

The House Committee on Regulated Industries offers the following substitute to SB 425:

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 change provisions relating to professional land surveyors; to change and
3 add certain defined terms; to provide for land surveyor interns; to change certain educational
4 and examination requirements; to provide certain exceptions; to provide for applicability; to
5 make certain acts unlawful; to provide for related matters; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
10 is amended by revising Chapter 15, relating to professional engineers and land surveyors, as
11 follows:

12 "CHAPTER 15

13 43-15-1.

14 This chapter is enacted to safeguard life, health, and property and to promote the public
15 welfare.

16 43-15-2.

17 As used in this chapter, the term:

18 (1) 'Board' means the State Board of Registration for Professional Engineers and Land
19 Surveyors created in subsection (a) of Code Section 43-15-3.

20 (2) 'Certificate' means any certificate issued under Code Section 43-15-8 or 43-15-12.

21 (3) 'Certificate of registration' means any certificate issued under Code Section 43-15-9;
22 ~~43-15-13~~; or 43-15-16.

23 (4) 'Current certificate of registration' means a certificate of registration which has not
 24 expired or been revoked and the rights under which have not been suspended or otherwise
 25 restricted by the board.

26 (4.1) 'Current license' means a license issued under Code Section 43-15-13 which has not
 27 expired or been revoked and the rights under which have not been suspended or otherwise
 28 restricted by the board.

29 (5) 'Engineer-in-training' means an individual who meets the qualifications for and to
 30 whom the board has duly issued an engineer-in-training certificate.

31 (6) 'Land surveying' means any service, work, or practice, the adequate performance of
 32 which requires the application of special knowledge of the principles of mathematics, the
 33 related physical and applied sciences, and the requirements of relevant law in the
 34 evaluation and location of property rights, as applied to:

35 (A) Measuring and locating lines, angles, elevations, natural and manmade features in
 36 the air, on the surface of the earth, in underground works, and on the beds of bodies of
 37 water, for the purpose of determining and reporting positions, topography, areas, and
 38 volumes;

39 (B) Establishing or reestablishing, locating or relocating, or setting or resetting of
 40 monumentation for any property, easement, or right of way boundaries, or the boundary
 41 of any estate or interest therein;

42 (C) The platting and layout of lands and subdivisions thereof, including alignment and
 43 grades of streets and roads, excluding thoroughfares;

44 (D) The design, platting, and layout, incidental to subdivisions of any tract of land by
 45 a land surveyor, of:

46 (i) Grading plans and site plans;

47 (ii) Erosion and sediment control plans, including detention ponds, provided that no
 48 impoundment shall be designed on a live (perennial) stream; provided, further, that
 49 such detention ponds:

50 (I) Contain no more than five acre-feet of water storage at maximum pool (top of
 51 dam) or are no more than ten feet in height for a dry storage pond;

52 (II) Are no more than six feet in height for a permanent (wet) storage pond; or

53 (III) Contain no more than three acre-feet of water storage at maximum pool (top
 54 of dam) if the height is more than ten feet but less than 13 feet for a dry storage
 55 pond;

56 (iii) Storm water management plans and facilities, including hydrologic studies and
 57 temporary sediment basins, provided that the contributing drainage area shall not be
 58 larger than 100 acres; and

59 (iv) Extension of existing water distribution piping and gravity sewers, eight inches
 60 in diameter or smaller, provided that off-site length shall not exceed 1,000 feet, the
 61 design and construction of which shall conform to the local government ordinances
 62 and regulations, and such extensions shall be subjected to the review and approval of
 63 a local government which has been delegated approval authority by the
 64 Environmental Protection Division of the Department of Natural Resources;
 65 provided that the design of any storm-water management plans, facilities, water
 66 distribution lines, and sanitary sewer collection systems shall be performed only by
 67 such professional land surveyors who are qualified to do so as provided in Code Section
 68 43-15-13.1;

69 (E) Conducting horizontal and vertical control surveys, layout or stake-out of proposed
 70 construction, or the preparation of as-built surveys which relate to property, easement,
 71 or right of way boundaries;

72 (F) Utilization of measurement devices or systems, such as aerial photogrammetry,
 73 geodetic positioning systems, land information systems, or similar technology for
 74 evaluation or location of property, easement, or right of way boundaries; or

75 (G) The preparation and perpetuation of maps, record plats, drawings, exhibits, field
 76 notes, or property descriptions representing these services.

77 ~~(7) 'Land surveyor' means an individual who is qualified to engage in the practice of land~~
 78 ~~surveying and who possesses a current certificate of registration as a land surveyor issued~~
 79 ~~by the board. A person shall be construed to practice or offer to practice land surveying~~
 80 ~~within the meaning of this chapter who by verbal claim, sign, advertisement, letterhead,~~
 81 ~~cards, or in any other way represents or holds himself or herself out as able or qualified~~
 82 ~~to perform or who does perform any of the services defined as land surveying.~~

83 ~~(8)(7) 'Land surveyor-in-training~~ surveyor intern means an individual who meets the
 84 qualifications for and to whom the board has duly issued a certificate as a land
 85 surveyor-in-training.

86 ~~(9)(8) 'Person' means an individual and~~ or any legal or commercial entity, including, by
 87 way of illustration and not limitation, a partnership, corporation, association, or
 88 governmental agency.

89 ~~(10)(9) 'Professional engineer' means an individual who is qualified, by reason of~~
 90 ~~knowledge of mathematics, the physical sciences, and the principles by which mechanical~~
 91 ~~properties of matter are made useful to~~ man mankind in structures and machines, acquired
 92 by professional education and practical experience, to engage in the practice of
 93 professional engineering and who possesses a current certificate of registration as a
 94 professional engineer issued by the board.

