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**AB-3253 Board for Professional Engineers, Land Surveyors, and Geologists: licensees: professional land surveyors: surveying practices: monuments and corner accessories. (2023-2024)**

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**Assembly Bill No. 3253**

**CHAPTER 588**

An act to amend Sections 130, 6710, 6711, 6713, 6714, 6738, 6749, 6755, 6755.1, 6763.5, 6787, 7839.2, 7872, 8710, 8729, 8748.5, 8759, 8773.3, and 8792 of, and to add and repeal Section 8771.6 of, the Business and Professions Code, relating to professions and vocations.

[ Approved by Governor September 25, 2024. Filed with Secretary of State September 25, 2024. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 3253, Berman. Board for Professional Engineers, Land Surveyors, and Geologists: licensees: professional land surveyors: surveying practices: monuments and corner accessories.

(1) Existing law establishes the Board for Professional Engineers, Land Surveyors, and Geologists (board), 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, 2025.

This bill would extend these repeal dates to January 1, 2029.

(2) Under existing law, the board consists of 15 members. Existing law requires the term of office of any member of specified agencies, including the board, to be for a term of 4 years expiring on June 1. Existing law also requires each member to be at least 30 years of age.

This bill would remove the term and age requirements for members of the board.

(3) Existing law authorizes the Governor to remove any member of the board for misconduct, incompetency, or neglect of duty.

This bill would delete that provision, and would instead authorize each appointing authority to remove from office at any time any member of the board appointed by that appointing authority for continued neglect of duties required by law, or for incompetence, or unprofessional or dishonorable conduct.

(4) Existing law regulates the examination for applicants for licensure as a professional engineer, including by requiring the exam duration and composition to be designed to conform to a specified general principle, consisting of two divisions. Existing law authorizes the board, by rule, to provide for a waiver of the second division of the examination for certain eminently qualified persons. Existing law requires the board to administer questions to test the applicant's knowledge of seismic principles and engineering surveying principles as a separate part of the second division of the examination for registration as a civil engineer.

This bill would authorize the board, by rule, to provide for a waiver of any part of the second division of the examination for certain eminently qualified persons. The bill would instead require the board to administer questions to test the applicant's knowledge of seismic principles and engineering surveying principles as separate parts of the second division of the examination for registration as a civil engineer.

(5) Existing law authorizes the board to refund to applicants for licensure as a professional engineer, for certification as an engineer-in-training, for authorization to use the title "structural engineer" or "soil engineer," for license as a land surveyor, or for certification as a land surveyor-in-training who the board finds lack the qualifications for such license, certification, or authorization, one-half of the amount of their application fee.

This bill would, instead, authorize the board to refund to the above-described applicants their examination fee.

(6) The Professional Engineers Act makes it a misdemeanor for a person to 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, to give false evidence of any kind to the board, or to any board member, in obtaining a certificate of licensure, to impersonate or use the seal, signature, or license number of a licensed professional engineer or use a false license number, or to use an expired, suspended, surrendered, or revoked license.

This bill would expand these misdemeanors to include persons who present or attempt to file as the person's own certificate of an engineer-in-training, give false evidence of any kind to the board, or to any board member, in obtaining a certificate as an engineer-in-training, impersonate or use the certificate number of an engineer-in-training or uses a false certificate, or use an expired, suspended, surrendered, or revoked certificate. By expanding the scope of a crime under the act, this bill would impose a state-mandated local program.

(7) The Geologist and Geophysicist Act makes certain acts 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, including to present or attempt to file as their own the certificate of registration of another person, to give false evidence of any kind to the board, or to any board member, in obtaining a certificate of registration, to impersonate or use the seal, signature, or license number of any professional geologist, certified specialty geologist, professional geophysicist, or certified specialty geophysicist or use a false license number, or use an expired, suspended, surrendered, or revoked license.

This bill would remove the above-described provisions relating to fines and imprisonment and, instead, make it a misdemeanor to present or attempt to file as their own the certificate of a geologist-in-training or the license of a professional geologist, certified specialty geologist, a professional geophysicist, or a certified specialty geophysicist unless they are the person named on the certificate or the license. The bill would also make it a misdemeanor to give false evidence of any kind to the board, or to any board member, in obtaining a certificate or a license, to impersonate or use the certificate number of a geologist-in-training or use a false certificate, or use an expired, suspended, surrendered or revoked certificate. By expanding the scope of a crime under the act, the bill would impose a state-mandated local program.

(8) The Professional Land Surveyors' Act makes it a misdemeanor to presents as their own the license of a professional land surveyor unless they are the person named on the license, give false evidence of any kind to the board, or to any board member, in obtaining a license, impersonate or use the seal, signature, or license number of a professional land surveyor or use a false license number, or use an expired, suspended, surrendered, or revoked license.

This bill would expand these misdemeanors to include persons who present as their own the certificate of a land surveyor-in-training unless they are the person named on the certificate, give false evidence of any kind to the board, or to any board member, in obtaining a certificate, impersonate or use the certificate number of a land surveyor-in-training or uses a false certificate, or use an expired, suspended, surrendered, or revoked certificate. By expanding the scope of a crime under the act, the bill would impose a state-mandated local program.

