



LEGISLATURE OF PUERTO RICO

*Office of Legislative Services*

**CERTIFICATION**

I hereby certify to the Secretary of State that the following Act No. 180 (H.B. 3343) of the 6<sup>th</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Sections 2, 3, 4, 6, 10, 11, 12, 14, 15, 17, 18, 19, 21, 22, and 23 of Act No. 173 of August 12, 1988, as amended, known as the “Board of Examiners of Engineers, Architects, Surveyors and Landscape Architects of Puerto Rico Act,” in order to establish the categories of Licensed, Associate and in Training Engineer and Surveyors, and provide on the collection and distribution of the fees for certificates or licenses; etc.,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 16<sup>th</sup> of May of 2008.

  
Kevin Miguel Rivera-Medina  
Sub-Director

(H. B. 3343)

(No. 180)

(Approved December 7, 2007)

### **AN ACT**

To amend Sections 2, 3, 4, 6, 10, 11, 12, 14, 15, 17, 18, 19, 21, 22, and 23 of Act No. 173 of August 12, 1988, as amended, known as the "Board of Examiners of Engineers, Architects, Surveyors and Landscape Architects of Puerto Rico Act," in order to establish the categories of Licensed, Associate and in Training Engineer and Surveyors, and provide on the collection and distribution of the fees for certificates or licenses; to provide a mechanism for the renewal of certifications of Associate and in Training Engineer or Surveyor for Engineers and Surveyors "in training," with certifications in effect or expired, as the case may be; to adjust the written provisions of the Act to such categories; to provide a transition period; and for other purposes.

### **STATEMENT OF MOTIVES**

Through the approval of Act No. 173 of August 12, 1988, as amended, the practice of Engineering, Architecture, Surveying and Landscape Architecture in Puerto Rico has been regulated, providing, among others, for the certification of Engineers and Surveyors in Training.

For those known as Engineers and Surveyors "in training" to be able to continue to have said certification, the Law requires them to continue to take revalidation examinations for licensing on at least two (2) occasions within periods of five (5) years. Many of these professionals, although having a limited practice, have opted for continuing in the practice of their profession with the in training certification for several reasons, whether because it is sufficient for the functions they are interested in practicing or because it is simply not practical for them to continue with the licensing process. Other hundreds of these professionals have

been affected by how onerous it is to continue to submit to the rigors of the revalidation examinations that are designed to evaluate them in matters that are not necessarily the ones they practice in their daily functions.

Previously, with the approval of House Bill 2898, this Legislature intended to do justice to these professionals. However, the Executive Branch was unable to ratify it, stating problems with the wording. Having incorporated the corrections that were brought to our attention for such effects, once again we submit this legislation in order to defend the interests of the professionals that contribute toward the protection of life, health and property, and toward the development of the wellbeing of the general public in our Island.

**BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:**

Section 1.— Section 2 of Act No. 173 of August 12, 1988, as amended, is hereby amended to read as follows:

“Section 2.— General Principles

The purpose of the Act is to regulate the practice of engineering, architecture, surveying and landscape architecture in Puerto Rico, providing, among other things, for the registration and licensing of the persons qualified as such and for the certification of Engineers and Surveyors in training and Associate, and of Architects and Landscape Architects in Training.

In order to protect lives, health and property, and foster the public welfare in general, any person who practices, or offers to practice the professions of Engineer, Architect, Surveyor or Landscape Architect in the public sector or in private enterprises in Puerto Rico, shall be bound to present certifying evidence that he/she is authorized pursuant to this Act to exercise the profession of Engineer, Architect, Surveyor or Landscape Architect in Puerto Rico, that he/she is registered in the 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 and Landscape Architects of Puerto Rico, as the case may be.”

Section 2.— Section 3 of Act No. 173 of August 12, 1988, as amended, is hereby amended to read as follows:

“Section 3.— Definitions

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

- (a) ...
- (b) ...
- (c) ‘Engineer in Training’ – shall mean any natural 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 Council on Higher Education, the Accreditation Board for Engineering and Technology (ABET) or the Board, and who has met the requirement of being registered in the Register of the Board and to whom the Board has issued the corresponding certificate.
- (d) ‘Associate Engineer’ – shall mean any engineer in training who has completed four (4) years of experience accredited by the Board, presenting written evidence by Puerto Rico Licensed or Associate Engineers; or who has obtained a Master’s Degree in Engineering from a school whose program is recognized by the Board and has completed three (3) years of experience accredited by the Board, presenting written evidence by Engineers Licensed or accredited in Puerto Rico or who have obtained a Doctorate (Ph.D.) in Engineering from a school

whose curriculum is recognized by the Board and have completed two (2) years of experience accredited by the Board, presenting written evidence by Engineers Licensed or accredited in Puerto Rico; and hold an accrediting document issued by the Board that authorizes them to practice as such and to be registered in the Register.

