



ENGINEERING-PDH.com  
ONLINE CONTINUING EDUCATION

# NCEES MODEL LAW REVIEW

<b>Main Category:</b>	Ethics, Rules & Laws
<b>Sub Category:</b>	Laws & Rules
<b>Course #:</b>	RUL-111
<b>Course Content:</b>	41 pgs
<b>PDH/CE Hours:</b>	3

## OFFICIAL COURSE/EXAM (SEE INSTRUCTIONS ON NEXT PAGE)

[WWW.ENGINEERING-PDH.COM](http://WWW.ENGINEERING-PDH.COM)

TOLL FREE (US & CA): 1-833-ENGR-PDH (1-833-364-7734)

[SUPPORT@ENGINEERING-PDH.COM](mailto:SUPPORT@ENGINEERING-PDH.COM)

# RUL-111 EXAM PREVIEW

**- TAKE EXAM! -**

## Instructions:

- At your convenience and own pace, review the course material below. When ready, click “Take Exam!” above to complete the live graded exam. (Note it may take a few seconds for the link to pull up the exam.) You will be able to re-take the exam as many times as needed to pass.
- Upon a satisfactory completion of the course exam, which is a score of 70% or better, you will be provided with your course completion certificate. Be sure to download and print your certificates to keep for your records.

## Exam Preview:

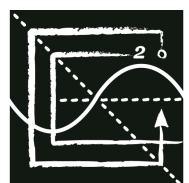
1. The NCEES Model Law sets forth broad ideas about the regulation of engineering and surveying licensure. It is an enabling document that defines the board’s \_\_\_\_.
  - a. Ethical responsibilities
  - b. Regulations and rulemaking
  - c. Organization and legislation
  - d. Powers and duties
2. NCEES determined that licensing boards should be an \_\_\_\_ as it minimizes adverse effects of external influences related to funding, decision-making, and disciplinary activities.
  - a. University sponsored entity
  - b. Independent agency
  - c. Dependent jurisdictional agency
  - d. Employee owned entity
3. Engineer Intern—The term “Engineer Intern,” as used in this Act, shall mean an individual who has been duly certified as an engineer intern by the board.
  - a. True
  - b. False
4. Professional Engineer, Retired—The term “Professional Engineer, Retired,” as used in this Act, shall mean an individual who has been duly licensed as a professional engineer by the board and who chooses to relinquish or not to renew a license and who applies to and is approved by the board to be granted the use of the title “Professional Engineer, Retired.”
  - a. True
  - b. False

5. A jurisdiction board of licensure for professional engineers and/or professional surveyors is created whose duty it shall be to administer the provisions of this Act. Each professional engineer member of the board shall have been engaged in the lawful practice of engineering as a professional engineer for at least:
  - a. 12 years
  - b. 13 years
  - c. 15 years
  - d. 5 years
6. The board shall not have the power to adopt and amend all bylaws and rules of procedure not inconsistent with the constitution and laws of this jurisdiction or this Act, including, but not limited to, the adoption and promulgation of Rules, which may be reasonably necessary for the proper performance of its duties and the regulation of its procedures, meetings, records, examinations, and the conduct thereof.
  - a. True
  - b. False
7. Upon licensure, each licensee may obtain a seal. Which of the following is not included in the recommendation for the content of a licensee's seal?
  - a. Jurisdiction of licensure
  - b. Licensee's name
  - c. License number
  - d. Licensee's date of birth
8. The board shall have the power to suspend, revoke, place on probation, fine, recover costs, and/or reprimand, or to refuse to issue, restore, or renew a license or intern certification to any licensee or intern that is found guilty of any fraud or deceit in obtaining or attempting to obtain or renew a certificate of licensure.
  - a. True
  - b. False
9. A firm shall designate a managing agent and a resident professional. The managing agent and the resident professional may not be the same individual.
  - a. True
  - b. False
10. Licensed engineers shall be in responsible charge of all engineering design of buildings, structures, products, machines, processes, and systems that can affect the health, safety, and welfare of the public.
  - a. True
  - b. False

# MODEL LAW

---

August 2018



**NCEES**

# MODEL LAW

Revised August 2018

**Vision**

The vision of NCEES is to provide leadership in professional licensure of engineers and surveyors through excellence in uniform laws, licensing standards, and professional ethics in order to safeguard the health, safety, and welfare of the public and to shape the future of professional licensure.

**Mission**

The mission of NCEES is to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public.

This mission is supported through its member boards, board of directors, staff, board administrators, and volunteers by:

- Providing outstanding nationally normed examinations for engineers and surveyors
- Providing uniform model laws and model rules for adoption by the member boards
- Promoting professional ethics among all engineers and surveyors
- Coordinating with domestic and international organizations to advance licensure of all engineers and surveyors



©2018, All Rights Reserved  
National Council of Examiners for Engineering and Surveying®

## CONTENTS

<b>PREFACE .....</b>	<b>1</b>
<b>AN ACT .....</b>	<b>2</b>
<b>110 INTRODUCTION .....</b>	<b>2</b>
110.10 General Provisions .....	2
110.20 Definitions.....	2
<b>120 THE LICENSING BOARD .....</b>	<b>5</b>
120.10 Board Appointments, Terms .....	5
120.20 Board Qualifications.....	6
120.30 Board Compensation, Expenses .....	6
120.40 Board Removal of Members, Vacancies .....	6
120.50 Board Organization and Meetings.....	6
120.60 Board Powers .....	6
120.65 Bias or Conflict .....	8
120.70 Receipts and Disbursements .....	8
120.80 Records and Reports .....	8
120.90 Roster .....	9
<b>130 LICENSURE.....</b>	<b>9</b>
130.10 General Requirements for Licensure.....	9
130.20 Application and Fees .....	12
130.30 Examinations .....	13
<b>140 LICENSEES .....</b>	<b>13</b>
140.10 Certificates of Licensure, Seals.....	13
140.20 Expirations, Renewals, and Reinstatement to Active Practice .....	14
140.30 Issuance of Duplicate Certificates .....	14
<b>150 DISCIPLINARY ACTION .....</b>	<b>14</b>
150.10 Grounds for Disciplinary Action—Licensees and Interns.....	14
150.20 Disciplinary Action Procedures—Licensees and Interns .....	15
150.30 Grounds for Disciplinary Action—Unlicensed Individuals.....	16
150.40 Disciplinary Action Procedures—Unlicensed Individuals .....	17
150.50 Criminal Offenses.....	17
<b>160 CERTIFICATES OF AUTHORIZATION FOR FIRMS.....</b>	<b>18</b>
160.10 General Requirements for Certificates of Authorization .....	18
160.20 Managing Agent and Resident Professional .....	18
160.30 Liability Not Affected .....	19
160.40 Application and Fees .....	19
160.50 Expirations and Renewals.....	19
160.60 Issuance of Duplicate Certificates .....	19
160.70 Grounds for Disciplinary Action—Firms Holding a Certificate of Authorization .....	19
160.80 Disciplinary Action Procedures—Firms Holding a Certificate of Authorization .....	20
160.90 Grounds for Disciplinary Action—Firms Not Holding a Certificate of Authorization .....	21

160.100	Disciplinary Action Procedures—Firms Not Holding a Certificate of Authorization.....	22
160.110	Criminal Offenses .....	22
<b>170 MISCELLANEOUS</b>	.....	22
170.10	Public Works .....	22
170.20	Engineered Products and Systems .....	23
170.30	Exemption Clause.....	23
170.40	Duties of Recorders .....	23
170.50	Invalid Provisions.....	23
170.60	Repeal of Conflicting Legislation.....	23
170.70	Effective Date .....	23
<b>APPENDIX A:</b>	Index for <i>Model Law</i> with General Cross-Reference to <i>Model Rules</i> .....	24
<b>APPENDIX B:</b>	References to Internal Citations in <i>Model Law</i> .....	31
<b>APPENDIX C:</b>	NCEES Publications .....	32
<b>APPENDIX D:</b>	Model Language for Member Boards that License Structural Engineers .	33



## PREFACE

### Purpose of the NCEES *Model Law* and *Model Rules*

The vision of the National Council of Examiners for Engineering and Surveying (NCEES) is to provide leadership in professional licensure of engineers and surveyors through excellence in uniform laws, licensing standards, and professional ethics in order to safeguard the health, safety, and welfare of the public and to shape the future of professional licensure. The mission of NCEES is to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public.

