

Georgia Occupational Regulation
Review Council

House Bill 516
Professional Structural Engineers
As Passed in House and Senate

A REVIEW OF THE PROPOSED LEGISLATION

OCTOBER 2019

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Executive Summary

As provided in O.C.G.A. §43-1A, the Georgia Occupational Regulation Review Council (Council) reviews all bills proposing licensure of a profession or business referred to by the chairperson of the legislative committee of reference. Accordingly, the Council, at the request of the chairperson of the House Regulated Industries Committee, has reviewed House Bill 516 (as passed in the House and Senate), which proposes to regulate the practice of professional structural engineers through the issuance of a certificate of registration by the Georgia Board of Professional Engineers and Land Surveyors.

During the course of this review, Council staff obtained information from the applicant group, American Council of Engineering Companies of Georgia, as well as the Georgia Board of Professional Engineers and Land Surveyors while also conducting internal research.

O.C.G.A. §43-1A-6 requires the Council to consider certain criteria when determining the need for the regulation of a business or profession. For this review, the Council used these criteria to guide the development of findings related to the regulation of structural engineering. The Council, with assistance from staff, developed the following findings during the course of this review:

- ❖ The practice of structural engineering requires specialized skills due to the types of structures they work with. This bill would allow for structural engineers in the state of Georgia to be recognized for the level of education they have received in structural engineering and be competitive with similarly educated and licensed individuals from outside the state. The separate Structural Engineer (S.E.) delineation will also protect Georgians from other professional engineers working on designated structures without the proper education.
- ❖ The Georgia Board of Professional Engineers and Land Surveyors exhausted all steps allowed to them to designate structural engineering as a separate license designation. The board cannot create the designation through rulemaking, so it must be created through a statutory change.

Based on the information developed and reviewed by the Council, the Council recommends that House Bill 516 pass as written.

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Introduction

House Bill (HB) 516 proposes the regulation of the occupation of structural engineering through the registration of such professionals under the Georgia Board of Professional Engineers and Land Surveyors. This report focuses on providing information concerning the nature of the legislation and presents an assessment of structural engineering in the state of Georgia.

In conducting this review, the Georgia Occupational Regulation Review Council, referred to as Council for the remainder of this report, solicited input from any interested party that wished to submit information or participate in the process. The applicant group, the American Council of Engineering Companies of Georgia (ACEC), submitted a questionnaire providing background information of the profession of structural engineering. In addition, the Council received information from the Georgia Board of Professional Engineers and Land Surveyors (board).

Council staff also performed additional analysis comparing structural engineering regulations in other states to the proposed regulations in Georgia.

The Council provided representatives from interested parties with the opportunity to present information during Council meetings, either by verbal presentation and/or through written material. The Council posted meeting dates, times, and locations to the Office of Planning and Budget website (<https://opb.georgia.gov/georgia-occupational-regulation-review-council>).

Description of Proposed Legislation

HB 516 amends Chapter 15 of Title 43 of the Official Code of Georgia Annotated in order to provide for the regulation of professional structural engineering. The bill provides the following:

- ❖ Defines ‘professional structural engineer’ as well as ‘structural engineering;’
- ❖ Requires all individuals practicing structural engineering to possess a current certificate of registration issued by the board;
- ❖ Deems it unlawful for any individual to practice structural engineering without possessing such certificate of registration;
- ❖ Lists the qualifications and requirements for all registrants; and
- ❖ Provides exceptions to the legislation

A summary of the bill can be found in Appendix A. A complete copy of the bill is located in Appendix B.

Current Practices

Definition of Structural Engineering

In House Bill 516, structural engineering is defined as the practice of a specialized branch of professional engineering involving the design or analysis of designated structures, as defined by the board.

- ❖ This practice includes any professional service, such as consultation, investigation, evaluation, planning, designing, analyzing, or responsible supervision of construction or operation, in connection with any public or private designated structures, wherein the public welfare or the safeguarding of life, health, or property is concerned or involved, when such professional service requires the application of structural engineering principles and data and training in the application of mathematical and physical sciences.

