

Senate Bill 425

By: Senators Gooch of the 51st, Walker III of the 20th, Miller of the 49th, Kirk of the 13th, Albers of the 56th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and  
2 businesses, so as to change provisions relating to professional land surveyors; to change and  
3 add certain defined terms; to provide for land surveyor interns; to change certain educational  
4 and examination requirements; to provide certain exceptions; to provide for applicability; to  
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,  
9 is amended by revising Chapter 15, relating to professional engineers and land surveyors, as  
10 follows:

11 **"CHAPTER 15**

12 43-15-1.

13 This chapter is enacted to safeguard life, health, and property and to promote the public  
14 welfare.

15 43-15-2.

16 As used in this chapter, the term:

17 (1) 'Board' means the State Board of Registration for Professional Engineers and Land  
18 Surveyors created in subsection (a) of Code Section 43-15-3.

19 (2) 'Certificate' means any certificate issued under Code Section 43-15-8 or 43-15-12.

20 (3) 'Certificate of registration' means any certificate issued under Code Section 43-15-9;  
21 ~~43-15-13;~~ or 43-15-16.

22 (4) 'Current certificate of registration' means a certificate of registration which has not  
 23 expired or been revoked and the rights under which have not been suspended or otherwise  
 24 restricted by the board.

25 (5) 'Current license' means a license issued under Code Section 43-15-13 which has not  
 26 expired or been revoked and the rights under which have not been suspended or otherwise  
 27 restricted by the board.

28 ~~(5)~~(6) 'Engineer-in-training' means an individual who meets the qualifications for and  
 29 to whom the board has duly issued an engineer-in-training certificate.

30 ~~(6)~~(7) 'Land surveying' means any service, work, or practice, the adequate performance  
 31 of which requires the application of special knowledge of the principles of mathematics,  
 32 the related physical and applied sciences, and the requirements of relevant law in the  
 33 evaluation ~~and~~ or location of property rights, as applied to:

34 (A) Measuring and locating lines, angles, elevations, natural and manmade features in  
 35 the air, on the surface of the earth, in underground works, and on the beds of bodies of  
 36 water, for the purpose of determining and reporting positions, topography, areas, and  
 37 volumes;

38 (B) Establishing or reestablishing, locating or relocating, or setting or resetting of  
 39 monumentation for any property, easement, or right of way boundaries, or the boundary  
 40 of any estate or interest therein;

41 (C) The platting and layout of lands and subdivisions thereof, including alignment and  
 42 grades of streets and roads, excluding thoroughfares;

43 (D) The design, platting, and layout, incidental to subdivisions of any tract of land by  
 44 a land surveyor, of:

45 (i) Grading plans and site plans;

46 (ii) Erosion and sediment control plans, including detention ponds, provided that no  
 47 impoundment shall be designed on a live (perennial) stream; provided, further, that  
 48 such detention ponds:

49 (I) Contain no more than five acre-feet of water storage at maximum pool (top of  
 50 dam) or are no more than ten feet in height for a dry storage pond;

51 (II) Are no more than six feet in height for a permanent (wet) storage pond; or

52 (III) Contain no more than three acre-feet of water storage at maximum pool (top  
 53 of dam) if the height is more than ten feet but less than 13 feet for a dry storage  
 54 pond;

55 (iii) Storm water management plans and facilities, including hydrologic studies and  
 56 temporary sediment basins, provided that the contributing drainage area shall not be  
 57 larger than 100 acres; and

58 (iv) Extension of existing water distribution piping and gravity sewers, eight inches  
 59 in diameter or smaller, provided that off-site length shall not exceed 1,000 feet, the  
 60 design and construction of which shall conform to the local government ordinances  
 61 and regulations, and such extensions shall be subjected to the review and approval of  
 62 a local government which has been delegated approval authority by the  
 63 Environmental Protection Division of the Department of Natural Resources;,  
 64 provided that the design of any storm-water management plans, facilities, water  
 65 distribution lines, and sanitary sewer collection systems shall be performed only by  
 66 such professional land surveyors who are qualified to do so as provided in Code Section  
 67 43-15-13.1;

68 (E) Conducting horizontal and vertical control surveys, layout or stake-out of proposed  
 69 construction, or the preparation of as-built surveys which relate to property, easement,  
 70 or right of way boundaries;

71 (F) Utilization of measurement devices or systems, such as aerial photogrammetry,  
 72 geodetic positioning systems, land information systems, or similar technology for  
 73 evaluation or location of property, easement, or right of way boundaries; or

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

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

82 (8) 'Land ~~surveyor-in-training~~ surveyor intern' means an individual who meets the  
 83 qualifications for and to whom the board has duly issued a certificate as a land  
 84 surveyor-in-training.

