

AMENDED IN SENATE JANUARY 4, 2012

AMENDED IN SENATE AUGUST 22, 2011

SENATE BILL

No. 692

Introduced by Senator Walters

February 18, 2011

An act to amend Sections 6704, 6706.3, 6730, 6737.3, 6738, 6740, 6741, and 6787 of, to add Sections 6702.3, 6702.4, 6702.5, 6702.6, 6702.7, 6702.8, 6702.9, 6702.10, 6702.11, 6730.6, 6730.7, and 6731.7 to, and to repeal Section 6704.1 of, the Business and Professions Code, relating to engineers, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 692, as amended, Walters. Professional engineers.

Existing law establishes the Board for Professional Engineers and Land Surveyors in the Department of Consumer Affairs. Existing law recognizes various engineering disciplines. Existing law prohibits the practicing of civil, electrical, and mechanical engineering by any person who has not passed a specified examination and who is not appropriately licensed by the board in that discipline. Existing law makes various violations of the Professional Engineers Act a crime, including the practice or offer to practice by a person of civil, electrical, or mechanical engineering without authorization as provided by the act.

This bill would prohibit the practice of agricultural, chemical, control system, fire protection, industrial, metallurgical, nuclear, petroleum, and traffic engineering, as defined, by any person who has not passed a specified examination and who is not appropriately licensed by the board in the particular discipline. The bill would authorize any licensed engineer to practice engineering work in any of those fields in which

he or she is competent and proficient. The bill would make other changes to related provisions.

By revising the definition of a crime to include additional engineering disciplines, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Section 6702.3 is added to the Business and
2 Professions Code, to read:

3 6702.3. "Chemical engineer" as used in this chapter means a
4 professional engineer in the branch of chemical engineering and
5 refers to one who practices or offers to practice chemical
6 engineering in any of its phases.

7 SEC. 2. Section 6702.4 is added to the Business and Professions
8 Code, to read:

9 6702.4. "Control system engineer" as used in this chapter
10 means a professional engineer in the branch of control system
11 engineering and refers to one who practices or offers to practice
12 control system engineering in any of its phases.

13 SEC. 3. Section 6702.5 is added to the Business and Professions
14 Code, to read:

15 6702.5. "Fire protection engineer" means a professional
16 engineer in the branch of fire protection engineering and refers to
17 one who practices or offers to practice fire protection engineering
18 in any of its phases.

19 SEC. 4. Section 6702.6 is added to the Business and Professions
20 Code, to read:

21 6702.6. "Nuclear engineer" means a professional engineer in
22 the branch of nuclear engineering and refers to one who practices
23 or offers to practice nuclear engineering in any of its phases.

SEC. 5. Section 6702.7 is added to the Business and Professions Code, to read:

6702.7. "Petroleum engineer" means a professional engineer in the branch of petroleum engineering and refers to one who practices or offers to practice petroleum engineering in any of its phases.

SEC. 6. Section 6702.8 is added to the Business and Professions Code, to read:

6702.8. "Traffic engineer" means a professional engineer in the branch of traffic engineering and refers to one who practices or offers to practice traffic engineering in any of its phases.

SEC. 7. Section 6702.9 is added to the Business and Professions Code, to read:

6702.9. "Agricultural engineer" means a professional engineer in the branch of agricultural engineering and refers to one who practices or offers to practice agricultural engineering in any of its phases.

SEC. 8. Section 6702.10 is added to the Business and Professions Code, to read:

6702.10. "Industrial engineer" means a professional engineer in the branch of industrial engineering and refers to one who practices or offers to practice industrial engineering in any of its phases.

SEC. 9. Section 6702.11 is added to the Business and Professions Code, to read:

6702.11. "Metallurgical engineer" means a professional engineer in the branch of metallurgical engineering and refers to one who practices or offers to practice metallurgical engineering in any of its phases.

