

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: October 18, 2022

SUBJECT: Report on Bill 24-526, “Engineering Licensure Amendment Act of 2022”

The Committee of the Whole, to which Bill 24-526, the “Engineering Licensure Amendment Act of 2022” was referred, reports favorably thereon with amendments, and recommends approval by the Council.

CONTENTS

I.	Background And Need.....	1
II.	Legislative Chronology.....	4
III.	Position of the Executive	5
IV.	Comments of Advisory Neighborhood Commissions	5
V.	Summary Of Testimony.....	5
VI.	Impact On Existing Law	6
VII.	Fiscal Impact.....	6
VIII.	Racial Equity Impact.....	6
IX.	Section-By-Section Analysis	6
X.	Committee Action.....	6
XI.	Attachments	7

I. BACKGROUND AND NEED

On November 30, 2021, Bill 24-526, the “Engineering Licensure Amendment Act of 2022” was introduced by Chairman Phil Mendelson and Councilmember Mary Cheh. As introduced, the bill would amend D.C. Official Code § 47-2853.131 to clarify the scope of the practice of engineering with respect to consultants, officers, or employees of the District government or an independent agency of the District of Columbia and make a conforming amendment to D.C. Official Code § 47-2853.133.

Engineering Licensure Laws in the District

The practice of engineering was not regulated in the District until 1950, when Congress approved the Professional Engineers’ Registration Act.¹ The Act required any person engaged in or offering to engage in the practice of engineering to register with the District of Columbia Board

¹ Public Law 789, 64 Stat. 855.

of Registration for Professional Engineers. To qualify for a certificate of registration, individuals had to hold a license or registration certificate from another state or territory, hold a certificate of qualification issued by the National Bureau of Engineering Registration of the National Council of State Boards of Engineering Examiners, or meet certain qualifications regarding education and experience.² The Act included two specific exemptions relevant to this bill. These exemptions read as follows:

Section 10. EXEMPTIONS – Nothing in this Act shall be construed to affect or prevent the following: ...

(e) The practice of engineering as a consultant, officer, or employee of the Government of the United States or the government of the District of Columbia while engaged solely in such practice for said governments...

(g) The practice of engineering exclusively as an officer or employee of a public-utility corporation (Act Mar. 4, 1914, 37 Stat. 974, ch. 150, sec. 8, par. 1)... Provided, however, That each public-utility corporation shall employ at least one registered professional engineer who shall be in responsible charge of such engineering work...³

Hearing records and reports indicate that these exemptions were included to ensure that major infrastructure projects were not disrupted.⁴

The engineering licensure law was not substantively updated until 1998 when the Council approved Bill 12-845, the “Second Omnibus Regulatory Reform Amendment Act of 1998 (D.C. Law 12-261). D.C. Law 12-261 established the Board of Professional Engineering, which replaced the Board of Registration for Professional Engineers created by Public Law 789, and codified qualifications for practicing engineering in the District. Unlike Public Law 789, D.C. Law 12-261 did not contain exemptions for government employees. However, the law did not repeal the qualifications or exemptions codified by Public Law 789, so these provisions remained the law until the Council approved Bill 21-279, the “Professional Engineers Licensure and Regulation Clarification Amendment Act of 2016.”⁵

Bill 21-279 was introduced by Chairman Phil Mendelson at the request of the Mayor on June 26, 2015. According to the Mayor’s transmittal letter, the two sets of definitions and eligibility requirements created “much conflict and confusion regarding practice standards and licensure requirements.”⁶ As such, Bill 24-279 repealed all of the provisions of Public Law 789, codified as §§ 47-2886.01 through 47-2886.18 in the D.C. Code, including the exemptions for District employees.

Despite being the law in late 2016, the Department of Consumer and Regulatory Affairs (DCRA) did not enforce the requirement for government employees practicing engineering to be

² *Id.*, Section 8(b).

³ *Id.*, Section 10.

⁴ See, for instance, House of Representatives, Judiciary Subcommittee of the Committee of the District of Columbia, Hearing on Bills H.R. 1188 and H.R. 2887, Wednesday, February 15, 1950.

⁵ D.C. Law 21-272. The law was approved by Council on December 6, 2016.

⁶ Bill 21-279 as introduced, Mayor’s transmittal letter, June 26, 2015.

licensed until 2021. In March and April 2021, for instance, D.C. Water received communications from DCRA stating that D.C. Water could be fined if they did not get 38 employees appropriately licensed by August 1, 2021.⁷ Many of these employees perform functions that require a professional engineering license, but they have been in these roles for years and did not require a license prior to 2017.

Due to the negative impacts that enforcement could have on multiple projects at District and independent agencies, the Council adopted emergency legislation (Act 24-105) to add an exemption to D.C. Official Code § 47-2853.133 for persons acting as a “consultant, officer, or employee of the government or an independent agency of the District of Columbia under the supervision of a professional engineer.”⁸ This was the impetus for Bill 24-526.

Bill 24-526

As introduced, Bill 24-526 would amend D.C. Official Code § 47-2853.131 to exempt certain functions from the “practice of engineering” and make a conforming amendment to D.C. Code § 47-2853.133. Specifically, the bill would exempt:

“...the inspection and review of construction by a consultant, officer, or employee of the District government or an independent agency of the District of Columbia for the purpose of monitoring compliance with drawings and specifications, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects and industrial products, or equipment of a control systems, communications, mechanical, electrical, hydraulic, pneumatic, or thermal nature, for conformance with plans and designs approved by a District of Columbia professional engineer licensed pursuant to D.C. Official Code § 47-2853.132(a).”

At the Committee’s hearing on Bill 24-526, and in written comments submitted after the hearing, several witnesses expressed concern that this language is overly broad and could have unintended consequences on the practice of engineering in the District more generally.⁹ As such, the Committee Print strikes this language entirely.

The Committee Print for Bill 24-526 makes two other substantive changes to the bill. First, the Print adds a new paragraph (1A) to D.C. Official Code § 47-2853.132(a) to establish reciprocity for individuals licensed in states with similar (or higher) eligibility requirements. A vast majority of state laws explicitly provide for reciprocity or comity, including states surrounding the District.¹⁰ In Maryland, for instance, the Board is authorized to grant licenses to an individual practicing and licensed in another state so long as the individual is of good character and

⁷ Director Ernest Chrappah, Letter to David L. Gadis Re: Compliance – D.C. Professional Engineer Licensing Laws, April 22, 2021.