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

88 (10) 'Professional engineer' means an individual who is qualified, by reason of  
 89 knowledge of mathematics, the physical sciences, and the principles by which mechanical  
 90 properties of matter are made useful to ~~man~~ mankind in structures and machines, acquired  
 91 by professional education and practical experience, to engage in the practice of  
 92 professional engineering and who possesses a current certificate of registration as a  
 93 professional engineer issued by the board.

94 (11) 'Professional engineering' means the practice of the ~~art~~ arts and sciences, known as  
 95 engineering, by which mechanical properties of matter are made useful to ~~man~~ mankind  
 96 in structures and machines and shall include any professional service, such as  
 97 consultation, investigation, evaluation, planning, designing, or responsible supervision  
 98 of construction or operation, in connection with any public or private utilities, structures,  
 99 buildings, machines, equipment, processes, works, or projects, wherein the public welfare  
 100 or the safeguarding of life, health, or property is concerned or involved, when such  
 101 professional service requires the application of engineering principles and data and  
 102 training in the application of mathematical and physical sciences. ~~A person~~ An individual  
 103 shall be construed to practice or offer to practice professional engineering, within the  
 104 meaning of this chapter, who by verbal claim, sign, advertisement, letterhead, card, or in  
 105 any other way represents or holds himself or herself out as a professional engineer or  
 106 engineer or as able or qualified to perform engineering services or who ~~does perform~~  
 107 performs any of the services set out in this paragraph. Nothing contained in this chapter  
 108 shall include the work ordinarily performed by ~~persons~~ individuals who operate or  
 109 maintain machinery or equipment.

110 (12) 'Professional land surveyor' or 'land surveyor' means an individual who is qualified  
 111 to engage in the practice of land surveying and who possesses a current license as a  
 112 professional land surveyor issued by the board. An individual shall be construed to  
 113 practice or offer to practice land surveying within the meaning of this chapter who by  
 114 verbal claim, sign, advertisement, letterhead, cards, or in any other way represents or  
 115 holds himself or herself out as able or qualified to perform or who does perform land  
 116 surveying services.

117 43-15-3.

118 (a) A State Board of Registration for Professional Engineers and Land Surveyors is created  
 119 whose duty it shall be to administer this chapter.

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

128 (c) Each member shall hold office until his or her successor has been duly appointed and  
129 qualified. All successors shall be appointed in the same manner as the original  
130 appointment.

131 (d) A vacancy on the membership of the board shall be filled by appointment by the  
132 Governor, in the same manner as the original appointment to the position vacated, for the  
133 unexpired term.

134 (e) Professional engineers appointed to the board shall have been engaged in the practice  
135 of engineering in their respective disciplines for at least 12 years and shall have been in  
136 responsible charge of important engineering work in their respective disciplines for at least  
137 five years. ~~Land~~ Professional land surveyors appointed to the board shall have been  
138 engaged in the practice of land surveying for at least 12 years and shall have been in  
139 responsible charge of important land surveying work for at least five years. Responsible  
140 charge of engineering or land surveying teaching may be construed as responsible charge  
141 of important engineering or land surveying work, respectively.

142 (f) Each member of the board shall be reimbursed as provided for in subsection (f) of Code  
143 Section 43-1-2.

144 (g) The Governor may remove any member of the board for misconduct, incompetency,  
145 neglect of duty, or for any other sufficient and just cause.

146 43-15-4.

147 (a) The board shall adopt all necessary rules, regulations, and bylaws, not inconsistent with  
148 this chapter and the Constitution and laws of this state or of the United States, to govern  
149 its times and place of meetings for organization and reorganization, for the holding of  
150 examinations, for fixing the length of terms of its officers, and for governing all other  
151 matters requisite to the exercise of its powers, the performance of its duties, and the  
152 transaction of its businesses. The board shall adopt an official seal.

153 (b) The board shall meet at such times as the business of the board shall require, as the  
154 board or its chairman may determine, but shall hold one annual meeting each year at which  
155 time the board shall elect a chairman and a vice chairman.

156 (c) The board shall be assigned to the office of the division director for those purposes  
157 described in Chapter 1 of this title.

158 43-15-5.

159 The board shall keep records of its proceedings.

160 43-15-6.

