

Reprinted

MAR 3 1995

Place On Calendar

HOUSE FILE 256

BY COMMITTEE ON COMMERCE AND
REGULATION

(SUCCESSOR TO HSB 31)

Passed House, ^(P. 1161) Date 4/3/95 Passed Senate, Date 4/12/95
Vote: Ayes 98 Nays 0 Vote: Ayes 34 Nays 16
Approved 4/24/95

A BILL FOR

1 An Act relating to the definition of the practice of engineering
2 and the suspension or revocation of the certificate of
3 registration of a professional engineer or land surveyor.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 256

7 H-3559

8 1 Amend House File 256 as follows:
9 2 1. Page 2, lines 1 and 2, by striking the words
9 3 "teaching of advanced engineering subjects,".

By SUKUP of Franklin
WISE of Lee

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11 H-3559 FILED MARCH 29, 1995

12 *Adopted 4-3-95*
13 *(P. 1161)*

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HF 256

1 Section 1. Section 542B.1, Code 1995, is amended to read
2 as follows:

3 542B.1 REGISTERED ENGINEERS AND SURVEYORS.

4 ~~No~~ A person shall not engage in the practice professional
5 of engineering or land surveying in the state unless the
6 person is a registered professional engineer or a registered
7 land surveyor as provided in this chapter, except as permitted
8 by section 542B.26.

9 Sec. 2. Section 542B.2, unnumbered paragraphs 2, 4, and 8,
10 Code 1995, are amended to read as follows:

11 The term "engineering documents" as used in this chapter
12 includes all plans, specifications, drawings, and reports, if
13 the preparation thereof of such documents constitutes or
14 requires the practice of ~~professional~~ engineering.

15 The term "in responsible charge" as used in this chapter
16 means having direct control of and personal supervision over
17 any ~~professional-engineering-work-or~~ land surveying work or
18 work involving the practice of engineering. One or more
19 persons, jointly or severally, may be in responsible charge.

20 The term "professional engineer" as used in this chapter
21 ~~shall-mean~~ means a person, who, by reason of the person's
22 knowledge of mathematics, the physical sciences, and the
23 principles of engineering, acquired by professional education
24 or practical experience, is qualified to engage in the
25 practice of engineering ~~practice-as-hereinafter-defined~~.

26 Sec. 3. Section 542B.2, unnumbered paragraphs 9 and 10,
27 Code 1995, are amended by striking the paragraphs and
28 inserting in lieu thereof the following:

29 NEW UNNUMBERED PARAGRAPH. "Practice of engineering" as
30 used in this chapter means any service or creative work, the
31 adequate performance of which requires engineering education,
32 training, and experience in the application of special
33 knowledge of the mathematical, physical, and engineering
34 sciences, such as consultation, investigation, evaluation,
35 planning, design and design coordination of engineering works

1 and systems, planning the use of land and water, teaching of
2 advanced engineering subjects, performing engineering surveys
3 and studies, and the review of construction for the purpose of
4 monitoring compliance with drawings and specifications, any of
5 which embraces such services or creative work, either public
6 or private, in connection with any utilities, structures,
7 buildings, machines, equipment, processes, work systems,
8 projects, and industrial or consumer products or equipment of
9 a mechanical, electrical, hydraulic, pneumatic, or thermal
10 nature, insofar as they involve safeguarding life, health, or
11 property, and including such other professional services as
12 may be necessary to the planning, progress, and completion of
13 the services identified in this paragraph. "Design
14 coordination" includes the review and coordination of
15 technical submissions prepared by others, including as
16 appropriate and without limitation, consulting engineers,
17 architects, landscape architects, land surveyors, and other
18 professionals working under the direction of the engineer.
19 "Engineering surveys" includes all survey activities required
20 to support the sound conception, planning, design,
21 construction, maintenance, and operation of engineered
22 projects, but excludes the surveying of real property for the
23 establishment of land boundaries, rights-of-way, easements,
24 and the dependent or independent surveys or resurveys of the
25 public land survey system.

26 A person is construed to be engaged in the practice of
27 engineering if the person does any of the following:

28 1. Practices any branch of the profession of engineering.

