

AMENDED IN ASSEMBLY JUNE 21, 2016

AMENDED IN ASSEMBLY MAY 17, 2016

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, 7841, 7841.2, 7842, 7843, 7850, 7850.1, 7850.5, 7852, 7852.1, 7884, 8731, 8740, 8741, 8741.1, 8742, 8743, 8744, 8747, 8748.5, 8802, 8803, 8803.1, and 8805 of the Business and Professions Code, relating to 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, which is within the Department of Consumer Affairs, administers the Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' 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~~ 2nd 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. 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 delete the requirement that an applicant for licensure as a professional engineer pass the first division examination in order to sit for the ~~second~~ 2nd 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 of the certificate of licensure or certificate of authority. The bill would generally prohibit the renewal, restoration, reinstatement, or reissuance of those certificates after 5 years and would authorize the holder of the 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 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, the Geologist and Geophysicist Act, requires an applicant for licensure as a geologist to meet certain requirements, including graduation from a college or university with a major in geological sciences or any other discipline, that in the opinion of the board, is relevant to geology, and 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 also requires an*

*applicant for certification as a geologist-in-training to meet certain requirements, including graduation from a college or university with a major in geological sciences or any other discipline, that in the opinion of the board, is relevant to geology.* 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 allow an applicant for licensure as a ~~geologist~~, *geologist, or for certification as a geologist-in-training*, instead of the ~~above-mentioned applicable graduation requirement, requirement described above~~, to have completed a combination of at least 30 semester hours, or the equivalent, in courses that, in the opinion of the board, are relevant to geology and would require that at least 24 semester hours, or the equivalent, be in upper division or graduate courses. The 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 Professional Land Surveyors' Act requires an applicant for licensure under the act to meet specified requirements, including successfully passing the ~~second~~ *2nd* division of the examination, and requires an applicant for a certificate as a ~~land-surveyor-in-training~~ *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 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 a license after 5 years and 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. 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 licensure under Section 480.  
7 (2) Successfully pass the first division of the examination.  
8 (3) Satisfactorily complete three years or more of postsecondary  
9 engineering education, three years or more of engineering  
10 experience, or a combination of postsecondary education and  
11 experience in engineering totaling three years.  
12 (b) The board need not verify the applicant's eligibility for  
13 certification as an engineer-in-training other than to require the  
14 applicant to sign a statement of eligibility on the application form.

1 (c) The applicant for licensure as a professional engineer shall  
2 comply with all of the following:

3 (1) Not have committed acts or crimes constituting grounds for  
4 denial of licensure under Section 480.

5 (2) Furnish evidence of six years or more of qualifying  
6 experience in engineering work satisfactory to the board evidencing  
7 that the applicant is competent to practice the character of  
8 engineering in the branch for which he or she is applying for  
9 licensure.

10 (3) Be certified as an engineer-in-training in this state, be  
11 certified as an engineer-in-training or engineer intern in another  
12 state or territory of the United States, or be exempt therefrom.

13 (4) Successfully pass the second division of the examination.

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

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

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

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

36 6756. (a) An applicant for certification as an  
37 engineer-in-training shall, upon meeting all of the requirements  
38 prescribed in subdivisions (a) and (b) of Section 6751, be issued  
39 a certificate as an engineer-in-training. A renewal or other fee,  
40 other than the application and examination fees, shall not be

1 charged for this certification. The certificate shall become invalid  
2 when the holder has qualified as a professional engineer as  
3 provided in Section 6762.

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

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

11 SEC. 4. Section 6762 of the Business and Professions Code is  
12 amended to read:

13 6762. Any applicant for licensure as a professional engineer,  
14 upon meeting all of the requirements prescribed in subdivision (c)  
15 of Section 6751 and who has otherwise qualified hereunder as a  
16 professional engineer, shall have a certificate of registration issued  
17 to him or her as a professional engineer in the particular branch  
18 for which he or she is found qualified.

19 SEC. 5. Section 6763.5 of the Business and Professions Code  
20 is amended to read:

21 6763.5. If an applicant for licensure as a professional engineer,  
22 for certification as an engineer-in-training, or for authorization to  
23 use the title “structural engineer” or “soil engineer” is found by  
24 the board to lack the qualifications required for admission to the  
25 examination for such licensure, certification, or authorization, the  
26 board may, in accordance with the provisions of Section 158 of  
27 this code, refund to him or her one-half of the amount of his or her  
28 application fee.

