

**CHAPTER 37. STATE REGISTRATION BOARD FOR  
PROFESSIONAL ENGINEERS, LAND SURVEYORS AND  
GEOLOGISTS**

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**Authority**

The provisions of this Chapter 37 issued under section 4 of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. § 151), unless otherwise noted.

**Source**

The provisions of this Chapter 37 adopted March 30, 1917, unless otherwise noted.

**Law Reviews**

*1994 Regulatory Review: Final Regulations of 1994*, 4 Widener J. Public L. 917 (1995).

**Cross References**

This chapter cited in 49 Pa. Code § 41.26 (relating to professional corporations).

**37-2**

**GENERAL PROVISIONS****§ 37.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—The Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 148—158.2).

*Board*—The State Registration Board for Professional Engineers, Land Surveyors and Geologists.

*Bureau*—The Bureau of Professional and Occupational Affairs.

*Documents*—Specifications, land surveys, reports, plats, drawings, plans, design information and calculations.

*Engineering curriculum*—A curriculum of 4 or more years approved by a National accrediting association recognized by the Board which leads to a baccalaureate degree. In the case of a degree issued from an institution outside of the United States, an engineering curriculum is a curriculum of 4 or more years which a Board recognized professional credentials evaluation service has determined to be equivalent to a baccalaureate degree issued from a college or university in the United States.

*Hearing examiner*—An individual appointed by the Board, with the approval of the Governor, to conduct hearings as may be required under the act in accordance with the act and this chapter.

*Professional geological work*—The performance of geological service or work, including technical completeness reviews or inspections of unfinalized work product, that requires the utilization, application and interpretation of fundamental and practical principles of the geological sciences in the practice of geology. The term does not include routine sampling, laboratory work or geological drafting.

*Progressive experience in engineering work*—Within the context of the engineer-in-training, experience of a grade and character sufficient to enable an individual to learn through practice the principles of math and science attained through formal education.

*Progressive experience in surveying work*—Within the context of a surveyor-in-training, experience of a grade and character sufficient to qualify an individual to personally and independently attain the equivalent surveying skills and math attained through an associate degree program in surveying.

*Progressive teaching experience*—Full-time faculty teaching experience, attained after the issuance of an engineer-in-training certificate or a surveyor-in-training certificate which includes teaching engineering courses or land surveying courses at the junior, senior or graduate level, covering the breadth and depth of the curriculum.

*Responsible position*—A job which requires independent judgment, competence and accountability in the performance of professional geological work.

*Similarly qualified engineer*—A natural person who is not registered as a professional engineer in this Commonwealth, or in another jurisdiction which licenses professional engineers, who has attained a level of expertise in a recognized branch of engineering by means of experience and education which, in the opinion of the Board, would qualify the person to provide supervision of the applicant's progressive work experience in the major branch of engineering in which the applicant indicates proficiency.

*Similarly qualified surveyor*—A natural person who is not registered as a professional land surveyor in this Commonwealth, or in another jurisdiction which licenses professional land surveyors, who has attained a level of expertise in land surveying by means of experience and education which, in the opinion of the Board, would qualify the person to provide supervision of the applicant's progressive work experience in land surveying.

*Special meetings*—A meeting scheduled by the Board after the Board's regular schedule of meetings has been established.

#### Source

The provisions of this § 37.1 adopted March 30, 1917; amended January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; amended October 25, 1996, effective October 26, 1996, 26 Pa.B. 5106. Immediately preceding text appears at serial pages (206164) to (206166).

### § 37.2. Rules governing Board activities and proceedings.

(a) Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), is applicable to the activities of and administrative proceedings before the Board unless otherwise provided in this chapter.

(b) Except as otherwise provided by statute or by 1 Pa. Code Part II, "Roberts' Rules of Order" will govern the meetings of the Board.

#### Source

The provisions of this § 37.2 adopted January 30, 1976, effective January 31, 1976, 6 Pa.B. 159; amended January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145925).

## ORGANIZATION AND PROCEDURE

### § 37.11. Meetings of the Board.

(a) *Regular meetings*. The Board will hold a minimum of four regular meetings each year. The administrative assistant to the Board, in conjunction with the administrative office of the Bureau, will give notice of the time and place of each meeting of the Board in accordance with section 9 of the Sunshine Act (65 P. S. § 279).

(b) *Special meetings*. Special meetings may be called at any time by the President of the Board. The administrative assistant to the Board, in conjunction

with the administrative office of the Bureau, will give public notice of each special meeting at least 24 hours in advance of the time of convening of the meeting in accordance with section 9 of the Sunshine Act.

**Source**

The provisions of this § 37.11 adopted March 30, 1917; amended February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; amended January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145925).

**§ 37.12. Election of Board officers.**

During the first meeting of each calendar year, the Board will elect from among its members a President and a Vice-President. The President will be the agency head of the Board and will preside at all meetings of the Board. The Vice-President will act as the agency head of the Board during a regular or special meeting of the Board in the absence of the President and will serve until the conclusion of the meeting or until the arrival of the President.

