

As Introduced

**124th General Assembly
Regular Session
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S. B. No. 77

SENATOR Coughlin

A B I L L

To amend sections 4733.12 and 4733.16 of the Revised 1
Code relative to a business entity obtaining a 2
certificate of authorization to provide 3
professional engineering or surveying services if a 4
combination of registered professional engineers, 5
surveyors, or architects own collectively more than 6
fifty per cent of the business entity providing 7
those services. 8

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

Section 1. That sections 4733.12 and 4733.16 of the Revised 9
Code be amended to read as follows: 10

Sec. 4733.12. (A) Applications for registration as a 11
professional engineer or professional surveyor shall be on forms 12
prescribed and furnished by the state board of registration for 13
professional engineers and surveyors, shall contain statements 14
made under oath setting forth the applicant's education, a 15
detailed summary of ~~his~~ the applicant's technical work, and the 16
branch in which ~~he~~ the applicant specializes, and shall contain 17
not less than five references, of whom three or more shall be 18
professional engineers or professional surveyors having personal 19
knowledge of ~~his~~ the applicant's engineering or surveying 20

experience. The application shall be accompanied by an application 21
fee, which shall be established by the board at an amount adequate 22
to cover the costs of processing the application. 23

The examination fee for professional engineers, which shall 24
accompany the "notice of intention" for each scheduled first stage 25
and second stage examination, shall be established by the board at 26
an amount adequate to cover the expense of procuring, 27
administering, and grading the examination. The registration fee, 28
which shall be paid after the applicant has passed both 29
examinations, shall be established by the board at an amount 30
adequate to cover the expense of issuing a certificate of 31
registration. 32

The examination fee for professional surveyors, which shall 33
accompany the "notice of intention" for each scheduled first stage 34
and second stage examination, shall be established by the board at 35
an amount adequate to cover the expense of procuring, 36
administering, and grading the examination. The registration fee, 37
which shall be paid after the applicant has passed both 38
examinations, shall be established by the board at an amount 39
adequate to cover the expense of issuing a certificate of 40
registration. 41

(B) The board shall establish the fee for a certificate of 42
authorization issued under ~~division (F)~~ of section 4733.16 of the 43
Revised Code in an amount not to exceed fifty dollars and the fee 44
for annual renewal of a certificate of authorization, not to 45
exceed twenty-five dollars. The fee for a duplicate certificate of 46
authorization is five dollars. 47

Sec. 4733.16. (A) A firm, partnership, association, limited 48
liability company, or corporation may provide professional 49
engineering or professional surveying services in this state as 50
long as the services are provided only through natural persons 51

registered to provide those services in the state, subject to the 52
exemptions in sections 4733.17 and 4733.18 of the Revised Code and 53
subject otherwise to the requirements of this chapter. 54

(B) No firm, partnership, association, limited liability 55
company, or corporation, except a corporation that was granted a 56
charter prior to August 7, 1943, to engage in providing 57
professional engineering or professional surveying services in 58
this state or that was otherwise lawfully providing engineering 59
services in this state prior to November 15, 1982, shall engage in 60
providing professional engineering or professional surveying 61
services, hold itself out to the public as being engaged in 62
providing professional engineering or professional surveying 63
services, or use a name including one or more of the words 64
"engineer," "engineering," ~~or~~ "surveyor," or "surveying" or any 65
modification or derivation of those words, unless the firm, 66
partnership, association, limited liability company, or 67
corporation obtains a certificate of authorization from the state 68
board of registration for professional engineers and surveyors and 69
files all information required to be filed under this section with 70
the state board of registration for professional engineers and 71
surveyors and otherwise complies with all requirements of this 72
chapter. A nonprofit membership corporation may use a name 73
including one or more of the words "engineer," "engineering," 74
"surveyor," or "surveying" or any modification or derivation of 75
those words without complying with this section. 76

(C) A corporation may be organized under Chapter 1701. of the 77
Revised Code, a professional association may be organized under 78
Chapter 1785. of the Revised Code, or a limited liability company 79
may be formed under Chapter 1705. of the Revised Code for the 80
purpose of providing professional engineering, professional 81
surveying, architectural, or landscape architectural services or 82
any combination of those services. A corporation organized under 83

Chapter 1701. of the Revised Code for the purpose of providing 84
those services also may be organized for any other purpose in 85
accordance with that chapter. 86

