

SENATE BILL NO. 17

BY SENATOR HEWITT

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§682. Definitions

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

\* \* \*

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

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

1                   ~~(5)~~**(6)** "Engineer intern" shall mean an individual who has complied with the  
2 requirements for education, experience, and character and has passed an examination  
3 in the fundamental engineering subjects, as provided in this Chapter, and has been  
4 issued a certificate by the board.

5                   ~~(6)~~**(7)** "Firm" shall mean any domestic or foreign firm, partnership,  
6 association, cooperative, venture, corporation, limited liability company, limited  
7 liability partnership, or any other entity.

8                   ~~(7)~~**(8)** "Land surveyor" or "professional land surveyor" shall mean an  
9 individual who is qualified to practice land surveying, as evidenced by his licensure  
10 as such by the board.

11                   ~~(8)~~**(9)** "Land surveyor intern" shall mean an individual who has complied  
12 with the requirements for education, experience, and character and has passed an  
13 examination in the fundamental surveying subjects, as provided in this Chapter, and  
14 has been issued a certificate by the board.

15                   ~~(9)~~**(10)** "Licensee" shall mean any person practicing or seeking to practice  
16 engineering or land surveying in the state of Louisiana that has received a license  
17 from the board and is otherwise in good standing with the board. The term is often  
18 used synonymously with the term "registrant".

19                   ~~(10)~~**(11)** "Licensed" or "licensure" shall mean the recognition granted by the  
20 board and its issuance of a license to any person to practice engineering or land  
21 surveying in the state of Louisiana. These terms are often used synonymously with  
22 the terms "registered" or "registration".

23                   ~~(11)~~**(12)** "Person" shall mean any individual or firm.

24                   ~~(12)~~**(13)**(a) "Practice of engineering" shall mean responsible professional  
25 service which may include consultation, investigation, evaluation, planning,  
26 designing, or inspection of construction in connection with any public or private  
27 utilities, structures, machines, equipment, processes, works, or projects wherein the  
28 public welfare or the safeguarding of life, health, and property is concerned or  
29 involved, when such professional service requires the application of engineering  
30 principles and the interpretation of engineering data.

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

9 ~~(13)~~**(14)**(a) "Practice of land surveying" shall include the measuring of areas,  
 10 land surfaces, streams, bodies of water, and swamps for correct determination and  
 11 description, for the establishment, reestablishment, ascertainment, or description of  
 12 land boundaries, corners, divisions, distances, and directions, the plotting and  
 13 monumenting of lands and subdivisions thereof, and mapping and topographical  
 14 work.

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

21 ~~(14)~~**(15)** "Responsible charge" shall mean the direct control and personal  
 22 supervision of engineering or land surveying service or work, as the case may be.

23 ~~(15)~~**(16)** "Responsible professional services" shall mean the technical  
 24 responsibility, control, and direction of the investigation, design, or construction of  
 25 engineering service or work requiring initiative, engineering ability, and its use of  
 26 independent judgment.

27 §683. Board; appointments; terms

28 A.(1) The Louisiana Professional Engineering and Land Surveying Board is  
 29 hereby created, whose duty it shall be to administer the provisions of this Chapter.  
 30 The board shall consist of eleven members, nine of whom shall be ~~licensed~~

1 professional engineers; and two of whom shall be ~~licensed~~ professional land  
2 surveyors.

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

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

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

26 (3)(a) All appointments to the board shall be for terms of not less than five  
27 nor more than six years. All appointments shall be for such periods of time as to  
28 ensure that the terms of not more than two board members end per year, and shall  
29 expire on March thirty-first of the expiration year, regardless of the date on which  
30 the successor was appointed and qualified. ~~Notwithstanding any provision of this~~

1 Paragraph to the contrary, the terms of any board members appointed before March  
 2 31, 2006, shall expire on March thirty-first of the calendar year following their  
 3 original expiration year.