(9) Existing law requires professional engineers, professional geologists or professional geophysicists, and licensed land surveyors or licensed civil engineers authorized to practice land surveying to use a written contract when contracting to provide their respective services to a client. Existing law requires those contracts to include specified information, including, among other things, a description of the services to be provided to the client.

This bill would additionally require those contracts to include disclosure of any existence of a current professional liability insurance policy covering the professional engineer, professional geologist or professional geophysicist, or licensed land surveyor or licensed civil engineer in responsible charge of the services.

(10) Existing law authorizes one or more civil, electrical, or mechanical engineers to practice or offer to practice, within the scope of their license, civil, electrical, or mechanical engineering as a business, as defined, if certain requirements are met, including that the engineer currently licensed is an owner, partner, or officer in charge of the engineering practice of the business, and that all civil, electrical, or mechanical engineering services are performed by, or under the responsible charge of, a professional

engineer licensed in the appropriate branch of professional engineering. Existing law also requires all businesses engaged in rendering civil, electrical, or mechanical engineering services to file a current organization record form with the board.

This bill would require those businesses to file, in addition to the above-described form, documentary evidence that demonstrates compliance with the above-described requirements.

(11) Existing law authorizes one or more licensed land surveyors or civil engineers licensed before 1982 to practice or offer to practice, within the scope of their licensure, land surveying as a business, as defined, if certain conditions are satisfied, including that the land surveyor or civil engineer currently licensed is an owner, partner, or officer in charge of the land surveying practice of the business, and that all land surveying services are performed by or under the responsible charge of a land surveyor or civil engineer. Existing law also requires all businesses engaged in rendering professional land surveying services to file a current organization record form with the board.

This bill would require those businesses to file, in addition to the above-described form, documentary evidence that demonstrates compliance with the above-described requirements.

(12) Existing law requires any person practicing, or offering to practice, land surveying in the state to submit evidence that they are qualified to practice and to be licensed under these provisions. Existing law requires a land surveyor, when filing a corner record with the county surveyor or engineer of the county where the corner is situated, to ensure a corner accessory or monument is reconstructed or rehabilitated so that it remains permanently fixed, as specified.

This bill would make a nonsubstantive change to those provisions, and would, until January 1, 2029, require a land surveyor or registered civil engineer using any monument as a control, to similarly reconstruct or rehabilitate that monument.

(13) Existing law makes any violation of the Professional Land Surveyors' Act a misdemeanor.

By expanding the scope of practices subject to the Professional Land Surveyors' Act, 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.

(14) This bill would incorporate additional changes to Sections 6738 and 8729 of the Business and Professions Code proposed by AB 1862 to be operative only if this bill and AB 1862 are enacted and this bill is enacted last.

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

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

**SECTION 1.** Section 130 of the Business and Professions Code is amended to read:

**130.** (a) Notwithstanding any other law, the term of office of any member of an agency designated in subdivision (b) shall be for a term of four years expiring on June 1.

(b) Subdivision (a) applies to the following boards or committees:

- (1) The Medical Board of California.
- (2) The Podiatric Medical Board of California.
- (3) The Physical Therapy Board of California.
- (4) The Board of Registered Nursing, except as provided in subdivision (c) of Section 2703.
- (5) The Board of Vocational Nursing and Psychiatric Technicians.
- (6) The California State Board of Optometry.
- (7) The California State Board of Pharmacy.
- (8) The Veterinary Medical Board.
- (9) The California Architects Board.
- (10) The Landscape Architect Technical Committee.

- (11) The Contractors State License Board.
- (12) The Board of Behavioral Sciences.
- (13) The Court Reporters Board of California.
- (14) The State Athletic Commission.
- (15) The Osteopathic Medical Board of California.
- (16) The Respiratory Care Board of California.
- (17) The Acupuncture Board.
- (18) The Board of Psychology.
- (19) The Structural Pest Control Board.

**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, 2029, 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 6711 of the Business and Professions Code is amended to read:

**6711.** Each member of the board shall be a citizen of the United States. Five members shall be registered under this chapter. One member shall be licensed under the Professional Land Surveyors' Act, Chapter 15 (commencing with Section 8700), one member shall be licensed under the Geologist and Geophysicist Act, Chapter 12.5 (commencing with Section 7800), and eight shall be public members who are not registered under this act, licensed under the Geologist and Geophysicist Act, or licensed under the Professional Land Surveyors' Act. Each member, except the public members, shall have at least 12 years active experience and shall be of good standing in their profession. Each member shall have been a resident of this state for at least five years immediately preceding their appointment.

**SEC. 4.** Section 6713 of the Business and Professions Code is amended to read:

**6713.** Each appointing authority shall have the power to remove from office at any time any member of the board appointed by that authority pursuant to Section 106.

**SEC. 5.** 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, 2029, and as of that date is repealed.

**SEC. 6.** Section 6738 of the Business and Professions Code, as amended by Section 1 of Chapter 302 of the Statutes of 2022, is amended to read:

**6738.** (a) This chapter does not prohibit one or more civil, electrical, or mechanical engineers from practicing or offering to practice, within the scope of their license, civil (including geotechnical and structural), electrical, or mechanical engineering as a sole proprietorship, partnership, limited liability partnership, firm, or corporation (hereinafter called business), if all of the following requirements are met:

- (1) A civil, electrical, or mechanical engineer currently licensed in this state is an owner, partner, or officer in charge of the engineering practice of the business.