⁸ Engineering Licensure Emergency Amendment Act of 2021, Act 24-105, Sec. 2(b).

⁹ See, for instance, Testimony of Hugh Cannon on behalf of the American Council of Engineering Companies of Metropolitan Washington, February 24, 2022, and Testimony of Rick Guerra on behalf of the National Society of Professional Engineers, February 23, 2022.

¹⁰ National Council of Examiners for Engineering and Surveying, Engineering Licensing Regulations by State.

reputation, pays the Board, and provides evidence that the requirements of that state are similar to those of Maryland.¹¹ Additionally, reciprocity language existed in our code until it was repealed by Bill 21-279. The reciprocity language contained in the Committee Print is similar to that of Maryland, ensuring that any applicants receiving an engineering license based on reciprocity meet the District’s qualifications.

Second, the Print strikes language from the introduced version listing specific tasks undertaken by consultants, officers, or employees of the District or independent agencies that would be exempt from engineering licensure requirements. Instead, the Print adds language that exempts “persons acting as a consultant, officer, or employee of the government or an independent agency of the District of Columbia, or to a graduate of a program accredited by the Accreditation Board for Engineering & Technology or another accreditation entity that is acceptable to the Board of Professional Engineers, while under the responsible charge of a professional engineer...”¹² The Print also adds a new paragraph (2) under D.C. Official Code § 47-2853.133(a) that prohibits a professional engineer acting pursuant to (1)(C) from affixing their signature to plans or documents not prepared under their direction or control. The exemption is similar to what was previously in the code, but adds graduates from accredited engineering programs to make easier for these graduates to secure internships and on-th-job training. The Committee believes these changes strike the appropriate balance between giving District agencies the flexibility they need to complete ongoing infrastructure projects without serious delays or complications while protecting the health and safety of residents.

Conclusion

For decades, engineering licensure laws in the District exempted government employees or officers and employees at independent agencies from having to obtain a professional engineering license to engage in the practice of engineering. While the Council repealed this exemption in 2016, there was no enforcement until the spring of 2021. Without the exemption in place, however, projects at multiple District and independent agencies could be negatively impacted due to a lack of appropriately licensed staff. The Committee Print for Bill 24-526 addresses this by re-instating the exemption. Additionally, the Print ensures that the District has reciprocity with jurisdictions that have similar eligibility criteria and ensures that any work being done by District employees or employees at independent agencies who do not have a professional engineering license is being conducted under the responsible charge of a licensed professional engineer. Given these facts, the Committee recommends Council approval of the Committee Print.

II. LEGISLATIVE CHRONOLOGY

November 30, 2021 Bill 24-526, the “Engineering Licensure Amendment Act of 2021” is introduced by Chairman Phil Mendelson and Councilmember Mary Cheh.

December 7, 2021 Bill 24-526 is “read” at a legislative meeting; on this date the referral of the bill to the Committee of the Whole is official.

¹¹ Maryland Annotated Code, § 14-311.

¹² Committee Print, Lines 49-51.

- December 10, 2021 Notice of Intent to Act on Bill 24-526 is published in the *District of Columbia Register*.
- February 24, 2022 The Committee of the Whole holds a public hearing on Bill 24-526 that is recessed to a later date.
- April 25, 2022 The Committee of the Whole reconvenes the public hearing on Bill 24-526.
- October 18, 2022 The Committee of the Whole marks up Bill 24-526.

III. POSITION OF THE EXECUTIVE

Tommy Wells, Director of the Department of Energy and Environment, testified at the Committee's public hearing on Bill 24-526 on April 25, 2022. Director Wells stated that the Executive supports the intent of the bill. He noted that district agencies such as DOEE have had problems filling engineering positions that do not directly require a professional engineering license and that this bill would make filling those positions easier. Director Wells then recommended several amendments to the proposed legislation, including striking new subsection (b) under § 47-2853.131, amending § 47-2853.133(a)(3) to allow non-licensed engineers who have graduated from an accredited engineering program to practice engineering under the supervision of a licensed professional engineer and adding language to establish reciprocity with states that have the same minimum qualifications as the District.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee did not receive comments from any Advisory Neighborhood Commission (ANC) regarding this bill.

V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on Bill 24-526 on April 25, 2022. Copies of written testimony are attached to this report.

Tom Cohn, Executive Director of the Washington Area Council of Engineering Laboratories, testified in opposition to the bill.

Hugh Cannon, President of the American Council of Engineering Companies of Metropolitan Washington, testified in opposition to the bill.

In addition to the testimony summarized above, the Committee received comments in writing, including the following:

Kisha Powell, Chief Operating Office and Executive Vice President of DC Water, provided written comments in support of the bill.

Rick Guerra, President of the National Society of Professional Engineers, provided written comments in opposition to the bill as introduced.

VI. IMPACT ON EXISTING LAW

Bill 24-526 amends D.C. Official Code § 47-2853.132(a) to allow applicants to apply for a professional engineer license if they are licensed in another state with similar eligibility requirements and in good standing. The bill also amends D.C. Official Code § 47-2853.133 to exempt persons acting as consultants, officers, or employees of the government or an independent agency from the prohibition of practicing engineering without a license; provided, that they must be supervised by a licensed professional engineer.

VII. FISCAL IMPACT

The attached October 12, 2022 fiscal impact statement from the District's Chief Financial Officer states that funds are sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill.

VIII. RACIAL EQUITY IMPACT

IX. SECTION-BY-SECTION ANALYSIS

- Section 2 (a) Adds a new subsection (a-1) to D.C. Official Code § 47-2853.132 to allow applicants to apply for a professional engineering license via reciprocity.
- (b) Amends D.C. Official Code § 47-2853.133 to exempt persons acting as consultants, officers, or employees of the government or an independent agency, or graduates from accredited programs, from the prohibition of practicing engineering without a license; provided, that they must be supervised by a licensed professional engineer.
- Section 3 Fiscal impact statement.
- Section 4 Effective date.