161 (a) In carrying out this chapter, in addition to other powers conferred upon it under this  
162 chapter, the board shall have the power:

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

165 (2) Under the hand of its chairman or his or her delegate and the seal of the board, to  
166 subpoena witnesses and compel their attendance and to require thereby the production of  
167 books, papers, documents, and other things relevant to such investigation in order to  
168 investigate conduct subject to regulation by the board; the chairman or the member of the  
169 board who is his or her delegate may administer oaths to witnesses appearing before the  
170 board; and the board may secure the enforcement of its subpoenas in the manner provided  
171 by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; and

172 (3) To maintain in its name an action for injunctive or other appropriate legal or  
173 equitable relief to remedy violations of this chapter and, in pursuing equitable remedies,  
174 it shall not be necessary that the board allege or prove that it has no adequate remedy at  
175 law.

176 (b) In addition to other powers conferred upon the board under this chapter, the board shall  
177 through rules and regulations require each ~~person~~ individual seeking renewal of a  
178 certificate of registration as a professional engineer or a license as a professional land  
179 surveyor to complete board approved continuing education of not more than 30 hours  
180 biennially for professional engineers and not more than 15 hours biennially for professional  
181 land surveyors. The board shall be authorized to approve courses offered by institutions  
182 of higher learning or offered by other institutions or organizations. The board shall  
183 randomly audit some applications for renewal of a certificate of registration or license to  
184 enforce compliance with this subsection. The continuing education requirements adopted  
185 by the board shall recognize the continuing education requirements imposed by other states  
186 to the extent that such continuing education courses meet the requirements imposed by the  
187 board. The board shall be authorized to waive the continuing education requirements in  
188 cases of hardship, disability, or illness or under such other circumstances as the board  
189 deems appropriate. The board shall waive the continuing education requirement for  
190 individuals over the age of 65 who have retired from active practice and who apply for an  
191 inactive license and for individuals over the age of 65 who are engaged in the active  
192 practice of their profession who have had a valid active license for the previous 25  
193 consecutive years. The requirement for continuing education including the exemptions  
194 provided for in this subsection shall apply to each licensing renewal cycle which begins  
195 after the 1996 renewal cycle.

196 43-15-7.

197 (a) It shall be unlawful for any person other than a professional engineer to practice or to  
198 offer to practice professional engineering in this state.

199 (b) It shall be unlawful for any person other than a professional land surveyor to practice  
200 or to offer to practice land surveying in this state.

201 43-15-8.

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

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

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

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

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

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

215 (B) Pass a written examination in fundamental engineering subjects  
216 (engineer-in-training examination).

217 43-15-9.

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

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

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

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

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

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

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

234 (3)(A) Obtain certification by the board as an engineer-in-training under paragraph (3)  
 235 of Code Section 43-15-8;

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

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

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

243 (B) Acquire a specific record of not less than 16 years' experience in engineering work,  
 244 of which at least eight years have been in responsible charge of important engineering  
 245 work of a character satisfactory to the board, which indicates the applicant is competent  
 246 to practice professional engineering; and

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

249 43-15-10.

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

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

254 (2) The satisfactory completion of each academic year of an approved course in  
 255 engineering or engineering technology in a school or college approved by the board,  
 256 without graduation, may be considered as equivalent to a year of engineering experience;

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

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

265 (5) The satisfactory completion of graduate study in an approved engineering curriculum  
 266 may, in the board's sole discretion, be credited for not more than one year's experience.  
 267 (b) The execution, as a contractor, of work designed by a professional engineer or the  
 268 supervision of the construction of such work as foreman, inspector, or superintendent shall  
 269 not be deemed to be engineering experience unless such work involves the application of  
 270 engineering principles and the applicant presents evidence of additional engineering  
 271 experience of a character satisfactory to the board and indicating the applicant is competent  
 272 to be placed in responsible charge of engineering work.

273 43-15-11.

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

280 43-15-12.

281 (a) To be eligible for certification as a land ~~surveyor-in-training~~ surveyor intern, an  
 282 applicant must meet the following minimum requirements:

- 283 (1)(A) Earn a bachelor's degree in a curriculum approved by the board;  
 284 (B) Earn an associate degree, or its equivalent, in a curriculum approved by the board  
 285 and acquire not less than two years of combined office and field experience in land  
 286 surveying of a nature satisfactory to the board; or  
 287 (C) Earn a high school diploma, or its equivalent, and acquire not less than four years'  
 288 experience in land surveying of a nature satisfactory to the board;
- 289 (2) Acquire a minimum of ~~15 quarter hours'~~ 18 semester hours of credit, or its equivalent,  
 290 in land surveying subjects in a course of study approved by the board; ~~provided, however,~~  
 291 ~~that on and after January 1, 1995, the minimum requirement shall be 20 quarter hours'~~  
 292 ~~credit, five of which shall be in hydrology; and~~
- 293 (3) Subsequently pass the board approved examination in the fundamentals of land  
 294 surveying (land ~~surveyor-in-training~~ surveyor intern examination).

