

2020 Second Extraordinary Session

SENATE BILL NO. 17

BY SENATOR HEWITT

ENGINEERS. Provides relative to the Louisiana Professional Engineering and Land Surveying Board. (1/1/21) (Item #32)

1 AN ACT

2 To amend and reenact R.S. 37:682(4) through (15), 683(A), (B)(1), (2), and (3), and (C),

3 684, 686, 693(A) and (B), 695, 698(C), 700(C), and to enact R.S. 37:682(16),

4 relative to the Louisiana Professional Engineering and Land Surveying Board; to

5 provide for board membership and qualifications of members; to provide for

6 licensure requirements of professional engineers; to provide for examinations; to

7 remove provisions relative to professional naval architects and marine engineers; to

8 provide for disciplinary and enforcement actions by the board; to provide for terms,

9 conditions, and procedures; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 37:682(4) through (15), 683(A), (B)(1), (2), and (3), and (C), 684,

12 686, 693(A) and (B), 695, 698(C), 700(C) are amended and reenacted and R.S. 37:682(16)

13 is hereby enacted to read as follows:

14 §682. Definitions

15 The following words and phrases when used in this Chapter shall have the

16 following meaning, unless the context clearly requires otherwise:

17 * * *

1 (4) **"Dual licensee" shall mean any person practicing or seeking to**
2 **practice both engineering and land surveying in the state of Louisiana who has**
3 **received both licenses from the board and is otherwise in good standing with the**
4 **board. This term is often used synonymously with the term "dual registrant".**

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

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

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

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

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

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

28 (11) "Licensed" or "licensure" shall mean the recognition granted by the
29 board and its issuance of a license to any person to practice engineering or land

1 surveying in the state of Louisiana. These terms are often used synonymously with
2 the terms "registered" or "registration".

3 ~~(11)~~**(12)** "Person" shall mean any individual or firm.

4 ~~(12)(a)~~**(13)(a)** "Practice of engineering" shall mean responsible professional
5 service which may include consultation, investigation, evaluation, planning,
6 designing, or inspection of construction in connection with any public or private
7 utilities, structures, machines, equipment, processes, works, or projects wherein the
8 public welfare or the safeguarding of life, health, and property is concerned or
9 involved, when such professional service requires the application of engineering
10 principles and the interpretation of engineering data.

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

19 ~~(13)(a)~~**(14)(a)** "Practice of land surveying" shall include the measuring of
20 areas, land surfaces, streams, bodies of water, and swamps for correct determination
21 and description, for the establishment, reestablishment, ascertainment, or description
22 of land boundaries, corners, divisions, distances, and directions, the plotting and
23 monumenting of lands and subdivisions thereof, and mapping and topographical
24 work.

25 (b) A person shall be construed to practice or offer to practice land surveying
26 ~~who~~ **when that person** engages in land surveying and ~~who~~ by verbal claim, sign,
27 advertisement, letterhead, card, or in any other way represents himself to be a land
28 surveyor, or ~~who~~ represents himself as able to perform or ~~who~~ does perform any land
29 surveying service or work, or any other service designated by the practitioner which

1 is recognized as land surveying.

2 ~~(14)~~(15) "Responsible charge" shall mean the direct control and personal
3 supervision of engineering or land surveying service or work, as the case may be.

4 ~~(15)~~(16) "Responsible professional services" shall mean the technical
5 responsibility, control, and direction of the investigation, design, or construction of
6 engineering service or work requiring initiative, engineering ability, and its use of
7 independent judgment.

8 §683. Board; appointments; terms

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

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

28 B.(1) The governor shall appoint members to the board from among ~~licensed~~
29 professional ~~engineering~~ **engineer** nominees recommended by the Louisiana

1 Engineering Society or its duly recognized successor; and from **among** ~~licensed~~
 2 professional land surveyor nominees recommended by the Louisiana Society of
 3 Professional Surveyors or its duly recognized successor. All such nominees shall
 4 have the qualifications required by R.S. 37:684.

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

8 (3)(a) All appointments to the board shall be for terms of not less than five
 9 nor more than six years. All appointments shall be for such periods of time as to
 10 ensure that the terms of not more than two board members end per year, and shall
 11 expire on March thirty-first of the expiration year, regardless of the date on which
 12 the successor was appointed and qualified. ~~Notwithstanding any provision of this~~
 13 ~~Paragraph to the contrary, the terms of any board members appointed before March~~
 14 ~~31, 2006, shall expire on March thirty-first of the calendar year following their~~
 15 ~~original expiration year.~~

16 (b) ~~Notwithstanding any provision of this Paragraph to the contrary, the term~~
 17 ~~of the licensed professional land surveyor scheduled to expire on March 31, 2010,~~
 18 ~~shall be extended to March 31, 2012. The term scheduled to expire on March 31,~~
 19 ~~2012, of the licensed professional engineer in government employment shall be~~
 20 ~~extended to March 31, 2015. The provisions of this Subparagraph shall expire on~~
 21 ~~April 1, 2015.~~

22 * * *

23 C. Each member of the board shall receive a certificate of appointment from
 24 the governor, and before beginning his term of office, shall file with the secretary of
 25 state his written oath or affirmation for faithful discharge of his official duty. Each
 26 member shall serve until his successor has been appointed and qualified. It shall be
 27 the duty of the president of the Louisiana Engineering Society, in the case of ~~licensed~~
 28 **the professional engineers engineer nominees**, or the president of the Louisiana
 29 Society of Professional Surveyors, in the case of the ~~licensed~~ professional land

1 ~~surveyors~~ **surveyor nominees**, duly authorized and acting on behalf of ~~the~~ **their**
 2 respective ~~society~~ **societies** to make the nominations described above within sixty
 3 days after receipt of notice of the death, resignation, or removal of a member of the
 4 board, and at least thirty days prior to the expiration of the term of a member of the
 5 board.

