

**Amend Sections 407, 410, and 3005 of Divisions 5 and 29 of Title 16 of the
California Code of Regulations**

Adopt Section 3010

The public comment period for the proposed amendments to sections 407, 410, and 3005 and adoption of section 3010 of Divisions 5 and 29 of Title 16 of the California Code of Regulations (CCR) has concluded. Comments were accepted from November 29, 2019, through January 13, 2020, and at a public hearing held on January 14, 2020. Two individuals submitted comments to the Board. Both comments received are considered non-substantive and refer to the Notice – Attachment III that identifies the current cost impact to California state agencies and proposed impact.

The comments submitted do not require revision of the proposed language that was presented at the May 13, 2019, Board meeting. However, the proposed language needs to be amended to update the effective date of an expiring license and the renewal fee. This change requires a 15-day noticed public comment period. Furthermore, in addition to approving the change and directing staff to provide for the required public notice, staff recommends that the Board vote to adopt the proposed regulatory changes and direct staff to finalize the rulemaking file on the condition that no substantive comments are received during the 15-day comment period. Should any substantive comments be received, they would be presented to the Board for consideration.

PROPOSED MOTION

The Board approves the proposed change to text that alters the date that licensees would need to renew and direct staff to notice the change for the required 15-day public comment period.

Furthermore, the Board adopts the amendments to Sections 407, 410, and 3005 and adopts Section 3010 of Divisions 5 and 29 of Title 16 of the CCR and directs staff to finalize the rulemaking file for submission to the Department of Consumer Affairs and the Office of Administrative Law on the condition that no substantive comments are received during the 15-day public comment period.

**BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS
DEPARTMENT OF CONSUMER AFFAIRS
CALIFORNIA CODE OF REGULATIONS. TITLE 16. DIVISIONS 5 AND 29.**

407. Fees.

(a) ~~All fees required by provisions of the code as implemented by the Board shall be transmitted by money order, bank draft, cash or check, payable to the Department of Consumer Affairs, at Sacramento.~~

(~~b~~) The following is the prescribed application fee for:

- (1) Authority to use the title "structural engineer" ~~\$125~~ \$175
- (2) Authority to use the title "geotechnical engineer" ~~\$125~~ \$175
- (3) Licensure as a professional engineer ~~\$125~~ \$175
- (4) Licensure as a professional land surveyor ~~\$125~~ \$175
- (5) Certification as an engineer-in-training or as a land surveyor-in-training ~~\$50~~ \$75

(~~e~~) (~~b~~) The following is the prescribed examination fee for state-specific examinations:

- (1) California Special Civil Seismic Principles ~~\$150~~ \$175
- (2) California Special Civil Engineering Surveying ~~\$150~~ \$175
- (3) Geotechnical Engineering ~~\$150~~ \$175
- (4) California State-Specific Land Surveying ~~\$150~~ \$175
- (5) Traffic Engineering ~~\$150~~ \$175

(~~d~~) (~~c~~) The two-year biennial renewal fee for a license that expires on or after ~~July 1, 2012, January 1, 2020,~~ July 1, 2020, shall be ~~\$115~~ \$180. ~~The two-year biennial renewal fee for a license that expires between October 1, 2005, and June 30, 2012, shall be \$125.~~

(~~e~~) The fee for an examination appeal filed pursuant to rule 444 shall be \$134.00.

(~~f~~) (~~d~~) The fee for each retired license shall be ~~\$62.50; no~~ \$75. No renewal fee or other fee shall be charged for the retired license. ~~(As used in this subdivision, "license" includes certificate of registration or license as a professional engineer, licensure as a professional land surveyor, and certificates of authority to use the titles "structural engineer," "geotechnical engineer," "soil engineer," "soils engineer," or "consulting engineer.")~~

(~~e~~) The duplicate certificate fee prescribed in Section 410 shall be \$10.

(~~g~~) (~~f~~) Fees required under provisions of this rule transmitted through the United States mail shall be deemed filed on the date shown by the post office cancellation mark stamped on the envelope containing it, the fee or on the date mailed if satisfactory proof is made that mailing occurred on an earlier date.

(~~h~~) ~~Renewal applications filed with the Board more than thirty (30) days after 12 midnight on the expiration date pursuant to the Professional Land Surveyors' Act and more than sixty (60) days after 12 midnight on the expiration date pursuant to the Professional Engineers Act and not accompanied by the prescribed delinquent penalty fee equal to 50 percent of the renewal fee shall be returned by the executive officer with a statement of the reason therefor.~~

(~~g~~) The delinquency fee for renewal of a license is 50% of the renewal fee in effect on the date of reinstatement.

(~~i~~) (~~h~~) Refund of fees submitted to the Board shall be made only as follows:

- (1) Any application fees or penalties imposed and collected illegally, by mistake, inadvertence, or error shall be refunded in full.