- (e) 'Licensed Engineer' – shall mean any in training or associate Engineer who has met the requirements of this Act to practice said profession with not less than four (4) years of experience accredited by the Board, presenting written documents by Puerto Rico Licensed or Associate Engineers; or who have obtained a Master's Degree in Engineering from a school whose curriculum is recognized by the Board and have completed three (3) years of experience accredited by the Board, presenting written documents by Puerto Rico Licensed or Accredited Engineers; or who have obtained a Doctorate (Ph.D.) in Engineering from a school whose curriculum is recognized by the Board and have completed two (2) years of experience accredited by the Board, presenting written documents by Puerto Rico Licensed or Accredited Engineers and who hold a license issued by the Board authorizing them to practice as such and who are registered in the Register.
- (f) 'Retired Engineer' – shall mean that professional person who because of his/her retirement from the practice of his/her profession has chosen not to activate his/her license or certificate but who wishes to retain all other privileges granted by this Act, including that of membership in the College. To

such effect and after applying and obtaining the approval of the Board, the latter shall issue a Retired Engineer Certificate, it being understood that the same does not authorize him/her to practice his/her profession, and should he/she wish to return to such practice, he/she must reactivate his/her certificate or professional license through the means provided by this Act.

- (g) 'Architect in Training' ...
- (h) 'Licensed Architect' ...
- (i) 'Retired Licensed or in Training Architect' – means that professional person who because of his/her retirement from the practice of his/her profession has chosen not to activate his/her license or certificate but wishes to retain all other privileges granted by Law, including that of membership in the College. To such effect and after applying and obtaining the approval of the Board, the latter shall issue a (Retired) Architect Certificate, it being understood that the same shall not authorize him/her to practice his/her profession, and should he/she wish to return to his/her practice, he/she must reactivate his/her certificate or professional license through the means provided by Law.
- (j) 'Surveyor in Training' – means 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 Council on Higher Education, the ABET or this Board, and who has met the requirement to be registered in the Register of the Board and to whom the Board has issued the corresponding certificate.

- (k) 'Associate Surveyor' – shall mean any Surveyor who has completed four (4) years of experience in Surveying accredited by the Board, presenting written documents certified by Licensed Surveyors or Engineers authorized to practice Surveying in Puerto Rico; or who has obtained a Master's Degree in Surveying from a school whose curriculum is recognized by the Board and has completed three (3) years of experience accredited by the Board, presenting written documents certified by Licensed Surveyors or Engineers authorized to practice Surveying in Puerto Rico; or have obtained a Doctorate (Ph.D.) in Surveying from a school whose curriculum is recognized by the Board and have completed two (2) years of experience accredited by the Board, presenting written documents by Licensed Surveyors or Engineers authorized to practice Surveying in Puerto Rico; and hold an accrediting document issued by the Board that authorizes them to practice as such and to be registered in the Register.
- (l) 'Associate or Licensed Surveyor' – shall mean any Surveyor in Training who has met the requirements of this Act for the practice of said profession and has not less than four (4) years of experience accredited by the Board, presenting written documents certified by Licensed or Associate Surveyors or Engineers authorized to practice Surveying in Puerto Rico; or who have obtained a Master's Degree in Surveying from a school whose curriculum is recognized by the Board and have completed three (3) years of experience accredited by the Board, presenting written documents certified by Licensed or Associate

Surveyors or Engineers authorized to practice Surveying in Puerto Rico; or have obtained a Doctorate (Ph.D.) in Surveying from a school whose curriculum is recognized by the Board and have completed two (2) years of experience accredited by the Board, presenting written documents by Licensed or Associate Surveyors or Engineers authorized to practice Surveying in Puerto Rico; and hold an accrediting document issued by the Board that authorizes them to practice as such and to be registered in the Register.