295 (b) Land surveyor intern applicants may apply prior to July 1, 2020, with 15 quarter hours  
 296 of credit in land surveying subjects in a course of study approved by the board and five  
 297 quarter hours in hydrology. Such applicants applying prior to July 1, 2020, who meet the  
 298 requirements of this subsection shall be eligible for licensure without the hydrology exam.

299 43-15-13.

300 To be eligible for a ~~certificate of registration~~ license as a professional land surveyor, an  
301 applicant must meet the following minimum requirements:

302 (1)(A) Obtain certification as a land ~~surveyor-in-training~~ surveyor intern under  
303 subparagraph (A) of paragraph (1) and paragraph (3) of subsection (a) of Code  
304 Section 43-15-12;

305 (B) Acquire a specific record of the equivalent of not less than four years of combined  
306 office and field experience in land surveying with a minimum of three years' experience  
307 in responsible charge of land surveying projects under the supervision of a ~~registered~~  
308 professional land surveyor or such other supervision deemed by the board to be the  
309 equivalent thereof; and

310 (C) Subsequently pass a written examination on the principles and practices of land  
311 surveying and the laws of this state relating to land surveying (professional land  
312 surveyor examination);

313 (2)(A) Obtain certification as a land ~~surveyor-in-training~~ surveyor intern under  
314 subparagraph (B) of paragraph (1) and paragraph (3) of subsection (a) of Code  
315 Section 43-15-12;

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

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

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

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

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

339 43-15-13.1.

340 For an individual to be eligible to engage in the practices described in divisions (7)(D)(ii)  
 341 through (iv) of Code Section 43-15-2, he or she shall:

342 (1) Obtain licensure as a land surveyor or professional land surveyor under this chapter  
 343 prior to July 1, 2018; or

344 (2) Complete an additional three semester hours of coursework in hydrology, possess the  
 345 requisite required by the board, and pass the hydrology exam. The licensing record for  
 346 such individual as available to the public shall be marked as 'hydrology and design  
 347 authorized.'

348 43-15-14.

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

356 43-15-15.

357 (a) Applications for certificates ~~and for~~, certificates of registration, and licenses shall be  
 358 made under oath to the board and shall contain such information in the form and manner  
 359 as shall be prescribed by the board. The application shall be accompanied by a fee in an  
 360 amount prescribed by the board.

361 (b) No individual shall be eligible for a certificate ~~or~~, a certificate of registration, or a  
 362 license under this chapter who is not of good character and reputation.

363 (c) If the board denies an application on the ground that the applicant lacks the requisite  
 364 experience to admit him or her to the examination, the board may impose on the applicant  
 365 a period of deferment on the filing of a new application, during which period the board  
 366 shall not be required to accept for filing a new application by the applicant. The period of  
 367 deferment shall not exceed the time reasonably required to acquire the requisite experience.

368 (d) An application shall contain the names of not less than five ~~persons~~ individuals, not  
 369 related to the applicant by blood or marriage, of whom at least three shall be professional

370 engineers or professional land surveyors having personal knowledge of the experience on  
371 which the applicant predicates his or her qualifications.

372 (e) Experience required under this chapter shall be of a character and nature approved by  
373 the board and consistent with the purposes of this chapter.

374 43-15-16.

375 (a) The board may, in its discretion, upon application therefor and the payment of a fee  
376 prescribed by the board, issue a certificate of registration as a professional engineer to any  
377 individual who holds a certificate of qualification or registration issued to him or her by  
378 proper authority of the National Council of Engineering Examiners or of any state or  
379 territory or possession of the United States if the requirements of the registration of  
380 professional engineers under which the certificate of qualification or registration was issued  
381 do not conflict with this chapter and are of a standard not lower than that specified in this  
382 chapter or if the applicant held such certificate on or before July 1, 1956. The fact that the  
383 statute under which the individual was issued a certificate of qualification or registration  
384 in another state does not provide that the required written examination be passed  
385 subsequent to the acquisition of the required experience shall not be deemed as a conflict  
386 with, or lower than, the Georgia requirements, provided that the written examination and  
387 the amount of experience required for registration are substantially equivalent to the  
388 Georgia requirements.

