

Introduced by Senator WaltersFebruary 13, 2012

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 1061, as introduced, 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 also 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.

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

1 6702.7. “Petroleum engineer” means a professional engineer
2 in the branch of petroleum engineering and refers to one who
3 practices or offers to practice petroleum engineering in any of its
4 phases.

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

7 6702.8. “Traffic engineer” means a professional engineer in
8 the branch of traffic engineering and refers to one who practices
9 or offers to practice traffic engineering in any of its phases.

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

12 6702.9. “Agricultural engineer” means a professional engineer
13 in the branch of agricultural engineering and refers to one who
14 practices or offers to practice agricultural engineering in any of
15 its phases.

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

18 6702.10. “Industrial engineer” means a professional engineer
19 in the branch of industrial engineering and refers to one who
20 practices or offers to practice industrial engineering in any of its
21 phases.

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

24 6702.11. “Metallurgical engineer” means a professional
25 engineer in the branch of metallurgical engineering and refers to
26 one who practices or offers to practice metallurgical engineering
27 in any of its phases.

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

30 6704. (a) In order to safeguard life, health, property, and public
31 welfare, no person shall practice ~~civil, electrical, or mechanical~~
32 *agricultural, chemical, civil, control system, electrical, fire*
33 *protection, industrial, mechanical, metallurgical, nuclear,*
34 *petroleum, or traffic* engineering unless appropriately licensed or
35 specifically exempted from licensure under this chapter, and only
36 persons licensed under this chapter shall be entitled to take and
37 use the titles “consulting engineer,” “professional engineer,”
38 “*licensed engineer*,” or “registered engineer,” or any combination
39 of those titles or abbreviations thereof, and according to licensure
40 with the board the engineering branch titles specified in Section

6732, or the authority titles specified in Sections 6736 and 6736.1, or the title “engineer-in-training.”

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

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

~~6704.1. (a) The Department of Consumer Affairs, in conjunction with the board, and the Joint Committee on Boards, Commissions, and Consumer Protection shall review the engineering branch titles specified in Section 6732 to determine whether certain title acts should be eliminated from this chapter, retained, or converted to practice acts similar to civil, electrical, and mechanical engineering, and whether supplemental engineering work should be permitted for all branches of engineering. The department shall contract with an independent consulting firm to perform this comprehensive analysis of title act registration.~~

~~(b) The independent consultant shall perform, but not be limited to, the following: (1) meet with representatives of each of the engineering branches and other professional groups; (2) examine the type of services and work provided by engineers in all branches of engineering and interrelated professions within the marketplace, to determine the interrelationship that exists between the various branches of engineers and other interrelated professions; (3) review and analyze educational requirements of engineers; (4) identify the degree to which supplemental or “overlapping” work between engineering branches and interrelated professions occurs; (5) review alternative methods of regulation of engineers in other states and what impact the regulations would have if adopted in California; (6) identify the manner in which local and state agencies utilize regulations and statutes to regulate engineering work; and (7) recommend changes to existing laws regulating engineers after considering how these changes may affect the health, safety, and welfare of the public.~~

~~(c) The board shall reimburse the department for costs associated with this comprehensive analysis. The department shall report its findings and recommendations to the Legislature by September 1, 2002.~~

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

6706.3. Any reference in any law or regulation to a registered engineer, or to a registered ~~civil, electrical, or mechanical~~ *agricultural, chemical, civil, control system, electrical, fire protection, industrial, mechanical, metallurgical, nuclear, petroleum, or traffic* engineer, is deemed to refer to a licensed engineer, or to a licensed ~~civil, electrical, or mechanical~~ *agricultural, chemical, civil, control system, electrical, fire protection, industrial, mechanical, metallurgical, nuclear, petroleum, or traffic* engineer, as the case may be.