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

(3) If the business name of a California engineering business contains the name of any person, then that person shall be licensed as a professional engineer, a licensed land surveyor, a licensed architect, or a geologist registered under the Geologist and Geophysicist Act (Chapter 12.5 (commencing with Section 7800)). Any offer, promotion, or advertisement by the business that contains the name of any individual in the business, other than by use of the name of an individual in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.

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

(c) The business name of a California engineering business may be a fictitious name. However, if the fictitious name includes the name of any person, the requirements of paragraph (3) of subdivision (a) shall be met.

(d) A person not licensed under this chapter may also be a partner or an officer of a civil, electrical, or mechanical engineering business if the requirements of subdivision (a) are met. This section does not permit a person who is not licensed under this chapter to be the sole owner of a civil, electrical, or mechanical engineering business, unless otherwise exempt under this chapter.

(e) This section shall not prevent the use of the name of any business engaged in rendering civil, electrical, or mechanical engineering services, including the use by any lawful successor or survivor, that lawfully was in existence on December 31, 1987. However, the business is subject to paragraphs (1) and (2) of subdivision (a).

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

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

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

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

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

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

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

(h) (1) A current organization record form shall be filed with the board for all businesses engaged in rendering civil, electrical, or mechanical engineering services.

(2) The filing of the organization record form described in paragraph (1) shall be accompanied by documentary evidence that demonstrates compliance with the provisions described in paragraphs (1) and (2) of subdivision (a).

(i) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

**SEC. 6.5.** Section 6738 of the Business and Professions Code, as amended by Section 1 of Chapter 302 of the Statutes of 2022, is amended to read:

**6738.** (a) This chapter does not prohibit one or more civil, electrical, or mechanical engineers from practicing or offering to practice, within the scope of their license, civil (including geotechnical and structural), electrical, or mechanical engineering as a

sole proprietorship, partnership, limited liability partnership, firm, or corporation (hereinafter called business), if all of the following requirements are met:

(1) A civil, electrical, or mechanical engineer currently licensed in this state is an owner, partner, or officer in charge of the engineering practice of the business.

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

(3) If the business name of a California engineering business contains the name of any person, then that person shall be licensed as a professional engineer, a licensed land surveyor, a licensed architect, or a geologist registered under the Geologist and Geophysicist Act (Chapter 12.5 (commencing with Section 7800)). Any offer, promotion, or advertisement by the business that contains the name of any individual in the business, other than by use of the name of an individual in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.

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

(c) The business name of a California engineering business may be a fictitious name. However, if the fictitious name includes the name of any person, the requirements of paragraph (3) of subdivision (a) shall be met.

(d) A person not licensed under this chapter may also be a partner or an officer of a civil, electrical, or mechanical engineering business if the requirements of subdivision (a) are met. This section does not permit a person who is not licensed under this chapter to be the sole owner of a civil, electrical, or mechanical engineering business, unless otherwise exempt under this chapter.

(e) This section shall not prevent the use of the name of any business engaged in rendering civil, electrical, or mechanical engineering services, including the use by any lawful successor or survivor, that lawfully was in existence on December 31, 1987. However, the business is subject to paragraphs (1) and (2) of subdivision (a).

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

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

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

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

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

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

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

(h) (1) A current organization record form shall be filed with the board for all businesses engaged in rendering civil, electrical, or mechanical engineering services.

(2) The filing of the organization record form described in paragraph (1) shall be accompanied by documentary evidence that demonstrates compliance with the provisions described in paragraphs (1) and (2) of subdivision (a).

(i) This section shall remain in effect only until January 1, 2034, and as of that date is repealed.

**SEC. 7.** Section 6738 of the Business and Professions Code, as amended by Section 2 of Chapter 302 of the Statutes of 2022, is amended to read:

**6738.** (a) This chapter does not prohibit one or more civil, electrical, or mechanical engineers from practicing or offering to practice within the scope of their license civil (including geotechnical and structural), electrical, or mechanical engineering as a sole proprietorship, partnership, firm, or corporation (hereinafter called business), if all of the following requirements are met:

(1) A civil, electrical, or mechanical engineer currently licensed in this state is an owner, partner, or officer in charge of the engineering practice of the business.

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

(3) If the business name of a California engineering business contains the name of any person, then that person shall be licensed as a professional engineer, a licensed land surveyor, a licensed architect, or a geologist registered under the Geologist and Geophysicist Act (Chapter 12.5 (commencing with Section 7800)). Any offer, promotion, or advertisement by the business that contains the name of any individual in the business, other than by use of the name of an individual in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.

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

(c) The business name of a California engineering business may be a fictitious name. However, if the fictitious name includes the name of any person, the requirements of paragraph (3) of subdivision (a) shall be met.

(d) A person not licensed under this chapter may also be a partner or an officer of a civil, electrical, or mechanical engineering business if the requirements of subdivision (a) are met. This section does not permit a person who is not licensed under this chapter to be the sole owner of a civil, electrical, or mechanical engineering business, unless otherwise exempt under this chapter.

