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AB-1522 Board for Professional Engineers, Land Surveyors, and Geologists: licensees. (2019-2020)

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Assembly Bill No. 1522

CHAPTER 630

An act to amend Sections 6710, 6714, 6775.2, 6787, 6788, 7830, 7830.1, 7860.2, 7872, 8710, 8727, 8780.2, and 8792 of, to add Section 7860.1 to, and to repeal Section 6704.1 of, the Business and Professions Code, relating to professions and vocations.

[Approved by Governor October 08, 2019. Filed with Secretary of State October 08, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1522, Low. Board for Professional Engineers, Land Surveyors, and Geologists: licensees.

(1) Existing law establishes the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs, to license and regulate engineers under the Professional Engineers Act, to license and regulate land surveyors under the Professional Land Surveyors' Act, and to license and regulate geologists and geophysicists under the Geologist and Geophysicist Act. Existing law requires the board to appoint an executive officer. Existing law repeals the provisions establishing the board, requiring the board to appoint an executive officer, and vesting the board with the power to administer these provisions on January 1, 2020.

This bill would extend these repeal dates to January 1, 2024.

(2) The Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act contain provisions that make it a cause for disciplinary action for a licensee to fail or refuse to respond to a request by the board to cooperate in an investigation of a complaint against the licensee. Existing law repeals those provisions on January 1, 2020.

This bill would instead make it a cause for disciplinary action for a licensee to fail or refuse to respond to a request by the board in an investigation of a complaint against the licensee and would extend the operation of those provisions indefinitely.

(3) The Professional Engineers Act makes it a misdemeanor for a person to impersonate or use the seal of a licensed professional engineer.

This bill would also make it a misdemeanor for a person to use the signature or license number of a licensed professional engineer or use a false license number.

(4) The Geologist and Geophysicist Act makes it unlawful for anyone other than a licensed specialty geologist or licensed geophysicist to use certain titles. The act also makes it a misdemeanor for a person to impersonate or use the seal of any other practitioner.

This bill would also make it unlawful to use a combination of the words and phrases or abbreviations that are restricted pursuant to the aforementioned provisions and would make it a misdemeanor for a person to use the license number of a licensee or use a false license number.

(5) The Geologist and Geophysicist Act provides for certification as a geologist-in-training by the board upon application and satisfaction of specified requirements.

This bill would authorize the board to investigate the actions of a geologist-in-training, make findings, and, by majority vote, revoke the certificate of a geologist-in-training for specified acts, including conviction of certain crimes.

(6) The Professional Land Surveyors' Act specifies that surveys made exclusively for geological or landscaping purposes that do not involve the determination of any property line do not constitute surveying for purposes of the act. The act also makes it a misdemeanor to impersonate or use the seal of a professional land surveyor or to use an expired, suspended, or revoked license.

This bill would exclude from the act's provisions a survey specified above only if the survey is performed by a person authorized to practice geology or licensed to practice landscape architecture. The bill would make it a misdemeanor to use the signature or license number of a professional land surveyor or to use a surrendered license or a false license number.

(7) This bill would make other conforming and nonsubstantive changes to the Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act, including deleting an obsolete reporting requirement.

(8) Because the bill would expand the scope of crimes under those acts, the 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.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 6704.1 of the Business and Professions Code is repealed.

SEC. 2. Section 6710 of the Business and Professions Code is amended to read:

6710. (a) There is in the Department of Consumer Affairs a Board for Professional Engineers, Land Surveyors, and Geologists, which consists of 15 members.

(b) Any reference in any law or regulation to the Board of Registration for Professional Engineers and Land Surveyors, or the Board for Professional Engineers and Land Surveyors, is deemed to refer to the Board for Professional Engineers, Land Surveyors, and Geologists.

(c) This section shall remain in effect only until January 1, 2024, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 3. Section 6714 of the Business and Professions Code is amended to read:

6714. The board shall appoint an executive officer at a salary to be fixed and determined by the board with the approval of the Director of Finance.

