

AMENDED IN SENATE APRIL 15, 1997

AMENDED IN SENATE APRIL 3, 1997

SENATE BILL

No. 704

Introduced by Senator Rainey

February 25, 1997

An act to amend Sections 6704, ~~6710, 6711, 6712,~~ 6730, 6738, 6740, 6756, and 6787 of, and to add Sections 6702.3, 6734.3, and 6735.7 to, the Business and Professions Code, relating to engineering.

LEGISLATIVE COUNSEL'S DIGEST

SB 704, as amended, Rainey. Chemical engineers.

Existing law provides for the licensing and regulation of professional engineers by the State Board of Registration for Professional Engineers and Land Surveyors ~~that consists of 13 specified members~~. The law prohibits any person from practicing civil, electrical, or mechanical engineering unless he or she is registered, and prohibits any person from using specific titles related to engineering, unless authorized by the board.

This bill would prohibit any person from engaging in the practice of chemical engineering unless registered by the board, ~~would increase the membership of the board by adding a chemical engineer member,~~ and would make related changes.

This bill would also state legislative intent.

The bill would impose a state-mandated local program by adding a new crime because a violation of the Professional Engineers Act constitutes a misdemeanor.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The purpose of this act is to protect
2 the health, safety, environment, and welfare of the
3 people of California through a stringent licensing and
4 enforcement program. This act recognizes that the
5 practice of chemical engineering has the potential to
6 affect the health and welfare of the public and that this
7 practice should be regulated with the same requirements
8 as are currently in place for civil, electrical, and
9 mechanical engineering.

10 The practice of chemical engineering is vital to many
11 different industries in the State of California. The primary
12 employers of chemical engineers are the process
13 industries (petroleum, chemical, pharmaceutical, food,
14 paper, and other manufacturing industries) and those
15 companies involved in environmental remediation and
16 pollution prevention. It is the purpose of this act to
17 provide the most competent and experienced
18 professionals to design, construct, and operate the
19 equipment and plants of the complex process industry. It
20 is also the purpose of this act to provide the most
21 competent and experienced professionals to deal with the
22 issues of soil, water, and air pollution that are seriously
23 threatening California's environment.

24 (b) It is the intent of this act to require that those
25 persons practicing in the field of chemical engineering be
26 tested and certified by the state at the highest levels



1 possible before licensure. This licensure is necessary for
2 these highly skilled unique professionals whose work
3 integrates the fields of physics (mechanics,
4 thermodynamics, and fluid dynamics) with those of
5 chemistry (reaction kinetics, inorganic and organic
6 reactions, and physical chemistry) to enable them to
7 design, operate, and control chemical processes,
8 remediate past environmental mistakes, and prevent
9 future environmental deterioration.

10

11 It is the intent of the Legislature to provide, to the
12 extent practicable, through this act, assurance to the
13 citizens of this state that the best, most educated, and
14 experienced individuals as can be ascertained through a
15 licensure process shall be engaged in the important work
16 of the design and management of chemical processes, in
17 the cleanup of our environment, and in the prevention of
18 future environmental deterioration.

19 It is the intent of this act to define and regulate the
20 practice of chemical engineering. No other professions
21 are intended to be regulated by this act.

22 SEC. 2. Section 6702.3 is added to the Business and
23 Professions Code, to read:

24 6702.3. "Chemical engineer," as used in this chapter,
25 means a professional engineer in the branch of chemical
26 engineering and refers to one who practices or offers to
27 practice chemical engineering in any of its phases.

28 SEC. 3. Section 6704 of the Business and Professions
29 Code is amended to read:

30 6704. In order to safeguard life, health, property, and
31 public welfare, no person shall practice civil, electrical,
32 mechanical, or chemical engineering unless
33 appropriately registered or specifically exempted from
34 registration under this chapter, and only persons
35 registered under this chapter shall be entitled to take and
36 use the titles "consulting engineer," "professional
37 engineer," or "registered engineer," or any combination
38 of those titles, and according to registration with the
39 board the engineering branch titles specified in Section



1 6732, or the authority titles specified in Section 6763, or
2 “engineer-in-training.”

3 The provisions of this chapter pertaining to registration
4 of professional engineers other than civil engineers, do
5 not apply to employees in the communication industry;
6 nor to the employees of contractors while engaged in
7 work on communication equipment; however, those
8 employees may not use any of the titles listed in Section
9 6732 unless registered.

10 This section shall not prevent the use of the title
11 “consulting engineer” by a person who has qualified for
12 and maintained exemption for using that title under
13 Section 6732.1, or by a person licensed as a
14 photogrammetric surveyor.

