

House Bill 592

By: Representatives Harrell of the 106th and Setzler of the 35th

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 provide for the profession of professional
3 structural engineer; to provide for definitions; to provide for continuing education
4 requirements; to provide for unlawful practices; to provide for the issuance of certificates of
5 registration for such professionals; to provide for registration by comity; to provide for
6 certificates of registration; to provide for use of a seal; to provide for exceptions; to provide
7 for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 15 of Title 43 of the Official Code of Georgia Annotated, relating to professional
11 engineers and land surveyors, is amended in Code Section 43-15-2, relating to definitions, by
12 adding two new paragraphs to read as follows:

13 "(12) 'Professional structural engineer' means a professional engineer with specialized
14 knowledge and expertise in the practice of structural engineering. Such person shall be
15 qualified by reason of knowledge of mathematics, physical sciences, and principles by
16 which mechanical properties of matter are made useful to man in structures, acquired
17 through professional education and practical experience, to engage in the practice of
18 structural engineering. Such persons shall further possess a current certificate of
19 registration as a professional structural engineer issued by the board.

20 (13) 'Structural engineering' means a specialized area of professional engineering
21 requiring specialized knowledge and expertise which involves the practice of the art and
22 sciences, known as structural engineering, by which mechanical properties of matter are
23 made useful to man in the design of structures determined by the board and shall include
24 any professional service, such as consultation, investigation, evaluation, planning,
25 designing, analyzing, or responsible supervision of construction or operation, in
26 connection with any public or private structures designated by the board or any part

27 thereof, wherein the public welfare or the safeguarding of life, health, or property is
 28 concerned or involved, when such professional service requires the application of
 29 engineering principles and data and training in the application of mathematical and
 30 physical sciences. A person shall be construed to practice or offer to practice structural
 31 engineering, within the meaning of this chapter, who by verbal claim, sign, advertisement,
 32 letterhead, card, or in any other way represents or holds himself, or herself out as a
 33 professional structural engineer or as able or qualified to perform structural engineering
 34 services or who does perform any of the services set out in this paragraph."

35 **SECTION 2.**

36 Said chapter is further amended in Code Section 43-15-6, relating to general powers of the
 37 board, injunctions, and continuing education, by revising subsection (b) as follows:

38 "(b) In addition to other powers conferred upon the board under this chapter, the board shall
 39 through rules and regulations require each person seeking renewal of a certificate of
 40 registration as a professional engineer, professional structural engineer, or a land surveyor
 41 to complete board approved continuing education of not more than 30 hours biennially for
 42 professional engineers and professional structural engineers and not more than 15 hours
 43 biennially for land surveyors. The board shall be authorized to approve courses offered by
 44 institutions of higher learning or offered by other institutions or organizations. The board
 45 shall randomly audit some applications for renewal of a certificate of registration to enforce
 46 compliance with this subsection. The continuing education requirements adopted by the
 47 board shall recognize the continuing education requirements imposed by other states to the
 48 extent that such continuing education courses meet the requirements imposed by the board.
 49 The board shall be authorized to waive the continuing education requirements in cases of
 50 hardship, disability, or illness or under such other circumstances as the board deems
 51 appropriate. The board shall waive the continuing education requirement for individuals
 52 over the age of 65 who have retired from active practice and who apply for an inactive
 53 license and for individuals over the age of 65 who are engaged in the active practice of their
 54 profession who have had a valid active license for the previous 25 consecutive years. The
 55 requirement for continuing education including the exemptions provided for in this
 56 subsection shall apply to each licensing renewal cycle which begins after the 1996 renewal
 57 cycle."

58 **SECTION 3.**

59 Said chapter is further amended in Code Section 43-15-7, relating to unlawful practice as a
 60 professional engineer or land surveyor, by adding a new subsection to read as follows:

61 "(c) It shall be unlawful for any person other than a professional structural engineer to
 62 practice or to offer to practice structural engineering in this state."

63 **SECTION 4.**

64 Said chapter is further amended adding a new Code section to read as follows:

65 "43-15-9.1.