- (m) 'Retired Surveyor' – means that licensed or accredited professional who, by reason of his/her retirement from the practice of his/her profession, has chosen not to activate his/her license or certificate but who wishes to retain all other privileges granted by this Act, including that of membership in the College. To such effect and after applying and obtaining the approval of the Board, the latter shall issue a Retired Surveyor Certificate, it being understood that the same shall not authorize him/her to practice his/her profession and that should he/she wish to return to his/her practice, he/she must reactivate his/her certificate or professional license through the means provided by this Act.
- (n) 'Landscape Architect in Training' ...
- (o) 'Licensed Landscape Architect' ...
- (p) 'Retired Licensed or in Training Landscape Architect' – means that professional person who because of his/her retirement from the practice of his/her profession has chosen not to activate his/her license or certificate but who wishes to retain all other

privileges granted by Law, including that of membership in the College. To such effect and after applying and obtaining the approval of the Board, the latter shall issue a (Retired) Landscape Architect Certificate, it being understood that the same shall not authorize him/her to practice his/her profession and that should he/she wish to return to his/her practice, he/she must reactivate his/her certificate or professional license through the means provided by Law.

- (q) 'Certificate' – shall mean any document issued by the Board attesting that the person in whose name it has been issued is a professional in training or associate, as the case may be, in the corresponding profession, who has met the requirements established in Sections 11, 15 and/or 17 of this Act, as may apply, and is registered as an engineer, surveyor, architect or landscape architect, in training or associate, as the case may be, in the Register of the Board.
- (r) 'License' ...
- (s) 'Person responsible' ...
- (t) 'Partnership' – shall mean two or more licensed professionals of one or more of the disciplines regulated by this Act who form a partnership to practice their professions under a trade name or in a group.
- (u) 'Suspension of a Certificate or License' – shall mean shall mean the temporary discontinuation of the right to exercise a professional practice pursuant to the provisions of this Act.
- (v) 'Cancellation or Revocation of the License or Certificate' ...
- (w) 'Revocation' ...

- (x) 'Professional Corporation' – shall mean a corporation organized under the Puerto Rico General Corporations Act and as provided in the latter, whose sole and exclusive purpose is to render professional services as regulated by this Act and whose stockholders are persons duly licensed in the Commonwealth of Puerto Rico, to offer the same professional services rendered by the corporation.

No corporation organized and incorporated under the Puerto Rico General Corporations Act may render professional services except through officials, employees or agents who are duly licensed or otherwise legally authorized to render said professional services within this jurisdiction. However, this provision shall not be construed to include within the term 'employee', such clerical, secretarial, administrative, book-keeping and technical personnel and other assistants that are neither legally nor according to use or custom, deemed as having to hold a license or legal authorization to practice their profession. No person shall, under the pretext of being an employee of a professional corporation, practice a profession unless he/she is duly licensed to do so pursuant to the Laws of this jurisdiction.

- (y) 'Continuing Education' ...  
(z) 'Office of the Superintendent' ...  
(aa) 'Permanent Register' ...”

Section 3.— Section 4 of Act No. 173 of August 12, 1988, as amended, is hereby amended to read as follows:

“Section 4.— Professional Practice

For the purposes of this Act, the practice or exercise of the professions of Engineer, Architect, Landscape Architect or Surveyor, comprise 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 whose completion requires the knowledge, training and experience of an Engineer or Architect.
- (b) ‘Practice of Surveying,’ comprises the rendering of any professional service or the execution of any work of a creative nature whose completion requires the education, knowledge, training and experience of a surveyor. It includes the rendering of any services or the execution of any works that require the application of knowledge in Surveying to render said professional services or execute such works of a creative nature. It comprises consulting, conducting studies, and teaching surveying subjects, conducting research, cartographic, photogrammetric and geodesic works, measurements in relation to engineering or architectural projects or works, the segregation of real estate and topography for official use, the determination and description of areas, boundaries and land divisions and the consolidation and segregation of real estate and their verification and certification, including graphic representations thereof.

...

- (c) 'Practice of Landscape Architecture' comprises the application of artistic and scientific principles to the research, planning, design and management of natural and constructed environments as related to Landscape Architecture. (...)

The practice of landscape architecture may include, in order to preserve, develop and enhance the landscape, the following:  
(...)

The Landscape Architect shall prepare the certification of his/her work when the project is clearly and substantially undertaken to conserve, develop and enhance the landscape. It shall not be understood that the professional practice of Landscape Architecture in any way limits the professional practice scope of licensed Architects, Engineers, Surveyors or Agronomists devoted to horticulture and to the design and construction of landscape gardens.

