

AMENDED IN SENATE JANUARY 4, 2010

SENATE BILL

No. 275

Introduced by Senator Walters

February 24, 2009

An act to amend Sections 6704, 6706.3, 6730, 6737.3, 6738, 6740, 6741, and 6787 of, to add Sections 6702.3, 6702.4, 6702.5, 6702.6, 6702.7, 6702.8, 6702.9, 6702.10, 6702.11, ~~6730.5~~, 6730.6, 6730.7, ~~6731.7~~, and ~~6731.8~~ and 6731.7 to, and to repeal ~~Sections 6704.1 and 6737.2~~ Section 6704.1 of, the Business and Professions Code, relating to engineers.

LEGISLATIVE COUNSEL'S DIGEST

SB 275, as amended, Walters. Professional engineers.

Existing law establishes the Board for Professional Engineers and Land Surveyors in the Department of Consumer Affairs. Existing law recognizes various engineering disciplines. Existing law prohibits the practicing of civil, electrical, and mechanical engineering by any person who has not passed a specified examination and who is not appropriately licensed by the board in that discipline. Existing law makes various violations of the Professional Engineers Act a crime, including the practice or offer to practice by a person of civil, electrical, or mechanical engineering without authorization as provided by the act.

This bill would prohibit the practice of agricultural, chemical, control system, fire protection, industrial, metallurgical, nuclear, petroleum, and traffic engineering, *as defined*, by any person who has not passed a specified examination and who is not appropriately licensed by the board in the particular discipline. *The bill would authorize any licensed engineer to practice engineering work in any of those fields in which*

he or she is competent and proficient. The bill would make other changes to related provisions.

By revising ~~this~~ *the* definition of a crime to include additional engineering disciplines, ~~the~~ *this* bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6702.3 is added to the Business and
2 Professions Code, to read:

3 6702.3. “Chemical engineer” as used in this chapter means a
4 professional engineer in the branch of chemical engineering and
5 refers to one who practices or offers to practice chemical
6 engineering in any of its phases.

7 SEC. 2. Section 6702.4 is added to the Business and Professions
8 Code, to read:

9 6702.4. “Control system engineer” as used in this chapter
10 means a professional engineer in the branch of control system
11 engineering and refers to one who practices or offers to practice
12 control system engineering in any of its phases.

13 SEC. 3. Section 6702.5 is added to the Business and Professions
14 Code, to read:

15 6702.5. “Fire protection engineer” means a professional
16 engineer in the branch of fire protection engineering and refers to
17 one who practices or offers to practice fire protection engineering
18 in any of its phases.

19 SEC. 4. Section 6702.6 is added to the Business and Professions
20 Code, to read:

21 6702.6. “Nuclear engineer” means a professional engineer in
22 the branch of nuclear engineering and refers to one who practices
23 or offers to practice nuclear engineering in any of its phases.

24 SEC. 5. Section 6702.7 is added to the Business and Professions
25 Code, to read:

1 6702.7. “Petroleum engineer” means a professional engineer
2 in the branch of petroleum engineering and refers to one who
3 practices or offers to practice petroleum engineering in any of its
4 phases.

5 SEC. 6. Section 6702.8 is added to the Business and Professions
6 Code, to read:

7 6702.8. “Traffic engineer” means a professional engineer in
8 the branch of traffic engineering and refers to one who practices
9 or offers to practice traffic engineering in any of its phases.

10 SEC. 7. Section 6702.9 is added to the Business and Professions
11 Code, to read:

12 6702.9. “Agricultural engineer” means a professional engineer
13 in the branch of agricultural engineering and refers to one who
14 practices or offers to practice agricultural engineering in any of
15 its phases.

16 SEC. 8. Section 6702.10 is added to the Business and
17 Professions Code, to read:

18 6702.10. “Industrial engineer” means a professional engineer
19 in the branch of industrial engineering and refers to one who
20 practices or offers to practice industrial engineering in any of its
21 phases.

22 SEC. 9. Section 6702.11 is added to the Business and
23 Professions Code, to read:

24 6702.11. “Metallurgical engineer” means a professional
25 engineer in the branch of metallurgical engineering and refers to
26 one who practices or offers to practice metallurgical engineering
27 in any of its phases.

