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Sub. S. B. No. 77

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Wolpert, Flowers, Salerno, Schmidt, Carey, Calvert, Seitz, Willamowski,
G. Smith, Gilb, Barrett, Buehrer, Perry, Widowfield**

A B I L L

To amend sections 4733.12 and 4733.16 of the Revised 1
Code to modify professional ownership and 2
management requirements a business entity must 3
satisfy to obtain a certificate of authorization to 4
provide professional engineering or surveying 5
services. 6

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

Section 1. That sections 4733.12 and 4733.16 of the Revised 7
Code be amended to read as follows: 8

Sec. 4733.12. (A) Applications for registration as a 9
professional engineer or professional surveyor shall be on forms 10
prescribed and furnished by the state board of registration for 11
professional engineers and surveyors, shall contain statements 12
made under oath setting forth the applicant's education, a 13
detailed summary of ~~his~~ the applicant's technical work, and the 14
branch in which ~~he~~ the applicant specializes, and shall contain 15
not less than five references, of whom three or more shall be 16

professional engineers or professional surveyors having personal 17
knowledge of ~~his~~ the applicant's engineering or surveying 18
experience. The application shall be accompanied by an application 19
fee, which shall be established by the board at an amount adequate 20
to cover the costs of processing the application. 21

The examination fee for professional engineers, which shall 22
accompany the "notice of intention" for each scheduled first stage 23
and second stage examination, shall be established by the board at 24
an amount adequate to cover the expense of procuring, 25
administering, and grading the examination. The registration fee, 26
which shall be paid after the applicant has passed both 27
examinations, shall be established by the board at an amount 28
adequate to cover the expense of issuing a certificate of 29
registration. 30

The examination fee for professional surveyors, which shall 31
accompany the "notice of intention" for each scheduled first stage 32
and second stage examination, shall be established by the board at 33
an amount adequate to cover the expense of procuring, 34
administering, and grading the examination. The registration fee, 35
which shall be paid after the applicant has passed both 36
examinations, shall be established by the board at an amount 37
adequate to cover the expense of issuing a certificate of 38
registration. 39

(B) The board shall establish the fee for a certificate of 40
authorization issued under ~~division (F)~~ of section 4733.16 of the 41
Revised Code in an amount not to exceed fifty dollars and the fee 42
for annual renewal of a certificate of authorization, not to 43
exceed twenty-five dollars. The fee for a duplicate certificate of 44
authorization is five dollars. 45

Sec. 4733.16. (A) A firm, partnership, association, limited 46
liability company, or corporation may provide professional 47

engineering or professional surveying services in this state as 48
long as the services are provided only through natural persons 49
registered to provide those services in the state, subject to the 50
exemptions in sections 4733.17 and 4733.18 of the Revised Code and 51
subject otherwise to the requirements of this chapter. 52

(B) No firm, partnership, association, limited liability 53
company, or corporation, except a corporation that was granted a 54
charter prior to August 7, 1943, to engage in providing 55
professional engineering or professional surveying services in 56
this state or that was otherwise lawfully providing engineering 57
services in this state prior to November 15, 1982, shall engage in 58
providing professional engineering or professional surveying 59
services, hold itself out to the public as being engaged in 60
providing professional engineering or professional surveying 61
services, or use a name including one or more of the words 62
"engineer," "engineering," ~~or~~ "surveyor," or "surveying" or any 63
modification or derivation of those words, unless the firm, 64
partnership, association, limited liability company, or 65
corporation obtains a certificate of authorization from the state 66
board of registration for professional engineers and surveyors and 67
files all information required to be filed under this section with 68
the state board of registration for professional engineers and 69
surveyors and otherwise complies with all requirements of this 70
chapter. A nonprofit membership corporation may use a name 71
including one or more of the words "engineer," "engineering," 72
"surveyor," or "surveying" or any modification or derivation of 73
those words without complying with this section. 74

(C) A corporation may be organized under Chapter 1701. of the 75
Revised Code, a professional association may be organized under 76
Chapter 1785. of the Revised Code, or a limited liability company 77
may be formed under Chapter 1705. of the Revised Code for the 78
purpose of providing professional engineering, professional 79

surveying, architectural, or landscape architectural services or
any combination of those services. A corporation organized under
Chapter 1701. of the Revised Code for the purpose of providing
those services also may be organized for any other purpose in
accordance with that chapter.

