

No. 421.

AN ACT

To repeal an act, entitled "An act to provide for the surrender of franchises of meadow companies, and the transfer of duties of said meadow companies to the respective cities or counties within which the lands governed by said meadow companies may lie," approved the ninth day of June, one thousand nine hundred and eleven (Pamphlet Laws, eight hundred and thirty-four).

Section 1. Be it enacted, &c., That an act, entitled "An act provided for the surrender of franchises of meadow companies, and the transfer of duties of said meadow companies to the respective cities or counties within which the lands governed by said meadow companies may lie," approved the ninth day of June, one thousand nine hundred and eleven (Pamphlet Laws, eight hundred thirty-four), which reads as follows:—

"Section 1. Be it enacted, &c., That all corporations organized for the purpose of the erecting and maintaining of meadow banks, building sluices, and digging ditches, and generally for the protection of meadow lands from inundations, be, and the same are hereby, authorized and empowered, at any time after the passage of this act, to surrender the charter and franchises vested in such corporations. And immediately thereupon all of the duties heretofore performed by such companies shall devolve upon the respective cities or counties within which the lands lie which had been therefore within the jurisdiction of such meadow companies," be, and the same is hereby, repealed.

Meadow
companies.

Act of June 9,
1911 (P. L. 834),
cited for repeal.

APPROVED—The 25th day of May, A. D. 1921.

WM. C. SPROUL.

No. 422.

AN ACT

To regulate the practice of the profession of engineering and of land surveying; creating a State Board for the Registration of Professional Engineers and Land Surveyors; defining its powers and duties; imposing certain duties upon the Commonwealth and political subdivisions thereof in connection with public work; and providing penalties.

Section 1. Be it enacted, &c., That in order to safeguard life, health, and property, any person practicing or offering to practice the profession of engineering or of land surveying shall hereafter be required to submit evidence that he or she is qualified so to practice, and shall be registered as hereinafter provided; and it shall be unlawful, after the first day of June, one thousand nine hundred twenty-two, for any person to practice or to offer to practice the profession of engineering or of land surveying in this Commonwealth,

Professional
engineers and land
surveyors.

Registration.

unless such person has been duly registered as a "professional engineer," or as a "land surveyor," or exempted under the provisions of this act.

Nothing in this act shall be construed as requiring a certificate of registration as a "professional engineer" or as a "land surveyor" for practicing the profession of engineering or of land surveying by any person or firm or copartnership or corporations upon property owned or leased by such person, firm, copartnership, or corporation, unless the same involves the public safety or health.

Section 2. *Definitions.*— The term "professional engineer," as used in this act, means a person who, through technical knowledge gained by education or experience in one or more branches of engineering, initiates, investigates, plans, and directs the control of the forces of, and the utilization of the materials of, nature and of human activities in connection therewith, for the benefit of man, and who represents himself or herself to be such a professional engineer, either through the use of the term "professional engineer," with or without qualifying adjectives, or through the use of some other title implying that he or she is such a professional engineer. The term "land surveyor," as used in this act, means a person who makes surveys for the determination of area or for the establishment or reestablishment of land boundaries and the subdivision and platting of land. The term "board," as used in this act, shall mean the State Board for Registration of Professional Engineers and of Land Surveyors.

Section 3. *State Board for Registration of Professional Engineers and Land Surveyors.— Appointment of Members.—Terms.*—A State Board for Registration of Professional Engineers and of Land Surveyors is hereby created. Said board shall consist of five registered professional engineers, who shall be appointed by the Governor. These professional engineers, who shall be full corporate members in good standing in at least one of the following societies, American Society of Civil Engineers, American Institute of Mining and Metallurgical Engineers, The American Society of Mechanical Engineers, and American Institute of Electrical Engineers, shall be so selected that not more than two professional engineers of said board shall be members of the same society. The members of the first board shall be appointed, within ninety days after the passage of this act, to serve for the following terms: One member for one year, one member for two years, one member for three years, one member for four years, and one member for five years, from the date of their appointment, or until their successors are duly appointed and qualified. On the expiration of the term of any member, the Governor

shall appoint a properly qualified person for a term of five years to take the place of the member whose term on said board is about to expire. Each member shall hold office until the expiration of his term or until his successor is duly appointed and qualified.

