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Senator Burke

Cosponsors: Senators Seitz, Brown, Uecker, Eklund

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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 curriculum accredited by the engineering accreditation commission of ABET, Inc.

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

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

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

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

Sec. 4733.09. The state board of registration for

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~~ following the end of 122
the fiscal year, the board shall submit to the governor a report 123
of its ~~transactions~~ activities of the preceding year, and shall 124
~~also transmit to the governor~~ include a complete statement of the 125
receipts and expenditures of the board, attested by affidavits of 126
its chairperson and its executive director. 127

Sec. 4733.11. (A) The state board of registration for 128
professional engineers and surveyors shall consider an applicant 129
to be qualified for registration as a professional engineer if an 130
applicant satisfies all of the requirements listed in either 131
division (A)(1) or (2) of this section as follows: 132

(1)(a) Graduation from an accredited engineering curriculum 133
of four years or more; 134

(b) A specific record of four years or more of practical 135
experience in engineering work completed in addition to, and not 136
overlapping in time, any school work completed under division 137
(A)(1)(a) of this section that is acceptable to the board, not 138
more than two years of which may be before graduation but after 139
the completion of the second year of college, indicating that the 140

applicant is competent to be placed in responsible charge of such 141
work; 142

(c) Passing the prescribed ~~written or written and oral~~ 143
examinations under divisions (A) and (B) of section 4733.13 of the 144
Revised Code. 145

(2)(a) Graduation from a college curriculum in engineering of 146
four years or more that is not ~~approved by the engineering~~ 147
~~accreditation commission of the accreditation board for~~ 148
~~engineering and technology~~ accredited, whose curricula is 149
evaluated by the board and found to be of a high quality 150
essentially equal to the curricula that are accredited by ABET, 151
Inc., or graduation from a college curriculum in engineering 152
technology of four years or more that is accredited by the 153
engineering technical accreditation commission of ~~the~~ 154
~~accreditation board for engineering and technology~~ ABET, Inc.; 155

(b) Eight years or more of practical experience in 156
engineering work completed in addition to, and not overlapping in 157
time, any school work completed under division (A)(2)(a) of this 158
section that is acceptable to the state board of registration for 159
professional engineers and surveyors, not more than two years of 160
which may be before college graduation but after completion of the 161
second year of college, indicating that the applicant is competent 162
to be placed in responsible charge of such work; 163

(c) Passing the prescribed ~~written or written and oral~~ 164
examinations under divisions (A) and (B) of section 4733.13 of the 165
Revised Code. 166

(B) The state board of registration for professional 167
engineers and surveyors shall consider an applicant to be 168
qualified for registration as a professional surveyor if the 169
applicant satisfies all of the requirements listed in either 170
division (B)(1) or (2) of this section as follows: 171

(1)(a) Graduation from an approved curriculum in surveying of four years or more;	172 173
(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;	174 175 176 177 178 179 180 181 182 183
(c) Passing the prescribed written or written and oral examinations under divisions (A) and (C) of section 4733.13 of the Revised Code.	184 185 186
(2)(a) Graduation from an accredited curriculum in civil engineering of four years or more in a recognized school or college;	187 188 189
(b) Successful completion of at least twenty-four quarter <u>sixteen semester</u> hours, or equivalent semester <u>quarter</u> or trimester 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;	190 191 192 193 194 195 196 197
(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 board, at least two years of which shall be after college	198 199 200 201 202

graduation, with at least two of the four years of work in 203
surveying of land boundaries under the direct supervision of a 204
professional surveyor, who may indicate in writing that the 205
applicant is competent to be placed in responsible charge of the 206
work; 207

(d) Passing the prescribed ~~written or written and oral~~ 208
examinations under divisions (A) and (C) of section 4733.13 of the 209
Revised Code. 210

(C) Engineering experience, for a professional engineer's 211
practical experience requirement, or surveying experience, for a 212
professional surveyor's practical experience requirement, in any 213
of the armed forces of the United States or civilian war services 214
may be credited for registration, if the experience is acceptable 215
to the board. 216

