

2020 Regular Session

SENATE BILL NO. 125

BY SENATOR HEWITT

ENGINEERS. Provides relative to the Louisiana Professional Engineering and Land Surveying Board. (8/1/20)

1 AN ACT

2 To amend and reenact R.S. 37:682(4) through (15), 683(A), (B)(1), (2), and (3), and (C),  
3 684, 686, 693(A) and (B), 695, 698(C), 700(C) and to enact R.S. 37:682(16), relative  
4 to the Louisiana Professional Engineering and Land Surveying Board; to provide for  
5 board membership and qualifications of the members; to provide for licensure  
6 requirements of professional engineers; to provide for examinations; to remove  
7 provisions relative to professional naval architects and marine engineers; to provide  
8 for disciplinary and enforcement actions by the board; to provide for terms,  
9 conditions, and procedures; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 37:682(4) through (15), 683(A), (B)(1), (2), and (3), and (C), 684,  
12 686, 693(A) and (B), 695, 698(C), 700(C) are hereby amended and reenacted and R.S.  
13 37:682(16) is hereby enacted to read as follows:

14 §682. Definitions

15 The following words and phrases when used in this Chapter shall have the  
16 following meaning, unless the context clearly requires otherwise:

17 \* \* \*

1                    **(4) "Dual licensee" shall mean any person practicing or seeking to**  
2                    **practice both engineering and land surveying in the state of Louisiana who has**  
3                    **received both licenses from the board and is otherwise in good standing with the**  
4                    **board. This term is often used synonymously with the term "dual registrant".**

5                    ~~(4)~~**(5)** "Engineer" or "professional engineer" shall mean an individual who,  
6                    by reason of his special knowledge and ability to apply the mathematical, physical,  
7                    and engineering sciences and the principles and methods of engineering analysis and  
8                    design, acquired by an engineering education and engineering experience, is  
9                    qualified to practice engineering, as evidenced by his licensure as such by the board.

10                   ~~(5)~~**(6)** "Engineer intern" shall mean an individual who has complied with the  
11                   requirements for education, experience, and character and has passed an examination  
12                   in the fundamental engineering subjects, as provided in this Chapter, and has been  
13                   issued a certificate by the board.

14                   ~~(6)~~**(7)** "Firm" shall mean any domestic or foreign firm, partnership,  
15                   association, cooperative, venture, corporation, limited liability company, limited  
16                   liability partnership, or any other entity.

17                   ~~(7)~~**(8)** "Land surveyor" or "professional land surveyor" shall mean an  
18                   individual who is qualified to practice land surveying, as evidenced by his licensure  
19                   as such by the board.

20                   ~~(8)~~**(9)** "Land surveyor intern" shall mean an individual who has complied  
21                   with the requirements for education, experience, and character and has passed an  
22                   examination in the fundamental surveying subjects, as provided in this Chapter, and  
23                   has been issued a certificate by the board.

24                   ~~(9)~~**(10)** "Licensee" shall mean any person practicing or seeking to practice  
25                   engineering or land surveying in the state of Louisiana that has received a license  
26                   from the board and is otherwise in good standing with the board. The term is often  
27                   used synonymously with the term "registrant".

28                   ~~(10)~~**(11)** "Licensed" or "licensure" shall mean the recognition granted by the  
29                   board and its issuance of a license to any person to practice engineering or land

1 surveying in the state of Louisiana. These terms are often used synonymously with  
2 the terms "registered" or "registration".

3 ~~(11)~~**(12)** "Person" shall mean any individual or firm.

4 ~~(12)(a)~~**(13)(a)** "Practice of engineering" shall mean responsible professional  
5 service which may include consultation, investigation, evaluation, planning,  
6 designing, or inspection of construction in connection with any public or private  
7 utilities, structures, machines, equipment, processes, works, or projects wherein the  
8 public welfare or the safeguarding of life, health, and property is concerned or  
9 involved, when such professional service requires the application of engineering  
10 principles and the interpretation of engineering data.

11 (b) A person shall be construed to practice or offer to practice engineering:  
12 who practices in any discipline of the profession of engineering; or who, by verbal  
13 claim, sign, advertisement, letterhead, card, or in any other way represents himself  
14 to be a professional engineer; or who represents himself as able to perform; or who  
15 does perform any engineering service or work or any other professional service  
16 designated by the practitioner or recognized by educational authorities as  
17 engineering. The practice of engineering shall not include the work ordinarily  
18 performed by a person who himself operates or maintains machinery or equipment.