Section 4. *Removal of Members of Board.*—*Vacancies.*— The Governor may remove any member of the board for misconduct, incompetency, neglect of duty, or for any other sufficient cause. Vacancies in the membership of the board shall be filled by an appointment by the Governor for the unexpired term.

Section 5. *Qualifications of Members of Board.*— Each member of the board shall be a citizen of the United States and a resident of this Commonwealth. He shall have been engaged in the practice of the profession of engineering for at least ten years, and shall have been in responsible charge of engineering work for at least five years.

Section 6. *Compensation and Expense of Members of Board.*— Each member of the board shall receive the sum of fifteen (15) dollars for each day he attends the sessions of the board or any of its committees and for the time spent in necessary travel; and, in addition thereto, shall be reimbursed for all actual traveling, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this act.

Section 7. *Registration of First Board.*— *Certificate of Appointment.*— *Oaths of members.*— *Legal Advisor.*— Each member of the first board shall receive, at the time of his appointment, a certificate of registration as a "professional engineer" from the Governor of this Commonwealth. Each member of the board when appointed shall receive a certificate of appointment from the Governor, and, before entering upon his duties, shall take and subscribe to the oath required, which shall be filed with the Secretary of this Commonwealth. The Attorney General of this Commonwealth shall be the legal advisor to the board.

Section 8. *Power to Subpoena Witness.*—*Oaths.*— In carrying into effect the provisions of this act, the board may, under the hand of its chairman and the seal of the board, subpoena witnesses and compel their attendance, and may also require the production of books, papers, documents, et cetera. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, papers, or documents, the board may present its petition to the court of common pleas of the county in which it may be in session, setting forth the facts, and thereupon such court of common pleas shall issue its subpoena to such person, requiring his or her attendance before such court and

there to testify or to produce such books, papers, and documents, as may be deemed necessary and pertinent by the board. Any person who shall refuse to obey any subpoena of the court of common pleas shall be held for contempt.

Section 9. *Seal of Board.—By-laws and Rules.*—The board shall adopt and have an official seal, which shall be affixed to all official documents and papers. The board shall have power to make all by-laws and rules, not inconsistent with the Constitution and laws of this Commonwealth, which it deems necessary to carry into effect the provisions of this act.

Section 10. *Office of Board.—Supplies.—Printing.*—The Board of Commissioners of Public Grounds and Buildings shall furnish the board with suitable quarters in the city of Harrisburg, and shall also furnish to said board, upon requisition, all furniture, books, papers, supplies, et cetera, which may be necessary for the transaction of its business. All printing required by the board shall be furnished by the State Printer, upon requisitions of the chairman of the board upon the Superintendent of Public Printing and Binding.

Section 11. *Organization of Board.—Meetings.—Officers.—Quorum.*—The board first appointed shall hold a meeting within thirty days after its appointment, and shall organize by the election of one of its members as chairman and one as vice-chairman. Thereafter the board shall hold at least two meetings each year and such special meetings as may be provided for in its by-laws or as a majority of the members desire. The board shall annually elect from its members the officers above enumerated. The board shall appoint a secretary, who shall hold office during its pleasure. A quorum of the board shall consist of three members.

Section 12. *Engineers' Fund in State Treasury Established.—Appropriation.—Payments Therefrom.—Bond of Secretary.—Clerks and Assistants.*—The secretary of the board shall receive and account for all moneys derived under the provisions of this act, and shall pay the same monthly to the State Treasurer, who shall keep such moneys in a separate fund, to be known as the "Engineers' Fund." Such fund shall be kept separate and apart from all other moneys in the treasury, and shall be paid out only by warrant of the Auditor General upon the State Treasurer, upon itemized vouchers approved by the chairman and attested by the secretary of the board. All moneys in the "Engineers' Fund" from time to time are hereby specifically appropriated for the use of the board. The secretary of the board shall give a surety bond to this Commonwealth in such sum as the board may determine. The premium on said bond shall be regarded as a proper

and necessary expense of the board, and shall be paid out of the "Engineers' Fund." The secretary of the board shall receive such salary as the board shall determine. The board may employ such clerical or other assistants as are necessary for the proper performance of its work.

