



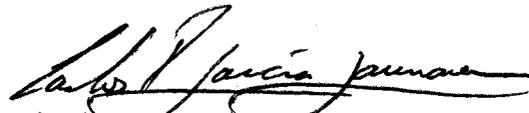
COMMONWEALTH OF PUERTO RICO
Office of Legislative Services
CAPITOL BUILDING

April 17, 1990

Carlos R. García Jaunarena, Director of the Legal Division of the Office of Legislative Services of the Legislature of Puerto Rico, hereby certifies to the Secretary of State that he has duly compared the English and Spanish texts of Act No. 173 (S.B. 1108) of the 4th Session of the 10th Legislature of the Commonwealth of Puerto Rico, entitled:

AN ACT to regulate the professions of engineering, surveying, and architecture in Puerto Rico; establish the Engineers, Surveyors, and Architects Examining Board; determine its organization, and define its functions, duties and powers; authorize it to issue, renew, suspend and cancel licences and certificates to exercise the practice of the profession of engineering, surveying and architecture; etc.,

and finds the same are complete, true and correct versions of each other.


Carlos R. García Jaunarena

(S.B.1108)

(No. 173)

(Approved August 12, 1988)

AN ACT

To regulate the professions of engineering, surveying, and architecture in Puerto Rico; establish the Engineers, Surveyors, and Architects Examining Board; determine its organization, and define its functions, duties and powers; authorize it to issue, renew, suspend and cancel licences and certificates to exercise the practice of the profession of engineering, surveying and architecture; establish the amount to be charged for fees for examinations, reexaminations, licenses and certificates; empower it to adopt the needed regulations for the application of this Act; establish penalties, and repeal Act No. 399 of May 10, 1951, amended, which regulates the professions of Engineering, Achitecture and Surveying in Puerto Rico.

STATEMENT OF MOTIVES

In a world whose development depends greatly on technology and is always subject to vertiginous change, we are bound to revise our laws from time to time, so that the necessary mechanisms may be adopted for the State to properly exercise its regulatory and protective functions. Only in this way can the public function of protecting the public health, property and welfare be effectively performed while the physical and socioeconomic development of the People of Puerto Rico is furthered.

Act No. 399 of May 10, 1951, amended, which regulates the practice of engineering, architecture and surveying in the Commonwealth of Puerto Rico, and establishes the Engineers, Architects and Surveyors Examining Board of Puerto Rico, is the State's vehicle to ensure that such professionals are morally and professionally qualified to render the quality of service that our people deserve, in order to foster the public welfare.

Some of the provisions of Act No. 399 of May 10, 1951, have been amended throughout its thirty-six (36) years of effectiveness. Some of the amendments were made in view of certain special circumstances, at a given time. It has, however, never been studied as a whole to correct its many contradictions, bring it up to date and turn it into a statute which is simply written and truly effective to meet its ends. This Act seems to us to be outdated, inappropriate, contradictory and ineffective to meet the professional requirements of Puerto Rico in our times, and give our people the adequate and effective projections that they deserve today.

The amendments that are required by the present law to attune it to our modern professional realities are so many, that it is more convenient to repeal it and approve a new law, which will also include the recommendations of the College of Engineers and Surveyors of Puerto Rico and of the College of Architects of Puerto Rico, as well as the information obtained by the members of the Board. The proposed repeal and at the same time, the adoption of a new statute through this Act, really intends to attune the legal provisions that should govern the

engineers, architects and surveyors, who are understood to be of the same professional level, to the circumstances that today's world requires, and thus ensure the quality and exigency that our people and the professionals of this area deserve.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Title of the Act.-

This Act shall be known as the "Puerto Rico Engineers, Architects and Surveyors Examining Board Act".

Section 2.- General Principles.-

The purpose of the Act is to regulate the practice of engineering, architecture and surveying in Puerto Rico, providing, among other things, for the registration and licensing of the persons qualified as such, and for the certification of engineers, architects and surveyors, while in training.

In order to protect the life, health and property, and further the public welfare in general, any person who practices, or offers to practice the profession of engineering, architecture or surveying in the public or private sector in Puerto Rico, shall be obliged to present certifying evidence that he/she is authorized under this Act to exercise the profession of engineering, architecture, or surveying in Puerto Rico, that he/she is registered in an official register of the Board, and that he/she is an active member of the College of Engineers, and Surveyors of Puerto Rico, or the College of Architects of Puerto Rico, as the case may be.

Section 3.- Definitions.-

For the purposes of this Act, the terms indicated below shall have the following meaning:

(a) "Board" shall mean the Engineers, Architects and Surveyors Examining Board, as created by this Act.

(b) "Register" shall mean the Official Register of the Board as established in Section 8 of this Act.

(c) "Engineers in Training" shall mean any person who holds a diploma or certificate accrediting the satisfactory completion of the requirements of this discipline from a school whose curriculum is recognized by the Board, and who has complied with the requirement to be registered in the Official Register of the Board, and to whom the Board has issued the corresponding certificate.

(d) "Licensed Engineer" shall mean any engineer in training who has met the requirements of this Act to practice such profession, holds a license issued by the Board that authorizes him/her to practice as such, and appears in the Board's Official Register.

(e) "Architect in Training" shall mean any person who holds a diploma or certificate accrediting the satisfactory completion of the requirements of this discipline from a school whose curriculum is recognized by the Board, and who has complied with the requirement to be registered in the Official

Register of the Board, and to whom the Board has issued the corresponding certificate.