Currently, board rules and regulations recognize the branch of professional engineering that is structural engineering, defining it as engaging in the design or analysis of a designated structure, which is defined as follows (Rule 180-2-.04):

- ❖ Any building structure which has risk of Category III or IV in accordance with Table 1604.5 of the International Building Code, adopted edition, with Georgia Amendments;
- ❖ Any building structure which has covered gross area of 100,000 square feet or greater, or has an occupied floor elevation that is 45 feet or above the average ground of level of the building;
- ❖ Any building structure which with height to the least width aspect ratio of the structural lateral load resisting system greater than or equal to seven.
- ❖ Any building structure which is designed using nonlinear time history analysis or with special seismic energy dissipation systems;
- ❖ Bridges of spans longer than 300 feet;
- ❖ Tunnels;
- ❖ Cable-stayed bridges;
- ❖ Suspension bridges;
- ❖ Movable bridges;
- ❖ Trusses with spans longer than 300 feet;
- ❖ Arch bridges;
- ❖ Segmental bridges;
- ❖ Balance-cantilever bridges; and
- ❖ Other bridges requiring unique analytical methods or design features not commonly addressed in standards set forth by the American Association of State Highway and Transportation Officials

The Issue and Potential for Harm

HB 516, as passed in the House and the Senate, does not impose any new regulation on the practice of structural engineering in the state of Georgia, but just provides for the structural engineer designation to be attributed to the professional engineering licenses of qualified individuals. As understood from research and testimony given, the desire for Georgia to provide a structural engineer designation arises from concerns with market competition as well as the structural safety of buildings and other structures designed by engineers not possessing the specific education and experience to do so.

According to the applicant group, ACEC, Georgia professional engineers are losing a competitive advantage by not being able to carry the title of Structural Engineer with their regular engineering licenses. Various states have already codified or at least provide for the structural engineering designation, and as a result, many building and developing companies seek out engineers with the S.E. titles in order to be ensured that the needed services are being rendered by an individual with a competency-level specific to that discipline of engineering, even if engineers without the title, such as in Georgia, are more than competent and qualified. This proves to be an accurate assertion, as 12 states currently regulate the practice and usage of the S.E. title.

The information provided by the applicant group also asserts that the practice of structural engineering is much more complicated and carries a much larger risk than other types of engineering since fatalities, injuries, and significant economic harm can occur as a result of a poorly designed and constructed designated/significant structure. Because of this, various states, some with limitations, require a separate structural engineer licensing or certification designation in order for any individual to practice the discipline.

Present Requirements

Currently, Georgia Code requires that to be licensed and registered as a professional engineer in the state, an applicant must meet certain educational and experiential requirements. They are as follows:

- ❖ Obtain certification by the board as an engineer-in-training under paragraph (1) of Code Section 43-15-8;
- ❖ Acquire a specific record of not less than four years' experience in engineering work; and
- ❖ Subsequently pass a written examination in the principles and practice of engineering; or
- ❖ Obtain certification by the board as an engineer-in-training under paragraph (2) of Code Section 43-15-8;
- ❖ Acquire a specific record of not less than seven years' experience in engineering work; and
- ❖ Subsequently pass a written examination in the principles and practice of engineering; or

- ❖ Obtain a certification by the board as an engineer-in-training under paragraph (3) of Code Section 43-15-8; and
- ❖ Acquire a specific record of not less than seven years' experience in engineering work; and
- ❖ Subsequently pass a written examination in the principles and practice of engineering; or
- ❖ Graduate in an engineering or related science curriculum of not less than four academic years;
- ❖ Acquire a specific record of not less than 16 years' in engineering, of which 8 years have been in the responsible charge of important engineering work; and
- ❖ Subsequently pass a written examination in the principles and practice of engineering

While these specific requirements are codified in Georgia statutes, the code also authorizes the board to adopt rules and regulations in order to enforce chapter 15 of Title 43, which includes regulating the professional conduct of those individuals registered by it as well as the specific educational requirements needed to qualify an applicant for licensure. Board rules require that in order for an individual to be licensed, their completed engineering education or program must be accredited by the Accreditation Board for Engineering and Technology (ABET). Board rules also require that all examinations taken by prospective professional engineers and professional engineers be approved by the board and be in accordance with the National Council of Examiners for Engineering and Surveying (NCEES).

