

MODEL LAW

AUGUST 2008

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INTRODUCTION

To be of maximum value, this document should be used as a reference work in the preparation of amendments to existing legislation or in the preparation of new proposed laws. The intent of NCEES in preparing this document is to present to the jurisdictions a sound and realistic guide that will provide greater uniformity of qualifications for licensure, to raise these qualifications to a higher level of accomplishment, and to simplify the interstate licensure of engineers and surveyors.

The primary purpose of NCEES is to serve as an organization through which its Member Boards can counsel and act together to better discharge their duties as individual, autonomous regulatory agencies dedicated to the protection of the public life, health, and property. Standards presented in this publication have been approved by the NCEES Member Boards and represent optimum, realistic levels of qualifications for initial and subsequent licensure to ensure protection of the public's interest.

This document is designed to assist legislative counsels, legislators, and NCEES members in preparing new or amendatory legislation. It covers all specific situations: boards that regulate only engineers, boards that regulate only surveyors, boards that regulate both engineers and surveyors, and independent boards that regulate both engineers and surveyors.

Each line in the various sections has been numbered to facilitate use of this document as a working model.

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LICENSURE OF ENGINEERS AND SURVEYORS

AN ACT

1 To regulate the practice of engineering and/or¹ surveying; provide for the licensure of qualified
2 individuals as professional engineers and/or professional surveyors and for the certification of
3 engineer interns, surveyor interns, and firms; define the terms “Engineer,” “Professional
4 Engineer,” “Professional Engineer, Retired,” “Engineer Intern,” and “Practice of Engineering”;
5 define the terms “Professional Surveyor,” “Professional Surveyor, Retired,” “Surveyor Intern,”
6 and “Practice of Surveying”; create a jurisdiction board of licensure for professional engineers
7 and/or professional surveyors and provide for the appointment and compensation of its members;
8 fix the term of members of the board and define its powers and duties; set forth the minimum
9 qualifications and other requirements for licensure as a professional engineer and/or a professional
10 surveyor and for certification as an engineer intern, surveyor intern, or firm; establish fees and
11 expiration and renewal requirements; impose certain duties upon this jurisdiction and political
12 subdivisions thereof in connection with public work; and provide for the enforcement of this Act
13 and penalties for its violation.

14 Be it enacted by the (Legislative Body) of the Jurisdiction of as follows.

110 INTRODUCTION

110.10 General Provisions

1 A. Regulation of Engineers and Surveyors – In order to safeguard life, health, and property and to
2 promote the public welfare, the practice of engineering and/or the practice of surveying in this
3 jurisdiction is hereby declared to be subject to regulation in the public interest. It shall be
4 unlawful for any person to practice, or to offer to practice, engineering and/or surveying in this
5 jurisdiction, as defined in the provisions of this Act, or to use in connection with their name or
6 otherwise assume, or advertise any title or description tending to convey the impression that they
7 are a licensed engineer and/or surveyor, unless such person has been duly licensed or authorized or
8 is exempted under the provisions of this Act. The practice of engineering or surveying shall be
9 deemed a privilege granted by this jurisdiction through the licensing board based on the
10 qualifications of the individual as evidenced by their certificate of licensure, which shall not be
11 transferable.

¹ The *Model Law* is designed to serve boards of engineers and surveyors, boards of engineers, and boards of surveyors. NCEES recognizes that each jurisdiction will have its own framework as a government agency, as an agency under an umbrella organization, or as an independent board.

12 B. Board Structure – The licensing board shall be an independent agency.² It shall receive no
13 financial support from the jurisdiction general fund and be fully supported by the revenue
14 collected through fees and other sources. All revenue collected by the board shall be deposited
15 into the Professional Engineers and/or Surveyors Account (board account), reserved and
16 dedicated for the express use of administering the requirements of this Act.

110.20 Definitions

1 A. Engineer

- 2 1. Engineer – The term “Engineer,” within the intent of this Act, shall mean a person who is
3 qualified to practice engineering by reason of special knowledge and use of the mathematical,
4 physical, and engineering sciences and the principles and methods of engineering analysis
5 and design, acquired by engineering education and engineering experience.
- 6 2. Professional Engineer – The term “Professional Engineer,” as used in this Act, shall mean a
7 person who has been duly licensed as a professional engineer by the board. The board may
8 designate a professional engineer, on the basis of education, experience, and examination, as
9 being licensed in a specific discipline or branch of engineering signifying the area in which
10 the engineer has demonstrated competence.
- 11 3. Professional Engineer, Retired – The term “Professional Engineer, Retired,” as used in this
12 Act, shall mean an individual who has been duly licensed as a professional engineer by the
13 board and who chooses to relinquish or not to renew a license and who applies to and is
14 approved by the board to be granted the use of the title “Professional Engineer, Retired.”
- 15 4. Engineer Intern – The term “Engineer Intern,” as used in this Act, shall mean an individual
16 who has been duly certified as an engineer intern by the board.
- 17 5. Practice of Engineering – The term “Practice of Engineering,” as used in this Act, shall mean
18 any service or creative work, the adequate performance of which requires engineering
19 education, training, and experience in the application of special knowledge of the
20 mathematical, physical, and engineering sciences to such services or creative work as
21 consultation, investigation, expert technical testimony, evaluation, planning, design and
22 design coordination of engineering works and systems, planning the use of land, air, and
23 water, teaching of advanced engineering subjects, performing engineering surveys and studies,
24 and the review and/or management of construction for the purpose of monitoring and/or
25 ensuring compliance with drawings and specifications; any of which embraces such services or
26 work, either public or private, in connection with any utilities, structures, buildings,
27 machines, equipment, processes, work systems, projects, communication systems,
28 transportation systems, and industrial or consumer products, or equipment of a control
29 systems, communications, mechanical, electrical, hydraulic, pneumatic, chemical,
30 environmental, or thermal nature, insofar as they involve safeguarding life, health, or
31 property, and including such other professional services as may be necessary to the planning,
32 progress, and completion of any engineering services.

² The independent nature of a board is the best structure for efficient operations. It minimizes adverse effects of external influences related to funding, decision-making, and disciplinary activities.

33 Design coordination includes the review and coordination of those technical submissions
34 prepared by others, including as appropriate and without limitation, consulting engineers,
35 architects, landscape architects, surveyors, and other professionals working under the
36 direction of the engineer.

37 Engineering surveys include all survey activities required to support the sound conception,
38 planning, design, construction, maintenance, and operation of engineered projects, but
39 exclude the surveying of real property for the establishment of land boundaries, rights-of-way,
40 easements, and the dependent or independent surveys or resurveys of the public land survey
41 system.

42 A person shall be construed to practice or offer to practice engineering, within the meaning
43 and intent of this Act, who practices any discipline or branch of the profession of
44 engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other
45 way represents the person to be a professional engineer, or through the use of some other title
46 implies that the individual is a professional engineer or that the person is licensed or
47 authorized under this Act; or who holds the person out as able to perform, or who does
48 perform any engineering service or work or any other service designated by the practitioner
49 which is recognized as engineering.

50 6. Inactive Status – Licensees who are not engaged in engineering practice which requires
51 licensure in this jurisdiction may be granted inactive status. No licensee granted inactive
52 status may practice or offer to practice engineering in this jurisdiction unless otherwise
53 exempted in this Act. Licensees granted inactive status are exempt from the continuing
54 education requirements.

55 B. Professional Surveyor (Professional Land Surveyor, Professional Surveyor and Mapper, Geomatics
56 Professional, or equivalent term)

57 1. Professional Surveyor – The term “Professional Surveyor,” as used in this Act, shall mean a
58 person who has been duly licensed as a professional surveyor by the board established under
59 this Act, and who is a professional specialist in the technique of measuring land, educated in
60 the basic principles of mathematics, the related physical and applied sciences, and the
61 relevant requirements of law for adequate evidence and all requisite to surveying of real
62 property, and engaged in the practice of surveying as herein defined.

63 2. Professional Surveyor, Retired – The term “Professional Surveyor, Retired,” as used in this
64 Act, shall mean an individual who has been duly licensed as a professional surveyor by the
65 board and who chooses to relinquish or not to renew a license and who applies to and is
66 approved by the board to be granted the use of the title “Professional Surveyor, Retired.”