(e) This section shall not prevent the use of the name of any business engaged in rendering civil, electrical, or mechanical engineering services, including the use by any lawful successor or survivor, that lawfully was in existence on December 31, 1987. However, the business is subject to paragraphs (1) and (2) of subdivision (a).

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

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

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

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

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

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

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

(h) (1) A current organization record form shall be filed with the board for all businesses engaged in rendering civil, electrical, or mechanical engineering services.

(2) The filing of the organization record form described in paragraph (1) shall be accompanied by documentary evidence that demonstrates compliance with the provisions described in paragraphs (1) and (2) of subdivision (a).

(i) This section shall become operative on January 1, 2026.

**SEC. 7.5.** Section 6738 of the Business and Professions Code, as amended by Section 2 of Chapter 302 of the Statutes of 2022, is amended to read:

**6738.** (a) This chapter does not prohibit one or more civil, electrical, or mechanical engineers from practicing or offering to practice within the scope of their license civil (including geotechnical and structural), electrical, or mechanical engineering as a sole proprietorship, partnership, firm, or corporation (hereinafter called business), if all of the following requirements are met:

(1) A civil, electrical, or mechanical engineer currently licensed in this state is an owner, partner, or officer in charge of the engineering practice of the business.

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

(3) If the business name of a California engineering business contains the name of any person, then that person shall be licensed as a professional engineer, a licensed land surveyor, a licensed architect, or a geologist registered under the Geologist and Geophysicist Act (Chapter 12.5 (commencing with Section 7800)). Any offer, promotion, or advertisement by the business that contains the name of any individual in the business, other than by use of the name of an individual in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.

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

(c) The business name of a California engineering business may be a fictitious name. However, if the fictitious name includes the name of any person, the requirements of paragraph (3) of subdivision (a) shall be met.

(d) A person not licensed under this chapter may also be a partner or an officer of a civil, electrical, or mechanical engineering business if the requirements of subdivision (a) are met. This section does not permit a person who is not licensed under this chapter to be the sole owner of a civil, electrical, or mechanical engineering business, unless otherwise exempt under this chapter.

(e) This section shall not prevent the use of the name of any business engaged in rendering civil, electrical, or mechanical engineering services, including the use by any lawful successor or survivor, that lawfully was in existence on December 31, 1987. However, the business is subject to paragraphs (1) and (2) of subdivision (a).

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

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

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

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

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

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

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



(h) (1) A current organization record form shall be filed with the board for all businesses engaged in rendering civil, electrical, or mechanical engineering services.

(2) The filing of the organization record form described in paragraph (1) shall be accompanied by documentary evidence that demonstrates compliance with the provisions described in paragraphs (1) and (2) of subdivision (a).

(i) This section shall become operative on January 1, 2034.

**SEC. 8.** Section 6749 of the Business and Professions Code is amended to read:

**6749.** (a) A professional engineer shall use a written contract when contracting to provide professional engineering services to a client pursuant to this chapter. The written contract shall be executed by the professional engineer and the client or the client's representative prior to the professional engineer commencing work, unless the client knowingly states in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following:

(1) A description of the services to be provided to the client by the professional engineer.

(2) A description of any basis of compensation applicable to the contract, and the method of payment agreed upon by the parties.

(3) The name, address, and license or certificate number of the professional engineer, and the name and address of the client.

(4) A description of the procedure that the professional engineer and the client will use to accommodate additional services.

(5) A description of the procedure to be used by both parties to terminate the contract.

(6) Disclosure of any existence of a current professional liability insurance policy covering the professional engineer in responsible charge of the services.

(b) This section shall not apply to any of the following:

(1) Professional engineering services rendered by a professional engineer for which the client will not pay compensation.

(2) A professional engineer who has a current or prior contractual relationship with the client to provide engineering services, and that client has paid the professional engineer all of the fees that are due under the contract.

(3) If the client knowingly states in writing after full disclosure of this section that a contract which complies with the requirements of this section is not required.

(4) Professional engineering services rendered by a professional engineer to any of the following:

(A) A professional engineer licensed or registered under this chapter.

(B) A land surveyor licensed under Chapter 15 (commencing with Section 8700).

(C) An architect licensed under Chapter 3 (commencing with Section 5500).

(D) A contractor licensed under Chapter 9 (commencing with Section 7000).

(E) A geologist or a geophysicist licensed under Chapter 12.5 (commencing with Section 7800).

(F) A manufacturing, mining, public utility, research and development, or other industrial corporation, if the services are provided in connection with or incidental to the products, systems, or services of that corporation or its affiliates.

(G) A public agency.

(c) "Written contract" as used in this section includes a contract that is in electronic form.

**SEC. 9.** Section 6755 of the Business and Professions Code is amended to read:

**6755.** (a) Examination duration and composition shall be designed to conform to the following general principle: The first division of the examination shall test the applicant's knowledge of appropriate fundamental engineering subjects, including mathematics and the basic sciences; the second division of the examination shall test the applicant's ability to apply their knowledge and experience and to assume responsible charge in the professional practice of the branch of engineering in which the applicant is being examined.

