

AMENDED IN SENATE MARCH 29, 2016

SENATE BILL

No. 1165

Introduced by Senator Cannella

February 18, 2016

An act to amend Sections 6751, 6755, 6756, 6762, 6763.5, 6796, 6796.3, 6796.5, 6799, 7835, 7835.1, 7842, 7843, 7850, 7850.1, 7850.5, 7852, 7852.1, 7884, 8731, 8740, 8741, 8741.1, 8742, 8743, 8744, 8747, 8748.5, 8802, 8803, ~~and 8803.1~~ 8803.1, and 8805 of the Business and Professions Code, relating to ~~professions~~; *professions and vocations*.

LEGISLATIVE COUNSEL'S DIGEST

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

The Board for Professional Engineers, Land Surveyors, and ~~Geologists~~ *administers Geologists, which is within the Department of Consumer Affairs, 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. Act. Those acts provide for licensure and regulation of those respective professions by the board.*

The Professional Engineers Act *requires an applicant for registration as a professional engineer to meet specified requirements, including that an applicant for the second division examination has successfully passed the first division examination. That act requires an applicant for a certificate as an engineer-in-training to meet specified requirements and requires the applicant to satisfactorily complete 3 years or more of postsecondary education or engineering experience, or a combination of both, before the applicant is eligible to sit for the first division examination. That act authorizes the board to waive the*

first division examination for an applicant whose education and experience substantially exceeds the requirements for registration or certification. That 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~~ That act prohibits the renewal, restoration, reinstatement, or reissuance of these certificates unless the applicant meets certain requirements. That act requires the board to set fees, as specified, and requires the renewal fee for a license to be no more than the application fee currently in effect and prohibits the application fee from being greater than \$400.

This bill would ~~would delete the requirement that an applicant for licensure as a professional engineer pass the first division examination in order to sit for the second division examination and would delete the requirement that an applicant for a certificate as an engineer-in-training successfully complete 3 years or more of postsecondary education or engineering experience, or a combination of both, before the applicant is eligible to sit for the first division examination. The bill would instead authorize the board to provide for a waiver of the first division examination for an applicant for a certificate as an engineer-in-training if the applicant's education and experience substantially exceeds the requirements for a certificate. The bill would extend the 3-year renewal period to 5 years after~~ expiration. ~~expiration of the certificate of licensure or certificate of authority.~~ The bill would generally prohibit the renewal, restoration, reinstatement, or reissuance of ~~these~~ those certificates after ~~this time. The bill~~ 5 years and would authorize the holder of a ~~certificate~~ the certificate, after that ~~time~~ 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 require the renewal fee for a license to be no more than \$400. The bill would also make other technical and conforming changes.

Existing ~~law~~ law, the Geologist and Geophysicist Act, requires an applicant for a certification in a specialty in geology to meet certain requirements, including 7 years of specified professional geological work. That act 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 *additionally require an applicant for a certification in a specialty in geology to successfully pass a written examination in that specialty. The 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~~ *Surveyors' Act requires an applicant for licensure under the act to meet specified requirements, including successfully passing the second division of the examination, and requires an applicant for a certificate as a land-surveyor-in-training to meet specified requirements, including passing the first division of the examination. That act requires an application for each division of the examination to be made to the board, as specified. That 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 a license unless the applicant meets certain requirements. That act requires the board to set fees, as specified, and requires the renewal fee for a license to be no more than the application fee currently in effect and prohibits the application fee from being greater than \$400.*

This bill would *additionally require an applicant for certification as a land surveyor-in-training and an applicant for licensure as a land surveyor to not have committed specified acts or crimes constituting grounds for denial of licensure. The bill would require an applicant for a certification as a land surveyor-in-training to have satisfactorily completed 2 years or more of postsecondary education in land surveying or experience in land surveying, or a combination of both, and would authorize the board to prescribe the reasonable educational or experience requirements an applicant needs to meet by regulation. The bill would additionally require an applicant for licensure as a land surveyor to be certified as a land surveyor-in-training in this state, be certified as a land surveyor-in-training or surveyor intern in another state or United States territory, or be exempt, as specified. The bill would instead require an application for certification or licensure under the act to be made to the board on a form prescribed by the board. The bill would extend the period within which a renewal of a license may*

