

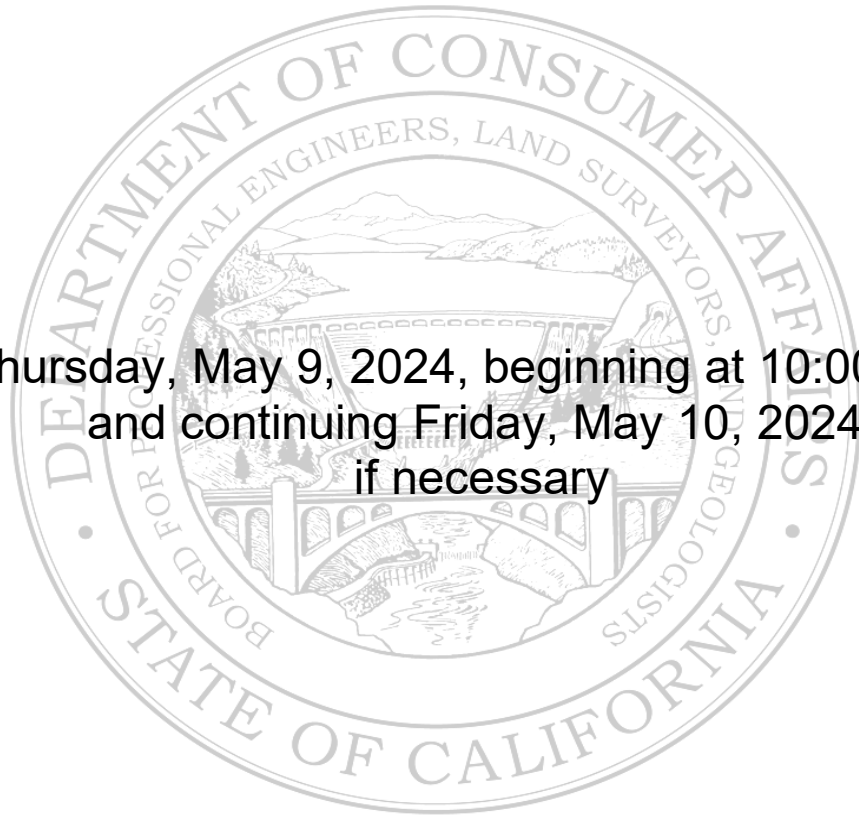


Gavin Newsom, Governor

## Meeting of the Board for Professional Engineers, Land Surveyors, and Geologists

Board for Professional Engineers,  
Land Surveyors, and Geologists

Thursday, May 9, 2024, beginning at 10:00 a.m.,  
and continuing Friday, May 10, 2024,  
if necessary



Department of Consumer Affairs  
1625 North Market Boulevard  
Hearing Room South #102  
Sacramento, CA 95834



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BOARD MEETING

MAY 9-10, 2024

Department of Consumer Affairs  
1625 North Market Boulevard, Hearing Room, #102  
Sacramento, CA 95834

### BOARD MEMBERS

President Michael Hartley; Vice-President Christina Wong; Fel Amistad; Alireza Asgari; Rossana D'Antonio; Coby King; Guillermo Martinez; Betsy Mathieson; Frank Ruffino; Wilfredo Sanchez; and Fermin Villegas

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2. ISSUE #5 from the Background Paper: Education and Experience Requirements. Should geologist and geophysicist applicants be able to substitute work experience for some of the required education?	
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A. Deliberate on a Decision(s) to be Reached in a Proceeding(s) Required to be Conducted Pursuant to Chapter 5 (commencing with Section 11500), as Authorized by Government Code Section 11126(c)(3).	
B. Confer with, or Receive Advice from, Its Legal Counsel Regarding Pending Litigation Pursuant to Government Code Section 11126(e)(1) and (2)(A), on the following matters:	
1. <u>Ryan Crownholm, et al. vs. Richard B. Moore, et al.</u> , United States District Court, Eastern District of California, Case No. 2:22-cv-01720-DAD-CKD	
2. <u>Roy Allen Olsen, et al. v. California Board of Professional Engineers, Land Surveyors and Geologists, et al.</u> , Sacramento County Superior Court. Case No. 34-2022-00328379	
3. <u>Victor Rodriguez-Fernandez vs. California Board for Professional Engineers, Land Surveyors, and Geologists</u> , San Diego County Superior Court, Case No. 37-2023-00053465-CU-WM-CTL	
<b>XIV. Adjourn</b>	251

**I. Roll Call to Establish a Quorum**

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## II. Pledge of Allegiance

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### **III. Public Comment for Items Not on the Agenda**

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#### **IV. Administration**

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- A. Presentation on the current fee study Process
- B. Fiscal Year 2023/24 Budget Report





CALIFORNIA DEPARTMENT OF  
**CONSUMER**  
A F F A I R S



# Understanding Fees

**Matt Nishimine**

*Fiscal Specialist*

DCA Budget Office & Regulations Unit

May 9, 2024, Board Meeting

Board for Professional Engineers, Land  
Surveyors, and Geologists



# Established by Statute

- Engineers – BPC sec 6799
- Geologists – BPC sec 7887
- Land Surveyors – BPC sec 8805
- **BPC – Business & Profession Code**

# Set by Regulations

- Engineers – CCR 407
- Geologists – CCR 3005
- Land Surveyors – CCR 407
- CCR – CA Code of Regulations Title 16



## Board Member

## Fiduciary Responsibility

### Gov Code Section 13324

- Every person who incurs any expenditure in excess of the allotments or other provisions of the fiscal year budget as approved by the department or as subsequently changed by or with the approval of the department, is *liable both personally and on his official bond for the amount of the excess expenditures.*

## Fiduciary Responsibility (continued)

### Section 32.00 of the Budget Act provides:

- (a) **The officers of the various departments, boards, commissions, and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditures in excess of these appropriations.** Any indebtedness attempted to be created against the state in violation of this section shall be null and void, and shall not be allowed by the Controller nor paid out of any state appropriation.
- (b) **Any member of a department, board, commission, or institution who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act shall be liable both personally and on the member's official bond for the amount of the indebtedness.**

# Setting Fees through Regulations

## Steps:

1. Identifying the Need – (Completed)
  2. Completing Fee & Revenue Analyses  
- In Process
  3. Board Member Consideration & Approval  
- Target August 2024
1. Initiating & Completing a Rulemaking Package

# Timeline

12-18 months

Target Effective Date: Jan 1, 2026

# Considerations

- Structural Imbalance
  - Managing the Delta
- Fund Balance Reserve
  - Target Levels
    - Risk Aversion
  - Unanticipated Costs
    - Legislation
    - Enforcement-Related
  - Policy & Operations
  - Other Priorities
- Last Fee Increase
  - 2020-21 Fiscal Year (mid-year)
- Individual Impacts
  - New Applicants
    - Barriers to Licensure
  - Professional Courtesy
    - Retired License
  - Re-Allocation of Costs
    - Policy Decision

# Any Questions?

Department of Consumer Affairs

Expenditure Projection Report

Board for Professional Engineers, Land Surveyors and Geologists

Fiscal Month: 9

Fiscal Year: 2023 - 2024

**PERSONAL SERVICES**

Fiscal Code	Line Item	PY YTD + Encumbrance	PY FM13	Budget	YTD + Encumbrance	Projections to Year End	Balance
5100	PERMANENT POSITIONS	\$2,563,070	\$3,493,641	\$3,809,000	\$2,651,989	\$3,526,194	\$282,806
5100	TEMPORARY POSITIONS	\$104,001	\$121,262	\$232,000	\$1,191	\$5,000	\$227,000
5105-5108	PER DIEM, OVERTIME, & LUMP SUM	\$20,481	\$24,481	\$36,000	\$145,015	\$149,215	-\$113,215
5150	STAFF BENEFITS	\$1,572,635	\$2,084,775	\$2,031,000	\$1,597,798	\$2,126,555	-\$95,555
	<b>PERSONAL SERVICES</b>	<b>\$4,260,188</b>	<b>\$5,724,159</b>	<b>\$6,108,000</b>	<b>\$4,395,993</b>	<b>\$5,806,964</b>	<b>\$301,036</b>

**OPERATING EXPENSES & EQUIPMENT**

Fiscal Code	Line Item	PY YTD + Encumbrance	PY FM13	Budget	YTD + Encumbrance	Projections to Year End	Balance
5301	GENERAL EXPENSE	\$62,231	\$77,072	\$32,000	\$55,168	\$87,300	-\$55,300
5302	PRINTING	\$96,494	\$99,920	\$26,000	\$165,638	\$180,623	-\$154,623
5304	COMMUNICATIONS	\$10,611	\$15,370	\$15,000	\$8,719	\$17,938	-\$2,938
5306	POSTAGE	\$2,343	\$1,983	\$36,000	\$32,851	\$38,005	-\$2,005
5308	INSURANCE	\$65	\$65	\$0	\$86	\$100	-\$100
53202-204	IN STATE TRAVEL	\$25,502	\$37,082	\$22,000	\$29,002	\$54,600	-\$32,600
53206-208	OUT OF STATE TRAVEL	\$0	\$0	\$0	\$2,678	\$5,175	-\$5,175
5322	TRAINING	\$0	\$0	\$15,000	\$0	\$0	\$15,000
5324	FACILITIES	\$446,451	\$497,957	\$377,000	\$459,890	\$512,950	-\$135,950
53402-53403	C/P SERVICES (INTERNAL)	\$458,119	\$738,591	\$1,127,000	\$492,687	\$723,393	\$403,607
53404-53405	C/P SERVICES (EXTERNAL)	\$1,901,533	\$2,568,168	\$3,639,000	\$2,013,883	\$3,061,198	\$577,802
5342	DEPARTMENT PRORATA	\$1,417,500	\$1,700,803	\$2,078,000	\$1,500,750	\$2,078,000	\$0
5342	DEPARTMENTAL SERVICES	\$13,088	\$25,470	\$27,000	\$13,416	\$26,000	\$1,000
5344	CONSOLIDATED DATA CENTERS	\$74	\$26,395	\$22,000	\$78	\$27,700	-\$5,700
5346	INFORMATION TECHNOLOGY	\$37,207	\$39,759	\$94,000	\$32,086	\$43,000	\$51,000
5362-5368	EQUIPMENT	\$23,027	\$99,833	\$0	\$37,654	\$44,132	-\$44,132
5390	OTHER ITEMS OF EXPENSE	\$12	\$12	\$3,000	\$0	\$0	\$3,000
54	SPECIAL ITEMS OF EXPENSE	\$558	\$1,922	\$0	\$898	\$2,694	-\$2,694
	<b>OPERATING EXPENSES &amp; EQUIPMENT</b>	<b>\$4,494,816</b>	<b>\$5,930,402</b>	<b>\$7,513,000</b>	<b>\$4,845,485</b>	<b>\$6,902,808</b>	<b>\$610,192</b>

<b>OVERALL TOTALS</b>	<b>\$8,755,004</b>	<b>\$11,654,561</b>	<b>\$13,621,000</b>	<b>\$9,241,479</b>	<b>\$12,709,771</b>	<b>\$911,229</b>
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6.69%

## Department of Consumer Affairs

### Revenue Projection Report

Reporting Structure(s): 11112900 Support

Fiscal Month:

Fiscal Year: 2023 - 2024

Run Date: 04/19/2024

#### Revenue

Fiscal Code	Budget	Year to Date	Projection To Year End
Delinquent Fees	\$139,000	\$94,074	\$133,724
Other Regulatory Fees	\$106,000	\$53,005	\$68,515
Other Regulatory License and Permits	\$2,213,000	\$1,703,758	\$2,265,245
Other Revenue	\$242,000	\$130,868	\$213,868
Renewal Fees	\$10,066,000	\$9,739,400	\$10,080,400
<b>Revenue</b>	<b>\$12,766,000</b>	<b>\$11,721,105</b>	<b>\$12,761,752</b>

#### Reimbursements

Fiscal Code	Budget	Year to Date	Projection To Year End
Scheduled Reimbursements	\$0	\$49,427	\$49,427
Unscheduled Reimbursements	\$0	\$41,784	\$42,784
<b>Reimbursements</b>	<b>\$0</b>	<b>\$91,211</b>	<b>\$92,211</b>



**2024-25 Governor's Budget with FM9 CY Projections**

	<b>ACTUAL 2022-23</b>	<b>CY 2023-24</b>	<b>BY 2024-25</b>	<b>BY +1 2025-26</b>
<b>BEGINNING BALANCE</b>	\$ 3,405	\$ 2,481	\$ 1,834	\$ -556
Prior Year Adjustment	\$ 285	\$ -	\$ -	\$ -
<b>Adjusted Beginning Balance</b>	\$ 3,690	\$ 2,481	\$ 1,834	\$ -556
<b>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>				
<b>Revenues</b>				
4121200 - Delinquent fees	\$ 169	\$ 134	\$ 141	\$ 139
4127400 - Renewal fees	\$ 9,047	\$ 10,080	\$ 9,303	\$ 10,080
4129200 - Other regulatory fees	\$ 81	\$ 69	\$ 94	\$ 106
4129400 - Other regulatory licenses and permits	\$ 1,940	\$ 2,265	\$ 2,170	\$ 2,213
4163000 - Income from surplus money investments	\$ 139	\$ 197	\$ 193	\$ 180
4171400 - Escheat of unclaimed checks and warrants	\$ 18	\$ 17	\$ 17	\$ 17
<b>Totals, Revenues</b>	\$ 11,394	\$ 12,762	\$ 11,918	\$ 12,735
<b>TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>	\$ 11,394	\$ 12,762	\$ 11,918	\$ 12,735
<b>TOTAL RESOURCES</b>	\$ 15,084	\$ 15,243	\$ 13,752	\$ 12,179
<b>Expenditures:</b>				
1111 DCA Regulatory Boards, Bureaus, Divisions (State Ops)	\$ 11,545	\$ 12,618	\$ 13,672	\$ 14,082
9892 Supplemental Pension Payments (State Ops)	\$ 209	\$ 209	\$ 157	\$ -
9900 Statewide General Admin Exp (Pro Rata) (State Ops)	\$ 849	\$ 582	\$ 479	\$ 479
<b>TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>	\$ 12,603	\$ 13,409	\$ 14,308	\$ 14,561
<b>Fund Balance Reserve</b>	\$ 2,481	\$ 1,834	\$ -556	\$ -2,382
<b>Months in Reserve</b>	<b>2.2</b>	<b>1.5</b>	<b>-0.5</b>	<b>-1.9</b>

**NOTES:**

1. Assumes workload and revenue projections are realized in BY and ongoing.
2. Expenditure growth projected at 3 percent beginning BY +1.



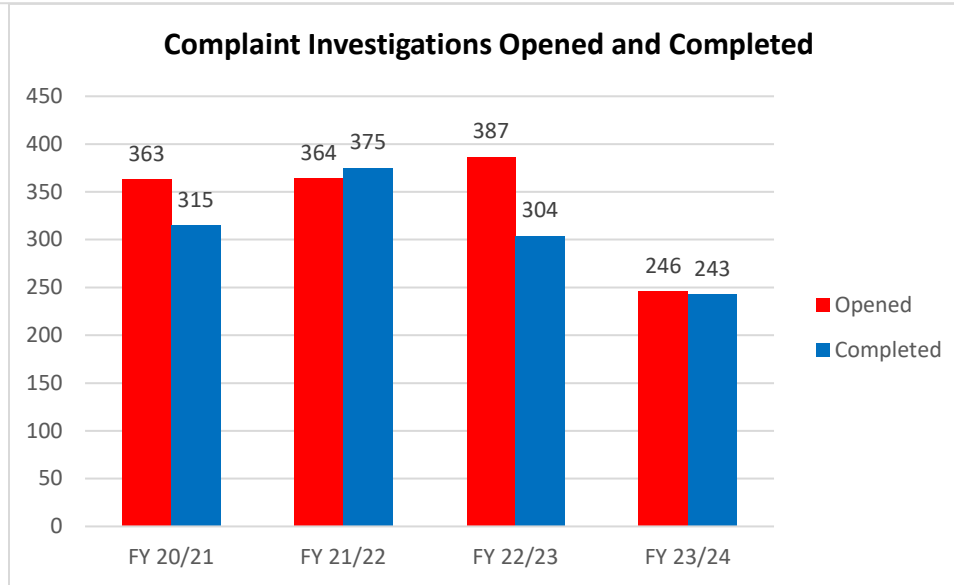
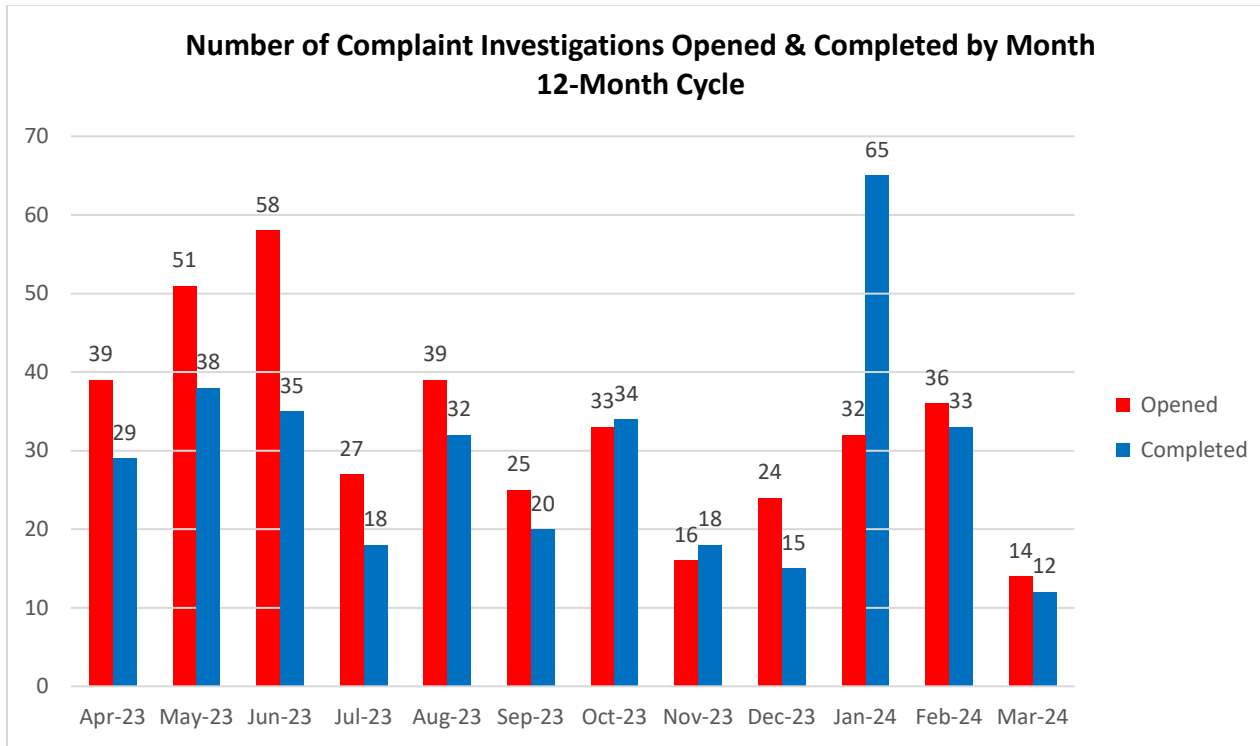
## **V. Enforcement**

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- A. Enforcement Statistical Reports
  - 1. Fiscal Year 2023/24 Update

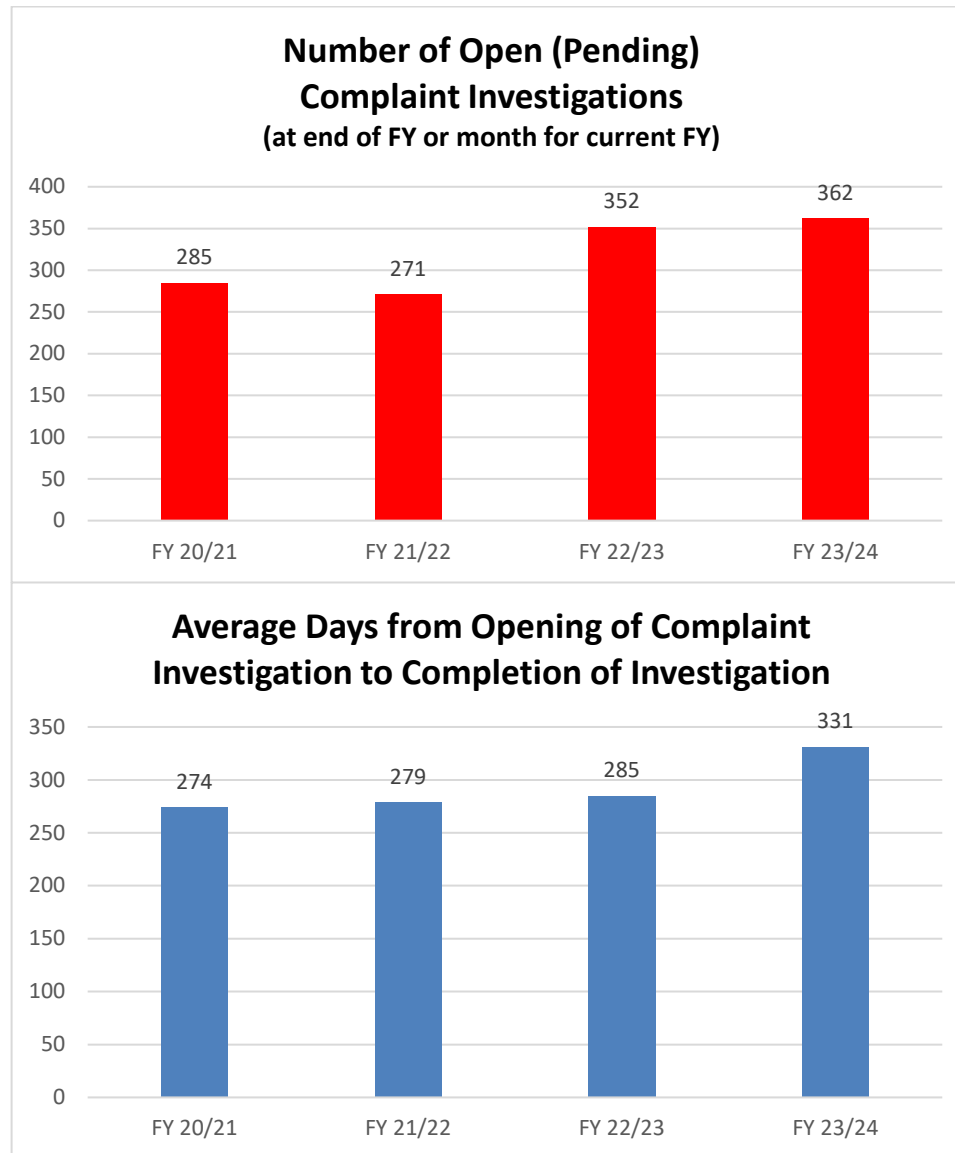


# Complaint Investigation Phase



NOTE: FY23/24 statistics are through March 31, 2024

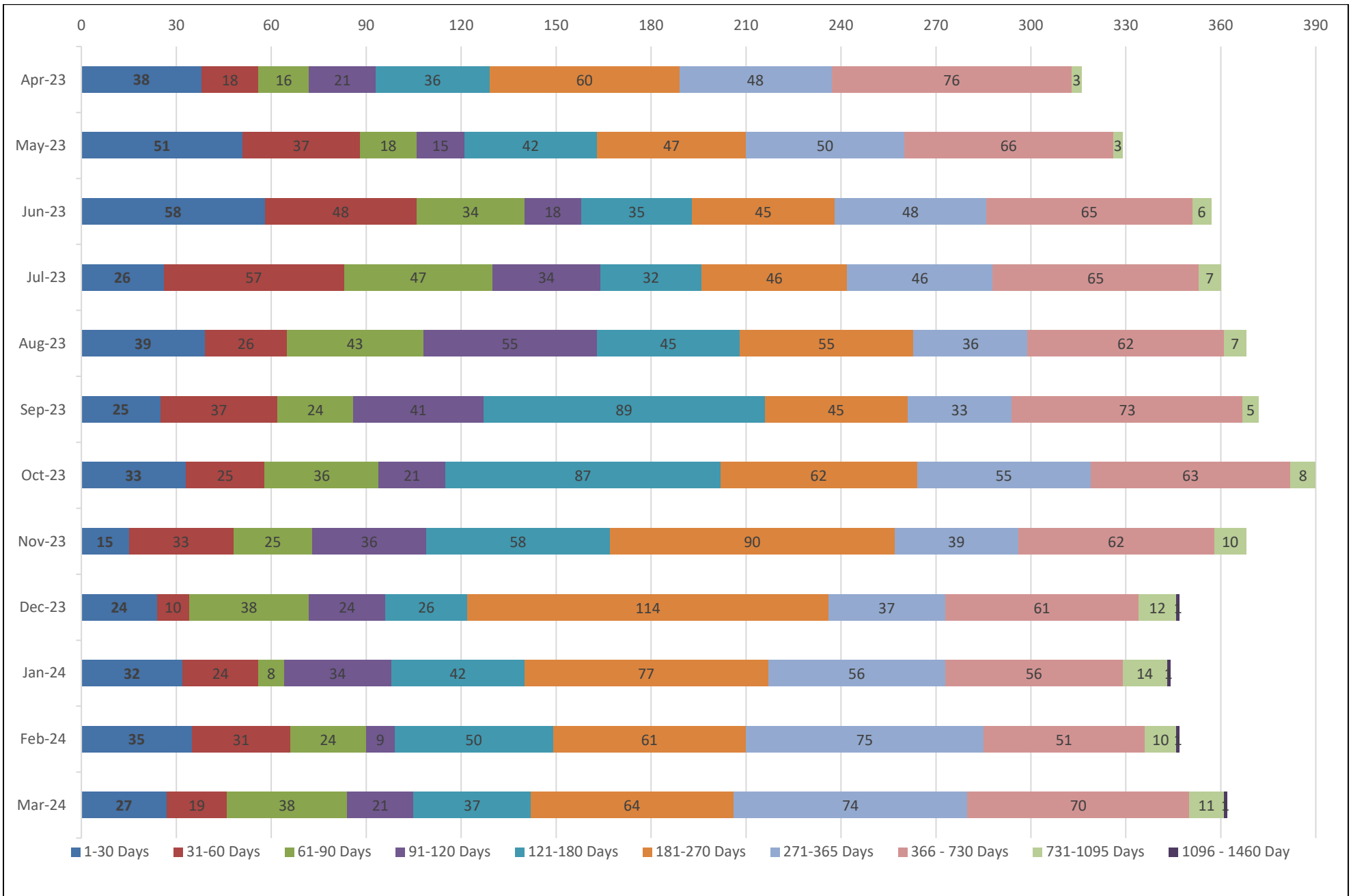
# Complaint Investigation Phase



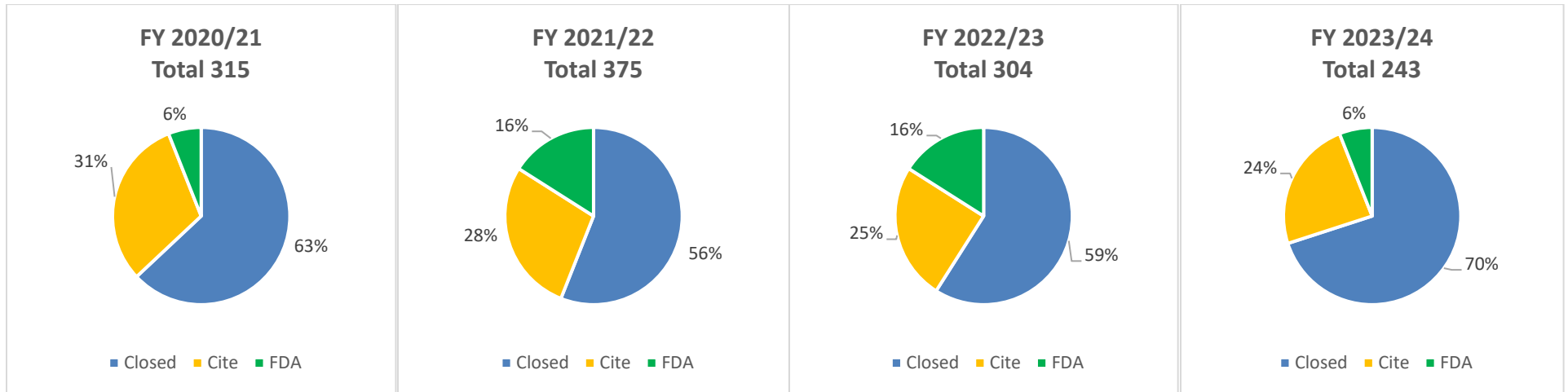
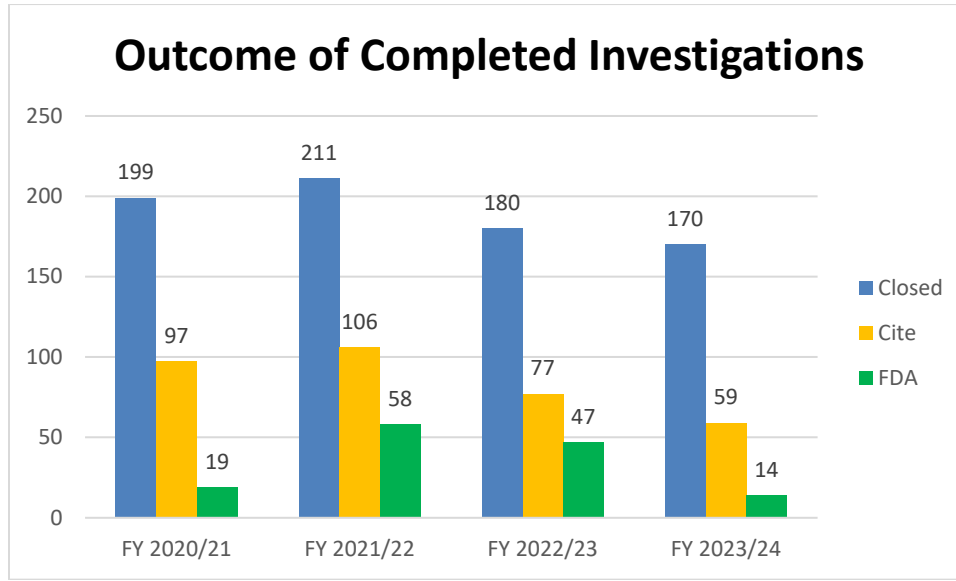
NOTE: FY23/24 statistics are through March 31, 2024

# Complaint Investigation Phase

## Aging of Open (Pending) Complaint Investigation Cases – 12-Month Cycle



# Complaint Investigation Phase Outcome of Completed Investigations



**NOTE: FY23/24 statistics are through March 31, 2024**

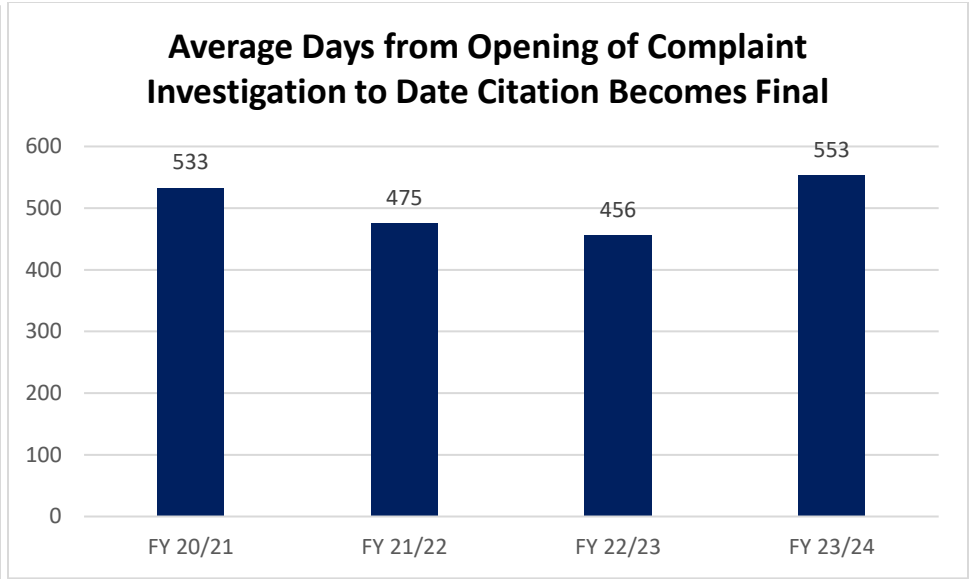
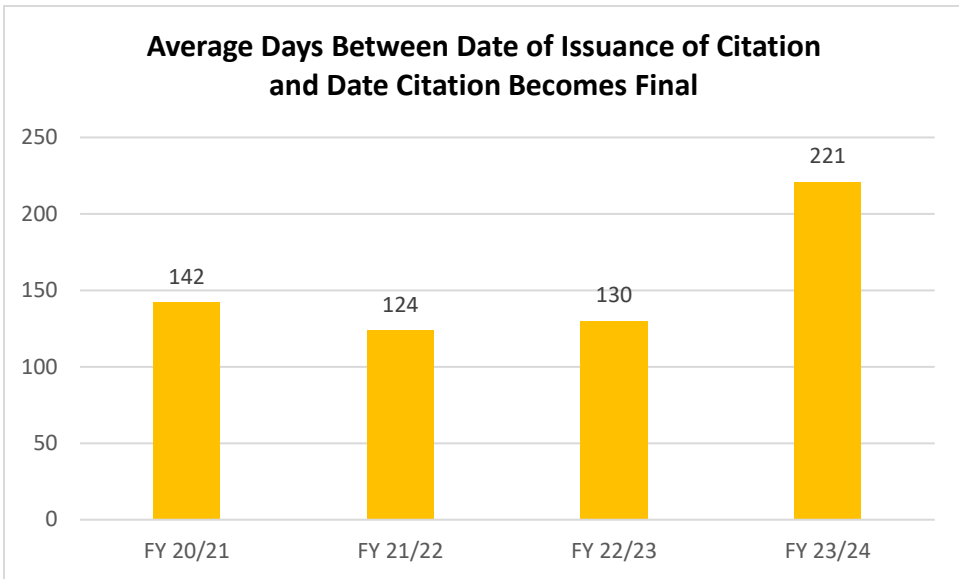
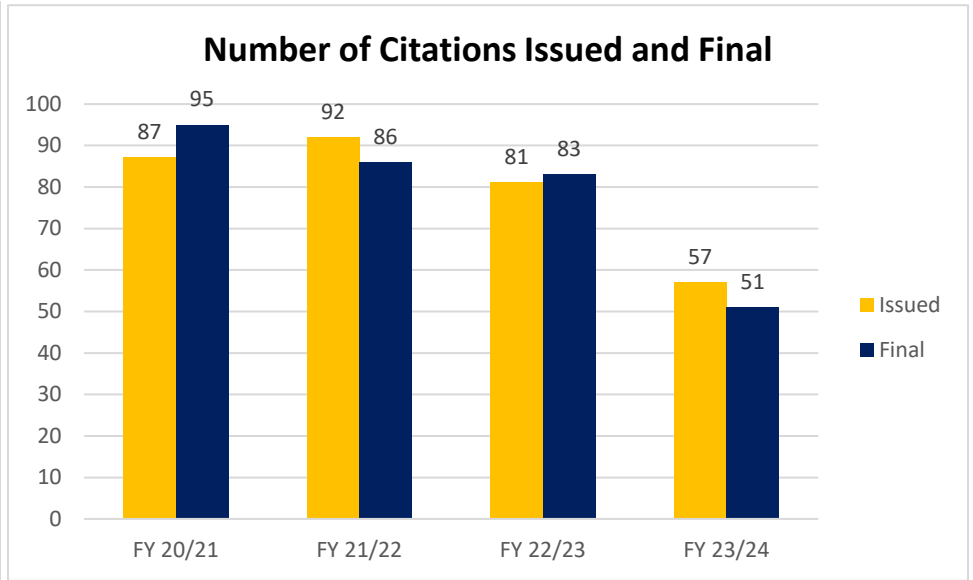
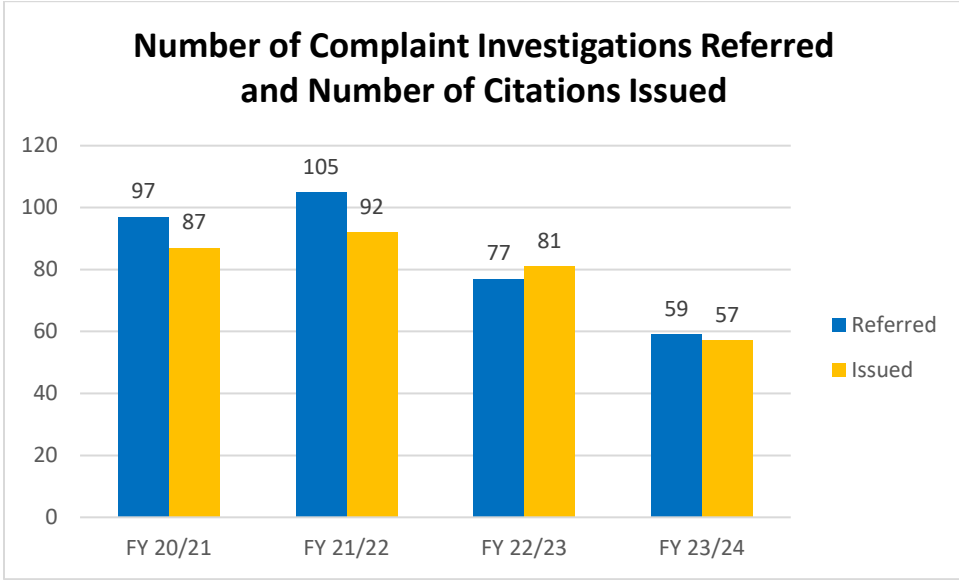
Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

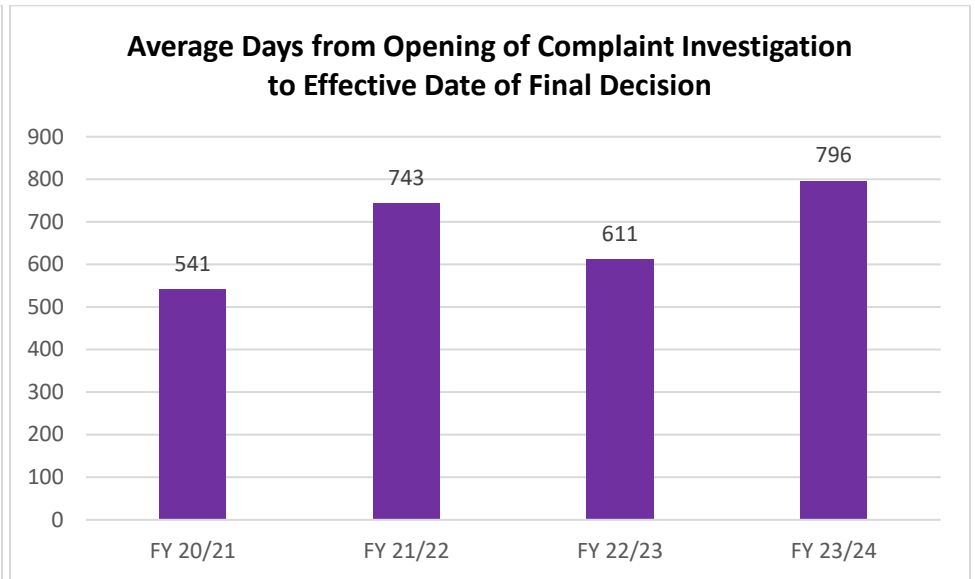
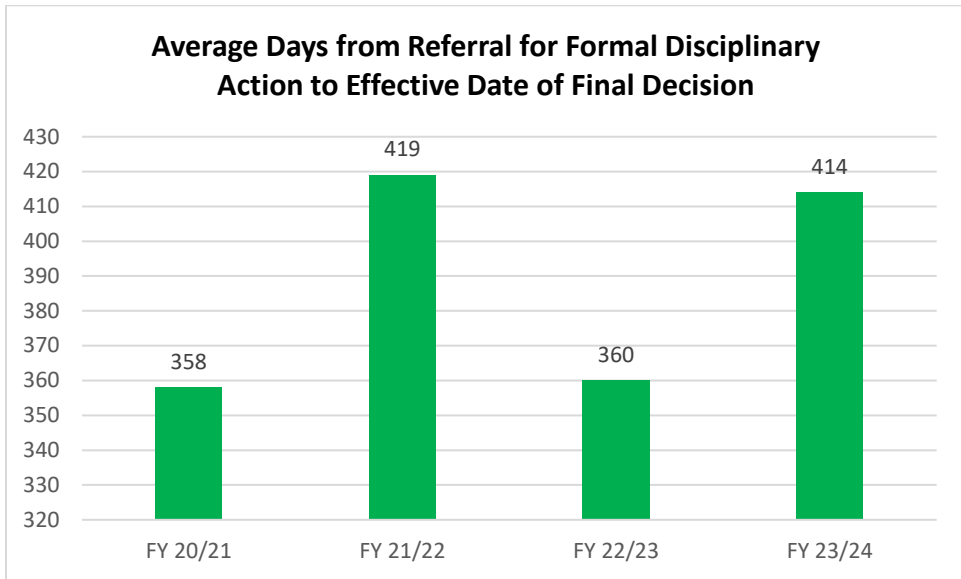
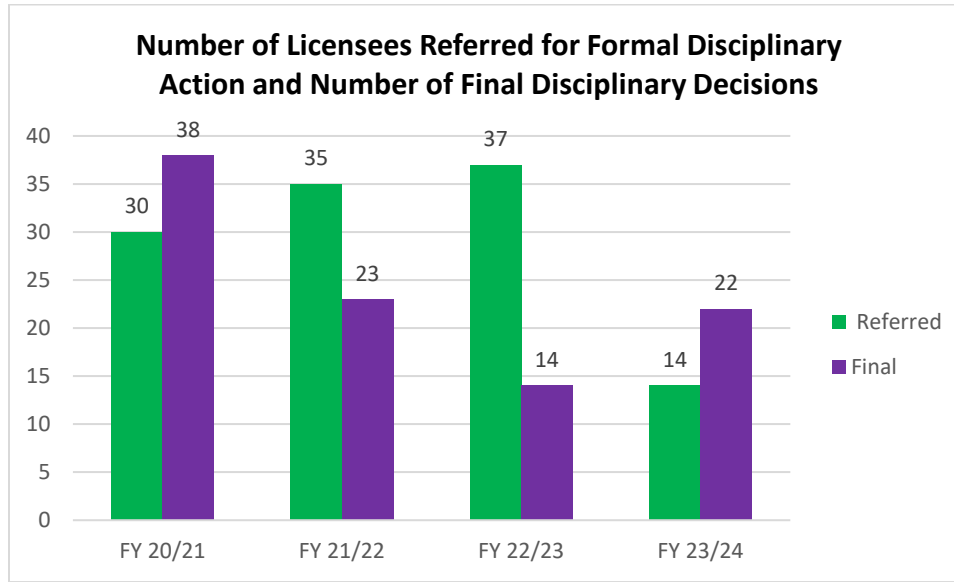


# Citations (Informal Enforcement Actions)



NOTE: FY23/24 statistics are through March 31, 2024

# Formal Disciplinary Actions Against Licensees



**NOTE: FY23/24 statistics are through March 31, 2024**

**Number of Complaint Investigations Opened & Completed by Month  
12-Month Cycle**

Month	Complaint Investigations Opened	Complaint Investigations Completed
April 2023	39	29
May 2023	51	38
June 2023	58	35
July 2023	27	18
August 2023	39	32
September 2023	25	20
October 2023	33	34
November 2023	16	18
December 2023	24	15
January 2024	32	65
February 2024	36	33
March 2024	14	12

**Complaint Investigations Opened and Completed  
Total by Fiscal Year**

Fiscal Year	Complaint Investigations Opened	Complaint Investigations Completed
2020/21	363	315
2021/22	364	375
2022/23	387	304
2023/24	246	243

Current Fiscal Year through March 31, 2024

**Number of Open (Pending) Complaint Investigations  
(at end of FY or month for current FY)**

Fiscal Year	Number of Open (Pending) Complaint Investigations
2020/21	285
2021/22	268
2022/23	352
2023/24	362

Current Fiscal Year through March 31, 2024

## Complaint Investigation Phase

### Average Days from Opening of Complaint Investigation to Completion of Investigation (at end of FY or month for current FY)

Fiscal Year	Average Days
2020/21	274
2021/22	279
2022/23	285
2023/24	331

Current Fiscal Year through March 31, 2024

### Outcome of Completed Investigations

Fiscal Year	# Closed	% Closed	# Cite	% Cite	# FDA	% FDA
2020/21	199	63%	97	31%	19	6%
2021/22	211	56%	106	28%	58	16%
2022/23	180	59%	77	25%	47	16%
2023/24	170	70%	59	24%	14	6%

Current Fiscal Year through March 31, 2024

Closed = Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

**Aging of Open (Pending) Complaint Investigation Cases  
12-Month Cycle**

Month	0-30 Days	31-60 Days	61-90 Days	91-120 Days	121-180 Days	181-270 Days	271-365 Days	1-2 Years	2-3 Years	3-4 Years
April 2023	38	18	16	21	36	60	48	76	3	0
May 2023	51	37	18	15	42	47	50	66	3	0
June 2023	58	48	34	18	35	45	48	65	6	0
July 2023	26	57	47	34	32	46	46	65	7	0
August 2023	39	26	43	55	45	55	36	62	7	0
September 2023	25	37	24	41	89	45	33	73	5	0
October 2023	33	25	36	21	87	62	55	63	8	0
November 2023	15	33	25	36	58	90	39	62	10	0
December 2023	24	10	38	24	26	114	37	61	12	1
January 2024	32	24	8	34	42	77	56	56	14	1
February 2024	35	31	24	9	50	61	75	51	10	1
March 2024	27	19	38	21	37	64	74	70	11	1

**Number of Complaint Investigations Referred and Number of Citations Issued**

Fiscal Year	Complaint Investigations Referred for Issuance of Citation	Citations Issued
2020/21	97	87
2021/22	105	92
2022/23	77	81
2023/24	59	57

Current Fiscal Year through March 31, 2024

**Number of Citations Issued and Final**

Fiscal Year	Issued	Final
2020/21	87	95
2021/22	92	86
2022/23	81	83
2023/24	57	51

Current Fiscal Year through March 31, 2024

**Average Days Between Date of Issuance of Citation and Date Citation Becomes Final**

Fiscal Year	Number of Days
2020/21	142
2021/22	124
2022/23	130
2023/24	221

Current Fiscal Year through March 31, 2024

**Average Days from Opening of Complaint Investigation to Date Citation Becomes Final**

Fiscal Year	Number of Days
2020/21	533
2021/22	475
2022/23	456
2023/24	553

Current Fiscal Year through March 31, 2024

**Number of Licensees Referred for Formal Disciplinary Action  
and Number of Final Disciplinary Decisions**

Fiscal Year	Number of Licensees Referred for Formal Disciplinary Action	Number of Final Disciplinary Decisions
2020/21	30	38
2021/22	35	23
2022/23	37	14
2023/24	14	22

Current Fiscal Year through March 31, 2024

**Average Days from Referral for Formal Disciplinary Action  
to Effective Date of Final Decision**

Fiscal Year	Number of Days
2020/21	358
2021/22	419
2022/23	360
2023/24	414

Current Fiscal Year through March 31, 2024

**Average Days from Opening of Complaint Investigation  
to Effective Date of Final Decision**

Fiscal Year	Number of Days
2020/21	541
2021/22	743
2022/23	611
2023/24	796

Current Fiscal Year through March 31, 2024





## **VI. Exams/Licensing**

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- A. Examination/Licensing Updates
- B. Adoption of Test Plan Specifications
  - 1. California Professional Land Surveyor Examination
  - 2. Traffic Engineer Examination



# California-Specific Professional Land Surveyor Examination Test Plan

Updated March 2024

## General Definition of California Professional Land Surveying Practices:

The practice of land surveying in the State of California consists of determining, establishing, reporting and mapping the positions, contours and/or geospatial configuration of points, physical features, property interests, boundary and/or property lines by applying the principles of surveying, mathematics, measurement and law to meet the distinctive requirements of the State of California to protect the health, safety and welfare of the public.