67 3. Surveyor Intern – The term “Surveyor Intern,” as used in this Act, shall mean an individual
68 who has been duly certified as a surveyor intern by the board.

69 4. Practice of Surveying – The term “Practice of Surveying,” as used in this Act, shall mean
70 providing, or offering to provide, professional services using such sciences as mathematics,
71 geodesy, and photogrammetry, and involving both (1) the making of geometric
72 measurements and gathering related information pertaining to the physical or legal features of
73 the earth, improvements on the earth, the space above, on, or below the earth and

74 (2) providing, utilizing, or developing the same into survey products such as graphics, data,
75 maps, plans, reports, descriptions, or projects. Professional services include acts of
76 consultation, investigation, testimony evaluation, expert technical testimony, planning,
77 mapping, assembling, and interpreting gathered measurements and information related to any
78 one or more of the following:

- 79 a. Determining by measurement the configuration or contour of the earth's surface or the
80 position of fixed objects thereon.
- 81 b. Determining by performing geodetic surveys the size and shape of the earth or the
82 position of any point on the earth.
- 83 c. Locating, relocating, establishing, reestablishing, or retracing property lines or boundaries
84 of any tract of land, road, right of way, or easement.
- 85 d. Making any survey for the division, subdivision, or consolidation of any tract(s) of land.
- 86 e. Locating or laying out alignments, positions, or elevations for the construction of fixed
87 works.
- 88 f. Determining, by the use of principles of surveying, the position for any survey monument
89 (boundary or non-boundary) or reference point; establishing or replacing any such
90 monument or reference point.
- 91 g. Creating, preparing, or modifying electronic or computerized or other data, relative to the
92 performance of the activities in the above described items a. through f.

93 A person shall be construed to practice or offer to practice surveying, within the meaning and
94 intent of this Act, who engages in surveying or who by verbal claim, sign, advertisement,
95 letterhead, card, or in any other way represents the person to be a professional surveyor or
96 through the use of some other title implies that the individual is a professional surveyor or
97 that the person is licensed or authorized under this Act or who holds the person out as able to
98 perform or who does perform any surveying service or work or any other service designated by
99 the practitioner which is recognized as surveying.

100 5. Inactive Status – Licensees who are not engaged in surveying practice which requires
101 licensure in this jurisdiction may be granted inactive status. No licensee granted inactive
102 status may practice or offer to practice surveying in this jurisdiction unless otherwise
103 exempted in this Act. Licensees granted inactive status are exempt from the continuing
104 education requirements.

105 C. Board – The term “Board,” as used in this Act, shall mean the jurisdiction board of licensure for
106 professional engineers and professional surveyors, hereinafter provided by this Act.

107 D. Jurisdiction – The term “Jurisdiction,” as used in this Act, shall mean a state, the District of
108 Columbia, or any territory, commonwealth, or possession of the United States that issues licenses
109 to practice and regulates the practice of engineering and/or surveying within its legal boundaries.

110 E. Responsible Charge – The term “Responsible Charge,” as used in this Act, shall mean direct
111 control and personal supervision of engineering or surveying work, as the case may be.

- 112 F. Rules of Professional Conduct – The term “Rules of Professional Conduct,” as used in this Act,
113 shall mean those rules of professional conduct, if any, promulgated by the board as authorized by
114 this Act.
- 115 G. Firm – The term “Firm,” as used in this Act, shall mean any form of business or entity other than
116 an individual operating as a sole proprietorship under his or her own name, exactly as licensed as
117 an individual.
- 118 H. Managing Agent – The term “Managing Agent,” as used in this Act, shall mean an individual
119 who is licensed under this Act and who has been designated pursuant to Section 160.10 of this
120 Act by the firm.
- 121 I. Rules – The term “Rules,” as used in this act, shall mean those rules and regulations adopted
122 pursuant to Section 120.60 A, Board Powers, of this Act.
- 123 J. Signature – The term “Signature,” as used in this Act, shall be in accordance with the Rules.
- 124 K. Seal – The term “Seal,” as used in this Act, shall mean a symbol, image, or list of information in
125 accordance with the Rules.
- 126 L. Licensee – The term “Licensee,” as used in this Act, shall mean a professional engineer or a
127 professional surveyor.
- 128 M. Person – The term “Person,” as used in this Act, shall mean an individual or firm.

120 THE LICENSING BOARD

120.10 Board Appointments, Terms

1 A jurisdiction board of licensure for professional engineers and/or professional surveyors is hereby
2 created whose duty it shall be to administer the provisions of this Act. The board shall consist of
3 professional engineers, professional surveyors, and public members who shall be appointed by
4 the governor. The professional engineer and professional surveyor members shall preferably be
5 appointed from a list of nominees submitted by the respective engineering and/or surveying societies
6 of this jurisdiction and shall have the qualifications required by Section 120.20 of this Act. Each
7 member of the board shall receive a certificate of his or her appointment from the governor and shall
8 file with this jurisdiction a written oath or affirmation for the faithful discharge of their official duty.
9 Appointments to the board shall be in such manner and for such period of time that the term of each
10 member shall expire at the end of a different year, insofar as is possible. On the expiration of the term
11 of any member, the governor shall in the manner hereinbefore provided appoint for a term of
12 years a professional engineer, a professional surveyor, or a public member having the qualifications
13 required in Section 120.20 of this Act. Members may be reappointed to succeed themselves. Each
14 member shall hold office until the expiration of the term for which appointed or until a successor has
15 been duly appointed and has qualified. In the event of a vacancy on the board due to resignation,
16 death, or for any cause resulting in an unexpired term, if not filled within 3 months by the governor,
17 the board may appoint a provisional member to serve in the interim until the governor acts.

120.20 Board Qualifications

1 Each professional engineer member of the board shall be a citizen of the United States and a resident
2 of this jurisdiction. They shall have been engaged in the lawful practice of engineering as a
3 professional engineer for at least 12 years, shall have been in responsible charge of engineering
4 projects for at least 5 years, and shall be a licensed professional engineer in this jurisdiction.

5 Each professional surveyor member of the board shall be a citizen of the United States and a resident
6 of this jurisdiction. They shall have been engaged in the lawful practice of surveying as a professional
7 surveyor for at least 12 years, shall have been in responsible charge of surveying projects for at least 5
8 years, and shall be a licensed professional surveyor in this jurisdiction.

9 Each public member of the board shall be a citizen of the United States and a resident of this
10 jurisdiction and shall not be or have been either a professional engineer or professional surveyor. The
11 majority of the board members shall be professional engineers and/or professional surveyors.

120.30 Board Compensation, Expenses

1 Each member of the board shall receive compensation when attending to the work of the board or
2 any of its committees and for the time spent in necessary travel; and, in addition thereto, shall be
3 reimbursed for all actual traveling, incidental, and clerical expenses necessarily incurred in carrying
4 out the provisions of this Act.

120.40 Board Removal of Members, Vacancies

1 The governor may remove any member of the board for misconduct, incompetence, neglect of duty,
2 or for reason prescribed by law for removal of jurisdiction officials. Vacancies in the membership of
3 the board shall be filled for the unexpired term by appointment of the governor as provided in
4 Section 120.10 of this Act.

120.50 Board Organization and Meetings

1 The board shall hold at least regular meetings each year. Special meetings may be held as the
2 bylaws or rules of the board provide. The board shall elect or appoint annually from among its
3 membership the following officers: a chairperson, a vice chairperson, and a secretary. A quorum of the
4 board shall consist of no fewer than professional engineer members, professional surveyor
5 members, and public members.

120.60 Board Powers

1 A. The board shall have the power to adopt and amend all bylaws and rules of procedure not
2 inconsistent with the constitution and laws of this jurisdiction or this Act, including, but not
3 limited to, the adoption and promulgation of Rules, which may be reasonably necessary for the
4 proper performance of its duties and the regulation of its procedures, meetings, records,
5 examinations, and the conduct thereof. These actions by the board shall be binding upon
6 individuals licensed or recognized under this Act and on non-licensees found by the board to be
7 in violation of provisions of this Act and shall be applicable to firms holding a certificate of
8 authorization as provided in Section 160.10 of this Act. The board shall adopt and have an
9 official seal, which shall be affixed to each certificate issued.