15 ~~SEC. 4. Section 6710 of the Business and Professions~~
16 ~~Code is amended to read:~~

17 ~~6710. There is in the Department of Consumer Affairs~~
18 ~~a State Board of Registration for Professional Engineers~~
19 ~~and Land Surveyors, which consists of 14 members.~~

20 ~~This section shall become inoperative on July 1, 1998,~~
21 ~~and, as of January 1, 1999, is repealed, unless a later~~
22 ~~enacted statute, which becomes effective on or before~~
23 ~~January 1, 1999, deletes or extends the dates on which it~~
24 ~~becomes inoperative and is repealed.~~

25 ~~SEC. 4.5. Section 6711 of the Business and Professions~~
26 ~~Code is amended to read:~~

27 ~~6711. Each member of the board shall be a citizen of~~
28 ~~the United States. Six members shall be registered under~~
29 ~~this chapter. One member shall be licensed under the~~
30 ~~Land Surveyors’ Act, Chapter 15 (commencing with~~
31 ~~Section 8700) of this division, and seven shall be public~~
32 ~~members who are not registered under this act or~~
33 ~~licensed under the Land Surveyors’ Act. Each member,~~
34 ~~except the public members, shall have at least 12 years’~~
35 ~~active experience and shall be of good standing in his or~~
36 ~~her profession. Each member shall be at least 30 years of~~
37 ~~age, and shall have been a resident of this state for at least~~
38 ~~five years immediately preceding his or her appointment.~~

39 ~~SEC. 5. Section 6712 of the Business and Professions~~
40 ~~Code is amended to read:~~



1 ~~6712. All appointments to the board shall be for a term~~
2 ~~of four years. Vacancies shall be filled by appointment for~~
3 ~~the unexpired term. Each appointment thereafter shall~~
4 ~~be for a four year term expiring on June 1 of the fourth~~
5 ~~year following the year in which the previous term~~
6 ~~expired.~~

7 ~~Each member shall hold office until the appointment~~
8 ~~and qualification of his or her successor or until one year~~
9 ~~shall have elapsed since the expiration of the term for~~
10 ~~which he or she was appointed, whichever first occurs. No~~
11 ~~person shall serve as a member of the board for more than~~
12 ~~two consecutive terms.~~

13 ~~The Governor shall appoint professional members so~~
14 ~~that one is licensed to practice engineering as a civil~~
15 ~~engineer, one as an electrical engineer, one as a~~
16 ~~mechanical engineer, one as a chemical engineer,~~
17 ~~another is authorized to use the title of structural~~
18 ~~engineer, and one is a member of one of the remaining~~
19 ~~branches of engineering.~~

20 ~~The Governor shall appoint five of the public members~~
21 ~~and the professional members qualified as provided in~~
22 ~~Section 6711. The Senate Rules Committee and the~~
23 ~~Speaker of the Assembly shall each appoint a public~~
24 ~~member.~~

25 ~~SEC. 6.—~~

26 ~~SEC. 4. Section 6730 of the Business and Professions~~
27 ~~Code is amended to read:~~

28 ~~6730. In order to safeguard life, health, property and~~
29 ~~public welfare, any person, either in a public or private~~
30 ~~capacity, except as in this chapter specifically excepted,~~
31 ~~who practices, or offers to practice, civil engineering,~~
32 ~~electrical engineering, mechanical engineering, or~~
33 ~~chemical engineering in any of its branches in this state,~~
34 ~~including any person employed by the State of California,~~
35 ~~or any city, county, or city and county, who practices~~
36 ~~engineering, shall submit evidence that he or she is~~
37 ~~qualified to practice, and shall be registered accordingly~~
38 ~~as a civil engineer, electrical engineer, mechanical~~
39 ~~engineer, or chemical engineer by the board.~~

40 ~~SEC. 7.—~~



1 SEC. 5. Section 6734.3 is added to the Business and
2 Professions Code, to read:

3 6734.3. “Chemical engineering” means any person
4 who practices chemical engineering when he or she
5 professes to be a chemical engineer or is in responsible
6 charge of chemical engineering work.

7 ~~SEC. 8.—~~

8 SEC. 6. Section 6735.7 is added to the Business and
9 Professions Code, to read:

10 6735.7. All chemical engineering plans, specifications,
11 reports, or documents prepared by a registered chemical
12 engineer or by a subordinate under his or her direction
13 shall be signed by the engineer to indicate his or her
14 responsibility for them. In addition to his or her signature,
15 the engineer shall show his or her registration number or
16 the stamp of his or her seal.