28 SEC. 10. Section 6704 of the Business and Professions Code
29 is amended to read:

30 6704. (a) In order to safeguard life, health, property, and public
31 welfare, no person shall practice agricultural, chemical, civil,
32 control system, electrical, fire protection, industrial, mechanical,
33 metallurgical, nuclear, petroleum, or traffic engineering unless
34 appropriately licensed or specifically exempted from licensure
35 under this chapter, and only persons licensed under this chapter
36 shall be entitled to take and use the titles “consulting engineer,”
37 “professional engineer,” “licensed engineer,” or “registered
38 engineer,” or any combination of those titles or abbreviations
39 thereof, and according to licensure with the board the engineering
40 branch titles specified in Section 6732, or the authority titles

1 specified in Sections 6736 and 6736.1, or the title
2 “engineer-in-training.”

3 (b) The provisions of this section shall not prevent the use of
4 the title “consulting engineer” by a person who has qualified for
5 and maintained exemption for using that title under the provisions
6 of Section 6732.1, or by a person licensed as a photogrammetric
7 surveyor.

8 SEC. 11. Section 6704.1 of the Business and Professions Code
9 is repealed.

10 SEC. 12. Section 6706.3 of the Business and Professions Code
11 is amended to read:

12 6706.3. Any reference in any law or regulation to a registered
13 engineer, or to a registered agricultural, chemical, civil, control
14 system, electrical, fire protection, industrial, mechanical,
15 metallurgical, nuclear, petroleum, or traffic engineer, is deemed
16 to refer to a licensed engineer, or to a licensed agricultural,
17 chemical, civil, control system, electrical, fire protection, industrial,
18 mechanical, metallurgical, nuclear, petroleum, or traffic engineer,
19 as the case may be.

20 SEC. 13. Section 6730 of the Business and Professions Code
21 is amended to read:

22 6730. In order to safeguard life, health, property and public
23 welfare, any person, either in a public or private capacity, except
24 as in this chapter specifically excepted, who practices, or offers to
25 practice, agricultural engineering, chemical engineering, civil
26 engineering, control system engineering, electrical engineering,
27 fire protection engineering, industrial engineering, mechanical
28 engineering, metallurgical engineering, nuclear engineering,
29 petroleum engineering, or traffic engineering in any of its branches
30 in this state, including any person employed by the State of
31 California, or any city, county, or city and county, who practices
32 engineering, shall submit evidence that he or she is qualified to
33 practice, and shall be licensed accordingly as an agricultural
34 engineer, chemical engineer, civil engineer, control system
35 engineer, electrical engineer, fire protection engineer, industrial
36 engineer, mechanical engineer, metallurgical engineer, nuclear
37 engineer, petroleum engineer, or traffic engineer by the board.

38 ~~SEC. 14. Section 6730.5 is added to the Business and~~
39 ~~Professions Code, to read:~~

~~6730.5.— (a) The professional practice of engineering in the branches and title authorities described in this chapter may overlap, and some activities are common to two or more branches and title authorities.~~

~~(b) Nothing in this chapter shall prohibit overlap by an engineer licensed under the provisions of this chapter except in the area of structural engineering as defined in Section 6731.8. The scope of overlap is limited to his or her area of competency defined in Section 6730.6 and is further limited to practicing or offering to practice any engineering in connection with and incidental to his or her branch of licensure.~~

~~(c) As that engineering work may be in connection with and incidental to the engineering work of the professional engineer on a specific project or activities related to a professional engineer's licensed branch of engineering, it shall not be necessary for the board to define in regulation permissible engineering work that may be in connection with and incidental to the engineering work of the professional engineer, or which specific tasks or activities a professional engineer may or may not perform.~~

~~(d) No local agency, including a city, county, city and county, special district, or joint powers authority, may impose a requirement that limits or restricts a licensed engineer's ability to practice engineering in or before the local agency in any manner that conflicts with the provisions of this chapter.~~

~~SEC. 15.~~

SEC. 14. Section 6730.6 is added to the Business and Professions Code, to read:

6730.6. A professional engineer may practice engineering work only in the field or fields in which he or she is by education or experience competent and proficient.