SEC. 10. Section 6704 of the Business and Professions Code is amended to read:

6704. (a) In order to safeguard life, health, property, and public welfare, no person shall practice agricultural, chemical, civil, control system, electrical, fire protection, industrial, mechanical, metallurgical, nuclear, petroleum, or traffic engineering unless appropriately licensed or specifically exempted from licensure under this chapter, and only persons licensed under this chapter shall be entitled to take and use the titles "consulting engineer," "professional engineer," "licensed engineer," or "registered engineer," or any combination of those titles or abbreviations

1 thereof, and according to licensure with the board the engineering
2 branch titles specified in Section 6732, or the authority titles
3 specified in Sections 6736 and 6736.1, or the title
4 “engineer-in-training.”

5 (b) The provisions of this section shall not prevent the use of
6 the title “consulting engineer” by a person who has qualified for
7 and maintained exemption for using that title under the provisions
8 of Section 6732.1, or by a person licensed as a photogrammetric
9 surveyor.

10 SEC. 11. Section 6704.1 of the Business and Professions Code
11 is repealed.

12 SEC. 12. Section 6706.3 of the Business and Professions Code
13 is amended to read:

14 6706.3. Any reference in any law or regulation to a registered
15 engineer, or to a registered agricultural, chemical, civil, control
16 system, electrical, fire protection, industrial, mechanical,
17 metallurgical, nuclear, petroleum, or traffic engineer, is deemed
18 to refer to a licensed engineer, or to a licensed agricultural,
19 chemical, civil, control system, electrical, fire protection, industrial,
20 mechanical, metallurgical, nuclear, petroleum, or traffic engineer,
21 as the case may be.

22 SEC. 13. Section 6730 of the Business and Professions Code
23 is amended to read:

24 6730. In order to safeguard life, health, property and public
25 welfare, any person, either in a public or private capacity, except
26 as in this chapter specifically excepted, who practices, or offers to
27 practice, agricultural engineering, chemical engineering, civil
28 engineering, control system engineering, electrical engineering,
29 fire protection engineering, industrial engineering, mechanical
30 engineering, metallurgical engineering, nuclear engineering,
31 petroleum engineering, or traffic engineering in any of its branches
32 in this state, including any person employed by the State of
33 California, or any city, county, or city and county, who practices
34 engineering, shall submit evidence that he or she is qualified to
35 practice, and shall be licensed accordingly as an agricultural
36 engineer, chemical engineer, civil engineer, control system
37 engineer, electrical engineer, fire protection engineer, industrial
38 engineer, mechanical engineer, metallurgical engineer, nuclear
39 engineer, petroleum engineer, or traffic engineer by the board.

SEC. 14. Section 6730.6 is added to the Business and Professions Code, to read:

6730.6. A professional engineer may practice engineering work only in the field or fields in which he or she is by education or experience competent and proficient.

SEC. 15. Section 6730.7 is added to the Business and Professions Code, to read:

6730.7. (a) Subject to Section 6730.6, any engineer who holds a valid license may practice without limitation or restriction in the following practice areas: agricultural engineering, chemical engineering, civil engineering, control system engineering, *electrical engineering*, fire protection engineering, industrial engineering, mechanical engineering, metallurgical engineering, nuclear engineering, petroleum engineering, and traffic engineering.

(b) No local agency, including a city, county, city and county, special district, or joint powers authority, may impose a requirement that limits or restricts a licensed engineer's ability to practice engineering in or before the local agency in any manner that conflicts with the provisions of this chapter.

SEC. 16. Section 6731.7 is added to the Business and Professions Code, to read:

6731.7. The *definitions of civil, electrical, and mechanical engineering, and the following definitions*, may not be construed as regulating any generally recognized profession other than professional engineering, even when the duties and practices of the generally recognized profession overlap the duties and practices defined in this section:

(a) "Agricultural engineering" is that branch of professional engineering that requires such education and experience as is necessary to understand and apply engineering principles to the design, construction, and use of specialized equipment, machines, structures, and materials relating to the agricultural industry, the economy, food safety, and the environment. It requires knowledge of the engineering sciences relating to, and the effect on food safety and the environment from, the following: physical and biological properties of, and processing of, foods and fibers; atmospheric phenomena as they are related to agricultural operations; drainage and farm water discharge; soil dynamics as related to traction, tillage, and plant-soil-water relationships; human factors relative

1 to safe design and use of agricultural machines; and the safe and
2 proper application and use of agricultural chemicals.