**Source**

The provision of this § 37.12 adopted March 30, 1917; amended January 27, 1978, effective January 28, 1978, 8 Pa.B. 253; amended January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145925).

**§ 37.13. [Reserved].**

**Source**

The provisions of this § 37.13 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145926).

**§ 37.14. [Reserved].**

**Source**

The provisions of this § 37.14 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145926).

**§ 37.15. [Reserved].**

**Source**

The provisions of this § 37.15 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial pages (145926) and (181291).

## QUALIFICATIONS FOR LICENSURE

**§ 37.16. General information; application and examination.**

(a) *Applications.* Applications to take the licensing examinations, together with instructions for applicants, including deadlines for filing and paying fees,

may be obtained from the Administrative Office of the Board by writing or telephoning the State Registration Board for Professional Engineers, Land Surveyors and Geologists, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649 (717) 783-7049.

(b) *Reexaminee applications.* An approved application shall entitle the applicant to take the written examination once upon payment of one fee. If the applicant fails the examination, the applicant shall submit a reexaminee application and pay a new fee. Additional references or experience information, or both, on a candidate may be requested in writing by the Board for purposes of updating the applicant’s file.

(c) *Examinations.* Written examinations will be held in Pittsburgh, Harrisburg, Philadelphia and other places designated by the Board during the months of April and October of each year. Applications for examination eligibility shall be submitted to the Board office by December 1 for the April examination and by July 1 for the October examination.

**Authority**

The provisions of this § 37.16 amended under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a); and section 4(c)—(f) of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. § 151(c)—(f)).

**Source**

The provisions of this § 37.16 adopted March 30, 1917; amended April 13, 1990, effective April 14, 1990, 20 Pa.B. 2032; amended January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (181291).

**§ 37.17. Schedule of fees.**

(a) *Professional engineers and professional land surveyors.* The Board will charge the following fees:

Biennial renewal of registration . . . . . \$50

(b) *Professional geologists.* The Board will charge the following fees:

Application for registration . . . . . \$50

Biennial renewal of registration . . . . . \$50

Temporary permit . . . . . \$25

(c) *Other fees.* The Board will charge the following fees:

Certification of license, registration, permit or scores . . . . . \$25

Verification of license, registration or permit . . . . . \$15

(d) *Fees to testing organizations.* Examination fees are established by agreement between the Commonwealth and the testing organizations that develop,

administer and grade the examinations. Examination candidates pay examination fees directly to the testing organizations.

**Authority**

The provisions of this § 37.17 issued under section 9 of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. § 156); amended under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a); and sections 4(c)—(f), (i) and (l), 5(b) and 9 of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 151(c)—(f), (i) and (l), 152(b) and 156).

**Source**

The provisions of this § 37.17 adopted August 19, 1988, effective August 20, 1988, 18 Pa.B. 3699; amended April 13, 1990, effective April 14, 1990, 20 Pa.B. 2032; amended April 10, 1992, effective April 11, 1992, 22 Pa.B. 1757; amended April 30, 1993, effective May 1, 1993, 23 Pa.B. 2120; amended July 23, 1993, effective July 24, 1993, 23 Pa.B. 3471; amended May 13, 1994, effective May 14, 1994, 24 Pa.B. 2531; amended May 5, 1995, effective May 6, 1995, 25 Pa.B. 1775; amended December 22, 1995, effective December 23, 1995, and apply to examination fees charged on and after September 1, 1995, 25 Pa.B. 5966; amended May 23, 1997, effective May 24, 1997, 27 Pa.B. 2548; amended November 28, 1997, effective November 29, 1997, 27 Pa.B. 6223; amended May 26, 2000, effective May 27, 2000, 30 Pa.B. 2589; amended August 19, 2005, effective August 20, 2005, 35 Pa.B. 4725. Immediately preceding text appears at serial pages (267160) to (267161).

**Cross References**

This section cited in 49 Pa. Code § 37.61 (relating to temporary practice).

**§ 37.18. Reactivation of licensure status.**

A licensed engineer, land surveyor or geologist who has allowed his licensure status to lapse by failing to register biennially with the Board may apply to the Board for reactivation of licensure status by satisfying the requirements of paragraph (1) on forms prescribed by the Board.

(1) A licensee applying for reactivation of licensure status is required to pay the current registration fee and submit a notarized affidavit setting forth the period of time in which the licensee did not practice in this Commonwealth.

(2) A licensee who seeks to reactivate his licensure status will not be assessed a late renewal fee for the preceding biennial registration periods in which the licensee did not engage in practice in this Commonwealth.

(3) With the exception of individuals who are engaged in the practice of engineering, land surveying or geology in a field which is exempt from licensure under section 5 of the act (63 P. S. § 152), a licensee whose licensure status has lapsed due to the failure to register biennially with the Board, is prohibited from the practice of engineering, land surveying or geology as applicable in this Commonwealth unless the licensure status is reactivated. If a licensee, who is not exempt from licensure, engages in practice in this Commonwealth during a period in which the licensees' registration is not renewed, the licensee is required to pay a late fee of \$5 for each month or part of a month beyond the date specified for renewal, as provided in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-

225), in addition to the prescribed biennial renewal fee. The payment of a late fee does not preclude the Board from taking disciplinary action against a licensee for practicing the profession of engineering, land surveying or geology as applicable in this Commonwealth without a current license.