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

6730. In order to safeguard life, health, property and public welfare, any person, either in a public or private capacity, except as in this chapter specifically excepted, who practices, or offers to practice, ~~civil engineering, electrical engineering or mechanical~~ *agricultural engineering, chemical engineering, civil engineering, control system engineering, electrical engineering, fire protection engineering, industrial engineering, mechanical engineering, metallurgical engineering, nuclear engineering, petroleum engineering, or traffic* engineering, in any of its branches in this state, including any person employed by the State of California, or any city, county, or city and county, who practices engineering, shall submit evidence that he or she is qualified to practice, and shall be licensed accordingly as ~~a civil engineer, electrical engineer or mechanical~~ *an agricultural engineer, chemical engineer, civil engineer, control system engineer, electrical engineer, fire protection engineer, industrial engineer, mechanical engineer, metallurgical engineer, nuclear 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

1 following practice areas: agricultural engineering, chemical
2 engineering, civil engineering, control system engineering,
3 electrical engineering, fire protection engineering, industrial
4 engineering, mechanical engineering, metallurgical engineering,
5 nuclear engineering, petroleum engineering, and traffic engineering.

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

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

13 6731.7. The definitions of civil, electrical, and mechanical
14 engineering, and the following definitions, may not be construed
15 as regulating any generally recognized profession other than
16 professional engineering, even when the duties and practices of
17 the generally recognized profession overlap the duties and practices
18 defined in this section:

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

33 A person practices agricultural engineering when he or she
34 professes to be an agricultural engineer or is in responsible charge
35 of agricultural engineering work.

36 (b) "Chemical engineering" is that branch of professional
37 engineering that embraces studies or activities relating to the
38 development and application of processes in which chemical or
39 physical changes of materials are involved. These processes are
40 usually resolved into a coordinated series of unit physical

1 operations and unit chemical processes. It is concerned with the
2 research, design, production, operational, organizational, and
3 economic aspects of the above.

4 A person practices chemical engineering when he or she
5 professes to be a chemical engineer or is in responsible charge of
6 chemical engineering work.

7 (c) "Control system engineering" is that branch of professional
8 engineering that requires such education and experience as is
9 necessary to understand the science of instrumentation and
10 automatic control of dynamic processes, and requires the ability
11 to apply this knowledge to the planning, development, operation,
12 and evaluation of systems of control so as to ensure the safety and
13 practical operability of those processes.

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

17 (d) "Fire protection engineering" is that branch of professional
18 engineering that requires such education and experience as is
19 necessary to understand the engineering principles relating to the
20 safeguarding of life and property from fire, fire-related hazards,
21 and explosions. It requires the ability to apply this knowledge to
22 the identification, evaluation, correction, or prevention of present
23 or potential fire, fire-related explosion hazards, and any resultant
24 panic therefrom, in buildings, groups of buildings, or communities.
25 It includes the arrangement and use of appropriate safeguards, and
26 executing the engineering design for fire-resistant building
27 materials and fire detection and alarm, smoke control, egress and
28 fire-suppression systems, fire-suppression water supply, and other
29 devices and apparatus in order to protect life and property.

30 A person practices fire protection engineering when he or she
31 professes to be a fire protection engineer or is in responsible charge
32 of fire protection engineering work.

33 (e) "Industrial engineering" is that branch of professional
34 engineering that requires such education and experience as is
35 necessary to investigate, design, and evaluate systems of persons,
36 materials, and facilities for the purpose of economical and efficient
37 production, use, and distribution. It requires the application of
38 specialized engineering knowledge of the mathematical and
39 physical sciences, together with the principles and methods of

1 engineering analysis and design to specify, predict, and evaluate
2 the results to be obtained from those systems.

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

6 (f) “Metallurgical engineering” is that branch of professional
7 engineering that requires such education and experience as is
8 necessary to seek, understand, and apply the principles of the
9 properties and behavior of metals in solving engineering problems
10 dealing with the research, development, and application of metals
11 and alloys, and the manufacturing practices of extracting, refining,
12 and processing of metals.

