

SENATE SUBSTITUTE TO HB 516

AS PASSED SENATE

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 provide for the regulation of certain professions; to change certain
3 provisions relating to certain boxing, wrestling, and martial art associations and federations;
4 to revise a definition; to change the applicability of certain provisions as to matches, contests,
5 or exhibitions; to provide for the profession of professional structural engineer; to provide
6 for definitions; to provide for continuing education requirements; to provide for unlawful
7 practices; to provide for the issuance of certificates of registration for such professionals; to
8 provide for registration by comity; to provide for certificates of registration; to provide for
9 use of a seal; to provide for exceptions; to provide for related matters; to repeal conflicting
10 laws; and for other purposes.

11 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

12 **SECTION 1.**

13 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
14 is amended in Code Section 43-4B-1, relating to definitions, by revising paragraph (1) as
15 follows:

16 "(1) 'Amateur,' when applied to a person engaged in boxing, wrestling, or a martial art,
17 means a person who receives no compensation and engages in a match, contest, or
18 exhibition of boxing, wrestling, or a martial art that is governed or authorized by:

- 19 (A) U.S.A. Boxing;
- 20 (B) The Georgia High School Athletic Association;
- 21 (C) The National Collegiate Athletic Association;
- 22 (D) Amateur Athletic Union;
- 23 (E) Golden Gloves;
- 24 (F) Team Georgia Amateur Wrestling;
- 25 (G) USA Wrestling;
- 26 (H) National High School Coaches Association;
- 27 (I) North American Sport Karate Association;

28 ~~(J) International Sport Kick Boxing/Karate Association;~~
 29 ~~(K) World Kick Boxing Association;~~
 30 ~~(L) United States Kick Boxing Association;~~
 31 ~~(M) International Sport Combat Federation;~~
 32 ~~(N)(J) Professional Karate Commission;~~
 33 ~~(O) International Kick Boxing Federation; or~~
 34 ~~(P)(K) The local affiliate of any organization listed in this paragraph."~~

35 **SECTION 2.**

36 Said title is further amended in Code Section 43-4B-2, relating to application of provisions
 37 of such chapter, by revising subsection (a) as follows:

38 "(a) The provisions of this chapter shall not be construed to apply to any match, contest,
 39 or exhibition:

- 40 (1) In which the contestants are all amateurs; and
 41 (2) Which is governed or authorized by:
- 42 (A) U.S.A. Boxing;
 - 43 (B) The Georgia High School Athletic Association;
 - 44 (C) The National Collegiate Athletic Association;
 - 45 (D) Amateur Athletic Union;
 - 46 (E) Golden Gloves;
 - 47 (F) Team Georgia Amateur Wrestling;
 - 48 (G) USA Wrestling;
 - 49 (H) National High School Coaches Association;
 - 50 (I) North American Sport Karate Association;
 - 51 ~~(J) International Sport Kick Boxing/Karate Association;~~
 - 52 ~~(K) World Kick Boxing Association;~~
 - 53 ~~(L) United States Kick Boxing Association;~~
 - 54 ~~(M) International Sport Combat Federation;~~
 - 55 ~~(N)(J) Professional Karate Commission;~~
 - 56 ~~(O) International Kick Boxing Federation; or~~
 - 57 ~~(P)(K) The local affiliate of any organization listed in this paragraph."~~

58 **SECTION 3.**

59 Said title is further amended in Code Section 43-15-2, relating to definitions, by adding new
 60 paragraphs to read as follows:

61 "(4.2) 'Designated structures' means:

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

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

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

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

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

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

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

80 (ii) Tunnels;

81 (iii) Cable-stayed bridges;

82 (iv) Suspension bridges;

83 (v) Movable bridges;

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

85 (vii) Arch bridges;

86 (viii) Segmental bridges;

87 (ix) Balance-cantilever bridges; and

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

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

98 (13) 'Structural engineering' means the practice of a specialized branch of professional
 99 engineering involving the design or analysis of designated structures, and shall include
 100 any professional service, such as consultation, investigation, evaluation, planning,
 101 designing, analyzing, or responsible supervision of construction or operation, in
 102 connection with any public or private designated structures, wherein the public welfare
 103 or the safeguarding of life, health, or property is concerned or involved, when such
 104 professional service requires the application of structural engineering principles and data
 105 and training in the application of mathematical and physical sciences. A person shall be
 106 construed to practice or offer to practice structural engineering, within the meaning of this
 107 chapter, who by verbal claim, sign, advertisement, letterhead, card, or in any other way
 108 represents or holds himself or herself out as a professional structural engineer or as able
 109 or qualified to perform structural engineering services or who does perform any of the
 110 services set out in this paragraph."

111 **SECTION 4.**

112 Said chapter is further amended in Code Section 43-15-6, relating to general powers of the
 113 board, injunctions, and continuing education, by revising subsection (b) as follows:
 114 "(b) In addition to other powers conferred upon the board under this chapter, the board
 115 shall through rules and regulations require each individual seeking renewal of a certificate
 116 of registration as a professional engineer or a professional structural engineer or a license
 117 as a professional land surveyor to complete board approved continuing education of not
 118 more than 30 hours biennially for professional engineers and professional structural
 119 engineers and not more than 15 hours biennially for professional land surveyors. The
 120 board shall be authorized to approve courses offered by institutions of higher learning or
 121 offered by other institutions or organizations. The board shall randomly audit some
 122 applications for renewal of a certificate of registration or license to enforce compliance
 123 with this subsection. The continuing education requirements adopted by the board shall
 124 recognize the continuing education requirements imposed by other states to the extent that
 125 such continuing education courses meet the requirements imposed by the board. The board
 126 shall be authorized to waive the continuing education requirements in cases of hardship,
 127 disability, or illness or under such other circumstances as the board deems appropriate.
 128 The board shall waive the continuing education requirement for individuals over the age
 129 of 65 who have retired from active practice and who apply for an inactive license and for
 130 individuals over the age of 65 who are engaged in the active practice of their profession
 131 who have had a valid active license for the previous 25 consecutive years. The requirement
 132 for continuing education including the exemptions provided for in this subsection shall
 133 apply to each licensing renewal cycle which begins after the 1996 renewal cycle."

