

The Senate Committee on Regulated Industries and Utilities offered the following substitute to HB 516:

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,
12 by adding three new paragraphs to read as follows:

13 “(4.2) 'Designated structures' means:

14 (A) For buildings and other structures requiring a building permit as required by the
15 International Building Code, adopted edition, with Georgia Amendments in current
16 effect in the State of Georgia, any building or other structure which meets any one of
17 the following criteria:

18 (i) Any building structure which has risk Category of III or IV in accordance with
19 Table 1604.5 of the International Building Code, adopted edition, with Georgia
20 Amendments;

21 (ii) Any building structure which has a covered gross area of 100,000 square feet or
22 greater, or has an occupied floor elevation that is 45 feet or more above the average
23 ground level of the building;

24 (iv) Any building structure which with height to least width aspect ratio of the
25 structural lateral load resisting system greater than or equal to seven; or

26 (v) Any building structure which is designed using nonlinear time history analysis
 27 or with special seismic energy dissipation systems.

28 (B) For bridges and other related transportation structures, any structure that is
 29 considered to be a 'complex bridge,' as described in the Georgia Department of
 30 Transportation Consultant Prequalification Manual, which includes the following:

31 (i) Bridges of spans longer than 300 feet;

32 (ii) Tunnels;

33 (iii) Cable-stayed bridges;

34 (iv) Suspension bridges;

35 (v) Movable bridges;

36 (vi) Trusses with spans longer than 300 feet;

37 (vii) Arch bridges;

38 (viii) Segmental bridges;

39 (ix) Balance-cantilever bridges; and

40 (x) Other bridges requiring unique analytical methods or design features not
 41 commonly addressed in standards set forth by the American Association of State
 42 Highway and Transportation Officials."

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

50 (13) 'Structural engineering' means the practice of a specialized branch of professional
 51 engineering involving the design or analysis of designated structures, and shall include
 52 any professional service, such as consultation, investigation, evaluation, planning,
 53 designing, analyzing, or responsible supervision of construction or operation, in
 54 connection with any public or private designated structures, wherein the public welfare
 55 or the safeguarding of life, health, or property is concerned or involved, when such
 56 professional service requires the application of structural engineering principles and data
 57 and training in the application of mathematical and physical sciences. A person shall be
 58 construed to practice or offer to practice structural engineering, within the meaning of this
 59 chapter, who by verbal claim, sign, advertisement, letterhead, card, or in any other way
 60 represents or holds himself or herself out as a professional structural engineer or as able
 61 or qualified to perform structural engineering services or who does perform any of the
 62 services set out in this paragraph."

63

SECTION 2.

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

66 "(b) In addition to other powers conferred upon the board under this chapter, the board
67 shall through rules and regulations require each individual seeking renewal of a certificate
68 of registration as a professional engineer or a professional structural engineer or a license
69 as a professional land surveyor to complete board approved continuing education of not
70 more than 30 hours biennially for professional engineers and professional structural
71 engineers and not more than 15 hours biennially for professional land surveyors. The
72 board shall be authorized to approve courses offered by institutions of higher learning or
73 offered by other institutions or organizations. The board shall randomly audit some
74 applications for renewal of a certificate of registration or license to enforce compliance
75 with this subsection. The continuing education requirements adopted by the board shall
76 recognize the continuing education requirements imposed by other states to the extent that
77 such continuing education courses meet the requirements imposed by the board. The board
78 shall be authorized to waive the continuing education requirements in cases of hardship,
79 disability, or illness or under such other circumstances as the board deems appropriate.
80 The board shall waive the continuing education requirement for individuals over the age
81 of 65 who have retired from active practice and who apply for an inactive license and for
82 individuals over the age of 65 who are engaged in the active practice of their profession
83 who have had a valid active license for the previous 25 consecutive years. The requirement
84 for continuing education including the exemptions provided for in this subsection shall
85 apply to each licensing renewal cycle which begins after the 1996 renewal cycle."

