

As Introduced

**130th General Assembly
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H. B. No. 202

Representative Blessing

**Cosponsors: Representatives Duffey, Hood, Gonzales, Butler, Beck,
Amstutz, Grossman, Smith, Wachtmann, Terhar, Stinziano, Milkovich,
Perales, Thompson**

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A B I L L

To amend sections 4703.30, 4733.01, 4733.09, 4733.11, 1
4733.12, 4733.13, 4733.15, and 4733.151 of the 2
Revised Code to make changes to the examination, 3
reporting, and educational requirements of 4
professional engineers and surveyors. 5

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

Section 1. That sections 4703.30, 4733.01, 4733.09, 4733.11, 6
4733.12, 4733.13, 4733.15, and 4733.151 of the Revised Code be 7
amended to read as follows: 8

Sec. 4703.30. As used in sections 4703.30 to 4703.49 of the 9
Revised Code: 10

(A) "Landscape architect" means a person who has been 11
registered as provided in sections 4703.30 to 4703.49 of the 12
Revised Code. 13

(B) "Landscape architecture" or "the practice of landscape 14
architecture" includes: 15

(1) The preparation of master, site, and comprehensive 16

development plans, the preparation of feasibility and site 17
selection studies, and the supervision of the execution of 18
projects thereon, in accordance with the accepted professional 19
standards of public health, welfare, and safety, where the 20
dominant purpose of such service involves: 21

(a) The preservation, conservation, enhancement, or 22
determination of proper land and water uses, natural land 23
features, ground cover and plantings, naturalistic and aesthetic 24
values, natural systems, reforestation, restoration, and 25
reclamation; 26

(b) The determination of settings, grounds, and approaches 27
for buildings and structures or other improvements; the 28
determination of environmental problems of land relating to 29
erosion and sediment control, flooding, blight and other hazards; 30
the shaping and contouring of land and water forms; the 31
determination of grades; and the determination of surface and 32
ground water drainage and providing for drainage systems where 33
such systems do not require structural design of system components 34
or a hydraulic analysis of the receiving storm water conveyance 35
system; 36

(c) The development of roadways and parkways, equestrian, 37
bicycle, and pedestrian circulation systems, sidewalks, parking, 38
planting, pools, irrigation systems, and other ancillary elements, 39
for public and private use and enjoyment. 40

(2) The preparation of construction documents, provided that 41
these are limited to and are necessary for projects within the 42
scope of the practice of landscape architecture as defined in 43
divisions (B)(1)(a), (b), and (c) of this section; 44

(3) The following services as they relate to the practice of 45
landscape architecture: 46

(a) Construction observation; 47

(b) Project coordination and review of technical submissions, 48
plans, and construction documents; 49

(c) Collaboration with architects and professional engineers 50
in the design of streets, highways, bridges, buildings, and 51
structures with respect to the functional and aesthetic 52
requirements of the area in which such facilities are to be 53
placed. 54

(4) This practice shall include the location and arrangement 55
of such tangible objects and features as are incidental and 56
necessary to the purposes outlined in this section, but shall not 57
include the design of structures or facilities with separate and 58
self-contained purposes for habitation or industry, or the design 59
of streets and highways, utilities, storm and sanitary sewers, and 60
water and sewage treatment facilities, such as are exclusive to 61
the practice of engineering or architecture. A landscape architect 62
shall undertake to perform professional services only when the 63
landscape architect is qualified by education, training, and 64
experience in the specific technical areas involved. This division 65
shall not be construed to prohibit a landscape architect from 66
engaging individuals performing services outside the scope of the 67
landscape architect's qualifications as consultants. 68

(5) The practice of landscape architecture does not include 69
the practice of surveying as defined in ~~division (F)~~ of section 70
4733.01 of the Revised Code. 71

(C) "Board" means the state board of landscape architect 72
examiners. 73

Sec. 4733.01. As used in this chapter: 74

(A) "Professional engineer" means a person registered as a 75
professional engineer under this chapter. 76

(B) "Engineer" means a graduate of an accredited engineering 77

curriculum or a person registered as a professional engineer under 78
this chapter, or both. 79

(C) "Accredited engineering curriculum" means an engineering 80
curriculum accredited by the engineering accreditation commission 81
of ABET, Inc. 82