NCEES serves as an organization through which its members—the engineering and surveying licensure boards in all U.S. states and territories—can counsel and act together to better discharge their duties as individual, autonomous regulatory agencies. One of the primary ways NCEES fulfills its vision and supports its mission is by providing the *Model Law* and *Model Rules* for adoption by its member boards.

The NCEES *Model Law* sets forth broad ideas about the regulation of engineering and surveying licensure. It is an enabling document that defines the board's powers and duties. It is designed to assist legislative counsels, legislators, and NCEES members in preparing new or amendatory legislation. Each line in the sections is numbered to facilitate use of this document as a working model.

The *Model Rules* complements the *Model Law* by providing model rules and regulations for the ways member boards can carry out the general concepts introduced and set forth in the law. While it is designed to explain broad provisions stated in the *Model Law* by offering the details from an administrative perspective, the *Model Rules*, just like a board's regulations or rulemaking process, functions only within the authority granted by the *Model Law*. The *Model Rules* is designed to assist NCEES member board members, board counsel, and board administrators in preparing and updating board rules.

The bracketed and italicized language throughout the *Model Law* and *Model Rules* indicates areas where language may need to be customized for a jurisdiction.

By vote, the majority of NCEES member boards have agreed that the language in the *Model Law* and *Model Rules* represents the gold standard for engineering and surveying licensure requirements in the United States. Revisions to the *Model Law* and *Model Rules* are decided at the NCEES annual business meeting, and any motion to amend the *Model Law* or the *Model Rules* presented at an annual business meeting by an entity other than the Committee on Uniform Procedures and Legislative Guidelines (UPLG) shall be referred to the UPLG Committee for review and revision of the language for inclusion before it is presented for Council vote at the next scheduled annual meeting.

The intent of NCEES in preparing these uniform model documents is to present its member boards with a high-level benchmark—and yet a sound and realistic guide—that will provide greater uniformity of qualifications for licensure, raise these qualifications to a higher level of accomplishment, and simplify the interstate licensure of engineers and surveyors.

## LICENSURE OF ENGINEERS AND SURVEYORS

### AN ACT

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

Be it enacted by the *[insert Legislative body name]* of the Jurisdiction of *[insert state or territory name]* as follows.

### 110 INTRODUCTION

#### 110.10 General Provisions

- A. Regulation of Engineers and Surveyors—In order to safeguard the health, safety, and welfare of the public, the practice of engineering and/or the practice of surveying in this jurisdiction is/are hereby declared to be subject to regulation in the public interest. It shall be unlawful for any person to practice, or to offer to practice, engineering and/or surveying in this jurisdiction, as defined in the provisions of this Act, or to use in connection with their name or otherwise assume, or advertise any title or description tending to convey the impression that they are a licensed engineer and/or surveyor, unless such person has been duly licensed or authorized or is exempted under the provisions of this Act. The practice of engineering or surveying shall be deemed a privilege granted by this jurisdiction through the licensing board based on the qualifications of the individual as evidenced by that individual’s certificate of licensure, which shall not be transferable.
- B. Board Structure—The licensing board shall be an independent agency.<sup>2</sup> It shall receive no financial support from the jurisdiction general fund and be fully supported by the revenue collected through fees and other sources. All revenue collected by the board shall be deposited into the Professional Engineers and/or Surveyors Account *[insert name of board account]*, reserved and dedicated for the express use of administering the requirements of this Act.

#### 110.20 Definitions

- A. Engineer
1. Engineer—The term “Engineer,” within the intent of this Act, shall mean an individual who is qualified to practice engineering by reason of engineering education, training, and experience in the application of engineering principles and the interpretation of engineering data.
  2. Professional Engineer—The term “Professional Engineer,” as used in this Act, shall mean an individual who has been duly licensed as a professional engineer by the board. The board may

<sup>1</sup> 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.

<sup>2</sup> 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.

designate a professional engineer, on the basis of education, experience, and examination, as being licensed in a specific discipline or branch of engineering signifying the area in which the engineer has demonstrated competence.

3. Professional Engineer, Retired—The term “Professional Engineer, Retired,” as used in this Act, shall mean an individual who has been duly licensed as a professional engineer by the board and who chooses to relinquish or not to renew a license and who applies to and is approved by the board to be granted the use of the title “Professional Engineer, Retired.”
4. Engineer Intern—The term “Engineer Intern,” as used in this Act, shall mean an individual who has been duly certified as an engineer intern by the board.
5. Practice of Engineering—The term “Practice of Engineering,” as used in this Act, shall mean any service or creative work requiring engineering education, training, and experience in the application of engineering principles and the interpretation of engineering data to engineering activities that potentially impact the health, safety, and welfare of the public.

The services may include, but not be limited to, providing planning, studies, designs, design coordination, drawings, specifications, and other technical submissions; teaching engineering design courses; performing surveying that is incidental to the practice of engineering; and reviewing construction or other design products for the purposes of monitoring compliance with drawings and specifications related to engineered works.

Surveying incidental to the practice of engineering excludes the surveying of real property for the establishment of land boundaries, rights of way, easements, and the dependent or independent surveys or resurveys of the public land survey system.

An individual shall be construed to practice engineering, within the meaning and intent of this Act, if he or she does any of the following:

- a. Practices any discipline of the profession of engineering or holds himself or herself out as able and entitled to practice any discipline of engineering
  - b. Represents himself or herself to be a professional engineer by verbal claim, sign, advertisement, letterhead, or card or in any other way
  - c. Through the use of some other title, implies that he or she is a professional engineer under this Act
6. Inactive Status—Licensees who are not engaged in engineering practice that requires licensure in this jurisdiction may be granted inactive status. No licensee granted inactive status may practice or offer to practice engineering in this jurisdiction unless otherwise exempted in this Act.

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

1. Professional Surveyor—The term “Professional Surveyor,” as used in this Act, shall mean an individual who has been duly licensed as a professional surveyor by the board established under this Act and who is a professional specialist in the technique of measuring land, educated in the basic principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence and all requisite to surveying of real property, and engaged in the practice of surveying as herein defined.
2. Professional Surveyor, Retired—The term “Professional Surveyor, Retired,” as used in this Act, shall mean an individual who has been duly licensed as a professional surveyor by the board and who chooses to relinquish or not to renew a license and who applies to and is approved by the board to be granted the use of the title “Professional Surveyor, Retired.”