Section 13. *Register of Application for Registration.—Contents.*—The board shall keep a record of its proceedings, and a register of all applications for registration, which register shall show: (a) The name, age, and residence of each applicant; (b) the date of the application; (c) the place of business of such applicant; (d) his educational and other qualifications. (e) whether or not an examination was required; (f) whether the applicant was rejected; (g) whether a certificate of registration was granted; (h) the day of the action of the board; and (i) such other information as may be deemed necessary by the board.

Section 14. *Records of Board to be Evidence.*—All books and records of the board shall be prima facie evidence of all matters recorded therein, and a certified copy thereof, under the hand of the chairman and the seal of the board and attested by the secretary, shall be received in evidence in all courts and elsewhere.

Section 15. *Roster of Registered Professional Engineers and of Land Surveyors.*—A roster showing the names, places of business, and the residences of all registered professional engineers and of all land surveyors shall be prepared by the secretary of the board during the month of June of each year. Copies of this roster shall be obtainable by each person so registered, upon application to the secretary of the board. A copy of this roster shall be placed on file by the clerk of each county, city, borough, town, township, school district, and poor district in this Commonwealth.

Section 16. *Annual Report.*—Annually the board shall submit to the Governor a report of its transactions of the preceding year, and shall also transmit to him a complete statement of the receipts and expenditures of the board, attested by affidavits of its chairman and of its secretary.

Section 17. *Certificates of Registration.—Qualifications of Applicant.*—The board, upon application on the form prescribed by it, and upon the payment of a fee of twenty dollars, except where the applicant applies for a certificate to practice both as a professional engineer and as a land surveyor, when the fee shall be thirty dollars, and except as hereinafter provided, shall issue a certificate of registration to act as a professional engineer or as a land surveyor, or as both, to the following person, to wit:

(a) Any person who submits evidence, satisfactory

to the board, that he or she is fully qualified to practice the profession of engineering or land surveying.

(b) Any person who holds an unexpired certificate of registration issued to him or her by any proper authority in the District of Columbia, or in any State or Territory of the United States, or in any province of the Dominion of Canada, in which the requirements for the registration of professional engineers or of land surveyors are not lower than those provided in this act. No person, except as provided in section eighteen, shall be eligible for registration as a professional engineer or as a land surveyor who is not a citizen of the United States or of the Dominion of Canada, or at least twenty-five years of age, or who does not speak, read or write the English language, or is not of good character or repute, or has not been actively engaged for six years or more in the practice of the profession of engineering or land surveying of a character satisfactory to the board: Provided, however, That each year of teaching or of the study of engineering in a school or college satisfactory to the board shall be considered as equivalent to one half year of active practice, but the total number of years of study and teaching which may be credited to such six years of active practice shall not exceed four years.

Section 18. *Citizens of Foreign Countries.*—A citizen of a foreign country who seeks to practice the profession of engineering within this Commonwealth and who has practiced engineering for a period of more than ten years, upon presentation of satisfactory evidence that he is so qualified to practice, may, at the discretion of the board, be granted a certificate as a professional engineer.

Section 19. *Persons Prima Facie Entitled to Registration.*—Unless disqualifying evidence be given before the board, the following facts, established in the application, shall be regarded as prima facie evidence, satisfactory to the board, that the applicant is fully qualified to practice, to wit:

(1) As a professional engineer—

(a) Ten or more years of active practice of the profession of engineering.

(b) Graduation from a school or college approved by the board as of satisfactory standing and having a course in engineering of not less than four years, and an additional four years of active engagement in engineering work; or

(2) As a land surveyor—

(a) Not less than six years of active practice in land surveying work of a character satisfactory to the board.

Section 20. *Furnishing of Additional Evidence by Applicants for Registration.—Examinations.*—Applicants for registration, in cases where the evidence

presented in the applications does not appear to the board conclusive or warranting the issuing of a certificate of registration, may present, for the consideration of the board, further evidence, which may also include the results of a required examination.

Section 21. *Majority of Board to Pass Upon Applications.—Return of Registration Fee.*—A satisfactory character shall be an essential, and a majority vote of the members of the board shall be required to pass upon the qualifications of an applicant for registration as a professional engineer or as a land surveyor. Should the board deny the issuance of a certificate of registration to any applicant, the registration fee deposited shall be returned to the applicant. The board, after examination or receiving other evidence of qualification as provided in this act, shall issue a certificate therefor, stating that the said applicant is qualified to practice as a professional engineer or as a land surveyor or both. The said board shall impress upon each certificate of registration issued under this act the seal of the Commonwealth of Pennsylvania.