This area of practice is structured into six primary content areas:

- I. Business Practices and Project Management (10%)
- II. Research, Project Planning and Preparation (16%)
- III. Field Operations and Investigations (20%)
- IV. Analysis and Evaluation (26%)
- V. Mapping and Preparation (12%)
- VI. Professional Consulting (16%)

<b>BPELSG Professional Land Surveyor Examination Test Plan 2023</b>	<b>Percentage of Questions on the Exam</b>
<p><b>I. Business Practices and Project Management</b></p> <p><b>Professional Activities:</b></p> <ol style="list-style-type: none"> <li>1. Explain the practice and importance of land surveying to the public</li> <li>2. Prepare proposals and contracts (e.g., scope, schedule, budget, client needs, regulatory requirements)</li> <li>3. Offer or procure land surveying and incidental services</li> <li>4. Direct personnel for office and field tasks</li> <li>5. Coordinate projects with third parties (e.g., agencies, consultants, contractors)</li> <li>6. Identify project standards (e.g., mapping, accuracy requirements, legal requirements, methodology, quality assurance, agency standards, project specifications)</li> <li>7. Develop plan for project execution (e.g., mapping, accuracy requirements, methodology, quality assurance, client needs)</li> <li>8. Preserve survey monuments in accordance with State law</li> <li>9. Manage a land surveying business, organization or department (e.g., compliance with DIR and/or Project Labor Agreement (PLA) regulations, Organizational Record)</li> <li>10. Apply the Subdivision Map Act and other related laws and regulations</li> <li>11. Apply the Professional Land Surveyors Act</li> <li>12. Identify and disclose potential conflicts of interest (e.g., risk, liability, protection)</li> </ol> <p><b>Test questions on these professional activities may include one or more of the following:</b></p> <ol style="list-style-type: none"> <li>A. Professional Land Surveyors' (PLS) Act</li> <li>B. Project requirements</li> <li>C. Impact of local ordinances</li> <li>D. Subdivision Map Act (SMA)</li> <li>E. Survey-relevant sections of State laws (e.g., Public Resources Code, Civil Code, Evidence Code, Department of Industrial Relations (DIR) requirements)</li> <li>F. Impact of federal laws (e.g., FEMA, US Army Corps of Engineers, BLM)</li> <li>G. Laws and ordinances pertaining to setting of monuments (e.g., PLS Act § 8771-8772, SMA § 66495-66498, local ordinances)</li> <li>H. Right of entry laws</li> <li>I. Capabilities and limitations of equipment and technologies (e.g., GPS, laser scanning, levels, total stations, UAV)</li> <li>J. Interpretation of elements in construction plans and specifications pertaining to staking</li> <li>K. Procedures for preparation for aerial mapping (e.g. photogrammetric, LiDAR, UAV, flight plans, ground control)</li> <li>L. Procedures for preparation for terrestrial mapping (e.g., total station, GPS, LiDAR, cameras)</li> <li>M. When records of survey are required</li> <li>N. When corner records are required</li> <li>O. When tentative, parcel and final maps are required</li> <li>P. Map waivers (e.g., SMA § 66428)</li> <li>Q. Exceptions to Subdivision Map Act (e.g., SMA § 66412)</li> <li>R. State and local agency requirements for maps and related documents (e.g., submittal, review, filing)</li> <li>S. Project-specific mapping requirements and criteria</li> <li>T. Contractual agreements (e.g., cost estimates, scope of services, limitations)</li> </ol>	<p>10%</p>

<p>U. Appropriate communication methods (e.g., statutory, regulatory)</p> <p>V. Scope management (e.g. managing scope-creep, change order processes)</p>	
<p><b>II. Research, Project Planning and Preparation</b></p> <p><b>Professional Activities:</b></p> <ol style="list-style-type: none"> <li>1. Determine proper control datums, realizations and epochs</li> <li>2. Analyze project data (e.g., recorded maps, deeds, title data, control data, land planning requirements)</li> <li>3. Identify conflicts within documents, maps and drawings</li> <li>4. Conduct project research</li> <li>5. Prepare and review construction calculations (e.g., staking plats, layout, exhibits)</li> <li>6. Perform surveying calculations (e.g., boundary, control, topographic)</li> <li>7. Plan control networks</li> <li>8. Plan field safety operations</li> </ol> <p><b>Test questions on these professional activities may include one or more of the following:</b></p> <ol style="list-style-type: none"> <li>A. Interpretation of elements in construction plans and specifications pertaining to staking</li> <li>B. Procedures and requirements for aerial mapping (e.g., photogrammetric, LiDAR, UAV, control, flight plan)</li> <li>C. Procedures for preparation for terrestrial mapping (e.g., total station, GPS, LiDAR, photogrammetry)</li> <li>D. When records of survey are required</li> <li>E. When corner records are required</li> <li>F. Public Land Survey System (PLSS)</li> <li>G. Sequential conveyances (e.g., senior junior rights)</li> <li>H. Simultaneous conveyances (e.g., lot and block)</li> <li>I. Water boundaries</li> <li>J. Relationship of land grants between private, state and federal (e.g., ranchos, townsites)</li> <li>K. Methods of establishing boundaries</li> <li>L. Types and components of title documents (e.g., title report, chain of title, lot and block report)</li> <li>M. Monument recovery procedures (e.g., field package preparation, search points, magnetic vs. non-ferrous, historic depth)</li> <li>N. Easements, rights-of-way, leases and other encumbrances</li> <li>O. Methods and procedures for retracement and re-establishment of railroad rights-of-way</li> <li>P. Controlling elements of legal descriptions</li> <li>Q. Strengths and weaknesses of various legal description types</li> <li>R. Horizontal and vertical control</li> <li>S. Projections, datums, epoch dates, and transformations</li> <li>T. Geoid, ellipsoid and orthometric heights</li> <li>U. Error sources (e.g., multipath, data input, instrument calibration)</li> <li>V. Methods and procedures to produce control networks within accuracy standards (e.g., Public Resources Code, Federal and State standards)</li> <li>W. Sources of research data (e.g., public, quasi-public, private)</li> <li>X. Source, type and accuracy of digital data (e.g., metadata, GIS)</li> <li>Y. Earth movements (e.g., earthquakes, landslides, subsidence, plate tectonics)</li> <li>Z. Safety and hazard evaluations (e.g., CalOSHA, Manual on Uniform Traffic Control Devices)</li> </ol>	16%
<p><b>III. Field Operations and Investigations</b></p> <p><b>Professional Activities:</b></p> <ol style="list-style-type: none"> <li>1. Perform topographic and/or as-built surveys</li> <li>2. Perform control surveys</li> </ol>	20%

3. Perform boundary survey
4. Retrace PLSS surveys
5. Perform monitoring surveys
6. Perform construction staking
7. Perform hydrographic surveys (e.g., bathymetric, tidal datum)
8. Communicate with clients, contractors and general public while in the field
9. Notify right of entry
10. Execute safety protocols and procedures
11. Perform diligent monument search (e.g., monument preservation, boundary survey, legal requirements)
12. Identify limitations of technologies for use in survey practice

**Test questions on these professional activities may include one or more of the following:**

- A. Right of entry laws
- B. Capabilities and limitations of equipment and technologies (e.g., GPS, laser scanning, levels, total stations, UAS)
- C. Interpretation of elements in construction plans and specifications pertaining to staking
- D. Public Land Survey System (PLSS)
- E. Monument recovery (e.g., boundary, control and/or topographic surveys)
- F. Monument re-establishment procedures (e.g., PLS Act 8771 and 8773)
- G. Correct monument identification
- H. Monument pedigree
- I. Horizontal and vertical control
- J. Error sources (e.g., multipath, data input, instrument calibration)
- K. California Coordinate Systems
- L. Real-time-networks (e.g., processes, redundancy, accessibility, accuracy)
- M. Field notes and staking reports
- N. Basis of control values and their relation to maps and construction plans (e.g., basis of bearings, benchmark)
- O. Methods and requirements for performing topographic, aerial, as-built, and/or bathymetric surveys,
- P. Field practices and procedures for construction staking
- Q. Geoid models, ellipsoid heights and orthometric heights
- R. Safety and hazard evaluations (e.g., CalOSHA, Manual on Uniform Traffic Control Devices)
- S. Physical evidence that may indicate unwritten rights (e.g., adverse possession, prescriptive rights)
- T. Physical evidence of water boundaries

**IV. Analysis and Evaluation**

**Professional Activities:**

1. Analyze field evidence together with recorded and unrecorded documentation to retrace boundaries, easements, and possible encroachments (e.g., monuments, occupation, oaths/parol evidence, project documents)
2. Evaluate accuracies and precisions of historic documents and maps versus measured survey data
3. Evaluate relevance and spatial relationships of maps and measured survey data (e.g., GIS data, field data, metadata)
4. Assess boundary location conflicts
5. Assess title conflicts
6. Analyze results of survey adjustments (e.g., least squares, error analysis)
7. Perform quality assurance and quality control

26%

- 8. Reconcile deed descriptions with field evidence
- 9. Identify limitations of technologies for use in survey practice

**Test questions on these professional activities may include one or more of the following:**

- A. When records of survey are required
- B. When corner records are required
- C. Public Land Survey System (PLSS)
- D. Water boundaries (e.g., tidal datums, navigable vs non-navigable)
- E. Hierarchy of evidence (e.g., Code of Civil Procedure 2077)
- F. Boundary resolution of simultaneous conveyances
- G. Boundary resolution of sequential conveyances
- H. Boundary resolution of junior senior rights
- I. Boundary resolution of deed descriptions
- J. Evaluation of field evidence
- K. Types of conveyances and their effects of ownership on property (e.g., fee vs. easement, grant deed, quitclaim deed, intent)
- L. Cloud on title
- M. Effect of earth movement on boundaries (e.g., earthquakes, landslide, subsidence, continental drift)
- N. Easements, rights-of-way, leases and other encumbrances
- O. Criteria for acceptance or rejection of monuments
- P. Physical evidence that may indicate unwritten rights (e.g., adverse possession, prescriptive rights)
- Q. Controlling elements of legal descriptions
- R. Types of legal descriptions (e.g., strip, metes and bounds, lot and block, aliquot)
- S. Exceptions and reservations of legal descriptions
- T. Horizontal and vertical control
- U. Projections, datums, realizations and epoch dates
- V. Geoid, ellipsoid and orthometric heights
- W. Conversion between grid and ground distances
- X. Errors - Analysis and quantification (e.g., data bias, error ellipses, residuals)
- Y. Digital terrain models
- Z. Point clouds (e.g., As-Built, reduction, management, analysis, extraction, terrain classification systems)
- AA. Applications of relevant case law (e.g., boundary issues, liability)
- BB. Methods to obtain bearings or azimuths related to geodetic, magnetic, grid or astronomic north
- CC. Parol evidence
- DD. Use and interpretation of significant figures for maps, plats or reports
- EE. Survey-relevant sections of state laws (e.g., Public Resources Code, Civil Code, Evidence Code)
- FF. Historical accuracies vs. current precision (e.g., measuring by chaining, EDM, GPS)

**V. Mapping and Document Preparation**

**Professional Activities:**

1. Prepare legal descriptions (e.g., easements, lot line adjustments, other interests in real property)
2. Ensure survey documents comply with State laws, project requirements, and contractual obligations
3. Prepare and analyze 3D Models (e.g., BIM, DTM, point clouds)
4. Prepare topographic maps from various sources (e.g., photogrammetry, field survey, LiDAR, GIS, UAS, hydrographic)
5. Prepare control maps or reports (e.g., local, geodetic, monitoring)

16%

6. Prepare maps, plats and exhibits (e.g., court, easement, ALTA/NSPS, boundary)
7. Prepare State regulated maps, plats, exhibits (e.g., records of survey, corner records, lot line adjustments, subdivision maps, condominium plans, LAFCO)
8. Prepare construction reports (e.g., cut-sheets, plots, verification reports, quality assurance, ADA reports, form/pad certifications)

**Test questions on these professional activities may include one or more of the following:**

- A. Professional Land Surveyors' (PLS) Act
- B. Subdivision Map Act (SMA)
- C. ALTA/NSPS Land Title Survey related to State law
- D. Basis of control elements and their relation to maps (e.g., basis of bearings, benchmark)
- E. Strip legal descriptions
- F. Metes and bounds legal descriptions
- G. Aliquot part legal descriptions
- H. Portions and parts legal descriptions
- I. Exceptions and reservations in legal descriptions
- J. Projections, datums and epoch dates
- K. California Coordinate System
- L. Surveyor notes (e.g., boundary narrative)
- M. Surveyor reports (e.g., volume, staking)
- N. Digital terrain models
- O. Parol evidence (e.g., use, methods to document, and effects)
- P. Code of Regulations (Board Rules)
- Q. Public Resource Code (PRC)
- R. Signing and sealing requirements
- S. Components of a legal description (e.g., preamble, body)
- T. Methods and procedures for preparing topographic maps (e.g., photogrammetric, planimetric)
- U. Elements of corner records (legal content required)
- V. Elements of records of survey (legal content required)
- W. Elements of tentative maps (legal content required)
- X. Elements of parcel maps (legal content required)
- Y. Elements of final maps (legal content required)
- Z. Elements of certificates of compliance (legal content required)
- AA. Certificates of correction and amended maps
- BB. Depiction of physical evidence that may indicate unwritten rights
- CC. Easements, rights-of-way, leases and other encumbrances

**VI. Professional Consulting**

**Professional Activities:**

1. Communicate accuracies of maps or survey data (e.g., professionals, clients, staff)
2. Provide expert witness testimony (e.g., depositions, arbitration, trials, litigation support)
3. Provide land planning services (e.g., tentative maps, Department of Real Estate exhibits)
4. Provide recommendations in accordance with State Laws (e.g., Subdivision Map Act, Professional Land Surveyors Act, Public Resources Code)
5. Conduct independent peer review
6. Provide conflict resolution
7. Apply code of professional conduct
8. Recognize risk awareness and general liability

**Test questions on these professional activities may include one or more of the following:**

12%



- A. Professional Land Surveyors' (PLS) Act
- B. Subdivision Map Act (SMA)
- C. Impact of local ordinances (e.g., zoning, setbacks)
- D. State and local agency processing requirements for maps and related documents (e.g., submittal, review, filing)
- E. Appropriate communication methods (e.g., verbal and written)
- F. Effects of unwritten rights on boundaries
- G. Effects of riparian and littoral rights on boundaries
- H. Cloud on title
- I. Effects of earth movement on boundaries (e.g., earthquakes, subsidence, slides)
- J. Impacts of encumbrances (e.g., deeds of trust, tax liens, easements, leases)
- K. Evidence that may indicate unwritten rights (e.g., adverse possession, prescriptive rights)
- L. Effects of relevant case law (e.g., boundary issues, liability)
- M. Notice of potential encroachments
- N. Survey-relevant sections of state laws (e.g., Public Resources Code, Civil Code, Evidence Code, CEQA, Categorical Exemption, Negative Declaration)
- O. Surveyor's role in title and boundary conflicts (e.g., analysis, mediation, litigation support)
- P. Code of professional conduct (BR 476)
- Q. Mediation techniques

<b>BPELSG Traffic Engineer Test Plan (Proposed 2024 Traffic Engineer Test Plan)</b>	<b>Percentage of Questions on the Exam</b>
<p><b>I. Planning</b></p> <p><b>Professional Activities:</b></p> <ol style="list-style-type: none"> <li>1. Perform capacity analysis of transportation facilities (e.g. pedestrian, bicycle, vehicle, transit)</li> <li>2. Evaluate traffic plans to ensure accommodation of current and future traffic volumes</li> <li>3. Estimate delays and queues at intersections</li> <li>4. Estimate traffic demands of proposed developments</li> <li>5. Estimate parking demands of proposed developments</li> <li>6. Determine the costs and benefits of proposed transportation projects</li> <li>7. Perform level of service analysis (LOS) of transportation facilities (e.g. pedestrian, bicycle, vehicle, transit)</li> <li>8. Evaluate circulation and access management for public and private development</li> <li>9. Conduct corridor planning to determine future transportation infrastructure for various modes of travel and complete streets</li> <li>10. Identify the steps used in the travel demand modeling process</li> <li>11. Propose improvements to transportation infrastructure to accommodate changes in travel demand</li> <li>12. Conduct traffic impact studies to identify deficiencies and provide information for environmental documents</li> <li>13. Evaluate feasibility of proposed mitigation measures</li> <li>14. Perform safety planning of transportation facilities (e.g., pedestrian, bicycle, vehicle, transit, rail)</li> <li>15. Evaluate vehicle miles traveled (VMT) for proposed developments or roadway projects</li> </ol> <p><b>Test questions on these professional activities may include one or more of the following:</b></p> <ol style="list-style-type: none"> <li>A. Techniques for performing level of service (LOS) analysis</li> <li>B. Techniques for calculating levels of service (LOS)</li> <li>C. Essential elements needed for traffic impact studies</li> <li>D. Principles of travel demand modeling</li> <li>E. Trip generation analysis for various land uses</li> <li>F. Trip distribution methods associated with transportation analysis</li> <li>G. Techniques for calculating the capacity of transportation facilities (e.g., pedestrian, bicycle, vehicle, transit)</li> <li>H. Techniques for evaluating the capacity of transportation facilities (e.g., pedestrian, bicycle, vehicle, transit)</li> <li>I. Effect of new developments on adjacent roadways and driveways</li> <li>J. Roadway characteristics that affect capacity</li> <li>K. Access management principles related to the improvement of traffic flow</li> <li>L. Techniques to improve traffic circulation on transportation networks (e.g., pedestrian, bicycle, vehicle, transit)</li> </ol>	<p>27%</p>

<p>M. Techniques to determine traffic impacts</p> <p>N. Techniques to select mitigation measures based on constraints</p> <p>O. Techniques to measure the effectiveness of proposed mitigations</p> <p>P. Planning applications for macro- and micro-simulation models</p> <p>Q. Techniques for conducting traffic flow studies</p> <p>R. The relationship between parking demand and individual land uses</p> <p>S. The effects of vehicle characteristics and volumes on transportation facilities (e.g., pedestrian, bicycle, vehicle, transit)</p> <p>T. Principles for evaluating vehicle miles traveled (VMT)</p> <p>U. Strategies for transportation demand management</p> <p>V. Safety analysis techniques</p> <p>W. Techniques for planning and evaluating multimodal transportation facilities (e.g., pedestrian, bicycle, vehicle, transit)</p> <p>X. Techniques for conducting queuing analyses</p> <p>Y. Techniques for cost-benefit analysis</p>	
<p><b>II. Design</b></p> <p><b>Professional Activities:</b></p> <ol style="list-style-type: none"> <li>1. Prepare plans, specifications and estimates for transportation facilities (e.g., pedestrian, bicycle, vehicle, transit, rail)</li> <li>2. Verify that transportation facilities (e.g., pedestrian, bicycle, vehicle, transit, rail) comply with Federal and State accessibility standards</li> <li>3. Prepare engineering design plans (e.g., traffic signals, geometric, ITS, temporary traffic control)</li> <li>4. Implement roadside safety devices (e.g., guardrails, barriers, and crash cushions)</li> <li>5. Implement traffic calming devices and measures</li> <li>6. Prepare parking facility layouts to maximize efficiency and circulation</li> <li>7. Implement lighting systems for roadways and intersections</li> </ol> <p><b>Test questions on these professional activities may include one or more of the following:</b></p> <ol style="list-style-type: none"> <li>A. Principles and standards for transportation facilities (e.g., pedestrian, bicycle, vehicle, transit, rail)</li> <li>B. Principles for the design of traffic control devices (e.g., signal, signage, striping, pavement marking)</li> <li>C. The effects of the mixtures and sizes of vehicles on roadway geometric design</li> <li>D. Applications of design standards to roadway improvements</li> <li>E. Applications of sight distance principles to roadway design</li> <li>F. Channelization guidelines to improve traffic flow</li> <li>G. Principles and standards for accessibility related to the design of transportation facilities (e.g., pedestrian, bicycle, vehicle, transit, rail)</li> <li>H. Techniques for designing transportation facilities (e.g., pedestrian, bicycle, vehicle, transit, rail) that takes into consideration users with disabilities</li> <li>I. Principles and standards for the development of parking facilities</li> </ol>	<p>28%</p>

<ul style="list-style-type: none"> <li>J. Techniques for implementing technology to improve traffic flow and roadway safety (e.g., speed feedback sign, transit priority, vehicle detection, ITS)</li> <li>K. Principles of bicycle facilities design</li> <li>L. The design and application of traffic calming devices and measures</li> <li>M. Techniques for speed management</li> <li>N. Principles and standards for the design of roundabouts</li> <li>O. Application of roadway safety devices and measures (e.g., roadway lighting, crash cushions)</li> <li>P. Principles and standards associated with the design of railroad crossings</li> <li>Q. Principles for the design of driveways</li> </ul>	
<p><b>III. Studies and Analyses</b></p> <p><b>Professional Activities:</b></p> <ol style="list-style-type: none"> <li>1. Evaluate existing conditions to determine if changes to traffic control devices and roadway designs are recommended</li> <li>2. Conduct traffic collision analyses for transportation facilities (e.g., pedestrian, bicycle, vehicle, transit, rail)</li> <li>3. Conduct road safety analyses for transportation facilities (e.g., pedestrian, bicycle, vehicle, transit, rail)</li> <li>4. Conduct engineering and traffic surveys to recommend speed limits</li> <li>5. Perform parking studies for on- and off-street parking</li> <li>6. Conduct queuing studies for transportation facilities (e.g., pedestrian, bicycle, vehicle, transit, rail)</li> </ol> <p><b>Test questions on these professional activities may include one or more of the following:</b></p> <ul style="list-style-type: none"> <li>A. Guidelines for the installation of traffic control devices</li> <li>B. Methods for performing engineering and traffic surveys</li> <li>C. Techniques for analyzing collision data</li> <li>D. Techniques for conducting safety studies (e.g., roadway safety audits)</li> <li>E. Principles for non-motorized safety improvements</li> <li>F. Techniques for conducting parking studies</li> <li>G. Techniques for conducting delay studies</li> <li>H. Techniques for conducting queuing studies</li> <li>I. Techniques for creating collision diagrams</li> </ul>	18%
<p><b>IV. Operations</b></p> <p><b>Professional Activities:</b></p> <ol style="list-style-type: none"> <li>1. Assess the need to install new traffic control devices</li> <li>2. Recommend placement of traffic control devices</li> <li>3. Evaluate signal timing, phasing, and coordination for safety and operational improvements</li> <li>4. Modify traffic control infrastructure for safety and operational improvements</li> <li>5. Manage temporary traffic control and detour plans</li> <li>6. Evaluate on-street parking and curbside management</li> </ol> <p><b>Test questions on these professional activities may include one or more of the following:</b></p> <ul style="list-style-type: none"> <li>A. Measures that improve traffic safety and operations</li> </ul>	27%

- B. Standards for the identification and placement of signing, striping and markings
- C. Warrants for the installation of traffic signals
- D. Methods to optimize traffic flow using traffic signals
- E. Principles of traffic signal design
- F. Techniques to develop traffic signal timing plans
- G. Principles of traffic signal phasing and sequencing
- H. Principles of traffic signal coordination
- I. Principles governing the type and location of traffic signal detection systems
- J. Principles of traffic signal preemption
- K. Principles of transit signal priority
- L. Advanced signal timing concepts (e.g., adaptive, responsive)
- M. Principles for the installation of traffic control devices
- N. Standards for temporary traffic control
- O. Applications of roadway safety devices
- P. Traffic control devices at transit and railroad facilities
- Q. Principles of channelization
- R. Applications of passing, stopping, decision and corner sight distances
- S. Applications of traffic control devices for horizontal and vertical alignment of roadways
- T. Principles and standards of on-street parking and curbside management

## BPELSG Traffic Engineering Test Plan-Current 2018 Traffic Engineer Test Plan

	Percentage of Questions on the Exam
<p><b>I. Planning</b></p> <p><u>Professional Activities:</u></p> <ol style="list-style-type: none"> <li>1. Perform capacity analyses of transportation facilities (e.g. facilities for pedestrians, bicycles, motorists, transit).</li> <li>2. Evaluate traffic plans to ensure accommodation of current and future traffic volumes.</li> <li>3. Estimate delays and queues at intersections.</li> <li>4. Estimate traffic volumes produced by new developments.</li> <li>5. Predict future parking demands of proposed developments.</li> <li>6. Determine the costs and benefits of proposed capital improvement projects to prioritize funding.</li> <li>7. Perform level of service analyses (LOS) of transportation facilities (e.g. facilities for pedestrians, bicycles, motorists, transit).</li> <li>8. Evaluate circulation and access management for public and private development.</li> <li>9. Conduct corridor analyses of alternative modes of travel to determine future transportation infrastructure.</li> <li>10. Propose improvements to transportation infrastructure to accommodate changes in travel demand.</li> <li>11. Conduct traffic impact studies to identify deficiencies.</li> <li>12. Evaluate feasibility of proposed mitigation measures.</li> <li>13. Perform safety analyses of transportation facilities (e.g. facilities for pedestrians, bicycles, motorists, transit).</li> <li>14. Evaluate vehicle miles traveled (VMT) for proposed developments or roadway projects.</li> </ol>	28%
<b>Test questions on these professional activities may include one or more of the following:</b>	
A. Techniques for performing level of service (LOS) analyses	
B. Techniques for calculating levels of service (LOS)	
C. Strategies to reduce travel demand	
D. Trip distribution techniques associated with traffic impact analysis	
E. Trip generation analysis techniques for various land uses	
F. The techniques to compute the capacity of transportation facilities (e.g. facilities for pedestrians, bicycles, motorists, transit)	
G. The techniques for evaluating the capacity of transportation facilities (e.g. facilities for pedestrians, bicycles, motorists, transit)	
H. The effect of new developments on access to adjacent roadways	
I. Roadway features that affect capacity	
J. Access management principles related to the improvement of traffic flow	
K. Circulation principles related to the improvement of traffic flow	

L. Techniques to determine traffic impacts	
M. Techniques to select mitigation measures based on constraints	
N. Techniques to measure the effectiveness of proposed mitigations	
O. Essential elements needed for traffic impact studies	
P. Methods for applying principles of the planning process to macro- and micro-simulation models	
Q. Techniques for conducting traffic flow studies	
R. The relationship between parking demand and individual land uses	
S. The effects of vehicle characteristics and volumes on transportation facilities (e.g. facilities for pedestrians, bicycles, motorists, transit)	
T. Calculating and evaluating vehicle miles traveled (VMT)	
U. Safety analyses techniques	
V. Multi-modal transportation facilities (e.g. facilities for pedestrians, bicycles, motorists, transit)	
W. Techniques for conducting queue analyses	
X. Cost-benefit analysis	
<b>II. Design</b>  <b>Professional Activities:</b> <b>1. Prepare plans, specifications and estimates for transportation facilities (e.g. facilities for pedestrians, bicycles, motorists, transit).</b> <b>2. Verify that transportation facilities (e.g. facilities for pedestrians, bicycles, motorists, transit) comply with Federal and State accessibility standards.</b> <b>3. Implement intelligent transportation system (ITS) measures.</b> <b>4. Select roadway safety devices such as guardrails, barriers, and crash cushions to improve safety.</b> <b>5. Select traffic calming devices and measures to improve traffic safety.</b> <b>6. Prepare parking facility layouts to maximize efficiency and circulation.</b> <b>7. Develop lighting systems on roadways.</b>	<b>29%</b>
<b>Test questions on these professional activities may include one or more of the following:</b>	
A. Principles and standards for the development of parking facilities	
B. Principles and standards for motorized and non-motorized transportation facilities (e.g. facilities for pedestrians, bicycles, motorists, transit)	
C. Principles for the design of driveways	
D. The effects of the mixtures and sizes of vehicles on roadway geometric design	
E. Applications of design standards to roadway improvements	
F. Applications of sight distance principles to roadway design	
G. Channelization guidelines to improve traffic flow	
H. Statutes and guidelines regarding accommodations for the disabled related to the design of transportation facilities (e.g. facilities for pedestrians, bicycles, motorists, transit)	
I. Techniques for designing transportation facilities (e.g. facilities for pedestrians, bicycles, motorists, transit) that takes into consideration users with disabilities	

J. Principles for the design of spacing and other aspects of roadway lighting	
K. Techniques for implementing intelligent transportation systems (ITS) technology to improve traffic flow and roadway safety	
L. Principles of bicycle facilities design	
M. The design and application of traffic calming devices and measures	
N. Principles and standards of the development of roundabouts	
O. Application of roadway safety devices and measures	
P. Principles and standards associated with the design of railroad crossings	
<b>III. Studies and Analyses</b>	
<b>Professional Activities:</b>	
<b>1. Conduct field investigations of existing conditions to evaluate changes to traffic control devices and roadway designs.</b>	
<b>2. Identify traffic collision patterns and recommend improvements to transportation facilities (e.g. facilities for pedestrians, bicycles, motorists, transit).</b>	
<b>3. Conduct speed-zone surveys to assess speed limits.</b>	
<b>4. Perform parking studies for parking management and regulation development.</b>	
<b>5. Conduct queuing studies for transportation facilities (e.g. facilities for pedestrians, bicycles, motorists, transit).</b>	
	<b>13%</b>
<b>Test questions on these professional activities may include one or more of the following:</b>	
A. Methods for performing engineering and traffic surveys	
B. Techniques for analyzing collision data	
C. Methods to enhance safety	
D. Laws governing traffic control devices	
E. Principles for non-motorized safety improvements	
F. Techniques for conducting parking studies	
G. Techniques for conducting delay studies	
H. Techniques for conducting queuing studies	
I. Techniques for creating collision diagrams	
<b>IV. Operations</b>	
<b>Professional Activities:</b>	
<b>1. Perform traffic engineering assessments to recommend placement of traffic control devices.</b>	
<b>2. Identify the need to install new traffic control devices.</b>	
<b>3. Evaluate signal timing to determine operational improvements.</b>	
<b>4. Modify traffic signal hardware to improve safety and operations.</b>	
<b>5. Recommend signal phasing based on operational needs.</b>	
<b>6. Evaluate traffic signal coordination.</b>	
<b>7. Develop temporary traffic control and detour plans to minimize delay and address worker and road user safety.</b>	
<b>8. Manage on-street parking.</b>	
	<b>30%</b>
<b>Test questions on these professional activities may include one or more of the following:</b>	
A. Laws and regulations governing on-street parking	



B. Measures that remedy traffic safety and operational deficiencies	
C. State standards for the identification and placement of signing, striping and markings	
D. Warrants for the installation of traffic signals	
E. Methods to optimize traffic flow using traffic signals	
F. Methods to factor transit priority into signal timing	
G. Techniques to develop traffic signal timing plans	
H. Principles of traffic signal design	
I. Traffic signal coordination timing	
J. Standards for temporary traffic control	
K. Types of traffic signal phasing	
L. Principles governing the type and location of traffic signal detection systems	
M. Principles of traffic signal preemption	
N. Methods for traffic signal interconnection	
O. Criteria for the installation of traffic control devices	
P. Criteria for roadway safety devices	
Q. Traffic control devices at transit and railroad facilities	
R. Channelization principles	
S. Passing, stopping, decision and corner sight distances	
T. Principles of adaptive signal timing	
U. Influence of horizontal and vertical alignment of roadways on traffic control devices	



## **VII. Legislation**

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- A. 2024 Legislative Calendar
- B. Discussion of Legislation for 2024
  - 1. Assembly Bill (AB) 1862 - Engineering, land surveying, and architecture: limited liability partnerships.
  - 2. AB 2862 - Licenses: African American applicants.
  - 3. AB 3176 - Professional land surveyors: surveying practices: monuments and corner accessories.
  - 4. AB 3253 - Board for Professional Engineers, Land Surveyors, and Geologists: licensees



**DEADLINES**

JANUARY						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3** **Legislature Reconvenes** (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 12** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the **odd-numbered year** (J.R. 61(b)(1)).
- Jan. 15** Martin Luther King, Jr. Day.
- Jan. 19** Last day for any committee to hear and report to the **floor** bills introduced in that house in the odd-numbered year (J.R. 61(b)(2)).  
  
Last day to **submit bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to **pass bills introduced** in that house in the odd-numbered year (J.R. 61(b)(3), (Art. IV, Sec. 10(c)).

FEBRUARY						
S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

- Feb. 16** Last day for bills to be **introduced** (J.R. 61(b)(4), (J.R. 54(a)).
- Feb. 19** Presidents' Day.

MARCH						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

- Mar. 21** **Spring Recess** begins upon adjournment of this day's session (J.R. 51(b)(1)).
- Mar. 29** Cesar Chavez Day observed.

APRIL						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

- Apr. 1** Legislature Reconvenes from **Spring Recess** (J.R. 51(b)(1)).
- Apr. 26** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house (J.R. 61(b)(5)).

MAY						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

- May 3** Last day for **policy committees** to hear and report to the floor **non-fiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 10** Last day for **policy committees** to meet prior to May 28 (J.R. 61(b)(7)).
- May 17** Last day for **fiscal committees** to hear and report to the floor bills introduced in their house (J.R. 61(b)(8)).  
  
Last day for **fiscal committees** to meet prior to May 28 (J.R. 61(b)(9)).
- May 20- 24 Floor Session only.** No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61 (b)(10)).
- May 24** Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).
- May 27** Memorial Day.
- May 28** Committee meetings may resume (J.R. 61(b)(12)).

\*Holiday schedule subject to Senate Rules committee approval

JUNE						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	<u>15</u>
16	17	18	19	20	21	22
23	24	25	26	<b>27</b>	28	29
30						

**June 15** Budget Bill must be passed by **midnight** (Art. IV, Sec. 12(c)(3)).

**June 27** Last day for a legislative measure to qualify for the Nov. 5 General Election ballot (Elections Code Sec. 9040).

JULY						
S	M	T	W	TH	F	S
	1	2	<b>3</b>	<b>4</b>	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

**July 3** Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)).

**Summer Recess** begins upon adjournment provided Budget Bill has been passed (J.R. 51(b)(2)).

**July 4** Independence Day.

AUGUST						
S	M	T	W	TH	F	S
				1	2	3
4	<b>5</b>	6	7	8	9	10
11	12	13	14	15	<u>16</u>	17
18	<u>19</u>	20	21	22	<u>23</u>	24
25	26	27	28	29	30	<b><u>31</u></b>

**Aug. 5** Legislature Reconvenes from **Summer Recess** (J.R. 51(b)(2)).

**Aug. 16** Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(14)).

**Aug. 19-31 Floor Session only.** No committees, other than conference and Rules committees, may meet for any purpose (J.R. 61(b)(15)).

**Aug. 23** Last day to **amend** on the floor (J.R. 61(b)(16)).

**Aug. 31** Last day for **each house to pass bills.** (Art. IV, Sec. 10(c), (J.R. 61(b)(17)).

**Final Recess** begins upon adjournment (J.R. 51(b)(3)).

\*Holiday schedule subject to Senate Rules committee approval

### IMPORTANT DATES OCCURRING DURING FINAL STUDY RECESS

#### 2024

Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Nov. 5 General Election

Nov. 30 Adjournment *Sine Die* at midnight (Art. IV, Sec. 3(a)).

Dec. 2 12 Noon convening of the 2025-26 Regular Session (Art. IV, Sec. 3(a)).

#### 2025

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

**AB 1862 (Vince Fong, D-Kern, and Chen, D-Orange)**  
**Engineering, land surveying, and architecture: limited liability partnerships.**

**Status/History:** 4/23/2024 – Passed Assembly Business & Professions Committee; Referred to Assembly Appropriations Committee with recommendation to Consent calendar.

**Location:** 4/23/2024 – Assembly Committee on Appropriations

**Introduced:** 1/18/2024

**Board Position:** Support (as of March 7, 2024)

**Board Staff Analysis:** 4/30/2024

**Bill Summary:** Existing law (Business and Professions Code sections 6738 and 8729) authorizes engineers and land surveyors to offer their services through certain types of business entities if specific requirements are met. Currently, a Limited Liability Partnership (LLP) is one of the business entities allowed; however, the laws include a sunset date of January 1, 2026, for LLPs. This bill would eliminate the sunset date.

**Affected Laws:** An act to amend and repeal Sections 6738 and 8729 of the Business and Professions Code, to amend Sections 8, 174.5, 5063.5, 12242.5, and 16403 of, and to amend and repeal Sections 16101, 16956, and 16959 of, the Corporations Code, relating to limited liability partnerships.

**Staff Comment:** Assembly Bill (AB) 1682 will indefinitely extend the authority for engineers and land surveyors to operate within their scope of licensure while conducting business as a limited liability partnership and to be designated as a registered limited liability partnership, something that they have been authorized to do since 2010.

This bill is sponsored by American Council of Engineering Companies – California (ACEC-CA). They sponsored the original bill and subsequent bills that extended the sunset date. In 2018, ACEC-CA sponsored legislation (Senate Bill [SB] 920) that would have eliminated the sunset date. However, the sunset date was added back in (and extended) when the bill was heard by the Senate Judiciary Committee. The Board had a position of “Support” on SB 920.

The Board’s Enforcement Unit has not received any complaints from consumers relating to engineers or land surveyors offering their services through an LLP. As such, Board staff recommends the Board take a position of “Support” on AB 1682.

Board staff sent the authors and Assembly Business & Professions Committee Chair a letter of Support on March 21, 2024.

**Staff Recommendation:** No action needed at this time.



## BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

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March 21, 2024

The Honorable Marc Berman  
Chairman, Assembly Business and Professions Committee  
1020 N Street, Room 379  
Sacramento, CA 95814

RE: Assembly Bill 1862 – **SUPPORT**

Dear Chairman Berman:

The Board for Professional Engineers, Land Surveyors, and Geologists (Board) has voted to **SUPPORT** Assembly Bill 1862, which is scheduled to be heard on April 23, 2024, in the Assembly Business and Professions Committee.

The mission of the Board is to protect the public health, safety, welfare, and property by promoting standards of competence and integrity through the licensing and regulation of the Board's professions.

Assembly Bill 1862 will continue authorization that was originally granted to engineers and land surveyors in 2010 to operate within their scope of licensure while conducting business as a limited liability partnership (LLP) or a foreign limited liability partnership; comparable to that of California attorneys. In the years since this authorization was first granted, there have been no enforcement actions or complaints before the Board relating to its licensees forming LLPs, nor has the Board received any inquiries from consumers regarding licensees forming LLPs.

If you have any further questions, please contact Nancy A. Eissler, the Board's Assistant Executive Officer, at 916-999-3580 or [Nancy.Eissler@dca.ca.gov](mailto:Nancy.Eissler@dca.ca.gov).

RICHARD B. MOORE, PLS  
Executive Officer

cc The Honorable Vince Fong,  
Member, California State Assembly  
The Honorable Phillip Chen,  
Member, California State Assembly  
Voleck Taing, Government Affairs Advocate,  
American Council of Engineering Companies California



**ASSEMBLY BILL**

**No. 1862**

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**Introduced by Assembly Members Vince Fong and Chen**

January 18, 2024

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An act to amend and repeal Sections 6738 and 8729 of the Business and Professions Code, to amend Sections 8, 174.5, 5063.5, 12242.5, and 16403 of, and to amend and repeal Sections 16101, 16956, and 16959 of, the Corporations Code, relating to limited liability partnerships.

LEGISLATIVE COUNSEL’S DIGEST

AB 1862, as introduced, Vince Fong. Engineering, land surveying, and architecture: limited liability partnerships.

Existing law, the Professional Engineers Act and the Professional Land Surveyors’ Act, provide for the licensure and regulation of engineers and land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists. Existing law, the Architects Practice Act, provides for the licensure and regulation of architects by the California Architects Board. Existing law, the Uniform Partnership Act of 1994, authorizes the formation of registered limited liability partnerships and foreign limited liability partnerships, as specified.

Existing law authorizes persons licensed to engage in the practice of engineering, land surveying, or architecture to form registered limited liability partnerships and foreign limited liability partnerships if specified conditions are met. Existing law requires a registered limited liability partnership or foreign limited liability partnership providing architectural, engineering, or land surveying services to comply with requirements, as specified, for claims based upon acts, errors, or

omissions arising out of those services. Existing law repeals these provisions on January 1, 2026.

This bill would delete the January 1, 2026, repeal dates of the provisions described above, thereby indefinitely extending the authorization for persons licensed to engage in the practice of engineering, land surveying, or architecture to form limited liability partnerships, as specified, and make conforming changes.

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

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

1 SECTION 1. Section 6738 of the Business and Professions  
2 Code, as amended by Section 1 of Chapter 302 of the Statutes of  
3 2022, is amended to read:

4 6738. (a) This chapter does not prohibit one or more civil,  
5 electrical, or mechanical engineers from practicing or offering to  
6 practice, within the scope of their license, civil (including  
7 geotechnical and structural), electrical, or mechanical engineering  
8 as a sole proprietorship, partnership, limited liability partnership,  
9 firm, or corporation (hereinafter called business), if all of the  
10 following requirements are met:

11 (1) A civil, electrical, or mechanical engineer currently licensed  
12 in this state is an owner, partner, or officer in charge of the  
13 engineering practice of the business.

14 (2) All civil, electrical, or mechanical engineering services are  
15 performed by, or under the responsible charge of, a professional  
16 engineer licensed in the appropriate branch of professional  
17 engineering.

18 (3) If the business name of a California engineering business  
19 contains the name of any person, then that person shall be licensed  
20 as a professional engineer, a licensed land surveyor, a licensed  
21 architect, or a geologist registered under the Geologist and  
22 Geophysicist Act (Chapter 12.5 (commencing with Section 7800)).  
23 Any offer, promotion, or advertisement by the business that  
24 contains the name of any individual in the business, other than by  
25 use of the name of an individual in the business name, shall clearly  
26 and specifically designate the license or registration discipline of  
27 each individual named.

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

14 (c) The business name of a California engineering business may  
15 be a fictitious name. However, if the fictitious name includes the  
16 name of any person, the requirements of paragraph (3) of  
17 subdivision (a) shall be met.

18 (d) A person not licensed under this chapter may also be a  
19 partner or an officer of a civil, electrical, or mechanical engineering  
20 business if the requirements of subdivision (a) are met. This section  
21 does not permit a person who is not licensed under this chapter to  
22 be the sole owner of a civil, electrical, or mechanical engineering  
23 business, unless otherwise exempt under this chapter.

24 (e) This section shall not prevent the use of the name of any  
25 business engaged in rendering civil, electrical, or mechanical  
26 engineering services, including the use by any lawful successor  
27 or survivor, that lawfully was in existence on December 31, 1987.  
28 However, the business is subject to paragraphs (1) and (2) of  
29 subdivision (a).

30 (f) A business engaged in rendering civil, electrical, or  
31 mechanical engineering services may use in its name the name of  
32 a deceased or retired person provided all of the following  
33 conditions are satisfied:

34 (1) The person's name had been used in the name of the  
35 business, or a predecessor in interest of the business, before and  
36 after the death or retirement of the person.

37 (2) The person shall have been an owner, partner, or officer of  
38 the business, or an owner, partner, or officer of the predecessor in  
39 interest of the business.

1 (3) The person shall have been licensed as a professional  
 2 engineer, or a land surveyor, or an architect, or a geologist, (A) by  
 3 the appropriate licensing board if that person is operating a place  
 4 of business or practice in this state, or (B) by the applicable state  
 5 board if no place of business existed in this state.

6 (4) The person, if retired, has consented to the use of the name  
 7 and does not permit the use of the name in the title of another  
 8 professional engineering business in this state during the period  
 9 of the consent. However, the retired person may use their name as  
 10 the name of a new or purchased business if it is not identical in  
 11 every respect to that person's name as used in the former business.

12 (5) The business shall be subject to the provisions of paragraphs  
 13 (1) and (2) of subdivision (a).

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

16 (h) A current organization record form shall be filed with the  
 17 board for all businesses engaged in rendering civil, electrical, or  
 18 mechanical engineering services.

19 ~~(i) This section shall remain in effect only until January 1, 2026,~~  
 20 ~~and as of that date is repealed.~~

21 SEC. 2. Section 6738 of the Business and Professions Code,  
 22 as amended by Section 2 of Chapter 302 of the Statutes of 2022,  
 23 is repealed.

24 ~~6738.—(a) This chapter does not prohibit one or more civil,~~  
 25 ~~electrical, or mechanical engineers from practicing or offering to~~  
 26 ~~practice within the scope of their license civil (including~~  
 27 ~~geotechnical and structural), electrical, or mechanical engineering~~  
 28 ~~as a sole proprietorship, partnership, firm, or corporation~~  
 29 ~~(hereinafter called business), if all of the following requirements~~  
 30 ~~are met:~~

31 ~~(1) A civil, electrical, or mechanical engineer currently licensed~~  
 32 ~~in this state is an owner, partner, or officer in charge of the~~  
 33 ~~engineering practice of the business.~~

34 ~~(2) All civil, electrical, or mechanical engineering services are~~  
 35 ~~performed by, or under the responsible charge of, a professional~~  
 36 ~~engineer licensed in the appropriate branch of professional~~  
 37 ~~engineering.~~

38 ~~(3) If the business name of a California engineering business~~  
 39 ~~contains the name of any person, then that person shall be licensed~~  
 40 ~~as a professional engineer, a licensed land surveyor, a licensed~~

~~1 architect, or a geologist registered under the Geologist and  
2 Geophysicist Act (Chapter 12.5 (commencing with Section 7800)).  
3 Any offer, promotion, or advertisement by the business that  
4 contains the name of any individual in the business, other than by  
5 use of the name of an individual in the business name, shall clearly  
6 and specifically designate the license or registration discipline of  
7 each individual named.~~

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

~~21 (c) The business name of a California engineering business may  
22 be a fictitious name. However, if the fictitious name includes the  
23 name of any person, the requirements of paragraph (3) of  
24 subdivision (a) shall be met.~~

~~25 (d) A person not licensed under this chapter may also be a  
26 partner or an officer of a civil, electrical, or mechanical engineering  
27 business if the requirements of subdivision (a) are met. This section  
28 does not permit a person who is not licensed under this chapter to  
29 be the sole owner of a civil, electrical, or mechanical engineering  
30 business, unless otherwise exempt under this chapter.~~

~~31 (e) This section shall not prevent the use of the name of any  
32 business engaged in rendering civil, electrical, or mechanical  
33 engineering services, including the use by any lawful successor  
34 or survivor, that lawfully was in existence on December 31, 1987.  
35 However, the business is subject to paragraphs (1) and (2) of  
36 subdivision (a).~~

~~37 (f) A business engaged in rendering civil, electrical, or  
38 mechanical engineering services may use in its name the name of  
39 a deceased or retired person provided all of the following  
40 conditions are satisfied:~~

1 ~~(1) The person's name had been used in the name of the~~  
 2 ~~business, or a predecessor in interest of the business, before and~~  
 3 ~~after the death or retirement of the person.~~

4 ~~(2) The person shall have been an owner, partner, or officer of~~  
 5 ~~the business, or an owner, partner, or officer of the predecessor in~~  
 6 ~~interest of the business.~~

7 ~~(3) The person shall have been licensed as a professional~~  
 8 ~~engineer, or a land surveyor, or an architect, or a geologist, (A) by~~  
 9 ~~the appropriate licensing board if that person is operating a place~~  
 10 ~~of business or practice in this state, or (B) by the applicable state~~  
 11 ~~board if no place of business existed in this state.~~

12 ~~(4) The person, if retired, has consented to the use of the name~~  
 13 ~~and does not permit the use of the name in the title of another~~  
 14 ~~professional engineering business in this state during the period~~  
 15 ~~of the consent. However, the retired person may use their name as~~  
 16 ~~the name of a new or purchased business if it is not identical in~~  
 17 ~~every respect to that person's name as used in the former business.~~

18 ~~(5) The business shall be subject to the provisions of paragraphs~~  
 19 ~~(1) and (2) of subdivision (a).~~

20 ~~(g) This section does not affect the provisions of Sections 6731.2~~  
 21 ~~and 8726.1.~~

22 ~~(h) A current organization record form shall be filed with the~~  
 23 ~~board for all businesses engaged in rendering civil, electrical, or~~  
 24 ~~mechanical engineering services.~~

25 ~~(i) This section shall become operative on January 1, 2026.~~

26 SEC. 3. Section 8729 of the Business and Professions Code,  
 27 as amended by Section 7 of Chapter 302 of the Statutes of 2022,  
 28 is amended to read:

29 8729. (a) This chapter does not prohibit one or more licensed  
 30 land surveyors or civil engineers licensed in this state before 1982  
 31 (hereinafter called civil engineers) from practicing or offering to  
 32 practice, within the scope of their licensure, land surveying as a  
 33 sole proprietorship, partnership, limited liability partnership, firm,  
 34 or corporation (hereinafter called business), if the following  
 35 conditions are satisfied:

36 (1) A land surveyor or civil engineer currently licensed in the  
 37 state is an owner, partner, or officer in charge of the land surveying  
 38 practice of the business.

39 (2) All land surveying services are performed by or under the  
 40 responsible charge of a land surveyor or civil engineer.

1 (3) If the business name of a California land surveying business  
2 contains the name of a person, then that person shall be licensed  
3 by the board as a land surveyor or licensed by the board in any  
4 year as a civil engineer. Any offer, promotion, or advertisement  
5 by the business that contains the name of any individual in the  
6 business, other than by use of the name of the individual in the  
7 business name, shall clearly and specifically designate the license  
8 discipline of each individual named.

9 (b) An out-of-state business with a branch office in this state  
10 shall meet the requirements of subdivision (a) and shall have an  
11 owner, partner, or officer who is in charge of the land surveying  
12 work in this state, who is licensed in this state, and who is  
13 physically present at the branch office in this state on a regular  
14 basis. However, the name of the business may contain the name  
15 of a person not licensed in this state, if that person is appropriately  
16 licensed or registered in another state. Any offer, promotion, or  
17 advertisement that contains the name of any individual in the  
18 business, other than by use of the name of the individual in the  
19 business name, shall clearly and specifically designate the license  
20 or registration discipline of each individual named.

21 (c) The business name of a California land surveying business  
22 may be a fictitious name. However, if the fictitious name includes  
23 the names of any person, the requirements of paragraph (3) of  
24 subdivision (a) shall be met.

25 (d) A person not licensed under this chapter or licensed as a  
26 civil engineer in this state before 1982 may also be a partner or an  
27 officer of a land surveying business if the conditions of subdivision  
28 (a) are satisfied. This section does not permit a person who is not  
29 licensed under this chapter or licensed as a civil engineer in this  
30 state before 1982 to be the sole owner or office of a land surveying  
31 business, unless otherwise exempt under this chapter.

32 (e) This section shall not prevent the use of the name of any  
33 business engaged in rendering land surveying services, including  
34 the use by any lawful successor or survivor, that lawfully was in  
35 existence on June 1, 1941. However, the business is subject to the  
36 provisions of paragraphs (1) and (2) of subdivision (a).

37 (f) A business engaged in rendering land surveying services  
38 may use in its name the name of a deceased or retired person if  
39 the following conditions are satisfied:

1 (1) The person's name had been used in the name of the  
2 business, or a predecessor in interest of the business, before the  
3 death or retirement of the person.

4 (2) The person shall have been an owner, partner, or officer of  
5 the business, or an owner, partner, or officer of the predecessor in  
6 interest of the business.

7 (3) The person shall have been licensed as a land surveyor or a  
8 civil engineer by the board, if operating a place of business or  
9 practice in this state, or by an applicable state board in the event  
10 no place of business existed in this state.

11 (4) The person, if retired, has consented to the use of the name  
12 and does not permit the use of the name in the title of another land  
13 surveying business in this state during the period of that consent,  
14 except that a retired person may use their name as the name of a  
15 new or purchased business, if that business is not identical in every  
16 respect to that person's name as used in the former business.

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

19 (g) This section does not affect Sections 6731.2 and 8726.1.

20 (h) A current organization record form shall be filed with the  
21 board for all businesses engaged in rendering professional land  
22 surveying services.

23 ~~(i) This section shall remain in effect only until January 1, 2026,~~  
24 ~~and as of that date is repealed.~~

25 SEC. 4. Section 8729 of the Business and Professions Code,  
26 as amended by Section 8 of Chapter 302 of the Statutes of 2022,  
27 is repealed.

28 ~~8729. (a) This chapter does not prohibit one or more licensed~~  
29 ~~land surveyors or civil engineers licensed in this state before 1982~~  
30 ~~(hereinafter called civil engineers) from practicing or offering to~~  
31 ~~practice within the scope of their licensure, land surveying as a~~  
32 ~~sole proprietorship, partnership, firm, or corporation (hereinafter~~  
33 ~~called business), if the following conditions are satisfied:~~

34 ~~(1) A land surveyor or civil engineer currently licensed in the~~  
35 ~~state is an owner, partner, or officer in charge of the land surveying~~  
36 ~~practice of the business.~~

37 ~~(2) All land surveying services are performed by or under the~~  
38 ~~responsible charge of a land surveyor or civil engineer.~~

39 ~~(3) If the business name of a California land surveying business~~  
40 ~~contains the name of a person, then that person shall be licensed~~



1 by the board as a land surveyor or licensed by the board in any  
2 year as a civil engineer. Any offer, promotion, or advertisement  
3 by the business that contains the name of any individual in the  
4 business, other than by use of the name of the individual in the  
5 business name, shall clearly and specifically designate the license  
6 discipline of each individual named.

7 (b) ~~An out-of-state business with a branch office in this state  
8 shall meet the requirements of subdivision (a) and shall have an  
9 owner, partner, or officer who is in charge of the land surveying  
10 work in this state, who is licensed in this state, and who is  
11 physically present at the branch office in this state on a regular  
12 basis. However, the name of the business may contain the name  
13 of a person not licensed in this state, if that person is appropriately  
14 licensed or registered in another state. Any offer, promotion, or  
15 advertisement that contains the name of any individual in the  
16 business, other than by use of the name of the individual in the  
17 business name, shall clearly and specifically designate the license  
18 or registration discipline of each individual named.~~

19 (c) ~~The business name of a California land surveying business  
20 may be a fictitious name. However, if the fictitious name includes  
21 the names of any person, the requirements of paragraph (3) of  
22 subdivision (a) shall be met.~~

23 (d) ~~A person not licensed under this chapter or licensed as a  
24 civil engineer in this state before 1982 may also be a partner or an  
25 officer of a land surveying business if the conditions of subdivision  
26 (a) are satisfied. This section does not permit a person who is not  
27 licensed under this chapter or licensed as a civil engineer in this  
28 state before 1982 to be the sole owner or officer of a land surveying  
29 business, unless otherwise exempt under this chapter.~~

30 (e) ~~This section shall not prevent the use of the name of any  
31 business engaged in rendering land surveying services, including  
32 the use by any lawful successor or survivor, that lawfully was in  
33 existence on June 1, 1941. However, the business is subject to the  
34 provisions of paragraphs (1) and (2) of subdivision (a).~~

35 (f) ~~A business engaged in rendering land surveying services  
36 may use in its name the name of a deceased or retired person if  
37 the following conditions are satisfied:~~

38 (1) ~~The person's name had been used in the name of the  
39 business, or a predecessor in interest of the business, before the  
40 death or retirement of the person.~~

1 ~~(2) The person shall have been an owner, partner, or officer of~~  
 2 ~~the business, or an owner, partner, or officer of the predecessor in~~  
 3 ~~interest of the business.~~

4 ~~(3) The person shall have been licensed as a land surveyor or a~~  
 5 ~~civil engineer by the board, if operating a place of business or~~  
 6 ~~practice in this state, or by an applicable state board in the event~~  
 7 ~~no place of business existed in this state.~~

8 ~~(4) The person, if retired, has consented to the use of the name~~  
 9 ~~and does not permit the use of the name in the title of another land~~  
 10 ~~surveying business in this state during the period of that consent,~~  
 11 ~~except that a retired person may use their name as the name of a~~  
 12 ~~new or purchased business, if that business is not identical in every~~  
 13 ~~respect to that person's name as used in the former business.~~

14 ~~(5) The business shall be subject to paragraphs (1) and (2) of~~  
 15 ~~subdivision (a).~~

16 ~~(g) This section does not affect Sections 6731.2 and 8726.1.~~

17 ~~(h) A current organization record form shall be filed with the~~  
 18 ~~board for all businesses engaged in rendering professional land~~  
 19 ~~surveying services.~~

20 ~~(i) This section shall become operative on January 1, 2026.~~

21 SEC. 5. Section 8 of the Corporations Code is amended to read:

22 8. Writing includes any form of recorded message capable of  
 23 comprehension by ordinary visual means; and when used to  
 24 describe communications between a corporation, partnership, or  
 25 limited liability company and its shareholders, members, partners,  
 26 directors, or managers, writing shall include electronic  
 27 transmissions by and to a corporation (Sections 20 and 21),  
 28 electronic transmissions by and to a partnership ~~(subdivisions (4)~~  
 29 ~~and (5) of Section 16101); (Section 16101), and electronic~~  
 30 ~~transmissions by and to a limited liability company (paragraphs~~  
 31 ~~(1) and (2) of subdivision (o) of Section 17001). Whenever any~~  
 32 ~~notice, report, statement, or record is required or authorized by~~  
 33 ~~this code, it shall be made in writing in the English language.~~

34 Wherever any notice or other communication is required by this  
 35 code to be mailed by registered mail by or to any person or  
 36 corporation, the mailing of such notice or other communication  
 37 by certified mail shall be deemed to be a sufficient compliance  
 38 with the requirements of law.

39 SEC. 6. Section 174.5 of the Corporations Code is amended  
 40 to read:

1 174.5. "Other business entity" means a domestic or foreign  
2 limited liability company, limited partnership, general partnership,  
3 business trust, real estate investment trust, unincorporated  
4 association (other than a nonprofit association), or a domestic  
5 reciprocal insurer organized after 1974 to provide medical  
6 malpractice insurance as set forth in Article 16 (commencing with  
7 Section 1550) of Chapter 3 of Part 2 of Division 1 of the Insurance  
8 Code. As used herein, "general partnership" means a "partnership"  
9 as defined in ~~subdivision (7)~~ of Section 16101; "business trust"  
10 means a business organization formed as a trust; "real estate  
11 investment trust" means a "real estate investment trust" as defined  
12 in subsection (a) of Section 856 of the Internal Revenue Code of  
13 1986, as amended; and "unincorporated association" has the  
14 meaning set forth in Section 18035.

15 SEC. 7. Section 5063.5 of the Corporations Code is amended  
16 to read:

17 5063.5. "Other business entity" means a domestic or foreign  
18 limited liability company, limited partnership, general partnership,  
19 business trust, real estate investment trust, unincorporated  
20 association, or a domestic reciprocal insurer organized after 1974  
21 to provide medical malpractice insurance as set forth in Article 16  
22 (commencing with Section 1550) of Chapter 3 of Part 2 of Division  
23 1 of the Insurance Code. As used herein, "general partnership"  
24 means a "partnership" as defined in ~~subdivision (9)~~ of Section  
25 16101; "business trust" means a business organization formed as  
26 a trust; "real estate investment trust" means a "real estate  
27 investment trust" as defined in subsection (a) of Section 856 of  
28 the Internal Revenue Code of 1986, as amended; and  
29 "unincorporated association" has the meaning set forth in Section  
30 18035.

31 SEC. 8. Section 12242.5 of the Corporations Code is amended  
32 to read:

33 12242.5. "Other business entity" means a domestic or foreign  
34 limited liability company, limited partnership, general partnership,  
35 business trust, real estate investment trust, unincorporated  
36 association, or a domestic reciprocal insurer organized after 1974  
37 to provide medical malpractice insurance as set forth in Article 16  
38 (commencing with Section 1550) of Chapter 3 of Part 2 of Division  
39 1 of the Insurance Code. As used herein, "general partnership"  
40 means a "partnership" as defined in ~~subdivision (9)~~ of Section

1 16101; “business trust” means a business organization formed as  
2 a trust; “real estate investment trust” means a “real estate  
3 investment trust” as defined in subsection (a) of Section 856 of  
4 the Internal Revenue Code of 1986, as amended; and  
5 “unincorporated association” has the meaning set forth in Section  
6 18035.

7 SEC. 9. Section 16101 of the Corporations Code, as amended  
8 by Section 33 of Chapter 497 of the Statutes of 2019, is amended  
9 to read:

10 16101. ~~(a)~~—As used in this chapter, the following terms and  
11 phrases have the following meanings:

12 ~~(1)~~

13 (a) “Business” includes every trade, occupation, and profession.

14 ~~(2)~~

15 (b) “Debtor in bankruptcy” means a person who is the subject  
16 of either of the following:

17 ~~(A)~~

18 (1) An order for relief under Title 11 of the United States Code  
19 or a comparable order under a successor statute of general  
20 application.

21 ~~(B)~~

22 (2) A comparable order under federal, state, or foreign law  
23 governing insolvency.

24 ~~(3)~~

25 (c) “Distribution” means a transfer of money or other property  
26 from a partnership to a partner in the partner’s capacity as a partner  
27 or to the partner’s transferee.