The currently approved NCEES examinations are the Fundamentals of Engineering, an eight-hour examination which qualifies applicants for an engineer-in-training certificate, and Principles and Practice of Engineering. The latter exam will vary, as applicants are instructed to designate the branch of engineering they wish to practice, though for most of the engineering branches it is eight-hours. If an applicant wishes to practice within the branch of structural engineering, however, he or she will be required to take the NCEES 16-hour Structural Engineering Exam.

The Regulation of Structural Engineers in Other States

Upon conducting research on the regulation of the occupation of professional structural engineering in other states, OPB staff found that 11 states regulate the practice of structural engineering or at least usage of its title. These states also have varying experience and education requirements for licensure or certification as a structural engineer, though such variances are not significantly great. The largest variance is due the required years of experience that applicants must possess. Some states, like Idaho and Washington, require two years of structural engineering-specific experience, while others, like California, require five. This typically depends on the engineering programs approved by the regulatory bodies of those states. This being said, almost all eleven states either require through statute

or through administrative rules that prospective licensees complete examinations in accordance with the NCEES.

Of the eleven states previously referred to, two of them, Hawaii and Illinois, have codified complete-practice acts in regard to the profession. This means that no one in the state may practice structural engineering unless they have a certificate or license designating him or her as a structural engineer.

In contrast, nine states currently have codified partial-practice acts, which means that only certified or licensed structural engineers may provide services for designated or significant structures, but regular professional engineers may practice with buildings and structures that do not fall into such a category. Examples of designated or significant structures would be buildings exceeding a certain height, bridges exceeding a certain length, or essential structures such as hospitals and public schools. Those states falling under the partial-practice act category are the most like what Georgia's regulations will be, should HB 516 be passed through the House and Senate again as written.

It is important to note that there are also many states that do not regulate the practice of structural engineering. Instead, like Idaho and Nebraska, they regulate the Structural Engineer or S.E. title usage. Professional engineers are required or encouraged to practice within their area of competence, but limitations to their services are not specifically codified. Rather, the regulatory bodies within those states just require that individuals seeking to use the title of Structural Engineer meet the qualifications for doing so.

Various states do not yet regulate the practice of structural engineering or its associated title. Instead, many just require that applicants for professional engineering licensure designate the specific engineering discipline or branch in which they plan to practice and/or have competence in on their application for licensure. These states do not specifically recognize structural engineering in their statutes or regulations, but like Idaho and Nebraska, most encourage or require engineers to only practice within the branches of engineering in which they are competent and have satisfactory experience and education. These states are listed as follows:

- ❖ Arizona
- ❖ Delaware
- ❖ Louisiana
- ❖ Maine
- ❖ Massachusetts
- ❖ Minnesota
- ❖ New Mexico
- ❖ South Dakota
- ❖ Texas
- ❖ Vermont
- ❖ Wyoming

Findings

Pursuant to O.C.G.A. § 43-1A-6, the Georgia Occupational Regulation Review Council must review bills under their consideration according to the following criteria:

- ❖ Whether the unregulated practice of the occupation may harm or endanger the health, safety, and welfare of citizens of this state and whether the potential for harm is recognizable and not remote;
- ❖ Whether the practice of the occupation requires specialized skill or training and whether the public needs and will benefit by assurances of initial and continuing occupational ability;
- ❖ Whether the citizens of this state are or may be effectively protected by other means;
- ❖ Whether the overall cost effectiveness and economic impact would be positive for citizens of this state; and
- ❖ Whether there are means other than state regulation to protect the interests of the state.