be made to 5 years after expiration. The bill would generally prohibit the renewal, restoration, reinstatement, or reissuance of ~~these certificates~~ *a license* after ~~this time~~. ~~The bill 5 years and~~ would authorize the holder of a ~~license~~ *license*, after that ~~time~~ *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. *The bill would require the renewal fee for a license to be no more than \$400.* 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 6751 of the Business and Professions
 2 Code is amended to read:
 3 6751. (a) The applicant for certification as an
 4 engineer-in-training shall comply with all of the following:
 5 (1) Not have committed acts or crimes constituting grounds for
 6 denial of ~~registration~~ *licensure* under Section 480.
 7 (2) Successfully pass the first division of the ~~examination~~. ~~The~~
 8 ~~applicant shall be eligible to sit for the first division of the~~
 9 ~~examination after satisfactory completion of three~~ *examination*.
 10 (3) *Satisfactorily complete three years or more of postsecondary*
 11 *engineering education, three years or more of engineering*
 12 *experience, or a combination of postsecondary education and*
 13 *experience in engineering totaling three years.*
 14 ~~The~~
 15 (b) *The board need not verify the applicant’s eligibility for*
 16 *certification as an engineer-in-training other than to require the*
 17 *applicant to sign a statement of eligibility on the application form.*
 18 ~~(b)~~
 19 (c) The applicant for ~~registration~~ *licensure* as a professional
 20 engineer shall comply with all of the following:
 21 (1) Not have committed acts or crimes constituting grounds for
 22 denial of ~~registration~~ *licensure* under Section 480.
 23 (2) Furnish evidence of six years or more of qualifying
 24 experience in engineering work satisfactory to the board evidencing
 25 that the applicant is competent to practice the character of
 26 engineering in the branch for which he or she is applying for

1 registration, and successfully pass the second division of the
2 examination: *licensure*.

3 ~~(3) The applicant for the second division of the examination~~
4 ~~shall successfully pass the first division examination or shall be~~
5 ~~exempt therefrom.~~

6 ~~(3) Be certified as an engineer-in-training in this state, be~~
7 ~~certified as an engineer-in-training or engineer intern in another~~
8 ~~state or territory of the United States, or be exempt therefrom.~~

9 ~~(4) Successfully pass the second division of the examination.~~

10 SEC. 2. Section 6755 of the Business and Professions Code is
11 amended to read:

12 6755. (a) Examination duration and composition shall be
13 designed to conform to the following general principle: The first
14 division of the examination shall test the applicant's knowledge
15 of appropriate fundamental engineering subjects, including
16 mathematics and the basic sciences; the second division of the
17 examination shall test the applicant's ability to apply his or her
18 knowledge and experience and to assume responsible charge in
19 the professional practice of the branch of engineering in which the
20 applicant is being examined.

21 ~~(b) The applicant for the second division of the examination~~
22 ~~shall have successfully passed the first division examination or~~
23 ~~shall be exempt therefrom.~~

24 ~~(e)~~

25 (b) The board may by rule provide for a waiver of the first
26 division of the examination for applicants whose education and
27 experience qualifications substantially exceed the requirements of
28 *subdivision (a) of Section 6751*.

29 ~~(d)~~

30 (c) The board may by rule provide for a waiver of the second
31 division of the examination for persons eminently qualified for
32 ~~registration licensure~~ in this state by virtue of their standing in the
33 engineering community, their years of experience, and those other
34 qualifications as the board deems appropriate.

35 SEC. 3. Section 6756 of the Business and Professions Code is
36 amended to read:

37 6756. (a) An applicant for certification as an
38 engineer-in-training shall, upon making a passing grade in that
39 ~~division of the examination meeting all of the requirements~~
40 prescribed in *subdivisions (a) and (b) of Section 6755, relating to*

1 ~~fundamental engineering subjects, 6751~~, be issued a certificate as
2 an engineer-in-training. A renewal or other fee, other than the
3 application and examination fees, ~~may shall~~ not be charged for
4 this certification. The certificate shall become invalid when the
5 holder has qualified as a professional engineer as provided in
6 Section 6762.

7 (b) An engineer-in-training certificate does not authorize the
8 holder thereof to practice or offer to practice civil, electrical, or
9 mechanical engineering work, in his or her own right, or to use
10 the titles specified in Sections 6732, 6736, and 6736.1.

11 (c) It is unlawful for anyone other than the holder of a valid
12 engineer-in-training certificate issued under this chapter to use the
13 title of “engineer-in-training” or any abbreviation of that title.