(D) "ABET, Inc." means the accreditation board for 83
engineering and technology. 84

~~(D)~~(E) "The practice of engineering" includes any 85
professional service, such as consultation, investigation, 86
evaluation, planning, design, or inspection of construction or 87
operation for the purpose of assuring compliance with drawings or 88
specifications in connection with any public or privately owned 89
public utilities, structures, buildings, machines, equipment, 90
processes, works, or projects in the proper rendering of which the 91
qualifications of section 4733.11 of the Revised Code are required 92
to protect the public welfare or to safeguard life, health, or 93
property. 94

~~(E)~~(F) "Professional surveyor" means a person who is 95
registered as a professional surveyor under this chapter. 96

~~(F)~~(G) "Practice of surveying" means any professional service 97
that requires the application of special knowledge of the 98
principles of mathematics, the related physical and applied 99
sciences, and the relevant requirements of law for the adequate 100
performance of the art of surveying, including, but not limited 101
to, measuring the area or the contours of any portion of the 102
earth's surface, the lengths and directions of the bounding lines, 103
and the contour of the surface, for their correct determination 104
and description and for conveyancing for recording, or for the 105
establishment or re-establishment of land boundaries and the 106
platting of lands and subdivisions; and like measurements and 107
operations involved in the surveying of mines, commonly known as 108

"mine surveying." 109

Sec. 4733.09. The state board of registration for 110
professional engineers and surveyors shall keep a record of its 111
proceedings and a record of all applications for registration. 112

On an application provided by the board, applicants shall 113
provide information under oath, including the applicant's 114
education and experience sufficient for the board to evaluate the 115
credentials of the applicant pursuant to section 4733.11 of the 116
Revised Code. 117

The records of the board shall be prima-facie evidence of its 118
proceedings and a transcript thereof, duly certified by the 119
executive director under seal, shall be admissible in evidence as 120
if the original were produced. 121

~~Annually, as of the first day of July, the board shall submit 122
to the governor a report of its transactions of the preceding 123
year, and shall also transmit to the governor a complete statement 124
of the receipts and expenditures of the board, attested by 125
affidavits of its chairperson and its executive director. 126~~

Sec. 4733.11. (A) The state board of registration for 127
professional engineers and surveyors shall consider an applicant 128
to be qualified for registration as a professional engineer if an 129
applicant satisfies all of the requirements listed in either 130
division (A)(1) or (2) of this section as follows: 131

(1)(a) Graduation from an accredited engineering curriculum 132
of four years or more; 133

(b) A specific record of four years or more of practical 134
experience in engineering work completed in addition to, and not 135
overlapping in time, any school work completed under division 136
(A)(1)(a) of this section that is acceptable to the board, not 137
more than two years of which may be before graduation but after 138

the completion of the second year of college, indicating that the applicant is competent to be placed in responsible charge of such work;

(c) Passing the prescribed ~~written or written and oral~~ examinations under divisions (A) and (B) of section 4733.13 of the Revised Code.

(2)(a) Graduation from a college curriculum in engineering of four years or more that is not ~~approved by the engineering accreditation commission of the accreditation board for engineering and technology~~ accredited, whose curricula is evaluated by the board and found to be of a high quality essentially equal to the curricula that are accredited by ABET, Inc., or graduation from a college curriculum in engineering technology of four years or more that is accredited by the engineering technical accreditation commission of the accreditation board for engineering and technology ABET, Inc.;

(b) Eight years or more of practical experience in engineering work completed in addition to, and not overlapping in time, any school work completed under division (A)(2)(a) of this section that is acceptable to the state board of registration for professional engineers and surveyors, not more than two years of which may be before college graduation but after completion of the second year of college, indicating that the applicant is competent to be placed in responsible charge of such work;

(c) Passing the prescribed ~~written or written and oral~~ examinations under divisions (A) and (B) of section 4733.13 of the Revised Code.