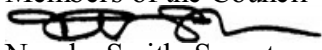
X. COMMITTEE ACTION

XI. ATTACHMENTS

1. Bill 24-526 as introduced.
2. Written testimony.
3. Fiscal Impact Statement for Bill 24-526.
4. Legal Sufficiency Determination for Bill 24-526.
5. Racial Equity Impact Assessment for Bill 24-526.
6. Comparative Print for Bill 24-526.
7. Committee Print for Bill 24-526.

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council
From :  Nyasha Smith, Secretary to the Council
Date : Thursday, December 2, 2021
Subject : Referral of Proposed Legislation

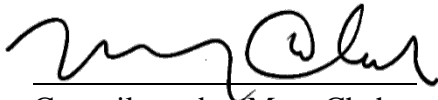
Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Tuesday, November 30, 2021. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Engineering Licensure Amendment Act of 2021", B24-0526

INTRODUCED BY: Chairman Mendelson and Councilmember Cheh

The Chairman is referring this legislation to Committee of the Whole.

Attachment
cc: General Counsel
Budget Director
Legislative Services



Councilmember Mary Cheh



Chairman Phil Mendelson

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend D.C. Official Code § 47-2853.131 to clarify the scope of the practice of engineering with respect to consultants, officers, or employees of the District government or an independent agency of the District of Columbia; and to make a conforming amendment to D.C. Official Code § 47-2853.133.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Engineering Licensure Amendment Act of 2021”.

Sec. 2. Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2853.131 is amended as follows:

(1) The existing text is designated as subsection (a).

(2) A new subsection (b) is added to read as follows:

“(b) Notwithstanding subsection (a), the term “practice of engineering” shall not include the inspection and review of construction by a consultant, officer, or employee of the District government or an independent agency of the District of Columbia for the purpose of monitoring compliance with drawings and specifications, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects and industrial products, or equipment of a control systems, communications, mechanical, electrical, hydraulic, pneumatic,

34 or thermal nature, for conformance with plans and designs approved by a District of Columbia
35 professional engineer licensed pursuant to D.C. Official Code § 47-2853.132(a). Any changes to
36 the approved plans and designs shall be reviewed and approved by a professional engineer
37 licensed pursuant to D.C. Official Code § 47-2853.132(a).”

38 (b) Section 47-2853.133 is amended to read as follows:

39 “(a) Unless licensed pursuant to D.C. Official Code § 47-2853.132, no person shall:

40 “(1) Undertake responsible charge for the practice of engineering by engineers
41 who are not licensed pursuant to section 47-2853.132;

42 “(2) Use the title “professional engineer” or “registered engineer” or display or
43 use any words or letters, figures, titles, signs, cards, advertisement or any other symbols or
44 devices indicating or tending to indicate that the person is a licensed engineer or professional
45 engineer; provided, that this paragraph shall not apply to a person who uses the title
46 “professional engineer” or “registered engineer” or otherwise indicates they are a licensed
47 engineer or professional engineer in accordance with the laws of another jurisdiction in which
48 they are licensed as a professional engineer and in good standing, so long as the use or indication
49 also indicates the jurisdiction in which the person is licensed; or

50 “(3) Engage directly or indirectly in the practice of engineering in the District;
51 provided, that this paragraph shall not apply to the inspection and review of construction by a
52 consultant, officer, or employee of the District government or an independent agency of the
53 District of Columbia for the purpose of monitoring compliance with drawings and specifications,
54 in connection with any utilities, structures, buildings, machines, equipment, processes, work
55 systems, projects and industrial products, or equipment of a control systems, communications,
56 mechanical, electrical, hydraulic, pneumatic, or thermal nature, for conformance with plans and

57 designs approved by a District of Columbia professional engineer licensed pursuant to D.C.
58 Official Code § 47-2853.132(a). Any changes to the approved plans and designs shall be
59 reviewed and approved by a professional engineer licensed pursuant to D.C. Official Code § 47-
60 2853.132(a).

61 “(b) Unless licensed pursuant to D.C. Official Code § 47-2853.132 or a graduate of a
62 program accredited by the Accreditation Board for Engineering & Technology or another
63 accreditation entity that is acceptable to the Board of Professional Engineers, no person shall use
64 the title “engineer” or “engineering design” or display or use any words or letters, figures, titles,
65 signs, cards, advertisement or any other symbols or devices indicating or tending to indicate that
66 the person is an engineer or is practicing engineering; provided, that any person may use the title
67 “engineering aide”, “engineering assistant”, “engineering technician”, or “engineering
68 technologist”.”

69 Sec. 3. Fiscal impact statement.

70 The Council adopts the fiscal impact statement in the committee report as the fiscal
71 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
72 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1 301.47a).

73 Sec. 4. Effective date.

74 This act shall take effect following approval by the Mayor (or in the event of veto by the
75 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
76 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
77 24, 1973 (87 Stat. 813; D.C. Official Code § 1 206.02(c)(1)), and publication in the District of
78 Columbia Register.

**PUBLIC HEARING ON
BILL 24-526, THE “ENGINEERING LICENSURE
AMENDMENT ACT OF 2021”**

**COUNCIL OF THE DISTRICT OF COLUMBIA
THE HONORABLE PHIL MENDELSON, CHAIRPERSON
COMMITTEE OF THE WHOLE**



**TESTIMONY OF KISHIA L. POWELL, PE
CHIEF OPERATING OFFICER AND EXECUTIVE VICE PRESIDENT
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**MONDAY, APRIL 25, 2022
JOHN A. WILSON BUILDING (VIRTUALLY)
1350 PENNSYLVANIA AVENUE, NW**

Good afternoon, Chairman Mendelson, members of the Committee of the Whole and staff, I am Kishia Powell, Chief Operating Officer of DC Water and a District of Columbia licensed Professional Engineer. Most notably, I am a practitioner who strongly believes, as I believe we all do, in the need to preserve the high standards of engineering practice, as well as the practicality of maintaining a pathway for licensure and the need for equity. Thank you for the opportunity to present testimony before you today on behalf of DC Water in support of the intent of Bill 24-526, the “Engineering Licensure Amendment Act of 2021.”