(b) The board may by rule provide for a waiver of the first division of the examination for applicants whose education and experience qualifications substantially exceed the requirements of subdivision (a) of Section 6751.

(c) The board may by rule provide for a waiver of any part of the second division of the examination for persons eminently qualified for licensure in this state by virtue of their standing in the engineering community, their years of experience, and those other qualifications as the board deems appropriate.

**SEC. 10.** Section 6755.1 of the Business and Professions Code is amended to read:

**6755.1.** (a) The second division of the examination for registration as a professional engineer shall include questions to test the applicant's knowledge of state laws and the board's rules and regulations regulating the practice of professional engineering. The board shall administer the test on state laws and board rules regulating the practice of engineering in this state as a separate part of the second division of the examination for registration as a professional engineer.

(b) On and after April 1, 1988, the second division of the examination for registration as a civil engineer shall also include questions to test the applicant's knowledge of seismic principles and engineering surveying principles as defined in Section 6731.1. No registration for a civil engineer shall be issued by the board on or after January 1, 1988, to any applicant unless they have successfully completed questions to test their knowledge of seismic principles and engineering surveying principles.

The board shall administer the questions to test the applicant's knowledge of seismic principles and engineering surveying principles as separate parts of the second division of the examination for registration as a civil engineer.

It is the intent of the Legislature that this section confirm the authority of the board to issue registrations prior to April 1, 1988, to applicants based on examinations not testing the applicant's knowledge of seismic principles and engineering surveying principles as defined in Section 6731.1.

**SEC. 11.** Section 6763.5 of the Business and Professions Code is amended to read:

**6763.5.** If an applicant for licensure as a professional engineer, for certification as an engineer-in-training, or for authorization to use the title "structural engineer" or "soil engineer" is found by the board to lack the qualifications required for admission to the examination for such licensure, certification, or authorization, the board may, in accordance with the provisions of Section 158 of this code, refund to them their examination fee.

**SEC. 12.** 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, 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.

**SEC. 13.** Section 7839.2 of the Business and Professions Code is amended to read:

**7839.2.** (a) A professional geologist or professional geophysicist shall use a written contract when contracting to provide geological or geophysical services to a client pursuant to this chapter. The written contract shall be executed by the professional geologist or professional geophysicist and the client or the client's representative prior to the professional geologist or professional geophysicist commencing work, unless the client states in writing that work may be commenced before the contract is executed. The written contract shall include, but is not limited to, all of the following:

- (1) A description of the services to be provided to the client by the professional geologist or professional geophysicist.
- (2) A description of any basis of compensation applicable to the contract, and the method of payment agreed upon by the parties.
- (3) The name, address, and license or certificate number of the professional geologist or professional geophysicist, and the name and address of the client.
- (4) A description of the procedure that the professional geologist or professional geophysicist and the client will use to accommodate additional services.
- (5) A description of the procedure to be used by both parties to terminate the contract.
- (6) Disclosure of any existence of a current professional liability insurance policy covering the professional geologist or professional geophysicist in responsible charge of the services.

(b) Subdivision (a) shall not apply to any of the following:

- (1) Geologic or geophysical services rendered by a professional geologist or professional geophysicist for which the client will not pay compensation.
- (2) A geologist or geophysicist who has a current or prior contractual relationship with the client to provide geologic or geophysical services, and who has already been paid the fees that are due under the contract by the client.
- (3) If the client executes a waiver in writing after full disclosure of this section that a contract that complies with the requirements of this section is not required.
- (4) Geological or geophysical services rendered by a geologist or geophysicist to any of the following:
  - (A) A geologist or geophysicist licensed under this chapter.
  - (B) An engineer licensed under Chapter 7 (commencing with Section 6700).
  - (C) A land surveyor licensed under Chapter 15 (commencing with Section 8700).
  - (D) An architect licensed under Chapter 3 (commencing with Section 5500).
  - (E) A contractor licensed under Chapter 9 (commencing with Section 7000).
  - (F) A public agency.

(c) As used in this section, "written contract" includes a contract in electronic form.

**SEC. 14.** 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:

(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 a geologist-in-training or the license of a professional geologist, certified specialty geologist, a professional geophysicist, or a certified specialty geophysicist, unless they are the person named on the certificate or the license.
- (c) Gives false evidence of any kind to the board, or to any board member, in obtaining a certificate or a license.
- (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) Impersonates or uses the certificate number of a geologist-in-training or who uses a false certificate.
- (f) Uses an expired, suspended, surrendered, or revoked certificate or license.
- (g) 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.
- (h) 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.
- (i) 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.
- (j) Violates any provision of this chapter.

**SEC. 15.** 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, 2029, 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. 16.** Section 8729 of the Business and Professions Code, as amended by Section 7 of Chapter 302 of the Statutes of 2022, is amended to read:

**8729.** (a) This chapter does not prohibit one or more licensed land surveyors or civil engineers licensed in this state before 1982 (hereinafter called civil engineers) from practicing or offering to practice, within the scope of their licensure, land surveying as a sole proprietorship, partnership, limited liability partnership, firm, or corporation (hereinafter called business), if the following conditions are satisfied:

(1) A land surveyor or civil engineer currently licensed in the state is an owner, partner, or officer in charge of the land surveying practice of the business.