86

SECTION 3.

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

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

91

SECTION 4.

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

93 "43-15-9.1.

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

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

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

101 (C) Subsequently pass a written examination in the principles and practice of structural
 102 engineering in the areas of which shall be determined by the board (structural
 103 engineering examination); or

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

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

109 (C) Subsequently pass a written examination in the principles and practice of structural
 110 engineering in the areas of which shall be determined by the board (structural
 111 engineering examination); or

112 (3) Any applicant seeking a certificate of registration as a professional structural
 113 engineer prior to January 1, 2021, who already holds a valid certificate of registration as
 114 a professional engineer from the board, has a record of practice which is primarily in the
 115 practice of structural engineering, and is currently engaged in the practice of structural
 116 engineering may submit a signed affidavit on a form prescribed by the board stating as
 117 much. Based upon such affidavit and any other means the board may deem necessary to
 118 determine verification of practice in the area of structural engineering by an applicant, the
 119 board shall grant a certificate of registration as a professional structural engineer. On or
 120 after January 1, 2021, no certificate of registration as a professional structural engineer
 121 shall be issued unless the requirements of paragraphs (1) or (2) of this Code section and
 122 Code Section 43-15-16 have been satisfied."

123 **SECTION 5.**

124 Said chapter is further amended in Code Section 43-15-10, relating to evaluation of
 125 engineering experience, by revising the introductory language of subsection (a) as follows:
 126 "(a) For the purpose of determining whether an applicant has acquired the experience
 127 required under Code Section 43-15-8, or 43-15-9, or 43-15-9.1."

128 **SECTION 6.**

129 Said chapter is further amended in Code Section 43-15-16, relating to registration and
 130 licensure by comity, by revising subsection (a) as follows:
 131 "(a) The board may, in its discretion, upon application therefor and the payment of a fee
 132 prescribed by the board, issue a certificate of registration as a professional engineer or

133 professional structural engineer to any individual who holds a certificate of qualification
 134 or registration issued to him or her by proper authority of the National Council of
 135 Engineering Examiners for Engineering and Surveying or of any state or territory or
 136 possession of the United States if the requirements of the registration of professional
 137 engineers or professional structural engineers under which the certificate of qualification
 138 or registration was issued do not conflict with this chapter and are of a standard not lower
 139 than that specified in this chapter or if the applicant held such certificate on or before July
 140 1, 1956. The fact that the statute under which the individual was issued a certificate of
 141 qualification or registration in another state does not provide that the required written
 142 examination be passed subsequent to the acquisition of the required experience shall not
 143 be deemed as a conflict with, or lower than, the Georgia requirements, provided that the
 144 written examination and the amount of experience required for registration are substantially
 145 equivalent to the Georgia requirements."

146 **SECTION 7.**

147 Said chapter is further amended by revising Code Section 43-15-18, relating to effect of
 148 certificate of registration or license, as follows:

149 "43-15-18.

150 (a) In the case of a professional engineer, the certificate of registration shall authorize the
 151 practice of professional engineering. In the case of a professional land surveyor, the
 152 license shall authorize the practice of land surveying. In the case of a registered
 153 professional structural engineer, the certificate of registration shall authorize the practice
 154 of structural engineering. A certificate of registration or license shall show the full name
 155 of the registrant or licensee, shall have a serial number, and shall be signed by the ~~chairman~~
 156 chairperson of the board and the division director under the seal of the board.

157 (b) The issuance of a certificate of registration or license by the board shall be evidence
 158 that the individual named therein is entitled to all the rights and privileges of a professional
 159 engineer or a professional land surveyor, as the case may be, as long as the certificate or
 160 license remains unrevoked, unexpired, or unaffected by other discipline imposed by the
 161 board."