(f) "Licensed Architect" shall mean any engineer in training who has practiced architecture under the supervision of a licensed architect or engineer for a term of not less than two (2) years and met the requirements of this Act to practice such profession, holds a license issued by the Board that authorizes him/her to practice as such in Puerto Rico, and appears in the Board's Official Register.

(g) "Surveyor in Training" shall mean any person who holds a diploma or certificate accrediting the satisfactory completion of the requirements of this discipline from a school whose curriculum is recognized by the Board, and who has complied with the requirement to be registered in the Official Register of the Board, and to whom the Board has issued the corresponding certificate.

(h) "Licensed Surveyor" shall mean any surveyor in training who has met the requirements of graduation and revalidation examination in the basic and professional subjects of surveying and met the other requirements of this Act, holds a license issued by the Board that authorizes him/her to practice as such, and appears in the Board's Official Register.

(i) "Certificate" shall mean any document issued by the Board, accrediting that the person in whose name it has been issued is a professional in training in the corresponding

discipline, who has met the requirements established in Section 10 of this Act, and is registered as an engineer, architect or surveyor in training, as the case may be, in the Official Register of the Board.

(j) "Licenses" shall mean any document duly issued by the Board, in which it is certified that the person in whose name it is issued is a professional who holds a license in the corresponding discipline, who has met the requirements established in Section 10 of this Act, and is registered as a licensed engineer, architect or surveyor, as the case may be, in the Official Register of the Board.

Section 4.- Professional Practice.-

For the purposes of this Act, the practice or exercise of the professions of engineer, architect or surveyor comprises and is limited to the corresponding functions, fields and provisions established below:

(a) "Practice of Engineering" or Architecture, comprises the rendering of any professional work, or the execution of any work of a creative nature, for which the knowledge, training and experience as an engineer or architect are needed.

It includes the application of special knowledge, physical science, mathematics, and engineering or architecture in performing such professional services, or in executing such works of a creative nature, as are required in any consulting, studies, investigation, appraisals, drawing up of blueprints, measurements, projects, inspections and supervision of works under construction, in order to ensure that the specifications

are complied with, and the adequate execution of what is projected with regard to any public or private works, installation of industrial machinery, methods and procedures, equipment, technical work and systems in engineering or in architecture.

(b) "Practice of Surveying" comprises the rendering of any professional service, or the execution of any work of a creative nature for which the education, knowledge, training and experience of a surveyor is required. It includes the rendering of any services or the performance of any work that requires the application of knowledge of surveying to perform such professional services or execute such works of a creative nature. It comprises consulting, making studies, and teaching the subjects of surveying, research, cartographic (mapmaking), photogrammetric and geodesic work, mensuring in relation to engineering or architectural projects or works, mensuring of farms and topography for official use, the determination and description of areas, boundaries and land divisions, groupings and segregations of farms and their verification and certification, including graphic representations thereof.

It also comprises the technical and professional performance concerning the determination, drafting and location of coastlines, location of bodies of water, correlation of vertical and horizontal, surface, and underground controls, geometric design of lots, accesses and easements and rights of

way; layout and leveling of water and sewerage pipes, of water supply systems and real estate, monumenting, locating, leveling and layout of highways; mensures related to studies and field studies on sanitary systems, water supplies, accesses and routes, hydrography, inventory of real property, geography, photogrametric controls, locations of plants, aqueducts, mines, bridges, power lines and docks.

Section 5.- Examining Board.- The Puerto Rico Engineers, Architects and Surveyors Examining Board is hereby created which will be attached to the Department of State of the Commonwealth of Puerto Rico.

The Board shall be composed of nine (9) members, of which one (1), shall be a civil engineer, one (1), a mechanical engineer, one (1), an electrical engineer, one (1), an industrial engineer, one (1), a chemical engineer, two (2) surveyors and two (2) architects. The members of the Board shall be appointed by the Governor with the advice and consent of the Senate of Puerto Rico. The corresponding professional colleges representing the professionals regulated by this Act, may advise the Governor of Puerto Rico in the selection of the members of the Board. They must be citizens of the United States, duly licensed to practice their respective professions in Puerto Rico, and be active members of their corresponding professional colleges.

(a) Term of the Appointment.-

The Board members shall be appointed for a term of four (4) years each, and shall hold office until their successors are appointed and take office. No Board member shall be appointed for more than two (2) consecutive terms.

(b) Vacancies.-

Any vacancy that arises among the members of the Board shall be filled for the unexpired term of the member who caused it.

(c) Removal from Office.-

The Governor may remove any member of the Board from his office for disability to perform his office, manifest incompetence in the performance of his duties, dereliction of duty, misconduct or repeated and unjustified absences from Board meetings.

(d) Board Meetings.-

The Board shall hold at least one (1) session a month, provided there are matters to be considered by it. It may also hold such special sessions as are needed for the speedy handling of its affairs, after a call has been issued to its members, at least twenty-four (24) hours in advance thereof.

(e) Quorum.-

Quorum to hold any session and to consider the matters under its jurisdiction, shall be constituted by

five (5) members, provided that the members present represent the various professions of engineering, architecture and surveying, except as provided hereinafter. The Board's decisions shall be made by a majority vote of its members.

When the Board has before it a matter of the strict relevance of a specific profession, such matter shall be discussed before the full Board with the participation of all its members present, duly-constituted in a session. However, only those Board members that represent the profession which the matter concerns shall decide upon it, although the opinions of the remaining members thereof shall appear in the Board's records.