DC Water is a regional water and wastewater utility with a service area that spans 725 square miles, serving 2 million people each day in the District of Columbia and jurisdictions in Maryland and Virginia. As part of our responsibilities, we manage and maintain \$7.5 billion in critical infrastructure assets including Blue Plains, the largest advanced wastewater treatment facility in the world and over 3,000 miles of water and sewer pipe.

As Chief Operating Officer, I have the honor of serving with a team of professionals across our operating cluster whose primary objective is assuring the reliability of the services DC Water provides. In part, we accomplish this through the implementation of our \$6.4 billion capital

improvement program with over 200 planned projects that have a direct and vital impact on the quality of life for all those we serve.

Our operating and engineering teams, who hold paramount the safety, health, and welfare of the public, are comprised of frontline operational staff, as well as dedicated engineering and construction management professionals inclusive of 54 District of Columbia licensed professional engineers; 6 professional engineers with out-of-state licensure; 10 engineers-in-training; and non-licensed individuals who have opportunities to engage in our on-going projects performing functions that are included in the definition of the practice of engineering.

DC Water supports the proposed amendments to Bill 24-526 insofar as it allows for equity in our existing and future workforce. Notably, where those who may not have a college education, but have the experience, fully understand the work and the intricacies of the systems and infrastructure assets we manage, will be able to participate in career tracks that involve the practice of engineering. This is with the full understanding that only licensed professional engineers can work independently, sign, seal, and serve as the engineer in responsible charge. Even as COO, I must limit the use of my professional engineering credentials in areas where I do not have the competence or have not provided the requisite oversight to be in responsible charge. However, it is vital that DC Water remain an anchor institution in the

community, not only offering job opportunities for experienced District licensed professional engineers, but also provide career tracks for graduates of the three District of Columbia Public School STEM high schools.

DC Water supports including the following provisions:

1. Ensure that the legislative language is consistent with Department of Consumer and Regulatory Affairs' requirements for graduates of accredited engineering programs to gain the required years of experience under the responsible charge of a District of Columbia licensed engineer.
2. Allowance for non-engineers, such as construction inspectors, technicians with a high school diploma, and interns, to perform some functions included in the definition of the practice of engineering under the responsible charge of a District of Columbia licensed professional engineer. (From an equity standpoint we believe in providing “career pathways” for those that could not or choose not to attend college. Most importantly, for our existing cadre of non-engineering staff, their ability to continue performing their job duties under supervision is akin to legal interns, paralegals and legal

assistants that are still considered highly valued members of a legal team, though not qualified lawyers.)

In closing, it is said that policies reflect the values of the people that are in power. We believe the proposed amendments to the current law reflect the values of this Council and the constituencies it serves. Thank you for the opportunity to appear before you today. We look forward to continuing to work with the Council on the passage of this bill, as well as with our other District agency partners.

This concludes my testimony. I am happy to answer questions from the Committee.



7508 Wisconsin Avenue, 4th Floor, Bethesda, MD 20814; 301-652-7925; www.wacel.org

Testimony before the Council of the District of Columbia
RE: Engineering Licensure Amendment Act of 2021

My name is Tom Cohn and I serve as the Executive Director of WACEL. WACEL is a nonprofit association of engineering laboratories, inspection agencies and building officials that represents more than 60 engineering offices in the District of Columbia and surrounding metropolitan area. We thank you for this opportunity to help preserve and protect public health and safety that will be compromised if not severely jeopardized if the Engineering Licensure Amendment Act of 2021 passes.

WACEL members perform almost all of the special inspections in the District of Columbia. Special Inspections are a special type of third-party inspection mandated by the DC Construction Code, DCRA and the International Building Code. Special inspections are required by Code to be performed by licensed professional engineers because those services require engineering judgment and engineering expertise.

The District of Columbia's Special Inspections Manual defines Special Inspections as the monitoring of certain materials **critical** to the integrity of the building structure. It is a specialized inspection of certain, complex construction to help ensure that the building is constructed in accordance with approved plans and specifications and relevant codes and reference standards.

Special Inspections safeguard public safety and general welfare by applying the expertise of a professional engineer to verify the integrity of structural and fire systems and other critical building materials and components. The only individuals that are qualified and therefore legally required to verify these critical building components are registered professional engineers. That is the reason why it is mandated in the International Building Code, the DC Code and by DCRA and almost every other jurisdiction in the United States that special inspection services must be performed by a licensed professional. Codes also require a professional engineer to stamp and seal the final report of special inspections, which is a prerequisite to obtaining a certificate of occupancy in the District of Columbia.

Licensed professional engineers are duty bound and legally obligated first and foremost to protect the health, safety, and welfare of the public. That duty is exchanged for the license to practice engineering. Additionally, professional engineers must agree to a code of ethics that requires them to perform services only in their area of competence, to only issue statements in an objective and truthful manner, act for each employer or client as a faithful agent or trustee and to conduct

themselves honorably, responsibly, ethically and lawfully. Ethics are a component of the licensure and are continuing education requirements for licensure renewals.

The Engineering Licensure Amendment Act of 2021 would eliminate the legal and ethical obligations to protect public health and safety and the welfare of the people that licensed professional are legally mandated to follow. The Amendment would also increase the District's own liability by eliminating safeguards that are acknowledged as necessary.

We do not believe that the District of Columbia would change the definition of medical practice to allow an unlicensed individual to perform surgery. We do not believe the District of Columbia would allow someone who did not pass the bar to practice law.

We ask who is to benefit from the District of Columbia changing the definition of engineering to allow unlicensed individuals to provide engineering services and at what cost?



**TESTIMONY OF ACEC/MW
COMMITTEE OF THE WHOLE
HEARING ON Bill 24-526
February 24, 2022**

DELIVERED BY: ACEC/MW President - Hugh "Mac" Cannon, MPA, CAE

Chairperson Mendelson, Council Members Bonds, Silverman, R.White, Henderson, Nadeau, Pinto, Cheh, George, McDuffie, Allen, Gray, T.White, thank you for the opportunity to speak to you on this bill.