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

~~(E)~~ Each firm, partnership, association, limited liability
company, or corporation through which professional engineering or
professional surveying services are offered or provided in this
state shall designate one or more partners, managers, members,
officers, or directors as being responsible for and in responsible
charge of the professional engineering or professional surveying
activities and decisions, and those designated persons shall be
registered in this state. In the case of a corporation holding a

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certificate of authorization provided for in division ~~(F)~~(E) of 112
this section, at least one of the persons so designated shall be a 113
director of the corporation. Each firm, partnership, association, 114
limited liability company, or corporation ~~of that type~~ shall 115
annually file with the state board of registration for 116
professional engineers and surveyors ~~the name and address of each~~ 117
~~partner, manager, officer, director, member, or shareholder, and~~ 118
~~each firm, partnership, association, limited liability company, or~~ 119
~~corporation of that type shall annually file with the board the~~ 120
name and address of all owners and all persons designated as being 121
in responsible charge of the professional engineering or 122
professional surveying activities and decisions and any other 123
information the board may require. ~~If there is a change in any~~ 124
~~such person in the interval between filings, the change shall be~~ 125
~~filed with the board in the manner and within the time that the~~ 126
~~board determines.~~ 127

~~(F) No corporation organized under Chapter 1701. of the~~ 128
~~Revised Code shall engage in providing engineering or surveying~~ 129
~~services in this state without obtaining a certificate of~~ 130
~~authorization from the~~ 131

(E) The state board of registration for professional 132
engineers and surveyors. ~~A corporation desiring a certificate of~~ 133
~~authorization shall file with the board a copy of a certificate of~~ 134
~~good standing from the secretary of state and a listing on the~~ 135
~~form that the board directs of the names and addresses of all~~ 136
~~officers, directors, and shareholders of the corporation, the~~ 137
~~names and addresses of any individuals providing professional~~ 138
~~services on behalf of the corporation who are registered to~~ 139
~~practice professional engineering or professional surveying in~~ 140
~~this state, and any other information the board requires. If all~~ 141
~~requirements of this chapter are met, the board may shall issue a~~ 142
certificate of authorization to the each firm, partnership, 143

~~association, limited liability company, or corporation that~~ 144
~~satisfies the requirements of this chapter, including providing~~ 145
~~information that the board may require pursuant to division (D) of~~ 146
~~this section. No certificate of authorization shall be issued~~ 147
~~unless persons owning more than fifty per cent of the~~ 148
~~corporation's shares and more than fifty per cent of the interests~~ 149
~~in the corporation are professional engineers, professional~~ 150
~~surveyors, architects, or landscape architects, or a combination~~ 151
~~of those professions, who are registered in this state. Any~~ 152
~~corporation that holds a certificate of authorization under this~~ 153
~~section and that otherwise meets the requirements of this chapter~~ 154
~~may be organized for any purposes for which corporations may be~~ 155
~~organized under Chapter 1701. of the Revised Code and shall not be~~ 156
~~limited to the purposes of providing professional engineering,~~ 157
~~surveying, architectural, or landscape architectural services or~~ 158
~~any combination of those services. The board, by rules adopted in~~ 159
~~accordance with Chapter 119. of the Revised Code, may require any~~ 160
~~firm, partnership, association, or limited liability company not~~ 161
~~organized under Chapter 1701. of the Revised Code that provides~~ 162
~~engineering or surveying services to obtain a certificate of~~ 163
~~authorization. If the board so requires, no firm, partnership,~~ 164
~~association, or limited liability company shall engage in~~ 165
~~providing engineering or surveying services without obtaining the~~ 166
~~certificate and complying with the rules.~~ 167

~~(G)~~(F) This section does not modify any law applicable to the 168
relationship between a person furnishing a professional service 169
and a person receiving that service, including liability arising 170
out of that service. 171

~~(H)~~(G) Nothing in this section shall restrict or limit in any 172
manner the authority or duty of the state board of registration 173
for professional engineers and surveyors with respect to natural 174
persons providing professional services or any law or rule 175

pertaining to standards of professional conduct. 176

~~(I)~~(H) Corporations, partnerships, associations, limited 177
liability companies, or firms organized under the laws of another 178
state or country wishing to provide professional engineering or 179
professional surveying services shall obtain a certificate of 180
authorization and meet the applicable requirements of this 181
section. 182

Section 2. That existing sections 4733.12 and 4733.16 of the 183
Revised Code are hereby repealed. 184

Section 3. In amending Chapter 4733. of the Revised Code in 185
this act and in all previous acts of the General Assembly from 186
June 2, 1988, through the effective date of this act, it is the 187
intent of the General Assembly to reflect and accept the holding 188
of the Franklin County Court of Common Pleas in S.E.A., Inc. v. 189
State Board of Registration for Professional Engineers and 190
Surveyors (Franklin Cty. C.P., June 2, 1988), No. 86CV-05-2754, 191
unreported, that Chapter 4733. of the Revised Code does not apply 192
to the business activities of the firms or their successors as 193
described in that case. 194