In those cases in which an interprofessional matter is involved, it shall be discussed before the full Board with the participation of all its members that are present, duly-constituted in a session, and each one of the Board members that represents the professionals involved in the matter being considered, shall have a vote in the decision or resolution of the matter it being understood that in the case of the engineering profession, the vote shall be issued by the member who represents the specialty involved.

In case of a tie, the remaining profession shall issue a vote to resolve the matter.

The adequate procedure for the consideration and resolution of the matters before it, in order to safeguard the public interest, shall be established in the Bylaws of the Board.

(f) Election of officers, Seal and Report.-

Each year, the Board shall elect from among its members, a Chairman, a Vice Chairman, and a Recording Secretary, as well as any other officers that are necessary to its operations. The Board shall adopt an Official Seal.

Each year, the Recording Secretary shall render a report to the Governor on the activities thereof, in which the licenses issued, denied and revoked, the matters handled and considered during the said report year, and the recommendations the Board deems should be adopted for the most effective application of this Act, shall be indicated.

(g) Per diems.-

Board members shall receive a per diem of fifty (50) dollars for each day that they attend a meeting, or that they render services in administering the examinations required by this Act, or that they perform such other official functions of their respective offices, or that are delegated on them by the Chairman of the Board.

They shall also be entitled to reimbursement of those travel expenses necessarily incurred to represent the Board, pursuant to the Regulations of the Secretary of the Treasury in effect.

(h) The Board shall adopt regulations which shall contain the provisions needed for the compliance of its duties, as well as the procedures for the handling of its affairs. Such Regulations shall be adopted and promulgated in accordance with Act No. 112 of June 30, 1957 as amended, known as the "Regulations Act of 1958".

Before adopting its regulations, the Board shall hold public hearings which it shall announce at least fifteen (15) days in advance of the date set for them, in at least two (2) daily newspapers of general circulation. It shall also send written notice of said public hearings to all the colleges, associations, or professional entities subject to the provisions of this Act.

The Regulations of the Board shall become effective ten (10) days after their approval has been notified in at least two (2) daily newspapers of general circulation. The abovestated procedure shall be observed with regard to any subsequent revision or amendment to the Regulations of the Board.

Section 6.- Minutes and Archives.- The Board shall keep a book of the Minutes of all details of its meetings, its procedures,

decisions and resolutions. It shall likewise organize its archives in such a way that all its documents, files and accounts will be kept in accordance with Act No. 5 of December 8, 1955, as amended.

Section 7.- Examinations.-

The Board shall offer revalidation examinations at least once (1) a year, to determine the capacity of every applicant who meets the requirements of this Act for the issuing of certificates or licenses to practice the profession of engineer, architect or surveyor, as the case may be.

Any person who fails in the first opportunity he/she takes the revalidation examination, shall have the opportunity to submit to examination anew after five (5) months have elapsed from the date of the first examination. Those persons who fail on two different occasions, shall be entitled to take the examination again, provided they meet the requirements established by the Board in its Regulations, for such purposes.

The Board may offer the revalidation examination in the basic subjects to engineering or surveying students in their last semester of studies. The procedure to such respects shall be established in the Regulations of the Board.

The engineer, architect or surveyor's examinations shall be given in accordance to the rules established by the Board, and shall include those matters, subjects and skills that it deems convenient to evaluate.

The Board shall provide in its Regulations for the person to receive an orientation, before appearing for the examination, that will familiarize him/her with the revalidation procedure, the norms that govern its administration, the type of examination and the method of evaluation thereof. To such effects, the Board shall prepare a manual that contains the above information, and shall make copies available to the persons admitted to take the revalidation examination, upon payment of ten (10) dollars, through an Internal Revenue receipt.

The Board may revise the cost of this revalidation manual from time to time, based on the expense of preparing and publishing it, but the amount to be charged shall not exceed the real cost of such expenses.

The Board shall adopt standards to guarantee to the persons who fail any revalidation examination, the right to examine the answer sheet, to be furnished the itemized list of points received, per question, discipline or matters, as the case may be, and to request the reconsideration of the grading of his/her examination.

Section 8.- Official Register.-

The Board shall also keep an Official Register that shall contain a list, with correlated numbers of the licenses granted to authorize the practice of the professions of licensed engineering, architecture and surveying, and another list, also with correlated numbers, of the certificates granted to engineers, architects and surveyors in training.

This Official Register shall include:

(a) Name, age and residence of the professional registered therein.

(b) Date of the registration application.

(c) Profession to which applicant belongs.

(d) Registration number of the application, and, in due time, that of his/her certificate or license.

(e) Examinations taken and passed.

(f) Grades of his academic training and experience.

(g) Dates on which the Board takes the corresponding action regarding the application.

(h) Any other information that the Board deems pertinent.

Section 9.- Requirements for the Granting of Licenses and Certificates.-

Any person who requests the Board to grant him/her a license as a licensed engineer, architect or surveyor, and anyone who requests a certificate as an engineer, architect or surveyor in training, shall:

1. Be a resident of the Commonwealth of Puerto Rico.
2. Enjoy good conduct and moral repute in the community.
3. Present a certificate of good conduct from the Puerto Rico Police or from a peace officer or authorized state official in the United States of America, or the foreign country he/she comes from.
4. The name, address and telephone number of three (3) engineers, surveyors or architects duly-licensed by the Board,

with direct and personal knowledge of the applicant's reputation, morals, and professional experience, if any.