(D) No firm, partnership, association, limited liability 87
company, or corporation shall provide or offer to provide 88
professional engineering or professional surveying services in 89
this state unless ~~more than fifty per cent of the partners,~~ 90
~~members, or shareholders, more than fifty per cent of the~~ 91
~~directors in the case of a corporation or professional~~ 92
~~association, and more than fifty per cent of the managers in the~~ 93
~~case of a limited liability company the management of which is not~~ 94
~~reserved to its members,~~ are professional engineers, professional 95
surveyors, architects, or landscape architects, or a combination 96
of those professions, who are registered in this state ~~and who~~ 97
own more than fifty per cent of the interests in the firm, 98
partnership, association, limited liability company, or 99
corporation; ~~unless the requirements of this division and of~~ 100
~~section 1785.02 of the Revised Code are satisfied with respect to~~ 101
~~any professional association organized under Chapter 1785. of the~~ 102
~~Revised Code; or unless the requirements of this division and of~~ 103
~~Chapter 1705. of the Revised Code are satisfied with respect to a~~ 104
~~limited liability company formed under that chapter.~~ 105

(E) Each firm, partnership, association, limited liability 106
company, or corporation through which professional engineering or 107
professional surveying services are offered or provided in this 108
state shall designate one or more partners, managers, members, 109
officers, or directors as being in responsible charge of the 110
professional engineering or professional surveying activities and 111
decisions, and those designated persons shall be registered in 112
this state. In the case of a corporation holding a certificate of 113
authorization ~~provided for in division (F) of this section,~~ at 114
least one of the persons so designated shall be a director of the 115

corporation. Each firm, partnership, association, limited liability company, or corporation of that type shall annually file with the state board of registration for professional engineers and surveyors the name and address of each partner, manager, officer, director, member, or shareholder, and each firm, partnership, association, limited liability company, or corporation of that type shall annually file with the board the name and address of each owner and all persons designated as being in responsible charge of the professional engineering or professional surveying activities and decisions and any other information the board may require. If there is a change in any such person in the interval between filings, the change shall be filed with the board in the manner and within the time that the board determines.

(F) No corporation organized under Chapter 1701. of the Revised Code shall engage in providing engineering or surveying services in this state without obtaining a certificate of authorization from the state board of registration for professional engineers and surveyors. A corporation desiring a certificate of authorization shall file with the board a copy of a certificate of good standing from the secretary of state and a listing on the form that the board directs of the names and addresses of all officers, directors, and shareholders of the corporation, the names and addresses of any individuals providing professional services on behalf of the corporation who are registered to practice professional engineering or professional surveying in this state, and any other information the board requires. If all requirements of this chapter are met, the board may issue a certificate of authorization to the corporation. No certificate of authorization shall be issued unless persons owning more than fifty per cent of the corporation's shares and more than fifty per cent of the interests in the corporation are professional engineers, professional surveyors, architects, or

~~landscape architects, or a combination of those professions, who 149
are registered in this state. Any corporation that holds a 150
certificate of authorization under this section and that otherwise 151
meets the requirements of this chapter may be organized for any 152
purposes for which corporations may be organized under Chapter 153
1701. of the Revised Code and shall not be limited to the purposes 154
of providing professional engineering, surveying, architectural, 155
or landscape architectural services or any combination of those 156
services. The board, by rules adopted in accordance with Chapter 157
119. of the Revised Code, may require any firm, partnership, 158
association, or limited liability company not organized under 159
Chapter 1701. of the Revised Code that provides engineering or 160
surveying services to obtain a certificate of authorization. If 161
the board so requires, no firm, partnership, association, or 162
limited liability company shall engage in providing engineering or 163
surveying services without obtaining the certificate and complying 164
with the rules. 165~~

~~(G)~~ This section does not modify any law applicable to the 166
relationship between a person furnishing a professional service 167
and a person receiving that service, including liability arising 168
out of that service. 169

~~(H)~~(G) Nothing in this section shall restrict or limit in any 170
manner the authority or duty of the state board of registration 171
for professional engineers and surveyors with respect to natural 172
persons providing professional services or any law or rule 173
pertaining to standards of professional conduct. 174

~~(I)~~(H) Corporations, partnerships, associations, limited 175
liability companies, or firms organized under the laws of another 176
state or country wishing to provide professional engineering or 177
professional surveying services shall obtain a certificate of 178
authorization and meet the applicable requirements of this 179
section. 180

Section 2. That existing sections 4733.12 and 4733.16 of the Revised Code are hereby repealed.

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