29 SEC. 6. Section 6796 of the Business and Professions Code is  
30 amended to read:

31 6796. Except as otherwise provided in this article, certificates  
32 of registration as a professional engineer and certificates of  
33 authority may be renewed at any time within five years after  
34 expiration on filing of application for renewal on a form prescribed  
35 by the board and payment of all accrued and unpaid renewal fees.  
36 If the certificate is renewed more than 60 days after its expiration,  
37 the certificate holder, as a condition precedent to renewal, shall  
38 also pay the delinquency fee prescribed by this chapter. Renewal  
39 under this section shall be effective on the date on which the  
40 application is filed, on the date on which the renewal fee is paid,

1 or on the date on which the delinquency fee, if any, is paid,  
2 whichever last occurs.

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

5 SEC. 7. Section 6796.3 of the Business and Professions Code  
6 is amended to read:

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

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

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

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

23 SEC. 8. Section 6796.5 of the Business and Professions Code  
24 is amended to read:

25 6796.5. Once an expired or delinquent certificate of registration  
26 or certificate of authority is renewed pursuant to Section 6796, all  
27 of the following shall apply:

28 (a) The board shall continue to have full jurisdiction and  
29 authority over the certificate holder as if the authority had not  
30 expired or become delinquent.

31 (b) The work performed by the certificate holder during a period  
32 of expiration or delinquency shall be deemed lawful and validly  
33 performed as to persons or entities other than the authority holder.

34 (c) The renewal of a registration or certificate of authority shall  
35 not affect liability issues regarding work performed during a period  
36 of expiration or delinquency, nor does the fact of performance  
37 during a period of expiration or delinquency affect liability issues.

38 SEC. 9. Section 6799 of the Business and Professions Code is  
39 amended to read:

1 6799. (a) The amount of the fees prescribed by this chapter  
2 shall be fixed by the board in accordance with the following  
3 schedule:

4 (1) The fee for filing each application for licensure as a  
5 professional engineer and each application for authority level  
6 designation at not more than four hundred dollars (\$400) and for  
7 each application for certification as an engineer-in-training at not  
8 more than one hundred dollars (\$100).

9 (2) The fee to take an examination administered by a public or  
10 private organization pursuant to Section 6754 shall be no greater  
11 than the actual cost of the development and administration of the  
12 examination and may be paid directly to the organization by the  
13 applicant.

14 (3) The renewal fee for each branch of professional engineering  
15 in which licensure is held, and the renewal fee for each authority  
16 level designation held, at no more than four hundred dollars (\$400).

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

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

22 (6) The board shall establish by regulation an appeal fee for  
23 examination. The regulation shall include provisions for an  
24 applicant to be reimbursed the appeal fee if the appeal results in  
25 passage of examination. The fee charged shall be no more than  
26 the costs incurred by the board.

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

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

31 SEC. 10. Section 7835 of the Business and Professions Code  
32 is amended to read:

33 7835. All geologic plans, specifications, reports, or documents  
34 shall be prepared by a professional geologist or licensed certified  
35 specialty geologist, or by a subordinate employee under his or her  
36 direction. In addition, they shall be signed by the professional  
37 geologist or licensed certified specialty geologist and stamped with  
38 his or her seal, both of which shall indicate his or her responsibility  
39 for them.

1 SEC. 11. Section 7835.1 of the Business and Professions Code  
2 is amended to read:

3 7835.1. All geophysical plans, specifications, reports, or  
4 documents shall be prepared by a professional geophysicist,  
5 licensed certified specialty geophysicist, professional geologist,  
6 licensed certified specialty geologist, or by a subordinate employee  
7 under his or her direction. In addition, they shall be signed by the  
8 professional geophysicist, licensed certified specialty geophysicist,  
9 professional geologist, or licensed certified specialty geologist,  
10 and stamped with his or her seal, both of which shall indicate his  
11 or her responsibility for them.

12 SEC. 12. Section 7841 of the Business and Professions Code  
13 is amended to read:

14 7841. An applicant for licensure as a geologist shall have all  
15 the following qualifications:

16 (a) Not have committed any acts or crimes constituting grounds  
17 for denial of licensure under Section 480.

18 (b) Meet either of the following educational requirements  
19 fulfilled at a school or university whose curricula meet criteria  
20 established by rules of the board:

21 (1) Graduation from a college or university with a major in  
22 geological sciences or any other discipline that, in the opinion of  
23 the board, is relevant to geology.