5. Present the evidence required below, in accordance with the profession in question, and as the case may be:

(a) Engineer in Training

Certifying evidence that the applicant has graduated from an engineering course or plan of at least four (4) academic years duration, or its equivalent, from any university, college or institution whose reputation and degree of excellence are, in the case of Puerto Rico, of those accepted by the Council on Higher Education, and in the case of foreign degrees, by the Board; and the approval of written revalidation examinations in the basic subjects of the discipline of engineering.

(b) Licensed Engineer

Certifying evidence that the applicant has graduated from an engineering course or plan of at least four (4) academic years duration, or its equivalent, from any university, college or institution whose reputation and degree of excellence are, in the case of Puerto Rico, of those accepted by the Council on Higher Education, and in the case of foreign degrees, by the Board; and the approval of written revalidation examinations in the basic and professional subjects of engineering.

(c) Architect in Training

Evidence that the applicant is a graduate of an architecture course or plan of at least five (5) academic years duration, or its equivalent, from a university, college or institution whose reputation and degree of excellence are, in the case of Puerto Rico, of those accepted by the Council on Higher Education, and in the case of foreign degrees, by the Board.

(d) Licensed Architect

(1) Architect in Training certificate duly-issued by the Board pursuant to the provisions of this Act.

(2) Evidence that he/she has a minimum of two (2) years professional experience acquired after his/her certification as an Architect in Training, according to the sworn statement of a licensed architect or engineer. This sworn statement shall give evidence, to the Board's satisfaction, that the applicant is qualified to practice the profession of architect with the degree of professional responsibility that justifies his/her licensing. When the evidence of his/her experience required above is not conclusive for the Board, or when, in the opinion of the Board, such evidence does not show that there is a sufficient guarantee and

justification to license the applicant, he may be required to present further evidence on any part thereof.

(3) The approval of written revalidation examinations of the professional subjects of architecture for which the license is being requested.

(e) Surveyor in Training

Certifying evidence that the applicant has graduated from a surveying study course or plan of at least four (4) academic years duration, or its equivalent, from a university, college or institution whose reputation and degree of excellence are, in the case of Puerto Rico, of those accepted by the Council on Higher Education, and in the case of foreign degrees, by the Board; and the approval of written revalidation examinations in the basic and professional subjects of surveying.

(f) Licensed Surveyor

Certifying evidence that the applicant has graduated from a surveying study course or plan of at least four (4) academic years duration, or its equivalent, from a university, college or institution whose reputation and degree of excellence are, in the case of Puerto Rico, of those accepted by the Council on Higher Education, and in

the case of foreign degrees, by the Board; and the approval of written revalidation examinations in the basic and professional subjects of surveying.

Section 10.- Issuing of License.-

Any person who meets the licensing requirements established in this Act and in its Regulations, shall be registered in the Register which the Board shall keep for such purposes, and it will issue the corresponding license authorizing the engineer, architect or surveyor, as the case may be, to practice his profession, pursuant to the scope established in Section 4 of this Act.

Any license issued by the Board shall bear the complete name of the person to whom it is issued, the corresponding serial number, date of issue and expiration, and it shall be signed by the Chairman of the Board, and by the Secretary of State or his authorized representative, under the Seal of the Board. Licenses thus issued shall remain in effect only when the person thus authorized is a resident of the Commonwealth of Puerto Rico. The license of any person who is not, or ceases to be a resident shall be automatically inactivated. It shall be the duty of any person thus authorized to inform the Board of the fact that he/she is no longer a resident, so that it may take notice of the inactive license and thus inform the Secretary of State and the College of Engineers and Surveyors of Puerto Rico, or the College of Architects, as the case may be. The Board shall establish by regulations, an adequate system to see to the faithful compliance of this provision. In order to reactivate the license, the person shall

present an application to such effects to the Board together with a sworn statement before a notary that the condition of residency has been reestablished. Prior to the issuing or reactivation of the license, the applicant shall have paid the amount or fee that is required pursuant to this Act.

Section 11.- Issuing of Certificates.-

Any person who meets the requirements established in this Act and its Regulations for certification as a graduate engineer, surveyor or architect, as the case may be, shall be entered in the Register which the Board shall keep to such effects, and it will issue a certificate accrediting the person's status as an engineer, architect or surveyor, in training, as the case may be.

Any certificate issued by the Board shall bear the complete name of the person to whom it is issued, the serial number of the certificate, date of issue and expiration, and the signatures of the Chairman of the Board and of the Secretary of State or his authorized representative, under the Seal of the Board.

Section 12.- Examination, Reexamination, Certificate, and License Fees.-

The fees to be paid for the issuing of certificates or licenses, for the inactivity, renewal or reactivation of the same, and for the examinations and reexaminations required in this Act, shall be as follows:

- a) Application for the revalidation examination, twenty-five (25) dollars.

- b) Reexamination Application, twenty (20) dollars.
- c) Engineer, architect or surveyor in training Certificate, fifty (50) dollars.
- d) Renewal or reactivation of an engineer, architect or surveyor in training certificate, forty (40) dollars.
- e) Licensed engineer, architect or surveyor's license, one hundred (100) dollars.
- f) Renewal or reactivation of licensed engineer, surveyor or architect's license, seventy-five (75) dollars.
- g) Duplicates of certificates, or lost or mutilated licenses and certificates, twenty-five (25) dollars.
- h) Reciprocity certificate or license, one hundred and fifty (150) dollars.

The fees established above shall be paid through an Internal Revenue receipt when the application for a certificate, license or examination, as the case may be, is filed before the Board.