- 10 B. In carrying into effect the provisions of this Act, the board may subpoena witnesses and compel
11 their attendance, and also may require the submission of books, papers, documents, or other
12 pertinent data, in any disciplinary matter, or in any case wherever a violation of this Act is
13 alleged. Upon failure or refusal to comply with any such order of the board, or upon failure to
14 honor its subpoena, as herein provided, the board may apply to a court of competent jurisdiction
15 to enforce compliance with same.
- 16 C. The board is hereby authorized in its own name to apply for relief by injunction in the established
17 manner provided in cases of civil procedure, without bond, to enforce the provisions of this Act,
18 or to restrain any violation thereof. In such proceedings, it shall not be necessary to allege or
19 prove, either that an adequate remedy at law does not exist, or that substantial or irreparable
20 damage would result from the continued violation thereof. The members of the board shall not be
21 personally liable under these proceedings.
- 22 D. The board may subject any applicant to such examinations as it deems necessary to determine the
23 applicant's qualifications.
- 24 E. The board shall have the power and authority to require a demonstration of continuing
25 professional competency of professional engineers and professional surveyors as a condition of
26 renewal or relicensure.
- 27 F. The board has the authority for citation and fining of persons engaged in the practice of
28 engineering or surveying in this jurisdiction who are not licensed or authorized in this jurisdiction
29 as provided by law.
- 30 G. The board shall retain and exercise all administrative and civil rights and remedies commonly
31 available to agencies in this jurisdiction. No action or other legal proceedings for damages shall be
32 instituted against the board or against any board member or employee or agent of the board for
33 any act done in good faith and in the intended performance of any power granted under this Act
34 or for any neglect or default in the performance or exercise in good faith of any such duty or
35 power.
- 36 H. The board shall have the power and authority to waive requirements of this law pertaining to
37 surveying or engineering licensure provided consideration is given to safeguarding life, health, and
38 property and promoting the public welfare.
- 39 I. In carrying out the duties, functions, and obligations in this Act, the board may contract with any
40 jurisdictional agency or private vendor as the board considers appropriate. The board may also
41 enter into contracts to acquire, own, encumber, issue, replace, deal in, and dispose of real and
42 personal property.
- 43 J. Board members shall be entitled to the maximum allowable per diem set by the board for each day
44 or portion thereof during which the member is actually engaged in the performance of official
45 duties. Board members shall also be reimbursed for all expenses incurred while performing service
46 as a board member.
- 47 K. The board shall have the power to appoint committees to assist the board's efforts in carrying out
48 the responsibilities of this Act. All individuals appointed by the board to serve on committees are
49 entitled to reimbursement of expenses as approved by the board.

- 50 L. The board shall have the power to adopt and collect fees in amounts necessary to enable the
51 board to carry out its function under this Act.
- 52 M. The board shall be authorized to use electronic transmissions for all purposes permitted under
53 statute (citation for jurisdiction law).
- 54 N. The attorney general of this jurisdiction or his or her assistants may act as legal adviser to the
55 board and render such legal assistance as may be necessary in carrying out the provisions of this
56 Act. The board may employ or retain counsel and necessary assistance to aid in the enforcement
57 of this Act and the compensation and expenses therefore shall be paid from the funds of the
58 board.

120.70 Receipts and Disbursements

1 The board administrator shall receive, disburse, and account for all monies derived under the
2 provisions of this Act. This fund shall be known as the “Professional Engineers’ and Professional
3 Surveyors’ Fund” and shall be kept in a local bank or deposited with the jurisdiction treasurer, and
4 shall be paid out only upon requisitions submitted by the board administrator. All monies in this fund
5 are hereby specifically appropriated for the use of the board. The board administrator shall give a
6 surety bond to this jurisdiction in such sum as may be required by the laws of this jurisdiction. The
7 premium on said bond shall be regarded as a proper and necessary expense of the board. The board
8 administrator shall receive such salary as the board shall determine. The board shall employ such staff
9 as are necessary for the proper performance of its work, and shall make expenditures from the
10 abovementioned fund for any purpose which, in the opinion of the board, is reasonably necessary for
11 the proper performance of its duties under this Act, including the expenses of the board’s delegates to
12 meetings of and membership fees to the National Council of Examiners for Engineering and
13 Surveying and any of its subdivisions. Under no circumstances shall the total amount of warrants
14 issued in payment of the expenses and compensation provided for in this Act exceed the amount of
15 monies collected.

120.80 Records and Reports

- 1 A. The board shall keep a record of its proceedings and a register of all applications for licensure.
2 The register shall show all of the following:
- 3 1. The name, date of birth, and physical address of each applicant
 - 4 2. The date of application
 - 5 3. The place of business of the applicant
 - 6 4. Educational and other qualifications of the applicant
 - 7 5. Whether or not an examination was required
 - 8 6. Whether or not the applicant was rejected
 - 9 7. Whether or not a certificate of licensure was granted
 - 10 8. The date of the action by the board

- 11 9. A written statement under oath from each applicant that he or she will abide by the statutes
12 and rules prescribed by the board, with the oath becoming a part of his or her application for
13 licensure
- 14 10. Any other information deemed necessary by the board
- 15 B. The board shall also keep a register of all applications of firms for a certificate of authorization.
16 The register shall show all of the following:
- 17 1. The name, date of formation, and business address of each applicant
18 2. The date of application
19 3. The name, physical address, and license number of the managing agent
20 4. Whether or not the applicant was rejected
21 5. Whether or not a certificate of authorization was granted
22 6. The date of the action by the board
23 7. A written statement under oath from an officer and managing agent, if the officer is not the
24 managing agent, that the applicant will abide by the statutes and rules prescribed by the
25 board, with the oath becoming a part of its application for a certificate of authorization
26 8. Any other information deemed necessary by the board
- 27 C. The record of the board shall be prima facie evidence of the proceedings of the board, and a
28 transcript thereof, duly certified by the board administrator under seal, shall be admissible as
29 evidence with the same force and effect as if the original were produced.
- 30 D. The board shall adopt its budget in accordance with accepted accounting principles and
31 jurisdictional requirements. Periodic budget status reports showing classifications of expenditures
32 and revenues shall be made to the public and stakeholders. An annual financial report shall be
33 made by the board administrator to the governor or other appropriate fiscal oversight authorities
34 in this jurisdiction.
- 35 E. Board records and papers of the following class are of a confidential nature and are not public
36 records: examination material for examinations not yet given, file records of examination
37 problems and solutions, examination scores, letters of inquiry and reference concerning
38 applicants, transcripts of college courses and grades, e-mail addresses, board inquiry forms
39 concerning applicants, pending and closed complaints and investigative files until a formal
40 hearing may commence or until final disciplinary action is taken, cases dismissed without
41 disciplinary action, all other materials of like confidential nature, and information otherwise
42 protected by law.

120.90 Roster

- 1 A complete roster showing the names, last known addresses, and license or certificate number of all
2 professional engineers, professional surveyors, and firms holding a certificate of authorization shall be
3 published by the board as established by board regulations.

130 CANDIDATES FOR LICENSURE

130.10 General Requirements for Licensure

- 1 Education, experience, and examinations (as described in *Model Rules*) are required for licensure as a
2 professional engineer or professional surveyor.
- 3 A. As an Engineer Intern – The following shall be considered as minimum evidence that the
4 applicant is qualified for certification as an engineer intern. A college senior or graduate of an
5 engineering program of 4 years or more accredited by EAC/ABET, or the equivalent, shall be
6 admitted to an 8-hour written examination in the fundamentals of engineering. Upon passing
7 such examination and providing proof of graduation, the applicant shall be certified or enrolled as
8 an engineer intern, if otherwise qualified.
- 9 B. As a Surveyor Intern – The following shall be considered as minimum evidence that the
10 applicant is qualified for certification as a surveyor intern.
- 11 1. A college senior or graduate of a surveying program of 4 years or more accredited by
12 EAC/ABET, TAC/ABET, ASAC/ABET, or the equivalent, shall be admitted to an 8-hour
13 written examination in the fundamentals of surveying. Upon passing such examination and
14 providing proof of graduation, the applicant shall be certified or enrolled as a surveyor intern,
15 if otherwise qualified;
- 16 2. A graduate of a program related to surveying of 4 years or more as approved by the board and
17 with a specific record of 2 years of progressive experience in surveying shall be admitted to an
18 8-hour written examination in the fundamentals of surveying. Upon passing such
19 examination and providing proof of graduation, the applicant shall be certified or enrolled as
20 a surveyor intern, if otherwise qualified; or
- 21 3. A graduate of a program of 4 years or more as approved by the board and with a specific
22 record of 4 years of progressive experience in surveying shall be admitted to an 8-hour written
23 examination in the fundamentals of surveying. Upon passing such examination and providing
24 proof of graduation, the applicant shall be certified or enrolled as a surveyor intern, if
25 otherwise qualified.
- 26 C. Professional Engineer or Professional Surveyor – To be eligible for admission to the examination
27 for professional engineers or professional surveyors, an applicant must be of good character and
28 reputation and shall submit five references acceptable to the board with his or her application for
29 licensure, three of which references shall be professional engineers or professional surveyors
30 having personal knowledge of the applicant's engineering or surveying experience.
- 31 1. As a Professional Engineer – The following shall be considered as minimum evidence
32 satisfactory to the board that the applicant is qualified for licensure as a professional engineer.

