



LEGISLATURE OF PUERTO RICO

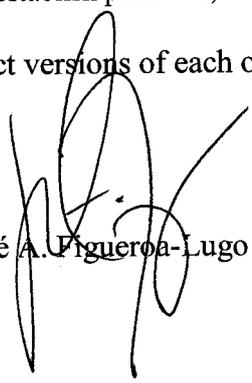
Office of Legislative Services

March 5, 1999

José A. Figueroa-Lugo, Director 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. 185 (S.B. 253) (Conference) of the 2nd Session of the 13th Legislature of Puerto Rico, entitled:

AN ACT to amend Sections 1, 2, 3, 4 and 5; add Sections 6 and 7; amend and renumber Sections 6, 7, 8 and 9 as Sections 8, 9, 10 and 11 respectively; add Section 12; amend and renumber Sections 10, 11, 12, 13, 14, 15, 16 and 17 as Sections 13, 14, 15, 16, 17, 18, 19 and 20 respectively; amend and renumber Section 19 as Section 21; add Sections 22, 23 and 24; amend and renumber Sections 20 and 21 as Sections 25 and 26 respectively; add a Section 27; amend and renumber Sections 22, 23, 24 and 25 as Sections 28, 29, 30 and 31 respectively; add a Section 32; amend and renumber Sections 26, 27, 28, 29 and 30 as Sections 33, 34, 35, 36 and 37 respectively, of Act No. 173 of August 12, 1988, in order to add to and regulate the profession of landscape architect in Puerto Rico; establish the Board of Examiners of Engineers, Surveyors, Architects and Landscape Architects; determine its organization and define its functions, duties and powers; authorize it to issue, renew, suspend and cancel licenses and certificates for the exercise of the professions of engineering, surveying, architecture and landscape architecture; establish the amount to be charged for examination, reexamination, license and certificate fees; and empower it to adopt the regulations needed to apply this Act, and establish penalties,

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


José A. Figueroa-Lugo

(S.B. 253)
(Conference)

(No. 185)

(Approved December 26, 1997)

AN ACT

To amend Sections 1, 2, 3, 4 and 5; add Sections 6 and 7; amend and renumber Sections 6, 7, 8 and 9 as Sections 8, 9, 10 and 11 respectively; add Section 12; amend and renumber Sections 10, 11, 12, 13, 14, 15, 16 and 17 as Sections 13, 14, 15, 16, 17 18, 19 and 20 respectively; amend and renumber Section 19 as Section 21; add Sections 22, 23 and 24; amend and renumber Sections 20 and 21 as Sections 25 and 26 respectively; add a Section 27; amend and renumber Sections 22, 23, 24 and 25 as Sections 28, 29, 30 and 31 respectively; add a Section 32; amend and renumber Sections 26, 27, 28, 29 and 30 as Sections 33, 34, 35, 36 and 37 respectively, of Act No. 173 of August 12, 1988, in order to add to and regulate the profession of landscape architect in Puerto Rico; establish the Board of Examiners of Engineers, Surveyors, Architects and Landscape Architects; determine its organization and define its functions, duties and powers; authorize it to issue, renew, suspend and cancel licenses and certificates for the exercise of the professions of engineering, surveying, architecture and landscape architecture; establish the amount to be charged for examination, reexamination, license and certificate fees; and empower it to adopt the regulations needed to apply this Act, and establish penalties.

STATEMENT OF MOTIVES

The development of modern-day cities throughout the world greatly depends on the evolution of the technological environment, whereby it becomes necessary from time to time to temper the laws in effect to the realities of that society and to adopt the mechanisms needed to allow the State to properly exercise its regulatory and protective functions. Only thus

shall the Government of Puerto Rico be able to effectively fulfill its public function of fostering the socio-economic development of its People.

The duty of all landscape architects is to plan land use by using the problems and needs of the individual and of nature as a point of departure for their work. Their mission is to design exterior spaces by integrating the physical structures to the natural environment. In Puerto Rico it has become urgently necessary to achieve this integration since the territorial extension of the island is limited and exposed to conditions such as environmental pollution, population density and high temperatures.

For the past twenty (20) years all efforts to address the regulation of the exercise of the landscape architect's profession have been unsuccessful, causing the practice of the latter to be undertaken by persons who lack formal studies in the field, thus depriving the citizens from obtaining services of acceptable levels of quality which endanger the safety of those who seek them, and affect the credibility of the professional who exercise it.

The intention of the measure at hand is to attach the Landscape Architects to the Engineers, Architects and Surveyors Board, as well as to define the requirements to exercise said profession in Puerto Rico. Thus will the practice of the landscape architect's profession be regulated by requiring the acquisition of a license which guarantees that those persons who hope to exercise said profession have the required academic education and the necessary knowledge to qualify them to provide quality services.

The intention of the several amendments proposed, is to further improve the Law in view of the experiences noted in other States, and reconcile its provisions to the provisions of the Act which governs the Engineering, Surveying and Architecture Professions thus guaranteeing the quality and

requirements which our people and the professional practitioners in these fields deserve.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

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

“Section 1.- Title of the Act.-

This Act shall be known as the “Board of Examiners of Engineers, Architects, Surveyor and Landscape Architects of Puerto Rico Act”.

Section 2.- Section 2 of Act No. 173 of August 12, 1988, 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, architects, surveyors 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 engineering, architecture, surveying or landscape architecture 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 engineering, architecture, surveying or landscape architecture 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 3.-Section 3 of Act No. 173 of August 12, 1988 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) ‘Board’, shall mean the Board of Examiners of Engineers, Architects, Surveyors and Landscape Architects as created by this Act.