24 (2) Completion of a combination of at least 30 semester hours,  
25 or the equivalent, in courses that, in the opinion of the board, are  
26 relevant to geology. At least 24 semester hours, or the equivalent,  
27 shall be in upper division or graduate courses.

28 (c) Have a documented record of a minimum of five years of  
29 professional geological experience of a character satisfactory to  
30 the board, demonstrating that the applicant is qualified to assume  
31 responsible charge of this work upon licensure as a geologist. This  
32 experience shall be gained under the supervision of a geologist or  
33 geophysicist licensed in this or any other state, or under the  
34 supervision of others who, in the opinion of the board, have the  
35 training and experience to have responsible charge of geological  
36 work. Professional geological work does not include routine  
37 sampling, laboratory work, or geological drafting.

38 Each year of undergraduate study in the geological sciences shall  
39 count as one-half year of training up to a maximum of two years,

1 and each year of graduate study or research counts as a year of  
2 training.

3 Teaching in the geological sciences at college level shall be  
4 credited year for year toward meeting the requirement in this  
5 category, provided that the total teaching experience includes six  
6 semester units per semester, or equivalent if on the quarter system,  
7 of upper division or graduate courses.

8 Credit for undergraduate study, graduate study, and teaching,  
9 individually, or in any combination thereof, shall in no case exceed  
10 a total of three years towards meeting the requirement for at least  
11 five years of professional geological work as set forth above.

12 The ability of the applicant shall have been demonstrated by the  
13 applicant having performed the work in a responsible position, as  
14 the term “responsible position” is defined in regulations adopted  
15 by the board. The adequacy of the required supervision and  
16 experience shall be determined by the board in accordance with  
17 standards set forth in regulations adopted by it.

18 (d) Successfully pass a written examination that incorporates a  
19 national examination for geologists created by a nationally  
20 recognized entity approved by the board, and a supplemental  
21 California specific examination. The California specific  
22 examination shall test the applicant’s knowledge of state laws,  
23 rules and regulations, and of seismicity and geology unique to  
24 practice within this state.

25 *SEC. 13. Section 7841.2 of the Business and Professions Code*  
26 *is amended to read:*

27 7841.2. An applicant for certification as a geologist-in-training  
28 shall comply with all of the following:

29 (a) Not have committed acts or crimes constituting grounds for  
30 denial of certification under Section 480.

31 (b) Successfully pass the Fundamentals of Geology examination.

32 (c) *Meet either of the following education requirements fulfilled*  
33 *at a school or university whose curricula meet criteria established*  
34 *by the rules of the board:*

35 (e)

36 (1) Graduation from a college or university with a major in  
37 geological sciences or any other discipline that, in the opinion of  
38 the board, is relevant to geology.

39 (2) *Completion of a combination of at least 30 semester hours,*  
40 *or the equivalent, in courses that, in the opinion of the board, are*

1 *relevant to geology. At least 24 semester hours, or the equivalent,*  
2 *shall be in upper division or graduate courses.*

3 ~~SEC. 13.~~

4 *SEC. 14.* Section 7842 of the Business and Professions Code  
5 is amended to read:

6 7842. (a) An applicant for certification in a specialty in geology  
7 shall meet all of the requirements of Section 7841, shall be a  
8 geologist licensed under this chapter, and, in addition, his or her  
9 seven years of professional geological work shall include one of  
10 the following:

11 (1) A minimum of three years performed under the supervision  
12 of a geologist certified in the specialty for which the applicant is  
13 seeking certification or under the supervision of a licensed civil  
14 engineer if the applicant is seeking certification as an engineering  
15 geologist, except that prior to July 1, 1970, professional geological  
16 work shall qualify under this subdivision if it is performed under  
17 the supervision of a geologist qualified in the specialty for which  
18 the applicant is seeking certification or under the supervision of a  
19 licensed civil engineer if the applicant is seeking certification as  
20 an engineering geologist.

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

24 (b) In addition to meeting the requirements of subdivision (a),  
25 an applicant for certification in a specialty of geology shall  
26 successfully pass a written examination in that specialty.

27 ~~SEC. 14.~~

28 *SEC. 15.* Section 7843 of the Business and Professions Code  
29 is amended to read:

30 7843. (a) An applicant for certification as a  
31 geologist-in-training shall, upon meeting all the requirements  
32 prescribed in Section 7841.2, be issued a certificate as a  
33 geologist-in-training. A renewal or other fee, other than the  
34 application fee, ~~may~~ *shall* not be charged for this certification. The  
35 certificate shall become invalid when the holder has qualified as  
36 a professional geologist as provided in Section 7841.

