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BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 - 9998.11] (*Heading of Division 3 added by Stats. 1939, Ch. 30.*)

CHAPTER 7. Professional Engineers [6700 - 6799] (*Chapter 7 repealed and added by Stats. 1951, Ch. 1709.*)

ARTICLE 6. Offenses Against the Chapter [6785 - 6789] (*Article 6 added by Stats. 1951, Ch. 1709.*)

6785. The board shall have the power, duty, and authority to investigate violations of the provisions of this chapter.

(*Repealed and added by Stats. 1951, Ch. 1709.*)

6786. It is the duty of the respective members of the legal system to prosecute all persons charged with the violation of any of the provisions of this chapter.

It is the duty of the executive officer of the board, under the direction of the board, to aid these officers in the enforcement of this chapter.

(*Amended by Stats. 1984, Ch. 47, Sec. 61. Effective March 21, 1984.*)

6787. A person who does any of the following is guilty of a misdemeanor:

(a) Unless the person is exempt from licensure under this chapter, practices or offers to practice civil, electrical, or mechanical engineering in this state according to this chapter without legal authorization.

(b) Presents or attempts to file as the person's own the certificate of an engineer-in-training or the certificate of licensure of a licensed professional engineer unless they are the person named on the certificate.

(c) Gives false evidence of any kind to the board, or to any board member, in obtaining a certificate as an engineer-in-training or a certificate of licensure.

(d) Impersonates or uses the seal, signature, or license number of a licensed professional engineer or uses a false license number.

(e) Impersonates or uses the certificate number of an engineer-in-training or uses a false certificate.

(f) Uses an expired, suspended, surrendered, or revoked certificate or license.

(g) Represents themselves as, or uses the title of, a licensed or registered civil, electrical, or mechanical engineer, or any other title whereby that person could be considered as practicing or offering to practice civil, electrical, or mechanical engineering in any of its branches, unless they are correspondingly qualified by licensure as a civil, electrical, or mechanical engineer under this chapter.

(h) Unless appropriately licensed, manages, or conducts as manager, proprietor, or agent, any place of business from which civil, electrical, or mechanical engineering work is solicited, performed, or practiced, except as authorized pursuant to Section 8726.1.

(i) Uses the title, or any combination of that title, of "professional engineer," "licensed engineer," "registered engineer," or the branch titles specified in Section 6732, or the authority titles specified in Sections 6736 and 6736.1, or "engineer-in-training," or makes use of any abbreviation of that title that might lead to the belief that the person is a licensed engineer, is authorized to use the titles specified in Section 6736 or 6736.1, or holds a certificate as an engineer-in-training, without being licensed, authorized, or certified as required by this chapter.

(j) Uses the title "consulting engineer" without being licensed as required by this chapter or without being authorized to use that title pursuant to legislation enacted at the 1963, 1965, or 1968 Regular Session.

(k) Violates any provision of this chapter.

(*Amended by Stats. 2024, Ch. 588, Sec. 12. (AB 3253) Effective January 1, 2025.*)

6788. Any person who violates any provision of subdivisions (a) to (j), inclusive, of Section 6787 in connection with the offer or performance of engineering services for the repair of damage to a residential or nonresidential structure caused by a disaster for

which a state of emergency is proclaimed by the Governor pursuant to Section 8625 of the Government Code, or for which an emergency or major disaster is declared by the President of the United States, shall be punished by a fine up to ten thousand dollars (\$10,000), or by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, or for two or three years, or by both the fine and imprisonment, or by a fine up to one thousand dollars (\$1,000), or by imprisonment in a county jail not exceeding one year, or by both the fine and imprisonment.

(Amended by Stats. 2019, Ch. 630, Sec. 6. (AB 1522) Effective January 1, 2020.)

6789. (a) If a licensee who is retained as an expert witness enters into a nondisclosure agreement, that agreement shall not be construed to prevent the licensee from reporting a potential violation of the Professional Engineers Act to the board.

(b) This section shall not be construed to be, or act as, a waiver of any applicable attorney-client or attorney work product privileges.

(Added by Stats. 2019, Ch. 145, Sec. 1. (SB 339) Effective January 1, 2020.)