(b) ‘Register’, shall mean the Register of the Board as established in Section 10 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 Council on Higher Education, the Accreditation Board for Engineering and Technology (ABET) or the Board, and who has met with the requirement of being registered in the 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 said profession with not less than two (2) years of experience, who holds a license issued by the Board authorizing him/her to practice as such and who is registered in the Register.

(e) ‘Retired Licensed or in Training 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 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 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 Law.

(f) '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 Council on Higher Education, the National Architectural Accreditation Board (NAAB) or this Board, who is registered as such in the Register of the Board and to whom the Board has issued the corresponding certificate and practices his/her profession under the supervision of a licensed architect.

(g) 'Licensed Architect or Engineer', shall mean any Architect in Training who has practiced the profession of architecture under the supervision of a licensed architect or engineer for a term of not less than two (2) years, who has met the requirements of the Law, holds a license issued by the Board authorizing him/her to practice as such in Puerto Rico, and appears in the Register of the Board.

(h) 'Retired Licensed Architect or in Training', 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 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 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.

(i) '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 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.

(j) 'Licensed Surveyor', shall mean any Surveyor in Training who has practiced the profession of surveyor under the supervision of a licensed surveyor, architect or engineer for a term of not less than two (2) years, and who has met all other requirements of this Act, holds a license issued by the Board authorizing him/her to practice as such and appears in the Register of the Board.

(k) 'Retired Licensed Surveyor or in Training', 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 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 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 Law.

(l) 'Landscape 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 Council on Higher Education, the Landscape Architect Registration Examination Board (LARE) 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.

(m) 'Licensed Landscape Architect', shall mean any Landscape Architect in Training who has practiced the profession of landscape architect under the supervision of a licensed engineer, architect or landscape architect for a term of not less than two (2) years, and who has met all other requirements of the Law, holds a license issued by the Board authorizing him/her to practice as such in Puerto Rico and appears in the Register of the Board.

(n) 'Retired Licensed Landscape Architect or in Training', 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 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.

(o) '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 11 of this Act and is registered as an engineer, architect, landscape architect or surveyor in training, as the case may be, in the Register of the Board.

(p) 'License', shall mean any document duly issued by the Board certifying that the person in whose name it is issued is a professional

licensed in the corresponding discipline who has met the requirements established in Section 11 of this Act, and who is registered as a licensed engineer, architect, landscape architect or surveyor, as the case may be, in the Register of the Board.

(q) 'Person Responsible', shall mean that person with direct control and personal supervision over any engineering, architecture, landscape architecture or surveying work, as the case may be.

(r) 'Partnership', shall mean two or more professionals licensed or in training in one or more of the disciplines regulated by this Act who form a partnership for the practice of their professions under a trade name or as a group.

(s) 'Suspension of a Certificate or License', shall mean the temporary discontinuation of the right to exercise a professional practice pursuant to the provisions of this Act.

(t) 'Cancellation or Revocation of the License or Certificate', shall mean the elimination of the professional concerned from the Register of the Board.

(u) 'Revocation', shall mean the annulment, invalidation, or ineffectiveness of the certificate or license. The Board shall establish the conditions for canceling the effect of a revocation through regulations.

(v) 'Professional Corporation', for the purposes of this Act, it 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 or in training 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, bookkeeping 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 exercise the profession they practice. 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.

(w) 'Continuing Education', shall mean a Planned Educational Activity to acquire and update the knowledge and skills of professionals.

(x) 'Office of the Superintendent', shall mean the highest ranking office for directing and verifying the implementation of the components and descriptions contained in the documents of a contract.

(y) 'Permanent Register', shall mean all those engineers qualified to exercise the profession of surveyor who meet the requirements established in Section 37, subsection (f) (Transitory Provisions) of this Act."

Section 4.- Section 4 of Act No. 173 of August 12, 1988 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.

It includes the application of special knowledge of the physical sciences, mathematics, and engineering or architecture for rendering such professional services or executing such works of a creative nature as may be required in any work involving consulting, studies, research, appraisals, drawing up of blueprints, measurements, inspections and supervision of works under construction, in order to ensure compliance with the specifications and the proper execution of the projected works in relation to any public or private works, facilities, machinery, industrial procedures and methods, equipment systems and works of a technical nature in engineering or architecture.

(b) 'Practice of Surveying', comprises the rendering of any professional service or the execution of any work of a creative nature whose completion requires application of knowledge, as a surveyor. It includes the rendering of any services or the execution of any works that require the application of knowledge of surveying to render said professional services or execute such works of a creative nature. It comprises consulting, conducting studies and research, the management of surveying resources, cartographic, photogrammetric and geodesic works, appraisals, expertise and evaluations, measurements in relation to engineering or architectural projects or works, 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.

It also comprises the technical and professional execution related to the determination, drafting and location of coastlines, the location of bodies

of water, the correlation of vertical and horizontal controls, leveling, and surface and underground controls, the geometric design of lots, accesses, easements and rights of way, the relocating, drafting and leveling of water and sewage pipes, of water supply systems and real estate; monumenting, locating, leveling and relocating of highways; the measurements related to studies, and field studies on sanitary systems, water supplies, accesses and routes, hydrography, real estate registry, geography, photogrammetric controls, location of plants, aqueducts, mines, bridges, power lines and docks.

The surveyor shall issue certifications of his/her work when it is clearly and substantially of a surveying nature.

(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 Landscape Architect applies creative and technical skills and the scientific, cultural and political knowledge in the planned arrangement of natural elements taking into consideration the administration and conservation of natural, constructed and human resources.