14 *SEC. 4. Section 6762 of the Business and Professions Code is*
15 *amended to read:*

16 6762. Any applicant ~~who has passed the second division~~
17 ~~examination for licensure as a professional engineer, upon meeting~~
18 ~~all of the requirements prescribed in subdivision (c) of Section~~
19 6751 and who has otherwise qualified hereunder as a professional
20 engineer, shall have a certificate of registration issued to him or
21 her as a professional engineer in the particular branch for which
22 he or she is found qualified.

23 *SEC. 5. Section 6763.5 of the Business and Professions Code*
24 *is amended to read:*

25 6763.5. If an applicant for ~~registration licensure~~ as a
26 professional ~~engineer or engineer~~, for certification as an
27 engineer-in-training, or for authorization to use the title “structural
28 engineer” or “soil ~~engineer,~~” *engineer*” is found by the board to
29 lack the qualifications required for admission to the examination
30 for such ~~registration, licensure~~, certification, or authorization, the
31 board may, in accordance with the provisions of Section 158 of
32 this code, refund to him or her one-half of the amount of his or her
33 application fee.

34 ~~SECTION 4.~~

35 *SEC. 6. Section 6796 of the Business and Professions Code is*
36 *amended to read:*

37 6796. Except as otherwise provided in this article, certificates
38 of registration as a professional engineer and certificates of
39 authority may be renewed at any time within five years after
40 expiration on filing of application for renewal on a form prescribed

1 by the board and payment of all accrued and unpaid renewal fees.
2 If the certificate is renewed more than 60 days after its expiration,
3 the certificate holder, as a condition precedent to renewal, shall
4 also pay the delinquency fee prescribed by this chapter. Renewal
5 under this section shall be effective on the date on which the
6 application is filed, on the date on which the renewal fee is paid,
7 or on the date on which the delinquency fee, if any, is paid,
8 whichever last occurs.

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

11 ~~SEC. 2.~~

12 *SEC. 7.* Section 6796.3 of the Business and Professions Code
13 is amended to read:

14 6796.3. (a) Certificates of registration as a professional
15 engineer, and certificates of authority to use the title “structural
16 engineer,” “soil engineer,” or “consulting engineer” that are not
17 renewed within five years after expiration may not be renewed,
18 restored, reinstated, or reissued. After five years after expiration,
19 the holder of a certificate may apply for and obtain a new certificate
20 subject to the following:

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

23 (2) He or she takes and passes the examination, if any, that
24 would be required of him or her if he or she were then applying
25 for the certificate for the first time.

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

30 ~~SEC. 3.~~

31 *SEC. 8.* Section 6796.5 of the Business and Professions Code
32 is amended to read:

33 6796.5. Once an expired or delinquent certificate of registration
34 or certificate of authority is renewed pursuant to Section 6796, all
35 of the following shall apply:

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

39 (b) The work performed by the ~~registrant~~ or certificate holder
40 during a period of expiration or delinquency shall be deemed lawful

1 and validly performed as to persons or entities other than the
2 registrant or authority holder.

3 (c) The renewal of a registration or certificate of authority shall
4 not affect liability issues regarding work performed during a period
5 of expiration or delinquency, nor does the fact of performance
6 during a period of expiration or delinquency affect liability issues.

7 *SEC. 9. Section 6799 of the Business and Professions Code is*
8 *amended to read:*

9 6799. (a) The amount of the fees prescribed by this chapter
10 shall be fixed by the board in accordance with the following
11 schedule:

12 (1) The fee for filing each application for licensure as a
13 professional engineer and each application for authority level
14 designation at not more than four hundred dollars (\$400) and for
15 each application for certification as an engineer-in-training at not
16 more than one hundred dollars (\$100).

17 (2) The fee to take an examination administered by a public or
18 private organization pursuant to Section 6754 shall be no greater
19 than the actual cost of the development and administration of the
20 examination and may be paid directly to the organization by the
21 applicant.

22 (3) The renewal fee for each branch of professional engineering
23 in which licensure is held, and the renewal fee for each authority
24 level designation held, at no more than ~~the professional engineer~~
25 ~~application fee currently in effect.~~ *four hundred dollars (\$400).*

26 (4) The fee for a retired license at not more than 50 percent of
27 the professional engineer application fee in effect on the date of
28 application.

29 (5) The delinquency fee at not more than 50 percent of the
30 renewal fee in effect on the date of reinstatement.

