

ASSEMBLY BILL

No. 1551

Introduced by Assembly Member Holden

January 27, 2014

An act to add Sections 6735.7 and 8761.3 to the Business and Professions Code, relating to professional engineers and land surveyors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1551, as introduced, Holden. Professional engineers and land surveyors: documents.

Existing law provides for the licensing and regulation of professional engineers and land surveyors by the Board for Professional Engineers and Land Surveyors in the Department of Consumer Affairs. Existing law requires engineering documents, defined to include plans, calculations, specifications, and reports, to be prepared by, or under the responsible charge of, a licensed engineer and to include his or her name and license number. Existing law requires all land surveying documents to be prepared by, or under the responsible charge of, a licensed land surveyor or civil engineer authorized to practice land surveying and to include his or her name and license number.

Existing law makes a violation of those provisions a misdemeanor.

This bill would prohibit a person from using a licensed engineer's documents, without the written consent of the licensed engineer, as specified. The bill would also prohibit a person from using a licensed land surveyor's maps, plats, reports, descriptions, or other documentary evidence without the written consent of the licensed land surveyor, as specified. The bill would prohibit a licensed engineer or land surveyor from unreasonably withholding consent to use these documents. The

bill would make legislative findings and declarations that the bill’s provisions are declaratory of existing law.

Because this bill would expand the scope of an existing crime, the bill would create 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.

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

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

1 SECTION 1. Section 6735.7 is added to the Business and
2 Professions Code, to read:

3 6735.7. (a) No person shall use a licensed engineer’s
4 documents, as defined in Sections 6735, 6735.3, and 6735.4,
5 without the consent of the licensed engineer in a written contract,
6 written agreement, or written license specifically authorizing that
7 use.

8 (b) A licensed engineer shall not unreasonably withhold consent
9 to use his or her documents from a person for whom the
10 professional engineer provided the services. A licensed engineer
11 may reasonably withhold consent to use the documents for cause,
12 including, but not limited to, lack of full payment for services
13 provided or failure of the requesting person to fulfill his or her
14 obligations under a written contract pertaining to the services.

15 (c) The Legislature finds and declares that the provisions of this
16 section are declaratory of existing law and shall not be construed
17 to limit or eliminate any right otherwise granted by law.

18 SEC. 2. Section 8761.3 is added to the Business and Professions
19 Code, to read:

20 8761.3. (a) No person shall use a licensed land surveyor’s
21 maps, plats, reports, descriptions, or other documentary evidence
22 authorized by Section 8761 without the consent of the licensed
23 land surveyor in a written contract, written agreement, or written
24 license specifically authorizing that use.

25 (b) A licensed land surveyor shall not unreasonably withhold
26 consent to use his or her maps, plats, reports, descriptions, or other

1 documentary evidence from a person for whom the professional
2 land surveyor provided the services. A licensed land surveyor may
3 reasonably withhold consent to use the maps, plats, reports,
4 descriptions, or other documentary evidence for cause, including,
5 but not limited to, lack of full payment for services provided or
6 failure of the requesting person to fulfill his or her obligations
7 under a written contract pertaining to the services.

8 (c) The Legislature finds and declares that the provisions of this
9 section are declaratory of existing law and shall not be construed
10 to limit or eliminate any right otherwise granted by law.

11 SEC. 3. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.