

AMENDED IN SENATE AUGUST 22, 2011

SENATE BILL

No. 692

Introduced by Senator Walters

February 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 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 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.

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

6702.7. "Petroleum engineer" means a professional engineer in the branch of petroleum engineering and refers to one who practices or offers to practice petroleum engineering in any of its phases.

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

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

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

6702.9. "Agricultural engineer" means a professional engineer in the branch of agricultural engineering and refers to one who practices or offers to practice agricultural engineering in any of its phases.

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

6702.10. "Industrial engineer" means a professional engineer in the branch of industrial engineering and refers to one who practices or offers to practice industrial engineering in any of its phases.

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

6702.11. "Metallurgical engineer" means a professional engineer in the branch of metallurgical engineering and refers to one who practices or offers to practice metallurgical engineering in any of its phases.

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

6704. (a) In order to safeguard life, health, property, and public welfare, no person shall practice agricultural, chemical, civil, control system, electrical, fire protection, industrial, mechanical, metallurgical, nuclear, petroleum, or traffic engineering unless appropriately licensed or specifically exempted from licensure under this chapter, and only persons licensed under this chapter shall be entitled to take and use the titles "consulting engineer," "professional engineer," "licensed engineer," or "registered engineer," or any combination of those titles or abbreviations

1 thereof, and according to licensure with the board the engineering
2 branch titles specified in Section 6732, or the authority titles
3 specified in Sections 6736 and 6736.1, or the title
4 “engineer-in-training.”

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

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

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

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

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

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

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

3 6730.6. A professional engineer may practice engineering work
4 only in the field or fields in which he or she is by education or
5 experience competent and proficient.

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

8 6730.7. (a) Subject to Section 6730.6, any engineer who holds
9 a valid license may practice without limitation or restriction in the
10 following practice areas: agricultural engineering, chemical
11 engineering, *civil engineering*, control system engineering, fire
12 protection engineering, industrial engineering, *mechanical*
13 *engineering*, metallurgical engineering, nuclear engineering,
14 petroleum engineering, and traffic engineering.

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

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

22 6731.7. The following definitions may not be construed as
23 regulating any generally recognized profession other than
24 professional engineering, even when the duties and practices of
25 the generally recognized profession overlap the duties and practices
26 defined in this section:

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

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

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

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

15 (c) “Control system engineering” is that branch of professional
16 engineering that requires such education and experience as is
17 necessary to understand the science of instrumentation and
18 automatic control of dynamic processes, and requires the ability
19 to apply this knowledge to the planning, development, operation,
20 and evaluation of systems of control so as to ensure the safety and
21 practical operability of those processes.

22 A person practices control system engineering when he or she
23 professes to be a control system engineer or is in responsible charge
24 of control system engineering work.

25 (d) “Fire protection engineering” is that branch of professional
26 engineering that requires such education and experience as is
27 necessary to understand the engineering principles relating to the
28 safeguarding of life and property from fire, fire-related hazards
29 and explosions. It requires the ability to apply this knowledge to
30 the identification, evaluation, correction, or prevention of present
31 or potential fire, fire-related explosion hazards, and any resultant
32 panic therefrom, in buildings, groups of buildings, or communities.
33 It includes the arrangement and use of appropriate safeguards, and
34 executing the engineering design for fire-resistant building
35 materials and fire detection and alarm, smoke control, egress and
36 fire-suppression systems, fire-suppression water supply, and other
37 devices and apparatus in order to protect life and property.

38 A person practices fire protection engineering when he or she
39 professes to be a fire protection engineer or is in responsible charge
40 of fire protection engineering work.

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

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

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

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

(g) “Nuclear engineering” is that branch of professional engineering that requires such education and experience as is necessary to apply the principles of nuclear physics to the engineering utilization of nuclear phenomena for the benefit of mankind, and that is also concerned with the protection of the public from the potential hazards of radiation and radioactive materials. Nuclear engineering is primarily concerned with the interaction of radiation and nuclear particles with matter. Nuclear engineering requires the application of specialized knowledge of the mathematical and physical sciences, together with the principles and methods of engineering design and nuclear analysis to specify, predict, and evaluate the behavior of systems involving nuclear reactions, and to ensure the safe, efficient operation of these systems, and their nuclear products and byproducts. Nuclear engineering encompasses, but is not limited to, the planning and design of the specialized equipment and process systems of nuclear reactor facilities, and the protection of the public from any hazardous radiation produced in the entire nuclear reaction process.

1 These activities include all aspects of the manufacture,
2 transportation, and use of radioactive materials.

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

6 (h) “Petroleum engineering” is that branch of professional
7 engineering that embraces studies or activities relating to the
8 exploration, exploitation, location, and recovery of natural fluid
9 hydrocarbons. It is concerned with research, design, production,
10 and operation of devices and the economic aspects of the above.

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

14 (i) “Traffic engineering” is that branch of professional
15 engineering that requires such education and experience as is
16 necessary to understand the science of measuring traffic and travel
17 and the human factors relating to traffic generation and flow, and
18 requires the ability to apply this knowledge to planning, operation,
19 design, and evaluation of streets and highways and their networks,
20 abutting lands, and interrelationships with other modes of travel,
21 and to provide safe and efficient movement of people and goods.