(D) As used in this section, "an approved curriculum in 217
surveying" is one which has been accredited by the related 218
accreditation committee of ~~the accreditation board for engineering~~ 219
~~and technology~~ ABET, Inc., or one which has been approved by the 220
state board of registration for professional engineers and 221
surveyors. 222

(E) No person is eligible for registration as a professional 223
engineer, or professional surveyor, who is not of good character 224
and reputation. 225

(F) In considering the qualifications of applicants, 226
responsible charge of engineering or surveying teaching may be 227
construed as responsible charge of engineering or surveying work, 228
respectively. No applicant shall receive credit for more than six 229
years of engineering or surveying experience because of 230
educational qualifications. The mere execution, as a contractor, 231
of work designed by a professional engineer or professional 232
surveyor, or the supervision of the construction of such work as a 233

superintendent is not deemed to be practical experience in 234
engineering or surveying work. 235

(G) Every person applying for registration as a professional 236
engineer or professional surveyor shall be required to pass the 237
fundamentals examination and the principles and practice 238
examination as provided in section 4733.13 of the Revised Code. In 239
addition to passing each requisite examination, each applicant 240
must submit evidence, satisfactory to the board, that the 241
applicant has completed the practical experience required in this 242
section. 243

(H) The board shall require the applicant for registration as 244
a professional engineer or professional surveyor to take two 245
examinations. The first examination, known as the fundamentals 246
examination, may be taken by the applicant at any time after the 247
applicant has completed the required education under division (A) 248
or (B) of this section, or, at the discretion of the board, an 249
applicant may be permitted to take the first examination during 250
the applicant's concluding term of an approved curriculum in 251
engineering or surveying of four years or more. 252

(I) ~~When the applicant has passed the fundamentals~~ 253
~~examination, the~~ The board shall give an applicant ~~shall be given~~ 254
an appropriate certificate ~~by the board~~ showing the applicant's 255
status as an engineer intern or surveyor intern upon the 256
occurrence of all of the following: 257

(1) The applicant provides proof to the board that the 258
applicant has passed the fundamentals examination as described in 259
division (A) of section 4733.13 of the Revised Code. 260

(2) The board believes the applicant meets the requirements 261
of this chapter based on verified evidence. 262

(3) The applicant applies for registration in accordance with 263
the requirements of this chapter. 264

(4) The applicant pays the fee required pursuant to section 265
4733.12 of the Revised Code. 266

Each applicant applying for registration as a professional 267
engineer or professional surveyor shall first be certified as an 268
engineer intern or surveyor intern in this state. 269

(J) The applicant is not eligible to take the second 270
examination, known as the principles and practice examination, 271
until the applicant has passed the fundamentals examination. 272

(K) Any person having the necessary qualifications to entitle 273
the person to registration is eligible for registration though the 274
person may not be practicing the person's profession at the time 275
of making application. 276

Sec. 4733.12. (A) Applications for registration as a 277
professional engineer or professional surveyor shall be on forms 278
prescribed and furnished by the state board of registration for 279
professional engineers and surveyors, shall contain statements 280
made under oath setting forth the applicant's education and a 281
detailed summary of the applicant's engineering or surveying 282
experience as appropriate, and shall contain not less than five 283
references, of whom three or more shall be professional engineers 284
or professional surveyors having personal knowledge of the 285
applicant's engineering or surveying experience. The application 286
shall be accompanied by a nonrefundable application fee, which 287
shall be established by the board at an amount adequate to cover 288
the costs of processing the application. 289

A nonrefundable examination fee for professional engineers or 290
professional surveyors, ~~which shall accompany the "notice of~~ 291
~~intention" for each scheduled fundamentals or principles and~~ 292
~~practice examination,~~ shall be established by the board at an 293
amount adequate to cover the expense of procuring, administering, 294
and grading the examinations. A nonrefundable registration fee, 295

which shall be paid after the applicant has passed both 296
examinations, shall be established by the board at an amount 297
adequate to cover the expense of registration. 298