**Source**

The provisions of this § 37.18 adopted August 31, 1990, effective September 1, 1990, 20 Pa.B. 4624; amended September 14, 1990, effective September 15, 1990, 20 Pa.B. 4797; amended October 25, 1996, effective October 26, 1996, 26 Pa.B. 5106. Immediately preceding text appears at serial page (206169).

**REGISTERED PROFESSIONAL ENGINEERS**

**§ 37.21. [Reserved].**

**Source**

The provisions of this § 37.21 adopted March 30, 1917; amended April 13, 1990, effective April 14, 1990, 20 Pa.B. 2032; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (167707).

**§ 37.22. [Reserved].**

**Source**

The provisions of this § 37.22 adopted March 30, 1917; amended January 27, 1978, effective January 28, 1978, 8 Pa.B. 253; amended February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; amended April 13, 1990, effective April 14, 1990, 20 Pa.B. 2032; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial pages (167707) and (145929).

**§ 37.23. [Reserved].**

**Source**

The provisions of this § 37.23 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145929).

**§ 37.24. [Reserved].**

**Source**

The provisions of this § 37.24 adopted March 30, 1917; amended February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial pages (145929) to (145930).

**§ 37.25. [Reserved].**

**Source**

The provisions of this § 37.25 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial pages (145930) to (145931).



**§ 37.26. [Reserved].****Source**

The provisions of this § 37.26 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145931).

**§ 37.27. [Reserved].****Source**

The provisions of this § 37.27 adopted March 30, 1917; amended January 27, 1978, effective January 28, 1978, 8 Pa.B. 253; amended February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial pages (145931) to (145932).

**§ 37.28. [Reserved].****Source**

The provisions of this § 37.28 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145932).

**§ 37.29. [Reserved].****Source**

The provisions of this § 37.29 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145932).

**§ 37.30. [Reserved].****Source**

The provisions of this § 37.30 adopted March 30, 1917; amended February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial pages (145932) to (145933).

**§ 37.31. Eligibility for certification or licensure, or both.**

Before an applicant takes the examination for licensure as a professional engineer, the applicant shall satisfactorily complete the engineering fundamentals examination and become certified as an engineer-in-training. An applicant who is certified as an engineer-in-training shall remain certified without time limitation until the applicant becomes licensed as a professional engineer.

(1) *Engineer-in-training.* An applicant for certification as an engineer-in-training shall show satisfactory evidence to the Board of having met one of the following education or experience requirements:

(i) *Education.* Graduation from an approved engineering curriculum of 4 or more years, except that an engineering student who has completed 2 or more years of an approved program in engineering may take the engineering

fundamentals examination. The student is not eligible for certification as an engineer-in-training until proof of graduation is provided to the Board.

(ii) *Experience.* Eight or more years of progressive experience in engineering work and knowledge, skill and education approximating that attained through graduation from an approved engineering curriculum.

(2) *Professional engineer.* An applicant for licensure as a professional engineer shall be certified as an engineer-in-training and show satisfactory evidence to the Board of having met one of the following experience requirements:

(i) *Work experience.* Four or more years of progressive experience in engineering work performed after the issuance of the engineer-in-training certificate. The experience shall be obtained by working under the supervision of a professional engineer or a similarly qualified engineer, and shall be of a grade and character to qualify the applicant to assume responsible charge of the work involved in the practice of engineering. Experience of short periods of duration; that is, 6 months or less, which is used to comprise the minimum requirements shall be supported by adequate references. The experience shall be in the major branch of engineering in which the applicant indicates proficiency. For sales, construction and similar nondesign experience to be acceptable, an applicant shall demonstrate conclusively to the Board that engineering principles and engineering knowledge were actually employed. The mere selection of data or equipment from a company catalog or a similar publication is not acceptable work experience. The mere execution as a contractor of work designed by a professional engineer, or the supervision of the construction of the work as a superintendent, or the operation or maintenance of machinery or equipment is not acceptable work experience.

(ii) *Teaching experience.* Four or more years of progressive teaching experience in an approved curriculum under the supervision of a professional engineer or similarly qualified engineer. The teaching experience shall be of a grade or character to qualify the applicant to assume responsible charge of the work involved in the practice of engineering.

#### Source

The provisions of this § 37.31 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518.

#### Cross References

This section cited in 49 Pa. Code § 37.32 (relating to references).

### § 37.32. References.

As part of the application process, an applicant applying under § 37.31(1)(ii) and (2) (relating to eligibility for certification or licensure, or both), shall give the names and addresses of five references, three of whom are licensed professional

engineers in this Commonwealth or another state or territory of the United States. Professional engineers used as references shall be qualified to evaluate the applicant's training and experience, and know the applicant personally, but may not be related to the applicant. Individuals named as references should include professional engineers under whose direct supervision the applicant has worked. The Board will not review an application until five acceptable references have been received. If, in the opinion of the Board, references reflect adversely on the applicant's character or qualifications, the Board may withhold processing the application until an investigation into the applicant's character or qualifications, or both, is completed. Based upon the results of an investigation, additional references may be required by the Board.