19 ~~(13)(a)~~**(14)(a)** "Practice of land surveying" shall include the measuring of  
20 areas, land surfaces, streams, bodies of water, and swamps for correct determination  
21 and description, for the establishment, reestablishment, ascertainment, or description  
22 of land boundaries, corners, divisions, distances, and directions, the plotting and  
23 monumenting of lands and subdivisions thereof, and mapping and topographical  
24 work.

25 (b) A person shall be construed to practice or offer to practice land surveying  
26 who engages in land surveying and who by verbal claim, sign, advertisement,  
27 letterhead, card, or in any other way represents himself to be a land surveyor, or who  
28 represents himself as able to perform or who does perform any land surveying  
29 service or work, or any other service designated by the practitioner which is

1 recognized as land surveying.

2 ~~(14)~~(15) "Responsible charge" shall mean the direct control and personal  
3 supervision of engineering or land surveying service or work, as the case may be.

4 ~~(15)~~(16) "Responsible professional services" shall mean the technical  
5 responsibility, control, and direction of the investigation, design, or construction of  
6 engineering service or work requiring initiative, engineering ability, and its use of  
7 independent judgment.

8 §683. Board; appointments; terms

9 A.(1) The Louisiana Professional Engineering and Land Surveying Board is  
10 hereby created, whose duty it shall be to administer the provisions of this Chapter.  
11 The board shall consist of eleven members, nine of whom shall be ~~licensed~~  
12 professional engineers; and two of whom shall be ~~licensed~~ professional land  
13 surveyors.

14 (2) At least two members of the board shall be ~~licensed~~ professional  
15 engineers who are ~~active~~ **engaged** in the private practice of engineering. For the  
16 purposes of this Section, ~~an a professional~~ engineer engaged in ~~the~~ private practice  
17 **of engineering** is a person ~~legally qualified in the profession of engineering~~ who  
18 practices engineering as a principal business and who provides analytical, creative  
19 design, and design implementation capabilities ~~devoid of judgment-biasing~~  
20 ~~commercial or product affiliations~~ to clients on a fee basis. At least two ~~of the~~  
21 members of the board shall be ~~licensed~~ professional engineers in government  
22 employment, at least two ~~of the~~ members of the board shall be ~~licensed~~ professional  
23 engineers employed in the field of industry, at least two ~~of the~~ members **of the board**  
24 shall be ~~licensed~~ professional engineers employed in the field of education, and **at**  
25 **least** one member **of the board** shall be a ~~licensed~~ professional engineer employed  
26 in the field of construction. ~~Two~~ **At least two** members of the board shall be ~~licensed~~  
27 professional land surveyors who are actively engaged in the field of **land** surveying.

28 B.(1) The governor shall appoint members to the board from among ~~licensed~~  
29 professional ~~engineering~~ **engineer** nominees recommended by the Louisiana

1 Engineering Society or its duly recognized successor; and from among licensed  
2 professional land surveyor nominees recommended by the Louisiana Society of  
3 Professional Surveyors or its duly recognized successor. All such nominees shall  
4 have the qualifications required by R.S. 37:684.

5 (2) At least ~~five~~ three nominations shall be made for each appointment  
6 required, ~~which~~ and each appointment shall be made by the governor in the same  
7 manner as the predecessor appointees were selected.

8 (3)(a) All appointments to the board shall be for terms of not less than five  
9 nor more than six years. All appointments shall be for such periods of time as to  
10 ensure that the terms of not more than two board members end per year, and shall  
11 expire on March thirty-first of the expiration year, regardless of the date on which  
12 the successor was appointed and qualified. ~~Notwithstanding any provision of this~~  
13 ~~Paragraph to the contrary, the terms of any board members appointed before March~~  
14 ~~31, 2006, shall expire on March thirty-first of the calendar year following their~~  
15 ~~original expiration year.~~

16 (b) ~~Notwithstanding any provision of this Paragraph to the contrary, the term~~  
17 ~~of the licensed professional land surveyor scheduled to expire on March 31, 2010,~~  
18 ~~shall be extended to March 31, 2012. The term scheduled to expire on March 31,~~  
19 ~~2012, of the licensed professional engineer in government employment shall be~~  
20 ~~extended to March 31, 2015. The provisions of this Subparagraph shall expire on~~  
21 ~~April 1, 2015.~~