3 A person practices agricultural engineering when he or she
4 professes to be an agricultural engineer or is in responsible charge
5 of agricultural engineering work.

6 (b) “Chemical engineering” is that branch of professional
7 engineering that embraces studies or activities relating to the
8 development and application of processes in which chemical or
9 physical changes of materials are involved. These processes are
10 usually resolved into a coordinated series of unit physical
11 operations and unit chemical processes. It is concerned with the
12 research, design, production, operational, organizational, and
13 economic aspects of the above.

14 A person practices chemical engineering when he or she
15 professes to be a chemical engineer or is in responsible charge of
16 chemical engineering work.

17 (c) “Control system engineering” is that branch of professional
18 engineering that requires such education and experience as is
19 necessary to understand the science of instrumentation and
20 automatic control of dynamic processes, and requires the ability
21 to apply this knowledge to the planning, development, operation,
22 and evaluation of systems of control so as to ensure the safety and
23 practical operability of those processes.

24 A person practices control system engineering when he or she
25 professes to be a control system engineer or is in responsible charge
26 of control system engineering work.

27 (d) “Fire protection engineering” is that branch of professional
28 engineering that requires such education and experience as is
29 necessary to understand the engineering principles relating to the
30 safeguarding of life and property from fire, fire-related hazards,
31 and explosions. It requires the ability to apply this knowledge to
32 the identification, evaluation, correction, or prevention of present
33 or potential fire, fire-related explosion hazards, and any resultant
34 panic therefrom, in buildings, groups of buildings, or communities.
35 It includes the arrangement and use of appropriate safeguards, and
36 executing the engineering design for fire-resistant building
37 materials and fire detection and alarm, smoke control, egress and
38 fire-suppression systems, fire-suppression water supply, and other
39 devices and apparatus in order to protect life and property.

1 A person practices fire protection engineering when he or she
2 professes to be a fire protection engineer or is in responsible charge
3 of fire protection engineering work.

4 (e) “Industrial engineering” is that branch of professional
5 engineering that requires such education and experience as is
6 necessary to investigate, design, and evaluate systems of persons,
7 materials, and facilities for the purpose of economical and efficient
8 production, use, and distribution. It requires the application of
9 specialized engineering knowledge of the mathematical and
10 physical sciences, together with the principles and methods of
11 engineering analysis and design to specify, predict, and evaluate
12 the results to be obtained from those systems.

13 A person practices industrial engineering when he or she
14 professes to be an industrial engineer or is in responsible charge
15 of industrial engineering work.

16 (f) “Metallurgical engineering” is that branch of professional
17 engineering that requires such education and experience as is
18 necessary to seek, understand, and apply the principles of the
19 properties and behavior of metals in solving engineering problems
20 dealing with the research, development, and application of metals
21 and alloys, and the manufacturing practices of extracting, refining,
22 and processing of metals.

23 A person practices metallurgical engineering when he or she
24 professes to be a metallurgical engineer or is in responsible charge
25 of metallurgical engineering work.

26 (g) “Nuclear engineering” is that branch of professional
27 engineering that requires such education and experience as is
28 necessary to apply the principles of nuclear physics to the
29 engineering utilization of nuclear phenomena for the benefit of
30 mankind, and that is also concerned with the protection of the
31 public from the potential hazards of radiation and radioactive
32 materials. Nuclear engineering is primarily concerned with the
33 interaction of radiation and nuclear particles with matter. Nuclear
34 engineering requires the application of specialized knowledge of
35 the mathematical and physical sciences, together with the principles
36 and methods of engineering design and nuclear analysis to specify,
37 predict, and evaluate the behavior of systems involving nuclear
38 reactions, and to ensure the safe, efficient operation of these
39 systems, and their nuclear products and byproducts. Nuclear
40 engineering encompasses, but is not limited to, the planning and

1 design of the specialized equipment and process systems of nuclear
2 reactor facilities, and the protection of the public from any
3 hazardous radiation produced in the entire nuclear reaction process.
4 These activities include all aspects of the manufacture,
5 transportation, and use of radioactive materials.

