

**Introduced by Senator Cannella**February 18, 2016

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An act to amend Sections 6796, 6796.3, 6796.5, 7835, 7835.1, 7852, 7852.1, 7884, 8802, 8803, and 8803.1 of the Business and Professions Code, relating to professions.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1165, as introduced, Cannella. Engineers, geologists, geophysicists, and land surveyors.

The Board for Professional Engineers, Land Surveyors, and Geologists administers the Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act, each of which defines and regulates their respective professions.

The Professional Engineers Act generally permits certificates of registration as a professional engineer and certificates of authority, which authorize the use of specific titles, to be renewed at any time within 3 years after expiration. The act prohibits the renewal, restoration, reinstatement, or reissuance of these certificates unless the applicant meets certain requirements.

This bill would extend the 3-year period to 5 years after expiration. The bill would generally prohibit the renewal, restoration, reinstatement, or reissuance of these certificates after this time. The bill would authorize the holder of a certificate after that time to apply and obtain a new certificate if he or she has not committed acts or crimes that are grounds for denial and he or she passes an examination, if required. The bill would also make other technical and conforming changes.

Existing law prescribes requirements for plans, specifications, reports, or other documents prepared by a professional geologist or geophysicist, or by a subordinate, including a requirement that they be signed or

stamped with the practitioner’s seal. Existing law authorizes geologists, specialty geologists, geophysicists, and specialty geophysicists to obtain a seal that meets specified requirements.

This bill would require the plans, specifications, reports, and other documents prepared by geologists or geophysicists, or their subordinates, to be both signed and stamped. The bill would instead require geologists, specialty geologists, geophysicists, and specialty geophysicists to obtain a seal. The bill would revise references relating to registration to instead refer to licensure.

The Professional Land Surveyors Act generally permits licensees to be renewed at any time within 3 years after expiration. The act prohibits the renewal, restoration, reinstatement, or reissuance of these licenses unless the applicant meets certain requirements.

This bill would extend the period within which a renewal may be made to 5 years after expiration. The bill would generally prohibit the renewal, restoration, reinstatement, or reissuance of these certificates after this time. The bill would authorize the holder of a license after that time to apply and obtain a new license if he or she has not committed acts or crimes that are grounds for denial and he or she passes an examination, if required. This bill would also make other technical and conforming changes.

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 6796 of the Business and Professions  
2 Code is amended to read:  
3 6796. Except as otherwise provided in this article, certificates  
4 of registration as a professional ~~engineer~~, *engineer* and certificates  
5 of authority may be renewed at any time within ~~three~~ *five* years  
6 after expiration on filing of application for renewal on a form  
7 prescribed by the board and payment of all accrued and unpaid  
8 renewal fees. If the certificate is renewed more than 60 days after  
9 its expiration, the certificate holder, as a condition precedent to  
10 renewal, shall also pay the delinquency fee prescribed by this  
11 chapter. Renewal under this section shall be effective on the date  
12 on which the application is filed, on the date on which the renewal  
13 fee is paid, or on the date on which the delinquency fee, if any, is  
14 paid, whichever last occurs.

1 The expiration date of a certificate renewed pursuant to this  
2 section shall be determined pursuant to Section 6795.

3 SEC. 2. Section 6796.3 of the Business and Professions Code  
4 is amended to read:

5 6796.3. (a) Certificates of registration as a professional  
6 engineer, and certificates of authority to use the title “structural  
7 engineer,” “soil engineer,” or “consulting engineer” that are not  
8 renewed within ~~three~~ five years after expiration may not be  
9 renewed, restored, reinstated, or ~~reissued unless all of the following~~  
10 ~~apply: reissued. After five years after expiration, the holder of a~~  
11 ~~certificate may apply for and obtain a new certificate subject to~~  
12 ~~the following:~~

13 ~~(a) The registrant or certificate holder has~~

14 ~~(1) He or she has not committed any acts or crimes constituting~~  
15 ~~grounds for denial of registration or of a certificate licensure under~~  
16 ~~Section 480.~~

17 ~~(b) The registrant or certificate holder~~

18 ~~(2) He or she takes and passes the examination examination,~~  
19 ~~if any, that would be required of him or her if he or she were then~~  
20 ~~applying for the certificate for the first time, or otherwise~~  
21 ~~establishes to the satisfaction of the board that, with due regard~~  
22 ~~for the public interest, he or she is qualified to practice the branch~~  
23 ~~of engineering in which he or she seeks renewal or reinstatement.~~  
24 ~~time.~~