17 ~~SEC. 9.—~~

18 SEC. 7. Section 6738 of the Business and Professions
19 Code is amended to read:

20 6738. (a) This chapter does not prohibit one or more
21 civil, electrical, mechanical, or chemical engineers from
22 practicing or offering to practice within the scope of their
23 registration, civil, electrical, mechanical, or chemical
24 engineering as a sole proprietorship, partnership, firm, or
25 corporation, (hereinafter called business), if all of the
26 following requirements are met:

27 (1) A civil, electrical, mechanical, or chemical
28 engineer currently registered in this state is an owner,
29 part owner, or officer in charge of the engineering
30 practice of the business.

31 (2) All engineering plans, specifications, reports, and
32 documents are prepared under the responsible charge of
33 a registered engineer in the appropriate branch of
34 professional engineering.

35 (3) The business name of a California business shall
36 only contain the name of any person who is registered by
37 the board in a branch of professional engineering, a
38 licensed land surveyor, a licensed architect, or a geologist
39 registered under the Geologist Act (Chapter 12.5
40 (commencing with Section 7800)). Any offer, promotion,



1 or advertisement by the business that contains the name
2 of any individual in the business, other than by use of the
3 name of an individual in the business name, shall clearly
4 and specifically designate the license or registration
5 discipline of each individual named. An out-of-state
6 business with a branch office in this state shall have a part
7 owner or officer who is in charge of the engineering work
8 in the branch in this state, who is registered in this state,
9 and who is physically present at the branch office in this
10 state on a regular basis. However, the name of the
11 business may contain the name of any person not
12 registered in this state if that person is appropriately
13 registered in another state. Any offer, promotion, or
14 advertisement by the business that contains the name of
15 any individual in the business, other than by use of the
16 names of the individuals in the business name, shall
17 clearly and specifically designate the license or
18 registration discipline of each individual named.

19 (b) A fictitious name may be used for an engineering
20 business if (1) the name does not conflict with paragraph
21 (3) of subdivision (a) requiring that names used in the
22 business name shall be appropriately registered
23 individuals, and (2) an organization record form is filed
24 with the board.

25 (c) A nonregistered person may also be a part owner
26 or an officer of a civil, electrical, mechanical, or chemical
27 engineering business if the requirements of subdivision
28 (a) are met.

29 (d) This chapter does not prevent an individual or
30 business engaged in any line of endeavor other than the
31 practice of civil, electrical, mechanical, or chemical
32 engineering from employing or contracting with a
33 registered civil, electrical, mechanical, or chemical
34 engineer to perform the respective engineering services
35 incidental to the conduct of business.

36 (e) This section shall not prevent the use of the name
37 of any business engaged in rendering civil, electrical,
38 mechanical, or chemical engineering services, including
39 the use by any lawful successor or survivor, that lawfully
40 was in existence on December 31, 1987. However, the



1 business is subject to paragraphs (1) and (2) of
2 subdivision (a), and the business shall file an organization
3 record form with the board as designated by board rule.

4 (f) A business engaged in rendering civil, electrical,
5 mechanical, or chemical engineering services may use in
6 its name the name of a deceased or retired person
7 provided all of the following conditions are satisfied:

8 (1) The person's name had been used in the name of
9 the business, or a predecessor in interest of the business,
10 prior to and after the death or retirement of the person.

11 (2) The person shall have been an owner, part owner,
12 or officer of the business, or an owner, part owner, or
13 officer of the predecessor in interest of the business.

14 (3) The person shall have been licensed as a
15 professional engineer, a land surveyor, an architect, or a
16 geologist, (A) by the appropriate licensing board if that
17 person is operating a place of business or practice in this
18 state, or (B) by the applicable state board in the event no
19 place of business existed in this state.

20 (4) The person, if retired, has consented to the use of
21 the name and does not permit the use of the name in the
22 title of another professional engineering business in this
23 state during the period of the consent. However, the
24 retired person may use his or her name as the name of a
25 new or purchased business if it is not identical in every
26 respect to that person's name as used in the former
27 business.

28 (5) The business shall be subject to paragraphs (1) and
29 (2) of subdivision (a).

30 (6) The business files a current organization record
31 form with the board.

32 (g) This section does not affect the provisions of
33 Sections 6731.2 and 8726.1.

34 ~~SEC. 10.—~~

35 *SEC. 8.* Section 6740 of the Business and Professions
36 Code is amended to read:

37 6740. A subordinate to a civil, electrical, mechanical,
38 or chemical engineer registered under this chapter, or a
39 subordinate to a civil, electrical, mechanical, or chemical
40 engineer exempted from registration under this chapter,



1 insofar as he or she acts solely in that capacity, is exempt
2 from registration under this chapter. This exemption,
3 however, does not permit any subordinate to practice
4 civil, electrical, mechanical, or chemical engineering in
5 his or her own right or to use the title “civil engineer,”
6 “structural engineer,” “electrical engineer,”
7 “mechanical engineer,” “chemical engineer,” or “soil
8 engineer.”

