

Introduced by Senator WaltersFebruary 18, 2011

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, 6730.6, 6730.7, and 6731.7 to, and to repeal Section 6704.1 of, the Business and Professions Code, relating to engineers, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 692, as introduced, 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 the definition of a crime to include additional engineering disciplines, 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.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. 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—mechanical traffic*
34 *engineering unless appropriately licensed or specifically exempted*
35 *from licensure under this chapter, and only persons licensed under*
36 *this chapter shall be entitled to take and use the titles “consulting*
37 *engineer,” “professional engineer,” “licensed engineer,” or*
38 *“registered engineer,” or any combination of those titles or*
39 *abbreviations thereof, and according to licensure with the board*
40 *the engineering branch titles specified in Section 6732, or the*

1 authority titles 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 ~~6704.1. (a) The Department of Consumer Affairs, in~~
11 ~~conjunction with the board, and the Joint Committee on Boards,~~
12 ~~Commissions, and Consumer Protection shall review the~~
13 ~~engineering branch titles specified in Section 6732 to determine~~
14 ~~whether certain title acts should be eliminated from this chapter,~~
15 ~~retained, or converted to practice acts similar to civil, electrical,~~
16 ~~and mechanical engineering, and whether supplemental engineering~~
17 ~~work should be permitted for all branches of engineering. The~~
18 ~~department shall contract with an independent consulting firm to~~
19 ~~perform this comprehensive analysis of title act registration.~~

20 ~~(b) The independent consultant shall perform, but not be limited~~
21 ~~to, the following: (1) meet with representatives of each of the~~
22 ~~engineering branches and other professional groups; (2) examine~~
23 ~~the type of services and work provided by engineers in all branches~~
24 ~~of engineering and interrelated professions within the marketplace,~~
25 ~~to determine the interrelationship that exists between the various~~
26 ~~branches of engineers and other interrelated professions; (3) review~~
27 ~~and analyze educational requirements of engineers; (4) identify~~
28 ~~the degree to which supplemental or “overlapping” work between~~
29 ~~engineering branches and interrelated professions occurs; (5)~~
30 ~~review alternative methods of regulation of engineers in other~~
31 ~~states and what impact the regulations would have if adopted in~~
32 ~~California; (6) identify the manner in which local and state agencies~~
33 ~~utilize regulations and statutes to regulate engineering work; and~~
34 ~~(7) recommend changes to existing laws regulating engineers after~~
35 ~~considering how these changes may affect the health, safety, and~~
36 ~~welfare of the public.~~

37 ~~(c) The board shall reimburse the department for costs associated~~
38 ~~with this comprehensive analysis. The department shall report its~~
39 ~~findings and recommendations to the Legislature by September 1,~~
40 ~~2002.~~

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

3 6706.3. Any reference in any law or regulation to a registered
4 engineer, or to a registered *agricultural, chemical, civil, control*
5 *system, electrical, fire protection, industrial, mechanical,*
6 *metallurgical, nuclear, petroleum, or ~~mechanical traffic~~ engineer,*
7 is deemed to refer to a licensed engineer, or to a licensed
8 *agricultural, chemical, civil, control system, electrical, fire*
9 *protection, industrial, mechanical, metallurgical, nuclear,*
10 *petroleum, or ~~mechanical traffic~~ engineer, as the case may be.*

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

13 6730. In order to safeguard life, health, property and public
14 welfare, any person, either in a public or private capacity, except
15 as in this chapter specifically excepted, who practices, or offers to
16 practice, *agricultural engineering, chemical engineering, civil*
17 *engineering, control system engineering, electrical ~~engineering or~~*
18 *engineering, fire protection engineering, industrial engineering,*
19 *mechanical engineering, metallurgical engineering, nuclear*
20 *engineering, petroleum engineering, or traffic engineering* in any
21 of its branches in this state, including any person employed by the
22 State of California, or any city, county, or city and county, who
23 practices engineering, shall submit evidence that he or she is
24 qualified to practice, and shall be licensed accordingly as ~~a~~ *an*
25 *agricultural engineer, chemical engineer, civil engineer, control*
26 *system engineer, electrical ~~engineer~~ engineer, fire protection*
27 *engineer, industrial engineer, mechanical engineer, metallurgical*
28 *engineer, nuclear engineer, petroleum engineer, or ~~mechanical~~*
29 *traffic engineer* by the board.