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

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

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

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

396 in addition passes a written examination on the laws of Georgia relating to land surveying  
397 (professional land surveyor examination).

398 43-15-17.

399 (a) Certificates ~~and~~, certificates of registration, or licenses shall be issued to applicants  
400 who successfully complete the respective requirements therefor upon the payment of fees  
401 prescribed by the board.

402 (b) Certificates of registration or licenses shall be renewable biennially. Renewal may be  
403 effected for the succeeding two years by the payment of the fee prescribed by the board.  
404 Certificates of registration or licenses may be renewed subsequent to their expiration upon

405 the payment of accumulated unpaid fees and of a penalty in an amount to be determined  
 406 by the board. A certificate of registration ~~which~~ or license that has been expired for a  
 407 period of greater than four years shall be automatically revoked.

408 (c) The division director shall give notice by mail to each ~~person~~ individual holding a  
 409 certificate of registration or license under this chapter of the date of the expiration of the  
 410 certificate of registration or license and the amount of the fee required for renewal, at least  
 411 one month prior to the expiration date; but the failure to receive such notice shall not avoid  
 412 the expiration of any certificate of registration or license not renewed in accordance with  
 413 this Code section.

414 43-15-18.

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

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

426 43-15-19.

427 (a) The board shall have the power, after notice and hearing, to deny any application made  
 428 to it, to revoke or suspend any certificate ~~or~~ certificate of registration, or license issued by  
 429 it, or to reprimand any ~~person~~ individual holding a certificate ~~or~~ certificate of registration,  
 430 or license issued by it, upon the following grounds:

431 (1) Commission of any fraud or deceit in obtaining a certificate ~~or~~ certificate of  
 432 registration, or license;

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

436 (3) Affixing a seal to any plan, specification, plat, or report contrary to Code Section  
 437 43-15-22;

438 (4) Conviction of a felony or crime involving moral turpitude in the courts of this state,  
 439 the United States, or ~~of~~ any state or territory of the United States or the conviction of an

440 offense in another jurisdiction which, if committed in this state, would be deemed a  
 441 felony. 'Conviction' shall include a finding or verdict of guilt, a plea of guilty, or a plea  
 442 of nolo contendere in a criminal proceeding, regardless of whether the adjudication of  
 443 guilt or sentence is withheld or not entered thereon pursuant to Article 3 of Chapter 8 of  
 444 Title 42 or any comparable rule or statute; or

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

447 (b) 'Unprofessional conduct,' as referred to in paragraph (2) of subsection (a) of this Code  
 448 section, includes a violation of those standards of professional conduct for professional  
 449 engineers and professional land surveyors adopted by the board pursuant to the power  
 450 conferred upon it to promulgate rules and regulations to effectuate the duties and powers  
 451 conferred on it by this chapter.

452 43-15-20.

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

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

461 43-15-21.

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

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

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

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

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

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

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

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

489 43-15-22.

490 (a) Every professional engineer and professional land surveyor registered or licensed, as  
 491 applicable, under this chapter shall, upon receipt of a certificate of registration or license,  
 492 obtain a seal of the design authorized by the board, bearing the registrant's or licensee's  
 493 name, certificate or license number, and the legend '~~Registered~~ Professional Engineer,' or  
 494 '~~Registered~~ Professional Land Surveyor,' in accordance with the certificate of registration  
 495 or license.

496 (b) Plans, specifications, plats, and reports issued by a registrant or licensee shall be  
 497 stamped or sealed and countersigned by the registrant or licensee; but it shall be unlawful  
 498 for the registrant or licensee or any other person to stamp or seal any document with such  
 499 seal after the certificate of the registrant or license of the licensee named thereon has  
 500 expired, or has been revoked, or during the period of any suspension imposed by the board.  
 501 No plans, specifications, plats, or reports shall be stamped with the seal of a registrant or  
 502 a licensee unless such registrant or licensee has personally performed the engineering or  
 503 land surveying work involved or, when the registrant or licensee has not personally  
 504 performed the engineering or land surveying work reflected in any plan, specification, plat,  
 505 or report, such registrant or licensee has affixed his or her seal thereto only if such  
 506 document has been prepared by an employee or employees under the registrant's or  
 507 licensee's direct supervisory control on a daily basis and after the registrant or licensee has

508 thoroughly reviewed the work embodied in such document and has satisfied himself or  
509 herself completely that such work is adequate.

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

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

518 43-15-23.

