

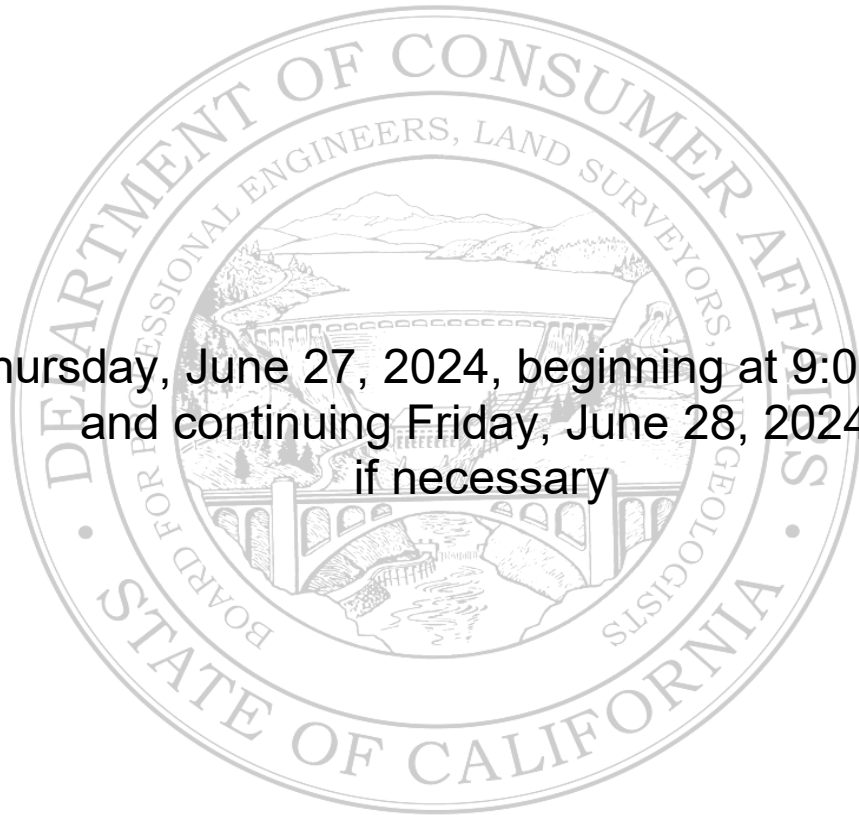


Gavin Newsom, Governor

Meeting of the Board for Professional Engineers, Land Surveyors, and Geologists

Board for Professional Engineers,
Land Surveyors, and Geologists

Thursday, June 27, 2024, beginning at 9:00 a.m.,
and continuing Friday, June 28, 2024,
if necessary



Caltrans, District 11 Building
4050 Taylor Street
Garcia Room
San Diego, CA 92110

TABLE OF CONTENTS

MEETING OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

BOARD MEETING

MAY 9-10, 2024

Department of Consumer Affairs
1625 North Market Boulevard, Hearing Room, #102
Sacramento, CA 95834

BOARD MEMBERS

President Michael Hartley; Vice-President Christina Wong; Fel Amistad; Alireza Asgari; Khaesha Brooks; Rossana D'Antonio; Coby King; Guillermo Martinez; Betsy Mathieson; Frank Ruffino; Wilfredo Sanchez; and Fermin Villegas

I. Roll Call to Establish a Quorum

II. Pledge of Allegiance

III. Public Comment for Items Not on the Agenda

NOTE: The Board cannot discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a).) The Board will also allow for public comment during the discussion of each item on the agenda and will allow time for public comment for items not on the agenda at the beginning of both days of the meeting. Please see the last page of this Official Notice and Agenda for additional information regarding public comment.

IV. Hearing on the Petition for Reinstatement of Revoked License of Michael Melgoza

NOTE: This hearing will be held on Thursday, June 27, 2024, beginning at 9:00 a.m., or as soon thereafter as the matter may be heard.

V. Closed Session – The Board will meet in Closed Session to discuss, as needed:

- A. Deliberate on a Decision(s) to be Reached in a Proceeding(s) Required to be Conducted Pursuant to Chapter 5 (commencing with Section 11500), as Authorized by Government Code Section 11126(c)(3).
- B. Confer with, or Receive Advice from, Its Legal Counsel Regarding Pending Litigation Pursuant to Government Code Section 11126(e)(1) and (2)(A), on the following matters:
 1. Ryan Crownholm, et al. vs. Richard B. Moore, et al., United States District Court, Eastern District of California, Case No. 2:22-cv-01720-DAD-CKD
 2. Victor Rodriguez-Fernandez vs. California Board for Professional Engineers, Land Surveyors, and Geologists, San Diego County Superior Court, Case No. 37-2023-00053465-CU-WM-CTL

NOTE: The Board will meet in Closed Session immediately following the Hearing on the Petition for Reinstatement of Revoked License to decide that matter, pursuant to Government Code Section 11126(c)(3).

- VI. Administration**
 - A. Fiscal Year 2023/24 Budget Report
- VII. Enforcement**
 - A. Enforcement Statistical Reports
 - 1. Fiscal Year 2023/24 Update
- VIII. Exams/Licensing**
 - A. Examination/Licensing Updates
- IX. Legislation**
 - A. 2024 Legislative Calendar
 - B. Discussion of Legislation for 2024
 - 1. Assembly Bill (AB) 1862 - Engineering, land surveying, and architecture: limited liability partnerships.
 - 2. AB 2862 - Licenses: African American applicants.
 - 3. AB 3176 - Professional land surveyors: surveying practices: monuments and corner accessories.
 - 4. AB 3253 - Board for Professional Engineers, Land Surveyors, and Geologists: licensees
- X. Discussion to Rescind Proposed Rulemaking to Amend Title 16, CCR section 404 (Traffic Engineers)**
- XI. Executive Officer's Report**
 - A. Rulemaking Status Report
 - B. Update on Board's Business Modernization Project
 - C. Personnel
 - D. ABET
 - E. Association of State Boards of Geology (ASBOG)
 - F. National Council of Examiners for Engineering and Surveying (NCEES)
 - 1. May 16-18, 2024 Western Zone Interim Meeting Report
 - 2. Annual Meeting August 14-17, 2024
 - 3. 2024-25 President-Elect Nomination
 - 4. Summary of Motions
 - G. Update on Outreach Efforts
- XII. President's Report/Board Member Activities**
- XIII. Nomination and Election of President and Vice President for Fiscal Year 2024/25**
- XIV. Approval of Meeting Minutes**
 - A. Approval of May 9, 2024, Board Meeting Minutes
- XV. Adjourn**

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VI. Administration

A. Fiscal Year 2023/24 Budget Report

GUIDE TO READING THE REVENUE REPORT AND EXPENDITURE REPORT

Revenues

Fee increase effective January 1, 2021 has had a positive impact on revenues. Total revenue up \$1,276,880 (25%) over prior period.

Current Year Projections
Identifies the revenue amount that BPELSG projects for FY 21-22.

Revenue Category	PRIOR YEAR FY 2020-21 FM 4	CURRENT YEAR FY 2021-22 FM 4	CURRENT YEAR Projections
Delinquent Fees	\$38,696	↑ \$51,464	\$150,076
Other Regulatory Fees	\$32,130	↑ \$39,578	\$102,138
Other Regulatory Licenses & Permits	\$297,960	↑ \$645,747	\$1,743,588
Other Revenue	\$20,822	↓ \$10,486	\$51,328
Renewal Fees	\$3,415,953	↑ \$4,335,166	\$10,269,519
Total	\$3,805,560	↑ \$5,082,440	\$12,316,649

Revenue Category
Provides the name of the line item where our revenues occur.

Prior Year
Revenue collected up to FM 4 in October of 2020.

Arrows
These indicate a change in the current year over prior year. Up/green arrows indicate an increase and down/red arrows indicate a decrease over the prior period.

Current Year
Revenue collected up to FM 4 in October of 2021.

Department of Consumer Affairs
Expenditure Projection Report

Fiscal Month: 4
Fiscal Year: 2021 - 2022
Run Date: 12/09/2021

Fiscal Month
Identifies the expenditures up to October 2021

Fiscal Year
Identifies the current year

Run Date
Identifies the date this report was pulled from QBIRT

CY 21-22 YTD + Encumbrance
Provides a FM 4 total of YTD Actual and Encumbrance.

Governor's Budget
Publication that the Governor presents which identifies the current year authorized expenditures.

PERSONAL SERVICES

Notes	Fiscal Code	PY 20-21 FM 4 YTD + Encumbrance	CY 21-22 FM 4 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$955,435	\$1,077,755	\$3,425,000	31%	\$3,389,367
	5100 TEMPORARY POSITIONS	\$35,155	\$45,403	\$232,000	20%	\$130,000
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$600	\$38,876	\$36,000	108%	\$48,476
	5150 STAFF BENEFITS	\$559,421	\$618,030	\$1,703,000	36%	\$1,812,693
	PERSONAL SERVICES	\$1,550,611	\$1,780,065	\$5,396,000	33%	\$5,380,536

OPERATING EXPENSES & EQUIPMENT

2	5301 GENERAL EXPENSE	\$23,898	\$22,392	\$32,000	70%	\$71,871
3	5302 PRINTING	\$24,766	\$69,808	\$26,000	268%	\$33,966
	5304 COMMUNICATIONS	\$4,452	\$3,384	\$15,000	23%	\$20,777

Object Description
Provides the name of the line item where our expenditures occur.

PY 20-21 YTD + Encumbrance
Provides a FM 4 total of YTD Actual and Encumbrance.

Percent of Governor's Budget spent
Identifies the percentage spent at CY 21-22 FM 4 according to the Governor's Budget.

Projections to Year End
Identifies the expenditure amount that BPELSG projects for FY 21-22.

	OPERATING EXPENSES & EQUIPMENT	\$3,239,095	\$2,474,539	\$6,831,000	36%	\$5,308,996
	OVERALL TOTALS	\$4,789,706	\$4,254,604	\$12,227,000	35%	\$10,689,532

*Does not include additional Architecture Revolving Fund Expenses TBD

SURPLUS/(DEFICIT): 13%

Surplus/(Deficit)
Identifies if we have higher revenue and lower expenses (Surplus) or higher expenses and lower revenue (Deficit). This percentage is calculated using (Governor's Budget-Projections to Year End)/ Governor's Budget.

FINANCIAL REPORT

FISCAL YEAR 2023-24 FISCAL MONTH 10 FINANCIAL STATEMENT

Revenues

Total revenue is up \$304,073 over Prior Year 2021-22. Current Fiscal Year 2023-24 is a high volume year for renewals therefore we are comparing it to Prior Year 2021-22 due to it also being a high volume year for renewals.

Revenue Category	PRIOR YEAR FY 2021-22 FM 10	PRIOR YEAR FY 2022-23 FM 10	CURRENT YEAR FY 2023-24 FM 10	CURRENT YEAR FY 2023-24 PROJECTION
Delinquent Fees	\$125,960	\$143,048	\$100,366	\$138,602
Other Regulatory Fees	\$113,382	\$ 69,820	\$ 60,177	\$106,139
Other Regulatory Licenses & Permits	\$1,682,700	\$1,580,802	\$1,894,458	\$2,213,341
Other Revenue	\$27,385	\$109,652	\$199,479	\$16,950
Renewal Fees	\$9,932,850	\$8,931,438	\$9,931,870	\$10,066,124
Total	\$11,882,277	\$10,834,758	\$12,186,350	\$12,541,156

Reimbursements as of FM10 totaled \$97,777 including \$55,468 in Background Checks, \$525 in Reimbursements-Private Sectors, and \$41,784 in Cost Recovery. Background check expenses are included in the General Expense category.

**Department of Consumer Affairs
Expenditure Projection Report**

Fiscal Month: 10

Fiscal Year: 2023 - 2024

Run Date: 5/28/2024

PERSONAL SERVICES

Notes	Fiscal Code	PY 22-23 FM 10 YTD + Encumbrance	CY 23-24 FM 10 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$2,856,454	\$2,930,073	\$3,809,000	77%	\$3,486,000
	5100 TEMPORARY POSITIONS	\$112,096	\$1,191	\$232,000	1%	\$2,000
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$20,481	\$145,815	\$36,000	405%	\$181,276
	5150 STAFF BENEFITS	\$1,746,876	\$1,765,085	\$2,031,000	87%	\$2,091,600
	PERSONAL SERVICES	\$4,735,908	\$4,842,164	\$6,108,000	79%	\$5,760,876

OPERATING EXPENSES & EQUIPMENT

2	5301 GENERAL EXPENSE	\$66,779	\$57,307	\$32,000	179%	\$80,000
	5302 PRINTING	\$99,920	\$165,638	\$26,000	637%	\$186,503
	5304 COMMUNICATIONS	\$11,814	\$10,521	\$15,000	70%	\$18,600
	5306 POSTAGE	\$2,343	\$32,852	\$36,000	91%	\$34,000
	5308 INSURANCE	\$65	\$86	\$0	0%	\$90
	53202-204 IN STATE TRAVEL	\$26,715	\$30,124	\$22,000	137%	\$38,850
	53206-208 OUT OF STATE TRAVEL	\$0	\$2,678	\$0	0%	\$4,500
	5322 TRAINING	\$0	\$0	\$15,000	0%	\$0
3	5324 FACILITIES*	\$491,378	\$461,330	\$377,000	122%	\$508,880
4	53402-53403 C/P SERVICES (INTERNAL)	\$539,506	\$559,816	\$1,127,000	50%	\$739,500
5	53404-53405 C/P SERVICES (EXTERNAL)	\$1,967,828	\$2,104,180	\$3,639,000	58%	\$2,926,742
6	5342 DEPARTMENT PRORATA	\$1,968,000	\$1,997,561	\$2,078,000	96%	\$2,078,000
7	5342 DEPARTMENTAL SERVICES	\$13,391	\$13,462	\$27,000	50%	\$27,000
	5344 CONSOLIDATED DATA CENTERS	\$900	\$87	\$22,000	0%	\$22,000
	5346 INFORMATION TECHNOLOGY	\$39,759	\$212,086	\$94,000	226%	\$230,499
	5362-5368 EQUIPMENT	\$99,833	\$37,654	\$0	0%	\$48,826
	5390 OTHER ITEMS OF EXPENSE	\$12	\$0	\$3,000	0%	\$20
	54 SPECIAL ITEMS OF EXPENSE	\$558	\$1,498	\$0	0%	\$2,000
	OPERATING EXPENSES & EQUIPMENT	\$5,328,801	\$5,686,881	\$7,513,000	76%	\$6,946,011
	TOTALS	\$10,064,709	\$10,529,044	\$13,621,000	77%	\$12,706,887
8	4840-4850 REIMBURSEMENTS					\$108,000
	OVERALL TOTALS & REIMBURSEMENTS					\$12,598,887

0770 - Professional Engineer's, Land Surveyor's and Geologist's Fund

Analysis of Fund Condition

Prepared 5/28/2024

(Dollars in Thousands)

PY 22-23 Actuals & CY 23-24 FM 10

	Actual 2022-23	CY 2023-24	BY 2024-25	BY+1 2025-26
BEGINNING BALANCE	\$ 3,405	\$ 2,481	\$ 1,829	\$ -561
Prior Year Adjustment	\$ 285	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 3,690	\$ 2,481	\$ 1,829	\$ -561
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS				
Revenues:				
4121200 Delinquent fees	\$ 169	\$ 139	\$ 141	\$ 139
4127400 Renewal fees	\$ 9,047	\$ 10,066	\$ 9,303	\$ 10,066
4129200 Other regulatory fees	\$ 81	\$ 106	\$ 94	\$ 106
4129400 Other regulatory licenses and permits	\$ 1,940	\$ 2,213	\$ 2,170	\$ 2,213
4163000 Income from surplus money investments	\$ 139	\$ 197	\$ 193	\$ 180
4171400 Escheat of unclaimed checks and warrants	\$ 18	\$ 17	\$ 17	\$ 17
4172500 Miscellaneous revenues	\$ 0	\$ 0	\$ 0	\$ 0
Totals, Revenues	\$ 11,394	\$ 12,738	\$ 11,918	\$ 12,722
Operating Transfers to General Fund per EO E 21/22 - 276 Revised (AB 84)	\$ -	\$ -	\$ -	\$ -
Totals, Transfers and Other Adjustments	\$ 11,394	\$ 12,738	\$ 11,918	\$ 12,722
Totals, Revenues, Transfers and Other Adjustments	\$ 15,084	\$ 15,219	\$ 13,747	\$ 12,161
EXPENDITURES				
Disbursements:				
1111 Department of Consumer Affairs (State Operations)	\$ 11,545	\$ 12,599	\$ 13,672	\$ 14,082
9892 Supplemental Pension Payments (State Operations)	\$ 209	\$ 209	\$ 157	\$ 0
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 849	\$ 582	\$ 479	\$ 479
Less funding provided by General Fund (State Operations)	\$ -	\$ -	\$ -	\$ -
Total Disbursements	\$ 12,603	\$ 13,390	\$ 14,308	\$ 14,561
FUND BALANCE				
Reserve for economic uncertainties	\$ 2,481	\$ 1,829	\$ -561	\$ -2,400
Months in Reserve	2.2	1.5	-0.5	-1.9

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN CY AND BY.
- B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR BEGINNING IN BY+1

Expenditure Report Notes

- 1 Salary & Wages (Staff)** - The projected expenditures for salaries and wages is due to the Board being almost fully staffed, and includes merit salary adjustments and the bargaining unit agreements effective July 1, 2023.
- 2 General Expenses** - Includes Membership and Subscription Fees, Freight and Drayage, Office Equipment - Maintenance, Office Supplies, and DOJ and FBI fees for background checks which are reimbursed. Scheduled background check reimbursements through FM 10 are at \$55,468.
- 3 Facilities Operations** - Includes facilities maintenance, facilities operations, janitorial Services, rent and leases, exam rental sites, and security.
- 4 C&P Services Interdepartmental** - Includes all contract services with other state agencies for examination services (Dept. of Conservation and Water Resources). This line item also now includes enforcement expenses for the Attorney General and the Office of Administrative Hearings.
- 5 C&P Services External** - Includes all external contracts (examination development, expert consultant agreements, and credit card processing). This includes an updated total full encumbrance amount of \$420k in costs associated with the business modernization project with \$240k remaining in this line item and \$180k being reallocated to the 5346 Information Technology line item.
- 6 DCA Pro Rata** - Includes distributed costs of programmatic and administrative services from DCA.
- 7 Departmental Services (Interagency Services)** - Includes pay-per-services billed through the Department of General Services.
- 8 Reimbursements** - Includes Reimbursements-Private Sectors (contracted with Guam to provide California Civil Seismic Principles Exams on the same dates the exam is administered in California by the Guam Registration Board at the rate of \$175 per examination that are administered to applicants), Fingerprint Reports, Cost Recovery, and US DOI Civil Case.

26% of active licenses are held by licensees age 65+ (the average age for this group is 73 years old). The average age of a licensee over the age of 65, at the time the license expired is 74 years old. As licensees reach age 74 the Board anticipates an increase in the rate at which licenses will either choose to allow their license to lapse or officially change to retired status. The current value of the renewal revenue for licenses held by active licensees age 65+ is \$4,654,000 or 26% of the Board's overall license renewal revenue.

Age Demographics for Active and Expired Licenses

Age Demographic	Active Renewable Licensees	% of Total Active Licensees	Average Age of Active Licensees	Expired Licenses	% of Expired Licenses	Average Age at Expiration
65 +	25,858	26%	73	36,615	56%	74
55 - 64	21,095	21%	60	16,694	26%	61
45 - 54	19,962	20%	50	6,521	10%	50
35 - 44	21,357	22%	40	3,945	6%	40
Under 35	10,305	11%	31	1,392	2%	31
Total	98,577		54	65,167		65

Source: QBIRT Report, CAS Licenses All Status run 6/11/2024 (Excludes In-Training Certificates)

Over the past five fiscal years there has been a net increase in the number of licenses issued. This net increase is subject to a downward trend if there is an increase in the rate licenses expire which will have a negative impact on the Board's renewal revenues. The Board is also anticipating an impact on the volume of license renewals upon implementation of the online renewal assessment as required in B&P Code §§ 6795.2, 8801.5 and 7881.5 (anticipated in 2025).

Rate of Change in Licensee Population

Fiscal Year	New Licenses Issued	Expired Licenses	Net Change
2023/24	2,486	854	1,666
2022/23	2,868	898	1,970
2021/22	3,385	970	2,415
2020/21	2,254	875	1,379
2019/20	2,370	790	1,580
Total	13,357	4,347	9,010

Source: QBIRT Report, CAS Licenses All Status run 6/11/2024 (Excludes In-Training Certificates)

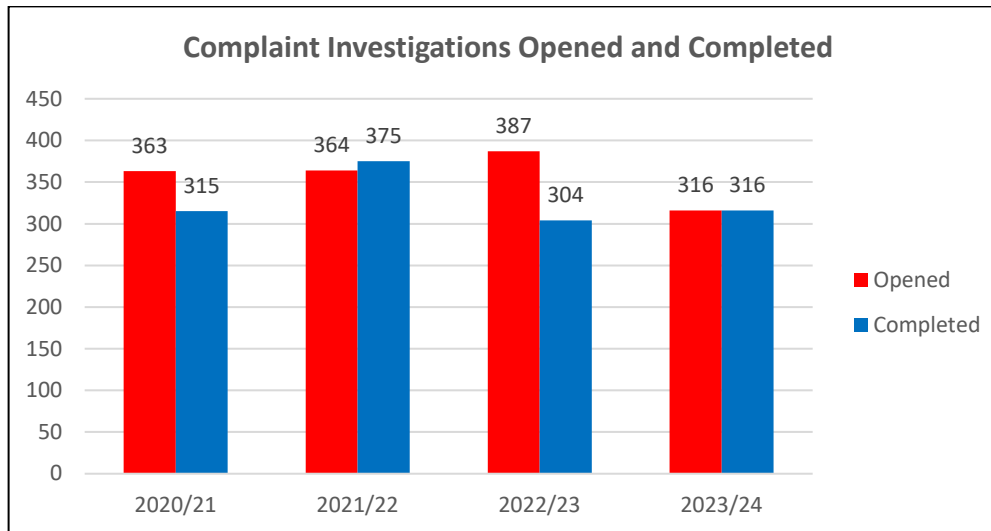
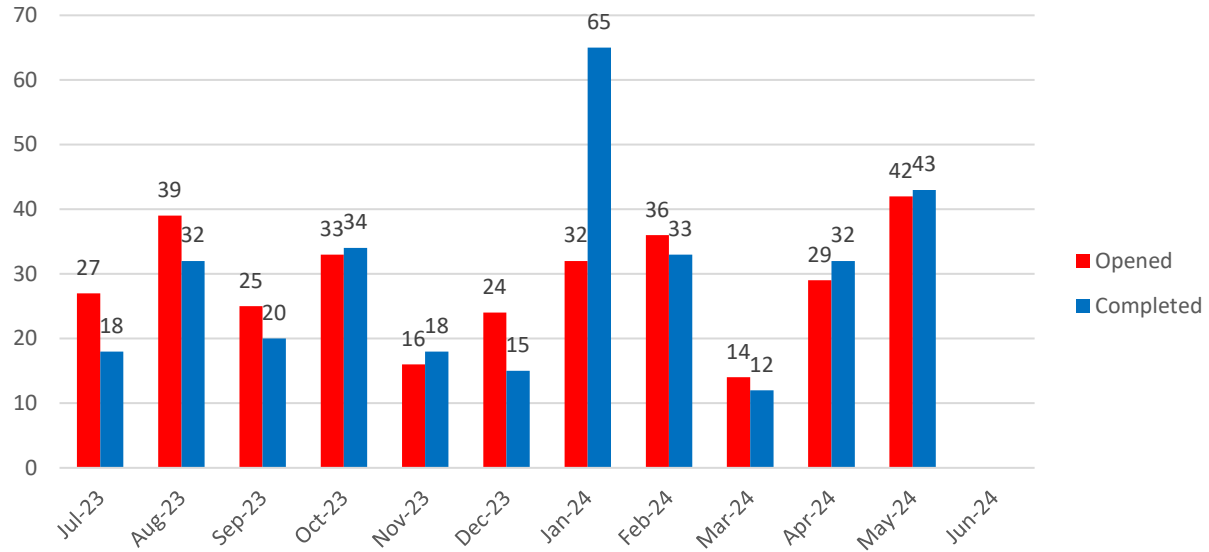
VII. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2023/24 Update

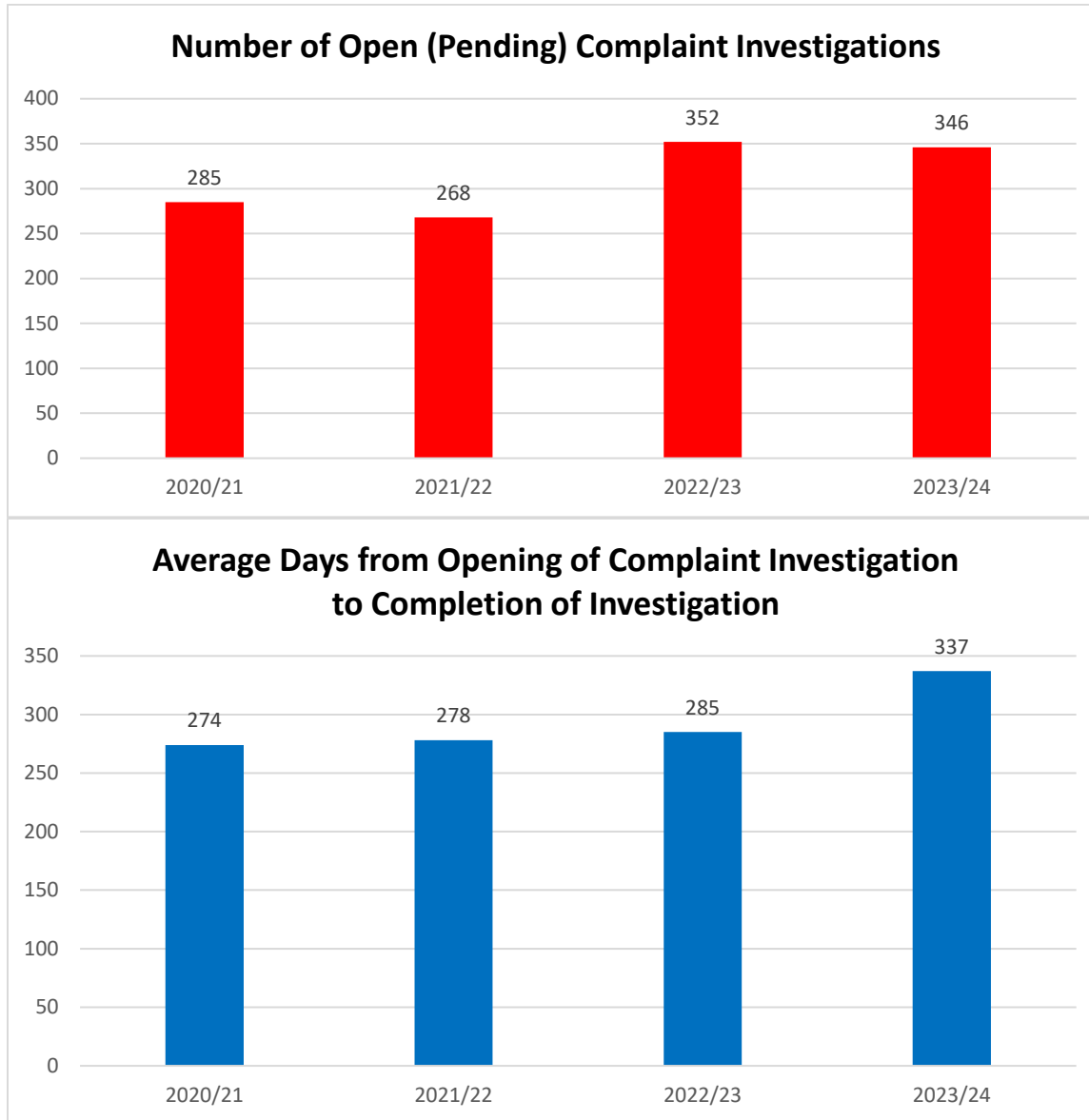
Complaint Investigation Phase

Number of Complaint Investigations Opened & Completed by Month
FY 23/24



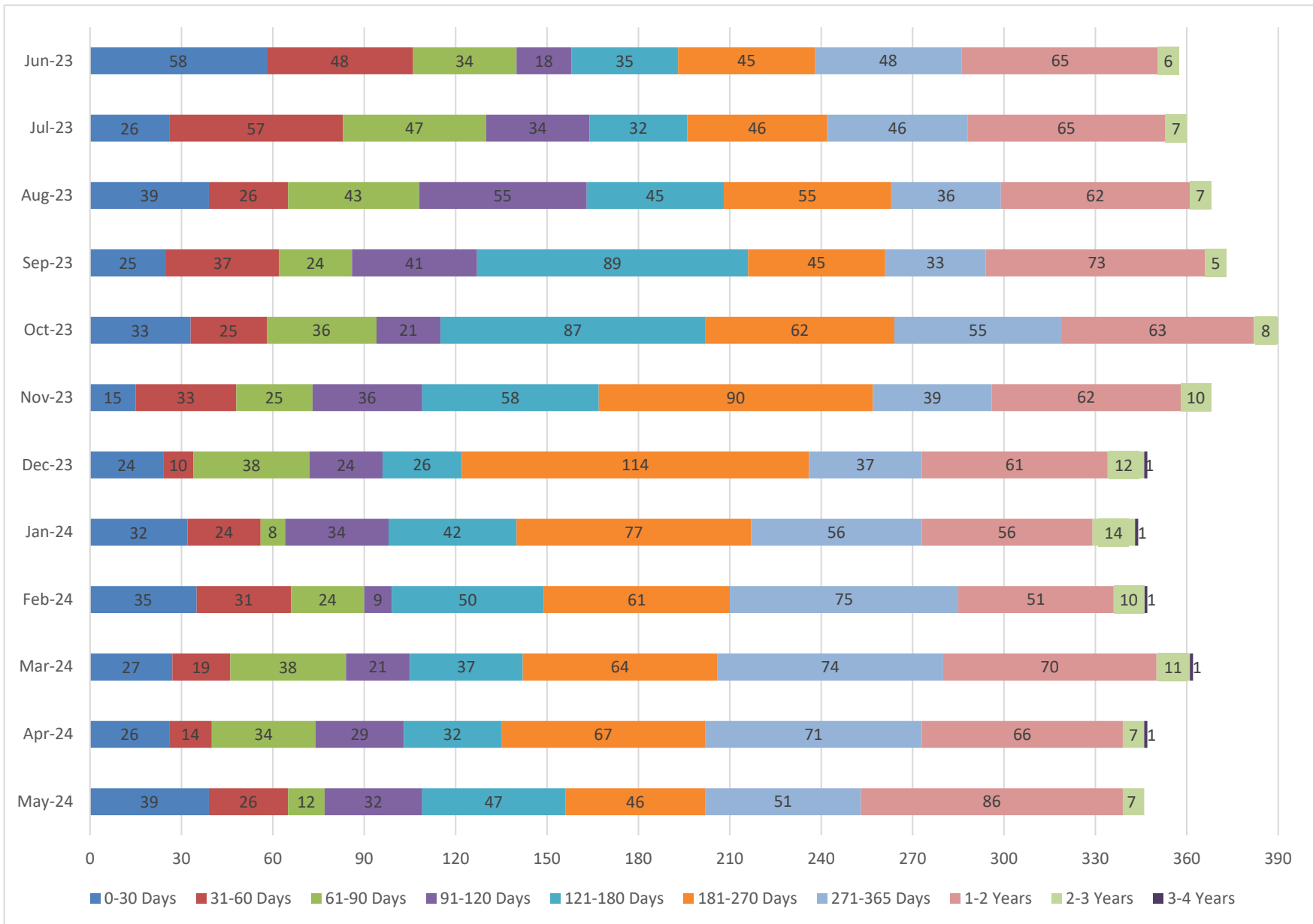
NOTE: FY23/24 statistics are through May 31, 2024

Complaint Investigation Phase

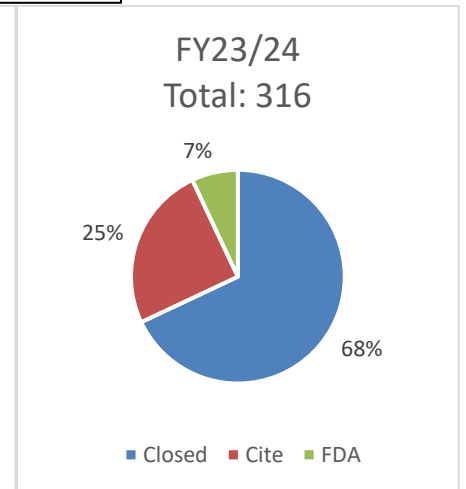
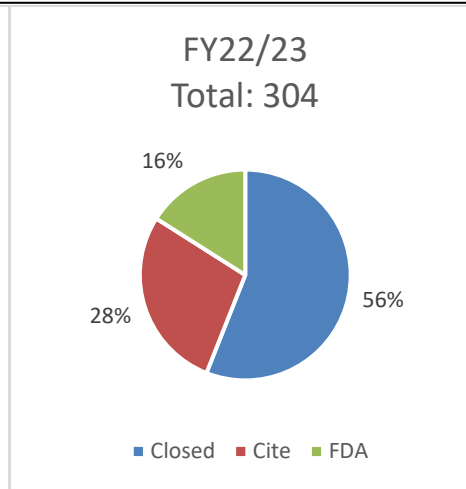
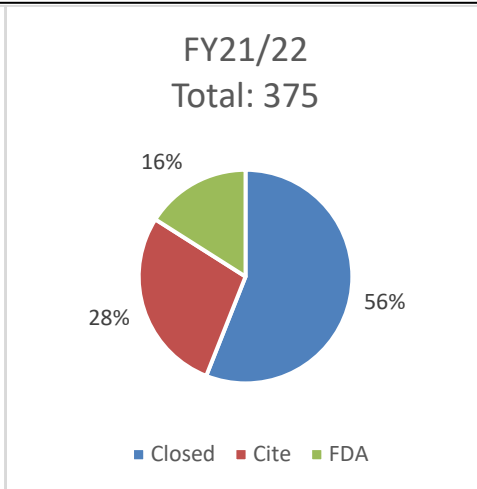
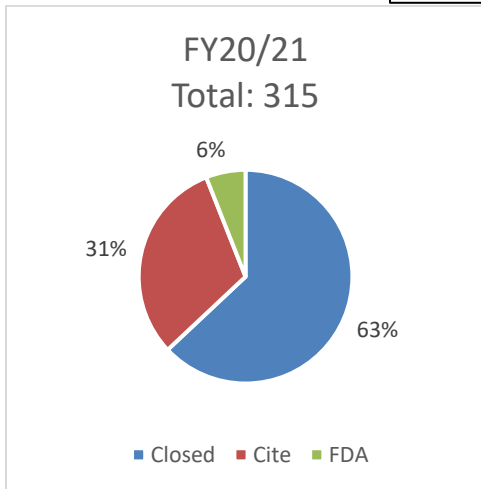
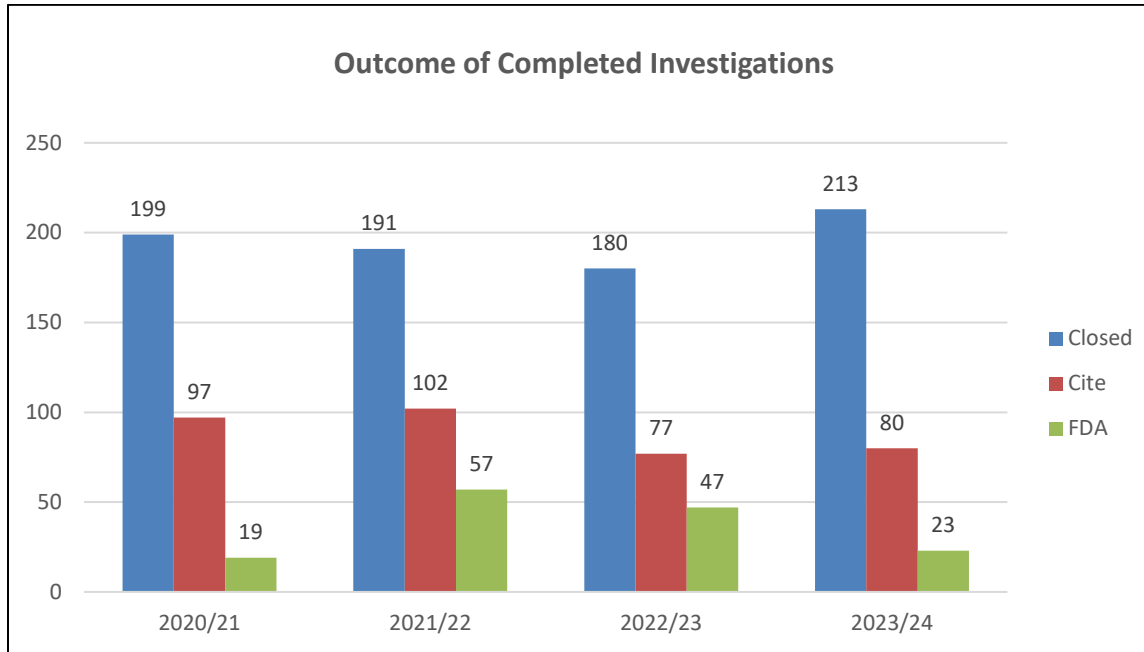