- (d) 'Limitation to the practice of Engineers in Training' Engineers in training will be authorized to practice their profession in a limited manner. They shall not render services for the certification of blueprints, designs or measuring in engineering or architecture, or assume primary responsibility therefor.
- (e) 'Limitation to the practice of Associate Engineers' Associate Engineers shall be authorized to practice their profession institutionally. That is, they can only render their professional and supervisory services as part of their work within a private or governmental organizational framework in which they have no significant responsibility for professional services rendered directly to the public. They may supervise the work of

Engineers in Training and certify the experience of the latter before the Board. They shall not render the services of blueprint certification, design or surveying in Engineering or Architecture, directly to the public nor perform functions reserved for Licensed Engineers, in accordance with other provisions of this Act.

An Associate Engineer shall be entitled to choose to become a Licensed Engineer after passing the revalidation examination he/she lacks.

- (f) 'Limitations to the practice of Architects in Training' Architects in Training shall be authorized to practice their profession in a limited manner under the direct supervision of a licensed professional duly authorized to practice engineering or architecture in Puerto Rico. Architects in Training shall not certify professional works or assume primary responsibility therefor, or directly contract these with the general public.
- (g) "Limitations to the practice of Surveyors in Training" Surveyors in Training shall be authorized to practice their profession in a limited manner, under the direct supervision of a licensed professional duly authorized to practice Surveying in Puerto Rico. Surveyors in training shall not certify professional works or assume primary responsibility therefor.
- (h) "Limitations to the practice of Associate Surveyors" Associate Surveyors shall be authorized to practice their profession institutionally. That is, they can only render their professional and supervisory services as part of their work within a private or governmental organizational framework in which they have no

significant responsibility for professional services rendered directly to the public. They may supervise the work of Surveyors in Training and certify the experience of the latter before the Board. Associate Surveyors shall not certify professional works or assume primary responsibility therefor directly with the public.

An Associate Surveyor shall be entitled to choose to become a licensed surveyor after passing the revalidation examination he/she lacks.

- (i) 'Limitations to the practice of Landscape Architects in Training' shall be authorized to practice their profession in a limited manner under the direct supervision of a licensed professional duly authorized to practice Engineering, Architecture or Landscape Architecture in Puerto Rico. Landscape Architecture in Training shall not certify professional works or assume primary responsibility therefor.

None of the professionals in Training or Associate shall alter or modify the works carried out by licensed professionals pursuant to this Act when these refer to the technical aspects of the profession."

Section 4.— Subsection b of Section 6 of Act No. 173 of August 12, 1988, as amended, is hereby to read as follows:

- "b. To adopt and promulgate any rules, and regulations deemed necessary to implement this Act; to comply with its duties under the latter; to establish the form and manner for the standard evaluation of the experience of professionals in Training who apply for certification based upon experience as associate Engineers or Surveyors, as the

case may be; to establish those continuing professional education requirements deemed necessary for renewing professional licenses or certificates; and to establish the procedures for handling matters, provided these rules and regulations are not incompatible with the Laws in effect, the Constitution of the Commonwealth of Puerto Rico and the laws and treaties approved by the United States of America.

In the promulgation and adoption of its regulations, the Board shall comply with the provisions of Act No. 170 of August 12, 1988, as amended, known as the 'Uniform Administrative Procedure Act.' Likewise it shall notify all professional colleges in writing of every transaction or effort made to such effect."

Section 5.— Section 10 of Act No. 173 of August 12, 1988, as amended, is hereby amended to read as follows:

"Section 10.— Register

The Board shall also maintain an Official Register containing a list with the correlated numbers of the licenses granted to authorize the practice of the professions of licensed Engineer, Architect, Surveyor and Landscape Architect; a second list, likewise containing the correlated numbers of the certificates granted to engineers, architects, landscape architects and surveyors in training or associates; a third list of those professionals who due to their retirement from the practice of their profession have chosen to inactivate their license or certificate but who, pursuant to the provisions of Section 12 of this Act, have requested from and been granted by the Board, the title of Retired Licencensed, Associate or in Training Engineer, Surveyor, Landscape Architect or Architect.

..."