519 (a) The practice of or offer to practice professional engineering, as defined in this chapter,  
520 by individual professional engineers registered under this chapter through a firm,  
521 corporation, professional corporation, partnership, association, or other entity offering  
522 engineering services to the public or by a firm, corporation, professional corporation,  
523 partnership, association, or other entity offering engineering services to the public through  
524 individual ~~registered~~ professional engineers as agents, employees, officers, members, or  
525 partners is permitted subject to the provisions of this chapter; provided, however, that one  
526 or more of the principals, officers, members, or partners of said firm, corporation,  
527 professional corporation, partnership, association, or other entity and all personnel of such  
528 firm, corporation, partnership, association, or entity who act in its behalf as professional  
529 engineers in this state shall be registered as provided in this chapter; and further provided  
530 that said firm, corporation, professional corporation, partnership, association, or entity has  
531 been issued a certificate of authorization by the board as provided in this chapter.

532 (b) A firm, corporation, professional corporation, partnership, association, or other entity  
533 desiring a certificate of authorization shall file with the board an application upon a form  
534 to be prescribed by the board and accompanied by the registration fee prescribed by the  
535 board.

536 (c)(1) A corporation or professional corporation shall file with the board, using a form  
537 provided by the board, the names and addresses of all officers and board members of the  
538 corporation, including the principal officer or officers duly registered to practice  
539 professional engineering in this state and of an individual or individuals duly registered  
540 to practice professional engineering within this state who shall be in responsible charge  
541 of the practice of professional engineering in this state by said corporation.

542 (2) A partnership shall file with the board, using a form provided by the board, the names  
543 and addresses of all partners of the partnership, including the partner or partners duly

544 registered to practice professional engineering in this state and of an individual or  
 545 individuals duly registered to practice professional engineering in this state who shall be  
 546 in responsible charge of the practice of professional engineering in this state by said  
 547 partnership.

548 (3) Any firm, limited liability company, association, or entity which is not a corporation,  
 549 professional corporation, or partnership shall file with the board, using a form provided  
 550 by the board, the names and addresses of all principals or members of the firm,  
 551 association, or entity duly registered to practice professional engineering in this state who  
 552 shall be in responsible charge of the practice of professional engineering in this state by  
 553 said firm, association, or other entity.

554 (4) The forms provided in paragraphs (1) through (3) of this subsection must accompany  
 555 a biennial renewal fee prescribed by the board. In the event there shall be a change in any  
 556 of these persons, such change shall be designated on the same form and filed with the  
 557 board by the firm, corporation, professional corporation, partnership, association, or  
 558 entity within 30 days after the effective date of the change.

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

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

566 43-15-23.1.

567 (a) The practice of or offer to practice land surveying, as defined in this chapter, by  
 568 individual professional land surveyors ~~registered~~ licensed under this chapter through a firm,  
 569 corporation, professional corporation, partnership, association, or other entity offering land  
 570 surveying services to the public or by a firm, corporation, professional corporation,  
 571 partnership, association, or other entity offering land surveying services to the public  
 572 through individual ~~registered~~ professional land surveyors as agents, employees, officers,  
 573 members, or partners is permitted subject to the provisions of this chapter; provided,  
 574 however, that one or more of the principals, officers, members, or partners of said firm,  
 575 corporation, professional corporation, partnership, association, or other entity and all  
 576 personnel of such firm, corporation, professional corporation, partnership, association, or  
 577 entity who act in its behalf as professional land surveyors in this state shall be ~~registered~~  
 578 licensed as provided in this chapter; and further provided that said firm, corporation,

579 professional corporation, partnership, association, or entity has been issued a certificate of  
580 authorization by the board as provided in this chapter.

581 (b) A firm, corporation, professional corporation, partnership, association, or other entity  
582 desiring a certificate of authorization shall file with the board an application upon a form  
583 to be prescribed by the board and accompanied by the registration fee prescribed by the  
584 board.

585 (c)(1) A corporation or professional corporation shall file with the board, using a form  
586 provided by the board, the names and addresses of all officers and board members of the  
587 corporation, including the principal officer or officers duly ~~registered~~ licensed to practice  
588 land surveying in this state and of an individual or individuals duly ~~registered~~ licensed  
589 to practice land surveying within this state who shall be in responsible charge of the  
590 practice of land surveying in this state by said corporation.

591 (2) A partnership shall file with the board, using a form provided by the board, the names  
592 and addresses of all partners of the partnership, including the partner or partners duly  
593 ~~registered~~ licensed to practice land surveying in this state and of an individual or  
594 individuals duly ~~registered~~ licensed to practice land surveying in this state who shall be  
595 in responsible charge of the practice of land surveying in this state by said partnership.