NOTE: FY23/24 statistics are through May 31, 2024

Complaint Investigation Phase



Complaint Investigation Phase



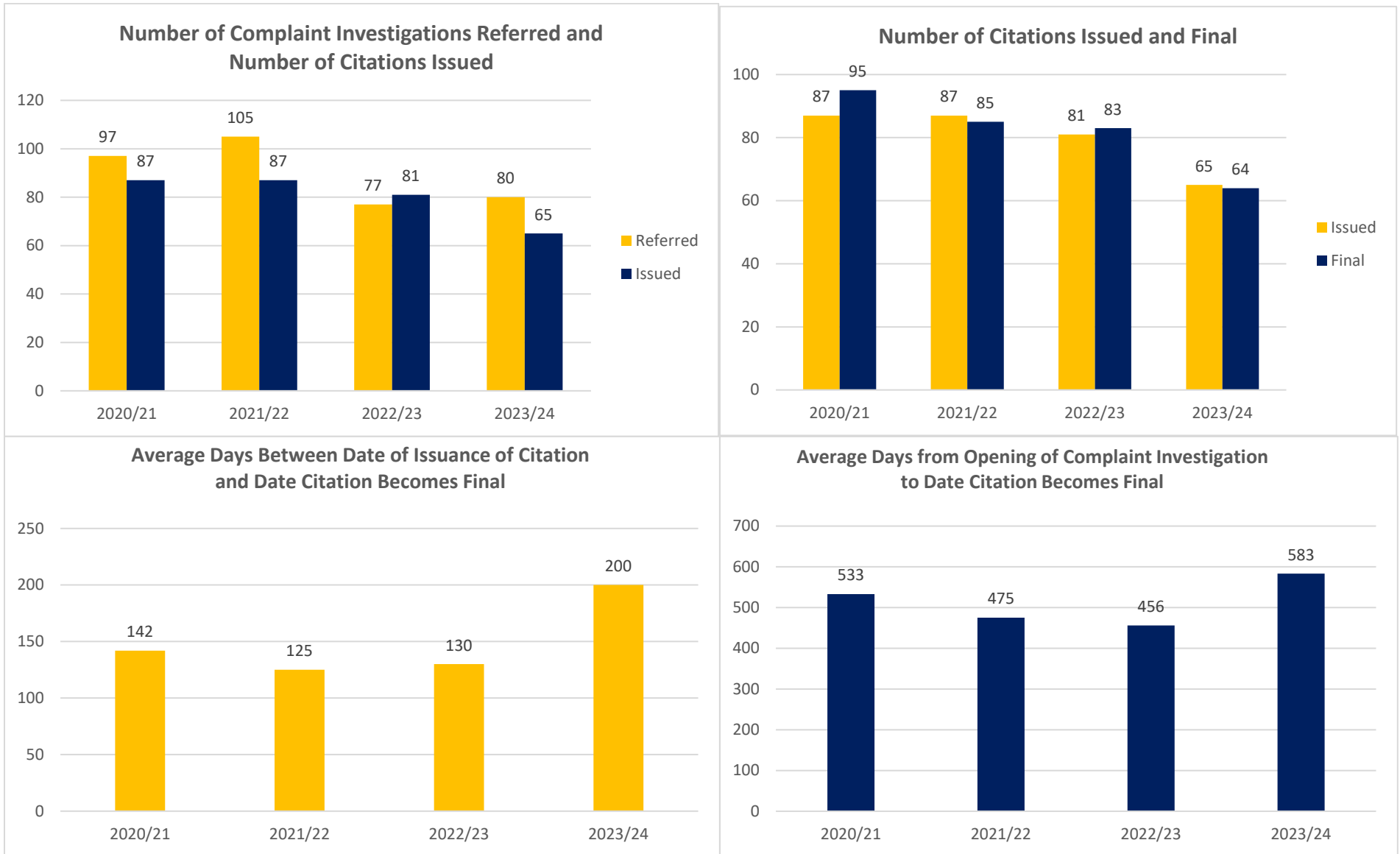
NOTE: FY23/24 statistics are through May 31, 2024

Closed = Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

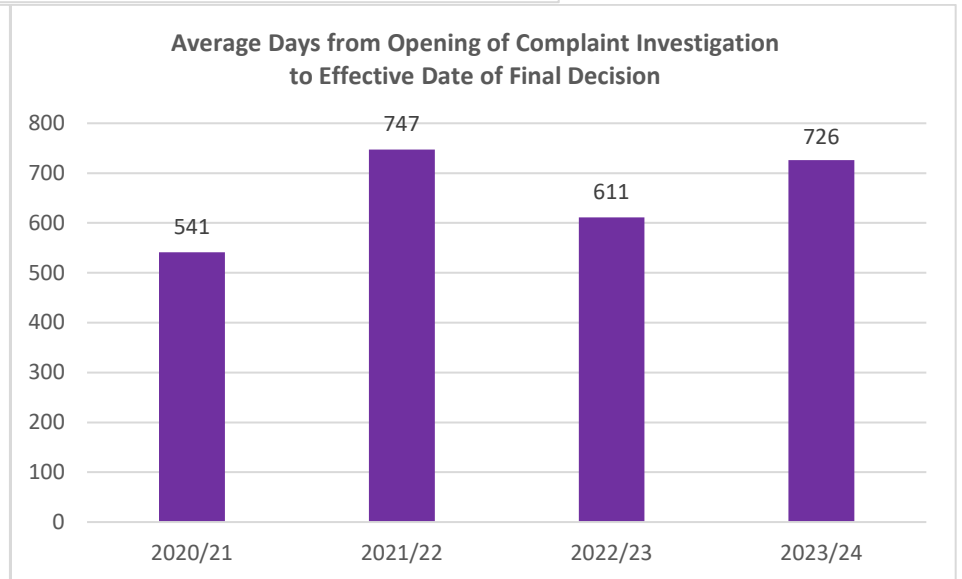
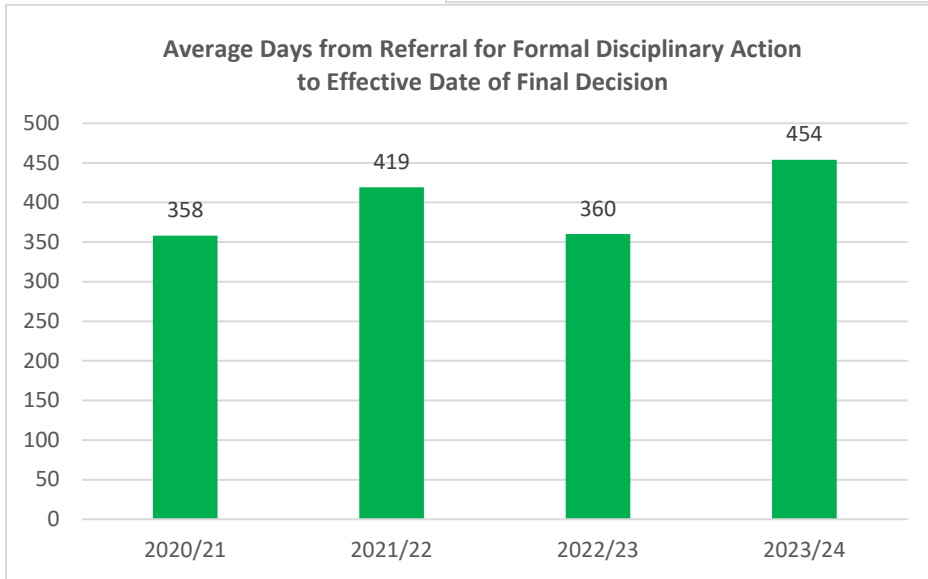
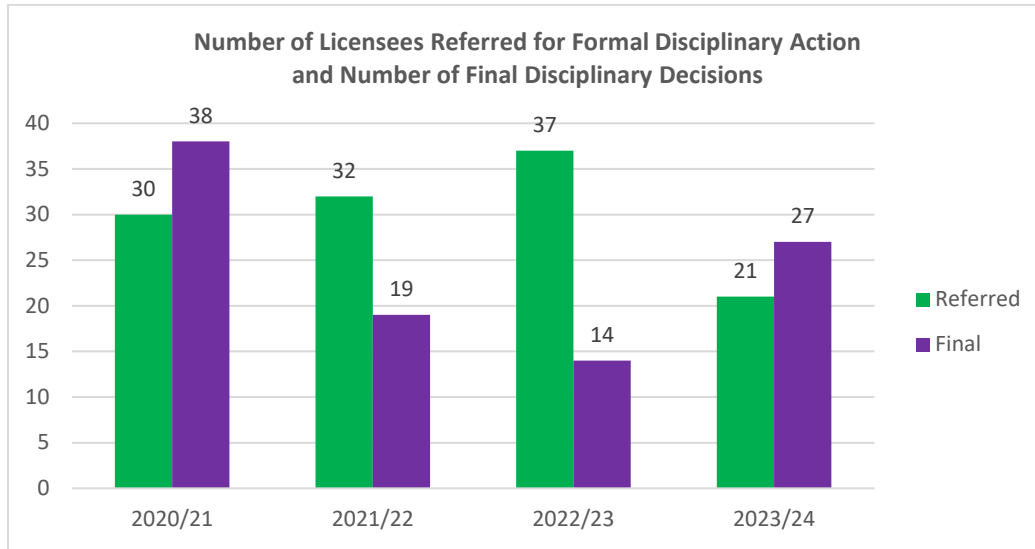
FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)



NOTE: FY23/24 statistics are through May 31, 2024

Formal Disciplinary Actions Against Licensees



NOTE: FY23/24 statistics are through May 31, 2024

Complaint Investigation Phase

Number of Complaint Investigations Opened & Completed by Month 12-Month Cycle

Month	Complaint Investigations Opened	Complaint Investigations Completed
July 2023	27	18
August 2023	39	32
September 2023	25	20
October 2023	33	34
November 2023	16	18
December 2023	24	15
January 2024	32	65
February 2024	36	33
March 2024	14	12
April 2024	29	32
May 2024	42	43

Complaint Investigations Opened and Completed Total by Fiscal Year

Fiscal Year	Complaint Investigations Opened	Complaint Investigations Completed
2020/21	363	315
2021/22	364	375
2022/23	387	304
2023/24	316	316

Current Fiscal Year through May 31, 2024

Number of Open (Pending) Complaint Investigations (at end of FY or month for current FY)

Fiscal Year	Number of Open (Pending) Complaint Investigations
2020/21	285
2021/22	268
2022/23	352
2023/24	346

Current Fiscal Year through May 31, 2024

Average Days from Opening of Complaint Investigation to Completion of Investigation (at end of FY or month for current FY)

Fiscal Year	Average Days
2020/21	274
2021/22	278
2022/23	285
2023/24	337

Current Fiscal Year through May 31, 2024

Complaint Investigation Phase

Outcome of Completed Investigations

Fiscal Year	# Closed	% Closed	# Cite	% Cite	# FDA	% FDA
2020/21	199	63%	97	31%	19	6%
2021/22	191	55%	102	29%	57	16%
2022/23	180	59%	77	25%	47	16%
2023/24	213	68%	80	25%	23	7%

Current Fiscal Year through May 31, 2024

Closed = Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

Aging of Open (Pending) Complaint Investigation Cases 12-Month Cycle

Month	0-30 Days	31-60 Days	61-90 Days	91-120 Days	121-180 Days	181-270 Days	271-365 Days	1-2 Years	2-3 Years	3-4 Years
June 2023	58	48	34	18	35	45	48	65	6	0
July 2023	26	57	47	34	32	46	46	65	7	0
August 2023	39	26	43	55	45	55	36	62	7	0
September 2023	25	37	24	41	89	45	33	73	5	0
October 2023	33	25	36	21	87	62	55	63	8	0
November 2023	15	33	25	36	58	90	39	62	10	0
December 2023	24	10	38	24	26	114	37	61	12	1
January 2024	32	24	8	34	42	77	56	56	14	1
February 2024	35	31	24	9	50	61	75	51	10	1
March 2024	27	19	38	21	37	64	74	70	11	1
April 2024	26	14	34	29	32	67	71	66	7	1
May 2024	39	26	12	32	47	46	51	86	7	0

Citations (Informal Enforcement Actions)

Number of Complaint Investigations Referred and Number of Citations Issued

Fiscal Year	Complaint Investigations Referred for Issuance of Citation	Citations Issued
2020/21	97	87
2021/22	105	87
2022/23	77	81
2023/24	80	65

Current Fiscal Year through May 31, 2024

Number of Citations Issued and Final

Fiscal Year	Issued	Final
2020/21	87	95
2021/22	87	85
2022/23	81	83
2023/24	65	64

Current Fiscal Year through May 31, 2024

Average Days Between Date of Issuance of Citation and Date Citation Becomes Final

Fiscal Year	Number of Days
2020/21	142
2021/22	125
2022/23	130
2023/24	200

Current Fiscal Year through May 31, 2024

Average Days from Opening of Complaint Investigation to Date Citation Becomes Final

Fiscal Year	Number of Days
2020/21	533
2021/22	475
2022/23	456
2023/24	583

Current Fiscal Year through May 31, 2024

Formal Disciplinary Actions Against Licensees

Number of Licensees Referred for Formal Disciplinary Action and Number of Final Disciplinary Decisions

Fiscal Year	Number of Licensees Referred for Formal Disciplinary Action	Number of Final Disciplinary Decisions
2020/21	30	38
2021/22	32	19
2022/23	37	14
2023/24	21	27

Current Fiscal Year through May 31, 2024

Average Days from Referral for Formal Disciplinary Action to Effective Date of Final Decision

Fiscal Year	Number of Days
2020/21	358
2021/22	419
2022/23	360
2023/24	454

Current Fiscal Year through May 31, 2024

Average Days from Opening of Complaint Investigation to Effective Date of Final Decision

Fiscal Year	Number of Days
2020/21	541
2021/22	747
2022/23	611
2023/24	726

Current Fiscal Year through May 31, 2024

VIII. Exams/Licensing

A. Examination/Licensing Updates

IX. Legislation

- A. 2024 Legislative Calendar
- B. Discussion of Legislation for 2024
 - 1. Assembly Bill (AB) 1862 - Engineering, land surveying, and architecture: limited liability partnerships.
 - 2. AB 2862 - Licenses: African American applicants.
 - 3. AB 3176 - Professional land surveyors: surveying practices: monuments and corner accessories.
 - 4. AB 3253 - Board for Professional Engineers, Land Surveyors, and Geologists: licensees

DEADLINES

JANUARY						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3** **Legislature Reconvenes** (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 12** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the **odd-numbered year** (J.R. 61(b)(1)).
- Jan. 15** Martin Luther King, Jr. Day.
- Jan. 19** Last day for any committee to hear and report to the **floor** bills introduced in that house in the odd-numbered year (J.R. 61(b)(2)).

Last day to **submit bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to **pass bills introduced** in that house in the odd-numbered year (J.R. 61(b)(3), (Art. IV, Sec. 10(c)).

FEBRUARY						
S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

- Feb. 16** Last day for bills to be **introduced** (J.R. 61(b)(4), (J.R. 54(a)).
- Feb. 19** Presidents' Day.

MARCH						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

- Mar. 21** **Spring Recess** begins upon adjournment of this day's session (J.R. 51(b)(1)).
- Mar. 29** Cesar Chavez Day observed.

APRIL						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

- Apr. 1** Legislature Reconvenes from **Spring Recess** (J.R. 51(b)(1)).
- Apr. 26** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house (J.R. 61(b)(5)).

MAY						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

- May 3** Last day for **policy committees** to hear and report to the floor **non-fiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 10** Last day for **policy committees** to meet prior to May 28 (J.R. 61(b)(7)).
- May 17** Last day for **fiscal committees** to hear and report to the floor bills introduced in their house (J.R. 61(b)(8)).

Last day for **fiscal committees** to meet prior to May 28 (J.R. 61(b)(9)).
- May 20- 24 Floor Session only.** No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61 (b)(10)).
- May 24** Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).
- May 27** Memorial Day.
- May 28** Committee meetings may resume (J.R. 61(b)(12)).

*Holiday schedule subject to Senate Rules committee approval

JUNE						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	<u>15</u>
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

June 15 Budget Bill must be passed by **midnight** (Art. IV, Sec. 12(c)(3)).

June 27 Last day for a legislative measure to qualify for the Nov. 5 General Election ballot (Elections Code Sec. 9040).

JULY						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

July 3 Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)).

Summer Recess begins upon adjournment provided Budget Bill has been passed (J.R. 51(b)(2)).

July 4 Independence Day.

AUGUST						
S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	<u>16</u>	17
18	<u>19</u>	20	21	22	<u>23</u>	24
25	26	27	28	29	30	<u>31</u>

Aug. 5 Legislature Reconvenes from **Summer Recess** (J.R. 51(b)(2)).

Aug. 16 Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(14)).

Aug. 19-31 Floor Session only. No committees, other than conference and Rules committees, may meet for any purpose (J.R. 61(b)(15)).

Aug. 23 Last day to **amend** on the floor (J.R. 61(b)(16)).

Aug. 31 Last day for **each house to pass bills.** (Art. IV, Sec. 10(c), (J.R. 61(b)(17)).

Final Recess begins upon adjournment (J.R. 51(b)(3)).

*Holiday schedule subject to Senate Rules committee approval

IMPORTANT DATES OCCURRING DURING FINAL STUDY RECESS

2024

Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Nov. 5 General Election

Nov. 30 Adjournment *Sine Die* at midnight (Art. IV, Sec. 3(a)).

Dec. 2 12 Noon convening of the 2025-26 Regular Session (Art. IV, Sec. 3(a)).

2025

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

AB 1862 (Chen, D-Orange)
Engineering, land surveying, and architecture: limited liability partnerships.

Status/History: 5/09/2024 – Passed Assembly with revisions; Referred to Senate.

Location: 6/17/2024 – Senate Committee on Business, Professions and Economic Development and Senate Judiciary Committee

Introduced: 1/18/2024

Board Position: Support (as of March 7, 2024)

Board Staff Analysis: 6/17/2024

Bill Summary: Existing law (Business and Professions Code sections 6738 and 8729) authorizes engineers and land surveyors to offer their services through certain types of business entities if specific requirements are met. Currently, a Limited Liability Partnership (LLP) is one of the business entities allowed; however, the laws include a sunset date of January 1, 2026, for LLPs. This bill would eliminate the sunset date.

Affected Laws: An act to amend and repeal Sections 6738 and 8729 of the Business and Professions Code, to amend Sections 8, 174.5, 5063.5, 12242.5, and 16403 of, and to amend and repeal Sections 16101, 16956, and 16959 of, the Corporations Code, relating to limited liability partnerships.

Staff Comment: Assembly Bill (AB) 1682 will indefinitely extend the authority for engineers and land surveyors to operate within their scope of licensure while conducting business as a limited liability partnership and to be designated as a registered limited liability partnership, something that they have been authorized to do since 2010.

This bill is sponsored by American Council of Engineering Companies – California (ACEC-CA). They sponsored the original bill and subsequent bills that extended the sunset date. In 2018, ACEC-CA sponsored legislation (Senate Bill [SB] 920) that would have eliminated the sunset date. However, the sunset date was added back in (and extended) when the bill was heard by the Senate Judiciary Committee. The Board had a position of “Support” on SB 920.

The Board’s Enforcement Unit has not received any complaints from consumers relating to engineers or land surveyors offering their services through an LLP. As such, Board staff recommends the Board take a position of “Support” on AB 1682.

Board staff sent the authors and Assembly Business & Professions Committee Chair a letter of Support on March 21, 2024.

6/17/2024 Update: Amendments from Assembly floor were minor and related to author and dollar amount for security amounts.

Staff Recommendation: No action needed at this time.

AMENDED IN ASSEMBLY MAY 9, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1862

Introduced by Assembly ~~Members Vince Fong and~~ *Member Chen*

January 18, 2024

An act to amend and repeal Sections 6738 and 8729 of the Business and Professions Code, to amend Sections 8, 174.5, 5063.5, 12242.5, and 16403 of, and to amend and repeal Sections 16101, 16956, and 16959 of, the Corporations Code, relating to limited liability partnerships.

LEGISLATIVE COUNSEL'S DIGEST

AB 1862, as amended, ~~Vince Fong~~ *Chen*. Engineering, land surveying, and architecture: limited liability partnerships.

Existing law, the Professional Engineers Act and the Professional Land Surveyors' Act, provide for the licensure and regulation of engineers and land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists. Existing law, the Architects Practice Act, provides for the licensure and regulation of architects by the California Architects Board. Existing law, the Uniform Partnership Act of 1994, authorizes the formation of registered limited liability partnerships and foreign limited liability partnerships, as specified.

Existing law authorizes persons licensed to engage in the practice of engineering, land surveying, or architecture to form registered limited liability partnerships and foreign limited liability partnerships if specified conditions are met. Existing law requires a registered limited liability partnership or foreign limited liability partnership providing architectural, engineering, or land surveying services to comply with requirements, as specified, for claims based upon acts, errors, or

omissions arising out of those services. Existing law repeals these provisions on January 1, 2026.

This bill would delete the January 1, 2026, repeal dates of the provisions described above, thereby indefinitely extending the authorization for persons licensed to engage in the practice of engineering, land surveying, or architecture to form limited liability partnerships, as specified, and make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6738 of the Business and Professions
2 Code, as amended by Section 1 of Chapter 302 of the Statutes of
3 2022, is amended to read:

4 6738. (a) This chapter does not prohibit one or more civil,
5 electrical, or mechanical engineers from practicing or offering to
6 practice, within the scope of their license, civil (including
7 geotechnical and structural), electrical, or mechanical engineering
8 as a sole proprietorship, partnership, limited liability partnership,
9 firm, or corporation (hereinafter called business), if all of the
10 following requirements are met:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 SEC. 2. Section 6738 of the Business and Professions Code,
20 as amended by Section 2 of Chapter 302 of the Statutes of 2022,
21 is repealed.

22 SEC. 3. Section 8729 of the Business and Professions Code,
23 as amended by Section 7 of Chapter 302 of the Statutes of 2022,
24 is amended to read:

25 8729. (a) This chapter does not prohibit one or more licensed
26 land surveyors or civil engineers licensed in this state before 1982
27 (hereinafter called civil engineers) from practicing or offering to
28 practice, within the scope of their licensure, land surveying as a
29 sole proprietorship, partnership, limited liability partnership, firm,
30 or corporation (hereinafter called business), if the following
31 conditions are satisfied:

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

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

37 (3) If the business name of a California land surveying business
38 contains the name of a person, then that person shall be licensed
39 by the board as a land surveyor or licensed by the board in any
40 year as a civil engineer. Any offer, promotion, or advertisement

1 by the business that contains the name of any individual in the
2 business, other than by use of the name of the individual in the
3 business name, shall clearly and specifically designate the license
4 discipline of each individual named.

5 (b) An out-of-state business with a branch office in this state
6 shall meet the requirements of subdivision (a) and shall have an
7 owner, partner, or officer who is in charge of the land surveying
8 work in this state, who is licensed in this state, and who is
9 physically present at the branch office in this state on a regular
10 basis. However, the name of the business may contain the name
11 of a person not licensed in this state, if that person is appropriately
12 licensed or registered in another state. Any offer, promotion, or
13 advertisement that contains the name of any individual in the
14 business, other than by use of the name of the individual in the
15 business name, shall clearly and specifically designate the license
16 or registration discipline of each individual named.

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

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

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

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

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

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

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

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

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

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

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

20 SEC. 4. Section 8729 of the Business and Professions Code,
21 as amended by Section 8 of Chapter 302 of the Statutes of 2022,
22 is repealed.

23 SEC. 5. Section 8 of the Corporations Code is amended to read:

24 8. Writing includes any form of recorded message capable of
25 comprehension by ordinary visual means; and when used to
26 describe communications between a corporation, partnership, or
27 limited liability company and its shareholders, members, partners,
28 directors, or managers, writing shall include electronic
29 transmissions by and to a corporation (Sections 20 and 21),
30 electronic transmissions by and to a partnership (Section 16101),
31 and electronic transmissions by and to a limited liability company
32 (paragraphs (1) and (2) of subdivision (o) of Section 17001).
33 Whenever any notice, report, statement, or record is required or
34 authorized by this code, it shall be made in writing in the English
35 language.

36 Wherever any notice or other communication is required by this
37 code to be mailed by registered mail by or to any person or
38 corporation, the mailing of such notice or other communication
39 by certified mail shall be deemed to be a sufficient compliance
40 with the requirements of law.

1 SEC. 6. Section 174.5 of the Corporations Code is amended
2 to read:

3 174.5. "Other business entity" means a domestic or foreign
4 limited liability company, limited partnership, general partnership,
5 business trust, real estate investment trust, unincorporated
6 association (other than a nonprofit association), or a domestic
7 reciprocal insurer organized after 1974 to provide medical
8 malpractice insurance as set forth in Article 16 (commencing with
9 Section 1550) of Chapter 3 of Part 2 of Division 1 of the Insurance
10 Code. As used herein, "general partnership" means a "partnership"
11 as defined in Section 16101; "business trust" means a business
12 organization formed as a trust; "real estate investment trust" means
13 a "real estate investment trust" as defined in subsection (a) of
14 Section 856 of the Internal Revenue Code of 1986, as amended;
15 and "unincorporated association" has the meaning set forth in
16 Section 18035.

17 SEC. 7. Section 5063.5 of the Corporations Code is amended
18 to read:

19 5063.5. "Other business entity" means a domestic or foreign
20 limited liability company, limited partnership, general partnership,
21 business trust, real estate investment trust, unincorporated
22 association, or a domestic reciprocal insurer organized after 1974
23 to provide medical malpractice insurance as set forth in Article 16
24 (commencing with Section 1550) of Chapter 3 of Part 2 of Division
25 1 of the Insurance Code. As used herein, "general partnership"
26 means a "partnership" as defined in Section 16101; "business trust"
27 means a business organization formed as a trust; "real estate
28 investment trust" means a "real estate investment trust" as defined
29 in subsection (a) of Section 856 of the Internal Revenue Code of
30 1986, as amended; and "unincorporated association" has the
31 meaning set forth in Section 18035.

32 SEC. 8. Section 12242.5 of the Corporations Code is amended
33 to read:

34 12242.5. "Other business entity" means a domestic or foreign
35 limited liability company, limited partnership, general partnership,
36 business trust, real estate investment trust, unincorporated
37 association, or a domestic reciprocal insurer organized after 1974
38 to provide medical malpractice insurance as set forth in Article 16
39 (commencing with Section 1550) of Chapter 3 of Part 2 of Division
40 1 of the Insurance Code. As used herein, "general partnership"

1 means a “partnership” as defined in Section 16101; “business trust”
2 means a business organization formed as a trust; “real estate
3 investment trust” means a “real estate investment trust” as defined
4 in subsection (a) of Section 856 of the Internal Revenue Code of
5 1986, as amended; and “unincorporated association” has the
6 meaning set forth in Section 18035.

7 SEC. 9. Section 16101 of the Corporations Code, as amended
8 by Section 33 of Chapter 497 of the Statutes of 2019, is amended
9 to read:

10 16101. As used in this chapter, the following terms and phrases
11 have the following meanings:

12 (a) “Business” includes every trade, occupation, and profession.

13 (b) “Debtor in bankruptcy” means a person who is the subject
14 of either of the following:

15 (1) An order for relief under Title 11 of the United States Code
16 or a comparable order under a successor statute of general
17 application.

18 (2) A comparable order under federal, state, or foreign law
19 governing insolvency.

20 (c) “Distribution” means a transfer of money or other property
21 from a partnership to a partner in the partner’s capacity as a partner
22 or to the partner’s transferee.

23 (d) “Electronic transmission by the partnership” means a
24 communication (a) delivered by (1) facsimile telecommunication
25 or electronic mail when directed to the facsimile number or
26 electronic mail address, respectively, for that recipient on record
27 with the partnership, (2) posting on an electronic message board
28 or network that the partnership has designated for those
29 communications, together with a separate notice to the recipient
30 of the posting, which transmission shall be validly delivered upon
31 the later of the posting or delivery of the separate notice thereof,
32 or (3) other means of electronic communication, (b) to a recipient
33 who has provided an unrevoked consent to the use of those means
34 of transmission, and (c) that creates a record that is capable of
35 retention, retrieval, and review, and that may thereafter be rendered
36 into clearly legible tangible form. However, an electronic
37 transmission by a partnership to an individual partner is not
38 authorized unless, in addition to satisfying the requirements of this
39 section, the transmission satisfies the requirements applicable to
40 consumer consent to electronic records as set forth in the Electronic

1 Signatures in Global and National Commerce Act (15 U.S.C. Sec.
2 7001(c)(1)).

3 (e) “Electronic transmission to the partnership” means a
4 communication (a) delivered by (1) facsimile telecommunication
5 or electronic mail when directed to the facsimile number or
6 electronic mail address, respectively, which the partnership has
7 provided from time to time to partners for sending communications
8 to the partnership, (2) posting on an electronic message board or
9 network that the partnership has designated for those
10 communications, and which transmission shall be validly delivered
11 upon the posting, or (3) other means of electronic communication,
12 (b) as to which the partnership has placed in effect reasonable
13 measures to verify that the sender is the partner, in person or by
14 proxy, purporting to send the transmission, and (c) that creates a
15 record that is capable of retention, retrieval, and review, and that
16 may thereafter be rendered into clearly legible tangible form.

17 (f) (1) “Foreign limited liability partnership” means a
18 partnership, other than a limited partnership, formed pursuant to
19 an agreement governed by the laws of another jurisdiction and
20 denominated or registered as a limited liability partnership or
21 registered limited liability partnership under the laws of that
22 jurisdiction (i) in which each partner is a licensed person or a
23 person licensed or authorized to provide professional limited
24 liability partnership services in a jurisdiction or jurisdictions other
25 than this state, (ii) which is licensed under the laws of the state to
26 engage in the practice of architecture, the practice of public
27 accountancy, the practice of engineering, the practice of land
28 surveying, or the practice of law, or (iii) which (I) is related to a
29 registered limited liability partnership that practices public
30 accountancy or, to the extent permitted by the State Bar of
31 California, practices law or is related to a foreign limited liability
32 partnership and (II) provides services related or complementary
33 to the professional limited liability partnership services provided
34 by, or provides services or facilities to, that registered limited
35 liability partnership or foreign limited liability partnership.

36 (2) For the purposes of clause (iii) of subparagraph (A), a
37 partnership is related to a registered limited liability partnership
38 or foreign limited liability partnership if (i) at least a majority of
39 the partners in one partnership are also partners in the other
40 partnership, or (ii) at least a majority in interest in each partnership

1 hold interests in or are members of another person, except an
2 individual, and each partnership renders services pursuant to an
3 agreement with that other person, or (iii) one partnership, directly
4 or indirectly through one or more intermediaries, controls, is
5 controlled by, or is under common control with, the other
6 partnership.

7 (g) “Licensed person” means any person who is duly licensed,
8 authorized, or registered under the provisions of the Business and
9 Professions Code to provide professional limited liability
10 partnership services or who is lawfully able to render professional
11 limited liability partnership services in this state.

12 (h) (1) “Registered limited liability partnership” means a
13 partnership, other than a limited partnership, formed pursuant to
14 an agreement governed by Article 10 (commencing with Section
15 16951), that is registered under Section 16953 and (i) each of the
16 partners of which is a licensed person or a person licensed or
17 authorized to provide professional limited liability partnership
18 services in a jurisdiction or jurisdictions other than this state, (ii)
19 is licensed under the laws of the state to engage in the practice of
20 architecture, the practice of public accountancy, the practice of
21 engineering, the practice of land surveying, or the practice of law,
22 or (iii)(I) is related to a registered limited liability partnership that
23 practices public accountancy or, to the extent permitted by the
24 State Bar of California, practices law or is related to a foreign
25 limited liability partnership and (II) provides services related or
26 complementary to the professional limited liability partnership
27 services provided by, or provides services or facilities to, that
28 registered limited liability partnership or foreign limited liability
29 partnership.

30 (2) For the purposes of clause (iii) of subparagraph (A), a
31 partnership is related to a registered limited liability partnership
32 or foreign limited liability partnership if (i) at least a majority of
33 the partners in one partnership are also partners in the other
34 partnership, or (ii) at least a majority in interest in each partnership
35 hold interests in or are members of another person, other than an
36 individual, and each partnership renders services pursuant to an
37 agreement with that other person, or (iii) one partnership, directly
38 or indirectly through one or more intermediaries, controls, is
39 controlled by, or is under common control with, the other
40 partnership.

1 (i) “Partnership” means an association of two or more persons
2 to carry on as coowners a business for profit formed under Section
3 16202, predecessor law, or comparable law of another jurisdiction,
4 and includes, for all purposes of the laws of this state, a registered
5 limited liability partnership, and excludes any partnership formed
6 under Chapter 4.5 (commencing with Section 15900).

7 (j) “Partnership agreement” means the agreement, whether
8 written, oral, or implied, among the partners concerning the
9 partnership, including amendments to the partnership agreement.

10 (k) “Partnership at will” means a partnership in which the
11 partners have not agreed to remain partners until the expiration of
12 a definite term or the completion of a particular undertaking.

13 (l) “Partnership interest” or “partner’s interest in the partnership”
14 means all of a partner’s interests in the partnership, including the
15 partner’s transferable interest and all management and other rights.

16 (m) “Person” means an individual, corporation, business trust,
17 estate, trust, partnership, limited partnership, limited liability
18 partnership, limited liability company, association, joint venture,
19 government, governmental subdivision, agency, or instrumentality,
20 or any other legal or commercial entity.

21 (n) “Professional limited liability partnership services” means
22 the practice of architecture, the practice of public accountancy,
23 the practice of engineering, the practice of land surveying, or the
24 practice of law.

25 (o) “Property” means all property, real, personal, or mixed,
26 tangible or intangible, or any interest therein.

27 (p) “State” means a state of the United States, the District of
28 Columbia, the Commonwealth of Puerto Rico, or any territory or
29 insular possession subject to the jurisdiction of the United States.

30 (q) “Statement” means a statement of partnership authority
31 under Section 16303, a statement of denial under Section 16304,
32 a statement of dissociation under Section 16704, a statement of
33 dissolution under Section 16805, a statement of conversion or a
34 certificate of conversion under Section 16906, a statement of
35 merger under Section 16915, or an amendment or cancellation of
36 any of the foregoing.

37 (r) “Transfer” includes an assignment, conveyance, lease,
38 mortgage, deed, and encumbrance.

39 SEC. 10. Section 16101 of the Corporations Code, as amended
40 by Section 34 of Chapter 497 of the Statutes of 2019, is repealed.

1 SEC. 11. Section 16403 of the Corporations Code is amended
2 to read:

3 16403. (a) A partnership shall keep its books and records, if
4 any, in writing or in any other form capable of being converted
5 into clearly legible tangible form, at its principal office.

6 (b) A partnership shall provide partners and their agents and
7 attorneys access to its books and records. It shall provide former
8 partners and their agents and attorneys access to books and records
9 pertaining to the period during which they were partners. The right
10 of access provides the opportunity to inspect and copy books and
11 records during ordinary business hours. A partnership may impose
12 a reasonable charge, covering the costs of labor and material, for
13 copies of documents furnished.

14 (c) Each partner and the partnership shall furnish to a partner,
15 and to the legal representative of a deceased partner or partner
16 under legal disability, both of the following, which may be
17 transmitted by electronic transmission by the partnership pursuant
18 to Section 16101:

19 (1) Without demand, any information concerning the
20 partnership's business and affairs reasonably required for the proper
21 exercise of the partner's rights and duties under the partnership
22 agreement or this chapter; and

23 (2) On demand, any other information concerning the
24 partnership's business and affairs, except to the extent the demand
25 or the information demanded is unreasonable or otherwise improper
26 under the circumstances.

27 SEC. 12. Section 16956 of the Corporations Code, as amended
28 by Section 7 of Chapter 150 of the Statutes of 2018, is amended
29 to read:

30 16956. (a) At the time of registration pursuant to Section
31 16953, in the case of a registered limited liability partnership, and
32 Section 16959, in the case of a foreign limited liability partnership,
33 and at all times during which those partnerships shall transact
34 intrastate business, every registered limited liability partnership
35 and foreign limited liability partnership, as the case may be, shall
36 be required to provide security for claims against it as follows:

37 (1) For claims based upon acts, errors, or omissions arising out
38 of the practice of public accountancy, a registered limited liability
39 partnership or foreign limited liability partnership providing

1 accountancy services shall comply with one, or pursuant to
2 subdivision (b) some combination, of the following:

3 (A) Maintaining a policy or policies of insurance against liability
4 imposed on or against it by law for damages arising out of claims;
5 however, the total aggregate limit of liability under the policy or
6 policies of insurance for partnerships with five or fewer licensed
7 persons shall not be less than one million dollars (\$1,000,000),
8 and for partnerships with more than five licensees rendering
9 professional services on behalf of the partnership, an additional
10 one hundred thousand dollars (\$100,000) of insurance shall be
11 obtained for each additional licensee; however, the maximum
12 amount of insurance is not required to exceed five million dollars
13 (\$5,000,000) in any one designated period, less amounts paid in
14 defending, settling, or discharging claims as set forth in this
15 subparagraph. The policy or policies may be issued on a
16 claims-made or occurrence basis, and shall cover: (i) in the case
17 of a claims-made policy, claims initially asserted in the designated
18 period, and (ii) in the case of an occurrence policy, occurrences
19 during the designated period. For purposes of this subparagraph,
20 “designated period” means a policy year or any other period
21 designated in the policy that is not greater than 12 months. The
22 impairment or exhaustion of the aggregate limit of liability by
23 amounts paid under the policy in connection with the settlement,
24 discharge, or defense of claims applicable to a designated period
25 shall not require the partnership to acquire additional insurance
26 coverage for that designated period. The policy or policies of
27 insurance may be in a form reasonably available in the commercial
28 insurance market and may be subject to those terms, conditions,
29 exclusions, and endorsements that are typically contained in those
30 policies. A policy or policies of insurance maintained pursuant to
31 this subparagraph may be subject to a deductible or self-insured
32 retention.

33 Upon the dissolution and winding up of the partnership, the
34 partnership shall, with respect to any insurance policy or policies
35 then maintained pursuant to this subparagraph, maintain or obtain
36 an extended reporting period endorsement or equivalent provision
37 in the maximum total aggregate limit of liability required to comply
38 with this subparagraph for a minimum of three years if reasonably
39 available from the insurer.

1 (B) Maintaining in trust or bank escrow, cash, bank certificates
2 of deposit, United States Treasury obligations, bank letters of
3 credit, or bonds of insurance or surety companies as security for
4 payment of liabilities imposed by law for damages arising out of
5 all claims; however, the maximum amount of security for
6 partnerships with five or fewer licensed persons shall not be less
7 than one million dollars (\$1,000,000), and for partnerships with
8 more than five licensees rendering professional services on behalf
9 of the partnership, an additional one hundred thousand dollars
10 (\$100,000) of security shall be obtained for each additional
11 licensee; however, the maximum amount of security is not required
12 to exceed five million dollars (\$5,000,000). The partnership
13 remains in compliance with this section during a calendar year
14 notwithstanding amounts paid during that calendar year from the
15 accounts, funds, Treasury obligations, letters of credit, or bonds
16 in defending, settling, or discharging claims of the type described
17 in this paragraph, provided that the amount of those accounts,
18 funds, Treasury obligations, letters of credit, or bonds was at least
19 the amount specified in the preceding sentence as of the first
20 business day of that calendar year. Notwithstanding the pendency
21 of other claims against the partnership, a registered limited liability
22 partnership or foreign limited liability partnership shall be deemed
23 to be in compliance with this subparagraph as to a claim if within
24 30 days after the time that a claim is initially asserted through
25 service of a summons, complaint, or comparable pleading in a
26 judicial or administrative proceeding, the partnership has provided
27 the required amount of security by designating and segregating
28 funds in compliance with the requirements of this subparagraph.

29 (C) Unless the partnership has satisfied subparagraph (D), each
30 partner of a registered limited liability partnership or foreign
31 limited liability partnership providing accountancy services, by
32 virtue of that person's status as a partner, thereby automatically
33 guarantees payment of the difference between the maximum
34 amount of security required for the partnership by this paragraph
35 and the security otherwise provided in accordance with
36 subparagraphs (A) and (B), provided that the aggregate amount
37 paid by all partners under these guarantees shall not exceed the
38 difference. Neither withdrawal by a partner nor the dissolution and
39 winding up of the partnership shall affect the rights or obligations
40 of a partner arising prior to withdrawal or dissolution and winding

1 up, and the guarantee provided for in this subparagraph shall apply
2 only to conduct that occurred prior to the withdrawal or dissolution
3 and winding up. Nothing contained in this subparagraph shall
4 affect or impair the rights or obligations of the partners among
5 themselves, or the partnership, including, but not limited to, rights
6 of contribution, subrogation, or indemnification.