9 ~~SEC. 11.—~~

10 *SEC. 9.* Section 6756 of the Business and Professions
11 Code is amended to read:

12 6756. (a) An applicant for certification as an
13 engineer-in-training shall, upon making a passing grade
14 in that division of the examination prescribed in Section
15 6755, relating to fundamental engineering subjects, be
16 issued a certificate as an engineer-in-training. No renewal
17 or other fee, other than the application fee, shall be
18 charged for this certification. This certificate shall
19 become invalid when the holder has qualified as a
20 professional engineer as provided in Section 6762.

21 (b) An engineer-in-training certificate does not
22 authorize the holder thereof to practice or offer to
23 practice civil, electrical, mechanical, or chemical
24 engineering work, in his or her own right, or to use the
25 titles specified in Section 6732.

26 ~~SEC. 12.—~~

27 *SEC. 10.* Section 6787 of the Business and Professions
28 Code is amended to read:

29 6787. Every person is guilty of a misdemeanor and for
30 each offense of which he or she is convicted is punishable
31 by a fine of not more than one thousand dollars (\$1,000)
32 or by imprisonment not to exceed three months, or by
33 both that fine and imprisonment:

34 (a) Who, unless he or she is exempt from registration
35 under this chapter, practices or offers to practice civil,
36 electrical, mechanical, or chemical engineering in this
37 state according to this chapter without legal
38 authorization.

39 (b) Who presents or attempts to file as his or her own
40 the certificate of registration of another.



1 (c) Who gives false evidence of any kind to the board,
2 or to any member thereof, in obtaining a certificate of
3 registration.

4 (d) Who impersonates or uses the seal of any other
5 practitioner.

6 (e) Who uses an expired or revoked certificate of
7 registration.

8 (f) Who shall represent himself or herself as, or use the
9 title of, registered civil, electrical, mechanical, or
10 chemical engineer, or any other title whereby that person
11 could be considered as practicing or offering to practice
12 civil, electrical, mechanical, or chemical engineering in
13 any of its branches, unless he or she is correspondingly
14 qualified by registration as a civil, electrical, mechanical,
15 or chemical engineer under this chapter.

16 (g) Who, unless appropriately registered, manages, or
17 conducts as manager, proprietor, or agent, any place of
18 business from which civil, electrical, mechanical, or
19 chemical engineering work is solicited, performed, or
20 practiced.

21 (h) Who uses the title, or any combination of the title,
22 of “professional engineer,” “registered engineer,” or the
23 branch titles specified in Section 6732, or the authority
24 titles specified in Section 6763, or “engineer-in-training,”
25 or who makes use of any abbreviation of that title that
26 might lead to the belief that he or she is a registered
27 engineer, without being registered as required by this
28 chapter.

29 (i) Who uses the title “consulting engineer” without
30 being registered as required by this chapter or without
31 being authorized to use that title pursuant to legislation
32 enacted at the 1963, 1965, or 1968 Regular Session.

33 (j) Who violates any provision of this chapter.

34 ~~SEC. 13.—~~

35 *SEC. 11.* Notwithstanding any other provision of this
36 act, any chemical engineer who is registered with the
37 State Board of Registration for Professional Engineers
38 and Land Surveyors, under the title “chemical engineer,”
39 on April 1, 1998, shall be deemed registered from that
40 date forward under Section 6704. In order to be deemed



1 to be so registered, the chemical engineer registration
2 with the board shall be current and in good standing.

3 ~~SEC. 14.—~~

4 *SEC. 12.* Nothing contained in this act restricts the
5 scope of practice of engineers registered pursuant to
6 Chapter 7 (commencing with Section 6700) of Division
7 3 of the Business and Professions Code.

8 ~~SEC. 15.—~~

9 *SEC. 13.* No reimbursement is required by this act
10 pursuant to Section 6 of Article XIII B of the California
11 Constitution because the only costs that may be incurred
12 by a local agency or school district will be incurred
13 because this act creates a new crime or infraction,
14 eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section
16 17556 of the Government Code, or changes the definition
17 of a crime within the meaning of Section 6 of Article
18 XIII B of the California Constitution.

19 Notwithstanding Section 17580 of the Government
20 Code, unless otherwise specified, the provisions of this act
21 shall become operative on the same date that the act
22 takes effect pursuant to the California Constitution.