3. Surveyor Intern—The term “Surveyor Intern,” as used in this Act, shall mean an individual who has been duly certified as a surveyor intern by the board.
4. Practice of Surveying—The term “Practice of Surveying,” as used in this Act, shall mean providing, or offering to provide, professional services using such sciences as mathematics, geodesy, and photogrammetry, and involving both (1) the making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvements on the earth, the space above, on, or below the earth and (2) providing, utilizing, or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions, or projects. Professional services include acts of consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling, and interpreting gathered measurements and information related to any one or more of the following:
- a. Determining by measurement the configuration or contour of the earth’s surface or the position of fixed objects thereon
  - b. Determining by performing geodetic surveys the size and shape of the earth or the position of any point on the earth
  - c. Locating, relocating, establishing, reestablishing, or retracing property lines or boundaries of any tract of land, road, right of way, or easement
  - d. Making any survey for the division, subdivision, or consolidation of any tract(s) of land
  - e. Locating or laying out alignments, positions, or elevations for the construction of fixed works
  - f. Determining, by the use of principles of surveying, the position for any survey monument (boundary or nonboundary) or reference point; establishing or replacing any such monument or reference point
  - g. Creating, preparing, or modifying electronic, computerized, or other data, relative to the performance of the activities in items a–f above
- An individual shall be construed to practice surveying, within the meaning and intent of this Act, if he or she does any of the following:
- a. Engages in or holds himself or herself out as able and entitled to practice surveying
  - b. Represents himself or herself to be a professional surveyor by verbal claim, sign, advertisement, letterhead, or card or in any other way
  - c. Through the use of some other title, implies that he or she is a professional surveyor or licensed under this act
5. Inactive Status—Licensees who are not engaged in surveying practice that requires licensure in this jurisdiction may be granted inactive status. No licensee granted inactive status may practice or offer to practice surveying in this jurisdiction unless otherwise exempted in this Act.
- C. Board—The term “Board,” as used in this Act, shall mean the jurisdiction board of licensure for professional engineers and professional surveyors, hereinafter provided by this Act.
- D. Jurisdiction—The term “Jurisdiction,” as used in this Act, shall mean a state, the District of Columbia, or any territory, commonwealth, or possession of the United States that issues licenses to practice and regulates the practice of engineering and/or surveying within its legal boundaries.
- E. Responsible Charge—The term “Responsible Charge,” as used in this Act, shall mean direct control and personal supervision of engineering or surveying work, as the case may be.
- F. Rules of Professional Conduct—The term “Rules of Professional Conduct,” as used in this Act, shall mean those rules of professional conduct, if any, promulgated by the board as authorized by this Act.

- 99 G. Firm—The term “Firm,” as used in this Act, shall mean any form of business or entity other than  
100 an individual operating as a sole proprietorship under his or her own name.
- 101 H. Managing Agent—The term “Managing Agent,” as used in this Act, shall mean an individual who is  
102 licensed under this Act and who has been designated pursuant to Section 160.20 of this Act by the  
103 firm.
- 104 I. Rules—The term “Rules,” as used in this Act, shall mean those rules and regulations adopted  
105 pursuant to Section 120.60 A, Board Powers, of this Act.
- 106 J. Signature—The term “Signature,” as used in this Act, shall be in accordance with the Rules.
- 107 K. Seal—The term “Seal,” as used in this Act, shall mean a symbol, image, or list of information.
- 108 L. Licensee—The term “Licensee,” as used in this Act, shall mean a professional engineer or a  
109 professional surveyor.
- 110 M. Person—The term “Person,” as used in this Act, shall mean an individual or firm.
- 111 N. Authoritative—The term “Authoritative,” as used in this Act or Rules promulgated under this Act,  
112 shall mean being presented as trustworthy and competent when used to describe products,  
113 processes, applications, or data resulting from the practice of surveying.
- 114 O. Disciplinary Action—The term “Disciplinary Action,” as used in this Act, shall mean any final  
115 written decision or settlement taken against an individual or firm by a licensing board based upon  
116 a violation of the board’s laws and rules.
- 117 P. Positional accuracy—The extent to which horizontal and vertical information on a map or in a  
118 digital database matches true or accepted values that are relative to the earth’s surface or other  
119 reference datum
- 120 Q. Georeferenced—Being referenced, measured, or described in spatial terms relative to the earth’s  
121 surface or other reference datum
- 122 R. Surveying deliverables—Any map, database, report, or other similar electronic or printed  
123 deliverable that shows the authoritative location of features or coordinate systems. Surveying  
124 deliverables provide spatial information to a level of positional accuracy, whether that accuracy is  
125 stated, regulated, or implied.

## 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 *[insert number]* professional engineers, *[insert number]* professional surveyors, and *[insert number]*  
4 public members who shall be appointed by the governor. The professional engineer and professional  
5 surveyor members shall preferably be appointed from a list of nominees submitted by the respective  
6 engineering and/or surveying societies of this jurisdiction and shall have the qualifications required by  
7 Section 120.20 of this Act. Each member of the board shall receive a certificate of his or her  
8 appointment from the governor and shall file with this jurisdiction a written oath or affirmation for the  
9 faithful discharge of his or her official duty. Appointments to the board shall be in such manner and for  
10 such period of time that the term of each member shall expire at the end of a different year, insofar as  
11 is possible. On the expiration of the term of any member, the governor shall in the manner  
12 hereinbefore provided appoint for a term of *[insert number]* years a professional engineer, a  
13 professional surveyor, or a public member having the qualifications required in Section 120.20 of this  
14 Act. Members may be reappointed to succeed themselves. Each member shall hold office until the  
15 expiration of the term for which appointed or until a successor has been duly appointed and has  
16 qualified. In the event of a vacancy on the board due to resignation, death, or for any cause resulting in

an unexpired term, if not filled within three months by the governor, the board may appoint a provisional member to serve in the interim until the governor acts.

#### **120.20 Board Qualifications**

Each professional engineer member of the board shall be a citizen of the United States and a resident of this jurisdiction. He or she shall have been engaged in the lawful practice of engineering as a professional engineer for at least 12 years, shall have been in responsible charge of engineering projects for at least five years, and shall be a licensed professional engineer in this jurisdiction.

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

Each public member of the board shall be a citizen of the United States and a resident of this jurisdiction and shall not be or have been a licensee.

#### **120.30 Board Compensation, Expenses**

Each member of the board shall be entitled to the maximum allowable per diem set by the board when attending to the work of the board or any of its committees and for the time spent in necessary travel; and, in addition thereto, shall be reimbursed for all actual traveling, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this Act.

#### **120.40 Board Removal of Members, Vacancies**

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

#### **120.50 Board Organization and Meetings**

The board shall hold at least *[insert number]* regular meetings each year. Other meetings may be called as prescribed by jurisdictional law. The board shall elect or appoint annually from among its membership the following officers: a chairperson, a vice chairperson, and a secretary. A quorum of the board shall consist of no fewer than *[insert number]* professional engineer members, *[insert number]* professional surveyor members, and *[insert number]* public members.

#### **120.60 Board Powers**

- A. The board shall have the power to adopt and amend all bylaws and rules of procedure not inconsistent with the constitution and laws of this jurisdiction or this Act, including, but not limited to, the adoption and promulgation of Rules, which may be reasonably necessary for the proper performance of its duties and the regulation of its procedures, meetings, records, examinations, and the conduct thereof. These actions by the board shall be binding upon individuals licensed or recognized under this Act and on non-licensees found by the board to be in violation of provisions of this Act and shall be applicable to firms that hold or should hold a certificate of authorization as provided in Section 160 of this Act. The board shall adopt and have an official seal, which shall be affixed to each certificate issued.
- B. In carrying into effect the provisions of this Act, the board may subpoena witnesses and compel their attendance and may also require the submission of books, papers, documents, or other pertinent data, in any disciplinary matter, or in any case wherever a violation of this Act is alleged.