Based on this set of criteria, the Council has reviewed HB 516, which proposes to regulate the practice of professional structural engineers through the issuance of a certificate of registration by the Georgia Board of Professional Engineers and Land Surveyors.

In doing so, the Council developed the following findings:

It is recognized that the practice of Structural Engineering requires specialized skills due to the types of structures they work with.

This bill allows for structural engineers to be recognized for the specialized level of education that they have obtained and will allow them to be competitive with similarly educated and licensed individuals from out of state. This separate Structural Engineering delineation of Professional Engineers will also protect Georgians from Professional Engineers from working on Designated Structures without the proper education.

Georgia Board of Professional Engineers and Land Surveyors took all steps allowed to them to designate Structural Engineering as a separate license delineation.

The board cannot create a new designation through rulemaking, only a statutory change could create the Structure Engineer designation.

Recommendation

After consideration of the findings listed above, the Council recommends that House Bill 516 pass as currently written.

Appendix A: Summary of Proposed Legislation

Summary of HB 516

- The purpose of this bill is to provide for the regulation of the occupation of professional structural engineering
- ‘Professional Structural Engineer’ is defined as a professional engineer with specialized knowledge and expertise of structural engineering
- All professional structural engineers must possess a current certificate of registration issued by the State Board of Registration for Professional Engineers and Land Surveyors
- ‘Structural Engineering’ is defined as the practice of a specialized branch of professional engineering involving the design or analysis of designated structures as defined by the board, and shall include any professional service, such as consultation, investigation, evaluation, planning, designing, and analyzing, or responsible supervision of construction or operation, in connection with any public or private designated structures, wherein the public welfare or the safeguarding of life, health, or property is concerned or involved, when such professional service requires the application of structural engineering principles and data and training in the application of mathematical and physical sciences
- Individuals seeking renewal of a certificate of registration must complete board approved continuing education of not more than 30 hours biennially for structural engineers
- It is unlawful for anyone not certified as a professional structural engineer to practice structural engineering in the state of Georgia
- All eligible registrants must:
 - Possess an engineer-in-training certificate issued by the board under paragraph (1) of Code Section 43-15-18;
 - Have no less than four years of experience in structural engineering; and
 - Have passed a written examination; or
 - Possess an engineer-in-training certificate issued by the board under paragraph (2) of Code Section 43-15-18;
 - Have no less than seven years of experience in structural engineering; and
 - Have passed a written examination
- It is unlawful for any local government, school district, agency, or private/commercial entity to engage in the practice of structural engineering unless it is planned and supervised by a certified professional engineer, though this chapter shall not prevent or affect the practice of structural engineering with respect to utility facilities subject to regulation by the state or federal government
- This chapter shall not prevent an employee or subordinate of a structural engineer; federal officers or employees; elected officers of political subdivisions; officers and employees of the Department of Transportation; defense, aviation, or aerospace employees or contractors; or any state or municipal officer or employee engaged in gathering, processing, managing, and sharing of geospatial and photogrammetric data for cataloging or mapping purposes from executing duties authorized by their profession

- Registration shall not be required for the purpose of practicing structural engineering on corporate or private property unless it affects public health or safety
- Any person offering professional structural engineering services to the public without complying with this code shall be guilty of a misdemeanor

Appendix B: Complete Text of House Bill 516 (As Passed)

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to provide for the regulation of certain professions; to change certain
3 provisions relating to certain boxing, wrestling, and martial art associations and federations;
4 to revise a definition; to change the applicability of certain provisions as to matches, contests,
5 or exhibitions; to provide for the profession of professional structural engineer; to provide
6 for definitions; to provide for continuing education requirements; to provide for unlawful
7 practices; to provide for the issuance of certificates of registration for such professionals; to
8 provide for registration by comity; to provide for certificates of registration; to provide for
9 use of a seal; to provide for exceptions; to provide for related matters; to repeal conflicting
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12

SECTION 1.