31 (6) The board shall establish by regulation an appeal fee for
32 examination. The regulation shall include provisions for an
33 applicant to be reimbursed the appeal fee if the appeal results in
34 passage of examination. The fee charged shall be no more than
35 the costs incurred by the board.

36 (7) All other document fees are to be set by the board by rule.

37 (b) Applicants wishing to be examined in more than one branch
38 of engineering shall be required to pay the additional fee for each
39 examination after the first.

1 ~~SEC. 4.~~

2 *SEC. 10.* Section 7835 of the Business and Professions Code
3 is amended to read:

4 7835. All geologic plans, specifications, reports, or documents
5 shall be prepared by a professional geologist or licensed certified
6 specialty geologist, or by a subordinate employee under his or her
7 direction. In addition, they shall be signed by the professional
8 geologist or licensed certified specialty geologist and stamped with
9 his or her seal, both of which shall indicate his or her responsibility
10 for them.

11 ~~SEC. 5.~~

12 *SEC. 11.* Section 7835.1 of the Business and Professions Code
13 is amended to read:

14 7835.1. All geophysical plans, specifications, reports, or
15 documents shall be prepared by a professional geophysicist,
16 licensed certified specialty geophysicist, professional geologist,
17 licensed certified specialty geologist, or by a subordinate employee
18 under his or her direction. In addition, they shall be signed by the
19 professional geophysicist, licensed certified specialty geophysicist,
20 professional geologist, or licensed certified specialty geologist,
21 and stamped with his or her seal, both of which shall indicate his
22 or her responsibility for them.

23 *SEC. 12.* *Section 7842 of the Business and Professions Code*
24 *is amended to read:*

25 7842. (a) An applicant for certification in a specialty in
26 geology shall meet all of the requirements of Section ~~7841~~ 7841,
27 *shall be a geologist licensed under this chapter*, and, in addition,
28 his or her seven years of professional geological work shall include
29 one of the following:

30 ~~(a)~~

31 (1) A minimum of three years performed under the supervision
32 of a geologist certified in the specialty for which the applicant is
33 seeking certification or under the supervision of a licensed civil
34 engineer if the applicant is seeking certification as an engineering
35 geologist, except that prior to July 1, 1970, professional geological
36 work shall qualify under this subdivision if it is performed under
37 the supervision of a geologist qualified in the specialty for which
38 the applicant is seeking certification or under the supervision of a
39 licensed civil engineer if the applicant is seeking certification as
40 an engineering geologist.

1 (b)

2 (2) A minimum of five years' experience in responsible charge
3 of professional geological work in the specialty for which the
4 applicant is seeking certification.

5 (b) *In addition to meeting the requirements of subdivision (a),*
6 *an applicant for certification in a specialty of geology shall*
7 *successfully pass a written examination in that specialty.*

8 *SEC. 13. Section 7843 of the Business and Professions Code*
9 *is amended to read:*

10 7843. (a) An applicant for certification as a
11 geologist-in-training shall, upon ~~making a passing grade in the~~
12 ~~National Association of State Boards of Geology's Fundamentals~~
13 ~~of Geology examination~~ *meeting all the requirements prescribed*
14 *in Section 7841.2, be issued a certificate as a geologist-in-training.*
15 A renewal or other fee, other than the application fee, may not be
16 charged for this certification. The certificate shall become invalid
17 when the holder has qualified as a professional geologist as
18 provided in Section 7841.

19 (b) A geologist-in-training certificate does not authorize the
20 holder thereof to practice or offer to practice geology, in his or her
21 own right, or to use the title specified in Section 7804.

22 (c) It is unlawful for anyone other than the holder of a valid
23 geologist-in-training certificate issued under this chapter to use
24 the title of "geologist-in-training" or any abbreviation of that title.

25 *SEC. 14. Section 7850 of the Business and Professions Code*
26 *is amended to read:*

27 7850. Any applicant ~~who has passed the examination for~~
28 ~~licensure as a professional geologist who meets all the~~
29 ~~requirements prescribed in Section 7841~~ and who has otherwise
30 qualified hereunder as a geologist, upon payment of the registration
31 fee fixed by this ~~chapter~~ *chapter*, shall have a certificate of
32 registration issued to him or her as a professional geologist.

