SLS 20RS-269

2020 Regular Session

SENATE BILL NO. 125

BY SENATOR HEWITT

ENGINEERS. Provides relative to the Louisiana Professional Engineering and Land Surveying Board. (8/1/20)

AN ACT

To amend and reenact R.S. 37:682(4) through (15), 683(A), (B)(1), (2), and (3), and (C), 684, 686, 693(A) and (B), 695, 698(C), 700(C) and to enact R.S. 37:682(16), relative to the Louisiana Professional Engineering and Land Surveying Board; to provide for board membership and qualifications of the members; to provide for licensure requirements of professional engineers; to provide for examinations; to remove provisions relative to professional naval architects and marine engineers; to provide for disciplinary and enforcement actions by the board; to provide for terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:682(4) through (15), 683(A), (B)(1), (2), and (3), and (C), 684, 686, 693(A) and (B), 695, 698(C), 700(C) are hereby amended and reenacted and R.S. 37:682(16) is hereby enacted to read as follows:

§682. Definitions

The following words and phrases when used in this Chapter shall have the following meaning, unless the context clearly requires otherwise:

* * *

Coding: Words which are struck through are deletions from existing law; words in boldface type and underscored are additions.
(4) "Dual licensee" shall mean any person practicing or seeking to practice both engineering and land surveying in the state of Louisiana who has received both licenses from the board and is otherwise in good standing with the board. This term is often used synonymously with the term "dual registrant".

(5) "Engineer" or "professional engineer" shall mean an individual who, by reason of his special knowledge and ability to apply the mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design, acquired by an engineering education and engineering experience, is qualified to practice engineering, as evidenced by his licensure as such by the board.

(6) "Engineer intern" shall mean an individual who has complied with the requirements for education, experience, and character and has passed an examination in the fundamental engineering subjects, as provided in this Chapter, and has been issued a certificate by the board.

(7) "Firm" shall mean any domestic or foreign firm, partnership, association, cooperative, venture, corporation, limited liability company, limited liability partnership, or any other entity.

(8) "Land surveyor" or "professional land surveyor" shall mean an individual who is qualified to practice land surveying, as evidenced by his licensure as such by the board.

(9) "Land surveyor intern" shall mean an individual who has complied with the requirements for education, experience, and character and has passed an examination in the fundamental surveying subjects, as provided in this Chapter, and has been issued a certificate by the board.

(10) "Licensee" shall mean any person practicing or seeking to practice engineering or land surveying in the state of Louisiana that has received a license from the board and is otherwise in good standing with the board. The term is often used synonymously with the term "registrant".

(11) "Licensed" or "licensure" shall mean the recognition granted by the board and its issuance of a license to any person to practice engineering or land
surveying in the state of Louisiana. These terms are often used synonymously with
the terms "registered" or "registration".

(12) "Person" shall mean any individual or firm.

(12)(a) "Practice of engineering" shall mean responsible professional
service which may include consultation, investigation, evaluation, planning,
designing, or inspection of construction in connection with any public or private
utilities, structures, machines, equipment, processes, works, or projects wherein the
public welfare or the safeguarding of life, health, and property is concerned or
involved, when such professional service requires the application of engineering
principles and the interpretation of engineering data.

(b) A person shall be construed to practice or offer to practice engineering:
who practices in any discipline of the profession of engineering; or who, by verbal
claim, sign, advertisement, letterhead, card, or in any other way represents himself
to be a professional engineer; or who represents himself as able to perform; or who
does perform any engineering service or work or any other professional service
designated by the practitioner or recognized by educational authorities as
engineering. The practice of engineering shall not include the work ordinarily
performed by a person who himself operates or maintains machinery or equipment.

(13)(a) "Practice of land surveying" shall include the measuring of
areas, land surfaces, streams, bodies of water, and swamps for correct determination
and description, for the establishment, reestablishment, ascertainment, or description
of land boundaries, corners, divisions, distances, and directions, the plotting and
monumenting of lands and subdivisions thereof, and mapping and topographical
work.

