

TITLE 16, CALIFORNIA CODE OF REGULATIONS, DIVISION 5

**BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND
GEOLOGISTS**

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers, Land Surveyors, and Geologists (Board) is proposing to take the action described in the Informative Digest. The Board does not intend to hold a hearing in this matter. If an interested party wishes that a hearing be held, he or she must make the request in writing to the Board no later than 5 p.m. on June 7, 2016. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text.

With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in the Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on June 22, 2016.

Authority and Reference Citations:

Pursuant to the authority vested in Section 6716 of the Business and Professions Code, and to implement, interpret or make specific Sections 6732, 6736, 6736.1, 6739,

6751.2, 6753.5, 6763, and 6763.1 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

It is the intent of the Board to ensure that its laws are clear, concise, efficient, and necessary. Business and Professions Code Section 6716 authorizes the Board to adopt, amend, and repeal regulations as may be reasonably necessary to enable the Board to implement laws relating to the practices of engineering, land surveying, geology, and geophysics. Pursuant to Sections 6710.1, 7810.1, and 8710.1, the Board's highest priority is the protection of the public through the administration of its licensing, regulatory, and disciplinary functions. To that extent, the Board is proposing regulatory amendments that will provide a clear date as to when an applicant's qualifying experience begins. Additionally, amendment of this regulation will more clearly identify which licenses are covered under this section. Clarifying these sections will maintain the Board's mission to safeguard the life, health, property, and welfare of the public.

AMEND SECTIONS 426.10, 426.14, and 426.50 OF TITLE 16 OF THE CALIFORNIA CODE OF REGULATIONS.

Amend Title 16, California Code of Regulations Section 426.10 to indicate that the experience "in responsible charge" as a structural engineer will begin on the date the applicant is licensed as a professional civil engineer in California.

Amend Title 16, California Code of Regulations Section 426.14 to indicate that this section applies to applicants that do not possess three (3) years of qualifying experience beginning on date in which the applicant was licensed as a professional civil engineer.

Amend Title 16, California Code of Regulations Section 426.50 to add the titles “Soils Engineer” and “Geotechnical Engineer” to this section of the regulations. Additionally, amending Section 426.5 would indicate that the qualifying experience would begin on the date the applicant is licensed as a professional civil engineer in California.

POLICY STATEMENT OVERVIEW/ANTICIPATED BENEFITS OF PROPOSAL

The purpose and benefit of this proposed regulatory action is to clearly define the date in which the qualifying experience begins and to define which licenses are included in these sections. These amendments will help to maintain the Board’s mission to safeguard the life, health, property, and welfare of the public by ensuring that applicants have the appropriate experience.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

After conducting a review for any regulations that would relate to or affect this area, the Board has evaluated this proposed regulatory action and it is neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

This proposed regulatory action does not result in any significant expenditure to public or state agencies.

Nondiscretionary Costs/Savings to Local Agencies:

This proposed regulatory action does not result in nondiscretionary costs or savings to local agencies.

Local Mandate:

None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Requires Reimbursement:

None

Business Impact:

The Board has made an initial determination that this proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this proposed regulatory action will not have an impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs:

None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulations relate specifically to the qualifying experience of an individual, which does not have an impact on how a small business operates.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and the State's government:

The purpose and benefit of this proposed regulatory action is to ensure the health and welfare of California residents because it ensures that the applicants have the appropriate experience required as defined in Title 16 CCR, Sections 426.10, 426.14, and 426.50.

The purpose and benefit of this proposed regulatory action benefits worker safety because it ensures that the applicants have the experience required as defined in Title 16 CCR, Sections 426.10, 426.14, and 426.50.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 2535 Capitol Oaks Drive, Suite 300, Sacramento, California 95833.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Billie Baldo
Address:	2535 Capitol Oaks Drive, Suite 300 Sacramento, CA 95833
Telephone No.:	(916) 263-2277
Fax No.:	(916) 263-2246
E-Mail Address:	Billie.Baldo@dca.ca.gov

The backup contact person is:

Name: Kara Williams
Address: 2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
Telephone No.: (916) 263-5438
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WEBSITE ACCESS: Materials regarding this proposal can be found at
www.bpelsq.ca.gov.