7 (D) Confirming, pursuant to the procedure in subdivision (c),
8 that, as of the most recently completed fiscal year of the
9 partnership, it had a net worth equal to or exceeding ten million
10 dollars (\$10,000,000).

11 (2) For claims based upon acts, errors, or omissions arising out
12 of the practice of law, a registered limited liability partnership or
13 foreign limited liability partnership providing legal services shall
14 comply with one, or pursuant to subdivision (b) some combination,
15 of the following:

16 (A) Each registered limited liability partnership or foreign
17 limited liability partnership providing legal services shall maintain
18 a policy or policies of insurance against liability imposed on or
19 against it by law for damages arising out of claims; however, the
20 total aggregate limit of liability under the policy or policies of
21 insurance for partnerships with five or fewer licensed persons shall
22 not be less than one million dollars (\$1,000,000), and for
23 partnerships with more than five licensees rendering professional
24 services on behalf of the partnership, an additional one hundred
25 thousand dollars (\$100,000) of insurance shall be obtained for
26 each additional licensee; however, the maximum amount of
27 insurance is not required to exceed seven million five hundred
28 thousand dollars (\$7,500,000) in any one designated period, less
29 amounts paid in defending, settling, or discharging claims as set
30 forth in this subparagraph. The policy or policies may be issued
31 on a claims-made or occurrence basis, and shall cover (i) in the
32 case of a claims-made policy, claims initially asserted in the
33 designated period, and (ii) in the case of an occurrence policy,
34 occurrences during the designated period. For purposes of this
35 subparagraph, "designated period" means a policy year or any
36 other period designated in the policy that is not greater than 12
37 months. The impairment or exhaustion of the aggregate limit of
38 liability by amounts paid under the policy in connection with the
39 settlement, discharge, or defense of claims applicable to a
40 designated period shall not require the partnership to acquire

1 additional insurance coverage for that designated period. The policy
2 or policies of insurance may be in a form reasonably available in
3 the commercial insurance market and may be subject to those
4 terms, conditions, exclusions, and endorsements that are typically
5 contained in those policies. A policy or policies of insurance
6 maintained pursuant to this subparagraph may be subject to a
7 deductible or self-insured retention.

8 Upon the dissolution and winding up of the partnership, the
9 partnership shall, with respect to any insurance policy or policies
10 then maintained pursuant to this subparagraph, maintain or obtain
11 an extended reporting period endorsement or equivalent provision
12 in the maximum total aggregate limit of liability required to comply
13 with this subparagraph for a minimum of three years if reasonably
14 available from the insurer.

15 (B) Each registered limited liability partnership or foreign
16 limited liability partnership providing legal services shall maintain
17 in trust or bank escrow, cash, bank certificates of deposit, United
18 States Treasury obligations, bank letters of credit, or bonds of
19 insurance or surety companies as security for payment of liabilities
20 imposed by law for damages arising out of all claims; however,
21 the maximum amount of security for partnerships with five or
22 fewer licensed persons shall not be less than one million dollars
23 (\$1,000,000), and for partnerships with more than five licensees
24 rendering professional services on behalf of the partnership, an
25 additional one hundred thousand dollars (\$100,000) of security
26 shall be obtained for each additional licensee; however, the
27 maximum amount of security is not required to exceed seven
28 million five hundred thousand dollars (\$7,500,000). The partnership
29 remains in compliance with this section during a calendar year
30 notwithstanding amounts paid during that calendar year from the
31 accounts, funds, Treasury obligations, letters of credit, or bonds
32 in defending, settling, or discharging claims of the type described
33 in this paragraph, provided that the amount of those accounts,
34 funds, Treasury obligations, letters of credit, or bonds was at least
35 the amount specified in the preceding sentence as of the first
36 business day of that calendar year. Notwithstanding the pendency
37 of other claims against the partnership, a registered limited liability
38 partnership or foreign limited liability partnership shall be deemed
39 to be in compliance with this subparagraph as to a claim if within
40 30 days after the time that a claim is initially asserted through

1 service of a summons, complaint, or comparable pleading in a
2 judicial or administrative proceeding, the partnership has provided
3 the required amount of security by designating and segregating
4 funds in compliance with the requirement of this subparagraph.

5 (C) Unless the partnership has satisfied the requirements of
6 subparagraph (D), each partner of a registered limited liability
7 partnership or foreign limited liability partnership providing legal
8 services, by virtue of that person's status as a partner, thereby
9 automatically guarantees payment of the difference between the
10 maximum amount of security required for the partnership by this
11 paragraph and the security otherwise provided in accordance with
12 the provisions of subparagraphs (A) and (B), provided that the
13 aggregate amount paid by all partners under these guarantees shall
14 not exceed the difference. Neither withdrawal by a partner nor the
15 dissolution and winding up of the partnership shall affect the rights
16 or obligations of a partner arising prior to withdrawal or dissolution
17 and winding up, and the guarantee provided for in this
18 subparagraph shall apply only to conduct that occurred prior to
19 the withdrawal or dissolution and winding up. Nothing contained
20 in this subparagraph shall affect or impair the rights or obligations
21 of the partners among themselves, or the partnership, including,
22 but not limited to, rights of contribution, subrogation, or
23 indemnification.

24 (D) Confirming, pursuant to the procedure in subdivision (c),
25 that, as of the most recently completed fiscal year of the
26 partnership, it had a net worth equal to or exceeding fifteen million
27 dollars (\$15,000,000).

28 (3) For claims based upon acts, errors, or omissions arising out
29 of the practice of architecture, a registered limited liability
30 partnership or foreign limited liability partnership providing
31 architectural services shall comply with one, or pursuant to
32 subdivision (b) some combination, of the following:

33 (A) Maintaining a policy or policies of insurance against liability
34 imposed on or against it by law for damages arising out of claims;
35 however, the total aggregate limit of liability under the policy or
36 policies of insurance for partnerships with five or fewer licensees
37 rendering professional services on behalf of the partnership shall
38 not be less than one million dollars (\$1,000,000), and for
39 partnerships with more than five licensees rendering professional
40 services on behalf of the partnership, an additional one hundred

1 thousand dollars (\$100,000) of liability coverage shall be obtained
2 for each additional licensee; however, the total aggregate limit of
3 liability under the policy or policies of insurance is not required
4 to exceed five million dollars (\$5,000,000). The policy or policies
5 may be issued on a claims-made or occurrence basis, and shall
6 cover: (i) in the case of a claims-made policy, claims initially
7 asserted in the designated period, and (ii) in the case of an
8 occurrence policy, occurrences during the designated period. For
9 purposes of this subparagraph, “designated period” means a policy
10 year or any other period designated in the policy that is not greater
11 than 12 months. The impairment or exhaustion of the aggregate
12 limit of liability by amounts paid under the policy in connection
13 with the settlement, discharge, or defense of claims applicable to
14 a designated period shall not require the partnership to acquire
15 additional insurance coverage for that designated period. The policy
16 or policies of insurance may be in a form reasonably available in
17 the commercial insurance market and may be subject to those
18 terms, conditions, exclusions, and endorsements that are typically
19 contained in those policies. A policy or policies of insurance
20 maintained pursuant to this subparagraph may be subject to a
21 deductible or self-insured retention.

22 Upon the dissolution and winding up of the partnership, the
23 partnership shall, with respect to any insurance policy or policies
24 then maintained pursuant to this subparagraph, maintain or obtain
25 an extended reporting period endorsement or equivalent provision
26 in the maximum total aggregate limit of liability required to comply
27 with this subparagraph for a minimum of three years if reasonably
28 available from the insurer.

29 (B) Maintaining in trust or bank escrow, cash, bank certificates
30 of deposit, United States Treasury obligations, bank letters of
31 credit, or bonds of insurance or surety companies as security for
32 payment of liabilities imposed by law for damages arising out of
33 all claims; however, the maximum amount of security for
34 partnerships with five or fewer licensees rendering professional
35 services on behalf of the partnership shall not be less than one
36 million dollars (\$1,000,000), and for partnerships with more than
37 five licensees rendering professional services on behalf of the
38 partnership, an additional one hundred thousand dollars (\$100,000)
39 of security shall be obtained for each additional licensee; however,
40 the maximum amount of security is not required to exceed five

1 million dollars (\$5,000,000). The partnership remains in
2 compliance with this section during a calendar year notwithstanding
3 amounts paid during that calendar year from the accounts, funds,
4 Treasury obligations, letters of credit, or bonds in defending,
5 settling, or discharging claims of the type described in this
6 paragraph, provided that the amount of those accounts, funds,
7 Treasury obligations, letters of credit, or bonds was at least the
8 amount specified in the preceding sentence as of the first business
9 day of that calendar year. Notwithstanding the pendency of other
10 claims against the partnership, a registered limited liability
11 partnership or foreign limited liability partnership shall be deemed
12 to be in compliance with this subparagraph as to a claim if within
13 30 days after the time that a claim is initially asserted through
14 service of a summons, complaint, or comparable pleading in a
15 judicial or administrative proceeding, the partnership has provided
16 the required amount of security by designating and segregating
17 funds in compliance with the requirements of this subparagraph.

18 (C) Unless the partnership has satisfied subparagraph (D), each
19 partner of a registered limited liability partnership or foreign
20 limited liability partnership providing architectural services, by
21 virtue of that person's status as a partner, thereby automatically
22 guarantees payment of the difference between the maximum
23 amount of security required for the partnership by this paragraph
24 and the security otherwise provided in accordance with
25 subparagraphs (A) and (B), provided that the aggregate amount
26 paid by all partners under these guarantees shall not exceed the
27 difference. Neither withdrawal by a partner nor the dissolution and
28 winding up of the partnership shall affect the rights or obligations
29 of a partner arising prior to withdrawal or dissolution and winding
30 up, and the guarantee provided for in this subparagraph shall apply
31 only to conduct that occurred prior to the withdrawal or dissolution
32 and winding up. Nothing contained in this subparagraph shall
33 affect or impair the rights or obligations of the partners among
34 themselves, or the partnership, including, but not limited to, rights
35 of contribution, subrogation, or indemnification.

36 (D) Confirming, pursuant to the procedure in subdivision (c),
37 that, as of the most recently completed fiscal year of the
38 partnership, it had a net worth equal to or exceeding ten million
39 dollars (\$10,000,000).

1 (4) For claims based upon acts, errors, or omissions arising out
2 of the practice of engineering or the practice of land surveying, a
3 registered limited liability partnership or foreign limited liability
4 partnership providing engineering or land surveying services shall
5 comply with one, or pursuant to subdivision (b) some combination,
6 of the following:

7 (A) Maintaining a policy or policies of insurance against liability
8 imposed on or against it by law for damages arising out of claims;
9 however, the total aggregate limit of liability under the policy or
10 policies of insurance for partnerships with five or fewer licensees
11 rendering professional services on behalf of the partnership shall
12 not be less than two million dollars (\$2,000,000), and for
13 partnerships with more than five licensees rendering professional
14 services on behalf of the partnership, an additional one hundred
15 thousand dollars (\$100,000) of liability coverage shall be obtained
16 for each additional licensee; however, the total aggregate limit of
17 liability under the policy or policies of insurance is not required
18 to exceed five million dollars (\$5,000,000). The policy or policies
19 may be issued on a claims-made or occurrence basis, and shall
20 cover: (i) in the case of a claims-made policy, claims initially
21 asserted in the designated period, and (ii) in the case of an
22 occurrence policy, occurrences during the designated period. For
23 purposes of this subparagraph, "designated period" means a policy
24 year or any other period designated in the policy that is not greater
25 than 12 months. The impairment or exhaustion of the aggregate
26 limit of liability by amounts paid under the policy in connection
27 with the settlement, discharge, or defense of claims applicable to
28 a designated period shall not require the partnership to acquire
29 additional insurance coverage for that designated period. The policy
30 or policies of insurance may be in a form reasonably available in
31 the commercial insurance market and may be subject to those
32 terms, conditions, exclusions, and endorsements that are typically
33 contained in those policies. A policy or policies of insurance
34 maintained pursuant to this subparagraph may be subject to a
35 deductible or self-insured retention.

36 Upon the dissolution and winding up of the partnership, the
37 partnership shall, with respect to any insurance policy or policies
38 then maintained pursuant to this subparagraph, maintain or obtain
39 an extended reporting period endorsement or equivalent provision
40 in the maximum total aggregate limit of liability required to comply

1 with this subparagraph for a minimum of three years if reasonably
2 available from the insurer.

3 (B) Maintaining in trust or bank escrow, cash, bank certificates
4 of deposit, United States Treasury obligations, bank letters of
5 credit, or bonds of insurance or surety companies as security for
6 payment of liabilities imposed by law for damages arising out of
7 all claims; however, the maximum amount of security for
8 partnerships with five or fewer licensees rendering professional
9 services on behalf of the partnership shall not be less than two
10 million dollars (\$2,000,000), and for partnerships with more than
11 five licensees rendering professional services on behalf of the
12 partnership, an additional one hundred thousand dollars (\$100,000)
13 of security shall be obtained for each additional licensee; however,
14 the maximum amount of security is not required to exceed five
15 million dollars (\$5,000,000). The partnership remains in
16 compliance with this section during a calendar year,
17 notwithstanding amounts paid during that calendar year from the
18 accounts, funds, Treasury obligations, letters of credit, or bonds
19 in defending, settling, or discharging claims of the type described
20 in this paragraph, provided that the amount of those accounts,
21 funds, Treasury obligations, letters of credit, or bonds was at least
22 the amount specified in the preceding sentence as of the first
23 business day of that calendar year. Notwithstanding the pendency
24 of other claims against the partnership, a registered limited liability
25 partnership or foreign limited liability partnership shall be deemed
26 to be in compliance with this subparagraph as to a claim if, within
27 30 days after the time that a claim is initially asserted through
28 service of a summons, complaint, or comparable pleading in a
29 judicial or administrative proceeding, the partnership has provided
30 the required amount of security by designating and segregating
31 funds in compliance with the requirements of this subparagraph.

32 (C) Unless the partnership has satisfied subparagraph (D), each
33 partner of a registered limited liability partnership or foreign
34 limited liability partnership providing engineering services or land
35 surveying services, by virtue of that person's status as a partner,
36 thereby automatically guarantees payment of the difference
37 between the maximum amount of security required for the
38 partnership by this paragraph and the security otherwise provided
39 in accordance with subparagraphs (A) and (B), provided that the
40 aggregate amount paid by all partners under these guarantees shall

1 not exceed the difference. Neither withdrawal by a partner nor the
2 dissolution and winding up of the partnership shall affect the rights
3 or obligations of a partner arising prior to withdrawal or dissolution
4 and winding up, and the guarantee provided for in this
5 subparagraph shall apply only to conduct that occurred prior to
6 the withdrawal or dissolution and winding up. Nothing contained
7 in this subparagraph shall affect or impair the rights or obligations
8 of the partners among themselves, or the partnership, including,
9 but not limited to, rights of contribution, subrogation, or
10 indemnification.

11 (D) Confirming, pursuant to the procedure in subdivision (c),
12 that, as of the most recently completed fiscal year of the
13 partnership, it had a net worth equal to or exceeding ten million
14 dollars (\$10,000,000).

15 (b) For purposes of satisfying the security requirements of this
16 section, a registered limited liability partnership or foreign limited
17 liability partnership may aggregate the security provided by it
18 pursuant to subparagraphs (A), (B), (C), and (D) of paragraph (1)
19 of subdivision (a), subparagraphs (A), (B), (C), and (D) of
20 paragraph (2) of subdivision (a), subparagraphs (A), (B), (C), and
21 (D) of paragraph (3) of subdivision (a), or subparagraphs (A), (B),
22 (C), and (D) of paragraph (4) of subdivision (a), as the case may
23 be. Any registered limited liability partnership or foreign limited
24 liability partnership intending to comply with the alternative
25 security provisions set forth in subparagraph (D) of paragraph (1)
26 of subdivision (a), subparagraph (D) of paragraph (2) of subdivision
27 (a), subparagraph (D) of paragraph (3) of subdivision (a), or
28 subparagraph (D) of paragraph (4) of subdivision (a), shall furnish
29 the following information to the Secretary of State’s office, in the
30 manner prescribed in, and accompanied by all information required
31 by, the applicable section:

32

33

TRANSMITTAL FORM FOR EVIDENCING COMPLIANCE

34

WITH SECTION 16956(a)(1)(D), SECTION 16956(a)(2)(D),

35

SECTION 16956(a)(3)(D), OR SECTION 16956(a)(4)(D) OF THE

36

CALIFORNIA CORPORATIONS CODE

37

38

The undersigned hereby confirms the following:

39

1.

40

Name of registered or foreign limited liability partnership

- 1 2. _____
 2 Jurisdiction where partnership is organized
- 3 3. _____
 4 Address of principal office
- 5 4. The registered or foreign limited liability partnership chooses
 6 to satisfy the requirements of Section 16956 by confirming,
 7 pursuant to Section 16956(a)(1)(D), 16956(a)(2)(D),
 8 16956(a)(3)(D), or 16956(a)(4)(D) and pursuant to Section 16956(c),
 9 that, as of the most recently completed fiscal year, the partnership had
 10 a net worth equal to or exceeding ten million dollars
 11 (\$10,000,000), in the case of a partnership providing
 12 accountancy services, fifteen million dollars (~~\$15,000,000~~)
 13 (~~\$15,000,000~~),
 14 in the case of a partnership providing legal services, or
 15 ten million dollars (\$10,000,000), in the case of a partnership
 16 providing architectural services, engineering services, or land surveying
 17 services.
- 18 5. _____
 19 Title of authorized person executing this form
- 20 6. _____
 21 Signature of authorized person executing this form
 22

23 (c) Pursuant to subparagraph (D) of paragraph (1) of subdivision
 24 (a), subparagraph (D) of paragraph (2) of subdivision (a),
 25 subparagraph (D) of paragraph (3) of subdivision (a), or
 26 subparagraph (D) of paragraph (4) of subdivision (a), a registered
 27 limited liability partnership or foreign limited liability partnership
 28 may satisfy the requirements of this section by confirming that, as
 29 of the last day of its most recently completed fiscal year, it had a
 30 net worth equal to or exceeding the amount required. In order to
 31 comply with this alternative method of meeting the requirements
 32 established in this section, a registered limited liability partnership
 33 or foreign limited liability partnership shall file an annual
 34 confirmation with the Secretary of State's office, signed by an
 35 authorized member of the registered limited liability partnership
 36 or foreign limited liability partnership, accompanied by a
 37 transmittal form as prescribed by subdivision (b). In order to be
 38 current in a given year, the partnership form for confirming
 39 compliance with the optional security requirement shall be on file
 40 within four months of the completion of the fiscal year and, upon

1 being filed, shall constitute full compliance with the financial
2 security requirements for purposes of this section as of the
3 beginning of the fiscal year. A confirmation filed during any
4 particular fiscal year shall continue to be effective for the first four
5 months of the next succeeding fiscal year.

6 (d) Neither the existence of the requirements of subdivision (a)
7 nor the extent of the registered limited liability partnership's or
8 foreign limited liability partnership's compliance with the
9 alternative requirements in this section shall be admissible in court
10 or in any way be made known to a jury or other trier of fact in
11 determining an issue of liability for, or to the extent of, the damages
12 in question.

13 (e) Notwithstanding any other provision of this section, if a
14 registered limited liability partnership or foreign limited liability
15 partnership is otherwise in compliance with the terms of this section
16 at the time that a bankruptcy or other insolvency proceeding is
17 commenced with respect to the registered limited liability
18 partnership or foreign limited liability partnership, it shall be
19 deemed to be in compliance with this section during the pendency
20 of the proceeding. A registered limited liability partnership that
21 has been the subject of a proceeding and that conducts business
22 after the proceeding ends shall thereafter comply with paragraph
23 (1), (2), (3), or (4) of subdivision (a), in order to obtain the
24 limitations on liability afforded by subdivision (c) of Section
25 16306.

26 SEC. 13. Section 16956 of the Corporations Code, as amended
27 by Section 8 of Chapter 150 of the Statutes of 2018, is repealed.

28 SEC. 14. Section 16959 of the Corporations Code, as amended
29 by Section 113 of Chapter 617 of the Statutes of 2022, is amended
30 to read:

31 16959. (a) (1) Before transacting intrastate business in this
32 state, a foreign limited liability partnership shall comply with all
33 statutory and administrative registration or filing requirements of
34 the state board, commission, or agency that prescribes the rules
35 and regulations governing a particular profession in which the
36 partnership proposes to be engaged, pursuant to the applicable
37 provisions of the Business and Professions Code relating to the
38 profession or applicable rules adopted by the governing board. A
39 foreign limited liability partnership that transacts intrastate business
40 in this state shall within 30 days after the effective date of the act

1 enacting this section or the date on which the foreign limited
2 liability partnership first transacts intrastate business in this state,
3 whichever is later, register with the Secretary of State by submitting
4 to the Secretary of State an application for registration as a foreign
5 limited liability partnership, signed by a person with authority to
6 do so under the laws of the jurisdiction of formation of the foreign
7 limited liability partnership, stating the name of the partnership,
8 the street address of its principal office, the mailing address of the
9 principal office if different from the street address, the name and
10 street address of its agent for service of process in this state in
11 accordance with subdivision (a) of Section 16309, a brief statement
12 of the business in which the partnership engages, and any other
13 matters that the partnership determines to include.

14 (2) Annexed to the application for registration shall be a
15 certificate from an authorized public official of the foreign limited
16 liability partnership's jurisdiction of organization to the effect that
17 the foreign limited liability partnership is in good standing in that
18 jurisdiction, if the laws of that jurisdiction permit the issuance of
19 those certificates, or, in the alternative, a statement by the foreign
20 limited liability partnership that the laws of its jurisdiction of
21 organization do not permit the issuance of those certificates.

22 (b) The registration shall be accompanied by a fee as set forth
23 in subdivision (b) of Section 12189 of the Government Code.

24 (c) If the Secretary of State finds that an application for
25 registration conforms to law and all requisite fees have been paid,
26 the Secretary of State shall issue a certificate of registration to
27 transact intrastate business in this state.

28 (d) The Secretary of State may cancel the filing of the
29 registration if a check or other remittance accepted in payment of
30 the filing fee is not paid upon presentation. Within 90 days of
31 receiving written notification that the item presented for payment
32 has not been honored for payment, the Secretary of State shall give
33 a first written notice of the applicability of this section to the agent
34 for service of process or to the person submitting the instrument.
35 Thereafter, if the amount has not been paid by cashier's check or
36 equivalent, the Secretary of State shall give a second written notice
37 of cancellation and the cancellation shall thereupon be effective.
38 The second notice shall be given 20 days or more after the first
39 notice.

1 (e) A partnership becomes registered as a foreign limited liability
2 partnership at the time of the filing of the initial registration with
3 the Secretary of State or at any later date or time specified in the
4 registration and the payment of the fee required by subdivision
5 (b). A partnership continues to be registered as a foreign limited
6 liability partnership until a notice that it is no longer so registered
7 as a foreign limited liability partnership has been filed pursuant to
8 Section 16960 or, if applicable, once it has been dissolved and
9 finally wound up. The status of a partnership registered as a foreign
10 limited liability partnership and the liability of a partner of that
11 foreign limited liability partnership shall not be adversely affected
12 by errors or subsequent changes in the information stated in an
13 application for registration under subdivision (a) or an amended
14 registration or notice under Section 16960.

15 (f) The fact that a registration or amended registration pursuant
16 to Section 16960 is on file with the Secretary of State is notice that
17 the partnership is a foreign limited liability partnership and of those
18 other facts contained therein that are required to be set forth in the
19 registration or amended registration.

20 (g) The Secretary of State shall provide a form for a registration
21 under subdivision (a), which shall include the form for confirming
22 compliance with the optional security requirement pursuant to
23 subdivision (c) of Section 16956. The Secretary of State shall
24 include with instructional materials, provided in conjunction with
25 the form for registration under subdivision (a), a notice that filing
26 the registration will obligate the limited liability partnership to pay
27 an annual tax for that taxable year to the Franchise Tax Board
28 pursuant to Section 17948 of the Revenue and Taxation Code.
29 That notice shall be updated annually to specify the dollar amount
30 of this tax.

31 (h) A foreign limited liability partnership transacting intrastate
32 business in this state shall not maintain any action, suit, or
33 proceeding in any court of this state until it has registered in this
34 state pursuant to this section.

35 (i) Any foreign limited liability partnership that transacts
36 intrastate business in this state without registration is subject to a
37 penalty of twenty dollars (\$20) for each day that unauthorized
38 intrastate business is transacted, up to a maximum of ten thousand
39 dollars (\$10,000).

1 (j) A partner of a foreign limited liability partnership is not liable
2 for the debts or obligations of the foreign limited liability
3 partnership solely by reason of its having transacted business in
4 this state without registration.

5 (k) A foreign limited liability partnership, transacting business
6 in this state without registration, appoints the Secretary of State
7 as its agent for service of process with respect to causes of action
8 arising out of the transaction of business in this state.

9 (l) "Transact intrastate business" as used in this section means
10 to repeatedly and successively provide professional limited liability
11 partnership services in this state, other than in interstate or foreign
12 commerce.

13 (m) Without excluding other activities that may not be
14 considered to be transacting intrastate business, a foreign limited
15 liability partnership shall not be considered to be transacting
16 intrastate business merely because its subsidiary or affiliate
17 transacts intrastate business, or merely because of its status as any
18 one or more of the following:

19 (1) A shareholder of a domestic corporation.

20 (2) A shareholder of a foreign corporation transacting intrastate
21 business.

22 (3) A limited partner of a foreign limited partnership transacting
23 intrastate business.

24 (4) A limited partner of a domestic limited partnership.

25 (5) A member or manager of a foreign limited liability company
26 transacting intrastate business.

27 (6) A member or manager of a domestic limited liability
28 company.

29 (n) Without excluding other activities that may not be considered
30 to be transacting intrastate business, a foreign limited liability
31 partnership shall not be considered to be transacting intrastate
32 business within the meaning of this subdivision solely by reason
33 of carrying on in this state any one or more of the following
34 activities:

35 (1) Maintaining or defending any action or suit or any
36 administrative or arbitration proceeding, or effecting the settlement
37 thereof or the settlement of claims or disputes.

38 (2) Holding meetings of its partners or carrying on any other
39 activities concerning its internal affairs.

40 (3) Maintaining bank accounts.

1 (4) Maintaining offices or agencies for the transfer, exchange,
2 and registration of the foreign limited liability partnership's
3 securities or maintaining trustees or depositories with respect to
4 those securities.

5 (5) Effecting sales through independent contractors.

6 (6) Soliciting or procuring orders, whether by mail or through
7 employees or agents or otherwise, where those orders require
8 acceptance without this state before becoming binding contracts.

9 (7) Creating or acquiring evidences of debt or mortgages, liens,
10 or security interest in real or personal property.

11 (8) Securing or collecting debts or enforcing mortgages and
12 security interests in property securing the debts.

13 (9) Conducting an isolated transaction that is completed within
14 180 days and not in the course of a number of repeated transactions
15 of a like nature.

16 (o) A person shall not be deemed to be transacting intrastate
17 business in this state merely because of its status as a partner of a
18 registered limited liability partnership or a foreign limited liability
19 company whether or not registered to transact intrastate business
20 in this state.

21 (p) The Attorney General may bring an action to restrain a
22 foreign limited liability partnership from transacting intrastate
23 business in this state in violation of this chapter.

24 (q) Nothing in this section is intended to, or shall, augment,
25 diminish, or otherwise alter existing provisions of law, statutes,
26 or court rules relating to services by a California architect,
27 California public accountant, California engineer, California land
28 surveyor, or California attorney in another jurisdiction, or services
29 by an out-of-state architect, out-of-state public accountant,
30 out-of-state engineer, out-of-state land surveyor, or out-of-state
31 attorney in California.

32 (r) An agent designated for service of process may deliver to
33 the Secretary of State, on a form prescribed by the Secretary of
34 State for filing, a signed and acknowledged written statement of
35 resignation as an agent for service of process containing the name
36 of the foreign limited liability partnership and Secretary of State's
37 file number of the foreign limited liability partnership, the name
38 of the resigning agent for service of process, and a statement that
39 the agent is resigning. On filing of the statement of resignation,
40 the authority of the agent to act in that capacity shall cease and the

1 Secretary of State shall mail or otherwise provide written notice
2 of the filing of the statement of resignation to the foreign limited
3 liability partnership at its principal office.

4 (s) The resignation of an agent may be effective if, on a form
5 prescribed by the Secretary of State containing the name of the
6 foreign limited liability partnership and Secretary of State's file
7 number for the foreign limited liability partnership and the name
8 of the agent for service of process, the agent disclaims having been
9 properly appointed as the agent.

10 (t) If an individual who has been designated agent for service
11 of process dies or resigns or no longer resides in the state, or if the
12 corporate agent for that purpose resigns, dissolves, withdraws from
13 the state, forfeits its right to transact intrastate business, has its
14 corporate rights, powers, and privileges suspended, or ceases to
15 exist, the foreign limited liability partnership shall promptly file
16 an amended application for registration as a foreign limited liability
17 partnership designating a new agent.

18 (u) The Secretary of State may destroy or otherwise dispose of
19 any resignation filed pursuant to this section after a new application
20 for registration as a foreign limited liability partnership is filed
21 pursuant to this section replacing the agent for service of process
22 that has resigned.

23 SEC. 15. Section 16959 of the Corporations Code, as amended
24 by Section 114 of Chapter 617 of the Statutes of 2022, is repealed.

AB 2862 (Gipson, D-Los Angeles County)
Department of Consumer Affairs: African American applicants.

Status/History: 5/22/2024 – Passed Assembly and referred to Senate.

Location: 6/17/2024 – Passed Assembly and referred to Senate Committee on Business, Professions and Economic Development and Judiciary Committees.

Introduced: 2/15/2024

Amended: 4/17/2024

Board Position: Watch (as of May 9, 2024)

Board Staff Analysis: 6/17/2024

Bill Summary: This bill would amend the Business and Professions Code by adding a section to the general Business and Professions Code to require a board to prioritize African American applicants seeking licenses, especially applicants who are descended from a person enslaved in the United States and establishes a sunset date of January 1, 2029 unless reenacted.

Affected Laws: An act to add a new section to the Business and Professions Code, relating to applicants for a license. Language was revised on April 17, 2024 to instead add the proposed language as a new section 115.7.

Staff Comment: According to the author’s office, this bill seeks to establish expedited review of applications submitted by individuals who identify as African American who are descended from a person enslaved in the United States, in similar fashion as those statutes which were previously enacted to assist members of the military or spouses of members of the military.

The Author states:

“AB 2862 would provide an imperative initiative of the prioritization of African Americans when seeking occupational licenses, especially those who are descendants of slaves. There has been historical long-standing deficiencies and internal barriers to African Americans seeking professional work, and by prioritizing their applications, we are bridging the gap of professional inequities of under representation and under compensation.”

ARGUMENTS IN OPPOSITION UNLESS AMENDED: The Respiratory Care Board (RCB) of California opposes this bill unless amended. RCB identifies “two areas of concern.” First, RCB points to the significant time and expense that will be required to identify applicants as African American, and especially to determine if they are descended from a person enslaved in the United States. Second, RCB points out that the time needed to identify a person as a descendant of enslaved persons will slow down the application processing, “which appears to conflict with the bill’s intent.” Therefore, RCB asks for an amendment that would “allow for self-identification of African American ethnicity by the applicant, as well as the inclusion of a provision that requires the applicant to provide evidence that he or she is the descendant of a person enslaved in the United States.”

Board staff generally agrees with the stated concerns for RCB's position and believes that our Board already attempts to expedite *all* applications since the Board's current license processes does not discriminate in any way as there is no identification of ethnicity on the Board's applications. Additionally, it is important to note that unlike applicants for some other licensing boards/bureaus under DCA, applicants for engineering, land surveying, and geology licenses are required to demonstrate a history of qualifying work experience and those applicants are not just entering the workforce.

Staff has stated an "unknown fiscal impact" position to DCA Budgets and Legislative Units since we do not know what the Board would be required to do to comply with this section and do not know how many applicants, if any, would be affected by this section.

Staff Recommendation: No action needed at this time.

AMENDED IN ASSEMBLY APRIL 17, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2862

Introduced by Assembly Member Gipson
(Coauthors: Assembly Members Juan Carrillo and Lowenthal)

February 15, 2024

An act to add ~~Division 1.1 (commencing with Section 473) to and repeal Section 115.7 of the Business and Professions Code, relating to professions and vocations.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2862, as amended, Gipson. ~~Licenses—Department of Consumer Affairs:~~ African American applicants.

Existing law ~~prescribes requirements for licensure and regulation of various businesses and professions, including healing arts and real estate businesses and professions, by various boards, bureaus, commissions, committees, and departments.~~ *establishes the Department of Consumer Affairs, which is composed of specified boards that license and regulate various professions.*

This bill would require *those* boards to prioritize African American applicants seeking licenses under these provisions, especially applicants who are descended from a person enslaved in the United States. The bill would ~~define various terms for these purposes.~~ *repeal those provisions on January 1, 2029.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 115.7 is added to the Business and
2 Professions Code, to read:

3 115.7. (a) Notwithstanding any other law, a board shall
4 prioritize African American applicants seeking licenses, especially
5 applicants who are descended from a person enslaved in the United
6 States.

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

9 SECTION 1. ~~Division 1.1 (commencing with Section 473) is~~
10 ~~added to the Business and Professions Code, to read:~~

11

12 DIVISION 1.1. PRIORITIZATION OF LICENSES

13

14 473. (a) For purposes of this division:

15 (1) ~~“Board” includes “bureau,” “commission,” “committee,”~~
16 ~~“department,” “division,” “examining committee,” “program,”~~
17 ~~and “agency.”~~

18 (2) ~~“License” includes certificate, registration, or other means~~
19 ~~to engage in a business or profession regulated by this code.~~

20 (b) ~~Notwithstanding any other law, a board shall prioritize~~
21 ~~African American applicants seeking licenses, especially applicants~~
22 ~~who are descended from a person enslaved in the United States.~~

AB 3176 (Hoover, R-Sacramento)

Professional land surveyors: surveying practices: monuments and corner accessories.

Status/History: 5/09/2024 – Passed Assembly and referred to Senate.

Location: 5/22/2024 – Referred to Senate Committee on Business, Professions and Economic Development Committee.

Introduced: 2/16/2024

Amended: 4/17/2024 Amended and Passed by Asm. B&P Com.

Board Position: Support (as of May 9, 2024)

Board Staff Analysis: 6/17/2024

Bill Summary: Existing law (Business and Professions Code section 8773.3) requires a land surveyor or legally-authorized civil engineer, 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 amend this section to require a land surveyor or legally-authorized civil engineer, when using a monument or corner accessory with a physical condition that is less than permanent and durable as control in any survey, to reconstruct or rehabilitate the monument or corner accessory to a permanent condition, as specified.

Affected Laws: An act to amend section 8773.3 of the Business and Professions Code, relating to land surveying.

Staff Comment: Assembly Bill (AB) 3176 is sponsored by the California Land Surveyors Association (CLSA). According to the author's office, CLSA has indicated that Section 8773.3 relates to the obligation of licensed land surveyors and civil engineers to "reconstruct and rehabilitate" monuments found to be in poor condition when surveyors are creating "corner records" intended for filing with counties. The purpose of this law is for surveyors to preserve monuments located while creating maps, so they can be found by later surveyors while performing services. This preservation is essential in creating exact boundaries for the location of properties. CLSA believes present law limits the rehabilitation requirement to circumstances where a corner record is created for filing with counties and does not extend to the creation of other maps, including records of survey and subdivision maps. The law is too narrow as it excludes important mapping performed by surveyors which are not "corner records." AB 3176 removes the limitation to "corner records intended for filing" on the types of monuments which must be preserved; thus, covering every situation where a monument is necessary. This bill will broaden the requirement for licensed land surveyors and registered civil engineers to rehabilitate monuments found to be in ill-repair. Preserving monuments will enhance the ability of future professionals to locate and incorporate the monuments in their mapping services.

Board staff generally agrees with the stated reasons for these proposed amendments. However, there are concerns with the language as proposed. The term "permanent" can lead to issues between surveyors over whether one believes the monument is permanent and another who believes it is not, and sometimes these issues come to the Board in the form of complaints. Board staff believes a better term to use would be "durable." The would provide for permanently

preserving the location of the monument by ensuring that a durable monument exists or is caused to exist in that permanent location as is reasonably possible. As such, Board staff recommends the Board take a position of “Oppose Unless Amended” on AB 3176 and direct staff to work with the sponsor and author on the language.

At the Board’s March 7, 2024 meeting, the Board took the position of Oppose Unless Amended with direction to staff to discuss with the author and sponsor of the bill the concern discussed by the Board. Board staff sent a letter to the author’s office and met with representatives of the sponsor which resulted in the sponsor recommending revisions to language which was discussed in the Business & Professions Committee analysis. Board staff believes the committee revisions reflect the discussion between Board staff and sponsor representatives which would address the Board’s concerns.

6/17/2024 Update: Staff sent the Author and Sunset Committees a letter on 6/03/2024 indicating the Board’s support of the 4/17/2024 amendments.

Staff Recommendation: No action needed at this time.



BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

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June 3, 2024

The Honorable Josh Hoover
Member, California State Assembly
1021 O Street, Suite 4540
Sacramento, CA 95814

RE: Assembly Bill 3176 – **SUPPORT**

Dear Assemblymember Hoover:

The Board for Professional Engineers, Land Surveyors, and Geologists (Board) voted to **SUPPORT** Assembly Bill 3176, as amended April 17, 2024.

The mission of the Board is to protect the public health, safety, welfare, and property by promoting standards of competence and integrity through the licensing and regulation of the Board's professions.

As stated in the Fact Sheet for AB 3176, “this bill will broaden the requirement for licensed land surveyors and registered civil engineers to rehabilitate monuments found to be in ill-repair. Preserving monuments will enhance the ability of future professionals to locate and incorporate the monuments in their mapping services.” The Board generally agrees with this policy issue and appreciates the recent revisions to the original proposed language as presented during the Assembly Business and Professions Committee hearing. Because of these revisions, the Board voted to take a position of Support on this version of the bill.

Please feel free to contact me directly at 916-999-3579 or Ric.Moore@dca.ca.gov

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Moore".

RICHARD B. MOORE, PLS
Executive Officer

cc Assembly Business and Professions Committee
Mike Belote, California Advocates,
representing the California Land Surveyors Association
Kevin Nehring, California Land Surveyors Association
Mike Butcher, California Land Surveyors Association

AMENDED IN ASSEMBLY APRIL 17, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 3176

Introduced by Assembly Member Hoover

February 16, 2024

An act to amend ~~section~~ *Section* 8773.3 of the Business and Professions Code, relating to land surveying.