(B) The state board of registration for professional engineers and surveyors shall consider an applicant to be qualified for registration as a professional surveyor if the applicant satisfies all of the requirements listed in either

division (B)(1) or (2) of this section as follows:	170
(1)(a) Graduation from an approved curriculum in surveying of four years or more;	171 172
(b) A specific record of four years or more of surveying office and field experience completed in addition to, and not overlapping in time, any school work completed under division (B)(1)(a) of this section that is of a character acceptable to the board, at least two years of which shall be after college graduation, with at least two of the four years of work in the surveying of land boundaries under the direct supervision of a professional surveyor, who may indicate in writing that the applicant is competent to be placed in responsible charge of the work;	173 174 175 176 177 178 179 180 181 182
(c) Passing the prescribed written or written and oral examinations under divisions (A) and (C) of section 4733.13 of the Revised Code.	183 184 185
(2)(a) Graduation from an accredited curriculum in civil engineering of four years or more in a recognized school or college;	186 187 188
(b) Successful completion of at least twenty-four quarter <u>sixteen semester</u> hours, or equivalent semester <u>quarter</u> or <u>trimester</u> hours, of approved surveying courses in surveying and mapping arts and sciences, except that courses successfully completed as prior studies may be credited by the board toward this requirement, of which at least eight-quarter <u>six semester</u> hours, or equivalent semester <u>quarter</u> or trimester hours, are in surveying of land boundaries;	189 190 191 192 193 194 195 196
(c) A specific record of four years or more of surveying office and field experience completed in addition to, and not overlapping in time, any school work completed under division (B)(2)(a) of this section that is of a character acceptable to the	197 198 199 200

board, at least two years of which shall be after college 201
graduation, with at least two of the four years of work in 202
surveying of land boundaries under the direct supervision of a 203
professional surveyor, who may indicate in writing that the 204
applicant is competent to be placed in responsible charge of the 205
work; 206

(d) Passing the prescribed ~~written or written and oral~~ 207
examinations under divisions (A) and (C) of section 4733.13 of the 208
Revised Code. 209

(C) Engineering experience, for a professional engineer's 210
practical experience requirement, or surveying experience, for a 211
professional surveyor's practical experience requirement, in any 212
of the armed forces of the United States or civilian war services 213
may be credited for registration, if the experience is acceptable 214
to the board. 215

(D) As used in this section, "an approved curriculum in 216
surveying" is one which has been accredited by the related 217
accreditation committee of ~~the accreditation board for engineering~~ 218
~~and technology~~ ABET, Inc., or one which has been approved by the 219
state board of registration for professional engineers and 220
surveyors. 221

(E) No person is eligible for registration as a professional 222
engineer, or professional surveyor, who is not of good character 223
and reputation. 224

(F) In considering the qualifications of applicants, 225
responsible charge of engineering or surveying teaching may be 226
construed as responsible charge of engineering or surveying work, 227
respectively. No applicant shall receive credit for more than six 228
years of engineering or surveying experience because of 229
educational qualifications. The mere execution, as a contractor, 230
of work designed by a professional engineer or professional 231

surveyor, or the supervision of the construction of such work as a 232
superintendent is not deemed to be practical experience in 233
engineering or surveying work. 234

(G) Every person applying for registration as a professional 235
engineer or professional surveyor shall be required to pass the 236
fundamentals examination and the principles and practice 237
examination as provided in section 4733.13 of the Revised Code. In 238
addition to passing each requisite examination, each applicant 239
must submit evidence, satisfactory to the board, that the 240
applicant has completed the practical experience required in this 241
section. 242

(H) The board shall require the applicant for registration as 243
a professional engineer or professional surveyor to take two 244
examinations. The first examination, known as the fundamentals 245
examination, may be taken by the applicant at any time after the 246
applicant has completed the required education under division (A) 247
or (B) of this section, or, at the discretion of the board, an 248
applicant may be permitted to take the first examination during 249
the applicant's concluding term of an approved curriculum in 250
engineering or surveying of four years or more. 251

(I) When the applicant has passed the fundamentals 252
examination, the applicant shall be given an appropriate 253
certificate by the board showing the applicant's status as an 254
engineer intern or surveyor intern. 255

(J) The applicant is not eligible to take the second 256
examination, known as the principles and practice examination, 257
until the applicant has passed the fundamentals examination. 258

(K) Any person having the necessary qualifications to entitle 259
the person to registration is eligible for registration though the 260
person may not be practicing the person's profession at the time 261
of making application. 262