6 A person practices nuclear engineering when he or she professes
7 to be a nuclear engineer or is in responsible charge of nuclear
8 engineering work.

9 (h) “Petroleum engineering” is that branch of professional
10 engineering that embraces studies or activities relating to the
11 exploration, exploitation, location, and recovery of natural fluid
12 hydrocarbons. It is concerned with research, design, production,
13 and operation of devices and the economic aspects of the above.

14 A person practices petroleum engineering when he or she
15 professes to be a petroleum engineer or is in responsible charge
16 of petroleum engineering work.

17 (i) “Traffic engineering” is that branch of professional
18 engineering that requires such education and experience as is
19 necessary to understand the science of measuring traffic and travel
20 and the human factors relating to traffic generation and flow, and
21 requires the ability to apply this knowledge to planning, operation,
22 design, and evaluation of streets and highways and their networks,
23 abutting lands, and interrelationships with other modes of travel,
24 and to provide safe and efficient movement of people and goods.

25 A person practices traffic engineering when he or she professes
26 to be a traffic engineer or is in responsible charge of traffic
27 engineering work.

28 (j) As it applies to the engineering branch disciplines in this
29 section, all engineering plans, specifications, calculations, and
30 reports (hereafter documents) prepared by, or under the responsible
31 charge of, a licensed engineer in the appropriate engineering branch
32 shall include his or her name and license number. Interim
33 documents shall include a notation as to the intended purpose of
34 the document, such as “preliminary,” “not for construction,” “for
35 plan check only,” or “for review only.” All engineering plans and
36 specifications that are permitted or that are to be released for
37 construction shall bear the signature and seal or stamp of the
38 licensee, the date of signing and sealing or stamping, and the
39 expiration date of the license. All final engineering calculations
40 and reports shall bear the signature and seal or stamp of the

licensee, the date of signing and sealing or stamping, and the expiration date of the license. If engineering plans are required to be signed and sealed or stamped and have multiple sheets, the signature, seal or stamp, date of signing and sealing or stamping, and expiration date of the license shall appear on each sheet of the plans. If engineering specifications, calculations, and reports are required to be signed and sealed or stamped and have multiple pages, the signature, seal or stamp, date of signing and sealing or stamping, and expiration date of the license shall appear at a minimum on the title sheet, cover sheet, or signature sheet.

(k) Notwithstanding subdivision (j), a licensed engineer who signs engineering documents shall not be responsible for damage caused by subsequent changes to or uses of those documents, if the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the licensed engineer who originally signed the documents, provided that the engineering service rendered by the licensed engineer who signed the documents was not also a proximate cause of the damage.

SEC. 17. Section 6737.3 of the Business and Professions Code is amended to read:

6737.3. (a) A contractor licensed under Chapter 9 (commencing with Section 7000) of Division 3 is exempt from the provisions of this chapter relating to the practice of control system, electrical, fire protection, or mechanical engineering so long as the services he or she holds himself or herself out as able to perform or does perform, which services are subject to the provisions of this chapter, are performed by, or under the responsible charge of a registered control system, electrical, fire protection, or mechanical engineer insofar as the control system, electrical, fire protection, or mechanical engineer practices the branch of engineering for which he or she is licensed.

(b) This section shall not prohibit a licensed contractor, while engaged in the business of contracting for the installation of control system, electrical, fire protection, or mechanical systems or facilities, from designing those systems or facilities in accordance with applicable construction codes and standards for work to be performed and supervised by that contractor within the classification for which his or her license is issued, or from preparing control system, electrical, fire protection, or mechanical

1 shop or field drawings for work which he or she has contracted to
2 perform. Nothing in this section is intended to imply that a licensed
3 contractor may design work that is to be installed by another
4 person.

5 SEC. 18. Section 6738 of the Business and Professions Code,
6 as amended by Section 1 of Chapter 634 of the Statutes of 2010,
7 is amended to read:

8 6738. (a) As used in this section, “professional engineering
9 services” means agricultural, chemical, civil, control system,
10 electrical, fire protection, industrial, mechanical, metallurgical,
11 nuclear, petroleum, or traffic engineering services.