**Source**

The provisions of this § 37.32 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518.

**§ 37.33. Grandfather provision.**

Under section 14 of the act (63 P. S. § 151.1, note), an applicant who has completed the educational requirements for licensure as a professional engineer by June 30, 1994, or who has commenced the experience requirements for licensure as a professional engineer prior to February 19, 1991, shall comply with the education and experience requirements of the act of May 23, 1945 (P. L. 913, No. 367) as they existed on February 15, 1991, the day prior to the effective date of Act 192 of 1990.

**Source**

The provisions of this § 37.33 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518.

**§ 37.34. Branches of engineering.**

(a) The Board recognizes the following as major branches of engineering practice and may eliminate or add other branches of engineering practice it deems necessary in the interest of the profession:

- (1) Aeronautical/aerospace engineering.
- (2) Agricultural engineering.
- (3) Chemical engineering.
- (4) Civil engineering.
- (5) Electrical engineering.
- (6) Industrial engineering.
- (7) Manufacturing engineering.
- (8) Mechanical engineering.
- (9) Metallurgical engineering.
- (10) Mining/mineral engineering.
- (11) Nuclear engineering.
- (12) Petroleum engineering.

- (13) Fire protection engineering.
- (14) Sanitary engineering.
- (15) Structural engineering.
- (16) Control systems engineering.

(b) An applicant who has passed an examination in one of the major branches of engineering listed in subsection (a), or in other branches of engineering as are subsequently recognized by the Board, will be granted registration as a professional engineer. The applicant may then practice any branch of engineering in which the applicant has proven proficiency by reason of education and experience, and in which the applicant is willing to accept full legal, financial and professional responsibility. A professional engineer may not be limited to the practice of any one major branch of engineering because the professional engineer has passed a written examination based upon the major branch of engineering, subject to this chapter and the provisions of the act relating to Code of Ethics.

**Source**

The provisions of this § 37.34 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518.

### REGISTERED PROFESSIONAL GEOLOGISTS

#### § 37.36. Eligibility for licensure.

An applicant for licensure as a professional geologist shall be of good moral character, meet the following education and experience requirements and pass an examination adopted by the Board.

(1) *Education.*

(i) An applicant shall submit evidence to the Board of having graduated from an accredited institution of higher learning with a major in geology, geophysics, geochemistry or engineering geology, with a minimum of 30 semester or 45 quarter hours in geology, geophysics, geochemistry, engineering geology or their subdivisions.

(ii) An applicant who has graduated from an accredited institution of higher learning which does not grant semester or quarter hours in geological science courses leading to a major in geology, shall submit evidence to the Board of having completed 30 semester or 45 quarter hours or an equivalent amount of geological education, of which at least 24 semester hours or an equivalent amount are in third or fourth year undergraduate courses or graduate courses. The applicant shall submit documentation from the institution certifying that at the time the applicant attended the institution, the institution did not offer semester or quarter hours in geological science courses leading to a major in geology. The certification shall accompany the application materials.

(iii) Graduates of a foreign college or university shall have their educational credentials reviewed by a professional evaluation service approved by

the Board. To be acceptable, the applicant's educational credentials shall be equivalent to a Bachelor Degree in geology, geophysics, geochemistry, engineering geology or their subdivisions from an accredited United States college or university.

(2) *Experience.* An applicant shall complete at least 5 years of professional geological work. The applicant's experience shall include either a minimum of 3 years of professional geological work under the supervision of a licensed professional geologist or a minimum of 5 years in a responsible position in professional geological work. Professional geological work performed prior to February 16, 1993, shall satisfy the requirement of this subsection if it was performed under the supervision of either a licensed professional geologist or a qualified geologist who was not licensed. Experience, to be acceptable, shall demonstrate the applicant's ability to apply principles of geology, geophysics, geochemistry, engineering geology or their subdivisions to the actual practice of geology. Routine sampling, laboratory work and geological drafting is not professional geological work and will not be credited as acceptable experience. A Graduate Degree in geology, geophysics, geochemistry, engineering geology or their subdivisions may be substituted as part of the total experience requirements for licensure, at the rate of 1 year for a Master's Degree and 1 year for a Doctor's Degree. Credit for a Graduate Degree may not exceed a total of 2 years toward meeting the required number of years of professional geological work.

#### Source

The provisions of this § 37.36 adopted October 25, 1996, effective October 26, 1996, 26 Pa.B. 5106.

#### § 37.37. References.

(a) As part of the application process, an applicant whose experience under § 37.36(2) (relating to eligibility for licensure) includes a minimum of 3 years of professional geological work under the supervision of either a licensed professional geologist or, in the case of work performed prior to February 16, 1993, a qualified geologist who was not licensed, shall give the names and addresses of at least three references who, collectively, can verify the required experience claimed by the applicant and attest to the applicant's good moral character. Individuals used as references should include either licensed professional geologists under whose direction the applicant has worked or unlicensed geologists who are qualified to evaluate the applicant's training and experience. The Board will not review an application until three acceptable references have been received.

