

AMENDED IN SENATE JULY 8, 2015
AMENDED IN ASSEMBLY APRIL 23, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 320

Introduced by Assembly Member Wood

February 13, 2015

An act to amend Section 6732 of the Business and Professions Code, relating to engineers.

LEGISLATIVE COUNSEL'S DIGEST

AB 320, as amended, Wood. Engineers.

Existing law provides for the licensing and regulation of professional engineers and land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists in the Department of Consumer Affairs. Existing law prohibits a person from representing himself or herself as an engineer, as described by various titles, unless the person is licensed as an engineer. Existing law makes a violation of those prohibitions a misdemeanor.

This bill would additionally prohibit a person from using the title "environmental engineer" unless the person is licensed as an engineer. The bill would provide legislative findings and declarations in support of the licensure of environmental engineers in California. ~~The bill would permit a licensed civil, electrical, or mechanical engineer to use the title "environmental engineer" without obtaining additional qualifications.~~ The bill would set forth the intent of the Legislature that the board be responsible for defining environmental engineering through rulemaking and that the board adopt standardized examination materials applicable to environmental engineering, as specified.

By expanding the scope of an existing crime, 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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Over the past few decades, the study and practice of
- 4 environmental engineering has expanded greatly throughout
- 5 California and the nation. Many colleges in California have
- 6 accredited environmental engineering programs and thousands of
- 7 California engineers currently provide essential environmental
- 8 engineering services to all levels of government, private industry,
- 9 and the public.
- 10 (b) Despite leading the way in environmental protection and
- 11 global climate change remediation programs, the State of California
- 12 is an anomaly in that it does not currently offer a pathway for the
- 13 licensure of environmental engineers. Forty-eight other states test
- 14 and provide a licensing path for environmental engineers. Hawaii
- 15 and California currently do not.
- 16 (c) As programs of environmental mitigation and protection
- 17 continue to expand in scope and complexity for our air, water, and
- 18 soil testing and certification of environmental engineers is needed
- 19 to establish benchmarks for competency to protect and safeguard
- 20 the public.
- 21 (d) The Board for Professional Engineers, Land Surveyors, and
- 22 Geologists (BPELSG) safeguards the life, health, property, and
- 23 public welfare by regulating the practice of professional
- 24 engineering. The BPELSG provides this public service by testing
- 25 and licensing individuals, establishing regulations, enforcing laws
- 26 and regulations, and providing information so that consumers can
- 27 make informed decisions.

1 (e) In the early 1970s, the BPELSG created title acts in the
2 branches of agriculture, control system, corrosion, fire protection,
3 manufacturing, nuclear, quality, safety, and traffic. At that time,
4 the BPELSG did not approve a petition to add an environmental
5 engineer title act. In 1986, the authority to establish new title
6 registration branches returned to the Legislature.

7 (f) In California, professional engineers are licensed in the three
8 practice act categories of civil, electrical, and mechanical
9 engineering, and licensed in the 10 title act categories of
10 agricultural, chemical, control system, fire protection, industrial,
11 manufacturing, metallurgical, nuclear, petroleum, and traffic
12 engineering.

13 (g) Environmental engineering is the branch of engineering that
14 understands and applies engineering principles in the areas of solid
15 waste management, water supply and treatment, wastewater
16 treatment, air pollution management, hazardous waste management,
17 and related environmental and public health impact, assessment,
18 and mitigation including the physical, chemical, and biological
19 processes by which pollutants form, release, disperse, react, or
20 neutralize in air, water, or soil.

21 (h) Given the proliferation of the practice of environmental
22 engineering in the public and private sectors in California, it is
23 now necessary to create an environmental engineering title act
24 within the Professional Engineers Act to safeguard life, health,
25 property, and the public welfare and regulating this profession.

26 (i) It is the intent of the Legislature that the BPELSG will be
27 responsible for defining “environmental engineering” through
28 rulemaking, adding to the definitions found in Section 404 of Title
29 16 of the California Code of Regulations, and using the same
30 process used to define the other title acts. It is the intent of the
31 Legislature that the BPELSG will also adopt national standardized
32 examination materials applicable to environmental engineering,
33 similar to testing for other branches of engineering.

34 (j) Creating a new environmental engineering title act does not
35 require the expenditure of state funds. Just as is the case with other
36 practice and title act licensees, it is the intent of the Legislature
37 that applicant fees will cover the cost of license and registration.

38 SEC. 2. Section 6732 of the Business and Professions Code is
39 amended to read:

1 6732. ~~(a)~~—It is unlawful for anyone other than a professional
 2 engineer licensed under this chapter to stamp or seal any plans,
 3 specifications, plats, reports, or other documents with the seal or
 4 stamp of a professional engineer, or in any manner, use the title
 5 “professional engineer,” “licensed engineer,” “registered engineer,”
 6 or “consulting engineer,” or any of the following branch titles:
 7 “agricultural engineer,” “chemical engineer,” “civil engineer,”
 8 “control system engineer,” “electrical engineer,” “environmental
 9 engineer,” “fire protection engineer,” “industrial engineer,”
 10 “mechanical engineer,” “metallurgical engineer,” “nuclear
 11 engineer,” “petroleum engineer,” or “traffic engineer,” or any
 12 combination of these words and phrases or abbreviations thereof
 13 unless licensed under this chapter.

14 ~~(b) Notwithstanding subdivision (a), a professional engineer~~
 15 ~~licensed as a civil, electrical, or mechanical engineer, may use the~~
 16 ~~title “environmental engineer” without obtaining additional~~
 17 ~~qualifications.~~

18 SEC. 3. No reimbursement is required by this act pursuant to
 19 Section 6 of Article XIII B of the California Constitution because
 20 the only costs that may be incurred by a local agency or school
 21 district will be incurred because this act creates a new crime or
 22 infraction, eliminates a crime or infraction, or changes the penalty
 23 for a crime or infraction, within the meaning of Section 17556 of
 24 the Government Code, or changes the definition of a crime within
 25 the meaning of Section 6 of Article XIII B of the California
 26 Constitution.