~~SEC. 16.~~

SEC. 15. Section 6730.7 is added to the Business and Professions Code, to read:

6730.7. (a) Subject to Section 6730.6, any engineer who holds a valid license may practice without limitation or restriction in the following practice areas: agricultural engineering, chemical engineering, control system engineering, fire protection engineering, industrial engineering, metallurgical engineering, nuclear engineering, petroleum engineering, and traffic engineering.

(b) No local agency, including a city, county, city and county, special district, or joint powers authority, may impose a requirement that limits or restricts a licensed engineer's ability to practice engineering in or before the local agency in any manner that conflicts with the provisions of this chapter.

~~SEC. 17.~~

SEC. 16. Section 6731.7 is added to the Business and Professions Code, to read:

6731.7. The following definitions may not be construed as regulating any *generally recognized* profession other than professional engineering, *even when the duties and practices of the generally recognized profession overlap the duties and practices defined in this section*:

(a) "Agricultural engineering" is that branch of professional engineering that requires such education and experience as is necessary to understand and apply engineering principles to the design, construction, and use of specialized equipment, machines, structures, and materials relating to the agricultural industry, the economy, food safety, and the environment. It requires knowledge of the engineering sciences relating to, and the effect on food safety and the environment from, the following: physical and biological properties of, and processing of, foods and fibers; atmospheric phenomena as they are related to agricultural operations; drainage and farm water discharge; soil dynamics as related to traction, tillage, and plant-soil-water relationships; human factors relative to safe design and use of agricultural machines; and the safe and proper application and use of agricultural chemicals.

A person practices agricultural engineering when he or she professes to be an agricultural engineer or is in responsible charge of agricultural engineering work.

(b) "Chemical engineering" is that branch of professional engineering that embraces studies or activities relating to the development and application of processes in which chemical or physical changes of materials are involved. These processes are usually resolved into a coordinated series of unit physical operations and unit chemical processes. It is concerned with the research, design, production, operational, organizational, and economic aspects of the above.

1 A person practices chemical engineering when he or she
2 professes to be a chemical engineer or is in responsible charge of
3 chemical engineering work.

4 (c) “Control system engineering” is that branch of professional
5 engineering that requires such education and experience as is
6 necessary to understand the science of instrumentation and
7 automatic control of dynamic processes, and requires the ability
8 to apply this knowledge to the planning, development, operation,
9 and evaluation of systems of control so as to ensure the safety and
10 practical operability of those processes.

11 A person practices control system engineering when he or she
12 professes to be a control system engineer or is in responsible charge
13 of control system engineering work.

14 (d) “Fire protection engineering” is that branch of professional
15 engineering that requires such education and experience as is
16 necessary to understand the engineering principles relating to the
17 safeguarding of life and property from fire, fire-related hazards
18 and explosions. It requires the ability to apply this knowledge to
19 the identification, evaluation, correction, or prevention of present
20 or potential fire, fire-related explosion hazards, and any resultant
21 panic therefrom, in buildings, groups of buildings, or communities.
22 It includes the arrangement and use of appropriate safeguards, and
23 executing the engineering design for fire-resistant building
24 materials and fire detection and alarm, smoke control, egress and
25 fire-suppression systems, fire-suppression water supply, and other
26 devices and apparatus in order to protect life and property.

27 A person practices fire protection engineering when he or she
28 professes to be a fire protection engineer or is in responsible charge
29 of fire protection engineering work.

30 (e) “Industrial engineering” is that branch of professional
31 engineering that requires such education and experience as is
32 necessary to investigate, design, and evaluate systems of persons,
33 materials, and facilities for the purpose of economical and efficient
34 production, use, and distribution. It requires the application of
35 specialized engineering knowledge of the mathematical and
36 physical sciences, together with the principles and methods of
37 engineering analysis and design to specify, predict, and evaluate
38 the results to be obtained from those systems.

1 A person practices industrial engineering when he or she
2 professes to be an industrial engineer or is in responsible charge
3 of industrial engineering work.