(b) An applicant whose experience under § 37.36(2) includes a minimum of 5 years experience in a responsible position in professional geological work shall give the names and addresses of at least three references who, collectively, can verify the experience claimed by the applicant and attest to the applicant's good

moral character. The Board will not review an application until three acceptable references have been received.

(c) If, in the opinion of the Board, references reflect adversely on the applicant's character or qualifications, the Board may withhold processing the application until an investigation into the applicant's character or qualifications, or both, is completed. The applicant will be notified in writing of any investigation which is being conducted relative to the content of the applicant's application. Based upon the results of an investigation, additional references may be required by the Board.

**Source**

The provisions of this § 37.37 adopted October 25, 1996, effective October 26, 1996, 26 Pa.B. 5106.

**REGISTERED PROFESSIONAL LAND SURVEYORS**

**§ 37.41. [Reserved].**

**Source**

The provisions of this § 37.41 adopted March 30, 1917; amended February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145934).

**§ 37.42. [Reserved].**

**Source**

The provisions of this § 37.42 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145934).

**§ 37.43. [Reserved].**

**Source**

The provisions of this § 37.43 adopted March 30, 1917; amended January 27, 1978, effective January 28, 1978, 8 Pa.B. 253; amended through February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145934).

**§ 37.44. [Reserved].**

**Source**

The provisions of this § 37.44 adopted March 30, 1917; amended April 16, 1982, effective April 17, 1982, 12 Pa.B. 1232; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145934).

**§ 37.45. [Reserved].****Source**

The provisions of this § 37.45 adopted March 30, 1917; amended February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145935).

**§ 37.46. [Reserved].****Source**

The provisions of this § 37.46 adopted March 30, 1917; amended February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145935).

**§ 37.47. Eligibility for certification or licensure, or both.**

Before an applicant takes the examination for licensure as a professional land surveyor, the applicant shall satisfactorily complete the surveying fundamentals examination and become certified as a surveyor-in-training. An applicant who is certified as a surveyor-in-training shall remain certified without time limitation until the applicant becomes licensed as a professional land surveyor.

(1) *Surveyor-in-training.* An applicant for certification as a surveyor-in-training shall show satisfactory evidence to the Board of having met one of the following requirements:

(i) Graduation from an approved civil engineering curriculum of at least 4 years, including a minimum of 10 credit hours instruction in surveying.

(ii) Graduation from an associate degree program in an approved surveying technology curriculum.

(iii) Completion of 6 or more years of progressive experience in surveying, and knowledge, skill and education equivalent to that attained through graduation from an approved land surveying or civil engineering curriculum. For experience to be acceptable to the Board, an applicant shall show diversification of field and office experience, with a minimum of 25% of the experience in each area.

(2) *Professional land surveyor.* An applicant for licensure as a professional land surveyor shall be certified as a surveyor-in-training and show satisfactory evidence to the Board of having met one of the following requirements:

(i) *Work experience.* Four or more years of progressive experience in land surveying work performed after the issuance of the surveyor-in-training certificate. The experience shall be obtained by working under the supervision of a professional land surveyor or similarly qualified surveyor and shall be of a grade and character to qualify the applicant to assume responsible charge of the work involved in the practice of land surveying. Experience of

short periods of duration; that is, 6 months or less, which is used to comprise the minimum requirements shall be supported by adequate references.

(ii) *Teaching experience.* Four or more years of progressive teaching experience in an approved curriculum under the supervision of a professional land surveyor or a similarly qualified surveyor. The teaching experience shall be of a grade or character to qualify the applicant to assume responsible charge of the work involved in the practice of land surveying.

**Source**

The provisions of this § 37.47 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518.

**Cross References**

This section cited in 49 Pa. Code § 37.48 (relating to references).

**§ 37.48. References.**

As part of the application process, an applicant applying under § 37.47(1)(iii) and (2) (relating to eligibility for certification or licensure, or both) shall give the names and addresses of five references, three of whom shall be licensed professional land surveyors in this Commonwealth or another state or territory of the United States. Individuals used as references shall be qualified to evaluate the applicant's training and experience and know the applicant personally, but may not be related to the applicant. Individuals used as references shall include professional land surveyors or professional engineers under whose direct supervision the applicant has worked. The Board will not review an application until five acceptable references have been received. If, in the opinion of the Board, references reflect adversely on the applicant's character or qualifications, the Board may withhold processing the application until an investigation into the applicant's character or qualifications, or both, is completed. Based upon the results of an investigation, additional references may be required by the Board.

**Source**

The provisions of this § 37.48 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518.

