

23 To be eligible for a certificate of registration as a land surveyor, an applicant must meet the  
24 following minimum requirements:

25 (1)(A) Obtain certification as a land surveyor-in-training under subparagraph (A) of  
26 paragraph (1) and paragraph (3) of Code Section 43-15-12;

27 (B) Acquire a specific record of the equivalent of not less than four years of combined  
28 office and field experience in land surveying with a minimum of three years'  
29 experience in responsible charge of land surveying projects under the supervision of a  
30 registered land surveyor or such other supervision deemed by the ~~board~~ land surveyors  
31 division to be the equivalent thereof; and

32 (C) Subsequently pass a written examination on the principles and practices of land  
33 surveying and the laws of this state relating to land surveying (land surveyor  
34 examination); ~~or~~

35 (2)(A) Obtain certification as a land surveyor-in-training under subparagraph (B) of  
36 paragraph (1) and paragraph (3) of Code Section 43-15-12;

1 (B) Acquire an additional specific record of the equivalent of not less than four years  
 2 of combined office and field experience in land surveying which, together with the  
 3 qualifying experience under subparagraph (B) of paragraph (1) of Code Section  
 4 43-15-12, includes not less than four years' experience in responsible charge of land  
 5 surveying projects under the supervision of a registered land surveyor or such other  
 6 supervision deemed by the ~~board~~ land surveyors division to be the equivalent thereof;  
 7 and

8 (C) Subsequently pass a written examination on the principles and practices of land  
 9 surveying and the laws of Georgia relating to land surveying (land surveyor  
 10 examination); or

11 (3)(A) Obtain certification as a land surveyor-in-training under subparagraph (C) of  
 12 paragraph (1) and paragraph (3) of Code Section 43-15-12;

13 (B) Acquire an additional specific record of not less than four years of experience in  
 14 land surveying which, together with the qualifying experience under subparagraph (C)  
 15 of paragraph (1) of Code Section 43-15-12, includes not less than six years' experience  
 16 in responsible charge of land surveying under the supervision of a registered land  
 17 surveyor or such other supervision deemed by the ~~board~~ land surveyors division to be  
 18 the equivalent thereof and of a grade and character satisfactory to the ~~board~~ land  
 19 surveyors division indicating that the applicant is competent to practice land surveying;  
 20 and

21 (C) Subsequently pass a written examination on the principles and practices of land  
 22 surveying and laws of this state relating to land surveying (land surveyor examination)."

## 23 SECTION 12.

24 Said chapter is further amended by striking Code Section 43-15-14, relating to examinations,  
 25 and inserting in its place the following:

26 "43-15-14.

27 ~~Board approval~~ Approval of an applicant for examination by the appropriate division  
 28 entitles the applicant to admission to the next four consecutive examination offerings  
 29 without reapplication. Following the first offering to which the applicant is entitled to  
 30 admission, the applicant shall not be admitted to any of the succeeding three examination  
 31 offerings except upon payment of a fee for each examination, to be determined by the  
 32 board. Admission to any future examinations will be at the discretion of the ~~board~~  
 33 appropriate division which may require the applicant to file a new application. An  
 34 examination offering occurs regardless of whether the applicant attends."

## 35 SECTION 13.

1 Said chapter is further amended by striking Code Section 43-15-15, relating to applications  
2 for certificates, and inserting in its place the following:

3 "43-15-15.

4 (a) Applications for certificates and for certificates of registration shall be made under oath  
5 to the board and shall contain such information in the form and manner as shall be  
6 prescribed by the board. The application shall be accompanied by a fee in an amount  
7 prescribed by the board.

8 (b) No individual shall be eligible for a certificate or a certificate of registration under this  
9 chapter who is not of good character and reputation.

10 (c) If the appropriate division of the board denies an application on the ground that the  
11 applicant lacks the requisite experience to admit him or her to the examination, the ~~board~~  
12 division may impose on the applicant a period of deferment on the filing of a new  
13 application, during which period the ~~board~~ division shall not be required to accept for filing  
14 a new application by the applicant. The period of deferment shall not exceed the time  
15 reasonably required to acquire the requisite experience.

16 (d) An application shall contain the names of not less than five persons, not related to the  
17 applicant by blood or marriage, of whom at least three shall be professional engineers or  
18 land surveyors having personal knowledge of the experience on which the applicant  
19 predicates his or her qualifications.

20 (e) Experience required under this chapter shall be of a character and nature approved by  
21 the ~~board~~ division and consistent with the purposes of this chapter."

