House Bill 516 (AS PASSED HOUSE AND SENATE)
By: Representatives Smith of the 133rd, Harrell of the 106th, Carpenter of the 4th, Hawkins of the 27th, and Trammell of the 132nd

A BILL TO BE ENTITLED
AN ACT

To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to provide for the regulation of certain professions; to change certain provisions relating to certain boxing, wrestling, and martial art associations and federations; to revise a definition; to change the applicability of certain provisions as to matches, contests, or exhibitions; to provide for the profession of professional structural engineer; to provide for definitions; to provide for continuing education requirements; to provide for unlawful practices; to provide for the issuance of certificates of registration for such professionals; to provide for registration by comity; to provide for certificates of registration; to provide for use of a seal; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended in Code Section 43-4B-1, relating to definitions, by revising paragraph (1) as follows:

"(1) 'Amateur,' when applied to a person engaged in boxing, wrestling, or a martial art, means a person who receives no compensation and engages in a match, contest, or exhibition of boxing, wrestling, or a martial art that is governed or authorized by:

(A) U.S.A. Boxing;
(B) The Georgia High School Athletic Association;
(C) The National Collegiate Athletic Association;
(D) Amateur Athletic Union;
(E) Golden Gloves;
(F) Team Georgia Amateur Wrestling;
(G) USA Wrestling;
(H) National High School Coaches Association;
(I) North American Sport Karate Association;
(J) International Sport Kick Boxing/Karate Association;
(K) World Kick Boxing Association;
(L) United States Kick Boxing Association;
(M) International Sport Combat Federation;
(N)(J) Professional Karate Commission; or
(O) International Kick Boxing Federation; or
(P)(K) The local affiliate of any organization listed in this paragraph."

SECTION 2.

Said title is further amended by revising subsection (a) of Code Section 43-4B-2, relating to application of provisions of such chapter, as follows:

"(a) The provisions of this chapter shall not be construed to apply to any match, contest, or exhibition:
(1) In which the contestants are all amateurs; and
(2) Which is governed or authorized by:
(A) U.S.A. Boxing;
(B) The Georgia High School Athletic Association;
(C) The National Collegiate Athletic Association;
(D) Amateur Athletic Union;
(E) Golden Gloves;
(F) Team Georgia Amateur Wrestling;
(G) USA Wrestling;
(H) National High School Coaches Association;
(I) North American Sport Karate Association;
(J) International Sport Kick Boxing/Karate Association;
(K) World Kick Boxing Association;
(L) United States Kick Boxing Association;
(M) International Sport Combat Federation;
(N)(J) Professional Karate Commission; or
(O) International Kick Boxing Federation; or
(P)(K) The local affiliate of any organization listed in this paragraph."

SECTION 3.

Said title is further amended in Code Section 43-15-2, relating to definitions, by adding two new paragraphs to read as follows:

"(12) ‘Professional structural engineer’ means a professional engineer with specialized knowledge and expertise in the practice of structural engineering. Such person shall be qualified by reason of knowledge of mathematics, physical sciences, and principles by
which mechanical properties of matter are made useful to man in structures, acquired
through professional education and practical experience, to engage in the practice of
structural engineering. Such persons shall further possess a current certificate of
registration as a professional structural engineer issued by the board.

(13) 'Structural engineering' means the practice of a specialized branch of professional
engineering involving the design or analysis of designated structures as defined by the
board, and shall include any professional service, such as consultation, investigation,
evaluation, planning, designing, analyzing, or responsible supervision of construction or
operation, in connection with any public or private designated structures, wherein the
public welfare or the safeguarding of life, health, or property is concerned or involved,
when such professional service requires the application of structural engineering
principles and data and training in the application of mathematical and physical sciences.

A person shall be construed to practice or offer to practice structural engineering, within
the meaning of this chapter, who by verbal claim, sign, advertisement, letterhead, card,
or in any other way represents or holds himself or herself out as a professional structural
engineer or as able or qualified to perform structural engineering services or who does
perform any of the services set out in this paragraph."

SECTION 4.

Said title is further amended in Code Section 43-15-6, relating to general powers of the
board, injunctions, and continuing education, by revising subsection (b) as follows:

"(b) In addition to other powers conferred upon the board under this chapter, the board
shall through rules and regulations require each individual seeking renewal of a certificate
of registration as a professional engineer or a professional structural engineer or a license
as a professional land surveyor to complete board approved continuing education of not
more than 30 hours biennially for professional engineers and professional structural
engineers and not more than 15 hours biennially for professional land surveyors. The
board shall be authorized to approve courses offered by institutions of higher learning or
offered by other institutions or organizations. The board shall randomly audit some
applications for renewal of a certificate of registration or license to enforce compliance
with this subsection. The continuing education requirements adopted by the board shall
recognize the continuing education requirements imposed by other states to the extent that
such continuing education courses meet the requirements imposed by the board. The board
shall be authorized to waive the continuing education requirements in cases of hardship,
disability, or illness or under such other circumstances as the board deems appropriate.
The board shall waive the continuing education requirement for individuals over the age
of 65 who have retired from active practice and who apply for an inactive license and for
individuals over the age of 65 who are engaged in the active practice of their profession
who have had a valid active license for the previous 25 consecutive years. The requirement for continuing education including the exemptions provided for in this subsection shall apply to each licensing renewal cycle which begins after the 1996 renewal cycle."