29 2. Makes a representation by verbal claim, sign,
30 advertisement, letterhead, card, or other manner that the
31 person is a professional engineer.

32 3. Uses any title which implies that the person is a
33 professional engineer or that the person is certified under
34 this chapter.

35 4. The person holds themselves out as able to perform, or

1 who does perform, any service or work included in the practice
2 of engineering.

3 Sec. 4. Section 542B.13, Code 1995, is amended to read as
4 follows:

5 542B.13 APPLICATIONS AND EXAMINATION FEES.

6 Applications for registration shall be on forms prescribed
7 and furnished by the board, shall contain statements made
8 under oath, showing the applicant's education and a detailed
9 summary of the applicant's technical work, and the board shall
10 not require that a recent photograph of the applicant be
11 attached to the application form. An applicant is not
12 ineligible for registration because of age, citizenship, sex,
13 race, religion, marital status or national origin, although
14 the application form may require citizenship information. The
15 board may consider the past felony record of an applicant ~~only~~
16 ~~if the felony conviction relates directly to the practice of~~
17 ~~engineering or land surveying~~. The board may require that an
18 applicant submit references. Applications for examination in
19 fundamentals in ~~professional~~ the practice of engineering and
20 land surveying shall be accompanied by application fees
21 determined by the board. The board shall determine the annual
22 cost of administering the examinations and shall set the fees
23 accordingly.

24 Sec. 5. Section 542B.14, subsection 1, paragraph d, Code
25 1995, is amended to read as follows:

26 d. Successfully passing a written, oral, or written and
27 oral examination designed to determine the proficiency and
28 qualifications to engage in the practice of ~~professional~~
29 engineering. No applicant shall be entitled to take this
30 examination until the applicant shows the necessary practical
31 experience in engineering work.

32 Sec. 6. Section 542B.17, Code 1995, is amended to read as
33 follows:

34 542B.17 CERTIFICATE.

35 ~~To any applicant who shall have passed the examination as a~~

~~1 professional-engineer-and-who-shall-have-paid-an-additional~~
~~2 fee;--the~~ The board shall issue a certificate of registration
~~3 as a professional engineer to an applicant who has passed the~~
~~4 examination as a professional engineer and who has paid an~~
~~5 additional fee. The certificate shall be signed by the~~
~~6 chairperson and secretary of the board under the seal of such~~
~~7 the board;--which.~~ The certificate shall authorize the
~~8 applicant to engage in the practice professional of~~
~~9 engineering as-defined-in-this-chapter. The-amount-of-the-fee~~
~~10 shall-be-determined-by-the-board-pursuant-to-sections-542B-30~~
~~11 to-542B-32.--Such~~ The certificate shall not carry with it the
~~12 right to practice land surveying, unless specifically so~~
~~13 stated in-said~~ on the certificate, which permission shall be
~~14 granted by the board without additional fee in cases where the~~
~~15 applicant duly qualifies as a land surveyor as prescribed by~~
~~16 the rules of said~~ the board.

17 Sec. 7. Section 542B.21, subsection 5, Code 1995, is
18 amended to read as follows:

19 5. Conviction of a felony ~~related-to-the-profession-or~~
20 ~~occupation-of-the-registrant-or-the-conviction-of-any-felony~~
21 ~~that-would-affect-the-registrant's-ability-to-practice~~
22 ~~professional-engineering-or-land-surveying~~ under the laws of
23 the United States, of any state or possession of the United
24 States, or of any other country. A copy of the record of
25 conviction or plea of guilty is conclusive evidence.

26 Sec. 8. Section 542B.21, Code 1995, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 5A. Revocation or suspension of
29 registration to engage in the practice of engineering or land
30 surveying, or other disciplinary action by the licensing
31 authority of another state, territory, or country. A
32 certified copy of the record or order of suspension,
33 revocation, or other disciplinary action is prima facie
34 evidence of such fact.

35 Sec. 9. Section 542B.26, Code 1995, is amended to read as

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2 542B.26 APPLICABILITY OF CHAPTER.