I am here representing the American Council of Engineering Companies of Metropolitan Washington (ACEC/MW). ACEC is the national trade association representing consulting engineering firms from across the country. ACEC Metropolitan Washington is the regional association member of that federation and was founded in 1958. It represents over 100 consulting engineering firms and an estimated 4,700 employees in the Washington, D.C. area across all three regional jurisdictions, which includes Washington, DC, suburban Maryland and northern Virginia. More specifically, there are close to 850 employees in over 40 offices of our membership that work within the boundaries of the District of Columbia. The commitment of our members who are devoted to the improvement of business practices, local/state/federal government representation, continuing education regarding new industry trends and technologies, and the enhancement of the public's understanding of consulting engineers is paramount.

We are the voice of the business of engineering in the Metropolitan Washington area and have many solid relationships with public agencies throughout the region. Furthermore, our strategic goals are to educate, engage and advocate on behalf of our industry with the aim to serve as a resource to you on the infrastructure challenges and needs facing our shared communities.

Below are some points that we would like to share in regard to the ramifications of the existing legislations language, which we believe might have unintended consequences affecting our industry. We stand ready to assist in any capacity to help formulate/define this important legislation:

- By our Code of Ethics as published by NSPE, Engineers are dedicated to the protection of public health, safety and welfare.
- ACEC/MW supports the legislation that requires an engineer in "Responsible Charge" must be a licensed Professional Engineer.
- ACEC/MW acknowledges and supports the premise that Construction Management and Inspection services do not require someone to be an engineer or a licensed professional engineer, with the exception of Special Inspections Policy that follow the International Building Code, IBC, which directly stipulate the requirement for a Registered Professional Engineer.

- ACEC/MW does not support and is opposed to the legislation that proposes that Construction Management and Inspection services are not a part of the practice of engineering.
- ACEC/MW does not support and is opposed to the legislation that attempts to define the practice of engineering as only being performed by a licensed professional engineer. The practice of engineering is performed daily by engineers that have graduated from accredited colleges and universities under the direction and supervision of a Responsible Charge licensed Professional Engineer.
- ACEC/MW does not support the proposed legislation because:
 - It will have a direct negative impact to the Engineering industry
 - It will have a direct negative impact to the ability of engineering companies and agencies to perform the practice of engineering
 - It will have a direct negative impact to the engineering workforce within the District of Columbia and could precipitate a migration of that workforce out of the District to adjacent states
 - It will have a direct negative impact to Small Businesses, Minority Owned Businesses, and Local Businesses by reducing their ability to perform the practice of engineering
 - It will have a direct negative impact to the ability of a non-licensed engineer to obtain the required years of service performing the practice of engineering in the District of Columbia under the supervision and direction of a licensed Professional Engineer
- ACEC/MW welcomes the opportunity to work with the DC Council, the DC Agencies, the DC PE Board and other professional associations to develop legislation that supports the practice of engineering and goals of the DC Council for the betterment of engineering industry.

Additional/Supplemental Items of Reference:

- ACEC/MW is supportive of accommodations for the officers and employees of District government or independent agencies. We do not support accommodations for the consultants of District government or independent agencies.
- ACEC/MW acknowledges and supports the premise that Construction Management and Inspection services do not require someone to be an engineer or a licensed professional engineer, with the exception of Special Inspections Policy that follow the International Building Code, IBC, which directly stipulate the requirement for a Registered Professional Engineer:

Generally, ACEC MW and its members believe strongly that Engineers provide an important set of skills in the function of Construction Management, Construction Engineering, and Construction Inspection (collectively referred to as CM) that protects the public safety and provides stewardship of public investments. We also believe that CM includes many facets, including financial management, risk management, scheduling and estimating, document controls, communication and onsite inspection. These functions can and should be

performed by both engineers and non-engineers. CM is often best delivered by a team with diverse skills and is often successfully led and delivered by professionals with non-technical education, as well as architects, geologists, project managers and other professionals. The needs for management of any project should be addressed based on the risks and technical considerations of each unique project. Owners, like DDOT, DC Water or DOEE, should have the discretion to require a registered Professional Engineer when there is a specific reason to do so on a particular project, and they should also be able to not require it when it is deemed appropriate not to do so. The Construction Management Assoc. of America (CMAA) and the Project Management Institute (PMI) both offer rigorous certification programs to allow non-engineers a means of demonstrating their competencies in CM.

- DCRA's Third-Party Program includes the Special Inspection Policy which is based on Chapter 17 of the International Building Code (IBC) which is widely accepted and implemented by jurisdictions in the Washington, DC region and across the United States. As defined by DCRA's Special Inspections Policy Manual 2018, the Special Inspections Engineer of Record (SIER) is, "The Registered Design Professional, registered in the District of Columbia, who is directly responsible for special inspections, materials testing and related services as described in the District-approved statement of special inspections and this document." The Engineering Licensure Act of 2021 removes inspection and review of construction from the "practice of engineering". This is in direct opposition to DCRA's Special Inspection Policy and IBC Chapter 17 which place particular importance and responsibility on the Registered Design Professional (normally a Professional Engineer) responsible for the inspection, testing, and review aspects of construction. As described in DCRA's Special Inspection Policy Manual 2018, IBC's Special Inspections program was developed in response to numerous avoidable structural failures during the 1970's and 1980's (notably, the collapse of the 26-story Skyline Towers in Fairfax County, Virginia in 1973). DCRA's Special Inspection program (of which the Special Inspections Engineer of Record is integral) is intended to safeguard public safety and general welfare through specialized verification of structural, fire and critical component integrity of building materials. In light of the great loss of life in the recent Surfside condominium collapse in a suburb of Miami, Florida and several recent structural collapses in Washington, DC, it is concerning that the proposed Engineering Licensure Amendment Act of 2021 has the apparent desire to separate inspection and review of construction from the practice of engineering.
- ACEC/MW does not support and is opposed to the legislation that attempts to define the practice of engineering as only being performed by a licensed professional engineer. The practice of engineering is performed daily by engineers that have graduated from accredited colleges and universities under the direction and supervision of a Responsible Charge licensed Professional Engineer.

We believe that the language in lines 28-37, defining "the practice of engineering" is overly prescriptive, confusing and not consistent with the generally understood meaning of those terms in the industry. Entering this language into law creates questions as to whether the type of work described would count toward the required experience for Professional Engineer licensure. It invites an overly stringent interpretation which would result in construction inspection and construction management activities not being considered "the

practice of engineering” for the purposes of professional engineering licensure and experience. This is detrimental to the industry because it discourages those, who have graduated from an ABET Accredited school, from choosing a career in construction engineering, since the bar would be higher for those in construction engineering to prove that they have completed the relevant experience in the NCEES required four years, compared to those who choose to begin their career in the design practice.