LEGISLATIVE COUNSEL'S DIGEST

AB 3176, as amended, Hoover. Professional land surveyors: surveying practices: monuments and corner accessories.

The Professional Land Surveyors' Act provides for the licensure and regulation of land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs, and 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 the act. Among other things, the act 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 instead require a land surveyor, when using a monument ~~or corner accessory~~ with a physical condition that is less than permanent and durable as control in any survey, to reconstruct or rehabilitate the monument ~~or corner accessory~~ to a permanent condition, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8773.3 of the Business and Professions
2 Code is amended to read:
3 8773.3. In every case where a monument ~~or corner accessory~~
4 is found with a physical condition that is less than permanent and
5 durable, the licensed land surveyor or registered civil engineer
6 using that monument ~~or corner accessory~~ as control in any survey
7 shall reconstruct or rehabilitate the monument ~~or corner~~, so that
8 the same shall be left by them in such physical condition that it
9 remains as permanent a monument ~~or corner accessory~~ as is
10 reasonably possible and so that the same may be reasonably
11 expected to be located with facility at all times in the future.

**AB 3253 (Assembly Committee on Business and Professions)
Board for Professional Engineers, Land Surveyors, and Geologists: appointments:
removal.**

Status/History: 5/22/2024 – Passed Assembly and referred to Senate.

Location: 6/05/2024 – Passed Assembly and referred to Senate Committee on Business, Professions and Economic Development

Introduced: 2/16/2024

Amended: 6/13/2024

Board Position: Pending (Support as of May 9, 2024)

Board Staff Analysis: 6/17/2024

Bill Summary: Existing law establishes the Board for Professional Engineers, Land Surveyors, and Geologists within the Department of Consumer Affairs for the licensure and regulation of those professions. Under existing law, the Board consists of 15 members, including eight public members and seven professional members appointed by the Governor, one public member appointed by the Senate Committee on Rules, and one public member appointed by the Speaker of the Assembly, as prescribed. Existing law (specifically, Business and Professions Code section 6713) authorizes the Governor to remove any member of the Board for misconduct, incompetency, or neglect of duty. This bill would amend that section to instead refer to Business and Professions Code section 106, which provides that the appointing authority has power to remove from office at any time any member of any board appointed by the appointing authority for continued neglect of duties required by law, or for incompetence, or unprofessional or dishonorable conduct.

Affected Laws: An act to amend Section 6713 of the Business and Professions Code, relating to professions and vocations.

Staff Comment: Assembly Bill (AB) 3253 makes a minor change to the Professional Engineers Act regarding the removal of Board members for certain specific reasons. The proposed amendments would delete the specific reasons and instead refer to Section 106, which is a general provision of the Business and Professions Code that address removal of Board members for certain specific reasons.

Updated Staff Comment: on April 18, 2024, the Asm. B&P Com. held a hearing which Board staff testified at. B&P Committee staff analysis accepted all Board suggested revisions as provided in the Board’s Response to the Background Paper. Revised language passed B&P Com. and sent to Com. on Appropriations.

6/17/2024 Staff Update: on June 13, 2024, the Senate B,P&ED Com. proposed amendments to the Board’s three Acts based on discussions with the Board related to eligibility of appointed board members, and stakeholder groups who had concerns with unlicensed activity (Sunset Background Paper Issue #8)

At this time, Board staff is recommending the Board take a “Support” position.

Staff Recommendation: Staff recommends the Board take a position of “Support” on AB 3253, as revised June 13, 2024.

AMENDED IN SENATE JUNE 13, 2024

AMENDED IN ASSEMBLY APRIL 18, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 3253

Introduced by Committee on Business and Professions

February 16, 2024

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

LEGISLATIVE COUNSEL'S DIGEST

AB 3253, as amended, Committee on Business and Professions. Board for Professional Engineers, Land Surveyors, and Geologists: licensees.

(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 for Professional Engineers and Land Surveyors,~~

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 requirement~~ *term and age requirements* for members of the ~~Board for Professional Engineers and Land Surveyors~~ *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 presents 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) Because the bill would expand the scope of crimes under the Professional Engineers Act, Professional Land Surveyors' Act, and the Geologist and Geophysicist Act, the bill would impose a state-mandated local program.

(10) 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.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

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

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

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

6 (1) The Medical Board of California.

7 (2) The Podiatric Medical Board of California.

8 (3) The Physical Therapy Board of California.

9 (4) The Board of Registered Nursing, except as provided in
10 subdivision (c) of Section 2703.

11 (5) The Board of Vocational Nursing and Psychiatric
12 Technicians.

13 (6) The California State Board of Optometry.

14 (7) The California State Board of Pharmacy.

15 (8) The Veterinary Medical Board.

16 (9) The California Architects Board.

17 (10) The Landscape Architect Technical Committee.

18 (11) The Contractors State License Board.

19 (12) The Board of Behavioral Sciences.

20 (13) The Court Reporters Board of California.

21 (14) The State Athletic Commission.

22 (15) The Osteopathic Medical Board of California.

23 (16) The Respiratory Care Board of California.

24 (17) The Acupuncture Board.

25 (18) The Board of Psychology.

26 (19) The Structural Pest Control Board.

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

29 6710. (a) There is in the Department of Consumer Affairs a
30 Board for Professional Engineers, Land Surveyors, and Geologists,
31 which consists of 15 members.

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

37 (c) This section shall remain in effect only until January 1, 2029,
38 and as of that date is repealed. Notwithstanding any other law, the
39 repeal of this section renders the board subject to review by the
40 appropriate policy committees of the Legislature.

1 *SEC. 3. Section 6711 of the Business and Professions Code is*
 2 *amended to read:*

3 6711. Each member of the board shall be a citizen of the United
 4 States. Five members shall be registered under this chapter. One
 5 member shall be licensed under the Professional Land Surveyors'
 6 Act, Chapter 15 (commencing with Section 8700), one member
 7 shall be licensed under the Geologist and Geophysicist Act, Chapter
 8 12.5 (commencing with Section 7800), and eight shall be public
 9 members who are not registered under this act, licensed under the
 10 Geologist and Geophysicist Act, or licensed under the Professional
 11 Land Surveyors' Act. Each member, except the public members,
 12 shall have at least 12 years active experience and shall be of good
 13 standing in ~~his or her~~ *their* profession. Each member ~~shall be at~~
 14 ~~least 30 years of age, and~~ shall have been a resident of this state
 15 for at least five years immediately preceding ~~his or her~~ *their*
 16 appointment.

17 ~~SEC. 3.~~

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

20 6713. Each appointing authority shall have the power to remove
 21 from office at any time any member of the board appointed by that
 22 authority pursuant to Section 106.

23 ~~SEC. 4.~~

24 *SEC. 5. Section 6714 of the Business and Professions Code is*
 25 *amended to read:*

26 6714. The board shall appoint an executive officer at a salary
 27 to be fixed and determined by the board with the approval of the
 28 Director of Finance.

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

31 *SEC. 6. Section 6749 of the Business and Professions Code is*
 32 *amended to read:*

33 6749. (a) A professional engineer shall use a written contract
 34 when contracting to provide professional engineering services to
 35 a client pursuant to this chapter. The written contract shall be
 36 executed by the professional engineer and the client or the client's
 37 representative prior to the professional engineer commencing work,
 38 unless the client knowingly states in writing that work may be
 39 commenced before the contract is executed. The written contract
 40 shall include, but not be limited to, all of the following:

- 1 (1) A description of the services to be provided to the client by
2 the professional engineer.
- 3 (2) A description of any basis of compensation applicable to
4 the contract, and the method of payment agreed upon by the parties.
- 5 (3) The name, address, and license or certificate number of the
6 professional engineer, and the name and address of the client.
- 7 (4) A description of the procedure that the professional engineer
8 and the client will use to accommodate additional services.
- 9 (5) A description of the procedure to be used by both parties to
10 terminate the contract.
- 11 (6) *Disclosure of any existence of a current professional liability*
12 *insurance policy covering the professional engineer in responsible*
13 *charge of the services.*
- 14 (b) This section shall not apply to any of the following:
- 15 (1) Professional engineering services rendered by a professional
16 engineer for which the client will not pay compensation.
- 17 (2) A professional engineer who has a current or prior
18 contractual relationship with the client to provide engineering
19 services, and that client has paid the professional engineer all of
20 the fees that are due under the contract.
- 21 (3) If the client knowingly states in writing after full disclosure
22 of this section that a contract which complies with the requirements
23 of this section is not required.
- 24 (4) Professional engineering services rendered by a professional
25 engineer to any of the following:
- 26 (A) A professional engineer licensed or registered under this
27 chapter.
- 28 (B) A land surveyor licensed under Chapter 15 (commencing
29 with Section 8700).
- 30 (C) An architect licensed under Chapter 3 (commencing with
31 Section 5500).
- 32 (D) A contractor licensed under Chapter 9 (commencing with
33 Section 7000).
- 34 (E) A geologist or a geophysicist licensed under Chapter 12.5
35 (commencing with Section 7800).
- 36 (F) A manufacturing, mining, public utility, research and
37 development, or other industrial corporation, if the services are
38 provided in connection with or incidental to the products, systems,
39 or services of that corporation or its affiliates.
- 40 (G) A public agency.

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

3 ~~SEC. 5.~~

4 *SEC. 7.* Section 6755 of the Business and Professions Code is
5 amended to read:

6 6755. (a) Examination duration and composition shall be
7 designed to conform to the following general principle: The first
8 division of the examination shall test the applicant's knowledge
9 of appropriate fundamental engineering subjects, including
10 mathematics and the basic sciences; the second division of the
11 examination shall test the applicant's ability to apply their
12 knowledge and experience and to assume responsible charge in
13 the professional practice of the branch of engineering in which the
14 applicant is being examined.

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

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

24 ~~SEC. 6.~~

25 *SEC. 8.* Section 6755.1 of the Business and Professions Code
26 is amended to read:

27 6755.1. (a) The second division of the examination for
28 registration as a professional engineer shall include questions to
29 test the applicant's knowledge of state laws and the board's rules
30 and regulations regulating the practice of professional engineering.
31 The board shall administer the test on state laws and board rules
32 regulating the practice of engineering in this state as a separate
33 part of the second division of the examination for registration as
34 a professional engineer.

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

1 successfully completed questions to test their knowledge of seismic
2 principles and engineering surveying principles.

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

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

12 ~~SEC. 7.~~

13 *SEC. 9.* Section 6763.5 of the Business and Professions Code
14 is amended to read:

15 6763.5. If an applicant for licensure as a professional engineer,
16 for certification as an engineer-in-training, or for authorization to
17 use the title "structural engineer" or "soil engineer" is found by
18 the board to lack the qualifications required for admission to the
19 examination for such licensure, certification, or authorization, the
20 board may, in accordance with the provisions of Section 158 of
21 this code, refund to them their examination fee.

22 ~~SEC. 8.~~

23 *SEC. 10.* Section 6787 of the Business and Professions Code
24 is amended to read:

25 6787. A person who does any of the following is guilty of a
26 misdemeanor:

27 (a) Unless the person is exempt from licensure under this
28 chapter, practices or offers to practice civil, electrical, or
29 mechanical engineering in this state according to this chapter
30 without legal authorization.

31 (b) Presents or attempts to file as the person's own the certificate
32 of an engineer-in-training or the certificate of licensure of a
33 licensed professional engineer unless they are the person named
34 on the certificate.

35 (c) Gives false evidence of any kind to the board, or to any board
36 member, in obtaining a certificate as an engineer-in-training or a
37 certificate of licensure.

38 (d) Impersonates or uses the seal, signature, or license number
39 of a licensed professional engineer or uses a false license number.

1 (e) Impersonates or uses the certificate number of an
2 engineer-in-training or uses a false certificate.

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

5 (g) Represents themselves as, or uses the title of, a licensed or
6 registered civil, electrical, or mechanical engineer, or any other
7 title whereby that person could be considered as practicing or
8 offering to practice civil, electrical, or mechanical engineering in
9 any of its branches, unless they are correspondingly qualified by
10 licensure as a civil, electrical, or mechanical engineer under this
11 chapter.

12 (h) Unless appropriately licensed, manages, or conducts as
13 manager, proprietor, or agent, any place of business from which
14 civil, electrical, or mechanical engineering work is solicited,
15 performed, or practiced, except as authorized pursuant to Section
16 8726.1.

17 (i) Uses the title, or any combination of that title, of
18 “professional engineer,” “licensed engineer,” “registered engineer,”
19 or the branch titles specified in Section 6732, or the authority titles
20 specified in Sections 6736 and 6736.1, or “engineer-in-training,”
21 or makes use of any abbreviation of that title that might lead to
22 the belief that the person is a licensed engineer, is authorized to
23 use the titles specified in Section 6736 or 6736.1, or holds a
24 certificate as an engineer-in-training, without being licensed,
25 authorized, or certified as required by this chapter.

26 (j) Uses the title “consulting engineer” without being licensed
27 as required by this chapter or without being authorized to use that
28 title pursuant to legislation enacted at the 1963, 1965, or 1968
29 Regular Session.

30 (k) Violates any provision of this chapter.

31 *SEC. 11. Section 7839.2 of the Business and Professions Code*
32 *is amended to read:*

33 7839.2. (a) A professional geologist or professional
34 geophysicist shall use a written contract when contracting to
35 provide geological or geophysical services to a client pursuant to
36 this chapter. The written contract shall be executed by the
37 professional geologist or professional geophysicist and the client
38 or the client’s representative prior to the professional geologist or
39 professional geophysicist commencing work, unless the client
40 states in writing that work may be commenced before the contract

1 is executed. The written contract shall include, but is not limited
2 to, all of the following:

3 (1) A description of the services to be provided to the client by
4 the professional geologist or professional geophysicist.

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

7 (3) The name, address, and license or certificate number of the
8 professional geologist or professional geophysicist, and the name
9 and address of the client.

10 (4) A description of the procedure that the professional geologist
11 or professional geophysicist and the client will use to accommodate
12 additional services.

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

15 (6) *Disclosure of any existence of a current professional liability*
16 *insurance policy covering the professional geologist or*
17 *professional geophysicist in responsible charge of the services.*

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

19 (1) Geologic or geophysical services rendered by a professional
20 geologist or professional geophysicist for which the client will not
21 pay compensation.

22 (2) A geologist or geophysicist who has a current or prior
23 contractual relationship with the client to provide geologic or
24 geophysical services, and who has already been paid the fees that
25 are due under the contract by the client.

26 (3) If the client executes a waiver in writing after full disclosure
27 of this section that a contract that complies with the requirements
28 of this section is not required.

29 (4) Geological or geophysical services rendered by a geologist
30 or geophysicist to any of the following:

31 (A) A geologist or geophysicist licensed under this chapter.

32 (B) An engineer licensed under Chapter 7 (commencing with
33 Section 6700).

34 (C) A land surveyor licensed under Chapter 15 (commencing
35 with Section 8700).

36 (D) An architect licensed under Chapter 3 (commencing with
37 Section 5500).

38 (E) A contractor licensed under Chapter 9 (commencing with
39 Section 7000).

40 (F) A public agency.

1 (c) As used in this section, “written contract” includes a contract
2 in electronic form.

3 ~~SEC. 9.~~

4 *SEC. 12.* Section 7872 of the Business and Professions Code
5 is amended to read:

6 7872. A person who does any of the following is guilty of a
7 misdemeanor:

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

12 (b) Presents or attempts to file as their own the certificate of a
13 geologist-in-training or the license of a professional geologist,
14 certified specialty geologist, a professional geophysicist, or a
15 certified specialty geophysicist, unless they are the person named
16 on the certificate or the license.

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

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

23 (e) Impersonates or uses the certificate number of a
24 geologist-in-training or who uses a false certificate.

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

27 (g) Represents themselves as, or uses the title of, professional
28 geologist, or any other title whereby the person could be considered
29 as practicing or offering to practice geology for others, unless the
30 person is qualified by licensure as a professional geologist under
31 this chapter, or represents themselves as, or uses the title of,
32 professional geophysicist, or any other title whereby the person
33 could be considered as practicing or offering to practice geophysics
34 for others, unless the person is qualified by licensure as a
35 professional geophysicist under this chapter.

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

1 (i) Uses the title, or any combination of that title, of
 2 “professional geologist,” “registered geophysicist,” or “professional
 3 geophysicist,” the title of any licensed certified specialty geologist
 4 or any licensed certified specialty geophysicist, or
 5 “geologist-in-training,” or who makes use of any abbreviation of
 6 a title that might lead to the belief that the person is licensed as a
 7 geologist, a geophysicist, a certified specialty geologist, or a
 8 certified specialty geophysicist, or holds a certificate as a
 9 geologist-in-training, without being licensed, licensed and certified,
 10 or certified, as required by this chapter.

11 (j) Violates any provision of this chapter.

12 ~~SEC. 10.~~

13 *SEC. 13.* Section 8710 of the Business and Professions Code
 14 is amended to read:

15 8710. (a) The Board for Professional Engineers, Land
 16 Surveyors, and Geologists is vested with power to administer the
 17 provisions and requirements of this chapter, and may make and
 18 enforce rules and regulations that are reasonably necessary to carry
 19 out its provisions.

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

27 (c) This section shall remain in effect only until January 1, 2029,
 28 and as of that date is repealed. Notwithstanding any other law, the
 29 repeal of this section renders the board subject to review by the
 30 appropriate policy committees of the Legislature.

31 ~~SEC. 11.~~

32 *SEC. 14.* Section 8748.5 of the Business and Professions Code
 33 is amended to read:

34 8748.5. If an applicant for license as a land surveyor or
 35 certification as a land surveyor-in-training is found by the board
 36 to lack the qualifications required for such license or certification,
 37 the board may, in accordance with the provisions of Section 158
 38 of this code, refund to them their examination fee.

39 *SEC. 15.* *Section 8759 of the Business and Professions Code*
 40 *is amended to read:*

1 8759. (a) A licensed land surveyor or licensed civil engineer
2 authorized to practice land surveying shall use a written contract
3 when contracting to provide professional services to a client
4 pursuant to this chapter. The written contract shall be executed by
5 the licensed land surveyor or licensed civil engineer and the client
6 or the client's representative prior to the licensed land surveyor or
7 licensed civil engineer commencing work, unless the client
8 knowingly states in writing that work may be commenced before
9 the contract is executed. The written contract shall include, but
10 not be limited to, all of the following:

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

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

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

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

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

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

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

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

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

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

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

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

3 (B) A land surveyor licensed under this chapter.

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

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

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

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

14 (G) A public agency.

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

17 ~~SEC. 12.~~

18 *SEC. 16.* Section 8792 of the Business and Professions Code
19 is amended to read:

20 8792. A person who does any of the following is guilty of a
21 misdemeanor:

22 (a) Unless the person is exempt from licensure under this
23 chapter, practices, or offers to practice, land surveying in this state
24 without legal authorization.

25 (b) Presents as their own the certificate of a land
26 surveyor-in-training or the license of a professional land surveyor
27 unless they are the person named on the certificate or the license.

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

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

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

34 (f) Impersonates or uses the certificate number of a land
35 surveyor-in-training or who uses a false certificate.

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

38 (h) Represents themselves as, or uses the title of, professional
39 land surveyor, or any other title whereby that person could be
40 considered as practicing or offering to practice land surveying,

1 unless the person is correspondingly qualified by licensure as a
2 land surveyor under this chapter.

3 (i) Uses the title, or any combination of that title, of
4 “professional land surveyor,” “licensed land surveyor,” “land
5 surveyor,” or the titles specified in Sections 8751 and 8775, or
6 “land surveyor-in-training,” or who makes use of any abbreviation
7 of that title that might lead to the belief that the person is a licensed
8 land surveyor or holds a certificate as a land surveyor-in-training,
9 without being licensed or certified as required by this chapter.

10 (j) Unless appropriately licensed, manages, or conducts as
11 manager, proprietor, or agent, any place of business from which
12 land surveying work is solicited, performed, or practiced, except
13 as authorized pursuant to Section 6731.2.

14 (k) Violates any provision of this chapter.

15 ~~SEC. 13.~~

16 *SEC. 17.* No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.

X. Discussion to Rescind Proposed Rulemaking to Amend Title 16, CCR section 404 (Traffic Engineers)

X. Discussion to Rescind Proposed Rulemaking to Amend Title 16, CCR section 404 (Traffic Engineers) (Possible Action)

Issue

There is insufficient rationale available to justify continuing with the proposed rulemaking to revise the definition of traffic engineering.

Background

During the 2014/15 timeframe, the Board discussed concerns expressed by some applicants about the “overlap” of traffic engineering with civil engineering. As a result, the Board agreed to form a Traffic Engineering Technical Advisory Committee (TAC) to discuss the concerns and provide the Board with recommendations for its further consideration.

The TAC initially met in October 2015 and after much discussion, came away with a clearer understanding for why the “perception” of overlapping practice with civil engineering is not supported in laws. Civil engineering is a practice act (meaning the Board regulates the practice and the use of the title) which is defined in statute with the Board expressly prohibited from further clarifying the definition in regulation. Traffic engineering is a title act (meaning that the Board only regulates the use of the title – anyone is allowed to practice traffic engineering) and legally speaking, an overlap with the practice of civil engineering cannot exist.

Subsequently, the TAC met a second time, in January 2018, where in addition to approving the prior meeting minutes, focused its attention on the definition of traffic engineering in regulations, ultimately resulting in a recommendation to the Board to consider changing the definition.

At its March 8, 2018 meeting, the Board discussed the TAC’s recommendations and took action to begin the rulemaking process for the purposes of revising the definition of traffic engineering. Following is the TAC Report as presented to the Board at the March 2018 meeting:

The Traffic Engineering Technical Advisory Committee (TAC) met on two occasions and discussed the definition of traffic engineering as contained in Board Rule 404(qq) [Title 16, California Code of Regulations section 404(qq)]. During the most recent meeting on January 30, 2018, the TAC completed its discussions and offered a recommendation to the Board for the next step.

The definition of traffic engineering was adopted in 1975 when that license category was created by the Board. It has not been changed since then (other than relettering of the subdivision). The TAC believes the phrase “science of measuring traffic and travel and the human factors relating to traffic generation and flow” is outdated and uses terminology that was popular in the industry in the 1970s and 1980s and does not adequately represent the current realm of traffic engineering, nor does it capture emerging areas such as autonomous vehicles.

The TAC believes moving the phrase “to provide safe and efficient movement of people and goods” from the end of the secondary clause to the main clause of the definition and tying it to “streets and highways,” terminology that is currently used in the secondary clause of the definition, provides for better clarity as to what traffic engineering is and may be in the future. It was also determined that the list of items in the secondary clause was incorrectly punctuated, leading to confusion as to what each of the items related to.

Based on the discussion, the TAC recommends that the definition of traffic engineering as contained in the regulations be amended as shown below. (NOTE: Only the introductory paragraph to the entire section and the pertinent subdivision are shown. No changes to any of the other subdivisions are proposed to be made.)

404. Definitions.

For the purpose of the rules and regulations contained in this chapter, the following terms are defined. No definition contained herein authorizes the practice of engineering as defined in the Professional Engineers Act.

...

(qq) “Traffic engineering” is that branch of professional engineering which requires such education and experience as is necessary to understand the science of measuring traffic and travel and the human factors relating to traffic generation and flow the safe and efficient movement of people and goods on streets and highways; and requires the ability to apply this knowledge to planning, operating, and evaluating streets and highways and their networks, their abutting lands, and or their interrelationships with other modes of travel, to provide safe and efficient movement of people and goods. The above definition of traffic engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.

Options for the Board to consider:

Regardless of how the Board chooses to proceed, this rulemaking package needs to be withdrawn because we do not have sufficient rationale to support the need to make these proposed revisions.

After withdrawing, the Board can choose to either:

1. Do nothing.
2. Request a report from staff on how prevalent these concerns are with respect to a lack of understanding of the definition of traffic engineering, perceived or otherwise, with a plan for how best to address the concerns including what efforts staff has performed since 2015 when the concerns were first presented.
3. Form a new Traffic Engineering TAC with the sole purpose to reevaluate the current definition and bring forth any recommendations to the Board with the proper rationale.

XI. Executive Officer's Report

- A. Rulemaking Status Report
- B. Update on Board's Business Modernization Project
- C. Personnel
- D. ABET
- E. Association of State Boards of Geology (ASBOG)
- F. National Council of Examiners for Engineering and Surveying (NCEES)
 - 1. May 16-18, 2024 Western Zone Interim Meeting Report
 - 2. Annual Meeting August 14-17, 2024
 - 3. 2024-25 President-Elect Nomination
 - 4. Summary of Motions
- G. Update on Outreach Efforts

Rulemaking Status Report

1. Applications, References, Computation of Qualifying Experience, and Schedule of Examinations (16 CCR sections 420, 427.10, 427.30, 3021, 3022.2, 3023, and 3032)

- Staff working with Legal to prepare language for Board review.
 - Staff working on final text for submittal to DCA Legal in September 2022.
 - Staff working with DCA Legal to finalize proposal for notice (April 2022).
 - Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
 - Board directed staff to pursue rulemaking proposal on November 8, 2021.

2. Definition of Traffic Engineering (16 CCR 404)

- Board to discuss withdrawal of rulemaking package at the June 27-28, 2024, Board Meeting.
 - Board staff will work with DCA Legal to prepare documents for initial notice.
 - Submitted for initial (pre-notice) review by DCA Legal on September 3, 2020.
 - Board directed staff to pursue rulemaking proposal on March 8, 2018.

3. Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (16 CCR sections 3003 and 3003.1)

- Board staff will work on the pre-notice documents.
 - Board directed staff to pursue rulemaking proposal on September 6, 2018.

Note: Documents related to any rulemaking file listed as noticed for public comment can be obtained from the Board's website at: http://www.bpelsq.ca.gov/about_us/rulemaking.shtml.

PROJECT STATUS REPORT

Reporting period:	1/21/2020 – 6/13/2024	Project title:	Business Modernization Cohort 1
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EXECUTIVE SUMMARY

Narrative Summary of Status	Schedule:	GREEN	Budget:	GREEN	Issues:	GREEN
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The Maintenance & Operations (M&O) phase of project began July 2022 and expected to continue through 2024. Current development is underway to support originally planned enforcement investigation and monitoring.

PROJECT MILESTONE STATUS REVIEW

Project Milestones	Status	Completion Date	Issues Exist (Yes/No)
Project Planning Complete – Project Start	Complete	1/13/2020	No
Go Live – Most Viable Product (MVP1)	Complete	9/16/2020	No
Go Live - Product Increment 2 (PI2)	Complete	1/20/2021	No
Go Live - Product Increment 3 (PI3)	Complete	6/16/2021	No
Go Live - Product Increment 3.5 (PI3.5)	Complete	11/10/2021	No
Go Live - Product Increment 4 (PI4)	Complete	4/29/2022	No
Go Live – M&O Increment 1 (PI5/M&O1)	Complete	10/12/2022	No
Go Live – M&O Increment 2 (PI6/M&O2)	Complete	2/28/2023	No

Go Live – M&O Increment 3 (PI7/M&O3)	Complete	4/18/2023	No
Go Live – M&O Fall Release	Complete	9/14/2023	No
Go Live – M&O February Release (SE App)	Complete	2/29/2024	No
Go Live – M&O April Release (GE/TE Apps)	Complete	4/11/2024	No



MOTIONS TO BE PRESENTED AT THE 2024 ANNUAL MEETING

Advisory Committee on Council Activities (12 motions)

ACCA Motion 1

Move that a position statement on ethics and good character be adopted as follows:

PS XX Ethics and Good Character

Engineering and surveying are important and learned professions. As members of these professions, licensees have a direct and vital impact on the quality of life for all people and are expected to exhibit the highest standards of honesty and integrity. Accordingly, professional engineers and professional surveyors must be dedicated to the protection of the public health, safety, and welfare. Professional engineers and professional surveyors must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

Rationale

NCEES references ethics in its vision and mission statements and requires that applicants for licensure demonstrate good character and reputation in the *Model Law*. A policy statement that supports the vision and mission and demonstrates that NCEES promotes professional ethics among all engineers and surveyors is appropriate. As professionals, engineers and surveyors are expected to exhibit high ethical standards and are recognized by the public as trustworthy and of good character. ACCA agrees that a position statement reinforcing the tenets of honesty and integrity should be incorporated into the *Manual of Policy and Position Statements*.

Board of directors' position

Endorses, non-consent agenda

ACCA Motion 2

Move that Administrative Policy 12 be amended as follows:

AP 12 Awards

NCEES will officially recognize members, associate members, emeritus members, and other volunteers who provide or have provided outstanding service to NCEES. The members of the Committee on Awards and the board of directors shall not be nominated for these awards while serving on the Committee on Awards or on the board of directors. In evaluating nominations, the following guidelines are to be observed:

Distinguished Service Award

- Must be a current member, a former member, or an emeritus member
- Must promote engineering or surveying licensure at the state or national level
- Must demonstrate positive contributions to the advancement of the engineering or surveying profession and the mission and vision of NCEES
- May include participation in professional or technical societies as a consideration
- Must demonstrate active participation in member board activities
- Must include distinguished service on at least one NCEES committee
- May be nominated by a member board

Distinguished Service Award with Special Commendation

- Must have received the Distinguished Service Award at least six years prior to receiving the Distinguished Service Award with Special Commendation. Any exception based on extraordinary circumstances must be approved by the NCEES board of directors with recommendation by the Committee on Awards.
- Must demonstrate service prior to and after receiving Distinguished Service Award
- Must be a current member, a former member, or an emeritus member
- Must promote engineering or surveying licensure at the national level

- Must demonstrate positive contributions to the advancement of the engineering or surveying profession and the mission and vision of NCEES
- May include participation in professional or technical societies as a consideration
- Must demonstrate active participation in member board activities
- Must include leadership or exemplary service on at least one NCEES committee
- May be nominated by a member board

Meritorious Service Award

- Must be a current or former associate member
- Must demonstrate positive contributions to the advancement of the engineering or surveying profession and the mission, vision, and goals of his or her board and NCEES
- Must participate in member board activities
- Must participate in the promotion of licensure or the enforcement of member board laws and rules
- Must include distinguished service on at least one NCEES committee
- May be nominated by a member board

Meritorious Service Award with Special Commendation

- Must have received the Meritorious Service Award at least six years prior to receiving the Meritorious Service Award with Special Commendation. Any exception based on extraordinary circumstances must be approved by the NCEES board of directors with recommendation by the Committee on Awards.
- Must demonstrate distinguished service prior to and after receiving the Meritorious Service Award
- Must be a current or former associate member
- Must demonstrate positive contributions to the advancement of the engineering or surveying profession and the mission and vision of NCEES
- Must demonstrate active participation in member board activities
- Must participate in the promotion of licensure and/or the enforcement of member board laws and rules
- Must include leadership or exemplary distinguished service on at least one NCEES committee
- May be nominated by a member board

Distinguished Examination Service Award

- Must demonstrate positive contributions and longtime commitment to the NCEES examination program
- Must have served on at least one of the Council's examination committees or exam-related task forces
- Must demonstrate exemplary service and leadership in the advancement and improvement of NCEES examinations and the exam-development process
- May be nominated by a member board, an exam committee, or the board of directors

President's Award

- May be given by the president to recognize an individual for outstanding service in support of NCEES

Rationale

Adding the Meritorious Service Award with Special Commendation recognizes the service of associate members who demonstrate distinguished service after receiving the Meritorious Service Award.

Board of directors' position

Endorses, consent agenda

ACCA Motion 3

Move that a Special Committee on Bylaws be charged with incorporating the following amendment into *Bylaws* Section 3.05:

Section 3.05 Delegates. A delegate shall be a member or an associate member designated by a Member Board to represent it at meetings of the Council. A Member Board may have as many delegates as it has members but may cast votes only as prescribed. Any delegate shall have the privilege of the floor. Only delegates may make motions or propose amendments to motions.

Rationale

This will clarify that only delegates are allowed to make motions or propose amendments to motions.

Board of directors' position

Endorses, consent agenda

ACCA Motion 4

Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* Sections 3.03 and 3.04:

Section 3.03 International Affiliate Organization. An International Affiliate Organization of NCEES shall be a legally constituted entity located outside the United States having a collateral and supportive position with the licensure of engineers or surveyors. International Affiliate Organizations are entitled to representation at Council meetings without voting privileges and, on approval of the presiding officer, may have the privilege of the floor. Acceptance or removal of an International Affiliate Organization shall be by majority vote of the Council.

Section 3.04 Participating Organizations. A Participating Organization shall be a society, institute, association, or organization of national scope whose membership is composed predominantly of engineers and/or surveyors engaged in work at the professional level and whose policies include advancement of professional ethics and standards and encouragement of licensure, and which actively supports the policies and objectives of the Council. Participating Organizations are entitled to representation at meetings of the Council without voting privileges and, on approval of the presiding officer, may have the privilege of the floor. ~~They shall be privileged to communicate with the officers and Board of Directors of the Council on matters of mutual concern.~~ Acceptance or removal of a Participating Organization shall be by majority vote of the Council.

Rationale

The proposed amendments provide a mechanism for termination of these organizations after acceptance and also remove language regarding the privilege to communicate with NCEES leadership, which ACCA finds unclear in meaning and intent.

Board of directors' position

Endorses, consent agenda

ACCA Motion 5

Move that a Special Committee on Bylaws be charged with incorporating the following amendment into *Bylaws* Section 4.01:

Section 4.01 Board of Directors. The Board of Directors shall be the executive board of the National Council of Examiners for Engineering and Surveying. The Board of Directors shall exercise the corporate powers as set forth in the South Carolina Nonprofit Corporation Act.

The Board of Directors shall function as the executive board of the Council and may authorize all expenditures, provide direction to the office of the Chief Executive Officer through the President, authorize the borrowing of funds for Council purposes, and do all things necessary to conduct the affairs of the Council between the Annual Business Meetings.

The Board of Directors shall not take any action that shall interfere with the rights of any Member Board in the regulation of licensees or determine the licensing requirements of applicants within any Member Board's jurisdiction. The Board of Directors shall not be authorized to make expenditures in excess of its annual income and general reserves. In no event shall the Board of Directors be authorized to increase NCEES membership fees of a constituent member.

Decisions of the Board of Directors shall be made by a majority of the members present at a regularly scheduled or called meeting at which a quorum is present. The President shall call meetings of the Board of Directors no less than four times per year. A majority of the board members may submit a written request to the President to call such meeting, and the President shall call such meeting within 30 days of receiving such request.

Rationale

This amendment will set expectations and ensure transparency around board of directors meetings.

Board of directors' position

Endorses, consent agenda

ACCA Motion 6

Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* Section 4.01:

Section 4.01 Board of Directors. The Board of Directors shall be the executive board of ~~the National Council of Examiners for Engineering and Surveying NCEES~~. The Board of Directors shall exercise the corporate powers as set forth in the South Carolina Nonprofit Corporation Act.

The Board of Directors shall function as the executive board of the Council and may authorize all expenditures, provide direction to the office of the Chief Executive Officer through the President, authorize the borrowing of funds for Council purposes, and do all things necessary to conduct the affairs of the Council between the Annual Business Meetings.

The Board of Directors shall not take any action that shall interfere with the rights of any Member Board in the regulation of licensees or determine the licensing requirements of applicants within any Member Board's jurisdiction. The Board of Directors shall not be authorized to make expenditures in excess of its annual income and general reserves. In no event shall the Board of Directors be authorized to increase NCEES membership fees of a ~~constituent m~~Member Board.

Decisions of the Board of Directors shall be made by a majority of the members present at a regularly scheduled or called meeting at which a quorum is present. The President shall call meetings of the Board of Directors. A majority of the board members may submit a written request to the President to call such meeting, and the President shall call such meeting within 30 days of receiving such request.

The written request must include the names of the board members requesting the meeting and the specific purpose for the meeting. Notice of the date, time, place, and specific purpose of the meeting shall be sent to each member of the Board of Directors at least 15 days prior to the start of the meeting.

Rationale

ACCA recommends that additional information be required with the written request for a special meeting of the board of directors. The other proposed amendments in this section follow the recommendation of the NCEES parliamentarian.

Board of directors' position

Endorses, consent agenda

ACCA Motion 7

Move that a Special Committee on Bylaws be charged with incorporating the following amendment into *Bylaws* Section 4.01:

Section 4.01 Board of Directors. The Board of Directors shall be the executive board of the National Council of Examiners for Engineering and Surveying. The Board of Directors shall exercise the corporate powers as set forth in the South Carolina Nonprofit Corporation Act.

The Board of Directors shall function as the executive board of the Council and may authorize all expenditures, provide direction to the office of the Chief Executive Officer through the President, authorize the borrowing of funds for Council purposes, and do all things necessary to conduct the affairs of the Council between the Annual Business Meetings.

The Board of Directors shall not take any action that shall interfere with the rights of any Member Board in the regulation of licensees or determine the licensing requirements of applicants within any Member Board's jurisdiction. The Board of Directors shall not be authorized to make expenditures in excess of its annual income and general reserves. In no event shall the Board of Directors be authorized to increase NCEES membership fees of a constituent member.

Decisions of the Board of Directors shall be made by a majority of the members present at a regularly scheduled or called meeting at which a quorum is present. [A quorum of the Board of Directors shall consist of five members, unless otherwise provided in these Bylaws.](#) The President shall call meetings of the Board of Directors. A majority of the board members may submit a written request to the President to call such meeting, and the President shall call such meeting within 30 days of receiving such request.

Rationale

ACCA recommends that a quorum of the board of directors consist of five members, a simple majority of members.

Board of directors' position

Endorses, consent agenda

ACCA Motion 8

Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* Section 6.02:

Section 6.02 Quorum and Voting. A quorum for the transaction of business at the Annual Business Meetings of the Council shall be delegates from a majority of Member Boards. A majority ~~vote~~ of the Member Boards ~~represented-voting~~ shall be required for affirmative action unless otherwise provided for in the *Bylaws*.

Only Member Boards shall be entitled to vote. Voting shall be by Member Boards, with each board entitled to one vote. An associate member may serve as a Member Board delegate for voting purposes only when so designated by the Member Board's chair through written, signed communication presented to NCEES staff prior to the opening session of the meeting. For Member Boards that require authorization from the state, such designation may come from the agency director for that board.

Voting by one Member Board on behalf of another Member Board not physically present in the meeting room at the time of the vote shall not be permitted.

Rationale

Under the current *Bylaws*, affirmative action is taken by a majority of the member boards represented, not by a majority that vote on a matter. Under this system of participation, it is possible to have an action fail to be passed based solely on inaction by a member board. In practice, if all 69 member boards are represented and all 69 member boards vote, then an action is taken if 35 member boards vote in the affirmative. Under a system in which a majority of those represented is required but only 60 member boards vote, for example, then 35 affirmative votes are still required. ACCA feels that a majority of boards voting should be required—in the example of 60 member boards voting, for example, 31 affirmative votes would result in an action being taken.