4 (f) “Metallurgical engineering” is that branch of professional
5 engineering that requires such education and experience as is
6 necessary to seek, understand, and apply the principles of the
7 properties and behavior of metals in solving engineering problems
8 dealing with the research, development, and application of metals
9 and alloys, and the manufacturing practices of extracting, refining,
10 and processing of metals.

11 A person practices metallurgical engineering when he or she
12 professes to be a metallurgical engineer or is in responsible charge
13 of metallurgical engineering work.

14 (g) “Nuclear engineering” is that branch of professional
15 engineering that requires such education and experience as is
16 necessary to apply the principles of nuclear physics to the
17 engineering utilization of nuclear phenomena for the benefit of
18 mankind, and that is also concerned with the protection of the
19 public from the potential hazards of radiation and radioactive
20 materials. Nuclear engineering is primarily concerned with the
21 interaction of radiation and nuclear particles with matter. Nuclear
22 engineering requires the application of specialized knowledge of
23 the mathematical and physical sciences, together with the principles
24 and methods of engineering design and nuclear analysis to specify,
25 predict, and evaluate the behavior of systems involving nuclear
26 reactions, and to ensure the safe, efficient operation of these
27 systems, and their nuclear products and byproducts. Nuclear
28 engineering encompasses, but is not limited to, the planning and
29 design of the specialized equipment and process systems of nuclear
30 reactor facilities, and the protection of the public from any
31 hazardous radiation produced in the entire nuclear reaction process.
32 These activities include all aspects of the manufacture,
33 transportation, and use of radioactive materials.

34 A person practices nuclear engineering when he or she professes
35 to be a nuclear engineer or is in responsible charge of nuclear
36 engineering work.

37 (h) “Petroleum engineering” is that branch of professional
38 engineering that embraces studies or activities relating to the
39 exploration, exploitation, location, and recovery of natural fluid

1 hydrocarbons. It is concerned with research, design, production,
2 and operation of devices and the economic aspects of the above.

3 A person practices petroleum engineering when he or she
4 professes to be a petroleum engineer or is in responsible charge
5 of petroleum engineering work.

6 (i) "Traffic engineering" is that branch of professional
7 engineering that requires such education and experience as is
8 necessary to understand the science of measuring traffic and travel
9 and the human factors relating to traffic generation and flow, and
10 requires the ability to apply this knowledge to planning, operation,
11 design, and evaluation of streets and highways and their networks,
12 abutting lands, and interrelationships with other modes of travel,
13 and to provide safe and efficient movement of people and goods.

14 A person practices traffic engineering when he or she professes
15 to be a traffic engineer or is in responsible charge of traffic
16 engineering work.

17 (j) As it applies to the engineering branch disciplines in this
18 section, all engineering plans, specifications, calculations, and
19 reports (hereafter documents) prepared by, or under the responsible
20 charge of, a licensed engineer in the appropriate engineering branch
21 shall include his or her name and license number. Interim
22 documents shall include a notation as to the intended purpose of
23 the document, such as "preliminary," "not for construction," "for
24 plan check only," or "for review only." All engineering plans and
25 specifications that are permitted or that are to be released for
26 construction shall bear the signature and seal or stamp of the
27 licensee, the date of signing and sealing or stamping, and the
28 expiration date of the license. All final engineering calculations
29 and reports shall bear the signature and seal or stamp of the
30 licensee, the date of signing and sealing or stamping, and the
31 expiration date of the license. If engineering plans are required to
32 be signed and sealed or stamped and have multiple sheets, the
33 signature, seal or stamp, date of signing and sealing or stamping,
34 and expiration date of the license shall appear on each sheet of the
35 plans. If engineering specifications, calculations, and reports are
36 required to be signed and sealed or stamped and have multiple
37 pages, the signature, seal or stamp, date of signing and sealing or
38 stamping, and expiration date of the license shall appear at a
39 minimum on the title sheet, cover sheet, or signature sheet.