22 \* \* \*

23 C. Each member of the board shall receive a certificate of appointment from  
24 the governor, and before beginning his term of office, shall file with the secretary of  
25 state his written oath or affirmation for faithful discharge of his official duty. Each  
26 member shall serve until his successor has been appointed and qualified. It shall be  
27 the duty of the president of the Louisiana Engineering Society, in the case of licensed  
28 the professional engineers engineer nominees, or the president of the Louisiana  
29 Society of Professional Surveyors, in the case of the licensed professional land

1 ~~surveyors~~ **surveyor nominees**, duly authorized and acting on behalf of ~~the~~ **their**  
 2 respective ~~society~~ **societies** to make the nominations described above within sixty  
 3 days after receipt of notice of the death, resignation, or removal of a member of the  
 4 board, and at least thirty days prior to the expiration of the term of a member of the  
 5 board.

6 \* \* \*

7 §684. Qualification of board members

8 Each member of the board shall be a citizen of the United States and a  
 9 resident of this state, ~~and~~ shall have been engaged in the practice or teaching of  
 10 engineering or, ~~in the case of the professional land surveyor members, the practice~~  
 11 ~~or teaching of land surveying,~~ **as the case may be,** for at least twelve years, and shall  
 12 have been in responsible charge of important engineering or land surveying work,  
 13 as the case may be, for at least five years. ~~Responsible~~ **For the purposes of this**  
 14 **Section, responsible** charge of engineering or land surveying teaching may be  
 15 construed as responsible charge of important engineering or land surveying work.

16 \* \* \*

17 §686. Removal of members for cause

18 **A.** The governor may remove any member of the board for misconduct,  
 19 incompetency, or neglect of duty. Vacancies in the membership of the board shall  
 20 be filled for the unexpired term by appointment by the governor, as provided in R.S.  
 21 37:683. Before the governor can remove a member for cause, he must serve the  
 22 member with a written statement of charges against him and afford him an  
 23 opportunity to be heard publicly on such charges. If the member thus served does  
 24 not request a public hearing within ten days after service, the governor may proceed  
 25 with his removal. If the member does request such a public hearing, it shall be heard  
 26 by a special committee composed of three persons, ~~namely: an~~ **as follows:**

27 **(1)(a) If the member requesting the hearing is a professional engineer,**  
 28 **a professional** engineer appointed by the president of the Louisiana Engineering  
 29 Society **shall serve on the committee and shall be the chairman.**



1 (1) An engineer intern shall be ~~either:~~ **any of the following:**

2 (a) A graduate of an accredited engineering curriculum of four years or more  
3 approved by the board as being of satisfactory standing, who is of good character and  
4 reputation, who has passed the ~~written or electronic~~ examinations required by the  
5 board, and who has satisfied the requirements of R.S. 37:694.

6 (b) A graduate of a nonaccredited engineering or related science or  
7 technology curriculum of four years or more, approved by the board as being of  
8 satisfactory standing, who has obtained a graduate degree from a university having  
9 an accredited undergraduate engineering curriculum in the same discipline or sub-  
10 discipline, approved by the board as being of satisfactory standing, who is of good  
11 character and reputation, who has passed the ~~written or electronic~~ examinations  
12 required by the board, and who has satisfied the requirements of R.S. 37:694.

13 (c) A graduate of a nonaccredited engineering curriculum of four years or  
14 more approved by the board as being of satisfactory standing, who has met the  
15 requirements for progressive engineering experience in work acceptable to the board,  
16 who is of good character and reputation, who has passed the ~~written or electronic~~  
17 examinations required by the board, and who has satisfied the requirements of  
18 R.S. 37:694.

19 (2) A professional engineer shall be ~~either:~~ **any of the following:**

20 (a) An engineer intern, or an individual who meets the qualifications to be an  
21 engineer intern, who has met the requirements for progressive engineering  
22 experience in work acceptable to the board, who is of good character and reputation,  
23 who has passed the ~~written or electronic~~ examinations required by the board, and  
24 who has satisfied the requirements of R.S. 37:694.