12 (b) This chapter does not prohibit one or more agricultural,
13 chemical, civil, control system, electrical, fire protection, industrial,
14 mechanical, metallurgical, nuclear, petroleum, or traffic engineers
15 from practicing or offering to practice, within the scope of their
16 license, agricultural, chemical, civil, control system, electrical, fire
17 protection, industrial, mechanical, metallurgical, nuclear,
18 petroleum, or traffic engineering as a sole proprietorship,
19 partnership, limited liability partnership, firm, or corporation
20 (hereafter called business), as long as all of the following
21 requirements are met:

22 (1) An agricultural, chemical, civil, control system, electrical,
23 fire protection, industrial, mechanical, metallurgical, nuclear,
24 petroleum, or traffic engineer currently licensed in this state is an
25 owner, part owner, partner, or officer in charge of the engineering
26 practice of the business.

27 (2) All professional engineering services are performed by, or
28 under the responsible charge of, a licensed engineer in the
29 appropriate branch of professional engineering.

30 (3) The business name of a California business contains only
31 the name of a person who is licensed by the board in a branch of
32 professional engineering, a licensed land surveyor, a licensed
33 architect, or a geologist registered under the Geologist and
34 Geophysicist Act (Chapter 12.5 (commencing with Section 7800)).
35 Any offer, promotion, or advertisement by the business that
36 contains the name of any individual in the business, other than by
37 use of the name of an individual in the business name, shall clearly
38 and specifically designate the license or registration discipline of
39 each individual named.

1 (c) An out-of-state business with a branch office in this state
2 shall meet the requirements of subdivision (b) and shall have a
3 part owner or officer who is in charge of the engineering work in
4 the branch in this state, who is licensed in this state, and who is
5 physically present at the branch office in this state on a regular
6 basis. However, the name of the business may contain the name
7 of any person not licensed in this state if that person is
8 appropriately registered or licensed in another state. Any offer,
9 promotion, or advertisement that contains the name of any
10 individual in the business, other than by use of the names of the
11 individuals in the business name, shall clearly and specifically
12 designate the license or registration discipline of each individual
13 named.

14 (d) A fictitious name may be used if (1) the name does not
15 conflict with paragraph (3) of subdivision (b) requiring that names
16 used in the business shall be appropriately licensed or registered
17 individuals and (2) an organization record form is filed with the
18 board.

19 (e) A person not licensed under this chapter may also be a part
20 owner or an officer of an agricultural, chemical, civil, control
21 system, electrical, fire protection, industrial, mechanical,
22 metallurgical, nuclear, petroleum, or traffic engineering business
23 if the requirements of subdivision (b) are met. Nothing in this
24 section shall be construed to permit a person who is not licensed
25 under this chapter to be the sole owner of an agricultural, chemical,
26 civil, control system, electrical, fire protection, industrial,
27 mechanical, metallurgical, nuclear, petroleum, or traffic
28 engineering business, unless otherwise exempt under this chapter.

29 (f) This chapter does not prevent an individual or business
30 engaged in any line of endeavor other than the practice of
31 agricultural, chemical, civil, control system, electrical, fire
32 protection, industrial, or mechanical engineering from employing
33 or contracting with a licensed civil, electrical, ~~or~~ mechanical,
34 metallurgical, nuclear, petroleum, or traffic engineer to perform
35 the respective engineering services incidental to the conduct of
36 business.

37 (g) This section shall not prevent the use of the name of any
38 business engaged in rendering professional engineering services,
39 including the use by any lawful successor or survivor, that lawfully
40 was in existence on December 31, 1987. However, the business

1 is subject to paragraphs (1) and (2) of subdivision (b) and the
2 business shall file an organization record form with the board as
3 designated by board rule.

4 (h) A business engaged in rendering professional engineering
5 services may use in its name the name of a deceased or retired
6 person provided all of the following conditions are satisfied:

7 (1) The person's name had been used in the name of the
8 business, or a predecessor in interest of the business, prior to and
9 after the death or retirement of the person.

