

House Bill 790

By: Representatives Smith of the 133rd, Powell of the 32nd, Harrell of the 106th, and Carpenter of the 4th

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 style="text-align:center">**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; or
 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 by revising subsection (a) of Code Section 43-4B-2, relating to
 37 application of provisions of such chapter, 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; or
 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 two
 60 new paragraphs to read as follows:

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

68 (13) 'Structural engineering' means the practice of a specialized branch of professional
 69 engineering involving the design or analysis of designated structures as defined by the
 70 board, and shall include any professional service, such as consultation, investigation,
 71 evaluation, planning, designing, analyzing, or responsible supervision of construction or
 72 operation, in connection with any public or private designated structures, wherein the
 73 public welfare or the safeguarding of life, health, or property is concerned or involved,
 74 when such professional service requires the application of structural engineering
 75 principles and data and training in the application of mathematical and physical sciences.
 76 A person shall be construed to practice or offer to practice structural engineering, within
 77 the meaning of this chapter, who by verbal claim, sign, advertisement, letterhead, card,
 78 or in any other way represents or holds himself or herself out as a professional structural
 79 engineer or as able or qualified to perform structural engineering services or who does
 80 perform any of the services set out in this paragraph."

81 **SECTION 4.**

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

84 "(b) In addition to other powers conferred upon the board under this chapter, the board
 85 shall through rules and regulations require each individual seeking renewal of a certificate
 86 of registration as a professional engineer or a professional structural engineer or a license
 87 as a professional land surveyor to complete board approved continuing education of not
 88 more than 30 hours biennially for professional engineers and professional structural
 89 engineers and not more than 15 hours biennially for professional land surveyors. The
 90 board shall be authorized to approve courses offered by institutions of higher learning or
 91 offered by other institutions or organizations. The board shall randomly audit some
 92 applications for renewal of a certificate of registration or license to enforce compliance
 93 with this subsection. The continuing education requirements adopted by the board shall
 94 recognize the continuing education requirements imposed by other states to the extent that
 95 such continuing education courses meet the requirements imposed by the board. The board
 96 shall be authorized to waive the continuing education requirements in cases of hardship,

97 disability, or illness or under such other circumstances as the board deems appropriate.
 98 The board shall waive the continuing education requirement for individuals over the age
 99 of 65 who have retired from active practice and who apply for an inactive license and for
 100 individuals over the age of 65 who are engaged in the active practice of their profession
 101 who have had a valid active license for the previous 25 consecutive years. The requirement
 102 for continuing education including the exemptions provided for in this subsection shall
 103 apply to each licensing renewal cycle which begins after the 1996 renewal cycle."

104 **SECTION 5.**

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

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

109 **SECTION 6.**

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

111 "43-15-9.1.

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

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

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

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

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

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

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

130 (3) Any applicant seeking a certificate of registration as a professional structural
 131 engineer prior to January 1, 2021, who already holds a valid certificate of registration as

132 a professional engineer from the board, has a record of practice which is primarily in the
 133 practice of structural engineering, and is currently engaged in the practice of structural
 134 engineering may submit a signed affidavit on a form prescribed by the board stating as
 135 much. Based upon such affidavit and any other means the board may deem necessary to
 136 determine verification of practice in the area of structural engineering by an applicant, the
 137 board shall grant a certificate of registration as a professional structural engineer. On or
 138 after January 1, 2021, no certificate of registration as a professional structural engineer
 139 shall be issued unless the requirements of paragraph (1) or (2) of this Code section and
 140 Code Section 43-15-16 have been satisfied."

141 **SECTION 7.**

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

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

146 **SECTION 8.**

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

149 "(a) The board may, in its discretion, upon application therefor and the payment of a fee
 150 prescribed by the board, issue a certificate of registration as a professional engineer or
 151 professional structural engineer to any individual who holds a certificate of qualification
 152 or registration issued to him or her by proper authority of the National Council of
 153 Engineering Examiners for Engineering and Surveying or of any state or territory or
 154 possession of the United States if the requirements of the registration of professional
 155 engineers or professional structural engineers under which the certificate of qualification
 156 or registration was issued do not conflict with this chapter and are of a standard not lower
 157 than that specified in this chapter or if the applicant held such certificate on or before July
 158 1, 1956. The fact that the statute under which the individual was issued a certificate of
 159 qualification or registration in another state does not provide that the required written
 160 examination be passed subsequent to the acquisition of the required experience shall not
 161 be deemed as a conflict with, or lower than, the Georgia requirements, provided that the
 162 written examination and the amount of experience required for registration are substantially
 163 equivalent to the Georgia requirements."

164 **SECTION 9.**

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

167 "43-15-18.

168 (a) In the case of a professional engineer, the certificate of registration shall authorize the
169 practice of professional engineering. In the case of a professional land surveyor, the
170 license shall authorize the practice of land surveying. In the case of a registered
171 professional structural engineer, the certificate of registration shall authorize the practice
172 of structural engineering. A certificate of registration or license shall show the full name
173 of the registrant or licensee, shall have a serial number, and shall be signed by the ~~chairman~~
174 chairperson of the board and the division director under the seal of the board.

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

180 **SECTION 10.**

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

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

190 **SECTION 11.**

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

194 "43-15-24.

195 (a) It shall be unlawful for this state or any of its political subdivisions such as a county,
196 municipality, or school district, or agencies thereof, or for any private or commercial entity
197 to engage in the construction of any work or structures involving professional engineering
198 or structural engineering which by the nature of their function or existence could adversely

199 affect or jeopardize the health, safety, or welfare of the public unless the plans and
 200 specifications have been prepared under the direct supervision or review of and bear the
 201 seal of, and the construction is executed under the direct supervision of or review by, a
 202 professional engineer or architect or professional structural engineer.

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

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

215 **SECTION 12.**

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

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

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

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

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

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

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

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

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

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

254 (d) This chapter shall not be construed to prevent or affect the practice of professional
255 engineering, structural engineering, and land surveying with respect to utility facilities by
256 any public utility subject to regulation by the Public Service Commission, the Federal
257 Communications Commission, the Federal Power Commission, or like regulatory agencies,
258 including its parents, affiliates, or subsidiaries; or by the officers and full-time permanent
259 employees of any such public utility, including its parents, affiliates, or subsidiaries, except
260 where such practice involves property lines of adjoining property owners, provided that this
261 exception does not extend to any professional engineer, professional structural engineer,
262 or professional land surveyor engaged in the practice of professional engineering, structural
263 engineering, or land surveying whose compensation is based in whole or in part on a fee
264 or to any engineering services performed by the utility companies referenced in this
265 subsection not directly connected with work on their facilities."

266

SECTION 13.

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

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

275 **SECTION 14.**

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