

## PROFESSIONAL ENGINEERS ACT

### Chapter 7, Sections 6700 – 6799, Business and Professions Code

Civil engineering is defined in Sections 6731, and 6731.1.

6731 defines “civil engineering” as the act of providing all engineering, scientific, and other professional services, in connection with “fixed works”. Fixed works are permanent geographical structures including “foundations, grading, framed and homogeneous structures, buildings or bridges.” 6731 subsections (a) through (g) describe the engineering, scientific, and other professional services that are civil engineering. Every component that is attached to or part of the fixed work is subject to the definition. All considerations of the materials used in construction, supervision of construction, studies of the laws of nature, valuations, designs, plans, specifications, reports, and developing any data relating to these activities, are defined as civil engineering.

6731.1 defines “civil engineering” to include activities to determine the location, and geographical information, of fixed works.

### CIVIL ENGINEER MANDATE

6704 protects public health and safety by requiring any person who is performing civil engineering to be licensed as a civil engineer.

6730 repeats the need to protect the public stated in 6704, and emphasizes that any person performing civil engineering must be licensed as a civil engineer.

6731.5 defines “electrical engineering” as studies and activities relating to electrical energy. The definition does not include “fixed works” which would be needed to allow electrical engineers to perform “civil engineering.”

6731.6 defines “mechanical engineering” as that branch of engineering that deals with energy in the thermal and mechanical form. The definition does not include “fixed works” which would be needed to allow mechanical engineers to perform “civil engineering.”

6737.2 provides that a civil engineer may practice any type of engineering. There is no reciprocal provision for electrical, mechanical, or any other licensed engineer.

6740 prohibits subordinates to civil engineers from performing civil engineering, unless licensed as civil engineers.

6747 states that the PE Act does not apply to engineering work performed by utilities or industrial corporations, except for “civil engineers and civil engineering.”

6748 specifies that nuclear power plants are subject to the PE Act.

## EXEMPTIONS

There are exemptions to the mandate that civil engineers must be used in the performance of civil engineering. They are specific and narrow. Examples are:

6737 allows a licensed architect to perform civil engineering when practicing architecture.

6737.1 allows any person to perform civil engineering when building codes are followed in small residential buildings and related structures. Agricultural structures are included in the exemption, unless the permitting agency determines there is a threat to public safety.

6739 exempts employees of the federal government, when acting in their official capacity, from being licensed.

6742 allows real estate licensees to provide valuations, 6731 (d), when acting within their licensed profession.

## GENERAL EXEMPTION

There is no general exemption that would allow persons not licensed as civil engineers to perform civil engineering. The perception that there is an ability to use professional expertise in the same manner as in all other states is contradicted by the PE Act.

The Legislative Counsel Bureau reviewed the PE Act and the regulations implementing it, as well as case law, to determine whether certain engineers could perform civil engineering. Its opinion concludes that, in the absence of a specific exemption, every person who performs “civil engineering” must be licensed as a civil engineer.