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

32 6730.6. A professional engineer may practice engineering work
33 only in the field or fields in which he or she is by education or
34 experience competent and proficient.

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

37 6730.7. (a) Subject to Section 6730.6, any engineer who holds
38 a valid license may practice without limitation or restriction in the
39 following practice areas: *agricultural engineering, chemical*
40 *engineering, control system engineering, fire protection*

1 engineering, industrial engineering, metallurgical engineering,
2 nuclear engineering, petroleum engineering, and traffic engineering.

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

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

10 6731.7. The following definitions may not be construed as
11 regulating any generally recognized profession other than
12 professional engineering, even when the duties and practices of
13 the generally recognized profession overlap the duties and practices
14 defined in this section:

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

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

32 (b) "Chemical engineering" is that branch of professional
33 engineering that embraces studies or activities relating to the
34 development and application of processes in which chemical or
35 physical changes of materials are involved. These processes are
36 usually resolved into a coordinated series of unit physical
37 operations and unit chemical processes. It is concerned with the
38 research, design, production, operational, organizational, and
39 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.

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

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

12 6737.3. (a) A contractor licensed under Chapter 9
13 (commencing with Section 7000) of Division 3 is exempt from
14 the provisions of this chapter relating to the practice of ~~electrical~~
15 *control system, electrical, fire protection,* or mechanical
16 engineering so long as the services he or she holds himself or
17 herself out as able to perform or does perform, which services are
18 subject to the provisions of this chapter, are performed by, or under
19 the responsible charge of a registered ~~electrical control system,~~
20 *electrical, fire protection,* or mechanical engineer insofar as the
21 ~~electrical control system, electrical, fire protection,~~ or mechanical
22 engineer practices the branch of engineering for which he or she
23 is ~~registered licensed~~.

24 ~~This~~

25 (b) *This* section shall not prohibit a licensed contractor, while
26 engaged in the business of contracting for the installation of
27 ~~electrical control system, electrical, fire protection,~~ or mechanical
28 systems or facilities, from designing those systems or facilities in
29 accordance with applicable construction codes and standards for
30 work to be performed and supervised by that contractor within the
31 classification for which his or her license is issued, or from
32 preparing ~~electrical control system, electrical, fire protection,~~ or
33 mechanical shop or field drawings for work which he or she has
34 contracted to perform. Nothing in this section is intended to imply
35 that a licensed contractor may design work ~~which~~ *that* is to be
36 installed by another person.

37 SEC. 18. Section 6738 of the Business and Professions Code,
38 as amended by Section 1 of Chapter 634 of the Statutes of 2010,
39 is amended to read:

1 6738. (a) *As used in this section, “professional engineering*
2 *services” means agricultural, chemical, civil, control system,*
3 *electrical, fire protection, industrial, mechanical, metallurgical,*
4 *nuclear, petroleum, or traffic engineering services.*

5 (b) This chapter does not prohibit one or more *agricultural,*
6 *chemical, civil, control system, electrical,*~~or fire protection,~~
7 *industrial, mechanical, metallurgical, nuclear, petroleum, or traffic*
8 *engineers from practicing or offering to practice, within the scope*
9 *of their license, agricultural, chemical, civil*~~(including~~
10 ~~geotechnical and structural), control system, electrical,~~~~or fire~~
11 ~~protection, industrial, mechanical, metallurgical, nuclear,~~
12 ~~petroleum, or traffic engineering as a sole proprietorship,~~
13 ~~partnership, limited liability partnership, firm, or corporation~~
14 ~~(hereinafter (hereafter called business), if as long as all of the~~
15 ~~following requirements are met:~~