95 ~~(11)~~(10) 'Professional engineering' means the practice of the ~~art~~ arts and sciences, known
 96 as engineering, by which mechanical properties of matter are made useful to ~~man~~
 97 mankind in structures and machines and shall include any professional service, such as
 98 consultation, investigation, evaluation, planning, designing, or responsible supervision
 99 of construction or operation, in connection with any public or private utilities, structures,
 100 buildings, machines, equipment, processes, works, or projects, wherein the public welfare
 101 or the safeguarding of life, health, or property is concerned or involved, when such
 102 professional service requires the application of engineering principles and data and
 103 training in the application of mathematical and physical sciences. ~~A person~~ An individual
 104 shall be construed to practice or offer to practice professional engineering, within the
 105 meaning of this chapter, who by verbal claim, sign, advertisement, letterhead, card, or in
 106 any other way represents or holds himself or herself out as a professional engineer or
 107 engineer or as able or qualified to perform engineering services or who ~~does perform~~
 108 performs any of the services set out in this paragraph. Nothing contained in this chapter
 109 shall include the work ordinarily performed by ~~persons~~ individuals who operate or
 110 maintain machinery or equipment.

111 (11) 'Professional land surveyor' or 'registered land surveyor' or 'land surveyor' means
 112 an individual who is qualified to engage in the practice of land surveying and who
 113 possesses a current license as a professional land surveyor issued by the board. An
 114 individual shall be construed to practice or offer to practice land surveying within the
 115 meaning of this chapter who by verbal claim, sign, advertisement, letterhead, cards, or
 116 in any other way represents or holds himself or herself out as able or qualified to perform
 117 or who does perform land surveying services.

118 43-15-3.

119 (a) A State Board of Registration for Professional Engineers and Land Surveyors is created
 120 whose duty it shall be to administer this chapter.

121 (b) The board shall consist of six professional engineers, two professional land surveyors,
 122 and a member appointed from the public at large who has no connection with the
 123 professions of engineering and land surveying, all of whom shall be appointed by the
 124 Governor for a term of five years. Of the professional engineers appointed to the board,
 125 one shall be a structural engineer, one shall be a mechanical engineer, one shall be an
 126 electrical engineer, two shall be civil or sanitary engineers, and one shall be from any
 127 discipline of engineering. Each member of the board shall be a citizen of the United States
 128 and a resident of this state.

129 (c) Each member shall hold office until his or her successor has been duly appointed and
130 qualified. All successors shall be appointed in the same manner as the original
131 appointment.

132 (d) A vacancy on the membership of the board shall be filled by appointment by the
133 Governor, in the same manner as the original appointment to the position vacated, for the
134 unexpired term.

135 (e) Professional engineers appointed to the board shall have been engaged in the practice
136 of engineering in their respective disciplines for at least 12 years and shall have been in
137 responsible charge of important engineering work in their respective disciplines for at least
138 five years. ~~Land~~ Professional land surveyors appointed to the board shall have been
139 engaged in the practice of land surveying for at least 12 years and shall have been in
140 responsible charge of important land surveying work for at least five years. Responsible
141 charge of engineering or land surveying teaching may be construed as responsible charge
142 of important engineering or land surveying work, respectively.

143 (f) Each member of the board shall be reimbursed as provided for in subsection (f) of Code
144 Section 43-1-2.

145 (g) The Governor may remove any member of the board for misconduct, incompetency,
146 neglect of duty, or for any other sufficient and just cause.

147 43-15-4.

148 (a) The board shall adopt all necessary rules, regulations, and bylaws, not inconsistent with
149 this chapter and the Constitution and laws of this state or of the United States, to govern
150 its times and place of meetings for organization and reorganization, for the holding of
151 examinations, for fixing the length of terms of its officers, and for governing all other
152 matters requisite to the exercise of its powers, the performance of its duties, and the
153 transaction of its businesses. The board shall adopt an official seal.

154 (b) The board shall meet at such times as the business of the board shall require, as the
155 board or its chairman may determine, but shall hold one annual meeting each year at which
156 time the board shall elect a chairman and a vice chairman.

157 (c) The board shall be assigned to the office of the division director for those purposes
158 described in Chapter 1 of this title.

159 43-15-5.

160 The board shall keep records of its proceedings.

161 43-15-6.

162 (a) In carrying out this chapter, in addition to other powers conferred upon it under this
163 chapter, the board shall have the power:

164 (1) To adopt and enforce regulations implementing this chapter, including regulations
165 governing the professional conduct of those individuals registered by it;

166 (2) Under the hand of its chairman or his or her delegate and the seal of the board, to
167 subpoena witnesses and compel their attendance and to require thereby the production of
168 books, papers, documents, and other things relevant to such investigation in order to
169 investigate conduct subject to regulation by the board; the chairman or the member of the
170 board who is his or her delegate may administer oaths to witnesses appearing before the
171 board; and the board may secure the enforcement of its subpoenas in the manner provided
172 by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; and

173 (3) To maintain in its name an action for injunctive or other appropriate legal or
174 equitable relief to remedy violations of this chapter and, in pursuing equitable remedies,
175 it shall not be necessary that the board allege or prove that it has no adequate remedy at
176 law.

