

Date of Hearing: June 14, 2016

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Rudy Salas, Chair

SB 1165(Cannella) – As Amended May 17, 2016

SENATE VOTE: 37-0

SUBJECT: Engineers, geologists, geophysicists, and land surveyors

SUMMARY: Extends the license renewal period for a professional engineer and land surveyor's license from three to five years; requires professional geologists and geophysicists to both sign and seal their final work product documents; requires professional geologists and geophysicists to obtain a seal; and provides that renewal fee for engineering and land surveyor licenses be no greater than \$400.

EXISTING LAW:

- 1) Establishes the Board for Professional Engineers, Land Surveyors, and Geologists (BPELSG) under the Department of Consumer Affairs (DCA) to administer and enforce the Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act. (Business and Professions Code (BPC) §§ 6700-6799, 7800-7887, 8700-8805)
- 2) Specifies that any reference in any law or regulation to a registered engineer, or to a registered civil, electrical, or mechanical engineer, is deemed to refer to a licensed engineer, or to a licensed civil, electrical, or mechanical engineer, respectively. (BPC § 6706.3)
- 3) Requires an applicant for certification as an engineer-in-training to successfully pass the first division of the licensing examination. In order to become eligible to sit for the first division of the licensing examination, the applicant must complete three years or more of postsecondary engineering education, three years or more of engineering experience, or a combination of postsecondary education and experience in engineering totaling three years. (BPC § 6751)
- 4) Requires that all final civil engineering and land surveying calculations and reports bear the signature and seal or stamp of the licensee, and the date of signing and sealing or stamping. (BPC §§ 6735, 8761)
- 5) Provides that registrations and certificates issued under the Professional Engineers Act and Land Surveyors Act may be renewed at any time within three years after expiration on filing of application for renewal on a form prescribed by the BPELSG and payment of all accrued and unpaid renewal fees. (BPC §§ 6796, 8802)
- 6) Provides that the renewal fee for all engineering and land surveying licenses and the renewal fee for each authority level designation held be no greater than the application fee. (BPC §§ 6799, 8805)
- 7) Requires registered certified and professional geologists and geophysicists to either sign or seal their plans, specifications, reports, or documents. (BPC § 7835.1)

- 8) Requires an applicant for a certification in a specialty in geology to meet certain requirements, including seven years of specified professional geological work. (BPC § 7842)
- 9) Provides that certificates of registration as a geologist or as a geophysicist, or certified specialty certificates, may be renewed at any time within five years after expiration upon filing an application for renewal on a form prescribed by the BPELSG and payment of all accrued and unpaid renewal fees. (BPC § 7881)
- 10) Provides that the renewal fee for a geologist or geophysicist be no greater than \$400. (BPC § 7887)

THIS BILL:

- 1) Replaces the term registration with the term licensure in select sections among the three practice acts.
- 2) Deletes the requirement that an applicant for certification as an engineer-in-training complete three years or more of specified education or experience before taking the first division of the licensing examination. Allows instead that applicant may complete the education or experience requirement and take the first division of the licensing examination in any order.
- 3) Deletes the requirement that an applicant for licensure as a professional engineer pass the first division of the licensing examination. Requires instead that the applicant for licensure as a professional engineer be certified as an engineer-in-training in this state, be certified as an engineer-in-training or engineer intern in another state or territory of the United States, or be otherwise exempt from certification requirements.
- 4) Extends the period of time during which an expired professional engineering license may be renewed without additional requirements from three years to five years.
- 5) Deletes the requirement that the renewal fee for a professional engineering license be no more than the application fee currently in effect and specifies instead that the fee may be no more than \$400.
- 6) Amends the provisions relating to the applications, examinations, and renewals for land surveyors to mirror the related engineer provisions under this bill.
- 7) Deletes the requirement that the Fundamentals of Geology examination be administered by the National Association of State Boards of Geology.
- 8) Specifies that an applicant for licensure as a geologist may either 1) graduate from a college or university with a major in geological sciences or relevant discipline or 2) complete a combination of at least 30 semester hours, or the equivalent, that are relevant to geology, as specified.
- 9) Requires an applicant for certification in a specialty in geology to be a geologist licensed by the BPELSG and to pass a written examination in the specialty.
- 10) Requires professional geologists and geophysicists to both sign and seal their final work product documents rather than sign or seal.

11) Makes mandatory, rather than permissive, that a licensed geophysicist, certified specialty geophysicist, licensed geologist, and certified specialty geologist obtain a seal authorized by the BPELSG, as specified.

12) Makes other minor, technical, and conforming changes.

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, this bill will result in negligible state costs.