22 A person practices traffic engineering when he or she professes
23 to be a traffic engineer or is in responsible charge of traffic
24 engineering work.

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

1 signature, seal or stamp, date of signing and sealing or stamping,
2 and expiration date of the license shall appear on each sheet of the
3 plans. If engineering specifications, calculations, and reports are
4 required to be signed and sealed or stamped and have multiple
5 pages, the signature, seal or stamp, date of signing and sealing or
6 stamping, and expiration date of the license shall appear at a
7 minimum on the title sheet, cover sheet, or signature sheet.

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

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

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

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

1 contractor may design work that is to be installed by another
2 person.

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

6 6738. (a) As used in this section, “professional engineering
7 services” means agricultural, chemical, civil, control system,
8 electrical, fire protection, industrial, mechanical, metallurgical,
9 nuclear, petroleum, or traffic engineering services.

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

20 (1) An agricultural, chemical, civil, control system, electrical,
21 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 professional engineering services are performed by, or
26 under the responsible charge of, a licensed engineer in the
27 appropriate branch of professional engineering.

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

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

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

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

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

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

34 (g) This section shall not prevent the use of the name of any
35 business engaged in rendering professional engineering services,
36 including the use by any lawful successor or survivor, that lawfully
37 was in existence on December 31, 1987. However, the business
38 is subject to paragraphs (1) and (2) of subdivision (b) and the
39 business shall file an organization record form with the board as
40 designated by board rule.

1 (h) A business engaged in rendering professional engineering
2 services may use in its name the name of a deceased or retired
3 person provided all of the following conditions are satisfied:

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

7 (2) The person shall have been an owner, part owner, or officer
8 of the business, or an owner, part owner, or officer of the
9 predecessor in interest of the business.

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

15 (4) The person, if retired, has consented to the use of the name
16 and does not permit the use of the name in the title of another
17 professional engineering business in this state during the period
18 of the consent. However, the retired person may use his or her
19 name as the name of a new or purchased business if it is not
20 identical in every respect to that person's name as used in the
21 former business.

22 (5) The business shall be subject to the provisions of paragraphs
23 (1) and (2) of subdivision (b).

24 (6) The business files a current organization record form with
25 the board.

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

28 (j) All businesses engaged in rendering professional engineering
29 services shall file a current organization record form with the board.

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

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

36 6738. (a) As used in this section, "professional engineering
37 services" means agricultural, chemical, civil, control system,
38 electrical, fire protection, industrial, mechanical, metallurgical,
39 nuclear, petroleum, or traffic engineering services.

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

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

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

(3) The business name of a California business contains only the name of a person who is licensed by the board in a branch of professional engineering, a licensed land surveyor, a licensed architect, or a geologist registered under the Geologist and Geophysicist Act (Chapter 12.5 (commencing with Section 7800)). Any offer, promotion, or advertisement by the business that contains the name of any individual in the business, other than by use of the name of an individual in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.

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

1 (d) A fictitious name may be used if (1) the name does not
2 conflict with paragraph (3) of subdivision (b) requiring that names
3 used in the business shall be appropriately licensed or registered
4 individuals and (2) an organization record form is filed with the
5 board.

6 (e) A person not licensed under this chapter may also be a part
7 owner or an officer of an agricultural, chemical, civil, control
8 system, electrical, fire protection, industrial, mechanical,
9 metallurgical, nuclear, petroleum, or traffic engineering business
10 if the requirements of subdivision (b) are met. Nothing in this
11 section shall be construed to permit a person who is not licensed
12 under this chapter to be the sole owner of an agricultural, chemical,
13 civil, control system, electrical, fire protection, industrial,
14 mechanical, metallurgical, nuclear, petroleum, or traffic
15 engineering business, unless otherwise exempt under this chapter.

16 (f) This chapter does not prevent an individual or business
17 engaged in any line of endeavor other than the practice of
18 agricultural, chemical, civil, control system, electrical, fire
19 protection, industrial, mechanical, metallurgical, nuclear,
20 petroleum, or traffic engineering from employing or contracting
21 with a licensed agricultural, chemical, civil, control system,
22 electrical, fire protection, industrial, mechanical, metallurgical,
23 nuclear, petroleum, or traffic engineer to perform the respective
24 engineering services incidental to the conduct of business.

25 (g) This section shall not prevent the use of the name of any
26 business engaged in rendering professional engineering services,
27 including the use by any lawful successor or survivor, that lawfully
28 was in existence on December 31, 1987. However, the business
29 is subject to paragraphs (1) and (2) of subdivision (b) and the
30 business shall file an organization record form with the board as
31 designated by board rule.

32 (h) A business engaged in rendering professional engineering
33 services may use in its name the name of a deceased or retired
34 person provided all of the following conditions are satisfied:

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

38 (2) The person shall have been an owner, part owner, or officer
39 of the business, or an owner, part owner, or officer of the
40 predecessor in interest of the business.