177 (b) In addition to other powers conferred upon the board under this chapter, the board shall
178 through rules and regulations require each ~~person~~ individual seeking renewal of a
179 certificate of registration as a professional engineer or a license as a professional land
180 surveyor to complete board approved continuing education of not more than 30 hours
181 biennially for professional engineers and not more than 15 hours biennially for professional
182 land surveyors. The board shall be authorized to approve courses offered by institutions
183 of higher learning or offered by other institutions or organizations. The board shall
184 randomly audit some applications for renewal of a certificate of registration or license to
185 enforce compliance with this subsection. The continuing education requirements adopted
186 by the board shall recognize the continuing education requirements imposed by other states
187 to the extent that such continuing education courses meet the requirements imposed by the
188 board. The board shall be authorized to waive the continuing education requirements in
189 cases of hardship, disability, or illness or under such other circumstances as the board
190 deems appropriate. The board shall waive the continuing education requirement for
191 individuals over the age of 65 who have retired from active practice and who apply for an
192 inactive license and for individuals over the age of 65 who are engaged in the active
193 practice of their profession who have had a valid active license for the previous 25
194 consecutive years. The requirement for continuing education including the exemptions
195 provided for in this subsection shall apply to each licensing renewal cycle which begins
196 after the 1996 renewal cycle.

197 43-15-7.

198 (a) It shall be unlawful for any person other than a professional engineer to practice or to
199 offer to practice professional engineering in this state.

200 (b) It shall be unlawful for any person other than a professional land surveyor to practice
201 or to offer to practice land surveying in this state.

202 43-15-8.

203 To be eligible for certification as an engineer-in-training, an applicant must meet the
204 following minimum requirements:

205 (1)(A) Graduate in an engineering curriculum of not less than four years from a school
206 or college approved by the board; and

207 (B) Pass a written examination in fundamental engineering subjects
208 (engineer-in-training examination);

209 (2)(A) Graduate in an engineering curriculum of not less than four years or in a
210 curriculum of four or more years in engineering technology or related science, from a
211 school or college approved by the board; and

212 (B) Pass a written examination in fundamental engineering subjects
213 (engineer-in-training examination); or

214 (3)(A) Acquire not less than eight years of experience in engineering work of a nature
215 satisfactory to the board; and

216 (B) Pass a written examination in fundamental engineering subjects
217 (engineer-in-training examination).

218 43-15-9.

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

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

223 (B) Acquire a specific record of not less than four years' experience in engineering
224 work of a character satisfactory to the board which indicates the applicant is competent
225 to practice professional engineering; and

226 (C) Subsequently pass a written examination in the principles and practice of
227 engineering (professional engineer's examination);

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

230 (B) Acquire a specific record of not less than seven years' experience in engineering
231 work of a character satisfactory to the board which indicates the applicant is competent
232 to practice professional engineering; and

233 (C) Subsequently pass a written examination in the principles and practice of
234 engineering (professional engineer's examination);

235 (3)(A) Obtain certification by the board as an engineer-in-training under paragraph (3)
236 of Code Section 43-15-8;

237 (B) Acquire a specific record of not less than seven years' experience in engineering
238 work of a character satisfactory to the board which indicates the applicant is competent
239 to practice professional engineering; and

240 (C) Subsequently pass a written examination in the principles and practice of
241 engineering (professional engineer's examination); or

242 (4)(A) Graduate in an engineering or related science curriculum of not less than four
243 academic years;

244 (B) Acquire a specific record of not less than 16 years' experience in engineering work,
245 of which at least eight years have been in responsible charge of important engineering
246 work of a character satisfactory to the board, which indicates the applicant is competent
247 to practice professional engineering; and

248 (C) Subsequently pass a written examination in the principles and practice of
249 engineering (professional engineer's examination).

250 43-15-10.

251 (a) For the purpose of determining whether an applicant has acquired the experience
252 required under Code Section 43-15-8 or 43-15-9:

253 (1) Responsible charge of engineering teaching may, in the board's sole discretion, be
254 considered as responsible charge of engineering work;

255 (2) The satisfactory completion of each academic year of an approved course in
256 engineering or engineering technology in a school or college approved by the board,
257 without graduation, may be considered as equivalent to a year of engineering experience;

258 (3) Partial credit may be granted by the board for the successful completion of one or
259 more scholastic years of a four-year engineering curriculum in a school or college not
260 approved by the board or in a curriculum in related science in a school or college
261 approved by the board. The degree of credit shall be determined by the board upon
262 consideration of the mathematics, science, and engineering courses completed by the
263 applicant;

264 (4) No applicant shall receive experience credit for more than four years of
265 undergraduate education; and

266 (5) The satisfactory completion of graduate study in an approved engineering curriculum
 267 may, in the board's sole discretion, be credited for not more than one year's experience.
 268 (b) The execution, as a contractor, of work designed by a professional engineer or the
 269 supervision of the construction of such work as foreman, inspector, or superintendent shall
 270 not be deemed to be engineering experience unless such work involves the application of
 271 engineering principles and the applicant presents evidence of additional engineering
 272 experience of a character satisfactory to the board and indicating the applicant is competent
 273 to be placed in responsible charge of engineering work.

274 43-15-11.

275 An applicant for the professional engineer's examination shall designate the special branch
 276 of engineering in which the applicant proposes to engage. The scope of the professional
 277 engineer's examination administered to him or her shall be prescribed by the board with
 278 respect to that branch of engineering, with special reference to the applicant's ability to
 279 design and supervise engineering work so as to ensure the safety of life, health, and
 280 property.

281 43-15-12.

282 (a) To be eligible for certification as a land surveyor-in-training surveyor intern, an
 283 applicant must meet the following minimum requirements:

- 284 (1)(A) Earn a bachelor's degree in a curriculum approved by the board;
 285 (B) Earn an associate degree, or its equivalent, in a curriculum approved by the board
 286 and acquire not less than two years of combined office and field experience in land
 287 surveying of a nature satisfactory to the board; or
 288 (C) Earn a high school diploma, or its equivalent, and acquire not less than four years'
 289 experience in land surveying of a nature satisfactory to the board;
 290 (2) Acquire a minimum of ~~15 quarter hours'~~ 18 semester hours of credit, or its equivalent,
 291 in land surveying subjects in a course of study approved by the board; ~~provided, however,~~
 292 ~~that on and after January 1, 1995, the minimum requirement shall be 20 quarter hours'~~
 293 ~~credit, five of which shall be in hydrology; and~~
 294 (3) Subsequently pass the board approved examination in the fundamentals of land
 295 surveying (land ~~surveyor-in-training~~ surveyor intern examination).