33 *SEC. 15. Section 7850.1 of the Business and Professions Code*
34 *is amended to read:*

35 7850.1. Any applicant ~~who has passed the examination for~~
36 ~~licensure as a professional geophysicist who meets all the~~
37 ~~requirements prescribed in Section 7841.1~~ and who has otherwise
38 qualified hereunder as a geophysicist, upon payment of the
39 registration fee fixed by this ~~chapter~~ *chapter*, shall have a certificate
40 of registration issued to him or her as a professional geophysicist.

1 *SEC. 16. Section 7850.5 of the Business and Professions Code*
2 *is amended to read:*

3 7850.5. An applicant ~~who has passed the examination for a~~
4 ~~certified specialty geologist for certification as a certified specialty~~
5 ~~geologist who meets all the requirements prescribed in Section~~
6 7842 and *who* has otherwise qualified under this chapter in the
7 specialty, upon payment of the fee fixed by this ~~chapter~~ *chapter*;
8 shall have a certificate issued to him or her as a certified specialty
9 geologist.

10 A certificate of certified specialty geologist shall be signed by
11 the president and executive officer and issued under the seal of
12 the board.

13 ~~SEC. 6.~~

14 *SEC. 17. Section 7852 of the Business and Professions Code*
15 *is amended to read:*

16 7852. (a) Each geologist licensed under this chapter shall,
17 upon licensure, obtain a seal of the design authorized by the board
18 bearing the licensee's name, number of his or her certificate, and
19 the legend "professional geologist."

20 (b) Each specialty geologist certified under this chapter shall,
21 upon certification, obtain a seal of the design authorized by the
22 board bearing the licensee's name, number of his or her certificate,
23 and the legend of the appropriate specialty in geology in which he
24 or she is certified under this chapter.

25 ~~SEC. 7.~~

26 *SEC. 18. Section 7852.1 of the Business and Professions Code*
27 *is amended to read:*

28 7852.1. (a) Each geophysicist licensed under this chapter shall,
29 upon licensure, obtain a seal of the design authorized by the board
30 bearing the licensee's name, number of his or her certificate, and
31 the legend "professional geophysicist."

32 (b) Each specialty geophysicist certified under this chapter shall,
33 upon certification, obtain a seal of the design authorized by the
34 board bearing the licensee's name, number of his or her certificate,
35 and the legend of the appropriate specialty in geophysics in which
36 he or she is certified under this chapter.

37 ~~SEC. 8.~~

38 *SEC. 19. Section 7884 of the Business and Professions Code*
39 *is amended to read:*

1 7884. Certificates of licensure as a geologist or as a
 2 geophysicist or certified specialty certificates which are not
 3 renewed within five years after expiration may not be renewed,
 4 restored, reinstated, or reissued thereafter. The holder of that
 5 certificate may apply for and obtain a new certificate, however,
 6 if:

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

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

12 The board may, by regulation, provide for the waiver or refund
 13 of all or any part of the application fee in those cases in which a
 14 certificate is issued without an examination pursuant to this section.

15 *SEC. 20. Section 8731 of the Business and Professions Code*
 16 *is amended to read:*

17 8731. A ~~registered~~ *licensed* civil engineer and a civil engineer
 18 exempt from ~~registration~~ *licensure* under Chapter 7 (commencing
 19 with Section 6700) of Division 3 are exempt from licensing under
 20 this chapter and may engage in the practice of land surveying with
 21 the same rights and ~~privileges~~, *privileges* and the same duties and
 22 responsibilities ~~of as a licensed land surveyor~~, provided that for
 23 civil engineers who become ~~registered~~ *licensed* after January 1,
 24 1982, they shall ~~pass the second division examination provided~~
 25 ~~for in Section 8741 and obtain a land surveyor's license~~, *license*
 26 *as a land surveyor under the provisions of this chapter*, before
 27 practicing land surveying as defined in this chapter.

28 *SEC. 21. Section 8740 of the Business and Professions Code*
 29 *is amended to read:*

30 8740. (a) An application for ~~each division of the examination~~
 31 *a certificate as a land surveyor-in-training or for a license as a*
 32 *land surveyor shall be made to the board on the form prescribed*
 33 *by it, with all statements therein made under oath, and shall be*
 34 *accompanied by the fee fixed by this chapter.*

35 (b) The board may authorize an organization specified by the
 36 board pursuant to Section 8745 to receive directly from applicants
 37 payment of the examination fees charged by that organization as
 38 payment for examination materials and services.