The Board shall not return any amount of money to the applicant who fails his examination or desists from his application.

The requests for licenses or certificates shall be presented on the forms furnished by the Board to such effects, on which there will be adequate blank spaces so that the applicant may consign his personal data, the information concerning his/her academic training, experience, if any, and the persons whom the Board may ask for references of the applicant. This application shall include an Internal Revenue receipt in the corresponding amount, according to the Board's Regulations.

Section 13.- Seals.-

Any professional who holds a license issued by the Board shall affix on the documents or plans he/she prepares or authorizes, a stamp or seal with a special design authorized by the Board, that bears the professional's proper name, profession, type of license, serial number of the license, expiration date and the words "Puerto Rico". It shall be illegal to stamp or seal any document with said seal during the term of suspension or inactivity of a license, and after the date of expiration or permanent cancellation thereof. To all legal effects, said seal shall be deemed to be a public seal authorized by this Act.

Section 14.- Renewal of Certificates or Licenses.-

The certificates or licenses referred to in Sections 11 and 12 of this Act, shall be in effect for a term that shall not exceed five (5) years, and it shall be the duty of the holders thereof to renew them within thirty (30) days prior to their expiration date. In any case of a renewal, he/she will be required to present a certificate from the professional college to which the professional who holds the license or certificate belongs, certifying that said holder is an active member of the college in question. The application for the renewal of a certificate or license shall include an Internal Revenue receipt in the amount established in Section 13 of this Act.

The Board shall establish in its Regulations, the additional information and documents, if any, that shall be submitted with every application for the renewal of a certificate or license, as well as the procedure for its consideration and issuance.

Section 15.- Inactivity and Reactivation of Certificates or Licenses.-

Every person who is qualified as a certified or licensed engineer, surveyor or architect may request the inactivation of his license or certificate when he/she retires from the active practice of his profession, or is away from Puerto Rico for a period of more than two (2) years. The petition for the inactivation of a certificate or license shall be made by filing a sworn statement before the Recording Secretary of the Board, in which the cause for his petition shall be stated.

This inactivation shall be notified to the corresponding professional college no later than thirty (30) days from the effective date of said inactivation, for the proper action.

After the inactive period, the holder may request the reactivation of his/her certificate or license by a petition in writing to such effects, to be filed before the Recording Secretary of the Board.

It shall be illegal and shall be sufficient cause to cancel the certificate or license, for the holder of an inactive license or certificate to practice his profession during its inactive period.

The Board shall notify the corresponding professional college, within a term not to exceed thirty (30) days counting from the effective date, of the reactivation of any certificate or license, as the case may be.

The professionals who have been inactivated, suspended, or expelled as members of their respective professional colleges, by virtue of the causes and by the procedures established by those colleges, shall have their certificate or license, as the case may be, suspended by the certification of such fact before the Board by the authorized official of the corresponding college.

When after decreeing the inactivation, suspension or cancellation, the corresponding professional college officially certifies the reinstatement of the professional concerned, pursuant to the applicable collegiation laws, the Board shall reactivate his/her license or certificate immediately through the procedure and payment of fees provided in the Regulations of the Board. If the expulsion or suspension is for nonpayment of annual dues, an official certification by the corresponding college shall suffice, which will constitute a sufficient determination of facts for the Board to take the corresponding action without having to follow the procedure of a hearing which is established subsequently for the other cases.

The Board shall establish, by Regulations, the necessary norms for the application of this Section.

Section 16.- Denial, Suspension, Revocation or Cancellation of Certificates or Licenses.-

By the affirmative vote of five (5) of its members, the Board may deny, suspend, revoke or cancel any applicant or holder's license or certificate, for:

(a) Incurring fraud or deceit to obtain his registration in the Board's Register.

(b) Crass negligence, incompetence or reproachable conduct in the practice of his/her profession.

(c) Having violated the Rules of Professional Ethics of the College of Engineers and Surveyors of Puerto Rico, or the College of Architects of Puerto Rico, as the case may be, or violated the laws under which said professional institutions were created.

(d) Committing fraud or deceit in the practice of his/her profession, or being convicted of a felony or a misdemeanor implying moral turpitude.

(e) Signing or sealing any blueprint, drawing, specification, study, mensuration, or any other instrument of professional service which was not prepared by him/her, or under his/her direct and responsible supervision, or in which the names of persons who are not duly authorized to practice these professions in Puerto Rico, appear under the title of engineer, surveyor or architect.

(f) Helping, hiring, counseling, inciting or in any other way facilitating the practice of engineering, surveying or architecture to any person who is not licensed to exercise the practice of these professions in Puerto Rico pursuant to this Act.

(g) Making use of his/her license or certificate to practice his/her profession in Puerto Rico during the time said license or certificate is inactive, cancelled or suspended, or during the term its holder has been suspended from the practice thereof by virtue of the application of other laws.

(h) Willfully or negligently evading compliance of any law, order, code or regulation of the Government of the Commonwealth of Puerto Rico, of any of its instrumentalities, public corporations and municipalities that rule the design, certification, inspection and supervision of construction works.

(i) Passing themselves off as a licensed engineer, surveyor or architect, when they only have a certificate as engineer, surveyor or architect in training.

Section 17.- Reissuing of Certificate or License.-

The Board may re-register and issue a new certificate or new license to any person whose corresponding registration has been cancelled from its registers, by a favorable vote of at least five (5) of its members and for justified reasons stated for the record. The reissuing of certificates or licenses shall also be subject to the provisions of the Board's Regulations.