28 ~~(4)~~

29 (d) “Electronic transmission by the partnership” means a  
30 communication (a) delivered by (1) facsimile telecommunication  
31 or electronic mail when directed to the facsimile number or  
32 electronic mail address, respectively, for that recipient on record  
33 with the partnership, (2) posting on an electronic message board  
34 or network that the partnership has designated for those  
35 communications, together with a separate notice to the recipient  
36 of the posting, which transmission shall be validly delivered upon  
37 the later of the posting or delivery of the separate notice thereof,  
38 or (3) other means of electronic communication, (b) to a recipient  
39 who has provided an unrevoked consent to the use of those means  
40 of transmission, and (c) that creates a record that is capable of

1 retention, retrieval, and review, and that may thereafter be rendered  
2 into clearly legible tangible form. However, an electronic  
3 transmission by a partnership to an individual partner is not  
4 authorized unless, in addition to satisfying the requirements of this  
5 section, the transmission satisfies the requirements applicable to  
6 consumer consent to electronic records as set forth in the Electronic  
7 Signatures in Global and National Commerce Act (15 U.S.C. Sec.  
8 7001(c)(1)).

9 ~~(5)~~

10 (e) "Electronic transmission to the partnership" means a  
11 communication (a) delivered by (1) facsimile telecommunication  
12 or electronic mail when directed to the facsimile number or  
13 electronic mail address, respectively, which the partnership has  
14 provided from time to time to partners for sending communications  
15 to the partnership, (2) posting on an electronic message board or  
16 network that the partnership has designated for those  
17 communications, and which transmission shall be validly delivered  
18 upon the posting, or (3) other means of electronic communication,  
19 (b) as to which the partnership has placed in effect reasonable  
20 measures to verify that the sender is the partner, in person or by  
21 proxy, purporting to send the transmission, and (c) that creates a  
22 record that is capable of retention, retrieval, and review, and that  
23 may thereafter be rendered into clearly legible tangible form.

24 ~~(6)(A)~~

25 (f) (I) "Foreign limited liability partnership" means a  
26 partnership, other than a limited partnership, formed pursuant to  
27 an agreement governed by the laws of another jurisdiction and  
28 denominated or registered as a limited liability partnership or  
29 registered limited liability partnership under the laws of that  
30 jurisdiction (i) in which each partner is a licensed person or a  
31 person licensed or authorized to provide professional limited  
32 liability partnership services in a jurisdiction or jurisdictions other  
33 than this state, (ii) which is licensed under the laws of the state to  
34 engage in the practice of architecture, the practice of public  
35 accountancy, the practice of engineering, the practice of land  
36 surveying, or the practice of law, or (iii) which (I) is related to a  
37 registered limited liability partnership that practices public  
38 accountancy or, to the extent permitted by the State Bar of  
39 California, practices law or is related to a foreign limited liability  
40 partnership and (II) provides services related or complementary

1 to the professional limited liability partnership services provided  
 2 by, or provides services or facilities to, that registered limited  
 3 liability partnership or foreign limited liability partnership.

4 ~~(B)~~—

5 (2) For the purposes of clause (iii) of subparagraph (A), a  
 6 partnership is related to a registered limited liability partnership  
 7 or foreign limited liability partnership if (i) at least a majority of  
 8 the partners in one partnership are also partners in the other  
 9 partnership, or (ii) at least a majority in interest in each partnership  
 10 hold interests in or are members of another person, except an  
 11 individual, and each partnership renders services pursuant to an  
 12 agreement with that other person, or (iii) one partnership, directly  
 13 or indirectly through one or more intermediaries, controls, is  
 14 controlled by, or is under common control with, the other  
 15 partnership.

16 ~~(7)~~

17 (g) “Licensed person” means any person who is duly licensed,  
 18 authorized, or registered under the provisions of the Business and  
 19 Professions Code to provide professional limited liability  
 20 partnership services or who is lawfully able to render professional  
 21 limited liability partnership services in this state.

22 ~~(8)(A)~~—

23 (h) (I) “Registered limited liability partnership” means a  
 24 partnership, other than a limited partnership, formed pursuant to  
 25 an agreement governed by Article 10 (commencing with Section  
 26 16951), that is registered under Section 16953 and (i) each of the  
 27 partners of which is a licensed person or a person licensed or  
 28 authorized to provide professional limited liability partnership  
 29 services in a jurisdiction or jurisdictions other than this state, (ii)  
 30 is licensed under the laws of the state to engage in the practice of  
 31 architecture, the practice of public accountancy, the practice of  
 32 engineering, the practice of land surveying, or the practice of law,  
 33 or (iii)(I) is related to a registered limited liability partnership that  
 34 practices public accountancy or, to the extent permitted by the  
 35 State Bar of California, practices law or is related to a foreign  
 36 limited liability partnership and (II) provides services related or  
 37 complementary to the professional limited liability partnership  
 38 services provided by, or provides services or facilities to, that  
 39 registered limited liability partnership or foreign limited liability  
 40 partnership.

1 ~~(B)~~—

2 (2) For the purposes of clause (iii) of subparagraph (A), a  
3 partnership is related to a registered limited liability partnership  
4 or foreign limited liability partnership if (i) at least a majority of  
5 the partners in one partnership are also partners in the other  
6 partnership, or (ii) at least a majority in interest in each partnership  
7 hold interests in or are members of another person, other than an  
8 individual, and each partnership renders services pursuant to an  
9 agreement with that other person, or (iii) one partnership, directly  
10 or indirectly through one or more intermediaries, controls, is  
11 controlled by, or is under common control with, the other  
12 partnership.

13 ~~(9)~~

14 (i) “Partnership” means an association of two or more persons  
15 to carry on as coowners a business for profit formed under Section  
16 16202, predecessor law, or comparable law of another jurisdiction,  
17 and includes, for all purposes of the laws of this state, a registered  
18 limited liability partnership, and excludes any partnership formed  
19 under Chapter 4.5 (commencing with Section 15900).

20 ~~(10)~~

21 (j) “Partnership agreement” means the agreement, whether  
22 written, oral, or implied, among the partners concerning the  
23 partnership, including amendments to the partnership agreement.

24 ~~(11)~~

25 (k) “Partnership at will” means a partnership in which the  
26 partners have not agreed to remain partners until the expiration of  
27 a definite term or the completion of a particular undertaking.

28 ~~(12)~~

29 (l) “Partnership interest” or “partner’s interest in the partnership”  
30 means all of a partner’s interests in the partnership, including the  
31 partner’s transferable interest and all management and other rights.

32 ~~(13)~~

33 (m) “Person” means an individual, corporation, business trust,  
34 estate, trust, partnership, limited partnership, limited liability  
35 partnership, limited liability company, association, joint venture,  
36 government, governmental subdivision, agency, or instrumentality,  
37 or any other legal or commercial entity.

38 ~~(14)~~

39 (n) “Professional limited liability partnership services” means  
40 the practice of architecture, the practice of public accountancy,

1 the practice of engineering, the practice of land surveying, or the  
2 practice of law.

3 ~~(15)~~

4 (o) “Property” means all property, real, personal, or mixed,  
5 tangible or intangible, or any interest therein.

6 ~~(16)~~

7 (p) “State” means a state of the United States, the District of  
8 Columbia, the Commonwealth of Puerto Rico, or any territory or  
9 insular possession subject to the jurisdiction of the United States.

10 ~~(17)~~

11 (q) “Statement” means a statement of partnership authority  
12 under Section 16303, a statement of denial under Section 16304,  
13 a statement of dissociation under Section 16704, a statement of  
14 dissolution under Section 16805, a statement of conversion or a  
15 certificate of conversion under Section 16906, a statement of  
16 merger under Section 16915, or an amendment or cancellation of  
17 any of the foregoing.

18 ~~(18)~~

19 (r) “Transfer” includes an assignment, conveyance, lease,  
20 mortgage, deed, and encumbrance.

21 ~~(b) The inclusion of the practice of architecture as a professional  
22 limited liability partnership service permitted by this section shall  
23 extend only until January 1, 2026.~~

24 ~~(e) This section shall remain in effect only until January 1, 2026,  
25 and as of that date is repealed.~~

26 SEC. 10. Section 16101 of the Corporations Code, as amended  
27 by Section 34 of Chapter 497 of the Statutes of 2019, is repealed.

28 16101. (a) As used in this chapter, the following terms and  
29 phrases have the following meanings:

30 (1) ~~“Business” includes every trade, occupation, and profession.~~

31 (2) ~~“Debtor in bankruptcy” means a person who is the subject  
32 of either of the following:~~

33 (A) ~~An order for relief under Title 11 of the United States Code  
34 or a comparable order under a successor statute of general  
35 application.~~

36 (B) ~~A comparable order under federal, state, or foreign law  
37 governing insolvency.~~

38 (3) ~~“Distribution” means a transfer of money or other property  
39 from a partnership to a partner in the partner’s capacity as a partner  
40 or to the partner’s transferee.~~



1     ~~(4) “Electronic transmission by the partnership” means a~~  
2     ~~communication (a) delivered by (1) facsimile telecommunication~~  
3     ~~or electronic mail when directed to the facsimile number or~~  
4     ~~electronic mail address, respectively, for that recipient on record~~  
5     ~~with the partnership, (2) posting on an electronic message board~~  
6     ~~or network that the partnership has designated for those~~  
7     ~~communications, together with a separate notice to the recipient~~  
8     ~~of the posting, which transmission shall be validly delivered upon~~  
9     ~~the later of the posting or delivery of the separate notice thereof,~~  
10    ~~or (3) other means of electronic communication, (b) to a recipient~~  
11    ~~who has provided an unrevoked consent to the use of those means~~  
12    ~~of transmission, and (c) that creates a record that is capable of~~  
13    ~~retention, retrieval, and review, and that may thereafter be rendered~~  
14    ~~into clearly legible tangible form. However, an electronic~~  
15    ~~transmission by a partnership to an individual partner is not~~  
16    ~~authorized unless, in addition to satisfying the requirements of this~~  
17    ~~section, the transmission satisfies the requirements applicable to~~  
18    ~~consumer consent to electronic records as set forth in the Electronic~~  
19    ~~Signatures in Global and National Commerce Act (15 U.S.C. Sec.~~  
20    ~~7001(e)(1)).~~

21    ~~(5) “Electronic transmission to the partnership” means a~~  
22    ~~communication (a) delivered by (1) facsimile telecommunication~~  
23    ~~or electronic mail when directed to the facsimile number or~~  
24    ~~electronic mail address, respectively, which the partnership has~~  
25    ~~provided from time to time to partners for sending communications~~  
26    ~~to the partnership, (2) posting on an electronic message board or~~  
27    ~~network that the partnership has designated for those~~  
28    ~~communications, and which transmission shall be validly delivered~~  
29    ~~upon the posting, or (3) other means of electronic communication,~~  
30    ~~(b) as to which the partnership has placed in effect reasonable~~  
31    ~~measures to verify that the sender is the partner, in person or by~~  
32    ~~proxy, purporting to send the transmission, and (c) that creates a~~  
33    ~~record that is capable of retention, retrieval, and review, and that~~  
34    ~~may thereafter be rendered into clearly legible tangible form.~~

35    ~~(6) (A) “Foreign limited liability partnership” means a~~  
36    ~~partnership, other than a limited partnership, formed pursuant to~~  
37    ~~an agreement governed by the laws of another jurisdiction and~~  
38    ~~denominated or registered as a limited liability partnership or~~  
39    ~~registered limited liability partnership under the laws of that~~  
40    ~~jurisdiction (i) in which each partner is a licensed person or a~~

1 person licensed or authorized to provide professional limited  
2 liability partnership services in a jurisdiction or jurisdictions other  
3 than this state, (ii) which is licensed under the laws of the state to  
4 engage in the practice of public accountancy or the practice of law,  
5 or (iii) which (I) is related to a registered limited liability  
6 partnership that practices public accountancy or, to the extent  
7 permitted by the State Bar of California, practices law or is related  
8 to a foreign limited liability partnership and (II) provides services  
9 related or complementary to the professional limited liability  
10 partnership services provided by, or provides services or facilities  
11 to, that registered limited liability partnership or foreign limited  
12 liability partnership.

13 (B) For the purposes of clause (iii) of subparagraph (A), a  
14 partnership is related to a registered limited liability partnership  
15 or foreign limited liability partnership if (i) at least a majority of  
16 the partners in one partnership are also partners in the other  
17 partnership, or (ii) at least a majority in interest in each partnership  
18 hold interests in or are members of another person, except an  
19 individual, and each partnership renders services pursuant to an  
20 agreement with that other person, or (iii) one partnership, directly  
21 or indirectly through one or more intermediaries, controls, is  
22 controlled by, or is under common control with, the other  
23 partnership.

24 (7) "Licensed person" means any person who is duly licensed,  
25 authorized, or registered under the provisions of the Business and  
26 Professions Code to provide professional limited liability  
27 partnership services or who is lawfully able to render professional  
28 limited liability partnership services in this state.

29 (8) (A) "Registered limited liability partnership" means a  
30 partnership, other than a limited partnership, formed pursuant to  
31 an agreement governed by Article 10 (commencing with Section  
32 16951), that is registered under Section 16953 and (i) each of the  
33 partners of which is a licensed person or a person licensed or  
34 authorized to provide professional limited liability partnership  
35 services in a jurisdiction or jurisdictions other than this state, (ii)  
36 is licensed under the laws of the state to engage in the practice of  
37 public accountancy or the practice of law, or (iii) (I) is related to a  
38 registered limited liability partnership that practices public  
39 accountancy or, to the extent permitted by the State Bar of  
40 California, practices law or is related to a foreign limited liability

1 partnership and (H) provides services related or complementary  
 2 to the professional limited liability partnership services provided  
 3 by, or provides services or facilities to, that registered limited  
 4 liability partnership or foreign limited liability partnership.

5 (B) For the purposes of clause (iii) of subparagraph (A), a  
 6 partnership is related to a registered limited liability partnership  
 7 or foreign limited liability partnership if (i) at least a majority of  
 8 the partners in one partnership are also partners in the other  
 9 partnership, or (ii) at least a majority in interest in each partnership  
 10 hold interests in or are members of another person, other than an  
 11 individual, and each partnership renders services pursuant to an  
 12 agreement with that other person, or (iii) one partnership, directly  
 13 or indirectly through one or more intermediaries, controls, is  
 14 controlled by, or is under common control with, the other  
 15 partnership.

16 (9) "Partnership" means an association of two or more persons  
 17 to carry on as coowners a business for profit formed under Section  
 18 16202, predecessor law, or comparable law of another jurisdiction,  
 19 and includes, for all purposes of the laws of this state, a registered  
 20 limited liability partnership, and excludes any partnership formed  
 21 under Chapter 4.5 (commencing with Section 15900).

22 (10) "Partnership agreement" means the agreement, whether  
 23 written, oral, or implied, among the partners concerning the  
 24 partnership, including amendments to the partnership agreement.

25 (11) "Partnership at will" means a partnership in which the  
 26 partners have not agreed to remain partners until the expiration of  
 27 a definite term or the completion of a particular undertaking.

28 (12) "Partnership interest" or "partner's interest in the  
 29 partnership" means all of a partner's interests in the partnership,  
 30 including the partner's transferable interest and all management  
 31 and other rights.

32 (13) "Person" means an individual, corporation, business trust,  
 33 estate, trust, partnership, limited partnership, limited liability  
 34 partnership, limited liability company, association, joint venture,  
 35 government, governmental subdivision, agency, or instrumentality,  
 36 or any other legal or commercial entity.

37 (14) "Professional limited liability partnership services" means  
 38 the practice of public accountancy or the practice of law.

39 (15) "Property" means all property, real, personal, or mixed,  
 40 tangible or intangible, or any interest therein.

1 (16) “State” means a state of the United States, the District of  
2 Columbia, the Commonwealth of Puerto Rico, or any territory or  
3 insular possession subject to the jurisdiction of the United States.

4 (17) “Statement” means a statement of partnership authority  
5 under Section 16303, a statement of denial under Section 16304,  
6 a statement of dissociation under Section 16704, a statement of  
7 dissolution under Section 16805, a statement of conversion or a  
8 certificate of conversion under Section 16906, a statement of  
9 merger under Section 16915, or an amendment or cancellation of  
10 any of the foregoing.

11 (18) “Transfer” includes an assignment, conveyance, lease,  
12 mortgage, deed, and encumbrance.

13 (b) This section shall become operative on January 1, 2026.

14 SEC. 11. Section 16403 of the Corporations Code is amended  
15 to read:

16 16403. (a) A partnership shall keep its books and records, if  
17 any, in writing or in any other form capable of being converted  
18 into clearly legible tangible form, at its principal office.

19 (b) A partnership shall provide partners and their agents and  
20 attorneys access to its books and records. It shall provide former  
21 partners and their agents and attorneys access to books and records  
22 pertaining to the period during which they were partners. The right  
23 of access provides the opportunity to inspect and copy books and  
24 records during ordinary business hours. A partnership may impose  
25 a reasonable charge, covering the costs of labor and material, for  
26 copies of documents furnished.

27 (c) Each partner and the partnership shall furnish to a partner,  
28 and to the legal representative of a deceased partner or partner  
29 under legal disability, both of the following, which may be  
30 transmitted by electronic transmission by the partnership pursuant  
31 to ~~paragraph (4)~~ of Section 16101:

32 (1) Without demand, any information concerning the  
33 partnership’s business and affairs reasonably required for the proper  
34 exercise of the partner’s rights and duties under the partnership  
35 agreement or this chapter; and

36 (2) On demand, any other information concerning the  
37 partnership’s business and affairs, except to the extent the demand  
38 or the information demanded is unreasonable or otherwise improper  
39 under the circumstances.

1 SEC. 12. Section 16956 of the Corporations Code, as amended  
2 by Section 7 of Chapter 150 of the Statutes of 2018, is amended  
3 to read:

4 16956. (a) At the time of registration pursuant to Section  
5 16953, in the case of a registered limited liability partnership, and  
6 Section 16959, in the case of a foreign limited liability partnership,  
7 and at all times during which those partnerships shall transact  
8 intrastate business, every registered limited liability partnership  
9 and foreign limited liability partnership, as the case may be, shall  
10 be required to provide security for claims against it as follows:

11 (1) For claims based upon acts, errors, or omissions arising out  
12 of the practice of public accountancy, a registered limited liability  
13 partnership or foreign limited liability partnership providing  
14 accountancy services shall comply with one, or pursuant to  
15 subdivision (b) some combination, of the following:

16 (A) Maintaining a policy or policies of insurance against liability  
17 imposed on or against it by law for damages arising out of claims;  
18 however, the total aggregate limit of liability under the policy or  
19 policies of insurance for partnerships with five or fewer licensed  
20 persons shall not be less than one million dollars (\$1,000,000),  
21 and for partnerships with more than five licensees rendering  
22 professional services on behalf of the partnership, an additional  
23 one hundred thousand dollars (\$100,000) of insurance shall be  
24 obtained for each additional licensee; however, the maximum  
25 amount of insurance is not required to exceed five million dollars  
26 (\$5,000,000) in any one designated period, less amounts paid in  
27 defending, settling, or discharging claims as set forth in this  
28 subparagraph. The policy or policies may be issued on a  
29 claims-made or occurrence basis, and shall cover: (i) in the case  
30 of a claims-made policy, claims initially asserted in the designated  
31 period, and (ii) in the case of an occurrence policy, occurrences  
32 during the designated period. For purposes of this subparagraph,  
33 "designated period" means a policy year or any other period  
34 designated in the policy that is not greater than 12 months. The  
35 impairment or exhaustion of the aggregate limit of liability by  
36 amounts paid under the policy in connection with the settlement,  
37 discharge, or defense of claims applicable to a designated period  
38 shall not require the partnership to acquire additional insurance  
39 coverage for that designated period. The policy or policies of  
40 insurance may be in a form reasonably available in the commercial

1 insurance market and may be subject to those terms, conditions,  
2 exclusions, and endorsements that are typically contained in those  
3 policies. A policy or policies of insurance maintained pursuant to  
4 this subparagraph may be subject to a deductible or self-insured  
5 retention.

6 Upon the dissolution and winding up of the partnership, the  
7 partnership shall, with respect to any insurance policy or policies  
8 then maintained pursuant to this subparagraph, maintain or obtain  
9 an extended reporting period endorsement or equivalent provision  
10 in the maximum total aggregate limit of liability required to comply  
11 with this subparagraph for a minimum of three years if reasonably  
12 available from the insurer.

13 (B) Maintaining in trust or bank escrow, cash, bank certificates  
14 of deposit, United States Treasury obligations, bank letters of  
15 credit, or bonds of insurance or surety companies as security for  
16 payment of liabilities imposed by law for damages arising out of  
17 all claims; however, the maximum amount of security for  
18 partnerships with five or fewer licensed persons shall not be less  
19 than one million dollars (\$1,000,000), and for partnerships with  
20 more than five licensees rendering professional services on behalf  
21 of the partnership, an additional one hundred thousand dollars  
22 (\$100,000) of security shall be obtained for each additional  
23 licensee; however, the maximum amount of security is not required  
24 to exceed five million dollars (\$5,000,000). The partnership  
25 remains in compliance with this section during a calendar year  
26 notwithstanding amounts paid during that calendar year from the  
27 accounts, funds, Treasury obligations, letters of credit, or bonds  
28 in defending, settling, or discharging claims of the type described  
29 in this paragraph, provided that the amount of those accounts,  
30 funds, Treasury obligations, letters of credit, or bonds was at least  
31 the amount specified in the preceding sentence as of the first  
32 business day of that calendar year. Notwithstanding the pendency  
33 of other claims against the partnership, a registered limited liability  
34 partnership or foreign limited liability partnership shall be deemed  
35 to be in compliance with this subparagraph as to a claim if within  
36 30 days after the time that a claim is initially asserted through  
37 service of a summons, complaint, or comparable pleading in a  
38 judicial or administrative proceeding, the partnership has provided  
39 the required amount of security by designating and segregating  
40 funds in compliance with the requirements of this subparagraph.

1 (C) Unless the partnership has satisfied subparagraph (D), each  
2 partner of a registered limited liability partnership or foreign  
3 limited liability partnership providing accountancy services, by  
4 virtue of that person's status as a partner, thereby automatically  
5 guarantees payment of the difference between the maximum  
6 amount of security required for the partnership by this paragraph  
7 and the security otherwise provided in accordance with  
8 subparagraphs (A) and (B), provided that the aggregate amount  
9 paid by all partners under these guarantees shall not exceed the  
10 difference. Neither withdrawal by a partner nor the dissolution and  
11 winding up of the partnership shall affect the rights or obligations  
12 of a partner arising prior to withdrawal or dissolution and winding  
13 up, and the guarantee provided for in this subparagraph shall apply  
14 only to conduct that occurred prior to the withdrawal or dissolution  
15 and winding up. Nothing contained in this subparagraph shall  
16 affect or impair the rights or obligations of the partners among  
17 themselves, or the partnership, including, but not limited to, rights  
18 of contribution, subrogation, or indemnification.

19 (D) Confirming, pursuant to the procedure in subdivision (c),  
20 that, as of the most recently completed fiscal year of the  
21 partnership, it had a net worth equal to or exceeding ten million  
22 dollars (\$10,000,000).

23 (2) For claims based upon acts, errors, or omissions arising out  
24 of the practice of law, a registered limited liability partnership or  
25 foreign limited liability partnership providing legal services shall  
26 comply with one, or pursuant to subdivision (b) some combination,  
27 of the following:

28 (A) Each registered limited liability partnership or foreign  
29 limited liability partnership providing legal services shall maintain  
30 a policy or policies of insurance against liability imposed on or  
31 against it by law for damages arising out of claims; however, the  
32 total aggregate limit of liability under the policy or policies of  
33 insurance for partnerships with five or fewer licensed persons shall  
34 not be less than one million dollars (\$1,000,000), and for  
35 partnerships with more than five licensees rendering professional  
36 services on behalf of the partnership, an additional one hundred  
37 thousand dollars (\$100,000) of insurance shall be obtained for  
38 each additional licensee; however, the maximum amount of  
39 insurance is not required to exceed seven million five hundred  
40 thousand dollars (\$7,500,000) in any one designated period, less

1 amounts paid in defending, settling, or discharging claims as set  
2 forth in this subparagraph. The policy or policies may be issued  
3 on a claims-made or occurrence basis, and shall cover (i) in the  
4 case of a claims-made policy, claims initially asserted in the  
5 designated period, and (ii) in the case of an occurrence policy,  
6 occurrences during the designated period. For purposes of this  
7 subparagraph, “designated period” means a policy year or any  
8 other period designated in the policy that is not greater than 12  
9 months. The impairment or exhaustion of the aggregate limit of  
10 liability by amounts paid under the policy in connection with the  
11 settlement, discharge, or defense of claims applicable to a  
12 designated period shall not require the partnership to acquire  
13 additional insurance coverage for that designated period. The policy  
14 or policies of insurance may be in a form reasonably available in  
15 the commercial insurance market and may be subject to those  
16 terms, conditions, exclusions, and endorsements that are typically  
17 contained in those policies. A policy or policies of insurance  
18 maintained pursuant to this subparagraph may be subject to a  
19 deductible or self-insured retention.

20 Upon the dissolution and winding up of the partnership, the  
21 partnership shall, with respect to any insurance policy or policies  
22 then maintained pursuant to this subparagraph, maintain or obtain  
23 an extended reporting period endorsement or equivalent provision  
24 in the maximum total aggregate limit of liability required to comply  
25 with this subparagraph for a minimum of three years if reasonably  
26 available from the insurer.

27 (B) Each registered limited liability partnership or foreign  
28 limited liability partnership providing legal services shall maintain  
29 in trust or bank escrow, cash, bank certificates of deposit, United  
30 States Treasury obligations, bank letters of credit, or bonds of  
31 insurance or surety companies as security for payment of liabilities  
32 imposed by law for damages arising out of all claims; however,  
33 the maximum amount of security for partnerships with five or  
34 fewer licensed persons shall not be less than one million dollars  
35 (\$1,000,000), and for partnerships with more than five licensees  
36 rendering professional services on behalf of the partnership, an  
37 additional one hundred thousand dollars (\$100,000) of security  
38 shall be obtained for each additional licensee; however, the  
39 maximum amount of security is not required to exceed seven  
40 million five hundred thousand dollars (\$7,500,000). The partnership



1 remains in compliance with this section during a calendar year  
2 notwithstanding amounts paid during that calendar year from the  
3 accounts, funds, Treasury obligations, letters of credit, or bonds  
4 in defending, settling, or discharging claims of the type described  
5 in this paragraph, provided that the amount of those accounts,  
6 funds, Treasury obligations, letters of credit, or bonds was at least  
7 the amount specified in the preceding sentence as of the first  
8 business day of that calendar year. Notwithstanding the pendency  
9 of other claims against the partnership, a registered limited liability  
10 partnership or foreign limited liability partnership shall be deemed  
11 to be in compliance with this subparagraph as to a claim if within  
12 30 days after the time that a claim is initially asserted through  
13 service of a summons, complaint, or comparable pleading in a  
14 judicial or administrative proceeding, the partnership has provided  
15 the required amount of security by designating and segregating  
16 funds in compliance with the requirement of this subparagraph.

17 (C) Unless the partnership has satisfied the requirements of  
18 subparagraph (D), each partner of a registered limited liability  
19 partnership or foreign limited liability partnership providing legal  
20 services, by virtue of that person's status as a partner, thereby  
21 automatically guarantees payment of the difference between the  
22 maximum amount of security required for the partnership by this  
23 paragraph and the security otherwise provided in accordance with  
24 the provisions of subparagraphs (A) and (B), provided that the  
25 aggregate amount paid by all partners under these guarantees shall  
26 not exceed the difference. Neither withdrawal by a partner nor the  
27 dissolution and winding up of the partnership shall affect the rights  
28 or obligations of a partner arising prior to withdrawal or dissolution  
29 and winding up, and the guarantee provided for in this  
30 subparagraph shall apply only to conduct that occurred prior to  
31 the withdrawal or dissolution and winding up. Nothing contained  
32 in this subparagraph shall affect or impair the rights or obligations  
33 of the partners among themselves, or the partnership, including,  
34 but not limited to, rights of contribution, subrogation, or  
35 indemnification.

36 (D) Confirming, pursuant to the procedure in subdivision (c),  
37 that, as of the most recently completed fiscal year of the  
38 partnership, it had a net worth equal to or exceeding fifteen million  
39 dollars (\$15,000,000).

1 (3) For claims based upon acts, errors, or omissions arising out  
2 of the practice of architecture, a registered limited liability  
3 partnership or foreign limited liability partnership providing  
4 architectural services shall comply with one, or pursuant to  
5 subdivision (b) some combination, of the following:

6 (A) Maintaining a policy or policies of insurance against liability  
7 imposed on or against it by law for damages arising out of claims;  
8 however, the total aggregate limit of liability under the policy or  
9 policies of insurance for partnerships with five or fewer licensees  
10 rendering professional services on behalf of the partnership shall  
11 not be less than one million dollars (\$1,000,000), and for  
12 partnerships with more than five licensees rendering professional  
13 services on behalf of the partnership, an additional one hundred  
14 thousand dollars (\$100,000) of liability coverage shall be obtained  
15 for each additional licensee; however, the total aggregate limit of  
16 liability under the policy or policies of insurance is not required  
17 to exceed five million dollars (\$5,000,000). The policy or policies  
18 may be issued on a claims-made or occurrence basis, and shall  
19 cover: (i) in the case of a claims-made policy, claims initially  
20 asserted in the designated period, and (ii) in the case of an  
21 occurrence policy, occurrences during the designated period. For  
22 purposes of this subparagraph, "designated period" means a policy  
23 year or any other period designated in the policy that is not greater  
24 than 12 months. The impairment or exhaustion of the aggregate  
25 limit of liability by amounts paid under the policy in connection  
26 with the settlement, discharge, or defense of claims applicable to  
27 a designated period shall not require the partnership to acquire  
28 additional insurance coverage for that designated period. The policy  
29 or policies of insurance may be in a form reasonably available in  
30 the commercial insurance market and may be subject to those  
31 terms, conditions, exclusions, and endorsements that are typically  
32 contained in those policies. A policy or policies of insurance  
33 maintained pursuant to this subparagraph may be subject to a  
34 deductible or self-insured retention.

35 Upon the dissolution and winding up of the partnership, the  
36 partnership shall, with respect to any insurance policy or policies  
37 then maintained pursuant to this subparagraph, maintain or obtain  
38 an extended reporting period endorsement or equivalent provision  
39 in the maximum total aggregate limit of liability required to comply

1 with this subparagraph for a minimum of three years if reasonably  
2 available from the insurer.

3 (B) Maintaining in trust or bank escrow, cash, bank certificates  
4 of deposit, United States Treasury obligations, bank letters of  
5 credit, or bonds of insurance or surety companies as security for  
6 payment of liabilities imposed by law for damages arising out of  
7 all claims; however, the maximum amount of security for  
8 partnerships with five or fewer licensees rendering professional  
9 services on behalf of the partnership shall not be less than one  
10 million dollars (\$1,000,000), and for partnerships with more than  
11 five licensees rendering professional services on behalf of the  
12 partnership, an additional one hundred thousand dollars (\$100,000)  
13 of security shall be obtained for each additional licensee; however,  
14 the maximum amount of security is not required to exceed five  
15 million dollars (\$5,000,000). The partnership remains in  
16 compliance with this section during a calendar year notwithstanding  
17 amounts paid during that calendar year from the accounts, funds,  
18 Treasury obligations, letters of credit, or bonds in defending,  
19 settling, or discharging claims of the type described in this  
20 paragraph, provided that the amount of those accounts, funds,  
21 Treasury obligations, letters of credit, or bonds was at least the  
22 amount specified in the preceding sentence as of the first business  
23 day of that calendar year. Notwithstanding the pendency of other  
24 claims against the partnership, a registered limited liability  
25 partnership or foreign limited liability partnership shall be deemed  
26 to be in compliance with this subparagraph as to a claim if within  
27 30 days after the time that a claim is initially asserted through  
28 service of a summons, complaint, or comparable pleading in a  
29 judicial or administrative proceeding, the partnership has provided  
30 the required amount of security by designating and segregating  
31 funds in compliance with the requirements of this subparagraph.

32 (C) Unless the partnership has satisfied subparagraph (D), each  
33 partner of a registered limited liability partnership or foreign  
34 limited liability partnership providing architectural services, by  
35 virtue of that person's status as a partner, thereby automatically  
36 guarantees payment of the difference between the maximum  
37 amount of security required for the partnership by this paragraph  
38 and the security otherwise provided in accordance with  
39 subparagraphs (A) and (B), provided that the aggregate amount  
40 paid by all partners under these guarantees shall not exceed the

1 difference. Neither withdrawal by a partner nor the dissolution and  
2 winding up of the partnership shall affect the rights or obligations  
3 of a partner arising prior to withdrawal or dissolution and winding  
4 up, and the guarantee provided for in this subparagraph shall apply  
5 only to conduct that occurred prior to the withdrawal or dissolution  
6 and winding up. Nothing contained in this subparagraph shall  
7 affect or impair the rights or obligations of the partners among  
8 themselves, or the partnership, including, but not limited to, rights  
9 of contribution, subrogation, or indemnification.

10 (D) Confirming, pursuant to the procedure in subdivision (c),  
11 that, as of the most recently completed fiscal year of the  
12 partnership, it had a net worth equal to or exceeding ten million  
13 dollars (\$10,000,000).

14 (4) For claims based upon acts, errors, or omissions arising out  
15 of the practice of engineering or the practice of land surveying, a  
16 registered limited liability partnership or foreign limited liability  
17 partnership providing engineering or land surveying services shall  
18 comply with one, or pursuant to subdivision (b) some combination,  
19 of the following:

20 (A) Maintaining a policy or policies of insurance against liability  
21 imposed on or against it by law for damages arising out of claims;  
22 however, the total aggregate limit of liability under the policy or  
23 policies of insurance for partnerships with five or fewer licensees  
24 rendering professional services on behalf of the partnership shall  
25 not be less than two million dollars (\$2,000,000), and for  
26 partnerships with more than five licensees rendering professional  
27 services on behalf of the partnership, an additional one hundred  
28 thousand dollars (\$100,000) of liability coverage shall be obtained  
29 for each additional licensee; however, the total aggregate limit of  
30 liability under the policy or policies of insurance is not required  
31 to exceed five million dollars (\$5,000,000). The policy or policies  
32 may be issued on a claims-made or occurrence basis, and shall  
33 cover: (i) in the case of a claims-made policy, claims initially  
34 asserted in the designated period, and (ii) in the case of an  
35 occurrence policy, occurrences during the designated period. For  
36 purposes of this subparagraph, "designated period" means a policy  
37 year or any other period designated in the policy that is not greater  
38 than 12 months. The impairment or exhaustion of the aggregate  
39 limit of liability by amounts paid under the policy in connection  
40 with the settlement, discharge, or defense of claims applicable to

1 a designated period shall not require the partnership to acquire  
2 additional insurance coverage for that designated period. The policy  
3 or policies of insurance may be in a form reasonably available in  
4 the commercial insurance market and may be subject to those  
5 terms, conditions, exclusions, and endorsements that are typically  
6 contained in those policies. A policy or policies of insurance  
7 maintained pursuant to this subparagraph may be subject to a  
8 deductible or self-insured retention.

9 Upon the dissolution and winding up of the partnership, the  
10 partnership shall, with respect to any insurance policy or policies  
11 then maintained pursuant to this subparagraph, maintain or obtain  
12 an extended reporting period endorsement or equivalent provision  
13 in the maximum total aggregate limit of liability required to comply  
14 with this subparagraph for a minimum of three years if reasonably  
15 available from the insurer.

16 (B) Maintaining in trust or bank escrow, cash, bank certificates  
17 of deposit, United States Treasury obligations, bank letters of  
18 credit, or bonds of insurance or surety companies as security for  
19 payment of liabilities imposed by law for damages arising out of  
20 all claims; however, the maximum amount of security for  
21 partnerships with five or fewer licensees rendering professional  
22 services on behalf of the partnership shall not be less than two  
23 million dollars (\$2,000,000), and for partnerships with more than  
24 five licensees rendering professional services on behalf of the  
25 partnership, an additional one hundred thousand dollars (\$100,000)  
26 of security shall be obtained for each additional licensee; however,  
27 the maximum amount of security is not required to exceed five  
28 million dollars (\$5,000,000). The partnership remains in  
29 compliance with this section during a calendar year,  
30 notwithstanding amounts paid during that calendar year from the  
31 accounts, funds, Treasury obligations, letters of credit, or bonds  
32 in defending, settling, or discharging claims of the type described  
33 in this paragraph, provided that the amount of those accounts,  
34 funds, Treasury obligations, letters of credit, or bonds was at least  
35 the amount specified in the preceding sentence as of the first  
36 business day of that calendar year. Notwithstanding the pendency  
37 of other claims against the partnership, a registered limited liability  
38 partnership or foreign limited liability partnership shall be deemed  
39 to be in compliance with this subparagraph as to a claim if, within  
40 30 days after the time that a claim is initially asserted through

1 service of a summons, complaint, or comparable pleading in a  
2 judicial or administrative proceeding, the partnership has provided  
3 the required amount of security by designating and segregating  
4 funds in compliance with the requirements of this subparagraph.

5 (C) Unless the partnership has satisfied subparagraph (D), each  
6 partner of a registered limited liability partnership or foreign  
7 limited liability partnership providing engineering services or land  
8 surveying services, by virtue of that person's status as a partner,  
9 thereby automatically guarantees payment of the difference  
10 between the maximum amount of security required for the  
11 partnership by this paragraph and the security otherwise provided  
12 in accordance with subparagraphs (A) and (B), provided that the  
13 aggregate amount paid by all partners under these guarantees shall  
14 not exceed the difference. Neither withdrawal by a partner nor the  
15 dissolution and winding up of the partnership shall affect the rights  
16 or obligations of a partner arising prior to withdrawal or dissolution  
17 and winding up, and the guarantee provided for in this  
18 subparagraph shall apply only to conduct that occurred prior to  
19 the withdrawal or dissolution and winding up. Nothing contained  
20 in this subparagraph shall affect or impair the rights or obligations  
21 of the partners among themselves, or the partnership, including,  
22 but not limited to, rights of contribution, subrogation, or  
23 indemnification.

24 (D) Confirming, pursuant to the procedure in subdivision (c),  
25 that, as of the most recently completed fiscal year of the  
26 partnership, it had a net worth equal to or exceeding ten million  
27 dollars (\$10,000,000).

28 (b) For purposes of satisfying the security requirements of this  
29 section, a registered limited liability partnership or foreign limited  
30 liability partnership may aggregate the security provided by it  
31 pursuant to subparagraphs (A), (B), (C), and (D) of paragraph (1)  
32 of subdivision (a), subparagraphs (A), (B), (C), and (D) of  
33 paragraph (2) of subdivision (a), subparagraphs (A), (B), (C), and  
34 (D) of paragraph (3) of subdivision (a), or subparagraphs (A), (B),  
35 (C), and (D) of paragraph (4) of subdivision (a), as the case may  
36 be. Any registered limited liability partnership or foreign limited  
37 liability partnership intending to comply with the alternative  
38 security provisions set forth in subparagraph (D) of paragraph (1)  
39 of subdivision (a), subparagraph (D) of paragraph (2) of subdivision  
40 (a), subparagraph (D) of paragraph (3) of subdivision (a), or

1 subparagraph (D) of paragraph (4) of subdivision (a), shall furnish  
2 the following information to the Secretary of State’s office, in the  
3 manner prescribed in, and accompanied by all information required  
4 by, the applicable section:

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TRANSMITTAL FORM FOR EVIDENCING COMPLIANCE  
WITH SECTION 16956(a)(1)(D), SECTION 16956(a)(2)(D),  
SECTION 16956(a)(3)(D), OR SECTION 16956(a)(4)(D) OF THE  
CALIFORNIA CORPORATIONS CODE

The undersigned hereby confirms the following:

1. \_\_\_\_\_  
Name of registered or foreign limited liability partnership
2. \_\_\_\_\_  
Jurisdiction where partnership is organized
3. \_\_\_\_\_  
Address of principal office
4. The registered or foreign limited liability partnership chooses to satisfy the requirements of Section 16956 by confirming, pursuant to Section 16956(a)(1)(D), 16956(a)(2)(D), 16956(a)(3)(D), or 16956(a)(4)(D) and pursuant to Section 16956(c), that, as of the most recently completed fiscal year, the partnership had a net worth equal to or exceeding ten million dollars (\$10,000,000), in the case of a partnership providing accountancy services, fifteen million dollars (\$15,000,000) in the case of a partnership providing legal services, or ten million dollars (\$10,000,000), in the case of a partnership providing architectural services, engineering services, or land surveying services.
5. \_\_\_\_\_  
Title of authorized person executing this form
6. \_\_\_\_\_  
Signature of authorized person executing this form

35 (c) Pursuant to subparagraph (D) of paragraph (1) of subdivision  
36 (a), subparagraph (D) of paragraph (2) of subdivision (a),  
37 subparagraph (D) of paragraph (3) of subdivision (a), or  
38 subparagraph (D) of paragraph (4) of subdivision (a), a registered  
39 limited liability partnership or foreign limited liability partnership  
40 may satisfy the requirements of this section by confirming that, as

1 of the last day of its most recently completed fiscal year, it had a  
2 net worth equal to or exceeding the amount required. In order to  
3 comply with this alternative method of meeting the requirements  
4 established in this section, a registered limited liability partnership  
5 or foreign limited liability partnership shall file an annual  
6 confirmation with the Secretary of State's office, signed by an  
7 authorized member of the registered limited liability partnership  
8 or foreign limited liability partnership, accompanied by a  
9 transmittal form as prescribed by subdivision (b). In order to be  
10 current in a given year, the partnership form for confirming  
11 compliance with the optional security requirement shall be on file  
12 within four months of the completion of the fiscal year and, upon  
13 being filed, shall constitute full compliance with the financial  
14 security requirements for purposes of this section as of the  
15 beginning of the fiscal year. A confirmation filed during any  
16 particular fiscal year shall continue to be effective for the first four  
17 months of the next succeeding fiscal year.

18 (d) Neither the existence of the requirements of subdivision (a)  
19 nor the extent of the registered limited liability partnership's or  
20 foreign limited liability partnership's compliance with the  
21 alternative requirements in this section shall be admissible in court  
22 or in any way be made known to a jury or other trier of fact in  
23 determining an issue of liability for, or to the extent of, the damages  
24 in question.

25 (e) Notwithstanding any other provision of this section, if a  
26 registered limited liability partnership or foreign limited liability  
27 partnership is otherwise in compliance with the terms of this section  
28 at the time that a bankruptcy or other insolvency proceeding is  
29 commenced with respect to the registered limited liability  
30 partnership or foreign limited liability partnership, it shall be  
31 deemed to be in compliance with this section during the pendency  
32 of the proceeding. A registered limited liability partnership that  
33 has been the subject of a proceeding and that conducts business  
34 after the proceeding ends shall thereafter comply with paragraph  
35 (1), (2), (3), or (4) of subdivision (a), in order to obtain the  
36 limitations on liability afforded by subdivision (c) of Section  
37 16306.

38 ~~(f) This section shall remain in effect only until January 1, 2026,~~  
39 ~~and as of that date is repealed.~~



1 SEC. 13. Section 16956 of the Corporations Code, as amended  
2 by Section 8 of Chapter 150 of the Statutes of 2018, is repealed.

3 ~~16956. (a) At the time of registration pursuant to Section  
4 16953, in the case of a registered limited liability partnership, and  
5 Section 16959, in the case of a foreign limited liability partnership,  
6 and at all times during which those partnerships shall transact  
7 intrastate business, every registered limited liability partnership  
8 and foreign limited liability partnership, as the case may be, shall  
9 be required to provide security for claims against it as follows:~~

10 ~~(1) For claims based upon acts, errors, or omissions arising out  
11 of the practice of public accountancy, a registered limited liability  
12 partnership or foreign limited liability partnership providing  
13 accountancy services shall comply with one, or pursuant to  
14 subdivision (b) some combination, of the following:~~

15 ~~(A) Maintaining a policy or policies of insurance against liability  
16 imposed on or against it by law for damages arising out of claims;  
17 however, the total aggregate limit of liability under the policy or  
18 policies of insurance for partnerships with five or fewer licensed  
19 persons shall not be less than one million dollars (\$1,000,000);  
20 and for partnerships with more than five licensees rendering  
21 professional services on behalf of the partnership, an additional  
22 one hundred thousand dollars (\$100,000) of insurance shall be  
23 obtained for each additional licensee; however, the maximum  
24 amount of insurance is not required to exceed five million dollars  
25 (\$5,000,000) in any one designated period, less amounts paid in  
26 defending, settling, or discharging claims as set forth in this  
27 subparagraph. The policy or policies may be issued on a  
28 claims-made or occurrence basis, and shall cover: (i) in the case  
29 of a claims-made policy, claims initially asserted in the designated  
30 period, and (ii) in the case of an occurrence policy, occurrences  
31 during the designated period. For purposes of this subparagraph,  
32 "designated period" means a policy year or any other period  
33 designated in the policy that is not greater than 12 months. The  
34 impairment or exhaustion of the aggregate limit of liability by  
35 amounts paid under the policy in connection with the settlement,  
36 discharge, or defense of claims applicable to a designated period  
37 shall not require the partnership to acquire additional insurance  
38 coverage for that designated period. The policy or policies of  
39 insurance may be in a form reasonably available in the commercial  
40 insurance market and may be subject to those terms, conditions,~~

1 exclusions, and endorsements that are typically contained in those  
2 policies. A policy or policies of insurance maintained pursuant to  
3 this subparagraph may be subject to a deductible or self-insured  
4 retention.

5 Upon the dissolution and winding up of the partnership, the  
6 partnership shall, with respect to any insurance policy or policies  
7 then maintained pursuant to this subparagraph, maintain or obtain  
8 an extended reporting period endorsement or equivalent provision  
9 in the maximum total aggregate limit of liability required to comply  
10 with this subparagraph for a minimum of three years if reasonably  
11 available from the insurer.

12 ~~(B) Maintaining in trust or bank escrow, cash, bank certificates~~  
13 ~~of deposit, United States Treasury obligations, bank letters of~~  
14 ~~credit, or bonds of insurance or surety companies as security for~~  
15 ~~payment of liabilities imposed by law for damages arising out of~~  
16 ~~all claims; however, the maximum amount of security for~~  
17 ~~partnerships with five or fewer licensed persons shall not be less~~  
18 ~~than one million dollars (\$1,000,000), and for partnerships with~~  
19 ~~more than five licensees rendering professional services on behalf~~  
20 ~~of the partnership, an additional one hundred thousand dollars~~  
21 ~~(\$100,000) of security shall be obtained for each additional~~  
22 ~~licensee; however, the maximum amount of security is not required~~  
23 ~~to exceed five million dollars (\$5,000,000). The partnership~~  
24 ~~remains in compliance with this section during a calendar year~~  
25 ~~notwithstanding amounts paid during that calendar year from the~~  
26 ~~accounts, funds, Treasury obligations, letters of credit, or bonds~~  
27 ~~in defending, settling, or discharging claims of the type described~~  
28 ~~in this paragraph, provided that the amount of those accounts,~~  
29 ~~funds, Treasury obligations, letters of credit, or bonds was at least~~  
30 ~~the amount specified in the preceding sentence as of the first~~  
31 ~~business day of that calendar year. Notwithstanding the pendency~~  
32 ~~of other claims against the partnership, a registered limited liability~~  
33 ~~partnership or foreign limited liability partnership shall be deemed~~  
34 ~~to be in compliance with this subparagraph as to a claim if within~~  
35 ~~30 days after the time that a claim is initially asserted through~~  
36 ~~service of a summons, complaint, or comparable pleading in a~~  
37 ~~judicial or administrative proceeding, the partnership has provided~~  
38 ~~the required amount of security by designating and segregating~~  
39 ~~funds in compliance with the requirements of this subparagraph.~~

1 ~~(C) Unless the partnership has satisfied subparagraph (D), each~~  
2 ~~partner of a registered limited liability partnership or foreign~~  
3 ~~limited liability partnership providing accountancy services, by~~  
4 ~~virtue of that person's status as a partner, thereby automatically~~  
5 ~~guarantees payment of the difference between the maximum~~  
6 ~~amount of security required for the partnership by this paragraph~~  
7 ~~and the security otherwise provided in accordance with~~  
8 ~~subparagraphs (A) and (B), provided that the aggregate amount~~  
9 ~~paid by all partners under these guarantees shall not exceed the~~  
10 ~~difference. Neither withdrawal by a partner nor the dissolution and~~  
11 ~~winding up of the partnership shall affect the rights or obligations~~  
12 ~~of a partner arising prior to withdrawal or dissolution and winding~~  
13 ~~up, and the guarantee provided for in this subparagraph shall apply~~  
14 ~~only to conduct that occurred prior to the withdrawal or dissolution~~  
15 ~~and winding up. Nothing contained in this subparagraph shall~~  
16 ~~affect or impair the rights or obligations of the partners among~~  
17 ~~themselves, or the partnership, including, but not limited to, rights~~  
18 ~~of contribution, subrogation, or indemnification.~~

19 ~~(D) Confirming, pursuant to the procedure in subdivision (c);~~  
20 ~~that, as of the most recently completed fiscal year of the~~  
21 ~~partnership, it had a net worth equal to or exceeding ten million~~  
22 ~~dollars (\$10,000,000):~~

23 ~~(2) For claims based upon acts, errors, or omissions arising out~~  
24 ~~of the practice of law, a registered limited liability partnership or~~  
25 ~~foreign limited liability partnership providing legal services shall~~  
26 ~~comply with one, or pursuant to subdivision (b) some combination,~~  
27 ~~of the following:~~

28 ~~(A) Each registered limited liability partnership or foreign~~  
29 ~~limited liability partnership providing legal services shall maintain~~  
30 ~~a policy or policies of insurance against liability imposed on or~~  
31 ~~against it by law for damages arising out of claims; however, the~~  
32 ~~total aggregate limit of liability under the policy or policies of~~  
33 ~~insurance for partnerships with five or fewer licensed persons shall~~  
34 ~~not be less than one million dollars (\$1,000,000), and for~~  
35 ~~partnerships with more than five licensees rendering professional~~  
36 ~~services on behalf of the partnership, an additional one hundred~~  
37 ~~thousand dollars (\$100,000) of insurance shall be obtained for~~  
38 ~~each additional licensee; however, the maximum amount of~~  
39 ~~insurance is not required to exceed seven million five hundred~~  
40 ~~thousand dollars (\$7,500,000) in any one designated period, less~~

1 amounts paid in defending, settling, or discharging claims as set  
2 forth in this subparagraph. The policy or policies may be issued  
3 on a claims-made or occurrence basis, and shall cover (i) in the  
4 case of a claims-made policy, claims initially asserted in the  
5 designated period, and (ii) in the case of an occurrence policy,  
6 occurrences during the designated period. For purposes of this  
7 subparagraph, "designated period" means a policy year or any  
8 other period designated in the policy that is not greater than 12  
9 months. The impairment or exhaustion of the aggregate limit of  
10 liability by amounts paid under the policy in connection with the  
11 settlement, discharge, or defense of claims applicable to a  
12 designated period shall not require the partnership to acquire  
13 additional insurance coverage for that designated period. The policy  
14 or policies of insurance may be in a form reasonably available in  
15 the commercial insurance market and may be subject to those  
16 terms, conditions, exclusions, and endorsements that are typically  
17 contained in those policies. A policy or policies of insurance  
18 maintained pursuant to this subparagraph may be subject to a  
19 deductible or self-insured retention.

20 Upon the dissolution and winding up of the partnership, the  
21 partnership shall, with respect to any insurance policy or policies  
22 then maintained pursuant to this subparagraph, maintain or obtain  
23 an extended reporting period endorsement or equivalent provision  
24 in the maximum total aggregate limit of liability required to comply  
25 with this subparagraph for a minimum of three years if reasonably  
26 available from the insurer.

27 (B) Each registered limited liability partnership or foreign  
28 limited liability partnership providing legal services shall maintain  
29 in trust or bank escrow, cash, bank certificates of deposit, United  
30 States Treasury obligations, bank letters of credit, or bonds of  
31 insurance or surety companies as security for payment of liabilities  
32 imposed by law for damages arising out of all claims; however,  
33 the maximum amount of security for partnerships with five or  
34 fewer licensed persons shall not be less than one million dollars  
35 (\$1,000,000), and for partnerships with more than five licensees  
36 rendering professional services on behalf of the partnership, an  
37 additional one hundred thousand dollars (\$100,000) of security  
38 shall be obtained for each additional licensee; however, the  
39 maximum amount of security is not required to exceed seven  
40 million five hundred thousand dollars (\$7,500,000). The partnership

1 remains in compliance with this section during a calendar year  
2 notwithstanding amounts paid during that calendar year from the  
3 accounts, funds, Treasury obligations, letters of credit, or bonds  
4 in defending, settling, or discharging claims of the type described  
5 in this paragraph, provided that the amount of those accounts,  
6 funds, Treasury obligations, letters of credit, or bonds was at least  
7 the amount specified in the preceding sentence as of the first  
8 business day of that calendar year. Notwithstanding the pendency  
9 of other claims against the partnership, a registered limited liability  
10 partnership or foreign limited liability partnership shall be deemed  
11 to be in compliance with this subparagraph as to a claim if within  
12 30 days after the time that a claim is initially asserted through  
13 service of a summons, complaint, or comparable pleading in a  
14 judicial or administrative proceeding, the partnership has provided  
15 the required amount of security by designating and segregating  
16 funds in compliance with the requirement of this subparagraph.

17 (C) Unless the partnership has satisfied the requirements of  
18 subparagraph (D), each partner of a registered limited liability  
19 partnership or foreign limited liability partnership providing legal  
20 services, by virtue of that person's status as a partner, thereby  
21 automatically guarantees payment of the difference between the  
22 maximum amount of security required for the partnership by this  
23 paragraph and the security otherwise provided in accordance with  
24 the provisions of subparagraphs (A) and (B), provided that the  
25 aggregate amount paid by all partners under these guarantees shall  
26 not exceed the difference. Neither withdrawal by a partner nor the  
27 dissolution and winding up of the partnership shall affect the rights  
28 or obligations of a partner arising prior to withdrawal or dissolution  
29 and winding up, and the guarantee provided for in this  
30 subparagraph shall apply only to conduct that occurred prior to  
31 the withdrawal or dissolution and winding up. Nothing contained  
32 in this subparagraph shall affect or impair the rights or obligations  
33 of the partners among themselves, or the partnership, including,  
34 but not limited to, rights of contribution, subrogation, or  
35 indemnification.