39 *SEC. 22. Section 8741 of the Business and Professions Code*
 40 *is amended to read:*

1 ~~8741. (a) The first division of the examination shall test the~~
2 ~~applicant's fundamental knowledge of surveying, mathematics,~~
3 ~~and basic science. The board may prescribe by regulation~~
4 ~~reasonable educational or experience requirements including two~~
5 ~~years of postsecondary education in land surveying, two years of~~
6 ~~experience in land surveying, or a combination of postsecondary~~
7 ~~education and experience in land surveying totaling two years for~~
8 ~~admission to the first division of the examination. Applicants~~
9 ~~registered by the board as a California civil engineer are exempt~~
10 ~~from this division of the examination.~~

11 ~~The second division of the examination shall test the applicant's~~
12 ~~ability to apply his or her knowledge and experience and to assume~~
13 ~~responsible charge in the professional practice of land surveying.~~

14 ~~(b) The applicant for the second division examination shall have~~
15 ~~successfully passed the first division examination, or shall be~~
16 ~~exempt therefrom. The applicant shall be~~

17 ~~8741. (a) An applicant for certification as a land~~
18 ~~surveyor-in-training shall comply with all of the following:~~

19 ~~(1) Not have committed acts or crimes constituting grounds for~~
20 ~~denial of licensure under Section 480.~~

21 ~~(2) Successfully pass the first division of the examination.~~

22 ~~(3) Satisfactorily complete two years or more of postsecondary~~
23 ~~education in land surveying, two years or more of experience in~~
24 ~~land surveying, or a combination of postsecondary education and~~
25 ~~experience in land surveying.~~

26 ~~(b) The board need not verify the applicant's eligibility for~~
27 ~~certification as a land surveyor-in-training other than to require~~
28 ~~the applicant to sign a statement of eligibility on the application~~
29 ~~form.~~

30 ~~(c) The board may prescribe by regulation reasonable~~
31 ~~educational or experience requirements for an applicant to meet~~
32 ~~the requirements in paragraph (3) of subdivision (a).~~

33 ~~(d) An applicant for licensure as a professional land surveyor~~
34 ~~shall comply with all of the following:~~

35 ~~(1) Not have committed acts or crimes constituting grounds for~~
36 ~~denial of licensure under Section 480.~~

37 ~~(2) Furnish evidence that he or she meets the requirements of~~
38 ~~Section 8742.~~

39 ~~(3) Successfully passed the second division of the examination~~

1 (4) *Be certified as a land surveyor-in-training in this state, be*
 2 *certified as a land surveyor-in-training or surveyor intern in*
 3 *another state of territory of the United States, or be exempt*
 4 *therefrom. An applicant licensed by the board as a civil engineer*
 5 *is exempt from the requirement of this paragraph.*

6 (5) *Be thoroughly familiar with*~~(1)~~ *(A) the procedure and rules*
 7 *governing the survey of public lands as set forth in Manual of*
 8 *Surveying Instructions (2009), published by the federal Bureau of*
 9 *Land Management and*~~(2)~~ *Management, and (B) the principles of*
 10 *real property relating to boundaries and conveyancing.*

11 ~~(e) The board may by rule provide for a waiver of the first~~
 12 ~~division of the examination for applicants whose education and~~
 13 ~~experience qualifications substantially exceed the requirements of~~
 14 ~~Section 8742.~~

15 ~~(d) The board may by rule provide for a waiver of the second~~
 16 ~~division of the examination and the assignment to a special~~
 17 ~~examination for those applicants whose educational qualifications~~
 18 ~~are equal to, and whose experience qualifications substantially~~
 19 ~~exceed, those qualifications established under subdivision (e). The~~
 20 ~~special examination may be either written or oral, or a combination~~
 21 ~~of both.~~

22 *SEC. 23. Section 8741.1 of the Business and Professions Code*
 23 *is amended to read:*

24 8741.1. ~~The~~ *(a) The first division of the examination shall test*
 25 *the applicant's fundamental knowledge of surveying, mathematics,*
 26 *and basic science.*

27 *(b) The second division of the examination shall test the*
 28 *applicant's ability to apply his or her knowledge and experience*
 29 *and to assume responsible charge in the professional practice of*
 30 *land surveying.*

31 *The second division of the examination for licensure as a land*
 32 *surveyor shall include an examination that incorporates a national*
 33 *examination for land surveying by a nationally recognized entity*
 34 *approved by the board, board and a supplemental California*
 35 *specific examination. The California specific examination shall*
 36 *include, as a separate part, an examination to test the applicant's*
 37 *knowledge of the provisions of this chapter and the board's rules*
 38 *and regulations regulating the practice of professional land*
 39 *surveying in this state.*

1 The board shall use the national examination on or before June
2 1, 2003. In the meantime, the board may continue to provide the
3 current state-only second division examination and administer the
4 test on the provisions of this chapter and board rules as a separate
5 part of the second division examination for licensure as a land
6 surveyor.