(B) The board shall establish a fee for a certificate of 299
authorization issued under section 4733.16 of the Revised Code in 300
an amount not to exceed fifty dollars and a fee for ~~annual~~ 301
biennial renewal of a certificate of authorization, not to exceed 302
~~twenty five~~ fifty dollars. The fee for a duplicate certificate of 303
authorization is five dollars. 304

Sec. 4733.13. (A) When ~~written or written and oral~~ 305
examinations are required as provided by section 4733.11 of the 306
Revised Code, they shall be held at a time and place specified by 307
the state board of registration for professional engineers and 308
surveyors. The examinations shall test the applicant's knowledge 309
to perform professional engineering or surveying services which 310
shall insure the safety of life, health, and property. An 311
examination referred to as the fundamentals of engineering or as 312
the fundamentals of surveying examination shall test the 313
applicant's knowledge of the fundamentals of engineering or 314
surveying as appropriate. 315

(B) An examination referred to as the principles and practice 316
of engineering examination shall test the applicant's knowledge of 317
the branch of engineering in which the applicant specializes. For 318
the purpose of this section, the branches of engineering are all 319
those branches in which engineering examinations are offered by 320
the board or the national council of examiners for engineering and 321
surveying. 322

(C) A principles and practice of surveying examination shall 323
test the applicant's knowledge of surveying and the laws and 324
practices applicable to the state of Ohio. 325

(D) An applicant failing an examination may apply for 326

re-examination. The fee for each re-examination shall be the same 327
as the regular examination fee. 328

Sec. 4733.15. (A) Registration expires on the last day of 329
December 2011, and becomes invalid on that date unless renewed. 330
For renewals after that date, registration expires biennially on 331
the last day of December following initial registration or renewal 332
of registration and becomes invalid on that date unless renewed. 333
Renewal may be effected by the applicant's payment to the 334
treasurer of state of a fee of forty dollars for a renewal of 335
registration as either a professional engineer or professional 336
surveyor and demonstration of completion of the continuing 337
professional development requirements of section 4733.151 of the 338
Revised Code. When notified as required in this section, a 339
registrant's failure to renew registration shall not deprive the 340
registrant of the right of renewal within the following twelve 341
months, but the fee to renew a registration within twelve months 342
after expiration shall be increased fifty per cent, and the 343
registrant shall certify completion of continuing professional 344
development hours as required in section 4733.151 of the Revised 345
Code. 346

The state board of registration for professional engineers 347
and surveyors may, upon request, waive the payment of renewal fees 348
or the completion of continuing professional development 349
requirements for a registrant during the period when the 350
registrant is on active duty in connection with any branch of the 351
armed forces of the United States. 352

(B) Each certificate of authorization issued pursuant to 353
section 4733.16 of the Revised Code shall authorize the holder to 354
provide professional engineering or professional surveying 355
services, through the registered professional engineer or 356
professional surveyor designated as being in responsible charge of 357

the professional engineering or professional surveying practice, 358
from the date of issuance until the ~~last~~ second immediately 359
succeeding thirtieth day of June ~~next succeeding the date upon~~ 360
~~which the certificate was issued~~, unless the certificate has been 361
revoked or suspended for cause as provided in section 4733.20 of 362
the Revised Code or has been suspended pursuant to section 3123.47 363
of the Revised Code. Thereafter, the certificate shall expire 364
biennially on the thirtieth day of June. 365

(C) If a registrant fails to renew registration as provided 366
under division (A) of this section, renewal and reinstatement may 367
be effected under rules the board adopts regarding requirements 368
for reexamination or reapplication, and reinstatement penalty 369
fees. The board may require a registrant who fails to renew 370
registration to complete the required hours of continuing 371
professional development as a condition of renewal and 372
reinstatement if the registrant seeks renewal and reinstatement 373
under this division. 374