(k) Notwithstanding subdivision (j), a licensed engineer who signs engineering documents shall not be responsible for damage caused by subsequent changes to or uses of those documents, if the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the licensed engineer who originally signed the documents, provided that the engineering service rendered by the licensed engineer who signed the documents was not also a proximate cause of the damage.

~~SEC. 18. Section 6731.8 is added to the Business and Professions Code, to read:~~

~~6731.8. Structural engineering is that part of civil engineering that involves the application of specialized civil engineering knowledge and experience to the design and analysis of buildings or other structures that are constructed or rehabilitated to resist forces induced by vertical and horizontal loads of a static and dynamic nature. This specialized knowledge includes familiarity with scientific and mathematical principles, experimental research data, and practical construction methods and processes. The design and analysis shall include consideration of stability, deflection, stiffness, and other structural phenomena that affect the behavior of the building or other structure.~~

~~SEC. 19. Section 6737.2 of the Business and Professions Code is repealed.~~

~~SEC. 20.~~

~~SEC. 17. Section 6737.3 of the Business and Professions Code is amended to read:~~

~~6737.3. (a) A contractor licensed under Chapter 9 (commencing with Section 7000) of Division 3 is exempt from the provisions of this chapter relating to the practice of control system, electrical, fire protection, or mechanical engineering so long as the services he or she holds himself or herself out as able to perform or does perform, which services are subject to the provisions of this chapter, are performed by, or under the responsible charge of a registered control system, electrical, fire protection, or mechanical engineer insofar as the control system, electrical, fire protection, or mechanical engineer practices the branch of engineering for which he or she is licensed.~~

~~(b) This section shall not prohibit a licensed contractor, while engaged in the business of contracting for the installation of control~~

1 system, electrical, fire protection, or mechanical systems or
2 facilities, from designing those systems or facilities in accordance
3 with applicable construction codes and standards for work to be
4 performed and supervised by that contractor within the
5 classification for which his or her license is issued, or from
6 preparing control system, electrical, fire protection, or mechanical
7 shop or field drawings for work which he or she has contracted to
8 perform. Nothing in this section is intended to imply that a licensed
9 contractor may design work that is to be installed by another
10 person.

11 ~~SEC. 21.~~

12 *SEC. 18.* Section 6738 of the Business and Professions Code
13 is amended to read:

14 6738. As used in this section, “professional engineering
15 services” means agricultural, chemical, civil, control system,
16 electrical, fire protection, industrial, mechanical, metallurgical,
17 nuclear, petroleum, or traffic engineering services.

18 (a) This chapter does not prohibit one or more agricultural,
19 chemical, civil, control system, electrical, fire protection, industrial,
20 mechanical, metallurgical, nuclear, petroleum, or traffic engineers
21 from practicing or offering to practice within the scope of their
22 license agricultural, chemical, civil, control system, electrical, fire
23 protection, industrial, mechanical, metallurgical, nuclear,
24 petroleum, or traffic engineering as a sole proprietorship,
25 partnership, firm, or corporation (hereafter called business), as
26 long as all of the following requirements are met:

27 (1) An agricultural, chemical, civil, control system, electrical,
28 fire protection, industrial, mechanical, metallurgical, nuclear,
29 petroleum, or traffic engineer currently licensed in this state is an
30 owner, part owner, partner, or officer in charge of the engineering
31 practice of the business.

32 (2) All professional engineering services are performed by, or
33 under the responsible charge of, a licensed engineer in the
34 appropriate branch of professional engineering.

35 (3) The business name of a California business shall only contain
36 the name of any person who is licensed by the board in a branch
37 of professional engineering, a licensed land surveyor, a licensed
38 architect, or a geologist registered under the Geologist and
39 Geophysicist Act (Chapter 12.5 (commencing with Section 7800)).
40 Any offer, promotion, or advertisement by the business that

1 contains the name of any individual in the business, other than by
2 use of the name of an individual in the business name, shall clearly
3 and specifically designate the license or registration discipline of
4 each individual named.