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- a. Licensure by Comity^{3,4} –
- (1) An individual holding a certificate of licensure to engage in the practice of engineering issued by a proper authority of any jurisdiction or any foreign country, based on requirements that do not conflict with the provisions of this Act and possessing credentials that are, in the judgment of the board, of a standard not lower than that specified in the applicable licensure act in effect in this jurisdiction at the time such certificate was issued may, upon application, which may include a Council Record with the National Council of Examiners for Engineering and Surveying, be licensed without further examination except as required to examine the applicant’s knowledge of statutes, rules, and other requirements unique to this jurisdiction; or
 - (2) An individual holding an active Council Record with the National Council of Examiners for Engineering and Surveying, whose qualifications as evidenced by the Council Record meet the requirements of this Act, may, upon application, be licensed without further examination except as required to examine the applicant’s knowledge of statutes, rules, and other requirements unique to this jurisdiction.
- b. Licensure by Examination (Effective until January 1, 2020) – The following individuals shall be admitted to an 8-hour written examination in the principles and practice of engineering and, upon passing such examination and providing proof of graduation, shall be licensed as a professional engineer, if otherwise qualified:
- (1) An engineer intern with a bachelor’s degree in engineering and with a specific record of 4 years or more of progressive experience on engineering projects of a grade and a character which indicate to the board that the applicant may be competent to practice engineering.
 - (2) An engineer intern with a master’s degree in engineering from an institution that offers EAC/ABET-accredited programs, or the equivalent, and with a specific record of 3 years or more of progressive experience on engineering projects of a grade and a character which indicate to the board that the applicant may be competent to practice engineering.
 - (3) An engineer intern with a doctorate in engineering acceptable to the board and with a specific record of 2 years or more of progressive experience on engineering projects of a grade and a character which indicate to the board that the applicant may be competent to practice engineering.
 - (4) An individual with a doctorate in engineering acceptable to the board and with a specific record of 4 years or more of progressive experience on engineering projects of a grade and a character which indicate to the board that the applicant may be competent to practice engineering.

³ Jurisdictions (boards) that do not license by discipline may license an individual as a professional engineer.

⁴ Jurisdictions (boards) that license by discipline may license an individual in any discipline in which the individual can verify his or her competency.

69 c. Licensure by Examination (Effective January 1, 2020)⁵ – The following individuals shall
70 be admitted to an 8-hour written examination in the principles and practice of
71 engineering and, upon passing such examination and providing proof of graduation, shall
72 be licensed as a professional engineer, if otherwise qualified:

73 (1) An engineer intern with a bachelor’s degree in engineering, with an additional 30
74 credits of acceptable upper-level undergraduate and/or graduate-level coursework
75 from approved course providers, and with a specific record of 4 years or more of
76 progressive experience on engineering projects of a grade and a character which
77 indicate to the board that the applicant may be competent to practice engineering.

78 (2) An engineer intern with a master’s degree in engineering from an institution that
79 offers EAC/ABET-accredited programs, or the equivalent, and with a specific record
80 of 3 years or more of progressive experience on engineering projects of a grade and a
81 character which indicate to the board that the applicant may be competent to
82 practice engineering.

83 (3) An engineer intern with a doctorate in engineering acceptable to the board and with
84 a specific record of 2 years or more of progressive experience on engineering projects
85 of a grade and a character which indicate to the board that the applicant may be
86 competent to practice engineering.

87 (4) An individual with a doctorate in engineering acceptable to the board and with a
88 specific record of 4 years or more of progressive experience on engineering projects of
89 a grade and a character which indicate to the board that the applicant may be
90 competent to practice engineering.

91 2. As a Professional Surveyor – The evaluation of a professional surveyor applicant’s
92 qualifications involves consideration of education, technical, and surveying experience,
93 exhibits of surveying projects with which the applicant has been associated,
94 recommendations by references, and a review of these categories during an examination. The
95 applicant’s qualifications may be reviewed at an interview if the board deems it necessary.
96 The following shall be considered as minimum evidence satisfactory to the board that the
97 applicant is qualified for licensure as a professional surveyor.

98 a. Licensure by Comity –

99 (1) An individual holding a certificate of licensure to engage in the practice of surveying
100 issued by a proper authority of any jurisdiction or any foreign country, based on
101 requirements that do not conflict with the provisions of this Act and possessing the
102 credentials that are, in the judgment of the board, of a standard not lower than that
103 specified in the applicable licensure act in effect in this jurisdiction at the time such
104 certificate was issued may, upon application, which may include a Council Record

⁵ The implementation of these provisions in all jurisdictions is anticipated to take a number of years, so the actual effective date will vary by jurisdiction. A minimum 8-year transition period subsequent to adoption by a jurisdiction is recommended to allow jurisdictions and prospective licensees to prepare for the new requirements. The 2020 date was selected as the earliest reasonable date for adoption by a jurisdiction based on a 4-year implementation period plus an 8-year transition period for first-time licensure candidates.

105 with the National Council of Examiners for Engineering and Surveying, be licensed
106 without further examination except as required to examine the applicant's knowledge
107 of statutes, rules, and other requirements unique to this jurisdiction; or

108 (2) An individual holding an active Council Record with the National Council of
109 Examiners for Engineering and Surveying, whose qualifications as evidenced by the
110 Council Record meet the requirements of this Act, may, upon application, be
111 licensed without further examination except as required to examine the applicant's
112 knowledge of statutes, rules, and other requirements unique to this jurisdiction.

113 b. Licensure by Examination – A surveyor intern with a specific record of 4 years or more of
114 combined office and field experience satisfactory to the board in surveying, of which a
115 minimum of 3 years' progressive experience has been on surveying projects under the
116 supervision of a professional surveyor, shall be admitted to an 8-hour written examination
117 in the principles and practice of surveying. Upon passing such examination, the applicant
118 shall be licensed as a professional surveyor, if otherwise qualified.

130.20 Application and Fees

1 A. Application for licensure as a professional engineer and/or professional surveyor or certification as
2 an engineer intern or surveyor intern shall be on a form in a manner prescribed and furnished by
3 the board; shall contain statements made under oath, showing the applicant's education and a
4 detailed summary of technical and engineering experience or surveying experience; and shall
5 include the names and complete mailing addresses of the references, none of whom should be
6 members of the board.

7 The board may accept the verified information contained in a valid Council Record issued by the
8 National Council of Examiners for Engineering and Surveying for applicants in lieu of the same
9 information that is required on the form prescribed and furnished by the board.

10 B. The application fee shall be established by regulation of the board for licensure as a professional
11 engineer or professional surveyor or for certification as an engineer intern or surveyor intern, and
12 shall accompany the application.

13 C. The application fee shall be established by regulation of the board for a certificate of
14 authorization for firms and shall accompany the application.

15 D. Should the board deny the issuance of a certificate to any applicant, including the application of
16 a firm for a certificate of authorization, the fee paid shall be retained as an application fee.

130.30 Examinations

1 A. The examinations will be held at such times and places as the board directs. The board shall
2 determine the acceptable passing grade on examinations. The board may require a take-home,
3 pre-application questionnaire based on this jurisdiction's rules and regulations as they apply to
4 professionalism and ethics.