296 (b) Land surveyor intern applicants may apply prior to July 1, 2020, with 15 quarter hours
 297 of credit in land surveying subjects in a course of study approved by the board and five
 298 quarter hours in hydrology. Such applicants applying prior to July 1, 2020, who meet the
 299 requirements of this subsection shall be eligible for licensure without the hydrology exam.

300 43-15-13.

301 To be eligible for a ~~certificate of registration~~ license as a professional land surveyor, an
302 applicant must meet the following minimum requirements:

303 (1)(A) Obtain certification as a land ~~surveyor-in-training~~ surveyor intern under
304 subparagraph (A) of paragraph (1) and paragraph (3) of subsection (a) of Code
305 Section 43-15-12;

306 (B) Acquire a specific record of the equivalent of not less than four years of combined
307 office and field experience in land surveying with a minimum of three years' experience
308 in responsible charge of land surveying projects under the supervision of a ~~registered~~
309 professional land surveyor or such other supervision deemed by the board to be the
310 equivalent thereof; and

311 (C) Subsequently pass a written examination on the principles and practices of land
312 surveying and the laws of this state relating to land surveying (professional land
313 surveyor examination);

314 (2)(A) Obtain certification as a land ~~surveyor-in-training~~ surveyor intern under
315 subparagraph (B) of paragraph (1) and paragraph (3) of subsection (a) of Code
316 Section 43-15-12;

317 (B) Acquire an additional specific record of the equivalent of not less than four years
318 of combined office and field experience in land surveying which, together with the
319 qualifying experience under subparagraph (B) of paragraph (1) of subsection (a) of
320 Code Section 43-15-12, includes not less than four years' experience in responsible
321 charge of land surveying projects under the supervision of a ~~registered~~ professional land
322 surveyor or such other supervision deemed by the board to be the equivalent thereof;
323 and

324 (C) Subsequently pass a written examination on the principles and practices of land
325 surveying and the laws of Georgia relating to land surveying (professional land
326 surveyor examination); or

327 (3)(A) Obtain certification as a land ~~surveyor-in-training~~ surveyor intern under
328 subparagraph (C) of paragraph (1) and paragraph (3) of subsection (a) of Code
329 Section 43-15-12;

330 (B) Acquire an additional specific record of not less than four years of experience in
331 land surveying which, together with the qualifying experience under subparagraph (C)
332 of paragraph (1) of subsection (a) of Code Section 43-15-12, includes not less than six
333 years' experience in responsible charge of land surveying projects under the supervision
334 of a ~~registered~~ professional land surveyor or such other supervision deemed by the
335 board to be the equivalent thereof and of a grade and character satisfactory to the board
336 indicating that the applicant is competent to practice land surveying; and

337 (C) Subsequently pass a written examination on the principles and practices of land
 338 surveying and laws of this state relating to land surveying (professional land surveyor
 339 examination).

340 43-15-13.1.

341 For an individual to be eligible to engage in the practices described in divisions (6)(D)(ii)
 342 through (iv) of Code Section 43-15-2, he or she shall:

343 (1) Obtain licensure as a professional land surveyor, registered land surveyor, or land
 344 surveyor under this chapter prior to July 1, 2018; or

345 (2) Complete an additional three semester hours of coursework in hydrology, possess the
 346 requisite required by the board, and pass the hydrology exam. The licensing record for
 347 such individual as available to the public shall be marked as 'hydrology and design
 348 authorized.'

349 43-15-14.

350 Board approval of an applicant for examination entitles the applicant to admission to the
 351 next four consecutive examination offerings without reapplication. Following the first
 352 offering to which the applicant is entitled to admission, the applicant shall not be admitted
 353 to any of the succeeding three examination offerings except upon payment of a fee for each
 354 examination, to be determined by the board. Admission to any future examinations will
 355 be at the discretion of the board which may require the applicant to file a new application.
 356 An examination offering occurs regardless of whether the applicant attends.

357 43-15-15.

358 (a) Applications for certificates ~~and for~~, certificates of registration, and licenses shall be
 359 made under oath to the board and shall contain such information in the form and manner
 360 as shall be prescribed by the board. The application shall be accompanied by a fee in an
 361 amount prescribed by the board.

362 (b) No individual shall be eligible for a certificate ~~or~~, a certificate of registration, or a
 363 license under this chapter who is not of good character and reputation.

364 (c) If the board denies an application on the ground that the applicant lacks the requisite
 365 experience to admit him or her to the examination, the board may impose on the applicant
 366 a period of deferment on the filing of a new application, during which period the board
 367 shall not be required to accept for filing a new application by the applicant. The period of
 368 deferment shall not exceed the time reasonably required to acquire the requisite experience.

369 (d) An application shall contain the names of not less than five ~~persons~~ individuals, not
 370 related to the applicant by blood or marriage, of whom at least three shall be professional

371 engineers or professional land surveyors having personal knowledge of the experience on
 372 which the applicant predicates his or her qualifications.

373 (e) Experience required under this chapter shall be of a character and nature approved by
 374 the board and consistent with the purposes of this chapter.

375 43-15-16.