(2) All land surveying services are performed by or under the responsible charge of a land surveyor or civil engineer.

(3) If the business name of a California land surveying business contains the name of a person, then that person shall be licensed by the board as a land surveyor or licensed by the board in any year as a civil engineer. Any offer, promotion, or advertisement by the business that contains the name of any individual in the business, other than by use of the name of the individual in the business name, shall clearly and specifically designate the license discipline of each individual named.

(b) An out-of-state business with a branch office in this state shall meet the requirements of subdivisions (a) and (h) and shall have an owner, partner, or officer who is in charge of the land surveying work in this state, who is licensed in this state, and who is physically present at the branch office in this state on a regular basis. However, the name of the business may contain the

name of a person not licensed in this state, if that person is appropriately licensed or registered in another state. Any offer, promotion, or advertisement that contains the name of any individual in the business, other than by use of the name of the individual in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.

(c) The business name of a California land surveying business may be a fictitious name. However, if the fictitious name includes the names of any person, the requirements of paragraph (3) of subdivision (a) shall be met.

(d) A person not licensed under this chapter or licensed as a civil engineer in this state before 1982 may also be a partner or an officer of a land surveying business if the conditions of subdivision (a) are satisfied. This section does not permit a person who is not licensed under this chapter or licensed as a civil engineer in this state before 1982 to be the sole owner or officer of a land surveying business, unless otherwise exempt under this chapter.

(e) This section shall not prevent the use of the name of any business engaged in rendering land surveying services, including the use by any lawful successor or survivor, that lawfully was in existence on June 1, 1941. However, the business is subject to the provisions of paragraphs (1) and (2) of subdivision (a).

(f) A business engaged in rendering land surveying services may use in its name the name of a deceased or retired person if the following conditions are satisfied:

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

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

(3) The person shall have been licensed as a land surveyor or a civil engineer by the board, if operating a place of business or practice in this state, or by an applicable state board in the event no place of business existed in this state.

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

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

(g) This section does not affect Sections 6731.2 and 8726.1.

(h) (1) A current organization record form shall be filed with the board for all businesses engaged in rendering professional land surveying services.

(2) The filing of the organization record form described in paragraph (1) shall be accompanied by documentary evidence that demonstrates compliance with the provisions described in paragraphs (1) and (2) of subdivision (a).

(i) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

**SEC. 16.5.** Section 8729 of the Business and Professions Code, as amended by Section 7 of Chapter 302 of the Statutes of 2022, is amended to read:

**8729.** (a) This chapter does not prohibit one or more licensed land surveyors or civil engineers licensed in this state before 1982 (hereinafter called civil engineers) from practicing or offering to practice, within the scope of their licensure, land surveying as a sole proprietorship, partnership, limited liability partnership, firm, or corporation (hereinafter called business), if the following conditions are satisfied:

(1) A land surveyor or civil engineer currently licensed in the state is an owner, partner, or officer in charge of the land surveying practice of the business.

(2) All land surveying services are performed by or under the responsible charge of a land surveyor or civil engineer.

(3) If the business name of a California land surveying business contains the name of a person, then that person shall be licensed by the board as a land surveyor or licensed by the board in any year as a civil engineer. Any offer, promotion, or advertisement by the business that contains the name of any individual in the business, other than by use of the name of the individual in the business name, shall clearly and specifically designate the license discipline of each individual named.

(b) An out-of-state business with a branch office in this state shall meet the requirements of subdivisions (a) and (h) and shall have an owner, partner, or officer who is in charge of the land surveying work in this state, who is licensed in this state, and who

is physically present at the branch office in this state on a regular basis. However, the name of the business may contain the name of a person not licensed in this state, if that person is appropriately licensed or registered in another state. Any offer, promotion, or advertisement that contains the name of any individual in the business, other than by use of the name of the individual in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.

(c) The business name of a California land surveying business may be a fictitious name. However, if the fictitious name includes the names of any person, the requirements of paragraph (3) of subdivision (a) shall be met.

(d) A person not licensed under this chapter or licensed as a civil engineer in this state before 1982 may also be a partner or an officer of a land surveying business if the conditions of subdivision (a) are satisfied. This section does not permit a person who is not licensed under this chapter or licensed as a civil engineer in this state before 1982 to be the sole owner or officer of a land surveying business, unless otherwise exempt under this chapter.

(e) This section shall not prevent the use of the name of any business engaged in rendering land surveying services, including the use by any lawful successor or survivor, that lawfully was in existence on June 1, 1941. However, the business is subject to the provisions of paragraphs (1) and (2) of subdivision (a).

(f) A business engaged in rendering land surveying services may use in its name the name of a deceased or retired person if the following conditions are satisfied:

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

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

(3) The person shall have been licensed as a land surveyor or a civil engineer by the board, if operating a place of business or practice in this state, or by an applicable state board in the event no place of business existed in this state.

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

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

(g) This section does not affect Sections 6731.2 and 8726.1.

(h) (1) A current organization record form shall be filed with the board for all businesses engaged in rendering professional land surveying services.