The practice of landscape architecture may include, in order to preserve, develop and enhance the landscape, the following: research, the selection and location of land and water resources for their proper use; viability studies and the preparation of written graphic criteria to be used as guides in the planning and design of Landscape Architecture development programs; the planning and design of urban Landscape Architecture; expertise; the teaching of the science of landscape architecture and the management of Landscape Architecture construction projects. It also

includes the preparation, revision and analysis of master plans for the use and development of land in relation to Landscape Architecture, the production of general and specific plans for the land; plans for leveling the drainage of the landscape, plans for irrigation and planting and construction details for Landscape Architecture; specifications, cost estimates and reports for land development; advice on the design of roads, bridges and structures in relation to the functional and aesthetic requirements on the areas on which these are to be constructed; negotiations to develop Landscape Architecture projects; field observation and inspection of the Landscape Architecture project and the restoration and maintenance of the land. Provided, that in those Landscape Architecture projects for which the intervention of an Architect, Engineer or Surveyor is called for, the certification of their respective work shall be made by the Architect, Engineer or Surveyor.

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 plans, designs or measuring in engineering or architecture.

(e) 'Limitation to the practice of architects in training.' Architects in training will 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.

(f) 'Limitations to the practice of surveyors in training.' Surveyors in training will 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.

(g) 'Limitations to the practice of landscape architects in training.' Landscape architects in training will 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 architectural landscaping in Puerto Rico. Landscape architects in training shall not certify professional works or assume primary responsibility therefor.

None of the professionals in training 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 5.- Section 5 of Act No. 173 of August 12, 1988 is hereby amended to read as follows:

"Section 5.- Board of Examiners.-

The Puerto Rico Board of Examiners of Engineers, Architects, Surveyors and Landscape Architects is hereby created, which shall be attached to the Department of State of the Commonwealth of Puerto Rico.

The Board shall be constituted by thirteen (13) members, of whom two (2) shall be civil engineers, one (1) a mechanical engineer, one (1) an electrical engineer, one (1) an industrial engineer, one (1) a chemical

engineer and one (1) engineer that shall be designated from among one of the engineering specialties excluding civil engineering; as well as two (2) surveyors, two (2) architects and two (2) landscape architects. The members of the Board shall be appointed by the Governor of Puerto Rico 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. These must be duly licensed to practice their respective professions in Puerto Rico and be active members of their respective professional associations. In addition they must have actively practiced their profession as licensed engineers, architects, surveyors or landscape architects, as the case may be, for a period of not less than seven (7) years and for at least three (3) of those years they must have been directly in charge of supervising or having direct or primary responsibility for engineering, architectural, landscape architectural or surveying projects or works, as the case may be.

(a) Term of Appointment.-

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

(b) Vacancies.-

Any vacancy arising among the members of the Board shall be filled for the unexpired term of the member who created it.

(c) Removal from Office.-

The Governor, *motu proprio*, or through the recommendation of the Board, may remove any member of the Board from office for his/her

inability to perform his/her office, manifest incompetence to fulfill his/her 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 per month, provided there are matters to consider. It may also hold such special sessions as may be 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.-

A majority of the members of the Board shall constitute quorum to hold any session and consider matters under its jurisdiction, provided that members present represent the various professions of engineering, architecture, surveying and landscape architecture, except as provided hereinafter. The decisions of the Board shall be made by a majority vote of its members.

When the Board has a matter of strict relevance to a specific profession before it, such a 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 who represent the profession which the matter concerns shall decide upon it, although the opinions of the remaining members thereof shall appear in the records of the Board.

In those cases in which an interprofessional matter is involved, the latter shall be discussed before the full Board with the participation of all its members present, duly constituted in a session and each Board member who represents the profession 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 cast by the member representing the specialty involved.

In case of a tie, the Chairman of the Board shall cast a vote to resolve the matter.

In order to protect the public interest, the bylaws of the Board shall establish the proper procedure for considering and resolving the matters before it.

(f) Election of Officers and Report.-

The Board shall annually elect, from among its members, a Chairperson, a Vice Chairperson and a Recording Secretary, as well as any other officers needed for its operation. The Board shall adopt an official seal.

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

(g) Per diems.-

Board members shall receive a per diem equivalent to the minimum per diem established for the members of the Legislature in Section 2 of Act No. 97 of June 19, 1968, as amended, for each day they attend a meeting, or render services in administering the examinations required by this Act or perform other official functions of their respective offices or that may be delegated to them by the Chairperson of the Board.

They shall also be entitled to being reimbursed for travel expenses necessarily incurred to represent the Board, pursuant to the regulations of the Secretary of the Treasury in effect.

Section 6.- A new Section 6 is hereby added to Act No. 173 of August 12, 1988, to read as follows:

“Section 6.- Powers.-

The Board shall have the power to:

- (a) Possess and use a seal, which may be altered at its will.
- (b) Adopt and promulgate any rules, and regulations deemed necessary to implement this Act; comply with its duties under the latter; 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 the Uniform Administrative Procedure Act. Likewise it shall notify all professional colleges in writing of every transaction or effort made to such effect.

- (c) Resort, *motu proprio* or through the Secretary of Justice, to any Part of the Court of First Instance to enforce the provisions of this Act or of the regulations promulgated pursuant thereto. The Secretary of Justice shall provide, at the request of the Board, the legal assistance needed to accomplish said purposes.

- (d) Order the appearance and testimony of witnesses and require the presentation of any papers, books, documents or other evidence deemed necessary for the purposes of its investigation, for the fulfillment of its functions and the duties imposed by this Act.