Further, we feel that the language proposed in lines 61-68, in an attempt to define who can identify with use of the term “engineer” is similarly unuseful and confusing. There is no point or benefit to trying to discern as to whether the term applies to an individual with a degree but not licensed, or whether someone from another country or state designation can use the term, or even whether it is correct for individuals in other industries who commonly use such terms as “Building Engineer” should be allowed used of the term. This proposed language should be deleted entirely.

- It will have a direct negative impact to Small Businesses, Minority Owned Businesses, and Local Businesses by reducing their ability to perform the practice of engineering

The proposed language in both sections noted above, could lead to unintended outcomes, including interfering with adherence to the Brooks Act, which could have a detrimental effect to Architecture and Engineering companies and small or disadvantaged companies in particular. The Brooks Act of 1972 is a federal law that requires that the federal government select engineering and architecture firms based upon their competency, qualifications and experience, rather than by price. Specifically, the Brooks Act serves to sustain a high level of quality by preventing AE work from being commoditized. It also protects small AE businesses by eliminating the consideration of overhead rates from selection. The proposed language in the Amendment removes CM work from Brooks Act protections, which is inherently harmful to small, local engineering and architecture companies

Thank you for your consideration of our thoughts on these issues. As infrastructure experts and those representing many businesses within the District of Columbia, we stand ready to provide advice to you and your staff on this and other important matters that come before the Council.

Thank you.

Sincerely,



Hugh “Mac” Cannon, MPA, CAE
ACEC/MW President
Phone: 202.644.8260
Email: hmcannon@acecmw.org

CC: ACEC/MW Board of Directors

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment



Public Hearing on

Bill 24-526, the Engineering Licensure Amendment Act of 2021

Testimony of
Tommy Wells
Director, Department of Energy and Environment

Before the
Committee of the Whole
Phil Mendelson, Chairman

Council of the District of Columbia

February 24, 2022
2:00 p.m.
Washington, D.C.



Good afternoon Chairman Mendelson and Committee of the Whole members and staff. I am Tommy Wells, Director of the Department of Energy and Environment (DOEE). The pronouns that I use are he/him.

Today we acknowledge the Indigenous People that originally occupied the land on which we work and live. The District of Columbia occupies the unceded ancestral land of Nacotchtank, the sacred site of the Nacostine/Anacostan people, and the unceded ancestral land of the Piscataway people.

Thank you for the opportunity to present testimony before you today on Bill 24-526, the Engineering Licensure Amendment Act of 2021.

This bill clarifies the scope of the practice of engineering with respect to consultants, officers, or employees of the District government or an independent agency of the District of Columbia, as well as the practice of engineering in the private sector.

Engineers play a vital role in the development and function of the District's built environment. DOEE employs 31 engineers that ensure construction and development is conducted in accordance with the District regulations to protect the public health, welfare, and safety, and the natural environment.

DOEE supports the intent of Bill 24-526 and the need to enforce high standards that have been put in place across the nation to ensure that qualified individuals are performing engineering functions and only licensed professional engineers can sign, seal and take responsibility for designs requiring a permit. The current law is not consistent with engineering practice or other states in the following ways:

- Graduates of accredited engineering programs can not directly or indirectly practice engineering in the District without a professional engineer (PE) license, although you need a minimum of four years of experience to be eligible for a license.
- Engineers without a professional engineer license are not allowed to use the term "engineer" in their title.
- Engineers that are licensed in other states are not allowed to utilize reciprocity to obtain a license in the District.

Under current law District agencies, including DOEE, have had difficulty filling engineering positions that do not directly require a PE license. According to DC Department of Human Resources (DCHR), agencies are not allowed to hire staff into engineering positions without a PE license. Additionally, DCHR does not allow for Engineers-in-Training to gain required experience, and DOEE is forced to recruit for entry-level engineers without calling them engineers. Lastly, current law would prohibit non-licensed engineers from performing engineering work, either directly or indirectly, even if they are supervised by a licensed engineer.



DOEE supports Bill 24-526 because it addresses the shortcomings in the current law. It allows non-engineers to inspect and review construction if working for the District government and contractors. District-licensed engineers can supervise unlicensed engineers in the practice of engineering. Professional engineers licensed in other states may present themselves as a professional engineer so long as they use or indicate the other jurisdictions in which they are licensed. Additionally, graduates of an accredited Engineering program may use the term “engineer” in their title.

Notwithstanding the DOOE’s support of the bill, we would like to recommend a few amendments that we believe would further enhance the District’s ability to hire qualified engineers.

The proposed legislation would add a new subsection (b) to § 47-2853.131. Subsection (b) removes inspection from the scope of engineering practices. In contrast, the new § 47-2853.133(a)(3) would allow only non-licensed engineers who are consultants, officers, or employees of the District to perform inspections. This language is not necessary given the proposed new subsection (b) in § 47-2853.131. Instead DOEE recommends deleting subsection (b) for § 47-2853.131 and amending § 47-2853.133(a)(3) to allow non-licensed engineers who have graduated from an accredited engineering program to practice engineering under the supervision of a licensed professional engineer.

Lastly, the District currently does not have reciprocity agreements with other states. At a minimum, DOEE recommends that the bill allow reciprocity with states that have the same minimum qualifications to obtain a PE license.

I can also confirm that the DC Department of Transportation shares DOEE’s position on this important legislation and I understand that they will be following up with a statement for the hearing record. DOEE looks forward to working with the Committee as it moves forward with this important legislation. Thank you for the opportunity to testify today. I look forward to answering any questions you may have.



Via e-mail only: COW@DCCouncil.us

February 23, 2022

Chairman Phil Mendelson
Council of the District of Columbia
Committee of the Whole
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Re: DC B24-0526 proposed to modify Section 47-2853.133(a)(3)

To: Council of the District of Columbia, Chairman Phil Mendelson:

I appreciate the opportunity to provide testimony at the public hearing and written statements by those of us unable to participate in the public hearing.