13 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
14 is amended in Code Section 43-4B-1, relating to definitions, by revising paragraph (1) as
15 follows:

16 "(1) 'Amateur,' when applied to a person engaged in boxing, wrestling, or a martial art,
17 means a person who receives no compensation and engages in a match, contest, or
18 exhibition of boxing, wrestling, or a martial art that is governed or authorized by:

19 (A) U.S.A. Boxing;

20 (B) The Georgia High School Athletic Association;

21 (C) The National Collegiate Athletic Association;

22 (D) Amateur Athletic Union;

23 (E) Golden Gloves;

24 (F) Team Georgia Amateur Wrestling;

25 (G) USA Wrestling;

26 (H) National High School Coaches Association;

27 (I) North American Sport Karate Association;

28 (J) International Sport Kick Boxing/Karate Association;

29 (K) World Kick Boxing Association;

30 (L) United States Kick Boxing Association;

31 (M) International Sport Combat Federation;

32 (N)(J) Professional Karate Commission; or

33 (O) International Kick Boxing Federation; or

34 (P)(K) The local affiliate of any organization listed in this paragraph."

35

SECTION 2.

36 Said title is further amended by revising subsection (a) of Code Section 43-4B-2, relating to
37 application of provisions of such chapter, as follows:

38 "(a) The provisions of this chapter shall not be construed to apply to any match, contest,
39 or exhibition:

40 (1) In which the contestants are all amateurs; and

41 (2) Which is governed or authorized by:

42 (A) U.S.A. Boxing;

43 (B) The Georgia High School Athletic Association;
44 (C) The National Collegiate Athletic Association;
45 (D) Amateur Athletic Union;
46 (E) Golden Gloves;
47 (F) Team Georgia Amateur Wrestling;
48 (G) USA Wrestling;
49 (H) National High School Coaches Association;
50 (I) North American Sport Karate Association;
51 (J) International Sport Kick Boxing/Karate Association;
52 (K) World Kick Boxing Association;
53 (L) United States Kick Boxing Association;
54 (M) International Sport Combat Federation;
55 (N)(J) Professional Karate Commission; or
56 (O) International Kick Boxing Federation; or
57 (P)(K) The local affiliate of any organization listed in this paragraph."

58

SECTION 3.

59 Said title is further amended in Code Section 43-15-2, relating to definitions, by adding two
60 new paragraphs to read as follows:

61 "(12) 'Professional structural engineer' means a professional engineer with specialized
62 knowledge and expertise in the practice of structural engineering. Such person shall be
63 qualified by reason of knowledge of mathematics, physical sciences, and principles by

64 which mechanical properties of matter are made useful to man in structures, acquired
65 through professional education and practical experience, to engage in the practice of
66 structural engineering. Such persons shall further possess a current certificate of
67 registration as a professional structural engineer issued by the board.

68 (13) 'Structural engineering' means the practice of a specialized branch of professional
69 engineering involving the design or analysis of designated structures as defined by the
70 board, and shall include any professional service, such as consultation, investigation,
71 evaluation, planning, designing, analyzing, or responsible supervision of construction or
72 operation, in connection with any public or private designated structures, wherein the
73 public welfare or the safeguarding of life, health, or property is concerned or involved,
74 when such professional service requires the application of structural engineering
75 principles and data and training in the application of mathematical and physical sciences.
76 A person shall be construed to practice or offer to practice structural engineering, within
77 the meaning of this chapter, who by verbal claim, sign, advertisement, letterhead, card,
78 or in any other way represents or holds himself or herself out as a professional structural
79 engineer or as able or qualified to perform structural engineering services or who does
80 perform any of the services set out in this paragraph."

81

SECTION 4.