5 (b) An out-of-state business with a branch office in this state
6 shall meet the requirements of subdivision (a) and shall have a
7 part owner or officer who is in charge of the engineering work in
8 the branch in this state, who is licensed in this state, and who is
9 physically present at the branch office in this state on a regular
10 basis. However, the name of the business may contain the name
11 of any person not licensed in this state if that person is
12 appropriately registered or licensed in another state. Any offer,
13 promotion, or advertisement which contains the name of any
14 individual in the business, other than by use of the names of the
15 individuals in the business name, shall clearly and specifically
16 designate the license or registration discipline of each individual
17 named.

18 (c) A fictitious name may be used for an engineering business
19 if (1) the name does not conflict with paragraph (3) of subdivision
20 (a) requiring that names used in the business name shall be
21 appropriately licensed or registered individuals and (2) an
22 organization record form is filed with the board.

23 (d) A person not licensed under this chapter may also be a part
24 owner or an officer of an agricultural, chemical, civil, control
25 system, electrical, fire protection, industrial, mechanical,
26 metallurgical, nuclear, petroleum, or traffic engineering business
27 if the requirements of subdivision (a) are met. Nothing in this
28 section shall be construed to permit a person who is not licensed
29 under this chapter to be the sole owner of an agricultural, chemical,
30 civil, control system, electrical, fire protection, industrial,
31 mechanical, metallurgical, nuclear, petroleum, or traffic
32 engineering business, unless otherwise exempt under this chapter.

33 (e) This chapter does not prevent an individual or business
34 engaged in any line of endeavor other than the practice of
35 agricultural, chemical, civil, control system, electrical, fire
36 protection, industrial, mechanical, metallurgical, nuclear,
37 petroleum, or traffic engineering from employing or contracting
38 with a licensed agricultural, chemical, civil, control system,
39 electrical, fire protection, industrial, mechanical, metallurgical,

1 nuclear, petroleum, or traffic engineer to perform the respective
2 engineering services incidental to the conduct of business.

3 (f) This section shall not prevent the use of the name of any
4 business engaged in rendering professional engineering services,
5 including the use by any lawful successor or survivor, that lawfully
6 was in existence on December 31, 1987. However, the business
7 is subject to paragraphs (1) and (2) of subdivision (a) and the
8 business shall file an organization record form with the board as
9 designated by board rule.

10 (g) A business engaged in rendering professional engineering
11 services may use in its name the name of a deceased or retired
12 person provided all of the following conditions are satisfied:

13 (1) The person's name had been used in the name of the
14 business, or a predecessor in interest of the business, prior to and
15 after the death or retirement of the person.

16 (2) The person shall have been an owner, part owner, or officer
17 of the business, or an owner, part owner, or officer of the
18 predecessor in interest of the business.

19 (3) The person shall have been licensed as a professional
20 engineer, or a land surveyor, or an architect, or a geologist, (A) by
21 the appropriate licensing board if that person is operating a place
22 of business or practice in this state, or (B) by the applicable state
23 board if no place of business existed in this state.

24 (4) The person, if retired, has consented to the use of the name
25 and does not permit the use of the name in the title of another
26 professional engineering business in this state during the period
27 of the consent. However, the retired person may use his or her
28 name as the name of a new or purchased business if it is not
29 identical in every respect to that person's name as used in the
30 former business.

31 (5) The business shall be subject to the provisions of paragraphs
32 (1) and (2) of subdivision (a).

33 (6) The business files a current organization record form with
34 the board.

35 (h) This section does not affect the provisions of Sections 6731.2
36 and 8726.1.

37 (i) All businesses engaged in rendering professional engineering
38 services shall file a current organization record form with the board.

1 ~~SEC. 22.~~

2 *SEC. 19.* Section 6740 of the Business and Professions Code
3 is amended to read:

4 6740. A subordinate to an agricultural, chemical, civil, control
5 system, electrical, fire protection, industrial, mechanical,
6 metallurgical, nuclear, petroleum, or traffic engineer licensed under
7 this chapter, or a subordinate to an agricultural, chemical, civil,
8 control system, electrical, fire protection, industrial, mechanical,
9 metallurgical, nuclear, petroleum, or traffic engineer exempted
10 from licensure under this chapter, insofar as he or she acts solely
11 in that capacity, is exempt from licensure under the provisions of
12 this chapter. This exemption, however, does not permit the
13 subordinate to practice agricultural, chemical, civil, control system,
14 electrical, fire protection, industrial, mechanical, metallurgical,
15 nuclear, petroleum, or traffic engineering in his or her own right
16 or to use the titles listed in Sections 6732, 6736, and 6736.1.