(2) The filing of the organization record form described in paragraph (1) shall be accompanied by documentary evidence that demonstrates compliance with the provisions described in paragraphs (1) and (2) of subdivision (a).

(i) This section shall remain in effect only until January 1, 2034, and as of that date is repealed.

**SEC. 17.** Section 8729 of the Business and Professions Code, as amended by Section 8 of Chapter 302 of the Statutes of 2022, is amended to read:

**8729.** (a) This chapter does not prohibit one or more licensed land surveyors or civil engineers licensed in this state before 1982 (hereinafter called civil engineers) from practicing or offering to practice within the scope of their licensure, land surveying as a sole proprietorship, partnership, firm, or corporation (hereinafter called business), if the following conditions are satisfied:

(1) A land surveyor or civil engineer currently licensed in the state is an owner, partner, or officer in charge of the land surveying practice of the business.

(2) All land surveying services are performed by or under the responsible charge of a land surveyor or civil engineer.

(3) If the business name of a California land surveying business contains the name of a person, then that person shall be licensed by the board as a land surveyor or licensed by the board in any year as a civil engineer. Any offer, promotion, or advertisement by the business that contains the name of any individual in the business, other than by use of the name of the individual in the business name, shall clearly and specifically designate the license discipline of each individual named.

(b) An out-of-state business with a branch office in this state shall meet the requirements of subdivisions (a) and (h) and shall have an owner, partner, or officer who is in charge of the land surveying work in this state, who is licensed in this state, and who

is physically present at the branch office in this state on a regular basis. However, the name of the business may contain the name of a person not licensed in this state, if that person is appropriately licensed or registered in another state. Any offer, promotion, or advertisement that contains the name of any individual in the business, other than by use of the name of the individual in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.

(c) The business name of a California land surveying business may be a fictitious name. However, if the fictitious name includes the names of any person, the requirements of paragraph (3) of subdivision (a) shall be met.

(d) A person not licensed under this chapter or licensed as a civil engineer in this state before 1982 may also be a partner or an officer of a land surveying business if the conditions of subdivision (a) are satisfied. This section does not permit a person who is not licensed under this chapter or licensed as a civil engineer in this state before 1982 to be the sole owner or officer of a land surveying business, unless otherwise exempt under this chapter.

(e) This section shall not prevent the use of the name of any business engaged in rendering land surveying services, including the use by any lawful successor or survivor, that lawfully was in existence on June 1, 1941. However, the business is subject to the provisions of paragraphs (1) and (2) of subdivision (a).

(f) A business engaged in rendering land surveying services may use in its name the name of a deceased or retired person if the following conditions are satisfied:

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

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

(3) The person shall have been licensed as a land surveyor or a civil engineer by the board, if operating a place of business or practice in this state, or by an applicable state board in the event no place of business existed in this state.

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

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

(g) This section does not affect Sections 6731.2 and 8726.1.

(h) (1) A current organization record form shall be filed with the board for all businesses engaged in rendering professional land surveying services.

(2) The filing of the organization record form described in paragraph (1) shall be accompanied by documentary evidence that demonstrates compliance with the provisions described in paragraphs (1) and (2) of subdivision (a).

(i) This section shall become operative on January 1, 2026.

**SEC. 17.5.** Section 8729 of the Business and Professions Code, as amended by Section 8 of Chapter 302 of the Statutes of 2022, is amended to read:

**8729.** (a) This chapter does not prohibit one or more licensed land surveyors or civil engineers licensed in this state before 1982 (hereinafter called civil engineers) from practicing or offering to practice within the scope of their licensure, land surveying as a sole proprietorship, partnership, firm, or corporation (hereinafter called business), if the following conditions are satisfied:

(1) A land surveyor or civil engineer currently licensed in the state is an owner, partner, or officer in charge of the land surveying practice of the business.

(2) All land surveying services are performed by or under the responsible charge of a land surveyor or civil engineer.

(3) If the business name of a California land surveying business contains the name of a person, then that person shall be licensed by the board as a land surveyor or licensed by the board in any year as a civil engineer. Any offer, promotion, or advertisement by the business that contains the name of any individual in the business, other than by use of the name of the individual in the business name, shall clearly and specifically designate the license discipline of each individual named.

(b) An out-of-state business with a branch office in this state shall meet the requirements of subdivisions (a) and (h) and shall have an owner, partner, or officer who is in charge of the land surveying work in this state, who is licensed in this state, and who

is physically present at the branch office in this state on a regular basis. However, the name of the business may contain the name of a person not licensed in this state, if that person is appropriately licensed or registered in another state. Any offer, promotion, or advertisement that contains the name of any individual in the business, other than by use of the name of the individual in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.

(c) The business name of a California land surveying business may be a fictitious name. However, if the fictitious name includes the names of any person, the requirements of paragraph (3) of subdivision (a) shall be met.

(d) A person not licensed under this chapter or licensed as a civil engineer in this state before 1982 may also be a partner or an officer of a land surveying business if the conditions of subdivision (a) are satisfied. This section does not permit a person who is not licensed under this chapter or licensed as a civil engineer in this state before 1982 to be the sole owner or officer of a land surveying business, unless otherwise exempt under this chapter.