82 Said title is further amended in Code Section 43-15-6, relating to general powers of the
83 board, injunctions, and continuing education, by revising subsection (b) as follows:

84 "(b) In addition to other powers conferred upon the board under this chapter, the board
85 shall through rules and regulations require each individual seeking renewal of a certificate
86 of registration as a professional engineer or a professional structural engineer or a license

87 as a professional land surveyor to complete board approved continuing education of not
88 more than 30 hours biennially for professional engineers and professional structural
89 engineers and not more than 15 hours biennially for professional land surveyors. The
90 board shall be authorized to approve courses offered by institutions of higher learning or
91 offered by other institutions or organizations. The board shall randomly audit some
92 applications for renewal of a certificate of registration or license to enforce compliance
93 with this subsection. The continuing education requirements adopted by the board shall
94 recognize the continuing education requirements imposed by other states to the extent that
95 such continuing education courses meet the requirements imposed by the board. The board
96 shall be authorized to waive the continuing education requirements in cases of hardship,
97 disability, or illness or under such other circumstances as the board deems appropriate.
98 The board shall waive the continuing education requirement for individuals over the age
99 of 65 who have retired from active practice and who apply for an inactive license and for
100 individuals over the age of 65 who are engaged in the active practice of their profession
101 who have had a valid active license for the previous 25 consecutive years. The requirement
102 for continuing education including the exemptions provided for in this subsection shall
103 apply to each licensing renewal cycle which begins after the 1996 renewal cycle."

104

SECTION 5.

105 Said title is further amended in Code Section 43-15-7, relating to unlawful practice as a
106 professional engineer or land surveyor, by adding a new subsection to read as follows:
107 "(c) It shall be unlawful for any person other than a professional structural engineer to
108 practice or to offer to practice structural engineering in this state."

109

SECTION 6.

110 Said title is further amended adding a new Code section to read as follows:

111 "43-15-9.1.

112 To be eligible for a certificate of registration as a professional structural engineer, an
113 applicant must meet the following minimum requirements:

114 (1)(A) Obtain certification by the board as an engineer-in-training under paragraph (1)
115 of Code Section 43-15-8;

116 (B) Acquire a specific record of not less than four years' experience in structural
117 engineering work of a character satisfactory to the board which indicates the applicant
118 is competent to practice structural engineering; and

119 (C) Subsequently pass a written examination in the principles and practice of structural
120 engineering in the areas of which shall be determined by the board (structural
121 engineering examination); or

122 (2)(A) Obtain certification by the board as an engineer-in-training under paragraph (2)
123 of Code Section 43-15-8;

124 (B) Acquire a specific record of not less than seven years' experience in structural
125 engineering work of a character satisfactory to the board which indicates the applicant
126 is competent to practice structural engineering; and

127 (C) Subsequently pass a written examination in the principles and practice of structural
128 engineering in the areas of which shall be determined by the board (structural
129 engineering examination); or

130 (3) Any applicant seeking a certificate of registration as a professional structural
131 engineer prior to January 1, 2021, who already holds a valid certificate of registration as

132 a professional engineer from the board, has a record of practice which is primarily in the
133 practice of structural engineering, and is currently engaged in the practice of structural
134 engineering may submit a signed affidavit on a form prescribed by the board stating as
135 much. Based upon such affidavit and any other means the board may deem necessary to
136 determine verification of practice in the area of structural engineering by an applicant, the
137 board shall grant a certificate of registration as a professional structural engineer. On or
138 after January 1, 2021, no certificate of registration as a professional structural engineer
139 shall be issued unless the requirements of paragraphs (1) or (2) of this Code section and
140 Code Section 43-15-16 have been satisfied."

141

SECTION 7.

142 Said title is further amended in Code Section 43-15-10, relating to evaluation of engineering
143 experience, by revising the introductory language of subsection (a) as follows:
144 "(a) For the purpose of determining whether an applicant has acquired the experience
145 required under Code Section 43-15-8, or 43-15-9, or 43-15-9.1:"

146

SECTION 8.