376 (a) The board may, in its discretion, upon application therefor and the payment of a fee
 377 prescribed by the board, issue a certificate of registration as a professional engineer to any
 378 individual who holds a certificate of qualification or registration issued to him or her by
 379 proper authority of the National Council of Engineering Examiners or of any state or
 380 territory or possession of the United States if the requirements of the registration of
 381 professional engineers under which the certificate of qualification or registration was issued
 382 do not conflict with this chapter and are of a standard not lower than that specified in this
 383 chapter or if the applicant held such certificate on or before July 1, 1956. The fact that the
 384 statute under which the individual was issued a certificate of qualification or registration
 385 in another state does not provide that the required written examination be passed
 386 subsequent to the acquisition of the required experience shall not be deemed as a conflict
 387 with, or lower than, the Georgia requirements, provided that the written examination and
 388 the amount of experience required for registration are substantially equivalent to the
 389 Georgia requirements.

390 (b) The board may, in its discretion, upon application therefor and the payment of a fee
 391 prescribed by the board, issue a ~~certificate of registration~~ license as a professional land
 392 surveyor to any ~~person~~ individual who holds a ~~certificate of registration~~ license to practice
 393 land surveying issued by a state or territory or possession of the United States obtained:

394 (1) By written examination of not less than eight hours in duration prior to July 1, 1968;

395 (2) By written examination of not less than 16 hours in duration prior to July 1, 1978; or

396 (3) Under qualifications comparable to those prescribed by this chapter; and

397 in addition passes a written examination on the laws of Georgia relating to land surveying
 398 (professional land surveyor examination).

399 43-15-17.

400 (a) Certificates ~~and~~, certificates of registration, or licenses shall be issued to applicants
 401 who successfully complete the respective requirements therefor upon the payment of fees
 402 prescribed by the board.

403 (b) Certificates of registration or licenses shall be renewable biennially. Renewal may be
 404 effected for the succeeding two years by the payment of the fee prescribed by the board.
 405 Certificates of registration or licenses may be renewed subsequent to their expiration upon

406 the payment of accumulated unpaid fees and of a penalty in an amount to be determined
 407 by the board. A certificate of registration ~~which~~ or license that has been expired for a
 408 period of greater than four years shall be automatically revoked.

409 (c) The division director shall give notice by mail to each ~~person~~ individual holding a
 410 certificate of registration or license under this chapter of the date of the expiration of the
 411 certificate of registration or license and the amount of the fee required for renewal, at least
 412 one month prior to the expiration date; but the failure to receive such notice shall not avoid
 413 the expiration of any certificate of registration or license not renewed in accordance with
 414 this Code section.

415 43-15-18.

416 (a) In the case of a ~~registered~~ professional engineer, the certificate of registration shall
 417 authorize the practice of professional engineering. In the case of a ~~registered~~ professional
 418 land surveyor, the ~~certificate of registration~~ license shall authorize the practice of land
 419 surveying. A certificate of registration or license shall show the full name of the registrant
 420 or licensee, shall have a serial number, and shall be signed by the chairman of the board
 421 and the division director under the seal of the board.

422 (b) The issuance of a certificate of registration or license by the board shall be evidence
 423 that the ~~person~~ individual named therein is entitled to all the rights and privileges of a
 424 ~~registered~~ professional engineer or a ~~registered~~ professional land surveyor, as the case may
 425 be, as long as the certificate or license remains unrevoked, unexpired, or unaffected by
 426 other discipline imposed by the board.

427 43-15-19.

428 (a) The board shall have the power, after notice and hearing, to deny any application made
 429 to it, to revoke or suspend any certificate ~~or~~ certificate of registration, or license issued by
 430 it, or to reprimand any ~~person~~ individual holding a certificate ~~or~~ certificate of registration,
 431 or license issued by it, upon the following grounds:

432 (1) Commission of any fraud or deceit in obtaining a certificate ~~or~~ certificate of
 433 registration, or license;

434 (2) Any gross negligence, incompetency, or unprofessional conduct in the practice of
 435 professional engineering or land surveying as a ~~registered~~ professional engineer or a
 436 professional land surveyor, respectively;

437 (3) Affixing a seal to any plan, specification, plat, or report contrary to Code Section
 438 43-15-22;

439 (4) Conviction of a felony or crime involving moral turpitude in the courts of this state,
 440 the United States, or ~~of~~ any state or territory of the United States or the conviction of an

441 offense in another jurisdiction which, if committed in this state, would be deemed a
 442 felony. 'Conviction' shall include a finding or verdict of guilt, a plea of guilty, or a plea
 443 of nolo contendere in a criminal proceeding, regardless of whether the adjudication of
 444 guilt or sentence is withheld or not entered thereon pursuant to Article 3 of Chapter 8 of
 445 Title 42 or any comparable rule or statute; or

446 (5) Any violation of this chapter or any rule or regulation promulgated by the board
 447 pursuant to the powers conferred on it by this chapter.

448 (b) 'Unprofessional conduct,' as referred to in paragraph (2) of subsection (a) of this Code
 449 section, includes a violation of those standards of professional conduct for professional
 450 engineers and professional land surveyors adopted by the board pursuant to the power
 451 conferred upon it to promulgate rules and regulations to effectuate the duties and powers
 452 conferred on it by this chapter.

453 43-15-20.

454 (a) The board, in its sole discretion, may reissue a certificate ~~or~~, a certificate of
 455 registration, or a license to any ~~person~~ individual whose certificate ~~or~~, certificate of
 456 registration, or license has been revoked or may terminate any suspension imposed by it
 457 upon the affirmative vote of a majority of the members of the board and upon the payment
 458 of a fee prescribed by the board.

459 (b) A new certificate ~~or~~, certificate of registration, or license to replace any certificate or
 460 license lost, destroyed, or mutilated may be issued subject to the rules of the board upon
 461 the payment of a fee prescribed by the board.

462 43-15-21.

