

**Introduced by Senator Berryhill**February 22, 2013

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An act to amend Section 6770 of the Business and Professions Code, relating to professional engineers.

## LEGISLATIVE COUNSEL'S DIGEST

SB 679, as introduced, Berryhill. Professional engineers: licensees: reporting requirements.

Existing law establishes, within the Department of Consumer Affairs, the Board of Professional Engineers and Land Surveyors. Existing law prohibits, in order to safeguard life, health, property, and public welfare, any person from practicing civil, electrical, or mechanical engineering unless appropriately licensed or specifically exempted from licensure, as specified. Existing law requires a licensee to report to the board in writing the occurrence of any of the specified events that occurred on or after January 1, 2008, within 90 days of the date the licensee has knowledge of the event, including the conviction of the licensee of any felony or any other crime that is substantially related to the qualifications, functions, and duties of a licensed professional engineer. Existing law also requires a licensee to report to the board in writing, as specified, any civil action judgment, settlement, arbitration award, or administrative action resulting in a judgment, settlement, or arbitration award against the licensee in any action alleging fraud, deceit, misrepresentation, breach or violation of contract, negligence, incompetence, or recklessness by the licensee in the practice of professional engineering if the amount or value of the judgment, settlement, or arbitration award is \$50,000 or greater.

This bill would increase the latter provision to require that a licensee report to the board in writing, as specified, if the amount or value of the judgment, settlement, or arbitration award is \$55,000 or greater.

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

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

- 1 SECTION 1. Section 6770 of the Business and Professions  
2 Code is amended to read:
- 3 6770. (a) A licensee shall report to the board in writing the  
4 occurrence of any of the following events that occurred on or after  
5 January 1, 2008, within 90 days of the date the licensee has  
6 knowledge of the event:
- 7 (1) The conviction of the licensee of any felony.  
8 (2) The conviction of the licensee of any other crime that is  
9 substantially related to the qualifications, functions, and duties of  
10 a licensed professional engineer.
- 11 (3) Any civil action judgment, settlement, arbitration award, or  
12 administrative action resulting in a judgment, settlement, or  
13 arbitration award against the licensee in any action alleging fraud,  
14 deceit, misrepresentation, breach or violation of contract,  
15 negligence, incompetence, or recklessness by the licensee in the  
16 practice of professional engineering if the amount or value of the  
17 judgment, settlement, or arbitration award is ~~fifty thousand dollars~~  
18 ~~(\$50,000)~~ *fifty-five thousand dollars (\$55,000)* or greater.
- 19 (b) The report required by subdivision (a) shall be signed by  
20 the licensee and set forth the facts that constitute the reportable  
21 event. If the reportable event involves the action of an  
22 administrative agency or court, the report shall set forth the title  
23 of the matter, court or agency name, docket number, and the date  
24 the reportable event occurred.
- 25 (c) A licensee shall promptly respond to oral or written inquiries  
26 from the board concerning the reportable events, including inquiries  
27 made by the board in conjunction with license renewal.
- 28 (d) Nothing in this section shall impose a duty upon any licensee  
29 to report to the board the occurrence of any of the events set forth  
30 in subdivision (a) either by or against any other licensee.

1 (e) Failure of a licensee to report to the board in the time and  
2 manner required by this section shall be grounds for disciplinary  
3 action.

4 (f) For the purposes of this section, a conviction includes the  
5 initial plea, verdict, or finding of guilt; a plea of no contest; or  
6 pronouncement of sentence by a trial court even though the  
7 conviction may not be final or sentence actually imposed until all  
8 appeals are exhausted.