36 (D) Confirming, pursuant to the procedure in subdivision (e),  
37 that, as of the most recently completed fiscal year of the  
38 partnership, it had a net worth equal to or exceeding fifteen million  
39 dollars (\$15,000,000):

1 (b) For purposes of satisfying the security requirements of this  
2 section, a registered limited liability partnership or foreign limited  
3 liability partnership may aggregate the security provided by it  
4 pursuant to subparagraphs (A), (B), (C), and (D) of paragraph (1)  
5 of subdivision (a) or subparagraphs (A), (B), (C), and (D) of  
6 paragraph (2) of subdivision (a) as the case may be. Any registered  
7 limited liability partnership or foreign limited liability partnership  
8 intending to comply with the alternative security provisions set  
9 forth in subparagraph (D) of paragraph (1) of subdivision (a) or  
10 subparagraph (D) of paragraph (2) of subdivision (a) shall furnish  
11 the following information to the Secretary of State's office, in the  
12 manner prescribed in, and accompanied by all information required  
13 by, the applicable section:

14  
15 TRANSMITTAL FORM FOR EVIDENCING COMPLIANCE  
16 WITH SECTION 16956(a)(1)(D) or SECTION 16956(a)(2)(D) OF THE  
17 CALIFORNIA  
18 CORPORATIONS CODE  
19

20 The undersigned hereby confirms the following:

- 21 1. \_\_\_\_\_ -  
22 Name of registered or foreign limited liability partnership
- 23 2. \_\_\_\_\_ -  
24 Jurisdiction where partnership is organized
- 25 3. \_\_\_\_\_ -  
26 Address of principal office
- 27 4. The registered or foreign limited liability partnership chooses  
28 to satisfy the requirements of Section 16956 by confirming,  
29 pursuant to Section 16956(a)(1)(D) or 16956(a)(2)(D) and pursuant to  
30 Section 16956(e), that, as of  
31 the most recently completed fiscal year, the partnership had  
32 a net worth equal to or exceeding ten million dollars  
33 (\$10,000,000), in the case of a partnership providing  
34 accountancy services or fifteen million dollars (\$15,000,000)  
35 in the case of a partnership providing legal services.
- 36 5. \_\_\_\_\_ -  
37 Title of authorized person executing this form
- 38 6. \_\_\_\_\_ -  
39 Signature of authorized person executing this form

40

1 ~~(e) Pursuant to subparagraph (D) of paragraph (1) of subdivision~~  
2 ~~(a) or subparagraph (D) of paragraph (2) of subdivision (a), a~~  
3 ~~registered limited liability partnership or foreign limited liability~~  
4 ~~partnership may satisfy the requirements of this section by~~  
5 ~~confirming that, as of the last day of its most recently completed~~  
6 ~~fiscal year, it had a net worth equal to or exceeding the amount~~  
7 ~~required. In order to comply with this alternative method of~~  
8 ~~meeting the requirements established in this section, a registered~~  
9 ~~limited liability partnership or foreign limited liability partnership~~  
10 ~~shall file an annual confirmation with the Secretary of State's~~  
11 ~~office, signed by an authorized member of the registered limited~~  
12 ~~liability partnership or foreign limited liability partnership,~~  
13 ~~accompanied by a transmittal form as prescribed by subdivision~~  
14 ~~(b). In order to be current in a given year, the partnership form for~~  
15 ~~confirming compliance with the optional security requirement~~  
16 ~~shall be on file within four months of the completion of the fiscal~~  
17 ~~year and, upon being filed, shall constitute full compliance with~~  
18 ~~the financial security requirements for purposes of this section as~~  
19 ~~of the beginning of the fiscal year. A confirmation filed during~~  
20 ~~any particular fiscal year shall continue to be effective for the first~~  
21 ~~four months of the next succeeding fiscal year.~~

22 ~~(d) Neither the existence of the requirements of subdivision (a)~~  
23 ~~nor the extent of the registered limited liability partnership's or~~  
24 ~~foreign limited liability partnership's compliance with the~~  
25 ~~alternative requirements in this section shall be admissible in court~~  
26 ~~or in any way be made known to a jury or other trier of fact in~~  
27 ~~determining an issue of liability for, or to the extent of, the damages~~  
28 ~~in question.~~

29 ~~(e) Notwithstanding any other provision of this section, if a~~  
30 ~~registered limited liability partnership or foreign limited liability~~  
31 ~~partnership is otherwise in compliance with the terms of this section~~  
32 ~~at the time that a bankruptcy or other insolvency proceeding is~~  
33 ~~commenced with respect to the registered limited liability~~  
34 ~~partnership or foreign limited liability partnership, it shall be~~  
35 ~~deemed to be in compliance with this section during the pendency~~  
36 ~~of the proceeding. A registered limited liability partnership that~~  
37 ~~has been the subject of a proceeding and that conducts business~~  
38 ~~after the proceeding ends shall thereafter comply with paragraph~~  
39 ~~(1) or (2) of subdivision (a), in order to obtain the limitations on~~  
40 ~~liability afforded by subdivision (e) of Section 16306.~~

1 ~~(f) This section shall become operative on January 1, 2026.~~

2 SEC. 14. Section 16959 of the Corporations Code, as amended  
3 by Section 113 of Chapter 617 of the Statutes of 2022, is amended  
4 to read:

5 16959. (a) (1) Before transacting intrastate business in this  
6 state, a foreign limited liability partnership shall comply with all  
7 statutory and administrative registration or filing requirements of  
8 the state board, commission, or agency that prescribes the rules  
9 and regulations governing a particular profession in which the  
10 partnership proposes to be engaged, pursuant to the applicable  
11 provisions of the Business and Professions Code relating to the  
12 profession or applicable rules adopted by the governing board. A  
13 foreign limited liability partnership that transacts intrastate business  
14 in this state shall within 30 days after the effective date of the act  
15 enacting this section or the date on which the foreign limited  
16 liability partnership first transacts intrastate business in this state,  
17 whichever is later, register with the Secretary of State by submitting  
18 to the Secretary of State an application for registration as a foreign  
19 limited liability partnership, signed by a person with authority to  
20 do so under the laws of the jurisdiction of formation of the foreign  
21 limited liability partnership, stating the name of the partnership,  
22 the street address of its principal office, the mailing address of the  
23 principal office if different from the street address, the name and  
24 street address of its agent for service of process in this state in  
25 accordance with subdivision (a) of Section 16309, a brief statement  
26 of the business in which the partnership engages, and any other  
27 matters that the partnership determines to include.

28 (2) Annexed to the application for registration shall be a  
29 certificate from an authorized public official of the foreign limited  
30 liability partnership's jurisdiction of organization to the effect that  
31 the foreign limited liability partnership is in good standing in that  
32 jurisdiction, if the laws of that jurisdiction permit the issuance of  
33 those certificates, or, in the alternative, a statement by the foreign  
34 limited liability partnership that the laws of its jurisdiction of  
35 organization do not permit the issuance of those certificates.

36 (b) The registration shall be accompanied by a fee as set forth  
37 in subdivision (b) of Section 12189 of the Government Code.

38 (c) If the Secretary of State finds that an application for  
39 registration conforms to law and all requisite fees have been paid,



1 the Secretary of State shall issue a certificate of registration to  
2 transact intrastate business in this state.

3 (d) The Secretary of State may cancel the filing of the  
4 registration if a check or other remittance accepted in payment of  
5 the filing fee is not paid upon presentation. Within 90 days of  
6 receiving written notification that the item presented for payment  
7 has not been honored for payment, the Secretary of State shall give  
8 a first written notice of the applicability of this section to the agent  
9 for service of process or to the person submitting the instrument.  
10 Thereafter, if the amount has not been paid by cashier's check or  
11 equivalent, the Secretary of State shall give a second written notice  
12 of cancellation and the cancellation shall thereupon be effective.  
13 The second notice shall be given 20 days or more after the first  
14 notice.

15 (e) A partnership becomes registered as a foreign limited liability  
16 partnership at the time of the filing of the initial registration with  
17 the Secretary of State or at any later date or time specified in the  
18 registration and the payment of the fee required by subdivision  
19 (b). A partnership continues to be registered as a foreign limited  
20 liability partnership until a notice that it is no longer so registered  
21 as a foreign limited liability partnership has been filed pursuant to  
22 Section 16960 or, if applicable, once it has been dissolved and  
23 finally wound up. The status of a partnership registered as a foreign  
24 limited liability partnership and the liability of a partner of that  
25 foreign limited liability partnership shall not be adversely affected  
26 by errors or subsequent changes in the information stated in an  
27 application for registration under subdivision (a) or an amended  
28 registration or notice under Section 16960.

29 (f) The fact that a registration or amended registration pursuant  
30 to Section 16960 is on file with the Secretary of State is notice that  
31 the partnership is a foreign limited liability partnership and of those  
32 other facts contained therein that are required to be set forth in the  
33 registration or amended registration.

34 (g) The Secretary of State shall provide a form for a registration  
35 under subdivision (a), which shall include the form for confirming  
36 compliance with the optional security requirement pursuant to  
37 subdivision (c) of Section 16956. The Secretary of State shall  
38 include with instructional materials, provided in conjunction with  
39 the form for registration under subdivision (a), a notice that filing  
40 the registration will obligate the limited liability partnership to pay

1 an annual tax for that taxable year to the Franchise Tax Board  
2 pursuant to Section 17948 of the Revenue and Taxation Code.  
3 That notice shall be updated annually to specify the dollar amount  
4 of this tax.

5 (h) A foreign limited liability partnership transacting intrastate  
6 business in this state shall not maintain any action, suit, or  
7 proceeding in any court of this state until it has registered in this  
8 state pursuant to this section.

9 (i) Any foreign limited liability partnership that transacts  
10 intrastate business in this state without registration is subject to a  
11 penalty of twenty dollars (\$20) for each day that unauthorized  
12 intrastate business is transacted, up to a maximum of ten thousand  
13 dollars (\$10,000).

14 (j) A partner of a foreign limited liability partnership is not liable  
15 for the debts or obligations of the foreign limited liability  
16 partnership solely by reason of its having transacted business in  
17 this state without registration.

18 (k) A foreign limited liability partnership, transacting business  
19 in this state without registration, appoints the Secretary of State  
20 as its agent for service of process with respect to causes of action  
21 arising out of the transaction of business in this state.

22 (l) "Transact intrastate business" as used in this section means  
23 to repeatedly and successively provide professional limited liability  
24 partnership services in this state, other than in interstate or foreign  
25 commerce.

26 (m) Without excluding other activities that may not be  
27 considered to be transacting intrastate business, a foreign limited  
28 liability partnership shall not be considered to be transacting  
29 intrastate business merely because its subsidiary or affiliate  
30 transacts intrastate business, or merely because of its status as any  
31 one or more of the following:

32 (1) A shareholder of a domestic corporation.

33 (2) A shareholder of a foreign corporation transacting intrastate  
34 business.

35 (3) A limited partner of a foreign limited partnership transacting  
36 intrastate business.

37 (4) A limited partner of a domestic limited partnership.

38 (5) A member or manager of a foreign limited liability company  
39 transacting intrastate business.

1 (6) A member or manager of a domestic limited liability  
2 company.

3 (n) Without excluding other activities that may not be considered  
4 to be transacting intrastate business, a foreign limited liability  
5 partnership shall not be considered to be transacting intrastate  
6 business within the meaning of this subdivision solely by reason  
7 of carrying on in this state any one or more of the following  
8 activities:

9 (1) Maintaining or defending any action or suit or any  
10 administrative or arbitration proceeding, or effecting the settlement  
11 thereof or the settlement of claims or disputes.

12 (2) Holding meetings of its partners or carrying on any other  
13 activities concerning its internal affairs.

14 (3) Maintaining bank accounts.

15 (4) Maintaining offices or agencies for the transfer, exchange,  
16 and registration of the foreign limited liability partnership's  
17 securities or maintaining trustees or depositories with respect to  
18 those securities.

19 (5) Effecting sales through independent contractors.

20 (6) Soliciting or procuring orders, whether by mail or through  
21 employees or agents or otherwise, where those orders require  
22 acceptance without this state before becoming binding contracts.

23 (7) Creating or acquiring evidences of debt or mortgages, liens,  
24 or security interest in real or personal property.

25 (8) Securing or collecting debts or enforcing mortgages and  
26 security interests in property securing the debts.

27 (9) Conducting an isolated transaction that is completed within  
28 180 days and not in the course of a number of repeated transactions  
29 of a like nature.

30 (o) A person shall not be deemed to be transacting intrastate  
31 business in this state merely because of its status as a partner of a  
32 registered limited liability partnership or a foreign limited liability  
33 company whether or not registered to transact intrastate business  
34 in this state.

35 (p) The Attorney General may bring an action to restrain a  
36 foreign limited liability partnership from transacting intrastate  
37 business in this state in violation of this chapter.

38 (q) Nothing in this section is intended to, or shall, augment,  
39 diminish, or otherwise alter existing provisions of law, statutes,  
40 or court rules relating to services by a California architect,

1 California public accountant, California engineer, California land  
2 surveyor, or California attorney in another jurisdiction, or services  
3 by an out-of-state architect, out-of-state public accountant,  
4 out-of-state engineer, out-of-state land surveyor, or out-of-state  
5 attorney in California.

6 (r) An agent designated for service of process may deliver to  
7 the Secretary of State, on a form prescribed by the Secretary of  
8 State for filing, a signed and acknowledged written statement of  
9 resignation as an agent for service of process containing the name  
10 of the foreign limited liability partnership and Secretary of State's  
11 file number of the foreign limited liability partnership, the name  
12 of the resigning agent for service of process, and a statement that  
13 the agent is resigning. On filing of the statement of resignation,  
14 the authority of the agent to act in that capacity shall cease and the  
15 Secretary of State shall mail or otherwise provide written notice  
16 of the filing of the statement of resignation to the foreign limited  
17 liability partnership at its principal office.

18 (s) The resignation of an agent may be effective if, on a form  
19 prescribed by the Secretary of State containing the name of the  
20 foreign limited liability partnership and Secretary of State's file  
21 number for the foreign limited liability partnership and the name  
22 of the agent for service of process, the agent disclaims having been  
23 properly appointed as the agent.

24 (t) If an individual who has been designated agent for service  
25 of process dies or resigns or no longer resides in the state, or if the  
26 corporate agent for that purpose resigns, dissolves, withdraws from  
27 the state, forfeits its right to transact intrastate business, has its  
28 corporate rights, powers, and privileges suspended, or ceases to  
29 exist, the foreign limited liability partnership shall promptly file  
30 an amended application for registration as a foreign limited liability  
31 partnership designating a new agent.

32 (u) The Secretary of State may destroy or otherwise dispose of  
33 any resignation filed pursuant to this section after a new application  
34 for registration as a foreign limited liability partnership is filed  
35 pursuant to this section replacing the agent for service of process  
36 that has resigned.

37 ~~(v) This section shall remain in effect only until January 1, 2026,~~  
38 ~~and as of that date is repealed.~~

39 SEC. 15. Section 16959 of the Corporations Code, as amended  
40 by Section 114 of Chapter 617 of the Statutes of 2022, is repealed.

1     ~~16959. (a) (1) Before transacting intrastate business in this~~  
2 ~~state, a foreign limited liability partnership shall comply with all~~  
3 ~~statutory and administrative registration or filing requirements of~~  
4 ~~the state board, commission, or agency that prescribes the rules~~  
5 ~~and regulations governing a particular profession in which the~~  
6 ~~partnership proposes to be engaged, pursuant to the applicable~~  
7 ~~provisions of the Business and Professions Code relating to the~~  
8 ~~profession or applicable rules adopted by the governing board. A~~  
9 ~~foreign limited liability partnership that transacts intrastate business~~  
10 ~~in this state shall within 30 days after the effective date of the act~~  
11 ~~enacting this section or the date on which the foreign limited~~  
12 ~~liability partnership first transacts intrastate business in this state,~~  
13 ~~whichever is later, register with the Secretary of State by submitting~~  
14 ~~to the Secretary of State an application for registration as a foreign~~  
15 ~~limited liability partnership, signed by a person with authority to~~  
16 ~~do so under the laws of the jurisdiction of formation of the foreign~~  
17 ~~limited liability partnership, stating the name of the partnership,~~  
18 ~~the street address of its principal office, the mailing address of the~~  
19 ~~principal office if different from the street address, the name and~~  
20 ~~street address of its agent for service of process in this state in~~  
21 ~~accordance with subdivision (a) of Section 16309, a brief statement~~  
22 ~~of the business in which the partnership engages, and any other~~  
23 ~~matters that the partnership determines to include.~~

24     ~~(2) Annexed to the application for registration shall be a~~  
25 ~~certificate from an authorized public official of the foreign limited~~  
26 ~~liability partnership's jurisdiction of organization to the effect that~~  
27 ~~the foreign limited liability partnership is in good standing in that~~  
28 ~~jurisdiction, if the laws of that jurisdiction permit the issuance of~~  
29 ~~those certificates, or, in the alternative, a statement by the foreign~~  
30 ~~limited liability partnership that the laws of its jurisdiction of~~  
31 ~~organization do not permit the issuance of those certificates.~~

32     ~~(b) The registration shall be accompanied by a fee as set forth~~  
33 ~~in subdivision (b) of Section 12189 of the Government Code.~~

34     ~~(c) If the Secretary of State finds that an application for~~  
35 ~~registration conforms to law and all requisite fees have been paid,~~  
36 ~~the Secretary of State shall issue a certificate of registration to~~  
37 ~~transact intrastate business in this state.~~

38     ~~(d) The Secretary of State may cancel the filing of the~~  
39 ~~registration if a check or other remittance accepted in payment of~~  
40 ~~the filing fee is not paid upon presentation. Within 90 days of~~

1 receiving written notification that the item presented for payment  
2 has not been honored for payment, the Secretary of State shall give  
3 a first written notice of the applicability of this section to the agent  
4 for service of process or to the person submitting the instrument.  
5 Thereafter, if the amount has not been paid by cashier's check or  
6 equivalent, the Secretary of State shall give a second written notice  
7 of cancellation and the cancellation shall thereupon be effective.  
8 The second notice shall be given 20 days or more after the first  
9 notice.

10 (e) A partnership becomes registered as a foreign limited liability  
11 partnership at the time of the filing of the initial registration with  
12 the Secretary of State or at any later date or time specified in the  
13 registration and the payment of the fee required by subdivision  
14 (b). A partnership continues to be registered as a foreign limited  
15 liability partnership until a notice that it is no longer so registered  
16 as a foreign limited liability partnership has been filed pursuant to  
17 Section 16960 or, if applicable, once it has been dissolved and  
18 finally wound up. The status of a partnership registered as a foreign  
19 limited liability partnership and the liability of a partner of that  
20 foreign limited liability partnership shall not be adversely affected  
21 by errors or subsequent changes in the information stated in an  
22 application for registration under subdivision (a) or an amended  
23 registration or notice under Section 16960.

24 (f) The fact that a registration or amended registration pursuant  
25 to Section 16960 is on file with the Secretary of State is notice that  
26 the partnership is a foreign limited liability partnership and of those  
27 other facts contained therein that are required to be set forth in the  
28 registration or amended registration.

29 (g) The Secretary of State shall provide a form for a registration  
30 under subdivision (a), which shall include the form for confirming  
31 compliance with the optional security requirement pursuant to  
32 subdivision (c) of Section 16956. The Secretary of State shall  
33 include with instructional materials, provided in conjunction with  
34 the form for registration under subdivision (a), a notice that filing  
35 the registration will obligate the limited liability partnership to pay  
36 an annual tax for that taxable year to the Franchise Tax Board  
37 pursuant to Section 17948 of the Revenue and Taxation Code.  
38 That notice shall be updated annually to specify the dollar amount  
39 of this tax.

1 ~~(h) A foreign limited liability partnership transacting intrastate~~  
2 ~~business in this state shall not maintain any action, suit, or~~  
3 ~~proceeding in any court of this state until it has registered in this~~  
4 ~~state pursuant to this section.~~

5 ~~(i) Any foreign limited liability partnership that transacts~~  
6 ~~intrastate business in this state without registration is subject to a~~  
7 ~~penalty of twenty dollars (\$20) for each day that unauthorized~~  
8 ~~intrastate business is transacted, up to a maximum of ten thousand~~  
9 ~~dollars (\$10,000).~~

10 ~~(j) A partner of a foreign limited liability partnership is not liable~~  
11 ~~for the debts or obligations of the foreign limited liability~~  
12 ~~partnership solely by reason of its having transacted business in~~  
13 ~~this state without registration.~~

14 ~~(k) A foreign limited liability partnership, transacting business~~  
15 ~~in this state without registration, appoints the Secretary of State~~  
16 ~~as its agent for service of process with respect to causes of action~~  
17 ~~arising out of the transaction of business in this state.~~

18 ~~(l) "Transact intrastate business" as used in this section means~~  
19 ~~to repeatedly and successively provide professional limited liability~~  
20 ~~partnership services in this state, other than in interstate or foreign~~  
21 ~~commerce.~~

22 ~~(m) Without excluding other activities that may not be~~  
23 ~~considered to be transacting intrastate business, a foreign limited~~  
24 ~~liability partnership shall not be considered to be transacting~~  
25 ~~intrastate business merely because its subsidiary or affiliate~~  
26 ~~transacts intrastate business, or merely because of its status as any~~  
27 ~~one or more of the following:~~

28 ~~(1) A shareholder of a domestic corporation.~~

29 ~~(2) A shareholder of a foreign corporation transacting intrastate~~  
30 ~~business.~~

31 ~~(3) A limited partner of a foreign limited partnership transacting~~  
32 ~~intrastate business.~~

33 ~~(4) A limited partner of a domestic limited partnership.~~

34 ~~(5) A member or manager of a foreign limited liability company~~  
35 ~~transacting intrastate business.~~

36 ~~(6) A member or manager of a domestic limited liability~~  
37 ~~company.~~

38 ~~(n) Without excluding other activities that may not be considered~~  
39 ~~to be transacting intrastate business, a foreign limited liability~~  
40 ~~partnership shall not be considered to be transacting intrastate~~

1 business within the meaning of this subdivision solely by reason  
2 of carrying on in this state any one or more of the following  
3 activities:

4 (1) Maintaining or defending any action or suit or any  
5 administrative or arbitration proceeding, or effecting the settlement  
6 thereof or the settlement of claims or disputes.

7 (2) Holding meetings of its partners or carrying on any other  
8 activities concerning its internal affairs.

9 (3) Maintaining bank accounts.

10 (4) Maintaining offices or agencies for the transfer, exchange,  
11 and registration of the foreign limited liability partnership's  
12 securities or maintaining trustees or depositories with respect to  
13 those securities.

14 (5) Effecting sales through independent contractors.

15 (6) Soliciting or procuring orders, whether by mail or through  
16 employees or agents or otherwise, where those orders require  
17 acceptance without this state before becoming binding contracts.

18 (7) Creating or acquiring evidences of debt or mortgages, liens,  
19 or security interest in real or personal property.

20 (8) Securing or collecting debts or enforcing mortgages and  
21 security interests in property securing the debts.

22 (9) Conducting an isolated transaction that is completed within  
23 180 days and not in the course of a number of repeated transactions  
24 of a like nature.

25 (o) A person shall not be deemed to be transacting intrastate  
26 business in this state merely because of its status as a partner of a  
27 registered limited liability partnership or a foreign limited liability  
28 company whether or not registered to transact intrastate business  
29 in this state.

30 (p) The Attorney General may bring an action to restrain a  
31 foreign limited liability partnership from transacting intrastate  
32 business in this state in violation of this chapter.

33 (q) Nothing in this section is intended to, or shall, augment,  
34 diminish, or otherwise alter existing provisions of law, statutes,  
35 or court rules relating to services by a California public accountant  
36 or California attorney in another jurisdiction, or services by an  
37 out-of-state public accountant or out-of-state attorney in California.

38 (r) An agent designated for service of process may deliver to  
39 the Secretary of State, on a form prescribed by the Secretary of  
40 State for filing, a signed and acknowledged written statement of



1 resignation as an agent for service of process containing the name  
2 of the foreign limited liability partnership and Secretary of State's  
3 file number of the foreign limited liability partnership, the name  
4 of the resigning agent for service of process, and a statement that  
5 the agent is resigning. On filing of the statement of resignation,  
6 the authority of the agent to act in that capacity shall cease and the  
7 Secretary of State shall mail or otherwise provide written notice  
8 of the filing of the statement of resignation to the foreign limited  
9 liability partnership at its principal office.

10 (s) ~~The resignation of an agent may be effective if, on a form~~  
11 ~~prescribed by the Secretary of State containing the name and~~  
12 ~~Secretary of State's file number for the foreign limited liability~~  
13 ~~partnership and the name of the agent for service of process, the~~  
14 ~~agent disclaims having been properly appointed as the agent.~~

15 (t) ~~If an individual who has been designated agent for service~~  
16 ~~of process dies or resigns or no longer resides in the state, or if the~~  
17 ~~corporate agent for that purpose resigns, dissolves, withdraws from~~  
18 ~~the state, forfeits its right to transact intrastate business, has its~~  
19 ~~corporate rights, powers, and privileges suspended, or ceases to~~  
20 ~~exist, the foreign limited liability partnership shall promptly file~~  
21 ~~an amended application for registration as a foreign limited liability~~  
22 ~~partnership designating a new agent.~~

23 (u) ~~The Secretary of State may destroy or otherwise dispose of~~  
24 ~~any resignation filed pursuant to this section after a new application~~  
25 ~~for registration as a foreign limited liability partnership is filed~~  
26 ~~pursuant to this section replacing the agent for service of process~~  
27 ~~that has resigned.~~

28 (v) ~~This section shall become operative on January 1, 2026.~~

O

**AB 2862 (Gipson, D-Los Angeles County)**  
**Department of Consumer Affairs: African American applicants.**

**Status/History:** 2/16/2024 – From printer. May be heard in committee March 17.

**Location:** 4/23/2024 – Assembly; Com. On JUD; Do pass and refer to Com. On APPR

**Introduced:** 2/15/2024

**Amended:** 4/17/2024

**Board Position:** Pending

**Board Staff Analysis:** 4/29/2024

**Bill Summary:** This bill would amend the Business and Professions Code by adding a section to the general Business and Professions Code to require a board to prioritize African American applicants seeking licenses, especially applicants who are descended from a person enslaved in the United States and establishes a sunset date of January 1, 2029 unless reenacted.

**Affected Laws:** An act to add a new section to the Business and Professions Code, relating to applicants for a license. Language was revised on April 17, 2024 to instead add the proposed language as a new section 115.7.

**Staff Comment:** According to the author’s office, this bill seeks to establish expedited review of applications submitted by individuals who identify as African American who are descended from a person enslaved in the United States, in similar fashion as those statutes which were previously enacted to assist members of the military or spouses of members of the military.

The Author states:

“AB 2862 would provide an imperative initiative of the prioritization of African Americans when seeking occupational licenses, especially those who are descendants of slaves. There has been historical long-standing deficiencies and internal barriers to African Americans seeking professional work, and by prioritizing their applications, we are bridging the gap of professional inequities of under representation and under compensation.”

**ARGUMENTS IN OPPOSITION UNLESS AMENDED:** The Respiratory Care Board (RCB) of California opposes this bill unless amended. RCB identifies “two areas of concern.” First, RCB points to the significant time and expense that will be required to identify applicants as African American, and especially to determine if they are descended from a person enslaved in the United States. Second, RCB points out that the time needed to identify a person as a descendant of enslaved persons will slow down the application processing, “which appears to conflict with the bill’s intent.” Therefore, RCB asks for an amendment that would “allow for self-identification of African American ethnicity by the applicant, as well as the inclusion of a provision that requires the applicant to provide evidence that he or she is the descendant of a person enslaved in the United States.”

Board staff generally agrees with the stated concerns for RCB’s position and believes that our Board already attempts to expedite *all* applications since the Board’s current license processes does not discriminate in any way as there is no identification of ethnicity on the Board’s

applications. Additionally, it is important to note that unlike applicants for some other licensing boards/bureaus under DCA, applicants for engineering, land surveying, and geology licenses are required to demonstrate a history of qualifying work experience and those applicants are not just entering the workforce.

Staff has stated an “unknown fiscal impact” position to DCA Budgets and Legislative Units since we do not know what the Board would be required to do to comply with this section and do not know how many applicants, if any, would be affected by this section.

**Staff Recommendation:** Staff recommends the Board take a position of “Watch” on AB 2862, as introduced February 16, 2024.

AMENDED IN ASSEMBLY APRIL 17, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2862**

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**Introduced by Assembly Member Gipson**  
*(Coauthors: Assembly Members Juan Carrillo and Lowenthal)*

February 15, 2024

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An act to add ~~Division 1.1 (commencing with Section 473) to and repeal Section 115.7 of the Business and Professions Code, relating to professions and vocations.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2862, as amended, Gipson. ~~Licenses—Department of Consumer Affairs:~~ African American applicants.

Existing law ~~prescribes requirements for licensure and regulation of various businesses and professions, including healing arts and real estate businesses and professions, by various boards, bureaus, commissions, committees, and departments.~~ *establishes the Department of Consumer Affairs, which is composed of specified boards that license and regulate various professions.*

This bill would require *those* boards to prioritize African American applicants seeking licenses under these provisions, especially applicants who are descended from a person enslaved in the United States. The bill would ~~define various terms for these purposes.~~ *repeal those provisions on January 1, 2029.*

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

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

1 SECTION 1. Section 115.7 is added to the Business and  
2 Professions Code, to read:

3 115.7. (a) Notwithstanding any other law, a board shall  
4 prioritize African American applicants seeking licenses, especially  
5 applicants who are descended from a person enslaved in the United  
6 States.

7 (b) This section shall remain in effect only until January 1, 2029,  
8 and as of that date is repealed.

9 SECTION 1. ~~Division 1.1 (commencing with Section 473) is~~  
10 ~~added to the Business and Professions Code, to read:~~

11

12 DIVISION 1.1. PRIORITIZATION OF LICENSES

13

14 473. (a) For purposes of this division:

15 (1) ~~“Board” includes “bureau,” “commission,” “committee,”~~  
16 ~~“department,” “division,” “examining committee,” “program,”~~  
17 ~~and “agency.”~~

18 (2) ~~“License” includes certificate, registration, or other means~~  
19 ~~to engage in a business or profession regulated by this code.~~

20 (b) ~~Notwithstanding any other law, a board shall prioritize~~  
21 ~~African American applicants seeking licenses, especially applicants~~  
22 ~~who are descended from a person enslaved in the United States.~~

## AB 3176 (Hoover, R-Sacramento)

### Professional land surveyors: surveying practices: monuments and corner accessories.

**Status/History:** 4/18/2024 –Passed by B&P Committee with amendments March 18.

**Location:** 4/30/2024 – Asm 3<sup>rd</sup> Reading File Assembly Bills

**Introduced:** 2/16/2024

**Amended:** 4/17/2024 Amended and Passed by Asm. B&P Com.

**Board Position:** Opposed Unless Amended (as of 3/07/2024)

**Board Staff Analysis:** 4/30/2024

**Bill Summary:** Existing law (Business and Professions Code section 8773.3) requires a land surveyor or legally-authorized civil engineer, when filing a corner record with the county surveyor or engineer of the county where the corner is situated, to ensure a corner accessory or monument is reconstructed or rehabilitated so that it remains permanently fixed, as specified. This bill would amend this section to require a land surveyor or legally-authorized civil engineer, when using a monument or corner accessory with a physical condition that is less than permanent and durable as control in any survey, to reconstruct or rehabilitate the monument or corner accessory to a permanent condition, as specified.

**Affected Laws:** An act to amend section 8773.3 of the Business and Professions Code, relating to land surveying.

**Staff Comment:** Assembly Bill (AB) 3176 is sponsored by the California Land Surveyors Association (CLSA). According to the author's office, CLSA has indicated that Section 8773.3 relates to the obligation of licensed land surveyors and civil engineers to "reconstruct and rehabilitate" monuments found to be in poor condition when surveyors are creating "corner records" intended for filing with counties. The purpose of this law is for surveyors to preserve monuments located while creating maps, so they can be found by later surveyors while performing services. This preservation is essential in creating exact boundaries for the location of properties. CLSA believes present law limits the rehabilitation requirement to circumstances where a corner record is created for filing with counties and does not extend to the creation of other maps, including records of survey and subdivision maps. The law is too narrow as it excludes important mapping performed by surveyors which are not "corner records." AB 3176 removes the limitation to "corner records intended for filing" on the types of monuments which must be preserved; thus, covering every situation where a monument is necessary. This bill will broaden the requirement for licensed land surveyors and registered civil engineers to rehabilitate monuments found to be in ill-repair. Preserving monuments will enhance the ability of future professionals to locate and incorporate the monuments in their mapping services.

Board staff generally agrees with the stated reasons for these proposed amendments. However, there are concerns with the language as proposed. The term "permanent" can lead to issues between surveyors over whether one believes the monument is permanent and another who believes it is not, and sometimes these issues come to the Board in the form of complaints. Board staff believes a better term to use would be "durable." The would provide for permanently preserving the location of the monument by ensuring that a durable monument exists or is caused to exist in that permanent location as is reasonably possible. As such, Board staff recommends the

Board take a position of “Oppose Unless Amended” on AB 3176 and direct staff to work with the sponsor and author on the language.

At the Board’s March 7, 2024 meeting, the Board took the position of Oppose Unless Amended with direction to staff to discuss with the author and sponsor of the bill the concern discussed by the Board. Board staff sent a letter to the author’s office and met with representatives of the sponsor which resulted in the sponsor recommending revisions to language which was discussed in the Business & Professions Committee analysis. Board staff believes the committee revisions reflect the discussion between Board staff and sponsor representatives which would address the Board’s concerns.

**Staff Recommendation:** Staff recommends the Board take a position of “Support on AB 3176, as revised April 17, 2024.



## BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

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March 21, 2024

The Honorable Josh Hoover  
Member, California State Assembly  
1021 O Street, Suite 4540  
Sacramento, CA 95814

RE: Assembly Bill 3176 – **OPPOSE UNLESS AMENDED**

Dear Assemblymember Hoover:

The Board for Professional Engineers, Land Surveyors, and Geologists (Board) has voted to **OPPOSE UNLESS AMENDED** Assembly Bill 3176, which is scheduled to be heard on April 16, 2024, in the Assembly Business and Professions Committee.

The mission of the Board is to protect the public health, safety, welfare, and property by promoting standards of competence and integrity through the licensing and regulation of the Board's professions.

As stated in the Fact Sheet for AB 3176, “this bill will broaden the requirement for licensed land surveyors and registered civil engineers to rehabilitate monuments found to be in ill-repair. Preserving monuments will enhance the ability of future professionals to locate and incorporate the monuments in their mapping services.” While the Board generally agrees with this policy issue, the Board does have some concerns with the inclusion of corner accessories and with the use of the terms “permanent” and “durable.” Because of these concerns, the Board voted to take a position of Oppose Unless Amended on the bill and directed staff to discuss these concerns with your staff and the sponsors, the California Land Surveyors Association.

Please feel free to contact me directly at 916-999-3579 or [Ric.Moore@dca.ca.gov](mailto:Ric.Moore@dca.ca.gov) or Nancy A. Eissler, the Board’s Assistant Executive Officer, at 916-999-3580 or [Nancy.Eissler@dca.ca.gov](mailto:Nancy.Eissler@dca.ca.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Moore".

RICHARD B. MOORE, PLS  
Executive Officer

cc Assembly Business and Professions Committee  
Mike Belote, California Advocates,  
representing the California Land Surveyors Association  
Kevin Nehring, California Land Surveyors Association  
Mike Butcher, California Land Surveyors Association



AMENDED IN ASSEMBLY APRIL 17, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3176**

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**Introduced by Assembly Member Hoover**

February 16, 2024

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An act to amend ~~section~~ *Section* 8773.3 of the Business and Professions Code, relating to land surveying.

LEGISLATIVE COUNSEL'S DIGEST

AB 3176, as amended, Hoover. Professional land surveyors: surveying practices: monuments and corner accessories.

The Professional Land Surveyors' Act provides for the licensure and regulation of land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs, and requires any person practicing, or offering to practice, land surveying in the state to submit evidence that they are qualified to practice and to be licensed under the act. Among other things, the act requires a land surveyor, when filing a corner record with the county surveyor or engineer of the county where the corner is situated, to ensure a corner accessory or monument is reconstructed or rehabilitated so that it remains permanently fixed, as specified.

This bill would instead require a land surveyor, when using a monument ~~or corner accessory~~ with a physical condition that is less than permanent and durable as control in any survey, to reconstruct or rehabilitate the monument ~~or corner accessory~~ to a permanent condition, as specified.

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

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

1 SECTION 1. Section 8773.3 of the Business and Professions  
2 Code is amended to read:  
3 8773.3. In every case where a monument ~~or corner accessory~~  
4 is found with a physical condition that is less than permanent and  
5 durable, the licensed land surveyor or registered civil engineer  
6 using that monument ~~or corner accessory~~ as control in any survey  
7 shall reconstruct or rehabilitate the monument ~~or corner~~, so that  
8 the same shall be left by them in such physical condition that it  
9 remains as permanent a monument ~~or corner accessory~~ as is  
10 reasonably possible and so that the same may be reasonably  
11 expected to be located with facility at all times in the future.

**AB 3253 (Assembly Committee on Business and Professions)  
Board for Professional Engineers, Land Surveyors, and Geologists: appointments:  
removal.**

**Status/History:** 4/23/2024 – Passed Com. On B&P; referred to Com. on APPR with recommendation to Consent calendar.

**Location:** 4/23/2024 – Assembly Committee on Appropriations

**Introduced:** 2/16/2024

**Board Position:** Watch (as of 3/07/2024)

**Board Staff Analysis:** 4/30/2024

**Bill Summary:** Existing law establishes the Board for Professional Engineers, Land Surveyors, and Geologists within the Department of Consumer Affairs for the licensure and regulation of those professions. Under existing law, the Board consists of 15 members, including eight public members and seven professional members appointed by the Governor, one public member appointed by the Senate Committee on Rules, and one public member appointed by the Speaker of the Assembly, as prescribed. Existing law (specifically, Business and Professions Code section 6713) authorizes the Governor to remove any member of the Board for misconduct, incompetency, or neglect of duty. This bill would amend that section to instead refer to Business and Professions Code section 106, which provides that the appointing authority has power to remove from office at any time any member of any board appointed by the appointing authority for continued neglect of duties required by law, or for incompetence, or unprofessional or dishonorable conduct.

**Affected Laws:** An act to amend Section 6713 of the Business and Professions Code, relating to professions and vocations.

**Staff Comment:** Assembly Bill (AB) 3253 makes a minor change to the Professional Engineers Act regarding the removal of Board members for certain specific reasons. The proposed amendments would delete the specific reasons and instead refer to Section 106, which is a general provision of the Business and Professions Code that address removal of Board members for certain specific reasons.

Updated Staff Comment: on April 18, 2024, the Asm. B&P Com. held a hearing which Board staff testified at. B&P Committee staff analysis accepted all Board suggested revisions as provided in the Board’s Response to the Background Paper. Revised language passed B&P Com. and sent to Com. on Appropriations.

At this time, Board staff is recommending the Board take a “Support” position.

**Staff Recommendation:** Staff recommends the Board take a position of “Support” on AB 3253, as revised April 18, 2024.

AMENDED IN ASSEMBLY APRIL 18, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3253**

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**Introduced by Committee on Business and Professions**

February 16, 2024

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An act to amend ~~Section 6713 of the Business and Professions Code, relating to professions and vocations. Sections 130, 6710, 6713, 6714, 6755, 6755.1, 6763.5, 6787, 7872, 8710, 8748.5, and 8792 of the Business and Professions Code, relating to professions and vocations.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 3253, as amended, Committee on Business and Professions. Board for Professional Engineers, Land Surveyors, and ~~Geologists: appointments: removal: Geologists: licensees.~~

(1) Existing law establishes the Board for Professional Engineers, Land Surveyors, and Geologists (board), which is within the Department of Consumer Affairs, to license and regulate engineers under the Professional Engineers Act, to license and regulate land surveyors under the Professional Land Surveyors' Act, and to license and regulate geologists and geophysicists under the Geologist and Geophysicist Act. Existing law requires the board to appoint an executive officer. Existing law repeals the provisions establishing the board, requiring the board to appoint an executive officer, and vesting the board with the power to administer these provisions on January 1, 2025.

This bill would extend these repeal dates to January 1, 2029.

(2) Under existing law, the board consists of 15 members. Existing law requires the term of office of any member of specified agencies, including the Board for Professional Engineers and Land Surveyors, to be for a term of 4 years expiring on June 1.

*This bill would remove the term requirement for members of the Board for Professional Engineers and Land Surveyors.*

*(3) Existing law authorizes the Governor to remove any member of the board for misconduct, incompetency, or neglect of duty.*

*This bill would delete that provision, and would instead authorize each appointing authority to remove from office at any time any member of the board appointed by that appointing authority for continued neglect of duties required by law, or for incompetence, or unprofessional or dishonorable conduct.*

*(4) Existing law regulates the examination for applicants for licensure as a professional engineer, including by requiring the exam duration and composition to be designed to conform to a specified general principle, consisting of two divisions. Existing law authorizes the board, by rule, to provide for a waiver of the second division of the examination for certain eminently qualified persons. Existing law requires the board to administer questions to test the applicant's knowledge of seismic principles and engineering surveying principles as a separate part of the second division of the examination for registration as a civil engineer.*

*This bill would authorize the board, by rule, to provide for a waiver of any part of the second division of the examination for certain eminently qualified persons. The bill would instead require the board to administer questions to test the applicant's knowledge of seismic principles and engineering surveying principles as separate parts of the second division of the examination for registration as a civil engineer.*

*(5) Existing law authorizes the board to refund to applicants for licensure as a professional engineer, for certification as an engineer-in-training, for authorization to use the title "structural engineer" or "soil engineer," for license as a land surveyor, or for certification as a land surveyor-in-training who the board finds lack the qualifications for such license, certification, or authorization, one-half of the amount of their application fee.*

*This bill would, instead, authorize the board to refund to the above-described applicants their examination fee.*

*(6) The Professional Engineers Act makes it a misdemeanor for a person to present or attempt to file as the person's own the certificate of licensure of a licensed professional engineer unless they are the person named on the certificate of licensure, to give false evidence of any kind to the board, or to any board member, in obtaining a certificate*

*of licensure, to impersonate or use the seal, signature, or license number of a licensed professional engineer or use a false license number, or to use an expired, suspended, surrendered, or revoked license.*

*This bill would expand these misdemeanors to include persons who present or attempt to file as the person's own certificate of an engineer-in-training, give false evidence of any kind to the board, or to any board member, in obtaining a certificate as an engineer-in-training, impersonate or use the certificate number of an engineer-in-training or uses a false certificate, or use an expired, suspended, surrendered, or revoked certificate. By expanding the scope of a crime under the act, this bill would impose a state-mandated local program.*

*(7) The Geologist and Geophysicist Act makes certain acts a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed three months, or by both fine and imprisonment, including to present or attempt to file as their own the certificate of registration of another person, to give false evidence of any kind to the board, or to any board member, in obtaining a certificate of registration, to impersonate or use the seal, signature, or license number of any professional geologist, certified specialty geologist, professional geophysicist, or certified specialty geophysicist or use a false license number, or use an expired, suspended, surrendered, or revoked license.*

*This bill would remove the above-described provisions relating to fines and imprisonment and, instead, make it a misdemeanor to present or attempt to file as their own the certificate of a geologist-in-training or the license of a professional geologist, certified specialty geologist, a professional geophysicist, or a certified specialty geophysicist unless they are the person named on the certificate or the license. The bill would also make it a misdemeanor to give false evidence of any kind to the board, or to any board member, in obtaining a certificate or a license, to impersonate or use the certificate number of a geologist-in-training or use a false certificate, or use an expired, suspended, surrendered or revoked certificate. By expanding the scope of a crime under the act, the bill would impose a state-mandated local program.*

*(8) The Professional Land Surveyors' Act makes it a misdemeanor to presents as their own the license of a professional land surveyor unless they are the person named on the license, give false evidence of any kind to the board, or to any board member, in obtaining a license,*

*impersonate or use the seal, signature, or license number of a professional land surveyor or use a false license number, or use an expired, suspended, surrendered, or revoked license.*

*This bill would expand these misdemeanors to include persons who presents as their own the certificate of a land surveyor-in-training unless they are the person named on the certificate, give false evidence of any kind to the board, or to any board member, in obtaining a certificate, impersonate or use the certificate number of a land surveyor-in-training or uses a false certificate, or use an expired, suspended, surrendered, or revoked certificate. By expanding the scope of a crime under the act, the bill would impose a state-mandated local program.*

*(9) Because the bill would expand the scope of crimes under the Professional Engineers Act, Professional Land Surveyors' Act, and the Geologist and Geophysicist Act, the bill would impose a state-mandated local program.*

*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.*

~~Existing law establishes the Board for Professional Engineers, Land Surveyors, and Geologists within the Department of Consumer Affairs for the licensure and regulation of those professions. Under existing law, the board consists of 15 members, including 6 public members and 7 professional members appointed by the Governor, one public member appointed by the Senate Committee on Rules, and one public member appointed by the Speaker of the Assembly, as prescribed. Existing law authorizes the Governor to remove any member of the board for misconduct, incompetency, or neglect of duty.~~

~~This bill would delete that provision, and would instead authorize each appointing authority to remove from office at any time any member of the board appointed by that appointing authority for continued neglect of duties required by law, or for incompetence, or unprofessional or dishonorable conduct.~~

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

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

1     *SECTION 1. Section 130 of the Business and Professions Code*  
 2 *is amended to read:*

3     130. (a) Notwithstanding any other law, the term of office of  
 4 any member of an agency designated in subdivision (b) shall be  
 5 for a term of four years expiring on June 1.

6     (b) Subdivision (a) applies to the following boards or  
 7 committees:

8     (1) The Medical Board of California.

9     (2) The Podiatric Medical Board of California.

10    (3) The Physical Therapy Board of California.

11    (4) The Board of Registered Nursing, except as provided in  
 12 subdivision (c) of Section 2703.

13    (5) The Board of Vocational Nursing and Psychiatric  
 14 Technicians.

15    (6) The California State Board of Optometry.

16    (7) The California State Board of Pharmacy.

17    (8) The Veterinary Medical Board.

18    (9) The California Architects Board.

19    (10) The Landscape Architect Technical Committee.

20    ~~(11) The Board for Professional Engineers and Land Surveyors.~~

21    ~~(12)~~

22    (11) The Contractors State License Board.

23    ~~(13)~~

24    (12) The Board of Behavioral Sciences.

25    ~~(14)~~

26    (13) The Court Reporters Board of California.

27    ~~(15)~~

28    (14) The State Athletic Commission.

29    ~~(16)~~

30    (15) The Osteopathic Medical Board of California.

31    ~~(17)~~

32    (16) The Respiratory Care Board of California.

33    ~~(18)~~

34    (17) The Acupuncture Board.

35    ~~(19)~~

36    (18) The Board of Psychology.

37    ~~(20)~~

38    (19) The Structural Pest Control Board.



1     *SEC. 2. Section 6710 of the Business and Professions Code is*  
 2     *amended to read:*

3     6710. (a) There is in the Department of Consumer Affairs a  
 4     Board for Professional Engineers, Land Surveyors, and Geologists,  
 5     which consists of 15 members.

6     (b) Any reference in any law or regulation to the Board of  
 7     Registration for Professional Engineers and Land Surveyors, or  
 8     the Board for Professional Engineers and Land Surveyors, is  
 9     deemed to refer to the Board for Professional Engineers, Land  
 10    Surveyors, and Geologists.

11    (c) This section shall remain in effect only until January 1, ~~2025,~~  
 12    ~~2029,~~ and as of that date is repealed. Notwithstanding any other  
 13    law, the repeal of this section renders the board subject to review  
 14    by the appropriate policy committees of the Legislature.

15    ~~SECTION 4.~~

16    *SEC. 3. Section 6713 of the Business and Professions Code is*  
 17    *amended to read:*

18    6713. Each appointing authority shall have the power to remove  
 19    from office at any time any member of the board appointed by that  
 20    authority pursuant to Section 106.

21    *SEC. 4. Section 6714 of the Business and Professions Code is*  
 22    *amended to read:*

23    6714. The board shall appoint an executive officer at a salary  
 24    to be fixed and determined by the board with the approval of the  
 25    Director of Finance.

26    This section shall remain in effect only until January 1, ~~2025,~~  
 27    ~~2029,~~ and as of that date is repealed.

28    *SEC. 5. Section 6755 of the Business and Professions Code is*  
 29    *amended to read:*

30    6755. (a) Examination duration and composition shall be  
 31    designed to conform to the following general principle: The first  
 32    division of the examination shall test the applicant's knowledge  
 33    of appropriate fundamental engineering subjects, including  
 34    mathematics and the basic sciences; the second division of the  
 35    examination shall test the applicant's ability to apply ~~his or her~~  
 36    *their* knowledge and experience and to assume responsible charge  
 37    in the professional practice of the branch of engineering in which  
 38    the applicant is being examined.

39    (b) The board may by rule provide for a waiver of the first  
 40    division of the examination for applicants whose education and

1 experience qualifications substantially exceed the requirements of  
2 subdivision (a) of Section 6751.

3 (c) The board may by rule provide for a waiver of *any part of*  
4 the second division of the examination for persons eminently  
5 qualified for licensure in this state by virtue of their standing in  
6 the engineering community, their years of experience, and those  
7 other qualifications as the board deems appropriate.

8 *SEC. 6. Section 6755.1 of the Business and Professions Code*  
9 *is amended to read:*

10 6755.1. (a) The second division of the examination for  
11 registration as a professional engineer shall include questions to  
12 test the applicant's knowledge of state laws and the board's rules  
13 and regulations regulating the practice of professional engineering.  
14 The board shall administer the test on state laws and board rules  
15 regulating the practice of engineering in this state as a separate  
16 part of the second division of the examination for registration as  
17 a professional engineer.

18 (b) On and after April 1, 1988, the second division of the  
19 examination for registration as a civil engineer shall also include  
20 questions to test the applicant's knowledge of seismic principles  
21 and engineering surveying principles as defined in Section 6731.1.  
22 No registration for a civil engineer shall be issued by the board on  
23 or after January 1, 1988, to any applicant unless ~~he or she has~~ *they*  
24 *have* successfully completed questions to test ~~his or her~~ *their*  
25 knowledge of seismic principles and engineering surveying  
26 principles.

27 The board shall administer the questions to test the applicant's  
28 knowledge of seismic principles and engineering surveying  
29 principles as ~~a separate part~~ *separate parts* of the second division  
30 of the examination for registration as a civil engineer.

31 It is the intent of the Legislature that this section confirm the  
32 authority of the board to issue registrations prior to April 1, 1988,  
33 to applicants based on examinations not testing the applicant's  
34 knowledge of seismic principles and engineering surveying  
35 principles as defined in Section 6731.1.

36 *SEC. 7. Section 6763.5 of the Business and Professions Code*  
37 *is amended to read:*

38 6763.5. If an applicant for licensure as a professional engineer,  
39 for certification as an engineer-in-training, or for authorization to  
40 use the title "structural engineer" or "soil engineer" is found by

1 the board to lack the qualifications required for admission to the  
 2 examination for such licensure, certification, or authorization, the  
 3 board may, in accordance with the provisions of Section 158 of  
 4 this code, refund to ~~him or her one-half of the amount of his or her~~  
 5 ~~application fee.~~ *them their examination fee.*

6 *SEC. 8. Section 6787 of the Business and Professions Code is*  
 7 *amended to read:*

8 6787. A person who does any of the following is guilty of a  
 9 misdemeanor:

10 (a) Unless the person is exempt from licensure under this  
 11 chapter, practices or offers to practice civil, electrical, or  
 12 mechanical engineering in this state according to this chapter  
 13 without legal authorization.

14 (b) Presents or attempts to file as the person's own the *certificate*  
 15 *of an engineer-in-training* or the certificate of licensure of a  
 16 licensed professional engineer unless they are the person named  
 17 on the ~~certificate of licensure.~~ *certificate.*

18 (c) Gives false evidence of any kind to the board, or to any board  
 19 member, in obtaining a *certificate as an engineer-in-training* or  
 20 a certificate of licensure.

21 (d) Impersonates or uses the seal, signature, or license number  
 22 of a licensed professional engineer or uses a false license number.

23 (e) *Impersonates or uses the certificate number of an*  
 24 *engineer-in-training or uses a false certificate.*

25 ~~(e)~~

26 (f) Uses an expired, suspended, surrendered, or revoked  
 27 *certificate or license.*

28 ~~(f)~~

29 (g) Represents themselves as, or uses the title of, a licensed or  
 30 registered civil, electrical, or mechanical engineer, or any other  
 31 title whereby that person could be considered as practicing or  
 32 offering to practice civil, electrical, or mechanical engineering in  
 33 any of its branches, unless they are correspondingly qualified by  
 34 licensure as a civil, electrical, or mechanical engineer under this  
 35 chapter.

36 ~~(g)~~

37 (h) Unless appropriately licensed, manages, or conducts as  
 38 manager, proprietor, or agent, any place of business from which  
 39 civil, electrical, or mechanical engineering work is solicited,

1 performed, or practiced, except as authorized pursuant to Section  
2 8726.1.

3 ~~(h)~~

4 (i) Uses the title, or any combination of that title, of  
5 “professional engineer,” “licensed engineer,” “registered engineer,”  
6 or the branch titles specified in Section 6732, or the authority titles  
7 specified in Sections 6736 and 6736.1, or “engineer-in-training,”  
8 or makes use of any abbreviation of that title that might lead to  
9 the belief that the person is a licensed engineer, is authorized to  
10 use the titles specified in Section 6736 or 6736.1, or holds a  
11 certificate as an engineer-in-training, without being licensed,  
12 authorized, or certified as required by this chapter.

13 ~~(i)~~

14 (j) Uses the title “consulting engineer” without being licensed  
15 as required by this chapter or without being authorized to use that  
16 title pursuant to legislation enacted at the 1963, 1965, or 1968  
17 Regular Session.

18 ~~(j)~~

19 (k) Violates any provision of this chapter.

20 *SEC. 9. Section 7872 of the Business and Professions Code is*  
21 *amended to read:*

22 7872. A person who does any of the following is guilty of a  
23 ~~misdemeanor punishable by a fine of not more than one thousand~~  
24 ~~dollars (\$1,000) or by imprisonment not to exceed three months,~~  
25 ~~or by both fine and imprisonment: misdemeanor:~~

26 (a) Unless the person is exempt from licensure under this  
27 chapter, practices or offers to practice geology or geophysics for  
28 others in this state according to the provisions of this chapter  
29 without legal authorization.

30 (b) Presents or attempts to file as their own the certificate of  
31 ~~registration of another person: a geologist-in-training or the license~~  
32 ~~of a professional geologist, certified specialty geologist, a~~  
33 ~~professional geophysicist, or a certified specialty geophysicist,~~  
34 ~~unless they are the person named on the certificate or the license.~~

35 (c) Gives false evidence of any kind to the board, or to any board  
36 member, in obtaining a certificate ~~of registration: or a license.~~

37 (d) Impersonates or uses the seal, signature, or license number  
38 of any professional geologist, certified specialty geologist,  
39 professional geophysicist, or certified specialty geophysicist or  
40 who uses a false license number.