Section 18.- Procedures.-

When the Board determines that the denial, provisional suspension, permanent revocation, or the provisional or permanent denial of the renewal of a license is in order, it shall notify the fact in writing, by certified mail with acknowledgment of receipt to

the professional involved, adducing the reason therefor. If the professional involved does not agree with the Board's decision, he/she shall request an administrative hearing, in writing, by certified mail with acknowledgment of receipt to oppose the Board's decision, no later than thirty (30) days after the date said notice is received.

If the administrative hearing is requested within the term indicated above, the Board shall be obliged to hold it no later than thirty (30) days after the date the request is received, and shall also be obliged to summon the petitioner by certified mail with acknowledgment of receipt at least ten (10) days prior to the date set for said hearing.

The petitioner has the right to be heard in person, or through counsel, and may introduce any attesting or documentary evidence in his favor, that he/she deems is pertinent.

After the hearing has concluded, the Board shall make its decision in a term that shall not exceed twenty (20) days from the date said hearing was concluded. The Board's decision shall be notified to the petitioner by certified mail with acknowledgment of receipt, within ten (10) days following the date it is issued. The Board's decision shall state the grounds upon which it is based, clearly and precisely.

If the petitioner is not satisfied with the Board's decision, he/she may request a reconsideration, in writing, through certified mail with acknowledgment of receipt within twenty (20) days after the decision is received. The Board shall resolve and notify its decision to the interested party by certified mail with acknowledgment of receipt within the next ten (10) days.

If the consideration were denied, or if after having been granted the Board's decision is still adverse, the interested party may request its review before the Part of the Superior Court of Puerto Rico that corresponds to the petitioner's residence. The writ of review shall be filed within twenty (20) days following the date the Board's notice is received.

The party that appeals to the Superior Court must send a copy of the writ of review to the Board. The Board shall be obliged to take the file of the administrative procedure, including the transcription of the stenographic record of the hearing to the Court, within the term fixed by it.

Section 19.- Filing of Complaint.-

On its own initiative, or at the request of a duly-grounded complaint filed by any person, the Board may initiate a procedure to file charges against any licensed or certified engineer, surveyor or architect who violates the provisions of this Act or its Regulations. Any complaint to such effects shall be filed in writing, under oath, for registration before the Recording Secretary.

The Board shall notify the engineer, architect or surveyor of the nature of the charge or charges filed against him/her, and serve a copy of the complaint, no later than ten (10) days following the date of filing, either personally or by certified mail with acknowledgment of receipt to his/her last known address. At the same time, he/she will be notified of the date, place and hour of the hearing before the

Board for the investigation of such charges, which shall be held thirty (30) days after the date said notice is received.

He/she shall be advised in said notice of his/her right to appear at the hearing personally, to be represented by counsel, to examine the persons who testify against him/her, and to examine the attesting and documentary evidence introduced against him/her, as well as to introduce such attesting and documentary evidence on his behalf that he/she deems pertinent.

The Board shall issue summons under admonishment of contempt to compel the appearance of witnesses or the introduction of any books, files or other documents it deems pertinent. The members of the Board may, likewise, take oaths and statements from any witnesses that appear before it, and receive any attesting or documentary evidence concerning the proceedings before its consideration.

When any person who is duly summoned by the Board refuses to appear before it or to produce the books, files, documents or any other evidence required from him/her, the Board may, through the Secretary of Justice, resort to the Superior Court Part corresponding to the residence of said person to order him/her to appear or present the evidence requested or for both things, as the case may be.

Based on the merits stated by the Board in its initial writ, the Court shall issue whatever order is pertinent to require the person to appear before it and to state the reasons he/she had for not complying with the Board's summons. If the action and order of the Board are sustained, the Court shall require and order the person to appear

before the Board, and to produce the evidence it requires. Any person who disobeys the Court's order shall be subject to sanctions for contempt.

The Board shall keep a record of the hearing and a transcript thereof shall be filed by the Recording Secretary, and every decision shall be issued by the affirmative vote of at least five (5) of the Board members no later than thirty (30) days after the date on which all evidence has been submitted.

Section 20.- Intervention of the Secretary of Justice.-

The Board may request the services of the Secretary of Justice with regard to the functions and duties imposed upon him by this Act. The Secretary of Justice shall answer the questions asked by the Board and upon its request, shall initiate and process any action or procedure before the Courts for the application of this Act, in which the Board is, or becomes a part thereof.

Section 21.- Official List.-

The Board shall publish separate lists from time to time, by profession, with the names and addresses of all engineers, surveyors and architects who are duly-certified or licensed by the Board, and shall send copies of these lists to the Secretary of State of Puerto Rico, the College of Engineers and Surveyors of Puerto Rico and the College of Architects of Puerto Rico. It may, likewise, provide a copy of such lists to any person or entity that requests it, provided it is not for commercial ends or purposes, and pays the cost of reproducing it by an internal revenue receipt.

Within six (6) months after the effective date of the Act, the Board shall publish a complete list, by professions, with the names and addresses of all engineers, surveyors and architects, who are registered as such in the Official Registry of the Board, indicating, as the case may be, whether they hold graduate certificates or are duly-licensed. Likewise, on the date of such publication, the Board shall remit a copy of such lists, as pertinent, to the College of Engineers and Surveyors of Puerto Rico, and the College of Architects of Puerto Rico, and thereafter, every six (6) months from the date of the initial publication of the list, shall send supplementary lists by professions, of all persons who are subsequently included in the Board's Official Register, to said Colleges. The College of Engineers and Surveyors of Puerto Rico and the College of Architects of Puerto Rico shall, in turn, review said lists and shall advise the Board, within two (2) months following the date they are received, of any difference therein, for their information and corresponding investigation.