Should a duly summoned witness fail to appear to testify or to present the evidence required, or should he/she refuse to answer any question with regard to any study or investigation conducted pursuant to the provisions of this Act, the Board may resort, on its own or through the Secretary of Justice, to any Part of the Court of First Instance of Puerto Rico and require its assistance in obtaining the testimony of the witness or the production of the evidence required, as the case may be. The Secretary of Justice shall provide, the legal assistance needed to accomplish the purpose thereof at the request of the Board.”

Section 7.- A new Section 7 is hereby added to Act No. 173 of August 12, 1988, to read as follows:

“Section 7.- Immunity from Civil Liability.-

The members of the Board of Examiners of Engineers, Architects, Surveyors and Landscape Architects, of the Governing Boards of the College of Architects and Landscape Architects and the College of Engineers and Surveyors, and of those commissions created by said Governing Boards or by said Colleges, shall be immune from civil liability when performing their powers and obligations granted by this Act in support of the Board of Examiners or their respective colleges. They shall also enjoy immunity from civil liability, as established in this Act, provided these functions are related to the implementation of administrative procedures or the procedures for handling complaints on ethics delegated to the professional colleges.”

Section 8.- Section 6 is hereby renumbered as Section 8 of Act No. 173 of August 12, 1988.

Section 9.- Section 7 of Act No. 173 of August 12, 1988, is hereby amended and renumbered as Section 9, to read as follows:

“Section 9.- Examinations.-

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

Any person who fails the first time he/she takes the revalidation examination shall have the opportunity to take said examination again after five (5) months have elapsed from the date of the first examination. Those persons who fail on two (2) successive occasions shall be entitled to take the examination again, provided they meet the requirements established by the Board in its regulations for such a purpose. In the case of engineers and surveyors, their examinations shall be one on the basic and one on the professional aspects of their profession.

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

The engineering, surveying, architecture and landscape architecture examinations shall be conducted in accordance with the rules established by the Board and shall include those matters, subjects and skills it may deem convenient for evaluation purposes.

The regulations of the Board shall provide for the applicant to receive an orientation, prior to 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 effect, the Board shall prepare and publish a handbook containing the above information and shall make copies available to the

persons allowed to take the revalidation examination upon the payment of a ten (10) dollar Internal Revenue voucher.

The Board may revise the cost of this revalidation handbook from time to time, based on the expense incurred in its preparation and publication, but the amount to be charged shall not exceed the real cost of such expense.

The Board shall adopt standards to guarantee that those persons who fail any revalidation examination have the right to examine their answer sheet, receive a breakdown of the points obtained per question, discipline or subject matter, as the case may be, and request the reconsideration of the grade obtained in their examination. The type and form of the examination shall be according to the provisions of the Regulations of the Board.”

Section 10.- Section 8 of Act No. 173 of August 12, 1988 is hereby amended and renumbered as Section 10, 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, surveyors and landscape architects in training; and 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 licensed or in training engineer, surveyor, landscape architect or architect;

This Register shall include:

(a) The name and residential and mailing address of the professional registered therein.

- (b) The date of the application.
- (c) The profession to which he/she belongs.
- (d) The number of his/her certificate or license.
- (e) The examinations taken and passed.
- (f) Evaluation of Training and experience, where applicable.
- (g) Dates on which the Board has taken the corresponding action regarding the application.
- (h) Any other information the Board may deem pertinent.”

Section 11.- Section 9 of Act No. 173 of August 12, 1988, is hereby amended and renumbered as Section 11, to read as follows:

“Section 11.- Requirements for Granting Licenses and Certificates.-

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

1. Be a resident of the Commonwealth of Puerto Rico.
2. Enjoy good conduct and moral repute in the business and residential community.
3. Present a certificate of good conduct from the Puerto Rico Police or from the Police or authorized state official of the United States of America or the foreign country of origin.
4. Provide the name, address and telephone number of three (3) engineers, surveyors, architects or landscape architects, duly licensed by the Board of his/her jurisdiction, with direct and personal knowledge of the moral repute and professional experience, if any, of the applicant.
5. Present the evidence required below, according to the profession involved and as the case may be:

(a) Engineer in Training.-

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 or 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 revalidation examinations on the basic or the professional subjects of the discipline of engineering.

(b) Licensed Engineer.-

Certifying evidence that the applicant has graduated from an engineering course or plan of studies of at least four (4) academic, or its equivalent, from any university, college or institution whose reputation or 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 (revalidation) on the basic and the professional subjects of engineering.

(c) Architect in Training.-

Evidence that the applicant is a graduate of an architecture course or plan of studies of at least five (5) academic years, or its equivalent, from any university, college or institution whose reputation or 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 architect

in training, according to the sworn statement of a licensed architect or engineer. This sworn statement shall give evidence, to the satisfaction of the Board, 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 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.

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

(e) Surveyor in Training.-

Certifying 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 or 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 (revalidation) on the basic subjects of surveying.

(f) Licensed Surveyor.-

Certifying 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 or 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 revalidation examinations on the basic and the professional subjects of surveying; and evidence that he/she

has a minimum of two (2) years professional experience acquired after his/her certification as surveyor in training, according to the sworn statement of a licensed surveyor, architect or engineer. 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.

(g) Landscape Architect in Training.-

Certifying evidence that the applicant has graduated from a landscape architecture course or plan of studies of at least four (4) academic years, or its equivalent, from any university, college or institution whose reputation or degree of excellence are, in the case of Puerto Rico, of those accepted by the Council on Higher Education, and by the Board, and in the case of institutions outside of Puerto Rico by the Landscape Architect Registration Examination Board (LARE), and the approval of the written examinations (revalidation) on the basic subjects of landscape architecture.

