

As Passed by the Senate

**125th General Assembly
Regular Session
2003-2004**

Sub. H. B. No. 322

**Representatives Widener, Hollister, Kilbane, Taylor, Otterman, Allen, Barrett,
Book, Carmichael, Chandler, Cirelli, Collier, Daniels, C. Evans, Flowers,
Hoops, Key, Olman, S. Patton, Schlichter, Setzer, J. Stewart, Webster
Senators Coughlin, Miller**

A B I L L

To amend sections 4733.15 and 4733.16 and to enact 1
section 4733.151 of the Revised Code to increase 2
the annual renewal of registration fee for 3
professional engineers and professional surveyors, 4
to implement continuing professional development 5
requirements for registration renewals of 6
professional engineers and surveyors beginning in 7
calendar year 2008, and to modify requirements 8
concerning the type of professional designated to 9
be responsible for decisions of a professional 10
engineering or professional surveying business. 11

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

Section 1. That sections 4733.15 and 4733.16 be amended and 12
section 4733.151 of the Revised Code be enacted to read as 13
follows: 14

Sec. 4733.15. (A) Registration expires annually on the last 15
day of December following initial registration or renewal of 16
registration and becomes invalid on that date unless renewed 17

pursuant to this section and the standard renewal procedure of 18
sections 4745.01 to 4745.03 of the Revised Code. Renewal may be 19
effected at any time prior to the date of expiration for a period 20
of one year by the applicant's ~~paying~~ payment to the treasurer of 21
state of a fee of ~~sixteen~~ twenty dollars for a renewal of 22
registration as either a professional engineer or professional 23
surveyor and, for renewals for calendar year 2008 and thereafter, 24
demonstration of completion of the continuing professional 25
development requirements of section 4733.151 of the Revised Code. 26
When notified as required in this section, a registrant's failure 27
to renew registration shall not deprive the registrant of the 28
right of renewal within the following twelve months, but the fee 29
to renew a registration within twelve months after expiration 30
shall be increased fifty per cent, and the registrant shall 31
certify completion of continuing professional development hours as 32
required in section 4733.151 of the Revised Code. ~~The~~ 33

The state board of registration for professional engineers 34
and surveyors may, upon request, waive the payment of ~~the~~ renewal 35
fees ~~of~~ or the completion of continuing professional development 36
requirements for a registrant during the period when the 37
registrant is on active duty in connection with any branch of the 38
armed forces of the United States. 39

(B) Each certificate of authorization issued pursuant to 40
section 4733.16 of the Revised Code shall authorize the holder to 41
provide professional engineering or professional surveying 42
services, through the registered professional engineer or 43
professional surveyor designated as being in responsible charge of 44
the professional engineering or professional surveying practice, 45
from the date of issuance until the last day of June next 46
succeeding the date upon which the certificate was issued, unless 47
the certificate has been revoked or suspended for cause as 48
provided in section 4733.20 of the Revised Code or has been 49

suspended pursuant to section 3123.47 of the Revised Code. 50

(C) If a registrant fails to renew registration ~~within one~~ 51
~~year from the date of expiration~~ as provided under division (A) of 52
this section, its renewal and reinstatement may be effected under 53
rules ~~promulgated by~~ the board adopts regarding requirements for 54
reexamination or reapplication, and reinstatement penalty fees. 55
The board may require a registrant who fails to renew registration 56
to complete those hours of continuing professional development 57
required from the effective date of this section, as a condition 58
of renewal and reinstatement if the registrant seeks renewal and 59
reinstatement under this division on or after January 1, 2009. 60

Sec. 4733.151. (A) Each registrant for renewal for calendar 61
year 2008 and thereafter shall have completed, within the 62
preceding calendar year, at least fifteen hours of continuing 63
professional development for professional engineers and surveyors. 64

(B) The continuing professional development requirement may 65
be satisfied by coursework or activities dealing with technical, 66
ethical, or managerial topics relevant to the practice of 67
engineering or surveying. A registrant may earn continuing 68
professional development hours by completing or teaching 69
university or college level coursework, attending seminars, 70
workshops, or conferences, authoring relevant published papers, 71
articles, or books, receiving patent awards, or actively 72
participating in professional or technical societies serving the 73
engineering or surveying professions. 74

In the case of the board disputing the content of any credit 75
hours or coursework, then the board shall presume as a matter of 76
law that any credit hours submitted by a registrant, or any 77
coursework or activity submitted for approval complies with this 78
section if submitted and a statement signed by a current 79
registrant not otherwise participating in the event, affirms that 80

the material is relevant to the registrant's practice and will 81
assist the registrant's development in the profession. 82

Credit for university or college level coursework shall be 83
based on the credit established by the university or college. One 84
semester hour as established by the university or college shall be 85
the equivalent of forty-five hours of continuing professional 86
development, and one quarter hour as established by the university 87
or college shall be the equivalent of thirty hours of continuing 88
professional development. 89

Credit for seminars, workshops, or conferences offering 90
continuing education units shall be based on the units awarded by 91
the organization presenting the seminar, workshop, or conference. 92
A registrant may earn ten continuing professional development 93
hours for each continuing education unit awarded. Each hour of 94
attendance at a seminar, workshop, or conference for which no 95
continuing education units are offered shall be the equivalent of 96
one continuing professional development hour. 97