(~~i~~) As used in this section, "license" includes certificate of registration or license as a professional engineer, licensure as a professional land surveyor, and certificates of authority to use the titles "structural engineer," "geotechnical engineer," "soil engineer," "soils engineer," "consulting engineer," or "photogrammetric surveyor."

Note: Authority cited: Sections 6716, 6799, 8710, and 8805, Business and Professions Code. Reference: Sections 158, 6706.3, ~~6710, 6732,~~ 6795, 6796, 6798, 6799, 8775.3, 8801, 8802, 8804, 8804.5, and 8805, Business and Professions Code.

410. Certificates.

(a) Certificates and licenses will be issued in the order in which the applicants qualify.

(b) A duplicate of a certificate issued in accordance with Section 6765 of the Professional Engineers Act or Section 8749 of the Professional Land Surveyors' Act shall be issued only to replace one lost, destroyed, or mutilated, upon a written request accompanied by a fee ~~of \$10~~as prescribed in Section 407 and an affidavit verifying the loss, destruction, or mutilation of the previous certificate. The affidavit of lost, destroyed, or mutilated license must be submitted on a form provided by the Board.

Note: Authority cited: Sections 6716, 6765, ~~and~~ 8710, and 8749, Business and Professions Code. Reference: Sections 119, 122, ~~6732.2, 6756, 6762, 6763,~~ 6765, ~~6766, 6787,~~ 6799, ~~8747,~~ 8749, ~~8752, 8792~~ and 8805, Business and Professions Code; ~~and Section 2015.5, Code of Civil Procedure.~~

3005. Fees.

~~(a) All fees required by provisions of the code and rules of the board shall be transmitted by money order, bank draft, or check, payable to the Department of Consumer Affairs.~~

~~(b)~~ The following is the prescribed application fee for:

(1) Licensure as a Professional Geologist or a Professional Geophysicist ~~\$250.00;~~ \$175

(2) Certification as a specialty geologist or specialty geophysicist ~~\$250.00;~~ \$175

(3) Certification as a geologist-in-training \$75

~~(c)~~ (b) The following is the prescribed examination fee for:

(1) The Practice of Geology national examination \$250;

(2) The California specific geologist examination ~~\$150;~~ \$175

(3) The Fundamentals of Geology national examination ~~\$150;~~ \$200

(4) Examination for licensure as a geophysicist ~~\$100.00;~~ \$175

(5) Examination for certification as a specialty geologist or specialty geophysicist

~~\$100.00.~~ \$175

~~(d)~~ (c) The duplicate certificate fee ~~\$6.00~~ shall be \$10.

~~(e) The following is the prescribed renewal fee for:~~

(1) Licensure as a geologist or a geophysicist ~~\$270.00;~~

(2) Certification as a specialty geologist or a specialty geophysicist ~~\$67.50.~~

~~(f) The two-year biennial renewal fee for a license that expires on or after January 1, 2020~~ July 1, 2020, shall be \$180.

~~(g) The delinquency fee for renewal of licensure as a geologist or geophysicist or certification as a specialty geologist or specialty geophysicist a license is 50% of the renewal fee in effect on the last regular renewal date.~~

~~(h) When transmitted through the mail, fees~~

~~(i) Fees required under provisions of this rule transmitted through the United States mail shall be deemed filed on the date shown by the post office cancellation mark appearing on the envelope containing the fee or on the date mailed if satisfactory proof is made that mailing occurred on an earlier date.~~

~~(j) The fee for the retired license shall be \$62.50~~ \$75. No renewal fee or other fee shall be charged for the retired license. ~~As used in this subdivision, "license" includes certificate of registration or license as a professional geologist, certificate of registration as a registered certified specialty geologist, and certificate of registration as a professional geophysicist.~~

(k) Refund of fees submitted to the Board shall be made only as follows:

(1) Any application fees or penalties imposed and collected illegally, by mistake, inadvertence, or error shall be refunded in full.

(i) As used in this section, "license" includes certificate of registration or license as a professional geologist, certificate of registration or license as a professional geophysicist, and certificate of registration or license as a registered certified specialty geologist or specialty geophysicist.

Note: Authority cited: Sections 7818 and ~~7854~~ 7887, Business and Professions Code. Reference: Sections ~~158, 7846~~ 7851, 7880, 7881, and 7887, Business and Professions Code.

3010. Certificates.

(a) Certificates and licenses will be issued in the order in which the applicants qualify.

(b) A duplicate of a certificate issued in accordance with Section 7853 of the Geologist and Geophysicist Act shall be issued only to replace one lost, destroyed, or mutilated, upon a written request accompanied by a fee as prescribed in Section 3005 and an affidavit verifying the loss, destruction, or mutilation of the previous certificate. The affidavit of lost, destroyed, or mutilated license must be submitted on a form provided by the Board.

Note: Authority cited: Section 7818 and 7854, Business and Professions Code. Reference: Sections 119, 122, 7854, and 7887, Business and Professions Code.