Sec. 4733.12. (A) Applications for registration as a 263
professional engineer or professional surveyor shall be on forms 264
prescribed and furnished by the state board of registration for 265
professional engineers and surveyors, shall contain statements 266
made under oath setting forth the applicant's education and a 267
detailed summary of the applicant's engineering or surveying 268
experience as appropriate, and shall contain not less than five 269
references, of whom three or more shall be professional engineers 270
or professional surveyors having personal knowledge of the 271
applicant's engineering or surveying experience. The application 272
shall be accompanied by a nonrefundable application fee, which 273
shall be established by the board at an amount adequate to cover 274
the costs of processing the application. 275

~~A nonrefundable examination fee for professional engineers or 276
professional surveyors, which shall accompany the "notice of 277
intention" for each scheduled fundamentals or principles and 278
practice examination, shall be established by the board at an 279
amount adequate to cover the expense of procuring, administering, 280
and grading the examinations. A nonrefundable registration fee, 281
which shall be paid after the applicant has passed both 282
examinations, shall be established by the board at an amount 283
adequate to cover the expense of registration. 284~~

(B) The board shall establish a fee for a certificate of 285
authorization issued under section 4733.16 of the Revised Code in 286
an amount not to exceed fifty dollars and a fee for annual renewal 287
of a certificate of authorization, not to exceed twenty-five 288
dollars. The fee for a duplicate certificate of authorization is 289
five dollars. 290

Sec. 4733.13. (A) When ~~written or written and oral~~ 291
examinations are required as provided by section 4733.11 of the 292
Revised Code, they shall be held at a time and place specified by 293

the state board of registration for professional engineers and 294
surveyors. The examinations shall test the applicant's knowledge 295
to perform professional engineering or surveying services which 296
shall insure the safety of life, health, and property. An 297
examination referred to as the fundamentals of engineering or as 298
the fundamentals of surveying examination shall test the 299
applicant's knowledge of the fundamentals of engineering or 300
surveying as appropriate. 301

(B) An examination referred to as the principles and practice 302
of engineering examination shall test the applicant's knowledge of 303
the branch of engineering in which the applicant specializes. For 304
the purpose of this section, the branches of engineering are all 305
those branches in which engineering examinations are offered by 306
the board or the national council of examiners for engineering and 307
surveying. 308

(C) A principles and practice of surveying examination shall 309
test the applicant's knowledge of surveying and the laws and 310
practices applicable to the state of Ohio. 311

(D) An applicant failing an examination may apply for 312
re-examination. ~~The fee for each re-examination shall be the same~~ 313
~~as the regular examination fee.~~ 314

Sec. 4733.15. (A) Registration expires on the last day of 315
December 2011, and becomes invalid on that date unless renewed. 316
For renewals after that date, registration expires biennially on 317
the last day of December following initial registration or renewal 318
of registration and becomes invalid on that date unless renewed. 319
Renewal may be effected by the applicant's payment to the 320
treasurer of state of a fee of forty dollars for a renewal of 321
registration as either a professional engineer or professional 322
surveyor and demonstration of completion of the continuing 323

professional development requirements of section 4733.151 of the Revised Code. When notified as required in this section, a registrant's failure to renew registration shall not deprive the registrant of the right of renewal within the following twelve months, but the fee to renew a registration within twelve months after expiration shall be increased fifty per cent, and the registrant shall certify completion of continuing professional development hours as required in section 4733.151 of the Revised Code.

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

(B) Each certificate of authorization issued pursuant to section 4733.16 of the Revised Code shall authorize the holder to provide professional engineering or professional surveying services, through the registered professional engineer or professional surveyor designated as being in responsible charge of the professional engineering or professional surveying practice, from the date of issuance until the ~~last~~ second immediately succeeding thirtieth day of June ~~next succeeding the date upon which the certificate was issued~~, unless the certificate has been revoked or suspended for cause as provided in section 4733.20 of the Revised Code or has been suspended pursuant to section 3123.47 of the Revised Code. Thereafter, the certificate shall expire biennially on the thirtieth day of June.