SECTION 5.

Said title is further amended in Code Section 43-15-7, relating to unlawful practice as a professional engineer or land surveyor, by adding a new subsection to read as follows:

“(c) It shall be unlawful for any person other than a professional structural engineer to practice or to offer to practice structural engineering in this state.”

SECTION 6.

Said title is further amended adding a new Code section to read as follows:

"43-15-9.1. To be eligible for a certificate of registration as a professional structural engineer, an applicant must meet the following minimum requirements:

(1)(A) Obtain certification by the board as an engineer-in-training under paragraph (1) of Code Section 43-15-8;

(B) Acquire a specific record of not less than four years' experience in structural engineering work of a character satisfactory to the board which indicates the applicant is competent to practice structural engineering; and

(C) Subsequently pass a written examination in the principles and practice of structural engineering in the areas of which shall be determined by the board (structural engineering examination); or

(2)(A) Obtain certification by the board as an engineer-in-training under paragraph (2) of Code Section 43-15-8;

(B) Acquire a specific record of not less than seven years' experience in structural engineering work of a character satisfactory to the board which indicates the applicant is competent to practice structural engineering; and

(C) Subsequently pass a written examination in the principles and practice of structural engineering in the areas of which shall be determined by the board (structural engineering examination); or

(3) Any applicant seeking a certificate of registration as a professional structural engineer prior to January 1, 2021, who already holds a valid certificate of registration as a professional engineer from the board, has a record of practice which is primarily in the practice of structural engineering, and is currently engaged in the practice of structural engineering may submit a signed affidavit on a form prescribed by the board stating as much. Based upon such affidavit and any other means the board may deem necessary to determine verification of practice in the area of structural engineering by an applicant, the
board shall grant a certificate of registration as a professional structural engineer. On or after January 1, 2021, no certificate of registration as a professional structural engineer shall be issued unless the requirements of paragraphs (1) or (2) of this Code section and Code Section 43-15-16 have been satisfied."

SECTION 7.

Said title is further amended in Code Section 43-15-10, relating to evaluation of engineering experience, by revising the introductory language of subsection (a) as follows:

"(a) For the purpose of determining whether an applicant has acquired the experience required under Code Section 43-15-8, or 43-15-9, or 43-15-9.1:"

SECTION 8.

Said title is further amended in Code Section 43-15-16, relating to registration and licensure by comity, by revising subsection (a) as follows:

"(a) The board may, in its discretion, upon application therefor and the payment of a fee prescribed by the board, issue a certificate of registration as a professional engineer or professional structural engineer to any individual who holds a certificate of qualification or registration issued to him or her by proper authority of the National Council of Engineering Examiners for Engineering and Surveying or of any state or territory or possession of the United States if the requirements of the registration of professional engineers or professional structural engineers under which the certificate of qualification or registration was issued do not conflict with this chapter and are of a standard not lower than that specified in this chapter or if the applicant held such certificate on or before July 1, 1956. The fact that the statute under which the individual was issued a certificate of qualification or registration in another state does not provide that the required written examination be passed subsequent to the acquisition of the required experience shall not be deemed as a conflict with, or lower than, the Georgia requirements, provided that the written examination and the amount of experience required for registration are substantially equivalent to the Georgia requirements."

SECTION 9.

Said title is further amended by revising Code Section 43-15-18, relating to effect of certificate of registration or license, as follows:

"43-15-18.

(a) In the case of a professional engineer, the certificate of registration shall authorize the practice of professional engineering. In the case of a professional land surveyor, the license shall authorize the practice of land surveying. In the case of a registered professional structural engineer, the certificate of registration shall authorize the practice
of structural engineering. A certificate of registration or license shall show the full name
of the registrant or licensee, shall have a serial number, and shall be signed by the chairman
chairperson of the board and the division director under the seal of the board.

(b) The issuance of a certificate of registration or license by the board shall be evidence
that the individual named therein is entitled to all the rights and privileges of a professional
engineer or a professional land surveyor, as the case may be, as long as the certificate or
license remains unrevoked, unexpired, or unaffected by other discipline imposed by the
board."

SECTION 10.

Said title is further amended in Code Section 43-15-22, relating to registrant required to
obtain seal, inscription, purpose, and fraudulent use of seal, by revising subsection (a) as
follows:
"(a) Every professional engineer and professional land surveyor registered or licensed, as
applicable, under this chapter shall, upon receipt of a certificate of registration or license,
obtain a seal of the design authorized by the board, bearing the registrant's or licensee's
name, certificate or license number, and the legend 'Professional Engineer,' 'Registered
Professional Structural Engineer,' or 'Professional Land Surveyor,' in accordance with the
certificate of registration or license."