16 (1) ~~An agricultural, chemical, civil, control system, electrical,~~
17 ~~or fire protection, industrial, mechanical, metallurgical, nuclear,~~
18 ~~petroleum, or traffic engineer currently licensed in this state is an~~
19 ~~owner, part owner, partner, or officer in charge of the engineering~~
20 ~~practice of the business.~~

21 (2) ~~All civil, electrical, or mechanical professional engineering~~
22 ~~services are performed by, or under the responsible charge of, a~~
23 ~~professional engineer licensed engineer in the appropriate branch~~
24 ~~of professional engineering.~~

25 (3) ~~If the~~The business name of a California ~~engineering~~ business
26 ~~contains~~ contains only the name of ~~any a person, then that person~~
27 ~~shall be who is licensed as a by the board in a branch of~~
28 ~~professional engineer engineering, a licensed land surveyor, a~~
29 ~~licensed architect, or a geologist registered under the Geologist~~
30 ~~and Geophysicist Act (Chapter 12.5 (commencing with Section~~
31 ~~7800)). Any offer, promotion, or advertisement by the business~~
32 ~~that contains the name of any individual in the business, other than~~
33 ~~by use of the name of an individual in the business name, shall~~
34 ~~clearly and specifically designate the license or registration~~
35 ~~discipline of each individual named.~~

36 ~~(b)~~

37 (c) An out-of-state business with a branch office in this state
38 shall meet the requirements of subdivision ~~(a)~~ (b) and shall have
39 ~~an owner, partner, a part owner~~ or officer who is in charge of the
40 engineering work in the branch in this state, who is licensed in this

1 state, and who is physically present at the branch office in this
 2 state on a regular basis. However, the name of the business may
 3 contain the name of any person not licensed in this state if that
 4 person is appropriately registered or licensed in another state. Any
 5 offer, promotion, or advertisement that contains the name of any
 6 individual in the business, other than by use of the names of the
 7 individuals in the business name, shall clearly and specifically
 8 designate the license or registration discipline of each individual
 9 named.

10 ~~(e) The business name of a California engineering business~~

11 ~~(d) A fictitious name may be a fictitious name. However, used~~
 12 ~~if (1) the fictitious name includes the name of any person, the~~
 13 ~~requirements of~~ *does not conflict with* paragraph (3) of subdivision
 14 ~~(a) (b) requiring that names used in the business shall be met~~
 15 *appropriately licensed or registered individuals and (2) an*
 16 *organization record form is filed with the board.*

17 ~~(d)~~

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

29 ~~(e)~~

30 (f) This chapter does not prevent an individual or business
 31 engaged in any line of endeavor other than the practice of
 32 *agricultural, chemical, civil, control system, electrical, or fire*
 33 *protection, industrial, mechanical engineering from employing or*
 34 *contracting with a licensed civil, electrical, or mechanical,*
 35 *metallurgical, nuclear, petroleum, or traffic engineer to perform*
 36 *the respective engineering services incidental to the conduct of*
 37 *business.*

38 ~~(f)~~

39 (g) This section shall not prevent the use of the name of any
 40 business engaged in rendering ~~civil, electrical, or mechanical~~

1 *professional* engineering services, including the use by any lawful
2 successor or survivor, that lawfully was in existence on December
3 31, 1987. However, the business is subject to paragraphs (1) and
4 (2) of subdivision-~~(a)~~ *(b) and the business shall file an organization*
5 *record form with the board as designated by board rule.*

6 ~~(g)~~

7 *(h) A business engaged in rendering—civil, electrical, or*
8 ~~*mechanical*~~ *professional* engineering services may use in its name
9 the name of a deceased or retired person provided all of the
10 following conditions are satisfied:

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

14 (2) The person shall have been an owner, ~~partner~~ *part owner*,
15 or officer of the business, or an owner, ~~partner~~ *part owner*, or
16 officer of the predecessor in interest of the business.

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

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

29 (5) The business shall be subject to the provisions of paragraphs
30 (1) and (2) of subdivision-~~(a)~~ *(b)*.