463 (a) The board, or its delegate, in its sole discretion, may issue a temporary permit to a
 464 ~~person~~ an individual who is not a resident of and who has no established place of business
 465 in this state, or who has recently become a resident thereof, to permit him or her, in
 466 accordance with the conditions of the temporary permit, to practice or offer to practice
 467 engineering in this state if:

468 (1) An application for a certificate of registration has been filed with the board and the
 469 fee required by this chapter has been paid;

470 (2) The applicant is legally qualified to practice such profession in the state or country
 471 of the applicant's residence or former residence; and

472 (3) The requirements and qualifications for obtaining a certificate of registration in that
 473 jurisdiction are not lower than those specified in this chapter.

474 (b) An application under subsection (a) of this Code section shall be made to the board in
 475 writing, containing such information and in the form and manner as shall be prescribed by
 476 the board.

477 (c) The temporary permit shall continue only for such time as the board requires for the
 478 consideration of the application for registration. The temporary permit shall contain such
 479 conditions with respect to the scope of the permission granted as the board deems
 480 necessary or desirable.

481 (d) Plans, specifications, plats, and reports issued by ~~a person~~ an individual holding a
 482 temporary permit shall bear his or her signature and a stamp containing his or her name,
 483 business address, and 'Georgia Professional Engineer Temporary Permit No. ____.' The
 484 signature and stamp shall be affixed only in accordance with the requirements of
 485 subsection (b) of Code Section 43-15-22.

486 (e) ~~A person~~ An individual who has obtained a temporary permit and practices in
 487 accordance therewith is deemed to be a professional engineer for purposes of this chapter,
 488 but a temporary permit shall not be deemed to be a registration under any provision of this
 489 chapter, including, by way of illustration and not limitation, Code Section 43-15-23.

490 43-15-22.

491 (a) Every professional engineer and professional land surveyor registered or licensed, as
 492 applicable, under this chapter shall, upon receipt of a certificate of registration or license,
 493 obtain a seal of the design authorized by the board, bearing the registrant's or licensee's
 494 name, certificate or license number, and the legend '~~Registered~~ Professional Engineer,' or
 495 '~~Registered~~ Professional Land Surveyor,' in accordance with the certificate of registration
 496 or license.

497 (b) Plans, specifications, plats, and reports issued by a registrant or licensee shall be
 498 stamped or sealed and countersigned by the registrant or licensee; but it shall be unlawful
 499 for the registrant or licensee or any other person to stamp or seal any document with such
 500 seal after the certificate of the registrant or license of the licensee named thereon has
 501 expired, or has been revoked, or during the period of any suspension imposed by the board.
 502 No plans, specifications, plats, or reports shall be stamped with the seal of a registrant or
 503 a licensee unless such registrant or licensee has personally performed the engineering or
 504 land surveying work involved or, when the registrant or licensee has not personally
 505 performed the engineering or land surveying work reflected in any plan, specification, plat,
 506 or report, such registrant or licensee has affixed his or her seal thereto only if such
 507 document has been prepared by an employee or employees under the registrant's or
 508 licensee's direct supervisory control on a daily basis and after the registrant or licensee has

509 thoroughly reviewed the work embodied in such document and has satisfied himself or
510 herself completely that such work is adequate.

511 (c) No registrant or licensee shall affix his or her seal to any plan, specification, plat, or
512 report unless he or she has assumed the responsibility for the accuracy and adequacy of the
513 work involved.

514 (d) Any registrant or licensee who has affixed his or her seal to any plan, specification,
515 plat, or report prepared by another person individual not under the registrant's or licensee's
516 direct supervisory control on a daily basis, and without having thoroughly reviewed such
517 work, shall be deemed to have committed a fraudulent act of misconduct in the practice of
518 professional engineering or land surveying.

519 43-15-23.

520 (a) The practice of or offer to practice professional engineering, as defined in this chapter,
521 by individual professional engineers registered under this chapter through a firm,
522 corporation, professional corporation, partnership, association, or other entity offering
523 engineering services to the public or by a firm, corporation, professional corporation,
524 partnership, association, or other entity offering engineering services to the public through
525 individual ~~registered~~ professional engineers as agents, employees, officers, members, or
526 partners is permitted subject to the provisions of this chapter; provided, however, that one
527 or more of the principals, officers, members, or partners of said firm, corporation,
528 professional corporation, partnership, association, or other entity and all personnel of such
529 firm, corporation, partnership, association, or entity who act in its behalf as professional
530 engineers in this state shall be registered as provided in this chapter; and further provided
531 that said firm, corporation, professional corporation, partnership, association, or entity has
532 been issued a certificate of authorization by the board as provided in this chapter.

533 (b) A firm, corporation, professional corporation, partnership, association, or other entity
534 desiring a certificate of authorization shall file with the board an application upon a form
535 to be prescribed by the board and accompanied by the registration fee prescribed by the
536 board.

537 (c)(1) A corporation or professional corporation shall file with the board, using a form
538 provided by the board, the names and addresses of all officers and board members of the
539 corporation, including the principal officer or officers duly registered to practice
540 professional engineering in this state and of an individual or individuals duly registered
541 to practice professional engineering within this state who shall be in responsible charge
542 of the practice of professional engineering in this state by said corporation.

543 (2) A partnership shall file with the board, using a form provided by the board, the names
544 and addresses of all partners of the partnership, including the partner or partners duly

545 registered to practice professional engineering in this state and of an individual or
 546 individuals duly registered to practice professional engineering in this state who shall be
 547 in responsible charge of the practice of professional engineering in this state by said
 548 partnership.

549 (3) Any firm, limited liability company, association, or entity which is not a corporation,
 550 professional corporation, or partnership shall file with the board, using a form provided
 551 by the board, the names and addresses of all principals or members of the firm,
 552 association, or entity duly registered to practice professional engineering in this state who
 553 shall be in responsible charge of the practice of professional engineering in this state by
 554 said firm, association, or other entity.