(e) This section shall not prevent the use of the name of any business engaged in rendering land surveying services, including the use by any lawful successor or survivor, that lawfully was in existence on June 1, 1941. However, the business is subject to the provisions of paragraphs (1) and (2) of subdivision (a).

(f) A business engaged in rendering land surveying services may use in its name the name of a deceased or retired person if the following conditions are satisfied:

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

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

(3) The person shall have been licensed as a land surveyor or a civil engineer by the board, if operating a place of business or practice in this state, or by an applicable state board in the event no place of business existed in this state.

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

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

(g) This section does not affect Sections 6731.2 and 8726.1.

(h) (1) A current organization record form shall be filed with the board for all businesses engaged in rendering professional land surveying services.

(2) The filing of the organization record form described in paragraph (1) shall be accompanied by documentary evidence that demonstrates compliance with the provisions described in paragraphs (1) and (2) of subdivision (a).

(i) This section shall become operative on January 1, 2034.

**SEC. 18.** Section 8748.5 of the Business and Professions Code is amended to read:

**8748.5.** If an applicant for license as a land surveyor or certification as a land surveyor-in-training is found by the board to lack the qualifications required for such license or certification, the board may, in accordance with the provisions of Section 158 of this code, refund to them their examination fee.

**SEC. 19.** Section 8759 of the Business and Professions Code is amended to read:

**8759.** (a) A licensed land surveyor or licensed civil engineer authorized to practice land surveying shall use a written contract when contracting to provide professional services to a client pursuant to this chapter. The written contract shall be executed by the licensed land surveyor or licensed civil engineer and the client or the client's representative prior to the licensed land surveyor or licensed civil engineer commencing work, unless the client knowingly states in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following:

(1) A description of the services to be provided to the client by the licensed land surveyor or licensed civil engineer.

(2) A description of any basis of compensation applicable to the contract, and the method of payment agreed upon by the parties.



(3) The name, address, and license or certificate number of the licensed land surveyor or licensed civil engineer, and the name and address of the client.

(4) A description of the procedure that the licensed land surveyor or licensed civil engineer and the client will use to accommodate additional services.

(5) A description of the procedure to be used by both parties to terminate the contract.

(6) Disclosure of any existence of a current professional liability insurance policy covering the licensed land surveyor or licensed civil engineer in responsible charge of the services.

(b) This section shall not apply to any of the following:

(1) Professional land surveying services rendered by a licensed land surveyor or licensed civil engineer for which the client will not pay compensation.

(2) A licensed land surveyor or licensed civil engineer who has a current or prior contractual relationship with the client to provide professional services pursuant to this chapter, and that client has paid the licensed land surveyor or licensed civil engineer all of the fees that are due under the contract.

(3) If the client knowingly states in writing after full disclosure of this section that a contract which complies with the requirements of this section is not required.

(4) Professional services rendered by a licensed land surveyor or a licensed civil engineer to any of the following:

(A) A professional engineer licensed under Chapter 7 (commencing with Section 6700).

(B) A land surveyor licensed under this chapter.

(C) An architect licensed under Chapter 3 (commencing with Section 5500).

(D) A contractor licensed under Chapter 9 (commencing with Section 7000).

(E) A geologist or a geophysicist licensed under Chapter 12.5 (commencing with Section 7800).

(F) A manufacturing, mining, public utility, research and development, or other industrial corporation, if the services are provided in connection with or incidental to the products, systems, or services of that corporation or its affiliates.

(G) A public agency.

(c) "Written contract" as used in this section includes a contract that is in electronic form.

**SEC. 20.** Section 8771.6 is added to the Business and Professions Code, to read:

**8771.6.** (a) In every case where any monument is found with a physical condition that is less than permanent and durable, the licensed land surveyor or registered civil engineer using that monument as control in any survey shall reconstruct or rehabilitate the monument so that the same shall be left by them in such physical condition that it remains as permanent a monument as is reasonably possible and so that the same may be reasonably expected to be located with facility at all times in the future.

(b) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

**SEC. 21.** Section 8773.3 of the Business and Professions Code is amended to read:

**8773.3.** In every case where a corner record is filed pursuant to Section 8773, the licensed land surveyor or registered civil engineer shall reconstruct or rehabilitate the monument of such corner, and accessories to such corner, so that the same shall be left by them in such physical condition that it remains as permanent a monument as is reasonably possible and so that the same may be reasonably expected to be located with facility at all times in the future.

**SEC. 22.** 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 certificate of a land surveyor-in-training or the license of a professional land surveyor unless they are the person named on the certificate or 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 certificate or 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) Impersonates or uses the certificate number of a land surveyor-in-training or who uses a false certificate.

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

(h) 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.

(i) 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.

(j) 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.

(k) Violates any provision of this chapter.

**SEC. 23.** Sections 6.5, 7.5, 16.5, and 17.5 of this bill incorporate amendments to Sections 6738 and 8729 of the Business and Professions Code proposed by both this bill and Assembly Bill 1862. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2025, (2) each bill amends Sections 6738 and 8729 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 1862, in which case Sections 6, 7, 16, and 17 of this bill shall not become operative.

**SEC. 24.** 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.