5 B. Written examinations will be given in two sections and may be taken only after the applicant has
6 met the other minimum requirements as given in Sections 130.10 and 130.20 of this Act and has
7 been approved by the board for admission to the examinations as follows:

- 8 1. Fundamentals of Engineering – The examination consists of an 8-hour test period on the
9 fundamentals of engineering. Passing this examination qualifies the examinee for an
10 engineer intern certification, provided the examinee has met all other requirements for
11 certification required by this Act.
- 12 2. Principles and Practice of Engineering – The examination consists of an 8-hour test
13 period on applied engineering. Passing this examination qualifies the examinee for
14 licensure as a professional engineer, provided the examinee has met the other
15 requirements for licensure required by this Act.
- 16 3. Fundamentals of Surveying – The examination consists of an 8-hour test period on the
17 fundamentals of surveying. Passing this examination qualifies the examinee for a surveyor
18 intern certification, provided the examinee has met all other requirements for
19 certification required by this Act.
- 20 4. Principles and Practice of Surveying – The examination consists of an 8-hour test period
21 on applied surveying, divided in separate parts as determined by the board. Passing these
22 parts qualifies the examinee for licensure as a professional surveyor, provided the
23 examinee has met the other requirements for licensure required by this Act.
- 24 C. A candidate failing one examination may apply for re-examination, which may be granted upon
25 payment of a fee established by regulation of the board. Before readmission to the examination, in
26 the event of a second failure, the examinee may, at the discretion of the board, be required to
27 appear before the board with evidence of having acquired the additional knowledge needed to
28 pass the examination.
- 29 D. The board may prepare and require additional written examinations in engineering and
30 surveying. Specifications for such additional examinations may be published and be made
31 available to any individual interested in being licensed as a professional engineer or as a
32 professional surveyor.

140 LICENSEES

140.10 Certificates, Seals

- 1 A. The board shall issue to any applicant for licensure as a professional engineer or professional
2 surveyor who, in the opinion of the board, has met the requirements of this Act, a certificate of
3 licensure giving the licensee proper authority to practice his or her profession in this jurisdiction.
4 The certificate of licensure for a professional engineer shall carry the designation “Professional
5 Engineer” and for a professional surveyor, “Professional Surveyor.” It shall give the full name of
6 the licensee with licensure number and shall be signed by the chairperson and the board
7 administrator under the seal of the board.
- 8 B. The certificate of licensure shall be prima facie evidence that the individual named thereon is
9 entitled to all rights and privileges and is bound by all responsibilities of a professional engineer or
10 a professional surveyor while the said certificate of licensure remains active and unrestricted.
- 11 C. Each licensee hereunder must, upon licensure, obtain a seal as described in Section 110.20 K of
12 this Act. Documents must be sealed, signed, and dated in accordance with the Rules.

- 13 D. The board shall issue to any applicant for certification as an engineer intern or surveyor intern
14 who, in the opinion of the board, has met the requirements of this Act, an enrollment document
15 as engineer intern or surveyor intern, which indicates that his or her name has been recorded as
16 such in the board office. The engineer intern or surveyor intern enrollment document does not
17 authorize the holder to practice as a professional engineer or a professional surveyor.

140.20 Expirations, Renewals, and Reinstatement to Active Practice

- 1 A. Certificates of licensure shall expire on the last day of the month of following their issuance
2 and shall become invalid after that date unless renewed. It shall be the duty of the board to notify
3 every individual licensed under this Act of the date of the expiration of the certificate of
4 licensure and the amount of the fee required for its renewal. Such notice shall be mailed to the
5 licensee at their last known address at least 1 month in advance of the date of the expiration of
6 the certificate.
- 7 Renewal may be effected at any time prior to or during the month of by payment of a fee as
8 established by regulation of the board. Renewal of an expired certificate may be effected under
9 rules promulgated by the board regarding requirements for re-examination and penalty fees.
- 10 B. If a licensee is granted inactive status, the licensee may return to active status by notifying the
11 board in advance of this intention, by paying appropriate fees, and by meeting all requirements of
12 the board including demonstration of continuing professional competency as a condition of
13 reinstatement.

140.30 Issuance of Duplicate Certificates

- 1 A duplicate certificate of licensure or enrollment document to replace any certificate or card lost,
2 destroyed, or mutilated may be issued subject to the rules of the board. A fee established by regulation
3 shall be paid for each issuance.

150 DISCIPLINARY ACTION

150.10 Grounds for Disciplinary Action

- 1 A. The board shall have the power to suspend, revoke, place on probation, fine, recover costs, and/or
2 reprimand, or to refuse to issue, restore, or renew a license, intern certification, or firm
3 authorization to any licensee, intern, or firm holding a certificate of authorization that is found
4 guilty of:
- 5 1. Any fraud or deceit in obtaining or attempting to obtain or renew a certificate of licensure or
6 certificate of authorization
 - 7 2. Any negligence, incompetence, or misconduct in the practice of engineering or surveying
 - 8 3. Conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony,
9 whether or not related to the practice of engineering or surveying; and conviction of or entry
10 of a plea of guilty or nolo contendere to any crime, whether a felony, misdemeanor, or
11 otherwise, an essential element of which is dishonesty or which is directly related to the
12 practice of engineering or surveying
 - 13 4. Failure to comply with any of the provisions of this Act or any of the rules or regulations of
14 the board

- 15 5. Discipline by another jurisdiction, foreign country, or the United States government, if at
16 least one of the grounds for discipline is the same or substantially equivalent to those
17 contained in this Act
 - 18 6. Failure to provide information requested by the board as a result of a formal or informal
19 complaint to the board which alleges a violation of this Act
 - 20 7. Knowingly making false statements or signing false statements, certifications, or affidavits in
21 connection with the practice of engineering or surveying
 - 22 8. Aiding or assisting another person in violating any provision of this Act or the rules or
23 regulations of the board
 - 24 9. Violating any terms of probation imposed by the board or using a seal or practicing
25 engineering or surveying while the licensee's license or the firm's certificate is inactive or
26 restricted
 - 27 10. Signing, affixing, or permitting the licensee's seal or signature to be affixed to any
28 specifications, reports, drawings, plans, plats, design information, construction documents or
29 calculations, surveys, or revisions thereof which have not been prepared by the licensee or
30 under the licensee's responsible charge
 - 31 11. Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to
32 deceive, defraud, or harm the public
 - 33 12. Providing false testimony or information to the board
 - 34 13. Habitual intoxication or addiction to the use of drugs or alcohol
 - 35 14. Providing engineering or surveying services outside any of the licensee's areas of competence
- 36 B. In addition to or in lieu of any other sanction provided in this section, any licensee, intern, or
37 firm holding a certificate of authorization that violates a provision of this Act or any rule or
38 regulation of the board may be assessed a fine in an amount determined by the board of not more
39 than dollars (\$....) for each offense
- 40 1. Each day of continued violation may constitute a separate offense.
 - 41 2. In determining the amount of fine to be assessed pursuant to this section, the board may
42 consider such factors as the following:
 - 43 a. Whether the amount imposed will be a substantial economic deterrent to the violation;
 - 44 b. The circumstances leading to the violation;
 - 45 c. The severity of the violation and the risk of harm to the public;
 - 46 d. The economic benefits gained by the violator as a result of non-compliance; and
 - 47 e. The interest of the public.
- 48 C. In addition to any other sanction provided in this section, the board shall have the power to
49 revoke, suspend, place on probation, fine, recover costs, and/or reprimand, or refuse to issue,
50 restore or renew, the certificate of authorization of any firm where one or more of its managing
51 agents, officers, directors, owners, or managers have been found guilty of any conduct which

52 would constitute a violation under the provisions of this Act or any of the rules or regulations of
53 the board.