3 This chapter shall not apply to any full-time employee of
4 any corporation while doing work for that corporation, except
5 in the case of corporations offering their services to the
6 public as professional engineers or land surveyors.

7 Corporations engaged in designing buildings or works for
8 public or private interests not their own shall be deemed to
9 be engaged in the practice professional of engineering within
10 the meaning of this chapter. With respect to such
11 corporations all principal designing or constructing engineers
12 shall hold certificates of registration hereunder issued under
13 this chapter. This chapter shall not apply to corporations
14 engaged solely in constructing buildings and works.

15 This chapter shall not apply to any professional engineer
16 or land surveyor working for the United States government, nor
17 to any professional engineer or land surveyor employed as an
18 assistant to a professional engineer or land surveyor
19 registered under this chapter if such assistant is not placed
20 in responsible charge of any professional work involving the
21 practice of engineering or land surveying work, nor to the
22 operation and/or or maintenance of power and mechanical plants
23 or systems.

24 EXPLANATION

25 This bill amends provisions of chapter 542B relating to
26 professional engineers and land surveyors.

27 The bill strikes the definition of the practice of
28 "professional engineering" and inserts a definition of
29 "practice of engineering". Several conforming changes are
30 made as a result of these definition changes.

31 The bill also provides that the engineering and land
32 surveying examining board may suspend or revoke the
33 certificate of registration of a professional engineer or land
34 surveyor upon the certificate holder's conviction of a felony
35 under the laws of this state, or the conviction of an act

1 under the laws of the United States, any other state,
2 territory, or possession of the United States, or other
3 country, which would be a felony under the laws of this state.
4 The board may also suspend the certificate if the certificate
5 holder's registration in another state, territory, or foreign
6 country has been suspended or revoked. A certified copy of
7 the record or order of suspension, revocation, or other
8 disciplinary action is prima facie evidence of such fact.
9 Currently, revocation or suspension resulting from the
10 conviction of a felony must involve a felonious act related to
11 the profession or occupation of the certificate holder, or a
12 felonious act affecting the certificate holder's ability to
13 engage in the practice of engineering or land surveying.

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2-110/15 No Pass

HOUSE FILE 256
BY COMMITTEE ON COMMERCE AND
REGULATION

(SUCCESSOR TO HSB 31)

(As Amended and Passed by the House April 3, 1995)

Re. Passed House, Date 4/3/95 (P. 1161) Passed Senate, Date 4-12-95 (P. 1160)
Vote: Ayes 98 Nays 0 Vote: Ayes 34 Nays 16
Approved April 24, 1995

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Deleted Language *

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5 chairperson and secretary of the board under the seal of ~~such~~
6 the board, ~~which.~~ The certificate shall authorize the
7 applicant to engage in the practice professional of
8 engineering ~~as defined in this chapter.~~ ~~The amount of the fee~~
9 ~~shall be determined by the board pursuant to sections 542B.30~~
10 ~~to 542B.32.~~ ~~Such~~ The certificate shall not carry with it the
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HSB 31

COMMERCE - REGULATION

Succeeded By

SENATE/HOUSE FILE 256

BY (PROPOSED DEPARTMENT OF
COMMERCE/PROFESSIONAL
LICENSING AND REGULATION
DIVISION BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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27 The bill strikes the definition of the practice of
28 "professional engineering" and inserts a definition of
29 "practice of engineering". Several conforming changes are
30 made as a result of these definition changes.

31 The bill also provides that the engineering and land
32 surveying examining board may suspend or revoke the
33 certificate of registration of a professional engineer or land
34 surveyor upon the certificate holder's conviction of a felony
35 under the laws of this state, or the conviction of an act

1 under the laws of the United States, any other state,
2 territory, or possession of the United States, or other
3 country, which would be a felony under the laws of this state.
4 The board may also suspend the certificate if the certificate
5 holder's registration in another state, territory, or foreign
6 country has been suspended or revoked. A certified copy of
7 the record or order of suspension, revocation, or other
8 disciplinary action is prima facie evidence of such fact.
9 Currently, revocation or suspension resulting from the
10 conviction of a felony must involve a felonious act related to
11 the profession or occupation of the certificate holder, or a
12 felonious act affecting the certificate holder's ability to
13 engage in the practice of engineering or land surveying.