13 Upon failure or refusal to comply with any such order of the board or upon failure to honor its  
14 subpoena, as herein provided, the board may apply to a court of competent jurisdiction to enforce  
15 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 or  
18 to restrain any violation thereof. In such proceedings, it shall not be necessary to allege or prove  
19 either that an adequate remedy at law does not exist or that substantial or irreparable damage  
20 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 as provided by law. This board authority applies to  
29 licensed, unlicensed, authorized, and unauthorized persons.
- 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 or  
34 for any neglect or default in the performance or exercise in good faith of any such duty or power.
- 35 H. The board shall have the power and authority to waive requirements of this law pertaining to  
36 surveying or engineering licensure provided consideration is given to safeguarding the health,  
37 safety, and welfare of the public.
- 38 I. In carrying out the duties, functions, and obligations in this Act, the board may contract with any  
39 jurisdictional agency or private vendor as the board considers appropriate. The board may also  
40 enter into contracts to acquire, own, encumber, issue, replace, deal in, and dispose of real and  
41 personal property.
- 42 J. The board shall have the power to employ such staff as necessary for the proper performance of its  
43 work. The board may employ an individual who shall be responsible for the administration of the  
44 policies of the board and for the processing of its routine operations. The board may also employ  
45 those persons required and qualified, including full or part-time, to perform the administration of  
46 the laws of this jurisdiction and those rules regulating the practice of engineering and surveying.  
47 This includes the use of consultants when deemed necessary.
- 48 K. The board shall have the power to appoint committees to assist the board's efforts in carrying out  
49 the responsibilities of this Act.
- 50 L. The board shall have the power to adopt and collect fees in amounts necessary to enable the board  
51 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 *[insert 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 of  
57 this Act, and the compensation and expenses therefore shall be paid from the funds of the board.

### **120.65 Bias or Conflict**

Any board member who serves on the investigative committee cannot vote at the disciplinary hearing. *[Note: Some boards use one member on a rotating basis. Some boards do not use a committee but use an investigator who then confers with the board and the attorney for the board.]* The investigative committee makes a determination if probable cause exists for taking further action or for issuing a summons and notice of charges.

### **120.70 Receipts and Disbursements**

The board administrator shall receive, disburse, and account for all monies derived under the provisions of this Act. This fund shall be known as the "Professional Engineers' and Professional Surveyors' Fund," shall be kept in a local bank or deposited with the jurisdiction treasurer, and shall be paid out only upon requisitions submitted by the board administrator. All monies in this fund are hereby specifically appropriated for the use of the board. The board administrator shall give a surety bond to this jurisdiction in such sum as may be required by the laws of this jurisdiction. The premium on said bond shall be regarded as a proper and necessary expense of the board. The board administrator shall receive such salary as the board shall determine. The board shall make expenditures from the abovementioned fund for any purpose which, in the opinion of the board, is reasonably necessary for the proper performance of its duties under this Act, including the expenses of the board's delegates to meetings of and membership fees to the National Council of Examiners for Engineering and Surveying (NCEES) and any of its subdivisions. Individuals appointed by the board to serve on committees, or who perform other services required by the board, are entitled to reimbursement of expenses as approved by the board. Under no circumstances shall the total amount of warrants issued in payment of the expenses and compensation provided for in this Act exceed the amount of monies collected.

### **120.80 Records and Reports**

- A. The board shall keep a record of its proceedings. The board shall also keep a record of all applications for licensure, which shall show all of the following:
  1. The name, date of birth, and physical address of each applicant
  2. The date of application
  3. The place of business of the applicant
  4. Educational and other qualifications of the applicant
  5. Whether or not an examination was required
  6. Whether or not the applicant was rejected
  7. Whether or not a certificate of licensure was granted
  8. The date of the action by the board
  9. A declaration under penalty of perjury from each applicant that he or she will abide by the statutes and rules prescribed by the board, with the declaration becoming a part of his or her application for licensure
  10. Any other information deemed necessary by the board
- B. The board shall also keep a record of all applications of firms for a certificate of authorization, which shall show all of the following:
  1. The name, date of formation, and business address of each applicant
  2. The date of application
  3. The name, physical address, and license number of the managing agent
  4. Whether or not the applicant was rejected
  5. Whether or not a certificate of authorization was granted



- 22 6. The date of the action by the board
- 23 7. A declaration under penalty of perjury from an officer and managing agent, if the officer is not
- 24 the 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 proceedings shall be prima facie evidence of the proceedings of the board,
- 28 and a transcript thereof, duly certified by the board administrator under seal, shall be admissible
- 29 as 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. The board administrator shall make an
- 33 annual financial report to the governor or other appropriate fiscal oversight authorities in this
- 34 jurisdiction.
- 35 E. The Freedom of Information Act requires most records, papers, and reports of the board to be
- 36 public in nature and to be obtained from the board upon written request and payment of costs of
- 37 reproduction, handling, and mailing. Other records, papers, and reports, most of which are
- 38 confidential, are not considered to be public in nature and are not available except when required
- 39 by court action or the jurisdiction's public records laws. These include, but are not limited to,
- 40 examination material for examinations not yet given, file records of examination problems and
- 41 solutions, examinations scores, letters of inquiry and reference concerning applicants, transcripts
- 42 of college courses and grades, email addresses, board inquiry forms concerning applicants,
- 43 pending and closed complaints and investigative files until a formal hearing may commence or
- 44 until final disciplinary action is taken, cases dismissed without disciplinary action, all other
- 45 materials of like confidential nature, and information otherwise 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.

## **130 LICENSURE**

### **130.10 General Requirements for Licensure**

1 Education, experience, and examinations are required for licensure as a professional engineer or

2 professional surveyor as set forth by the jurisdiction.

#### **A. Eligibility for Licensure**

4 To be eligible for licensure as a professional engineer or professional surveyor, an individual must

5 meet all of the following requirements:

- 6 1. Be of good character and reputation
- 7 2. Satisfy the education criteria set forth by the board
- 8 3. Satisfy the experience criteria set forth by the board
- 9 4. Pass the applicable examinations set forth by the board
- 10 5. Submit five references acceptable to the board

#### **B. Engineering**

##### **1. Certification or Enrollment as an Engineer Intern**

13 The following shall be considered as minimum evidence that the applicant is qualified for

14 certification as an engineer intern.