1 (e) *Impersonates or uses the certificate number of a*  
 2 *geologist-in-training or who uses a false certificate.*

3 ~~(e)~~

4 (f) *Uses an expired, suspended, surrendered, or revoked*  
 5 *certificate or license.*

6 ~~(f)~~

7 (g) *Represents themselves as, or uses the title of, professional*  
 8 *geologist, or any other title whereby the person could be considered*  
 9 *as practicing or offering to practice geology for others, unless the*  
 10 *person is qualified by licensure as a professional geologist under*  
 11 *this chapter, or represents themselves as, or uses the title of,*  
 12 *professional geophysicist, or any other title whereby the person*  
 13 *could be considered as practicing or offering to practice geophysics*  
 14 *for others, unless the person is qualified by licensure as a*  
 15 *professional geophysicist under this chapter.*

16 ~~(g)~~

17 (h) *Unless the person is licensed, manages, or conducts as*  
 18 *manager, proprietor, or agent, any place of business from which*  
 19 *geological or geophysical work is solicited, performed, or practiced*  
 20 *for others, except as authorized pursuant to Section 7834.*

21 ~~(h)~~

22 (i) *Uses the title, or any combination of that title, of*  
 23 *“professional geologist,” “registered geophysicist,” or “professional*  
 24 *geophysicist,” the title of any licensed certified specialty geologist*  
 25 *or any licensed certified specialty geophysicist, or*  
 26 *“geologist-in-training,” or who makes use of any abbreviation of*  
 27 *a title that might lead to the belief that the person is licensed as a*  
 28 *geologist, a geophysicist, a certified specialty geologist, or a*  
 29 *certified specialty geophysicist, or holds a certificate as a*  
 30 *geologist-in-training, without being licensed, licensed and certified,*  
 31 *or certified, as required by this chapter.*

32 ~~(i)~~

33 (j) *Violates any provision of this chapter.*

34 *SEC. 10. Section 8710 of the Business and Professions Code*  
 35 *is amended to read:*

36 8710. (a) *The Board for Professional Engineers, Land*  
 37 *Surveyors, and Geologists is vested with power to administer the*  
 38 *provisions and requirements of this chapter, and may make and*  
 39 *enforce rules and regulations that are reasonably necessary to carry*  
 40 *out its provisions.*

1 (b) The board may adopt rules and regulations of professional  
 2 conduct that are not inconsistent with state and federal law. The  
 3 rules and regulations may include definitions of incompetence and  
 4 negligence. Every person who holds a license or certificate issued  
 5 by the board pursuant to this chapter, or a license or certificate  
 6 issued to a civil engineer pursuant to Chapter 7 (commencing with  
 7 Section 6700), shall be governed by these rules and regulations.

8 (c) This section shall remain in effect only until January 1, ~~2025,~~  
 9 2029, and as of that date is repealed. Notwithstanding any other  
 10 law, the repeal of this section renders the board subject to review  
 11 by the appropriate policy committees of the Legislature.

12 *SEC. 11. Section 8748.5 of the Business and Professions Code*  
 13 *is amended to read:*

14 8748.5. If an applicant for license as a land surveyor or  
 15 certification as a land surveyor-in-training is found by the board  
 16 to lack the qualifications required for such license or certification,  
 17 the board may, in accordance with the provisions of Section 158  
 18 of this code, refund to ~~him or her one-half of the amount of his or~~  
 19 ~~her application fee.~~ *them their examination fee.*

20 *SEC. 12. Section 8792 of the Business and Professions Code*  
 21 *is amended to read:*

22 8792. A person who does any of the following is guilty of a  
 23 misdemeanor:

24 (a) Unless the person is exempt from licensure under this  
 25 chapter, practices, or offers to practice, land surveying in this state  
 26 without legal authorization.

27 (b) Presents as their own the *certificate of a land*  
 28 *surveyor-in-training or the license* of a professional land surveyor  
 29 unless they are the person named on the *certificate or the license*.

30 (c) Attempts to file as their own any record of survey under the  
 31 license of a professional land surveyor.

32 (d) Gives false evidence of any kind to the board, or to any  
 33 board member, in obtaining a *certificate or a license*.

34 (e) Impersonates or uses the seal, signature, or license number  
 35 of a professional land surveyor or who uses a false license number.

36 (f) *Impersonates or uses the certificate number of a land*  
 37 *surveyor-in-training or who uses a false certificate.*

38 (f)

39 (g) Uses an expired, suspended, surrendered, or revoked  
 40 *certificate or license*.

1 ~~(g)~~

2 (h) Represents themselves as, or uses the title of, professional  
3 land surveyor, or any other title whereby that person could be  
4 considered as practicing or offering to practice land surveying,  
5 unless the person is correspondingly qualified by licensure as a  
6 land surveyor under this chapter.

7 ~~(h)~~

8 (i) Uses the title, or any combination of that title, of  
9 “professional land surveyor,” “licensed land surveyor,” “land  
10 surveyor,” or the titles specified in Sections 8751 and 8775, or  
11 “land surveyor-in-training,” or who makes use of any abbreviation  
12 of that title that might lead to the belief that the person is a licensed  
13 land surveyor or holds a certificate as a land surveyor-in-training,  
14 without being licensed or certified as required by this chapter.

15 ~~(i)~~

16 (j) Unless appropriately licensed, manages, or conducts as  
17 manager, proprietor, or agent, any place of business from which  
18 land surveying work is solicited, performed, or practiced, except  
19 as authorized pursuant to Section 6731.2.

20 ~~(j)~~

21 (k) Violates any provision of this chapter.

22 *SEC. 13. No reimbursement is required by this act pursuant*  
23 *to Section 6 of Article XIII B of the California Constitution because*  
24 *the only costs that may be incurred by a local agency or school*  
25 *district will be incurred because this act creates a new crime or*  
26 *infraction, eliminates a crime or infraction, or changes the penalty*  
27 *for a crime or infraction, within the meaning of Section 17556 of*  
28 *the Government Code, or changes the definition of a crime within*  
29 *the meaning of Section 6 of Article XIII B of the California*  
30 *Constitution.*





## **VIII. 2023-24 Sunset Review of the Board**

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- A. Background Paper Prepared by the Assembly Business and Professions Committee and the Senate Business, Professions and Economic Development Committee and the Board's Response to the Background Paper
  - 1. ISSUE #4 from the Background Paper: Continuing Education. Should the Legislature require licensees to complete continuing education as a condition of license renewal?
  - 2. ISSUE #5 from the Background Paper: Education and Experience Requirements. Should geologist and geophysicist applicants be able to substitute work experience for some of the required education?
  - 3. ISSUE #8 from the Background Paper: Unlicensed Activity. What can the Board do to combat unlicensed activity?



# **BACKGROUND PAPER FOR The California Board for Professional Engineers, Land Surveyors, and Geologists**

**Joint Sunset Review Oversight Hearing, March 12, 2024  
Assembly Committee on Business and Professions and the  
Senate Committee on Business, Professions, and Economic Development**

## **BACKGROUND, IDENTIFIED ISSUES, AND RECOMMENDATIONS**

### **BRIEF OVERVIEW OF THE CALIFORNIA BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS**

#### **History and Function of the Board**

The Board for Professional Engineers, Land Surveyors, and Geologists (Board or BPELSG) is responsible for licensing professional engineers, land surveyors, geologists, and geophysicists, whose decisions have major financial, health, safety, legal, and financial consequences. According to the Board:

The highways, bridges, dams, waterways, buildings, and electrical and mechanical systems in buildings are all products of engineering. Consequences of poorly designed bridges or buildings include deaths and injuries as well as financial hardship to the property owner ultimately responsible for damages and reconstruction. Land surveyors help to define property boundaries. A miscalculation of property boundaries in a residential or commercial neighborhood could cause a property owner financial loss if the property is sold or improvements were constructed based on reliance upon an incorrect boundary. A structure could be located on another individual's property, with concomitant major financial losses and inability to convey title. Geologists and geophysicists analyze the rock, soil, and groundwater resources in California and help to determine if active landslides, earthquake faults, or underground water supplies impact orderly and safe development or if they impact the health, safety or welfare of the public.<sup>1</sup>

By ensuring that these licensed professionals have met state-approved education, experience, and examination standards, the Board protects the public from incompetent, negligent, and/or unscrupulous individuals who may offer engineering, land surveying, or geology related services without adequate knowledge and experience.

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<sup>1</sup> Board for Professional Engineers, Land Surveyors, and Geologists 2023-24 Sunset Review Report. Pgs. 12-13

The Board's mission statement is:

***“We protect the public's safety and property by promoting standards for competence and integrity through licensing and regulating the Board's professions.”***

Engineering, land surveying, geology, and geophysics each have a unique history of regulation in California. Land surveying was the first to be formally regulated by the state with the establishment of the Office of the State Surveyor General and licensing requirements in 1891. Land surveyors have been required to obtain a license since that time. In 1933, the Legislature abolished the Office of the State Surveyor General and passed the Professional Land Surveyors' Act, which, in part, transferred oversight of land surveying to the Board of Registration for Civil Engineers, today referred to as the BPELSG.<sup>2</sup>

The Board of Registration for Civil Engineers and a registration requirement for Civil Engineers were established in 1929, following the collapse of the Saint Francis (San Francisquito) Dam in Los Angeles County. In 1931, the Legislature passed legislation to establish title authority for Structural Engineers, there restricting that title/designation so that only those registered civil engineers deemed by the Board of Registration for Civil Engineers to be qualified to practice structural engineering can call themselves a Structural Engineer.<sup>3</sup> In 1947, following World War II, the Legislature established title acts for, and demanded registration of, electrical, mechanical, chemical, and petroleum engineers.<sup>4</sup> At that time, the Board of Registration for Civil Engineers was renamed the Board of Registration for Civil and Professional Engineers. In 1967, the Board of Registration for Civil and Professional Engineers strengthened its oversight of electrical and mechanical engineers, subjecting both branches of engineering to practice acts in lieu of title acts. That year, the Legislature also created title acts for metallurgical and industrial engineering. The following year, the Legislature authorized the Board of Registration for Civil and Professional Engineers to create new title acts for additional branches of engineering via regulation. In 1976 and 1977, the Board of Registration for Civil and Professional Engineers created title acts and began requiring registration for the following branches of engineering: agriculture, control system, corrosion, fire protection, manufacturing, nuclear, quality, safety, and traffic engineering. In 1982, the Legislature prohibited civil engineers from practicing land surveying without a land surveyor's license and established title authority for Geotechnical Engineers. In 1985, the Legislature codified the title acts established by the Board of Registration for Civil and Professional Engineers via regulation and revoked its authority to create new title acts. In 1998, the Legislature renamed the Board of Registration for Professional Engineers and Land Surveyors the Board for Professional Engineers and Land Surveyors. In 2011, the Board for Professional Engineers and Land Surveyors was renamed the Board for Professional Engineers, Land Surveyors, and Geologists, its current name.

The state first began regulating the practice of geology in 1970 following ruinous landslides in Southern California. The Legislature established the Board for Geologists and passed the Geologist Act, which required licensure for geologists. The Legislature also established title authority for Certified Engineering Geologists. In 1972, the Legislature incorporated geophysics into the Geologist Act resulting in its renaming as the Geologist and Geophysicist Act and the Board for Geologists being renamed the Board for Geologists and Geophysicists. In 1995, that Board established title authority for Certified Hydrogeologists via regulation. In 2009, the Legislature eliminated the Board for Geologists and Geophysicists and transferred all of its duties and powers to the Board for Professional Engineers and Land Surveyors.

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<sup>2</sup> Bus. and Prof. Code §§ 8700-8805

<sup>3</sup> Title authorities are specific titles reserved for use by individuals who are licensed under a Practice Act.

<sup>4</sup> Title acts restrict only the use of a professional title, but not the respective practice of that profession.

Today, the Board is responsible for regulating the professional engineers, land surveyors, geologists, and geophysicists with varying degrees of oversight (Practice Acts, Title Acts, and Title Authorities).

Practice Acts	Title Acts	Title Authorities
<ul style="list-style-type: none"> <li>• Civil Engineer</li> <li>• Electrical Engineer</li> <li>• Land Surveyor</li> <li>• Mechanical Engineer</li> <li>• Professional Geologist</li> <li>• Professional Geophysicist</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Engineer</li> <li>• Chemical Engineer</li> <li>• Control System Engineer</li> <li>• Fire Protection Engineer</li> <li>• Industrial Engineer</li> <li>• Metallurgical Engineer</li> <li>• Nuclear Engineer</li> <li>• Petroleum Engineer</li> <li>• Traffic Engineer</li> </ul>	<ul style="list-style-type: none"> <li>• Geotechnical Engineer</li> <li>• Structural Engineer</li> <li>• Certified Engineering Geologist</li> <li>• Certified Hydrogeologist</li> </ul>

Additionally, the Board issues Engineer-In-Training (EIT), Land Surveyor-In-Training (LSIT), and Geologist-In-Training (GIT) certificates which recognize individuals who have obtained a specific level of engineering, geology, or land surveying education and/or work experience as the entry-level step towards eventual licensure.

In its 2022-2027 Strategic Plan, the Board identified the following goals and well as numerous objectives to achieve them:

- **Licensing:** Protect the public by licensing qualified individuals who provide professional services in California.
- **Applications and Examinations:** Process applications and administer examinations in a timely and accessible manner to determine individuals’ qualifications for licensure.
- **Enforcement:** Protect the public by enforcing the laws and regulations governing the Board’s professions.
- **Outreach:** Promote the importance of licensure to educate applicants, licensees, the public, and other stakeholders about the practice and regulation of the professions.
- **Laws and Regulations:** Ensure that statutes, regulations, policies, and procedures strengthen and support the Board’s mandate and mission.
- **Customer Service and Administration:** Continuously improve efficiency and quality of the Board’s services.

**Board Membership and Committees**

The Board consists of 15 members, eight of whom are members of the public. The Governor appoints six public members and the Senate Rules Committee and the Speaker of the Assembly each appoint one public member. The remaining Board members must include a Civil Engineer, an Electrical Engineer, a Mechanical Engineer, a Structural Engineer, another type of Professional Engineer, a Land Surveyor, and a Professional Geologist or Geophysicist. One professional member must be from a local public agency and another professional member must be from a State agency. The Governor appoints all professional members.

Board members receive \$100 per diem compensation.<sup>5</sup> Members of the Board may serve no more than two, four-year terms consecutively, but may remain on the Board until the appointment of their successor or until one year has passed, whichever occurs first. The Governor may remove any member of the board for misconduct, incompetence or neglect of duty. The Board currently has two vacancies. Vacancies are required to be filled by appointment.

The current composition of the Board is as follows:

<b>Member Name</b>	<b>Date First Appointed</b>	<b>Date Reappointed</b>	<b>Date Term Expires</b>	<b>Appointing Authority</b>	<b>Type (public or professional)</b>
<p><b>Fel Amistad</b></p> <p>Amistad has been a Senior Loan Officer and Development Manager for Presto Home Loans since 2017. He has been a Professor at Kaplan Professional since 2018 and an Adjunct Professor at International Technological University since 2011. Amistad is a member of the Filipino American Chamber of Commerce. He earned a Juris Doctor degree from California Southern Law School, a Doctor of Philosophy degree in Business Administration from California Pacific University and a Master of Business Administration degree from the University of Phoenix.</p>	11/24/2015	7/2/2018 2/22/2023	6/30/2026	Governor	Public
<p><b>Alireza Asgari</b></p> <p>Asgari has been a Senior Structural Engineer at the Department of Health Care Access and Information since 2011. He was a Senior Structural Engineer at URS Corporation from 2005 to 2011 and an Engineer at Walter P. Moore Civil Engineering from 2004 to 2005. Asgari is a member of the Structural Engineers Association of Central California. He earned a Doctor of Philosophy degree in civil engineering from Purdue University and a Master of Science degree in civil engineering from the University of Tehran.</p>	6/15/2018	4/28/2022	6/30/2025	Governor	Professional

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<sup>5</sup> Bus. and Prof. Code § 103

<b>Member Name</b>	<b>Date First Appointed</b>	<b>Date Reappointed</b>	<b>Date Term Expires</b>	<b>Appointing Authority</b>	<b>Type (public or professional)</b>
<p><b>Rossana D’Antonio</b></p> <p>D’Antonio has been an American Society of Civil Engineers Fellow since 2014. She served in several positions at Los Angeles County Public Works from 2001 to 2023 including as Deputy Director, Assistant Deputy Director and Principal Engineer. D’Antonio is a member of the American Society of Civil Engineers Board of Directors, California State Polytechnic University, Pomona Industry Advisory Council, Women’s Media Center SheSource, and the Society of Women Engineers. D’Antonio earned a Master of Business Administration degree from Pepperdine University and a Bachelor of Science degree in Civil Engineering from California State University, Fresno.</p>	8/24/2020	8/03/2023	6/30/2027	Governor	Professional
<p><b>Cristina Garcia</b></p> <p>Garcia has been a Cybersecurity Risk Specialist at the Sacramento Municipal Utility District since 2023 and was an IT Technician there from 2018 to 2023. She was a Legislative Intern for the California Peace Officers’ Association in 2018. She earned a Master of Science degree in Cybersecurity Operations and Leadership from the University of San Diego and a Bachelor of Arts degree in Political Science from California State University Sacramento.</p>	9/07/2023	-	6/30/2026	Governor	Public
<p><b>Michael Hartley</b></p> <p>Hartley has been President of Bedrock Engineering Inc. since 2008. He was Survey Manager at Michael Sutherland and Associates from 1991 to 2008. Hartley is a board member of the American Council of Engineering Companies and a corporate member of the California Land Surveyors Association. He is a member of the California State University, Fresno GME Advisory Council and the Geomatics Engineering Foundation. Hartley earned a Bachelor of Science degree in Surveying Engineering from California State University, Fresno.</p>	9/29/2020	9/07/2023	6/30/2027	Governor	Professional

<b>Member Name</b>	<b>Date First Appointed</b>	<b>Date Reappointed</b>	<b>Date Term Expires</b>	<b>Appointing Authority</b>	<b>Type (public or professional)</b>
<p><b>Coby King</b></p> <p>King has been President and CEO at High Point Strategies since 2013. He was a Public Affairs Executive at Ek and Ek from 2012 to 2013, Senior Vice President for California Corporate and Public Affairs at MWW Group from 2008 to 2012 and President and CEO of Coby King Enterprises from 1999 to 2008. King was Vice President of Public Affairs at Rogers and Associates from 1997 to 1999 and an Attorney at Manatt, Phelps &amp; Phillips from 1995 to 1997 and at Skadden, Arps, Slate, Meagher &amp; Flom from 1991 to 1993. He was Legal Counsel at the State Board of Equalization from 1993 to 1994. He is a member of the California Democratic Party Executive Board and the Sierra Club and is a vice chair of the Valley Industry and Commerce Association. King earned a Juris Doctor degree from the Georgetown University Law Center.</p>	5/29/2013	7/19/2016 1/07/2021	6/30/2024	Governor	Public
<p><b>Guillermo Martinez</b></p> <p>Martinez was a Senior Transportation Engineer at the Port of Los Angeles from 2004 to 2020. He was a Transportation Engineering Associate at the Los Angeles Department of Transportation from 2001 to 2004. Martinez is a member of the Service Employees International Union, Loyola Marymount University Civil Engineering Alumni Advisory Board, American Railway Engineering and Maintenance of Way Association, Project Management Institute, and Institute of Transportation Engineers. He earned a Bachelor of Science degree in Electrical Engineering from Loyola Marymount University.</p>	5/19/2023	-	6/30/2025	Governor	Professional



<b>Member Name</b>	<b>Date First Appointed</b>	<b>Date Reappointed</b>	<b>Date Term Expires</b>	<b>Appointing Authority</b>	<b>Type (public or professional)</b>
<p><b>Elizabeth Mathieson</b></p> <p>Mathieson was a Senior Managing Scientist at Exponent from 1999 to 2019. She was a Licensed Expert for the Board for Professional Engineers, Land Surveyors and Geologists from 2009 to 2015. Mathieson was a Commissioner for the California Seismic Safety Commission from 2007 to 2011. She is a member of the Association of Environmental and Engineering Geologists, Environmental Voter Project, Swing Left East Bay, City of Alameda Democratic Club, All Rise Alameda and the Alameda Architectural Preservation Society. Mathieson earned a Master of Science degree in Engineering Geology from Stanford University.</p>	2/10/2015	7/2/2018 2/22/2023	6/30/2026	Governor	Professional
<p><b>Frank Ruffino</b></p> <p>Ruffino was the general services administrator at the California Department of Veterans Affairs; a regional administrative officer at the California Department of Fish and Games; and community partnership manager at the Richard J. Donovan Correctional Facility. From 1985 to 2000, he served multiple management positions in the California Department of Corrections and Rehabilitation. In addition, Ruffino served as chair of the Board of the California State Employees Association, and as president of the Association of California State Supervisors.</p>	5/02/2018	7/29/2020 6/30/2023	6/30/2027	Senate Rules	Public
<p><b>Wilfredo Sanchez</b></p> <p>Sanchez has been a Ranger Department Manager for Burning Man since 2001. He was a Senior Architect and Engineering Manager for Apple from 1997 to 2018. Sanchez is a member of the Apache Software Foundation and Python Software Foundation. He earned a Master of Science degree in Computer Science and Engineering from the Massachusetts Institute of Technology.</p>	9/29/2020	5/19/2023	6/30/2026	Governor	Public

<b>Member Name</b>	<b>Date First Appointed</b>	<b>Date Reappointed</b>	<b>Date Term Expires</b>	<b>Appointing Authority</b>	<b>Type (public or professional)</b>
<p><b>Fermin Villegas</b></p> <p>Villegas has served as Deputy Counsel at California Community Colleges Chancellor’s Office since September 2018 and served as a Deputy Attorney General for the California Department of Justice from June 2014 - November 2015. He was previously appointed and served on the California Architects Board from March 2011 – May 2014. He earned a Juris Doctorate from University of California, Davis, School of Law in 2006.</p>	6/29/2023	-	6/30/2027	Assembly Speaker	Public
<p><b>Christina Wong</b></p> <p>Wong has been Senior Program Coordinator at the Glenn County Health and Human Services Agency since 2002. She was a Mental Health Therapist at the Butte County Probation Department from 2008 to 2020. Wong was a Master of Social Work Coordinator for the School of Social Work at the University of Alabama from 1993 to 1997. She was Dean of Student Affairs at Hong Kong Shue Yan University from 1993 to 1997. Wong earned a Master of Social Work degree from the University of Hull. She is a member of the National Association of Social Workers.</p>	9/07/2021	-	6/30/2024	Governor	Public
<p><b>Danny Jimenez</b></p> <p>Jimenez has been an Account Executive at Outfront Media since 2024. He was a Program Manager for Improve your Tomorrow from 2022 to 2024. He earned a Bachelor of Arts degree in Communications and Sociology from the University of California, Santa Barbara.</p>	2/29/2024	N/A	6/30/2027	Governor	Public

The Board does not have any standing or technical advisory committees.

The Board is a voting member of the National Council of Examiners for Engineering and Surveying (NCEES), which is responsible for developing, administering, and scoring the examinations used for fifteen of the Board’s 22 licenses and certifications. Representatives from the Board travel to NCEES meetings biannually, the cost of which is included in the Board’s member fees, which totals \$6,500 annually.

The Board reports that “the actions to be voted on at these annual meetings will result in changes to the criteria that are considered acceptable for licensure and to the content of the exams.” Notably, one quarter of all engineering and land surveying examination takers reside in California, yet the Board gets just one vote, equal to all other members.

The Board is also a voting member of the National Association of State Boards of Geology (ASBOG). Representatives from the Board travel to ASBOG meetings biannually, at the Board’s expense. The Board contends that participation at these meeting is equally important as these meetings are generally held to evaluate examination content and to determine exam policy and/or fees.”<sup>6</sup> Californians make up one-fourth of all geology license exam takers nationwide.

## **Staff**

Board operations are overseen by an Executive Officer and an Assistant Executive Officer. Richard B. Moore, a licensed land surveyor, has served as the Executive Officer of the Board since 2011.<sup>7</sup> He previously served as the Board’s Senior Registrar Land Surveyor and the Board’s Land Surveyor Consultant. Prior to working for the Board, Moore worked in private practice for more than 25 years. Moore also serves as the Western Zone Secretary-Treasurer of NCEES from 2013-2021 and continues to actively serve on multiple national NCEES committees.

Nancy Eissler, the Board’s Assistant Executive Officer, has worked for the Board for 33 years. Prior to her role as Assistant Executive Officer beginning in 2014, she served as the Board’s Enforcement Program Manager, the Board’s liaison to the Office of the Attorney General (AG), and as clerical support to the Administrative Services and Examination Units.

Since FY 2018-19, the Board has been approved for 42.7 staff positions. Since the Board’s last sunset review in 2019, staff vacancies have hovered around seven percent (3 positions). The Board reports that it is not actively recruiting applicants to fill its three vacancies due to changing operational needs following recent business modernization efforts. For example, in October 2021, a full-time Applicant Cashier Office Technician within the Administrative Services Unit was redirected to fill a vacancy in the Licensing Unit after 60% of their job duties were automated.

The Board reports that their remaining duties were absorbed by other staff. In July 2022, the Licensing Unit upgraded the Licensing Evaluators from Program Technician II positions to Staff Services/Associate Governmental Program Analyst positions in anticipation of the expansion of licensing duties as a result of the operation changes brought on by managing the application aspects contained within the BPELSG Connect system. Furthermore, beginning January 2023, the Board eliminated two Seasonal Clerks and one Office Assistant, positions that were vacant. Additionally, the Board currently has one full time Senior Registrar Engineer position vacant as a result of a retirement and has commenced the recruitment process.

According to the Board, staff may participate in DCA-administered training courses free of charge. Moreover, the Board may contract with third parties to provide specialized training for staff whose duties require it. The Board reports that those costs are nominal.

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<sup>6</sup> Ibid. Pg. 20

<sup>7</sup> Pursuant to Bus. and Prof. Code § 6714, the Board is required to appoint an Executive Officer.

## Fiscal and Fund Analysis

The Board is self-funded from fees paid by applicants and licensees. The Legislature determines the Board's annual budget and its expenses cannot exceed its authorized expenditures. Funds equal to or more than the Board's operating budget for the next two fiscal years are considered reserve funds, which cannot exceed 24 months operating expenses.<sup>8</sup> The Board is currently operating at a deficit. Total revenue has generally trended downward since the Board's last sunset review. Concurrently, the Board's expenditures have increased. At the time of this writing the Board reports that its reserve is just under one month, which the Board attributes to increasing costs, including credit card surcharges incurred when applicants apply for or renew a license online as well as expenses related to the development and implementation of a new information technology (IT) system for licensing and enforcement (BPELSG Connect).

The Board anticipates that licensee attrition could significantly render the Board's fund insolvent; revenue from license renewals accounts for roughly 80 percent of the Board's total revenue.<sup>9</sup> However, the Board's executive staff conservatively estimate its reserve fund will increase to approximately two months at the end of FY 2023-24 due to an expected \$1 million to \$1.5 million reversion combined with reduced IT costs and an anticipated heavy renewal year. Nevertheless, the Board reports that it has just begun an internal fee study, which is expected to be completed by fall 2024. If needed, most of the Board's fees could be raised via regulation, but those changes likely would not be implemented until January 2026.

<b>Fund Condition</b>							
(Dollars in Thousands)	<b>FY 2018/19</b>	<b>FY 2019/20</b>	<b>FY 2020/21</b>	<b>FY 2021/22</b>	<b>FY 2022/23</b>	<b>FY 2023/24 (projected)</b>	<b>FY 2024/25 (projected)</b>
Beginning Balance (include prior-year adjustments)	\$8,787	\$7,207	\$4,879	\$3,005	\$3,690	\$2,481	\$920
Revenues and Transfers	\$8,518	\$8,572	\$8,559	\$12,528	\$11,395	\$12,541	\$11,727
<b>Total Revenue</b>	<b>\$17,305</b>	<b>\$15,779</b>	<b>\$13,438</b>	<b>\$15,533</b>	<b>\$15,085</b>	<b>\$15,023</b>	<b>\$12,647</b>
Budget Authority						\$14,103	\$14,436
Expenditures	\$11,198	\$10,935	\$11,087	\$11,743	\$12,603		
Loans to General Fund (includes EO transfer to GO (AB 84))	\$0	\$0	\$0	(\$385)	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Loans Repaid From General Fund	\$800	\$0	\$0	\$0	\$0	\$0	\$0
<b>Fund Balance</b>	<b>\$6,907</b>	<b>\$4,844</b>	<b>\$2,351</b>	<b>\$3,405</b>	<b>\$2,482</b>	<b>\$920</b>	<b>(\$1,789)</b>
<b>Months in Reserve</b>	<b>7.6</b>	<b>5.2</b>	<b>2.4</b>	<b>3.2</b>	<b>2.1</b>	<b>0.8</b>	<b>(1.5)</b>

<sup>8</sup> Bus. and Prof. Code § 128.5(a)

<sup>9</sup> The Board experienced a two percent decline in renewal applications in FY 2020-21 compared to FY 2018-19 and a four percent decline in renewal applications in FY 2021-22 compared to FY 2019-20.

<b>Business Modernization Expenses</b>	
<b>Fiscal Year</b>	<b>Expenses</b>
2019-20	\$389,404
2020-21	\$959,859
2021-22	\$631,634
2022-23	\$538,470
2023-24 (Projected)	\$794,000

<b>Credit Card Fees</b>	
<b>Fiscal Year</b>	<b>Transaction Fees</b>
2019-20	\$63,535
2020-21	\$87,900
2021-22	\$152,160
2022-23	\$165,110
2023-24 (Projected)	\$175,000
2024-25 (Projected)	\$185,000

In FY 2019-20, the Board received the final payment to an \$800,000 General Fund loan made in FY 2011-12. The Board reports that the full loan has been repaid with total interest income of \$82,142.68.

The Boards expenditures fall into five categories:

Licensing: The Licensing Unit is responsible for reviewing and processing applications, licenses, and certificates under the Board’s jurisdiction. In FY 2022-23, license costs accounted for approximately 16% of Board expenses. Licensing Unit expenditures are funded by application fees.

1. Examination: The Examination Unit is responsible for developing and administering state licensing exams, determining passing scores for those exams, and issuing results to applicants for all state-specific exams. Moreover, the Examination Unit collaborates with NCEES and ASBOG as well as state vendors to ensure candidates are able to schedule their exams. Lastly, staff monitor changes to national exams and arrange occupational analyses to determine the suitability of state licensing exams. In FY 2022-23, examination costs accounted for approximately 26% of Board expenses. Costs incurred by the Examination Unit are paid for by examination fees.
2. Enforcement: The Enforcement Unit investigates complaints made against licensees and takes disciplinary action, as necessary. Enforcement costs accounted for approximately 21 percent of Board expenses in FY 2022-23. Enforcement Unit expenses are covered by renewal fees.
3. Administration: The Administrative Services Unit is responsible for supporting the day to day operations of the Board and provides administrative support for the other three units. Administrative costs accounted for roughly 22% of Board expenses in FY 2022-23. Administration expenses are funded by renewal fees.
4. DCA Pro Rata: Pro rata costs (what the Board pays the Department of Consumer Affairs (DCA) for administrative and investigative services) accounted for roughly 15% of budgeted expenses in FY 2022-23. DCA pro rata costs are paid for with revenue generated by renewal fees.

	FY 2018/19		FY 2019/20		FY 2020/21		FY 2021/22		FY 2022/23	
(Dollars in thousands)	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	\$1,329	\$1,273	\$1,265	\$1,098	\$1,078	\$1,596	\$1,301	\$1,391	\$1,286	\$1,143
Examination	\$1,124	\$1,314	\$1,051	\$1,418	\$1,177	\$1,348	\$1,181	\$1,461	\$1,165	\$1,925
Licensing	\$851	\$304	\$1,168	\$354	\$988	\$466	\$1,217	\$368	\$1,376	\$466
Administration	\$1,429	\$459	\$1,539	\$423	\$1,430	\$612	\$1,724	\$473	\$1,897	\$585
DCA Pro Rata	N/A	\$2,263	N/A	\$1,592	N/A	\$1,548	N/A	\$1,762	N/A	\$1,701
Diversion (if applicable)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>TOTALS</b>	\$4,733	\$5,613	\$5,023	\$4,885	\$4,673	\$5,570	\$5,423	\$5,455	\$5,724	\$5,820

In November 2017, the Board began an ongoing Business Modernization effort to automate many licensing, enforcement, examination, and administrative functions. The Board has spent \$3,313,368 since FY 2019-20 to implement the BPELSG Connect, the Boards online licensing system, which has been rolled out in the following phases/releases since September 2020:

- September 2020 - Phase 1:
  - Online Engineer-in-Training and Land Surveyor-in-Training applications.
  - Online complaint submission.
- January 2021 - Phase 2:
  - Online license renewal.
  - Online address changes.
- June 2021 - Phase 3:
  - Online application for Professional Engineer licenses that do *not* require passage of a state exam (Agriculture, Chemical, Control System, Electrical, Fire Protection, Industrial, Mechanical, Metallurgical, Nuclear, and Petroleum)
- November 2021 – Release (phase) 3.5:
  - Online application for Civil Engineer and Land Surveyors, both of which require passage of a state exam.
- April 2022 – Release 4:
  - System enhancements
- October 2022 – Release 5:
  - System enhancements
- April 2023 – Maintenance and Operations Release 3:
  - Online application for Professional Geologist license and Geologist-in-Training certification.
- February 2024 – Maintenance and Operations Release 5:
  - Online application for Structural Engineer License

The Board anticipates the inclusion of online initial applications for the remaining license types (Certified Engineering Geologist, Certified Hydrogeologist, Geotechnical Engineer, Professional Geophysicist, and Traffic Engineer) in 2024 and/or 2025.

The following fee changes have been enacted via regulation since the Board’s 2019 sunset review:

- In January 1, 2021, the Board standardized renewal fees across license types, raising biennial renewal fees for Professional Engineers and Land Surveyors by \$65 and decreasing biennial renewal fees for Professional Geologists and Geophysicists by \$90.

- Since June 29, 2023, geologists pay ASBOG directly to take the national Fundamentals of Geology and Practice of Geology exams.<sup>10</sup>

<b>Fee Schedule and Revenue</b>							
<b>Fee</b>	<b>Current Fee Amount</b>	<b>FY 2018/19 Revenue</b>	<b>FY 2019/20 Revenue</b>	<b>FY 2020/21 Revenue</b>	<b>FY 2021/22 Revenue</b>	<b>FY 2022/23 Revenue</b>	<b>% of Total Revenue</b>
Initial Application Fees	In-Training Certificates \$75 (\$100 statutory max) Other licenses \$175 (\$400 statutory max)	\$636	\$460	\$664	\$985	\$842	7.4%
State Specific Examinations	\$175.00	\$1,214	\$968	\$894	\$1,093	\$1,069	9.4%
Biennial Renewal	\$180.00	\$6,259	\$6,833	\$6,707	\$10,142	\$9,047	79.4%
Retired License	\$75.00	\$28	\$31	\$41	\$58	\$52	.4%
Delinquency Biennial Renewal	\$90.00	\$75	\$70	\$122	\$149	\$169	1.5%
All Other Revenue	N/A	\$306	\$210	\$131	\$100	\$215	1.9%
<b>Total Revenue</b>	N/A	\$8,518	\$8,572	\$8,559	\$12,527	\$11,394	100%

## Licensing

Accounting for more than 57,000 active licensees, Civil Engineer licensees continue to make up the largest portion of the Board's licensee population, followed by Mechanical Engineers (15,452 active licensees), Electrical Engineers (10,921 active licensees), Professional Geologists (4,984 active licensees), Structural Engineers (4,504 active licensees), and Professional Land Surveyors (3,892 active licensees). There are fewer than 2,000 active licensees in each of the other license categories. The number of licensees in each discipline has remained relatively stable since FY 2018-19. The most notable differences include:

- Since FY 2018-19, the number of active, licensed Electrical Engineers, Fire Protection Engineers, and Structural Engineers have *increased* by 638, 163, and 146 respectively.
- Since FY 2018-19, the number of active, licensed Professional Land Surveyors, Quality Engineers, Mechanical Engineers, and Professional Geologists have *decreased* by 226, 141, 129, and 132, respectively.

<sup>10</sup> In the spring of 2023, ASBOG examinations transitioned from paper exams for which the Board collected exam fees and paid ASBOG, to a computer-based testing format, where now applicants register with and pay ASBOG directly.

License Type	Status	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Agricultural Engineer	Active	115	111	107	103	99
	Out of State	27	28	26	23	23
	Out of Country	2	1	2	2	2
	Delinquent/Expired	17	17	14	22	19
	Retired Status <i>if applicable</i>	45	47	49	51	54
	Inactive	0	0	0	0	0
	Other	0	0	0	0	0
Chemical Engineer	Active	1,908	1,917	1,880	1,840	1,820
	Out of State	538	492	532	487	500
	Out of Country	13	12	9	9	8
	Delinquent/Expired	200	216	223	326	313
	Retired Status <i>if applicable</i>	138	149	163	179	195
	Inactive	0	0	0	0	0
	Other	0	0	0	0	0
Civil Engineer	Active	57,320	57,847	57,806	57,479	57,447
	Out of State	14,704	13,785	14,618	13,882	13,892
	Out of Country	692	625	685	643	644
	Delinquent/Expired	5,291	5,316	5,326	5,717	4,498
	Retired Status <i>if applicable</i>	2,474	2,707	2,946	3,303	3,575
	Inactive	0	0	0	0	0
	Other	0	0	0	0	0
Consulting Engineer	Active	3	3	1	1	0
	Out of State	1	1	0	0	0
	Out of Country	0	0	0	0	0
	Delinquent/Expired	1	1	3	2	3
	Retired Status <i>if applicable</i>	5	5	5	5	5
	Inactive	0	0	0	0	0
	Other	0	0	0	0	0
Control Systems Engineer	Active	842	842	792	773	715
	Out of State	302	269	274	264	245
	Out of Country	3	4	3	3	3
	Delinquent/Expired	210	205	213	327	250
	Retired Status <i>if applicable</i>	325	330	346	357	373
	Inactive	0	0	0	0	0
	Other	0	0	0	0	0



License Type	Status	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Quality Engineer	Active	283	257	204	176	142
	Out of State	134	153	108	89	74
	Out of Country	2	2	1	0	0
	Delinquent/Expired	105	89	96	92	96
	Retired Status if applicable	286	292	307	313	318
	Inactive	0	0	0	0	0
	Other	0	0	0	0	0
Safety Engineer	Active	256	251	233	186	160
	Out of State	117	137	112	96	81
	Out of Country	0	0	0	0	0
	Delinquent/Expired	67	55	42	81	76
	Retired Status if applicable	158	165	172	181	188
	Inactive	0	0	0	0	0
	Other	0	0	0	0	0
Structural Engineer	Active	4,358	4,395	4,375	4,451	4,504
	Out of State	1,133	1,061	1,161	1,150	1,190
	Out of Country	39	37	42	47	47
	Delinquent/Expired	178	187	183	275	297
	Retired Status if applicable	179	196	212	246	260
	Inactive	0	0	0	0	0
	Other	0	0	0	0	0
Traffic Engineer	Active	1,485	1,528	1,509	1,492	1,479
	Out of State	170	156	162	154	148
	Out of Country	6	7	6	7	6
	Delinquent/Expired	83	88	97	142	136
	Retired Status if applicable	143	151	163	175	186
	Inactive	0	0	0	0	0
	Other	0	0	0	0	0
Professional Geologist	Active	5,116	5,070	5,032	5,020	4,984
	Out of State	1,181	1,026	1,134	1,018	1,011
	Out of Country	37	29	34	58	31
	Delinquent/Expired	357	358	376	568	588
	Retired Status if applicable	90	113	137	156	183
	Inactive	0	0	0	0	0
	Other	0	0	0	0	0
Certified Engineering Geologist	Active	1,471	1,467	1,432	1,411	1,362
	Out of State	213	175	204	175	169
	Out of Country	8	8	8	7	8
	Delinquent/Expired	118	109	115	156	172
	Retired Status if applicable	27	34	44	55	65
	Inactive	0	0	0	0	0
	Other	0	0	0	0	0

License Type	Status	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Certified Hydrogeologist	Active	926	928	922	894	876
	Out of State	158	123	154	132	133
	Out of Country	3	3	3	5	5
	Delinquent/Expired	34	43	43	85	93
	Retired Status if applicable	10	12	13	17	25
	Inactive	0	0	0	0	0
	Other	0	0	0	0	0
Corrosion Engineer	Active	115	142	135	115	111
	Out of State	86	90	75	62	61
	Out of Country	0	0	0	0	0
	Delinquent/Expired	48	48	48	49	41
	Retired Status if applicable	46	48	49	52	53
	Inactive	0	0	0	0	0
	Other	0	0	0	0	0
Metallurgical Engineer	Active	194	190	192	187	190
	Out of State	56	57	56	53	60
	Out of Country	1	1	1	2	1
	Delinquent/Expired	30	34	26	46	43
	Retired Status if applicable	54	56	57	63	64
	Inactive	0	0	0	0	0
	Other	0	0	0	0	0
Nuclear Engineer	Active	295	270	258	204	195
	Out of State	122	142	111	93	88
	Out of Country	1	1	1	1	1
	Delinquent/Expired	81	74	58	61	77
	Retired Status if applicable	161	171	173	186	188
	Inactive	0	0	0	0	0
	Other	0	0	0	0	0
Petroleum Engineer	Active	312	314	310	289	284
	Out of State	160	154	154	138	139
	Out of Country	5	6	4	4	4
	Delinquent/Expired	36	39	36	39	39
	Retired Status if applicable	34	35	37	40	42
	Inactive	0	0	0	0	0
	Other	0	0	0	0	0
Photogrammetric Surveyor	Active	0	0	0	0	0
	Out of State	0	0	0	0	0
	Out of Country	0	0	0	0	0
	Delinquent/Expired	1	0	0	0	0
	Retired Status if applicable	0	0	0	0	0
	Inactive	0	0	0	0	0
	Other	0	0	0	0	0

License Type	Status	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Professional Land Surveyor	Active	4,118	4,086	4,013	3,956	3,892
	Out of State	709	626	693	481	643
	Out of Country	8	5	7	7	3
	Delinquent/Expired	214	218	208	209	334
	Retired Status <i>if applicable</i>	287	313	346	386	429
	Inactive	0	0	0	0	0
	Other	0	0	0	0	0
Professional Geophysicist	Active	154	148	147	150	144
	Out of State	61	62	59	62	60
	Out of Country	4	4	4	4	4
	Delinquent/Expired	21	20	18	19	22
	Retired Status <i>if applicable</i>	7	7	7	7	10
	Inactive	0	0	0	0	0
	Other	0	0	0	0	0

Out-of-state and out-of-country *applicants* are subject to the same requirements. All foreign language documents must be accompanied by a notarized English translation. Moreover, all work experience claimed by an applicant that was obtained in another state or country must be verified by a reference who is legally authorized to perform the work in the location where the experience was gained.

To assist veterans, active military service members, and their registered domestic partners/spouses, the Board does all of the following:

- Expedite application processing for honorably discharged military service personnel and registered domestic partners/spouses of active duty military service members.
- Count relevant military education and experience towards minimum requirements for licensure.
- Waive delinquency fees that may accumulate during a licensee’s active military service.

In FY 2022-23, the Board received 22 applications from honorably discharged veterans, two from military spouses, and two renewal waivers.

Moreover, under the federal Servicemembers Civil Relief Act, military service personnel and spouses who currently hold a valid license in good standing in another state, district, or territory, may practice the same profession in California if they relocate to California because of military orders. These individuals are not required to obtain a specific California license, but are required to register with the Board.

Applicants are required to pay application, exam, and renewal fees as specified in the table below. Qualifying applicants for a title authority license (Structural Engineer, Geotechnical Engineer, Certified Engineering Geologist, or Certified Hydrogeologist) must maintain either a Professional Civil Engineer License or a Professional Geologist license. In practice, that means those applicants must pay \$175 for the base license type and an additional \$175 for the specialty license type. All applicants are required to pay a fingerprint processing fee.

<b>Fee Type</b>	<b>Amount</b>
Application fee for Professional Engineer License (All Disciplines)	\$175.00
Application fee for Structural Engineer License (Title Authority)	\$175.00
Application fee for Geotechnical Engineer License (Title Authority)	\$175.00
Application fee for Professional Land Surveyor License	\$175.00
Application fee for Professional Geologist	\$175.00
Application fee for Professional Geophysicist	\$175.00
Application fee for Certified Engineering Geologist License (Title Authority)	\$175.00
Application fee for Certified Hydrogeologist License (Title Authority)	\$175.00
Application fee for Engineer-in-Training, Land Surveyor-in-Training, and Geologist-in-Training Certificates	\$75.00
Live Scan (fingerprinting) fee	Variable (out-of-state applicants must submit a fingerprint card to the Board which costs \$49)
Renewal for ALL licenses	\$180.00
Delinquency renewal fee for all licenses	\$90.00
Retired status license	\$75.00
State Exam fee	\$175.00 per exam

Applicants are required to submit fingerprints to the California Department of Justice to undergo a state and federal criminal history background check.<sup>11</sup> The Board’s fingerprint requirement only applies to new licenses, therefore not every licensee has undergone a background check.<sup>12</sup> Prior to July 1, 2020, applicants were also required to notify the Board of any criminal history and provide related court documents.

However, the Board reports that with the enactment of Assembly Bill (AB) 2138 (Chiu), Chapter 995, Statutes of 2018, which took effect July 1, 2020, the Board is no longer authorized to require an applicant to self-disclose criminal history during the application process. AB 2138 also prohibited the Board from denying an application for a nonviolent, nonsexual, or nonserious conviction that occurred more than seven years preceding the application. Additionally, the bill prohibited the Board from issuing a denial based on offenses that have been dismissed or expunged. However, the Board may deny issuing a license if the applicant has been convicted of a crime that is substantially related to the qualifications, functions, and duties of the profession in which they seek a license. The Board must consider any evidence of rehabilitation voluntarily provided by the applicant.

Moreover, applicants are required to report to the Board if they have been subject to disciplinary action, or had an application for licensure denied, or license revoked, by another state licensing board for engineering, land surveying, or geology. The Board has the ability to review enforcement action reported in the NCEES and ASBOG national databases, though not every board supplies that information.

The Board reports that the implementation of BPELSG Connect has hastened how quickly it is able to process complete applications, the target for which is 60 days. Since the Board’s last sunset review. The average number of days to process Engineer-in-Training and Land Surveyor-in-Training initial license applications decreased from 83 days to 13 days. Additionally, the average number of days to process initial applications for Professional Engineers in the Agricultural, Chemical, Control System, Electrical, Fire Protection, Industrial, Mechanical, Metallurgical, Nuclear, and Petroleum disciplines decreased from 107 days on average to 83 days—despite a 26% increase in the volume of initial applications received in the two years following the launch of BPELSG Connect. However, the total number of days continues to surpass the 60 day performance target. The Board reports that it approves Professional Land

<sup>11</sup> Bus. and Prof. Code § 144

<sup>12</sup> Cal. Code Regs. Tit. 16, § 420.1

Surveyor initial applications within 60 days, which it says is substantially less than the application processing times prior to being online though the Board is unable to provide the specific number of days it took to process the number applications previously.

In contrast, despite efficiencies generated by BPELSG Connect, the Board reports that processing times for Civil Engineer initial applications have *increased* and the Licensing Unit currently is not meeting the 60-day performance target. The Board reported that in the 20 months following the implementation of online applications for a Civil Engineer license the volume of applications increased by 69 percent. Moreover, the Board has identified that Civil Engineer applications are taking significantly longer to process due to high rates of work experience-related deficiencies that require action from the applicant to remedy.

As of November 1, 2023, roughly one-third of applications pending Technical Review had deficiencies. The Board reports that it has assigned additional staff to review Civil Engineer initial applications and anticipates beginning to meet its performance target by summer 2024.

The Board transitioned to online initial license applications for Professional Geologists and Geologists-in-Training in April 2023. Prior to being online the Board reported that it processed those applications within 65 days and 104 days, respectively. Of note, those processing times reflect the time it took to process both complete and incomplete applications.

The Board has not transitioned online the initial license applications for the following license types: Certified Engineering Geologist, Hydrogeologist, Geotechnical Engineer, Professional Geophysicist, Structural Engineer, and Traffic Engineer. The Board reports that it takes more than 60 days to process those paper applications. Moreover, those processing times are dependent on semi-annual examination dates.

Licensees are required to renew their licenses every two years. Although licensees had the ability to renew their licenses online prior to the COVID-19 pandemic (through a discontinued portal which was ultimately replaced by BPELSG Connect in January 2021), the Board reports that it was not until the pandemic that a majority of licensees transitioned to renewing their license online. According to the Board, 90% of licensees renewed their licenses online in FY 2022-23. License renewals submitted online are generally processed within 1 to 4 days depending on what day of the week the renewal request is submitted.

## **Education and Experience Requirements**

*Engineering and Land Surveying:* There are two pathways to licensure under the Professional Engineers Act and the Professional Land Surveyors' Act. Applicants can qualify via work experience only (72 months (6 years)). Alternatively, applicants must complete, at minimum, a bachelor's degree in engineering or surveying *and* 12 to 48 months of professional work experience depending on the highest level of degree completion (BS, MS, or PhD) and whether the degree was obtained from a Board-approved (ABET-accredited) school.

*Geology and Geophysics:* Applicants for licensure under the Geologist and Geophysicist Act are required to complete at minimum 30 semester hours, or the equivalent, in college/university courses that the Board believes are relevant to geology or geophysics. Conferral of a Bachelor's degree is not required, but the Board reports that degree non-completion is rare. Additionally, applicants must complete two to five years of professional work experience under the supervision of a licensed geologist

or geophysicist or in any other state. The number of years of professional experience that are required is dependent on the number of years of undergraduate study completed and amount of credit received for teaching geological sciences at the college level.

## **Examinations**

The Board, and its exam vendor, Prometric, are responsible for the development, administration, and scoring of state exams. State exams are required for the following license types: Civil Engineer, Geotechnical Engineer, Traffic Engineer, Land Surveyor, Professional Geologist, Professional Geophysicist, Certified Engineering Geologist, and Certified Hydrogeologists. These exams are required by law as either a supplement to a national exam or in place of a national exam if there is none. Applicants must apply for Board approval to take any of the state exams. The Board *biannually* provides Prometric with a list of applicants who are eligible to take each state exam, except for approved Civil Engineer applicants for whom the Board provides a list quarterly. Candidates schedule exams directly through Prometric and may take the exam at any Prometric testing center throughout the United States. The Board's two state Civil Engineer exam on Seismic Principles and Engineering Surveying are available year around. Civil Engineer exam candidates may retake each exam once per quarter. The Land Surveyor and Professional Geologist state exams are administered twice annually (spring and fall). The remaining state exams are only administered once annually (either spring or fall) due to lower examinee populations. Exams are offered in English only.

With the exception of the Traffic Engineer exam, which the Board completed an Occupational Analysis (OA) of in 2017, the Board has completed an OA for every state exam since its last sunset review in 2019. The Board reports that OAs help determine which topics need to be covered, not to validate the requirement of having a state-specific exam; each exam is mandated by law. Most recently, the Board conducted an OA for each of the Civil Engineer exams and changes to those exams became effective on January 1, 2024. The Board is in the process of conducting OA for the all other state exams with completion expected by 2025.

As indicated in the table below, pass rates for each state exam are fairly dismal. In FY 2022-23, more than 50 percent of all exam takers failed (with the exception of the Professional Geophysicist exam and both Civil Engineer exams which yielded slightly better passage rates). The Geotechnical Engineer exam has had the highest rate of failure of all the state exams; over the past four fiscal years, more than 60 percent (up to 80 percent) of candidates have failed the Geotechnical Engineer exam.

License Type		Professional Geologist	Professional Geophysicist	Geotechnical Engineer
Exam Title		California Specific (CSE)	Professional Geophysicist (PGp)	Geotechnical Engineer (GE)
FY 2018/19	Number of Candidates	253	4	35
	Overall Pass %	49	25	20
	Overall Fail %	51	75	80
FY 2019/20	Number of Candidates	289	3	78
	Overall Pass %	41	33	38
	Overall Fail %	59	67	62
FY 2020/21	Number of Candidates	185	5	60
	Overall Pass %	47	40	35
	Overall Fail %	53	60	65
FY 2021/22	Number of Candidates	261	9	74
	Overall Pass %	45	44	35
	Overall Fail %	55	56	65
FY 2022/23	Number of Candidates	145	3	81
	Overall Pass %	46	100	27
	Overall Fail %	54	0	73
	Date of Last OA	2019	2019	2018
	Name of OA Developer	Board	Board	Board
	Target OA Date	2024	2025	2024
License Type		Civil Engineer	Civil Engineer	Land Surveyor
Exam Title		Engineering Surveying (CES)	Seismic Principles (CSP)	Land Surveyor State Exam (LS)
FY 2018/19	Number of Candidates	2728	2709	205
	Overall Pass %	46	47	32
	Overall Fail %	54	53	68
FY 2019/20	Number of Candidates	1929	1852	81
	Overall Pass %	48	49	41
	Overall Fail %	52	51	59
FY 2020/21	Number of Candidates	2767	2607	201
	Overall Pass %	52	57	34
	Overall Fail %	48	43	66
FY 2021/22	Number of Candidates	2223	2191	195
	Overall Pass %	50	49	38
	Overall Fail %	50	51	62
FY 2022/23	Number of Candidates	1091	1169	292
	Overall Pass %	53	51	37
	Overall Fail %	47	49	63
	Date of Last OA	2018	2018	2018
	Name of OA Developer	Board	Board	Board
	Target OA Date	2024	2024	2024

License Type		Traffic Engineer	Certified Engineering Geologist	Certified Hydrogeologist
Exam Title		Traffic Engineer (TE)	Certified Engineering Geologist (CEG)	Certified Hydrogeologist (CHG)
FY 2018/19	Number of Candidates	77	45	33
	Overall Pass %	51	53	67
	Overall Fail %	49	47	33
FY 2019/20	Number of Candidates	69	40	18
	Overall Pass %	52	73	61
	Overall Fail %	48	27	39
FY 2020/21	Number of Candidates	49	17	14
	Overall Pass %	63	65	64
	Overall Fail %	37	35	36
FY 2021/22	Number of Candidates	60	39	18
	Overall Pass %	47	51	56
	Overall Fail %	53	49	44
FY 2022/23	Number of Candidates	71	31	24
	Overall Pass %	46	42	42
	Overall Fail %	54	58	58
Date of Last OA		2017	2019	2019
Name of OA Developer		Board	Board	Board
Target OA Date		2024	2024	2024

National engineering and land surveying exams are developed, administered, and scored by NCEES. NCEES began transitioning all exams to computer based testing in 2011. NCEES offers the following computer-based exams in California:

- Fundamentals of Surveying (FS)
- Principles and Practice of Surveying (PS)
- Fundamentals of Engineering (FE)
- Principles and Practice of Engineering (PE) by discipline as shown below:
  - PE Chemical
  - PE Nuclear
  - PE Petroleum
  - PE Fire Protection
  - PE Industrial and Systems
  - PE Mechanical
  - PE Electrical and Computer – Power
  - PE Electrical and Computer – Electronics, Controls, and Communications
  - PE Agricultural and Biological
  - PE Mining and Mineral Processing:
  - PE Civil
  - PE Control Systems
  - PE Metallurgical and Materials
  - PE Structural (scheduled to begin in spring 2024)

The Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) exams are intended to be taken during a candidate's final semester of college or shortly after graduation. While the FE exam is discipline specific, the Board accepts passage of any FE exam offered by NCEES. Each of the exams is



administered year-round at NCEES-approved Pearson VUE test centers and costs \$225, payable directly to NCEES. Both exams currently consist of 110 questions which applicants have six hours to complete. Exam results are reported Pass/Fail and are typically available within 7-10 business days.<sup>13</sup> Board approval is *not* required to take either the FE exam or the FS exam. Candidates may attempt each exam three times within a 12-month period.