14 BACKGROUND STATEMENT

15 SUBMITTED BY THE AGENCY

16 The current definition of "professional engineering" is at
17 times vague and confusing to the public and to licensed
18 professional engineers. To add detail and clarify the
19 language, the board proposes to adopt language from the Model
20 Law of the National Council of Examiners for Engineering and
21 Surveying (NCEES), an organization made up of all of the
22 licensing boards in the United States and its territories.

23 After reviewing the provisions of Iowa Code section
24 542B.21, the engineering and land surveying examining board
25 believes that the language in Iowa Code section 542C.21,
26 concerning disciplinary actions by the accountancy examining
27 board, is more appropriate. Thus, the bill conforms section
28 542B.21, subsection 5, to language used in section 542C.21.

29 The provisions of new subsection 5A are similar to those in
30 Iowa Code sections 542C.21, 153.34, 152.10, and 148.6. By
31 using the record of disciplinary action taken by another
32 jurisdiction, the board would save substantial money and time
33 in the investigation and hearing process. Other professions
34 in Iowa find this a workable solution to the problem of
35 disciplining Iowa registrants who have been disciplined in

S.F. _____ H.F. _____

- 1 other states.
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HOUSE FILE 256

AN ACT

RELATING TO THE DEFINITION OF THE PRACTICE OF ENGINEERING AND
THE SUSPENSION OR REVOCATION OF THE CERTIFICATE OF REGIS-
TRATION OF A PROFESSIONAL ENGINEER OR LAND SURVEYOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 542B.1, Code 1995, is amended to read
as follows:

542B.1 REGISTERED ENGINEERS AND SURVEYORS.

No A person shall not engage in the practice professional
of engineering or land surveying in the state unless the
person is a registered professional engineer or a registered
land surveyor as provided in this chapter, except as permitted
by section 542B.26.

Sec. 2. Section 542B.2, unnumbered paragraphs 2, 4, and 8,
Code 1995, are amended to read as follows:

The term "engineering documents" as used in this chapter
includes all plans, specifications, drawings, and reports, if
the preparation thereof of such documents constitutes or
requires the practice of professional engineering.

The term "in responsible charge" as used in this chapter
means having direct control of and personal supervision over
any professional-engineering-work or land surveying work or
work involving the practice of engineering. One or more
persons, jointly or severally, may be in responsible charge.

The term "professional engineer" as used in this chapter
~~shall-mean means~~ a person, who, by reason of the person's
knowledge of mathematics, the physical sciences, and the
principles of engineering, acquired by professional education
or practical experience, is qualified to engage in the
practice of engineering practice-as-hereinafter-defined.

Sec. 3. Section 542B.2, unnumbered paragraphs 9 and 10,
Code 1995, are amended by striking the paragraphs and
inserting in lieu thereof the following:

NEW UNNUMBERED PARAGRAPH. "Practice of engineering" as
used in this chapter means any service or creative work, the
adequate performance of which requires engineering education,
training, and experience in the application of special
knowledge of the mathematical, physical, and engineering
sciences, such as consultation, investigation, evaluation,
planning, design and design coordination of engineering works
and systems, planning the use of land and water, performing
engineering surveys and studies, and the review of
construction for the purpose of monitoring compliance with
drawings and specifications, any of which embraces such
services or creative work, either public or private, in
connection with any utilities, structures, buildings,
machines, equipment, processes, work systems, projects, and
industrial or consumer products or equipment of a mechanical,
electrical, hydraulic, pneumatic, or thermal nature, insofar
as they involve safeguarding life, health, or property, and
including such other professional services as may be necessary
to the planning, progress, and completion of the services
identified in this paragraph. "Design coordination" includes
the review and coordination of technical submissions prepared
by others, including as appropriate and without limitation,
consulting engineers, architects, landscape architects, land
surveyors, and other professionals working under the direction
of the engineer. "Engineering surveys" includes all survey
activities required to support the sound conception, planning,

design, construction, maintenance, and operation of engineered projects, but excludes the surveying of real property for the establishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system.