147 Said title is further amended in Code Section 43-15-16, relating to registration and licensure
148 by comity, by revising subsection (a) as follows:
149 "(a) The board may, in its discretion, upon application therefor and the payment of a fee
150 prescribed by the board, issue a certificate of registration as a professional engineer or
151 professional structural engineer to any individual who holds a certificate of qualification
152 or registration issued to him or her by proper authority of the National Council of
153 Engineering Examiners for Engineering and Surveying or of any state or territory or
154 possession of the United States if the requirements of the registration of professional
155 engineers or professional structural engineers under which the certificate of qualification
156 or registration was issued do not conflict with this chapter and are of a standard not lower
157 than that specified in this chapter or if the applicant held such certificate on or before July
158 1, 1956. The fact that the statute under which the individual was issued a certificate of
159 qualification or registration in another state does not provide that the required written
160 examination be passed subsequent to the acquisition of the required experience shall not
161 be deemed as a conflict with, or lower than, the Georgia requirements, provided that the
162 written examination and the amount of experience required for registration are substantially
163 equivalent to the Georgia requirements."

164

SECTION 9.

165 Said title is further amended by revising Code Section 43-15-18, relating to effect of
166 certificate of registration or license, as follows:
167 "43-15-18.
168 (a) In the case of a professional engineer, the certificate of registration shall authorize the
169 practice of professional engineering. In the case of a professional land surveyor, the
170 license shall authorize the practice of land surveying. In the case of a registered
171 professional structural engineer, the certificate of registration shall authorize the practice
172 of structural engineering. A certificate of registration or license shall show the full name
173 of the registrant or licensee, shall have a serial number, and shall be signed by the chairman
174 chairperson of the board and the division director under the seal of the board.

175 (b) The issuance of a certificate of registration or license by the board shall be evidence
176 that the individual named therein is entitled to all the rights and privileges of a professional
177 engineer or a professional land surveyor, as the case may be, as long as the certificate or
178 license remains unrevoked, unexpired, or unaffected by other discipline imposed by the
179 board."

180 **SECTION 10.**

181 Said title is further amended in Code Section 43-15-22, relating to registrant required to
182 obtain seal, inscription, purpose, and fraudulent use of seal, by revising subsection (a) as
183 follows:

184 "(a) Every professional engineer and professional land surveyor registered or licensed, as
185 applicable, under this chapter shall, upon receipt of a certificate of registration or license,
186 obtain a seal of the design authorized by the board, bearing the registrant's or licensee's
187 name, certificate or license number, and the legend 'Professional Engineer,' 'Registered
188 Professional Structural Engineer,' or 'Professional Land Surveyor,' in accordance with the
189 certificate of registration or license."

190 **SECTION 11.**

191 Said title is further amended by revising Code Section 43-15-24, relating to construction of
192 structures jeopardizing health, safety, or welfare, exceptions, and recording of building
193 permits, as follows:

194 "43-15-24.

195 (a) It shall be unlawful for this state or any of its political subdivisions such as a county,
196 municipality, or school district, or agencies thereof, or for any private or commercial entity
197 to engage in the construction of any work or structures involving professional engineering
198 or structural engineering which by the nature of their function or existence could adversely
199 affect or jeopardize the health, safety, or welfare of the public unless the plans and
200 specifications have been prepared under the direct supervision or review of and bear the
201 seal of, and the construction is executed under the direct supervision of or review by, a
202 professional engineer or architect or professional structural engineer.

203 (b) Nothing in this Code section shall be held to apply to any construction, including
204 alterations, of which the completed cost is less than \$100,000.00 or which is used
205 exclusively for private or noncommercial purposes, or to private residences, or to
206 noncommercial farm buildings, or to residence buildings not exceeding two stories in
207 height, excluding basements.

208 (c) Any county, municipality, or other governing body in this state that issues building
209 permits is required to maintain a permanent record of the permit application and issuance
210 thereon indicating the name of the professional engineer or architect or professional
211 structural engineer, if any, who has sealed the plans, specifications, plats, or reports
212 pursuant to which said building permit is issued. Such record shall include details on the
213 size, type of building or structure, use for said building or structure, and estimated cost of
214 construction."