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

16 (g) “Nuclear engineering” is that branch of professional
17 engineering that requires such education and experience as is
18 necessary to apply the principles of nuclear physics to the
19 engineering utilization of nuclear phenomena for the benefit of
20 mankind, and that is also concerned with the protection of the
21 public from the potential hazards of radiation and radioactive
22 materials. Nuclear engineering is primarily concerned with the
23 interaction of radiation and nuclear particles with matter. Nuclear
24 engineering requires the application of specialized knowledge of
25 the mathematical and physical sciences, together with the principles
26 and methods of engineering design and nuclear analysis to specify,
27 predict, and evaluate the behavior of systems involving nuclear
28 reactions, and to ensure the safe, efficient operation of these
29 systems, and their nuclear products and byproducts. Nuclear
30 engineering encompasses, but is not limited to, the planning and
31 design of the specialized equipment and process systems of nuclear
32 reactor facilities, and the protection of the public from any
33 hazardous radiation produced in the entire nuclear reaction process.
34 These activities include all aspects of the manufacture,
35 transportation, and use of radioactive materials.

36 A person practices nuclear engineering when he or she professes
37 to be a nuclear engineer or is in responsible charge of nuclear
38 engineering work.

39 (h) “Petroleum engineering” is that branch of professional
40 engineering that embraces studies or activities relating to the

1 exploration, exploitation, location, and recovery of natural fluid
2 hydrocarbons. It is concerned with research, design, production,
3 and operation of devices and the economic aspects of the above.

4 A person practices petroleum engineering when he or she
5 professes to be a petroleum engineer or is in responsible charge
6 of petroleum engineering work.

7 (i) "Traffic engineering" is that branch of professional
8 engineering that requires such education and experience as is
9 necessary to understand the science of measuring traffic and travel
10 and the human factors relating to traffic generation and flow, and
11 requires the ability to apply this knowledge to planning, operation,
12 design, and evaluation of streets and highways and their networks,
13 abutting lands, and interrelationships with other modes of travel,
14 and to provide safe and efficient movement of people and goods.

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

18 (j) As it applies to the engineering branch disciplines in this
19 section, all engineering plans, specifications, calculations, and
20 reports (hereafter documents) prepared by, or under the responsible
21 charge of, a licensed engineer in the appropriate engineering branch
22 shall include his or her name and license number. Interim
23 documents shall include a notation as to the intended purpose of
24 the document, such as "preliminary," "not for construction," "for
25 plan check only," or "for review only." All engineering plans and
26 specifications that are permitted or that are to be released for
27 construction shall bear the signature and seal or stamp of the
28 licensee, the date of signing and sealing or stamping, and the
29 expiration date of the license. All final engineering calculations
30 and documents shall bear the signature and seal or stamp of the
31 licensee, the date of signing and sealing or stamping, and the
32 expiration date of the license. If engineering plans are required to
33 be signed and sealed or stamped and have multiple sheets, the
34 signature, seal or stamp, date of signing and sealing or stamping,
35 and expiration date of the license shall appear on each sheet of the
36 plans. If engineering specifications, calculations, and documents
37 are required to be signed and sealed or stamped and have multiple
38 pages, the signature, seal or stamp, date of signing and sealing or
39 stamping, and expiration date of the license shall appear, at a
40 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 ~~registered~~ *licensed*.

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

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

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

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

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

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

19 *(2) All ~~civil, electrical, or mechanical~~ professional engineering*
20 *services are performed by, or under the responsible charge of, a*
21 *~~professional licensed engineer licensed~~ in the appropriate branch*
22 *of professional engineering.*

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

34 *(b)*

35 *(c) An out-of-state business with a branch office in this state*
36 *shall meet the requirements of subdivision ~~(a)~~ (b) and shall have*
37 *an owner, ~~partner,~~ part owner, or officer who is in charge of the*
38 *engineering work in the branch in this state, who is licensed in this*
39 *state, and who is physically present at the branch office in this*
40 *state on a regular basis. However, the name of the business may*

1 contain the name of any person not licensed in this state if that
2 person is appropriately registered or licensed in another state. Any
3 offer, promotion, or advertisement that contains the name of any
4 individual in the business, other than by use of the names of the
5 individuals in the business name, shall clearly and specifically
6 designate the license or registration discipline of each individual
7 named(c).