Section 22.-Reciprocity.-

The Board, by request of the interested party, and after payment of the fees provided by Regulations, may register and issue an engineer's, surveyor's or architect's certificate or license to any person who is a resident of the Commonwealth of Puerto Rico and who holds a license issued by the competent authority of any state, territory or possession of the United States, or any country. To such effects, the applicant must comply with the requirements stated in this

Act, and the state, territory or possession of the United States or foreign country of which the applicant is a citizen and holds a license, and shall likewise grant the same rights, with no exceptions to the engineers, architects and surveyors authorized to practice their profession in the Commonwealth of Puerto Rico. The Board may enter into reciprocity agreements for the granting of licenses or certificates, with other political jurisdictions, which shall be granted through written agreements with the bodies charged with regulating the engineers', architects' and surveyors' professions in the jurisdictions concerned.

An official certificate signed by the Secretary of State or the authorized official of the state, territory or possession or foreign country concerned, shall be required, which will ensure the same rights to the professionals of Puerto Rico, that shall be granted to its own citizens.

The clauses and conditions of the reciprocity agreements as well as the norms and procedures for the application of this Section, shall be subject to regulation by the Board.

Section 23.-Exemption from Residence Requirement.-

The Board may exempt those engineers, architects or surveyors from the residential requirements established in this Act, in the following cases:

- (a) When the jurisdiction from which the professional comes exempts the Puerto Rican professionals from said residential requirement, in a like manner.

(b) When the applicant forms an association to practice his profession with another architect, engineer or surveyor licensed and domiciled in the Commonwealth of Puerto Rico, in accordance with the requirements established by the Board, by Regulations.

The Board shall grant a license to those professionals who are exempted from complying with the residence requirement, which shall be conditioned to the requirements of the dispensation under which it is issued, and shall be subject to the special norms which are established for these cases by the College of Architects or the College of Engineers and Surveyors, as the case may be. They shall also be obliged to renew said conditioned license annually, after paying the corresponding fees.

Section 24.- Renowned Professionals

At its discretion, the Board may grant a license without being subject to all the provisions of this Act, to any engineer, architect or surveyor of renown or international prestige licensed to practice in another jurisdiction, for his/her achievements in the field of engineering, architecture or surveying, in the study, practice or teaching thereof.

Section 25.- Budget

The Board shall prepare and submit to the Secretary of State, annually, for pertinent action, a budget of expenses for each fiscal year. The Board shall likewise submit to the Governor of Puerto Rico and to the Legislature of Puerto Rico, no later than January 30 of

each year, a report of all its activities during the corresponding year, and the use given to the operating funds thereof.

Section 26.- Liberal Construction

This Act shall not be construed to the effect of preventing or in any way resulting in prejudice to the practice of any other legally-recognized professions or trades or that officials and employees of the Government of the United States of America, while they are engaged in the Commonwealth of Puerto Rico in the practice of engineering, architecture or surveying, do official work of and for said government, exclusively, but they shall not engage in any sort of practice other than that authorized above, unless they meet the requirements of this Act.

Section 27.-Professional Practice, prohibitions

To the effects of this Act, it shall be understood that a person practices the professions regulated hereby, when he/she is engaged in, or offers to be engaged in the professions of engineering, surveying or architecture, including the teaching thereof, or holds office or positions in the Government of the Commonwealth of Puerto Rico, or in private enterprise, which includes the carrying out of functions or classifications defined in this Act as such practice; or that, through the use of written or oral words, signs, symbols, cards, printed letterheads, graphics, or advertisements of any sort, or by any other physical or electronic means, makes known or gives the impression that he/she is an engineer, architect, or surveyor, or that in any other

form or manner, uses any of these three (3) professional terms in relation to his name or person.

It shall be illegal for any person to practice or offer to practice engineering, architecture or surveying in Puerto Rico, or to use or advertise in connection with his name, any title, word or term, or description that can produce the impression that he/she is a licensed engineer, architect or surveyor, unless he is registered as such in accordance with the provisions of this Act, that he/she holds the corresponding license or certificate, and is an active member of the College of Engineers and Surveyors of Puerto Rico, or the College of Architects of Puerto Rico, as the case may be.

It shall be equally illegal for any natural or juridical person, in addition to what is provided above and in other acts, to employ or in any way, on his/her own part or by means of agents, representatives or job solicitors, to negotiate or sponsor the employment or services of other persons for the practice of the professions regulated herein, unless they are duly authorized under this Act and the applicable collegiation laws, to exercise such professions. This provision shall apply to the principal as well as the agent, representative, and job solicitor. Every announcement, circular letter, notice, letter or edict that is posted or publicly circulated, in which the services of these professionals are requested, must clearly state the requirements of holding a certificate or license and being collegiated.