On behalf of the National Society of Professional Engineers (NSPE), I wish to express my concerns about the risk to the public health, safety, and welfare that is inherent in the proposed legislation. Since the founding of NSPE in 1934, it has been the unwavering policy of NSPE that all engineers in responsible charge of the practice of engineering be licensed for the protection of public health, safety, and welfare. A discussion can be found at <https://www.nspe.org/sites/default/files/resources/pdfs/GR/2018handouts/Why-PEs-Need-to-Be-Licensed-May-2018-FINAL.pdf>.

I understand that this proposed modification follows a modification passed on an emergency/temporary basis through DC B24-0226. However, that modification temporarily excluded from the licensing requirement “persons acting as a consultant, officer, or employee of the government or an independent agency of the District of Columbia under the supervision of a professional engineer. The supervising professional engineer shall verify that any engineering work done by such persons is in compliance with all applicable laws and rules of the District.” That exclusion still required that the engineering work be performed under the supervision of a professional engineer.

This proposal is, in fact, completely different from the emergency/temporary modification. This proposal would allow unlicensed individuals to perform engineering services without any engineering supervision whatsoever.

Whatever the concerns driving this proposed change, whether hiring challenges, staffing levels, or cost, there are important reasons why the solution to those concerns is NOT to carve out inspection and compliance review as exceptions to the requirement of DC’s own statute requiring a professional license in order to practice engineering. Many of those reasons have far-reaching consequences. Recent events have highlighted the need for qualified professional engineers in the public sector to conduct inspections and to review compliance with plans.

Subcontracting can be a vital solution to concerns about both hiring challenges and work loads requiring less than full-time employment. Subcontracting brings substantial benefits to the function.

When professional services are subcontracted, the services are not protected by sovereign immunity, the professional services provider indemnifies the jurisdiction, and the insurance of the professional services provider answers claims of negligence. This serves to insulate the jurisdiction from the challenges of claims.

When professional services are subcontracted, the jurisdiction pays only for services used. On the other hand, if the jurisdiction hires an employee to perform the services, the jurisdiction must pay full wages, full benefits, is liable for any and all workers' compensation claims, and, if the person is laid-off, full unemployment compensation.

When professional services are subcontracted, the jurisdiction has an enhanced ability to identify and utilize disadvantaged contractors, including woman-owned, minority-owned, disability-owned, and veteran-owned businesses, of which there are ample in the DC-area. As it currently stands, DC follows the NCEES Model Law for engineering licensing. Initial licensure requires a 4 year degree, 4 years of experience, and passage of the FE/PE exams. And continually since 2017, DC has had no exemptions to licensing. A licensed professional engineer must diligently maintain current skills through 20 hours of continuing education per biennial renewal cycle, with at least one hour be in engineering ethics. There are ample opportunities in the District of obtain the requisite continuing education, whether from the University of the District of Columbia, NSPE, or NSPE-DC, among many others.

There is simply no rationale for the proposed exception. To the contrary, the proposed exception will have the unintended consequence of discouraging local engineers from working with the District. Engineers who have taken the Fundamentals exam and intend to be on the path for licensure will be thwarted because their work with the District would not fulfill the experience requirement if those engineers are not under the supervision of licensed professional engineers. Engineers who are interested in multi-state licensure will be discouraged from obtaining DC licenses because those licenses will not be accepted as equivalent and, therefore, not eligible for reciprocity. Only three states have an exemption for political subdivisions, counties, cities, or municipalities: Colorado, South Dakota, and Vermont. All other jurisdictions required licensed professional to provide engineering services.

Courts are increasingly finding liability for failure to consider upstream and downstream implications of storm water management design. Courts are increasingly considering the qualifications of inspectors and plan reviewers in allocating liability for structural failures.

I strongly urge you to vote against this measure. This proposed modification places the public health, safety, and welfare at substantial and foreseeable risk.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Rick Guerra", with a long horizontal flourish extending to the right.

Rick J. Guerra, P.E., F.NSPE
President
National Society of Professional Engineers (NSPE)

RJG:mac

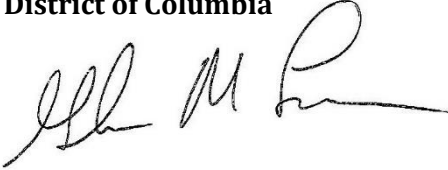
Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Glen Lee
Chief Financial Officer 

DATE: October 12, 2022

SUBJECT: Fiscal Impact Statement – Engineering Licensure Amendment Act of 2022

REFERENCE: Bill 24-526, Committee Print as provided to the Office of Revenue Analysis on September 26, 2022

Conclusion

Funds are sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill.

Background

The bill permanently authorizes individuals working as a consultant or employee for the District or an independent agency to do engineering work provided they are supervised by a licensed engineer. This practice was previously allowed until a 2016 law¹ made changes to engineering licensure requirements and was recently authorized on an emergency basis².

The bill also allows individuals to apply for a District engineering license if they are a professional engineer in another state with equivalent licensing requirements.

Financial Plan Impact

¹ Professional Engineers Licensure and Regulation Clarification Amendment Act of 2016, effective April 15, 2017 (D.C. Law 21-0272; 64 DCR 4530).

² Engineering Licensure Emergency Amendment Act of 2022, enacted June 3, 2022 (D.C. Act 24-423; 69 DCR 6233).

The Honorable Phil Mendelson

FIS: Bill 24-526, "Engineering Licensure Amendment Act of 2022," Draft Committee Print as provided to the Office of Revenue Analysis on September 26, 2022

Funds are sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. The changes made to engineering requirements do not have a cost to Department of Licensing and Consumer Protection or the Board of Professional Engineering.

DRAFT COMPARATIVE PRINT
Committee of the Whole
BILL 24-526

D.C. OFFICIAL CODE § 47–2853.132. ELIGIBILITY REQUIREMENTS.

(a) An applicant for licensure as a professional engineer shall establish to the satisfaction of the Board of Professional Engineers that the applicant:

(1) [Repealed].

(2) Is a graduate of an accredited college or university with a degree in engineering based on a four year curriculum in engineering that is acceptable to the Board;

(3) Has passed an examination on the principles and practice of engineering prescribed by rule or has passed any other examination issued by a national certifying organization or state that is acceptable to the Board; and

(4) Meets any other requirements established by rule to ensure that the applicant has had the proper training, experience, and qualifications to practice as a professional engineer.