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

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

4 ~~SEC. 15.~~

5 *SEC. 16.* Section 7850 of the Business and Professions Code  
6 is amended to read:

7 7850. Any applicant for licensure as a professional geologist  
8 who meets all the requirements prescribed in Section 7841 and  
9 who has otherwise qualified hereunder as a geologist, upon  
10 payment of the registration fee fixed by this chapter, shall have a  
11 certificate of registration issued to him or her as a professional  
12 geologist.

13 ~~SEC. 16.~~

14 *SEC. 17.* Section 7850.1 of the Business and Professions Code  
15 is amended to read:

16 7850.1. Any applicant for licensure as a professional  
17 geophysicist who meets all the requirements prescribed in Section  
18 7841.1 and who has otherwise qualified hereunder as a  
19 geophysicist, upon payment of the registration fee fixed by this  
20 chapter, shall have a certificate of registration issued to him or her  
21 as a professional geophysicist.

22 ~~SEC. 17.~~

23 *SEC. 18.* Section 7850.5 of the Business and Professions Code  
24 is amended to read:

25 7850.5. An applicant for certification as a certified specialty  
26 geologist who meets all the requirements prescribed in Section  
27 7842 and who has otherwise qualified under this chapter in the  
28 specialty, upon payment of the fee fixed by this chapter, shall have  
29 a certificate issued to him or her as a certified specialty geologist.

30 A certificate of certified specialty geologist shall be signed by  
31 the president and executive officer and issued under the seal of  
32 the board.

33 ~~SEC. 18.~~

34 *SEC. 19.* Section 7852 of the Business and Professions Code  
35 is amended to read:

36 7852. (a) Each geologist licensed under this chapter shall,  
37 upon licensure, obtain a seal of the design authorized by the board  
38 bearing the licensee’s name, number of his or her certificate, and  
39 the legend “professional geologist.”

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

6 ~~SEC. 19.~~

7 *SEC. 20.* Section 7852.1 of the Business and Professions Code  
8 is amended to read:

9 7852.1. (a) Each geophysicist licensed under this chapter shall,  
10 upon licensure, obtain a seal of the design authorized by the board  
11 bearing the licensee’s name, number of his or her certificate, and  
12 the legend “professional geophysicist.”

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

18 ~~SEC. 20.~~

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

21 7884. Certificates of licensure as a geologist or as a  
22 geophysicist or certified specialty certificates which are not  
23 renewed within five years after expiration ~~may~~ *shall* not be  
24 renewed, restored, reinstated, or reissued thereafter. The holder of  
25 that certificate may apply for and obtain a new certificate, however,  
26 if:

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

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

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

35 ~~SEC. 21.~~

36 *SEC. 22.* Section 8731 of the Business and Professions Code  
37 is amended to read:

38 8731. A licensed civil engineer and a civil engineer exempt  
39 from licensure under Chapter 7 (commencing with Section 6700)  
40 are exempt from licensing under this chapter and may engage in

1 the practice of land surveying with the same rights and privileges  
2 and the same duties and responsibilities as a licensed land surveyor,  
3 provided that for civil engineers who become licensed after January  
4 1, 1982, they shall obtain a license as a land surveyor under the  
5 provisions of this chapter, before practicing land surveying as  
6 defined in this chapter.

7 ~~SEC. 22.~~

8 *SEC. 23.* Section 8740 of the Business and Professions Code  
9 is amended to read:

10 8740. (a) An application for a certificate as a land  
11 surveyor-in-training or for a license as a land surveyor shall be  
12 made to the board on the form prescribed by it, with all statements  
13 therein made under oath, and shall be accompanied by the fee fixed  
14 by this chapter.

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

19 ~~SEC. 23.~~

20 *SEC. 24.* Section 8741 of the Business and Professions Code  
21 is amended to read:

22 8741. (a) An applicant for certification as a land  
23 surveyor-in-training shall comply with all of the following:

24 (1) Not have committed acts or crimes constituting grounds for  
25 denial of licensure under Section 480.

26 (2) Successfully pass the first division of the examination.

27 (3) Satisfactorily complete two years or more of postsecondary  
28 education in land surveying, two years or more of experience in  
29 land surveying, or a combination of postsecondary education and  
30 experience in land surveying.

31 (b) The board need not verify the applicant's eligibility for  
32 certification as a land surveyor-in-training other than to require  
33 the applicant to sign a statement of eligibility on the application  
34 form.