- 15 a. Graduating from an engineering program of four years or more accredited by the  
16 Engineering Accreditation Commission of ABET (EAC/ABET), graduating from an  
17 engineering master's program accredited by EAC/ABET, or meeting the requirements of  
18 the NCEES *Engineering Education Standard*
- 19 b. Passing the NCEES Fundamentals of Engineering (FE) examination
- 20 2. Licensure as a Professional Engineer
- 21 a. Initial Licensure as a Professional Engineer
- 22 An applicant who presents evidence of meeting the applicable education, examination,  
23 and experience requirements as described below shall be eligible for licensure as a  
24 professional engineer.
- 25 (1) Education Requirements
- 26 An individual seeking licensure as a professional engineer shall possess one or more of  
27 the following education qualifications:
- 28 (a) A degree in engineering from an EAC/ABET-accredited bachelor's program
- 29 (b) A degree in engineering from an EAC/ABET-accredited master's program
- 30 (c) A bachelor's, master's, or doctoral degree in engineering from a non-EAC/ABET-  
31 accredited program. This individual's education must be shown to meet the  
32 NCEES *Engineering Education Standard*.
- 33 (2) Examination Requirements
- 34 An individual seeking licensure as a professional engineer shall take and pass the  
35 NCEES Fundamentals of Engineering (FE) examination and the NCEES Principles  
36 and Practice of Engineering (PE) examination as described below.
- 37 (a) The FE examination may be taken by a college senior or graduate of an  
38 engineering program of four years or more accredited by EAC/ABET, of a  
39 program that meets the requirements of the NCEES *Engineering Education*  
40 *Standard*, or of an engineering master's program accredited by EAC/ABET.
- 41 (b) The PE examination may be taken by an engineer intern.
- 42 (3) Experience Requirements
- 43 An individual seeking licensure as a professional engineer shall present evidence of a  
44 specific record of four years of progressive engineering experience after a qualifying  
45 degree is conferred as described in a(1) above. This experience should be of a grade  
46 and character that indicate to the board that the applicant may be competent to  
47 practice engineering. The following educational criteria may apply as a substitute to  
48 the length of experience set forth above:
- 49 (a) An individual with a master's degree in engineering acceptable to the board:  
50 three years of experience after the qualifying bachelor's degree is conferred as  
51 described in a(1)(a) or a(1)(c) above
- 52 (b) An individual with an earned doctoral degree in engineering acceptable to the  
53 board and who has passed the FE exam: two years of experience
- 54 (c) An individual with an earned doctoral degree in engineering acceptable to the  
55 board and who has elected not to take the FE exam: four years of experience
- 56 A graduate degree that is used to satisfy education requirements cannot be applied for  
57 experience credit toward licensure. To be eligible for experience credit, graduate  
58 degrees shall be relevant to the applicant's area of professional practice.
- 59 Experience credit for a graduate degree cannot be earned concurrently with work  
60 experience credit.

b. Licensure by Comity for a Professional Engineer<sup>3,4</sup>

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure by comity as a professional engineer:

- (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 that provides proof of minimal competency and is comparable to the applicable licensure act in effect in this jurisdiction at the time such certificate was issued 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; or
- (2) An individual holding an active Council Record with NCEES, 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.

C. Surveying

1. Certification or Enrollment as a Surveyor Intern

The following shall be considered as minimum evidence that the applicant is qualified for certification or enrollment as a surveyor intern.

- a. Graduating from a surveying program of four years or more accredited the Engineering Accreditation Commission of ABET (EAC/ABET), the Engineering Technology Accreditation Commission of ABET (ETAC/ABET), the Applied and Natural Science Accreditation Commission of ABET (ANSAC/ABET), or meeting the requirements of the NCEES *Surveying Education Standard*
  - b. Graduating from a program related to surveying of four years or more as approved by the board and with a specific record of two years of progressive experience in surveying
  - c. Graduating from a program of four years or more as approved by the board and with a specific record of four years of progressive experience in surveying
- In addition to satisfying one of the above requirements, the applicant shall pass the NCEES Fundamentals of Surveying (FS) examination.

2. Licensure as a Professional Surveyor

a. Initial Licensure as a Professional Surveyor

A surveyor intern with a specific record of four years or more of combined office and progressive field experience satisfactory to the board in surveying, of which a minimum of three years of progressive field experience satisfactory on surveying projects under the supervision of a professional surveyor, shall be admitted to the NCEES Principles and Practice of Surveying examination and any required state-specific examinations. Upon passing these examinations, the applicant shall be licensed as a professional surveyor, if otherwise qualified.

b. Licensure by Comity for a Professional Surveyor

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure by comity as a professional surveyor:

- (1) An individual holding a certificate of licensure to engage in the practice of surveying issued by a proper authority of any jurisdiction or any foreign country, based on

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

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

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 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 NCEES, 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.

3. Grandfathering of Photogrammetrists—In the event that the board chooses to license photogrammetrists as professional surveyors and a photogrammetrist does not qualify under the sections above, the board may license the photogrammetrist as a professional surveyor using the following requirements and procedure.
- a. The individual was practicing surveying using photogrammetric technologies in this jurisdiction as of *[insert date]* and has at least eight years' experience in the profession, two or more of which shall have been in responsible charge of photogrammetric surveying and/or mapping projects meeting ASPRS Aerial Photography and Mapping Standards or U.S. National Mapping Standards.
  - b. The applicant files an application with the board by *[insert date]*. Thereafter, no photogrammetrist shall be licensed without meeting the requirements for licensure as a professional surveyor set forth by the board for all other applicants.
  - c. The applicant submits certified proof of graduation from high school, high school equivalency, or a higher degree; or certified proof of a bachelor's degree in surveying or a related field of study approved by the board, which may be substituted for four of the above required years of experience; or certified proof of a master's degree in surveying or a related field of study approved by the board, which may be substituted for a maximum of five of the above required years of experience.
  - d. The applicant submits proof of employment in responsible charge of photogrammetric surveying and/or mapping projects, practicing within any jurisdiction, including itemized reports detailing methods, procedures, amount of the applicant's personal involvement, and the name, address, and telephone numbers of the client for five projects completed under the supervision of the applicant within the United States. A final map for each of the five projects shall also be submitted.
  - e. The applicant submits five references as to the applicant's character and quality of work, all of which shall be from licensees currently practicing within the scope of their license in an area of surveying.

### 130.20 Application and Fees

A. Application for licensure as a professional engineer and/or professional surveyor or certification as an engineer intern or surveyor intern shall be on a form prescribed and furnished by the board; shall contain a declaration made under penalty of perjury, showing the applicant's education and a detailed summary of technical and engineering experience or surveying experience; and shall include the names and contact information of the references.

The board may accept the verified information contained in a valid Council Record issued by NCEES for applicants in lieu of the same information that is required on the form prescribed and furnished by the board.

- 9 B. The application fee shall be established by regulation of the board for licensure as a professional  
10 engineer or professional surveyor or for certification as an engineer intern or surveyor intern, and  
11 shall accompany the application.
- 12 C. Should the board deny the issuance of a certificate of licensure or intern certification to any  
13 applicant, 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 and/or in accordance  
2 with NCEES examination policy. The board shall determine the acceptable passing grade on  
3 jurisdiction-specific examinations.
- 4 B. Examinations may be taken only after the applicant has met the other minimum requirements as  
5 given in Sections 130.10 and 130.20 of this Act and has been approved by the board for admission  
6 to the examinations. The board may offer the following examinations:
- 7 1. NCEES Fundamentals of Engineering (FE) examination
  - 8 2. NCEES Principles and Practice of Engineering (PE) examination
  - 9 3. NCEES Fundamentals of Surveying (FS) examination
  - 10 4. NCEES Principles and Practice of Surveying (PS) examination
- 11 C. A candidate failing an examination may apply for re-examination in accordance with NCEES  
12 policy or as directed by the board.
- 13 D. The board may prepare and require additional examinations in engineering and surveying.  
14 Specifications for such additional examinations may be published and be made available to any  
15 individual interested in being licensed as a professional engineer or as a professional surveyor.