SECTION 11.

Said title is further amended by revising Code Section 43-15-24, relating to construction of
structures jeopardizing health, safety, or welfare, exceptions, and recording of building
permits, as follows:

(a) It shall be unlawful for this state or any of its political subdivisions such as a county,
municipality, or school district, or agencies thereof, or for any private or commercial entity
to engage in the construction of any work or structures involving professional engineering
or structural engineering which by the nature of their function or existence could adversely
affect or jeopardize the health, safety, or welfare of the public unless the plans and
specifications have been prepared under the direct supervision or review of and bear the
seal of, and the construction is executed under the direct supervision of or review by, a
professional engineer or architect or professional structural engineer.

(b) Nothing in this Code section shall be held to apply to any construction, including
alterations, of which the completed cost is less than $100,000.00 or which is used
exclusively for private or noncommercial purposes, or to private residences, or to
noncommercial farm buildings, or to residence buildings not exceeding two stories in
height, excluding basements.
(c) Any county, municipality, or other governing body in this state that issues building permits is required to maintain a permanent record of the permit application and issuance thereon indicating the name of the professional engineer or architect or professional structural engineer, if any, who has sealed the plans, specifications, plats, or reports pursuant to which said building permit is issued. Such record shall include details on the size, type of building or structure, use for said building or structure, and estimated cost of construction."

SECTION 12.

Said title is further amended in Code Section 43-15-29, relating to exceptions to operation of chapter, by revising subsections (b) through (d) as follows:

"(b) The following persons shall be exempt from this chapter:

(1) An individual working as an employee or a subordinate of an individual holding a certificate of registration or license under this chapter or an employee of an individual practicing lawfully under Code Section 43-15-21, provided that such work does not include final design decisions and is done under the supervision of, and responsibility therefor is assumed by, an individual holding a certificate of registration or license under this chapter or an individual practicing lawfully under Code Section 43-15-21;

(2) Officers and employees of the government of the United States while engaged within this state in the practice of professional engineering, structural engineering, or land surveying for such government;

(3) All elected officers of the political subdivisions of this state while in the practice of professional engineering, structural engineering, or land surveying in the performance of their official duties;

(4) Officers and employees of the Department of Transportation, except as required by Title 46, while engaged within this state in the practice of professional engineering, structural engineering, or land surveying for such department;

(5) Any defense, aviation, space, or aerospace company. As used in this paragraph, the term 'company' shall mean any sole proprietorship, firm, limited liability company, partnership, joint venture, joint stock association, corporation, or other business entity and any subsidiary or affiliate of such business entity;

(6) Any employee, contract worker, subcontractor, or independent contractor who works for a defense, aviation, space, or aerospace company that is not required to be licensed under the provisions of this chapter pursuant to paragraph (5) of this subsection and who provides engineering for aircraft, space launch vehicles, launch services, satellites, satellite services, missiles, rockets, or other defense, aviation, space, or aerospace related products or services, or any components thereof; and
(7) Any officer or employee of a state government agency or department, county or municipal government, regional commission, or utility authority who is engaged in the gathering, processing, managing, and sharing of geospatial and photogrammetric data for cataloging or mapping purposes for his or her respective agency.

(c) This chapter shall not be construed as requiring registration or licensing for the purpose of practicing professional engineering, structural engineering, or land surveying by an individual, firm, or corporation on property owned or leased by such individual, firm, or corporation unless the same involves the public safety or public health or for the performance of engineering which relates solely to the design or fabrication of manufactured products.

(d) This chapter shall not be construed to prevent or affect the practice of professional engineering, structural engineering, and land surveying with respect to utility facilities by any public utility subject to regulation by the Public Service Commission, the Federal Communications Commission, the Federal Power Commission, or like regulatory agencies, including its parents, affiliates, or subsidiaries; or by the officers and full-time permanent employees of any such public utility, including its parents, affiliates, or subsidiaries, except where such practice involves property lines of adjoining property owners, provided that this exception does not extend to any professional engineer, professional structural engineer, or professional land surveyor engaged in the practice of professional engineering, structural engineering, or land surveying whose compensation is based in whole or in part on a fee or to any engineering services performed by the utility companies referenced in this subsection not directly connected with work on their facilities.

SECTION 13.

Said title is further amended in Code Section 43-15-30, relating to unlawful acts, by revising subsection (e) as follows:

“(e) Any person offering services to the public that uses by name, verbal claim, sign, advertisement, directory listing, letterhead, or otherwise the words 'Engineer,' 'Engineers,' 'Professional Engineering,' 'Engineering,' or 'Engineered,' 'Professional Structural Engineer,' 'Professional Structural Engineers,' 'Structural Engineer,' 'Structural Engineers,' 'Structural Engineering,' or 'Structurally Engineered' shall be guilty of a misdemeanor unless said person has complied with the provisions of this chapter.”

SECTION 14.

All laws and parts of laws in conflict with this Act are repealed.