COMMENTS:

Purpose. This bill is sponsored by the Board for Professional Engineers, Land Surveyors, and Geologists. According to the author, this bill “is a code clean-up and congruity bill for the [BPELSG]. As the [BPELSG’s] practices and responsibilities across these professions are being aligned, it makes sense that its statutory authorities in these areas are also aligned for consistency.”

Background. The BPELSG is a licensing board under the DCA. It is responsible for the regulation of professional engineers, land surveyors, and geologists. While many of the laws governing the professions are similar, there are minor differences which this bill seeks to fix and make consistent. In addition, this bill also seeks to update outdated references and practices.

License Renewal Period. Under existing law, the renewal period for a license as a professional engineer or land surveyor is three years. After the three year period, the former license holder may apply to have the license reinstated, potentially without having to retake the licensing exam.

According to the author, the BPELSG “has become concerned that allowing professional engineers and land surveyors to reinstate licenses that have been delinquent a significant amount of time without requiring demonstration of current minimum competency through taking and passing the licensing examinations does not provide sufficient public protection. Additionally, the [BPELSG] believes that the requirements for obtaining licensure after a lengthy period of delinquency should be standardized across all of the professions it regulates.” Therefore, this amends the renewal provisions for professional engineers and land surveyors to match the existing geologist provisions. This extends the renewal period to five years but also requires licensees to submit a new license application.

Sign and Seal. Under existing law, plans, specifications, reports, and other documents prepared by a professional geologist or geophysicist must be either signed or sealed. Geologists and geophysicists are authorized to obtain a seal, but it is not required. However, the laws relating to professional engineering and land surveying documents require both the signature and the seal of the licensee. According to the BPELSG, having both the signature and the seal ensures that the documents reflect the opinion of the licensee rather than a preliminary opinion. Therefore, this bill seeks to require all licensees to both sign and seal final documents, creating consistency among the BPELSG’s licensing programs.

Maximum Renewal Fee. Under existing law, the renewal fee for licensure as a professional engineer or land surveyor may be no more than the application fee currently in effect. However, renewal fees and initial license and application fees serve different purposes and there are no other boards with this type of connection. Therefore, this bill specifies instead that the fee may

be no more than \$400 (which is the current statutory maximum for the application fee). This conforming change will mirror the geology provisions.

Geologist Educational Requirements. Under existing law, an applicant for licensure as a geologist must, among other things, graduate from a college or university with a major in geological sciences or any other discipline that, in the opinion of the BPELSG, is relevant to geology. However, the BPELSG notes that many geological science majors do not contain the necessary coursework, yet the statute limits the authority of the BPELSG to specifying the types of majors. Therefore, this bill would authorize the BPELSG to also specify and rely on specific courses.

Current Related Legislation. SB 1479 (Committee on Business, Professions and Economic Development) of the current Legislative Session, among other things, authorizes the BPELSG to make arrangements with a public or private organization to conduct the geology examination and to contract with a public or private organization for materials or services related to the examination, conforming the BPELSG's authority for geologists to its existing authority for professional engineers and land surveyors. *STATUS: This bill will also be heard before the Assembly Business and Professions Committee during today's hearing.*

SB 1085 (Roth) of the current Legislative Session requires, at the time of renewal, all licensees under the BPELSG to complete an assessment that includes questions to reinforce the licensees' knowledge of laws applicable to the specific practice area; makes the failure to complete the assessment within a specified period of time a cause for disciplinary action; and requires an applicant for a geophysicist license to complete an examination that tests knowledge of state laws, conforming to the requirement for professional engineers and land surveyors. *STATUS: This bill will also be heard before the Assembly Business and Professions Committee during today's hearing.*

AMENDMENTS:

The author should make the following conforming, technical change:

On page 10, insert between lines 17 and 18:

Section 7841.2 of the Business and Professions Code is amended to read:

An applicant for certification as a geologist-in-training shall comply with all of the following:

(a) Not have committed acts or crimes constituting grounds for denial of certification under Section 480.

(b) Successfully pass the Fundamentals of Geology examination.

(c) Meet either of the following education requirements fulfilled at a school or university whose curricula meet criteria established by the rules of the board:

(1) Graduation from a college or university with a major in geological sciences or any other discipline that, in the opinion of the board, is relevant to geology.

(2) Completion of a combination of at least 30 semester hours, or the equivalent, in courses that, in the opinion of the board, are relevant to geology. At least 24 semester hours, or the equivalent, shall be in upper division or graduate courses.

REGISTERED SUPPORT:

Board for Professional Engineers, Land Surveyors, and Geologists (sponsor)

REGISTERED OPPOSITION:

None on file.

Analysis Prepared by: Vincent Chee / B. & P. / (916) 319-3301