Board of directors' position

Endorses, consent agenda

ACCA Motion 9

Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* Section 4.07:

Section 4.07 Sanction or Removal. By a majority vote [of the members](#) and pursuant to the grievance procedure of the Council's *Manual of Policy and Position Statements*, which shall set forth appropriate due process, the Board of Directors may recommend the removal or sanction of a member of the Board of Directors. Upon a finding of the Board of Directors that the Board member has violated the ethics policy set forth in Section 4.08 of the *Bylaws*, that finding, along with stated grounds therefor, shall be transmitted to the chair of the Advisory Committee on Council Activities, [who shall convene a Grievance Committee appointed as follows: A Grievance Committee shall be appointed to address the removal or sanction recommended by the Board of Directors. The Grievance Committee members shall be selected as follows:](#) two members of the Board of Directors, selected by the Board; one member from each zone, selected by the Assistant Vice President of each respective zone; and three members of the Advisory Committee on Council Activities, selected by said committee. [The Grievance Committee shall select its chair.](#)

If by a majority vote of its members, the Grievance Committee concurs with the Board-recommended removal or sanction, the Board of Directors shall implement such removal or sanction.

A sanction may include a period of suspension from Board activities, including attendance at Board of Directors or Council conferences and meetings.

In the event of removal of a Board member, the vacancy on the Board of Directors shall be filled pursuant to Section 4.06 of the *Bylaws*.

Rationale

ACCA believes that clarifying language on the Grievance Committee is needed in the *Bylaws*. ACCA is recommending that the ACCA chair be added as the one who would convene the Grievance Committee, and then the committee would select the chair.

Board of directors' position

Endorses, consent agenda

ACCA Motion 10

Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* Section 6.03:

Section 6.03 Special Meetings. Special meetings of the Council may be called by the President, ~~or by the delegates, representatives, or officers of the majority of the Member Boards~~ or shall be called by the President within 60 days of receiving the written request of authorized representatives of the majority of the Member Boards.

The specific purpose of the meeting shall be stated in the written request. Notice of the date, time, place, and specific purpose of the meeting shall be sent to each member of the Council or published on the Council website at least 15 days prior to the start of the meeting.

The same *Bylaws* relative to quorum, voting, procedure and conduct of business at an Annual Business Meeting shall apply to special meetings.

Rationale

ACCA believes that the current wording of the *Bylaws* is insufficient and lacks specificity as to who can call a special meeting, for what purpose, and where and when such meeting is to take place. The president, under the *Bylaws*, is the only person who can officially call a meeting, so it is necessary to provide for a method in which the Council can request that the president call a special meeting. Specific procedures for a special meeting to be called at the request of Council should be included in the *Bylaws*. ACCA determined that the president should call a special meeting of the Council when requested by a majority of the member boards and that the meeting should be held within 60 days of the receipt of that request. Furthermore, the request should be for a specific purpose, a notice to all member boards should be provided to every member of the Council, and the notice should be provided in a reasonable time prior to the meeting for the Council to prepare. Given that a special meeting of the Council should be a very rare occurrence and only called for an urgent matter, providing the president and board of directors 60 days to arrange for the meeting and the Council 15 days to arrange for attendance was determined to be appropriate.

Board of directors' position

Endorses, consent agenda

ACCA Motion 11

Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* Sections 12.01, 12.02, and 12.021:

Section 12.01 Adoption. The *Bylaws* shall become effective upon adoption by the Council at its annual business meeting. For such adoption, a two-thirds affirmative vote of the member boards ~~present and in good standing voting~~ shall be required.

Section 12.02 Amendments. The *Bylaws* may be amended at any annual business meeting by a two-thirds affirmative vote of the member boards [present and in good standing voting](#). Any amendment proposed shall be sent to a Special Committee on Bylaws by the President at the President’s initiative or as requested based on action by the Council. Any amendments recommended by a Special Committee on Bylaws shall be submitted to all member boards at least 60 days prior to the date of the earliest zone meeting preceding the next annual business meeting. Voting shall be by sections. All sections shall be considered in their proposed form, including punctuation and verbiage. Changes to the published amendments will not be permitted during the annual business meeting. Copies of the proposed amendments to be voted upon shall be distributed in written form to delegates at the annual business meeting.

Section 12.021 Effective Date of Amendments. An amendment to the *Bylaws* shall become effective upon certification by the presiding officer at the annual business meeting of a two-thirds affirmative vote of the member boards [in good standing represented voting](#).

Rationale

The current *Bylaws* allows adoption of amendments by an affirmative vote of a supermajority of member boards present, not a supermajority of those voting in favor. Under this system of participation, member boards that choose to not vote are considered as negative votes. Considering the procedure for adoption of amendments, whereby a Special Committee is charged with proposing them after they have been agreed to by Council at the recommendation of other committees, it is appropriate that they be adopted by a two-thirds affirmative vote of those member boards voting.

Board of directors’ position

Endorses, consent agenda

ACCA Motion 12

Move that a Special Committee on Bylaws be charged with incorporating the following amendment into *Bylaws* Section 1.02:

Section 1.02 Definitions and Abbreviations. Wherever the word “Council” is used, it shall mean the National Council of Examiners for Engineering and Surveying, for which the official abbreviation shall be NCEES. The words “State Board” shall mean a legally constituted board of any state, territory, or political subdivision of the United States of America that administers an Act regulating the practice of professional engineering, a single branch of professional engineering or surveying, or a combination of professional engineering and surveying; or a board that serves in an advisory capacity to a state agency in the administration of such an Act. Wherever the word “State” is used, it shall mean any state, territory, or political subdivision of the United States of America. [The words “privilege of the floor” shall mean the right to speak to the subject or situation being considered.](#)

Rationale

The term “privilege of the floor” is used throughout the NCEES *Bylaws*, specifically in Sections 3.021, 3.022, 3.03, 3.04, 3.05, 3.07, and 10.012. “Privilege of the floor” is commonly used for the purposes of allowing a person who is not a member of the deliberative body to simply attend the proceedings. In practice, NCEES has used the term in reference to allowing a member who is not a delegate to have the right to speak. The parliamentarian noted in her report to the 2023–24 Special Committee on Bylaws that the term was not previously defined. ACCA determined that the most effective and efficient method to resolve this issue is to include this term in *Bylaws* Section 1.02, Definitions and Abbreviations. To codify the meaning of the term, adding a definition to the *Definitions and Abbreviations* section of the *Bylaws* is recommended.

Board of directors’ position

Endorses, consent agenda

Committee on Education (6 motions)

Education Motion 1

Move that the NCEES *Engineering Education Standard* be amended as follows:

NCEES Engineering Education Standard

Applicants having engineering degrees from programs that are not accredited by the Engineering Accreditation Commission (EAC) of ABET must demonstrate the following:

- A. 32 college semester credit hours of higher mathematics, ~~and~~ basic sciences, and additional sciences
1. Credits in higher mathematics must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation. Courses in differential and integral calculus are required. Additional courses may include differential equations, linear algebra, numerical analysis, probability and statistics, and advanced calculus.
 2. Credits ~~in basic sciences~~ must include at least two courses in basic sciences. These courses must be in general chemistry, general calculus-based physics, or general biological sciences; the two courses may not be in the same area. ~~Additional basic sciences courses may include earth sciences (geology, ecology), advanced biology, advanced chemistry, and advanced physics. Computer skills and/or programming courses may not be used to satisfy mathematics or basic science requirements. Basic engineering science courses or sequence of courses in this area are acceptable for credit but may not be counted twice.~~
 3. Courses in additional sciences may include earth sciences (geology, ecology), advanced biology, advanced chemistry, and advanced physics. Computer skills and/or programming courses may not be used to satisfy mathematics or basic science requirements. Basic engineering science courses or sequence of courses in this area are acceptable for credit but may not be counted twice.

- C. 48 college semester credit hours of engineering science and/or engineering design courses
1. Courses in engineering science must be taught within the college/faculty of engineering ~~and or~~ approved for engineering credit by an EAC/ABET-accredited program on a publicly listed course equivalency list. The courses must have their roots in mathematics and basic sciences but carry knowledge further toward creative application of engineering principles. Examples of approved engineering science courses are mechanics, thermodynamics, heat transfer, electrical and electronic circuits, materials science, transport phenomena, engineering economics, and computer science (other than computer programming skills).
 2. Courses in engineering design must stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. Graduate-level engineering courses may be included to fulfill curricular requirements in this area.

Engineering technology courses cannot be considered to meet engineering topic requirements.

Rationale

NCEES staff has had pushback from candidates who maintain that current wording would lead one to believe that the “additional basic sciences courses” qualify for the two of three “basic sciences.” These changes should clarify the original intent of paragraph A. In paragraph C, wording was added so that NCEES staff had clear guidance on how to accept credits transferred from non-accredited programs.

Board of directors’ position

Endorses, consent agenda

Education Motion 2

Move that the NCEES *Surveying Education Standard* policies be amended as follows:

NCEES Credentials Evaluations Policies

The NCEES *Surveying Education Standard* was developed by the NCEES Committee on Education for use by the NCEES Credentials Evaluations service and member boards. An educational evaluation provided by NCEES should be accepted as the only official assessment of whether the *Surveying Education Standard* has been met.

NCEES Credentials Evaluations will adhere to the following in conducting evaluations.

- Evaluations will be conducted on the following:
 1. Foreign surveying degree programs
 2. U.S.-based, non-ABET-accredited degree programs in surveying
 3. U.S.-based B.S./B.A. programs for applicants that have met the “surveying core” program requirements

Evaluations may be conducted on programs that do not meet these criteria if specifically requested by an NCEES member board. Such requests must come directly from the member board to the NCEES Manager of Credentials Evaluations.

- NCEES will evaluate all programs against the NCEES standard. NCEES will no longer determine substantial equivalence to an ABET-accredited program.
- In conducting the evaluation, NCEES will consider the breadth of the applicant’s education, to include bachelor’s degree coursework, master’s degree coursework, and doctorate coursework in determining satisfaction of the NCEES standard.
- NCEES will provide credit for any advanced coursework earned prior to college enrollment that is deemed appropriate for college-level academic credit (such as Advanced Placement, A-levels, Abitur, French Baccalaureate, International Baccalaureate, Lebanese Baccalaureate, etc.).
- A maximum of 6 hours’ credit will be granted for thesis, special topics, and independent study at any level.
- Cooperative training, practicums, internships, and continuing education activities will not receive educational credits to satisfy the NCEES standard.
- ~~NCEES will not conduct evaluations of degrees that are offered entirely via the internet.~~
- NCEES will note any deficiencies in the applicant’s educational history compared to the NCEES standard.

For applicants whose educational record indicates satisfaction of the NCEES standard, NCEES will report that the applicant possesses the education required in order to be considered by a member board for entry into the professional practice of surveying.

For applicants whose educational record indicates deficiencies relative to the NCEES standard, those deficiencies will be noted for any action deemed appropriate by a member board. NCEES will also provide any relevant information concerning the educational requirements and/or any prerequisites for entry into surveying programs in the applicant’s country for consideration and overall qualification by a member board.

Rationale

The committee feels that removing this item will better align with the NCEES white paper *Benefits to Requiring a Bachelor’s Degree for Professional Surveying Licensure*, which was revised last year and includes online education.

Board of directors’ position

Endorses, consent agenda

Education Motion 3

Move that the NCEES Surveying Education Award be modified to provide two programs with separate applications for bachelor’s degree programs and associate’s degree programs with articulation agreements, with each program providing \$75,000 in prize money to five winning schools, for a total of 10 awards and \$150,000.

Financial impact

Additional \$50,000 per year, beginning with the 2025 award cycle as part of the 2024–25 operating budget

Rationale

The committee feels that two-year programs that lead to a four-year degree in surveying, geomatics, etc., should be recognized for their work through the NCEES Surveying Education Award program. Following from last year’s adopted Education Motion 1, the committee requests that staff develop the award program expansion and incorporate the changes for the 2025 award cycle.

Board of directors’ position

Endorses, consent agenda

Education Motion 4

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendment into *Model Rules 240.30 D*:

240.30 Continuing Professional Competency

D. Units

The conversion of other units of credit to PDHs is as follows:

1. 1 semester hour 45 PDHs
2. 1 quarter hour 30 PDHs

- 3. 1 continuing education unit 10 PDHs
- 4. 1 hour of professional development in coursework, seminars, or professional or technical presentations made at meetings, conventions, or conferences 1 PDH
- 5. For teaching in 1 through 4 above, apply multiple of 2*
- 6. Publications
 - a. Each published peer-reviewed paper or book in the licensee’s area of professional practice 10 PDHs
 - b. Each published paper or article (other than 6.a above) in the licensee’s area of professional practice 5 PDHs
- 7. Active participation in professional and technical society (each organization) 2 PDHs
- 8. Each patent 10 PDHs
- 9. Active volunteer participation in standards or code development commissions or technical committees up to 4 PDHs
- 10. 1 hour of outreach activities 1 PDH (not to exceed 3 PDHs)
- 11. Active participation in an accreditation visit as a program evaluator or evaluation team chair.....2 PDHs

* Teaching credit is valid only for the first offering or presentation. Full-time faculty may not claim teaching credit associated with their regular duties.

Rationale

The committee feels that an added item 11 is needed for clarification on PDH units regarding ABET accreditation participation.

Board of directors’ position

Endorses, consent agenda

Education Motion 5

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendment into *Model Law* 130.10 B–C and *Model Rules* 230.20:

130.10 General Requirements for Licensure

B. Engineering

- 1. Certification or Enrollment as an Engineer Intern

The following shall be considered as minimum evidence that the applicant is qualified for certification as an engineer intern.

 - a. Graduating from an engineering bachelor’s program ~~of four years or more~~ accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), graduating from an engineering master’s program accredited by EAC/ABET, or meeting the requirements of the NCEES *Engineering Education Standard*
 - b. Passing the NCEES Fundamentals of Engineering (FE) examination

C. Surveying

- 1. Certification or Enrollment as a Surveying Intern

The following shall be considered as minimum evidence that the applicant is qualified for certification as a surveying intern.

 - a. Graduating from a surveying bachelor’s program ~~of four years or more~~ accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), the Engineering Technology Accreditation Commission of ABET (ETAC/ABET), or the Applied and Natural Science Accreditation Commission of ABET (ANSAC/ABET); graduating from a bachelor’s program ~~of four or more years~~ related to surveying with 30 or more semester course hours in core surveying topics; or meeting the requirements of the NCEES *Surveying Education Standard*
 - b. Passing the NCEES Fundamentals of Surveying (FS) examination
- 2. Licensure as a Professional Surveyor
 - a. Initial Licensure as a Professional Surveyor

An applicant who presents evidence of meeting the applicable education, examination, and experience requirements as described below shall be eligible for licensure as a professional surveyor.

(1) Education Requirements

An individual seeking licensure as a professional surveyor shall possess one or more of the following education qualifications (a degree in surveying includes surveying, surveying engineering, mapping, geodesy, and geomatics):

- (a) A bachelor's degree in surveying ~~of four years or more~~ accredited by the Engineering Accreditation Commission of ABET (EAC/ABET)
- (b) A bachelor's degree in surveying ~~of four years or more~~ accredited by the Engineering Technology Accreditation Commission of ABET (ETAC/ABET)
- (c) A bachelor's degree in surveying ~~of four years or more~~ accredited by the Applied and Natural Science Accreditation Commission of ABET (ANSAC/ABET)
- (d) A bachelor's degree related to surveying ~~of four years or more~~ with 30 or more semester course hours in core surveying topics
- (e) A bachelor's, master's, or doctoral degree from a non-accredited program related to surveying. This individual's education must be shown to meet the NCEES *Surveying Education Standard*

230.20 Experience

A. As a Professional Engineer

In evaluating experience that indicates to the board that the applicant may be competent to practice engineering, the following will be considered:

- 8. Teaching experience must be in engineering or engineering-related courses at a junior-, senior-, or graduate-level in a college or university offering an engineering bachelor's program ~~of four years or more~~ that is approved by the board.

Rationale

The committee feels that the term "bachelor's degree" is more appropriate than "four-year degree" because the level of degree is more accurate than the length of a degree program.

Board of directors' position

Endorses, consent agenda

Education Motion 6

Move that Position Statements 16–18 and 25 be amended as follows:

PS 16 Bachelor of Science Degree in Engineering Technology

NCEES recommends that the boards of licensure, whose statutes do not otherwise prohibit, require any applicant who has a degree in engineering technology, who applies for engineering licensure in any jurisdiction of the United States, and who has not previously been licensed to practice by one of the boards of licensure be required to first demonstrate that he or she possesses at least a ~~four-year~~ bachelor of science degree in engineering technology, acquired through the successful completion of an ETAC/ABET-accredited program or through a board-approved program.

PS 17 Bachelor of Science Degree in Engineering

NCEES recommends that the boards of licensure require any applicant who applies for engineering licensure in any jurisdiction of the United States and who has not previously been licensed to practice by one of the boards of licensure be required first to demonstrate that he or she possesses at least a ~~four-year~~ bachelor of science degree in engineering, acquired through the successful completion of an EAC/ABET-accredited program or through a board-approved program.

PS 18 Bachelor of Science Degrees in Surveying Engineering, Surveying and Mapping, and Geomatics

NCEES recommends that the boards of licensure require any applicant who applies for surveying licensure in any jurisdiction of the United States and who has not previously been licensed to practice by one of the boards of licensure for professional surveyors be required to first demonstrate that they possess at least a ~~four-year~~ bachelor of science degree in surveying, acquired through the successful completion of an ABET-accredited surveying program or through a board-approved program.*

NCEES expects all of its examination development to follow current *Model Law* and *Model Rules*. Model Law Surveyors should be utilized to prepare FS examinations, and Model Law Surveyors should be utilized to establish cut scores for FS examinations.

The content of the FS examination shall test the knowledge obtained in a baccalaureate surveying degree that will enable the individual to protect the public.

* Refer to the NCEES position paper “Benefits to Requiring a Bachelor’s Degree for Professional Surveying Licensure” (2023), available as a PDF on ncees.org under MyNCEES.

PS 25 NCEES-Recommended Education/Experience Guidelines for P.E. Licensing

4-Year or More Degree	Years of Experience Required	Comments
EAC/ABET accredited	4	NCEES PS 17
Canada (CEAB) accredited	4	
Non-EAC/ABET or non-CEAB accredited	4 or more	Education should be evaluated using the NCEES Engineering Education Standard.
Recommendations below are only for member boards that must evaluate applicants who do not meet the minimum education of an EAC/ABET or equivalent degree as specified in PS 17.		
ETAC/ABET accredited	6	NCEES PS 16
Related science*	8	Education should be evaluated using the NCEES Engineering Education Standard.
No degree	20	Needed by some boards

*A related science curriculum from a school or college approved by the board is defined as a [four-year curriculum leading to a](#) bachelor of science degree in chemistry, physics, mathematics, or similar science curriculum.

Rationale

The committee feels that the term “bachelor’s degree” is more appropriate than “four-year degree” because the level of degree is more accurate than the length of a degree program.

Board of directors’ position

Endorses, consent agenda

Committee on Examination Policy and Procedures (20 motions)

EPP Motion 1

Move that Exam Development Policy 1 be amended as follows:

EDP 1 Examinations

[Examination shall be defined as an assessment tool \(such as exam, module, division, or section\) that produces a score/result on which a decision is being based.](#)

It shall be the policy of NCEES in all publications and correspondence to refer to the respective examinations only as follows:

- A. Fundamentals of Engineering (FE) examination
- B. Principles and Practice of Engineering (PE) examination, which includes the PE Structural examination
- C. Fundamentals of Surveying (FS) examination
- D. Principles and Practice of Surveying (PS) examination
- [E. Public Land Survey System \(PLSS\) examination](#)

The purpose of the examinations is to assess licensure candidates’ abilities to practice competently as engineers or surveyors and to assist member boards in the regulation of the practice of engineering and surveying as it relates to safeguarding the health, safety, and welfare of the public.

Rationale

The committee worked with Pearson VUE to define “examination” as the term that can be used to refer to all NCEES exams or parts of exams (such as modules, divisions, or sections). The committee believes that adding the definition of “examination” and using it throughout the *Manual of Policy and Position Statements* provides

more clarity and consistency. The proposed amendments also incorporate the directed updates involving the PLSS exam.

Board of directors' position

Endorses, consent agenda

EPP Motion 2

Move that Exam Development Policy 3 be amended as follows:

EDP 3 Engineering and Surveying Examinations and Formats

A. Fundamentals of Engineering Examination

The Fundamentals of Engineering (FE) examination shall be administered via computer-based testing (CBT) and have supplied references.

B. Principles and Practice of Engineering Examinations

The Principles and Practice of Engineering (PE) examinations shall be offered in the following ~~disciplines~~ practice areas and shall be ~~offered closed book via~~ administered in CBT ~~with format and have~~ supplied references ~~as defined in EAP 4:~~

24. Structural

The PE Structural examination shall consist of ~~two components~~ four sections and shall be considered and referred to as one examination.

C. Survey Examinations

The surveying examinations shall be available as follows:

1. The Fundamentals of Surveying (FS), Principles and Practice of Surveying (PS), and Public Land Survey System (PLSS) examinations shall be administered ~~via in~~ CBT format and have supplied references.

~~2. The Principles and Practice of Surveying examination shall be administered via CBT and have supplied references.~~

~~3. Member boards shall~~ reserve the right to administer, score, and report state-specific examinations.

F. Examination Preparation Material Development

Exam preparation material shall be developed for each NCEES examination. This material shall include ~~both a~~ standard-supplied reference handbook and ~~sample questions and solutions a practice exam~~ on each major topic area sufficient to provide candidates with a sense of the structure, scope, and difficulty of the examination. ~~Standard-~~ The supplied reference handbooks and practice exam shall be made available to candidates six months prior to the exam administration during an exam re-specification year and a minimum of three months prior to the exam administration during a standard exam administration year. ~~Sample questions and solutions materials shall remain current and be available six months prior to the administration of an examination during a re-specification year.~~

Rationale

The committee felt that the policy information regarding the PE Structural exam needed to be updated to reflect the current exam terminology. The proposed amendments also incorporate the directed updates involving the PLSS exam to provide clarity and consistency. The committee provided additional updates to the nomenclature regarding the practice exam and supplied reference handbook.

Board of directors' position

Endorses, consent agenda

EPP Motion 3

Move that Exam Development Policy 4 be amended as follows:

EDP 4 Entry of a New ~~Discipline or Depth Module~~ PE Examination or Reinstatement ~~to of a PE Examination~~ Status

A. Accreditation Requirement

No ~~discipline examination~~ shall be added or reinstated to the examination program unless there is an EAC/ABET-accredited program in the discipline that offers an undergraduate degree program or a graduate degree program focused on the examination topic area.

B. Professional or Technical Society ~~Involvement Requirement~~

No ~~discipline examination~~ shall be added or reinstated unless a national professional or technical society agrees to support the examination. All professional or technical societies that support examinations shall sign an agreement with NCEES delineating the responsibilities of both parties.

C. Member Board Requirement

Requests for examinations ~~and/or depth modules~~ shall be made supported in writing by no fewer than 10 member boards ~~collectively~~ who can each demonstrate a need for the examination ~~or depth module~~ in their jurisdiction by each providing a letter of support for the new ~~discipline or depth module examination~~ in accordance with paragraph D herein. A request older than four years must be reaffirmed-resubmitted by the member boards.

D. Letters of Support

All requests shall include proof of such need, an estimate of usage, and the impact on safeguarding the health, safety, and welfare of the public. ~~Proof of need shall include evidence that knowledge areas and skills are not adequately measured in an existing examination or module and that additional knowledge areas and skills required for the discipline are sufficient to support a new examination or module. The estimate of usage shall include the methodology used to derive that estimate.~~

E. ~~Minimum Number of Exam Candidates~~ Estimate of Usage

No ~~discipline or depth module examination~~ shall be added or reinstated to the examination program unless the ~~number of candidates for an ongoing examination~~ estimate of usage conforms to NCEES policies and procedures. ~~If that is demonstrated, a professional activities and knowledge study (PAKS) shall be conducted to establish that the addition in question comprises a unique body of knowledge important for safeguarding the health, safety, and welfare of the public. The estimate of usage shall include the methodology used to derive the estimate. Proof of need shall include evidence that knowledge areas and skills are not adequately measured in an existing examination and that additional knowledge areas and skills required are sufficient to support a new examination.~~

F. Application Review

If the Committee on Examinations for Professional Engineers (EPE) determines that the proposed application meets the requirements, then it will recommend to the board of directors that the process continues with a professional activities and knowledge study (PAKS). The board of directors shall either approve or reject the recommendation.

FG. ~~CBT Format~~ Exam Format

The new exam or reinstatement request shall ~~include a plan to develop the exam~~ be developed in CBT format.

GH. Notification to Member Boards

Member boards shall be notified one year in advance of the addition or reinstatement of any ~~discipline or depth module examination~~ to the PE examination program.

HI. Requests to Divide an Existing Examination

Requests to divide an existing examination into multiple examinations shall be made to the ~~Committee on Examinations for Professional Engineers (EPE)~~ Committee. Requests shall include proof of such need in accordance with sections A-~~DE of this policy~~ herein.

Rationale

These changes align with the definition of “examination” as stated in the recommended revision to EDP 1, while providing more clarity and consistency to the process for a new or reinstated examination as also stated in EDP 5 and EDP 8. The step of “Application Review” was added to provide a direct review by the EPE Committee in order to make a recommendation to the board of directors about the new or reinstated examination.

Board of directors' position
Endorses, consent agenda

EPP Motion 4

Move that Exam Development Policy 5 be amended as follows:

EDP 5 ~~Adoption-Entry~~ of a New ~~Discipline-Specific~~ FE Examination

A. Accreditation Requirement

No ~~discipline-specific-new~~ FE examination shall be added to the examination program unless there is an EAC/ABET-accredited program in the ~~discipline examination topic area~~.

B. Member Board Requirement

~~A request for a discipline-specific FE examination must be made by no fewer than 10 member boards collectively who can each demonstrate a need for that discipline in their jurisdiction. Requests shall include proof of such need, an estimate of usage, and the impact on safeguarding the health, safety, and welfare of the public. Proof of such need shall include evidence that knowledge areas and skills are not adequately measured in an existing FE examination and evidence that those knowledge areas and skills required for the discipline are sufficient to support a new FE examination. The estimate of usage shall include the methodology used to derive that estimate.~~

Requests for examinations shall be supported in writing by no fewer than 10 member boards who can each demonstrate a need for the examination in their jurisdiction by each providing a letter of support for the new examination in accordance with paragraph C herein. A request older than four years must be resubmitted by the member boards.

C. Letters of Support

All requests shall include proof of such need, an estimate of usage, and the impact of safeguarding the health, safety, and welfare of the public.

D. Estimate of Usage

No examination shall be added or reinstated to the examination program unless the estimate of usage conforms to NCEES policies and procedures. The estimate of usage shall include the methodology used to derive that estimate. Proof of need shall include evidence that knowledge areas and skills are not adequately measured in an existing examination and that additional knowledge areas and skills required are sufficient to support a new examination.

E. Application Review

If the EPE Committee determines that the proposed application meets the requirements, then it will recommend to the board of directors that the process continues with a professional activities and knowledge study (PAKS). The board of directors shall either approve or reject the recommendation.

F. Exam Format

The new exam or reinstatement request shall be developed in CBT format.

G. Notification to Member Boards

Member boards shall be notified at least one year in advance of the addition of any ~~discipline-specific-new~~ FE examination.

Rationale

These changes align with the definition of “examination” as stated in the recommended revision to EDP 1 while providing more clarity and consistency to the process for a new or reinstated examination as also stated in EDP 4 and EDP 8.

Board of directors' position
Endorses, consent agenda

EPP Motion 5

Move that Exam Development Policy 6 be amended as follows:

EDP 6 ~~Deleting/Discontinuing/~~ Combining/~~Renaming a Discipline or Module from the Examination Program an Examination and Pertinent Requirements~~

A. ~~Deleting/Combining of Discontinuation of an~~ Examinations

If the population of the first-time examinees from NCEES jurisdictions for any two consecutive administrations of an NCEES ~~CBT~~ examination ~~or module~~ is not adequate to provide for accurate psychometric analysis, the EPP Committee shall review the desirability-viability of continuing the subject examination ~~or module~~ and make one of the following recommendations to the board of directors, which may include such actions as the EPP Committee deems appropriate:

1. Continue to prepare the examination ~~or module~~.
2. Request the appropriate exam development committee and the supporting professional or technical society to prepare and submit a specific remedial action plan for increasing the number of first-time takers to a level that meets or exceeds the minimum candidate requirements with in the time period specified by the EPP Committee.
3. Place the examination, ~~section, or module~~ on probation. The EPP Committee shall specify the conditions of the probation, including a time frame for corrective action. ~~The recommendation may include such action as the EPP Committee deems appropriate.~~
4. Discontinue the examination, ~~section, or module~~.
5. Combine the examination, section, or module with another examination, section module.

B. Request to ~~Delete/Discontinue~~ an Examination, ~~Section, Module~~

If an NCEES committee, professional or technical society, or other group-suitable entity desires to have an examination, ~~section, or module~~ ~~deleted/discontinued~~, it ~~should~~ shall make a request to the EPE/~~or~~ EPS Committee. The EPE/~~or~~ EPS Committee shall review the request and make a recommendation to the board of directors.

C. Request to Rename an Examination

Any requests to rename an examination ~~or module or to combine two or more discipline examinations or modules should~~ shall also be made to the appropriate committee (EPE/~~or~~ EPS Committee). ~~Requests shall include proof of such need, estimate of usage, and impact on safeguarding the health, safety, and welfare of the public. Proof of such need shall include evidence that knowledge areas and skills are not measured adequately in an existing examination or module and evidence that those knowledge areas and skills required for the discipline are sufficient to support a new, combined, or renamed examination or module.~~ The ~~EPE/EPS C~~ committee will shall review the request and make a recommendation to the board of directors.

D. Request to Combine Two or More Examinations

Any requests to combine two or more examinations shall be made to the EPE or EPS Committee. Proof of such need shall include evidence that knowledge areas and skills are not measured adequately in an existing examination and evidence that those knowledge areas and skills required for the competency are sufficient to support a combined examination. The committee shall review the request and make a recommendation to the board of directors.

~~DE~~ Adequate Examination Item Bank Requirement

If an examination fails to have an adequate item bank as specified in paragraph D of EDP 3, including solutions and knowledges being assessed, the EPP Committee shall review the desirability-viability of continuing the examination ~~or module~~ and make one of the following recommendations to the board of directors, which may include such actions as the EPP Committee deems appropriate:

1. Continue to prepare the examination ~~or module~~.
2. ~~Discontinue the examination or module.~~
3. Place the examination ~~or module~~ on probation and recommend specific remedial action that may include contracting for item writing with an outside entity or other such action as the EPP Committee deems appropriate. If ~~such remedial action~~ the examination entity fails to cause the provide sufficient data to successfully complete the next scheduled examination ~~to meet the requirements of paragraph D of EDP 3 within one year after the examination was put on probation audit~~, the EPP Committee shall recommend appropriate action to the board of directors.
3. Discontinue the examination.

EF. Sufficient Data for Examination Audit Requirement

If an examination fails to provide the Committee on Examination Audit with sufficient data to conduct an adequate audit for two consecutive audit cycles, the EPP Committee shall review the desirability-viability of continuing the examination ~~or module~~ and make one of the following recommendations to the board of directors, which may include such actions as the EPP Committee deems appropriate:

1. Continue to prepare the examination ~~or module~~.
- ~~2. Discontinue the examination or module.~~
3. Place the examination or module on probation and recommend specific remedial action that the EPP Committee deems appropriate. If the examination entity fails to provide sufficient data to successfully complete the next scheduled examination audit, the EPP Committee shall recommend appropriate action to the board of directors.
3. Discontinue the examination.

FG. Temporary Suspension of an Examination

If, upon the chief executive officer's recommendation and an EPE ~~/or~~ EPS Committee evaluation, the board of directors determines that an examination does not meet the policies, specifications, and/or guidelines of the Council, the board of directors may temporarily suspend the offering of an examination in that particular discipline practice area.

Rationale

These changes align with the definition of "examination" as stated in the recommended revision to EDP 1 while providing more clarity and consistency to the process for a new or reinstated examination as stated in EDP 4, EDP 5, and EDP 8.

Board of directors' position

Endorses, consent agenda

EPP Motion 6

Move that Exam Development Policy 7 be amended as follows:

EDP 7 Changes in Examination Procedures or Format

Member ~~B~~boards shall be notified one year in advance of any change in the examination administration procedures or any change in examination format that requires dissemination to applicants.

Rationale

These changes align with the definition of "examination" as stated in in the recommended revision to EDP 1.

Board of directors' position

Endorses, consent agenda

EPP Motion 7

Move that Exam Development Policy 8 be amended as follows:

EDP 8 Adoption-Entry of a New-Depth Module or Division of an Existing Examination into Multiple Examinations for the PS-Surveying Examination

A. Member Board Requirement

Requests for ~~depth modules~~ examinations shall be made by no fewer than 10 member boards ~~collectively~~ who can each demonstrate a need for the ~~depth module examination~~ in their jurisdiction by each providing a letter of support for the new examination in accordance with paragraph B herein. A request older than four years must be reaffirmed-resubmitted by the member boards. ~~Requests shall include proof of such need, an estimate of usage, and the impact on safeguarding the health, safety, and welfare of the public. Proof of need shall include evidence that knowledge areas and skills are not adequately measured in an existing examination or module and that additional knowledge areas and skills required for the discipline are sufficient to support a new module. The estimate of usage shall include the methodology used to derive that estimate.~~

B. Letters of Support

All requests shall include proof of such need, an estimate of usage, and the impact on safeguarding the health, safety, and welfare of the public.

BC. Minimum Number of Exam Candidates Estimate of Usage

No ~~discipline or depth module examination~~ shall be added or reinstated to the examination program unless the ~~number of candidates for an ongoing examination conforms to NCEES policies and procedures. If that is demonstrated, a professional activities and knowledge study (PAKS) shall be conducted to establish that the addition in question comprises a unique body of knowledge important for safeguarding the health, safety, and welfare of the public estimate of usage conforms to the NCEES policies and procedures. The estimate of usage shall include the methodology used to derive that estimate. Proof of need shall include evidence that knowledge areas and skills required are sufficient to support a new examination.~~

CD. Statutory Requirement for a Depth Module Application Review

~~A depth module must address a distinct PS practice area included within statutory coverage of the jurisdiction in the member boards requesting the module. If the EPS Committee determines that the proposed application meets the requirements, then it will recommend to the board of directors that the process continues with a professional activities and knowledge study (PAKS). The board of directors shall either approve or reject the recommendation.~~

DE. CBT Format Requirement Exam Format

The new examination or reinstatement request shall include a plan to develop the exam in CBT format.

EF. Notification to Member Boards

Member boards shall be notified one year in advance of the addition of any ~~depth module to the PS surveying~~ examination.

FG. Requests to Divide an Existing Examination

Requests to divide an existing examination into multiple examinations shall be made to the Committee on Examinations for Professional Surveyors (EPS) Committee. Requests shall include proof of such need in accordance with paragraphs ~~A and B-D~~ of this policy.

Rationale

These changes align with the definition of “examination” as stated in the recommended revision to EDP 1 while providing more clarity and consistency to the process for a new or reinstated examination as stated in EDP 4 and EDP 5.

Board of directors’ position

Endorses, consent agenda

EPP Motion 8

Move that Exam Development Policy 9 be amended as follows:

EDP 9 Requirements for Item Writers, Pass-Point Evaluators, and Reviewers, and Scorers

A. Qualification Requirement

Each person involved as an item writer, pass-point evaluator, or reviewer, ~~or scorer~~ for ~~the any~~ NCEES ~~PE or PS~~ examinations must have an active professional license issued by an NCEES member board, ~~must be qualified in the appropriate discipline be a subject-matter expert~~, and must be familiar with requirements for and capabilities of candidates who are minimally qualified to practice in that ~~discipline~~ subject matter. Engineers and surveyors with licenses that have inactive or retired status are ineligible to serve in these positions.

B. Pass-Point Evaluation Team Requirements

Exam committees shall require that at least one person who participates on the pass-point evaluation team be a person who has worked on the current development of an examination undergoing a pass-point evaluation. The number of current exam development members participating in the pass-point evaluation shall be no more than one-quarter of the pass-point evaluation team.

C. Restriction on Teaching Exam Refresher Courses

Any person serving on an NCEES examination development committee or involved in a pass-point evaluation panel shall not teach an exam refresher course related to the preparation for that examination within three years of serving on the committee or panel.

D. Exam Developers Disclosure Requirement

Any person involved in the development of an NCEES examination who is later required by a member board to sit for that examination must inform that member board of their involvement in the development of that examination.

Rationale

These changes align with all exams now being offered in CBT and there no longer being a need for exam grading by hand. The term “subject matter” is proposed because it aligns with currently used language for disciplines and for participants in the exam development process.

Board of directors’ position

Endorses, consent agenda

EPP Motion 9

Move that Exam Development Policy 11 be amended as follows:

EDP 11 Foreign Examination Language Requirement

NCEES shall prepare examinations only in the English language.

Rationale

The policy title modification is being proposed for clarity.

Board of directors’ position

Endorses, consent agenda

EPP Motion 10

Move that Exam Development Policy 12 be deleted.

EDP 12 Reporting of Scores

~~All examination results shall be reported to member boards.~~

Rationale

The release of results is covered by EAP 7. Subsequent EDPs will be renumbered if this motion is adopted.

Board of directors’ position

Endorses, consent agenda

EPP Motion 11

Move that Exam Development Policy 13 be amended as follows:

EDP 13 EPE and EPS Committee Membership Qualifications

~~Members of the~~ The EPE and EPS Committees should include members of their current ~~and/or~~ past ~~representatives from their~~ respective exam development committees.

Rationale

Minor editorial changes are proposed for clarity.

Board of directors’ position

Endorses, consent agenda

EPP Motion 12

Move that Exam Development Policy 14 be amended as follows:

EDP 14 Examination Audits

The Committee on Examination Audit shall audit all examinations developed by NCEES. The following constraints shall be used:

- A. ~~CBT representative e~~Examinations ~~(as created by the testing service psychometrician)~~ from ~~the benchmark item pool, which is~~ the first item pool following a PAKS, shall be audited.
- B. ~~CBT representative e~~Examinations shall be audited at least once between ~~benchmark item pool audits~~ PAKS.
- C. There shall be no more than four years between audits.

The president-elect shall, in developing charges for the Committee on Examination Audit, develop a list of examinations for audit in consultation with the current chair of the Committee on Examination Audit and the NCEES chief officer of examinations. Circumstances may prevail that would affect which examinations are selected for audit in [a-any](#) given year.

The Committee on Examination Audit shall review each [examination](#) audited as to its conformance with specified criteria set forth in the Committee on Examination Audit procedures.

Rationale

These changes provide more clarity and consistency to constraints of the examination audit process.

Board of directors' position

Endorses, consent agenda

EPP Motion 13

Move that Exam Administration Policy 1 be amended as follows:

EAP 1 Administration of Examinations

B. ~~Testing Examination~~ Regulations

NCEES will provide the *NCEES Examinee Guide* to each candidate approved to take NCEES examinations. The *NCEES Examinee Guide* includes information regarding regulations to be observed during the examinations and actions that may be taken in the event of [a-testing-an exam](#) irregularity.