35 (c) The board may prescribe by regulation reasonable  
36 educational or experience requirements for an applicant to meet  
37 the requirements in paragraph (3) of subdivision (a).

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

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

3 (2) Furnish evidence that he or she meets the requirements of  
4 Section 8742.

5 (3) Successfully passed the second division of the ~~examination~~  
6 *examination*.

7 (4) Be certified as a land surveyor-in-training in this state, be  
8 certified as a land surveyor-in-training or surveyor intern in another  
9 state ~~of~~ *or* territory of the United States, or be exempt therefrom.  
10 An applicant licensed by the board as a civil engineer is exempt  
11 from the requirement of this paragraph.

12 (5) Be thoroughly familiar with (A) the procedure and rules  
13 governing the survey of public lands as set forth in Manual of  
14 Surveying Instructions (2009), published by the federal Bureau of  
15 Land Management, and (B) the principles of real property relating  
16 to boundaries and conveyancing.

17 ~~SEC. 24.~~

18 *SEC. 25.* Section 8741.1 of the Business and Professions Code  
19 is amended to read:

20 8741.1. (a) The first division of the examination shall test the  
21 applicant's fundamental knowledge of surveying, mathematics,  
22 and basic science.

23 (b) The second division of the examination shall test the  
24 applicant's ability to apply his or her knowledge and experience  
25 and to assume responsible charge in the professional practice of  
26 land surveying.

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

35 (c) The board may by rule provide a waiver of the first division  
36 of the examination for applicants whose education and experience  
37 qualifications substantially exceed the requirements of Section  
38 8742.

39 (d) The board may by rule provide for a waiver of the second  
40 division of the examination and the assignment to a special

1 examination for those applicants whose educational qualifications  
2 are equal to, and whose experience qualifications substantially  
3 exceed, those qualifications established under subdivision (c). The  
4 special examination may be either written or oral, or a combination  
5 of both.

6 ~~SEC. 25.~~

7 *SEC. 26.* Section 8742 of the Business and Professions Code  
8 is amended to read:

9 8742. (a) The educational qualifications and experience in  
10 land surveying, which an applicant for a license as a land surveyor  
11 shall possess, shall not be less than one of the following prescribed  
12 criteria:

13 (1) Graduation from a four-year curriculum with an emphasis  
14 in land surveying approved by the board or accredited by a national  
15 or regional accrediting agency recognized by the United States  
16 Office of Education at a postsecondary educational institution and  
17 two years of actual broad based progressive experience in land  
18 surveying, including one year of responsible field training and one  
19 year of responsible office training, satisfactory to the board.

20 (2) Actual broad based progressive experience in land surveying  
21 for at least six years, including one year of responsible field training  
22 and one year of responsible office training, satisfactory to the  
23 board.

24 (3) Licensure as a civil engineer with two years of actual broad  
25 based progressive experience in land surveying satisfactory to the  
26 board.

27 (b) With respect to an applicant for a license as a land surveyor,  
28 the board shall count one year of postsecondary education in land  
29 surveying as one year of experience in land surveying up to a  
30 maximum of four years, provided the applicant has graduated from  
31 the course in land surveying and the curriculum in land surveying  
32 is approved by the board or is accredited by a regional or national  
33 accrediting agency recognized for the purpose by the United States  
34 Office of Education. Each year of study in an approved or an  
35 accredited course in land surveying without graduation shall be  
36 counted the same as one-half year of experience.

37 Each applicant claiming equivalent credit for education may be  
38 required to produce a complete transcript of all college level  
39 courses completed.

1 Until January 1, 2000, the board may, at its discretion, confer  
2 credit as experience in land surveying, not in excess of two years,  
3 for successfully passing the first division of the examination  
4 prescribed in Section 8741.1.

5 ~~SEC. 26.~~

6 *SEC. 27.* Section 8743 of the Business and Professions Code  
7 is amended to read:

8 8743. The names and addresses of at least four land surveyors  
9 or civil engineers, duly qualified to practice in the place in which  
10 such practice has been conducted, each of whom has sufficient  
11 knowledge of the applicant to enable him or her to certify to the  
12 applicant's professional integrity, ability and fitness to receive a  
13 license, shall be submitted with the application for a license as a  
14 land surveyor.

15 ~~SEC. 27.~~

16 *SEC. 28.* Section 8744 of the Business and Professions Code  
17 is amended to read:

18 8744. The applicant for a license as a land surveyor shall state  
19 in his or her application that, should he or she be licensed, he or  
20 she will support the Constitution of this State and of the United  
21 States, and that he or she will faithfully discharge the duties of a  
22 licensed land surveyor.