Section 6.— Section 11 of Act No. 173 of August 12, 1988, as amended, is hereby amended to read as follows:

“Section 11.— Requirements for Granting Licenses and Certificates

Any person who requests that the Board grant to him/her a license as a Licencensed Engineer, Architect, Landscape Architect or Surveyor, and anyone who requests a certificate as Associate Engineer or Surveyor, or a certificate as Architect or Landscape Architect in Training, shall:

(1) ...

(2) ...

(3) ...

(4) ...

(5) ...

(a) Engineer in Training.— Certifying evidence that the applicant has graduated from an engineering course or plan of studies of Engineering, of at least four (4) academic years, 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 the written examinations on the basic subjects of the discipline of Engineering.

(b) Associate Engineer.— Certifying evidence that the applicant has graduated from an engineering course or plan of studies of at least four (4) academic years, 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 the written examinations on the basic subjects of the discipline of Engineering.

Attesting evidence of having practiced the profession legally as Engineer in Training, accruing experience for a minimum of four (4) years; or having practiced legally as Engineer in Training, accruing experience for a minimum of three (3) years and holding a Master's Degree in Engineering from any university, college or institute, 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; or having accumulated experience for a minimum of two (2) years and holding a Doctorate (Ph.D.) in Engineering from any university, college or institute, 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.

Certifying evidence that the applicant took, at least once, during the period of his/her certification as Engineer in Training, the examination he/she lacks.

- (c) Licensed Engineer.— Certifying evidence that the applicant has graduated from an engineering course or plan of studies of Engineering, of at least four (4) academic, 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 the written examinations on the basic and the professional subjects of Engineering, having accumulated experience for a minimum of four (4) years; or having accumulated experience for a minimum of three (3) years, and holding a Master's Degree in Engineering 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; or having accumulated experience for a minimum of two (2) years and holding a Doctorate (Ph.D.) in Engineering 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.

- (d) Architect in Training ...
- (e) Licensed Architect ...
- (f) Surveyor in Training.— Attesting evidence that the applicant has graduated from a surveying course or plan of studies of at least four (4) academic years, 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 the written examinations on the basic subjects of the discipline of Surveying.

- (g) Associate Surveyor.— Attesting evidence that the applicant has graduated from a surveying course or plan of studies of at least four (4) academic years, 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 the written examinations on the basic subjects of the discipline of Surveying.

Attesting evidence of having practiced the profession legally as Surveyor in Training, accumulating experience for a minimum of four (4) years; or having practiced legally as Surveyor in Training, accumulating experience for a minimum of three (3) years and holding a Master's Degree in Surveying 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; or having accumulating experience for a minimum of two (2) years, and holding a Doctorate (Ph.D.) in Surveying 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.

Attesting evidence that the applicant took, at least once, during the period of his/her certification as Surveyor in Training, the revalidation examination he/she lacks.

- (h) Licensed Surveyor.— Attesting evidence that the applicant has graduated from a surveying course or plan of studies of at least four (4) academic years, 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 the written examinations on the basic and the professional subjects of Surveying; and evidence that he/she has a minimum of four (4) years of professional experience acquired after his/her certification as Surveyor in Training or accredited, according to the sworn statement of a Licensed Surveyor or Engineer authorized to practice the profession of Surveying; or having accumulated experience for a minimum of three (3) years, according to the sworn statement of a Licensed Surveyor or Engineer authorized to practice Surveying and holding a Master's Degree in Surveying 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 or having

accumulated experience for a minimum of two (2) years, according to the sworn statement of a Licensed Surveyor or Engineer authorized to practice Surveying and holding a Doctorate (Ph.D.) in Surveying 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. This sworn statement shall give evidence, to the satisfaction of the Board, that the applicant is qualified to practice the profession of surveyor with the degree of professional responsibility that justifies his/her licensing. When the evidence of the experience required above is not conclusive for the Board, or when, in the opinion of the Board, such evidence fails to show that there is sufficient guarantee and justification to license the applicant, he/she may be required to present further evidence on any part thereof.

(i) Landscape Architect in Training ...

(j) Licensed Landscape Architect ...

...”

Section 7.— Section 12 of Act No. 173 of August 12, 1988, as amended, is hereby amended to read as follows:

“Section 12.— Retired Engineer, Architect, Surveyor or Landscape Architect

Any licensed or in training professional or associate, who because of his/her retirement from the practice of his/her profession wishes to inactivate

his/her license or certificate but who wishes to continue enjoying all other benefits granted by said condition, including that of membership in the College, shall file a sworn application with the Board, should he/she not apply personally, in which he/she must provide evidence of his/her retirement from the practice of his/her profession and of his/her desire to remain enrolled in the Register of the Board as Retired Engineer, Architect, Surveyor or Landscape Architect, as the case may be. The Board, after verifying the contents of said application, shall proceed to inactivate the license or certificate of the professional concerned and in its place shall proceed to enroll the applicant in the Register of Retired Professionals.