## 140 LICENSEES

### 140.10 Certificates of Licensure, Seals

- 1 A. The seal of this board is *[insert description of seal]* and shall be affixed to each certificate of  
2 licensure, certificate of authorization, and enrollment document.
- 3 B. The board shall issue to any applicant for licensure as a professional engineer or professional  
4 surveyor who, in the opinion of the board, has met the requirements of this Act, a certificate of  
5 licensure giving the licensee proper authority to practice his or her profession in this jurisdiction.  
6 The certificate of licensure for a professional engineer shall carry the designation “Professional  
7 Engineer” and for a professional surveyor, “Professional Surveyor.” It shall give the full name of  
8 the licensee with licensure number and shall be signed by the appropriate authority under the seal  
9 of the board.
- 10 C. The certificate of licensure shall be prima facie evidence that the individual named thereon is  
11 entitled to all rights and privileges and is bound by all responsibilities of a professional engineer or  
12 a professional surveyor while the said certificate of licensure remains active and unrestricted.
- 13 D. Upon licensure, each licensee may obtain a seal. A licensee’s seal shall contain the following:
- 14 1. Jurisdiction of licensure
  - 15 2. Licensee’s name
  - 16 3. License number
  - 17 4. The words “professional engineer” *[and discipline]* or “professional surveyor”
- 18 E. The board shall issue to any applicant for certification as an engineer intern or surveyor intern  
19 who, in the opinion of the board, has met the requirements of this Act, an enrollment document as  
20 engineer intern or surveyor intern, which indicates that his or her name has been recorded as such  
21 in the board office. The engineer intern or surveyor intern enrollment document does not  
22 authorize the holder to practice as a professional engineer or a professional surveyor.

#### **140.20 Expirations, Renewals, and Reinstatement to Active Practice**

- A. Certificates of licensure shall expire on the date designated by the board and shall become invalid after that date unless renewed. It shall be the duty of the board to notify every individual licensed under this Act of the expiration date of the certificate of licensure and the amount of the fee required for its renewal.
- B. Renewal may be effected during the renewal period by meeting the requirements established by the board, including the requirements for continuing professional competency as a condition for renewal. The annual *[or insert other amount of time]* renewal fee is established by the board. Renewal fees must be received by the board prior to the expiration date.
- C. Reinstatement of an expired certificate may be effected under rules promulgated by the board regarding requirements for re-examination and penalty fees.
- D. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of this intention, by paying appropriate fees, and by meeting all requirements of the board, including demonstration of continuing professional competency as a condition of reinstatement. In the event that an inactive licensee does not maintain a current license in any jurisdiction for the three previous years prior to requesting reinstatement, that individual will be required to take and pass the NCEES Principles and Practice of Engineering (PE) examination or the NCEES Principles and Practice of Surveying (PS) examination and jurisdiction-specific examinations prior to reinstatement.

#### **140.30 Issuance of Duplicate Certificates**

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

### **150 DISCIPLINARY ACTION**

#### **150.10 Grounds for Disciplinary Action—Licensees and Interns**

- A. The board shall have the power to suspend, revoke, place on probation, fine, recover costs, and/or reprimand, or to refuse to issue, restore, or renew a license or intern certification to any licensee or intern that is found guilty of:
  1. Any fraud or deceit in obtaining or attempting to obtain or renew a certificate of licensure
  2. Any negligence, incompetence, or misconduct in the practice of engineering or surveying
  3. Conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony, whether or not related to the practice of engineering or surveying; and conviction of or entry of a plea of guilty or nolo contendere to any crime, whether a felony, misdemeanor, or otherwise, an essential element of which is dishonesty or which is directly related to the practice of engineering or surveying
  4. Failure to comply with any of the provisions of this Act or any of the rules or regulations of the board
  5. Discipline (including voluntary surrender of a professional engineer's or professional surveyor's license in order to avoid disciplinary action) by another jurisdiction, foreign country, or the United States government, if at least one of the grounds for discipline is the same or substantially equivalent to those contained in this Act
  6. Failure to provide information requested by the board as a result of a formal or informal complaint to the board that alleges a violation of this Act
  7. Knowingly making false statements or signing false statements, certifications, or affidavits in connection with the practice of engineering or surveying



8. Aiding or assisting another person in violating any provision of this Act or the rules or regulations of the board
  9. Violating any terms of any Order imposed or agreed to by the board or using a seal or practicing engineering or surveying while the licensee's license is inactive or restricted
  10. Signing, affixing, or permitting the licensee's seal or signature to be affixed to any specifications, reports, drawings, plans, plats, design information, construction documents or calculations, surveys, or revisions thereof which have not been prepared by the licensee or under the licensee's responsible charge
  11. Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public
  12. Providing false testimony or information to the board
  13. Habitual intoxication or addiction to the use of drugs or alcohol
  14. Providing engineering or surveying services outside any of the licensee's areas of competence
- B. In addition to or in lieu of any other sanction provided in this section, any licensee or intern that violates a provision of this Act or any rule or regulation of the board may be assessed a fine in an amount determined by the board of not more than *[insert amount]* dollars for each offense
1. Each day of continued violation may constitute a separate offense.
  2. In determining the amount of fine to be assessed pursuant to this section, the board may consider such factors as the following:
    - a. Whether the amount imposed will be a substantial economic deterrent to the violation
    - b. The circumstances leading to the violation
    - c. The severity of the violation and the risk of harm to the public
    - d. The economic benefits gained by the violator as a result of noncompliance
    - e. The interest of the public
    - f. Consistency of the fine with past fines for similar offenses, or justification for the fine amount

#### **150.20 Disciplinary Action Procedures—Licensees and Interns**

- A. Any person or entity, including the board or board staff, may file a complaint alleging a violation of any provision of this Act or any of the rules or regulations of the board against any licensee or against any intern.
- B. A complaint shall be in writing and state specifically the facts on which the complaint is based.
- C. All complaints shall be reviewed by the board or an investigative committee designated by the board. After review, the board or the investigative committee shall determine or recommend, as appropriate, if charges are warranted.
- D. All charges, unless dismissed by the board as unfounded, trivial, or unless settled informally, shall be heard by the board. The time and place for the hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such accused individual at least 30 days before the date fixed for the hearing. The summons and notice of charges shall be prepared in accordance with *Model Rules 250.30*. At any hearing, the accused individual shall have the right to appear in person or by counsel, or both, to cross-examine witnesses in their defense and to produce evidence and witnesses in their defense. If the accused individual fails or refuses to appear at the hearing, the board may proceed to hear and determine the validity of the charges in the accused individual's absence. The hearing shall be conducted in accordance with *Model Rules 250.30*.
- E. If after such hearing a majority of the board votes in favor of sustaining the charges, the board shall reprimand, fine in an amount not to exceed *[insert amount]* dollars for each count, recover costs, refuse to issue, restore or renew, place on probation for a period of time, and subject to such

conditions as the board may specify, suspend, revoke, or any combination thereof, the accused individual's license or intern certification.

F. Order of the Board

The board shall issue an order within *[insert number]* days of the date of the hearing. It shall include and shall state separately:

1. Findings of fact that are based exclusively on the evidence and on matters officially noticed, stated by a concise and explicit statement of the underlying facts supporting the findings.

2. Conclusions of law

The prosecutor and/or respondent shall be delivered a copy of the findings of fact and conclusions of law by person or by mail with return receipt requested. The attorney of record for the respondent shall also be mailed a copy.

G. Discipline

Upon an order by the board in which the respondent is found guilty of the charges preferred, the board may take appropriate disciplinary action against the respondent.

H. Stay Order

At its discretion, the board may stay, permanently or temporarily, the execution of its order conditioned on any provision the board believes appropriate under the circumstances for the case.