(b) A person shall be construed to practice or offer to practice land surveying
who engages in land surveying and who by verbal claim, sign, advertisement,
letterhead, card, or in any other way represents himself to be a land surveyor, or who
represents himself as able to perform or who does perform any land surveying
service or work, or any other service designated by the practitioner which is
recognized as land surveying.

(14)(15) "Responsible charge" shall mean the direct control and personal supervision of engineering or land surveying service or work, as the case may be.

(15) "Responsible professional services" shall mean the technical responsibility, control, and direction of the investigation, design, or construction of engineering service or work requiring initiative, engineering ability, and its use of independent judgment.

§683. Board; appointments; terms

A.(1) The Louisiana Professional Engineering and Land Surveying Board is hereby created, whose duty it shall be to administer the provisions of this Chapter. The board shall consist of eleven members, nine of whom shall be licensed professional engineers; and two of whom shall be licensed professional land surveyors.

(2) At least two members of the board shall be licensed professional engineers who are active engaged in the private practice of engineering. For the purposes of this Section, a professional engineer engaged in the private practice of engineering is a person legally qualified in the profession of engineering who practices engineering as a principal business and who provides analytical, creative design, and design implementation capabilities devoid of judgment-biasing commercial or product affiliations to clients on a fee basis. At least two of the members of the board shall be licensed professional engineers in government employment, at least two of the members of the board shall be licensed professional engineers employed in the field of industry, at least two of the members of the board shall be licensed professional engineers employed in the field of education, and at least one member of the board shall be a licensed professional engineer employed in the field of construction. Two at least two members of the board shall be licensed professional land surveyors who are actively engaged in the field of land surveying.

B.(1) The governor shall appoint members to the board from among licensed professional engineering engineer nominees recommended by the Louisiana
Engineering Society or its duly recognized successor; and from among licensed professional land surveyor nominees recommended by the Louisiana Society of Professional Surveyors or its duly recognized successor. All such nominees shall have the qualifications required by R.S. 37:684.

(2) At least five three nominations shall be made for each appointment required, which and each appointment shall be made by the governor in the same manner as the predecessor appointees were selected.

(3)(a) All appointments to the board shall be for terms of not less than five nor more than six years. All appointments shall be for such periods of time as to ensure that the terms of not more than two board members end per year, and shall expire on March thirty-first of the expiration year, regardless of the date on which the successor was appointed and qualified. Notwithstanding any provision of this Paragraph to the contrary, the terms of any board members appointed before March 31, 2006, shall expire on March thirty-first of the calendar year following their original expiration year.

(b) Notwithstanding any provision of this Paragraph to the contrary, the term of the licensed professional land surveyor scheduled to expire on March 31, 2010, shall be extended to March 31, 2012. The term scheduled to expire on March 31, 2012, of the licensed professional engineer in government employment shall be extended to March 31, 2015. The provisions of this Subparagraph shall expire on April 1, 2015.

* * *

C. Each member of the board shall receive a certificate of appointment from the governor, and before beginning his term of office, shall file with the secretary of state his written oath or affirmation for faithful discharge of his official duty. Each member shall serve until his successor has been appointed and qualified. It shall be the duty of the president of the Louisiana Engineering Society, in the case of the professional engineers engineer nominees, or the president of the Louisiana Society of Professional Surveyors, in the case of the licensed professional land surveyors, to notify the governor of the expiration of terms. The governor shall file the certificates with the secretary of state, who shall file the certificates with the Office of the Lieutenant Governor.
surveyors surveyor nominees, duly authorized and acting on behalf of the their respective society societies to make the nominations described above within sixty days after receipt of notice of the death, resignation, or removal of a member of the board, and at least thirty days prior to the expiration of the term of a member of the board.