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

68 (1)(A) Obtain certification by the board as an engineer-in-training under paragraph (1)
 69 of Code Section 43-15-8;

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

73 (C) Subsequently pass a 16 hour written examination in the principles and practice of
 74 structural engineering in the areas of which shall be determined by the board; or

75 (2)(A) Obtain certification by the board as an engineer-in-training under paragraph (2)
 76 of Code Section 43-15-8;

77 (B) Acquire a specific record of not less than seven years' experience in structural
 78 engineering work of a character satisfactory to the board which indicates the applicant
 79 is competent to practice structural engineering; and

80 (C) Subsequently pass a 16 hour written examination in the principles and practice of
 81 structural engineering in the areas of which shall be determined by the board; or

82 (3) Any applicant seeking a certificate of registration as a professional structural engineer
 83 prior to January 1, 2017, who holds a valid certificate of registration as a professional
 84 engineer from the board, has a record of practice which is primarily in the practice of
 85 structural engineering, and is currently engaged in the practice of structural engineering
 86 may submit a signed affidavit on a form prescribed by the board stating as such. Based
 87 upon such affidavit and any other means the board may deem necessary to determine
 88 verification of practice in the area of structural engineering by an applicant, the board shall
 89 grant a certificate of registration as a professional structural engineer. On or after January
 90 1, 2017, no certificate of registration as a professional structural engineer shall be issued
 91 unless the requirements of subsection (a) or (b) of this Code section and Code Section
 92 43-15-16 have been satisfied."

93 **SECTION 5.**

94 Said chapter is further amended in Code Section 43-15-10, relating to evaluation of
 95 engineering experience, by revising the introductory language of subsection (a) as follows:

96 "(a) For the purpose of determining whether an applicant has acquired the experience
97 required under Code Section 43-15-8, ~~or 43-15-9,~~ or 43-15-9.1."

98 **SECTION 6.**

99 Said chapter is further amended in Code Section 43-15-16, relating to registration by comity,
100 by revising subsection (a) as follows:

101 "(a) The board may, in its discretion, upon application therefor and the payment of a fee
102 prescribed by the board, issue a certificate of registration as a professional engineer or
103 professional structural engineer to any individual who holds a certificate of qualification or
104 registration issued to him by proper authority of the National Council of Engineering
105 Examiners or of any state or territory or possession of the United States if the requirements
106 of the registration of professional engineers or professional structural engineers under which
107 the certificate of qualification or registration was issued do not conflict with this chapter and
108 are of a standard not lower than that specified in this chapter or if the applicant held such
109 certificate on or before July 1, 1956. The fact that the statute under which the individual was
110 issued a certificate of qualification or registration in another state does not provide that the
111 required written examination be passed subsequent to the acquisition of the required
112 experience shall not be deemed as a conflict with, or lower than, the Georgia requirements,
113 provided that the written examination and the amount of experience required for registration
114 are substantially equivalent to the Georgia requirements."

115 **SECTION 7.**

116 Said chapter is further amended by revising Code Section 43-15-18, relating to effect of
117 certificate of registration, as follows:

118 "43-15-18.

119 (a) In the case of a registered professional engineer, the certificate of registration shall
120 authorize the practice of professional engineering. In the case of a registered land surveyor,
121 the certificate of registration shall authorize the practice of land surveying. In the case of
122 a registered professional structural engineer, the certificate of registration shall authorize the
123 practice of structural engineering. A certificate of registration shall show the full name of
124 the registrant, shall have a serial number, and shall be signed by the chairman of the board
125 and the division director under the seal of the board.

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

131 **SECTION 8.**

132 Said chapter is further amended in Code Section 43-15-22, relating to registrant required to
 133 obtain seal, inscription, purpose, and fraudulent use of seal, by revising subsection (a) as
 134 follows:

135 "(a) Every engineer and land surveyor registered under this chapter shall, upon receipt of
 136 a certificate of registration, obtain a seal of the design authorized by the board, bearing the
 137 registrant's name, certificate number, and the legend 'Registered Professional Engineer,'
 138 'Registered Professional Structural Engineer,' or 'Registered Land Surveyor,' in accordance
 139 with the certificate of registration."

140 **SECTION 9.**

141 Said chapter is further amended by revising Code Section 43-15-24, relating to construction
 142 of structures jeopardizing health, safety, or welfare, exceptions, and recording of building
 143 permits, as follows:

144 "43-15-24.