(h) Licensed Landscape Architect.-

Evidence that he/she has a minimum of two (2) years professional experience acquired after his/her certification as landscape architect in training, according to the sworn statement of a licensed landscape architect, architect or engineer. This sworn statement shall give evidence, to the satisfaction of the Board, that the applicant is qualified to practice the profession of landscape architect 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.”

Section 12.- A new Section 12 is hereby added to Act No. 173 of August 12, 1988, to read as follows:

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

Any licensed or in training professional, 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.

Said enrollment and registration does not authorize the retired professional to practice his/her profession, although the latter may continue using the title of engineer, surveyor, architect or landscape architect, as the case may be, adding the word ‘Retired’ after the same, and may also retain his/her membership in his/her professional College by faithfully complying with the Laws governing said College, which shall adjust his/her dues so as

to take into consideration his/her status as retired professional, and of the regulations promulgated pursuant to the same.”

Section 13.- Section 10 of Act No. 173 of August 12, 1988 is hereby amended and renumbered as Section 13, to read as follows:

“Section 13.- Issuing of License.-

Any person who meets the licensing requirements established in this Act and in its regulations, shall be enrolled in the register which the Board shall maintain for such purposes, and the latter shall issue the corresponding license authorizing the licensed engineer, architect, surveyor or landscape architect to practice his/her profession, as the case may be, pursuant to the scope established in Section 4 of this Act.

Any license issued by the Board shall bear the full name of the person to whom it is issued, and its corresponding serial number and date of issue and expiration, and it shall be signed by the Chairperson of the Board and the Secretary of State or his/her representative, under the seal of the Board.”

Section 14.- Section 11 of Act No. 173 of August 12, 1988 is hereby amended and renumbered as Section 14, 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, 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, as the case may be.

Every certificate issued by the Board shall bear the full name of the person to whom it is issued, the serial number of his/her certificate, the issue and expiration date of the certificate and the signatures of the Chairperson of

the Board and the Secretary of State or his/her authorized representative, under the Seal of the Board.”

Section 15.- Section 12 of Act No. 173 of August 12, 1988 is hereby amended and renumbered as Section 15, to read as follows:

“Section 15.- Examination, Reexamination, Certificate and License 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 as follows:

- (a) Application for the revalidation examination, twenty-five (25) dollars.
- (b) Application for reexamination, twenty (20) dollars.
- (c) Certificate of engineer, architect, surveyor or landscape architect in training, fifty (50) dollars.
- (d) Renewal or reactivation of Certificate as engineer, architect, surveyor or landscape architect in training, forty (40) dollars.
- (e) License as licensed engineer, surveyor, architect or landscape architect in training, one hundred (100) dollars.
- (f) Renewal or reactivation of license as licensed engineer, surveyor, architect or landscape architect, seventy-five (75) dollars.
- (g) Duplicates of lost or mutilated certificates or licenses, 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 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. Said application shall include an Internal Revenue voucher for the corresponding amount according to the Regulations of the Board.”

Section 16.- Section 13 of Act No. 173 of August 12, 1988, is hereby amended and renumbered as Section 16, to read as follows:

“Section 16.- Seals.-

Any professional who holds a license issued by the Board shall affix a specially designed seal or stamp approved by the Board, should it be required, on every graphic or written professional document issued or authorized by him/her, including specifications, mensurations, reports, designs, plans and other similar documents, whether prepared for the Government or the private sector. Said seal or stamp shall bear the full name of the professional, the profession he/she practices, his/her condition as a licensee, the number of his/her license and the inscription ‘Puerto Rico’. The professional shall also sign the document concerned in his/her own hand. It shall be illegal to sign, seal or stamp any document with said seal and signature during the term of suspension or inactivity of a license and after the date of expiration or permanent cancellation thereof. For all legal purposes said seal shall be deemed to be a public seal authorized by this Act.

On affixing the seal and signature on any document of this type, the professional certifies that said work was performed by him/her or that its

technical phase was under his/her control and supervision. The performance of said work shall not be interpreted to be of a restrictive nature, since it is acknowledged that professional endeavors may be based on, and/or include elements or details involving the workmanship of others or library or data base research not directly produced by the professional.

When filing plans, each particular sheet shall be sealed and signed by the professional or professionals who participated in their preparation. In the case of those professionals who render services through a partnership, or through a professional corporation, each sheet shall be sealed and signed by the professionals who participated in its preparation and in addition, the person responsible for the case shall sign and seal the first page or title page of the same. The Board shall determine the manner in which the cybernetic and digitalized signatures and seals shall be accepted so as to comply with this Section.”

Section 17.- Section 14 of Act No. 173 of August 12, 1988, is hereby amended and renumbered as Section 17, 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 thirty (30) 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.

In the case of engineers in training and surveyors in training, the application for the renewal of a certificate must also include the evidence indicating that its holder has taken the pending examinations, at least twice during the term of effectiveness of the certificate to be renewed.

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 of the pending parts of the examination during the term of effectiveness of the certificate to be renewed.

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.”

Section 18.- Section 15 of Act No. 173 of August 12, 1988, is hereby amended and renumbered as Section 18, to read as follows:

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

Any person qualified as a certified 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.

Said inactivation shall be notified to the corresponding professional college not later than thirty (30) days from the effective date of the inactivation of membership of the person concerned, except in the case of retired professionals.

After the inactive period has passed, the holder may request the reactivation of his/her certificate or license through a petition in writing to such effect filed with the Recording Secretary of the Board, together with evidence of his/her compliance with the other requirements imposed by this Act, or that may be imposed through regulations issued pursuant to the latter, such as continuing education requirements.