25 ~~(c) The registrant or certificate holder pays all of the fees that~~  
26 ~~would be required of him or her if he or she were then applying~~  
27 ~~for the certificate for the first time. If the registrant or certificate~~  
28 ~~holder has been practicing in this state with an expired or~~  
29 ~~delinquent license and receives a waiver from taking the~~  
30 ~~examination as specified in subdivision (b) then he or she shall~~  
31 ~~pay all accrued and unpaid renewal fees.~~

32 ~~The~~

33 ~~(b) The board may, by regulation, provide for the waiver or~~  
34 ~~refund of all or any part of the application fee in those cases in~~  
35 ~~which a certificate is issued without an examination pursuant to~~  
36 ~~this section.~~

37 SEC. 3. Section 6796.5 of the Business and Professions Code  
38 is amended to read:

39 6796.5. Once an expired or delinquent certificate of registration  
40 or certificate of authority is ~~renewed, restored, reinstated, or~~

1 ~~reissued~~ *renewed* pursuant to Section ~~6796 or 6796.3~~, 6796, all  
 2 the following shall apply:

3 (a) The board shall continue to have full jurisdiction and  
 4 authority over the registrant or certificate holder as if the  
 5 registration or authority had not expired or become delinquent.

6 (b) The work performed by the registrant or certificate holder  
 7 during a period of expiration or delinquency shall be deemed lawful  
 8 and validly performed as to persons or entities other than the  
 9 registrant or authority holder.

10 (c) The ~~renewal, restoration, reinstatement, or reissuance~~  
 11 *renewal* of a registration or certificate of authority shall not affect  
 12 liability issues regarding work performed during a period of  
 13 expiration or delinquency, nor does the fact of performance during  
 14 a period of expiration ~~on~~ or delinquency affect liability issues.

15 SEC. 4. Section 7835 of the Business and Professions Code is  
 16 amended to read:

17 7835. All geologic plans, specifications, reports, or documents  
 18 shall be prepared by a professional geologist or ~~registered~~ *licensed*  
 19 certified specialty geologist, or by a subordinate employee under  
 20 his or her direction. In addition, they shall be signed by the  
 21 professional geologist or ~~registered~~ *licensed* certified specialty  
 22 geologist ~~or~~ *and* stamped with his or her seal, ~~either~~ *both* of which  
 23 shall indicate his or her responsibility for them.

24 SEC. 5. Section 7835.1 of the Business and Professions Code  
 25 is amended to read:

26 7835.1. All geophysical plans, specifications, reports, or  
 27 documents shall be prepared by a professional geophysicist,  
 28 ~~registered~~ *licensed* certified specialty geophysicist, professional  
 29 geologist, ~~registered~~ *licensed* certified specialty geologist, or by a  
 30 subordinate employee under his or her direction. In addition, they  
 31 shall be signed by the professional geophysicist, ~~registered~~ *licensed*  
 32 certified specialty geophysicist, professional geologist, or ~~registered~~  
 33 *licensed* certified specialty geologist, ~~or~~ *and* stamped with his or  
 34 her seal, ~~either~~ *both* of which shall indicate his or her responsibility  
 35 for them.

36 SEC. 6. Section 7852 of the Business and Professions Code is  
 37 amended to read:

38 7852. (a) Each geologist ~~registered~~ *licensed* under this chapter  
 39 ~~may, upon registration,~~ *shall, upon licensure,* obtain a seal of the  
 40 design authorized by the board bearing the ~~registrant's~~ *licensee's*

1 name, number of his or her certificate, and the legend “professional  
2 geologist.”

3 (b) Each specialty geologist certified under this chapter ~~may~~,  
4 *shall*, upon certification, obtain a seal of the design authorized by  
5 the board bearing the ~~registrant’s~~ *licensee’s* name, number of his  
6 or her certificate, and the legend of the appropriate specialty in  
7 geology in which he or she is certified under this chapter.

8 SEC. 7. Section 7852.1 of the Business and Professions Code  
9 is amended to read:

10 7852.1. (a) Each geophysicist ~~registered~~ *licensed* under this  
11 chapter ~~may, upon registration,~~ *shall, upon licensure,* obtain a seal  
12 of the design authorized by the board bearing the ~~registrant’s~~  
13 *licensee’s* name, number of his or her certificate, and the legend  
14 “professional geophysicist.”

15 (b) Each specialty geophysicist certified under this chapter ~~may~~,  
16 *shall*, upon certification, obtain a seal of the design authorized by  
17 the board bearing the ~~registrant’s~~ *licensee’s* name, number of his  
18 or her certificate, and the legend of the appropriate specialty in  
19 geophysics in which he or she is certified under this chapter.