10 (2) The person shall have been an owner, part owner, or officer
11 of the business, or an owner, part owner, or officer of the
12 predecessor in interest of the business.

13 (3) The person shall have been licensed as a professional
14 engineer, or a land surveyor, or an architect, or a geologist, (A) by
15 the appropriate licensing board if that person is operating a place
16 of business or practice in this state, or (B) by the applicable state
17 board if no place of business existed in this state.

18 (4) The person, if retired, has consented to the use of the name
19 and does not permit the use of the name in the title of another
20 professional engineering business in this state during the period
21 of the consent. However, the retired person may use his or her
22 name as the name of a new or purchased business if it is not
23 identical in every respect to that person's name as used in the
24 former business.

25 (5) The business shall be subject to the provisions of paragraphs
26 (1) and (2) of subdivision (b).

27 (6) The business files a current organization record form with
28 the board.

29 (i) This section does not affect the provisions of Sections 6731.2
30 and 8726.1.

31 (j) All businesses engaged in rendering professional engineering
32 services shall file a current organization record form with the board.

33 (k) This section shall remain in effect only until January 1, 2016,
34 and as of that date is repealed, unless a later enacted statute, that
35 is enacted before January 1, 2016, deletes or extends that date.

36 SEC. 19. Section 6738 of the Business and Professions Code,
37 as added by Section 2 of Chapter 634 of the Statutes of 2010, is
38 amended to read:

39 6738. (a) As used in this section, "professional engineering
40 services" means agricultural, chemical, civil, control system,

1 electrical, fire protection, industrial, mechanical, metallurgical,
2 nuclear, petroleum, or traffic engineering services.

3 (b) This chapter does not prohibit one or more agricultural,
4 chemical, civil, control system, electrical, fire protection, industrial,
5 mechanical, metallurgical, nuclear, petroleum, or traffic engineers
6 from practicing or offering to practice within the scope of their
7 license civil (including geotechnical and structural), electrical, or
8 mechanical engineering as a sole proprietorship, partnership, firm,
9 or corporation (hereafter called business), as long as all of the
10 following requirements are met:

11 (1) An agricultural, chemical, civil, control system, electrical,
12 fire protection, industrial, mechanical, metallurgical, nuclear,
13 petroleum, or traffic engineer currently licensed in this state is an
14 owner, part owner, partner, or officer in charge of the engineering
15 practice of the business.

16 (2) All professional engineering services are performed by, or
17 under the responsible charge of, a licensed engineer in the
18 appropriate branch of professional engineering.

19 (3) The business name of a California business contains only
20 the name of a person who is licensed by the board in a branch of
21 professional engineering, a licensed land surveyor, a licensed
22 architect, or a geologist registered under the Geologist and
23 Geophysicist Act (Chapter 12.5 (commencing with Section 7800)).
24 Any offer, promotion, or advertisement by the business that
25 contains the name of any individual in the business, other than by
26 use of the name of an individual in the business name, shall clearly
27 and specifically designate the license or registration discipline of
28 each individual named.

29 (c) An out-of-state business with a branch office in this state
30 shall meet the requirements of subdivision (a) and shall have a
31 part owner or officer who is in charge of the engineering work in
32 the branch in this state, who is licensed in this state, and who is
33 physically present at the branch office in this state on a regular
34 basis. However, the name of the business may contain the name
35 of any person not licensed in this state if that person is
36 appropriately registered or licensed in another state. Any offer,
37 promotion, or advertisement that contains the name of any
38 individual in the business, other than by use of the names of the
39 individuals in the business name, shall clearly and specifically

1 designate the license or registration discipline of each individual
2 named.

3 (d) A fictitious name may be used if (1) the name does not
4 conflict with paragraph (3) of subdivision (b) requiring that names
5 used in the business shall be appropriately licensed or registered
6 individuals and (2) an organization record form is filed with the
7 board.