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

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

Those professionals who have been inactivated, suspended or expelled as members of their respective professional colleges by virtue of the causes, and through the procedures, established by said colleges, shall have their

certificates or licenses, as the case may be, suspended through the certification of such a fact presented to the Board by the authorized official of the corresponding college.

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

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

Section 19.- Section 16 of Act No. 173 of August 12, 1988 is hereby amended and renumbered as Section 19, 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) Incurring fraud or deceit in order to be enrolled in the Register of the Board.
- (b) Crass negligence, incompetence, or reproachable conduct in the practice of his/her profession.

(c) Having violated the Code of Professional Ethics 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, or for having 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 stamping with his/her seal any plan, blueprint, drawing, specifications, studies, mensuration or any other instrument of professional service which was not prepared by him/her or under his/her direct supervision and responsibility, or in which the names of persons who are not duly authorized to practice these professions in Puerto Rico, appear with the title of engineer, architect, landscape architect or surveyor.

(f) Helping, hiring, counseling, inciting or in any other way facilitating the practice of engineering, architecture, landscape 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) Willfully or negligently evading compliance with any Law, order, code or regulation of the Government of the Commonwealth of Puerto Rico or any of its instrumentalities, public corporations or municipalities that rule the design, certification, inspection and supervision of construction works.

(i) Passing him/herself off as licensed engineer, architect, surveyor or landscape architect when only holding a certificate as engineer, architect, surveyor or landscape architect in training.

(j) Having had his/her professional license or certificate revoked, suspended or cancelled in any other jurisdiction in which he/she was authorized to practice his/her profession, when the reason for the revocation, suspension or cancellation of his/her license or certificate in said jurisdiction is one of those provided in this Section.”

Section 20.- Section 17 of Act No. 173 of August 12, 1988 is hereby amended and renumbered as Section 20, to read as follows:

“Section 20.- Reissue of Certificate or License.-

The Board may re-register and issue a new certificate or a new license to any person whose corresponding registration has been cancelled in its registers with the favorable vote of not less than seven (7) of its members and for justified reasons stated for the record. The reissue of certificates or licenses shall also be subject to the provisions of the Regulations of the Board. The Board shall immediately notify its action to the professional college concerned, with a copy of its record.”

Section 21.- Section 18 of Act No. 173 of August 12, 1988 is hereby repealed.

Section 22.- Section 19 of Act No. 173 of August 12, 1988 is hereby amended and renumbered as Section 21, 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 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.

The Board shall notify the engineer, surveyor, architect or landscape architect of the nature of the charge or charges filed against his/her and serve a copy of the complaint not later than ten (10) days following the date of filing, either personally or by certified mail with acknowledgement 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 to be held before the Board for the investigation of such charges within thirty (30) days after the date said notice is received.

Said notice shall advise the party charged of his/her right to appear at the hearing personally, to be represented by counsel, to question the persons who testify against him/her and examine the evidence presented against him/her, as well to present the attesting and documentary evidence on his/her behalf that he/she may deem pertinent.

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

Should any person who has been duly summoned by the Board refuse to appear before the latter 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 Part of the Court of First Instance corresponding to the place of residence of said person to order him/her to appear or present the evidence requested, or for both purposes, as the case may be.

On the basis of 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 the latter and state the reasons for his/her noncompliance with the summons of the Board. If the action and order of the Board are sustained, the Court shall require and order the person to appear before the former and to produce the evidence required. Any person who disobeys the order of the Court shall be subject to being punished for contempt.

The Board shall keep a record of the hearing and a transcript thereof shall be filed with the Recording Secretary and every decision shall be issued under the affirmative vote of not less than five (5) of the members of the Board.

At the conclusion of the hearing, the Board shall make its decision within a term not to exceed twenty (20) days from the date of its conclusion. The decision of the Board shall be notified to the initiating party by certified mail with acknowledgement of receipt within ten (10) days after the date of issue of the notice. The decision of the Board shall clearly and concisely state the grounds upon which it is based.”

Section 23.- A new Section 22 is hereby added to Act No. 173 of August 12, 1988, to read as follows:

“Section 22.- Professional Associations.-

The practice of the profession of engineering, architecture, surveying and landscape architecture under a corporate name or professional partnership or association shall be allowed provided all members or principals of said entity hold a license or are in training in the respective professions and are enrolled in the corresponding Register of Professional Associations.”

Section 24.- A new Section 23 is hereby added to Act No. 173 of August 12, 1988, to read as follows:

“Section 23.- Professional Corporations.-

The corporate practice of one or several engineering, architecture, surveying and landscape architecture professions shall be allowed provided said corporation is organized as a professional corporation pursuant to the provisions of this Act or the General Corporation Law of Puerto Rico.”

Section 25.- A new Section 24 is hereby added to Act No. 173 of August 12, 1988, to read as follows:

“Section 24.- Professional Practice, Professional Associations.-

It shall likewise be illegal for any association or group of professionals to use the words ‘engineer’, ‘surveyor’, ‘architect’, or ‘landscape architect’ or any other word derived therefrom in conjunction with a partnership or corporate name.”

Section 26.- Section 20 of Act No. 173 of August 12, 1988, is hereby renumbered as Section 25.

Section 27.- Section 21 of Act No. 173 of August 12, 1988, is hereby amended and renumbered as Section 26, to read as follows:

“Section 26.- Official List.-

The Board shall publish separate lists from time to time, by profession, with the names and addresses of all engineers, surveyors, architects and landscape architects 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 and Landscape Architects of Puerto Rico. It may likewise provide a copy of said lists to any person or entity requesting them, provided they are not used for

commercial ends or purposes, and that they pay the cost of reproducing them through an Internal Revenue voucher.