§684. Qualification of board members

Each member of the board shall be a citizen of the United States and a resident of this state, and shall have been engaged in the practice or teaching of engineering or, in the case of the professional land surveyor members, the practice or teaching of land surveying, as the case may be, for at least twelve years, and shall have been in responsible charge of important engineering or land surveying work, as the case may be, for at least five years. Responsible For the purposes of this Section, responsible charge of engineering or land surveying teaching may be construed as responsible charge of important engineering or land surveying work.

§686. Removal of members for cause

A. The governor may remove any member of the board for misconduct, incompetency, or neglect of duty. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor, as provided in R.S. 37:683. Before the governor can remove a member for cause, he must serve the member with a written statement of charges against him and afford him an opportunity to be heard publicly on such charges. If the member thus served does not request a public hearing within ten days after service, the governor may proceed with his removal. If the member does request such a public hearing, it shall be heard by a special committee composed of three persons, namely: on as follows:

(1)(a) If the member requesting the hearing is a professional engineer, a professional engineer appointed by the president of the Louisiana Engineering Society shall serve on the committee and shall be the chairman.
(b) or, in the case of land surveyor members, if the member requesting the hearing is a professional land surveyor, a professional land surveyor appointed by the president of the Louisiana Society of Professional Land Surveyors, shall serve on the committee and shall be the to serve as chairman.

(2) and two Two deans from Louisiana colleges of engineering that have Accreditation Board for Engineering and Technology, Inc. approved curricula to be chosen by the board.

B. The recommendation of this committee shall be binding upon the governor. A copy of the charges, a transcript of the record of the hearing, and a copy of the recommendation shall be filed with the secretary of state.

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§693. Requirements for licensure as a professional engineer or professional land surveyor, and for certification as an engineer intern or land surveyor intern

A.(1) The board shall license or certify, as the case may be, each applicant as an engineer intern, a land surveyor intern, a professional engineer, or a professional land surveyor, as specified herein, as requested by the applicant when, in the opinion of the board, the applicant has met the requirements of this Chapter and is proficient and qualified to practice as such.

(2) Professional engineers shall be issued licenses by the board as a professional engineer. The board shall list a professional engineer in one or more of the disciplines of engineering approved by the National Council of Examiners for Engineering and Surveying to signify the area in which the professional engineer has demonstrated competence pursuant to education, experience, and examination. The professional engineer may use a stamp that designates the discipline of engineering in which the board has listed the professional engineer or a stamp that identifies the licensee as a professional engineer.

B. The minimum requirements for licensure or certification by the board shall be as follows:

Coding: Words which are struck through are deletions from existing law; words in boldface type and underscored are additions.
(1) An engineer intern shall be either any of the following:

(a) A graduate of an accredited engineering curriculum of four years or more approved by the board as being of satisfactory standing, who is of good character and reputation, who has passed the written or electronic examinations required by the board, and who has satisfied the requirements of R.S. 37:694.

(b) A graduate of a nonaccredited engineering or related science or technology curriculum of four years or more, approved by the board as being of satisfactory standing, who has obtained a graduate degree from a university having an accredited undergraduate engineering curriculum in the same discipline or sub-discipline, approved by the board as being of satisfactory standing, who is of good character and reputation, who has passed the written or electronic examinations required by the board, and who has satisfied the requirements of R.S. 37:694.

(c) A graduate of a nonaccredited engineering curriculum of four years or more approved by the board as being of satisfactory standing, who has met the requirements for progressive engineering experience in work acceptable to the board, who is of good character and reputation, who has passed the written or electronic examinations required by the board, and who has satisfied the requirements of R.S. 37:694.

(2) A professional engineer shall be either any of the following:

(a) An engineer intern, or an individual who meets the qualifications to be an engineer intern, who has met the requirements for progressive engineering experience in work acceptable to the board, who is of good character and reputation, who has passed the written or electronic examinations required by the board, and who has satisfied the requirements of R.S. 37:694.

