

The Senate Committee on Regulated Industries and Utilities offered the following substitute to SB 425:

A BILL TO BE ENTITLED  
AN ACT

To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to change provisions relating to professional land surveyors; to change and add certain defined terms; to provide for land surveyor interns; to change certain educational and examination requirements; to provide certain exceptions; to provide for applicability; to make certain acts unlawful; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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

"CHAPTER 15

43-15-1.

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

43-15-2.

As used in this chapter, the term:

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

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

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

(4) 'Current certificate of registration' means a certificate of registration which has not expired or been revoked and the rights under which have not been suspended or otherwise restricted by the board.

(4.1) 'Current license' means a license issued under Code Section 43-15-13 which has not expired or been revoked and the rights under which have not been suspended or otherwise restricted by the board.

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

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

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

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

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

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

(i) Grading plans and site plans;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43-15-3.

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

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

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

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

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

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

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

43-15-4.

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

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

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

43-15-5.

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.

43-15-7.

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

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

43-15-8.

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

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

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

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

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

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

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

43-15-9.

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

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

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

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

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

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

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

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

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

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

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

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

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

43-15-10.

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

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

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

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

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



(5) The satisfactory completion of graduate study in an approved engineering curriculum may, in the board's sole discretion, be credited for not more than one year's experience.

(b) The execution, as a contractor, of work designed by a professional engineer or the supervision of the construction of such work as foreman, inspector, or superintendent shall not be deemed to be engineering experience unless such work involves the application of engineering principles and the applicant presents evidence of additional engineering experience of a character satisfactory to the board and indicating the applicant is competent to be placed in responsible charge of engineering work.

43-15-11.

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

43-15-12.

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

(1)(A) Earn a bachelor's degree in a curriculum approved by the board;

(B) Earn an associate degree, or its equivalent, in a curriculum approved by the board and acquire not less than two years of combined office and field experience in land surveying of a nature satisfactory to the board; or

(C) Earn a high school diploma, or its equivalent, and acquire not less than four years' experience in land surveying of a nature satisfactory to the board;

(2) Acquire a minimum of ~~15 quarter hours'~~ 18 semester hours of credit, or its equivalent, in land surveying subjects in a course of study approved by the board; ~~provided, however, that on and after January 1, 1995, the minimum requirement shall be 20 quarter hours' credit, five of which shall be in hydrology; and~~

(3) Subsequently pass the board approved examination in the fundamentals of land surveying (land ~~surveyor-in-training~~ surveyor intern examination).

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

43-15-13.

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

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

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

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

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

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

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

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

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

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

341 43-15-13.1.

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

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

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

350 43-15-14.

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

358 43-15-15.

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

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

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

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

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

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

43-15-16.

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

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

- (1) By written examination of not less than eight hours in duration prior to July 1, 1968;
- (2) By written examination of not less than 16 hours in duration prior to July 1, 1978; or
- (3) Under qualifications comparable to those prescribed by this chapter; and

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

43-15-17.

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

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

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

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

43-15-18.

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

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

43-15-19.

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

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

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

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

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

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

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

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

43-15-20.

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

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

43-15-21.

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

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

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

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

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

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

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

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

43-15-22.

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

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

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

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

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

43-15-23.

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

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

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

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



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

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

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

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

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

43-15-23.1.

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

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

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

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

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

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

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

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

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

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

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

623 43-15-24.

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

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

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

644 43-15-25.

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

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

651 43-15-26.

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

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

660 43-15-27.

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

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

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

672 43-15-28.

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

675 43-15-29.

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

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

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

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

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

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

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

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

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

(7) Any officer, employee of, or contractor working on behalf of a state government agency or department, county or municipal government, regional commission, public education entity, or utility authority who is engaged in the gathering, processing, managing, and sharing of geospatial and photogrammetric data for cataloging or mapping purposes for his or her respective agency.

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

(d) This chapter shall not be construed to prevent or affect the practice of professional engineering and land surveying with respect to utility facilities by any public utility subject to regulation by the Public Service Commission, the Federal Communications Commission, the Federal Power Commission, or like regulatory agencies, including its parents, affiliates, or subsidiaries; or by the officers and full-time permanent employees of any such public utility, including its parents, affiliates, or subsidiaries, except where such

practice involves property lines of adjoining property owners, provided that this exception does not extend to any professional engineer or professional land surveyor engaged in the practice of professional engineering or land surveying whose compensation is based in whole or in part on a fee or to any engineering services performed by the ~~above-referenced~~ utility companies referenced in this subsection not directly connected with work on their facilities.

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

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

43-15-30.

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

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

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

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

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

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

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

760 **SECTION 2.**  
761 All laws and parts of laws in conflict with this Act are repealed.