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

Section 28.- A new Section 27 is hereby added to Act No. 173 of August 12, 1988, to read as follows:

“Section 27.- Special Licenses.-

The Board may issue special licenses to non-domiciled specialized professionals who hold a license from the territory or country of origin, provided they meet the following requirements:

(1) Be a partner in a Professional Corporation whose designated managing partner practices in Puerto Rico, belongs to the same professional

corporation, holds due membership in a College and practices the same specialized profession as the applicant for the Special License.

(2) That the designated managing partner in the professional corporation issues a sworn statement to the effect that he/she made the necessary arrangements and efforts for recruitment and faced difficulties in contracting a specialist in said specialty in Puerto Rico.

(3) The professional specialist shall submit before the Board a sworn statement certifying that he/she is accredited in his/her place of origin, that he/she enjoys a good reputation, and has not violated the Laws or code of ethics which regulate the profession, that he/she is not being investigated for these or other similar reasons and that he/she shall obey the Laws and regulations of the profession and the Laws of Puerto Rico.

(4) The designated managing partner shall be compelled to inform the Board as to the termination of the work or project for which it was required to issue the Special License.

(5) The Special License shall be issued for the term of one year from its date of issue. Should the project or work be prolonged, the professional specialist shall be compelled to apply for a new Special License for an additional term of one year.”

Section 29.- Section 22 of Act No. 173 of August 12, 1988 is hereby amended and renumbered as Section 28, to read as follows:

“Section 28.- Reciprocity.-

The Board, at the request of the interested party and after payment of the fee provided by Regulations, may register and issue engineering, surveying, architecture or landscape architecture certificates or licenses to any person who holds a license issued by the competent authority of any state, territory or possession of the United States of America or of any country, provided

the requirement are not substantially in conflict with the provisions of this Act and whose basic requirements are not less than those specified in the Law governing the pertinent Register in effect locally at the time in which said certificate is issued. To that effect the applicant must meet the requirements stated in this Act and of the state, territory or possession of the United States or the foreign country of which the applicant is a citizen and from whom it has been authorized; and shall, also grant the same rights, with no exceptions whatsoever, to the engineers, architects, surveyors or landscape architects authorized to practice their profession in the Commonwealth of Puerto Rico. The Board may establish 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 professions of engineering, architecture, surveying and landscape architecture in the jurisdictions concerned.

In the case of the profession of engineering, an official certificate signed by the Secretary of State or the authorized official of the state, territory of the foreign country concerned shall be required, which shall guarantee the same rights to the professionals of Puerto Rico that are 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 30.- Section 23 of Act No. 173 of August 12, 1988 is hereby amended and renumbered as Section 29, to read as follows:

“Section 29.- Exemption from Residence Requirement.-

The Board may exempt licensed engineers, architects, surveyors and landscape architects from the residential requirement provided in this Act in the following cases:

(a) When the jurisdiction of origin of the professional likewise exempts Puerto Rican professional from said residential requirement.

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

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

Section 31.- Section 24 of Act No. 173 of August 12, 1988 is hereby amended and renumbered as Section 30, to read as follows:

“Section 30.- Renowned Professionals.-

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

Section 32.- Section 25 of Act No. 173 of August 12, 1988 is hereby amended and renumbered as Section 31, to read as follows:’

“Section 31.- Budget.-

The Board shall annually prepare and submit to the Secretary of State, for the corresponding 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, not later than January 30 of each year, a report of all its activities during the corresponding year and of the use given to the operating funds thereof.”

Section 33.- A new Section 32 is hereby added to Act No. 173 of August 12, 1988, to read as follows:

“Section 32.- Supervision.-

Any agency, public or private corporation or instrumentality of the Commonwealth of Puerto Rico which, as part of its functions, carries out architecture, landscape architecture, surveying or engineering works or projects, shall entrust the direction and supervision of the technical phase of said works or projects to a licensed engineer, architect, surveyor or landscape architect, as the case may be.”

Section 34.- Section 26 of Act No. 173 of August 12, 1988 is hereby amended and renumbered as Section 33, to read as follows:

“Section 33.- 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, landscape 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 comply with the requirements of this Act. The

inclusion of the regulations which govern the practice of landscape architecture in this Act recognizes the fact that landscape architecture is a different profession and not a specialty of architecture.”

Section 35.- Section 27 of Act No. 173 of August 12, 1988 is hereby amended and renumbered as Section 34, to read as follows:

“Section 34.- Professional Practice; Prohibitions.-

For the purposes of this Act it shall be understood that a person practices the professions regulated thereby when he/she exercises, or offers to exercise the practice of the profession of engineering, surveying, architecture or landscape architecture, or holds office or a position in the Government of the Commonwealth of Puerto Rico or in the private sector which entails the performance of functions or the classification defined in this Act as such a practice; or that through the use of written or spoken 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, surveyor or landscape architect or that in any other form or manner uses any of these four (4) professional terms in connection with his/her name or person.

