

**As Reported by the Senate Insurance, Commerce and Labor  
Committee**

**124th General Assembly  
Regular Session  
2001-2002**

**Sub. S. B. No. 77**

**SENATOR Coughlin**

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**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

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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 80  
any combination of those services. A corporation organized under 81  
Chapter 1701. of the Revised Code for the purpose of providing 82

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those services also may be organized for any other purpose in 83  
accordance with that chapter. 84

~~(D) No firm, partnership, association, limited liability 85  
company, or corporation shall provide or offer to provide 86  
engineering or surveying services in this state unless more than 87  
fifty per cent of the partners, members, or shareholders, more 88  
than fifty per cent of the directors in the case of a corporation 89  
or professional association, and more than fifty per cent of the 90  
managers in the case of a limited liability company the management 91  
of which is not reserved to its members, are professional 92  
engineers, professional surveyors, architects, or landscape 93  
architects, or a combination of those professions, who are 94  
registered in this state and who own more than fifty per cent of 95  
the interests in the firm, partnership, association, limited 96  
liability company, or corporation; unless the requirements of this 97  
division and of section 1785.02 of the Revised Code are satisfied 98  
with respect to any professional association organized under 99  
Chapter 1785. of the Revised Code; or unless the requirements of 100  
this division and of Chapter 1705. of the Revised Code are 101  
satisfied with respect to a limited liability company formed under 102  
that chapter. 103~~

~~(E)~~ Each firm, partnership, association, limited liability 104  
company, or corporation through which professional engineering or 105  
professional surveying services are offered or provided in this 106  
state shall designate one or more partners, managers, members, 107  
officers, or directors as being responsible for and in responsible 108  
charge of the professional engineering or professional surveying 109  
activities and decisions, and those designated persons shall be 110  
registered in this state. In the case of a corporation holding a 111  
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

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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

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~~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

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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