COMMENTS RECEIVED

1	Chris Tracy, P.G, C.E.G 12/2/2019	<p>I have a comment on the "Notice of Proposed Regulatory Action for 16 CCR 407, 410, 3005, & 3010" posted on the Boards website at https://www.bpelsg.ca.gov/about_us/rulemaking.shtml</p> <p>The document, "Notice of Proposed Regulatory Action for 16 CCR 407, 410, 3005, & 3010" (https://www.bpelsg.ca.gov/about_us/407_notice.pdf) refers to Table III which "identifies the current cost impact to California state agencies and proposed impact". Looking at Table III, I take the heading License Type and the number below it to represent the number of licensed individuals in that Department. If my assumption is correct, the table significantly underestimates the fiscal impact to the State. DWR, Cal Trans, Conservation, Parks and Rec, DTSC and I suspect the other Departments listed employ Geologist and Certified Engineering Geologist. For instance my Division here at DWR employs 5 licensed Geologist/Engineering Geologist and over 50 licensed engineers. As such the number of engineers also seem way low based on my knowledge of DWR and other Departments. Perhaps the Board could get a better understanding of the numbers from Cal HR as the Engineer and Engineering Geologist classification Rank D requires the individual to have a current license. However, it will be difficult to capture those with dual licenses through Cal HR.</p> <p>I also noticed the Current Fee is based solely on the renewal fee for engineers. Geologist currently have a different fee schedule.</p> <p>Feel free to contact me if I need to explain my concern better.</p>
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Response to Comment 1

In order to determine the fiscal impact to public agencies the Board contacted the California Department of Human Resources (CalHR) to request the number of authorized positions by Department that represents the number of licensed individuals throughout public agencies. CalHR could not provide this data to the Board. The Board determined, through publicly accessible data at the Department of Finance California Budget website (<http://www.ebudget.ca.gov/>) the top Departments that may employ

licensed professional engineers, land surveyors, and geologists in order to estimate a fiscal impact for public agencies. The Board does not keep employment information for its licensees, therefore, the estimates on Attachment III are generated from the stated publicly accessible data.

2	Pat Tami, PLS 12/2/2019	Just wondering where the number of licenses came from on Attachment III?
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Response to Comment 2

The Board determined, through publicly accessible data at the Department of Finance California Budget website (<http://www.ebudget.ca.gov/>) the top Departments that may employ licensed professional engineers, land surveyors, and geologists in order to estimate a fiscal impact for public agencies. The Board does not keep employment information for its licensees, therefore, the estimates on Attachment III are generated from the stated publicly accessible data.

3	Ronald Sorensen, PG, CHG, PGP 1/15/2020	I noticed the fees for the specialty geologist were removed and as stated in section 3005 (I) the term "License" covers the specialty certification. Two questions: 1) Does this now mean that the former "Certified Hydrogeologist" is now a "Licensed Hydrogeologist" and other sections of the regulations need to be amended to reflect this (and new report stamps made)? 2) If not, how can a almost 200% increase in the annual fee (making it on par with a license) be justified for a "Certification"?
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Response to Comment 3

1) The proposed amendments that include the new paragraph (i) at the end of sections 407 and 3005 would remove the definition of the word "license" from a singular subdivision and place it in its own paragraph and apply it to the use of the word in the entire section. Additionally, it was realized that two license types had been left out in the current version of the regulations; therefore, they are being included now (specifically, "photogrammetric surveyor" in 407 and "specialty geophysicist" in 3005) to list all license types. This will provide clarity as to the meaning of the word through the section and eliminate the need to reference each type of license or certificate in individual subdivisions.

2) The processes for approving applicants for licensure and enforcing the licensing laws are generally the same for all professions regulated by the Board, and the costs incurred to perform those services are the same for all regulated professions. However, under the current fee structure, there is

disparity amongst the Board's regulated professions. The Board believes that eliminating such disparity, to the extent feasible, would make its fee structure more equitable. Since the same services are provided to all of the Board's regulated professions, the same renewal fee should be charged. This proposal would standardize the renewal fee so that it is the same for all license types issued and regulated by the Board.

4	Craig A. Copelan	I was wondering how delinquency renewals will be handled under the new regs, for example if a license is delinquent by two years or more would the applicant have to pay for the renewal fees they would have during that time when they apply to renew their license or just the 50 % of the renewal charge on the date that they apply?
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Response to Comment 4
Business and Professions Code sections 6796, 6796.1, 6796.2, 6796.3, 6796.5, 7880, 7881, 7881.5, 7882, 7883, 7884, 8801, 8802, 8802.1, 8803, and 8803.1 identify renewal of expired, suspended, or revoked certificate including failure to renew and effect of renewal of expired or delinquent certificates. In this case, the individual seeking renewal would pay all accrued and unpaid renewal fees including the delinquency fees in effect for those time periods in order to renew their license.