(C) If a registrant fails to renew registration as provided under division (A) of this section, renewal and reinstatement may be effected under rules the board adopts regarding requirements

for reexamination or reapplication, and reinstatement penalty 355
fees. The board may require a registrant who fails to renew 356
registration to complete the required hours of continuing 357
professional development as a condition of renewal and 358
reinstatement if the registrant seeks renewal and reinstatement 359
under this division. 360

Sec. 4733.151. (A) For registrations expiring on the last day 361
of December 2011, each registrant for renewal shall have 362
completed, in calendar year 2011, at least fifteen hours of 363
continuing professional development for professional engineers and 364
surveyors. Thereafter, each registrant shall complete at least 365
thirty hours of continuing professional development during the 366
two-year period immediately preceding the biennial renewal 367
expiration date. 368

(B) The continuing professional development requirement may 369
be satisfied by coursework or activities dealing with technical, 370
ethical, or managerial topics relevant to the practice of 371
engineering or surveying. A registrant may earn continuing 372
professional development hours by completing or teaching 373
university or college level coursework, attending seminars, 374
workshops, or conferences, authoring relevant published papers, 375
articles, or books, receiving patent awards, or actively 376
participating in professional or technical societies serving the 377
engineering or surveying professions. 378

~~In the case of the board disputing the content of any credit 379
hours or coursework, then the board shall presume as a matter of 380
law that any credit hours submitted by a registrant, or any 381
coursework or activity submitted for approval, complies with this 382
section if submitted and if a statement signed by a current 383
registrant not otherwise participating in the event affirms that 384
the material is relevant to the registrant's practice and will 385~~

~~assist the registrant's development in the profession.~~ 386

Credit for university or college level coursework shall be 387
based on the credit established by the university or college. One 388
semester hour as established by the university or college shall be 389
the equivalent of forty-five hours of continuing professional 390
development, and one quarter hour as established by the university 391
or college shall be the equivalent of thirty hours of continuing 392
professional development. 393

Credit for seminars, workshops, or conferences offering 394
continuing education units shall be based on the units awarded by 395
the organization presenting the seminar, workshop, or conference. 396
A registrant may earn ten continuing professional development 397
hours for each continuing education unit awarded. Each hour of 398
attendance at a seminar, workshop, or conference for which no 399
continuing education units are offered shall be the equivalent of 400
one continuing professional development hour. 401

A registrant may earn two continuing professional development 402
hours for each year of service as an officer or active committee 403
member of a professional or technical society or association that 404
represents registrants or entities composed of registrants. A 405
registrant may earn ten continuing professional development hours 406
for authoring relevant published papers, articles, or books. A 407
registrant may earn ten continuing professional development hours 408
for each such published paper, article, or book. A registrant may 409
earn ten continuing professional development hours for each patent 410
award. 411

(C) A person registered as both a professional engineer and 412
professional surveyor shall complete at least ten of the thirty 413
hours required under division (A) of this section in 414
engineering-related coursework or activities and at least ten of 415
those thirty hours in surveying-related coursework or activities. 416

(D) A registrant is exempt from the continuing professional 417
development requirements of this section during the first calendar 418
year of registration. 419

(E) A registrant who completes more than thirty hours of 420
approved coursework or activities in a biennial renewal period may 421
carry forward to the next biennial renewal period a maximum of 422
fifteen of the excess hours. 423

(F) A registrant shall maintain records to demonstrate 424
completion of the continuing professional development requirements 425
specified in this section for a period of four calendar years 426
beyond the year in which certification of the completion of the 427
requirements is obtained by the registrant. The records shall 428
include all of the following: 429

(1) A log specifying the type of coursework or activity, its 430
location and duration along with the instructor's name, and the 431
number of continuing professional development hours earned; 432

(2) Certificates of completion or other evidence verifying 433
attendance. 434

(G) The records specified in division (F) of this section may 435
be audited at any time by the state board of registration for 436
professional engineers and surveyors. If the board discovers that 437
a registrant has failed to complete coursework or activities, it 438
shall notify the registrant of the deficiencies and allow the 439
registrant six months from the date of the notice to rectify the 440
deficiencies and to provide the board with evidence of 441
satisfactory completion of the continuing professional development 442
requirements. If the registrant fails to provide such evidence 443
within that six-month period, the board may revoke or suspend the 444
registration after offering an adjudication hearing in accordance 445
with Chapter 119. of the Revised Code. 446

Section 2. That existing sections 4703.30, 4733.01, 4733.09, 447

4733.11, 4733.12, 4733.13, 4733.15, and 4733.151 of the Revised Code are hereby repealed. 448
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