8 ~~(c) The business name of a California engineering business may~~
9 ~~be a fictitious name. However, if the fictitious name includes the~~
10 ~~name of any person, the requirements of~~

11 *(d) A fictitious name may be used if both of the following apply:*

12 *(1) The name does not conflict with paragraph (3) of subdivision*
13 ~~(a) shall be met~~ *(b), requiring that names used in the business shall*
14 *be appropriately licensed or registered individuals.*

15 *(2) An organization record form is filed with the board.*

16 ~~(d)~~

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

29 ~~(e)~~

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

40 ~~(f)~~

(g) This section shall not prevent the use of the name of any business engaged in rendering ~~civil, electrical, or mechanical~~ professional engineering services, including the use by any lawful successor or survivor, that lawfully was in existence on December 31, 1987. However, the business is subject to paragraphs (1) and (2) of subdivision ~~(a)~~ (b), *and the business shall file an organizational record form with the board as designated by board rule.*

~~(g)~~

(h) A business engaged in rendering ~~civil, electrical, or mechanical~~ professional engineering services may use in its name the name of a deceased or retired person provided all of the following conditions are satisfied:

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

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

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

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

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

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

~~(h)~~

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

~~(i) A current organization record form shall be filed with the board for all~~

1 ~~(j) All businesses engaged in rendering civil, electrical, or~~
2 ~~mechanical professional engineering services shall file a current~~
3 ~~organization record form with the board.~~

4 ~~(j)~~

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

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

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

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

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

29 (2) ~~All civil, electrical, or mechanical professional engineering~~
30 ~~services are performed by, or under the responsible charge of, a~~
31 ~~professional licensed engineer licensed in the appropriate branch~~
32 ~~of professional engineering.~~

33 (3) ~~If the~~ The business name of a California engineering business
34 contains only the name of any person, then that person shall be
35 licensed as a professional engineer, a person who is licensed by
36 the board in a branch of professional engineering, a licensed land
37 surveyor, a licensed architect, or a geologist registered under the
38 Geologist and Geophysicist Act (Chapter 12.5 (commencing with
39 Section 7800)). Any offer, promotion, or advertisement by the
40 business that contains the name of any individual in the business,

other than by use of the name of an individual in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.

(b)

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

~~(e) The business name of a California engineering business may be a fictitious name. However, if the fictitious name includes the name of any person, the requirements of~~

(d) A fictitious name may be used if both of the following apply:

(1) The name does not conflict with paragraph (3) of subdivision ~~(a)~~ *shall be met (b)*, requiring that names used in the business shall be appropriately licensed or registered individuals.

(2) An organization record form is filed with the board.

~~(d)~~

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

(e)

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

(f)

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

(g)

(h) A business engaged in rendering ~~civil, electrical, or mechanical~~ professional engineering services may use in its name the name of a deceased or retired person provided all of the following conditions are satisfied:

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

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

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

(4) The person, if retired, has consented to the use of the name and does not permit the use of the name in the title of another professional engineering business in this state during the period of the consent. However, the retired person may use his or her name as the name of a new or purchased business if it is not

1 identical in every respect to that person's name as used in the
2 former business.

3 (5) The business shall be subject to the provisions of paragraphs
4 (1) and (2) of subdivision ~~(a)~~ (b).

5 ~~(h)~~

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

8 ~~(i)~~

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

12 ~~(j)~~

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

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

16 6740. A subordinate to ~~a civil, electrical or mechanical~~ an
17 agricultural, chemical, civil, control system, electrical, fire
18 protection, industrial, mechanical, metallurgical, nuclear,
19 petroleum, or traffic engineer licensed under this chapter, or a
20 subordinate to ~~a civil, electrical or mechanical~~ an agricultural,
21 chemical, civil, control system, electrical, fire protection,
22 industrial, mechanical, metallurgical, nuclear, petroleum, or traffic
23 engineer exempted from licensure under this chapter, insofar as
24 he or she acts solely in that capacity, is exempt from licensure
25 under the provisions of this chapter. This exemption, however,
26 does not permit ~~any such~~ the subordinate to practice ~~civil, electrical~~
27 ~~or mechanical~~ agricultural, chemical, civil, control system,
28 electrical, fire protection, industrial, mechanical, metallurgical,
29 nuclear, petroleum, or traffic engineering in his or her own right
30 or to use the titles listed in Sections 6732, 6736, and 6736.1.