150.20 Disciplinary Action Procedures

- 1 A. Any person may prefer charges of a violation of any provision of this Act or any of the rules or
2 regulations of the board against any licensee, against any intern, or against any firm holding a
3 certificate of authorization.
- 4 B. All charges, unless dismissed by the board as unfounded, trivial, or unless settled informally, shall
5 be heard by the board. The time and place for the hearing shall be fixed by the board and a copy
6 of the charges, together with a notice of the time and place of hearing, shall be personally served
7 on or mailed to the last known address of such accused person at least 30 days before the date
8 fixed for the hearing. At any hearing, the accused person shall have the right to appear in person
9 or by counsel, or both, to cross-examine witnesses in their defense and to produce evidence and
10 witnesses in their defense. If the accused person fails or refuses to appear at the hearing, the board
11 may proceed to hear and determine the validity of the charges in the accused person's absence.
- 12 C. If after such hearing a majority of the board votes in favor of sustaining the charges, the board
13 shall reprimand, fine in an amount not to exceed dollars (\$.....) for each count, recover costs,
14 refuse to issue, restore or renew, place on probation for a period of time, and subject to such
15 conditions as the board may specify, suspend, revoke, or any combination thereof, the accused
16 person's license, intern certification, or firm certificate of authorization.
- 17 D. A licensee, intern, or firm aggrieved by any action of the board in levying a fine, recovering costs,
18 reprimanding, placing on probation, denying, suspending, refusing to issue, restore or renew, or
19 revoking a license, intern certification, or firm certificate of authorization, may appeal therefrom
20 to the proper court under normal civil procedures.
- 21 E. Any financial sanction assessed pursuant to Section 150.10 of this Act shall be assessed in a
22 proceeding as provided in this section. Unless the amount of the penalty is paid within days
23 after the order becomes final, the order shall constitute a judgment and shall be filed and
24 execution issued thereon in the same manner as any other judgment of a court of record.
- 25 F. An action to enforce an order under this section may be combined with an action for an
26 injunction.
- 27 G. The board may, upon petition of a licensee, intern, or firm to reissue a license, intern
28 certification, or firm certificate of authorization that has been revoked by the board, provided
29 that a majority of the members of the board votes in favor of such reissuance.

150.30 Violations by Others

- 1 A. In addition to any other provisions of law, the board shall have the power to fine and recover
2 costs from any unlicensed individual or firm that does not hold a certificate of authorization and
3 that is found guilty of:
- 4 1. Engaging in the practice or offer to practice of engineering or surveying in this jurisdiction
5 without being licensed or authorized in accordance with the provisions of this Act;

- 6 2. Using or employing the words “engineer,” “engineering,” “surveyor,” “surveying,” or any
7 modification or derivative thereof in its name or form of business activity except as licensed
8 or authorized in this Act;
 - 9 3. Presenting or attempting to use the certificate of licensure or seal of a professional engineer or
10 professional surveyor or the certificate of authorization of a firm;
 - 11 4. Engaging in any fraud or deceit in obtaining or attempting to obtain a certificate of licensure,
12 intern certification, or firm certificate of authorization;
 - 13 5. Impersonating any professional engineer, professional surveyor, or firm holding a certificate of
14 authorization of like or different name;
 - 15 6. Using or attempting to use an expired, suspended, revoked, inactive, retired, or non-existent
16 certificate of licensure or certificate of authorization.
- 17 B. A fine assessed under this section may not exceed dollars (\$....) for each offense.
- 18 C. Each day of continued violation may constitute a separate offense.
- 19 D. In determining the amount of fine to be assessed pursuant to this section, the board may consider
20 such factors as the following:
- 21 1. Whether the amount imposed will be a substantial economic deterrent to the violation;
 - 22 2. The circumstances leading to the violation;
 - 23 3. The severity of the violation and the risk of harm to the public;
 - 24 4. The economic benefits gained by the violator as a result of non-compliance; and
25 5. The interest of the public.
- 26 E. In addition to any other sanction provided in this section, the board shall have the power to fine
27 and recover costs from any firm where one or more of its managing agents, officers, directors,
28 owners, or managers have been found guilty of any conduct which would constitute a violation
29 under the provisions of this Act or any of the rules or regulations of the board.
- 30 F. Any person may prefer charges of a violation of any provision of this Act or any of the rules or
31 regulations of the board against any unlicensed individual or firm that does not hold a certificate
32 of authorization.
- 33 G. All charges, unless dismissed by the board as unfounded, trivial, or unless settled informally, shall
34 be heard by the board. The time and place for the hearing shall be fixed by the board and a copy
35 of the charges, together with a notice of the time and place of hearing, shall be personally served
36 on or mailed to the last known address of such accused person at least 30 days before the date
37 fixed for the hearing. At any hearing, the accused person shall have the right to appear in person
38 or by counsel, or both, to cross-examine witnesses in their defense and to produce evidence and
39 witnesses in their defense. If the accused person fails or refuses to appear at the hearing, the board
40 may proceed to hear and determine the validity of the charges in their absence.
- 41 H. If after such hearing a majority of the board votes in favor of sustaining the charges, the board
42 shall fine in an amount not to exceed dollars (\$.....) for each count and recover costs from the
43 accused person.

- 44 I. An individual or firm aggrieved by any action of the board in levying a fine or recovering costs
45 may appeal therefrom to the proper court under normal civil procedures.
- 46 J. Any financial sanction assessed pursuant to this section shall be assessed in a proceeding as
47 provided in this section. Unless the amount of the penalty is paid within . . . days after the order
48 becomes final, the order shall constitute a judgment and shall be filed and execution issued
49 thereon in the same manner as any other judgment of a court of record.
- 50 K. An action to enforce an order under this section may be combined with an action for an
51 injunction.

150.40 Criminal Offenses

1 Any person who shall commit a violation included in Section 150.30 of this Act shall be guilty of a
2 (highest degree of) misdemeanor for the first offense and a (lowest degree of) felony for the second or
3 any subsequent offenses.

4 It shall be the duty of the attorney general or other appropriated enforcement authority of this
5 jurisdiction to enforce the provisions of this section and to prosecute any person violating same.

160 MISCELLANEOUS

160.10 Certificates of Authorization

- 1 A. A firm that practices or offers to practice engineering or surveying is required to obtain a
2 certificate of authorization by the board in accordance with the Rules.
- 3 B. A firm desiring a certificate of authorization must file with the board an application using a form
4 provided by the board and provide all the information required by the board. A form as provided
5 by the board shall be filed with the board upon renewal or within 30 days of the time any
6 information contained on the application form is changed or differs for any reason. If in the
7 judgment of the board the application meets the requirements of this Act, the board shall issue a
8 certificate of authorization for said firm to practice engineering and/or surveying.
- 9 C. This section shall not require a certificate of authorization for a firm performing engineering or
10 surveying for the firm itself or a parent or subsidiary of said firm.
- 11 D. No firm shall be relieved of responsibility for the conduct or acts of its managing agents,
12 employees, officers, directors, owners, or managers by reason of its compliance with the provisions
13 of this section. No individual practicing engineering or surveying under the provisions of this Act
14 shall be relieved of responsibility for engineering or surveying services performed by reason of
15 employment or other relationship with a firm holding a certificate of authorization.
- 16 E. The secretary of state of this jurisdiction shall not accept organizational papers nor issue a
17 certificate of incorporation, organization, licensure, or authorization to any firm which includes
18 among the objectives for which it is established or within its name, any of the words "engineer,"
19 "engineering," "surveyor," "surveying," or any modification or derivation thereof unless the board
20 has issued for said applicant a certificate of authorization or a letter indicating the eligibility of
21 such applicant to receive such a certificate. The firm applying shall supply such certificate or
22 letter from the board with its application for incorporation, organization, licensure, or
23 authorization.

24 F. The secretary of state of this jurisdiction shall decline to authorize any trade name, trade mark, or
25 service mark which includes therein such words as set forth in the previous subsection, or any
26 modifications or derivatives thereof, except licensees and those firms holding certificates of
27 authorization issued under the provisions of this section.

28 G. Certificates of authorization for firms shall expire on the last day of the month of following
29 their issuance and shall become invalid after that date unless renewed. It shall be the duty of the
30 board to notify every firm holding a certificate of authorization under this Act of the date of the
31 expiration of the certificate of authorization and the amount of the fee required for its renewal.
32 Such notice shall be mailed to the firm at their last known address at least 1 month in advance of
33 the date of the expiration of the certificate.

34 Renewal may be effected at any time prior to or during the month of by payment of a fee as
35 established by regulation of the board. Renewal of an expired certificate may be effected under
36 rules promulgated by the board regarding requirements for re-examination and penalty fees.

37 H. A duplicate certificate of authorization to replace any certificate lost, destroyed, or mutilated may
38 be issued subject to the rules of the board. A fee established by regulation shall be paid for each
39 issuance.