22 **SECTION 14.**

23 Said chapter is further amended by striking Code Section 43-15-16, relating to registration  
24 by comity, and inserting in its place the following:

25 "43-15-16.

26 (a) The ~~board~~ professional engineers division may, in its discretion, upon application  
27 therefor and the payment of a fee prescribed by the board, issue a certificate of registration  
28 as a professional engineer to any individual who holds a certificate of qualification or  
29 registration issued to him or her by proper authority of the National Council of Engineering  
30 Examiners or of any state or territory or possession of the United States if the requirements  
31 of the registration of professional engineers under which the certificate of qualification or  
32 registration was issued do not conflict with this chapter and are of a standard not lower than  
33 that specified in this chapter or if the applicant held such certificate on or before July 1,  
34 1956. The fact that the statute under which the individual was issued a certificate of  
35 qualification or registration in another state does not provide that the required written  
36 examination be passed subsequent to the acquisition of the required experience shall not

1 be deemed as a conflict with, or lower than, the Georgia requirements, provided that the  
 2 written examination and the amount of experience required for registration are substantially  
 3 equivalent to the Georgia requirements.

4 (b) The ~~board~~ land surveyors division may, in its discretion, upon application therefor and  
 5 the payment of a fee prescribed by the board, issue a certificate of registration as a land  
 6 surveyor to any person who holds a certificate of registration to practice land surveying  
 7 issued by a state or territory or possession of the United States obtained:

8 (1) By written examination of not less than eight hours in duration prior to July 1, 1968;

9 (2) By written examination of not less than 16 hours in duration prior to July 1, 1978; or

10 (3) Under qualifications comparable to those prescribed by this chapter; and

11 in addition passes a written examination on the laws of Georgia relating to land surveying  
 12 (land surveyor examination)."

### 13 SECTION 15.

14 Said chapter is further amended by striking subsection (a) of Code Section 43-15-17, relating  
 15 to issuance, expiration, and renewal of certificates and certificates of registration, and  
 16 inserting in its place the following:

17 "(a) Certificates and certificates of registration shall be issued by the appropriate division  
 18 to applicants who successfully complete the respective requirements therefor upon the  
 19 payment of fees prescribed by the board."

### 20 SECTION 16.

21 Said chapter is further amended by striking Code Section 43-15-18, relating to the effect of  
 22 certificates of registration, and inserting in its place the following:

23 "43-15-18.

24 (a) In the case of a registered professional engineer, the certificate of registration shall  
 25 authorize the practice of professional engineering. In the case of a registered land surveyor,  
 26 the certificate of registration shall authorize the practice of land surveying. A certificate of  
 27 registration shall show the full name of the registrant, shall have a serial number, and shall  
 28 be signed by the ~~chairman~~ chairperson of the ~~board~~ division and the division director under  
 29 the seal of the board.

30 (b) The issuance of a certificate of registration by ~~the board~~ a division shall be evidence  
 31 that the person named therein is entitled to all the rights and privileges of a registered  
 32 professional engineer or a registered land surveyor, as the case may be, ~~as~~ so long as the  
 33 certificate remains unrevoked, unexpired, or unaffected by other discipline imposed by the  
 34 board or the division."

**SECTION 17.**

Said chapter is further amended by striking subsection (a) of Code Section 43-15-19, relating to revocation, suspension, or denial of certificates or certificates of registration and reprimands, and inserting in its place the following:

"(a) The appropriate division of the board shall have the power, after notice and hearing, to deny any application made to it, to revoke or suspend any certificate or certificate of registration issued by it, or to reprimand any person holding a certificate or certificate of registration issued by it, upon the following grounds:

(1) Commission of any fraud or deceit in obtaining a certificate or certificate of registration;

(2) Any gross negligence, incompetency, or unprofessional conduct in the practice of professional engineering or land surveying as a registered professional engineer or land surveyor;

(3) Affixing a seal to any plan, specification, plat, or report contrary to Code Section 43-15-22;

(4) Conviction of a felony or crime involving moral turpitude in the courts of this state, the United States, or of any state or territory of the United States or the conviction of an offense in another jurisdiction which, if committed in this state, would be deemed a felony. 'Conviction' shall include a finding or verdict of guilt, a plea of guilty, or a plea of nolo contendere in a criminal proceeding, regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon pursuant to Article 3 of Chapter 8 of Title 42 or any comparable rule or statute; or

(5) Any violation of this chapter or any rule or regulation promulgated by the board pursuant to the powers conferred on it by this chapter."