7 (c) The board may by rule provide a waiver of the first division
8 of the examination for applicants whose education and experience
9 qualifications substantially exceed the requirements of Section
10 8742.

11 (d) The board may by rule provide for a waiver of the second
12 division of the examination and the assignment to a special
13 examination for those applicants whose educational qualifications
14 are equal to, and whose experience qualifications substantially
15 exceed, those qualifications established under subdivision (c). The
16 special examination may be either written or oral, or a combination
17 of both.

18 SEC. 24. Section 8742 of the Business and Professions Code
19 is amended to read:

20 8742. (a) The educational qualifications and experience in
21 land surveying, which an applicant for ~~the second division~~
22 ~~examination~~ a license as a land surveyor shall possess, shall not
23 be less than one of the following prescribed criteria:

24 (1) Graduation from a four-year curriculum with an emphasis
25 in land surveying approved by the board or accredited by a national
26 or regional accrediting agency recognized by the United States
27 Office of Education at a postsecondary educational institution and
28 two years of actual broad based progressive experience in land
29 surveying, including one year of responsible field training and one
30 year of responsible office training, satisfactory to the board.

31 (2) Actual broad based progressive experience in land surveying
32 for at least six years, including one year of responsible field training
33 and one year of responsible office training, satisfactory to the
34 board.

35 (3) ~~Registration-Licensure~~ as a civil engineer with two years of
36 actual broad based progressive experience in land surveying
37 satisfactory to the board.

38 (b) With respect to an applicant for a license as a land surveyor,
39 the board shall count one year of postsecondary education in land
40 surveying as one year of experience in land surveying up to a

1 maximum of four years, provided the applicant has graduated from
 2 the course in land surveying and the curriculum in land surveying
 3 is approved by the board or is accredited by a regional or national
 4 accrediting agency recognized for the purpose by the United States
 5 Office of Education. Each year of study in an approved or an
 6 accredited course in land surveying without graduation shall be
 7 counted the same as one-half year of experience.

8 Each applicant claiming equivalent credit for education may be
 9 required to produce a complete transcript of all college level
 10 courses completed.

11 Until January 1, 2000, the board may, at its discretion, confer
 12 credit as experience in land surveying, not in excess of two years,
 13 for successfully passing the first division of the examination
 14 prescribed in Section ~~8741~~. 8741.1.

15 *SEC. 25. Section 8743 of the Business and Professions Code*
 16 *is amended to read:*

17 8743. The names and addresses of at least four land surveyors
 18 or civil engineers, duly qualified to practice in the place in which
 19 such practice has been conducted, each of whom has sufficient
 20 knowledge of the applicant to enable him *or her* to certify to the
 21 applicant's professional integrity, ability and fitness to receive a
 22 license, shall be submitted with the application for ~~the second~~
 23 ~~division of the examination~~. *a license as a land surveyor.*

24 *SEC. 26. Section 8744 of the Business and Professions Code*
 25 *is amended to read:*

26 8744. The applicant for ~~the second division of the examination~~
 27 *a license as a land surveyor* shall state in his *or her* application
 28 that, should he *or she* be licensed, he *or she* will support the
 29 Constitution of this State and of the United States, and that he *or*
 30 *she* will faithfully discharge the duties of a licensed land surveyor.

31 *SEC. 27. Section 8747 of the Business and Professions Code*
 32 *is amended to read:*

33 8747. Any applicant who has ~~passed the examinations~~ *met the*
 34 *requirements for certification or licensure* prescribed by the board
 35 *under this chapter* shall have a suitable license issued to him or
 36 her.