A person is construed to be engaged in the practice of engineering if the person does any of the following:

1. Practices any branch of the profession of engineering.
2. Makes a representation by verbal claim, sign, advertisement, letterhead, card, or other manner that the person is a professional engineer.
3. Uses any title which implies that the person is a professional engineer or that the person is certified under this chapter.
4. The person holds themselves out as able to perform, or who does perform, any service or work included in the practice of engineering.

Sec. 4. Section 542B.13, Code 1995, is amended to read as follows:

542B.13 APPLICATIONS AND EXAMINATION FEES.

Applications for registration shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work, and the board shall not require that a recent photograph of the applicant be attached to the application form. An applicant is not ineligible for registration because of age, citizenship, sex, race, religion, marital status or national origin, although the application form may require citizenship information. The board may consider the past felony record of an applicant ~~only if the felony conviction relates directly to the practice of engineering or land surveying.~~ The board may require that an applicant submit references. Applications for examination in fundamentals in professional the practice of engineering and land surveying shall be accompanied by application fees

determined by the board. The board shall determine the annual cost of administering the examinations and shall set the fees accordingly.

Sec. 5. Section 542B.14, subsection 1, paragraph d, Code 1995, is amended to read as follows:

d. Successfully passing a written, oral, or written and oral examination designed to determine the proficiency and qualifications to engage in the practice of professional engineering. No applicant shall be entitled to take this examination until the applicant shows the necessary practical experience in engineering work.

Sec. 6. Section 542B.17, Code 1995, is amended to read as follows:

542B.17 CERTIFICATE.

~~To any applicant who shall have passed the examination as a professional engineer and who shall have paid an additional fee, the~~ The board shall issue a certificate of registration as a professional engineer to an applicant who has passed the examination as a professional engineer and who has paid an additional fee. The certificate shall be signed by the chairperson and secretary of the board under the seal of such the board, which. The certificate shall authorize the applicant to engage in the practice professional of engineering ~~as defined in this chapter. The amount of the fee shall be determined by the board pursuant to sections 542B:30 to 542B:32.~~ Such The certificate shall not carry with it the right to practice land surveying, unless specifically so stated ~~in said~~ on the certificate, which permission shall be granted by the board without additional fee in cases where the applicant duly qualifies as a land surveyor as prescribed by the rules of said the board.

Sec. 7. Section 542B.21, subsection 5, Code 1995, is amended to read as follows:

5. Conviction of a felony ~~related to the profession or occupation of the registrant or the conviction of any felony~~

~~that would affect the registrant's ability to practice professional engineering or land surveying under the laws of the United States, of any state or possession of the United States, or of any other country.~~ A copy of the record of conviction or plea of guilty is conclusive evidence.

Sec. 8. Section 542B.21, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. Revocation or suspension of registration to engage in the practice of engineering or land surveying, or other disciplinary action by the licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or other disciplinary action is prima facie evidence of such fact.

Sec. 9. Section 542B.26, Code 1995, is amended to read as follows:

542B.26 APPLICABILITY OF CHAPTER.

This chapter shall not apply to any full-time employee of any corporation while doing work for that corporation, except in the case of corporations offering their services to the public as professional engineers or land surveyors.

Corporations engaged in designing buildings or works for public or private interests not their own shall be deemed to be engaged in the practice professional of engineering within the meaning of this chapter. With respect to such corporations all principal designing or constructing engineers shall hold certificates of registration hereunder issued under this chapter. This chapter shall not apply to corporations engaged solely in constructing buildings and works.

This chapter shall not apply to any professional engineer or land surveyor working for the United States government, nor to any professional engineer or land surveyor employed as an assistant to a professional engineer or land surveyor registered under this chapter if such assistant is not placed in responsible charge of any professional work involving the

practice of engineering or land surveying work, nor to the operation and/or or maintenance of power and mechanical plants or systems.

RON J. CORBETT
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 256, Seventy-sixth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 24, 1995

TERRY E. BRANSTAD
Governor