145 (a) It shall be unlawful for this state or any of its political subdivisions such as a county,
 146 municipality, or school district, or agencies thereof, or for any private or commercial entity
 147 to engage in the construction of any work or structures involving professional engineering
 148 or structural engineering which by the nature of their function or existence could adversely
 149 affect or jeopardize the health, safety, or welfare of the public unless the plans and
 150 specifications have been prepared under the direct supervision or review of and bear the seal
 151 of, and the construction is executed under the direct supervision of or review by, a registered
 152 professional engineer or architect or professional structural engineer.

153 (b) Nothing in this Code section shall be held to apply to any construction, including
 154 alterations, of which the completed cost is less than \$100,000.00 or which is used
 155 exclusively for private or noncommercial purposes, or to private residences, or to
 156 noncommercial farm buildings, or to residence buildings not exceeding two stories in
 157 height, excluding basements.

158 (c) Any county, municipality, or other governing body in this state that issues building
 159 permits is required to maintain a permanent record of the permit application and issuance
 160 thereon, ~~which record shall indicate~~ indicating the name of the professional engineer or
 161 architect or professional structural engineer, if any, ~~that who~~ who has sealed the plans,
 162 specifications, plats, or reports pursuant to which ~~said~~ such building permit is issued, ~~said~~
 163 such record to include details on the size, type of building or structure, use for ~~said~~ such
 164 building or structure, and estimated cost of construction."

165 **SECTION 10.**

166 Said chapter is further amended in Code Section 43-15-29, relating to exceptions to operation
167 of chapter, by revising subsections (b) through (d) as follows:

168 "(b) The following persons shall be exempt from this chapter:

169 (1) A person working as an employee or a subordinate of a person holding a certificate
170 of registration under this chapter or an employee of a person practicing lawfully under
171 Code Section 43-15-21, provided such work does not include final design decisions and
172 is done under the supervision of, and responsibility therefor is assumed by, a person
173 holding a certificate of registration under this chapter or a person practicing lawfully under
174 Code Section 43-15-21;

175 (2) Officers and employees of the government of the United States while engaged within
176 this state in the practice of professional engineering, structural engineering, or land
177 surveying for such government;

178 (3) All ~~elective~~ elected officers of the political subdivisions of the state while in the
179 practice of professional engineering, structural engineering, or land surveying in the
180 performance of their official duties; and

181 (4) Officers and employees of the Department of Transportation, except as required by
182 Title 46, while engaged within this state in the practice of professional engineering,
183 structural engineering, or land surveying for such department.

184 (c) This chapter shall not be construed as requiring registration for the purpose of practicing
185 professional engineering, structural engineering, or land surveying by an individual, firm,
186 or corporation on property owned or leased by such individual, firm, or corporation unless
187 the same involves the public safety or public health or for the performance of engineering
188 which relates solely to the design or fabrication of manufactured products.

189 (d) This chapter shall not be construed to prevent or affect the practice of professional
190 engineering, structural engineering, and land surveying with respect to utility facilities by
191 any public utility subject to regulation by the Public Service Commission, the Federal
192 Communications Commission, the Federal Power Commission, or like regulatory agencies,
193 including its parents, affiliates, or subsidiaries; or by the officers and full-time permanent
194 employees of any such public utility, including its parents, affiliates, or subsidiaries, except
195 where such practice involves property lines of adjoining property owners, provided that this
196 exception does not extend to any professional engineer, professional structural engineer, or
197 land surveyor engaged in the practice of professional engineering, structural engineering,
198 or land surveying whose compensation is based in whole or in part on a fee or to any
199 engineering services performed by the above-referenced utility companies not directly
200 connected with work on their facilities."

201 **SECTION 11.**

202 Said chapter is further amended in Code Section 43-15-30, relating to unlawful acts, by
203 revising subsection (f) as follows:

204 "(f) Any person offering services to the public who uses by name, verbal claim, sign,
205 advertisement, directory listing, or letterhead the words 'Engineer,' 'Engineers,' 'Professional
206 Engineering,' 'Engineering,' or 'Engineered,' Professional Structural Engineer,' 'Professional
207 Structural Engineers,' 'Structural Engineer,' 'Structural Engineers,' 'Structural Engineering,'
208 or 'Structurally Engineered' shall be guilty of a misdemeanor unless ~~said~~ such person has
209 complied with the provisions of this chapter."

210 **SECTION 12.**

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