23 ~~SEC. 28.~~

24 *SEC. 29.* Section 8747 of the Business and Professions Code  
25 is amended to read:

26 8747. Any applicant who has met the requirements for  
27 certification or licensure prescribed by the board under this chapter  
28 shall have a suitable license issued to him or her.

29 (a) An applicant who has met the requirements of subdivision  
30 (a) and (b) of Section 8741 shall be issued a certificate as a land  
31 surveyor-in-training. A renewal or other fee, other than the  
32 application fee, shall not be charged for this certification. This  
33 certificate shall become invalid upon the person being issued a  
34 license as a land surveyor, as provided in subdivision (b). A land  
35 surveyor-in-training certificate shall not authorize the holder thereof  
36 to practice or offer to practice land surveying. A person shall not  
37 use the title of land surveyor-in-training, or any abbreviation of  
38 this title, unless he or she is the holder of a valid land  
39 surveyor-in-training certificate.

1 (b) An applicant who has met the requirements of subdivision  
2 (d) of Section 8741 shall be issued a license as a land surveyor.  
3 The license shall authorize him or her to practice as a land surveyor.

4 ~~SEC. 29.~~

5 *SEC. 30.* Section 8748.5 of the Business and Professions Code  
6 is amended to read:

7 8748.5. If an applicant for license as a land surveyor or  
8 certification as a land surveyor-in-training is found by the board  
9 to lack the qualifications required for such license or certification,  
10 the board may, in accordance with the provisions of Section 158  
11 of this code, refund to him or her one-half of the amount of his or  
12 her application fee.

13 ~~SEC. 30.~~

14 *SEC. 31.* Section 8802 of the Business and Professions Code  
15 is amended to read:

16 8802. Except as otherwise provided in this article, licenses  
17 issued under this chapter may be renewed at any time within five  
18 years after expiration on filing of application for renewal on a form  
19 prescribed by the board and payment of all accrued and unpaid  
20 renewal fees. If the license is renewed more than 30 days after its  
21 expiration, the licensee, as a condition precedent to renewal, shall  
22 also pay the delinquency fee prescribed by this chapter. Renewal  
23 under this section shall be effective on the date on which the  
24 application is filed, on the date on which the renewal fee is paid,  
25 or on the date on which the delinquency fee, if any, is paid,  
26 whichever last occurs. If so renewed, the license shall continue in  
27 effect through the date provided in Section 8801 which next occurs  
28 after the effective date of the renewal, when it shall expire if it is  
29 not again renewed.

30 ~~SEC. 31.~~

31 *SEC. 32.* Section 8803 of the Business and Professions Code  
32 is amended to read:

33 8803. (a) A license that is not renewed within five years after  
34 its expiration ~~may~~ *shall* not be renewed, restored, reissued, or  
35 reinstated. After five years after expiration, the holder of a license  
36 may apply for and obtain a new license subject to the following:

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

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

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

5 ~~SEC. 32.~~

6 *SEC. 33.* Section 8803.1 of the Business and Professions Code  
7 is amended to read:

8 8803.1. Once an expired or delinquent license is renewed  
9 pursuant to Section 8802, all of the following apply:

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

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

16 (c) The renewal of a license shall not affect liability issues  
17 regarding work performed during a period of expiration or  
18 delinquency, nor does the fact of performance during a period of  
19 expiration or delinquency affect liability issues.

20 ~~SEC. 33.~~

21 *SEC. 34.* Section 8805 of the Business and Professions Code  
22 is amended to read:

23 8805. The amount of the fees prescribed by this chapter shall  
24 be fixed by the board in accordance with the following schedule:

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

29 (b) The fees to take an examination administered by a public  
30 or private organization pursuant to Section 8745 shall be no greater  
31 than the actual cost of the development and administration of the  
32 examination and may be paid directly to the organization by the  
33 applicant.

34 (c) The renewal fee for a land surveyor at not more than four  
35 hundred dollars (\$400).

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

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

1 (f) The board shall establish by regulation an appeal fee for  
 2 examination. The regulation shall include provisions for an  
 3 applicant to be reimbursed the appeal fee if the appeal results in  
 4 passage of examination. The fee shall be no more than the costs  
 5 incurred by the board.

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

7

8

9 CORRECTIONS: \_\_\_\_\_

10 Amended Date—Page 1.

11 \_\_\_\_\_