I. A licensee or intern aggrieved by any action of the board in levying a fine; recovering costs; reprimanding; placing on probation; denying; suspending; refusing to issue, restore, or renew; or revoking a license or intern certification may appeal the board's decision to the proper court.

J. Any financial sanction assessed pursuant to Section 150.10 of this Act shall be assessed in a proceeding as provided in this section. Unless the amount of the penalty is paid within *[insert number]* days after the order becomes final, the order shall constitute a judgment and shall be filed and execution issued thereon in the same manner as any other judgment of a court of record.

K. An action to enforce an order under this section may be combined with an action for an injunction.

L. The board may, upon petition of a licensee or intern, reissue a license or intern certification that has been revoked by the board, provided that a majority of the board votes in favor of such reissuance.

**150.30 Grounds for Disciplinary Action—Unlicensed Individuals**

A. In addition to any other provisions of law, the board shall have the power to fine and recover costs from any unlicensed individual who is found guilty of:

1. Engaging in the practice or offer to practice of engineering or surveying in this jurisdiction without being licensed in accordance with the provisions of this Act

2. Using or employing the words "engineer," "engineering," "surveyor," "surveying," or any modification or derivative thereof in his or her name or form of business activity except as licensed in this Act

3. Presenting or attempting to use the certificate of licensure or seal of a licensee

4. Engaging in any fraud or deceit in obtaining or attempting to obtain a certificate of licensure or intern certification

5. Impersonating any licensee

6. Using or attempting to use an expired, suspended, revoked, inactive, retired, or nonexistent certificate of licensure

B. A fine assessed under this section may not exceed *[insert amount]* dollars for each offense.

C. Each day of continued violation may constitute a separate offense.



- 16 D. In determining the amount of fine to be assessed pursuant to this section, the board may consider  
17 such factors as the following:
- 18 1. Whether the amount imposed will be a substantial economic deterrent to the violation
  - 19 2. The circumstances leading to the violation
  - 20 3. The severity of the violation and the risk of harm to the public
  - 21 4. The economic benefits gained by the violator as a result of noncompliance
  - 22 5. The interest of the public
  - 23 6. Consistency of the fine with past fines for similar offenses, or justification for the fine amount

#### **150.40 Disciplinary Action Procedures—Unlicensed Individuals**

- 1 A. Any person or entity, including the board or board staff, may file a complaint alleging a violation of  
2 any provision of this Act or any of the rules or regulations of the board against any unlicensed  
3 individual.
- 4 B. A complaint shall be in writing and state specifically the facts on which the complaint is based.
- 5 C. All complaints shall be reviewed by the board or an investigative committee designated by the  
6 board. After review, the board or the investigative committee shall determine or recommend, as  
7 appropriate, if charges are warranted.
- 8 D. All charges, unless dismissed by the board as unfounded, trivial, or unless settled informally, shall  
9 be heard by the board. The time and place for the hearing shall be fixed by the board, and a copy of  
10 the charges, together with a notice of the time and place of hearing, shall be personally served on  
11 or mailed to the last known address of such accused individual at least 30 days before the date  
12 fixed for the hearing. At any hearing, the accused individual shall have the right to appear in  
13 person or by counsel, or both, to cross-examine witnesses in their defense and to produce evidence  
14 and witnesses in their defense. If the accused individual fails or refuses to appear at the hearing,  
15 the board may proceed to hear and determine the validity of the charges in the accused  
16 individual's absence.
- 17 E. If after such hearing a majority of the board votes in favor of sustaining the charges, the board  
18 shall fine in an amount not to exceed *[insert amount]* dollars for each count and recover costs  
19 from the accused individual.
- 20 F. An individual aggrieved by any action of the board in levying a fine or recovering costs may appeal  
21 the board's decision to the proper court under normal civil procedures.
- 22 G. Any financial sanction assessed pursuant to this section shall be assessed in a proceeding as  
23 provided in this section. Unless the amount of the penalty is paid within *[insert number]* days  
24 after the order becomes final, the order shall constitute a judgment and shall be filed and  
25 execution issued thereon in the same manner as any other judgment of a court of record.
- 26 H. An action to enforce an order under this section may be combined with an action for an injunction.

#### **150.50 Criminal Offenses**

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

4 It shall be the duty of the designated enforcement authority of this jurisdiction to enforce the  
5 provisions of this section and to prosecute any individual violating same.

## **160 CERTIFICATES OF AUTHORIZATION FOR FIRMS**

### **160.10 General Requirements for 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. This section shall not require a certificate of authorization for a firm performing engineering or  
4 surveying for the firm itself or for a parent or subsidiary of said firm.
- 5 C. The secretary of state of this jurisdiction shall not accept organizational papers nor issue a  
6 certificate of incorporation, organization, licensure, or authorization to any firm which includes  
7 among the objectives for which it is established or within its name, any of the words “engineer,”  
8 “engineering,” “surveyor,” “surveying,” or any modification or derivation thereof unless the board  
9 has issued for said applicant a certificate of authorization or a letter indicating the eligibility of  
10 such applicant to receive such a certificate. The firm applying shall supply such certificate or letter  
11 from the board with its application for incorporation, organization, licensure, or authorization.
- 12 D. The secretary of state of this jurisdiction shall decline to authorize any trade name, trademark, or  
13 service mark that includes therein such words as set forth in the previous subsection, or any  
14 modifications or derivatives thereof, except licensees and those firms holding certificates of  
15 authorization issued under the provisions of this section.

### **160.20 Managing Agent and Resident Professional**

1 A firm shall designate a managing agent and a resident professional. The managing agent and the  
2 resident professional may or may not be the same individual.

- 3 A. Managing Agent—The following criteria shall apply to the firm’s designation of a managing agent:

4 A firm shall designate a licensee to be a managing agent for the firm. The managing agent is  
5 responsible for the engineering or surveying work and projects in this jurisdiction offered or  
6 provided by the firm. A licensee may not be designated as a managing agent for more than one  
7 firm. A licensee who renders occasional, part-time, or consulting engineering or surveying services  
8 to, or for, a firm may not be designated as a managing agent, unless the licensee is an officer or  
9 owner of the firm. The managing agent’s responsibilities include:

- 10 1. Renewal of the firm’s certificate of authorization and notification to the board of any change in  
11 managing agent;
- 12 2. Overall administrative supervision of the firm’s licensed and subordinate personnel providing  
13 the engineering or surveying work in this jurisdiction; and
- 14 3. Institution and adherence of policies of the firm that are in accordance with the Rules of  
15 Professional Conduct.

- 16 B. Resident Professional—The following criteria shall apply to the firm’s designation of a resident  
17 professional:

18 A firm shall also designate a resident professional engineer or a resident professional surveyor, as  
19 applicable, to be in responsible charge of the practice of engineering or surveying, as applicable, in  
20 each branch office in which engineering or surveying services are offered or provided. A resident  
21 professional engineer or surveyor shall meet the following criteria:

- 22 1. Spend a majority of normal business hours at a particular branch office;
- 23 2. Be a resident professional engineer or surveyor at only one particular branch office at one  
24 time; and
- 25 3. Be duly licensed as a professional engineer or a professional surveyor by the licensing board of  
26 the jurisdiction in which the branch office is located.