The PE exam tests for a minimum level of competency in a particular engineering discipline. It is intended to be taken by engineers with a minimum of four years post-college work experience in their chosen field. PE exams that have a small population of candidates are administered only once a year on a select date, whereas exams with larger candidate populations are administered year-round. All exams are held at NCEES-approved Pearson VUE test centers. The length and cost of each exam vary by discipline. Exam results are reported Pass/Fail and are typically available within 7-10 business days. Board approval *is* required to take the exam. Candidates taking year-round exams may attempt the exam three times within a 12-month period.

The PS exam is intended to be taken by land surveyors with a minimum of four years post-college professional work experience. The PS exam is administered year-round at approved Pearson Vue test centers, and costs \$375, payable directly to NCEES. The exam consists of 100 questions which applicants have seven hours to complete. Exam results are reported Pass/Fail and are typically available within 7-10 business days. Candidates may attempt the exam three times within a 12-month period.

NCEES has conducted an OA of each of its exams since 2018, the most recent being its PE Structural exams in 2023. NCEES intends to conduct another OA of each exam between 2024 and 2028. Following the completion of each OA, NCEES completed the transition of their exams from paper to computer-based testing in January 2024.

National geology exams (Fundamentals of Geology (FG) and Practice of Geology (PG)) are developed, administered, and scored by ASBOG. ASBOG transitioned its national exams to computer based testing in March 2023. ASBOG administers its exams twice a year, typically on the third Friday in March and the first Friday in October.<sup>14</sup> Applicants must apply for Board approval to take the exam. The Board sends a list of approved applicants to ASBOG twice a year. Applicants register, pay for, and select a testing location via ASBOG. The FG exam costs \$200 and the PG exam is \$250. Additionally, applicants must pay a \$75 seat fee for each exam. Applicants may take the exam at any Prometric testing center. ASBOG is responsible for conducting OAs of its exams. ASBOG last conducted an OA of each of its exams in 2023 in anticipation of transitioning to computer-based testing. As indicated in the table below, pass/fail rates differ for each national exam.

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<sup>13</sup> [National Council of Examiners for Engineering and Surveying](#)

<sup>14</sup> [Association of State Boards of Geology](#)

License Type		Agricultural Engineer	Chemical Engineer	Civil Engineer
Exam Title		Agricultural and Biological Engineering Principles and Practice of Engineering (AG)	Chemical Principles and Practice of Engineering (CH)	Civil Principles and Practice of Engineering (CE)
FY 2018/190	Number of Candidates	2	60	4602
	Overall Pass %	0	73	45
	Overall Fail %	100	27	55
FY 2019/20	Number of Candidates	0	67	2264
	Overall Pass %	0	58	49
	Overall Fail %	0	42	51
FY 2020/21	Number of Candidates	2	85	4379
	Overall Pass %	100	52	51
	Overall Fail %	0	48	49
FY 2021/22	Number of Candidates	4	51	3399
	Overall Pass %	100	59	50
	Overall Fail %	0	41	50
FY 2022/23	Number of Candidates	1	75	2431
	Overall Pass %	100	51	49
	Overall Fail %	0	49	51
Date of Last OA		2023	2020	2022
Name of OA Developer		NCEES	NCEES	NCEES
Target OA Date		2028	2025	2027
License Type		Control Systems Engineer	Electrical Engineer	Fire Protection Engineer
Exam Title		Control Systems Principles and Practice of Engineering (CS)	Electrical Engineer and Computer Principles and Practice of Engineering (EE)	Fire Protection Principles and Practice of Engineering (FP)
FY 2018/19	Number of Candidates	41	889	58
	Overall Pass %	56	40	59
	Overall Fail %	44	60	41
FY 2019/20	Number of Candidates	30	535	45
	Overall Pass %	43	36	54
	Overall Fail %	57	64	46
FY 2020/21	Number of Candidates	30	408	55
	Overall Pass %	47	55	96
	Overall Fail %	53	45	4
FY 2021/22	Number of Candidates	37	569	46
	Overall Pass %	38	48	89
	Overall Fail %	62	52	11
FY 2022/23	Number of Candidates	45	490	51
	Overall Pass %	49	41	73
	Overall Fail %	51	59	27
Date of Last OA		2022	2020	2022
Name of OA Developer		NCEES	NCEES	NCEES
Target OA Date		2027	2025	2027

License Type		Industrial Engineer	Land Surveyor	Mechanical Engineer
Exam Title		Industrial and Systems Principles and Practice of Engineering (IE)	Principles and Practice of Land Surveying (PLS)	Principles and Practice of Mechanical Engineer (ME)
FY 2018/19	Number of Candidates	7	160	542
	Overall Pass %	100	54	58
	Overall Fail %	0	46	42
FY 2019/20	Number of Candidates	0	126	587
	Overall Pass %	0	56	53
	Overall Fail %	0	44	47
FY 2020/21	Number of Candidates	18	138	585
	Overall Pass %	67	49	63
	Overall Fail %	33	51	37
FY 2021/22	Number of Candidates	15	187	480
	Overall Pass %	60	50	59
	Overall Fail %	40	50	41
FY 2022/23	Number of Candidates	10	239	421
	Overall Pass %	50	47	61
	Overall Fail %	50	53	39
Date of Last OA		2020	2019	2020
Name of OA Developer		NCEES	NCEES	NCEES
Target OA Date		2025	2024	2025
License Type		Metallurgical Engineer	Nuclear Engineer	Petroleum Engineer
Exam Title		Metallurgical and Materials Principles and Practice (MT)	Nuclear Principles and Practice (NU)	Petroleum Principles and Practice (PE)
FY 2018/19	Number of Candidates	12	1	11
	Overall Pass %	83	0	36
	Overall Fail %	17	100	64
FY 2019/20	Number of Candidates	100	1	8
	Overall Pass %	31	0	100
	Overall Fail %	69	100	0
FY 2020/21	Number of Candidates	12	1	18
	Overall Pass %	58	0	33
	Overall Fail %	42	100	67
FY 2021/22	Number of Candidates	16	3	16
	Overall Pass %	75	100	13
	Overall Fail %	25	0	87
FY 2022/23	Number of Candidates	12	2	12
	Overall Pass %	75	100	42
	Overall Fail %	25	0	58
Date of Last OA		2022	2022	2023
Name of OA Developer		NCEES	NCEES	NCEES
Target OA Date		2027	2027	2028

License Type		Structural Engineer	Structural Engineer	Professional Geologist
Exam Title		Structural Principles and Practice of Engineering – Lateral Forces (SE)	Structural Principles and Practice of Engineering – Vertical Forces (SE)	Practice of Geology (PG)
FY 2018/19	Number of Candidates	244	248	185
	Overall Pass %	39	35	72
	Overall Fail %	61	65	28
FY 2019/20	Number of Candidates	100	116	89
	Overall Pass %	31	34	70
	Overall Fail %	69	66	78
FY 2020/21	Number of Candidates	190	163	170
	Overall Pass %	38	47	84
	Overall Fail %	62	53	16
FY 2021/22	Number of Candidates	210	217	181
	Overall Pass %	32	36	82
	Overall Fail %	68	64	18
FY 2022/23	Number of Candidates	225	212	156
	Overall Pass %	39	40	76
	Overall Fail %	61	60	24
Date of Last OA		2018	2018	2015
Name of OA Developer		NCEES	NCEES	ASBOG
Target OA Date		2023	2023	2023
License Type		Professional Geologist	Engineer in Training	Land Surveyor in Training
Exam Title		Fundamentals of Geology (FG)	Fundamentals of Engineering (FE)	Fundamentals of Land Surveying (FS)
FY 2018/19	Number of Candidates	369	7264	277
	Overall Pass %	70	55	32
	Overall Fail %	30	45	68
FY 2019/20	Number of Candidates	209	5878	221
	Overall Pass %	65	54	30
	Overall Fail %	35	46	70
FY 2020/21	Number of Candidates	306	5881	280
	Overall Pass %	71	54	45
	Overall Fail %	29	46	55
FY 2021/22	Number of Candidates	252	5638	338
	Overall Pass %	73	50	40
	Overall Fail %	27	50	60
FY 2022/23	Number of Candidates	258	5317	375
	Overall Pass %	56	48	37
	Overall Fail %	44	52	63
Date of Last OA		2015	2020	2020
Name of OA Developer		ASBOG	NCEES	NCEES
Target OA Date		2023	2025	2025

## Enforcement

The Board's Enforcement Program is integral to its mission to protect the public and property. The Enforcement Unit is comprised of one program manager, eight full-time analysis, one part-time Retired Annuitant analyst, and one full-time clerical staff. Additionally, the Board employs four Senior

Registrars (two licensed engineers, one licensed land surveyor, and one licensed geologist) who assist the Enforcement Unit. The Registrars perform technical review of license applications, help with complaint investigations (akin to a technical consultant), act as subject-matter experts for development of state and national exam questions, and conduct outreach to professional societies.

The Board's Enforcement Unit is responsible for investigating complaints against professional engineers, land surveyors, geologists, and geophysicists. Complaints range from unlicensed activity to negligence and incompetence. Due to the nature of the work performed, issues often taken years to become apparent. The Board investigates all complaints regardless of how much time has passed and prioritizes those that suggest there may be an imminent threat to public safety. The Board reports that investigations are often complex due to the technical nature of the engineering, land surveying, geology, and geophysics fields. The Enforcement Unit collects evidence, which is then reviewed by an independent Technical Expert Consultant, whom is responsible for providing an opinion on whether the licensee's services complied with existing law and regulations.

The DCA's Division of Investigation (DOI) supports the Enforcement Unit with evidence collection when licensees are non-responsive to the Board and difficult to locate, or where special operations (such as undercover operation) are needed. DOI also helps investigate licensees alleged to have committed specified felony offenses as well as individuals alleged to have engaged in unlicensed activity. DOI reports its finding to the Board's Enforcement Unit upon completion of its investigation. If formal discipline is warranted, the Board's Enforcement Unit will refer the case to the AG for prosecution. If prosecution of criminal offenses is warranted, DOI may refer the case to the local District Attorney.

A majority of complaints stem from the public, but other sources include licensee/professional groups, governmental agencies, and the Board itself. Complaints may also be made anonymously which accounted for roughly one-tenth of all complaints in FY 2022-23.

In September 2020 with the implementation of BPELSG Connect, the complaint submission process transitioned from traditional mail to online. The Complaint Portal allows complainants to provide all of the information related to their complaint, and supporting documents, on the Board's website – even anonymously, if they wish. Consequently, the Board reports that there has been a substantial increase in the number of complaints it receives: 369 in FY 2018-19 compared to 507 in FY 2022-23. Due to the ease and anonymity which individuals can file complaints, the Board reports that numerous complaints are difficult to investigate due to insufficient information or evidence provided, thus creating additional work for staff to collect information and documents, and increasing the overall length of investigations. In February 2022, the Complaint Portal was equipped with a back-office intake system to aid in the management of complaint information and documents and to gather statistical data relating to internal work processes for workload monitoring purposes, as well as the statistical data to be reported to the public through DCA's Performance Measures reporting, DCA's Annual Report, and the Board's Sunset Review report.

COMPLAINTS	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Intake					
Received	369	377	405	435	507
Closed without Referral for Investigation	62	52	50	84	149
Referred to INV	314	330	352	344	361
Pending (close of FY)	8	6	3	11	7
Conviction / Arrest					
CONV Received	3	1	1	1	2
CONV Closed Without Referral for Investigation	0	0	0	0	0
CONV Referred to INV	3	1	1	1	2
CONV Pending (close of FY)	0	0	0	1	0
Source of Complaint <sup>1</sup>					
Public	128	129	139	166	201
Licensee/Professional Groups	80	57	85	43	51
Governmental Agencies	11	6	17	37	31
Internal	93	105	89	75	68
Other	1	0	0	0	0
Anonymous	2	26	8	28	36
Average Time to Refer for Investigation (from receipt of complaint / conviction to referral for investigation)	10	11	5	4	7
Average Time to Closure (from receipt of complaint / conviction to closure at intake)	4	12	3	2	3
Average Time at Intake (from receipt of complaint / conviction to closure or referral for investigation)	8	10	4	4	6

*Investigations:* As the number of complaints has increased so too have the number of complaints referred for investigation (328 in FY 2018-19 to 363 in FY 2022-23) and the number of complaints closed without referral for investigation (62 in FY 2018-19 to 149 in FY 2022-23). While roughly 70 percent of all investigations are completed within one year, the average number of days of all investigations from start to finish has increased from 236 days to 285 days. The Board reports that on average it completes its internal investigations with 180 days. The Board attributes the increase in total investigation length to the following: the increase in the number of complaints received; difficulties recruiting independent Technical Expert Consultants with certain areas of expertise<sup>15</sup>; adapting to the implementation of BPELSG Connect; and adapting to major changes to the Board’s file management processes stemming from the COVID-19 pandemic.

Additionally, the Board reports delays also stem from DOI, to whom the Board refers approximately six percent of cases to the Board annually. Per the Board’s executive staff, DOI has had numerous staffing vacancies and rarely prioritizes cases referred by this Board; DOI is responsible for helping investigate complaints for a variety of boards whose licensees may pose a greater immediate threat to the health and safety of the public (e.g. health care professionals). Since FY 2019-20, 52 percent of now-complete cases

<sup>15</sup> Independent Technical Expert Consultants are licensees with whom the Board contracts to provide a review of the technical issues involved in the complaint investigation cases. These professionals provide an opinion related to the standard of care in the professional practice or other laws related to the practices of professional engineering, land surveying, geology, and geophysics and whether or not the subject of the investigation complied with the laws and standards. The experts are usually employed full-time in their own practice; as such, the Board reports that some reviews extend beyond the normally requested 30 days. Furthermore, choosing experts based on their knowledge of particular areas of expertise or geographic areas can be a challenge based on the choice of experts populating the current list of experts.

that were referred to DOI took more than one year to process. Anecdotally, there have been instances where the statute of limitations on criminal offenses expired and an individual could not be prosecuted.

According to the Board, nearly 40 percent of investigations in FY 2022-23 involved non-compliance with laws that have taken effect over the past two decades. The Board, as mandated by law<sup>16</sup>, is currently developing an online program with educational reading materials and questions on California’s relevant laws and regulations, which licensees will be required to take at the time of license renewal.

<b>INVESTIGATIONS</b>	<b>FY 2018/19</b>	<b>FY 2019/20</b>	<b>FY 2020/21</b>	<b>FY 2021/22</b>	<b>FY 2022/23</b>
Desk Investigations					
Opened	328	331	363	364	363
Closed	301	335	315	375	304
Average days to close (from assignment to investigation closure)	236	277	274	279	285
Pending (close of FY)	247	239	285	271	352
Opened	328	331	363	364	363
Closed	301	335	315	375	304
Average days for all investigation outcomes (from start of investigation to investigation closure or referral for prosecution)	236	277	274	279	285
Average days for investigation closures (from start of investigation to investigation closure)	236	277	274	279	285
Average days for investigation when referring for prosecution (from start of investigation to referral for prosecution)	236	277	274	279	285
Average days from receipt of complaint to investigation closure	246	288	279	283	292
Pending (close of FY)	247	239	285	271	352

<b>Enforcement Aging – Investigations (Average %)</b>							
	<b>FY 2018-19</b>	<b>FY 2019-20</b>	<b>FY 2020-21</b>	<b>FY 2021-22</b>	<b>FY 2022-23</b>	<b>Cases Closed</b>	<b>Average %</b>
Closed Within:							
90 Days	56 (18.6%)	29 (8.7%)	54 (17.1%)	53 (14.1%)	54 (17.8%)	246	15.1%
91 - 180 Days	56 (18.6%)	64 (19.1%)	61 (19.4%)	64 (17.1%)	75 (24.7%)	320	19.6%
181 - 1 Year	125 (41.5%)	142 (42.4%)	107 (34.0%)	154 (41.1%)	71 (23.4%)	599	36.7%
1 - 2 Years	63 (20.9%)	98 (29.3%)	88 (27.9%)	96 (25.6%)	100 (32.9%)	445	27.3%
2 - 3 Years	1 (0.3%)	1 (0.3%)	5 (1.6%)	7 (1.9%)	4 (1.4%)	18	1.1%
Over 3 Years	0 (0.0%)	1 (0.3%)	0 (0.0%)	1 (0.3%)	0 (0.0%)	2	.001%
Total Investigation Cases Closed	301	335	315	375	304	1,630	

<sup>16</sup> Bus. and Prof. Code §§ 6795.2, 8801.5, and 7881.5

The Board is empowered with a range of disciplinary tools to escalate punishment as needed to ensure compliance and consumer protection.

*Citation and Fine:* The Board issues citations to licensees who have violated the laws and regulations pertaining to their license but are not considered a threat to the public. According to the Board, there are 138 unpaid fines totaling \$525,000. Although the Board has authority to cite and fine individuals for unlicensed activity, the Board reports that it is extremely challenging to locate those individuals or to refer them to the Franchise Tax Board for collection, which requires knowing the individual’s Social Security Number.

The Board has issued an average of 82 citations over the past five fiscal years. The average number of days to issue a citation from the date of complaint receipt has been 372 days since the Board’s last sunset review. In FY 2022-23, the average number of days it took for a citation to become final was 456 days (from opening of the complaint investigation to the date the citation became final). Citations become final after 30 days and often include an order of abatement and/or be accompanied by a fine up to \$5,000 per incident per violation. . On average, fifty percent of citations are appealed. Since FY 2019-2020, there have been 156 informal conferences to hear an appeal. After an informal conference, the Board’s Executive Officer may dismiss, modify, or affirm the citation. If dismissed, the citation is considered final immediately after the dismissal is issued. However, if the citation is modified or affirmed, then it becomes final 30 days after, unless the cited person requests a formal administrative hearing. Sixty-five citations have been referred to the AG for formal appeal. If a fine is assessed, it is due within 30 days of the citation being finalized, although the Board offers some flexibility on timing of payments on case by case basis. In FY 2022-23, DCA contracted with a collection agency to collect outstanding fines owned to various boards.

CITATION AND FINE					
Citations Issued	76	79	95	84	78
Average Days to Complete (from complaint receipt / inspection conducted to citation issued)	362	379	398	380	341
Amount of Fines Assessed	\$94,500	\$140,350	\$143,500	\$155,900	\$105,250
Amount of Fines Reduced, Withdrawn, Dismissed	\$3,500	\$0	\$0	\$0	0
Amount Collected	\$48,000	\$84,467	\$108,625	\$129,965	\$73,210

*Formal Discipline:* Failure to comply with a citation by a license may result in formal disciplinary action. Additionally, when licensees fail to meet the standard of care or have demonstrated incompetence or have committed other violations of the laws their professional practice, the Board may pursue formal disciplinary action.

First the case is referred to the AG for review and possible preparation of an accusation against the licensee or a statement of issues relating to the denial of an application for licensure. A formal accusation alleging violations of the laws is prepared by the AG for review and signature by the Board’s Executive Officer. Once signed by the Board’s Executive Officer, it is served on the licensee. Once an accusation is served, the licensee has 15 days to return the accompanying Notice of Defense indicating a request for an administrative hearing or interest in settling the case. If the licensee does not return the Notice of Defense within 15 days, or fails to appear at an administrative hearing, a default decision is prepared by the AG for consideration of adoption by the Board. A licensee may appeal a default decision. A licensee who returns a Notice of Defense and whose case is not settled, will have an administrative hearing, after



which an Administrative Law Judge (ALJ) will prepare a proposed decision, which the Board may adopt, modify, or reject. Once finalized, a licensee may request reconsideration.

On average, the AG has filed 33 accusations per FY since the Board’s last sunset review. The average number of days between referral from the Board to the filing of an accusation was 177 in FY 2018-19. Comparatively, in FY 2019-20, FY 2020-21, and FY 2021-22, the average number of days was 92, 97, and 87, respectively. However, in FY 2022-23, the average number of days drastically increased to 159, nearly the same number of days as in FY 2018-19.

The average number of days between the receipt of the complaint and the imposition of formal discipline has generally improved over the last five fiscal years from 935 days in FY 2018-19 to 611 days in FY 2022-23. Notably, in FY 2020-21, the average number of days was 541, only one day over the Board’s target of 540 days. The Board reports that the AG and Office of Administrative Hearings are inundated with cases from the boards and bureaus under DCA as well as other state agencies, but that it has witnessed a concerted effort from both to improve processing lengths.

Of cases referred to the AG, roughly one quarter are closed within one year, roughly half are closed within two years, and roughly 75 percent are closed within three years.

*Probation:* When a licensee is placed on probation, their license is revoked, but the revocation is stayed by the Board. The Board imposes terms of probation, which can include requirements to take education and ethics courses, pass an examination on the Board’s laws and regulations, notify clients of their disciplinary action, and pay the Board’s costs for investigation and prosecution of the matter. Additionally, the terms of probation may include a period of suspension from practice. When the period of suspension concludes, the licensee must continue to abide by any other terms of their probation. However, if the licensee violates probation, the Board must file a Petition to Revoke Probation and go through the full formal discipline process.

<b>ACCUSATIONS</b>					
Accusations Filed	39	35	38	19	35
Accusations Declined	0	0	0	0	0
Accusations Withdrawn	2	2	0	3	2
Accusations Dismissed	0	1	1	0	1
Average Days from Referral to Accusations Filed (from AG referral to Accusation filed)	177	92	97	87	159
<b>INTERIM ACTIONS</b>					
ISO & TRO Issued	0	0	0	0	0
PC 23 Orders Issued	1	0	0	0	0
Other Suspension/Restriction Orders Issued	0	0	0	0	0
Referred for Diversion	N/A	N/A	N/A	N/A	N/A
Petition to Compel Examination Ordered	N/A	N/A	N/A	N/A	N/A
<b>DISCIPLINE</b>					
AG Cases Initiated (cases referred to the AG in that year)	34	38	30	35	37
AG Cases Pending Pre-Accusation (close of FY)	11	3	13	15	7
AG Cases Pending Post-Accusation (close of FY)	43	29	33	17	36

<b>DISCIPLINARY OUTCOMES (does not include subsequent discipline; see below)</b>					
Revocation	4	4	5	3	2
Surrender	2	2	1	1	1
Suspension only	0	0	0	0	0
Probation with Suspension	0	0	0	1	0
Probation only	11	12	10	5	4
Public Reprimand / Public Reproval / Public Letter of Reprimand	6	7	7	2	2
Other	0	0	0	1	0
<b>DISCIPLINARY ACTIONS (includes Accusations and Subsequent Discipline)</b>					
Proposed Decision	4	3	4	4	2
Default Decision	4	3	4	3	3
Stipulations	17	27	27	14	7
Average Days to Complete After Accusation (from Accusation filed to imposing formal discipline)	316	328	295	339	272
Average Days from Closure of Investigation to Imposing Formal Discipline	550	490	358	450	360
Average Days to Impose Discipline (from complaint receipt to imposing formal discipline)	935	737	541	743	611
<b>PROBATION</b>					
Probations Completed	9	10	11	7	5
Probationers Pending (close of FY)	43	40	37	30	21
Probationers Tolled	1	1	1	1	1
Petitions to Revoke Probation / Accusation and Petition to Revoke Probation Filed	8	8	16	5	5
<b>SUBSEQUENT DISCIPLINE</b>					
Probations Revoked	1	2	4	5	2
Probationers License Surrendered	0	2	5	2	0
Additional Probation Only	1	4	3	1	1
Other Conditions Added Only	0	0	0	0	0
Other Probation Outcome	1	0	0	0	0
<b>PETITIONS</b>					
Petition for Termination or Modification Granted	1	0	0	2	0
Petition for Termination or Modification Denied	0	0	0	1	0
Petition for Reinstatement Granted	1	0	1	0	0
Petition for Reinstatement Denied	0	0	1	1	1
<b>CRIMINAL ACTION</b>					
Referred for Criminal Prosecution	6	8	2	1	3

<b>Enforcement Aging - Attorney General Cases (Average %)</b>							
	<b>FY 2018-19</b>	<b>FY 2019-20</b>	<b>FY 2020-21</b>	<b>FY 2021-22</b>	<b>FY 2022-23</b>	<b>Cases Closed</b>	<b>Average %</b>
Closed Within:							
0 - 1 Year	7 (23.3%)	7 (19.4%)	10 (33.3%)	4 (17.4%)	3 (21.4%)	31	23.3%
1 - 2 Years	7 (23.3%)	12 (33.3%)	13 (43.4%)	8 (34.8%)	6 (42.9%)	46	34.6%
2 - 3 Years	3 (10%)	12 (33.3%)	6 (20.0%)	8 (34.8%)	3 (21.4%)	32	24.1%
3 - 4 Years	4 (13.4%)	(11.2%)	1 (3.3%)	1 (4.3%)	2 (14.3%)	12	9.0%
Over 4 Years	9 (30%)	1 (2.8%)	0 (0.0%)	2 (8.7%)	0 (0.0%)	12	9.0%
Total Attorney General Cases Closed	30	36	30	23	14	133	

*Cost Recovery and Restitution:* Cost recovery is frequently ordered in disciplinary decisions resulting in probation. The Board reports that it is more successful obtaining full recovery of costs when it allows licensees to make payments over time as opposed to requiring one lump sum payment immediately after the decision becomes effective. The Board reports that it seldom seeks cost recovery when a license is surrendered or revoked because the individual will have lost what is likely to be their primary source of income. The Board may include cost recovery as a condition of license reinstatement.

<b>Cost Recovery</b>					
(dollars in thousands)	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Total Enforcement Expenditures	\$1.273 (in mill)	\$1.098 (in mill)	\$1.596 (in mill)	\$1.391 (in mill)	\$1.143 (in mill)
Potential Cases for Recovery	23	25	24	14	11
Cases Recovery Ordered	20	22	20	11	7
Amount of Cost Recovery Ordered	\$109,423.85	\$121,180.12	\$106,534.00	\$47,043.13	\$72,164.75
Amount Collected (at end of fiscal year; costs may be paid over several years)	\$22,726.05	\$111,930.22	\$133,271.00	\$51,257.40	\$43,544.78

Existing law authorizes the Board to order a licensee to pay restitution as a condition of probation, or as agreed to in a stipulated settlement.<sup>17</sup> The amount of restitution ordered is typically equivalent to the amount the consumer paid for services rendered by the licensee. Or the amount paid by the consumer to another licensee to redo the work. The amount ordered may also include charges incurred by the consumer for plan or map checking fees or permit fees.

<b>Restitution</b>					
(list dollars in thousands)	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Amount Ordered	\$0	\$7,900.00	\$6,900.00	\$0	\$0
Amount Collected	\$0	\$0	\$6,900.00	\$0	\$0

*Reporting of Legal Actions Program:* Existing law requires professional engineers and land surveyors, insurance companies and the courts to report criminal convictions, civil action judgements for amounts \$25,000 or greater, settlements exceeding \$50,000, and arbitration awards exceeding \$50,000.<sup>18</sup>

<sup>17</sup> Gov. Code § 11519(d)  
<sup>18</sup> Bus. and Prof. § 6770

According to the Board, reported settlement amounts have averaged roughly \$663,000 over the last three fiscal years. While reporting has improved from licensees and insurance companies, the Board reports difficulty receiving official court records.

## **Public Information Policies**

The Board communicates with applicants, licensees, and the public via email, social media (Facebook and X), and its website which contains the following resources:

- Information on applicable laws and regulations.
- *The Bulletin*, the Board's newsletter.
- Meeting materials.
- Notices of rulemaking proposals.
- License application information.
- An annual calendar.
- Consumer guides to engineering, land surveying, geology, and geophysics.
- An online complaint portal.
- A license search tool

Meeting notices and agendas (one document) are posted on the website's homepage at least 10 days in advance of every meeting. Additional meeting materials are posted within one week of posting the meeting notice. Meeting minutes are generally posted on the Board's website the day after the Board meeting at which they were approved and adopted. Meeting agendas, materials, and minutes are posted on the Board's website for five years.

The Board provides the following information about licensees on its website via its license search tool:

- License numbers
- Issue and expiration dates
- Addresses of record
- Disciplinary action taken against a licensee

In response to the COVID-19 pandemic, the Board began meeting virtually via WebEx. In 2023, the Board elected to schedule half its meetings at DCA headquarters in Sacramento so the Board could offer in-person and remote options public participation. The other half of in-person meetings were held at various locations around the state.

The Board also maintains a repository of names and contact info for professional engineers, land surveyors, geologists, and geophysicists employed by every city, county, city and county, and special district through its Notice of Department Designation form. This information is required to be provided by local public agencies for the purposes of disclosing which staff member(s) at the public agency is/are in responsible charge of the respective engineering and land surveying duties for their agency. This information is made available to consumers, upon request, when they need to interact with a public entity since it is the individual licensed staff member at the agency who is licensed to perform the regulated activities, not the public agency itself.

Pursuant to its Policy on Disclosure of Complaints and Disciplinary Action, the Board keeps records of complaint investigation cases that do not result in citations or formal disciplinary actions for five years. Upon request, the Board will provide the following information:

- Number of complaints against the individual

- Date the complaint(s) was/were received
- Disposition of the complaint (e.g. compliance obtained, mediated/resolved, referred for formal legal and/or disciplinary action, or any other action taken against the licensee)

The Board does not report complaints that are currently being investigated or if the investigation reveals that the licensee did not violate the law.

The Board keeps records of citations and formal disciplinary action in perpetuity, and discloses the actions taken, reason(s) for the action, and date of the action upon request. Formal disciplinary actions are posted via the Board’s online license search tool once they become final. Additionally as required by law, the Board posts accusations of its website once they are filed.<sup>19</sup> If a citation or decision has not been finalized, an update on the status of the citation or disciplinary action is provided.

Enforcement actions are also published in the Board’s newsletter.

### **Workplace Development and Job Creation**

*Applicants:* The Board recognizes the need for an efficient licensing process to allow qualified individuals to enter the profession without delay. The Board has established targets for processing applications and renewals, and reports that the transition to online applications and the ability to for applicants to take computer-based examinations anywhere in the country generally make the licensing process easier for applicants. Since the implementation of BPELSG Connect, the Board reports that it has received a record number of applications for the Professional Engineer license types.

*Pipeline:* The Board has College Outreach Program and maintains a database of contact information for the deans and department heads of every higher education engineering, land surveying, and geology program in California. Program staff conduct outreach on campus at events such as “Engineering Day,” and notify the relevant deans and department heads of legislative and regulatory changes as well as updates to Board practices.

*Diversity, Equity, and Inclusion:* When its strategic plan was updated in 2021, the Board included specific objectives related to DEI, primarily with respect to education and outreach to underserved populations. The Board reports that its executive leadership and managers have attended DCA workshops on DEI.

### **COVID-19 Pandemic Response**

The Board reports that the majority of professional engineers, land surveyors, geologists, and geophysicists were deemed “Essential Workers” during the COVID-19 pandemic.

At the onset of the pandemic, the Board began meeting remotely and continued to do so until March 2022. Since then, the Board has hosted a minimum of three meetings in Sacramento, which allows for public participation remotely. The Board hosts additional in-person meetings across the state.

The Board reports that examinations were temporarily impacted by the pandemic. Both state and national exams were canceled in the spring 2020. Exams were available on a limited basis until 2022.

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<sup>19</sup> Bus. and Prof. Code § 27

## **PRIOR SUNSET REVIEW: CHANGES AND IMPROVEMENTS**

The Board last underwent a sunset review by the Legislature in 2019. During the prior sunset review, committee staff raised a number of issues and provided recommendations. Below is a summary of actions which have been taken over the last five years to address these issues. Previous issues that were not completely addressed or may otherwise still be of concern they are further discussed under “Current Sunset Review Issues.”

### **Prior Issue #1: *What is the status of the long term fund condition?***

In 2019, the Board reported that its expenditures outpaced revenues by \$2 million in FY 2017-18 and that it was pursuing fee changes via the regulatory process to ensure the Board’s fiscal solvency. The fee changes, which standardized fees for all professions, took effect on January 1, 2021. See Current Issues section for further discussion.

### **Prior Issue #2: *Does the Board need more staff in order to meet its performance goals?***

In 2019, the Board reported lengthy application processing times due to the following:

- Variance in requirements for each license type.
- Limited opportunities for applicants to take requisite exams, resulting in applications pending for months.
- The use of an antiquated licensing system whose updates and fixes were lengthy and costly, if possible at all.

In September 2020, the Board began phasing in a new online application and licensing management system, BPELSG Connect. The Board was initially able to reduce processing times, but now has a backlog of applications due to a significant increase in the number of applications received (mainly civil engineering applications). The Board reports that it has increased the number of staff reviewing applications to reduce the backlog. See Current Issues section for further discussion.

### **Prior Issue #3: *Does the new test for determining employment status, as prescribed in the court decision *Dynamex Operations West Inc. v. Superior Court*, have any potential implications for licensees of the Board working as independent contractors?***

In 2019, the Board was asked whether the California Supreme Court’s 2018 *Dynamex Operations West Inc. v. Superior Court*, which established specific criteria for determining whether an individual is an employee or an independent contractor, would impact licensees. The Board reports that the decision has not impacted the Board’s operations, nor is the Board aware of any impacts to its licensees.

### **Prior Issue #4: *Why are the Board’s enforcement timeframes increasing?***

In 2019, the Board reported that despite its own efforts to streamline the Board’s enforcement process, DOI took more than one year investigate more that 57 percent of cases referred by the Board that were ultimately completed. DOI, which is responsible for investigating cases for nearly all boards and bureaus under DCA, does not, according to the Board, prioritize cases pertaining to engineering, land surveying, geology, and geophysics, because they rarely present the same level of threat to the public. The Board reports that it continues to work on reducing its enforcement timeframes. See Current Issues section for further discussion.

**Prior Issue #5: What is the Board doing to counteract unlicensed activity?**

In 2019, the Board reported that it had witnessed a spike in unlicensed activity, largely stemming from the advancement and democratization of technologies (E.g., Global Positioning System (GPS) and Ground Penetrating Radar (GPR) used to render land surveying and geophysical services. At the time, the Board reported that the concern was not so much that these tools were being utilized by laypersons, but that unlicensed individuals were interpreting resulting data and making subsequent recommendations, which constitute the practice of land surveying and geophysics in California. The Board reported that it had conducted outreach at industry events and formed a relationship with the California Facilities Safe Excavation Board. However, the Board continued to receive complaints about unlicensed activity and encounter businesses with no knowledge of the state's licensing requirements. According to the Board it is currently continuing its efforts to reduce unlicensed activity and has been with concerned professional associations to discuss ways in which they can collaborate. See Current Issues for further discussion.

**Prior Issue #6: What is the status of BreEZe implementation by the Board?**

In 2019, the Board was asked the status of its BreEZe implementation. The BreEZe Project was intended to replace DCA boards' and bureaus' standalone legacy systems with an integrated online platform for applicant tracking, licensing, renewal, enforcement monitoring, cashiering, and data management. Additionally, the BreEZe platform was designed to enable complaint submission and license verification online. Nonetheless, as the Board reported during its prior sunset review, it was one of 19 boards and bureaus that were removed from the BreEZE project entirely in 2015 and at that time continued to use legacy systems. However, the Board has since implemented BPELSG Connect which provides the same functionality as the BreEZe system was intended to.

**Prior Issue #7: Is there a need for technical cleanup?**

In 2019, the Board identified several code sections that required technical changes that were ultimately included in its sunset bill. Additionally, the Board reports that legislation has been enacted in the years since making further changes.

**Prior Issue #8: Should the licensing and regulation of professional engineers, land surveyors, and geologists be continued and be regulated by the current Board membership?**

AB 1522 (Low), Chapter 630, Statutes of 2019 extended the Board's sunset date by four years. In response to the COVID-19 pandemic, SB 1443 (Roth), Chapter 625, Statutes of 2022, subsequently extended the Board's sunset date by one year to January 1, 2025.

**CURRENT SUNSET REVIEW ISSUES FOR THE  
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS,  
AND GEOLOGISTS**

**FISCAL ISSUES**

**ISSUE #1:** *Long-Term Fund Condition. Are fee increases needed to sustain the Board? Should licensees be required to pay a credit card surcharge when paying for license applications, renewals, and exam fees on the Board’s website?*

**Background:** The Board is self-funded its budget is entirely funded by fees paid by applicants and licensees. Since its last sunset review, the Board’s total revenue has generally trended downward, while concurrently, the Board’s expenditures have increased. At the time of this writing, the Board reports that it has just less than one month’s expenses in reserve, which the Board attributes to increasing costs, including credit card surcharges incurred when applicants apply for or renew a license online. Since FY 2019-20, the Board has absorbed the cost of all credit card surcharges. However, doing so is becoming more financially burdensome to the Board as a greater number of licensees apply for or renew their license online. In FY 2022-23, 90% of licensees renewed their licenses online.

<b>Credit Card Fees</b>	
<b>Fiscal Year</b>	<b>Transaction Fees</b>
2019-20	\$63,535
2020-21	\$87,900
2021-22	\$152,160
2022-23	\$165,110
2023-24 (Projected)	\$175,000
2024-25 (Projected)	\$185,000

In addition, the Board has been using its reserves to fund its Business Modernization efforts. Since FY 2019-20, the Board has spent \$3,313,368 to implement its licensing and enforcement system, BPELSG Connect. The Board anticipates that licensee attrition could render the Board’s fund insolvent considering that revenue from license renewals accounts for roughly 80 percent of the Board’s total revenue.<sup>20</sup> However, the Board’s executive staff conservatively estimate that after an expected \$1M-\$1.5M budget reversion combined with reduced IT costs and an anticipated heavy renewal year will increase the Board’s reserve fund up to about 2 months. Nonetheless, it is unclear how the Board, at present, would cover significant unanticipated costs such as a lawsuit.

The Board reports that it has just begun an internal fee study which is expected to be completed by fall 2024. The Board reports that most of its fees could be raised via a rulemaking, but those changes likely would not be implemented until January 2026.

**Staff Recommendation:** *The Board should keep the Committees apprised of the results of its fee study and plans to modify fees via its rulemaking authority. Additionally, the Board should consider the appropriateness and need for licensees to pay credit card fees associated with license application and renewal online.*

<sup>20</sup> The Board experienced a two percent decline in renewal applications in FY 2020-21 compared to FY 2018-19 and a four percent decline in renewal applications in FY 2021-22 compared to FY 2019-20.



## LICENSING ISSUES

### ***ISSUE #2: Reciprocity Agreements. Should the Legislature establish reciprocity for UK-based chartered engineers?***

**Background:** The Board reports that as a result of the signing of the Atlantic Declaration for Twenty-First Century U.S.-U.K. Economic Partnership,<sup>21</sup> the NCEES and the Engineering Council in the United Kingdom (ECUK) are currently developing a mutual recognition agreement to more easily enable U.S.-based licensed engineers to practice in the UK and vice versa. In February 2024, representatives of the Board traveled to the UK to meet with ECUK and UK governmental officials to learn more about their licensing requirements and the industry more broadly. The Board reports that at this time its goal is to ensure that the licensing requirements established in the mutual recognition agreement sufficiently protect consumers.

Existing law authorizes the Board to establish relationships with comparable licensing entities in other countries “for the purposes of working toward uniformly high professional standards and mutual recognition of registration and licensure,”<sup>22</sup> but the Board acknowledges that should the Board decide to accept the agreement as an alternate pathway to licensure for professional engineers, it is anticipated that legislative authorization and a subsequent rulemaking would be required for the Board to implement the alternate pathways established by the mutual recognition agreement.

**Staff Recommendation:** *The Board should continue to keep the committees comprised of the status of the mutual recognition agreement and established license requirements therein.*

### ***ISSUE #3: Limited Liability Partnerships. Should the Legislature indefinitely allow the Board to issue a license to a limited liability partnerships?***

**Background:** Existing law authorized engineers and land surveyors to offer their services through various types of business entities, including, until January 1, 2026, a Limited Liability Partnership (LLP). The American Council of Engineering Companies – California (ACEC-CA) is seeking to delete the sunset date from statute, thereby allowing engineers and land surveyors to continue conducting business as a limited liability partnership indefinitely.<sup>23</sup> ACEC-CA sponsored the original bill and subsequent bills that extended the sunset date. In 2018, they sponsored SB 920 (Cannella), Chapter 150, Statutes of 2018, that would have eliminated the sunset date. However, the sunset date was added back in and extended when the bill was heard by the Senate Judiciary Committee.

**Staff Recommendation:** *The Board should notify the Committees of any complaints received from consumers related to engineers and land surveyors offering their services through an LLP that would justify the imposition of a continued sunset date.*

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<sup>21</sup> [The Atlantic Declaration: A Framework for a Twenty-First Century U.S.-UK Economic Partnership](#)

<sup>22</sup> Bus. and Prof. Code § 6741

<sup>23</sup> Bus. and Prof. Code §§ 6738 and 8729

## EDUCATION AND EXAMINATION ISSUES

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### **ISSUE #4: *Continuing Education. Should the Legislature require licensees to complete continuing education as a condition of license renewal?***

**Background:** In its 2022-27 Strategic Plan, the Board included an objective to require licensees to complete continuing education on their respective professional practices. The Board has subsequently established a workgroup of two board members and the Board's executive leadership to assess the feasibility of implementing a continuing education requirement. The Board reports that the workgroup's efforts are in their infancy. Nonetheless, that Board suggests that it may need to seek statutory authorization to impose a continuing education requirement, pending recommendations from its committee.

**Staff Recommendation:** *The Board should keep the Committees comprised of its committee's findings and recommendations. Additionally, the Board should consider alternative methods to assess competency.*

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### **ISSUE #5: *Education and Experience Requirements. Should geologist and geophysicist applicants be able to substitute work experience for some of the required education?***

**Background:** Individuals applying for an Engineer-in-Training, Professional Engineer, Land Surveyor-in-Training, or Professional Land Surveyor license are required to have completed a minimum amount of work experience. Specific education is not required but can count towards some of the required work credit. In contrast, education is required for certification or licensure as a Geologist-in-Training, Professional Geologist, or Professional Geophysicist. The Board is currently considering the appropriateness of allowing geologist and geophysicist applicants to substitute work experience for a portion educational requirements. According to the Board, some of the educational requirements have prevented otherwise qualified individuals from obtaining licensure. For example, applicants are required to complete a specified number of hours in field course work. During the COVID-19 pandemic, many field work courses were cancelled or moved online, which does not meet the Board's requirements for licensure. The Board reports that it has denied applications for this reason. Moreover, the Board reports that applicants who completed education requirements many years before applying for a license may no longer qualify if the education requirements have changed. The Board is just beginning to study this matter and suggests that it may seek statutory authorization to allow applicants to substitute work experience for education on a limited basis in the future.

**Staff Recommendation:** *The Board should report to committees the number of applicants who have been denied licensure for the aforementioned reasons. Moreover, the Board should consider whether the proposal being considered is necessary as the COVID-19 pandemic subsides.*

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### **ISSUE #6: *Exam Passage Rates. Why are state exam passage rates so low?***

**Background:** The Board, and its exam vendor, Prometric, are responsible for the development, administration, and scoring of state exams. State exams are required for the following license types: Civil Engineer, Geotechnical Engineer, Traffic Engineer, Land Surveyor, Professional Geologist, Professional Geophysicist, Certified Engineering Geologist, and Certified Hydrogeologists. These exams are required

by law as either a supplement to a national exam or in place of a national exam if there is none. Applicants must apply for Board approval to take any of the state exams. Each exam is offered in English only.

With the exception of the Traffic Engineer exam, which the Board completed an OA of in 2017, the Board has completed an OA for every state exam since its last sunset review in 2019. The Board reports that OAs help determine which topics need to be covered, not to validate the requirement of having a state-specific exam; each exam is mandated by law.<sup>24</sup> Most recently, the Board conducted an OA for each of the Civil Engineer exams and changes to those exams became effective on January 1, 2024. The Board is in the process of conducting OA for the all other state exams with completion expected by 2025.

Pass rates for each state exam are fairly dismal. In FY 2022-23, more than 50 percent of all exam takers failed (with the exception of the Professional Geophysicist exam and both Civil Engineer exams which yielded slightly better passage rates). The Geotechnical Engineer exam has had the highest rate of failure of all the state exams; over the past four fiscal years, more than 60 percent (and up to 80 percent) of candidates have failed the Geotechnical Engineer exam.

***Staff Recommendation:*** *The Board should determine the reason(s) for such low passage rates and anything it could do differently to support candidates. Moreover, the Board should consider the purpose and need for a state-specific licensing exams and report to the Committees its findings. If legislative changes are needed the Board should share amendments with the Committees.*

### **ENFORCEMENT ISSUES**

#### **ISSUE #7: Investigation Timelines. What can be done to reduce processing times for the Board's complaint investigations?**

**Background:** The Board refers a small number of cases to the DCA's Division of Investigation (DOI). However, because DOI is responsible for helping nearly all DCA boards and bureaus investigate cases, the Board reports that its own cases are rarely prioritized, causing significant delays. In 2019, the Board reported that DOI took more a year to complete its investigation in 57 percent of cases referred by the Board. Five years later, the Board reports that over the last four fiscal years, DOI has taken more than one year to investigate 52 percent of the cases referred by the Board. According to the Board, "It would be beneficial to all boards and bureaus if DOI were able to increase the number of investigators it employs and to also create specific units within DOI to handle specific types of cases or to work with specific boards."

**Staff Recommendation:** *The Board should consider whether there are additional changes that would improve the overall processing time of complaints received by the Board.*

#### **ISSUE #8: Unlicensed Activity. What can the Board do to combat unlicensed activity?**

**Background:** In 2019, the Board reported that it had witnessed a spike in unlicensed activity, largely stemming from the advancement and democratization of technologies (I.e. Global Positioning System (GPS) and Ground Penetrating Radar (GPR) used to render land surveying and geophysical services. At the time, the Board reported that the concern was not so much that these tools were being utilized by

<sup>24</sup> Bus. and Prof. Code § 6736.1, 8741.1, 7841(d), 7841.1(d), 7842(b)

laypersons, but that unlicensed individuals were interpreting resulting data and making subsequent recommendations, which constitute the practice of land surveying and geophysics in California. The Board reported that it had conducted outreach at industry events and formed a relationship with the California Facilities Safe Excavation Board. However, the Board continues to receive complaints about unlicensed activity and encounter businesses with no knowledge of the state's licensing requirements.

In its 2023-24 Sunset Review Report, the Board stated the following:

The Board would like to pursue other means to improve the effectiveness of the Enforcement Unit's processing of its complaint investigations, particularly those related to unlicensed practice. While issuing an administrative citation is an effective means of disclosing unlicensed activity to the public and emphasizing the severity and gravity of such violations, it is not always effective in motivating violators to cease and desist. Many choose to pay the fines and continue to offer and practice, while others choose to ignore the administrative citation altogether. The use of the internet to advertise professional engineering, land surveying, and geologic services continues to be on the rise. Business by unlicensed individuals is often conducted solely through internet advertisements, either using broker/referral websites or individual sites for companies. Communication is often through email and mobile telephone service, and payment is made through online payment options. This process can severely hinder ability by the consumer or the Board to pursue remedies if a breach of contract or fraud occurs. Therefore, the Enforcement Unit would like to research additional means of effectively inhibiting solicitation of illegal activities. For instance, current law provides the Board, through the issuance of an administrative citation, authority to order individuals advertising professional services in telephone directories to disconnect telephone services regulated by the Public Utilities Commission (PUC). Legislation enacted in 2015 broadened this to include any advertising, not just a listing in a telephone directory. However, many unlicensed individuals operate through mobile telephone services, which are not regulated by the PUC. In addition, there is currently no authority to require violators to shut down websites illegally advertising professional services or to require the online broker/referral websites to remove the listings. The Board would like to collaborate with the online broker/referral sites to better educate their online customers and the public of possible licensure requirements, as well as easily identify and investigate those in violation of the Board's laws.

Another serious problem regarding unlicensed activity is unlicensed individuals operating engineering and land surveying businesses without having an appropriately licensed individual as an owner, partner, or officer in responsible charge. Currently, companies offering professional engineering and land surveying services are required to provide an Organization Record (OR) form, filed free of charge, which lists the licensed professional(s) in responsible charge of professional services offered and performed. During the 2022 legislative session, the Board sponsored legislation (Ch. 302, Stats.2022) that repealed a subdivision in B&P Code § 6738 and 8729 that was widely misinterpreted as allowing non-engineering and non-land surveying businesses to offer professional engineering or land surveying services as long as the business then contracted with a licensee to be in responsible charge of the work. Although this was not at all what the subdivision stated, the Board determined that the best course of action was to repeal it to prevent any future misunderstandings or misuse of the law. This change became effective January 1, 2023. Currently, there is not a requirement for geological

and geophysical companies to file an OR form, although the Geologist and Geophysicist Act does require a professional geologist or geophysicist, as appropriate, to be an owner, partner, or officer of the business and in responsible charge of the professional services offered and performed. The Board has been exploring a means to integrate certain data elements into the BPELSG Connect system that will better enable the tracking of licensees' association with engineering, land surveying, geology, and geophysics businesses offering services in California.

Additionally, the Board reports that it has met with concerned professional associations to discuss way in which they can collaborate to address unlicensed activity.

Earlier this year, the California Land Surveyors Association (CLSA) submitted a letter enumerating several recommendations to combat illegal land surveying. Those recommendations include the Board hiring more enforcement staff; increasing civil penalties; requiring land surveyors to carry professional errors and omissions liability insurance; holding unlicensed land surveyors and the entities that employ them to be held jointly and severally liable for unlicensed practice; and enhanced education and outreach for consumers. Moreover, the CLSA has indicated that licensed land surveyors would be willing to pay slightly higher fees to improve enforcement.

**Staff Recommendation:** *The Board should consider the merit of CLSA's recommendations and report to the Committees which, if any, it considers feasible. Moreover, the Board should identify any statutory or budgetary changes needed to enable more effective enforcement against unlicensed activity.*

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**ISSUE #9:** *License Revocation. Should the Board be authorized to automatically revoke a license when the licensee violates the terms of probation?*

**Background:** When a licensee is placed on probation, their license is revoked, but the revocation is stayed by the Board. The Board imposes terms of probation, which can include requirements to take education and ethics courses, pass an examination on the Board's laws and regulations, notify clients of their disciplinary action, and pay the Board's costs for investigation and prosecution of the matter. Additionally, the terms of probation may include a period of suspension from practice. When the period of suspension concludes, the licensee must continue to abide by any other terms of their probation. However, if the licensee violates probation, the Board must file a Petition to Revoke Probation and go through the full formal discipline process.

**Staff Recommendation:** *The Board should share how often it must go through the full formal disciplinary process to revoke the licensee of an individual whose license has been placed on probationary status and the licensee violates the terms of probation. Additionally, the Board should consider whether having the authority to automatically revoke a license in this limited instance strikes the right balance between reducing administrative burdens and protecting due process.*

## TECHNICAL CLEANUP

### **ISSUE #10: *Technical Cleanup. Is there a need for technical cleanup?***

**Background:** According to the Board, legislation enacted since the Board's prior sunset review has made various technical changes, thus limiting the amount of technical clean-up needed at present. Nonetheless, the Board has identified a handful of sections within the Business and Professions Code that should be amended.

**Staff Recommendation:** *The Board should continue to advise the Committees of necessary code cleanup.*

## CONTINUED REGULATION OF PROFESSIONAL ENGINEERS, LAND SURVEYORS, GEOLOGISTS, AND GEOPHYSICISTS

### **ISSUE #11: *Continued Regulation. Should the licensing of Professional Engineers, Land Surveyors, Geologists, and Geophysicists be continued and be regulated by the Board?***

**Background:** The practices of engineering, land surveying, geology, and geophysics have significant health, safety, legal, and financial consequences for Californians. Indeed, the regulation of engineering and geology began after catastrophic events ruinous to human life and property. Uniform enforcement of land surveying laws became paramount following years of local jurisdictions interpreting the laws differently and legal disputes costing both the state and public millions of dollars. The Board's licensing and enforcement responsibilities are no less important today as the state endures regular extreme weather events and continues to invest significant resources in its infrastructure.

**Staff Recommendation:** *The Board's oversight of the Professional Engineers, Land Surveyors, Geologists, and Geophysicists should be continued, with potential reforms, and reviewed again on a future date (to be determined) to ensure that issues identified in this background paper are adequately addressed.*

# RESPONSE TO THE BACKGROUND PAPER FOR

## The California Board for Professional Engineers, Land Surveyors, and Geologists

Submitted to the  
Assembly Committee on Business and Professions  
and the  
Senate Committee on Business, Professions, and Economic  
Development

April 2024

For more detailed information regarding the responsibilities, operation and functions of the Board for Professional Engineers, Land Surveyors, and Geologists (BPELSG or Board), please refer to the Board's "2023-24 Sunset Review Report and Attachments." This report is available on its website at [http://www.bpelsg.ca.gov/pubs/2023-24\\_sunset\\_review\\_report.pdf](http://www.bpelsg.ca.gov/pubs/2023-24_sunset_review_report.pdf).

### CURRENT SUNSET REVIEW ISSUES FOR THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

#### FISCAL ISSUES

**ISSUE #1:** *Long-Term Fund Condition. Are fee increases needed to sustain the Board? Should licensees be required to pay a credit card surcharge when paying for license applications, renewals, and exam fees on the Board's website?*

**Background:** The Board is self-funded; its budget is entirely funded by fees paid by applicants and licensees. Since its last sunset review, the Board's total revenue has generally trended downward, while concurrently, the Board's expenditures have increased. The Board experienced a two percent decline in renewal applications in FY 2020-21 compared to FY 2018-19 and a four percent decline in renewal applications in FY 2021-22 compared to FY 2019-20. At the time of this writing, the Board reports that it has just less than one month's expenses in reserve, which the Board attributes to increasing costs, including credit card surcharges incurred when applicants

apply for or renew a license online. Since FY 2019-20, the Board has absorbed the cost of all credit card surcharges. However, doing so is becoming more financially burdensome to the Board as a greater number of licensees apply for or renew their license online. In FY 2022-23, 90% of licensees renewed their licenses online.