...”

Section 8.— Section 14 of Act No. 173 of August 12, 1988, as amended, is hereby amended to read as follows:

“Section 14.— Issuing of Certificates

Any person who meets the requirements established in this Act and its Regulations to be certified as Engineer, Surveyor, Architect, or Landscape Architect in Training or Associate, as the case may be, shall be entered in the register kept by the Board to such effects, which shall issue a certificate to him/her accrediting him/her as an Engineer, Architect or Surveyor in Training or associate, as the case may be.

...”

Section 9.— Section 15 of Act No. 173 of August 12, 1988, as amended, is hereby amended to read as follows:

“Section 15.— Examination, Reexamination, Certificate and Licensing Fees

The fees to be paid for issuing certificates or licenses, due to the inactivity, renewal or reactivation of the same, and for the examinations and reexaminations required in this Act, shall be those that the Board shall determine from time to time

and through regulations, taking into account the existing costs and the laws and regulations that may apply. The Board shall carry out a public hearings process as provided by Act No. 170 of August 12, 1988, as amended, known as the 'Uniform Administrative Procedure Act,' every time it decides to change the fees to be paid.

The fees established through regulations shall be paid through an Internal Revenue voucher upon filing the application for a certificate, license or examination, as the case may be, with the Board.

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

The application for a license or a certificate shall be made on the forms furnished by the Board for such purpose, on which there shall be adequate blank spaces for the applicant to enter his/her personal data, the information concerning his/her academic education, experience, if any, and the persons whom the Board may ask for references of the applicant.

The fees collected for the services of the Boards regulated herein shall be separated by the Treasury Department through an account with the figures for the income of the Examination Board, using adequate accounting methods, to be used thereby in the financing of their respective budgets.”

Section 10.— Section 17 of Act No. 173 of August 12, 1988, as amended, is hereby amended to read as follows:

“Section 17.— Renewal of Certificates or Licenses

The certificates or licenses referred to in Sections 13 and 14 of this Act shall be in effect for a term of not to more than five (5) years and it shall be the duty of the holders to renew the same within ninety (90) days prior to their expiration date following the procedure established by the Board of Examiners of Engineers, Architects and Surveyors of Puerto Rico. All cases of renewal shall require a certification from the professional college to which the professional holder of the

license or certificate belongs evincing that said holder is an active member of the College concerned. The application for the renewal of a certificate or license shall include an Internal Revenue voucher in the amount established in Section 15 of this Act.

The Board of Examiners shall require that the application includes evidence that the continuing education requirements which the Board shall establish through regulations, with the prior recommendation of the Puerto Rico College of Engineers and Surveyors and the Puerto Rico College of Architects and Landscape Architects, have been met. The Board shall accept evidence of Continuing Education courses offered by duly accredited Colleges or organizations in the United States of America. The Board shall accept those certifications that, upheld by the pertinent evidence, are issued by the corresponding professional Colleges. Failure to present the evidence required shall prevent the renewal of licenses or certificates unless the Board, at its discretion, determines that the failure to present said evidence was for just cause.

To renew or reactivate a certificate as Associate Engineer or Surveyor, it shall not be necessary to present evidence of having taken professional examinations.

The Board shall have a term of fifteen (15) days as of the date on which the applicant submits all the required documents to make a decision regarding the renewal or denial of the license or certificate, as the case may be. In the case that, having met the requirements of the Board and for causes not attributable to the applicant, the new certificate or license is not issued within the term established by law, the certificate or license held by the applicant shall remain in effect until the Board issues the new accrediting document.

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 a license, as well as the procedure for its consideration and issuing.

In the case of Architects and Architects in Training, the application for the renewal of a certificate shall also include evidence that its holder has taken at least two (2) of the pending parts of the examination during the term of effectiveness of the certificate to be renewed.”

Section 11.— Section 18 of Act No. 173 of August 12, 1988, as amended, is hereby amended to read as follows:

“Section 18.— Inactivity and Reactivation of Certificates or Licenses

Any person qualified as a licensed, associate or in training engineer, surveyor, architect or landscape architect may request the inactivation of his/her license or certificate when retiring from the active practice of his/her profession pursuant to the authorization granted by this Act to pursue such a practice. The petition for inactivation of a certificate or license shall be made by filing a sworn statement with the Recording Secretary of the Board.