It shall be illegal for any person to practice or offer to practice engineering, architecture, surveying or landscape architecture in Puerto Rico, or to use or advertise in connection with his/her name, any title, word or term, or description, that may give the impression that he/she is an authorized engineer, architect, surveyor or landscape architect, unless he/she is registered as such, pursuant to 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 and Landscape 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 through agents, representatives or job solicitors, 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 or the applicable collegiation laws to exercise the practice of said professions. This provision shall apply to the principal as well as to 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 36.- Section 28 of Act No. 173 of August 12, 1988 is hereby amended and renumbered as Section 35, to read as follows:

“Section 35.- Violations and Penal Sanctions.-

Any person engaged in the practice or who offers to practice the profession of engineering, architecture, surveying or landscape architecture in the Commonwealth of Puerto Rico without being duly authorized pursuant to this Act, or who uses or attempts to use the license, certificate or seal of a professional as his/her own, or presents in any way false or tainted evidence before the Board or before any of its members to obtain a license or certificate or for the renewal or reinstatement thereof, or attempts to pass as a registered professional or to use a revoked certificate or license; or 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 not to exceed ninety (90) days, or both penalties at the discretion of the Court. In the 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 with a term of imprisonment 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, surveyor or landscape architect, the Court shall notify the Board of such a conviction with a copy of the judgment.

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

Section 37.- Section 29 of Act No. 173 of August 12, 1988 is hereby amended and renumbered as Section 36, to read as follows:

“Section 36.- Incorporation of the Code of Ethics.-

The Board shall include as part of its regulations and enforce it when called upon to do so, the Code of Professional Ethics adopted by the College of Engineers and Surveyors of Puerto Rico and by the College of Architects and Landscape Architects of Puerto Rico. Said Colleges shall provide the Board with a certified copy of the Code of Professional Ethics that governs them not later than thirty (30) days following the date of approval of this Act. Any subsequent amendment or modification to the Code of Ethics shall be notified to the Board together with a certified copy thereof, within fifteen (15) days of its adoption.”

Section 38.- Section 30 of Act No. 173 of August 12, 1988 is hereby amended and renumbered as Section 37, to read as follows:

“Section 37.- 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 four (4) 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. 173 of August 12, 1988 and the regulations adopted by virtue thereof.

(c) Any complaint or procedure initiated under Act No. 173 of August 12, 1988 and the regulations adopted by virtue thereof, shall continue to be processed under and pursuant to said Act and its regulations until its final resolution or conclusion.

(d) The Board of Examiners 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. 173 of August 12, 1988, and as such assumes the responsibility for any agreements, covenants, contracts and obligations granted and contracted by the preceding Board. Likewise, all records, files, documents, archives, equipment and funds are hereby transferred from the preceding Board to its successor.

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

(f) Any engineer duly licensed as such by the Board who is qualified to practice the profession of surveyor may continue doing so under his/her 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 in Act No. 173 of August 12, 1988, became effective. After this term, only those engineers thus registered and the professionals holding a surveyor's license, may practice the profession of surveyor in Puerto Rico. The Board shall keep this Permanent Register updated and made available for examination by any interested person. It shall likewise remit 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 as of the date of approval of Act No. 173 of August 12, 1988, began their first year of studies in engineering, may apply for inclusion in said Permanent Register after having passed the revalidation examination required therein and having become collegiated. Said application shall be made within one (1) year from the date of issue of their 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 the profession of surveyor.

For the purposes of the Permanent Register provided in this subsection, a 'qualified engineer' shall mean any person who has approved the Surveying I and II courses, the Surveying Camp and the Highways

Course as academic requirements, or who otherwise presents attesting evidence of having been practicing the profession of surveyor when the Act becomes effective. Once this Act is approved, every Licensed Engineer excluded from the above clauses and 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 Board of Examiners of Surveyors.

(g) 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. 173 of August 12, 1988, shall submit to it no later than three (3) years after the effective date of this Act. Once this term has elapsed, only those requirements established in Section 9 of this Act for surveyors in training and licensed surveyor, shall govern.

(h) Graduate surveyors who, on the effective date of Act No. 173 of August 12, 1988, have graduated from the two(2)-year course offered at the Mayagüez Campus of the University of Puerto Rico, or who have started said course prior to such a date, shall not be bound to comply with the four (4)-year study requirement established in subsection (e) of Section 10 of this Act.

(i) Any certificate or license duly issued pursuant to Act No. 173 of August 12, 1988, shall continue in effect for a term of five (5) years from its corresponding date of issue. Once this term has elapsed said certificates or licenses shall be renewed according to the provisions of Section 17 of this Act.

(j) Those Professional Engineers holding Graduate Engineering Certificates who passed the examinations designated as Fundamental and

Professional and who appear in the Register of the Board as having met all the requirements thus merited, shall be granted the professional license.

(k) Those Professional Architects holding Graduate Architecture Certificates who passed all parts of the revalidation examination and who appear in the Register of the Board as having met all requirements thus merited, shall be granted the professional license.

(l) Those Professional Surveyors holding Graduate Surveying Certificates who passed the examinations designated as Fundamental and Professional and who appear in the Register of the Board as having met all the requirements thus merited, shall be granted the professional license.

(m) Landscape Architecture - Within the term of one year from the date the Board is constituted pursuant to this Act, the Board shall issue licenses for the practice of the profession of landscape architecture without the need of revalidation, to all applicants who meet the following requirements:

1. Hold a Bachelor's, Master's or Doctor's Degree in Landscape Architecture, or equivalent curriculum, from an accredited university, as accepted by the Board of Examiners.
2. Be a resident of the Commonwealth of Puerto Rico.
3. Enjoy good conduct and moral repute in the business and residential community.
4. Present a good conduct certificate from the Puerto Rico Police.
5. Provide the name, address and telephone number of three (3) engineers, surveyors, architects or landscape architects duly licensed by the Board of their jurisdiction, with direct and personal

knowledge of the moral repute and professional experience, if any, of the applicant.”

Section 39.- This Act shall take effect immediately after its approval.