40 I. The managing agent is responsible for the engineering or surveying work in this jurisdiction
41 and/or for projects within this jurisdiction offered or provided by the firm. A licensee may not be
42 designated as a managing agent for more than one firm. A licensee who renders occasional, part-
43 time, or consulting engineering or surveying services to, or for, a firm may not be designated as a
44 managing agent, unless the licensee is an officer or owner of the firm. The managing agent's
45 responsibilities include:

- 46 1. Renewal of the firm's certificate of authorization and notification to the board of any change
47 in managing agent.
- 48 2. Overall supervision of the firm's licensed and subordinate personnel providing the
49 engineering or surveying work in this jurisdiction.
- 50 3. Institution and adherence of policies of the firm that are in accordance with the Rules of
51 Professional Conduct.

160.20 Public Works

1 Any jurisdiction, county, or local government agencies or authorities, or officials or employees
2 thereof, shall not engage in the practice of engineering or surveying involving either public or private
3 property without the project being under the responsible charge of a professional engineer for
4 engineering projects or a professional surveyor for surveying projects, as provided for the practice of
5 the respective professions by this Act.

160.30 Exemption Clause

1 This Act shall not be construed to prevent the following:

2 A. Other Professions – The practice of any other legally recognized profession.

3 B. Contingent License – A contingent license may be issued by the board or board administrator to
4 an applicant for comity licensure if the applicant appears to meet the requirements for comity
5 licensure. Such a contingent license will be in effect from its date of issuance until such time as
6 the board takes final action on the application for comity licensure. If the board determines that
7 the applicant does not meet the requirements for issuance of a comity license, the contingent
8 license shall be immediately and automatically revoked upon notice to the applicant and no
9 comity license will be issued.

10 C. Employees and Subordinates – The work of an employee or a subordinate of an individual holding
11 a certificate of licensure under this Act, or an employee of an individual practicing lawfully under
12 Subsection B of this section, provided such work does not include final engineering or surveying
13 designs or decisions and is done under the responsible charge of and verified by an individual
14 holding a certificate of licensure under this Act or an individual practicing lawfully under
15 Subsection B of this section.

160.40 Duties of Recordors

1 It shall be unlawful for the recorder of deeds or the registrar of titles of any county or proper public
2 authority to file or record any map, plat, survey, or other documents within the definition of practice
3 of surveying as set forth in this Act which do not have impressed thereon and affixed thereto the
4 personal signature and seal of a professional surveyor by whom or under whose responsible charge the
5 map, plat, survey, or other documents were prepared.

160.50 Invalid Provisions

1 If any of the provisions of this Act or if any rule, regulation, or order of the board or if the application
2 of such provision to any person or circumstance shall be held invalid, the remainder of this Act and
3 the application of such provision of this Act or such rule, regulation, or order to persons or
4 circumstances, other than those as to which it is held invalid, shall not be affected thereby.

160.60 Repeal of Conflicting Legislation

1 All laws or parts of laws in conflict with the provisions of this Act shall be, and the same are hereby
2 repealed.

160.70 Grandfathering of Photogrammetrists

1 A. Any individual practicing surveying in this jurisdiction as of, using photogrammetric
2 technologies with at least 8 years' experience in the profession, two or more of which shall have
3 been in responsible charge of photogrammetric surveying and/or mapping projects meeting
4 ASPRS Aerial Photography and Mapping Standards or U.S. National Mapping Standards, shall,
5 upon application, be licensed as a professional surveyor in this jurisdiction, provided:

- 6 1. The applicant submits certified proof of graduation from high school, high school
7 equivalency, or a higher degree; or certified proof of a bachelor's degree in surveying or a

8 related field of study approved by the board, which may be substituted for 4 of the above
9 required years of experience; or certified proof of a master's degree in surveying or a related
10 field of study approved by the board, which may be substituted for a maximum of 5 of the
11 above required years of experience.

12 2. The applicant submits proof of employment in responsible charge of photogrammetric
13 surveying and/or mapping projects, practicing within any jurisdiction, including itemized
14 reports detailing methods, procedures, amount of the applicant's personal involvement, and
15 the name, address, and telephone numbers of the client for 5 projects completed under the
16 supervision of the applicant within the United States. A final map for each of the 5 projects
17 shall also be submitted.

18 3. The applicant submits 5 references as to the applicant's character and quality of work, 3 of
19 which shall be from professional surveyors or professional engineers currently practicing
20 within the scope of their license in an area of surveying.

21 4. The applicant files an application with the board within 2 years, next after..... Thereafter, no
22 photogrammetrist shall be licensed without meeting the requirements for licensure as a
23 professional surveyor set forth by the board for all other applicants.

160.80 Effective Date

1 This Act shall take effect days from and after the date of passage.

APPENDIX A
Cross-Reference for *Model Law*

Based on August 2008 revision

Italic font indicates summary paraphrase of paragraph contents.

Table 1. *Model Law* vs. *Model Rules*

MODEL LAW SECTION	DESCRIPTOR	CORRESPONDING MODEL RULES SECTION
An Act	An Act	
SECTION 110	INTRODUCTION	
Section 110.10	General Provisions	
110.10 A	Regulation of Engineers and Surveyors	
110.10 B	Board Structure	
Section 110.20	Definitions	
110.20 A	Engineer	210.20 A.1
110.20 A.1	Engineer	"
110.20 A.2	Professional Engineer	"
110.20 A.3	Professional Engineer, Retired	"
110.20 A.4	Engineer Intern	"
110.20 A.5	Practice of Engineering	"
110.20 A.6	Inactive Status	"
110.20 B	Professional Surveyor	210.20 A.2
110.20 B.1	Professional Surveyor	"
110.20 B.2	Professional Surveyor, Retired	"
110.20 B.3	Surveyor Intern	"
110.20 B.4	Practice of Surveying	210.20 A.2, 210.25
110.20 B.5	Inactive Status	210.20 A.2
110.20 C	Board	210.20 A.3
110.20 D	Jurisdiction	"
110.20 E	Responsible Charge	"
110.20 F	Rules of Professional Conduct	"
110.20 G	Firm	"
110.20 H	Managing Agent	"
110.20 I	Rules	"
110.20 J	Signature	"
110.20 K	Seal	"
110.20 L	Licensee	
110.20 M	Person	
SECTION 120	THE LICENSING BOARD	
Section 120.10	Board Appointments, Terms	220.10 A
Section 120.20	Board Qualifications	220.10 B
Section 120.30	Board Compensation, Expenses	220.10 H

MODEL LAW SECTION	DESCRIPTOR	CORRESPONDING MODEL RULES SECTION
Section 120.40	Board Removal of Members, Vacancies	
Section 120.50	Board Organization and Meetings	220.10 C, D, E
Section 120.60	Board Powers	
120.60 A	<i>Power to adopt/amend bylaws/rules of procedure; binding on licensees and non-licensees and firms holding a certificate of authorization; board to have official seal</i>	210.10 B, C 240.20 A 220.20 A 250.10 A
120.60 B	<i>Subpoena witnesses/evidence; court to enforce compliance if needed</i>	
120.60 C	<i>Apply for relief by injunction; board members not personally liable</i>	
120.60 D	<i>Subject applicant for licensure to examinations</i>	
120.60 E	<i>Authority to require continuing professional competency as condition of renewal/relicensure</i>	240.30
120.60 F	<i>Authority for citation and fining of persons engaged in practice who are not licensed in jurisdiction</i>	
120.60 G	<i>Authority to retain and exercise all administrative and civil rights and remedies available to agencies in jurisdiction. No action or other legal proceedings for damages against board, board member, or employee/agent of board</i>	
120.60 H	<i>Authority to waive requirements</i>	
120.60 I	<i>Authority to contract with jurisdictional agency or vendor</i>	
120.60 J	<i>Per diem and reimbursement of expenses for performing board duties</i>	
120.60 K	<i>Authority to appoint committees</i>	
120.60 L	<i>Authority to adopt and collect fees</i>	
120.60 M	<i>Authority to use electronic transmissions</i>	
120.60 N	<i>Power to obtain legal assistance</i>	
Section 120.70	Receipts and Disbursements	220.10 J
Section 120.80	Records and Reports	
120.80 A	<i>Record of proceedings and applications for licensure</i>	
120.80 B	<i>Register of applications of firms for certificate of authorization</i>	
120.80 C	<i>Record of board is evidence of proceedings of the board</i>	
120.80 D	<i>Budget, annual report to governor</i>	
120.80 E	<i>Class of records and papers of a confidential nature</i>	220.10 L
Section 120.90	Roster	220.10 M
SECTION 130	CANDIDATES FOR LICENSURE	
Section 130.10	General Requirements for Licensure	230.30 A
130.10 A	As an Engineer Intern	230.10 A
130.10 B	As a Surveyor Intern	230.10 B
130.10 B.1	<i>Graduate of EAC/ABET, TAC/ABET, ASAC/ABET or equivalent surveying program + FS</i>	
130.10 B.2	<i>Graduate of program related to surveying + experience + FS</i>	