(b) An individual who holds a valid license to engage in the practice of engineering issued to him by proper authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements that do not conflict with the provisions of this Chapter and which were of a standard not lower than that specified in the applicable licensure laws in effect in Louisiana at the time

Coding: Words which are struck through are deletions from existing law; words in boldface type and underscored are additions.
1 such license was issued, who is of good character and reputation, and who has
2 satisfied the requirements of R.S. 37:694, and if the state, territory, or possession, or
3 the District of Columbia, in which he is licensed will accept the license issued by the
4 board on a reciprocal basis.
5
6 (c) A graduate of an accredited engineering curriculum of four years or
7 more approved by the board as being of satisfactory standing, who has twenty
8 years or more of progressive engineering experience in work acceptable to the
9 board, is of good character and reputation, has passed the examinations
10 required by the board, and has satisfied the requirements of R.S. 37:694.
11
12 (3) A land surveyor intern shall be either:
13
14 (a) A graduate holding a baccalaureate degree from a curriculum of four
15 years or more who has completed at least thirty semester credit hours, or the
16 equivalent approved by the board, in courses involving land surveying, mapping, and
17 real property approved by the board, who is of good character and reputation, who
18 has passed the **oral and written** examinations required by the board, and who has
19 satisfied the requirements of R.S. 37:694.
20
21 (b) An individual certified by the board as a land surveyor in training or a
22 land surveyor intern on or before January 1, 1995.
23
24 (4) A professional land surveyor shall be either:
25
26 (a) A land surveyor intern or an individual who meets the qualifications of
27 a land surveyor intern who has had at least four years or more combined office and
28 field experience in land surveying, including two years or more of progressive
29 experience on land surveying projects under the supervision of a professional land
30 surveyor, who is of good character and reputation, who has passed the oral and
31 written examinations required by the board, and who has satisfied the requirements
32 of R.S. 37:694.
33
34 (b) An individual who holds a valid license to engage in the practice of land
35 surveying issued to him by the proper authority of a state, territory, or possession of
36 the United States, or the District of Columbia, based on requirements that do not
37
38 Coding: Words which are **struck through** are deletions from existing law; words in **boldface type and underscored** are additions.
conflict with the provisions of this Chapter and which were of a standard not lower
than that specified in the applicable licensure laws in effect in Louisiana at the time
such license was issued, who has passed a written examination on the laws,
procedures, and practices pertaining to land surveying in Louisiana, who is of good
character and reputation, and who has satisfied the requirements of R.S. 37:694, and
if the state, territory, or possession, or the District of Columbia, in which he is
licensed will accept the licenses issued by the board on a reciprocal basis.

(5) A professional naval architect or marine engineer shall be either:

(a) An individual who holds a bachelor of science degree in naval
architecture and marine engineering, or an equivalent board approved curriculum;
from an accredited engineering curriculum of four years or more approved by the
board as being of satisfactory standing, who is of good character and reputation, who
has twenty or more years of progressive engineering experience in work acceptable
to the board, and who has satisfied the requirements of R.S. 37:694. This
Subparagraph shall become null, void, and of no further effect from and after
December 31, 2015:

(b) An individual who holds a master of science degree in naval architecture
and marine engineering, or an equivalent board approved curriculum, or two
bachelor of science degrees in related engineering curricula, from an accredited
engineering curriculum approved by the board as being of satisfactory standing, who
is of good character and reputation, who has fifteen or more years of progressive
engineering experience in work acceptable to the board, and who has satisfied the
requirements of R.S. 37:694. This Subparagraph shall become null, void, and of no
further effect from and after December 31, 2015.

(c) An individual who holds a doctor of philosophy degree in naval
architecture and marine engineering, or an equivalent board approved curriculum;
from an accredited engineering curriculum approved by the board as being of
satisfactory standing, who is of good character and reputation, who has ten or more
years of progressive engineering experience in work acceptable to the board, and

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who has satisfied the requirements of R.S. 37:694. This Subparagraph shall become null, void, and of no further effect from and after December 31, 2015.