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

6 (4) The person, if retired, has consented to the use of the name
7 and does not permit the use of the name in the title of another
8 professional engineering business in this state during the period
9 of the consent. However, the retired person may use his or her
10 name as the name of a new or purchased business if it is not
11 identical in every respect to that person's name as used in the
12 former business.

13 (5) The business shall be subject to the provisions of paragraphs
14 (1) and (2) of subdivision (b).

15 (6) The business files a current organization record form with
16 the board.

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

19 (j) A current organization record form shall be filed with the
20 board for all businesses engaged in rendering civil, electrical, or
21 mechanical engineering services.

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

23 SEC. 20. Section 6740 of the Business and Professions Code
24 is amended to read:

25 6740. A subordinate to an agricultural, chemical, civil, control
26 system, electrical, fire protection, industrial, mechanical,
27 metallurgical, nuclear, petroleum, or traffic engineer licensed under
28 this chapter, or a subordinate to an agricultural, chemical, civil,
29 control system, electrical, fire protection, industrial, mechanical,
30 metallurgical, nuclear, petroleum, or traffic engineer exempted
31 from licensure under this chapter, insofar as he or she acts solely
32 in that capacity, is exempt from licensure under the provisions of
33 this chapter. This exemption, however, does not permit the
34 subordinate to practice agricultural, chemical, civil, control system,
35 electrical, fire protection, industrial, mechanical, metallurgical,
36 nuclear, petroleum, or traffic engineering in his or her own right
37 or to use the titles listed in Sections 6732, 6736, and 6736.1.

38 SEC. 21. Section 6741 of the Business and Professions Code
39 is amended to read:

1 6741. Any person, firm, partnership, or corporation is exempt
2 from licensure under the provisions of this chapter who meets all
3 the following:

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

5 (b) Is legally qualified in another state to practice as an
6 agricultural, chemical, civil, control system, electrical, fire
7 protection, industrial, mechanical, metallurgical, nuclear,
8 petroleum, or traffic engineer.

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

10 (d) Offers to but does not practice agricultural, chemical, civil,
11 control system, electrical, fire protection, industrial, mechanical,
12 metallurgical, nuclear, petroleum, or traffic engineering in this
13 state.

14 SEC. 22. Section 6787 of the Business and Professions Code
15 is amended to read:

16 6787. Every person is guilty of a misdemeanor:

17 (a) Who, unless he or she is exempt from licensure under this
18 chapter, practices or offers to practice agricultural, chemical, civil,
19 control system, electrical, fire protection, industrial, mechanical,
20 metallurgical, nuclear, petroleum, or traffic engineering in this
21 state according to the provisions of this chapter without legal
22 authorization.

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

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

28 (d) Who impersonates or uses the seal of a licensed professional
29 engineer.

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

32 (f) Who represents himself or herself as, or uses the title of, a
33 licensed or registered agricultural, chemical, civil, control system,
34 electrical, fire protection, industrial, mechanical, metallurgical,
35 nuclear, petroleum, or traffic engineer, or any other title whereby
36 that person could be considered as practicing or offering to practice
37 agricultural, chemical, civil, control system, electrical, fire
38 protection, industrial, mechanical, metallurgical, nuclear,
39 petroleum, or traffic engineering in any of its branches, unless he
40 or she is correspondingly qualified by licensure as an agricultural,

1 chemical, civil, control system, electrical, fire protection, industrial,
2 mechanical, metallurgical, nuclear, petroleum, or traffic engineer
3 under this chapter.

4 (g) Who, unless appropriately licensed, manages, or conducts
5 as manager, proprietor, or agent, any place of business from which
6 agricultural, chemical, civil, control system, electrical, fire
7 protection, industrial, mechanical, metallurgical, nuclear,
8 petroleum, or traffic engineering work is solicited, performed, or
9 practiced, except as authorized pursuant to subdivision (d) of
10 Section 6738 and Section 8726.1.

11 (h) Who uses the title, or any combination of that title, of
12 “professional engineer,” “licensed engineer,” “registered engineer,”
13 or the branch titles specified in Section 6732, or the authority titles
14 specified in Sections 6736 and 6736.1, or “engineer-in-training,”
15 or who makes use of any abbreviation of that title that might lead
16 to the belief that he or she is a licensed engineer, is authorized to
17 use the titles specified in Section 6736 or 6736.1, or holds a
18 certificate as an engineer-in-training, without being licensed,
19 authorized, or certified as required by this chapter.

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

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

25 SEC. 23. No reimbursement is required by this act pursuant
26 to Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of
31 the Government Code, or changes the definition of a crime within
32 the meaning of Section 6 of Article XIII B of the California
33 Constitution.

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

38 In order to make necessary changes to the regulatory and
39 licensing provisions relating to engineers, thereby enabling
40 engineers to address urgent public health and safety concerns

- 1 relative to food safety, environmental protection, and green
- 2 technology at the earliest possible time, it is necessary that this act
- 3 take effect immediately.