

House Study Bill 31

Conference Committee Text

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1 1 Section 1. Section [542B.1](#), Code 1995, is amended to read
1 2 as follows:
1 3 542B.1 REGISTERED ENGINEERS AND SURVEYORS.
1 4

~~No~~

- A person shall not engage in the practice

~~professional~~

-
1 5 of engineering or land surveying in the state unless the
1 6 person is a registered professional engineer or a registered
1 7 land surveyor as provided in this chapter, except as permitted
1 8 by section 542B.26.

1 9 Sec. 2. Section [542B.2](#), unnumbered paragraphs 2, 4, and 8,
1 10 Code 1995, are amended to read as follows:

1 11 The term "engineering documents" as used in this chapter
1 12 includes all plans, specifications, drawings, and reports, if
1 13 the preparation

~~thereof~~

- of such documents constitutes or
1 14 requires the practice of

~~professional~~

- engineering.

1 15 The term "in responsible charge" as used in this chapter
1 16 means having direct control of and personal supervision over
1 17 any

~~professional engineering work or~~

- land surveying work or

1 18 work involving the practice of engineering. One or more
1 19 persons, jointly or severally, may be in responsible charge.

1 20 The term "professional engineer" as used in this chapter
1 21

~~shall mean~~

- means a person, who, by reason of the person's
1 22 knowledge of mathematics, the physical sciences, and the
1 23 principles of engineering, acquired by professional education
1 24 or practical experience, is qualified to engage in the
1 25 practice of engineering

~~practice as hereinafter defined~~

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1 26 Sec. 3. Section 542B.2, unnumbered paragraphs 9 and 10,
1 27 Code 1995, are amended by striking the paragraphs and
1 28 inserting in lieu thereof the following:
1 29 NEW UNNUMBERED PARAGRAPH. "Practice of engineering" as
1 30 used in this chapter means any service or creative work, the
1 31 adequate performance of which requires engineering education,
1 32 training, and experience in the application of special
1 33 knowledge of the mathematical, physical, and engineering
1 34 sciences, such as consultation, investigation, evaluation,
1 35 planning, design and design coordination of engineering works

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

2 26 A person is construed to be engaged in the practice of
2 27 engineering if the person does any of the following:
2 28 1. Practices any branch of the profession of engineering.
2 29 2. Makes a representation by verbal claim, sign,
2 30 advertisement, letterhead, card, or other manner that the
2 31 person is a professional engineer.
2 32 3. Uses any title which implies that the person is a
2 33 professional engineer or that the person is certified under
2 34 this chapter.
2 35 4. The person holds themselves out as able to perform, or
3 1 who does perform, any service or work included in the practice
3 2 of engineering.

3 3 Sec. 4. Section [542B.13](#), Code 1995, is amended to read as
3 4 follows:

3 5 542B.13 APPLICATIONS AND EXAMINATION FEES.
3 6 Applications for registration shall be on forms prescribed
3 7 and furnished by the board, shall contain statements made
3 8 under oath, showing the applicant's education and a detailed
3 9 summary of the applicant's technical work, and the board shall
3 10 not require that a recent photograph of the applicant be
3 11 attached to the application form. An applicant is not
3 12 ineligible for registration because of age, citizenship, sex,
3 13 race, religion, marital status or national origin, although
3 14 the application form may require citizenship information. The
3 15 board may consider the past felony record of an applicant

~~only~~

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3 16

~~if the felony conviction relates directly to the practice of~~

-
3 17

~~engineering or land surveying~~

- The board may require that an
3 18 applicant submit references. Applications for examination in
3 19 fundamentals in

~~professional~~

- ~~the practice of~~ engineering and
3 20 land surveying shall be accompanied by application fees

3 21 determined by the board. The board shall determine the annual
3 22 cost of administering the examinations and shall set the fees
3 23 accordingly.
3 24 Sec. 5. Section 542B.14, subsection 1, paragraph d, Code
3 25 1995, is amended to read as follows:
3 26 d. Successfully passing a written, oral, or written and
3 27 oral examination designed to determine the proficiency and
3 28 qualifications to engage in the practice of

~~professional~~

3 29 engineering. No applicant shall be entitled to take this
3 30 examination until the applicant shows the necessary practical
3 31 experience in engineering work.

3 32 Sec. 6. Section [542B.17](#), Code 1995, is amended to read as
3 33 follows:

3 34 542B.17 CERTIFICATE.