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

33 6741. Any person, firm, partnership, or corporation is exempt
34 from ~~registration~~ licensure under the provisions of this chapter
35 who meets all the following:

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

37 (b) Is legally qualified in another state to practice as ~~a civil,~~
38 ~~electrical, or mechanical~~ an agricultural, chemical, civil, control
39 system, electrical, fire protection, industrial, mechanical,
40 metallurgical, nuclear, petroleum, or traffic engineer.

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

2 (d) Offers to but does not practice ~~civil, electrical, or mechanical~~
3 *agricultural, chemical, civil, control system, electrical, fire*
4 *protection, industrial, mechanical, metallurgical, nuclear,*
5 *petroleum, or traffic* engineering in this state.

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

8 6787. Every person is guilty of a misdemeanor:

9 (a) Who, unless he or she is exempt from licensure under this
10 chapter, practices or offers to practice ~~civil, electrical, or~~
11 ~~mechanical~~ *agricultural, chemical, civil, control system, electrical,*
12 *fire protection, industrial, mechanical, metallurgical, nuclear,*
13 *petroleum, or traffic* engineering in this state according to the
14 provisions of this chapter without legal authorization.

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

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

20 (d) Who impersonates or uses the seal of a licensed professional
21 engineer.

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

24 (f) Who represents himself or herself as, or uses the title of, a
25 licensed or registered ~~civil, electrical, or mechanical~~ *agricultural,*
26 *chemical, civil, control system, electrical, fire protection,*
27 *industrial, mechanical, metallurgical, nuclear, petroleum, or traffic*
28 engineer, or any other title whereby that person could be considered
29 as practicing or offering to practice ~~civil, electrical, or mechanical~~
30 *agricultural, chemical, civil, control system, electrical, fire*
31 *protection, industrial, mechanical, metallurgical, nuclear,*
32 *petroleum, or traffic* engineering in any of its branches, unless he
33 or she is correspondingly qualified by licensure as a ~~civil, electrical,~~
34 ~~or mechanical~~ *an agricultural, chemical, civil, control system,*
35 *electrical, fire protection, industrial, mechanical, metallurgical,*
36 *nuclear, petroleum, or traffic* engineer under this chapter.

37 (g) Who, unless appropriately licensed, manages, or conducts
38 as manager, proprietor, or agent, any place of business from which
39 ~~civil, electrical, or mechanical~~ *agricultural, chemical, civil, control*
40 *system, electrical, fire protection, industrial, mechanical,*

1 *metallurgical, nuclear, petroleum, or traffic* engineering work is
2 solicited, performed, or practiced, except as authorized pursuant
3 to subdivision (d) of Section 6738 and Section 8726.1.

4 (h) Who uses the title, or any combination of that title, of
5 “professional engineer,” “licensed engineer,” “registered engineer,”
6 or the branch titles specified in Section 6732, or the authority titles
7 specified in Sections 6736 and 6736.1, or “engineer-in-training,”
8 or who makes use of any abbreviation of that title that might lead
9 to the belief that he or she is a licensed engineer, is authorized to
10 use the titles specified in Section 6736 or 6736.1, or holds a
11 certificate as an engineer-in-training, without being licensed,
12 authorized, or certified as required by this chapter.

13 (i) Who uses the title “consulting engineer” without being
14 licensed as required by this chapter or without being authorized
15 to use that title pursuant to legislation enacted at the 1963, ~~1965~~
16 ~~1965~~, or 1968 Regular Session.

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

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

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

31 In order to make necessary changes to the regulatory and
32 licensing provisions relating to engineers, thereby enabling
33 engineers to address urgent public health and safety concerns
34 relative to food safety, environmental protection, and green
35 technology at the earliest possible time, it is necessary that this act
36 take effect immediately.