555 (4) The forms provided in paragraphs (1) through (3) of this subsection must accompany
 556 a biennial renewal fee prescribed by the board. In the event there shall be a change in any
 557 of these persons, such change shall be designated on the same form and filed with the
 558 board by the firm, corporation, professional corporation, partnership, association, or
 559 entity within 30 days after the effective date of the change.

560 (d)(1) After all of the requirements of this Code section have been complied with, the
 561 board shall issue to such firm, corporation, professional corporation, partnership,
 562 association, or other entity a certificate of authorization.

563 (2) The board may refuse to issue a certificate if any facts exist which would entitle the
 564 board to suspend or revoke an existing certificate or if the board shall determine that any
 565 of the officers, directors, principals, members, agents, or employees of the entity to be
 566 licensed are not ~~persons~~ individuals of good character.

567 43-15-23.1.

568 (a) The practice of or offer to practice land surveying, as defined in this chapter, by
 569 individual professional land surveyors ~~registered~~ licensed under this chapter through a firm,
 570 corporation, professional corporation, partnership, association, or other entity offering land
 571 surveying services to the public or by a firm, corporation, professional corporation,
 572 partnership, association, or other entity offering land surveying services to the public
 573 through individual ~~registered~~ professional land surveyors as agents, employees, officers,
 574 members, or partners is permitted subject to the provisions of this chapter; provided,
 575 however, that one or more of the principals, officers, members, or partners of said firm,
 576 corporation, professional corporation, partnership, association, or other entity and all
 577 personnel of such firm, corporation, professional corporation, partnership, association, or
 578 entity who act in its behalf as professional land surveyors in this state shall be ~~registered~~
 579 licensed as provided in this chapter; and further provided that said firm, corporation,

580 professional corporation, partnership, association, or entity has been issued a certificate of
581 authorization by the board as provided in this chapter.

582 (b) A firm, corporation, professional corporation, partnership, association, or other entity
583 desiring a certificate of authorization shall file with the board an application upon a form
584 to be prescribed by the board and accompanied by the registration fee prescribed by the
585 board.

586 (c)(1) A corporation or professional corporation shall file with the board, using a form
587 provided by the board, the names and addresses of all officers and board members of the
588 corporation, including the principal officer or officers duly ~~registered~~ licensed to practice
589 land surveying in this state and of an individual or individuals duly ~~registered~~ licensed
590 to practice land surveying within this state who shall be in responsible charge of the
591 practice of land surveying in this state by said corporation.

592 (2) A partnership shall file with the board, using a form provided by the board, the names
593 and addresses of all partners of the partnership, including the partner or partners duly
594 ~~registered~~ licensed to practice land surveying in this state and of an individual or
595 individuals duly ~~registered~~ licensed to practice land surveying in this state who shall be
596 in responsible charge of the practice of land surveying in this state by said partnership.

597 (3) Any firm, limited liability company, association, or entity which is not a corporation,
598 professional corporation, or partnership shall file with the board, using a form provided
599 by the board, the names and addresses of all principals or members of the firm,
600 association, or entity duly ~~registered~~ licensed to practice land surveying in this state who
601 shall be in responsible charge of the practice of land surveying in this state by said firm,
602 association, or other entity.

603 (4) The forms provided in paragraphs (1) through (3) of this subsection must accompany
604 a biennial renewal fee prescribed by the board. In the event there shall be a change in any
605 of these persons, such change shall be designated on the same form and filed with the
606 board by the firm, corporation, professional corporation, partnership, association, or
607 entity within 30 days after the effective date of the change.

608 (d)(1) After all of the requirements of this Code section have been complied with, the
609 board shall issue to such firm, corporation, professional corporation, partnership,
610 association, or other entity a certificate of authorization.

611 (2) The board may refuse to issue a certificate if any facts exist which would entitle the
612 board to suspend or revoke an existing certificate of authorization or if the board shall
613 determine that any of the officers, directors, principals, members, agents, or employees
614 of the entity to be licensed are not ~~persons~~ individuals of good character.

615 (3) Every firm, partnership, corporation, or other entity which performs or offers to
616 perform land surveying services shall have a resident ~~registered~~ professional land

617 surveyor in responsible charge in each separate branch office in which land surveying
 618 services are performed or offered to be performed. ~~A resident~~ As used in this Code
 619 section, the term 'resident' means a registrant who spends the majority of his or her
 620 normal working time at his or her place of business. The registrant can be the resident
 621 licensee at only one place of business at one time.

622 43-15-24.

623 (a) It shall be unlawful for this state or any of its political subdivisions such as a county,
 624 municipality, or school district, or agencies thereof, or for any private or commercial entity
 625 to engage in the construction of any work or structures involving professional engineering
 626 which by the nature of their function or existence could adversely affect or jeopardize the
 627 health, safety, or welfare of the public unless the plans and specifications have been
 628 prepared under the direct supervision or review of and bear the seal of, and the construction
 629 is executed under the direct supervision of or review by, a ~~registered~~ professional engineer
 630 or architect.

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

636 (c) Any county, municipality, or other governing body in this state that issues building
 637 permits is required to maintain a permanent record of the permit application and issuance
 638 thereon, ~~which record shall indicate~~ indicating the name of the professional engineer or
 639 architect, if any, ~~that who~~ who has sealed the plans, specifications, plats, or reports pursuant to
 640 which said building permit is issued, ~~said record to~~ Such record shall include details on the
 641 size, type of building or structure, use for said building or structure, and estimated cost of
 642 construction.

643 43-15-25.

644 (a) Any person may prefer charges of fraud, deceit, gross negligence, incompetency, or
 645 unprofessional conduct against any ~~person~~ individual holding a certificate ~~or~~, certificate of
 646 registration, or license. Such charges shall be in writing, shall be sworn to by the person
 647 making them, and shall be filed with the board.