31 *(6) The business files a current organization record form with*
32 *the board.*

33 ~~(h)~~

34 *(i) This section does not affect the provisions of Sections 6731.2*
35 *and 8726.1.*

36 ~~*(i) A current organization record form shall be filed with the*~~
37 ~~*board for all*~~

38 *(j) All businesses engaged in rendering—civil, electrical, or*
39 ~~*mechanical*~~ *professional* engineering services *shall file a current*
40 *organization record form with the board.*

1 (j)

2 (k) This section shall remain in effect only until January 1, 2016,
3 and as of that date is repealed, unless a later enacted statute, that
4 is enacted before January 1, 2016, deletes or extends that date.

5 SEC. 19. Section 6738 of the Business and Professions Code,
6 as added by Section 2 of Chapter 634 of the Statutes of 2010, is
7 amended to read:

8 6738. (a) As used in this section, “professional engineering
9 services” means agricultural, chemical, civil, control system,
10 electrical, fire protection, industrial, mechanical, metallurgical,
11 nuclear, petroleum, or traffic engineering services.

12 (b) This chapter does not prohibit one or more agricultural,
13 chemical, civil, control system, electrical, ~~or fire protection,~~
14 industrial, mechanical, metallurgical, nuclear, petroleum, or traffic
15 engineers from practicing or offering to practice within the scope
16 of their license civil (including geotechnical and structural),
17 electrical, or mechanical engineering as a sole proprietorship,
18 partnership, firm, or corporation ~~(hereinafter~~ (hereafter called
19 business), if as long as all of the following requirements are met:

20 (1) ~~An agricultural, chemical, civil, control system, electrical,~~
21 ~~or fire protection, industrial, mechanical, metallurgical, nuclear,~~
22 ~~petroleum, or traffic engineer~~ currently licensed in this state is an
23 owner, part owner, partner, or officer in charge of the engineering
24 practice of the business.

25 (2) All ~~civil, electrical, or mechanical~~ professional engineering
26 services are performed by, or under the responsible charge of, a
27 ~~professional engineer~~ licensed engineer in the appropriate branch
28 of professional engineering.

29 (3) ~~If the~~ The business name of a California engineering business
30 ~~contains~~ contains only the name of ~~any~~ a person, ~~then that person~~
31 ~~shall be~~ who is licensed ~~as a~~ by the board in a branch of
32 professional ~~engineer~~ engineering, a licensed land surveyor, a
33 licensed architect, or a geologist registered under the Geologist
34 and Geophysicist Act (Chapter 12.5 (commencing with Section
35 7800)). Any offer, promotion, or advertisement by the business
36 that contains the name of any individual in the business, other than
37 by use of the name of an individual in the business name, shall
38 clearly and specifically designate the license or registration
39 discipline of each individual named.

40 (b)

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

14 ~~(e) The business name of a California engineering business~~

15 (d) A fictitious name may be ~~a fictitious name. However, used~~
16 if (1) the ~~fictitious name includes the name of any person, the~~
17 ~~requirements of~~ *does not conflict with* paragraph (3) of subdivision
18 ~~(a) (b) requiring that names used in the business shall be met~~
19 *appropriately licensed or registered individuals and (2) an*
20 *organization record form is filed with the board.*

21 ~~(d)~~

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

33 ~~(e)~~

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

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

11 ~~(g)~~

12 (h) A business engaged in rendering ~~civil, electrical, or~~
 13 ~~mechanical~~ *professional* engineering services may use in its name
 14 the name of a deceased or retired person provided all of the
 15 following conditions are satisfied:

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

19 (2) The person shall have been an owner, ~~partner~~ *part owner*,
 20 or officer of the business, or an owner, ~~partner~~ *part owner*, or
 21 officer of the predecessor in interest of the business.

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

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

34 (5) The business shall be subject to the provisions of paragraphs
 35 (1) and (2) of subdivision ~~(a)~~ (b).

36 (6) *The business files a current organization record form with*
 37 *the board.*

38 ~~(h)~~

39 (i) This section does not affect the provisions of Sections 6731.2
 40 and 8726.1.

1 (i)

2 (j) A current organization record form shall be filed with the

3 board for all businesses engaged in rendering civil, electrical, or

4 mechanical engineering services.

