

Senate Bill 310

By: Senators Harper of the 7th, Gooch of the 51st, Martin of the 9th and Hufstetler of the 52nd

AS PASSED

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

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

9 **SECTION 1.**

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

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

20 (13) 'Structural engineering' means the practice of a specialized branch of professional
21 engineering involving the design or analysis of designated structures as defined by the
22 board, and shall include any professional service, such as consultation, investigation,
23 evaluation, planning, designing, analyzing, or responsible supervision of construction or
24 operation, in connection with any public or private designated structures, wherein the
25 public welfare or the safeguarding of life, health, or property is concerned or involved,
26 when such professional service requires the application of structural engineering
27 principles and data and training in the application of mathematical and physical sciences.

28 A person shall be construed to practice or offer to practice structural engineering, within
 29 the meaning of this chapter, who by verbal claim, sign, advertisement, letterhead, card,
 30 or in any other way represents or holds himself or herself out as a professional structural
 31 engineer or as able or qualified to perform structural engineering services or who does
 32 perform any of the services set out in this paragraph."

33 **SECTION 2.**

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

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

56 **SECTION 3.**

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

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

61 **SECTION 4.**

62 Said title is further amended adding a new Code section to read as follows:

63 "43-15-9.1.

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

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

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

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

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

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

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

82 (3) Any applicant seeking a certificate of registration as a professional structural
 83 engineer prior to January 1, 2021, who already holds a valid certificate of registration as
 84 a professional engineer from the board, has a record of practice which is primarily in the
 85 practice of structural engineering, and is currently engaged in the practice of structural
 86 engineering may submit a signed affidavit on a form prescribed by the board stating as
 87 much. Based upon such affidavit and any other means the board may deem necessary to
 88 determine verification of practice in the area of structural engineering by an applicant, the
 89 board shall grant a certificate of registration as a professional structural engineer. On or
 90 after January 1, 2021, no certificate of registration as a professional structural engineer
 91 shall be issued unless the requirements of paragraph (1) or (2) of this Code section and
 92 Code Section 43-15-16 have been satisfied."

93 **SECTION 5.**

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

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

98

SECTION 6.

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

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

116

SECTION 7.

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

119 "43-15-18.

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

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

132

SECTION 8.

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

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

142 **SECTION 9.**

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

146 "43-15-24.

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

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

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

167 **SECTION 10.**

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

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

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

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

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

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

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

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

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

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

204 performance of engineering which relates solely to the design or fabrication of
 205 manufactured products.

206 (d) This chapter shall not be construed to prevent or affect the practice of professional
 207 engineering, structural engineering, and land surveying with respect to utility facilities by
 208 any public utility subject to regulation by the Public Service Commission, the Federal
 209 Communications Commission, the Federal Power Commission, or like regulatory agencies,
 210 including its parents, affiliates, or subsidiaries; or by the officers and full-time permanent
 211 employees of any such public utility, including its parents, affiliates, or subsidiaries, except
 212 where such practice involves property lines of adjoining property owners, provided that this
 213 exception does not extend to any professional engineer, professional structural engineer,
 214 or professional land surveyor engaged in the practice of professional engineering, structural
 215 engineering, or land surveying whose compensation is based in whole or in part on a fee
 216 or to any engineering services performed by the utility companies referenced in this
 217 subsection not directly connected with work on their facilities."

218 **SECTION 11.**

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

221 "(e) Any person offering services to the public that uses by name, verbal claim, sign,
 222 advertisement, directory listing, letterhead, or otherwise the words 'Engineer,' 'Engineers,'
 223 'Professional Engineering,' 'Engineering,' or ~~'Engineered'~~ 'Engineered,' 'Professional
 224 Structural Engineer,' 'Professional Structural Engineers,' 'Structural Engineer,' 'Structural
 225 Engineers,' 'Structural Engineering,' or 'Structurally Engineered' shall be guilty of a
 226 misdemeanor unless said person has complied with the provisions of this chapter."

227 **SECTION 12.**

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