A registrant may earn two continuing professional development 98
hours for each year of service as an officer or active committee 99
member of a professional or technical society or association that 100
represents registrants or entities composed of registrants. A 101
registrant may earn ten continuing professional development hours 102
for authoring relevant published papers, articles, or books. A 103
registrant may earn ten continuing professional development hours 104
for each such published paper, article, or book. A registrant may 105
earn ten continuing professional development hours for each patent 106
award. 107

(C) A person registered as both a professional engineer and 108
professional surveyor shall complete at least five of the fifteen 109
hours required under division (A) of this section in 110
engineering-related coursework or activities and at least five of 111

those fifteen hours in surveying-related coursework or activities. 112

(D) A registrant is exempt from the requirements of this section during the first calendar year of registration. 113
114

(E) A registrant who completes more than fifteen hours of approved coursework or activities in any calendar year may carry forward to the next calendar year a maximum of fifteen of the excess hours. 115
116
117
118

(F) A registrant shall maintain records to demonstrate completion of the continuing professional development requirements specified in this section for a period of three calendar years beyond the year in which certification of the completion of the requirements is obtained by the registrant. The records shall include all of the following: 119
120
121
122
123
124

(1) A log specifying the type of coursework or activity, its location and duration along with the instructor's name, and the number of continuing professional development hours earned; 125
126
127

(2) Certificates of completion or other evidence verifying attendance. 128
129

(G) The records specified in division (F) of this section may be audited at any time by the state board of registration for professional engineers and surveyors. If the board discovers that a registrant has failed to complete coursework or activities, it shall notify the registrant of the deficiencies and allow the registrant six months from the date of the notice to rectify the deficiencies and to provide the board with evidence of satisfactory completion of the continuing professional development requirements. If the registrant fails to provide such evidence within that six-month period, the board may revoke or suspend the registration after offering an adjudication hearing in accordance with Chapter 119. of the Revised Code. 130
131
132
133
134
135
136
137
138
139
140
141

Sec. 4733.16. (A) A firm, partnership, association, limited liability company, or corporation may provide professional engineering or professional surveying services in this state as long as the services are provided only through natural persons registered to provide those services in the state, subject to the exemptions in sections 4733.17 and 4733.18 of the Revised Code and subject otherwise to the requirements of this chapter.

(B) No firm, partnership, association, limited liability company, or corporation, except a corporation that was granted a charter prior to August 7, 1943, to engage in providing professional engineering or professional surveying services in this state or that was otherwise lawfully providing engineering services in this state prior to November 15, 1982, shall engage in providing professional engineering or professional surveying services, hold itself out to the public as being engaged in providing professional engineering or professional surveying services, or use a name including one or more of the words "engineer," "engineering," "surveyor," or "surveying" or any modification or derivation of those words, unless the firm, partnership, association, limited liability company, or corporation obtains a certificate of authorization from the state board of registration for professional engineers and surveyors and files all information required to be filed under this section with the state board of registration for professional engineers and surveyors and otherwise complies with all requirements of this chapter. A nonprofit membership corporation may use a name including one or more of the words "engineer," "engineering," "surveyor," or "surveying" or any modification or derivation of those words without complying with this section.

(C) A corporation may be organized under Chapter 1701. of the Revised Code, a professional association may be organized under

Chapter 1785. of the Revised Code, or a limited liability company 173
may be formed under Chapter 1705. of the Revised Code for the 174
purpose of providing professional engineering, professional 175
surveying, architectural, or landscape architectural services or 176
any combination of those services. A corporation organized under 177
Chapter 1701. of the Revised Code for the purpose of providing 178
those services also may be organized for any other purpose in 179
accordance with that chapter. 180

(D) Each firm, partnership, association, limited liability 181
company, or corporation through which professional engineering or 182
professional surveying services are offered or provided in this 183
state shall designate one or more full-time partners, managers, 184
members, officers, or directors as being responsible for and in 185
responsible charge of the professional engineering or professional 186
surveying activities and decisions, and those designated persons 187
shall be registered in this state. ~~In the case of a corporation~~ 188
~~holding a certificate of authorization provided for in division~~ 189
~~(E) of this section, at least one of the persons so designated~~ 190
~~shall be a director of the corporation.~~ Each firm, partnership, 191
association, limited liability company, or corporation shall 192
annually file with the state board of registration for 193
professional engineers and surveyors the name and address of all 194
owners and all persons designated as being in responsible charge 195
of the professional engineering or professional surveying 196
activities and decisions and any other information the board may 197
require. 198

(E) The state board of registration for professional 199
engineers and surveyors shall issue a certificate of authorization 200
to each firm, partnership, association, limited liability company, 201
or corporation that satisfies the requirements of this chapter, 202
including providing information that the board may require 203
pursuant to division (D) of this section. 204

(F) This section does not modify any law applicable to the 205
relationship between a person furnishing a professional service 206
and a person receiving that service, including liability arising 207
out of that service. 208

(G) Nothing in this section shall restrict or limit in any 209
manner the authority or duty of the state board of registration 210
for professional engineers and surveyors with respect to natural 211
persons providing professional services or any law or rule 212
pertaining to standards of professional conduct. 213

(H) Corporations, partnerships, associations, limited 214
liability companies, or firms organized under the laws of another 215
state or country wishing to provide professional engineering or 216
professional surveying services shall obtain a certificate of 217
authorization and meet the applicable requirements of this 218
section. 219

Section 2. That existing sections 4733.15 and 4733.16 of the 220
Revised Code are hereby repealed. 221