



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**WAGGONER CARR
ATTORNEY GENERAL**

May 25, 1966

Honorable Thomas C. Green
Texas State Board of Registration
for Professional Engineers
Austin, Texas

Opinion No. C-691

Re: Whether the use of certain engineering titles and similar engineering designations by persons not licensed to practice engineering in Texas, violates the Texas Engineering Practice Act.

Dear Colonel Green:

In your letter seeking an official opinion from this office, you have set forth that:

"Since August 30, 1965, when the Texas Engineering Practice Act went into effect, it has come to the attention of the Board that unlicensed persons as employees of business firms are calling themselves 'sales engineers,' 'moving engineers,' 'safety engineers,' 'tax engineers,' and other similar engineering titles. These titles are being used on stationery, building directories, telephone directories, business cards, advertisements and other means of communication to the public."

In connection with the foregoing statement, you have requested the opinion of this office upon the question of:

". . . whether or not use of the engineering titles and terms stated above and other similar engineering designations by persons not licensed to practice in Texas constitutes violation of the Texas Engineering Practice Act."

Section 1.1 of Article 3271a, Vernon's Civil Statutes, the Texas Engineering Practice Act, provides in part that:

" . . . in order that the state and members of the public may be able to identify those duly authorized to practice engineering in this state . . . only licensed and registered persons shall practice, offer or attempt to practice engineering or call themselves or be otherwise designated as any kind of an 'engineer' or in any manner make use of the term 'engineer' as a professional, business or commercial identification, title, name, representation, claim or asset. . . ." (Emphasis added)

Section 1.2 of Article 3271a provides in part that:

"From and after the effective date of this Act, unless duly licensed and registered in accordance with the provisions of this Act, no person in this state shall:

" . . .

"(2) Directly or indirectly, employ, use, cause to be used or make use of any of the following terms or any combinations, variations or abbreviations thereof as a professional, business or commercial identification, title, name, representation, claim, asset or means of advantage or benefit: 'engineer', 'professional engineer,' 'licensed engineer,' 'registered engineer,' 'registered professional engineer,' 'licensed professional engineer,' 'engineered,'

"(3) Directly or indirectly, employ, use, cause to be used or make use of any letter, abbreviation, word, symbol, slogan, sign or any combinations or variations thereof, which in any manner whatsoever tends or is likely to create any impression with the public or any member thereof that any person is qualified or authorized to practice engineering unless such person is duly licensed, registered under and practicing in accordance with the provisions of this Act."
(Emphasis added)

Section 20 of Article 3271a provides that certain persons shall be exempt from the provisions of the Texas Engineering Practice Act, but such exemption carries with it the proviso that such persons:

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" . . . are not represented or held out to the public as duly licensed and registered by the Board to engage in the practice of engineering. . . ."

Also, in Subsections (g), (h), and (i) of Section 20 of Article 3271a is found the language that:

" . . . This exemption includes the use of job titles and personnel classifications by such persons not in connection with any offer of engineering services to the public, providing that no name, title, or words are used which tend to convey the impression that an unlicensed person is offering engineering services to the public."

In construing the above provisions, it would be important to note certain language found in Section 1.1 of Article 3271a which provides that:

"In recognition of the vital impact which the rapid advance of knowledge of the mathematical, physical and engineering sciences as applied in the practice of engineering is having upon the lives, property, economy and security of our people and the national defense, it is the intent of the Legislature, in order to protect the public health, safety and welfare, that the privilege of practicing engineering be entrusted only to those persons duly licensed, registered and practicing under the provisions of this Act and that there be strict compliance with and enforcement of all the provisions of this Act . . . and all the provisions of this Act shall be liberally construed and applied to carry out such legislative intent.

. . .

In view of the foregoing provisions of Article 3271a of the Texas Engineering Practice Act, we are of the opinion that it is a violation of Article 3271a for an individual, not licensed or registered by the Texas State Board of Registration for Professional Engineers to practice engineering in the State of Texas, to use, in connection with his name, such designations as "sales engineer", "moving engineer," "safety engineer," "tax engineer" or other similar designations making use of the word "engineer," or some derivative thereof, when used on stationery, building directories, telephone directories, business cards, advertisements or other means of communication to the public.

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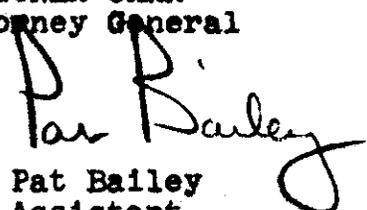
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The use by an individual, in connection with his name, of such designations as "sales engineer," "moving engineer," "safety engineer," "tax engineer," or other similar designations making use of the word "engineer," or some derivative thereof, is a violation of Article 3271a, Vernon's Civil Statutes, when used on stationery, building directories, telephone directories, business cards, advertisements or other means of communication to the public, unless such individual has first been licensed or registered to practice engineering in the State of Texas by the Texas State Board of Registration for Professional Engineers.

Very truly yours,

WAGGONER CARR
Attorney General

By:


Pat Bailey
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PB:mkh

APPROVED:
OPINION COMMITTEE

W. V. Geppert, Chairman
John Banks
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APPROVED FOR THE ATTORNEY GENERAL
BY: T. B. Wright