25 (b) An individual who holds a valid license to engage in the practice of  
26 engineering issued to him by proper authority of a state, territory, or possession of  
27 the United States, or the District of Columbia, based on requirements that do not  
28 conflict with the provisions of this Chapter and which were of a standard not lower  
29 than that specified in the applicable licensure laws in effect in Louisiana at the time



1 such license was issued, who is of good character and reputation, and who has  
2 satisfied the requirements of R.S. 37:694, and if the state, territory, or possession, or  
3 the District of Columbia, in which he is licensed will accept the license issued by the  
4 board on a reciprocal basis.

5 **(c) A graduate of an accredited engineering curriculum of four years or**  
6 **more approved by the board as being of satisfactory standing, who has twenty**  
7 **years or more of progressive engineering experience in work acceptable to the**  
8 **board, is of good character and reputation, has passed the examinations**  
9 **required by the board, and has satisfied the requirements of R.S. 37:694.**

10 (3) A land surveyor intern shall be either:

11 (a) A graduate holding a baccalaureate degree from a curriculum of four  
12 years or more who has completed at least thirty semester credit hours, or the  
13 equivalent approved by the board, in courses involving land surveying, mapping, and  
14 real property approved by the board, who is of good character and reputation, who  
15 has passed the ~~oral and written~~ examinations required by the board, and who has  
16 satisfied the requirements of R.S. 37:694.

17 (b) An individual certified by the board as a land surveyor in training or a  
18 land surveyor intern on or before January 1, 1995.

19 (4) A professional land surveyor shall be either:

20 (a) A land surveyor intern or an individual who meets the qualifications of  
21 a land surveyor intern who has had at least four years or more combined office and  
22 field experience in land surveying, including two years or more of progressive  
23 experience on land surveying projects under the supervision of a professional land  
24 surveyor, who is of good character and reputation, who has passed the oral and  
25 written examinations required by the board, and who has satisfied the requirements  
26 of R.S. 37:694.

27 (b) An individual who holds a valid license to engage in the practice of land  
28 surveying issued to him by the proper authority of a state, territory, or possession of  
29 the United States, or the District of Columbia, based on requirements that do not

1 conflict with the provisions of this Chapter and which were of a standard not lower  
2 than that specified in the applicable licensure laws in effect in Louisiana at the time  
3 such license was issued, who has passed ~~a written~~ **an** examination on the laws,  
4 procedures, and practices pertaining to land surveying in Louisiana, who is of good  
5 character and reputation, and who has satisfied the requirements of R.S. 37:694, and  
6 if the state, territory, or possession, or the District of Columbia, in which he is  
7 licensed will accept the licenses issued by the board on a reciprocal basis.

8 ~~(5) A professional naval architect or marine engineer shall be either:~~

9 ~~(a) An individual who holds a bachelor of science degree in naval~~  
10 ~~architecture and marine engineering, or an equivalent board approved curriculum,~~  
11 ~~from an accredited engineering curriculum of four years or more approved by the~~  
12 ~~board as being of satisfactory standing, who is of good character and reputation, who~~  
13 ~~has twenty or more years of progressive engineering experience in work acceptable~~  
14 ~~to the board, and who has satisfied the requirements of R.S. 37:694. This~~  
15 ~~Subparagraph shall become null, void, and of no further effect from and after~~  
16 ~~December 31, 2015.~~

17 ~~(b) An individual who holds a master of science degree in naval architecture~~  
18 ~~and marine engineering, or an equivalent board approved curriculum, or two~~  
19 ~~bachelor of science degrees in related engineering curricula, from an accredited~~  
20 ~~engineering curriculum approved by the board as being of satisfactory standing, who~~  
21 ~~is of good character and reputation, who has fifteen or more years of progressive~~  
22 ~~engineering experience in work acceptable to the board, and who has satisfied the~~  
23 ~~requirements of R.S. 37:694. This Subparagraph shall become null, void, and of no~~  
24 ~~further effect from and after December 31, 2015.~~

25 ~~(c) An individual who holds a doctor of philosophy degree in naval~~  
26 ~~architecture and marine engineering, or an equivalent board approved curriculum,~~  
27 ~~from an accredited engineering curriculum approved by the board as being of~~  
28 ~~satisfactory standing, who is of good character and reputation, who has ten or more~~  
29 ~~years of progressive engineering experience in work acceptable to the board, and~~

1 ~~who has satisfied the requirements of R.S. 37:694. This Subparagraph shall become~~  
2 ~~null, void, and of no further effect from and after December 31, 2015.~~