Sec. 4733.151. (A) For registrations expiring on the last day 375
of December 2011, each registrant for renewal shall have 376
completed, in calendar year 2011, at least fifteen hours of 377
continuing professional development for professional engineers and 378
surveyors. Thereafter, each registrant shall complete at least 379
thirty hours of continuing professional development during the 380
two-year period immediately preceding the biennial renewal 381
expiration date. 382

(B) The continuing professional development requirement may 383
be satisfied by coursework or activities dealing with technical, 384
ethical, or managerial topics relevant to the practice of 385
engineering or surveying. A registrant may earn continuing 386
professional development hours by completing or teaching 387
university or college level coursework, attending seminars, 388

workshops, or conferences, authoring relevant published papers, 389
articles, or books, receiving patent awards, or actively 390
participating in professional or technical societies serving the 391
engineering or surveying professions. 392

~~In the case of the board disputing the content of any credit 393
hours or coursework, then the board shall presume as a matter of 394
law that any credit hours submitted by a registrant, or any 395
coursework or activity submitted for approval, complies with this 396
section if submitted and if a statement signed by a current 397
registrant not otherwise participating in the event affirms that 398
the material is relevant to the registrant's practice and will 399
assist the registrant's development in the profession. 400~~

Credit for university or college level coursework shall be 401
based on the credit established by the university or college. One 402
semester hour as established by the university or college shall be 403
the equivalent of forty-five hours of continuing professional 404
development, and one quarter hour as established by the university 405
or college shall be the equivalent of thirty hours of continuing 406
professional development. 407

Credit for seminars, workshops, or conferences offering 408
continuing education units shall be based on the units awarded by 409
the organization presenting the seminar, workshop, or conference. 410
A registrant may earn ten continuing professional development 411
hours for each continuing education unit awarded. Each hour of 412
attendance at a seminar, workshop, or conference for which no 413
continuing education units are offered shall be the equivalent of 414
one continuing professional development hour. 415

A registrant may earn two continuing professional development 416
hours for each year of service as an officer or active committee 417
member of a professional or technical society or association that 418
represents registrants or entities composed of registrants. A 419
registrant may earn ten continuing professional development hours 420

for authoring relevant published papers, articles, or books. A 421
registrant may earn ten continuing professional development hours 422
for each such published paper, article, or book. A registrant may 423
earn ten continuing professional development hours for each patent 424
award. 425

(C) A person registered as both a professional engineer and 426
professional surveyor shall complete at least ten of the thirty 427
hours required under division (A) of this section in 428
engineering-related coursework or activities and at least ten of 429
those thirty hours in surveying-related coursework or activities. 430

(D) A registrant is exempt from the continuing professional 431
development requirements of this section during the first calendar 432
year of registration. 433

(E) A registrant who completes more than thirty hours of 434
approved coursework or activities in a biennial renewal period may 435
carry forward to the next biennial renewal period a maximum of 436
fifteen of the excess hours. 437

(F) A registrant shall maintain records to demonstrate 438
completion of the continuing professional development requirements 439
specified in this section for a period of four calendar years 440
beyond the year in which certification of the completion of the 441
requirements is obtained by the registrant. The records shall 442
include all of the following: 443

(1) A log specifying the type of coursework or activity, its 444
location and duration along with the instructor's name, and the 445
number of continuing professional development hours earned; 446

(2) Certificates of completion or other evidence verifying 447
attendance. 448

(G) The records specified in division (F) of this section may 449
be audited at any time by the state board of registration for 450
professional engineers and surveyors. If the board discovers that 451

a registrant has failed to complete coursework or activities, it 452
shall notify the registrant of the deficiencies and allow the 453
registrant six months from the date of the notice to rectify the 454
deficiencies and to provide the board with evidence of 455
satisfactory completion of the continuing professional development 456
requirements. If the registrant fails to provide such evidence 457
within that six-month period, the board may revoke or suspend the 458
registration after offering an adjudication hearing in accordance 459
with Chapter 119. of the Revised Code. 460

Section 2. That existing sections 4703.30, 4733.01, 4733.09, 461
4733.11, 4733.12, 4733.13, 4733.15, and 4733.151 of the Revised 462
Code are hereby repealed. 463