Section 22. *Practice of Firms, Copartnerships, and Corporations.*—A firm or a copartnership or a corporation may only engage in the practice of the profession of engineering or land surveying in this Commonwealth in the name of the person or persons, connected with such firm or copartnership or corporation, who is or are in responsible charge of the design or of the execution of the work which constitutes such practice, each of whom is registered as a professional engineer or as a land surveyor.

Section 23. *Renewal of Certificates.*—Certificates of registration shall expire on the last day of December following their issuance or renewal, and shall become invalid on that date, unless renewed. It shall be the duty of the secretary of the board, on or before the last day of November, to notify by mail every person registered hereunder of the date of the expiration of his certificate and the amount of fee required for its renewal for one year. Renewal may be effected at any time during the month of December by the payment of a fee of one dollar to the secretary of the board. The failure on the part of any registrant to renew his or her certificate annually in the month of December, as required above, shall not deprive such person of the right to renewal thereafter, but the fee to be paid for the renewal of a certificate after the month of December shall be increased ten per centum for each month, or fraction of a month, that the payment or renewal is delayed: Provided, however, That the maximum fee for a delayed renewal shall not exceed the sum of two dollars.

Section 24. *Persons Exempted from Registration.*—The following persons shall be exempted from registration under the provisions of this act, to wit:

(a) A person not a resident of and having no established place of business in this Commonwealth, offering to practice therein as a professional engineer or as a land surveyor.

(b) A person not a resident of and having no established place of business in this Commonwealth, practicing as a professional engineer or as a land surveyor therein, when such practice does not exceed in the aggregate more than thirty days in any calendar year: Provided, Such person is legally qualified as a professional engineer or as a land surveyor in his or her own State or country.

(c) A person not a resident of and having no established place of business in this Commonwealth or who has recently become a resident thereof, practicing therein for more than thirty days as a professional engineer or as a land surveyor: Provided, however, That he shall have filed with the board an application for registration as a professional engineer or as a land surveyor, and shall have paid the fee required by this act. Such exemption shall continue only for such time as the board requires for the consideration of the application for registration: And further provided, Such person is legally qualified as a professional engineer or as a land surveyor in his or her own State or country.

(d) An employee of a registered engineer or of a registered land surveyor who is engaged in the practice of the profession of engineering or in land surveying, and an employee of a professional engineer or a land surveyor exempted from registration by classes (b) and (c) of this section: Provided. Such practice does not include responsible charge of design or supervision.

(e) Officers and employees of the Government of the United States engaged in the practice of the profession of engineering or in land surveying.

(f) Officers and employees of this Commonwealth, or of any political subdivision thereof, at the time this act becomes effective and thereafter until the expiration of the existing term of office or service of such officer or employee, engaged in the practice of the profession of engineering or in land surveying.

(g) Officers and employees of a corporation engaged in interstate commerce, as defined in the act of Congress, entitled "An act to regulate commerce," approved February fourth, one thousand eight hundred and eighty-seven, as amended.

The exemptions provided for in this section shall apply to firms, copartnerships, and corporations law-

fully practicing the profession of engineering or practicing land surveying, as well as to individuals.

Section 25. *Revocation of Registration.— Procedure.*—The board shall have the power to revoke the certificate of registration of any professional engineer or of any land surveyor who is found guilty of:

(a) The practice of any fraud or deceit in obtaining a certificate of registration; or

(b) Any gross negligence, incompetency, or misconduct in the practice as a professional engineer or a land surveyor.

Any person may prefer charges of fraud, deceit, negligence, incompetency, or misconduct against any registered professional engineer or any registered land surveyor. Such charges shall be in writing, and shall be sworn to by the person making the same, and shall be filed with the secretary of the board.

All charges, unless dismissed by the board as unfounded or trivial, shall be heard and disposed of by the board in three months after the date on which they were preferred.

The time and place for said hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such registered professional engineer or such registered land surveyor, at least thirty days before the date fixed for the hearing.

At any hearing, the accused registered professional engineer or the accused registered land surveyor shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him or her, and to produce evidence and witnesses in his or her defense.

If after such hearing, three or more members of the board vote in favor of finding the accused guilty of (a) the practice of fraud or deceit in obtaining a certificate of registration, or (b) any gross negligence, incompetency, or misconduct in the practice as a professional engineer or as a land surveyor,— the board shall revoke the certificate of registration of such registered professional engineer or such registered land surveyor.