This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 6775.2 of the Business and Professions Code is amended to read:

6775.2. The failure of, or refusal by, a licensee or a certificate holder to respond to a written request from a representative of the board in the investigation of a complaint against that licensee or certificate holder constitutes a cause for disciplinary action under Section 6775 or 6775.1.

SEC. 5. Section 6787 of the Business and Professions Code is amended to read:

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, practice or offer to practice civil, electrical, or mechanical engineering in this state according to the provisions of this chapter without legal authorization.

(b) Present or attempt to file as the person's own the certificate of licensure of a licensed professional engineer unless they are the person named on the certificate of licensure.

- (c) Give false evidence of any kind to the board, or to any board member, in obtaining a certificate of licensure.
- (d) Impersonate or use the seal, signature, or license number of a licensed professional engineer or use a false license number.
- (e) Use an expired, suspended, surrendered, or revoked license.
- (f) Represent 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.
- (g) Unless appropriately licensed, manage, or conduct 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 subdivision (e) of Section 6738 and Section 8726.1.
- (h) Use 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 use 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.
- (i) Use 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.
- (j) Violate any provision of this chapter.

SEC. 6. Section 6788 of the Business and Professions Code is amended to read:

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.

SEC. 7. Section 7830 of the Business and Professions Code is amended to read:

7830. It is unlawful for anyone other than a geologist licensed under this chapter to stamp or seal any plans, specifications, plats, reports, or other documents with the seal or stamp of a professional geologist or licensed certified specialty geologist, or to use in any manner the title "professional geologist" or the title of any licensed certified specialty geologist, or any combination of the words and phrases or abbreviations thereof, unless licensed, or licensed and certified, under this chapter.

SEC. 8. Section 7830.1 of the Business and Professions Code is amended to read:

7830.1. It is unlawful for any person other than a geophysicist licensed under this chapter to stamp or seal any plans, specifications, plats, reports, or other documents with the seal or stamp of a licensed geophysicist, professional geophysicist, or licensed certified specialty geophysicist, or to use in any manner the title "registered geophysicist," "professional geophysicist," or the title of any registered certified specialty geophysicist, or any combination of the words and phrases or abbreviations thereof, unless the person is licensed, or licensed and certified, under this chapter.

SEC. 9. Section 7860.1 is added to the Business and Professions Code, to read:

7860.1. The board may, upon its own initiative or upon the receipt of a complaint, investigate the actions of any geologist-in-training and make findings. By a majority vote, the board may revoke the certificate of any geologist-in-training who does any of the following:

- (a) Has been convicted of a crime as defined in subdivision (a) of Section 480.
- (b) Committed an act that would be grounds for denial of a license pursuant to Section 480 or 496.
- (c) Committed an act of fraud, deceit, or misrepresentation in obtaining their geologist-in-training certificate or license as a professional geologist, certified specialty geologist, professional geophysicist, or certified specialty geophysicist.

(d) Aids or abets any person in the violation of any provision of this chapter or any regulation adopted by the board pursuant to this chapter.

(e) Violates Section 119 with respect to a geologist-in-training certificate.

(f) Commits any act described in Section 7872.

(g) Violates any provision of this chapter.

SEC. 10. Section 7860.2 of the Business and Professions Code is amended to read:

7860.2. The failure of, or refusal by, a licensee or a certificate holder to respond to a written request from a representative of the board in the investigation of a complaint against that licensee or certificate holder constitutes a cause for disciplinary action under Section 7860 or 7860.1.

SEC. 11. Section 7872 of the Business and Professions Code is amended to read:

7872. A person who does any of the following is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed three months, or by both fine and imprisonment:

(a) Unless the person is exempt from licensure under this chapter, practices or offers to practice geology or geophysics for others in this state according to the provisions of this chapter without legal authorization.

(b) Presents or attempts to file as their own the certificate of registration of another person.

(c) Gives false evidence of any kind to the board, or to any board member, in obtaining a certificate of registration.