8 (e) A person not licensed under this chapter may also be a part
9 owner or an officer of an agricultural, chemical, civil, control
10 system, electrical, fire protection, industrial, mechanical,
11 metallurgical, nuclear, petroleum, or traffic engineering business
12 if the requirements of subdivision (b) are met. Nothing in this
13 section shall be construed to permit a person who is not licensed
14 under this chapter to be the sole owner of an agricultural, chemical,
15 civil, control system, electrical, fire protection, industrial,
16 mechanical, metallurgical, nuclear, petroleum, or traffic
17 engineering business, unless otherwise exempt under this chapter.

18 (f) This chapter does not prevent an individual or business
19 engaged in any line of endeavor other than the practice of
20 agricultural, chemical, civil, control system, electrical, fire
21 protection, industrial, mechanical, metallurgical, nuclear,
22 petroleum, or traffic engineering from employing or contracting
23 with a licensed agricultural, chemical, civil, control system,
24 electrical, fire protection, industrial, mechanical, metallurgical,
25 nuclear, petroleum, or traffic engineer to perform the respective
26 engineering services incidental to the conduct of business.

27 (g) This section shall not prevent the use of the name of any
28 business engaged in rendering professional engineering services,
29 including the use by any lawful successor or survivor, that lawfully
30 was in existence on December 31, 1987. However, the business
31 is subject to paragraphs (1) and (2) of subdivision (b) and the
32 business shall file an organization record form with the board as
33 designated by board rule.

34 (h) A business engaged in rendering professional engineering
35 services may use in its name the name of a deceased or retired
36 person provided all of the following conditions are satisfied:

37 (1) The person's name had been used in the name of the
38 business, or a predecessor in interest of the business, prior to and
39 after the death or retirement of the person.

1 (2) The person shall have been an owner, part owner, or officer
2 of the business, or an owner, part owner, or officer of the
3 predecessor in interest of the business.

4 (3) The person shall have been licensed as a professional
5 engineer, or a land surveyor, or an architect, or a geologist, (A) by
6 the appropriate licensing board if that person is operating a place
7 of business or practice in this state, or (B) by the applicable state
8 board if no place of business existed in this state.

9 (4) The person, if retired, has consented to the use of the name
10 and does not permit the use of the name in the title of another
11 professional engineering business in this state during the period
12 of the consent. However, the retired person may use his or her
13 name as the name of a new or purchased business if it is not
14 identical in every respect to that person's name as used in the
15 former business.

16 (5) The business shall be subject to the provisions of paragraphs
17 (1) and (2) of subdivision (b).

18 (6) The business files a current organization record form with
19 the board.

20 (i) This section does not affect the provisions of Sections 6731.2
21 and 8726.1.

22 (j) A current organization record form shall be filed with the
23 board for all businesses engaged in rendering civil, electrical, or
24 mechanical engineering services.

25 (k) This section shall become operative on January 1, 2016.

26 SEC. 20. Section 6740 of the Business and Professions Code
27 is amended to read:

28 6740. A subordinate to an agricultural, chemical, civil, control
29 system, electrical, fire protection, industrial, mechanical,
30 metallurgical, nuclear, petroleum, or traffic engineer licensed under
31 this chapter, or a subordinate to an agricultural, chemical, civil,
32 control system, electrical, fire protection, industrial, mechanical,
33 metallurgical, nuclear, petroleum, or traffic engineer exempted
34 from licensure under this chapter, insofar as he or she acts solely
35 in that capacity, is exempt from licensure under the provisions of
36 this chapter. This exemption, however, does not permit the
37 subordinate to practice agricultural, chemical, civil, control system,
38 electrical, fire protection, industrial, mechanical, metallurgical,
39 nuclear, petroleum, or traffic engineering in his or her own right
40 or to use the titles listed in Sections 6732, 6736, and 6736.1.

1 SEC. 21. Section 6741 of the Business and Professions Code
2 is amended to read:

3 6741. Any person, firm, partnership, or corporation is exempt
4 from licensure under the provisions of this chapter who meets all
5 the following:

6 (a) Is a nonresident of the State of California.

7 (b) Is legally qualified in another state to practice as an
8 agricultural, chemical, civil, control system, electrical, fire
9 protection, industrial, mechanical, metallurgical, nuclear,
10 petroleum, or traffic engineer.