Credit Card Fees	
Fiscal Year	Transaction Fees
2019-20	\$63,535
2020-21	\$87,900
2021-22	\$152,160
2022-23	\$165,110
2023-24 (Projected)	\$175,000
2024-25 (Projected)	\$185,000

In addition, the Board has been using its reserves to fund its Business Modernization efforts. Since FY 2019-20, the Board has spent \$3,313,368 to implement its licensing and enforcement system, BPELSG Connect. The Board anticipates that licensee attrition could render the Board’s fund insolvent considering that revenue from license renewals accounts for roughly 80 percent of the Board’s total revenue. However, the Board’s executive staff conservatively estimate that after an expected \$1M-\$1.5M budget reversion combined with reduced IT costs and an anticipated heavy renewal year will increase the Board’s reserve fund up to about 2 months. Nonetheless, it is unclear how the Board, at present, would cover significant unanticipated costs, such as a lawsuit.

The Board reports that it has just begun an internal fee study which is expected to be completed by fall 2024. The Board reports that most of its fees could be raised via rulemaking, but those changes likely would not be implemented until January 2026.

**Committee Staff Recommendation:** *The Board should keep the Committees apprised of the results of its fee study and plans to modify fees via its rulemaking authority. Additionally, the Board should consider the appropriateness and need for licensees to pay credit card fees associated with license application and renewal online.*

**Board Response:** As mentioned in the Sunset Report, the Board has recently begun a fee study in collaboration with the DCA Budget Office and expects to provide reports at a future Board meeting, with recommendations to the Board most likely at the August 22-23, 2024, meeting. Since there is sufficient room between the Board’s current fee structure as specified in regulations and the Board’s statutory maximum limits, the Board believes that any recommendations for fee changes resulting from the fee study will only involve rulemaking efforts to revise the fees in Board Rules and will not require statutory changes. If fees are proposed to be changed, the likely date for those to become effective would be January 1, 2026, based on current rulemaking process timeframes.

It is anticipated that during the discussion on fee change recommendations, expected at the August 22-23, 2024, Board meeting, the Board will be updated on the impact that credit card transactions has on expenditures and overall fund condition. However, an evaluation of the current fund condition reveals that the costs of processing a license renewal by credit card has a fee of



approximately 2.5% of the total dollar value of each transaction. At the current \$180 fee for license renewal, the average transaction processing fee is \$4.50, which is approximately 50% less when compared to the costs which are incurred by the Board by manually processing a license renewal payment by all other payment options other than by credit card through the online process. The online participation rate for license renewals in February 2024 was 94%.

Furthermore, from the period Fiscal Year (FY) 2018/19 through FY 2022/23, credit card processing fees accounted for \$589,000, or 1%, of the Board's overall expenses. Based on this information, if the Board chose to begin passing the transaction processing fees on to licensees and applicants on a per transaction basis, this change would not have a significant impact on the fund condition or mitigate the need for a fee increase and, more importantly, would likely negatively impact the otherwise robust online participation rate, which would conversely result with increased costs by forcing the Board to manually process more license renewals.

### **LICENSING ISSUES**

#### ***ISSUE #2: Reciprocity Agreements. Should the Legislature establish reciprocity for UK-based chartered engineers?***

**Background:** The Board reports that as a result of the signing of the Atlantic Declaration for Twenty- First Century U.S.-U.K. Economic Partnership, the NCEES and the Engineering Council in the United Kingdom (ECUK) are currently developing a mutual recognition agreement to more easily enable U.S.-based licensed engineers to practice in the UK and vice versa. In February 2024, representatives of the Board traveled to the UK to meet with ECUK and UK governmental officials to learn more about their licensing requirements and the industry more broadly. The Board reports that at this time its goal is to ensure that the licensing requirements established in the mutual recognition agreement sufficiently protect consumers.

Existing law authorizes the Board to establish relationships with comparable licensing entities in other countries “for the purposes of working toward uniformly high professional standards and mutual recognition of registration and licensure,” but the Board acknowledges that should the Board decide to accept the agreement as an alternate pathway to licensure for professional engineers, it is anticipated that legislative authorization and a subsequent rulemaking would be required for the Board to implement the alternate pathways established by the mutual recognition agreement.

**Committee Staff Recommendation:** *The Board should continue to keep the committees comprised of the status of the mutual recognition agreement and established license requirements therein.*

**Board Response:** The National Council of Examiners for Engineering and Surveying (NCEES) and the Engineering Council of U.K. (EngC) finalized the Mutual Recognition Agreement (MRA) on March 28, 2024. The Board took action at their March 7, 2024, meeting, agreeing to pursue recognition of the MRA as an alternate pathway to engineering licensure in California for any U.K. Chartered Engineer that has additionally obtained registration under the International Engineering

Alliance (IEA) registry. While the MRA recognizes many similarities between California engineer license requirements and those of the EngC, the MRA has identified that Chartered Engineers from U.K. use a form of assessment which differs from the traditional examination form which is common in U.S. jurisdictions. The Board is currently evaluating any revisions to laws and regulations to prepare for applicants seeking to use this pathway in the future and has identified some minor revisions to statutes which will enable to the Board to fully consider all available options during the rulemaking process to implement this pathway. These minor revisions would amend Business and Professions Code sections 6755 and 6755.1 relating to the term “second division examination.” The proposed amendments would clarify that the Board could enact rules to waive any part of the second division examination and what the parts of the “second division examination” for the civil engineer license are. The proposed language is included with the response to Issue 10, along with other proposed legislative changes.

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**ISSUE #3: *Limited Liability Partnerships. Should the Legislature indefinitely allow the Board to issue a license to a limited liability partnerships?***

**Background:** Existing law authorized engineers and land surveyors to offer their services through various types of business entities, including, until January 1, 2026, a Limited Liability Partnership (LLP). The American Council of Engineering Companies – California (ACEC-CA) is seeking to delete the sunset date from statute, thereby allowing engineers and land surveyors to continue conducting business as a limited liability partnership indefinitely. ACEC-CA sponsored the original bill and subsequent bills that extended the sunset date. In 2018, they sponsored SB 920 (Cannella), Chapter 150, Statutes of 2018, that would have eliminated the sunset date. However, the sunset date was added back in and extended when the bill was heard by the Senate Judiciary Committee.

**Committee Staff Recommendation:** *The Board should notify the Committees of any complaints received from consumers related to engineers and land surveyors offering their services through an LLP that would justify the imposition of a continued sunset date.*

**Board Response:** This issue raises the question, “Should the Legislature indefinitely allow the Board to issue a license to a limited liability partnerships?” To clarify, the Board does not issue licenses to engineering or land surveying businesses, nor would this legislative proposal authorize that. The laws allow professional engineers and land surveyors to form certain types of business entities through which those licensed individuals may offer their services, if specific terms as stated in the laws are met (Business and Professions Code sections 6738 and 8729, respectively). Prior to 2010, those business entities were limited to sole proprietorships, partners, corporations, and firms. In 2010, ACEC-CA sponsored legislation to include limited liability partnerships as another type of business entity. At that time, the Legislature included a sunset date for the provision to allow for review in the future regarding what impact that type of business entity might have on consumers. In the intervening years, ACEC-CA has sponsored legislation to eliminate the sunset date; however, the Legislature has only extended the date, rather than eliminating it. The Board has supported ACEC-CA’s efforts to eliminate the sunset date in the past. This year, ACEC-CA is again proposing to eliminate the sunset date through Assembly Bill 1862 (Vince Fong and Chen). At its March 7, 2024, meeting, the Board voted to take a position of “support” on AB 1862. The Board has not received any complaints or inquiries from consumers regarding professional engineers and land surveyors who offer their professional services through a limited liability

partnership. The only inquiries the Board has received are from licensees who are trying to determine if they will need to change their business structure from an LLP to one of the other authorized entities if the sunset date is not extended. The Board has advised them that they should consult with an attorney, but that the Board would most likely take into consideration whether the business had been legally established under the laws in effect at the time. It should also be noted that the Board has no position on the types of business entities authorized. The Board had no position on the original bills that added LLPs to the laws and extended the sunset date. The Board does support the elimination of the sunset date to remove any confusion for its licensees and because the Board is not aware of any issues caused to consumers by allowing professional engineers and land surveyors to form LLPs. A copy of the Board's letter of support is included with this response.

### **EDUCATION AND EXAMINATION ISSUES**

**ISSUE #4:** *Continuing Education. Should the Legislature require licensees to complete continuing education as a condition of license renewal?*

**Background:** In its 2022-27 Strategic Plan, the Board included an objective to require licensees to complete continuing education on their respective professional practices. The Board has subsequently established a workgroup of two board members and the Board's executive leadership to assess the feasibility of implementing a continuing education requirement. The Board reports that the workgroup's efforts are in their infancy. Nonetheless, that Board suggests that it may need to seek statutory authorization to impose a continuing education requirement, pending recommendations from its committee.

**Committee Staff Recommendation:** *The Board should keep the Committees apprised of its committee's findings and recommendations. Additionally, the Board should consider alternative methods to assess competency.*

**Board Response:** The workgroup has met to discuss initial goals and to identify possible sources of information which would prove beneficial to the workgroup's need to properly assess any impacts resulting from an implementation of continuing education requirements to licensees. An online questionnaire was developed, and a link was distributed publicly to all the Board's stakeholders, which resulted in 1,383 responses between November 2023 and February 2024. Ninety-three percent (93%) of the responses were from engineers, geologists, geophysicists, and land surveyors currently licensed by the Board while seven percent (7%) came from unlicensed individuals, presumably those who are in various stages of seeking a license. The overall results of the questionnaire will be presented to the Board at the May 9-10, 2024, Board meeting. A subsequent updated report will be provided to the Committees following that meeting.

Additionally, the Board has recently executed a contract for assistance in developing the necessary content for the upcoming License Renewal Assessment, which is planned to be available to licensees during the license renewal process. As mentioned under the Board's 2022-23 Strategic Plan and under Section 4 – Enforcement Program portion of the Sunset Report, this Assessment will focus on educating licensees on any changes to the Board's laws and most common areas of non-compliance. While the Board anticipates this Assessment to become available to licensees by

the end of 2024 or early 2025, this anticipated timeline is highly dependent upon the continued availability of necessary resources from DCA's Office of Information Services and the vendor dedicated to completing the Board's contracted development of BPELSG Connect.

**ISSUE #5: *Education and Experience Requirements. Should geologist and geophysicist applicants be able to substitute work experience for some of the required education?***

**Background:** Individuals applying for an Engineer-in-Training, Professional Engineer, Land Surveyor-in-Training, or Professional Land Surveyor license are required to have completed a minimum amount of work experience. Specific education is not required but can count towards some of the required work credit. In contrast, education is required for certification or licensure as a Geologist-in-Training, Professional Geologist, or Professional Geophysicist. The Board is currently considering the appropriateness of allowing geologist and geophysicist applicants to substitute work experience for a portion educational requirements. According to the Board, some of the educational requirements have prevented otherwise qualified individuals from obtaining licensure. For example, applicants are required to complete a specified number of hours in field course work. During the COVID-19 pandemic, many field work courses were cancelled or moved online, which does not meet the Board's requirements for licensure. The Board reports that it has denied applications for this reason. Moreover, the Board reports that applicants who completed education requirements many years before applying for a license may no longer qualify if the education requirements have changed. The Board is just beginning to study this matter and suggests that it may seek statutory authorization to allow applicants to substitute work experience for education on a limited basis in the future.

**Committee Staff Recommendation:** *The Board should report to committees the number of applicants who have been denied licensure for the aforementioned reasons. Moreover, the Board should consider whether the proposal being considered is necessary as the COVID-19 pandemic subsides.*

**Board Response:** As noted in the Board's Sunset Review Report, Board staff has just begun reviewing this issue and collecting data to help the Board make an informed decision regarding whether education should still be a mandatory requirement for certification or licensure as a Geologist-in-Training (GIT), a Professional Geologist (PG), or a Professional Geophysicist (PGp) or whether there should be allowances made to provide for work experience in lieu of some of the educational components, which would be more consistent with the requirements for an engineer or land surveyor license.

At this time, Board staff has not compiled the data to determine how many applicants were denied solely because of their educational course work. The legacy computer system the Board used to track applications indicates whether an application was denied, but it does not indicate the reason for that denial, which can include issues with the work experience as well as the course work. It will be necessary for staff to manually review the files to determine the reason for the denial and what the final outcome was. The Board is aware of two applicants within the last two years whose applications were denied solely based on deficiencies with their educational course work. Both

applicants completed additional course work and reapplied to the Board and are now on the path for licensure.

A question was raised about whether this will still be an issue now that the COVID-19 pandemic is subsiding. If there is an issue with the person's course work that was completed during the pandemic, that person would always have that issue whether the pandemic is subsiding. Individuals who complete their course work in the future would likely not face the same issue.

The Board will be discussing this issue at its May 9 & 10, 2024, meeting. A subsequent updated report will be provided to the Committees following that meeting.

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**ISSUE #6: Exam Passage Rates. Why are state exam passage rates so low?**

**Background:** The Board, and its exam vendor, Prometric, are responsible for the development, administration, and scoring of state exams. State exams are required for the following license types: Civil Engineer, Geotechnical Engineer, Traffic Engineer, Land Surveyor, Professional Geologist, Professional Geophysicist, Certified Engineering Geologist, and Certified Hydrogeologist. These exams are required by law as either a supplement to a national exam or in place of a national exam if there is none. Applicants must apply for Board approval to take any of the state exams. Each exam is offered in English only.

With the exception of the Traffic Engineer exam, which the Board completed an OA of in 2017, the Board has completed an OA for every state exam since its last sunset review in 2019. The Board reports that OAs help determine which topics need to be covered, not to validate the requirement of having a state-specific exam; each exam is mandated by law (Business and Professions Code sections 6736.1, 8741.1, 7841(d), 7841.1(d), 7842(b)). Most recently, the Board conducted an OA for each of the Civil Engineer exams and changes to those exams became effective on January 1, 2024. The Board is in the process of conducting OA for the all other state exams with completion expected by 2025.

Pass rates for each state exam are fairly dismal. In FY 2022-23, more than 50 percent of all exam takers failed (with the exception of the Professional Geophysicist exam and both Civil Engineer exams which yielded slightly better passage rates). The Geotechnical Engineer exam has had the highest rate of failure of all the state exams; over the past four fiscal years, more than 60 percent (and up to 80 percent) of candidates have failed the Geotechnical Engineer exam.

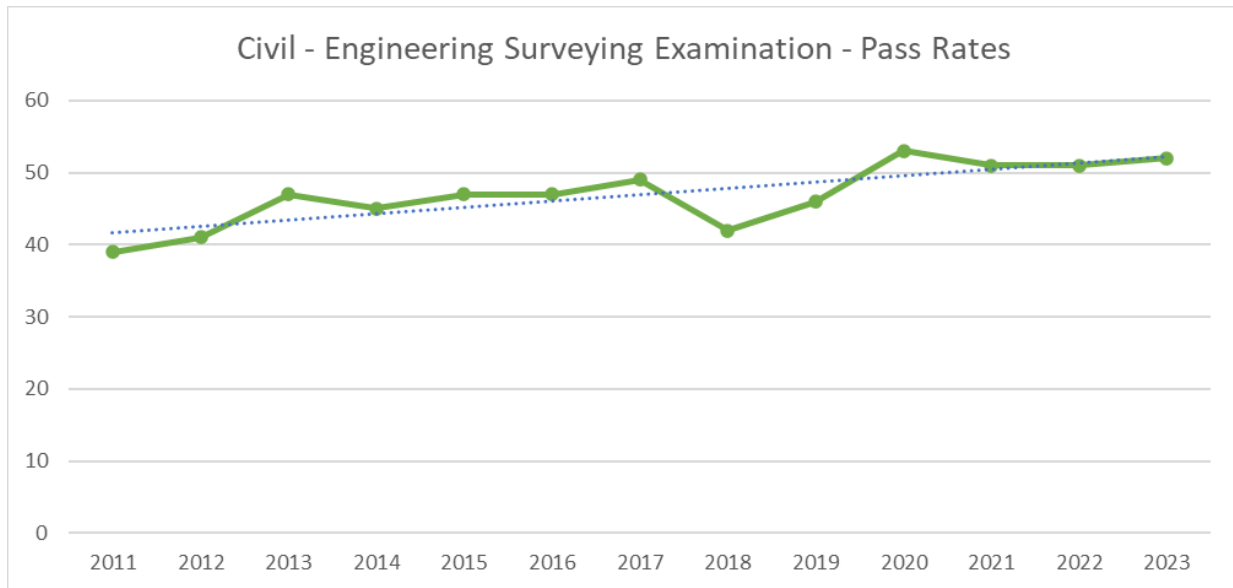
**Committee Staff Recommendation:** *The Board should determine the reason(s) for such low passage rates and anything it could do differently to support candidates. Moreover, the Board should consider the purpose and need for a state-specific licensing exams and report to the Committees its findings. If legislative changes are needed, the Board should share amendments with the Committees.*

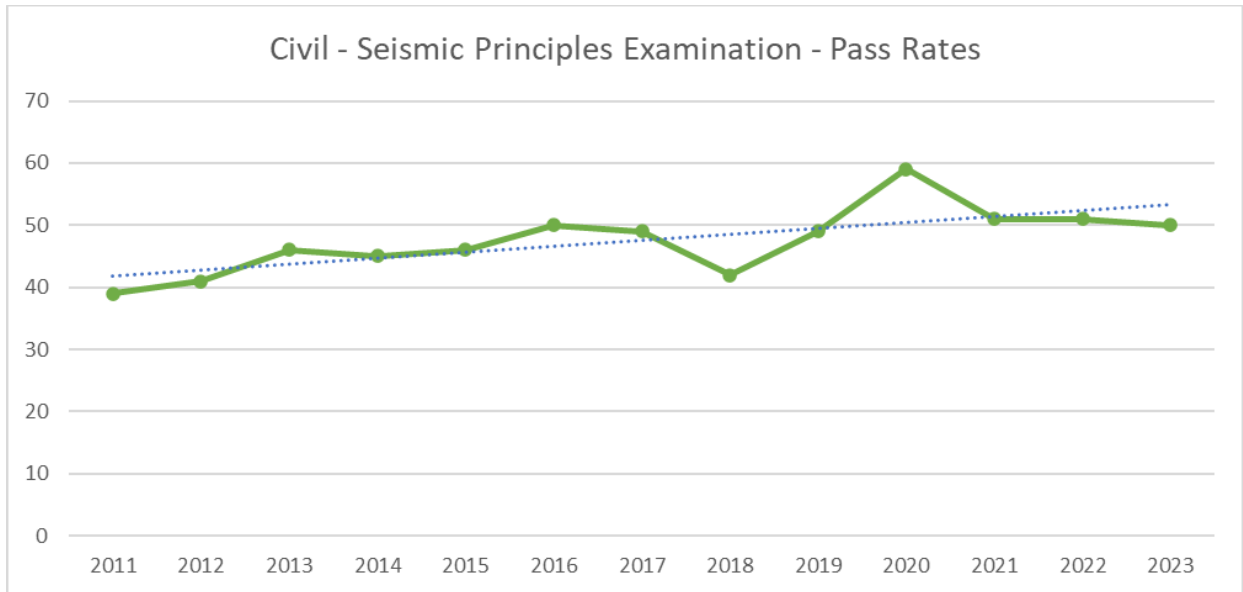
**Board Response:** The Board has identified multiple variables which could have a perceptible impact on the pass rates, not the least of which is the knowledge and skill level of the examinees themselves. Since FY 2011/12 when the Board transitioned all of its state exams from paper-pencil format to computer-based testing (CBT), two primary variables for significant variation in

examinee performance were apparent; one which does actually impact performance while the other gives the visual perception of poorer performance and possible issues with the examination(s) itself.

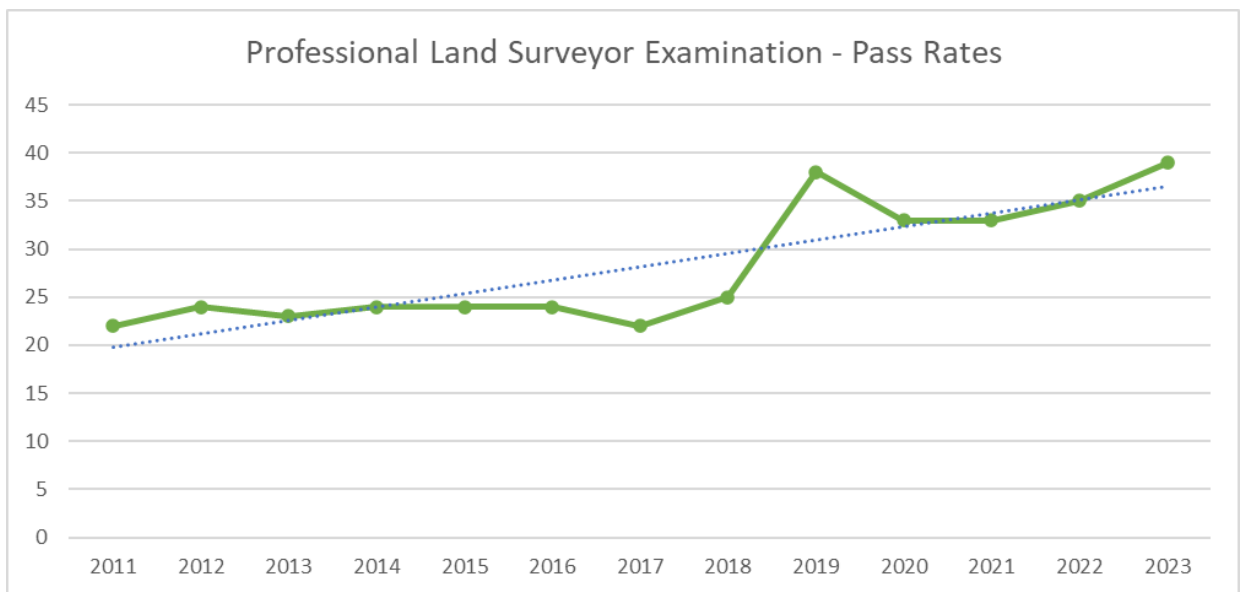
The Board regularly performs outreach to licensees and "pre-licensees" on the importance of understanding the contents of the published test plan specifications and how the applicants, by focusing on those specifications, can be better prepared for what they will actually be tested on. The approved and published test plan specifications are the direct result of the Occupational Analysis (OA) studies. It is the Board's experience that many times exam preparation efforts by industry experts or volunteers attempt to teach the applicant how to practice rather than how to build upon their previously gained education and experience with a clear understanding towards focusing on exam preparation. Ever since the Board has begun guiding the professional groups, licensees, and applicants through outreach efforts on the direct correlation that the test plan specifications has on successfully preparing for the exam(s), the Board has generally seen more consistent pass rates for most of the exams.

For example, the pass rates for both the state Civil – Engineering Surveying and Civil – Seismic Principles have both shown a positive trend in pass rates since the onset of the Board's outreach efforts.





While reflecting a little more fluctuation across administrations, the same can generally be said for the state Professional Land Surveyor examination:



The fluctuation shown in the state Professional Land Surveyor examination pass rates is reflective of the other primary variable that gives the appearance of poorer performance. That is the size of the examinee population for each exam. The larger populations for the two Civil Engineer examinations are not so readily impacted with a variation in the number of people passing a given administration. While the smaller examinee populations such as the state Geotechnical Engineer, Traffic Engineer, or the various Geologist examinations have a much more significant impact on the pass rate for those exams. For example, if 10 additional examinees failed at a certain administration, that would result in a dramatically different passing rate than if 10 additional examinees failed (or passed) one of the civil engineer examinations.

While the state Professional Land Surveyor examination has a larger examinee population relatively speaking, it is still much smaller than the two civil engineering examinations.

The Geotechnical Engineer examination was administered only once per year up to 2013 primarily due to the low population. After evaluation by Board staff and its examination vendor, the Board decided to change the administration of this examination to be open throughout the year (beginning in 2015 – the examination was not offered in 2014) in an effort to accommodate the licensed Civil Engineers who had applied for the Geotechnical Engineer title authority and reverse the trend of declining number of applications. However, this change in administration did not generate increased interest from the civil engineering population as anticipated so the Board changed again to a single, 15-day testing window in the fall of 2018 and is maintaining that current schedule. The Board believes the declining pass rates are generally reflective of this variance in administration format as well as the general decline in Geotechnical Engineer applications received by the Board.

Furthermore, as mentioned on Page 20 of the Background Paper for the California Board for Professional Engineers, Land Surveyors, and Geologists, the Board conducts OAs to determine which topics are to be covered on each exam. After the OA for an exam is complete, the exam is adjusted to reflect the new test specifications resulting from the OA. The new exam is administered to candidates, then after a sufficient number of candidates have taken the new exam, the Board conducts a standard setting study to establish the passing score for the exam. The passing score represents the minimum level of competency a candidate must have to practice safely in the profession.

In concert with the psychometric vendor, the Board uses an industry standard process for standard setting, in which a panel of subject-matter experts (SMEs) are trained to rate each test item as to how many of 100 minimally competent candidates would answer the item correctly. A psychometrician analyzes the panel's ratings and calculates a range of potential passing scores. The panel reviews the potential passing scores along with data regarding the pass rate that would result from each potential passing score, and the panel selects a passing score to recommend to the Board. The Board makes the final decision regarding the passing score for each exam.

*Standards for Educational and Psychological Testing* (2014: AERA, APA, NCME) standards 5.22 and 11.16, respectively, describe how pass scores are determined for credentialing exams and to quote standard 11.16 “The level of performance required for passing a credentialing test should depend on the knowledge and skills necessary for credential-worthy performance in the occupation or profession and should not be adjusted to control the number or proportion of persons passing the test.”

In conclusion, the Board believes the state examinations are not only psychometrically valid but, more importantly, pertinent towards protecting the public's interests in terms of ensuring that competent individuals are practicing engineering, land surveying, geology, and geophysics in California. Since California is one of approximately 10 states which issues engineering licenses by discipline rather than generically as a Professional Engineer license, the state examinations serve to fill in the gap between the content included on national professional engineer examinations and specific state conditions that are unique to the regulated practices in California. The Board also understands that California is the only state which specifically issues a Traffic Engineer



license; one of only two states which issues a specific Geotechnical Engineer license (Oregon issues a Geotechnical Engineering license and mandates their applicants to pass the California Geotechnical Engineer examination); and the only state which specifically issues a Professional Geophysicist license.

### **ENFORCEMENT ISSUES**

#### ***ISSUE #7: Investigation Timelines. What can be done to reduce processing times for the Board's complaint investigations?***

**Background:** The Board refers a small number of cases to the DCA's Division of Investigation (DOI). However, because DOI is responsible for helping nearly all DCA boards and bureaus investigate cases, the Board reports that its own cases are rarely prioritized, causing significant delays. In 2019, the Board reported that DOI took more a year to complete its investigation in 57 percent of cases referred by the Board. Five years later, the Board reports that over the last four fiscal years, DOI has taken more than one year to investigate 52 percent of the cases referred by the Board. According to the Board, "It would be beneficial to all boards and bureaus if DOI were able to increase the number of investigators it employs and to also create specific units within DOI to handle specific types of cases or to work with specific boards."

**Committee Staff Recommendation:** *The Board should consider whether there are additional changes that would improve the overall processing time of complaints received by the Board.*

**Board Response:** As outlined in the Sunset Report, the Board has identified a number of factors that affect the overall processing time of complaints received by the Board, including the increased number of complaints received as a result of an easier means for complainants to submit complaints through the Board's BPELSG Connect online complaint portal; continued development and improvements to the external user interface and the back office functionality of the portal; longer processing times for cases that include referral to the Division of Investigation (DOI); and difficulties recruiting independent expert consultants.

The Board also identified several improvements the Board is working on to allay a number of the concerns related to processing times. The Board is confident that continued development of the back office portion of BPELSG Connect and improvements to the external and internal functionality will improve the effectiveness of Board investigations and help improve overall timeframes. The Board is also finding success in recruitment of experts by notifications to licensees through its website and subscriber lists and outreach to professional associations with requests for them to convey the Board's need to their members. Furthermore, Board staff is actively working with DOI to assist in drafting its Case Referral Guidelines for non-health care programs. These guidelines are intended to assist DOI to focus on prioritizing the cases referred to it by all the non-health care programs.

As the Board continues to focus on these efforts to improve processes that will assist in reducing investigation timelines, it remains committed to recognizing additional opportunities to improve, including evaluating and revising current investigative policies and practices, evaluating ways to

assist the public and licensees to reduce violations resulting in complaints, and assisting outside entities the Board relies upon to improve their own processes.

**ISSUE #8: *Unlicensed Activity. What can the Board do to combat unlicensed activity?***

**Background:** In 2019, the Board reported that it had witnessed a spike in unlicensed activity, largely stemming from the advancement and democratization of technologies (i.e., Global Positioning System (GPS) and Ground Penetrating Radar (GPR)) used to render land surveying and geophysical services. At the time, the Board reported that the concern was not so much that these tools were being utilized by laypersons, but that unlicensed individuals were interpreting resulting data and making subsequent recommendations, which constitute the practice of land surveying and geophysics in California. The Board reported that it had conducted outreach at industry events and formed a relationship with the California Facilities Safe Excavation Board. However, the Board continues to receive complaints about unlicensed activity and encounter businesses with no knowledge of the state's licensing requirements.

In its 2023-24 Sunset Review Report, the Board stated the following:

The Board would like to pursue other means to improve the effectiveness of the Enforcement Unit's processing of its complaint investigations, particularly those related to unlicensed practice. While issuing an administrative citation is an effective means of disclosing unlicensed activity to the public and emphasizing the severity and gravity of such violations, it is not always effective in motivating violators to cease and desist. Many choose to pay the fines and continue to offer and practice, while others choose to ignore the administrative citation altogether. The use of the internet to advertise professional engineering, land surveying, and geologic services continues to be on the rise. Business by unlicensed individuals is often conducted solely through internet advertisements, either using broker/referral websites or individual sites for companies. Communication is often through email and mobile telephone service, and payment is made through online payment options. This process can severely hinder ability by the consumer or the Board to pursue remedies if a breach of contract or fraud occurs. Therefore, the Enforcement Unit would like to research additional means of effectively inhibiting solicitation of illegal activities. For instance, current law provides the Board, through the issuance of an administrative citation, authority to order individuals advertising professional services in telephone directories to disconnect telephone services regulated by the Public Utilities Commission (PUC). Legislation enacted in 2015 broadened this to include any advertising, not just a listing in a telephone directory. However, many unlicensed individuals operate through mobile telephone services, which are not regulated by the PUC. In addition, there is currently no authority to require violators to shut down websites illegally advertising professional services or to require the online broker/referral websites to remove the listings. The Board would like to collaborate with the online broker/referral sites to better educate their online customers and the public of possible licensure

requirements, as well as easily identify and investigate those in violation of the Board's laws.

Another serious problem regarding unlicensed activity is unlicensed individuals operating engineering and land surveying businesses without having an appropriately licensed individual as an owner, partner, or officer in responsible charge. Currently, companies offering professional engineering and land surveying services are required to provide an Organization Record (OR) form, filed free of charge, which lists the licensed professional(s) in responsible charge of professional services offered and performed. During the 2022 legislative session, the Board sponsored legislation (Ch. 302, Stats.2022) that repealed a subdivision in B&P Code § 6738 and 8729 that was widely misinterpreted as allowing non-engineering and non-land surveying businesses to offer professional engineering or land surveying services as long as the business then contracted with a licensee to be in responsible charge of the work. Although this was not at all what the subdivision stated, the Board determined that the best course of action was to repeal it to prevent any future misunderstandings or misuse of the law. This change became effective January 1, 2023. Currently, there is not a requirement for geological and geophysical companies to file an OR form, although the Geologist and Geophysicist Act does require a professional geologist or geophysicist, as appropriate, to be an owner, partner, or officer of the business and in responsible charge of the professional services offered and performed. The Board has been exploring a means to integrate certain data elements into the BPELSG Connect system that will better enable the tracking of licensees' association with engineering, land surveying, geology, and geophysics businesses offering services in California.

Additionally, the Board reports that it has met with concerned professional associations to discuss way in which they can collaborate to address unlicensed activity.

Earlier this year, the California Land Surveyors Association (CLSA) submitted a letter enumerating several recommendations to combat illegal land surveying. Those recommendations include the Board hiring more enforcement staff; increasing civil penalties; requiring land surveyors to carry professional errors and omissions liability insurance; holding unlicensed land surveyors and the entities that employ them to be held jointly and severally liable for unlicensed practice; and enhanced education and outreach for consumers. Moreover, the CLSA has indicated that licensed land surveyors would be willing to pay slightly higher fees to improve enforcement.

**Committee Staff Recommendation:** *The Board should consider the merit of CLSA's recommendations and report to the Committees which, if any, it considers feasible. Moreover, the Board should identify any statutory or budgetary changes needed to enable more effective enforcement against unlicensed activity.*

**Board Response:** Although the Committee Staff Recommendation references a letter from the California Land Surveyors Association (CLSA), the Board also received a copy of joint letter from the American Council of Engineering Companies – California (ACEC-CA) and the California and Nevada Civil Engineers and Land Surveyors Association (CELISA). Both of these letters were

sent to the Committees, with copies to the Board. Since the two letters make nearly identical recommendations, both will be discussed in the Board's Response. The letters will be referred to as "the ACEC-CA/CELSA letter" and "the CLSA letter" or, collectively, as "the letters."

The Board recognizes efforts by professional organizations, such as ACEC-CA, CELSA, and CLSA, to offer viewpoints on issues threatening the public and suggestions to strengthen the Board's authority to effectively enforce its laws. The Board agrees with some of the issues presented in the letters, and it has expressed some of the same issues in its Sunset Report. Furthermore, the Board is already researching some of the recommendations presented in the letters, such as exploring continuing education and increasing outreach through hosting and participating in events and increasing online presence.

The letters recommend that the Board hire more staff dedicated to the investigation and prosecution of unlicensed land surveying. They both allude to increase license renewal fees, with CLSA indicating it would support "a modest license fee increase to fund this." The letters also recommend the Board increase the maximum amount of administrative fines it may order, which are listed in its regulations (Title 16, California Code of Regulations sections (16 CCR) 472.1 and 473.1), with CLSA specifically recommending the maximum be \$20,000 per occurrence or 5% of the cost of the project and CELSA/ACEC-CA recommending the maximum amount for the "willful, knowing, or reckless unlicensed practice of land surveying to [be] commensurate with the size of the contract." The recommendation to increase the amount of the administrative fine has been suggested in the past. Each time, the Board has explained that the maximum fine amount as specified in its regulations is \$5,000 per incident per violation, which is the maximum amount allowed under the statutes that authorize the Board to enact regulations to issue citations with administrative fines. These sections, Business and Professions Code sections 125.9, 148, and 149, apply to many of the licensing programs within the Department of Consumers. As such, the Board does not have the statutory authority to increase the maximum amount of the fine specified in its regulations. Additionally, the Board questions the appropriateness of specifying a different maximum amount for one specific violation (unlicensed practice of land surveying). Furthermore, as the Board noted in this Sunset Report and this response, unlicensed individuals often do not pay the fines ordered, not matter what the amount may be. With regards to the recommendations to increase license renewal fees to cover the costs of hiring enforcement staff who would be dedicated to handling investigations of cases related to the unlicensed practice of land surveying, the Board is beginning an internal fee study to determine if fees need to be changed to sustain the overall operations of the Board. Again, the Board would also question the appropriateness of charging its licensees a higher renewal fee that could only be used for one specific activity.

The letters also focus on enhancing existing laws associated with business requirements, which they believe will promote better responsible charge by licensees. There are already laws in place related to some of the suggested legislative measures suggested in the letters. For instance, the letters recommend legislation to hold unlicensed individuals and the companies that hire them "jointly and severally" liable for unlicensed activity. The concept of joint and several liability is related to financial damages that may be addressed through the civil courts; it does not pertain to the Board's ability to pursue administrative enforcement action against licensed or unlicensed individuals. The Board's laws already identify unlicensed practice and aiding and abetting by the Board's licensees as actionable offenses that can result in administrative or disciplinary action.

Furthermore, the Board's laws already require professional engineers and land surveyors to file Organization Record forms providing information regarding their businesses. The Board has, and will continue to, pursue enforcement action against licensees who fail to comply with these laws.

The CLSA letter recommends that all professional land surveyors be required to carry professional errors and omissions liability insurance. The CELSA/ACEC-CA letter recommends that all professional land surveyors be required to disclose whether they carry professional errors and omissions liability insurance. The Board has concerns regarding both of these recommendations. If licensees are required to carry professional errors and omissions liability insurance, it is likely that these overhead costs will increase the amount of the fees the licensees, through their businesses, will charge consumers for their services to cover this additional cost of doing business, which does a disservice to consumers. Requiring licensees to disclose to clients whether they carry such insurance will likely result in an increase in complaints to the Board that will be based on "he said/she said" type of evidence and will ultimately result in a determination that there is not sufficient evidence to determine whether a violation occurred. This would impact the Board's ability to timely, efficiently, and effectively investigate and process complaints.

The letters recommend that "the legislature should adopt a requirement that BPELSG develop and deploy a strategy for educating purchasers and consumers of land surveying services about what constitutes the practice of land surveying and the importance of utilizing properly licensed professionals." The Board recognizes that effective outreach to the industry and to the public is essential to ensure that licensees meet industry standards and that consumers are informed of the potential issues they could encounter by hiring unlicensed individuals. As noted in the Sunset Report, the Board actively provides outreach to professional organizations, agencies, and other licensed groups to discuss practice-related issues and to provide information on any changes to the laws. Furthermore, the Board agrees that an informed consumer is essential to public protection. Board staff has participated in consumer outreach events and published an informative consumer guide. However, the Board cannot force consumers to hire only licensed individuals or to pursue any kind of action against consumers who do not follow the Board's recommendations against hiring unlicensed individuals. The Board believes legally mandating an outreach program would not increase the number of consumers who attend events or access the Board's website or social media pages. The letters also recommend that the Board enact a continuing education requirement for professional land surveyors. As noted in the Board's Sunset Report and detailed in the response to Issue 4, the Board has already established a workgroup to study the issue of whether continuing education should be required for all its licensees.

The CELSA/ACEC-CA letter also recommends that the practice of requiring a survey control data release compliant with the Professional Land Surveyors Act for all exchanges of survey control data be codified and provides specific items that should be included. As justification for this recommendation, CELSA/ACEC-CA claims, "It is common practice among professional land surveyors who are providing surveying control or other surveying data to require a release from the third party receiving the data. This release commonly requires the receiving party to acknowledge that they are responsible for checking the accuracy and use of the survey data, that the requirements of the PLS Act will be complied with by the third party, that the survey data will be used only under the responsible charge of a licensed land surveyor in the State of California, and that such land surveyor in responsible charge will be disclosed. Finally, the release protects

the disclosing party from liability for any changes or manipulation of the data disclosed going forward, and no future establishment of surveying data will be done without a licensee being in responsible charge of such additional survey work.” They further claim there is nothing in the Board’s regulations that address this. However, Business and Professions Code section 8761.2 provides that the professional land surveyor in responsible charge of the land surveying work is not responsible for subsequent changes to or use of their work product where those subsequent changes or use are not authorized by the professional land surveyor. Furthermore, the Professional Land Surveyors Act, as its associated regulations, required that all work that falls within the codified definition of land surveying must be done by or under the responsible charge of a professional land surveyor. As such, the issue of protecting the original licensee relating to any changes or manipulation of the data without their knowledge or consent is already addressed in statute. Additionally, the laws already provide that any work that meets the definition of land surveying must be done by or under the responsible charge of a professional land surveyor. It is unclear to the Board why adding a specific requirement relating to disclosure statements is needed since there are already laws in place that would address such issues.

In summary, as detailed in the Board’s Sunset Report and this Response to the Background Paper, the Board takes the issue of unlicensed activity of all of its regulated professions very seriously. The Board’s Enforcement Unit diligently investigates complaints relating to unlicensed activity and takes appropriate steps to educate individuals on the laws and what activities require a license. The Board’s current laws already provide effective means for enforcement relating to many of the issues raised the letters. With regards to other recommendations, the Board has concerns with the appropriateness of them and the effect and impact they would have on consumers and the Board’s ability to effectively and efficiently investigate complaints. As such, the Board does not believe any statutory changes should be made in response to the recommendations.

**ISSUE #9: *License Revocation. Should the Board be authorized to automatically revoke a license when the licensee violates the terms of probation?***

**Background:** When a licensee is placed on probation, their license is revoked, but the revocation is stayed by the Board. The Board imposes terms of probation, which can include requirements to take education and ethics courses, pass an examination on the Board’s laws and regulations, notify clients of their disciplinary action, and pay the Board’s costs for investigation and prosecution of the matter. Additionally, the terms of probation may include a period of suspension from practice. When the period of suspension concludes, the licensee must continue to abide by any other terms of their probation. However, if the licensee violates probation, the Board must file a Petition to Revoke Probation and go through the full formal discipline process.

**Committee Staff Recommendation:** *The Board should share how often it must go through the full formal disciplinary process to revoke the license of an individual whose license has been placed on probationary status and the licensee violates the terms of probation. Additionally, the Board should consider whether having the authority to automatically revoke a license in this limited instance strikes the right balance between reducing administrative burdens and protecting due process.*

**Board Response:** Over the last five fiscal years, 23 licensees had licenses revoked or voluntarily surrendered after the filing of a pleading that included a petition to revoke probation. There were 11 matters that resulted in extensions of probation and/or additional probationary terms.

It is noted that the administrative burden associated with matters related to processing probation violation cases is typically less than the financial and workload burden of processing cases related to initial pleadings for violations of the Board's laws. A Deputy Attorney General is not tasked with creating a pleading based on the technical nature of the Board's professions, which often requires consulting with the Board's independent expert consultant and Board staff. In addition, there are fewer witnesses to coordinate for hearing, and less intensive preparation of witnesses due to the lack of causes for discipline based on technical practice issues. Administrative hearings are conducted in less time, often in less than one day.

For those that resulted in additional probationary terms, reasons given by probationers for failing to timely comply with probationary orders ranged from personal, business, and health-related issues; difficulty meeting the financial burden of courses or difficulty finding college courses deemed acceptable by the Board; and other burdens related to the COVID-19 pandemic. In these cases, probationers often demonstrated to the Board, either through administrative hearings or stipulated settlements, sufficient cause to provide them an additional opportunity to complete probation.

Although the majority of these kinds of cases resulted in revocation or voluntary surrender, it is the Board's position that licensees' due process rights outweigh the interest in reducing administrative burdens. Probationary terms are intended to reeducate licensees and permit them opportunity to demonstrate rehabilitation. They should be given the full measure of the administrative process to rehabilitate.

### **TECHNICAL CLEANUP**

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**ISSUE #10:** *Technical Cleanup. Is there a need for technical cleanup?*

**Background:** According to the Board, legislation enacted since the Board's prior sunset review has made various technical changes, thus limiting the amount of technical clean-up needed at present. Nonetheless, the Board has identified a handful of sections within the Business and Professions Code that should be amended.

**Committee Staff Recommendation:** *The Board should continue to advise the Committees of necessary code cleanup.*

**Board Response:** Board staff has provided proposed language to the Committees' staff to accomplish the necessary clean-up amendments. The proposed language is included as an attachment to this response paper for reference.

**Business and Professions Code section 130:**

Section 130 needs to be amended to remove the Board from the list of boards whose members' term of office expired on June 1. In 2006, Business and Professions Code section

6712 was amended to change the expiration date of the appointment terms for the Board from June 1 to June 30. However, at that time, Section 130 was overlooked and not included in the legislation. Consequently, the statutes are in conflict. The appointing authorities (the Governor, the Senate Rules Committee, and the Speaker of the Assembly) are aware that the term expiration date for the members of this Board is June 30. This would be a non-substantive amendment to eliminate conflicting statutes.

Business and Professions Code sections 6755 and 6755.1:

As discussed in more detail in the response to Issue 2, the Board is currently evaluating any revisions to laws and regulations to prepare for applicants seeking to use the National Council of Examiners for Engineering and Surveying (NCEES) and the Engineering Council of U.K. (EngC) Mutual Recognition Agreement (MRA), which will more easily enable U.S.-based licensed engineers to practice in the United Kingdom and vice versa. The Board has identified some minor revisions to statutes which will enable to the Board to fully consider all available options during the rulemaking process to implement this pathway. These minor revisions would amend Business and Professions Code sections 6755 and 6755.1 relating to the term “second division examination.” The proposed amendments would clarify that the Board could enact rules to waive any part of the second division examination and what the parts of the “second division examination” for the civil engineer license are.

Business and Professions Code sections 6763.5 and 8748.5:

Many years ago, the Board used to charge applicants one fee, at the time of application submittal, to cover both the application review and the examination(s) necessary for licensure. This fee was collectively referred to as the “application fee.” Subsequently, the Board separated the fees to charge one fee for the application review and another fee for the examination(s), the latter which is only paid subsequent to application approval and only for those license types which required a state examination. At the time, the Board made conforming changes to its statutes to reflect this change. However, it has recently come to the Board’s attention that Sections 6763.5 and 8748.5 were overlooked and still refer to the “application fee” when they should refer to the “examination fee.” These sections address what monies are to be refunded to an applicant who is deemed to lack the qualifications for licensure before they take the examinations. They specify that the Board may refund “one-half of the amount of [the] application fee”; the one-half reference reflected the theory that half of the fee was used to cover the costs of the application review, and the other half for the examination(s). Since the fees are now separated, the entire application fee is used to cover the costs of reviewing the application, and the full amount of the examination fee, if required by application type, should be refunded if the applicant is subsequently deemed unqualified. These amendments are non-substantive, clarifying changes to align with the Board’s current business process and to reflect the fees actually paid and which ones will be refunded.

Business and Professions Code sections 6787, 7872, and 8792:

These three sections address what activities constituted unlicensed activity. It has recently come to the Board’s attention that these sections do not address a person falsifying an Engineer-in-Training (EIT), a Geologist-in-Training (GIT), or a Land Surveyor-in-



Training (LSIT) certificate [collectively, “IT certificate”]. These sections do address an unlicensed individual using the EIT, GIT, or LSIT title. However, the Board’s Enforcement Unit has begun seeing more instances where unlicensed individuals have created false IT certificates or used false IT certificate numbers, usually in an effort to obtain employment where the employer seeks someone with an IT certificate or provides a salary increase to individuals have one or to make consumers believe the individual has demonstrated an entry-level of competency to the Board and is on the pathway to licensure. These amendments will clarify that falsifying an IT certificate is a violation of the laws for which action may be taken by the Board or law enforcement entities and will provide additional protection for the consumers, employers, licensees, and other IT certificate holders.

**Business and Professions Code section 130 is amended as follows:**

- (a) Notwithstanding any other law, the term of office of any member of an agency designated in subdivision (b) shall be for a term of four years expiring on June 1.
- (b) Subdivision (a) applies to the following boards or committees:
  - (1) The Medical Board of California.
  - (2) The Podiatric Medical Board of California.
  - (3) The Physical Therapy Board of California.
  - (4) The Board of Registered Nursing, except as provided in subdivision (c) of Section 2703.
  - (5) The Board of Vocational Nursing and Psychiatric Technicians.
  - (6) The California State Board of Optometry.
  - (7) The California State Board of Pharmacy.
  - (8) The Veterinary Medical Board.
  - (9) The California Architects Board.
  - (10) The Landscape Architect Technical Committee.
  - ~~(11) The Board for Professional Engineers and Land Surveyors.~~
  - ~~(12)~~ (11) The Contractors State License Board.
  - ~~(13)~~ (12) The Board of Behavioral Sciences.
  - ~~(14)~~ (13) The Court Reporters Board of California.
  - ~~(15)~~ (14) The State Athletic Commission.
  - ~~(16)~~ (15) The Osteopathic Medical Board of California.
  - ~~(17)~~ (16) The Respiratory Care Board of California.
  - ~~(18)~~ (17) The Acupuncture Board.
  - ~~(19)~~ (18) The Board of Psychology.
  - ~~(20)~~ (19) The Structural Pest Control Board.

**Business and Professions Code section 6755 is amended to read:**

- (a) Examination duration and composition shall be designed to conform to the following general principle: The first division of the examination shall test the applicant's knowledge of appropriate fundamental engineering subjects, including mathematics and the basic sciences; the second division of the examination shall test the applicant's ability to apply his or her knowledge and experience and to assume responsible charge in the professional practice of the branch of engineering in which the applicant is being examined.
- (b) The board may by rule provide for a waiver of the first division of the examination for applicants whose education and experience qualifications substantially exceed the requirements of subdivision (a) of Section 6751.
- (c) The board may by rule provide for a waiver of any part of the second division of the examination for persons eminently qualified for licensure in this state by virtue of their standing in the engineering community, their years of experience, and those other qualifications as the board deems appropriate.

**Business and Professions Code section 6755.1 is amended to read:**

- (a) The second division of the examination for registration as a professional engineer shall include questions to test the applicant's knowledge of state laws and the board's rules and regulations regulating the practice of professional engineering. The board shall administer the test on state laws and board rules regulating the practice of engineering in this state as a separate part of the second division of the examination for registration as a professional engineer.

(b) On and after April 1, 1988, the second division of the examination for registration as a civil engineer shall also include questions to test the applicant's knowledge of seismic principles and engineering surveying principles as defined in Section 6731.1. No registration for a civil engineer shall be issued by the board on or after January 1, 1988, to any applicant unless he or she has successfully completed questions to test his or her knowledge of seismic principles and engineering surveying principles.

The board shall administer the questions to test the applicant's knowledge of seismic principles and engineering surveying principles as a separate ~~part~~ parts of the second division of the examination for registration as a civil engineer.

It is the intent of the Legislature that this section confirm the authority of the board to issue registrations prior to April 1, 1988, to applicants based on examinations not testing the applicant's knowledge of seismic principles and engineering surveying principles as defined in Section 6731.1.

**Business and Professions Code section 6763.5 is amended as follows:**

If an applicant for licensure as a professional engineer, for certification as an engineer-in-training, or for authorization to use the title "structural engineer" or "soil engineer" is found by the board to lack the qualifications required for admission to the examination for such licensure, certification, or authorization, the board may, in accordance with the provisions of Section 158 of this code, refund to ~~him or her one-half of the amount of his or her application~~ them their examination fee.

**Business and Professions Code section 8748.5 is amended as follows:**

If an applicant for license as a land surveyor or certification as a land surveyor-in-training is found by the board to lack the qualifications required for such license or certification, the board may, in accordance with the provisions of Section 158 of this code, refund to ~~him or her one-half of the amount of his or her application~~ them their examination fee.

**Business and Professions Code section 6787 is amended as follows:**

A person who does any of the following is guilty of a misdemeanor:

- (a) Unless the person is exempt from licensure under this chapter, practices or offers to practice civil, electrical, or mechanical engineering in this state according to this chapter without legal authorization.
- (b) Presents or attempts to file as the person's own the certificate of an engineer-in-training or the certificate of licensure of a licensed professional engineer unless they are the person named on the ~~certificate of licensure~~.
- (c) Gives false evidence of any kind to the board, or to any board member, in obtaining a certificate as an engineer-in-training or a certificate of licensure.
- (d) Impersonates or uses the seal, signature, or license number of a licensed professional engineer or who impersonates or uses the certificate number of an engineer-in-training or uses a false certificate or license number.
- (e) Uses an expired, suspended, surrendered, or revoked certificate or license.
- (f) Represents themselves as, or uses the title of, a licensed or registered civil, electrical, or mechanical engineer, or any other title whereby that person could be considered as practicing or offering to practice civil, electrical, or mechanical engineering in any of its branches, unless they are correspondingly qualified by licensure as a civil, electrical, or mechanical engineer under this chapter.

- (g) Unless appropriately licensed, manages, or conducts as manager, proprietor, or agent, any place of business from which civil, electrical, or mechanical engineering work is solicited, performed, or practiced, except as authorized pursuant to Section 8726.1.
- (h) Uses the title, or any combination of that title, of “professional engineer,” “licensed engineer,” “registered engineer,” or the branch titles specified in Section 6732, or the authority titles specified in Sections 6736 and 6736.1, or “engineer-in-training,” or makes use of any abbreviation of such title that might lead to the belief that the person is a licensed engineer, is authorized to use the titles specified in Section 6736 or 6736.1, or holds a certificate as an engineer-in-training, without being licensed, authorized, or certified as required by this chapter.
- (i) Uses the title “consulting engineer” without being licensed as required by this chapter or without being authorized to use that title pursuant to legislation enacted at the 1963, 1965, or 1968 Regular Session.
- (j) Violates any provision of this chapter.

**Business and Professions Code section 7872 is amended as follows:**

~~Any~~ A person who does any of the following is guilty of a misdemeanor ~~punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed three months, or by both fine and imprisonment:~~

- (a) Unless the person is exempt from licensure under this chapter, practices or offers to practice geology or geophysics for others in this state according to the provisions of this chapter without legal authorization.
- (b) Presents or attempts to file as their own the certificate of a geologist-in-training or the license of a professional geologist, certified specialty geologist, a professional geophysicist, or a certified specialty geophysicist unless they are the another person named on the certificate or the license.
- (c) Gives false evidence of any kind to the board, or to any board member, in obtaining a certificate of registration or a license.
- (d) Impersonates or uses the seal, signature, or license number of any professional geologist, certified specialty geologist, professional geophysicist, or certified specialty geophysicist or who impersonates or uses the certificate number of a geologist-in-training or who uses a false certificate or license number.
- (e) Uses an expired, suspended, surrendered or revoked certificate or license.
- (f) Represents themselves as, or uses the title of, professional geologist, or any other title whereby the person could be considered as practicing or offering to practice geology for others, unless the person is qualified by licensure as a professional geologist under this chapter, or represents themselves as, or uses the title of, professional geophysicist, or any other title whereby the person could be considered as practicing or offering to practice geophysics for others, unless the person is qualified by licensure as a professional geophysicist under this chapter.
- (g) Unless the person is licensed, manages, or conducts as manager, proprietor, or agent, any place of business from which geological or geophysical work is solicited, performed, or practiced for others, except as authorized pursuant to Section 7834.
- (h) Uses the title, or any combination of that title, of “professional geologist,” “registered geophysicist,” or “professional geophysicist,” the title of any licensed certified specialty geologist or any licensed certified specialty geophysicist, or “geologist-in-training,” or who makes use of any abbreviation of a title that might lead to the belief that the person is licensed as a geologist, a geophysicist, a certified specialty geologist, or a certified specialty geophysicist, or holds a

certificate as a geologist-in-training, without being licensed, licensed and certified, or certified, as required by this chapter.

(i) Violates any provision of this chapter.

**Business and Professions Code section 8792 is amended as follows:**

A person who does any of the following is guilty of a misdemeanor:

(a) Unless the person is exempt from licensure under this chapter, practices, or offers to practice, land surveying in this state without legal authorization.

(b) Presents as their own the certificate of a land surveyor-in-training or the license of a professional land surveyor unless they are the person named on the certificate or the license.

(c) Attempts to file as their own any record of survey under the license of a professional land surveyor.