596 (3) Any firm, limited liability company, association, or entity which is not a corporation,  
597 professional corporation, or partnership shall file with the board, using a form provided  
598 by the board, the names and addresses of all principals or members of the firm,  
599 association, or entity duly ~~registered~~ licensed to practice land surveying in this state who  
600 shall be in responsible charge of the practice of land surveying in this state by said firm,  
601 association, or other entity.

602 (4) The forms provided in paragraphs (1) through (3) of this subsection must accompany  
603 a biennial renewal fee prescribed by the board. In the event there shall be a change in any  
604 of these persons, such change shall be designated on the same form and filed with the  
605 board by the firm, corporation, professional corporation, partnership, association, or  
606 entity within 30 days after the effective date of the change.

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

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

614 (3) Every firm, partnership, corporation, or other entity which performs or offers to  
615 perform land surveying services shall have a resident ~~registered~~ professional land

616 surveyor in responsible charge in each separate branch office in which land surveying  
 617 services are performed or offered to be performed. ~~A resident~~ As used in this Code  
 618 section, the term 'resident' means a registrant who spends the majority of his or her  
 619 normal working time at his or her place of business. The registrant can be the resident  
 620 licensee at only one place of business at one time.

621 43-15-24.

622 (a) It shall be unlawful for this state or any of its political subdivisions such as a county,  
 623 municipality, or school district, or agencies thereof, or for any private or commercial entity  
 624 to engage in the construction of any work or structures involving professional engineering  
 625 which by the nature of their function or existence could adversely affect or jeopardize the  
 626 health, safety, or welfare of the public unless the plans and specifications have been  
 627 prepared under the direct supervision or review of and bear the seal of, and the construction  
 628 is executed under the direct supervision of or review by, a ~~registered~~ professional engineer  
 629 or architect.

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

635 (c) Any county, municipality, or other governing body in this state that issues building  
 636 permits is required to maintain a permanent record of the permit application and issuance  
 637 thereon, ~~which record shall indicate~~ indicating the name of the professional engineer or  
 638 architect, if any, ~~that who~~ who has sealed the plans, specifications, plats, or reports pursuant to  
 639 which said building permit is issued, ~~said record to~~ Such record shall include details on the  
 640 size, type of building or structure, use for said building or structure, and estimated cost of  
 641 construction.

642 43-15-25.

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

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

649 43-15-26.

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

653 (b) The violation of any order of the board issued under subsection (a) of this Code section  
654 shall subject the person violating the order to an additional civil penalty not in excess of  
655 \$100.00 for each transaction constituting a violation of such order. The board may  
656 maintain an action in the superior courts of this state in its own name to recover the  
657 penalties provided for in this Code section.

658 43-15-27.

659 (a) It shall be the duty of all duly constituted law enforcement officers of this state and of  
660 the political subdivisions of this state to enforce this chapter and to prosecute any person  
661 violating this chapter.

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

664 (c) Except as provided in Code Section 25-2-14, it shall be the duty of all public officials  
665 charged with the responsibility of enforcing codes related to construction to require  
666 compliance with Code Section 43-15-24 before engineering plans, drawings, and  
667 specifications are approved by construction. Except as provided in Code Section 25-2-14,  
668 no construction which is subject to Code Section 43-15-24 and which requires the service  
669 of an engineer shall be built without such approval prior to construction.

670 43-15-28.

671 The board shall exercise the powers and duties conferred upon it in accordance with  
672 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

673 43-15-29.

674 (a) Nothing in this chapter shall be construed as excluding a qualified architect registered  
675 in this state from such engineering practice as may be incident to the practice of his or her  
676 profession or as excluding a professional engineer from such architectural practice as may  
677 be incident to the practice of professional engineering.

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

679 (1) ~~A person~~ An individual working as an employee or a subordinate of ~~a person~~ an  
680 individual holding a certificate of registration or license under this chapter or an  
681 employee of ~~a person~~ an individual practicing lawfully under Code Section 43-15-21,  
682 provided that such work does not include final design decisions and is done under the

683 supervision of, and responsibility therefor is assumed by, ~~a person~~ an individual holding  
 684 a certificate of registration or license under this chapter or ~~a person~~ an individual  
 685 practicing lawfully under Code Section 43-15-21;

686 (2) Officers and employees of the government of the United States while engaged within  
 687 this state in the practice of professional engineering or land surveying for such  
 688 government;