162 **SECTION 8.**

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

166 "(a) Every professional engineer and professional land surveyor registered or licensed, as
 167 applicable, under this chapter shall, upon receipt of a certificate of registration or license,

168 obtain a seal of the design authorized by the board, bearing the registrant's or licensee's
 169 name, certificate or license number, and the legend 'Professional Engineer,' 'Registered
 170 Professional Structural Engineer,' or 'Professional Land Surveyor,' in accordance with the
 171 certificate of registration or license."

172 **SECTION 9.**

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

176 "43-15-24.

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

185 (b)(1) Nothing in this Code section shall be held to apply to any construction, including
 186 alterations, of which the completed cost is less than ~~\$100,000.00~~ \$500,000.00 or which
 187 is used exclusively for private or noncommercial purposes, or to private residences, or
 188 to noncommercial farm buildings, or to residence buildings not exceeding two stories in
 189 height, excluding basements.

190 (2) Nothing in this Code section shall prevent a professional engineer from designing any
 191 building or structure or from performing structural engineering other than on a designated
 192 structure, if competent to do so and professional engineers can provide advice regarding
 193 structural design requirements to architects and contractors and professional engineers
 194 may design buildings and structures. Structural engineers can also provide advice
 195 regarding structural design requirements to architects and contractors.

196 (c) Any county, municipality, or other governing body in this state that issues building
 197 permits is required to maintain a permanent record of the permit application and issuance
 198 thereon indicating the name of the professional engineer or architect or professional
 199 structural engineer, if any, who has sealed the plans, specifications, plats, or reports
 200 pursuant to which said building permit is issued. Such record shall include details on the
 201 size, type of building or structure, use for said building or structure, and estimated cost of
 202 construction."

203

SECTION 10.

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

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

207 (1) An individual working as an employee or a subordinate of an individual holding a
208 certificate of registration or license under this chapter or an employee of an individual
209 practicing lawfully under Code Section 43-15-21, provided that such work does not
210 include final design decisions and is done under the supervision of, and responsibility
211 therefor is assumed by, an individual holding a certificate of registration or license under
212 this chapter or an individual practicing lawfully under Code Section 43-15-21;

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

216 (3) All elected officers of the political subdivisions of this state while in the practice of
217 professional engineering, structural engineering, or land surveying in the performance of
218 their official duties;

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

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

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

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

236 (c) This chapter shall not be construed as requiring registration or licensing for the purpose
237 of practicing professional engineering, structural engineering, or land surveying by an
238 individual, firm, or corporation on property owned or leased by such individual, firm, or
239 corporation unless the same involves the public safety or public health or for the

240 performance of engineering which relates solely to the design or fabrication of
241 manufactured products.

242 (d) This chapter shall not be construed to prevent or affect the practice of professional
243 engineering, structural engineering, and land surveying with respect to utility facilities by
244 any public utility subject to regulation by the Public Service Commission, the Federal
245 Communications Commission, the Federal Power Commission, or like regulatory agencies,
246 including its parents, affiliates, or subsidiaries; or by the officers and full-time permanent
247 employees of any such public utility, including its parents, affiliates, or subsidiaries, except
248 where such practice involves property lines of adjoining property owners, provided that this
249 exception does not extend to any professional engineer, professional structural engineer,
250 or professional land surveyor engaged in the practice of professional engineering, structural
251 engineering, or land surveying whose compensation is based in whole or in part on a fee
252 or to any engineering services performed by the utility companies referenced in this
253 subsection not directly connected with work on their facilities."

254 **SECTION 11.**

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

257 "(e) Any person offering services to the public that uses by name, verbal claim, sign,
258 advertisement, directory listing, letterhead, or otherwise the words 'Engineer,' 'Engineers,'
259 'Professional Engineering,' 'Engineering,' or 'Engineered,' 'Professional Structural
260 Engineer,' 'Professional Structural Engineers,' 'Structural Engineer,' 'Structural Engineers,'
261 'Structural Engineering,' or 'Structurally Engineered' shall be guilty of a misdemeanor
262 unless said person has complied with the provisions of this chapter."

263 **SECTION 12.**

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