6 * * *

7 §684. Qualification of board members

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

16 * * *

17 §686. Removal of members for cause

18 **A.** The governor may remove any member of the board for misconduct,
 19 incompetency, or neglect of duty. Vacancies in the membership of the board shall
 20 be filled for the unexpired term by appointment by the governor, as provided in R.S.
 21 37:683. Before the governor can remove a member for cause, he must serve the
 22 member with a written statement of charges against him and afford him an
 23 opportunity to be heard publicly on such charges. If the member thus served does not
 24 request a public hearing within ten days after service, the governor may proceed with
 25 his removal. If the member does request such a public hearing, it shall be heard by
 26 a special committee composed of three persons, ~~namely: an~~ **as follows:**

27 **(1)(a) If the member requesting the hearing is a professional engineer,**
 28 **a professional** engineer appointed by the president of the Louisiana Engineering
 29 Society **shall serve on the committee and shall be the chairman.**

1 (1) An engineer intern shall be ~~either:~~ **any of the following:**

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

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

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

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

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

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

1 such license was issued, who is of good character and reputation, and who has
2 satisfied the requirements of R.S. 37:694, and if the state, territory, or possession, or
3 the District of Columbia, in which he is licensed will accept the license issued by the
4 board on a reciprocal basis.

5 **(c) A graduate of an accredited engineering curriculum of four years or**
6 **more approved by the board as being of satisfactory standing, who has twenty**
7 **years or more of progressive engineering experience in work acceptable to the**
8 **board, who is of good character and reputation, who has passed the**
9 **examinations required by the board, and who has satisfied the requirements of**
10 **R.S. 37:694.**

11 (3) A land surveyor intern shall be either:

12 (a) A graduate holding a baccalaureate degree from a curriculum of four
13 years or more who has completed at least thirty semester credit hours, or the
14 equivalent approved by the board, in courses involving land surveying, mapping, and
15 real property approved by the board, who is of good character and reputation, who
16 has passed the ~~oral and written~~ examinations required by the board, and who has
17 satisfied the requirements of R.S. 37:694.

18 (b) An individual certified by the board as a land surveyor in training or a
19 land surveyor intern on or before January 1, 1995.

20 (4) A professional land surveyor shall be either:

21 (a) A land surveyor intern or an individual who meets the qualifications of
22 a land surveyor intern who has had at least four years or more combined office and
23 field experience in land surveying, including two years or more of progressive
24 experience on land surveying projects under the supervision of a professional land
25 surveyor, who is of good character and reputation, who has passed the oral and
26 written examinations required by the board, and who has satisfied the requirements
27 of R.S. 37:694.

28 (b) An individual who holds a valid license to engage in the practice of land
29 surveying issued to him by the proper authority of a state, territory, or possession of

1 the United States, or the District of Columbia, based on requirements that do not
2 conflict with the provisions of this Chapter and which were of a standard not lower
3 than that specified in the applicable licensure laws in effect in Louisiana at the time
4 such license was issued, who has passed ~~a written~~ **an** examination on the laws,
5 procedures, and practices pertaining to land surveying in Louisiana, who is of good
6 character and reputation, and who has satisfied the requirements of R.S. 37:694, and
7 if the state, territory, or possession, or the District of Columbia, in which he is
8 licensed will accept the licenses issued by the board on a reciprocal basis.

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

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

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

26 ~~(c) An individual who holds a doctor of philosophy degree in naval~~
27 ~~architecture and marine engineering, or an equivalent board approved curriculum,~~
28 ~~from an accredited engineering curriculum approved by the board as being of~~
29 ~~satisfactory standing, who is of good character and reputation, who has ten or more~~

1 ~~years of progressive engineering experience in work acceptable to the board, and~~
2 ~~who has satisfied the requirements of R.S. 37:694. This Subparagraph shall become~~
3 ~~null, void, and of no further effect from and after December 31, 2015.~~

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

9 * * *

10 §695. Examinations

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

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

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

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

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

25 * * *

26 §698. Disciplinary proceedings against licensees and certificate holders; procedure

27 * * *

28 C. The board shall have the power to take disciplinary action against a firm
29 if one or more of its officers, directors, managers, employees, agents, or

1 representatives ~~is found by the board to be guilty of any of the acts or offenses listed~~
2 ~~in Subsection A of this Section~~ **violate any provision of this Chapter.**

3 * * *

4 §700. Enforcement proceedings against other persons; procedure

5 * * *

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

10 * * *

11 Section 2. This Act shall become effective on January 1, 2021.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Beth O'Quin.

DIGEST

SB 17 Reengrossed

2020 Second Extraordinary Session

Hewitt

Present law provides relative to the regulation of engineers and land surveyors by the La. Professional Engineering and Land Surveying Board (board).

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

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

Proposed law retains present law.

Present law provides for the minimum requirements for licensure of a professional engineer as being either:

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

Proposed law retains present law and adds a third set of minimum requirements for licensure as a professional engineer. The requirements are: graduate from a board approved engineering curriculum, have 20 years or more of progressive engineering experience in work acceptable to the board, be of good character and reputation, pass the examinations required by the board, and satisfy the application requirements.

Present law provides for the licensure requirements of a professional naval architect or marine engineer.

Proposed law removes provisions of present law.

Present law provides relative to examinations for licensure.

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

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

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

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

Effective January 1, 2021.

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Makes technical corrections.