C. Candidate Admission

Approval of candidates applying to take NCEES examinations ~~may be is~~ by the individual member boards or their designated representative. To be admitted to an NCEES examination, candidates will be required to create an account with NCEES.

D. Restriction of Retaking an Examination

~~Candidates Examinees~~ who have passed an examination may not retake that same examination unless required by a member board.

E. Irregularity Restriction

If ~~a-candidate's-an examinee's~~ examination results are not released due to a suspected exam irregularity, the ~~candidate-examinee~~ will not be allowed to register for another exam until the investigation is complete and the irregularity has been resolved per the *Security and Administrative Procedures Manual*.

F. Examination Scheduling Restriction

A candidate for ~~a-CBT-an~~ exam may take the examination only one time per ~~testing-exam~~ window and no more than three times in a 12-month period.

H. Banned Registration Requirements

If a member board bans an ~~an-examinee candidate~~ from registering for an examination, it shall be the responsibility of that member board to notify NCEES of the specific terms and reasons for the ban. NCEES will update the ~~examinee's-candidate's~~ account to make this information available to all member boards. The decision as to whether another member board agrees to honor the terms of the original member board's decision to ban this ~~examinee's-candidate's~~ registration will remain with the individual member boards.

Rationale

These changes are consistent with the recommended definitions of "examinee" and "candidate" outlined in the *Exam Development Procedures Manual*.

Board of directors' position

Endorses, consent agenda

EPP Motion 14

Move that Exam Administration Policy 3 be amended as follows:

EAP 3 Materials Permitted and Not Permitted in Examination Room

~~Devices or materials that might compromise the security of the examination or examination process are not permitted. These include any devices with copying, recording, or communication capabilities.~~

~~Only NCEES-supplied reference materials are permitted for use in the examination room.~~

~~Only models of calculators as specified or supplied by NCEES are permitted in the examination room.~~

~~Only NCEES-supplied marking and erasing instruments are permitted for use in the examination room.~~

A. Other items specifically allowed by the current NCEES *Examinee Guide* are permitted.

B. Only NCEES-supplied reference materials are permitted for use in the examination room. The current version of the NCEES *Supplied Reference Handbook* will be supplied on-screen as a searchable PDF. If additional required design standards are being supplied during the exam, they will be listed as part of the exam specifications.

Rationale

These changes are consistent with the current permissible materials allowed in a room during an exam administration.

Board of directors' position

Endorses, consent agenda

EPP Motion 15

Move that Exam Administration Policy 4 be amended as follows:

EAP 4 NCEES Examination Jurisdiction Requirements

A. Jurisdiction Requirements

~~Individual applicants should~~ Candidates shall apply to a member board in accordance with that jurisdiction's operating policies and procedures.

B. Approved Test Centers

~~Approved examinees~~ Candidates may sit for an ~~CBT~~ examination at any NCEES-approved test center ~~located in North America or any U.S. territory.~~

C. Military Accommodations

~~Approved examinees~~ Candidates from the U.S. military serving outside of the United States and U.S. territories and their ~~spouses~~ dependents residing outside of the United States and U.S. territories may request to take an ~~CBT~~ examination at an NCEES-approved test center ~~located outside of these areas.~~ NCEES will review all requests and make recommendations regarding the approval of the request.

Rationale

These changes are consistent with the recommended definitions of "examinee" and "candidate" outlined in the *Exam Development Procedures Manual*. The change from "spouses" to "dependents" is more inclusive and consistent with the military environment during international assignments.

Board of directors' position

Endorses, consent agenda

EPP Motion 16

Move that Exam Administration Policy 6 be amended as follows:

EAP 6 Requests for Special Examination Accommodations

NCEES must determine reasonable, fair, and equitable methods to be employed to administer examinations ~~to candidates.~~ All such accommodations shall comply with applicable federal and state laws and regulations.

NCEES will review all requests for accommodation and make recommendations regarding the approval of the request.

Rationale

This change is proposed for consistency and clarity.

Board of directors' position

Endorses, consent agenda

EPP Motion 17

Move that Exam Administration Policy 7 be amended as follows:

EAP 7 Release and Use of Examination Results

A. Results Reporting

Examination results ~~for examinees~~ shall be released only to the respective member board ~~or its designee and directly to and the~~ examinees. Examination results for ~~candidates-examinees~~ suspected of an exam irregularity shall not be released until the irregularity has been resolved per the *Security and Administrative Procedures Manual*. Reporting of examination results for ~~candidates-examinees~~ will be reported only as pass or fail. All failing ~~candidates-examinees~~ will be provided with a diagnostic report to indicate performance on those ~~sections~~-attempted ~~examinations~~.

B. Validity and Integrity

NCEES shall strive to ensure that the validity and integrity of the examinations are preserved and examinees are treated in a fair and equitable manner. NCEES reserves the right to treat exam scores as final and not subject to change after one year has passed from the date of release from NCEES to the member boards. If there is a change in the exam scores within a year of the date NCEES releases the examination results roster to the member boards, then NCEES will notify the member board only if the change in the exam scores alters ~~a candidate's-an examinee's~~ status from fail to pass.

NCEES reserves the right to notify the member boards at any time if it learns that ~~a candidate-an examinee~~ engaged in any improper conduct relating to the exam on which the score was obtained or took any action that jeopardized the security of any other NCEES exam or exam administration.

C. Exam Irregularities

All NCEES exam irregularities should be evaluated by NCEES with regards to invalidation of exam results. If ~~a candidate-an examinee~~ fails to comply with the conditions stated in the *NCEES Examinee Guide*, NCEES shall have the authority to invalidate exam results and, furthermore, shall have the authority to suspend ~~a candidate's-an examinee's~~ ability to take an NCEES examination for up to three years. If deemed appropriate, NCEES shall also have the right to pursue additional restrictions on future testing, civil remedies, ~~and/or~~ criminal remedies.

NCEES will notify the member board selected by the examinee of the specific terms and reasons for the invalidation ~~and/or~~ ban. NCEES will update the examinee's account to make this information available to all member boards.

If a member board objects to NCEES' decision to ban an examinee's registration, NCEES will update the examinee's account to allow the examinee to select that member board and register for an examination in accordance with the terms set forth by that member board.

D. Structural Engineering Examinations

A section results notice will be transmitted to the member board for each administration in which ~~a candidate-an examinee~~ takes a section. ~~Receiving an acceptable result on Passing~~ only one section shall not be sufficient for any licensure purposes. After ~~a candidate-an examinee~~ has ~~received an acceptable result on passed~~ all sections, an examination pass notice will be transmitted to the member board to indicate that the ~~candidate-examinee~~ has passed the PE Structural examination.

E. Release to Universities and Colleges

NCEES may provide ~~directly to a university or college~~ institutional reports containing FE or FS examination data ~~directly to a university or college~~ that ~~will-may~~ help measure learning outcomes of the total engineering or surveying education.

Rationale

These changes are consistent with the recommended definitions of "examinee" and "candidate" captured by the *Exam Development Procedures Manual*.

Board of directors' position

Endorses, consent agenda

EPP Motion 18

Move that Exam Administration Policy 9 be amended as follows:

EAP 9 NCEES Examinations Offered at Foreign Sites

A. Contracting with Foreign Entities

The chief executive officer is authorized to enter into discussions with foreign entities concerning the administration of NCEES examinations ~~to examinees via computer based testing (CBT)~~. Any agreement resulting from such discussions requires the approval of the NCEES board of directors.

B. Minimum Criteria

For any approved agreement, NCEES will establish minimum criteria for ~~examinees~~ candidates of the foreign entity that are in general conformance with the existing NCEES *Model Law* and *Model Rules*. Such agreements shall require that any additional costs to NCEES to administer the exams shall be reimbursed by the foreign entity and that ~~CBT~~ examinations shall be administered in accordance with the NCEES examinee testing agreement.

C. Use of Examination Results for Licensure

Results of the examinations may be used to assist examinees interested in applying for licensure as a professional engineer or professional surveyor with an NCEES member board. NCEES makes no representations that passing such exams will qualify the examinees for licensure in any NCEES member board jurisdiction. The results may also be used as an outcomes assessment tool to assist in measuring the outcomes of foreign-based ABET-accredited programs.

F. Other Foreign Offerings

The chief executive officer is authorized to approve other foreign sites without foreign entity involvement for use by U.S. military personnel and their ~~spouses~~ dependents and by other individuals approved by the chief executive officer.

Rationale

These changes are consistent with the recommended definitions of “examinee” and “candidate” outlined in the *Exam Development Procedures Manual*. The change from “spouses” to “dependents” is more inclusive and consistent with the military environment during international assignments.

Board of directors' position

Endorses, consent agenda

EPP Motion 19

Move that Exam Administration Policy 11 be amended as follows:

EAP 11 Exam Administration Audits

Examination forensics, including a secret shopper-type program (which shall include a person who is requested to take the exam at a test center to verify quality assurance of the examination process), may be performed in accordance with the vendor-NCEES contract. Secret shopper exposure to NCEES examination content is restricted to an NCEES staff member or a licensed professional engineer or professional surveyor who has already passed the appropriate NCEES exam.

Rationale

These changes are proposed made for consistency in defining a professional engineer and professional surveyor.

Board of directors' position

Endorses, consent agenda

EPP Motion 20

Move that Administrative Policy 8 be amended as follows:

AP 8 Motions

- A. Motions before the Council at the annual business meeting shall not be voted upon at the same business session in which they are introduced and initially discussed or prior to zone meetings. This policy shall not apply to privileged or subsidiary motions and may be suspended for other motions upon approval by a two-thirds majority vote.
- B. Any motion to amend the *Model Law* or *Model Rules* presented at an annual business meeting by an entity other than the Committee on Uniform Procedures and Legislative Guidelines (UPLG) shall be referred to the UPLG Committee for review and revision of the language before it is presented for Council vote at the next scheduled annual business meeting.
- C. Any motion to amend exam prices in Financial Policy 6 that is presented at an annual business meeting by an entity other than the Committee on Finances shall be referred to the Committee on Finances for review and revision of the language before it is presented for Council vote at the next scheduled annual business meeting.
- D. Any motion to amend examination policies presented at an annual business meeting by an entity other than the Committee on Examination Policy and Procedures (EPP), the Committee on Examinations for Professional Engineers (EPE), or the Committee on Examinations for Professional Surveyors (EPS) shall be referred to the EPP Committee for review and revision of the language in consultation with any other appropriate committee before it is presented for Council vote at the next scheduled annual business meeting.

Rationale

The committee recommends that this section of the *Manual of Policy and Position Statements* be subdivided like others for consistency. The suggested revision was made in conjunction with the EPE Committee and the EPS Committee to provide a means to review amendments to motions on exam policies to avoid unintended consequences.

Board of directors' position

Endorses, consent agenda

Committee on Examinations for Professional Surveyors (1 motion)

EPS Motion 1

Move that Position Statement 18 be amended as follows:

PS 18 Bachelor of Science Degrees in Surveying Engineering, Surveying and Mapping, and Geomatics

NCEES recommends that the boards of licensure require any applicant who applies for surveying licensure in any jurisdiction of the United States and who has not previously been licensed to practice by one of the boards of licensure for professional surveyors be required to first demonstrate that they possess at least a four-year bachelor of science degree in surveying, acquired through the successful completion of an ABET-accredited surveying program or through a board-approved program.*

NCEES ~~expects all of~~ prefers that its examination development ~~to~~ follow current *Model Law* and *Model Rules*. Whenever possible, Model Law Surveyors should be utilized to prepare FS examinations, and Model Law Surveyors should be utilized to establish cut scores for FS examinations.

The content of the FS examination shall test the equivalent knowledge obtained in a baccalaureate surveying degree that will enable the individual to protect the public.

* Refer to NCEES position paper "Benefits to Requiring a Bachelor's Degree for Professional Surveying Licensure" (2023), available as a PDF on ncees.org under MyNCEES.

Rationale

The committee recommends that PS 18 be amended to allow more leeway in the selection of subject-matter experts for the FS exam development committee. Typically, there are 15 exam development committee members budgeted for each meeting, but there has been a diminishing number of candidates from the roster who are able to participate in an exam development meeting. A change in the position statement may provide the flexibility to

obtain more participation on the FS exam development committee by loosening the requirements of the members to possess a baccalaureate surveying degree without compromising the exam or protection of the public.

Board of directors’ position

Endorses, consent agenda

Committee on Finances (6 motions)

Finance Motion 1

Move that the adoption of the 2024–25 operating budget as shown in **Appendix B** be postponed to the end of the last business session.

Rationale

The committee proposes postponing consideration of the motion in order to take into account any subsequent actions adopted by the Council that may affect this budget.

Board of directors’ position

Endorses, consent agenda

Finance Motion 2

Move that the adoption of the 2024–25 capital budget as shown in **Appendix C** be postponed to the end of the last business session.

Rationale

The committee proposes postponing consideration of the motion in order to take into account any subsequent actions adopted by the Council that may affect this budget.

Board of directors’ position

Endorses, consent agenda

Finance Motion 3

Move that Financial Policy 7 be amended as follows:

FP 7 Membership Fees

All membership fees will be reviewed and approved by the Council. The current approved schedule is included here for reference.

Member boards	Current fee	Date effective	<u>Future Fee</u>	<u>Date effective</u>
1 through 200 registrants	\$750 annually	01/01/18	=	=
201 through 500 registrants	\$2,600 annually	01/01/18	=	=
501 or more registrants	\$6,500 annually	01/01/07	=	=
<u>Less than 500 registrants</u>	=	=	<u>\$2,000 annually</u>	<u>01/01/26</u>
<u>500–4,999 registrants</u>	=	=	<u>\$4,000 annually</u>	<u>01/01/26</u>
<u>5,000–9,999 registrants</u>	=	=	<u>\$6,000 annually</u>	<u>01/01/26</u>
<u>10,000–29,999 registrants</u>	=	=	<u>\$7,500 annually</u>	<u>01/01/26</u>
<u>30,000 or more registrants</u>	=	=	<u>\$8,500 annually</u>	<u>01/01/26</u>

Rationale

The current member board fee structure is not properly balanced among the categories and is not equitable. The proposed fee structure results in strong representation across the categories and provides equity. The proposed fee structure results in projected revenue within 2 percent of the current revenue.

Board of directors’ position

Endorses, consent agenda

Finance Motion 4

Move to approve a \$100,000 contribution to the NCEES Foundation.

Rationale

Based on the financial condition and needs of the organization, the \$100,000 copyright infringement award is available as a contribution to the NCEES Foundation. These funds could be spent by the Foundation in 2024–25.

Board of directors' position

Endorses, non-consent agenda

Finance Motion 5

Move to approve a \$3 million transfer to the NCEES Foundation.

Rationale

Based on both the current Reserves Available for Mission balance and the results of the five-year NCEES operational financial projection, the transfer is available without negatively impacting the long-term financial health of NCEES. These funds would become part of the investment corpus, or basis, of the Foundation and are not available to be directly spent. Instead, they are used to create investment income for the Foundation, which can be spent.

Board of directors' position

Endorses, non-consent agenda

Finance Motion 6

Move that Financial Policy 3B be amended as follows:

FP 3 Travel Expenses

B. NCEES annual business meetings

1. Members of the current NCEES board of directors, incoming vice presidents, nominees for the incoming NCEES president-elect and treasurer positions, and past presidents. Registration fees shall be waived for a guest of each.
2. A minimum of three funded delegates from each member board as specified by the member board. Member boards must meet the *Bylaws* requirements for voting to receive the benefits of funded delegates.
3. Member board members who are attending their first annual meeting and who have been appointed to their board within 24 months before the annual meeting
4. The designated member board administrator (MBA) of each member board. When an MBA represents more than one board, the funding shall be for the designated MBA only and not for the assistant MBA or for member board staff. Member boards must meet the *Bylaws* requirements for voting to receive the benefits of a funded MBA.
5. Chairs of NCEES standing committees and task forces
6. NCEES service award recipients. Registration fees shall be waived for a guest of each.
7. Zone assistant vice presidents and zone secretary-treasurers
8. The NCEES representative to the ABET board of delegates, the alternate NCEES ABET representative, and the commissioners on the Engineering Accreditation Commission of ABET, the Engineering Technology Accreditation Commission of ABET, and the Applied and Natural Science Accreditation Commission of ABET

[9. NCEES Foundation board of directors members](#)

Financial impact

Needed funding for the six Foundation board members will vary each year, as some members may be funded in other capacities to attend the meeting (for example, as an NCEES past president). The financial impact for 2024–25 is \$10,766.

Rationale

With the creation of the NCEES Foundation, Foundation board members will be added as funded attendees to the NCEES annual meeting.

Board of directors' position

Endorses, consent agenda

Committee on Member Board Administrators (2 motions)

MBA Motion 1

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendments into *Model Law 150.20*:

150.20 Disciplinary Action Procedures—Licensees and Interns

- A. Any person or entity, including the board or board staff, may file a complaint alleging a violation of any provision of this Act or any of the rules or regulations of the board against any licensee or against any intern.
- B. A complaint shall be in writing and state specifically the facts on which the complaint is based.
- C. All complaints shall be reviewed by the board, or an investigative committee designated by the board. After review, the board or the investigative committee shall determine or recommend, as appropriate, if charges are warranted.
- D. All charges, unless dismissed by the board as unfounded, trivial, or unless settled informally, shall be heard by the board. The time and place for the hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such accused individual at least 30 days before the date fixed for the hearing. The summons and notice of charges shall be prepared in accordance with *Model Rules 250.30*. At any hearing, the accused individual shall have the right to appear in person or by counsel, or both, to cross-examine witnesses in their defense and to produce evidence and witnesses in their defense. If the accused individual fails or refuses to appear at the hearing, the board may proceed to hear and determine the validity of the charges in the accused individual's absence. The hearing shall be conducted in accordance with *Model Rules 250.30*.
- E. If after such hearing a majority of the board votes in favor of sustaining the charges, the board shall reprimand, fine in an amount not to exceed *[insert amount]* dollars for each count, recover costs, refuse to issue, restore or renew, place on probation for a period of time, and subject to such conditions as the board may specify, suspend, revoke, or any combination thereof, the accused individual's license or intern certification.
- F. Order of the Board
The board shall issue an order within *[insert number]* days of the date of the hearing. It shall include and shall state separately:
 1. Findings of fact that are based exclusively on the evidence and on matters officially noticed, stated by a concise and explicit statement of the underlying facts supporting the findings.
 2. Conclusions of law
The prosecutor and/or respondent shall be delivered a copy of the findings of fact and conclusions of law by person or by mail with return receipt requested. The attorney of record for the respondent shall also be mailed a copy.
- G. Discipline
Upon an order by the board in which the respondent is found guilty of the charges preferred, the board may take appropriate disciplinary action against the respondent.
- H. Stay Order
At its discretion, the board may stay, permanently or temporarily, the execution of its order conditioned on any provision the board believes appropriate under the circumstances for the case.
- I. A licensee or intern aggrieved by any action of the board in levying a fine; recovering costs; reprimanding; placing on probation; denying; suspending; refusing to issue, restore, or renew; or revoking a license or intern certification may appeal the board's decision to the proper court.
- J. Any financial sanction assessed pursuant to Section 150.10 of this Act shall be assessed in a proceeding as provided in this section. Unless the amount of the penalty is paid within *[insert number]* days after the order becomes final, the order shall constitute a judgment and shall be filed and execution issued thereon in the same manner as any other judgment of a court of record.

- K. An action to enforce an order under this section may be combined with an action for an injunction.
- L. The board may, upon petition of a licensee or intern, reissue a license or intern certification that has been revoked by the board, provided that a majority of the board votes in favor of such reissuance.
- M. The board may expunge disciplinary action arising from failure to renew a license in a timely manner, failure to complete required continuing education, or other minor disciplinary action if:
 - 1. The disciplinary action at issue is at least three years old;
 - 2. The terms of the disciplinary action as described in a board's order or agreement have been met; and
 - 3. The licensee has had no subsequent violations of any other provisions of the licensing board's relevant practice act or rules.
- N. The board may expunge disciplinary action other than those listed in paragraph M if:
 - 1. The disciplinary action at issue is at least seven years old;
 - 2. The terms of the disciplinary action have been met; and
 - 3. The licensee has had no subsequent violations of any other provisions of a board's relevant practice act or rules

The licensee must not be in a current disciplinary status (e.g., revoked, suspended, or on probation), and any fees or fines assessed must be paid in full.
- O. If a prior disciplinary action is expunged:
 - 1. The board shall report the expungement to any national database to which it previously reported the disciplinary action; and
 - 2. The board shall not consider any expunged disciplinary action in future disciplinary matters unless the expunged disciplinary action involved the same or substantially similar conduct.

Rationale

The proposed addition will provide guidance language for member boards to expunge disciplinary actions that were the result of minor infractions of the board's registration act.

Board of directors' position

Endorses, non-consent agenda

MBA Motion 2

Move that Professional Policy 5 be amended as follows:

PP 5 NCEES Model Law Designations

The NCEES Records program requires the delineation of the requirements for Model Law Engineer, Model Law Surveyor, and Model Law Structural Engineer. These designations may be used by state licensing boards to expedite comity applications.

The requirements for Model Law designations may only be amended after review by an appropriate standing committee or task force and ratification by the Council.

The designations are defined as follows:

A. Model Law Engineer

The term "Model Law Engineer" refers to an individual who has obtained licensure as a professional engineer in at least one jurisdiction as the result of satisfying the following conditions:

- 1. Earns one of the following:
 - a. A degree in engineering from a bachelor's program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET)
 - b. A degree in engineering from an EAC/ABET-accredited master's program
- 2. Passes the NCEES Fundamentals of Engineering (FE) examination and an NCEES Principles and Practice of Engineering (PE) examination
- 3. Meets one of the following experience requirements:
 - a. Completes 4 years of acceptable engineering experience after confirmation of a bachelor of science degree in an engineering program accredited by EAC/ABET
 - b. Completes 3 years of acceptable engineering experience after confirmation of a bachelor of science degree in engineering from an EAC/ABET-accredited engineering program and holds a master's degree in engineering

- c. Completes 3 years of acceptable engineering experience after confirmation of a master's degree in engineering from an EAC/ABET-accredited engineering program
 - d. Completes 2 years of acceptable engineering experience and has an earned doctoral degree in engineering from an institution that offers EAC/ABET-accredited programs
4. Has a record clear of disciplinary action

For Model Law Engineer status to continue after such has been designated by NCEES, the individual must meet the requirements provided in Definition D, Continuance of Model Law Engineer, Model Law Surveyor, and Model Law Structural Engineer Status.

B. Model Law Surveyor

The term "Model Law Surveyor" refers to an individual who has obtained licensure as a professional surveyor in at least one jurisdiction as the result of satisfying the following conditions:

1. Earns one of the following:
 - a. A degree from a surveying engineering bachelor's program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET)
 - b. A degree from a surveying and geomatics bachelor's program accredited by the Applied and Natural Science Accreditation Commission of ABET (ANSAC/ABET)
 - c. A degree from a surveying and geomatics bachelor's program accredited by the Engineering Technology Accreditation Commission of ABET (ETAC/ABET)
2. Passes the NCEES Fundamentals of Surveying (FS) examination and the NCEES Principles and Practice of Surveying (PS) examination
3. Completes 4 years of acceptable surveying experience after confirmation of a bachelor of science degree in a surveying/geomatics program accredited by ANSAC/ABET, EAC/ABET, or ETAC/ABET, which may include up to 1 year of experience for a graduate surveying/geomatics degree
4. Has a record clear of disciplinary action

The jurisdiction may also require a Model Law Surveyor to pass its state-specific examination for surveyors. For Model Law Surveyor status to continue after such has been designated by NCEES, the individual must meet the requirements provided in Definition D, Continuance of Model Law Engineer, Model Law Surveyor, and Model Law Structural Engineer Status.

C. Model Law Structural Engineer

The term "Model Law Structural Engineer" refers to an individual who has obtained licensure in at least one jurisdiction as the result of satisfying the following conditions:

1. Earns one of the following:
 - a. A degree in engineering from a bachelor's program accredited by EAC/ABET
 - b. A degree in engineering from a master's program accredited by EAC/ABET
2. Passes a minimum of 18 semester (27 quarter) hours of structural analysis and design courses. At least 9 of the semester (14 quarter) hours must be structural design courses.
3. Passes the NCEES FE examination
4. Passes one of the following:
 - a. 16 hours of NCEES structural examinations, 8 hours of which were from the SE II taken prior to January 1, 2011
 - b. 16-hour state-written structural examinations taken prior to 2004
 - c. NCEES SE II plus 8-hour state-written structural examinations taken prior to January 1, 2011
 - d. NCEES PE Structural examination taken after January 1, 2011
5. Meets one of the following experience requirements:
 - a. Completes 4 years of acceptable structural engineering experience after confirmation of a bachelor of science degree in an engineering program accredited by EAC/ABET
 - b. Completes 3 years of acceptable structural engineering experience after confirmation of a bachelor of science degree in engineering from an EAC/ABET-accredited engineering program and holds a master's degree in engineering that includes at least 6 semester (9 quarter) hours of structural engineering (in addition to the 18 hours noted above)
 - c. Completes 3 years of acceptable structural engineering experience after confirmation of a master's degree in engineering from an EAC/ABET-accredited engineering program that includes at least 6 semester (9 quarter) hours of structural engineering (in addition to the 18 hours noted above)

- d. Completes 2 years of acceptable structural engineering experience and has an earned doctoral degree in engineering focused on structural engineering from an institution that offers EAC/ABET-accredited programs

6. Has a record clear of disciplinary action

For Model Law Structural Engineer status to continue after such has been designated by NCEES, the individual must meet the requirements provided in Definition D, Continuance of Model Law Engineer, Model Law Surveyor, and Model Law Structural Engineer Status.

D. Continuance of Model Law Engineer, Model Law Surveyor, and Model Law Structural Engineer Status

Any licensed professional who meets the criteria of the Model Law Engineer, Model Law Surveyor, or Model Law Structural Engineer shall continue to be designated Model Law Engineer, Model Law Surveyor, or Model Law Structural Engineer, even if these definitions are revised at a later date, provided that

1. The licensee has continually maintained his or her status as Model Law Engineer, Model Law Surveyor, or Model Law Structural Engineer
2. The licensee is not on revoked status or has not retired his or her license
3. The licensee has a record clear of disciplinary action and maintains a record clear of disciplinary action

E. Expungements

Any licensed professional who loses Model Law Engineer, Model Law Surveyor, or Model Law Structural Engineer status due to a disciplinary action and subsequently successfully has that disciplinary action expunged may petition NCEES to restore the licensee's Model Law designation by submitting a request in writing to the chief executive officer.

Rationale

This amendment to PP 5 will permit any licensed professional who lost MLE, MLS, or MLSE designation due to a disciplinary action to petition NCEES to restore the licensee's Model Law designation if the disciplinary action has been expunged by the member board that imposed it.

Board of directors' position

Does not endorse, non-consent agenda

Board of directors' rationale

The board of directors has concern about the sanctity of the Model Law Engineer/Surveyor/Structural Engineer designations, which are intended to represent, in part, a professional career absent of any and all disciplinary issues. Because expungement is not a uniformly accepted practice, the original intent of the Model Law designator would be altered if the proposed motion were approved, potentially disrupting Model Law designation acceptance for comity licensure by a variety of member boards and internationally.

Committee on Uniform Procedures and Legislative Guidelines (23 motions)

UPLG Motion 1

Move that *Model Rules* 240.30 be amended as follows:

240.30 Continuing Professional Competency (CPC)

B. Definitions

Terms used in this section are defined as follows:

2. Ethics/~~Business-Related~~ Course or Activity—A qualifying course or activity with content areas related to (1) the awareness of ethical concerns and conflicts; (2) an enhanced familiarity with the codes of conduct; or (3) an understanding of standards of practice or care;
3. Business-Related Course or Activity—A qualifying course or activity with content areas related to principles of business, management, and economics or other similar topics aimed at maintaining, improving, (4) project management and risk assessment management; or (5) other similar topics aimed at maintaining, improving, or expanding the skills set and knowledge relevant to the licensee's field and methods of practice.

Rationale

The section has been revised to address Motion 2 presented by the Committee on Education and approved by the Council at the 2023 annual meeting. The definition of "business-related course or activity" was reworded to clarify the reach of the phrase "business-related." The subsequent terms in paragraph B (currently B.3–6) will be renumbered if this motion is adopted.

Board of directors' position

Endorses, consent agenda

UPLG Motion 2

Move that *Model Rules* 240.30 be amended as follows:

240.30 Continuing Professional Competency

B. Definitions

Terms used in this section are defined as follows:

1. [NCEES CPC Standard—The NCEES CPC Standard requires a licensee to obtain the equivalent of 15 PDHs per calendar year \(January 1–December 31\) with no carryover allowed. A minimum of 1 PDH of the 15 PDHs shall be earned by successfully completing a course or activity that has a content area focusing on engineering or surveying ethics.](#)

Rationale

The section has been revised to address Motion 3 presented by the Committee on Education and approved by the Council at the 2023 annual meeting to insert the NCEES CPC Standard into the *Model Rules*. The subsequent terms in paragraph B (currently B.1–6) will be renumbered if this motion is adopted.

Board of directors' position

Endorses, consent agenda

UPLG Motion 3

Move that *Model Rules* 240.30 be amended as follows:

240.30 Continuing Professional Competency

B. Definitions

Terms used in this section are defined as follows:

5. [Qualifying](#) Course/Activity—Any [qualifying](#) course or activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice. Regular duties are not considered qualified activities.

Rationale

UPLG feels that “qualifying course” is used in different sections of the *Model Rules* pertaining to continuing professional competency, thus the need to clarify the definition.

Board of directors' position

Endorses, consent agenda

UPLG Motion 4

Move that *Model Law* 110.20 A be amended as follows:

110.20 Definitions

3. Practice of Engineering—The term “Practice of Engineering,” as used in this Act, shall mean any service or creative work requiring engineering education, training, and experience in the application of engineering principles and the interpretation of engineering data to engineering activities, including the engineering design of buildings, structures, products, machines, processes, and systems, that potentially impact the health, safety, and welfare of the public.

The services may include, but not be limited to, providing planning, studies, designs, design coordination, drawings, specifications, and other technical submissions; teaching engineering design courses; commissioning of engineered systems; performing surveying that is incidental to the practice of engineering; and reviewing construction or other design products for the purposes of monitoring compliance with drawings and specifications related to engineered works.

Surveying incidental to the practice of engineering excludes the surveying of real property for the establishment or determination of land boundaries, rights of way, easements, and the dependent or independent surveys or resurveys of the public land survey system and is limited to conducting field measurements to supplement the documentation of existing conditions.

An individual shall be construed to practice engineering, within the meaning and intent of this Act, if ~~he or she~~ the individual does any of the following:

- a. Practices any discipline of the profession of engineering or holds ~~himself or herself~~ themselves out as able and entitled to practice any discipline of engineering
- b. Represents ~~himself or herself~~ themselves to be a professional engineer by verbal claim, sign, advertisement, letterhead, or card or in any other way
- c. Through the use of some other title, implies that ~~he or she is~~ they are a professional engineer under this Act

Rationale

The amendments are proposed to incorporate gender-neutral terms.

Board of directors' position

Endorses, consent agenda

UPLG Motion 5

Move that *Model Law* 110.20 be amended as follows:

- B. Professional Surveyor (Professional Land Surveyor, Professional Surveyor and Mapper, Geomatics Professional, or equivalent term)—The term “Professional Surveyor,” as used in this Act, shall mean an individual who is qualified to practice surveying by reason of surveying education, training, experience, and examination in the application of surveying principles and the interpretation of surveying data and who has been duly licensed as a professional surveyor by the board.
1. Professional Surveyor, Retired—The term “Professional Surveyor, Retired,” as used in this Act, shall mean an individual who has been duly licensed as a professional surveyor by the board and who chooses to relinquish or not to renew a license and who applies to and is approved by the board to be granted the use of the title “Professional Surveyor, Retired.”
 2. Surveyor Intern—The term “Surveyor Intern,” as used in this Act, shall mean an individual who has been duly certified as a surveyor intern by the board.
 3. Practice of Surveying—The term “Practice of Surveying,” as used in this Act, shall mean providing, or offering to provide, professional services using such sciences as mathematics, geodesy, and photogrammetry, and involving both (1) the making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvements on the earth, the space above, on, or below the earth and (2) providing, utilizing, or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions, or projects.
 - a. Professional services include acts of consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling, and interpreting gathered measurements and information related to any one or more of the following:
 - a*i*. Determining by measurement the configuration or contour of the earth’s surface or the position of fixed objects thereon
 - b*ii*. Determining by performing geodetic surveys the size and shape of the earth or the position of any point on the earth
 - c*iii*. Locating, relocating, establishing, reestablishing, or retracing property lines or boundaries of any tract of land, road, right of way, or easement
 - d*iv*. Making any survey for the division, subdivision, or consolidation of any tract(s) of land
 - e*v*. Locating or laying out alignments, positions, or elevations for the construction of fixed works
 - f*vi*. Determining, by the use of principles of surveying, the position for any survey monument (boundary or nonboundary) or reference point; establishing or replacing any such monument or reference point
 - g*vii*. Creating, preparing, or modifying electronic, computerized, or other data, relative to the performance of the activities in items a–f*i–vii* above
 - b. An individual shall be construed to practice surveying, within the meaning and intent of this Act, if ~~he or she~~ the individual does any of the following:
 - a*i*. Engages in or holds ~~himself or herself~~ themselves out as able and entitled to practice surveying

- bii. Represents ~~himself or herself~~ themselves to be a professional surveyor by verbal claim, sign, advertisement, letterhead, or card or in any other way
- eiii. Through the use of some other title, implies that ~~he or she is~~ they are a professional surveyor or licensed under this act

G. Firm—The term “Firm,” as used in this Act, shall mean any form of business or entity other than an individual operating as a sole proprietorship under ~~his or her own~~ their name.

Rationale

The amendments are proposed to incorporate gender-neutral terms and to incorporate formatting changes for clarity.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 6

Move that *Model Law* 120.10 be amended as follows:

120.10 Board Appointments, Terms

A jurisdiction board of licensure for professional engineers and/or professional surveyors is hereby created whose duty it shall be to administer the provisions of this Act. The board shall consist of *[insert number]* professional engineers, *[insert number]* professional surveyors, and *[insert number]* public members who shall be appointed by the governor. The professional engineer and professional surveyor members shall preferably be appointed from a list of nominees submitted by the respective engineering and/or surveying societies of this jurisdiction and shall have the qualifications required by Section 120.20 of this Act. Each member of the board shall receive a certificate of ~~his or her~~ their appointment from the governor and shall file with this jurisdiction a written oath or affirmation for the faithful discharge of ~~his or her~~ their official duty. Appointments to the board shall be in such manner and for such period of time that the term of each member shall expire at the end of a different year, insofar as is possible. On the expiration of the term of any member, the governor shall in the manner hereinbefore provided appoint for a term of *[insert number]* years a professional engineer, a professional surveyor, or a public member having the qualifications required in Section 120.20 of this Act. Members may be reappointed to succeed themselves. Each member shall hold office until the expiration of the term for which appointed or until a successor has been duly appointed and has qualified. In the event of a vacancy on the board due to resignation, death, or for any cause resulting in an unexpired term, if not filled within three months by the governor, the board may appoint a provisional member to serve in the interim until the governor acts.

Rationale

The amendments are proposed to incorporate gender-neutral terms.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 7

Move that *Model Law* 120.20 be amended as follows:

120.20 Board Qualifications

Each professional engineer member of the board shall be a citizen of the United States ~~and, be~~ be a resident of this jurisdiction. ~~He or she shall,~~ have been engaged in the lawful practice of engineering as a professional engineer, ~~shall~~ have been in responsible charge of engineering projects for at least five years, and ~~shall~~ be a licensed professional engineer in this jurisdiction.

Each professional surveyor member of the board shall be a citizen of the United States ~~and, be~~ be a resident of this jurisdiction. ~~He or she shall,~~ have been engaged in the lawful practice of surveying as a professional surveyor, ~~shall~~ have been in responsible charge of surveying projects for at least five years, and ~~shall~~ be a licensed professional surveyor in this jurisdiction.

Each public member of the board shall be a citizen of the United States and a resident of this jurisdiction and shall not be or have been a licensee.

Rationale

The amendments are proposed to incorporate gender-neutral terms and for readability.

Board of directors' position

Endorses, consent agenda

UPLG Motion 8

Move that *Model Law* 120.60 be amended as follows:

120.60 Board Powers

N. The attorney general of this jurisdiction or ~~his or her~~ their assistants may act as legal adviser to the board and render such legal assistance as may be necessary in carrying out the provisions of this Act. The board may employ or retain counsel and necessary assistance to aid in the enforcement of this Act, and the compensation and expenses therefore shall be paid from the funds of the board.

Rationale

The amendment is proposed to incorporate gender-neutral terms.

Board of directors' position

Endorses, consent agenda

UPLG Motion 9

Move that *Model Law* 120.80 be amended as follows:

120.80 Records and Reports

- A. The board shall keep a record of its proceedings. The board shall also keep a record of all applications for licensure, which shall show all of the following:
1. The name, date of birth, and physical address of each applicant
 2. The date of application
 3. The place of business of the applicant
 4. Educational and other qualifications of the applicant
 5. Whether or not an examination was required
 6. Whether or not the applicant was rejected
 7. Whether or not a license was granted
 8. The date of the action by the board
 9. A declaration under penalty of perjury from each applicant that ~~he or she~~ they will abide by the statutes and rules prescribed by the board, with the declaration becoming a part of ~~his or her~~ their application for licensure
 10. Any other information deemed necessary by the board

Rationale

The amendments are proposed to incorporate gender-neutral terms.

Board of directors' position

Endorses, consent agenda

UPLG Motion 10

Move that *Model Law* 140.10 be amended as follows:

140.10 Certificates of Licensure, Seals

B. The board shall issue to any applicant for licensure as a professional engineer or professional surveyor who, in the opinion of the board, has met the requirements of this Act, a certificate of licensure giving the licensee proper authority to practice ~~his or her~~ their profession in this jurisdiction. The certificate of licensure for a professional engineer shall carry the designation "Professional Engineer" and for a professional surveyor, "Professional Surveyor." It shall give the full name of the licensee with licensure number and shall be signed by the appropriate authority under the seal of the board.

- E. The board shall issue to any applicant for certification as an engineer intern or surveyor intern who, in the opinion of the board, has met the requirements of this Act, an enrollment document as engineer intern or surveyor intern, which indicates that ~~his or her~~ their name has been recorded as such in the board office. The engineer intern or surveyor intern enrollment document does not authorize the holder to practice as a professional engineer or a professional surveyor.

Rationale

The amendments are proposed to incorporate gender-neutral terms.

Board of directors' position

Endorses, consent agenda

UPLG Motion 11

Move that *Model Law* 130.10 B.2.b be amended as follows:

- b. Licensure by Comity for a Professional Engineer^{3,4}

³ Jurisdictions (boards) that do not license by discipline may license an individual as a professional engineer.