17 ~~SEC. 23.~~

18 *SEC. 20.* Section 6741 of the Business and Professions Code
19 is amended to read:

20 6741. Any person, firm, partnership, or corporation is exempt
21 from licensure under the provisions of this chapter who meets all
22 the following:

23 (a) Is a nonresident of the State of California.

24 (b) Is legally qualified in another state to practice as an
25 agricultural, chemical, civil, control system, electrical, fire
26 protection, industrial, mechanical, metallurgical, nuclear,
27 petroleum, or traffic engineer.

28 (c) Does not maintain a regular place of business in this state.

29 (d) Offers to but does not practice agricultural, chemical, civil,
30 control system, electrical, fire protection, industrial, mechanical,
31 metallurgical, nuclear, petroleum, or traffic engineering in this
32 state.

33 ~~SEC. 24.~~

34 *SEC. 21.* Section 6787 of the Business and Professions Code
35 is amended to read:

36 6787. Every person is guilty of a misdemeanor:

37 (a) Who, unless he or she is exempt from licensure under this
38 chapter, practices or offers to practice agricultural, chemical, civil,
39 control system, electrical, fire protection, industrial, mechanical,
40 metallurgical, nuclear, petroleum, or traffic engineering in this

1 state according to the provisions of this chapter without legal
2 authorization.

3 (b) Who presents or attempts to file as his or her own the
4 certificate of licensure of a licensed professional engineer unless
5 he or she is the person named on the certificate of licensure.

6 (c) Who gives false evidence of any kind to the board, or to any
7 member thereof, in obtaining a certificate of licensure.

8 (d) Who impersonates or uses the seal of a licensed professional
9 engineer.

10 (e) Who uses an expired, suspended, surrendered, or revoked
11 certificate issued by the board.

12 (f) Who represents himself or herself as, or uses the title of, a
13 licensed or registered agricultural, chemical, civil, control system,
14 electrical, fire protection, industrial, mechanical, metallurgical,
15 nuclear, petroleum, or traffic engineer, or any other title whereby
16 that person could be considered as practicing or offering to practice
17 agricultural, chemical, civil, control system, electrical, fire
18 protection, industrial, mechanical, metallurgical, nuclear,
19 petroleum, or traffic engineering in any of its branches, unless he
20 or she is correspondingly qualified by licensure as an agricultural,
21 chemical, civil, control system, electrical, fire protection, industrial,
22 mechanical, metallurgical, nuclear, petroleum, or traffic engineer
23 under this chapter.

24 (g) Who, unless appropriately licensed, manages, or conducts
25 as manager, proprietor, or agent, any place of business from which
26 agricultural, chemical, civil, control system, electrical, fire
27 protection, industrial, mechanical, metallurgical, nuclear,
28 petroleum, or traffic engineering work is solicited, performed, or
29 practiced, except as authorized pursuant to subdivision (d) of
30 Section 6738 and Section 8726.1.

31 (h) Who uses the title, or any combination of that title, of
32 “professional engineer,” “licensed engineer,” “registered engineer,”
33 or the branch titles specified in Section 6732, or the authority titles
34 specified in Sections 6736 and 6736.1, or “engineer-in-training,”
35 or who makes use of any abbreviation of that title that might lead
36 to the belief that he or she is a licensed engineer, is authorized to
37 use the titles specified in Section 6736 or 6736.1, or holds a
38 certificate as an engineer-in-training, without being licensed,
39 authorized, or certified as required by this chapter.

1 (i) Who uses the title “consulting engineer” without being
2 licensed as required by this chapter or without being authorized
3 to use that title pursuant to legislation enacted at the 1963, 1965,
4 or 1968 Regular Session.

5 (j) Who violates any provision of this chapter.

6 ~~SEC. 25.~~

7 *SEC. 22.* No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.