215 **SECTION 12.**

216 Said title is further amended in Code Section 43-15-29, relating to exceptions to operation
217 of chapter, by revising subsections (b) through (d) as follows:

218 "(b) The following persons shall be exempt from this chapter:

219 (1) An individual working as an employee or a subordinate of an individual holding a
220 certificate of registration or license under this chapter or an employee of an individual
221 practicing lawfully under Code Section 43-15-21, provided that such work does not
222 include final design decisions and is done under the supervision of, and responsibility
223 therefor is assumed by, an individual holding a certificate of registration or license under
224 this chapter or an individual practicing lawfully under Code Section 43-15-21;

225 (2) Officers and employees of the government of the United States while engaged within
226 this state in the practice of professional engineering, structural engineering, or land
227 surveying for such government;

228 (3) All elected officers of the political subdivisions of this state while in the practice of
229 professional engineering, structural engineering, or land surveying in the performance of
230 their official duties;

231 (4) Officers and employees of the Department of Transportation, except as required by
232 Title 46, while engaged within this state in the practice of professional engineering,
233 structural engineering, or land surveying for such department;

234 (5) Any defense, aviation, space, or aerospace company. As used in this paragraph, the
235 term 'company' shall mean any sole proprietorship, firm, limited liability company,
236 partnership, joint venture, joint stock association, corporation, or other business entity
237 and any subsidiary or affiliate of such business entity;

238 (6) Any employee, contract worker, subcontractor, or independent contractor who works
239 for a defense, aviation, space, or aerospace company that is not required to be licensed
240 under the provisions of this chapter pursuant to paragraph (5) of this subsection and who
241 provides engineering for aircraft, space launch vehicles, launch services, satellites,
242 satellite services, missiles, rockets, or other defense, aviation, space, or aerospace related
243 products or services, or any components thereof; and

244 (7) Any officer or employee of a state government agency or department, county or
245 municipal government, regional commission, or utility authority who is engaged in the
246 gathering, processing, managing, and sharing of geospatial and photogrammetric data for
247 cataloging or mapping purposes for his or her respective agency.

248 (c) This chapter shall not be construed as requiring registration or licensing for the purpose
249 of practicing professional engineering, structural engineering, or land surveying by an
250 individual, firm, or corporation on property owned or leased by such individual, firm, or
251 corporation unless the same involves the public safety or public health or for the
252 performance of engineering which relates solely to the design or fabrication of
253 manufactured products.

254 (d) This chapter shall not be construed to prevent or affect the practice of professional
255 engineering, structural engineering, and land surveying with respect to utility facilities by
256 any public utility subject to regulation by the Public Service Commission, the Federal
257 Communications Commission, the Federal Power Commission, or like regulatory agencies,
258 including its parents, affiliates, or subsidiaries; or by the officers and full-time permanent
259 employees of any such public utility, including its parents, affiliates, or subsidiaries, except
260 where such practice involves property lines of adjoining property owners, provided that this
261 exception does not extend to any professional engineer, professional structural engineer,
262 or professional land surveyor engaged in the practice of professional engineering, structural
263 engineering, or land surveying whose compensation is based in whole or in part on a fee
264 or to any engineering services performed by the utility companies referenced in this
265 subsection not directly connected with work on their facilities."

266

SECTION 13.

267 Said title is further amended in Code Section 43-15-30, relating to unlawful acts, by revising
268 subsection (e) as follows:

269 "(e) Any person offering services to the public that uses by name, verbal claim, sign,
270 advertisement, directory listing, letterhead, or otherwise the words 'Engineer,' 'Engineers,'
271 'Professional Engineering,' 'Engineering,' or 'Engineered,' 'Professional Structural
272 Engineer,' 'Professional Structural Engineers,' 'Structural Engineer,' 'Structural Engineers,'
273 'Structural Engineering,' or 'Structurally Engineered' shall be guilty of a misdemeanor
274 unless said person has complied with the provisions of this chapter."

275

SECTION 14.

276 All laws and parts of laws in conflict with this Act are repealed.