The board, for reasons it may deem sufficient, may reissue a certificate of registration to any person whose certificate has been revoked, providing three or more members of the board vote in favor of such reissuance. A new certificate of registration, to replace any certificate revoked, lost, destroyed, or mutilated, may be issued, subject to the rules and regulations of the board. A charge of ten dollars shall be made for such issuance.

Section 26. Appeals to Court when Registration Revoked.—Any person who shall feel aggrieved by any action of the board in revoking a certificate of registration may appeal therefrom to the court of common pleas of Dauphin County, and, after full hearing, said court shall make such decree sustaining the action of the board or reinstating the certificate of registration of such professional engineer or land surveyor, as to it may seem just and proper. The action of the court of common pleas shall be final.

Section 27. Seal of Registered Professional Engineers and Land Surveyors.—The issuance of a certificate of registration by the board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered professional engineer or registered land surveyor while the said certificate remains unrevoked or unexpired.

Each registrant hereunder shall, upon registration, obtain a seal of the design authorized by the board, bearing the registrant's name and the legend "Registered Professional Engineer" or "Registered Land Surveyor."

Plans, specifications, plates, and reports, issued by a registrant, may be stamped with the seal during the life of the registrant's certificate, but it shall be unlawful for any person to stamp or seal any documents if the certificate of the registrant named therein has expired or has been revoked, unless such certificate has been renewed or reissued.

Section 28. Registered Professional Engineers May Practice as Land Surveyors.—Nothing in this act shall be construed as prohibiting a registered professional engineer from making land surveys essential to engineering projects. Nothing in this act shall be construed as permitting a person registered only as a land surveyor to practice engineering. Nothing in this act shall be construed to exclude from the practice of professional engineering any person who is qualified under the law to use the title "Registered Architect," provided that when engaged in such practice he uses the title "Registered Architect," or to exclude from the practice of architecture any person qualified under the law to use the title of "Registered Professional Engineer," provided that when engaged in such practice he uses the title "Registered Professional Engineer."

Section 29. Commonwealth and Political Subdivisions to Employ Registered Professional Engineers on Public Work.—After the first day of June, one thousand nine hundred and twenty-two, it shall be unlawful for this Commonwealth or for any county, city, borough, town, township, school district or poor district to engage in the construction of any public work in-

volving engineering, unless the plans and specifications and estimates have been approved by, and the construction supervised by, a registered professional engineer: Provided, That nothing in this section shall be held to apply to any public work wherein the contemplated expenditure for the completed project does not exceed two thousand (\$2,000) dollars.

Section 30. *Penalties*.—Any person who shall, after the first day of June, one thousand nine hundred and twenty-two, practice the profession of engineering or practice land surveying in this Commonwealth without being registered or exempted in accordance with the provisions of this act, or any person presenting or attempting to use as his or her own the certificate of registration of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall use or attempt to use an expired or revoked certificate of registration, shall be guilty of a misdemeanor, and shall, upon conviction, be sentenced to pay a fine of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars, or suffer imprisonment for a period not exceeding three months, or both.

Section 31. *Repeal*.—All acts and parts of acts of Assembly inconsistent with this act are hereby repealed.

APPROVED—The 25th day of May, A. D. 1921.

WM. C. SPROUL.

No. 423.

AN ACT

To amend section three of an act, approved the fourteenth day of June, one thousand eight hundred eighty-seven (Pamphlet Laws, three hundred and eighty-three), entitled "An act to provide for the incorporation and regulation of companies, not for profit, organized for the encouragement of the arts and sciences and of agriculture and horticulture, and to confer upon such companies the right of eminent domain," as amended; enabling said corporations to increase their bonded indebtedness.

Section 1. Be it enacted, &c., That section three of an act, approved the fourteenth day of June, one thousand eight hundred eighty-seven (Pamphlet Laws, three hundred and eighty-three,) entitled "An act to provide for the incorporation and regulation of companies, not for profit, organized for the encouragement of the arts and sciences and of agriculture and horticulture, and to confer upon such companies the right of eminent domain," which, as amended by an act, approved the eleventh day of July, one thousand nine

Corporations for
the encouragement
of arts and
sciences.