648 (b) All such charges, unless dismissed by the board as unfounded or trivial, shall be acted
 649 upon by the board.

650 43-15-26.

651 (a) After notice and hearing, the board may issue an order prohibiting any person from
652 violating Code Section 43-15-7 and may fine such person at least \$100.00 but not more
653 than \$5,000.00 per violation.

654 (b) The violation of any order of the board issued under subsection (a) of this Code section
655 shall subject the person violating the order to an additional civil penalty not in excess of
656 \$100.00 for each transaction constituting a violation of such order. The board may
657 maintain an action in the superior courts of this state in its own name to recover the
658 penalties provided for in this Code section.

659 43-15-27.

660 (a) It shall be the duty of all duly constituted law enforcement officers of this state and of
661 the political subdivisions of this state to enforce this chapter and to prosecute any person
662 violating this chapter.

663 (b) The Attorney General or his or her designated assistant shall act as legal adviser to the
664 board and render such legal assistance as may be necessary in carrying out this chapter.

665 (c) Except as provided in Code Section 25-2-14, it shall be the duty of all public officials
666 charged with the responsibility of enforcing codes related to construction to require
667 compliance with Code Section 43-15-24 before engineering plans, drawings, and
668 specifications are approved by construction. Except as provided in Code Section 25-2-14,
669 no construction which is subject to Code Section 43-15-24 and which requires the service
670 of an engineer shall be built without such approval prior to construction.

671 43-15-28.

672 The board shall exercise the powers and duties conferred upon it in accordance with
673 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

674 43-15-29.

675 (a) Nothing in this chapter shall be construed as excluding a qualified architect registered
676 in this state from such engineering practice as may be incident to the practice of his or her
677 profession or as excluding a professional engineer from such architectural practice as may
678 be incident to the practice of professional engineering.

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

680 (1) ~~A person~~ An individual working as an employee or a subordinate of ~~a person~~ an
681 individual holding a certificate of registration or license under this chapter or an
682 employee of ~~a person~~ an individual practicing lawfully under Code Section 43-15-21,
683 provided that such work does not include final design decisions and is done under the

684 supervision of, and responsibility therefor is assumed by, ~~a person~~ an individual holding
 685 a certificate of registration or license under this chapter or ~~a person~~ an individual
 686 practicing lawfully under Code Section 43-15-21;

687 (2) Officers and employees of the government of the United States while engaged within
 688 this state in the practice of professional engineering or land surveying for such
 689 government;

690 (3) All elected officers of the political subdivisions of this state while in the practice of
 691 professional engineering or land surveying in the performance of their official duties;

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

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

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

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

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

714 (d) This chapter shall not be construed to prevent or affect the practice of professional
 715 engineering and land surveying with respect to utility facilities by any public utility subject
 716 to regulation by the Public Service Commission, the Federal Communications
 717 Commission, the Federal Power Commission, or like regulatory agencies, including its
 718 parents, affiliates, or subsidiaries; or by the officers and full-time permanent employees of
 719 any such public utility, including its parents, affiliates, or subsidiaries, except where such
 720 practice involves property lines of adjoining property owners, provided that this exception

721 does not extend to any professional engineer or professional land surveyor engaged in the
 722 practice of professional engineering or land surveying whose compensation is based in
 723 whole or in part on a fee or to any engineering services performed by the ~~above-referenced~~
 724 utility companies referenced in this subsection not directly connected with work on their
 725 facilities.

726 (e) This chapter shall not be construed to affect the lawful practice of a person acting
 727 within the scope of a certificate of registration or license granted by the state under any
 728 other law.

729 (f) Nothing in this chapter shall be construed to require a contractor or an employee of a
 730 contractor that is performing layouts and measurements for a highway or construction
 731 project of such contractor to be licensed as a professional land surveyor; provided,
 732 however, that such individuals shall be prohibited from providing or offering to provide
 733 any other land surveying services and from performing a layout for a highway or
 734 construction project relative to a buffer, setback, or property line.

735 43-15-30.

736 (a) Any person ~~who~~ that violates Code Section 43-15-7 shall be guilty of a misdemeanor.

737 (b) Any ~~person~~ individual presenting or attempting to use as his or her own the certificate
 738 of registration or license or the seal of another obtained under this chapter shall be guilty
 739 of a misdemeanor.

740 (c) Any person ~~who~~ that gives any false or forged evidence of any kind to the board or to
 741 any member thereof in obtaining a certificate ~~or~~ certificate of registration, or license shall
 742 be guilty of a misdemeanor.

743 (d) Any person ~~who~~ that falsely impersonates any other registrant or licensee or any person
 744 ~~who~~ that attempts to use an expired or revoked certificate of registration or license shall be
 745 guilty of a misdemeanor.

746 ~~(e) Each day or occurrence shall be considered a separate offense.~~

747 ~~(f)~~(e) Any person offering services to the public ~~who~~ that uses by name, verbal claim, sign,
 748 advertisement, directory listing, ~~or~~ letterhead, or otherwise the words 'Engineer,'
 749 'Engineers,' 'Professional Engineering,' 'Engineering,' or 'Engineered' shall be guilty of a
 750 misdemeanor unless said person has complied with the provisions of this chapter.

751 (f) Any person offering services to the public that uses by name, verbal claim, sign,
 752 advertisement, directory listing, letterhead, or otherwise the words 'Professional Land
 753 Surveyor,' 'Professional Land Surveyors,' 'Land Surveyor,' or 'Land Surveyors' shall be
 754 guilty of a misdemeanor unless such person has complied with the provisions of this
 755 chapter.

756 (g) Each day or occurrence in violation of any provision of this Code section shall be
757 considered a separate offense."

758

SECTION 2.

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