689 (3) All elected officers of the political subdivisions of this state while in the practice of  
 690 professional engineering or land surveying in the performance of their official duties;

691 (4) Officers and employees of the Department of Transportation, except as required by  
 692 Title 46, while engaged within this state in the practice of professional engineering or  
 693 land surveying for such department;

694 (5) Any defense, aviation, space, or aerospace company. As used in this paragraph, the  
 695 term 'company' shall mean any sole proprietorship, firm, limited liability company,  
 696 partnership, joint venture, joint stock association, corporation, or other business entity  
 697 and any subsidiary or affiliate of such business entity; ~~and~~

698 (6) Any employee, contract worker, subcontractor, or independent contractor who works  
 699 for a defense, aviation, space, or aerospace company that is not required to be licensed  
 700 under the provisions of this chapter pursuant to paragraph (5) of this subsection and who  
 701 provides engineering for aircraft, space launch vehicles, launch services, satellites,  
 702 satellite services, missiles, rockets, or other defense, aviation, space, or ~~aerospace-related~~  
 703 aerospace related products or services, or any components thereof; ~~and~~

704 (7) Any officer or employee of a state government agency or department, county or  
 705 municipal government, regional commission, or utility authority who is engaged in the  
 706 gathering, processing, managing, and sharing of geospatial and photogrammetric data for  
 707 cataloging or mapping purposes for his or her respective agency.

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

713 (d) This chapter shall not be construed to prevent or affect the practice of professional  
 714 engineering and land surveying with respect to utility facilities by any public utility subject  
 715 to regulation by the Public Service Commission, the Federal Communications  
 716 Commission, the Federal Power Commission, or like regulatory agencies, including its  
 717 parents, affiliates, or subsidiaries; or by the officers and full-time permanent employees of  
 718 any such public utility, including its parents, affiliates, or subsidiaries, except where such  
 719 practice involves property lines of adjoining property owners, provided that this exception

720 does not extend to any professional engineer or professional land surveyor engaged in the  
 721 practice of professional engineering or land surveying whose compensation is based in  
 722 whole or in part on a fee or to any engineering services performed by the ~~above-referenced~~  
 723 utility companies referenced in this subsection not directly connected with work on their  
 724 facilities.

725 (e) This chapter shall not be construed to affect the lawful practice of a person acting  
 726 within the scope of a certificate of registration or license granted by the state under any  
 727 other law.

728 (f) Nothing in this chapter shall be construed to require a contractor or an employee of a  
 729 contractor that is performing layouts and measurements for a highway or construction  
 730 project of such contractor to be licensed as a professional land surveyor; provided,  
 731 however, that such individuals shall be prohibited from providing or offering to provide  
 732 any other land surveying services and from performing a layout for a highway or  
 733 construction project relative to a buffer, setback, or property line.

734 43-15-30.

735 (a) Any person ~~who~~ that violates Code Section 43-15-7 shall be guilty of a misdemeanor.

736 (b) Any ~~person~~ individual presenting or attempting to use as his or her own the certificate  
 737 of registration or license or the seal of another obtained under this chapter shall be guilty  
 738 of a misdemeanor.

739 (c) Any person ~~who~~ that gives any false or forged evidence of any kind to the board or to  
 740 any member thereof in obtaining a certificate ~~or~~ certificate of registration, or license shall  
 741 be guilty of a misdemeanor.

742 (d) Any person ~~who~~ that falsely impersonates any other registrant or licensee or any person  
 743 ~~who~~ that attempts to use an expired or revoked certificate of registration or license shall be  
 744 guilty of a misdemeanor.

745 ~~(e) Each day or occurrence shall be considered a separate offense.~~

746 ~~(f)~~(e) Any person offering services to the public ~~who~~ that uses by name, verbal claim, sign,  
 747 advertisement, directory listing, ~~or~~ letterhead, or otherwise the words 'Engineer,'  
 748 'Engineers,' 'Professional Engineering,' 'Engineering,' or 'Engineered' shall be guilty of a  
 749 misdemeanor unless said person has complied with the provisions of this chapter.

750 (f) Any person offering services to the public that uses by name, verbal claim, sign,  
 751 advertisement, directory listing, letterhead, or otherwise the words 'Professional Land  
 752 Surveyor,' 'Professional Land Surveyors,' 'Land Surveyor,' or 'Land Surveyors' shall be  
 753 guilty of a misdemeanor unless such person has complied with the provisions of this  
 754 chapter.

755 (g) Each day or occurrence in violation of any provision of this Code section shall be  
756 considered a separate offense."

757 **SECTION 2.**

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