**SECTION 18.**

Said chapter is further amended by striking Code Section 43-15-20, relating to reissuance of certificates and certificates of registration and fees related thereto, and inserting in its place the following:

"43-15-20.

(a) A division ~~The board~~, in its sole discretion, may reissue a certificate or a certificate of registration to any person whose certificate or certificate of registration has been revoked or may terminate any suspension imposed by it upon the affirmative vote of a majority of the members of the ~~board~~ division and upon the payment of a fee prescribed by the board.

(b) A new certificate or certificate of registration to replace any certificate lost, destroyed, or mutilated may be issued subject to the rules of the board upon the payment of a fee prescribed by the board."



1 "43-15-22.

2 (a) Every engineer and land surveyor registered under this chapter shall, upon receipt of  
3 a certificate of registration, obtain a seal of the design authorized by the ~~board~~ appropriate  
4 division, bearing the registrant's name, certificate number, and the legend 'Registered  
5 Professional Engineer,' or 'Registered Land Surveyor,' in accordance with the certificate  
6 of registration.

7 (b) Plans, specifications, plats, and reports issued by a registrant shall be stamped or sealed  
8 and countersigned by the registrant; but it shall be unlawful for the registrant or any other  
9 person to stamp or seal any document with such seal after the certificate of the registrant  
10 named thereon has expired, or has been revoked, or during the period of any suspension  
11 imposed by the ~~board~~ appropriate division. No plans, specifications, plats, or reports shall  
12 be stamped with the seal of a registrant unless such registrant has personally performed the  
13 engineering or land surveying work involved or, when the registrant has not personally  
14 performed the engineering or land surveying work reflected in any plan, specification, plat,  
15 or report, such registrant has affixed his or her seal thereto only if such document has been  
16 prepared by an employee or employees under the registrant's direct supervisory control on  
17 a daily basis and after the registrant has thoroughly reviewed the work embodied in such  
18 document and has satisfied himself or herself completely that such work is adequate.

19 (c) No registrant shall affix his or her seal to any plan, specification, plat, or report unless  
20 he or she has assumed the responsibility for the accuracy and adequacy of the work  
21 involved.

22 (d) Any registrant who has affixed his or her seal to any plan, specification, plat, or report  
23 prepared by another person not under the registrant's direct supervisory control on a daily  
24 basis, and without having thoroughly reviewed such work, shall be deemed to have  
25 committed a fraudulent act of misconduct in the practice of professional engineering or  
26 land surveying."

27 **SECTION 21.**

28 Said chapter is further amended by striking subsections (a) and (d) of Code Section 43-15-23,  
29 relating to practice of professional engineering by of through a firm, corporation, or other  
30 entity, and inserting in their place the following:

31 "(a) The practice of or offer to practice professional engineering, as defined in this chapter,  
32 by individual professional engineers registered under this chapter through a firm,  
33 corporation, professional corporation, partnership, association, or other entity offering  
34 engineering services to the public or by a firm, corporation, professional corporation,  
35 partnership, association, or other entity offering engineering services to the public through  
36 individual registered professional engineers as agents, employees, officers, members, or

1 partners is permitted subject to the provisions of this chapter; provided, however, that one  
 2 or more of the principals, officers, members, or partners of said firm, corporation,  
 3 professional corporation, partnership, association, or other entity and all personnel of such  
 4 firm, corporation, partnership, association, or entity who act in its behalf as professional  
 5 engineers in this state shall be registered as provided in this chapter; and further provided  
 6 that said firm, corporation, professional corporation, partnership, association, or entity has  
 7 been issued a certificate of authorization by the ~~board~~ professional engineers division as  
 8 provided in this chapter."

9 "(d)(1) After all of the requirements of this Code section have been complied with, the  
 10 ~~board~~ professional engineers division shall issue to such firm, corporation, professional  
 11 corporation, partnership, association, or other entity a certificate of authorization.

12 (2) The ~~board~~ professional engineers division may refuse to issue a certificate if any facts  
 13 exist which would entitle the ~~board~~ division to suspend or revoke an existing certificate  
 14 or if the ~~board~~ division shall determine that any of the officers, directors, principals,  
 15 members, agents, or employees of the entity to be licensed are not persons of good  
 16 character."