Section 28.- Violations and Penal Sanctions

Any person who is engaged in the practice, or offers to practice the profession of engineering, architecture or surveying in the

Commonwealth of Puerto Rico without being duly authorized in accordance with this Act or who uses or attempts to use as his/her own, the license, certificate or seal of a professional; or who presents evidence before the Board or before any of its members, that is false or tainted in any way, to obtain a license or certificate or for its renewal or reinstatement; or who attempts to pass as a registered professional or who attempts to use a revoked certificate or license; or who violates any of the provisions of this Act and its Regulations, shall incur a misdemeanor and upon conviction thereof, shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or a penalty of imprisonment for a term of not more than ninety (90) days, or both penalties at the discretion of the Court. In case of subsequent convictions, he/she shall be sanctioned with a fine of not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) or by imprisonment for a term of not less than one hundred and eighty (180) days, or both penalties, at the discretion of the Court. When the person thus convicted is a professional engineer, architect or surveyor, the Court shall notify the Board of such conviction with a copy of the judgment.

The Board may go before the courts, with the corresponding assistance of the Department of Justice of Puerto Rico, in those cases of illegal practice of the professions regulated herein or other violations of this Act, as provided in this Section, to obtain through an injunction, that the infractors be ordered to cease and desist from the delinquent conduct established herein, under penalty of contempt.

Section 29.- Incorporation of the Code of Ethics

The Board shall include the Code of Professional Ethics that is adopted by the College of Engineers and Surveyors of Puerto Rico and the College of Architects of Puerto Rico, as part of its Regulations and enforce it, when called upon to do so. Said Colleges shall furnish a certified copy of the Code of Professional Ethics that governs them, to the Board, no later than thirty (30) days following the date of approval of this Act. Any subsequent amendment or modification of the Code of Ethics shall be notified to the Board through a certified copy thereof within fifteen (15) days after its adoption.

Section 30.- Transitory Provisions

The following provisions shall govern with respect to the organization, functioning and operation of the incumbent Board on the effective date of this Act.

(a) All the Board members in office on the date of approval of this Act shall remain in office until their respective appointments expire and their successors are appointed and take office. The Governor shall appoint the two (2) additional Board members within sixty (60) days after the date of approval of this Act, so that the representation established in Section 5 of this Act can be achieved.

(b) Any application for a revalidation examination, license or certificate submitted prior to the effective date of this Act, shall be processed according to the provisions of Act

No. 399 of May 10, 1951 as amended, and of the Regulations adopted by virtue thereof.

(c) Any complaint or procedure initiated under Act No. 399 of May 10, 1951 as amended, and the Regulations adopted by virtue thereof, shall continue to be processed under, and pursuant to said Act and Regulations until its final resolution or decision.

(d) The Examining Board established in Section 5 of this Act, shall be the successor of the Board of Examiners of Engineers, Architects and Surveyors, established in Section 2 of Act No. 399 of May 10, 1951 as amended, and as such, assumes the responsibility of any agreements, covenants, contracts, and obligations granted or contracted by the preceding Board.

(e) The Regulations adopted by virtue of said Act shall continue in effect until they are amended, modified or repealed, pursuant to this Act, by the Board that succeeds it.

(f) Any engineer or architect to whom the Board has granted a certificate as a graduate engineer or architect prior to the effectiveness of this Act, may request his licensed engineer or architect's license, as the case may be, within the term of one (1) year from the effective date of this Act.

(g) Any engineer duly-licensed as such by the Board and who is qualified to exercise surveying, may continue to practice it under his engineer's license without also having to hold a surveyor's license. For the purposes of this provision, the

Board shall establish a Permanent Register in which the engineers in such circumstances shall be registered within one (1) year from the date this provision becomes effective. After this term, only those engineers thus registered, and the professionals who hold a surveyor's license, may practice surveying in Puerto Rico. The Board shall keep the Register up-to-date and have it available for examination by any interested person. It shall, likewise, send a copy thereof to the College of Engineers and Surveyors of Puerto Rico, before which surveying work is presented for approval or registration.

Engineering students who, on the date of approval of this Act have begun their first year of studies in engineering, may apply to be included in said Permanent Register after having approved the revalidation examination required therein, and have become collegiated. Such application shall be made within one (1) year from the date of issue of his/her corresponding certificate or license as an engineer, and the Board shall include him/her in the Permanent Register, provided that in its judgment, the applicant is qualified to practice surveying.

For the purposes of the Permanent Register provided in this subsection, a "qualified engineer" shall mean any person who has passed the Surveying I and II courses, the Surveying Camp, and the Highways Course as academic requirements, or who otherwise presents attesting evidence that he/she has been practicing surveying when the Act becomes effective. Once this

Act is approved, any Licensed Engineer who is excluded from the above clauses, who wishes to be included in the Permanent Register, shall present authenticating evidence of having passed the courses for a Major in Surveying from an accredited institution, as required by the Examining Board for Surveyors.

(h) Those persons who, on the date of approval of this Act, are entitled to be admitted to the surveyor's revalidation examination pursuant to the provisions of Act No. 399 of May 10, 1951, amended, shall submit to it within three (3) years after the effective date of this Act. Once this term has elapsed, only the requirements established in Section 9 of this Act for graduate surveyors and licensed surveyors shall govern.

(i) Graduate surveyors who, on the effective date of this Act have graduated from the two (2)-year course of the Mayaguez University Campus, or have started it prior to such date, shall not be bound to comply with the four (4)-year study requirement established in subsection (e) of Section 10 of this Act.

(j) Any certificate or license duly-issued pursuant to Act No. 399 of May 10, 1951 as amended, shall continue in effect for a term of five (5) years, counted from the effective date of this Act. Once this term has elapsed, such certificates or licenses shall be renewed in accordance with the provisions of Section 15 of this Act.

Section 31.- Act No. 399 of May 10, 1951, as amended, is hereby repealed.

Section 32. This Act shall take effect immediately after its approval.