

House Bill 1742

By: Representative Rogers of the 20th

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."

SECTION 2.

Said chapter is further amended by striking subsections (b) and (f) of Code Section 43-15-3, relating to creation of the State Board of Registration for Professional Engineers and Land Surveyors and the members thereof, and inserting in their places the following:

"(b)(1) The board shall consist of six professional engineers, ~~two six~~ land surveyors, and ~~a member~~ two members appointed from the public at large who ~~has~~ have no connection with the professions of engineering and land surveying, all of whom shall be appointed by the Governor for a term of five years. Of the professional engineers appointed to the board, one shall be a structural engineer, one shall be a mechanical engineer, one shall be an electrical engineer, two shall be civil or sanitary engineers, and one shall be from any discipline of engineering. Each member of the board shall be a citizen of the United States and a resident of this state.

(2) The board shall be composed of two divisions, a professional engineers division and a land surveyors division.

(3) The members of the professional engineers division shall be the six professional engineers and one of the members of the board from the public at large. All powers and duties relating to professional engineers which are not specifically reserved to the board shall be assigned to the professional engineers division. The professional engineers division shall elect one of its members to serve as chairperson of the division for a period of one year.

(4) The members of the land surveyors division shall be the six land surveyors and one of the members of the board from the public at large. All powers and duties relating to land surveyors which are not specifically reserved to the board shall be assigned to the land surveyors division. The land surveyors division shall elect one of its members to serve as chairperson of the division for a period of one year.

(5) The chairperson of the board shall determine which of the two members from the public at large will serve in the professional engineers division and which shall serve in the land surveyors division."

"(f) Each member of the board and of the divisions thereof shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2."

SECTION 3.

Said chapter is further amended by striking subsection (b) of Code Section 43-15-4, relating to adoption of rules and regulations, meetings, the seal, and the division director, and inserting in its place the following:

"(b) The board shall meet at such times as the business of the board shall require, as the board or its ~~chairman~~ chairperson may determine, but shall hold one annual meeting each

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.~~"

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."

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) ~~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,~~

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

SECTION 6.

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

"43-15-8.

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

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

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

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

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

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

(B) Pass a written examination in fundamental engineering subjects

SECTION 7

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

"43 15 9

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

(1)(A) Obtain certification by the board professional engineers division as an engineer-in-training under paragraph (1) of Code Section 42-15-8;

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

- (C) Subsequently pass a written examination in the principles and practice of engineering (professional engineer's examination); or
 - (2)(A) Obtain certification by the board professional engineers division as an engineer-in-training under paragraph (2) of Code Section 43-15-8;
 - (B) Acquire a specific record of not less than seven years' experience in engineering work of a character satisfactory to the board professional engineers division which indicates the applicant is competent to practice professional engineering; and
 - (C) Subsequently pass a written examination in the principles and practice of engineering (professional engineer's examination); or
 - (3)(A) Obtain certification by the board professional engineers division as an engineer-in-training under paragraph (3) of Code Section 43-15-8;
 - (B) Acquire a specific record of not less than seven years' experience in engineering work of a character satisfactory to the board professional engineers division which indicates the applicant is competent to practice professional engineering; and
 - (C) Subsequently pass a written examination in the principles and practice of engineering (professional engineer's examination); or
 - (4)(A) Graduate in an engineering or related science curriculum of not less than four academic years;
 - (B) Acquire a specific record of not less than 16 years' experience in engineering work, of which at least eight years have been in responsible charge of important engineering work of a character satisfactory to the board professional engineers division, which indicates the applicant is competent to practice professional engineering; and
 - (C) Subsequently pass a written examination in the principles and practice of engineering (professional engineer's examination)."

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

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

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

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

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

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

SECTION 9.

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

"43-15-11.

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

SECTION 10.

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

"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;

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

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

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

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

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

SECTION 12.

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

"43-15-14.

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

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

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

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

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

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

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

In addition passes a written examination on the laws of Georgia relating to land surveying
land surveyor examination)."

SECTION 15.

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

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

SECTION 16.

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

"43-15-18.

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

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

SECTION 19.

Said chapter is further amended by striking Code Section 43-15-21, relating to temporary permits, and inserting in its place the following:

"43-15-21.

(a) The ~~board~~ professional engineers division, or its delegate, in its sole discretion, may issue a temporary permit to a person who is not a resident of and who has no established place of business in this state, or who has recently become a resident thereof, to permit him or her, in accordance with the conditions of the temporary permit, to practice or offer to practice engineering in this state if:

(1) An application for a certificate of registration has been filed with the board and the fee required by this chapter has been paid;

(2) The applicant is legally qualified to practice such profession in the state or country of the applicant's residence or former residence; and

(3) The requirements and qualifications for obtaining a certificate of registration in that jurisdiction are not lower than those specified in this chapter.

(b) An application under subsection (a) of this Code section shall be made to the board in writing, containing such information and in the form and manner as shall be prescribed by the board.

(c) The temporary permit shall continue only for such time as the ~~board~~ division requires for the consideration of the application for registration. The temporary permit shall contain such conditions with respect to the scope of the permission granted as the ~~board~~ division deems necessary or desirable.

(d) Plans, specifications, plats, and reports issued by a person holding a temporary permit shall bear his or her signature and a stamp containing his or her name, business address, and 'Georgia Professional Engineer Temporary Permit No. ____.' The signature and stamp shall be affixed only in accordance with the requirements of subsection (b) of Code Section 43-15-22.

(e) A person who has obtained a temporary permit and practices in accordance therewith is deemed to be a professional engineer for purposes of this chapter, but a temporary permit shall not be deemed to be a registration under any provision of this chapter, including, by way of illustration and not limitation, Code Section 43-15-23."

SECTION 20.

Said chapter is further amended by striking Code Section 43-15-22, relating to the requirement that registrants obtain a seal, the inscription on the seal, purpose, and fraudulent use of the seal, and inserting in its place the following:

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."

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

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

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

SECTION 23.

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

"43-15-25.

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

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

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:

"43-15-26.

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

(b) The violation of any order of the board or a division of the board issued under subsection (a) of this Code section shall subject the person violating the order to an additional civil penalty not in excess of \$100.00 for each transaction constituting a 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."

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."

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.'

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."

SECTION 28.

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