## 17 SECTION 22.

18 Said chapter is further amended by striking subsections (a) and (d) of Code Section  
 19 43-15-23.1, relating to practice of land surveying by of through a firm, corporation, or other  
 20 entity, and inserting in their place the following:

21 "(a) The practice of or offer to practice land surveying, as defined in this chapter, by  
 22 individual land surveyors registered under this chapter through a firm, corporation,  
 23 professional corporation, partnership, association, or other entity offering land surveying  
 24 services to the public or by a firm, corporation, professional corporation, partnership,  
 25 association, or other entity offering land surveying services to the public through individual  
 26 registered land surveyors as agents, employees, officers, members, or partners is permitted  
 27 subject to the provisions of this chapter; provided, however, that one or more of the  
 28 principals, officers, members, or partners of said firm, corporation, professional  
 29 corporation, partnership, association, or other entity and all personnel of such firm,  
 30 corporation, professional corporation, partnership, association, or entity who act in its  
 31 behalf as land surveyors in this state shall be registered as provided in this chapter; and  
 32 further provided that said firm, corporation, professional corporation, partnership,  
 33 association, or entity has been issued a certificate of authorization by the ~~board~~ land  
 34 surveyors division as provided in this chapter."

1 "(d)(1) After all of the requirements of this Code section have been complied with, the  
2 ~~board~~ land surveyors division shall issue to such firm, corporation, professional  
3 corporation, partnership, association, or other entity a certificate of authorization.

4 (2) The ~~board~~ division may refuse to issue a certificate if any facts exist which would  
5 entitle the ~~board~~ division to suspend or revoke an existing certificate or if the ~~board~~  
6 division shall determine that any of the officers, directors, principals, members, agents,  
7 or employees of the entity to be licensed are not persons of good character.

8 (3) Every firm, partnership, corporation, or other entity which performs or offers to  
9 perform surveying services shall have a resident registered land surveyor in responsible  
10 charge in each separate branch office in which surveying services are performed or  
11 offered to be performed. A resident means a registrant who spends the majority of his  
12 or her normal working time at his or her place of business. The registrant can be the  
13 resident licensee at only one place of business at one time."

#### 14 SECTION 23.

15 Said chapter is further amended by striking Code Section 43-15-25, relating to the procedure  
16 for filing charges against a certificate holder, and inserting in its place the following:

17 "43-15-25.

18 (a) Any person may prefer charges of fraud, deceit, gross negligence, incompetency, or  
19 unprofessional conduct against any person holding a certificate or certificate of registration.  
20 Such charges shall be in writing, shall be sworn to by the person making them, and shall  
21 be filed with the board or the appropriate division.

22 (b) All such charges, unless dismissed by the board as unfounded or trivial, shall be acted  
23 upon by the board appropriate division."

#### 24 SECTION 24.

25 Said chapter is further amended by striking Code Section 43-15-26, relating to cease and  
26 desist orders and civil penalties for violation of orders, and inserting in its place the  
27 following:

28 "43-15-26.

29 (a) After notice and hearing, the board or a division of the board may issue an order  
30 prohibiting any person from violating Code Section 43-15-7 and may fine such person at  
31 least \$100.00 but not more than \$5,000.00 per violation.

32 (b) The violation of any order of the board or a division of the board issued under  
33 subsection (a) of this Code section shall subject the person violating the order to an  
34 additional civil penalty not in excess of \$100.00 for each transaction constituting a  
35 violation of such order. The board or division may maintain an action in the superior

1 courts of this state in its own name to recover the penalties provided for in this Code  
2 section."

3 **SECTION 25.**

4 Said chapter is further amended by striking subsection (b) of Code Section 43-15-27, relating  
5 to enforcement of the chapter, and inserting in its place the following:

6 "(b) The Attorney General or his or her designated assistant shall act as legal adviser to the  
7 board and the divisions thereof and render such legal assistance as may be necessary in  
8 carrying out this chapter."

9 **SECTION 26.**

10 Said chapter is further amended by striking Code Section 43-15-28, relating to the  
11 applicability of Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," and  
12 inserting in its place the following:

13 "43-15-28.

14 The board and each division shall exercise the powers and duties conferred upon ~~it~~ them  
15 in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

16 **SECTION 27.**

17 Said chapter is further amended by striking subsection (c) of Code Section 43-15-30, relating  
18 to unlawful acts, and inserting in its place the following:

19 "(c) Any person who gives any false or forged evidence of any kind to the board or to any  
20 division or member thereof in obtaining a certificate or certificate of registration shall be  
21 guilty of a misdemeanor."

22 **SECTION 28.**

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