...”

Section 12.— Section 19 of Act No. 173 of August 12, 1988, as amended, is hereby amended to read as follows:

“Section 19.— Denial, Suspension, Revocation or Cancellation of Certificates or Licenses

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

- (a) ...
- (b) ...
- (c) ...
- (d) ...
- (e) ...
- (f) Helping, hiring, counseling, inciting or in any other way facilitating the practice of Engineering, Architecture or Surveying

to any person who is not authorized to practice 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) ...
- (i) Passing him/herself off as a licensed Engineer, Architect, Surveyor or Landscape Architect when only holding a certificate as Engineer or Architect, Surveyor or Landscape Architect in Training or associate.
- (j) ...”

Section 13.— Section 21 of Act No. 173 of August 12, 1988, as amended, is hereby amended to read as follows:

“Section 21.— Filing of Complaints

The Board, on its own initiative or at the request of a duly grounded complaint filed by any person, may initiate any procedure to file charges against any licensed, associate or in training engineer, surveyor, architect or landscape architect who violates the provisions of this Act or its regulations. Any complaint to those effects shall be filed with the Recording Secretary in writing, under oath, for its corresponding registration.

(...)”

Section 14.— Section 22 of Act No. 173 of August 12, 1988, as amended, is hereby amended to read as follows:

“Section 22.— Professional Associations

The practice of the profession of Engineering, Architecture, Surveying and Landscape Architecture under a trade name or professional association shall be allowed provided all members or principals of said entity hold a license in their respective professions and are enrolled in the corresponding Register of Professional Associations.”

Section 15.— Section 23 of Act No. 173 of August 12, 1988, as amended, is hereby amended to read as follows:

“Section 23.— Professional Corporations

The corporate practice of the Engineering, Architecture, Surveying and Landscape Architecture professions shall be allowed provided that all the shareholders are licensed in their respective professions and that said corporation is organized as a professional corporation pursuant to the provisions of this Act or the General Corporation Law of Puerto Rico.”

Section 16.— Transitory Provisions

- A: Any person who prior to the date of effectiveness of this Act has complied with all the legal requirements to practice the profession of Engineer or Surveyor in Training, shall continue as such, then being able, if they meet the requirements established in this Act for this classification, to request that the Board issue them their certification as Associate Engineer or Surveyor.
- B: Any person who, requirement of taking the revalidation examination he/she lacks, has been unable to renew his/her certificate as Engineer or Surveyor in Training, may request a new certificate as Engineer or Surveyor in Training. Once so authorized by the Board of Examiners of Engineers and Surveyors, if he/she meets the requirements established

in this Act for this classification, he/she may request that the Board issue his/her certification as Associate Engineer or Surveyor.

- C: Every application for revalidation examination, license or certificate submitted prior to the date of effectiveness of this Act shall be processed pursuant to the provisions of Act No. 173 of August 12, 1988, as amended, up to the approval of this Act, and of the regulations adopted therefor.
- D: Every complaint or procedure initiated prior to the effectiveness of this Act shall continue to be processed pursuant to and in accordance with Act No. 173 of August 12, 1988, as amended, up to the approval of this Act, and regulations until its resolution and final decision.
- E: The regulations adopted pursuant to Act No. 173 of August 12, 1988, as amended, up to the approval of this Act shall remain in effect until they are amended, modified or revoked in accordance with this Act by the corresponding Board.
- F: None of the provisions of this Act shall be interpreted to the detriment of vested rights or obligations incurred pursuant to the provisions of the public laws or regulations, or of contracts or collective bargaining agreements or classification and compensation schedules legally in effect, whether in the public or private sector. Nothing contained in this legislation holds harmless or absolves from sanctions any entity that assigns functions or tasks to one personnel classification or another against the provisions of the laws and regulations, or disregarding its own organizational charts or agreements, or negligently or contrary to the public interest or the code of ethics of the profession.”

Section 17.— If any part, section, provision or language of this Act were declared null or unconstitutional by a competent court with jurisdiction, said ruling

shall not affect the effectiveness of the remaining parts, sections, provisions or language.

Section 18.— This Act shall take effect on Dec.ember 31, 2007.