⁴ Jurisdictions (boards) that license by discipline may license an individual in any discipline in which the individual can verify ~~his or her~~ competency.

Rationale

The amendment is proposed to incorporate gender-neutral terms.

Board of directors' position

Endorses, consent agenda

UPLG Motion 12

Move that *Model Rules* 210.25 be amended as follows:

210.25 Inclusions and Exclusions to the Practice of Surveying

B. Activities Excluded from the Practice of Surveying

A distinction must be made in the use of electronic systems between making or documenting original measurements in the creation of surveying deliverables, versus the copying, interpretation, or representation of those measurements in such systems. Further, a distinction must be made according to the intent, use, or purpose of measurements derived from electronic systems to determine an authoritative location versus the use of those measurements as a reference for planning, infrastructure management, and general information. The following items are not to be included as activities within the definition of the practice of surveying:

6. Inventory maps or databases created by any organization, in either hard-copy or electronic form, of physical features, facilities, or infrastructure that are wholly contained within properties to which ~~they~~ have the organization has rights or for which ~~they have the organization has~~ management responsibility. The distribution of these maps or databases outside the organization must contain appropriate metadata describing, at a minimum, the accuracy, method of compilation, data sources and dates, and disclaimers of use clearly indicating that the data are not intended to be used as a surveying deliverable.

Rationale

The committee proposes replacing “they” with “the organization” for clarification.

Board of directors' position

Endorses, consent agenda

UPLG Motion 13

Move that *Model Rules* 220.30 be amended as follows:

220.30 Fees

D. Renewal Fees

1. Renewal fees are payable before the last day of the month of *[insert month]* each year *[or other intervals]*.
2. Each licensee and firm holding a certificate of authorization will be notified by the board of the expiration date of ~~his or her~~ their license or authorization and the amount of the renewal fee at least one month before the expiration date.
3. Amount of Renewal Fee—The renewal fee is set by regulation of the board in accordance with the provisions of *[insert applicable jurisdiction law]*.
4. Penalties for Late Renewal—Renewal fees in arrears are subject to a penalty for late renewal in accordance with jurisdiction law.

Rationale

The amendment is proposed to incorporate gender-neutral terms.

Board of directors' position

Endorses, consent agenda

UPLG Motion 14

Move that *Model Rules* 230.30 be amended as follows:

230.30 References

References are individuals who have personal knowledge of an applicant and are able to assess an applicant's experience, ability, character, or reputation.

- A. For licensure as a professional engineer or professional surveyor, an applicant must submit five references, three of whom shall be professional engineers, professional surveyors, or other individuals deemed acceptable to the board, who have personal knowledge of the applicant's engineering or surveying experience. In addition, for each employment period, individuals familiar with the applicant's experience for that period must be identified. Engineering applicants must have professional engineer references, and surveying applicants must have professional surveyor references.
- B. Relatives may not be used as references.
- C. No current board member shall be used as a reference.
- D. Each applicant should inform the individuals being used as references that ~~they will be sent~~ a reference form will be sent for them to complete and return to the board.
- E. It is the responsibility of the applicant to ensure that the individuals giving the reference return a completed reference form to the board within a reasonable time. All reference materials must be complete before any board action may be taken on an application.
- F. References are considered to be confidential, nonpublic records that will not be divulged except as required by law.

Rationale

The amendments are proposed for clarity.

Board of directors' position

Endorses, consent agenda

UPLG Motion 15

Move that *Model Rules* 230.40 be amended as follows:

230.40 Examinations

C. Classification of Surveying Examinations

1. This jurisdiction ~~or its designee will provide~~ shall require the following ~~examinations~~:
 - ~~a.~~ NCEES Fundamentals of Surveying (FS) examination—The examination consists of subject matters in the fundamentals of surveying.

- ~~a~~b. NCEES Principles and Practice of Surveying (PS) examination—The examination consists of subject matters in applied surveying, which may be divided in separate parts as determined by the board.
- 2. This jurisdiction may ~~provide~~ require the following ~~examinations~~:
 - ~~a~~. Jurisdictional examination(s)—The examination(s) may include jurisdiction laws, procedures, and standards for the practice of surveying.
 - b. NCEES Public Land Survey System (PLSS) examination—The examination consists of subject matters related to the Public Land Survey System.

Rationale

The amendments are proposed to incorporate the PLSS examination into the classification of surveying examinations. This classification of the PLSS examination will allow for jurisdictions to require the national exams and the PLSS exam if a particular jurisdiction requires it, while other jurisdictions may not require it.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 16

Move that *Model Rules* 230.40 be amended as follows:

230.40 Examinations

H. Instructions for Examinees

1. Instructions provided prior to each examination will declare an examination to be open- or closed-book. Instructions will communicate what materials are allowed in the examination room in accordance with established NCEES policy.
2. Failure to Attend an Examination
 - a. An applicant who fails to attend an examination for which ~~he or she~~ the applicant has been scheduled will forfeit the fee paid for the exam, except in the case of illness, death in the family, or military deployment. Refunds, if any, will be determined ~~based upon~~ by NCEES or jurisdictional policies.
 - b. Failure of an applicant to attend an examination for which ~~he or she~~ the applicant has been scheduled to attend does not count as a failure of the examination.

Rationale

The amendments are proposed to incorporate gender-neutral terms and for clarity.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 17

Move that *Model Rules* 230.60 be amended as follows:

230.60 Applications

E. Licensure by Comity

1. The board is authorized to review and evaluate the applications of ~~all~~ a comity applicants to determine if ~~they~~ the applicant meets or exceeds the criteria to be licensed as a professional engineer or professional surveyor as defined in Section 130.10 of the *Model Law*.
2. The board administrator is authorized to review and evaluate the applications of ~~all~~ a comity applicants to determine if ~~they~~ the applicant meets or exceeds the criteria of a Model Law Engineer or Model Law Surveyor designated by NCEES. If the applicant meets or exceeds these requirements, the board administrator may issue a contingent license authorizing that individual to offer or provide engineering or surveying services in this jurisdiction. A list of all engineers issued contingent licenses will be placed on the agenda of the next meeting of the board for formal approval by the board. A list of all surveyors who have been issued contingent licenses and who have passed the appropriate jurisdiction-specific examination will be placed on the agenda of the next meeting for formal approval by the board.

Rationale

The amendments are proposed to incorporate gender-neutral terms and for clarity.

Board of directors' position

Endorses, consent agenda

UPLG Motion 18

Move that *Model Rules* 240.10 be amended as follows:

240.10 Licensure

A. License Number as a Professional Engineer or Professional Surveyor

Each licensee is assigned a license number at the time licensure is granted by the board. Numbers are issued consecutively in the order in which applicants are granted licensure. The licensee will be advised of the number by the board.

B. Certificates of Licensure

The board shall issue a certificate of licensure to an applicant who has met the requirements of this jurisdiction and who has paid the application fee. The information shown on the certificate shall be in accordance with *Model Law* 140.10 Certificates of Licensure, Seals.

C. Retirement of Licensure Option

When a licensee in good standing desires to retire ~~his or her~~ their license, ~~he or she~~ they may do so ~~upon application by applying~~ to the board. ~~Upon~~ After meeting the requirements established by the board, a permanent identification card may be issued and the retired licensee shall receive all rights and benefits as established by the board. ~~Upon~~ After retirement of said license, the retiree shall not practice the profession.

D. Reissuance of Certificate

When a certificate of licensure, certificate of authorization, or enrollment card is lost, destroyed, or mutilated, it will be replaced upon request by a licensee, firm, or intern in good standing who has paid a fee established by the jurisdiction.

Rationale

The amendments are proposed to incorporate gender-neutral terms and for clarity.

Board of directors' position

Endorses, consent agenda

UPLG Motion 19

Move that *Model Rules* 240.15 be amended as follows:

240.15 Rules of Professional Conduct

To safeguard the health, safety, and welfare of the public and to maintain integrity and high standards of skill and practice in the engineering and surveying professions, the rules of professional conduct provided in this section shall be binding upon every licensee and on all firms authorized to offer or perform engineering or surveying services in this jurisdiction.

A. ~~Licensee's~~ Obligations of Licensees to the Public

1. Licensees shall be cognizant that their first and foremost responsibility is to safeguard the health, safety, and welfare of the public when performing services for clients and employers.
2. Licensees shall sign and seal only those plans, surveys, and other documents that conform to accepted engineering and surveying standards and that safeguard the health, safety, and welfare of the public.
3. Licensees shall notify their employer or client and such other authority as may be appropriate when their professional judgment is overruled when the health, safety, or welfare of the public is endangered.
4. Licensees shall, to the best of their knowledge, include all relevant and pertinent information in an objective and truthful manner within all professional documents, statements, and testimony.
5. Licensees shall express a professional opinion publicly only when it is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.
6. Licensees shall issue no statements, criticisms, or arguments on engineering and surveying matters that are inspired or paid for by interested parties, unless ~~they~~ the licensee explicitly identifies the interested parties on whose behalf they are speaking and reveal any interest they have in the matters.
7. Licensees shall not partner, practice, or offer to practice with any person or firm that they know is engaged in fraudulent or dishonest business or professional practices.

8. Licensees who have knowledge or reason to believe that any person or firm has violated any rules or laws applying to the practice of engineering or surveying shall report it to the board, may report it to appropriate legal authorities, and shall cooperate with the board and those authorities as requested.
 9. Licensees shall not knowingly provide false or incomplete information regarding an applicant in obtaining licensure.
 10. Licensees shall comply with the licensing laws and rules governing their professional practice in each of the jurisdictions in which they practice.
- B. Licensee's Obligations of Licensees to Employers and Clients
1. Licensees shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering or surveying involved.
 2. Licensees shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competence, nor to any such plan or document not prepared under their responsible charge.
 3. Licensees may accept assignments and assume responsibility for coordination of an entire project if each technical segment is signed and sealed by the licensee responsible for preparation of that technical segment.
 4. Licensees shall not reveal facts, data, or information obtained in a professional capacity without the prior consent of the client, employer, or public body on which ~~they~~ the licensee serves except as authorized or required by law or rules.
 5. Licensees shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties in connection with work for employers or clients.
 6. Licensees shall disclose to their employers or clients all known or potential conflicts of interest or other circumstances that could influence or appear to influence their judgment or the quality of their professional service or engagement.
 7. Licensees shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to in writing by all interested parties.
 8. Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member. Conversely, licensees serving as members, advisors, or employees of a government body or department, who are the principals or employees of a private concern, shall not participate in decisions with respect to professional services offered or provided by said concern to the governmental body that they serve.
 9. Licensees shall not use confidential information received in the course of their assignments as a means of making personal profit without the consent of the party from whom the information was obtained.
- C. Licensee's Obligations of Licensees to Other Licensees
1. Licensees shall not falsify or permit misrepresentation of their, or their associates', academic or professional qualifications. They Licensees shall not misrepresent or exaggerate their degree of responsibility in prior assignments nor the complexity of said assignments. Presentations incidental to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments.
 2. Licensees shall not offer, give, solicit, or receive, either directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, and shall not make any political contribution with the intent to influence the award of a contract by public authority.
 3. Licensees shall not injure or attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other licensees, nor indiscriminately criticize other licensees' work.
 4. Licensees shall make a reasonable effort to inform another licensee whose work is believed to contain a material discrepancy, error, or omission that may impact the health, safety, or welfare of the public, unless such reporting is legally prohibited.

Rationale

The amendments are proposed to incorporate gender-neutral terms and for clarity and consistency.

Board of directors' position

Endorses, consent agenda

UPLG Motion 20

Move that *Model Rules* 240.40 be amended as follows:

240.40 Expirations, Renewals, and Reinstatement to Active Practice

- A. A renewal notice will be sent annually or as required by this jurisdiction by the board [*insert number of days*] prior to the license expiration date to every individual licensed under the licensure act and to every firm holding a certificate of authorization showing the expiration date of their license or certificate and the amount of the fee for renewal.
- B. The annual [*or insert other amount of time*] renewal fee is established by the board.
- C. Renewal fees must be received by the board prior to the expiration date. Fees received within one month or more after the renewal date will be assessed an additional fee established by the board.
- D. Renewal fees not paid within a period established by the board after the expiration date voids the license or certificate and will require a new application for licensure or certification in order to continue to practice engineering or surveying.
- E. A licensee or firm who supplies the board before the expiration date of his/her/its/their license/certificate with an affidavit that he/she/it/they are no longer practicing and will not practice engineering or surveying in this jurisdiction may retain his/her/its/their license/certificate for later use upon payment of/after paying delinquent fees.
- F. The responsibility for the timely renewal of a licensee's license rests solely with the individual licensee. The responsibility for the timely renewal of a firm's certificate rests solely with the firm's managing agent.
- G. The applicant for renewal or reinstatement may be required to demonstrate to the board that he or she has/they have maintained the required minimum level of professional competence in a manner acceptable to the board.
- H. If the applicant for reinstatement has not been engaged in the legal practice of engineering or surveying for more than five years prior to seeking reinstatement, the licensing board may require the applicant to take and pass the NCEES Principles and Practice of Engineering (PE) examination or the NCEES Principles and Practice of Surveying (PS) examination and jurisdiction-specific examinations prior to reinstatement.

Rationale

The amendments are proposed to incorporate gender-neutral terms and for clarity and consistency.

Board of directors' position

Endorses, consent agenda

UPLG Motion 21

Move that *Model Rules* 250.30 be amended as follows:

250.30 Disciplinary Action Procedures

- A. Summons and Notice of Charges
 1. In the event the investigative committee determines that a probable cause exists, the legal counsel of the board is requested to prepare a summons and notice of charges.
 2. The summons and notice of charges shall be personally served or mailed to the last known address of the respondent at least 30 days before the date fixed for hearing.
 3. The summons and notice of charges shall show the time, place, and nature of the hearing, a statement of legal authority and jurisdiction under which the hearing is to be held, a reference to the particular section of the licensure act and rules involved, and a short and plain statement of the matters asserted. The notice of the summons and notice of charges shall indicate that at any hearing the respondent shall have the right to appear in person or by counsel or both to cross-examine witnesses in his or her or its/their defense and to produce evidence and witnesses of his or her or its own/in their defense. If the respondent fails or refuses to appear, the board may proceed to hear and determine the validity of the charges. The notice shall be in substantial compliance with the requirements of the laws of this jurisdiction.

Rationale

The amendments are proposed to incorporate gender-neutral terms.

Board of directors' position

Endorses, consent agenda

UPLG Motion 22

Move that *Model Law* “An Act” section be amended as follows:

AN ACT

To regulate the practice of engineering and/or surveying; provide for the licensure of qualified individuals as professional engineers and/or professional surveyors and for the certification of engineer interns, surveyor interns, and firms; define the terms “~~Engineer,~~” “Professional Engineer,” “Professional Engineer, Retired,” “Engineer Intern,” and “Practice of Engineering”; define the terms “Professional Surveyor,” “Professional Surveyor, Retired,” “Surveyor Intern,” and “Practice of Surveying”; create a jurisdiction board of licensure for professional engineers and/or professional surveyors and provide for the appointment and compensation of its members; fix the term of members of the board and define its powers and duties; set forth the minimum qualifications and other requirements for licensure as a professional engineer and/or a professional surveyor and for certification as an engineer intern, surveyor intern, or firm; establish fees and expiration and renewal requirements; impose certain duties upon this jurisdiction and political subdivisions thereof in connection with public work; and provide for the enforcement of this Act and penalties for its violation.

Be it enacted by the *[insert Legislative body name]* of the Jurisdiction of *[insert state or territory name]* as follows.

Rationale

At the 2023 annual meeting, the Council adopted UPLG Motion 3, which removed the definition of “Engineer” from *Model Law* 110.20 Definitions. This amendment is proposed in response to that change.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 23

Move that *Model Rules* 240.20 be amended as follows:

240.20 Seal on Documents

H. When a licensee is required to seal and sign engineering/surveying documents, one of the following methods must be used:

1. Physical placement of a seal and a handwritten signature in permanent ink containing the name of the licensee
2. Digital placement of a seal and a handwritten signature in permanent ink containing the name of the licensee
3. Digital placement of a seal and a digital signature containing the name of the licensee

I. Drawings, reports, and documents that are signed using a digital signature must have an electronic authentication process attached to or logically associated with the electronic document. The digital signature must be

1. Unique to the individual using it
2. Capable of verification
3. Under the sole control of the individual using it
4. Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.

J. A digital signature that uses a process approved by the board will be presumed to meet the criteria set forth in Sections H and I above. Any hard copy printed from the transmitted electronic file shall bear the facsimile of the signature and seal and be a confirmation that the electronic file was not altered after the initial digital signing of the file. Any alterations to the file shall cause the facsimile of the signature to be voided.

Rationale

Formatting modifications are proposed for clarity and consistency.

Board of directors’ position

Endorses, consent agenda

Engineering Licensure Task Force (2 motions)

ELTF Motion 1

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendments into *Model Law* 130.10 B.2.b:

130.10 General Requirements for Licensure

B. Engineering

2. Licensure as a Professional Engineer

b. Licensure by Comity for a Professional Engineer^{3,4}

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure by comity as a professional engineer:

- (1) An individual holding a license to engage in the practice of engineering issued by a proper authority of any jurisdiction or any foreign country, based on requirements that do not conflict with the provisions of this Act and possessing credentials that are, in the judgment of the board, of a standard that provides proof of minimal competency and is comparable to the applicable licensure act in effect in this jurisdiction at the time such license was issued may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction; or
- (2) An individual holding an active Council Record with NCEES, whose qualifications as evidenced by the Council Record meet the requirements of this Act, may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction; or
- (3) An individual (not applying for licensure in the structural discipline) who holds a certificate of licensure to engage in the practice of engineering issued by another state, the District of Columbia, or a territory of the United States may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction, if the applicant meets all of the following criteria:
 - (a) The professional engineering qualifications of the applicant include a minimum of seven years of continuous and verifiable experience as a professional engineer that is acceptable to the board;
 - (b) Applicant has not received any form of disciplinary action related to professional conduct or practice from any jurisdiction within the five years immediately preceding application to this jurisdiction;
 - (c) Applicant's professional license has not been suspended or revoked at any time from any jurisdiction; and
 - (d) Applicant has passed the Principles and Practice of Engineering examination administered by the National Council of Examiners for Engineering and Surveying relevant to the discipline in which the applicant is seeking licensure.

³ Jurisdictions (boards) that do not license by discipline may license an individual as a professional engineer.

⁴ Jurisdictions (boards) that license by discipline may license an individual in any discipline in which the individual can verify his or her competency.

Rationale

The task force believes that proposed changes to existing licensure laws by local legislative bodies have been increasing in frequency and severity and that this addition to the *Model Law* will allow jurisdictions, if they so wish, to remove regulatory barriers and allow expediency to professional engineering licensure without increased hazard to the public that each board serves. The intent is to utilize a history of board-monitored safe practice in lieu of any unique licensure criteria applied on a jurisdiction-by-jurisdiction basis that could prevent licensure of otherwise qualified individuals.

Board of directors' position

Endorses, non-consent agenda

ELTF Motion 2

Move that Administrative Policy 17 be amended as follows:

AP 17 Representatives to the International Engineering Alliance and Related Organizations

- A. NCEES shall be represented at the International Engineering Alliance (IEA) and related organizations by the president, president-elect, and chief executive officer. The president may, subject to approval by the board, appoint substitute representatives [and additional attendees to meetings](#).
- B. All travel expenses shall be funded in accordance with Financial Policy 3 and the *NCEES Travel Policy*.
- C. When seeking election or reelection to an office or an appointment to a committee or working group of IEA or related organizations, any individual [other than the above officers](#) must first obtain approval of the NCEES board of directors.

Rationale

The task force believes that there are instances when someone interested in seeking a leadership position with IEA may need to attend a meeting (paragraph C). This person will need to be able to attend the in-person or virtual meetings of IEA to be elected. This revision will allow the president, with approval by the board, to appoint additional attendees to meetings of IEA.

Board of directors' position

Endorses, consent agenda

Surveying and Mapping Sciences Licensure Task Force (2 motions)

SMSLTF Motion 1

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendments into *Model Law 130.10 C.2.a*:

130.10 General Requirements for Licensure

(1) Education Requirements

An individual seeking licensure as a professional surveyor shall possess one or more of the following education qualifications (a degree in surveying includes surveying, surveying engineering, mapping, geodesy, and geomatics):

- (a) A degree in surveying of four years or more accredited by the Engineering Accreditation Commission of ABET (EAC/ABET)
- (b) A degree in surveying of four years or more accredited by the Engineering Technology Accreditation Commission of ABET (ETAC/ABET)
- (c) A degree in surveying of four years or more accredited by the Applied and Natural Science Accreditation Commission of ABET (ANSAC/ABET)
- (d) A degree [related to surveying](#) of four years or more with 30 or more semester course hours in core surveying topics
- (e) A bachelor's, master's, or doctoral degree from a non-accredited program related to surveying. This individual's education must be shown to meet the *NCEES Surveying Education Standard*

Rationale

This motion provides educational flexibility by allowing an individual to obtain the necessary surveying education of 30 or more hours either as part of a bachelor's degree or in addition to a bachelor's degree of any type. This recommendation considered NCEES' surveying education white paper, which was revised in 2023. The white paper documented the positive effects of formal education for a surveying professional. The paper surmised that a bachelor's degree program is more effective at teaching a wide variety of concepts and principles than an associate's degree alone. The paper also recognized that the success of online surveying programs has shown that it is feasible to accommodate students who would otherwise not have access to a surveying degree program.

Board of directors' position

Endorses, consent agenda

SMSLTF Motion 2

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendments into *Model Law 130.10 C.2.a*:

130.10 General Requirements for Licensure

(3) Experience Requirements

An individual seeking licensure as a professional surveyor shall present evidence of a specific record of four years of progressive surveying experience ~~after a qualifying degree is conferred as described in 2.a.(1) above~~. This experience should be of a grade and character that indicate to the board that the applicant may be competent to practice surveying. The following educational criteria may apply as a substitute to the length of experience set forth above:

- (a) An individual with a master's degree in surveying acceptable to the board: three years of experience ~~after the qualifying bachelor's degree is conferred as described in 2.a.(1) above~~
- (b) An individual with an earned doctoral degree in surveying acceptable to the board and who has passed the FS exam: two years of experience
- (c) An individual with an earned doctoral degree in surveying acceptable to the board and who has elected not to take the FS exam: four years of experience

A graduate degree that is used to satisfy education requirements cannot be applied for experience credit toward licensure. To be eligible for experience credit, graduate degrees shall be relevant to the applicant's area of professional practice.

Experience credit for a graduate degree cannot be earned concurrently with work experience credit.

Rationale

This motion revises experience language so that an individual can begin to account for their surveying-related experience time, even if that person is working on their education requirement. The task force recognized that more individuals are working full time in the field of surveying while they meet their educational requirements and that many of those are benefiting from online or part-time programs. Striking this language does not decrease the experience requirement but instead reflects the unique nature of how these individuals acquire experience and that some obtain overlapping surveying education and experience.

Board of directors' position

Endorses, consent agenda

Special Committee on Bylaws (36 motions)

Bylaws Motion 1

Move that *Bylaws* 2.01 be amended as follows:

Section 2.01 Purpose. The purpose of this Council shall be to provide an organization through which ~~s~~State ~~b~~Boards may act and counsel together to better discharge their responsibilities in regulating the practice of engineering and surveying as it relates to safeguarding the health, safety, and welfare of the public. The Council shall also provide such services as may be required by the boards in their mandate to safeguard the public.

Rationale

For clarification and simplification, when a term first appears and is defined in the *Bylaws*, primarily in Articles 1–3, it is capitalized, and the capitalization of that term is continued throughout the *Bylaws*. Whenever these capitalized terms are used in the *Bylaws*, the definitions automatically apply, eliminating the need for additional explanation at each location of their occurrence.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 2

Move that *Bylaws* 2.02 be amended as follows:

Section 2.02 Objectives. In the public interest, NCEES shall provide to licensing boards services that assist in the development and administration of the licensing process by promoting

- (1) Improvements of licensing laws for engineering and surveying, including the administration and effectiveness of ~~these~~~~those~~ laws;
- (2) Uniformity of standards and practices used in engineering and surveying licensure;

- (3) General acceptance and recognition of comity for engineering and surveying licensure among boards;
- (4) Definition and maintenance of nationally recognized licensing qualifications to become professional engineers and professional surveyors;
- (5) Identification and observation of international engineering and surveying licensing procedures and the maintenance of a liaison with international licensing agencies;
- (6) Improvement and uniformity of standards for law enforcement and disciplinary action in engineering and surveying licensing laws and their administration; and
- (7) Value of the licensure of engineers and surveyors as it relates to safeguarding the health, safety, and welfare of the public.

Rationale

A minor wording revision is proposed for conciseness and clarity.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 3

Move that *Bylaws* 3.02 be amended as follows:

Section 3.02 Members. A ~~member~~ member of NCEES shall be a person who is a member of a Member Board.

Rationale

When a term first appears and is defined in the *Bylaws*, it is capitalized, and the capitalization of that term is continued throughout the *Bylaws*. Whenever these capitalized terms are used in the *Bylaws*, the definitions automatically apply, eliminating the need for additional explanation at each location.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 4

Move that *Bylaws* 3.021 be amended as follows:

Section 3.021 Associate Members. An Associate Member of NCEES shall be a designee of a Member Board, but not a member of a Member Board, who is appointed by the NCEES Board of Directors as an Associate Member of NCEES.

Member board administrators shall automatically be designated as Associate Members. Recommendations for ~~other a~~Associate ~~member~~ members of NCEES shall be submitted by Member Boards to the Board of Directors and become effective upon appointment by the Board of Directors. Such appointments shall be reviewed annually by each Member Board and shall remain in effect until the Board of Directors is notified otherwise by the Member Board.

Associate Members ~~of NCEES~~ shall have the privilege of the floor at meetings of the Council. Associate Members may serve on any committee or task force to which duly appointed under the *Bylaws*. ~~Associate Members are eligible to hold the elective office of zone Secretary but are not eligible to serve on the NCEES Board of Directors.~~

Rationale

The revision to the first sentence of the second paragraph of Section 3.021 is as proposed by ACCA and approved at the 2023 annual meeting. The rationale at that time was that member board administrators (MBAs) are a vital part of NCEES, and almost every MBA is named an associate member in due course. This change would streamline the process for designating MBAs associate members. Other member board staff who wish to be designated associate members would need to continue to go through the formal process.

The remaining revisions to Section 3.021 are a result of Charge 1 considerations. They consist of capitalizations and minor wording cleanup for conciseness and clarity and to eliminate repetition. Eligibility to hold office is covered in Sections 3.09 and 4.05 and should not be included in this section.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 5

Move that *Bylaws* 3.022 be amended as follows:

Section 3.022 Emeritus Members. An Emeritus Member of NCEES shall be a person who is a former member of a Member Board who is duly recommended by that Member Board and approved by the NCEES Board of Directors. Such appointments shall be reviewed annually by each Member Board and shall remain in effect until the Board of Directors is notified otherwise by the Member Board.

Emeritus Members ~~of NCEES~~ shall have the privilege of the floor at meetings of the Council. Emeritus Members may serve on any committee or task force to which duly appointed under the *Bylaws*.

Rationale

A minor wording revision is proposed for conciseness and clarity and to eliminate repetition. In the first sentence of this section, Emeritus Member is defined as including “of NCEES.” Subsequently, the capitalization of Emeritus Member indicates that the complete definition applies, as provided in the first paragraph, and noting “of NCEES” is not necessary.

Board of directors’ position

Endorses, consent agenda

Bylaws Motion 6

Move that *Bylaws* 3.03 be amended as follows:

Section 3.03 International Affiliate Organization. An International Affiliate Organization of NCEES shall be a legally constituted entity located outside the United States having a collateral and supportive position with the licensure of engineers or surveyors. International Affiliate Organizations are entitled to representation at Council meetings ~~without voting privileges~~ and, on approval of the presiding officer, may have the privilege of the floor. Acceptance of an International Affiliate Organization shall be by majority vote of the Council.

Rationale

A minor wording revision is proposed to eliminate repetition. Voting privileges are defined in Section 6.02.

Board of directors’ position

Endorses, consent agenda

Bylaws Motion 7

Move that *Bylaws* 3.04 be amended as follows:

Section 3.04 Participating Organizations. A Participating Organization shall be a society, institute, association, or organization of national scope whose membership is composed predominantly of engineers and/or surveyors engaged in work at the professional level and whose policies include advancement of professional ethics and standards and encouragement of licensure, and which actively supports the policies and objectives of the Council. Participating Organizations are entitled to representation at meetings of the Council ~~without voting privileges~~ and, on approval of the presiding officer, may have the privilege of the floor. They shall be privileged to communicate with the officers and Board of Directors of the Council on matters of mutual concern. Acceptance of a Participating Organization shall be by majority vote of the Council.

Rationale

A minor wording revision is proposed to eliminate repetition. Voting privileges are defined in Section 6.02.

Board of directors’ position

Endorses, consent agenda

Bylaws Motion 8

Move that *Bylaws* 3.05 be amended as follows:

Section 3.05 Delegates. A ~~d~~Delegate shall be a ~~m~~Member or an ~~a~~Associate ~~m~~Member designated by a Member Board to represent it at meetings of the Council. A Member Board may have as many ~~d~~Delegates as it has members but may cast ~~votes~~ only the number of votes as prescribed in the *Bylaws*. Any ~~d~~Delegate shall have the privilege of the floor.

Rationale

Defined terms are capitalized throughout the *Bylaws*. Whenever these capitalized terms are used in the *Bylaws*, the definitions automatically apply, eliminating the need for additional explanation at each location.

In addition, minor wording revisions are proposed for conciseness and clarity.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 9

Move that *Bylaws* 3.06 be amended as follows:

Section 3.06 Representatives. A ~~r~~Representative shall be a member of an International Affiliate Organization or a Participating Organization designated to represent his or her respective organization at meetings of the Council.

Rationale

Defined terms are capitalized throughout the *Bylaws*. Whenever these capitalized terms are used in the *Bylaws*, the definitions automatically apply, eliminating the need for additional explanation at each location.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 10

Move that *Bylaws* 3.07 be amended as follows:

Section 3.07 Past Presidents. Past ~~p~~Presidents of the Council who are not members of Member Boards shall be considered as honorary participants in the Council eligible to serve on the committees, to have the privilege of the floor at meetings of the Council, to take part in discussions, and to perform all functions of ~~m~~Members except to hold office and vote.

Rationale

Defined terms are capitalized throughout the *Bylaws*. Whenever these capitalized terms are used in the *Bylaws*, the definitions automatically apply, eliminating the need for additional explanation at each location.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 11

Move that *Bylaws* 3.08 be amended as follows:

Section 3.08 Zones. ~~The~~ Member Boards ~~of the Council~~ shall be divided into four zones as follows: **Central Zone:** Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin; **Northeast Zone:** Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia; **Southern Zone:** Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, Puerto Rico, South Carolina, Tennessee, Texas, Virgin Islands (U.S.), Virginia; **Western Zone:** Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Montana, Nevada, New Mexico, Northern Mariana Islands, Oregon, Utah, Washington, Wyoming.

Rationale

Minor wording revisions are proposed for conciseness and clarity and to eliminate repetition.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 12

Move that *Bylaws* 3.09 be amended as follows:

Section 3.09 Zone Organization. Each zone shall adopt the *Zone Meeting and Continuity Guidelines* for its organization and operation consistent with and in conformity to the *NCEES Bylaws*.

Each zone shall submit copies of its minutes to the Council at the Annual Business Meeting of the Council. Each zone shall elect an Assistant Vice President who shall serve a two-year term concurrent with the Vice President. The Assistant Vice President shall assist the Vice President, shall perform the duties outlined in the *Zone Meeting and Continuity Guidelines*, and shall perform all duties of the Vice President in the event that the Vice President is unable to perform [them](#) for any reason. This shall include fulfilling the duties as Vice President on the Board of Directors.

Each zone shall elect a Secretary. Members and [Associate m](#)Members shall be eligible to hold the office of Secretary. The Secretary shall keep and have published zone minutes and maintain records of zone activities.

Administration of the financial affairs of the zone shall be consistent with those of the Council as governed by the Council's Articles of Incorporation and the *Bylaws*.

Rationale

Defined terms are capitalized throughout the *Bylaws*. Whenever these capitalized terms are used in the *Bylaws*, the definitions automatically apply, eliminating the need for additional explanation at each location.

In addition, a minor wording revision is proposed for conciseness and clarity.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 13

Move that *Bylaws* 4.01 be amended as follows:

Section 4.01 Board of Directors. The Board of Directors shall be the executive board of ~~the National Council of Examiners for Engineering and Surveying NCEES~~. The Board of Directors shall exercise the corporate powers as set forth in the South Carolina Nonprofit Corporation Act.

The Board of Directors shall function as the executive board of the Council and may authorize all expenditures, provide direction to the office of the Chief Executive Officer through the President, authorize the borrowing of funds for Council purposes, and do all things necessary to conduct the affairs of the Council between the Annual Business Meetings.

The Board of Directors shall not take any action that shall interfere with the rights of any Member Board in the regulation of licensees or determine the licensing requirements of applicants within any Member Board's jurisdiction. The Board of Directors shall not be authorized to make expenditures in excess of its annual income and general reserves. In no event shall the Board of Directors be authorized to increase NCEES membership fees of a constituent member.

Decisions of the Board of Directors shall be made by a majority of the members present at a regularly scheduled or called meeting at which a quorum is present. The President shall call meetings of the Board of Directors. A majority of the ~~b~~Board members may submit a written request to the President to call such meeting, and the President shall call such meeting within 30 days of receiving such request.

Rationale

A minor wording revision is proposed to eliminate repetition.

In addition, defined terms are capitalized throughout the *Bylaws*. Whenever these capitalized terms are used in the *Bylaws*, the definitions automatically apply, eliminating the need for additional explanation at each location.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 14

Move that *Bylaws* 4.02 be amended as follows:

Section 4.02 Board Membership. The Board of Directors shall consist of the President, the President-Elect, the Immediate Past President, the Treasurer, and the four [zone](#) Vice Presidents (one from each zone).

Rationale

A minor wording revision is proposed for clarity.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 15

Move that *Bylaws* 4.03 be amended as follows:

Section 4.03 Officers. Officers of the Council shall be the President, the President-Elect, the Immediate Past President, the Treasurer, the four [zone](#) Vice Presidents (one from each zone), and the Chief Executive Officer as the Secretary.

Rationale

A minor wording revision is proposed for clarity.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 16

Move that *Bylaws* 4.04 be amended as follows:

Section 4.04 Elections and Terms of Office. The President-Elect shall be elected by the Council at each Annual Business Meeting in the manner prescribed in the *Bylaws*. The President-Elect shall serve the Council for a period of three years. The first year shall be as President-Elect. The second year, without further election, the President-Elect shall become President, holding that office until a successor has been installed. The third year, without further election, the President shall become Immediate Past President. Any ~~member~~ member elected to the office of President-Elect shall be eligible to serve as President-Elect, President, and Immediate Past President, with full authority of the offices and board privileges. Past Presidents shall be ineligible for reelection as President-Elect of the Council.

The Treasurer shall be elected at the Annual Business Meeting every three years in the manner prescribed in the *Bylaws*. Treasurers shall not be eligible for reelection to the same office until at least one full term has elapsed. For the office of Treasurer, a partial term served shall not be considered a term for term-limit purposes.

Vice Presidents shall be elected at their respective Zone Interim Meeting every two years in the manner prescribed in the *Bylaws*. Vice Presidents from the Northeast and Southern Zones shall be elected in odd-numbered years. Vice Presidents from the Central and Western Zones shall be elected in even-numbered years. Vice Presidents shall not be eligible for reelection to the same office until at least one full term has elapsed. For the office of Vice President, a partial term served shall not be considered a term for term-limit purposes.

New members of the Board of Directors shall assume their duties at the conclusion of the Annual Business Meeting. Board members may continue to serve until the conclusion of the term of office to which they were elected even if their terms with Member Boards have ended.

Rationale

Defined terms are capitalized throughout the *Bylaws*. Whenever these capitalized terms are used in the *Bylaws*, the definitions automatically apply, eliminating the need for additional explanation at each location.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 17

Move that *Bylaws* 4.05 be amended as follows:

Section 4.05 Qualifications. Any ~~m~~Member ~~of NCEES~~ who is a citizen of the United States and a member of a Member Board sometime during the calendar year in which the nomination occurs is eligible to hold an elective office. Associate ~~m~~Members are not eligible to serve on the NCEES Board of Directors.

To be eligible for the office of President-Elect, a person shall be a licensed engineer or surveyor, shall have been a ~~m~~Member ~~of NCEES~~ at least three years, and shall have attended at least two NCEES Annual Business Meetings.

Members of the current Board of Directors whose term on their Member Board has expired may run for President-Elect if

- ~~• Their term on their state board has expired during their term as NCEES Treasurer or Vice President;~~
- They have obtained emeritus standing within the Council; and
- ~~†~~They have the approval of their ~~state~~ Member ~~Board~~; and
- It is their zone's rotation to elect a President-Elect; and
- They have been nominated by the zone.

The President-Elect shall not be from the same zone as the President.

To be eligible for the office of Treasurer, a person shall be a licensed professional engineer, licensed professional surveyor, or public member.

To be eligible for the office of Vice President, a person shall be a licensed professional engineer or surveyor and shall be from the zone that elects him or her.

Rationale

The proposed revisions to the third paragraph of Section 4.05 are presented as passed by the Council at the 2023 annual meeting. The changes were recommended by ACCA based on the belief that once a member board member is elected zone vice president or treasurer, they should be able to continue through the entire leadership pathway (vice president/treasurer, president-elect, president, and immediate past president) even if their term on their member board expires prior to the end of this pathway.

The remaining proposed revisions to Section 4.05 are minor wording revisions to eliminate repetition and to capitalize defined terms.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 18

Move that *Bylaws* 5.01 be amended as follows:

Section 5.01 President. The President shall be the chair of the Board of Directors and shall preside over all meetings of the Board as well as the Annual Business Meeting of the Council. The President shall be an ex-officio member of all committees and task forces of the Council. The President shall perform all other duties ordinarily pertaining to the office of President. The President shall prepare and present to the Council at the Annual Business Meeting a report of the President's activities during the term of office.

The President shall appoint all members, chairs, vice-chairs, and consultants of the standing committees as defined in Article 7 of the *Bylaws*. The President shall also appoint all members, chairs, vice-chairs, and consultants of special committees and task forces unless specific action of the Council or of the Board of

Directors names the personnel of the committee or task force. The President shall also appoint one member of the Board of Directors to serve as board liaison to each standing committee, special committee, and task force. The President shall appoint all official representatives of the Council to any other organizations. If needed during the annual meeting, the President shall appoint a Tellers Committee for the election of the President-Elect and/or Treasurer.

If the President is absent, the President-Elect will serve as the acting President in accordance with *Bylaws* 5.02. If both the President and the President-Elect are absent, the Vice President from the zone that will be nominating the next President-Elect will serve as the acting President. The acting President shall have all powers of the President while ~~presiding~~ servicing in this capacity.