(a-1) Notwithstanding subsection (a) of this section, an applicant for licensure as a professional engineer may establish to the satisfaction of the Board of Professional Engineers that the applicant is licensed or certified as a professional engineer and in good standing in another state or is endorsed or certified by a national certifying organization and presents proof thereof to the Board. An applicant licensed and in good standing in another state must demonstrate to the satisfaction of the Board that, at the time the applicant was issued a license by the other state licensing entity, the licensure standards in that state were at least as high as those required by the laws of the District.

(b) The Board of Professional Engineering may also provide, by regulation, for the registration or licensure of an applicant as an engineer-in-training who meets such standards as the Board shall establish.

* * *

D.C. OFFICIAL CODE § 47–2853.133. CERTAIN REPRESENTATIONS PROHIBITED.

~~Unless licensed to practice engineering under this subchapter, no person shall engage directly or indirectly in the practice of engineering in the District or use the title “engineer”, “registered engineer”, “engineering design”, “professional engineer” or display or use any words or letters, figures, titles, signs, cards, advertisement or any other symbols~~

~~or devices indicating or tending to indicate that the person is an engineer or is practicing engineering.~~

(a)(1) Unless licensed pursuant to D.C. Official Code § 47-2853.132, no person shall:

(A) Undertake responsible charge for the practice of engineering;

(B) Use the title “professional engineer,” “registered engineer,” “engineer” or “engineering design” or display or use any words or letters, figures, titles, signs, cards, advertisements, or any other symbols or devices indicating or tending to indicate that the person is a licensed engineer or professional engineer; except, that this subparagraph shall not apply to a person who uses the title “professional engineer” or “registered engineer” or otherwise indicates they are a licensed engineer or professional engineer in accordance with the laws of another jurisdiction in which they are licensed as a professional engineer and in good standing, so long as the use or indication also indicates the jurisdiction in which the person is licensed, and any person any person may use the title “engineering aide”, “engineering assistant”, “engineering technician”, or “engineering technologist”; or

(C) Engage directly in the practice of engineering in the District; provided, that this paragraph shall not apply to persons acting as a consultant, officer, or employee of the District government or an independent agency of the District of Columbia, or to a graduate of a program accredited by the Accreditation Board for Engineering & Technology or another accreditation entity that is acceptable to the Board of Professional Engineers, while under the responsible charge of a professional engineer licensed pursuant to § 47-2853.132.

(2) A professional engineer under whose charge an individual is acting pursuant to subparagraph (1)(C) of this subsection shall refrain from affixing the professional engineer’s signature to any plans or documents not prepared under the professional engineer’s direction or control.

1 **DRAFT COMMITTEE PRINT**
2 **Committee of the Whole**
3 **October 18, 2022**

4
5
6
7 A BILL

8
9 24-526

10
11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
12
13
14

15 To amend D.C. Official Code § 47-2853.132 to clarify eligibility requirements for professional
16 engineers, and to amend D.C. Official Code § 47-2853.133 to re-establish an exemption
17 for engaging in engineering work without a license for employees, officers, and
18 consultants of the District government and independent agencies, as well as graduates of
19 accredited engineering programs, who work under the supervision of a professional
20 engineer.

21
22 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
23 act may be cited as the “Engineering Licensure Amendment Act of 2022”.

24 Sec. 2. Chapter 28 of Title 47 of the District of Columbia Official Code is amended as
25 follows:

26 (a) Section 47-2853.132 is amended by adding a new subsection (a-1) to read as follows:

27 “(a-1) Notwithstanding subsection (a) of this section, an applicant for licensure as a
28 professional engineer may establish to the satisfaction of the Board of Professional Engineers
29 that the applicant is licensed or certified as a professional engineer and in good standing in
30 another state or is endorsed or certified by a national certifying organization and presents proof
31 thereof to the Board. An applicant licensed and in good standing in another state must
32 demonstrate to the satisfaction of the Board that, at the time the applicant was issued a license by

33 the other state licensing entity, the licensure standards in that state were at least as high as those
34 required by the laws of the District.”.

35 (b) Section 47-2853.133 is amended to read as follows:

36 “(a)(1) Unless licensed pursuant to § 47-2853.132, no person shall:

37 “(A) Undertake responsible charge for the practice of engineering;

38 “(B) Use the title “professional engineer,” “registered engineer,”

39 “engineer” or “engineering design” or display or use any words or letters, figures, titles, signs,

40 cards, advertisements, or any other symbols or devices indicating or tending to indicate that the

41 person is a licensed engineer or professional engineer; except, that this subparagraph shall not

42 apply to a person who uses the title “professional engineer” or “registered engineer” or otherwise

43 indicates they are a licensed engineer or professional engineer in accordance with the laws of

44 another jurisdiction in which they are licensed as a professional engineer and in good standing,

45 so long as the use or indication also indicates the jurisdiction in which the person is licensed;

46 except also, that any person any person may use the title “engineering aide”, “engineering

47 assistant”, “engineering technician”, or “engineering technologist”; or

48 “(C) Engage directly in the practice of engineering in the District;

49 provided, that this paragraph shall not apply to a person acting as a consultant, officer, or

50 employee of the District government or an independent agency of the District of Columbia, or to

51 a graduate of a program accredited by the Accreditation Board for Engineering & Technology or

52 another accreditation entity that is acceptable to the Board of Professional Engineers, while

53 under the responsible charge of a professional engineer licensed pursuant to § 47-2853.132.

54 “(2) A professional engineer under whose charge an individual is acting pursuant

55 to subparagraph (1)(C) of this subsection shall refrain from affixing the professional engineer’s

56 signature to any plans or documents not prepared under the professional engineer's direction or
57 control.

58 Sec. 3. Fiscal impact statement.

59 The Council adopts the fiscal impact statement in the committee report as the fiscal
60 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
61 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

62 Sec. 4. Effective date.

63 This act shall take effect following approval by the Mayor (or in the event of veto by the
64 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
65 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
66 24, 1973 (87 Stat. 813; D.C. Official Code § 1 206.02(c)(1)), and publication in the District of
67 Columbia Register.