134

SECTION 5.

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

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

139

SECTION 6.

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

141 "43-15-9.1.

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

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

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

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

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

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

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

160 (3) Any applicant seeking a certificate of registration as a professional structural
 161 engineer prior to January 1, 2021, who already holds a valid certificate of registration as
 162 a professional engineer from the board, has a record of practice which is primarily in the
 163 practice of structural engineering, and is currently engaged in the practice of structural
 164 engineering may submit a signed affidavit on a form prescribed by the board stating as
 165 much. Based upon such affidavit and any other means the board may deem necessary to
 166 determine verification of practice in the area of structural engineering by an applicant, the
 167 board shall grant a certificate of registration as a professional structural engineer. On or
 168 after January 1, 2021, no certificate of registration as a professional structural engineer

169 shall be issued unless the requirements of paragraphs (1) or (2) of this Code section and
 170 Code Section 43-15-16 have been satisfied."

171 **SECTION 7.**

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

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

176 **SECTION 8.**

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

179 "(a) The board may, in its discretion, upon application therefor and the payment of a fee
 180 prescribed by the board, issue a certificate of registration as a professional engineer or
 181 professional structural engineer to any individual who holds a certificate of qualification
 182 or registration issued to him or her by proper authority of the National Council of
 183 ~~Engineering~~ Examiners for Engineering and Surveying or of any state or territory or
 184 possession of the United States if the requirements of the registration of professional
 185 engineers or professional structural engineers under which the certificate of qualification
 186 or registration was issued do not conflict with this chapter and are of a standard not lower
 187 than that specified in this chapter or if the applicant held such certificate on or before July
 188 1, 1956. The fact that the statute under which the individual was issued a certificate of
 189 qualification or registration in another state does not provide that the required written
 190 examination be passed subsequent to the acquisition of the required experience shall not
 191 be deemed as a conflict with, or lower than, the Georgia requirements, provided that the
 192 written examination and the amount of experience required for registration are substantially
 193 equivalent to the Georgia requirements."

194 **SECTION 9.**

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

197 "43-15-18.

198 (a) In the case of a professional engineer, the certificate of registration shall authorize the
 199 practice of professional engineering. In the case of a professional land surveyor, the
 200 license shall authorize the practice of land surveying. In the case of a registered
 201 professional structural engineer, the certificate of registration shall authorize the practice
 202 of structural engineering. A certificate of registration or license shall show the full name

203 of the registrant or licensee, shall have a serial number, and shall be signed by the ~~chairman~~
 204 chairperson of the board and the division director under the seal of the board.
 205 (b) The issuance of a certificate of registration or license by the board shall be evidence
 206 that the individual named therein is entitled to all the rights and privileges of a professional
 207 engineer or a professional land surveyor, as the case may be, as long as the certificate or
 208 license remains unrevoked, unexpired, or unaffected by other discipline imposed by the
 209 board."

210 **SECTION 10.**

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

214 "(a) Every professional engineer and professional land surveyor registered or licensed, as
 215 applicable, under this chapter shall, upon receipt of a certificate of registration or license,
 216 obtain a seal of the design authorized by the board, bearing the registrant's or licensee's
 217 name, certificate or license number, and the legend 'Professional Engineer,' 'Registered
 218 Professional Structural Engineer,' or 'Professional Land Surveyor,' in accordance with the
 219 certificate of registration or license."

220 **SECTION 11.**

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

224 "43-15-24.

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

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

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

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

251 **SECTION 12.**

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

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

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

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

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

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

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

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

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

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

290 (d) This chapter shall not be construed to prevent or affect the practice of professional
 291 engineering, structural engineering, and land surveying with respect to utility facilities by
 292 any public utility subject to regulation by the Public Service Commission, the Federal
 293 Communications Commission, the Federal Power Commission, or like regulatory agencies,
 294 including its parents, affiliates, or subsidiaries; or by the officers and full-time permanent
 295 employees of any such public utility, including its parents, affiliates, or subsidiaries, except
 296 where such practice involves property lines of adjoining property owners, provided that this
 297 exception does not extend to any professional engineer, professional structural engineer,
 298 or professional land surveyor engaged in the practice of professional engineering, structural
 299 engineering, or land surveying whose compensation is based in whole or in part on a fee
 300 or to any engineering services performed by the utility companies referenced in this
 301 subsection not directly connected with work on their facilities."

302 **SECTION 13.**

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

305 "(e) Any person offering services to the public that uses by name, verbal claim, sign,
 306 advertisement, directory listing, letterhead, or otherwise the words 'Engineer,' 'Engineers,'
 307 'Professional Engineering,' 'Engineering,' or 'Engineered,' 'Professional Structural
 308 Engineer,' 'Professional Structural Engineers,' 'Structural Engineer,' 'Structural Engineers,'

309 'Structural Engineering,' or 'Structurally Engineered' shall be guilty of a misdemeanor
310 unless said person has complied with the provisions of this chapter."

311

SECTION 14.

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