MODEL LAW SECTION	DESCRIPTOR	CORRESPONDING MODEL RULES SECTION
130.10 B.3	<i>Graduate of program + experience + FS</i>	
130.10 C	Professional Engineer or Professional Surveyor	
130.10 C.1	As a Professional Engineer	230.20 A 230.40 B
130.10 C.1.a	Licensure by Comity	
130.10 C.1.b	Licensure by Examination (Effective until January 1, 2020)	
130.10 C.1.c	Licensure by Examination (Effective January 1, 2020)	210.20 B
130.10 C.2	As a Professional Surveyor	230.10 B 230.20 B 230.40 D 230.50 B
130.10 C.2.a	Licensure by Comity	
130.10 C.2.b	Licensure by Examination	
Section 130.20	Application and Fees	230.60 A, B 220.30 B
130.20 A	<i>On form prescribed by board; under oath</i>	
130.20 B	<i>Application fee for individuals established by board, shall accompany application</i>	
130.20 C	<i>Certificate of authorization for firms established by board, shall accompany application</i>	
130.20 D	<i>Should board deny issuance of certificate, fee is retained as an application fee</i>	230.40 B
Section 130.30	Examinations	
130.30 A	<i>Held at time/place the board directs; board determines passing grade; board may require take-home questionnaire on professionalism/ethics</i>	230.40 E
130.30 B	<i>Written examinations given in 2 sections; applicant must meet requirements and be approved by board for admission</i>	230.40 A 230.40 C
130.30 B.1	Fundamentals of Engineering	
130.30 B.2	Principles and Practice of Engineering	
130.30 B.3	Fundamentals of Surveying	
130.30 B.4	Principles and Practice of Surveying	
130.30 C	<i>Failing candidate may apply for re-examination</i>	230.40 J
130.30 D	<i>Board may prepare and require additional written examinations</i>	230.40 G
SECTION 140	LICENSEES	
Section 140.10	Certificates, Seals	240.10 A, B 240.20 C
140.10 A	<i>Issuance of certificate of licensure</i>	
140.10 B	<i>Certificate of licensure is prima facie evidence</i>	
140.10 C	<i>Licensee must obtain seal; use of seal</i>	240.20 B, C
140.10 D	<i>Issuance of enrollment document as E.I. or S.I.</i>	

MODEL LAW SECTION	DESCRIPTOR	CORRESPONDING MODEL RULES SECTION
Section 140.20	Expirations, Renewals, and Reinstatement to Active Practice	220.30 E 240.40 A
140.20 A	<i>Expirations and renewals</i>	
140.20 B	<i>Return to active status by inactive licensee</i>	
Section 140.30	Issuance of Duplicate Certificates	220.30 F 240.10 D
SECTION 150	DISCIPLINARY ACTION	
Section 150.10	Grounds for Disciplinary Action	210.20 B
150.10 A	<i>Board has power to suspend, revoke, refuse to issue/restore/renew, etc., the license, intern certification, or firm certificate of authorization of a licensee, intern, or firm found guilty of any of 14 types of violations</i>	
150.10 B	<i>Board can impose assess a fine of not more than \$... for each offense</i>	
150.10 C	<i>Board has power to revoke/suspend/etc. the certificate of authorization for a firm which has guilty members.</i>	
Section 150.20	Disciplinary Action Procedures	250.30
150.20 A	<i>Any person may prefer charges against licensee/intern/firm holding certificate of authorization</i>	250.30 A
150.20 B	<i>All charges, unless dismissed/settled informally, shall be heard by the board. Also, notification of the accused, rights of the accused, and conduct of the hearing</i>	
150.20 C	<i>After hearing, majority of board sustains charges, board can reprimand, fine, suspend/revoke/etc. individual's license or intern certification or firm's certificate of authorization</i>	
150.20 D	<i>Individual/firm aggrieved by board actions may appeal to the proper court under normal civil procedures</i>	
150.20 E	<i>Financial sanction assessed pursuant to Section 150.10, unless paid within ... days shall constitute a judgment and be filed/executed as any other judgment of a court of record</i>	
150.20 F	<i>Action to enforce order may be combined with action for injunction</i>	
150.20 G	<i>Board may, upon petition, reissue certificate of licensure/authorization, if majority of board votes in favor</i>	250.40 A, B
Section 150.30	Violations by Others	250.20
150.30 A	<i>Enumeration of unlicensed practices/misrepresentations/fraud</i>	
150.30 B	<i>Board can assess fine of not more than \$... for each offense</i>	
150.30 C	<i>Each day of continued violation may be a separate offense</i>	
150.30 D	<i>Determination of amount of fine</i>	
150.30 E	<i>Board may fine and recover costs from firm that has guilty members</i>	
150.30 F	<i>Any person may prefer charges against unlicensed individual or firm not holding certificate of authorization</i>	
150.30 G	<i>All charges, unless dismissed/settled informally, shall be heard by the board. Also, notification of the accused, rights of the accused and conduct of the hearing</i>	

MODEL LAW SECTION	DESCRIPTOR	CORRESPONDING MODEL RULES SECTION
150.30 H	<i>After hearing, if majority of board sustains charges, board can fine not more than \$.... for each count and recover costs</i>	
150.30 I	<i>Individual/firm aggrieved by board actions may appeal to the proper court under normal civil procedures</i>	
150.30 J	<i>Unless penalty is paid withindays, order shall constitute a judgment</i>	
150.30 K	<i>Action to enforce order may be combined with action for injunction</i>	
Section 150.40	Criminal Offenses	
SECTION 160	MISCELLANEOUS	
Section 160.10	Certificates of Authorization	
160.10 A	<i>Practice by individuals through a firm</i>	
160.10 B	<i>Application for certificate of authorization is filed with the board.</i>	
160.10 C	<i>This Act does not prevent firm from performing services for itself or subsidiary</i>	
160.10 D	<i>Firm not relieved of responsibility for conduct/acts of its managing agents/employees/officers/etc.</i>	
160.10 E	<i>Rules for secretary of jurisdiction to issue certificate of incorporation, organization, licensure, or authorization to firms</i>	
160.10 F	<i>Rules for secretary of jurisdiction to authorize trade names/trademarks/service marks</i>	
160.10 G	<i>Expirations and renewals</i>	
160.10 H	<i>Issuance of duplicate certificate of renewal</i>	
160.10 I	<i>Responsibilities of managing agent</i>	
Section 160.20	Public Works	
Section 160.30	Exemption Clause	
160.30 A	Other Professions	
160.30 B	Contingent License	
160.30 C	Employees and Subordinates	
Section 160.40	Duties of Recorders	
Section 160.50	Invalid Provisions	
Section 160.60	Repeal of Conflicting Legislation	
Section 160.70	Grandfathering of Photogrammetrists	
Section 160.80	Effective Date	

APPENDIX B

References to Internal Citations in *Model Law*

MODEL LAW CITATION	MODEL LAW CITATION REFERENCED WITHIN CITATIONS IN COLUMN 1	MODEL LAW CITATION THAT REFERENCES CITATIONS IN COLUMN 1
110.20 H	160.10	
110.20 I	120.60 A	
110.20 K		140.10 C
120.10	120.20 (twice)	120.40
120.20		120.10
120.40	120.10	
120.60 A	160.10	110.20 I
130.10		130.30 B
130.20		130.30 B
130.30 B	130.10, 130.20	
140.10 C	110.20 K	
150.10		150.20 E
150.20 E	150.10	
150.30		150.40
150.40	150.30	
160.10		110.20 H, 120.60 A
160.30 B		160.30 C
160.30 C	160.30 B (twice)	



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