(d) Gives false evidence of any kind to the board, or to any board member, in obtaining a certificate or a license.

(e) Impersonates or uses the seal, signature, or license number of a professional land surveyor or who impersonates or uses the certificate number of a land surveyor-in-training or who uses a false certificate or license number.

(f) Uses an expired, suspended, surrendered, or revoked certificate or license.

(g) Represents themselves as, or uses the title of, professional land surveyor, or any other title whereby that person could be considered as practicing or offering to practice land surveying, unless the person is correspondingly qualified by licensure as a land surveyor under this chapter.

(h) Uses the title, or any combination of that title, of “professional land surveyor,” “licensed land surveyor,” “land surveyor,” or the titles specified in Sections 8751 and 8775, or “land surveyor-in-training,” or who makes use of any abbreviation of ~~that~~ a title that might lead to the belief that the person is a licensed land surveyor or holds a certificate as a land surveyor-in-training, without being licensed or certified as required by this chapter.

(i) Unless appropriately licensed, manages, or conducts as manager, proprietor, or agent, any place of business from which land surveying work is solicited, performed, or practiced, except as authorized pursuant to Section 6731.2.

(j) Violates any provision of this chapter.

**CONTINUED REGULATION OF PROFESSIONAL ENGINEERS, LAND SURVEYORS,  
GEOLOGISTS, AND GEOPHYSICISTS**

**ISSUE #11:** *Continued Regulation. Should the licensing of Professional Engineers, Land Surveyors, Geologists, and Geophysicists be continued and be regulated by the Board?*

**Background:** The practices of engineering, land surveying, geology, and geophysics have significant health, safety, legal, and financial consequences for Californians. Indeed, the regulation of engineering and geology began after catastrophic events ruinous to human life and property. Uniform enforcement of land surveying laws became paramount following years of local jurisdictions interpreting the laws differently and legal disputes costing both the state and public millions of dollars. The Board's licensing and enforcement responsibilities are no less important today as the state endures regular extreme weather events and continues to invest significant resources in its infrastructure.

**Committee Staff Recommendation:** *The Board's oversight of the Professional Engineers, Land Surveyors, Geologists, and Geophysicists should be continued, with potential reforms, and reviewed again on a future date (to be determined) to ensure that issues identified in this background paper are adequately addressed.*

**Board Response:** The Board greatly appreciates the Committees' recognition of its efforts to improve its operations and the continued support for its future endeavors. The Board members and staff look forward to working with the Committees and their staff to accomplish the recommendations outlined in the Background Paper.

## FEASIBILITY OF CONTINUED EDUCATION AS PART OF LICENSURE RENEWAL PROCESS

### RECOMMENDED NEXT STEPS

Many professions – doctors, attorneys, accountants, teachers, and architects, to name a few – enforce continued education as a requirement for licensure. Continued education maintains and enhances competence of practicing professionals which subsequently protects and safeguards the health, safety, and welfare of the public. Currently, there are 42 states plus the District of Columbia, that mandate continued education requirements as part of their license renewal process. California is not one of them.

In the Board's 2022-2027 Strategic Plan, it states as below:

#### Goal 1: Licensing

##### Objective 1.3

Develop a strategy to implement a continued education requirement to help licensees maintain and improve their professional knowledge and awareness of new pertinent laws.

At its February 2023 meeting, the Board established a Workgroup for the purposes of researching this topic and report back to the Board with any findings.

As stated in the Board's 2023-24 Sunset Review Report,

*"...the requirement was enacted because of a goal previously identified as a means to educate licensees about changes to the Board's laws and reducing complaints submitted simply because of their lack of knowledge of such changes. This assessment will include review of the laws most commonly violated which are not specifically practice-related.*

*For instance, for many years after written contracts became required for licensees in 2001, numerous complaints were received alleging that a written contract was not executed; in other cases, it became apparent during the Board's investigation that compliance with the written contract statute was not fulfilled.*

*The response from many licensees was that they were unaware of the new law, even though the Board had publicized it several times in its newsletter, on its website, and many times through in-person outreach opportunities. A review of records from this past fiscal year indicates that almost 40% of our active investigations involve some aspect of non-compliance with laws that have become effective within the last 10 to 20 years."*

Early in 2024, the Workgroup deployed a feedback survey to licensees registered to receive Board-related notifications. The survey included three broad-based questions to determine where licensees stood on the potential requirement for continued education

as part of the licensing renewal process. The Board received 2186 responses indicating almost 2/3 of respondents were not in support.

Comments received show the topic is very divisive, with responses landing on the extreme limits of the spectrum. However, given the broad nature of the survey questions, it became clear that more information needs to be provided to our licensees as to the meaning of and requirements for continued education.

The Board is currently developing an online renewal assessment as set forth by B&P Code §§ 6795.2, 8801.5, and 7881.5, which became effective on January 1, 2017. This can be considered the first step toward the development of a continued education program.

Furthermore, in September 2021, the NCEES released the Continuing Professional Competency Guidelines for boards that have or are considering continuing professional competency (CPC) requirements for licensure renewal. The guidelines provide a wide array of possible ways to comply with the continued education requirement that would not pose a hardship to licensees.

At this time, it is recommended that the following steps be taken:

- Inquire what other professional boards in California require continued education as part of the license renewal process.
- Determine the number and nature (by categories) of the current complaints to the BPELSG. The Workgroup recognizes that this number represents a microcosm of the violations and is most likely much higher than the complaints received.
- Develop the next step in outreach, whether in a subsequent more detailed survey or targeted meetings with professional groups and union
- Determine whether the outreach should be extended to all licensees, not just those registered to receive notifications.
- Build upon the online license renewal assessment as a foundation for future continued education program.





April 9, 2024

The Honorable Mark Berman, Chair  
Assembly Committee on Business and Professions  
1020 N Street, Room 379  
Sacramento, CA 95814

Subject: AB 3253 (Committee on Business and Professions) – BPELSG Reauthorization  
**SUPPORT w/ Suggested Amendments**

The California and Nevada Civil Engineers and Land Surveyors Association, Inc. (CELSA) and the American Council of Engineering Companies, California (ACEC California) are proud to **SUPPORT AB 3253**, which would reauthorize the Board for Professional Engineers, Land Surveyors, and Geologists (BPELSG) and make any related statutory changes. Land surveying has a long and proud history in the United States and the State of California. The work performed by land surveyors includes the setting of legal property boundaries and locating with high precision the geospatial location of fixed works in the context of construction and engineering design and is therefore critical to the integrity of engineering design and the construction or modification of any building or infrastructure in the state.

While we support the passage of AB 3252, we also respectfully request that the committee consider the adoption of modest policy proposals to deter the unlicensed practice of land surveying, increase BPELSG's ability to detect this activity, and ensure timely enforcement action. This is the second sunset review process where both BPELSG and the Committee on Business and Professions have acknowledged that technological advancements have increased the incidence of unlicensed practice and that BPELSG's enforcement capacity is limited. Our associations sent a letter dated October 3, 2023 that outlined suggested proposals to help alleviate these problems, which are described below:

#### **Enhance Enforcement of Unlicensed Practice**

Both BPELSG and the legislature have acknowledged in prior sunset review processes that various enforcement challenges persist. One of these enforcement challenges is the increasing use of technology to engage in the unlicensed practice of land surveying. While this is increasing in California, the BPELSG continues to have limited resources to investigate and take an aggressive enforcement posture. The result is a disregard for the law, which endangers the public and results in an unfair marketplace for licensees. We recommend the following changes to help address this problem:

- Increase Civil Penalties for Unlicensed Practice: Current fines and assessments for violations of the PLS Act by unlicensed and licensed persons under CCR Title 16, sections 472.1 and 473.1 are outdated and woefully inadequate to remedy and discourage the unlawful practice of land surveying. AB 3253 should be amended to increase the civil penalties for unlicensed practice to a level that will create a financial deterrent effect. Penalties would also help fund enforcement activities by BPELSG.
- Increase License Fees on Land Surveyors to Fund Enforcement of Unlicensed Practice: It is critical that the state takes timely and effective enforcement action the unlicensed practice of land surveying. Unlicensed practice puts the public in danger, leads to wasted public resources, and undermines the validity of the licensing structure itself. BPELSG does laudable work enforcing licensing standards on licensees, but their ability to detect and take action against unlicensed

activity is limited by the availability of resources. Our members would be willing to pay higher licensing fees to help enhance enforcement efforts on the unlicensed practice of land surveying.

### **Deter Unlicensed Land Surveying and Increase BPELSG Ability to Detect**

As the legislature acts to extend the state licensing system for land surveyors, it should also act to deter the unlicensed practice of land surveying and equip BPELSG to timely detect the behavior that isn't deterred. Our October letter makes several suggestions that we believe would make it more difficult for unlicensed land surveying to thrive:

- Strengthen Responsible Charge Requirements: The PLS Act does not regulate businesses or entities that hire licensed land surveyors to perform land surveying services. Unfortunately, some licensees allow hiring entities to functionally “rent” or “borrow” their license without being in responsible charge for the practice of land surveying occurring under their license. In this scenario, a licensee is hired but does not conduct or oversee the work being conducted and is functionally serving as cover for the hiring entities unlicensed practice of land surveying. Companies and public organizations that hire land surveyors to be in responsible charge should be held accountable to at least the same extent as the licensee, either under a Certificate of Authority as is done in many other states, or by providing a meaningful remedy under the existing requirement of licensees requiring that an Organizational Record be filed with the Board under Sections 6738 and 8729 of the Business and Professions Code
- Restrict Survey Control Release Data: It is common practice among professional land surveyors who are providing surveying control or other surveying data to require a release from the third party receiving the data. This release commonly requires the receiving party to acknowledge that they are responsible for checking the accuracy and use of the survey data, that the requirements of the PLS Act will be complied with by the third party, that the survey data will be used only under the responsible charge of a licensed land surveyor in the State of California, and that such land surveyor in responsible charge will be disclosed. Finally, the release protects the disclosing party from liability for any changes or manipulation of the data disclosed going forward, and no future establishment of surveying data will be done without a licensee being in responsible charge of such additional survey work. This practice is not codified or otherwise addressed in current Board regulations. Requiring the use of such releases with such content upon the transfer of the design grade data acquired through land surveying will further protect the integrity of the information disclosed and thereby better protect both the professional and the public *from the improper use of surveying data*.
- Professional Liability Insurance for Licensed Land Surveyors: California law does not require licensed land surveyors to carry professional liability insurance. The lack of an insurance requirement for licensed practice makes it easier for unlicensed actors to provide land surveying services to an unknowing public or private consumer of services. A requirement to carry professional liability insurance would create a distinction in the marketplace that would help consumers identify licensed land surveyors. At a minimum, as is required in Nevada (NAC 625.545), before performing work, a licensee – or anyone performing or offering to provide surveying services – should be required to disclose whether the individual or entity offering such services currently maintains a policy of professional liability insurance.
- Continuing Education for Licensees & Education for Consumers: Despite its importance, purchasers and consumers of surveying services know little about the nature and impact of land surveying on the public and the engineering integrity of public and private construction projects. In many cases, these consumers may not even have a clear idea of which services qualify as land surveying under the law and, therefore, require a licensed surveyor. To better protect the public, minimize mistakes, and improve project delivery, it is critical that the Board, in conjunction with professional land

surveying organizations, educate public agencies, developers, and contractors about what constitutes land surveying practice and why using licensed professionals is important. Additionally, there currently are no continuing education requirements for BPELSG licensees in California, unlike many other professionals and in many other states. We understand that the BPELSG is considering adopting a continuing education requirement for licensure in one or more professions and encourage the Board to look toward the continuing education standards outlined by the National Council of Examiners for Engineering and Surveying (NCEES), which are in use by many states.

CELSA and ACEC California are pleased to **SUPPORT AB 3253**, and respectfully urge you to consider our suggested policies as the bill moves through the process.

Sincerely,



Eric P. Angstadt  
CELSA



Tyler Munzing  
ACEC

cc. Members, Assembly Business and Professions Committee  
Members, Senate Committee on Business, Professions and Economic Development  
Board of Professional Engineers, Land Surveyors, and Geologists



## **IX. Executive Officer's Report**

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- A. Rulemaking Status Report
- B. Update on Board's Business Modernization Project
- C. Personnel
- D. ABET
- E. Association of State Boards of Geology (ASBOG)
  - 1. Nomination for Secretary
- F. National Council of Examiners for Engineering and Surveying (NCEES)
  - 1. May 16-18, 2024 Western Zone Interim Meeting, Bozeman, MT
  - 2. Engineering Council of UK – Update on Mutual Recognition Agreement (MRA)
  - 3. Annual Meeting August 14-17, 2024 – Funded Delegates
- G. Update on Outreach Efforts



## Rulemaking Status Report

- 1. Applications, References, Computation of Qualifying Experience, and Schedule of Examinations (16 CCR sections 420, 427.10, 427.30, 3021, 3022.2, 3023, and 3032)**
  - Staff working with Legal to prepare language for Board review.
    - Staff working on final text for submittal to DCA Legal in September 2022.
    - Staff working with DCA Legal to finalize proposal for notice (April 2022).
    - Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
    - Board directed staff to pursue rulemaking proposal on November 8, 2021.
  
- 2. Definition of Traffic Engineering (16 CCR 404)**
  - Board staff will work with DCA Legal to prepare documents for initial notice.
    - Submitted for initial (pre-notice) review by DCA Legal on September 3, 2020.
    - Board directed staff to pursue rulemaking proposal on March 8, 2018.
  
- 3. Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (16 CCR sections 3003 and 3003.1)**
  - Board staff will work on the pre-notice documents.
    - Board directed staff to pursue rulemaking proposal on September 6, 2018.

**Note:** Documents related to any rulemaking file listed as noticed for public comment can be obtained from the Board's website at: [http://www.bpelsq.ca.gov/about\\_us/rulemaking.shtml](http://www.bpelsq.ca.gov/about_us/rulemaking.shtml).

## PROJECT STATUS REPORT

<b>Reporting period:</b>	1/21/2020 – 5/1/2024	<b>Project title:</b>	Business Modernization Cohort 1
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### EXECUTIVE SUMMARY

<b>Narrative Summary of Status</b>	<b>Schedule:</b>	<b>GREEN</b>	<b>Budget:</b>	<b>GREEN</b>	<b>Issues:</b>	<b>GREEN</b>
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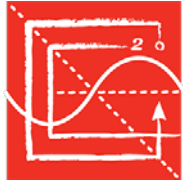
The Maintenance & Operations (M&O) phase of project began July 2022 and expected to continue through 2024. Current development is underway to support originally planned enforcement investigation and monitoring.

### PROJECT MILESTONE STATUS REVIEW

<b>Project Milestones</b>	<b>Status</b>	<b>Completion Date</b>	<b>Issues Exist (Yes/No)</b>
Project Planning Complete – Project Start	Complete	1/13/2020	No
Go Live – Most Viable Product (MVP1)	Complete	9/16/2020	No
Go Live - Product Increment 2 (PI2)	Complete	1/20/2021	No
Go Live - Product Increment 3 (PI3)	Complete	6/16/2021	No
Go Live - Product Increment 3.5 (PI3.5)	Complete	11/10/2021	No
Go Live - Product Increment 4 (PI4)	Complete	4/29/2022	No
Go Live – M&O Increment 1 (PI5/M&O1)	Complete	10/12/2022	No
Go Live – M&O Increment 2 (PI6/M&O2)	Complete	2/28/2023	No



Go Live – M&O Increment 3 (PI7/M&O3)	Complete	4/18/2023	No
Go Live – M&O Fall Release	Complete	9/14/2023	No
Go Live – M&O February Release (SE App)	Complete	2/29/2024	No
Go Live – M&O April Release (GE/TE Apps)	Complete	4/11/2024	No



**NCEES**



# MUTUAL RECOGNITION AGREEMENT

**BETWEEN THE NATIONAL COUNCIL OF  
EXAMINERS FOR ENGINEERING AND  
SURVEYING (USA) AND THE ENGINEERING  
COUNCIL (UK)**

## **MUTUAL RECOGNITION AGREEMENT**

### **Between**

The National Council of Examiners for Engineering and Surveying (NCEES, USA) and the Engineering Council (UK) together “the parties”.

To facilitate mobility of engineering professionals through streamlined Professional Registration/Membership processes.

### **1. PARTIES**

NCEES is a not-for-profit organization with a mission to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public. NCEES members are the engineering and surveying licensure boards from all 50 U.S. states, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico and the U.S. Virgin Islands.

The Engineering Council was incorporated by Royal Charter in 1981 to regulate the engineering profession in the UK.

### **2. DEFINITIONS**

Within this document, the following definitions apply:

- 2.1 “Mutual recognition” means the process of establishing the competence of an individual for independent practice in an engineering occupational role as a requirement of Professional Registration/Licensure.
- 2.2 “Home Jurisdiction” means the jurisdiction in which an engineer making application under this agreement already holds Professional Registration/Licensure.
- 2.3 “Host Jurisdiction” means the jurisdiction to which an engineer applies for Professional Registration/Licensure under the terms of this Agreement.
- 2.4 “Professional Registration/Licensure” means recognition by a Signatory or Participating Authority awarded on the basis of a demonstration of competence for independent practice through a professional review based on the competency framework UK-SPEC or a US Member Board PE License, in combination with the International Professional Engineer title (IntPE).
- 2.5 “Participating Authority” means a UK Professional Engineering Institution (PEI) licensed by the Engineering Council to award CEng that has ratified this agreement. A list of current Participating Authorities will be maintained by the Engineering Council and provided to NCEES This list is shown in Appendix 3.
- 2.6 “Participating Member Board” means a US Licensing Authority that has opted into this agreement. Participating states agree to accept an NCEES record from a UK Chartered Engineer that has been gained via this agreement. A current list of Participating Member Boards will be maintained by NCEES and be provided to The Engineering Council. This list is shown in Appendix 4.

2.7 Nothing in this agreement supersedes national or state legislation as applicable in the jurisdiction of the Participating Authority or Participating Member Board.

### **3. PURPOSE AND SCOPE**

3.1 This Agreement provides for a streamlined process by which engineers with Professional Registration/Licensure in their home jurisdiction in this agreement can gain recognition in the host jurisdiction. The agreement is intended to provide

- a streamlined route to the UK Chartered Engineer title for US Professional Engineers with a state license and
- a streamlined route to a US Member Board Professional Engineer license for UK Chartered Engineers.

3.2 This Agreement is intended to streamline the admission pathway in the host jurisdiction for engineers holding a Professional Registration/Registered Professional Title/License in the home jurisdiction. This Agreement aims to:

- minimise duplication of assessment processes
- recognise jurisdictional differences and organizational autonomy
- maintain confidence in the quality of Professional Registration/Licensure decisions in both jurisdictions
- avoid restrictions on the cross-border provision of a service.

3.3 This Agreement covers engineers who have been admitted to any of the following Professional Registrations:

3.3.1 Professional Engineer

- Chartered Engineer (CEng), who also holds the title International Professional Engineer (IntPE), awarded by the Engineering Council, UK
- Professional Engineer (PE), licensed in a participating US Member Board, who also holds the title International Professional Engineer (IntPE), awarded by NCEES. This is also known as an NCEES International Registered Professional Engineer (IRPE)
- The requirements for attaining IntPE/IRPE in each jurisdiction are set in Appendix 1

3.4 Nothing in this Agreement shall apply to individual practice or malpractice disputes.

3.5 Engineers who have gained Professional Registration/Licensure in the home jurisdiction through another mutual recognition pathway, containing exemptions from the usual assessment process, are not eligible for the pathways set out in this agreement.

### **4. MUTUAL RECOGNITION PROVISIONS**

4.1 The parties agree to apply processes and criteria consistent with the mutual recognition pathways set out in Appendix 2 when considering applications for Professional Registration/Licensure from engineers who hold /Professional Registration/Licensure in the home jurisdiction.

- 4.2 The Parties respect jurisdictional autonomy and recognise that there may be additional criteria imposed relevant to:
  - 4.2.1 local jurisdictional practices, or the legislative or regulatory framework.
  - 4.2.2 discipline-specific requirements of a Participating Authority or Participating Member Board.

## **5. DISCIPLINE AND ENFORCEMENT**

- 5.1 Both Parties and all Participating Authorities and Participating Member Boards will cooperate to the extent possible on disciplinary and enforcement issues.
- 5.2 An application for Professional Registration/Licensure made under this Agreement must include a question requiring the applicant to disclose any sanctions related to the practice of engineering in other jurisdictions. Information regarding sanctions may be considered in the assessment process.
- 5.3 An application for Professional Registration/Licensure can only be made under this Agreement if the applicant provides written permission for parties to distribute and exchange assessment information and any information regarding sanctions between all involved jurisdictions.
- 5.4 Failure to fully disclose or provide any of the required information may be the basis for denial of the application, or for sanctions, including revocation of the Professional Registration/Licensure.
- 5.5 Each jurisdiction will take appropriate action in accordance with their rules and regulations if an engineer violates the standards of that jurisdiction. Each jurisdiction shall promptly report sanctions to the other jurisdiction in which it knows the engineer is recognised via an appropriate alert mechanism.
- 5.6 A jurisdiction will take appropriate action, subject to its own rules and regulations and the principle of natural justice, related to a sanction that is reported to them by another jurisdiction.

## **6. IMMIGRATION AND VISA ISSUES**

- 6.1 Professional Registration/Certification granted under this Agreement in a Host Jurisdiction does not preclude the need to conform to applicable immigration and visa requirements of the Host Jurisdiction.

## **7. INFORMATION EXCHANGE**

- 7.1 The Parties will notify each other and provide copies of any major changes in policy, criteria, procedures and programmes that might affect this Agreement.
- 7.2 The Parties will provide an annual report to each other on all applicants who have applied pursuant to the terms of this Agreement.
- 7.3 The Parties will from time-to-time undertake mutual observation of processes and procedures. This shall be done routinely as part of the renewal of the agreement.

## **8. DISPUTE RESOLUTION**

- 8.1 The Parties to this Agreement will at all times endeavour to agree on the interpretation and application of this Agreement and will make every attempt through co-operation and consultation to arrive at a mutually satisfactory resolution of any matter that might affect its operation. If a dispute arises that cannot be resolved through informal discussions within sixty (60) days of when the dispute arises, the Parties will attempt to resolve the dispute through non-binding mediation and/or another form of alternative dispute resolution as may be agreed upon by the Parties, prior to any Party resorting to litigation.
- 8.2 The Parties may request in writing consultation with the other Party regarding any actual or proposed measure or any other matter that it considers might affect the operation or interpretation of this Agreement.

## **9. TERM OF AGREEMENT**

- 9.1 This Agreement will come into effect when signed by the Parties.
- 9.2 This Agreement supersedes all other such mutual recognition agreements between NCEES, the Engineering Council and the Participating Authorities.
- 9.3 The Parties will review and update the Agreement and recommend changes where appropriate at least every five (5) years. This Agreement may be amended, however, only with the written consent of both Parties.

## **10. TERMINATION**

- 10.1 A Party or any Participating Authority may withdraw from this Agreement six (6) months after it provides written notice of withdrawal to the other Party. If a Participating Authority withdraws, the Agreement will remain in force for the remaining Participating Authorities.
- 10.2 If at any time all Participating Authorities have withdrawn from the Agreement, the Agreement will automatically terminate.
- 10.3 Any registrant approved or in the process of being assessed at the time of the Agreement being terminated will be treated as if this Agreement is still in existence.

**NCEES**

**Engineering Council**

Date Executed:

## APPENDIX 1

The requirements for attaining IntPE/IRPE in each jurisdiction.

Requirement	NCEES International Registered Professional Engineer (IntPE)	Engineering Council CEng IntPE
Registration /Licensure	Be a citizen or permanent resident currently licensed as a professional engineer in a U.S. state or territory	Be currently registered as a Chartered Engineer and member of a UK PEI
Discipline	Hold a record clean of disciplinary action	Be currently in good standing with your PEI and have no disciplinary action outstanding
Underpinning Knowledge and Understanding	Have a degree from an EAC ABET-accredited engineering program, or an accredited degree recognised under the Washington Accord.	An accredited degree recognised under the Washington Accord, or equivalent academic qualification
Experience	Have at least seven years of qualifying experience, including two years in responsible charge of significant engineering work	Have at least seven years of qualifying experience, including two years in responsible charge of significant engineering work
Assessment	Have passing scores on the NCEES FE and PE examinations	<ol style="list-style-type: none"> <li>1) Have demonstrated underpinning engineering knowledge and understanding to UK/European Masters level in their discipline</li> <li>2) Have demonstrated that they meet the UK standard of competence and commitment set out in UK-SPEC through: <ol style="list-style-type: none"> <li>a) Professional Review part 1: assessment of discipline-specific documentary evidence</li> <li>b) Professional Review part 2: in-depth interview by two trained assessors, including applicant presentation</li> </ol> </li> <li>3) Approval from registration committee</li> </ol>
Competence	NCEES Model Rules and IPEA professional competences	UK-SPEC Chartered Engineer Competences and IPEA professional competences
Continuing Professional Development	Have met the applicable continuing professional competency (CPC) requirements of the jurisdiction(s) where you are licensed. If the jurisdiction does not have a CPC requirement, the applicant must comply with the NCEES CPC Standard	Carry out and record the Continuing Professional Development (CPD) necessary to maintain and enhance competence in their own area of practice
Discipline-specific and jurisdictional requirements (e.g., local laws, ethics exam)	Handled at Member Board level	Handled by PEI

## APPENDIX 2

### MUTUAL RECOGNITION PATHWAYS

The Professional Registration/Licensure processes of the Parties are as follows:

#### a) NCEES requirements to obtain an NCEES Record as the Host Jurisdiction

An NCEES Record is a verified compilation of information an applicant is required to submit to a state licensing board as part of the licensure application process. Each completed Record is a verified compilation of an applicant's official academic transcripts, full employment history, professional references, and exam results.

The NCEES Record is designed to meet the licensure requirements of most states. Since licensure requirements vary from state to state, there may be times when a Record holder must submit additional information to a state licensing board to satisfy its licensure requirements. This may include information about their education, references, existing licenses, or experience information.

Standard application requirements	Required under the Agreement Y/N	Notes
Submission of an application form	Yes	Create online NCEES record
References	Yes, but can be UK registrants.	Five references who can reflect the character and diversity of your experience and are personally acquainted with your professional reputation. For engineering applicants, references must be engineers who are licensed in the United States.
Education information	Yes	Details for each college, university, and technical school attended, including transcripts. NCEES accepts the UK PEI assessment of the academic base as meeting NCEES/IntPE requirements.
Professional Experience	Yes	Chronological listing of work experience beginning with graduation from a university
Competence assessment	No	Already meets IntPE requirements
FE and PE exam verification	No	Exempt under the agreement
CPD review	In line with Member Board requirements	IntPE CPD requirements already met
Local knowledge and/or discipline specific practice assessment (e.g., local laws and ethics exam)	In line with Member Board requirements	
Approval by NCEES Member Board	Yes	



## b) Engineering Council requirements for registration as a Chartered Engineer (CEng) as the Host Jurisdiction

The Engineering Council was incorporated by Royal Charter in 1981 to regulate the engineering profession in the UK. The standards of professional competence and commitment are set out in the UK Standard for Professional Engineering Competence (UK-SPEC). This standard requires registrants to make a commitment to recording their CPD activities. Participating Authorities undertake random samples of professionally active registrants' CPD records on an annual basis.

Standard application requirements	Required under the Agreement (Y/N)	Notes
Submission of an application form	Yes	In English
Academic assessment	No	Applicants are required to provide copies of academic qualifications
Holistic competence assessment	No	
Local knowledge and/or discipline specific practice assessment	Yes	Any assessment is normally to be restricted to situations where UK-specific knowledge or discipline-specific requirements are applied as standard to home candidates
Professional Review Interview	No	Any assessment of Local Knowledge or current competence may involve an interactive interview
CPD review	In line with UK Participating Authority requirements	Registrants are required to ensure their CPD records are up to date. UK Participating authorities undertake annual random samples of professionally active registrants' CPD records and provide feedback.
Registration (Professional Registration/Membership) Committee Approval	Yes	

### Assessment Process

On receipt of an application through this agreement, the Host Jurisdiction/Participating Authority will contact the Home Jurisdiction/Participating Authority to request confirmation of Professional Registration/Certification status, and registration/licensure date and date of being admitted to the international register (IntPE).

Interactive assessments or professional review interviews will only be used if their purpose is to assess local knowledge and/or discipline specific practice.

Written assignments or formal examinations may also be valid mechanisms for assessing local knowledge or discipline specific practice if they are used for the same purpose for assessing local engineers in the host jurisdiction.

## Appendix 3

### List of UK Participating Authorities (subject to ratification)


1. BCS, The Chartered Institute for IT
2. British Institute of Non-Destructive Testing (BINDT)
3. Chartered Association of Building Engineers (CABE)
4. Chartered Institution of Building Services Engineers (CIBSE)
5. Chartered Institution of Civil Engineering Surveyors (CICES)
6. Chartered Institution of Highways & Transportation (CIHT)
7. Chartered Institute of Plumbing and Heating Engineering (CIPHE)
8. Chartered Institution of Water and Environmental Management (CIWEM)
9. Energy Institute (EI)
10. Institution of Agricultural Engineers (IAgrE)
11. Institution of Civil Engineers (ICE)
12. Institution of Chemical Engineers (ICHEM)
13. Institution of Engineering Designers (IED)
14. Institution of Engineering and Technology (IET)
15. Institute of Explosives Engineers (IExpE)
16. Institution of Fire Engineers (IFE)
17. Institution of Gas Engineers and Managers (IGEM)
18. Institute of Highway Engineers (IHE)
19. Institute of Healthcare Engineering and Estate Management (IHEEM)
20. Institution of Lighting Professionals (ILP)
21. Institute of Marine Engineering, Science & Technology (IMarEST)
22. Institution of Mechanical Engineers (IMechE)
23. Institute of Measurement and Control (InstMC)
24. Institution of Royal Engineers (InstRE)
25. Institute of Acoustics (IOA)
26. Institute of Materials, Minerals and Mining (IOM3)
27. Institute of Physics (IOP)
28. Institute of Physics and Engineering in Medicine (IPEM)
29. Institution of Railway Signal Engineers (IRSE)
30. Institution of Structural Engineers (IStructE)
31. Institute of Water
32. INCOSE UK, the UK Chapter of the International Council on Systems Engineering (INCOSE)
33. Permanent Way Institution (PWI)
34. Nuclear Institute (NI)
35. Royal Aeronautical Society (RAeS)
36. Royal Institution of Naval Architects (RINA)
37. Safety and Reliability Society (SaRS)
38. The Society of Operations Engineers (SOE)
39. The Welding Institute


Links are found here: <https://www.engc.org.uk/peis>


## **Appendix 4**

List of Participating US Member Boards

**QUARTERLY OUTREACH REPORT (Q3)**  
**SOCIAL MEDIA: January, February, and March 2024**

 <b>TOP FACEBOOK POSTS</b>	<b>DATE</b>	<b>VIEWS</b>
Global Surveyors Day	3/21	338
National Surveyors Week at CA Assembly	3/21	192
International Women’s Day	3/08	184
World Engineering Day	3/04	181
New Board Facebook Page Notice	2/26	133

 <b>TOP TWEETS</b>	<b>DATE</b>	<b>VIEWS</b>
Engineering Week Notice	2/16	181
Continuing Professional Competency Consideration	1/10	168
“California for All” Program	1/05	135
Board “Sunset Review” Submitted	1/05	106
Notice and Agenda for March 7 Board Meeting Posted	2/26	91

 <b>WEB PAGE VIEWS</b>	<b>VIEWS</b>
License Lookup	320,356
Board Home Page	176,766
Applicants Information	112,785
PE Application	87,207
License Renewal Information	68,359

## OUTREACH EVENTS: January, February, and March 2024

*All Virtual Unless Noted "In-person"*

**KEY:**

CalGeo – Calif. Geotechnical Engineering Association

CLSA - Calif. Land Surveyors Association

YMF - Young Members Forum

ASCE - American Society of Civil Engineers

PECG – Professional Engineers in California Government

<b>January 2024</b>	
<b>January 24</b>	California Licensure for Civil Engineers for ASCE YMF San Francisco (in-person & virtual) N. King, PE
<b>January 25</b>	Professional Licensure in California: NCEES FE/PE Exams UC Irvine N. King, PE
<b>January 25</b>	CSU Fresno: Geomatics Conference (in-person) D. Sweeney, PLS
<b>February 2024</b>	
<b>February 13</b>	Sacramento City College: Survey Class Presentation D. Sweeney, PLS
<b>February 15</b>	California Licensure for Civil Engineers to ASCE San Luis Obispo (In-person) N. King, PE
<b>February 21</b>	Geotechnical Engineer Exam Development for CalGeo N. King, PE, & Ric Moore, PLS
<b>February 28</b>	San Mateo and Santa Clara CLSA Meeting D. Sweeney, PLS
<b>March 2024</b>	
<b>March 5</b>	ASCE YMF San Jose Chapter N. King, PE
<b>March 20</b>	Path to Professional Licensure in California Cal Poly Pomona N. King, PE
<b>March 26</b>	BPESLG and Geology Licensure: GIT, PG, CEG, CHG for PECG J. Goodwin PG, CEG
<b>March 28</b>	CSU San Bernardino: Pathway to GIT and PG Licensure J. Goodwin PG, CEG
<b>March 28</b>	Cal Poly Pomona: Pathway to GIT and PG Licensure J. Goodwin, PG, CEG

**X. President's Report/Board Member Activities**

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**XI. Nomination and Election of President and Vice President for Fiscal Year 2024/25**

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**XII. Approval of Meeting Minutes**

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A. Approval of March 7, 2024, Board Meeting Minutes



**DRAFT**

**MINUTES OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS**

Thursday, March 7, 2024

<b>Board Members Present:</b>	President Michael Hartley; Vice-President Christina Wong; Fel Amistad; Alireza Asgari; Rossana D’Antonio; Cristina Garcia; Coby King; Guillermo Martinez; Betsy Mathieson; and Wilfredo Sanchez
<b>Board Members Absent:</b>	Frank Ruffino and Fermin Villegas
<b>Board Staff Present:</b>	Ric Moore (Executive Officer); Tiffany Criswell (Enforcement Manager); Dawn Hall (Administrative Manager); Larry Kereszt (Examination Manager); Celina Calderone (Board Liaison); Natalie King (Senior Civil Engineering Registrar); Joshua Goodwin (Senior Geology and Geophysics Registrar); Dallas Sweeney (Senior Land Surveyor Registrar); Christopher Pirrone (Legal Counsel)

**I. Roll Call to Establish a Quorum**

President Hartley called the meeting to order at 10:00 a.m. and a quorum was established.

**II. Pledge of Allegiance**

President Hartley led everyone in the recitation of the Pledge of Allegiance.

**III. Public Comment for Items Not on the Agenda**

During Public Comment, G.V. Ayers of Gentle Rivers Consulting, a representative of the Association of Environmental and Engineering Geologists and a former consultant with the Senate Business and Professions Committee, said that he plans on attending a portion of the Sunset Hearing and expressed his support of the Board.

**IV. Administration**

**A. Fiscal Year 2023/24 Budget Report**

Dawn Hall, Administrative Manager, reported that the Board is on pace with the comparable past fiscal period for 2021/22 through Fiscal Month 6. Expenses have increased in pro rata and a new printing contract which the fully encumbered contract amount has been added to the expenses for the current year. The Board does not expect to see those expenses until later in the year. The Board is trying to reduce the printing expenses significantly. Mr. King expressed his concern about the projected reserves. Ms. Hall explained that it is another high-volume renewal year and staff has been waiting to be able to evaluate the level of revenue that the Board will be able to sustain after the January 1, 2021 fee increase. Subsequent to that fee change, there was a

significant impact on revenue and an increase in wages in salaries due to the state's general salary increases and also in the state operation costs. She reported that it is still premature as there is no data for a full year of revenue. Staff will continue to evaluate closely and will make appropriate recommendations.

## VI. Exams/Licensing

### A. Examination/Licensing Updates

No report given.

### B. 2023 Examination Results

Mr. Kereszt, Examinations Manager, reviewed the 2023 examination results and results over the last six years for comparison. He has observed that the civil examinations have the greatest volume of candidates and that the pass rates are higher now than before the pandemic.

The number of candidates taking the examinations has increased. He noted the state specific Professional Land Surveyor examination numbers have increased to 257, the traffic examination is at 100 candidates, and the Geotechnical examination has over 100 candidates. The Fundamentals of Geology for ASBOG and the state geology examination have increased as well. The Certified Engineering Geologist, Certified Hydrogeologist, and Professional Geophysicist numbers are small but consistent.

### C. Adoption of Test Plan Specifications

#### 1. California Professional Land Surveyor Examination (Possible Action)

Mr. Kereszt introduced Vania Sevilla, Analyst with the Examination Unit, who oversees the Professional Land Surveyor examination development efforts. Ms. Mathieson offered some suggestions to make the Test Plan more consistent. On the bottom of page of page 40 item Y. it reads, *Earth movements (e.g., landslides, subsidence, plate tectonics)* however, in other areas, it also indicates, *earthquakes*. She would suggest adding earthquakes to item Y.

On page 42, item M. there is a similar list that reads, *(e.g., earthquakes, landslide, subsidence, continental drift)*. Continental drift is the old name for plate tectonics.

At the bottom of page 43 under item 8. should read, *Recognize risks*, instead of *Recognize risk awareness*.

On page 44, item E. should read *oral and written* instead of verbal and written.

Mr. King suggested that in the future, it would be helpful if the report identified what changes were made to the test plans overall. Not specifics, just overall modifications.

Ms. Sevilla noted that there were minor changes in the task area. Mr. King believes it would be useful to see what was updated.

<b>MOTION:</b>	Mr. King and Ms. Mathieson moved to adopt the suggested changes to the California Professional Land Surveyor Test Plan.
<b>VOTE:</b>	10-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio	X				
Cristina Garcia	X				
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino				X	
Wilfredo Sanchez	X				
Fermin Villegas				X	

- Professional Geologist - California Specific Examination (Possible Action)  
Mr. Kereszt introduced Cheryl Guidi, Analyst with the Examination Unit, who oversees the state specific geology examination efforts. Ms. Guidi noted that in general the test plan offers the same basic outline. Some of the knowledge statements and task analysis have become more detailed.

<b>MOTION:</b>	Mr. King and Dr. Amistad moved to adopt the California Specific Examination Test Plan.
<b>VOTE:</b>	10-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio	X				
Cristina Garcia	X				
Coby King	X				

Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino				X	
Wilfredo Sanchez	X				
Fermin Villegas				X	

**VII. Legislation**

A. 2024 Legislative Calendar

Mr. Moore reviewed the Legislative calendar.

B. Discussion of Legislation for 2024 (**Possible Action**)

1. **AB 1862** - Engineering, land surveying, and architecture: limited liability partnerships.

This is ACEC’s bill to eliminate the sunset date on limited liability partnerships (LLPs) for engineers and land surveyors. The Board previously supported the elimination, but the sunset date was extended during the Judiciary Committee hearing. The Board is unaware of any concerns from consumers with engineers and land surveyors being able to form Limited Liability Partnerships (LLPs).

During Public Comment Bob DeWitt representing ACEC explained that ACEC is sponsoring this bill and finds that there are few firms that are organized under LLPs due to sunset and noted, why would you organize a firm under an LLP if you are aware that in seven years you will have to repeat the process? He appreciates the Board’s support of the bill.

<b>MOTION:</b>	Mr. King and Ms. Wong moved to take a position of “Support” on AB 1862, as introduced January 18, 2024.
<b>VOTE:</b>	10-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D’Antonio	X				
Cristina Garcia	X				
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino				X	
Wilfredo Sanchez	X				
Fermin Villegas				X	

2. **AB 2269** - Board membership qualifications: public members.



No report given.

3. **AB 3176** - Professional land surveyors: surveying practices: monuments and corner accessories.

Mr. Moore reported that this bill is sponsored by the California Land Surveyors Association (CLSA) and related to how monuments are recovered or rehabilitated and perpetuated for the benefit of the public. It is amending Business and Professions Code section 8773.3. This bill is attempting to ensure when land surveyors find and use monuments in various forms of disrepair that they are rehabilitating that monument to withstand time and still be found. The concern is the use of the word permanent. Rob McMillan representing CLSA suggested that rather than the word permanent, durable would be a better descriptor of the monument or corner. Mr. Moore noted there are complaints related to whether people are setting durable monuments and he is not aware that the Board can enforce the setting of a permanent monument as the definition of permanent has not been established. Mr. King suggested asking staff to engage in conversation with CLSA to aid in the development of language. He is concerned that it is changing the fundamental purpose of the section. Dallas Sweeney, Senior Land Surveyor Registrar, provided some insight and explained that if a monument is placed in the ground with a plastic cap on it and it is located in an area prone to wildfires, the cap will ultimately melt. In addition, if you place an iron pipe in the ground that is prone to heavy rain or floods, they are prone to rust and will disintegrate. This is why the word durable should replace permanent as it varies where you are in the state as to what is truly a durable monument. Mr. Moore explained that the current language is limited to when a corner record is filed, and that the way the proposed language is written rehabilitation (if necessary) would be required anytime a survey is done, whether it requires a corner record, record of survey, or any map to be filed and further expands into corner accessories.

<b>MOTION:</b>	Mr. King and Ms. Mathieson moved to take a position of "Oppose Unless Amended" on AB 3176, with direction to staff to discuss with the Author and Sponsor of the bill the concerns discussed by the Board.
<b>VOTE:</b>	10-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio	X				
Cristina Garcia	X				
Coby King	X				

Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino				X	
Wilfredo Sanchez	X				
Fermin Villegas				X	

4. **AB 3253** - Board for Professional Engineers, Land Surveyors, and Geologists: appointments: removal.  
This bill repeals a section of the PE Act relating to removal of Board members that is already covered in the general Business and Professions Code.

<b>MOTION:</b>	Mr. King and Vice-president Wong moved to take a position of “Watch” on AB 3253, as introduced February 16, 2024.
<b>VOTE:</b>	10-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D’Antonio	X				
Cristina Garcia	X				
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino				X	
Wilfredo Sanchez	X				
Fermin Villegas				X	

**VIII. 2023-24 Sunset Review of the Board (Possible Action)**

- A. Background Paper Prepared by the Assembly Business and Professions Committee and the Senate Business, Professions and Economic Development Committee

Mr. Moore noted that the Background Paper was not available at the time of distribution of the meeting materials however, it just became available and will be distributed and placed on the agenda for the next Board meeting. Staff has been working closely with the Assembly and the Senate committee representatives.

- B. Sunset Review Hearing

A mock hearing with DCA took place last week in preparation for the Sunset hearing. The hearing is scheduled for March 12, 2024, at 9 a.m. and a link will be provided to the Board members if they wish to tune in.

### C. Sunset Review Legislation

During Public Comment, Alan Escarda, representing Professional Engineers in California Government (PECG), reviewed the Sunset Report and inquired whether the Board plans to conduct a renewal assessment since the Board has had the statutory authority since July 2017. Mr. Moore indicated that it is part of the Connect development for 2024/25, it may be toward the end of the calendar year. Mr. Escarda also inquired about the continuing education survey results. Mr. Moore explained that the information will be evaluated and presented at the May or June Board meeting. Mr. Escarda informed the Board that there may be someone present at the Sunset hearing to discuss issues regarding a change in policies in reference to the Geologist-in-Training (GIT) and the geologist examination and the varying field experience requirements which has caused problems for members in meeting application requirements. He also stated that PECG supports continuing education but does not believe it should be mandatory. Mr. Moore explained that the field experience is not a policy, but in regulation that was established approximately 7 years ago after a 2-year process. Education criteria was established in regulations because it was vague in statute as to what constituted a geological sciences degree. The Board went through a rulemaking process taking input from the public, licensees, and universities. The Board is limited by the rulemaking and regulations and will adhere to them.

President Hartley was not an advocate for mandatory continuing education however, being a part of the Board, it has become apparent that those who come before the board for disciplinary actions are not undergoing continuing education. He now believes in the importance of continuing education.

Another public comment came from G.V. Ayers. He explained that he participated in writing the Sunset legislation in 1993 and expressed how excruciating the process can be. He plans on being at the hearing in support of the Board.

Wayne Low, representing Structural Engineers Association of California (SEAOC), is very supportive of the Board's efforts of continuing education and the significant structures initiative.

Bob DeWitt, representing ACEC also noted that he will be at the Sunset hearing in support of the Board.

## V. Enforcement

### A. Enforcement Statistical Reports

#### 1. Fiscal Year 2023/24 Update

Ms. Criswell, Enforcement Program Manager, reviewed the enforcement statistics. Ms. Mathieson noted and congratulated the Enforcement Unit on the large increase in completed cases. Ms. Criswell noted that it was a large grouping of related cases that closed together. Ms. Mathieson also noted

that on page 25 in the upper right chart, there is a typographical error in that the current Fiscal Year is missing. Mr. Martinez noted that on page 21, Fiscal Year 21/22 indicated 364 opened cases and 375 completed cases however, on page 27, the same data was collected and indicates 336 opened cases and 350 completed cases.

B. Overview of Enforcement Complaint Process

Ms. Criswell provided a general overview of the complaint process and if needed, can focus on any particular part of the process at a future meeting.

**IX. Executive Officer's Report**

A. Rulemaking Status Report

No changes. Staff has been focused on Sunset.

B. Update on Board's Business Modernization Project

Mr. Moore noted that on February 29, 2024, the Maintenance and Operations Structural Engineering application was released. Staff is currently working on testing of the geotechnical engineer and traffic engineer applications slated for April 2, 2024. Mr. Moore thanked Board Member Christina Garcia for assisting with the testing.

C. Personnel

The Board maintains three vacancies as a cost savings measure and is looking to recruit for the vacant Senior Registrar position.

D. ABET

Mr. Moore reported that the Board established education criteria for geologists and geophysicists in regulation. The Board included a provision that if a geological science degree program obtained ABET accreditation, it was automatically accepted. At the time there was only one program in Little Rock, AR. Now there are also the South Dakota School of Mines and two international programs, one in Columbia and the other in United Arab Emirates.

E. Association of State Boards of Geology (ASBOG)

Senior Geology and Geophysics Registrar Joshua Goodwin is scheduled to attend the examinations meeting in April in Texas. It has been approved and it is considered mission critical. Ms. Mathieson added that she will also be attending on her own.

F. National Council of Examiners for Engineering and Surveying (NCEES)

1. May 16-18, 2024 Western Zone Interim Meeting, Bozeman, MT – Funded Delegates

Approval has been granted for Mr. Moore, Ms. Eissler, Vice-President Wong, and Mr. Ruffino to attend.

2. Update on Elections at Western Zone Interim Meeting

There are two new nominations for NCEES Western Zone Assistant Vice-President, Scott Sayles from the Arizona board and Sean St. Clair from the Oregon board.

G. Update on Outreach Efforts

Mr. Moore reported on the Board's outreach efforts. Virtual or local in-person outreach is being encouraged as a means to reduce travel expenses.

F. National Council of Examiners for Engineering and Surveying (NCEES)  
(Cont.)

3. Engineering Council of UK – Update on Mutual Recognition Agreement (MRA)

Mr. Moore reported on his and Rossana D'Antonio's visit to the Engineering Council of UK, and he sees the MRA as an alternate pathway to licensure. In accordance with the Engineering Council's requirements and standards for licensure, those institutions recommend the member to be a charter engineer to the Engineering Council. The Engineering Council is similar to our Sunset committees and to ABET in that every five years they reassess these institutions to ensure they are meeting the standards, requirements, and the assessment of their members, or licensees as we know them.

The reason why NCEES and the Engineering Council of UK made the effort is they did not want this to be a long process over many years like that of the national architects MRA. A chartered engineer is equivalent to a PE license in the US. Any US jurisdiction license PE will have to obtain an international PE approval that has been in place for years. NCEES is the authority that can bestow international PE for the US engineering licensees. The International PE requirements are higher in many respects than any of our requirements. You must have a minimum of a master's education, and you must have a minimum of seven years of experience in responsible charge. During this discussion, we learned that not all chartered engineers are going to be eligible for this until they obtain international PE status. There are approximately 800 US licensees that have an international PE. Since this visit, NCEES Board of Directors met and approved the agreement. He has seen the draft agreement, but it has not been publicized. The Engineering Council of UK is supposed to approve it at their March 28 meeting to make sure all of the institutions are on board. At that point it is anticipated to be noticed publicly and discussed in the zone meetings. Mr. Moore has been able to distill pertinent information from that agreement into the write up provided in the meeting materials.

Mr. Moore explained that the Board needs to decide whether to participate or not. It does not need to be decided on now. There may be some states that do not want to participate and others that will consider it at a later time.

This is not a reciprocity agreement. The actual agreement itself is between NCEES and the Engineering Council of UK, as they are the ones executing the agreement. If the board decides to participate, it will be to establish an alternate pathway to PE licensure and knowing that the Board will have to consider some legislation and future rulemaking for changes to regulations. The process could take at least a year, possibly two. The Engineering Council of UK is fully aware of the process and completely understands that each state would have their own path to determine for acceptance. They have written the agreement to allow flexibility for jurisdictional requirements like our state exam, our state rules, etc.

Ms. D'Antonio expressed her excitement over several of the site visits during the delegation's visit. They visited a high-speed rail construction site where they were able to implement such a project in half of the time that we would be able to due to their streamlined permitting process. They visited the McLaren Technology Center where they toured their manufacturing process for their Formula-1 race cars, which highlighted the robotics and automation features and operations. Their headquarters is a LEED certified building surrounded by artificial lakes where they pump the water from the lakes to cool down the building to offset the impacts of the wind tunnel where they test aerodynamics. They have energy and water conservation efforts, their sustainability elements for water quality and recycling, cutting edge technology and design elements. They visited the Battersea Power Station, which is a former coal powered station that has been converted to a mixed-use development which includes commercial, retail, and residential use while still maintaining the original power station functions and elements to give it a more cultural feel. They showcased their abilities to convey that they are worthy of this MRA. They met with the UK engineering community that included the Engineer's Council and the professional organizations. These are all global engineering organizations that have offices here in the United States. The discussions with high level government officials focused mainly on the unique opportunities of the MRA for trade and economic growth for both countries. It was born out of the agreement between President Biden and Prime Minister Summit with regards to the framework of the Atlantic Declaration. She believes we can still maintain our mission in consumer protection with regards to health and welfare and still entertain participating within the MRA. We have a licensee shortage that is driven by the aging workforce and declining interest in STEM education every single year. Ms. D'Antonio believes there is a lot to be said for considering this going forward and recommended to be a part of the MRA. She believes if someone is a chartered engineer and their NCEES record confirms that the information provided is vetted then the Board can feel comfortable in not requiring the national exam.

Ms. Garcia asked what about the risks associated with taking action now or waiting until later. Ms. D'Antonio expressed that while there may be

risks, there are risks in not participating in the MRA. During the pandemic, graduated doctors and nurses were immediately put into practice, which is something that never would have happened had it not been for COVID. As the world begins to encounter more of these high-level hazards, we may need to be more flexible in having our professionals go back and forth between our countries and be ready to practice in a moment's notice, allowing for flexibility should there be an engineering crisis down the line.

President Hartley asked if it would be beneficial to wait until March 28, 2024, to review the ratified agreement. Mr. Moore said that the agreement is not lengthy and can be included in the May meeting materials. The information he provided in the meeting materials summarizes what is contained in the actual agreement.

<b>MOTION:</b>	Ms. D'Antonio and Vice-President Wong moved that the Board should commit to becoming a participating member of the MRA by accepting the agreement as a future additional pathway to PE licensure and pursue legislation and rulemaking in the future to implement.
<b>VOTE:</b>	8-1-1, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley		X			
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari			X		
Rossana D'Antonio	X				
Cristina Garcia	X				
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino				X	
Wilfredo Sanchez	X				
Fermin Villegas				X	

**X. President's Report/Board Member Activities**

Ms. D'Antonio reported that she is on the board of the American Society of Civil Engineers (ASCE) and at the end of February, she participated in a legislative event in Washington DC to advocate for several infrastructure initiatives including workforce development.

**XI. Approval of Meeting Minutes (Possible Action)**

A. Approval of January 11, 2024, Board Meeting Minutes

<b>MOTION:</b>	Ms. Mathieson and Dr. Amistad moved to approve the January minutes.
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<b>VOTE:</b>	9-0-1, Motion Carried
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Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio	X				
Cristina Garcia	X				
Coby King			X		
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino				X	
Wilfredo Sanchez	X				
Fermin Villegas				X	

**XII. Closed Session – The Board met in Closed Session to discuss, as needed:**

- A. Deliberate on a Decision(s) to be Reached in a Proceeding(s) Required to be Conducted Pursuant to Chapter 5 (commencing with Section 11500), as Authorized by Government Code Section 11126(c)(3).
- B. Confer with, or Receive Advice from, Its Legal Counsel Regarding Pending Litigation Pursuant to Government Code Section 11126(e)(1) and (2)(A), on the following matters:
  - 1. Ryan Crownholm, et al. vs. Richard B. Moore, et al., United States District Court, Eastern District of California, Case No. 2:22-cv-01720-DAD-CKD
  - 2. Roy Allen Olsen, et al. v. California Board of Professional Engineers, Land Surveyors and Geologists, et al., Sacramento County Superior Court. Case No. 34-2022-00328379
  - 3. Victor Rodriguez-Fernandez vs. California Board for Professional Engineers, Land Surveyors, and Geologists, San Diego County Superior Court, Case No. 37-2023-00053465-CU-WM-CTL

**XIII. Adjourn**

The meeting adjourned at 4:39 P.M.

**PUBLIC PRESENT**

Jeanne Marie Tokunada, NSPE – California  
 G.V. Ayers, AEG  
 Alan Escarda, PECG  
 Judie Bucciarelli, DCA – BBR  
 Sergio Vazquez, Caltrans  
 Joel Leong  
 Bob DeWitt, ACEC-CA



**XIII. Closed Session – The Board will meet in Closed Session to discuss, as needed:**

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- A. Deliberate on a Decision(s) to be Reached in a Proceeding(s) Required to be Conducted Pursuant to Chapter 5 (commencing with Section 11500), as Authorized by Government Code Section 11126(c)(3).
- B. Confer with, or Receive Advice from, Its Legal Counsel Regarding Pending Litigation Pursuant to Government Code Section 11126(e)(1) and (2)(A), on the following matters:
  1. Ryan Crownholm, et al. vs. Richard B. Moore, et al., United States District Court, Eastern District of California, Case No. 2:22-cv-01720-DAD-CKD
  2. Roy Allen Olsen, et al. v. California Board of Professional Engineers, Land Surveyors and Geologists, et al., Sacramento County Superior Court. Case No. 34-2022-00328379
  3. Victor Rodriguez-Fernandez vs. California Board for Professional Engineers, Land Surveyors, and Geologists, San Diego County Superior Court, Case No. 37-2023-00053465-CU-WM-CTL



## XIV. Adjourn

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