20 SEC. 8. Section 7884 of the Business and Professions Code is  
21 amended to read:

22 7884. Certificates of ~~registration~~ *licensure* as a geologist or as  
23 a geophysicist or certified specialty certificates which are not  
24 renewed within five years after expiration may not be renewed,  
25 restored, reinstated, or reissued thereafter. The holder of ~~such that~~  
26 certificate may apply for and obtain a new certificate, however,  
27 if:

28 (a) He *or she* has not committed any acts or crimes constituting  
29 grounds for denial of licensure under Section 480.

30 (b) He *or she* takes and passes the examination, if any, which  
31 would be required of him *or her* if he *or she* were then applying  
32 for the certificate for the first time.

33 The board may, by regulation, provide for the waiver or refund  
34 of all or any part of the application fee in those cases in which a  
35 certificate is issued without an examination pursuant to ~~the~~  
36 ~~provisions of this section.~~

37 SEC. 9. Section 8802 of the Business and Professions Code is  
38 amended to read:

39 8802. Except as otherwise provided in this article, licenses  
40 issued under this chapter may be renewed at any time within ~~three~~

1 *five* years after expiration on filing of application for renewal on  
 2 a form prescribed by the board and payment of all accrued and  
 3 unpaid renewal fees. If the license is renewed more than 30 days  
 4 after its expiration, the licensee, as a condition precedent to  
 5 renewal, shall also pay the delinquency fee prescribed by this  
 6 chapter. Renewal under this section shall be effective on the date  
 7 on which the application is filed, on the date on which the renewal  
 8 fee is paid, or on the date on which the delinquency fee, if any, is  
 9 paid, whichever last occurs. If so renewed, the license shall  
 10 continue in effect through the date provided in Section 8801 which  
 11 next occurs after the effective date of the renewal, when it shall  
 12 expire if it is not again renewed.

13 SEC. 10. Section 8803 of the Business and Professions Code  
 14 is amended to read:

15 ~~8803. (a) A license which that is not renewed within three~~  
 16 ~~five~~ years after its expiration may not be renewed, restored,  
 17 ~~reissued, or reinstated thereafter, unless all of the following apply:~~  
 18 ~~reinstated. After five years after expiration, the holder of a license~~  
 19 ~~may apply for and obtain a new license subject to the following:~~

20 ~~(a) The licensee~~

21 ~~(1) He or she has not committed any acts or crimes constituting~~  
 22 ~~grounds for denial of licensure under Section 480.~~

23 ~~(b) The licensee pays all of the fees which would be required~~  
 24 ~~if applying for the license for the first time. If the registrant or~~  
 25 ~~certificate holder has been practicing in this state with an expired~~  
 26 ~~or delinquent license and receives a waiver from taking the~~  
 27 ~~examination as specified in subdivision (c) then he or she shall~~  
 28 ~~pay all accrued and unpaid renewal fees.~~

29 ~~(c) The licensee~~

30 ~~(2) He or she takes and passes the examination which~~  
 31 ~~examination, if any, that would be required if applying for the~~  
 32 ~~license for the first time, or otherwise establishes to the satisfaction~~  
 33 ~~of the board that, with due regard for the public interest, the~~  
 34 ~~licensee is qualified to engage in the practice of land surveying.~~  
 35 ~~time.~~

36 ~~The~~

37 ~~(b) The board may, by appropriate regulation, authorize provide~~  
 38 ~~for the waiver or refund of all or any part of the application fee in~~  
 39 ~~those cases in which a license is issued without an examination~~  
 40 ~~under pursuant to this section.~~

1 SEC. 11. Section 8803.1 of the Business and Professions Code  
2 is amended to read:

3 8803.1. Once an expired or delinquent license is ~~renewed,~~  
4 ~~restored, reinstated, or reissued~~ *renewed* pursuant to Section ~~8803,~~  
5 ~~8802,~~ all of the following apply:

6 (a) The board shall continue to have full jurisdiction and  
7 authority over the licensee as if the license had not expired or  
8 become delinquent.

9 (b) The work performed by the licensee during a period of  
10 expiration or delinquency shall be deemed lawful and validly  
11 performed as to persons or entities other than the licensee.

12 (c) The ~~renewal, restoration, reinstatement, or reissuance~~  
13 *renewal* of a license shall not affect liability issues regarding work  
14 performed during a period of expiration or delinquency, nor does  
15 the fact of performance during a period of expiration or  
16 delinquency affect liability issues.