37 (a) An applicant who has ~~passed the first division of the~~
 38 ~~examination~~ *met the requirements of subdivision (a) and (b) of*
 39 *Section 8741* shall be issued a certificate as a land
 40 surveyor-in-training. ~~No~~ A renewal or other fee, other than the

1 application fee, shall *not* be charged for this certification. This
2 certificate shall become invalid upon the person ~~passing the second~~
3 ~~division of the examination~~ and being issued a license as a land
4 surveyor, as provided in subdivision (b). A land
5 surveyor-in-training certificate shall not authorize the holder thereof
6 to practice or offer to practice land surveying. ~~No~~ A person shall
7 *not* use the title of land surveyor-in-training, or any abbreviation
8 of this title, unless he or she is the holder of a valid land
9 surveyor-in-training certificate.

10 (b) An applicant who has ~~passed the second division of the~~
11 ~~examination~~ *met the requirements of subdivision (d) of Section*
12 *8741* shall be issued a license as a land surveyor. The license shall
13 authorize him or her to practice as a land surveyor.

14 *SEC. 28. Section 8748.5 of the Business and Professions Code*
15 *is amended to read:*

16 8748.5. If an applicant for license as a land surveyor or
17 certification as a land surveyor-in-training is found by the board
18 to lack the qualifications required for ~~admission to the examination~~
19 ~~for~~ such license or certification, the board may, in accordance with
20 the provisions of Section 158 of this code, refund to him *or her*
21 one-half of the amount of his *or her* application fee.

22 ~~SEC. 9.~~

23 *SEC. 29. Section 8802 of the Business and Professions Code*
24 *is amended to read:*

25 8802. Except as otherwise provided in this article, licenses
26 issued under this chapter may be renewed at any time within five
27 years after expiration on filing of application for renewal on a form
28 prescribed by the board and payment of all accrued and unpaid
29 renewal fees. If the license is renewed more than 30 days after its
30 expiration, the licensee, as a condition precedent to renewal, shall
31 also pay the delinquency fee prescribed by this chapter. Renewal
32 under this section shall be effective on the date on which the
33 application is filed, on the date on which the renewal fee is paid,
34 or on the date on which the delinquency fee, if any, is paid,
35 whichever last occurs. If so renewed, the license shall continue in
36 effect through the date provided in Section 8801 which next occurs
37 after the effective date of the renewal, when it shall expire if it is
38 not again renewed.

1 ~~SEC. 10.~~

2 *SEC. 30.* Section 8803 of the Business and Professions Code
3 is amended to read:

4 8803. (a) A license that is not renewed within five years after
5 its expiration may not be renewed, restored, reissued, or reinstated.
6 After five years after expiration, the holder of a license may apply
7 for and obtain a new license subject to the following:

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

10 (2) He or she takes and passes the examination, if any, that
11 would be required if applying for the license for the first time.

12 (b) The board may, by regulation, provide for the waiver or
13 refund of all or any part of the application fee in those cases in
14 which a license is issued without an examination pursuant to this
15 section.

16 ~~SEC. 11.~~

17 *SEC. 31.* Section 8803.1 of the Business and Professions Code
18 is amended to read:

19 8803.1. Once an expired or delinquent license is renewed
20 pursuant to Section 8802, all of the following apply:

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

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

27 (c) The renewal of a license shall not affect liability issues
28 regarding work performed during a period of expiration or
29 delinquency, nor does the fact of performance during a period of
30 expiration or delinquency affect liability issues.

31 *SEC. 32. Section 8805 of the Business and Professions Code*
32 *is amended to read:*

33 8805. The amount of the fees prescribed by this chapter shall
34 be fixed by the board in accordance with the following schedule:

35 (a) The fee for filing each application for licensure as a land
36 surveyor at not more than four hundred dollars (\$400) and for each
37 application for certification as a land surveyor-in-training (LSIT)
38 at not more than one hundred dollars (\$100).

39 (b) The fees to take an examination administered by a public
40 or private organization pursuant to Section 8745 shall be no greater

1 than the actual cost of the development and administration of the
2 examination and may be paid directly to the organization by the
3 applicant.

4 (c) The renewal fee for a land surveyor at not more than ~~the~~
5 ~~application fee.~~ *four hundred dollars (\$400).*

6 (d) The fee for a retired license at not more than 50 percent of
7 the professional land surveyor application fee in effect on the date
8 of application.

9 (e) The delinquency fee at not more than 50 percent of the
10 renewal fee in effect on the date of reinstatement.

11 (f) The board shall establish by regulation an appeal fee for
12 examination. The regulation shall include provisions for an
13 applicant to be reimbursed the appeal fee if the appeal results in
14 passage of examination. The fee shall be no more than the costs
15 incurred by the board.

16 (g) All other document fees are to be set by the board by rule.