**§ 37.49. Grandfather provision.**

Under section 14 of the act (63 P. S. § 151.1, note), applicants who have completed their educational requirements for licensure as a professional land surveyor by June 30, 1994, or who have commenced their experience requirements for licensure as a professional land surveyor prior to February 19, 1991, shall comply with the education and experience requirements of the act of May 23, 1945 (P. L. 913, No. 367), as they existed on February 15, 1991, the day prior to the effective date of Act 192 of 1990.

**Source**

The provisions of this § 37.49 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518.

**REGISTRATION NUMBER AND SEAL****§ 37.51. [Reserved].****Source**

The provisions of this § 37.51 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145935).

**§ 37.52. [Reserved].****Source**

The provisions of this § 37.52 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial pages (145935) to (145936).

**§ 37.53. [Reserved].****Source**

The provision of this § 37.53 adopted March 30, 1917; amended January 27, 1978, effective January 28, 1978, 8 Pa.B. 253; amended February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145936).

**§ 37.54. [Reserved].****Source**

The provisions of this § 37.54 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145936).

**§ 37.55. [Reserved].****Source**

The provisions of this § 37.55 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145936).

**§ 37.56. [Reserved].****Source**

The provisions of this § 37.56 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145936).

**§ 37.57. Registration number.**

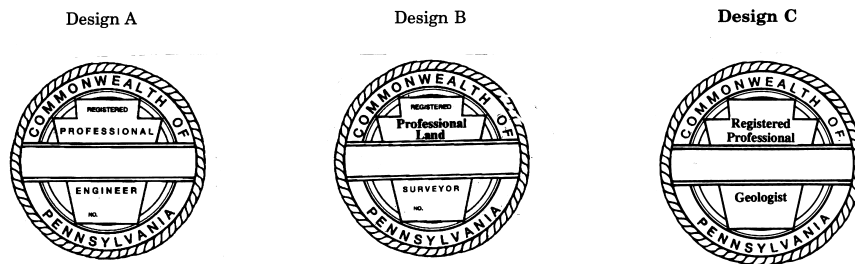
Upon registering with the Board, each applicant will be assigned a registration number. Registration numbers will be issued consecutively in the order in which applications are approved by the Board.

**Source**

The provisions of this § 37.57 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518.

**§ 37.58. Seal.**

(a) A registrant shall obtain, at the registrant's own expense, a seal in the design authorized by the Board. The following are Board authorized seals for "Registered Professional Engineer" (Design A), "Registered Professional Land Surveyor" (Design B) and "Registered Professional Geologist" (Design C):



(b) The seal shall contain the legend "Registered Professional Engineer," "Registered Professional Land Surveyor" or "Registered Professional Geologist" and the registrant's name and registration number.

(c) The seal shall be 1 3/4 inch in diameter. The diameter of a pocket seal may be reduced to 1 1/2 inch if the design is in the same relative proportions in subsection (a).

(d) A registrant may use a rubber stamp or computer image which is a facsimile of the seal, if the registrant first obtains a seal in accordance with this section.

**Source**

The provisions of this § 37.58 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; amended October 25, 1996, effective October 26, 1996, 26 Pa.B. 5106. Immediately preceding text appears at serial pages (206177) to (206178).

**§ 37.59. Use of seal.**

The following rules govern the proper use of a registrant's seal:

(1) A registrant may use his seal and signature only when the work being sealed and signed was prepared by the registrant or under the registrant's complete direction and control.

(2) When a registrant issues final or complete documents to a client for the client's records, or when a registrant submits final or complete documents to public or governmental agencies for final review, the seal and signature of the registrant who prepared or who directed and controlled the preparation of the

documents, along with the date of issuance, shall be prominently displayed on the first page of all documents. Facsimile seals shall appear on all subsequent pages of plans or plats.

(3) When multiple registrants prepare or direct and control the preparation of documents, each registrant's seal and signature shall appear on the first page of the documents, or on the first page of the identifiable portion or section of the documents which were prepared or directed and controlled by that registrant, if the respective registrants' direction and control can be reasonably segregated.

(4) When a registrant's signature is applied, it shall be applied near or across the seal, but not in a location that obliterates the registration number.

(5) A registrant may not affix or permit a seal and signature to be affixed to a document after the expiration of the registrant's licensure status, or for the purpose of aiding or abetting another person to evade or attempt to evade a provision of the act or this chapter.

(6) In the case of a temporary permit issued to an engineering, land surveying or geology registrant of another state, the registrant shall use the seal of the registrant's home state and shall affix his signature and a copy of the temporary permit to work performed in this Commonwealth.

#### Source

The provisions of this § 37.59 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; amended October 25, 1996, effective October 26, 1996, 26 Pa.B. 5106. Immediately preceding text appears at serial pages (206178) to (206179).

### **TEMPORARY PERMIT TO PRACTICE ENGINEERING, SURVEYING OR GEOLOGY**

#### **§ 37.61. Temporary practice.**

(a) A professional engineer, professional land surveyor or professional geologist who holds a valid license to practice engineering, land surveying or geology from a licensing board of the state or territory of the person's residence may practice engineering, land surveying or geology in this Commonwealth for a period not to exceed 30 days in the aggregate in a calendar year if the person neither resides nor has a place of business in this Commonwealth and the standards for licensing engineers, land surveyors and geologists in the other state or territory are at least equal to the standards of the Commonwealth.