5 (j)

6 (k) This section shall become operative on January 1, 2016.

7 SEC. 20. Section 6740 of the Business and Professions Code

8 is amended to read:

9 6740. A subordinate to ~~a~~ *an agricultural, chemical, civil,*

10 ~~electrical control system, electrical, fire protection, industrial,~~

11 ~~mechanical, metallurgical, nuclear, petroleum, or mechanical~~

12 ~~traffic engineer licensed under this chapter, or a subordinate to a~~

13 ~~an agricultural, chemical, civil, electrical control system, electrical,~~

14 ~~fire protection, industrial, mechanical, metallurgical, nuclear,~~

15 ~~petroleum, or mechanical traffic engineer exempted from licensure~~

16 under this chapter, insofar as he or she acts solely in that capacity,

17 is exempt from licensure under the provisions of this chapter. This

18 exemption, however, does not permit ~~any such~~ *the* subordinate to

19 practice *agricultural, chemical, civil, electrical control system,*

20 *electrical, fire protection, industrial, mechanical, metallurgical,*

21 *nuclear, petroleum, or mechanical traffic engineering* in his or her

22 own right or to use the titles listed in Sections 6732, 6736, and

23 6736.1.

24 SEC. 21. Section 6741 of the Business and Professions Code

25 is amended to read:

26 6741. Any person, firm, partnership, or corporation is exempt

27 from ~~registration licensure~~ under the provisions of this chapter

28 who meets all the following:

- 29 (a) Is a nonresident of the State of California.
- 30 (b) Is legally qualified in another state to practice as ~~a~~ *an*
- 31 *agricultural, chemical, civil, control system, electrical, fire*
- 32 *protection, industrial, mechanical, metallurgical, nuclear,*
- 33 *petroleum, or mechanical traffic engineer.*
- 34 (c) Does not maintain a regular place of business in this state.
- 35 (d) Offers to but does not practice *agricultural, chemical, civil,*
- 36 *control system, electrical, fire protection, industrial, mechanical,*
- 37 *metallurgical, nuclear, petroleum, or mechanical traffic*
- 38 *engineering* in this state.

39 SEC. 22. Section 6787 of the Business and Professions Code

40 is amended to read:

1 6787. Every person is guilty of a misdemeanor:

2 (a) Who, unless he or she is exempt from licensure under this
3 chapter, practices or offers to practice *agricultural, chemical, civil,*
4 *control system, electrical, fire protection, industrial, mechanical,*
5 *metallurgical, nuclear, petroleum, or—mechanical traffic*
6 *engineering* in this state according to the provisions of this chapter
7 without legal authorization.

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

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

13 (d) Who impersonates or uses the seal of a licensed professional
14 engineer.

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

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

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

36 (h) Who uses the title, or any combination of that title, of
37 “professional engineer,” “licensed engineer,” “registered engineer,”
38 or the branch titles specified in Section 6732, or the authority titles
39 specified in Sections 6736 and 6736.1, or “engineer-in-training,”
40 or who makes use of any abbreviation of that title that might lead

1 to the belief that he or she is a licensed engineer, is authorized to
2 use the titles specified in Section 6736 or 6736.1, or holds a
3 certificate as an engineer-in-training, without being licensed,
4 authorized, or certified as required by this chapter.

5 (i) Who uses the title “consulting engineer” without being
6 licensed as required by this chapter or without being authorized
7 to use that title pursuant to legislation enacted at the 1963,~~1965~~
8 ~~1965~~, or 1968 Regular Session.

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

10 SEC. 23. No reimbursement is required by this act pursuant
11 to Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.

19 SEC. 24. This act is an urgency statute necessary for the
20 immediate preservation of the public peace, health, or safety within
21 the meaning of Article IV of the Constitution and shall go into
22 immediate effect. The facts constituting the necessity are:

23 In order to make necessary changes to the regulatory and
24 licensing provisions relating to engineers, thereby enabling
25 engineers to address urgent public health and safety concerns
26 relative to food safety, environmental protection, and green
27 technology at the earliest possible time, it is necessary that this act
28 take effect immediately.