3 35

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

4 1

~~professional engineer and who shall have paid an additional~~

4 2

~~fee, the~~

~~The board shall issue a certificate of registration~~

4 3 as a professional engineer to an applicant who has passed the

4 4 examination as a professional engineer and who has paid an

4 5 additional fee. The certificate shall be signed by the

4 6 chairperson and secretary of the board under the seal of

~~such~~

4 7 the board

~~, which~~

~~The certificate shall authorize the~~

4 8 applicant to engage in the practice

~~professional~~

~~of~~

4 9 engineering

~~as defined in this chapter~~

~~The amount of the fee~~

4 10

~~shall be determined by the board pursuant to sections 542B.30~~

4 11

~~to 542B.32. Such~~

~~The certificate shall not carry with it the~~

4 12 right to practice land surveying, unless specifically so

4 13 stated

~~in said~~

~~on the certificate, which permission shall be~~

4 14 granted by the board without additional fee in cases where the

4 15 applicant duly qualifies as a land surveyor as prescribed by

4 16 the rules of

~~said~~

~~the board.~~

4 17 Sec. 7. Section [542B.21](#), subsection 5, Code 1995, is
4 18 amended to read as follows:
4 19 5. Conviction of a felony

~~related to the profession or~~

4 20

~~occupation of the registrant or the conviction of any felony~~

4 21

~~that would affect the registrant's ability to practice~~

4 22

~~professional engineering or land surveying~~

~~under the laws of~~

4 23 the United States, of any state or possession of the United
4 24 States, or of any other country. A copy of the record of
4 25 conviction or plea of guilty is conclusive evidence.

4 26 Sec. 8. Section [542B.21](#), Code 1995, is amended by adding
4 27 the following new subsection:

4 28 **NEW SUBSECTION.** 5A. Revocation or suspension of
4 29 registration to engage in the practice of engineering or land
4 30 surveying, or other disciplinary action by the licensing
4 31 authority of another state, territory, or country. A
4 32 certified copy of the record or order of suspension,
4 33 revocation, or other disciplinary action is prima facie
4 34 evidence of such fact.

4 35 Sec. 9. Section [542B.26](#), Code 1995, is amended to read as
5 1 follows:

5 2 **542B.26 APPLICABILITY OF CHAPTER.**

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

5 7 Corporations engaged in designing buildings or works for
5 8 public or private interests not their own shall be deemed to
5 9 be engaged in the practice

~~professional~~

~~of engineering within~~

5 10 the meaning of this chapter. With respect to such
5 11 corporations all principal designing or constructing engineers
5 12 shall hold certificates of registration

~~hereunder~~

~~issued under~~

5 13 this chapter. This chapter shall not apply to corporations
5 14 engaged solely in constructing buildings and works.

5 15 This chapter shall not apply to any professional engineer
5 16 or land surveyor working for the United States government, nor
5 17 to any professional engineer or land surveyor employed as an
5 18 assistant to a professional engineer or land surveyor
5 19 registered under this chapter if such assistant is not placed
5 20 in responsible charge of any

~~professional~~

~~work involving the~~

5 21 practice of engineering or land surveying work, nor to the
5 22 operation

~~and/or~~

- or maintenance of power and mechanical plants

5 23 or systems.

5 24

EXPLANATION

5 25 This bill amends provisions of chapter 542B relating to
5 26 professional engineers and land surveyors.

5 27 The bill strikes the definition of the practice of
5 28 "professional engineering" and inserts a definition of
5 29 "practice of engineering". Several conforming changes are
5 30 made as a result of these definition changes.

5 31 The bill also provides that the engineering and land
5 32 surveying examining board may suspend or revoke the
5 33 certificate of registration of a professional engineer or land
5 34 surveyor upon the certificate holder's conviction of a felony
5 35 under the laws of this state, or the conviction of an act
6 1 under the laws of the United States, any other state,
6 2 territory, or possession of the United States, or other
6 3 country, which would be a felony under the laws of this state.
6 4 The board may also suspend the certificate if the certificate
6 5 holder's registration in another state, territory, or foreign
6 6 country has been suspended or revoked. A certified copy of
6 7 the record or order of suspension, revocation, or other
6 8 disciplinary action is prima facie evidence of such fact.
6 9 Currently, revocation or suspension resulting from the
6 10 conviction of a felony must involve a felonious act related to
6 11 the profession or occupation of the certificate holder, or a
6 12 felonious act affecting the certificate holder's ability to
6 13 engage in the practice of engineering or land surveying.

6 14

BACKGROUND STATEMENT

6 15

SUBMITTED BY THE AGENCY

6 16 The current definition of "professional engineering" is at
6 17 times vague and confusing to the public and to licensed
6 18 professional engineers. To add detail and clarify the
6 19 language, the board proposes to adopt language from the Model
6 20 Law of the National Council of Examiners for Engineering and
6 21 Surveying (NCEES), an organization made up of all of the
6 22 licensing boards in the United States and its territories.

6 23 After reviewing the provisions of Iowa Code section
6 24 542B.21, the engineering and land surveying examining board
6 25 believes that the language in Iowa Code section 542C.21,
6 26 concerning disciplinary actions by the accountancy examining
6 27 board, is more appropriate. Thus, the bill conforms section
6 28 542B.21, subsection 5, to language used in section 542C.21.

6 29 The provisions of new subsection 5A are similar to those in
6 30 Iowa Code sections 542C.21, 153.34, 152.10, and 148.6. By
6 31 using the record of disciplinary action taken by another
6 32 jurisdiction, the board would save substantial money and time
6 33 in the investigation and hearing process. Other professions
6 34 in Iowa find this a workable solution to the problem of
6 35 disciplining Iowa registrants who have been disciplined in

7 1 other states.

7 2 LSB 1105DP 76

7 3 mj/sc/14.1