(b) Applications for temporary permits shall be made on forms provided by the Board.

(c) Applications shall be accompanied by a nonrefundable fee in the amount prescribed by § 37.17(b) (relating to schedule of fees). Incomplete applications and applications not accompanied by the proper fee will be returned to applicants with a statement of the reason for return.

(d) When the Board, after consideration of an application, is satisfied that the applicant is eligible for a temporary permit to practice engineering, land surveying or geology, the Board will issue to the applicant a temporary permit to practice in this Commonwealth. If an application is rejected, the Board will advise the applicant of the reason for rejection.

**Authority**

The provisions of this § 37.61 amended under section 5(b) of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. § 156); and sections 102 and 219 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. §§ 1401-102 and 1401-219).

**Source**

The provisions of this § 37.61 adopted March 30, 1917; amended January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; corrected November 28, 1997, effective September 2, 1995, 27 Pa.B. 6222. Immediately preceding text appears at serial pages (221143) to (221144).

**§ 37.62. [Reserved].**

**Source**

The provisions of this § 37.62 adopted March 30, 1917; amended January 27, 1978, effective January 28, 1978, 8 Pa.B. 253; amended February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145937).

**§ 37.63. [Reserved].**

**Source**

The provisions of this § 37.63 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145937).

**CERTIFICATE OF APPROVAL OF NAME**

**§ 37.71. Form of application.**

(a) Applications for certificate of approval of fictitious name or corporate name shall be made on forms provided by the Board prior to submission of articles of incorporation or fictitious name registrations to the Corporation Bureau of the Department of State. The file shall identify the parties with an ownership interest in the business and the licensed and unlicensed professional staff.

(b) Applications shall be accompanied by a nonrefundable fee in the amount prescribed by law. Incomplete applications and applications not accompanied by the proper fee will be returned to applicants with a statement of the reason for return.

(c) The Board will approve the use of a fictitious name or corporate name, if at least one of the persons filing for the use of the name, one of the incorporators

of a proposed corporation, or one of the directors of an existing corporation, has been properly registered as a professional engineer or professional land surveyor in this Commonwealth.

(d) Upon approval of an application for certificate of approval of a fictitious name or corporate name, the Board will issue a certificate of approval to the Corporation Bureau of the Department of State. If an application is rejected, the Board will advise the applicant of the reason for rejection.

**Source**

The provisions of this § 37.71 adopted March 30, 1917; amended January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145938).

**§ 37.72. [Reserved].**

**Source**

The provisions of this § 37.72 adopted March 30, 1917; amended January 27, 1978, effective January 28, 1978, 8 Pa.B. 253; amended February 10, 1984, effective February 11, 1984, 14 Pa.B. 448; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145938).

**§ 37.73. [Reserved].**

**Source**

The provisions of this § 37.73 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518.

**§ 37.74. [Reserved].**

**Source**

The provisions of this § 37.74 adopted March 30, 1917; reserved January 21, 1994, effective January 22, 1994, 24 Pa.B. 518. Immediately preceding text appears at serial page (145939).

**DISCIPLINARY PROCESS AND PROCEDURES**

**§ 37.81. Misconduct.**

A professional engineer, professional land surveyor or professional geologist who is found guilty by the Board of gross negligence, incompetency or misconduct in the practice of engineering, land surveying or geology or of a violation of the Code of Ethics of the profession of engineering or land surveying is subject to disciplinary action under section 4(g) of the act (63 P. S. § 151(g)). Misconduct in the practice of engineering, land surveying or geology includes the following:

- (1) Being convicted of a criminal offense such as extortion, bribery or fraud or entry of a plea of nolo contendere to a charge thereof for conduct relating to the practice of engineering, land surveying or geology.

(2) Being unable to practice engineering, land surveying or geology with reasonable skill and safety by reason of drunkenness, use of controlled substances, chemicals or other types of inhibiting materials, or as a result of a mental or physical incapacity which prevents the practice of engineering, land surveying or geology.

(3) Failing to exercise supervision over a person who is authorized by the employer to practice engineering, land surveying or geology only under the supervision of a professional engineer, professional land surveyor or professional geologist.

(4) Delegating responsible charge to an individual who the professional engineer, professional land surveyor or professional geologist knows or has reason to know is not qualified by training or experience to personally and independently engage in and be entrusted with the work involved in the practice of engineering, land surveying or geology.

(5) Being convicted of a felony in a state or Federal court or being convicted of a misdemeanor in the practice of engineering, land surveying or geology. As used in this paragraph, the term “convicted” includes a finding or verdict of guilt, an admission of guilt or a plea of nolo contendere.

(6) Making misleading, deceptive, untrue or fraudulent representations in the practice of engineering, land surveying or geology.

(7) Practicing fraud or deceit in obtaining a license to practice engineering, land surveying or geology.

(8) Submitting a false or deceptive biennial registration to the Board.