11 (c) Does not maintain a regular place of business in this state.

12 (d) Offers to but does not practice agricultural, chemical, civil,
13 control system, electrical, fire protection, industrial, mechanical,
14 metallurgical, nuclear, petroleum, or traffic engineering in this
15 state.

16 SEC. 22. Section 6787 of the Business and Professions Code
17 is amended to read:

18 6787. Every person is guilty of a misdemeanor:

19 (a) Who, unless he or she is exempt from licensure under this
20 chapter, practices or offers to practice agricultural, chemical, civil,
21 control system, electrical, fire protection, industrial, mechanical,
22 metallurgical, nuclear, petroleum, or traffic engineering in this
23 state according to the provisions of this chapter without legal
24 authorization.

25 (b) Who presents or attempts to file as his or her own the
26 certificate of licensure of a licensed professional engineer unless
27 he or she is the person named on the certificate of licensure.

28 (c) Who gives false evidence of any kind to the board, or to any
29 member thereof, in obtaining a certificate of licensure.

30 (d) Who impersonates or uses the seal of a licensed professional
31 engineer.

32 (e) Who uses an expired, suspended, surrendered, or revoked
33 certificate issued by the board.

34 (f) Who represents himself or herself as, or uses the title of, a
35 licensed or registered agricultural, chemical, civil, control system,
36 electrical, fire protection, industrial, mechanical, metallurgical,
37 nuclear, petroleum, or traffic engineer, or any other title whereby
38 that person could be considered as practicing or offering to practice
39 agricultural, chemical, civil, control system, electrical, fire
40 protection, industrial, mechanical, metallurgical, nuclear,

1 petroleum, or traffic engineering in any of its branches, unless he
2 or she is correspondingly qualified by licensure as an agricultural,
3 chemical, civil, control system, electrical, fire protection, industrial,
4 mechanical, metallurgical, nuclear, petroleum, or traffic engineer
5 under this chapter.

6 (g) Who, unless appropriately licensed, manages, or conducts
7 as manager, proprietor, or agent, any place of business from which
8 agricultural, chemical, civil, control system, electrical, fire
9 protection, industrial, mechanical, metallurgical, nuclear,
10 petroleum, or traffic engineering work is solicited, performed, or
11 practiced, except as authorized pursuant to subdivision (d) of
12 Section 6738 and Section 8726.1.

13 (h) Who uses the title, or any combination of that title, of
14 “professional engineer,” “licensed engineer,” “registered engineer,”
15 or the branch titles specified in Section 6732, or the authority titles
16 specified in Sections 6736 and 6736.1, or “engineer-in-training,”
17 or who makes use of any abbreviation of that title that might lead
18 to the belief that he or she is a licensed engineer, is authorized to
19 use the titles specified in Section 6736 or 6736.1, or holds a
20 certificate as an engineer-in-training, without being licensed,
21 authorized, or certified as required by this chapter.

22 (i) Who uses the title “consulting engineer” without being
23 licensed as required by this chapter or without being authorized
24 to use that title pursuant to legislation enacted at the 1963, 1965,
25 or 1968 Regular Session.

26 (j) Who violates any provision of this chapter.

27 SEC. 23. No reimbursement is required by this act pursuant
28 to Section 6 of Article XIII B of the California Constitution because
29 the only costs that may be incurred by a local agency or school
30 district will be incurred because this act creates a new crime or
31 infraction, eliminates a crime or infraction, or changes the penalty
32 for a crime or infraction, within the meaning of Section 17556 of
33 the Government Code, or changes the definition of a crime within
34 the meaning of Section 6 of Article XIII B of the California
35 Constitution.

36 SEC. 24. This act is an urgency statute necessary for the
37 immediate preservation of the public peace, health, or safety within
38 the meaning of Article IV of the Constitution and shall go into
39 immediate effect. The facts constituting the necessity are:

1 In order to make necessary changes to the regulatory and
2 licensing provisions relating to engineers, thereby enabling
3 engineers to address urgent public health and safety concerns
4 relative to food safety, environmental protection, and green
5 technology at the earliest possible time, it is necessary that this act
6 take effect immediately.

O