4 (b) ~~Notwithstanding any provision of this Paragraph to the contrary, the term~~  
 5 ~~of the licensed professional land surveyor scheduled to expire on March 31, 2010,~~  
 6 ~~shall be extended to March 31, 2012. The term scheduled to expire on March 31,~~  
 7 ~~2012, of the licensed professional engineer in government employment shall be~~  
 8 ~~extended to March 31, 2015. The provisions of this Subparagraph shall expire on~~  
 9 ~~April 1, 2015.~~

10 \* \* \*

11 C. Each member of the board shall receive a certificate of appointment from  
 12 the governor, and before beginning his term of office, shall file with the secretary of  
 13 state his written oath or affirmation for faithful discharge of his official duty. Each  
 14 member shall serve until his successor has been appointed and qualified. It shall be  
 15 the duty of the president of the Louisiana Engineering Society, in the case of ~~licensed~~  
 16 **the professional engineers engineer nominees**, or the president of the Louisiana  
 17 Society of Professional Surveyors, in the case of the ~~licensed~~ professional land  
 18 ~~surveyors~~ **surveyor nominees**, duly authorized and acting on behalf of ~~the their~~  
 19 respective ~~society~~ **societies** to make the nominations described above within sixty  
 20 days after receipt of notice of the death, resignation, or removal of a member of the  
 21 board, and at least thirty days prior to the expiration of the term of a member of the  
 22 board.

23 \* \* \*

24 §684. Qualification of board members

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

1 Section, responsible charge of engineering or land surveying teaching may be  
2 construed as responsible charge of important engineering or land surveying work.

3 \* \* \*

4 §686. Removal of members for cause

5 A. The governor may remove any member of the board for misconduct,  
6 incompetency, or neglect of duty. Vacancies in the membership of the board shall  
7 be filled for the unexpired term by appointment by the governor, as provided in R.S.  
8 37:683. Before the governor can remove a member for cause, he must serve the  
9 member with a written statement of charges against him and afford him an  
10 opportunity to be heard publicly on such charges. If the member thus served does not  
11 request a public hearing within ten days after service, the governor may proceed with  
12 his removal. If the member does request such a public hearing, it shall be heard by  
13 a special committee composed of three persons, ~~namely:~~ an as follows:

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

17 (b) or, in the case of land surveyor members, If the member requesting the  
18 hearing is a professional land surveyor, a professional land surveyor appointed  
19 by the president of the Louisiana Society of Professional ~~Land~~ Surveyors; shall  
20 serve on the committee and shall be the ~~to serve as~~ chairman;

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

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

27 \* \* \*

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

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

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

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

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

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

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

28          (c) A graduate of a nonaccredited engineering curriculum of four years or  
29          more approved by the board as being of satisfactory standing, who has met the  
30          requirements for progressive engineering experience in work acceptable to the board,

1 who is of good character and reputation, who has passed the ~~written or electronic~~  
2 examinations required by the board, and who has satisfied the requirements of  
3 R.S. 37:694.

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

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

10 (b) An individual who holds a valid license to engage in the practice of  
11 engineering issued to him by proper authority of a state, territory, or possession of  
12 the United States, or the District of Columbia, based on requirements that do not  
13 conflict with the provisions of this Chapter and which were of a standard not lower  
14 than that specified in the applicable licensure laws in effect in Louisiana at the time  
15 such license was issued, who is of good character and reputation, and who has  
16 satisfied the requirements of R.S. 37:694, and if the state, territory, or possession, or  
17 the District of Columbia, in which he is licensed will accept the license issued by the  
18 board on a reciprocal basis.

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

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

26 (a) A graduate holding a baccalaureate degree from a curriculum of four  
27 years or more who has completed at least thirty semester credit hours, or the  
28 equivalent approved by the board, in courses involving land surveying, mapping, and  
29 real property approved by the board, who is of good character and reputation, who  
30 has passed the ~~oral and written~~ examinations required by the board, and who has



1 satisfied the requirements of R.S. 37:694.

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

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

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

12 (b) An individual who holds a valid license to engage in the practice of land  
13 surveying issued to him by the proper authority of a state, territory, or possession of  
14 the United States, or the District of Columbia, based on requirements that do not  
15 conflict with the provisions of this Chapter and which were of a standard not lower  
16 than that specified in the applicable licensure laws in effect in Louisiana at the time  
17 such license was issued, who has passed ~~a written~~ **an** examination on the laws,  
18 procedures, and practices pertaining to land surveying in Louisiana, who is of good  
19 character and reputation, and who has satisfied the requirements of R.S. 37:694, and  
20 if the state, territory, or possession, or the District of Columbia, in which he is  
21 licensed will accept the licenses issued by the board on a reciprocal basis.

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

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

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

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

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

21   \*       \*       \*

22           §695. Examinations

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

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

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

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

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

7    \*            \*            \*

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

9    \*            \*            \*

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

14    \*            \*            \*

15                    §700. Enforcement proceedings against other persons; procedure

16    \*            \*            \*

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

21    \*            \*            \*

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

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_