Rationale

A minor wording revision is proposed for conciseness and clarity.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 19

Move that *Bylaws* 5.02 be amended as follows:

Section 5.02 President-Elect. ~~The President Elect shall serve as a member of the Board of Directors.~~ In the absence of the President or the incapacity of the President, the President-Elect shall exercise the duties of and possess all the powers of the President, including the appointment of committees. The President-Elect shall serve as an ex-officio member of the Committee on Finances.

Rationale

The first sentence has been removed to eliminate repetition. The deleted information is already provided in Section 4.02.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 20

Move that *Bylaws* 5.03 be amended as follows:

Section 5.03 Treasurer. ~~The Treasurer shall serve as a member of the Board of Directors.~~ The Treasurer shall, under the direction of the Board of Directors, oversee the financial operation of the Council and shall obtain an annual audit of Council finances and submit such audit to the Board of Directors. The Treasurer shall serve as an ex-officio member of the Committee on Finances.

Rationale

The first sentence has been removed to eliminate repetition. The deleted information is already provided in Section 4.02.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 21

Move that *Bylaws* 5.04 be amended as follows:

Section 5.04 Vice Presidents. Vice Presidents shall be identified as Central Zone Vice President, Northeast Zone Vice President, Southern Zone Vice President, and Western Zone Vice President. The Vice President of each zone shall be the administrative officer of their zone ~~and serve as a member of the Board of Directors.~~

Rationale

The revision has been proposed to eliminate repetition. The deleted information is already provided in Section 4.02.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 22

Move that *Bylaws* 5.05 be amended as follows:

Section 5.05 Secretary. The Chief Executive Officer shall serve as the Secretary of the Corporation. As such, the Secretary shall serve as the custodian for corporate records of the Council and shall be the officer responsible for preparing minutes of the [Board of dDirectors](#)² and [mMembers](#)² meetings and for authenticating all corporate records. The Secretary shall have the authority to execute documents on behalf of the Council and as directed by the Board of Directors.

Rationale

Defined terms are capitalized throughout the *Bylaws*. Whenever these capitalized terms are used in the *Bylaws*, the definitions automatically apply, eliminating the need for additional explanation at each location.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 23

Move that *Bylaws* 6.01 be amended as follows:

Section 6.01 Annual Business Meetings. The Annual Business Meeting of the Council shall be held at the time and place selected by the Board of Directors.

Notice of the Annual Business Meeting shall be provided to each Member Board, [mMember](#), [aAssociate mMember](#), [Past President](#), [Emeritus Member](#), International Affiliate Organization, and Participating Organization not less than four weeks prior to each meeting.

The Board of Directors shall prepare a consent agenda for each Annual Business Meeting. Individual motions may be removed from the consent agenda upon request by any Member Board.

Rationale

Defined terms are capitalized throughout the *Bylaws*. Whenever these capitalized terms are used in the *Bylaws*, the definitions automatically apply, eliminating the need for additional explanation at each location.

In addition, Past President and Emeritus Member are added to the list of those receiving notice of the annual meeting to conform with the practice of the Council.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 24

Move that *Bylaws* 6.02 be amended as follows:

Section 6.02 Quorum and Voting. A quorum for the transaction of business at ~~the an~~ Annual Business Meetings of the Council shall be [dDelegates](#) from a majority of Member Boards. A majority vote of the Member Boards represented shall be required for affirmative action unless otherwise provided for in the *Bylaws*.

Only Member Boards shall be entitled to vote. Voting shall be by Member Boards, with each board entitled to one vote. An [aAssociate mMember](#) may serve as a Member Board [dDelegat](#)e for voting purposes only when so designated by the Member Board's chair through written, signed communication presented to NCEES staff prior to the opening session of the meeting. For Member Boards that require authorization from the [sState](#), such designation may come from the agency director for that board.

Voting by one Member Board on behalf of another Member Board not physically present in the meeting room at the time of the vote shall not be permitted.

Rationale

Defined terms are capitalized throughout the *Bylaws*. Whenever these capitalized terms are used in the *Bylaws*, the definitions automatically apply, eliminating the need for additional explanation at each location.

In addition, a minor wording revision is proposed for clarity.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 25

Move that *Bylaws* 6.03 be amended as follows:

Section 6.03 Special Meetings. Special meetings of the Council may be called by the President, or by the [eDelegates](#), representatives, or officers of the majority of the Member Boards. The same *Bylaws* relative to quorum, voting, procedure and conduct of business at an Annual Business Meeting shall apply to special meetings.

Rationale

Defined terms are capitalized throughout the *Bylaws*. Whenever these capitalized terms are used in the *Bylaws*, the definitions automatically apply, eliminating the need for additional explanation at each location.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 26

Move that *Bylaws* 6.04 be amended as follows:

Section 6.04 Zone Meetings. Zone meetings may be held each year. A quorum for the transaction of business at zone meetings shall be [eDelegates](#) from a majority of Member Boards of the zone. The Vice President from the zone shall preside at the zone meetings and submit copies of its minutes to the Council [Secretary](#).

Rationale

Defined terms are capitalized throughout the *Bylaws*. Whenever these capitalized terms are used in the *Bylaws*, the definitions automatically apply, eliminating the need for additional explanation at each location.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 27

Move that *Bylaws* 7.01 be amended as follows:

Section 7.01 Standing Committees. The standing committees of the Council shall be the following: Advisory Committee on Council Activities (ACCA), Awards, Education, Examination Audit, Examinations for Professional Engineers (EPE), Examinations for Professional Surveyors (EPS), Examination Policy and Procedures (EPP), Finances, Law Enforcement, [Licensure](#), Member Board Administrators (MBA), and Uniform Procedures and Legislative Guidelines (UPLG).

The structure and membership of all standing committees shall be commensurate with the charges unless otherwise provided for in the *Bylaws*. The composition of the committees should reflect the diversity of the Council membership.

A committee member may be appointed to serve on only one standing committee during any administrative year.

Appointments shall limit the tenure on any one committee to a maximum of four consecutive years, including any time as chair, except that (1) an individual may serve for three years as an EPS Committee member, two additional years as the EPS Committee vice chair, and two additional years as the EPS Committee chair; and (2) an individual may serve for three years as an EPE Committee member, two additional years as the EPE Committee vice chair, and two additional years as the EPE Committee chair. The chairs of the EPE and EPS

Committee shall have had experience in developing NCEES examinations before assuming the position of chair. This experience is defined as involvement in at least two of the following activities: item writing or review, participation on a cut score panel, involvement in a Professional Activities and Knowledge Study (PAKS) committee or on examination specification committees, or participation on an examination development committee. The ascension track to the chair shall also include psychometric training approved by NCEES. A committee chair appointment shall be limited in tenure to a maximum of two consecutive years on any one committee.

Members, ~~a~~Associate ~~m~~Members, ~~p~~Past ~~p~~Presidents, and ~~e~~Emeritus ~~m~~Members shall be eligible to serve on any committee or task force. Committee members may continue to serve until the conclusion of the term of office to which they were appointed even if their terms with Member Boards have ended.

Rationale

The Committee on Licensure has been added to the list of standing committees, as approved by Council at the 2023 annual meeting.

In addition, defined terms are capitalized throughout the *Bylaws*. Whenever these capitalized terms are used in the *Bylaws*, the definitions automatically apply, eliminating the need for additional explanation at each location.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 28

Move that *Bylaws* 7.10 be amended as follows:

Section 7.10 Committee on Law Enforcement. The Committee on Law Enforcement shall consist of a chair and members from each zone. At least one member shall be a surveyor. The committee shall receive comments and suggestions from Member Boards regarding ~~s~~State ~~b~~Board regulatory functions and submit recommendations for action to the Board of Directors. The committee will consider and recommend methods for Member Boards to achieve more effective and uniform enforcement of licensing acts and for greater interstate coordination of enforcement actions, including better utilization of available technologies. The committee is responsible for periodically updating the *Investigation and Enforcement Guidelines* to assist Member Boards in investigative techniques, hearing procedures, and settlements.

Rationale

Defined terms are capitalized throughout the *Bylaws*. Whenever these capitalized terms are used in the *Bylaws*, the definitions automatically apply, eliminating the need for additional explanation at each location.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 29

Move that *Bylaws* 7.11 be added as follows and that subsequent sections be renumbered accordingly:

Section 7.11 Committee on Licensure. The Committee on Licensure shall consist of a chair and two members from each zone. At least two members of the committee shall be professional engineers, at least two members shall be professional surveyors, and at least one member shall be a member board administrator. Committee appointments shall strive to include those currently active in academia, private practice, industry, and government. In addition, the President shall appoint consultants as necessary.

The chair or a designee of this committee shall be a liaison to the Participating Organizations Liaison Council and to the Committee on Uniform Procedures and Legislative Guidelines and shall provide advice to the President and the Board of Directors.

The committee shall provide ongoing holistic review of the engineering and surveying licensure systems. It shall respond to licensure issues and concerns as they arise by developing and recommending licensure processes and amendments to position statements, the *Model Law*, and the *Model Rules* as necessary.

Rationale

The Bylaws Committee worked with the Engineering Licensure Task Force to develop a committee description that adequately serves the purpose of the Licensure Committee. It provides for a forum where a wide range of licensure issues can be addressed and provides connectivity between existing standing committees in addressing licensure-related issues.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 30

Move that *Bylaws* 7.11 be amended as follows:

Section 7.11 Committee on Member Board Administrators. The Committee on Member Board Administrators shall consist of a chair, who shall be a member board administrator; at least two member board administrators from each zone; and two current ~~m~~Members or ~~e~~Emeritus ~~m~~Members ~~of Member Boards~~. The committee shall arrange for the conference of administrators at the Annual Meeting and Interim Meetings of the NCEES zones. Throughout the year, the committee shall strive to provide close cooperation between administrators and to facilitate and assist any efforts by the Member Boards in addressing licensure processes and practices.

Rationale

Defined terms are capitalized throughout the *Bylaws*. Whenever these capitalized terms are used in the *Bylaws*, the definitions automatically apply, eliminating the need for additional explanation at each location.

Note: This section will be renumbered from 7.11 to 7.12 if Motion 29 is adopted.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 31

Move that *Bylaws* 10.01 be amended as follows:

Section 10.01 Fees. Member Board annual membership fees are due within 30 days ~~within of~~ receipt of an invoice from NCEES. The fee schedule for Member Boards shall be based on the number of licensees of record as of December of the preceding calendar year.

Rationale

A minor wording revision is proposed for clarity.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 32

Move that *Bylaws* 10.0125 be amended as follows:

Section 10.0125 Examinees. Examinees may register and sit for NCEES examinations even when their NCEES ~~m~~Member ~~b~~Board is in arrears.

Rationale

Defined terms are capitalized throughout the *Bylaws*. Whenever these capitalized terms are used in the *Bylaws*, the definitions automatically apply, eliminating the need for additional explanation at each location.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 33

Move that *Bylaws* 11.01 be amended as follows:

Section 11.01 Nominations. A nomination for the office of President-Elect shall be presented to the Board of Directors by the respective ~~Zz~~one Vice President as voted on by the respective zone at its Zone Interim Meeting. The order of rotation for President-Elect shall be Northeast Zone, Central Zone, Southern Zone, and Western Zone.

Member ~~bB~~oards may submit nominations for qualified Treasurer candidates in the third year of the outgoing Treasurer's term. These nominations shall be filed with the Chief Executive Officer not later than 60 days prior to the opening of the Annual Business Meeting.

Any ~~dD~~elegates shall have the privilege of making nominations for President-Elect and Treasurer from the floor. Such nominees from the floor must meet the requirements set out in Section 4.05 and be seconded by at least four Member Boards.

Rationale

A minor wording revision has been proposed for consistency.

In addition, defined terms are capitalized throughout the *Bylaws*. Whenever these capitalized terms are used in the *Bylaws*, the definitions automatically apply, eliminating the need for additional explanation at each location.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 34

Move that *Bylaws* 12.01 be amended as follows:

Section 12.01 Adoption. The *Bylaws* shall become effective upon adoption by the Council at ~~its~~ the ~~a~~Annual ~~bB~~usiness ~~mM~~eeeting. For such adoption, a two-thirds affirmative vote of the ~~mM~~ember ~~bB~~oards present and in good standing shall be required.

Rationale

Defined terms are capitalized throughout the *Bylaws*. Whenever these capitalized terms are used in the *Bylaws*, the definitions automatically apply, eliminating the need for additional explanation at each location.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 35

Move that *Bylaws* 12.02 be amended as follows:

Section 12.02 Amendments. The *Bylaws* may be amended at any ~~a~~Annual ~~bB~~usiness ~~mM~~eeeting by a two-thirds affirmative vote of the ~~mM~~ember ~~bB~~oards present and in good standing. Any amendment proposed shall be sent to a Special Committee on Bylaws by the President at the President's initiative or as requested based on action by the Council. Any amendments recommended by a Special Committee on Bylaws shall be submitted to all ~~mM~~ember ~~bB~~oards at least 60 days prior to the date of the earliest zone meeting preceding the next ~~a~~Annual ~~bB~~usiness ~~mM~~eeeting. Voting shall be by sections. All sections shall be considered in their proposed form, including punctuation and verbiage. Changes to the published amendments will not be permitted during the ~~a~~Annual ~~bB~~usiness ~~mM~~eeeting. Copies of the proposed amendments to be voted upon shall be distributed in written form to ~~dD~~elegates at the ~~a~~Annual ~~bB~~usiness ~~mM~~eeeting.

Rationale

Defined terms are capitalized throughout the *Bylaws*. Whenever these capitalized terms are used in the *Bylaws*, the definitions automatically apply, eliminating the need for additional explanation at each location.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 36

Move that *Bylaws* 12.021 be amended as follows:

Section 12.021 Effective Date of Amendments. An amendment to the *Bylaws* shall become effective upon certification by the presiding officer at the ~~a~~Annual ~~b~~Business ~~m~~Meeting of a two-thirds affirmative vote of the ~~m~~Member ~~b~~Boards in good standing represented.

Rationale

Defined terms are capitalized throughout the *Bylaws*. Whenever these capitalized terms are used in the *Bylaws*, the definitions automatically apply, eliminating the need for additional explanation at each location.

Board of directors' position

Endorses, consent agenda

Northeast Zone (1 motion)

NZ Motion 1

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following language into *Model Law* 130.10 B and to make additional modifications throughout the *Model Law* and *Model Rules* to include the general premise that an ETAC/ABET degree is allowed to satisfy the education requirements for engineering licensure.

130.10 General Requirements for Licensure

B. Engineering

1. Certification or Enrollment as an Engineer Intern

The following shall be considered as minimum evidence that the applicant is qualified for certification as an engineer intern.

- a. Graduating from an engineering program of four years or more accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), graduating from an engineering master's program accredited by EAC/ABET, [graduating from an engineering technology program of four years or more accredited by the Engineering Technology Accreditation Commission of ABET \(ETAC/ABET\)](#), or meeting the requirements of the NCEES *Engineering Education Standard*
- b. Passing the NCEES Fundamentals of Engineering (FE) examination

2. Licensure as a Professional Engineer

The board may designate a professional engineer as being licensed in a specific discipline or branch of engineering, signifying the area in which the engineer has demonstrated competence.

a. Initial Licensure as a Professional Engineer

An applicant who presents evidence of meeting the applicable education, examination, and experience requirements as described below shall be eligible for licensure as a professional engineer.

(1) Education Requirements

An individual seeking licensure as a professional engineer shall possess one or more of the following education qualifications:

- (a) A degree in engineering from an EAC/ABET-accredited bachelor's program
- (b) A degree in engineering from an EAC/ABET-accredited master's program
- (c) [A degree in engineering technology from an ETAC/ABET-accredited bachelor's program](#)
- (ed) A bachelor's, master's, or doctoral degree in engineering from a non-EAC/ABET-accredited program. This individual's education must be shown to meet the NCEES *Engineering Education Standard*.

(2) Examination Requirements

An individual seeking licensure as a professional engineer shall take and pass the NCEES Fundamentals of Engineering (FE) examination and the NCEES Principles and Practice of Engineering (PE) examination, and any jurisdiction-specific examination.

(3) Experience Requirements

An individual seeking licensure as a professional engineer shall present evidence of a specific record of four years of progressive engineering experience after a qualifying degree is conferred as described in a(1)(a), a(1)(b), or a(1)(d) above [or evidence of a specific record of six years of](#)

progressive engineering experience after a qualifying degree is conferred as described in a(1)(c). This experience should be of a grade and character that indicate to the board that the applicant may be competent to practice engineering. The following educational criteria may apply as a substitute to the length of experience set forth above:

(a) An individual with a master's degree in engineering acceptable to the board: three years of experience after the qualifying bachelor's degree is conferred as described in a(1)(a) or a(1)(ed) above

(b) An individual with a master's degree in engineering acceptable to the board: five years of experience after the qualifying bachelor's degree is conferred as described in a(1)(c) above

~~(b)~~(c) An individual with an earned doctoral degree in engineering acceptable to the board and who has passed the FE exam: two years of experience

(ed) An individual with an earned doctoral degree in engineering acceptable to the board and who has elected not to take the FE exam: four years of experience

A graduate degree that is used to satisfy education requirements cannot be applied for experience credit toward licensure. To be eligible for experience credit, graduate degrees shall be relevant to the applicant's area of professional practice.

Experience credit for a graduate degree cannot be earned concurrently with work experience credit.

Rationale

Throughout the Northeast Zone, the ETAC/ABET degree is accepted as a valid qualification for licensure together with meeting experience requirements. All jurisdictions in the zone accept the four-year ETAC/ABET degree, except the District of Columbia, which follows the *Model Law*.

The jurisdictions in the Northeast Zone have found practicing engineers with an ETAC/ABET degree to be equally competent to professional engineers with an EAC/ABET degree.


The American Society for Engineering Education (ASEE) strongly endorses the acceptance of the ETAC/ABET baccalaureate degree and notes that a 2017 report by the National Academy of Engineering indicates that ETAC/ABET baccalaureate programs have significantly more economically disadvantaged students than EAC/ABET engineering programs and the lack of a clear pathway to licensure erects an unnecessary barrier to full participation in the engineering profession.


The proposed change acknowledges the prevalence of practicing professional engineers with an ETAC/ABET degree throughout the nation. The National Society of Professional Engineers (NSPE) reported in 2018 that there were 40 jurisdictions that have a path for ETAC/ABET degree holders. Adjusting the *Model Law* to reflect current practice will promote comity and decrease barriers to mobility among states. This change will provide an opportunity for jurisdictions that currently do not recognize ETAC/ABET degrees for licensure to amend their laws and accept these degrees.


Board of directors' position

Endorses, non-consent agenda

QUARTERLY OUTREACH REPORT (Q3)
SOCIAL MEDIA: January, February, and March 2024

 TOP FACEBOOK POSTS	DATE	VIEWS
Global Surveyors Day	3/21	338
National Surveyors Week at CA Assembly	3/21	192
International Women’s Day	3/08	184
World Engineering Day	3/04	181
New Board Facebook Page Notice	2/26	133

 TOP TWEETS	DATE	VIEWS
Engineering Week Notice	2/16	181
Continuing Professional Competency Consideration	1/10	168
“California for All” Program	1/05	135
Board “Sunset Review” Submitted	1/05	106
Notice and Agenda for March 7 Board Meeting Posted	2/26	91

 WEB PAGE VIEWS	VIEWS
License Lookup	320,356
Board Home Page	176,766
Applicants Information	112,785
PE Application	87,207
License Renewal Information	68,359

OUTREACH EVENTS: January, February, and March 2024

All Virtual Unless Noted "In-person"

KEY:

CalGeo – Calif. Geotechnical Engineering Association

CLSA - Calif. Land Surveyors Association

YMF - Young Members Forum

ASCE - American Society of Civil Engineers

PECG – Professional Engineers in California Government

January 2024	
January 24	California Licensure for Civil Engineers for ASCE YMF San Francisco (in-person & virtual) N. King, PE
January 25	Professional Licensure in California: NCEES FE/PE Exams UC Irvine N. King, PE
January 25	CSU Fresno: Geomatics Conference (in-person) D. Sweeney, PLS
February 2024	
February 13	Sacramento City College: Survey Class Presentation D. Sweeney, PLS
February 15	California Licensure for Civil Engineers to ASCE San Luis Obispo (In-person) N. King, PE
February 21	Geotechnical Engineer Exam Development for CalGeo N. King, PE, & Ric Moore, PLS
February 28	San Mateo and Santa Clara CLSA Meeting D. Sweeney, PLS
March 2024	
March 5	ASCE YMF San Jose Chapter N. King, PE
March 20	Path to Professional Licensure in California Cal Poly Pomona N. King, PE
March 26	BPELSG and Geology Licensure: GIT, PG, CEG, CHG for PECG J. Goodwin PG, CEG
March 28	CSU San Bernardino: Pathway to GIT and PG Licensure J. Goodwin PG, CEG
March 28	Cal Poly Pomona: Pathway to GIT and PG Licensure J. Goodwin, PG, CEG

XII. President's Report/Board Member Activities

XIII. Nomination and Election of President and Vice President for Fiscal Year 2024/25

XIV. Approval of Meeting Minutes

A. Approval of May 9, 2024, Board Meeting Minutes

DRAFT

MINUTES OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

Thursday, May 9, 2024

Board Members Present:	President Michael Hartley; Vice-President Christina Wong; Fel Amistad; Alireza Asgari; Rossana D’Antonio; Coby King; Guillermo Martinez; Betsy Mathieson; Frank Ruffino; Wilfredo Sanchez; and Fermin Villegas
Board Members Absent:	
Board Staff Present:	Ric Moore (Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Dawn Hall (Administrative Manager); Larry Kereszt (Examination Manager); Natalie King (Senior Civil Engineer Registrar); Joshua Goodwin (Senior Geologist Registrar); Julie Baker (Enforcement Analyst); Brook Grabowski (Enforcement Analyst); Christopher Pirrone (Legal Counsel)

I. Roll Call to Establish a Quorum

President Hartley called the meeting to order at 10:00 a.m. and a quorum was established.

II. Pledge of Allegiance

Mr. King led everyone in the recitation of the Pledge of Allegiance.

President Hartley announced the passing of Assistant Executive Officer Nancy Eissler, and opened the floor to anyone wishing to say some words in her remembrance. Ms. Mathieson shared memories of Nancy and expressed that she will miss her institutional knowledge. Mr. King recommended that the meeting adjourn in her memory and recalled that Nancy knew so much of the Board’s history and was an expert in legislation. He further offered his condolences to everyone who knew her. Stephanie Whitley, Deputy Chief with DCA’s Division of Investigation, has known Nancy for many years and said that Nancy embodied a strong female leader with knowledge and grace and could always be relied upon. Ms. Whitley has been with the Department for 23 years and the familial connection that the Board has is unique and the strongest she has ever seen. Mr. Moore shared lighthearted memories he had working with Nancy and added that she would be very proud of the staff. Bob DeWitt representing ACEC expressed his condolences.

A moment of silence was observed to honor Nancy Eissler.

III. Public Comment for Items Not on the Agenda

There was no public comment.

VIII. 2023-24 Sunset Review of the Board

A. Background Paper Prepared by the Assembly Business and Professions Committee and the Senate Business, Professions and Economic Development Committee and the Board's Response to the Background Paper

1. **ISSUE #4** from the Background Paper: Continuing Education. Should the Legislature require licensees to complete continuing education as a condition of license renewal?

Ms. D'Antonio explained that this was part of the strategic plan to explore the feasibility in reference to having a continuing education requirement as part of the renewal process. The workgroup evaluated the results from the recent online questionnaire and explained that the questions were intentionally designed to be broad in scope and to gather initial insight from the licensing community which would be most affected. The results revealed that the licensees were generally not in support of continuing education by a 2 to 1 margin. After its most recent discussion, the workgroup recommends that it continue to research the issue by further exploring the data and possibly follow up with additional online questionnaires in the future. Ms. D'Antonio reported that in addition to the questionnaire, they received written comments. Mr. Moore reported that there were approximately 2,300 responses and of those responses there were approximately 90% with comments. Mr. King thanked the workgroup and was impressed at the interest that was demonstrated by the number and quality of the responses as well as the diversity of opinion of the survey. As a public member who is required to complete continuing education requirements in another profession, he does not enjoy the process, but believes it is worthwhile. There are 42 other states that have these requirements in place and California is in the minority. It appears that the Board's ultimate decision making should rest on is whether this would further the protection of the public and not whether the licensee considers this a hindrance. Given the characteristics of California, we want to ensure that licensees are current on ethics, contract, and technical requirements. He is generally in favor of instituting some sort of educational requirement but does not think that the licensees' beliefs should be a deciding factor. President Hartley believes that the licensees will have an opportunity to help craft the direction. Mr. Sanchez explained that while there are many licensees speaking to the importance of continuing education, there are some who are saying no because it is an additional requirement that will require time and money and they do not believe it will be worthwhile. He is curious how other states are handling the compliance of the completion of the requirements and how it is functioning for them.

2. **ISSUE #5** from the Background Paper: Education and Experience Requirements. Should geologist and geophysicist applicants be able to substitute work experience for some of the required education?

Mr. Moore provided some background information and introduced Joshua Goodwin, Senior Geologist Registrar. Mr. Moore indicated that this is a part

of the Sunset process and while the Board is confident in its statutory position, he believes it needs to be monitored. Ms. Mathieson thanked Mr. Goodwin for assisting applicants. Mr. Goodwin reported that he recently provided a virtual outreach presentation to Professional Engineers in California Government (PECG) on educational requirements.

3. ISSUE #8 from the Background Paper: Unlicensed Activity. What can the Board do to combat unlicensed activity?

Mr. Moore reported that there has been open communication with various organizations and correspondence from American Council of Engineering Companies (ACEC-CA) and California & Nevada Civil Engineers and Land Surveyors Association, Inc. (CELSA) that was presented to the Sunset Committees.

During Public Comment Eric Angstadt, Executive Secretary for CELSA, expressed their dissatisfaction with the Board's response to the background paper. He referred the board to a handout provided by CELSA. He does not dispute some of the statutory realities that may exist but the fact that the way they are currently is why there is an issue. They are not criticizing anyone but simply trying to make a push for change and expressed how important this issue is. This is an opportunity to assist the Board to move in the direction to do something about unlicensed practice.

President Hartley thanked Mr. Angstadt and added that he sits on another committee, outside of the Board, and noted that in addition to CELSA, CLSA and ACEC-CA have been involved in the effort to combat unlicensed activity as well.

Mr. DeWitt representing ACEC-CA noted a meeting took place earlier in the week which involved CELSA, CLSA, ACEC and included Mr. Moore and Senior Land Surveyor Registrar Dallas Sweeney.

Mr. King explained that one of the problems is a lack of prioritization within the Department's Division of Investigations and a lack of interest on the part of district attorneys to prosecute these crimes. Unfortunately, the Board does not have control over that aspect. He has been supportive of combatting unlicensed practice as it is a real problem but without cooperation it is difficult to ask the Board's Enforcement Unit to continue their work when they have limited resources. There needs to be specific ideas to present to the legislature.

Mr. DeWitt explained that a large portion of the problem is with the licensed contractor who hires individuals who are not licensed to practice land surveying to perform the work and there is no consequence for these licensed contractors. He believes working with the Contractors State Licensing Board (CSLB) would be beneficial so if this type of issue arises,

there would be consequences on their licensee. President Hartley suggested reviewing an industry bulletin that was previously distributed by CSLB to its members in reference to unlicensed survey practice.

Mr. Moore reported that this topic has been around a long time and will continue to do so regardless of what the organizations and the Board does to help it along. He recalled a meeting with CSLB in which a message was included in their newsletter to their licensees to discourage the practice of anything they were not legally authorized to do so.

Mr. McMillan, representing CLSA indicated that it is understood that often times as a profession we are not seeing unlicensed practice happen unless stumbled upon. however, the Board had a major win in one of its cases. CLSA is willing to help with legislation and they stand with the Board to support its efforts to do what is necessary to aid in the elimination of unlicensed practice and fraud.

Ms. Mathieson explained that in addition to public harm there is a long-term negative effect of unlicensed practice being tolerated. Potential licensees may see less reason to go through the licensing process and may have a disincentive to become licensed if people are getting away with unlicensed practice.

Yeaphana La Marr, Consultant to the Senate Committee on Business, Professions and Economic Development, and Edward Franco, Consultant to the Assembly Committee on Business & Professions, thanked the Board for taking the item out of order so they could attend and listen to the discussion first-hand and also thanked the stakeholders for their participation.

IV. Administration

A. Presentation on the current Fee Study Process

Ms. Hall summarized DCA's Budget provided presentation related to fee changes in terms of fees and what the Board would need to do if the Board decides to change fees after the study is completed. Ms. Hall explained that the fees are established in statute and the initial application fee is capped at \$100 for Land Surveyor-in-Training, Engineer-in-Training, and Geologist-in-Training applicants and the initial application and license renewal fees are capped at \$400 for Professional Engineers, Land Surveyors, Professional Geologists, and Professional Geophysicists. Those are the statutory maximums which does not reflect the status of the current fees which are lower and established by the Board in regulation. The Board is entirely funded through revenue collected through application, licensing, and renewal fees and not by the general fund. The fee study is intended to examine historical revenue and expenses and to use educated assumptions based on future trends to determine what changes, if any, to the current fee structure would be necessary

to ensure that the Board will remain solvent for at least the foreseeable future. The presentation included additional government code sections related to the Board's responsibilities in terms of ensuring that the Board does not exceed the delegated fiscal authority which Ms. Hall confirmed that the Board has never exceeded the delegated authority. The ongoing concern is related to the continued increase of expenses outpacing the actual revenue received. The Board previously addressed this with a fee increase that went became effective January 2021 and has continued to monitor the overall fund condition. Ms. Hall reviewed the steps to setting fees through regulations and considerations involved. She hopes to have the fee study process completed for the Board's consideration in August and stated that the regulation process can take 12-18 months with a goal to have any necessary fee changes to become effective as of January 2026.

B. Fiscal Year 2023/24 Budget Report

Ms. Hall presented and reviewed the Budget report. She reported that she is pleased to see that the Board is projecting higher revenues for year-end which reflects some of the inflation in terms of interest rates. The months-in-reserve is slightly higher than what was previously presented at the March 7, 2024 Board meeting.

V. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2023/24 Update

Ms. Criswell presented the Enforcement Statistics and introduced Enforcement Analysts Brook Grabowski and Julie Baker.

VI. Exams/Licensing

A. Examination/Licensing Updates

Mr. Kereszt introduced Examination Analyst Christina Trujillo who specializes in the Traffic program and the Civil Engineering Surveying program. She has been with the Board for over 18 years and with the Examination Unit for 8 years.

B. Adoption of Test Plan Specifications

1. California Professional Land Surveyor Examination

Mr. Kereszt reminded the Board that the Professional Land Surveyor test plan was initially approved by the Board with suggested edits at the March 7 meeting, which required him to subsequently consult with other Board staff and Prometric representatives to determine the proper course of action with the goal to ensure that the occupational analysis process was following industry standards. As a result, the only modification made was the inclusion of the term 'earthquakes' under Domain II, Professional Activities listed as an example for earth movements. Therefore, he is seeking the adoption of the test plan as currently reflecting that change.

Ms. Mathieson noted that every time earth movements is mentioned, it should be consistent and expressed that she would be embarrassed as a Board member knowing that there is a test plan that exists with the term, “Continental Drift” because it was an early theory that evolved into plate tectonics. Her preference for the next test plan is to simply state, “earth movements”.

Mr. Moore explained that both he and Mr. Kereszt, as the Examinations Manager for the Board, are required to certify annually, through the Section 139 process, that the Board follows industry standard protocols for all of its examinations. And the Board’s role in this process is to discuss the proposed changes and either approve or not approve the new test plan. And that should a test plan not be approved, a series of experts would reconvene and go through the entire process under Prometric’s guidance again so as to ensure the process is defensible. In this specific case, the experts would be land surveyors, not geologists who would view this process from a land surveyor practice point of view, not geology. While he respects Ms. Mathieson’s comments, the use of the term ‘continental drift’ in this context is only listed as an example and in the vernacular which members of the land surveying profession use and understand.

MOTION:	Dr. Amistad and Mr. Martinez moved to adopt the Professional Land Surveyor examination test plan.
VOTE:	9-1-1, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D’Antonio		X			
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson			X		
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				

2. Traffic Engineer Examination

MOTION:	Mr. King and Mr. Ruffino moved to approve the Traffic Engineer examination test plan.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
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President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio	X				
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				

VII. Legislation

A. 2024 Legislative Calendar

Mr. Moore presented the legislative calendar.

B. Discussion of Legislation for 2024

1. **AB 1862** - Engineering, land surveying, and architecture: limited liability partnerships.
No action taken.

2. **AB 2862** - Licenses: African American applicants.

MOTION:	Mr. King and Ms. Mathieson moved to take a position of "Watch" on AB 2862, as introduced February 16, 2024.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio	X				
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				

3. **AB 3176** - Professional land surveyors: surveying practices: monuments and corner accessories.

MOTION:	Mr. King and Vice-President Wong moved to take a position of "Support" on AB 3176, as revised April 17, 2024.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio	X				
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				

4. **AB 3253** - Board for Professional Engineers, Land Surveyors, and Geologists: licensees

MOTION:	Vice-President Wong and Ms. Mathieson moved to take a position of "Support" on AB 3253, as revised April 18, 2024.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio	X				
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				

IX. Executive Officer's Report

A. Rulemaking Status Report

Mr. Moore reported that he will present an update on the status of the traffic engineering rulemaking package at the June Board meeting with a request for the Board to reconsider moving forward with this rulemaking.

B. Update on Board's Business Modernization Project

Mr. Moore reported that the Board launched the Geotechnical Engineer, Structural Engineer, and Traffic Engineer applications in Connect. The Board immediately started receiving applications. Currently working on some

refinements and fixes with the priority being given to the Enforcement Unit for monitoring case load and investigations for the next release.

C. Personnel

Mr. Moore reported that the Board continues to maintain the three vacancies as a cost savings measure, however, staff has been able to identify a use for one of the vacancies for the Licensing Unit and is currently recruiting for the Senior Engineer Registrar vacancy.

D. ABET

No report given.

E. Association of State Boards of Geology (ASBOG)

1. Nomination for Secretary

MOTION:	Mr. Ruffino and Ms. D'Antonio moved to nominate Joshua Goodwin as ASBOG Secretary.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio	X				
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				

Ms. Mathieson noted that the ASBOG Annual Meeting will take place November 2024 and inquired if it is possible to request support for two funded delegates. Mr. Moore reported that the travel request has already been submitted with the purpose of including two board representatives.

F. National Council of Examiners for Engineering and Surveying (NCEES)

1. May 16-18, 2024 Western Zone Interim Meeting, Bozeman, MT

Mr. Moore reported that he will be attending the NCEES Western Zone meeting and noted that Mr. Ruffino and Vice-President Wong have both been approved to travel.

Vice-President Wong announced that she will be taking part in the Nominations Committee.

Mr. Ruffino will be taking part in the Awards Committee.

2. Engineering Council of UK – Update on Mutual Recognition Agreement (MRA)

Mr. Moore presented a copy of the Mutual Recognition Agreement as executed by both NCEES and Engineering Council of UK. Ms. D’Antonio reported that it was her understanding that California was the first state to elect to be a participating member.

3. Annual Meeting August 14-17, 2024 – Funded Delegates

Mr. Moore reported that the Annual Meeting will take place August 14-17, 2024, in Chicago. A travel request for the funded delegates has been submitted to DCA for this purpose. Mr. Martinez and Mr. Villegas are currently eligible to attend as a first-time attendee. Mr. Ruffino, Mr. King, Ms. D’Antonio, and Vice-President Wong expressed interest. Mr. King agreed to be a backup attendee, if necessary. Mr. Martinez stated that he would be interested in attending as a First-Time attendee if authorized to attend.

MOTION:	Dr. Amistad and Vice-President Wong moved to recommend Mr. Ruffino, Ms. D’Antonio, Vice-President Wong, and Mr. Martinez as funded delegates
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D’Antonio	X				
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				

G. Update on Outreach Efforts

Mr. Moore reported that outreach requests, both virtual and in-person, have been approved by the Department. The in-person outreach events have primarily been approved due to their close proximity to Sacramento.

X. President’s Report/Board Member Activities

President Hartley participated in the Sunset hearing along with Vice-President Wong and Mr. Moore. Ms. Mathieson added that she participated in examination

development with ASBOG. Vice-President Wong participated in the leadership meeting organized by DCA back in March.

Mr. Ruffino reported that Stanford engineering is establishing a fellowship to train institutional investors. They have partnered with CalPERS and noted if there was any interest to contact him directly.

XI. Nomination and Election of President and Vice President for Fiscal Year 2024/25

President Hartley selected Ms. Mathieson and Ms. D’Antonio to serve as the nominating committee and to provide a nomination slate at the June 27-28, 2024 Board meeting for discussion and possible action.

XII. Approval of Meeting Minutes

A. Approval of March 7, 2024, Board Meeting Minutes

MOTION:	Dr. Amistad and Vice-President Wong moved to approve the March 7, 2024 Board meeting minutes.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D’Antonio	X				
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino			X		
Wilfredo Sanchez	X				
Fermin Villegas			X		

Mr. Moore extended his appreciation to Board staff for coming together during a difficult time.

Mr. Ruffino took a moment to thank Board staff and the Department of Consumer Affairs for their support as part of Public Service Recognition Week.

XIII. Closed Session – The Board met in Closed Session to discuss, as needed:

- A. Deliberate on a Decision(s) to be Reached in a Proceeding(s) Required to be Conducted Pursuant to Chapter 5 (commencing with Section 11500), as Authorized by Government Code Section 11126(c)(3).
- B. Confer with, or Receive Advice from, Its Legal Counsel Regarding Pending Litigation Pursuant to Government Code Section 11126(e)(1) and (2)(A), on the following matters:

1. Ryan Crownholm, et al. vs. Richard B. Moore, et al., United States District Court, Eastern District of California, Case No. 2:22-cv-01720-DAD-CKD
2. Roy Allen Olsen, et al. v. California Board of Professional Engineers, Land Surveyors and Geologists, et al., Sacramento County Superior Court. Case No. 34-2022-00328379
3. Victor Rodriguez-Fernandez vs. California Board for Professional Engineers, Land Surveyors, and Geologists, San Diego County Superior Court, Case No. 37-2023-00053465-CU-WM-CTL

XIV. Adjourn

The meeting adjourned at 3:15 p.m. in honor and memory of Nancy Eissler, Assistant Executive Officer.

PUBLIC PRESENT

Carl Josephson, SEAOC

Rob McMillan, CLSA

Eric Angstadt, CELSA

Bob DeWitt, ACEC-CA

Krista Looza, SEAOC

Jeanne Marie Tokunaga, NSPE-CA

Sergio Vazquez, Caltrans

Stephanie Whitley, Division of Investigations

Edward Franco, Assembly Business and Professions Committee

Yeaphana La Marr, Senate Committee on Business, Professions, and Economic Development

XV. Adjourn