(d) An individual who has demonstrated long-standing experience in naval architecture, who is of good character and reputation, who has thirty or more years of progressive engineering experience in work acceptable to the board, and who has satisfied the requirements of R.S. 37:694. This Subparagraph shall become null, void, and of no further effect from and after December 31, 2015.

§695. Examinations

A. When oral or written examinations are required, they shall be at such time and place as the board shall designate the time and place of such examinations. The board shall issue to each such examinee a letter notifying him that he has passed or failed the examination.

B. The scope and administration of the examinations shall be prescribed by the board.

C. The board may assess the administrative costs as well as the actual costs of the examination to the examinee.

D.(1) The board, by rule, may require an individual who has failed an examination required for licensure to appear before the board, or a committee of the board, for an oral interview.

(2) The board may adopt rules in accordance with the Administrative Procedure Act concerning the eligibility for licensure of an individual who has failed an examination required for such licensure seven or more times.

698. Disciplinary proceedings against licensees and certificate holders; procedure

C. The board shall have the power to take disciplinary action against a firm if one or more of its officers, directors, managers, employees, agents, or representatives is found by the board to be guilty of any of the acts or offenses listed
in Subsection A of this Section violates any provision of this Chapter.

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§700. Enforcement proceedings against other persons; procedure

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C. The board shall have the power to take enforcement action against a firm

if one or more of its officers, directors, managers, employees, agents, or

representatives is found by the board to be guilty of any of the acts or offenses listed

in Subsection A of this Section. violates any provision of this Chapter.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ridge.

DIGEST

SB 125 Original 2020 Regular Session Hewitt

Present law provides relative to the regulation of engineers and land surveyors.

Present law provides for definitions. Proposed law adds the term "dual licensee" and defines it to mean any person practicing or seeking to practice both engineering and land surveying in the state who has a received both licenses from the board and is otherwise in good standing with the board.

Present law provides for members of the board and removal of board members.

Proposed law retains present law.

Present law provides for licensure requirements of a professional engineer as follows:

(1) An engineer intern who has met the requirements for progressive engineering experience in work acceptable to the board, who is of good character and reputation, who has passed the required examinations, and who has satisfied the application and submits the required fee.

(2) An individual who holds a valid license to engage in the practice of engineering issued to him by another state, based on requirements that do not conflict with the provisions of La. law, and which were of a standard not lower than that specified in the applicable licensure laws in effect in La. at the time the license was issued, who is of good character and reputation, and who has satisfied the application requirements, and if the state, territory, or possession, or the District of Columbia, in which he is licenced will accept the license issued by the board on a reciprocal basis.

Proposed law retains present law and provides that a professional engineer shall be a graduate of a board approved engineering curriculum, who has 20 years or more of progressive engineering experience in work acceptable to the board, who is of good character and reputation, who has passed the examinations required by the board, and who has satisfied the requirements of application requirements.
Present law provides for the licensure requirements of a professional naval architect or marine engineer.

Proposed law removes provisions of present law.

Present law provides relative to examinations for licensure.

Proposed law authorizes the board to require an individual who failed an examination to appear before the board for an oral interview.

Proposed law authorizes the board to adopt rules concerning eligibility for licensure of an individual who has failed an examination seven or more times.

Present law grants disciplinary and enforcement action to the board for certain acts and offenses committed by an officer, director, manager, employee, agent, or representative of a firm.

Proposed law retains present law and adds acts and offenses subject to disciplinary and enforcement actions by the board.

Effective August 1, 2020.

(Amends R.S. 37:682(4)-(15), 683(A), (B)(1), (2), and (3), and (C), 684, 686, 693(A) and (B), 695, 698(C), 700(C); adds R.S. 37:682(16))