3 ~~(d) An individual who has demonstrated long-standing experience in naval~~  
4 ~~architecture, who is of good character and reputation, who has thirty or more years~~  
5 ~~of progressive engineering experience in work acceptable to the board, and who has~~  
6 ~~satisfied the requirements of R.S. 37:694. This Subparagraph shall become null,~~  
7 ~~void, and of no further effect from and after December 31, 2015.~~

8 \* \* \*

9 §695. Examinations

10 A. When ~~oral or written~~ examinations are required, ~~they shall be at such time~~  
11 ~~and place as the board shall determine~~ **the board shall designate the time and place**  
12 **of such examinations.** The board shall issue to each such examinee a letter notifying  
13 him that he has passed or failed the examination.

14 B. The scope and administration of the examinations shall be prescribed by  
15 the board.

16 C. The board may assess the administrative costs as well as the actual costs  
17 of the examination to the examinee.

18 **D.(1) The board, by rule, may require an individual who has failed an**  
19 **examination required for licensure to appear before the board, or a committee**  
20 **of the board, for an oral interview.**

21 **(2) The board may adopt rules in accordance with the Administrative**  
22 **Procedure Act concerning the eligibility for licensure of an individual who has**  
23 **failed an examination required for such licensure seven or more times.**

24 \* \* \*

25 698. Disciplinary proceedings against licensees and certificate holders; procedure

26 \* \* \*

27 C. The board shall have the power to take disciplinary action against a firm  
28 if one or more of its officers, directors, managers, employees, agents, or  
29 representatives ~~is found by the board to be guilty of any of the acts or offenses listed~~

1 ~~in Subsection A of this Section~~ **violates any provision of this Chapter.**

2 \* \* \*

3 §700. Enforcement proceedings against other persons; procedure

4 \* \* \*

5 C. The board shall have the power to take enforcement action against a firm  
6 if one or more of its officers, directors, managers, employees, agents, or  
7 representatives ~~is found by the board to be guilty of any of the acts or offenses listed~~  
8 ~~in Subsection A of this Section.~~ **violates any provision of this Chapter.**

9 \* \* \*

The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Michelle Ridge.

DIGEST

SB 125 Original

2020 Regular Session

Hewitt

Present law provides relative to the regulation of engineers and land surveyors.

Present law provides for definitions. Proposed law adds the term "dual licensee" and defines it to mean any person practicing or seeking to practice both engineering and land surveying in the state who has a received both licenses from the board and is otherwise in good standing with the board.

Present law provides for members of the board and removal of board members.

Proposed law retains present law.

Present law provides for licensure requirements of a professional engineer as follows:

- (1) An engineer intern who has met the requirements for progressive engineering experience in work acceptable to the board, who is of good character and reputation, who has passed the required examinations, and who has satisfied the application and submits the required fee.
- (2) An individual who holds a valid license to engage in the practice of engineering issued to him by another state, based on requirements that do not conflict with the provisions of La. law, and which were of a standard not lower than that specified in the applicable licensure laws in effect in La. at the time the license was issued, who is of good character and reputation, and who has satisfied the application requirements, and if the state, territory, or possession, or the District of Columbia, in which he is licenced will accept the license issued by the board on a reciprocal basis.

Proposed law retains present law and provides that a professional engineer shall be a graduate of a board approved engineering curriculum, who has 20 years or more of progressive engineering experience in work acceptable to the board, who is of good character and reputation, who has passed the examinations required by the board, and who has satisfied the requirements of application requirements.

Present law provides for the licensure requirements of a professional naval architect or marine engineer.

Proposed law removes provisions of present law.

Present law provides relative to examinations for licensure.

Proposed law authorizes the board to require an individual who failed an examination to appear before the board for an oral interview.

Proposed law authorizes the board to adopt rules concerning eligibility for licensure of an individual who has failed an examination seven or more times.

Present law grants disciplinary and enforcement action to the board for certain acts and offenses committed by an officer, director, manager, employee, agent, or representative of a firm.

Proposed law retains present law and adds acts and offenses subject to disciplinary and enforcement actions by the board.

Effective August 1, 2020.

(Amends R.S. 37:682(4)-(15), 683(A), (B)(1), (2), and (3), and (C), 684, 686, 693(A) and (B), 695, 698(C), 700(C); adds R.S. 37:682(16))