(9) Reviewing on behalf of a public entity or an agency of government plans on which the individual performing the review, or a member or employe of the individual’s firm, has participated in any manner, including an advisory capacity. A violation of the act of October 4, 1978 (P. L 883, No. 170) (65 P. S. §§ 401—413), known as the Public Official and Employee Ethics Law, as the violation relates to the practice of engineering, land surveying or geology, is a violation of this section and chapter.

(10) Violating a provision of the act or this chapter.

(11) Having a license to practice engineering, land surveying or geology suspended or revoked or having other disciplinary action taken for conduct relating to the practice of engineering, land surveying or geology, by the proper licensing authority of another state, territory or country.

#### Source

The provisions of this § 37.81 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; amended October 25, 1996, effective October 26, 1996, 26 Pa.B. 5106. Immediately preceding text appears at serial pages (206181) to (206182).

**§ 37.82. Complaints.**

An individual, firm or corporation who has reason to believe that a professional engineer, professional land surveyor or professional geologist has engaged in gross negligence, incompetency or misconduct in the practice of engineering, land surveying or geology or has violated the act or this chapter, shall report the action to the Complaints Office of the Bureau of Professional and Occupational Affairs by telephoning the Complaints Office at 1 (800) 822-2113 or by submitting a written complaint to the Complaints Officer of the Bureau of Professional and Occupational Affairs, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, charging the professional engineer, professional land surveyor or professional geologist with a violation of the act, and specifying the grounds upon which the complaint is based.

**Source**

The provisions of this § 37.82 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; amended October 25, 1996, effective October 26, 1996, 26 Pa.B. 5106. Immediately preceding text appears at serial page (206182).

**§ 37.83. Hearing examiners.**

(a) *Powers and duties of hearing examiners.* The hearing examiner appointed by the Board shall have the following powers and duties:

- (1) To regulate the course of the hearing, including the scheduling thereof, and the recessing, reconvening and adjournment of the hearing, if at least 20 days notice of the date of the hearing or a continuance thereof is given to the Board counsel, on behalf of the Board.
- (2) To administer oaths and affirmations.
- (3) To issue subpoenas requiring the attendance and testimony of individuals or the production of pertinent records, documents and papers by persons believed to have information relevant to a matter pending before the hearing examiner.
- (4) To rule upon offers of proof and receive evidence.
- (5) To hold appropriate conferences before or during hearings.
- (6) To hear evidence submitted and arguments of counsel, if any.

(b) *Certification of record with or without a proposed report.*

(1) Unless otherwise provided by order of the Board, the hearing examiner shall review the record in light of the applicable law, and promptly prepare, certify and file with the prothonotary of the Bureau and with the Board counsel, on behalf of the Board a proposed report in accordance with 1 Pa. Code § 35.205 (relating to contents of proposed reports), a copy of the transcript of record of the hearing and the briefs, if any, filed in the proceeding. A copy of the proposed report shall also be provided to counsel of record, or to the parties, if they are not represented.

(2) When, in the opinion of the Board, the factual allegations of a complaint involve issues which require knowledge of complex engineering, land

surveying or geology principles to properly decide the merits of a case, the Board will issue an order directing the hearing examiner to preside at the formal hearing and to perform the duties in subsection (a), but, to certify and file with the prothonotary of the Bureau and with the Board counsel, on behalf of the Board, the entire record of the case without a proposed report.

**Source**

The provisions of this § 37.83 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; amended October 25, 1996, effective October 26, 1996, 26 Pa.B. 5106. Immediately preceding text appears at serial pages (206182) to (206183).

**EXCEPTIONS**

**§ 37.101. Exceptions to the hearing examiner's decision.**

(a) A participant desiring to except to a hearing examiner's decision shall, within 30 days after the service of a copy of the proposed report, file exceptions to the proposed report in a brief, designated as a "Brief On Exceptions." A "Brief Opposing Exceptions" may be filed in response to a Brief On Exceptions within 20 days after service of a copy of the Brief On Exceptions. Further response will not be entertained by the Board.

(b) The content and form of briefs on exceptions shall be in accordance with 1 Pa. Code § 35.212 (relating to content and form of briefs on exceptions).

(c) Failure to file a brief on exceptions within the time specified in subsection (a) constitutes a waiver of objections to the proposed report. The Board will thereupon commence its review of the proposed report and prepare and issue the final order of the Board, which will either be an order adopting the hearing examiner's proposed report or an adjudication and order of the Board. This subsection supplements 1 Pa. Code § 35.226 (relating to final orders).

**Source**

The provisions of this § 37.101 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518.

**§ 37.102. Appeal from the Board decision.**

A party aggrieved by the Board's decision may, within 30 days after the entry of the order, appeal to the Commonwealth Court in accordance with the applicable rules of appellate procedure.

**Source**

The provisions of this § 37.102 adopted January 21, 1994, effective January 22, 1994, 24 Pa.B. 518; amended June 4, 1999, effective June 5, 1999, 29 Pa.B. 2857. Immediately preceding text appears at serial page (221148).

[Next page is 39-1.]