

TITLE 16. BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers, Land Surveyors, and Geologists (Board) is proposing to take the action described in the Informative Digest. The Board does not intend to hold a hearing in this matter. If an interested party wishes that a hearing be held, he or she must make the request in writing to the Board no later than 5 p.m. on April 1, 2013. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text.

With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in the Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on April 15, 2013.

Authority and Reference: Pursuant to the authority vested by Sections 6716, 7818, and 8710 of the Business and Professions Code, and to implement, interpret, or make specific Sections commencing with Sections 6715, 6764, 7821, 7852, 7852.1, 8712, and 8750 of said code, the Board is considering changes to Division 5 and Division 29 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

Business and Professions Code (B&P) sections 6716, 7818, and 8710 authorize the Board to adopt, amend, or repeal, such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of law relating to the practice of engineering, land surveying, and geology. To that extent, staff is proposing regulation amendments to the Professional Engineers Act, Professional Land Surveyors Act, and Geologist and Geophysics Act so that they are all similar in content and form. These modifications would make it easier for the consumers of California and our Board's licensees and certificate holders to comprehend and follow the laws and regulations and would provide consistency with the Board's current procedures and maintain the Board's mission to safeguard the life, health, property, and welfare of the public. The Board is proposing the following:

The main purpose of the proposed language is to ensure that its laws are clear, concise, efficient, and necessary. Proposed changes, by section, are identified as follows:

Seal and Signature

Amend Sections 411 and 3008 - Seal and Signature

Amend section 411 to remove the term 'opaque,' which is vague and unnecessary. Amend section 3008 to match section 411 and provide consistency among all three Acts since section 3008 and section 411 both relate to the information required of, and describing the contents of, a licensee's signature and stamp. The additional information being added to section 3008 will formalize and document policies already utilized by the Geologist and Geophysicist Program, and previously used by the former Board for Geologists and Geophysicists, and will clarify and detail the information that is required to be in the seal. This additional information will not task the licensees with any additional work and will not require the licensee to expend any additional money to comply with the proposed rulemaking.

Address Change

Amend Sections 412 and 3009 – Address Change

Amend section 412 to add language and specify that address "of record" changes must be made "in writing" within 30 days. Having the change being made in writing allows our office to keep documentation of all address changes. Section 3009 would be amended to add language and specify, similar to Section 412, that address "of record" changes must be made "in writing" within 30 days. The timeframe of 30 days is being amended from 60 days to be consistent with Section 412 and because 60 days is an excessive amount of time to notify the licensing Board of an address change, and negatively impact a consumer's ability to contact the licensee.

B. Policy Statement Overview/Anticipated Benefits of Proposal

The purpose and benefit is to ensure that the seal and signature are displayed accurately and correctly by licensed individuals of the Board. Changes to law are making the definition more clear. Additionally, the address change is being amended to provide commonality between all the Acts. The additions will maintain the Board's mission to safeguard the life, health, property, and welfare of the public.

C. Consistency and Compatibility with Existing State Regulations

This Board has evaluated this regulatory proposal and it is not inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: The proposed regulatory action does not impose a mandate on local agencies or school districts.

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None.

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:

The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Board has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit such proposals. Submissions may include the following considerations:

- Continue to support dissimilar seals, signature's, and address on file between the Acts. This goes against the Board's mission to safeguard the life, health, property, and welfare of the public.
- Require changes to seal, signature, and address change without regulatory authority. The Board cannot operate without regulatory authority.
- Exemption or partial exemption from the regulatory requirements for licensees. The Board cannot regulate the professions it licenses if those licensed individuals are allowed to be excused from regulatory requirements.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulations pertain to the seal and signature of the licensed individual and the address provided by the individual.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and state's environment:

The purpose and benefit is to ensure that the seal and signature are displayed accurately and correctly by licensed individuals of the Board. Changes to law are making the definition more clear. Additionally, the address change is being amended to provide commonality between all the Acts. The additional regulations will maintain the Board's mission to safeguard the life, health, property, and welfare of the public.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally

effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2535 Capitol Oaks Drive, Suite 300, Sacramento, California 95833.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Jeff Alameida
Address:	2535 Capitol Oaks Drive, S-300 Sacramento, CA 95833
Telephone No.:	(916) 263-2269
Fax No.:	(916) 263-2246
E-Mail Address:	jeff.alameida@dca.ca.gov

The backup contact person is:

Name: Larry Kereszt
Address: 2535 Capitol Oaks Drive, S-300
Sacramento, CA 95833
Telephone No.: (916) 263-2240
Fax No.: (916) 263-2246
E-Mail Address: larry.kereszt@dca.ca.gov

Website Access: <http://www.bpelsg.ca.gov/> Materials regarding this proposal can be found at <http://www.bpelsg.ca.gov/licensees/laws.shtml>.