(d) Impersonates or uses the seal, signature, or license number of any professional geologist, certified specialty geologist, professional geophysicist, or certified specialty geophysicist or who uses a false license number.

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

(f) Represents themselves as, or uses the title of, professional geologist, or any other title whereby the person could be considered as practicing or offering to practice geology for others, unless the person is qualified by licensure as a professional geologist under this chapter, or represents themselves as, or uses the title of, professional geophysicist, or any other title whereby the person could be considered as practicing or offering to practice geophysics for others, unless the person is qualified by licensure as a professional geophysicist under this chapter.

(g) Unless the person is licensed, manages, or conducts as manager, proprietor, or agent, any place of business from which geological or geophysical work is solicited, performed, or practiced for others, except as authorized pursuant to Section 7834.

(h) Uses the title, or any combination of that title, of "professional geologist," "registered geophysicist," or "professional geophysicist," the title of any licensed certified specialty geologist or any licensed certified specialty geophysicist, or "geologist-in-training," or who makes use of any abbreviation of a title that might lead to the belief that the person is licensed as a geologist, a geophysicist, a certified specialty geologist, or a certified specialty geophysicist, or holds a certificate as a geologist-in-training, without being licensed, licensed and certified, or certified, as required by this chapter.

(i) Violates any provision of this chapter.

SEC. 12. Section 8710 of the Business and Professions Code is amended to read:

8710. (a) The Board for Professional Engineers, Land Surveyors, and Geologists is vested with power to administer the provisions and requirements of this chapter, and may make and enforce rules and regulations that are reasonably necessary to carry out its provisions.

(b) The board may adopt rules and regulations of professional conduct that are not inconsistent with state and federal law. The rules and regulations may include definitions of incompetence and negligence. Every person who holds a license or certificate issued by the board pursuant to this chapter, or a license or certificate issued to a civil engineer pursuant to Chapter 7 (commencing with Section 6700), shall be governed by these rules and regulations.

(c) This section shall remain in effect only until January 1, 2024, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 13. Section 8727 of the Business and Professions Code is amended to read:

8727. Surveys made exclusively for geological purposes performed by a person authorized to practice geology under Chapter 12.5 (commencing with Section 7800) or exclusively for landscaping purposes performed by a person authorized to practice landscape architecture pursuant to Chapter 3.5 (commencing with Section 5615), that do not involve the determination of any property line do not constitute surveying within the meaning of this chapter.

SEC. 14. Section 8780.2 of the Business and Professions Code is amended to read:

8780.2. The failure of, or refusal by, a licensee or a certificate holder to respond to a written request from a representative of the board in the investigation of a complaint against that licensee or certificate holder constitutes a cause for disciplinary action under Section 8780 or 8780.1.

SEC. 15. Section 8792 of the Business and Professions Code is amended to read:

8792. 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, land surveying in this state without legal authorization.

(b) Presents as their own the license of a professional land surveyor unless they are the person named on the license.

(c) Attempts to file as their own any record of survey under the license of a professional land surveyor.

(d) Gives false evidence of any kind to the board, or to any board member, in obtaining a license.

(e) Impersonates or uses the seal, signature, or license number of a professional land surveyor or who uses a false license number.

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

(g) Represents themselves as, or uses the title of, professional land surveyor, or any other title whereby that person could be considered as practicing or offering to practice land surveying, unless the person is correspondingly qualified by licensure as a land surveyor under this chapter.

(h) Uses the title, or any combination of that title, of "professional land surveyor," "licensed land surveyor," "land surveyor," or the titles specified in Sections 8751 and 8775, or "land surveyor-in-training," or who makes use of any abbreviation of that title that might lead to the belief that the person is a licensed land surveyor or holds a certificate as a land surveyor-in-training, without being licensed or certified as required by this chapter.

(i) Unless appropriately licensed, manages, or conducts as manager, proprietor, or agent, any place of business from which land surveying work is solicited, performed, or practiced, except as authorized pursuant to Section 6731.2 and subdivision (e) of Section 8729.

(j) Violates any provision of this chapter.

SEC. 16. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.