### **160.30 Liability Not Affected**

No firm shall be relieved of responsibility for the conduct or acts of its managing agents, employees, officers, directors, owners, or managers by reason of its compliance with the provisions of this section. No individual practicing under the provisions of this Act shall be relieved of responsibility for engineering or surveying services performed by reason of employment or other relationship with a firm holding a certificate of authorization.

### **160.40 Application and Fees**

- A. A firm desiring a certificate of authorization must file with the board an application using a form provided by the board and provide all the information required by the board. A form as provided by the board shall be filed with the board upon renewal or within 30 days of the time any information contained on the application form is changed or differs for any reason. If in the judgment of the board the application meets the requirements of this Act, the board shall issue a certificate of authorization for said firm to practice engineering and/or surveying.
- B. The application fee shall be established by regulation of the board for a certificate of authorization for firms and shall accompany the application.
- C. Should the board deny the issuance of a certificate of authorization to any applicant, the fee paid shall be retained as an application fee.

### **160.50 Expirations and Renewals**

- A. Certificates of authorization for firms shall expire on the date designated by the board and shall become invalid after that date unless renewed. It shall be the duty of the board to notify every firm holding a certificate of authorization under this Act of the expiration date of the certificate of authorization and the amount of the fee required for its renewal.
- B. Renewal may be effected during the renewal period by meeting the requirements established by the board. Renewal of an expired certificate may be effected under rules promulgated by the board regarding requirements for penalty fees.

### **160.60 Issuance of Duplicate Certificates**

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

### **160.70 Grounds for Disciplinary Action—Firms Holding a Certificate of Authorization**

- A. The board shall have the power to suspend, revoke, place on probation, fine, recover costs, and/or reprimand, or to refuse to issue, restore, or renew a certificate of authorization to any firm holding a certificate of authorization that is found guilty of:
  - 1. Any fraud or deceit in obtaining or attempting to obtain or renew a certificate of authorization
  - 2. Any negligence, incompetence, or misconduct in the practice of engineering or surveying
  - 3. Conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony, whether or not related to the practice of engineering or surveying; and conviction of or entry of a plea of guilty or nolo contendere to any crime, whether a felony, misdemeanor, or otherwise, an essential element of which is dishonesty or which is directly related to the practice of engineering or surveying
  - 4. Failure to comply with any of the provisions of this Act or any of the rules or regulations of the board
  - 5. Discipline (including voluntary surrender of an engineering or surveying license in order to avoid disciplinary action) by another jurisdiction, foreign country, or the United States

- government, if at least one of the grounds for discipline is the same or substantially equivalent to those contained in this Act
6. Failure to provide information requested by the board as a result of a formal or informal complaint to the board that alleges a violation of this Act
  7. Knowingly making false statements or signing false statements, certifications, or affidavits in connection with the practice of engineering or surveying
  8. Aiding or assisting another person in violating any provision of this Act or the rules or regulations of the board
  9. Violating any terms of any Order imposed or agreed to by the board or using a seal or practicing engineering or surveying while the firm's certificate of authorization is inactive or restricted
  10. Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public
  11. Providing false testimony or information to the board
- B. In addition to or in lieu of any other sanction provided in this section, any firm holding a certificate of authorization that violates a provision of this Act or any rule or regulation of the board may be assessed a fine in an amount determined by the board of not more than *[insert amount]* dollars for each offense.
1. Each day of continued violation may constitute a separate offense.
  2. In determining the amount of fine to be assessed pursuant to this section, the board may consider such factors as the following:
    - a. Whether the amount imposed will be a substantial economic deterrent to the violation
    - b. The circumstances leading to the violation
    - c. The severity of the violation and the risk of harm to the public
    - d. The economic benefits gained by the violator as a result of noncompliance
    - e. The interest of the public
    - f. Consistency of the fine with past fines for similar offenses, or justification for the fine amount
- C. In addition to any other sanction provided in this section, the board shall have the power to sanction as follows any firm where one or more of its managing agents, officers, directors, owners, or managers have been found guilty of any conduct which would constitute a violation under the provisions of this Act or any of the rules or regulations of the board:
1. Place on probation, fine, recover costs from, and/or reprimand
  2. Revoke, suspend, or refuse to issue, restore, or renew the certificate of authorization

#### **160.80 Disciplinary Action Procedures—Firms Holding a Certificate of Authorization**

- A. Any person or entity, including the board or board staff, may file a complaint alleging a violation of any provision of this Act or any of the rules or regulations of the board against any firm holding a certificate of authorization.
- B. A complaint shall be in writing and state specifically the facts on which the complaint is based.
- C. All complaints shall be reviewed by the board or an investigative committee designated by the board. After review, the board or the investigative committee shall determine or recommend, as appropriate, if charges are warranted.
- D. All charges, unless dismissed by the board as unfounded, trivial, or unless settled informally, shall be heard by the board. The time and place for the hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such accused firm at least 30 days before the date fixed for

the hearing. At any hearing, the accused firm and the accused firm's managing agent shall have the right to appear in person or by counsel, or both, to cross-examine witnesses in the accused firm's defense and to produce evidence and witnesses in the accused firm's defense. If the accused firm fails or refuses to appear at the hearing, the board may proceed to hear and determine the validity of the charges in the accused firm's absence.

- E. If after such hearing a majority of the board votes in favor of sustaining the charges, the board shall reprimand, fine in an amount not to exceed *[insert amount]* dollars for each count, recover costs, refuse to issue, restore or renew, place on probation for a period of time, and subject to such conditions as the board may specify, suspend, revoke, or any combination thereof, the accused firm's certificate of authorization.
- F. A firm aggrieved by any action of the board in levying a fine; recovering costs; reprimanding; placing on probation; denying; suspending, refusing to issue, restore, or renew; or revoking a firm certificate of authorization may appeal the board's decision to the proper court under normal civil procedures.
- G. Any financial sanction assessed pursuant to Section 160.70 of this Act shall be assessed in a proceeding as provided in this section. Unless the amount of the penalty is paid within *[insert number]* days after the order becomes final, the order shall constitute a judgment and shall be filed and execution issued thereon in the same manner as any other judgment of a court of record.
- H. An action to enforce an order under this section may be combined with an action for an injunction.
- I. The board may, upon petition of a firm to reissue a firm certificate of authorization that has been revoked by the board, provided that a majority of the board votes in favor of such reissuance.

#### **160.90 Grounds for Disciplinary Action—Firms Not Holding a Certificate of Authorization**

- A. In addition to any other provisions of law, the board shall have the power to fine and recover costs from any firm that does not hold a certificate of authorization and that is found guilty of:
  - 1. Engaging in the practice or offer to practice of engineering or surveying in this jurisdiction without being authorized in accordance with the provisions of this Act
  - 2. Using or employing the words "engineer," "engineering," "surveyor," "surveying," or any modification or derivative thereof in its name or form of business activity except as authorized in this Act
  - 3. Presenting or attempting to use an unauthorized certificate of authorization
  - 4. Engaging in any fraud or deceit in obtaining or attempting to obtain a certificate of authorization
  - 5. Impersonating any firm holding a certificate of authorization
  - 6. Using or attempting to use an expired, suspended, revoked, inactive, retired, or nonexistent certificate of authorization
- B. A fine assessed under this section may not exceed *[insert amount]* dollars for each offense.
- C. Each day of continued violation may constitute a separate offense.
- D. In determining the amount of fine to be assessed pursuant to this section, the board may consider such factors as the following:
  - 1. Whether the amount imposed will be a substantial economic deterrent to the violation
  - 2. The circumstances leading to the violation
  - 3. The severity of the violation and the risk of harm to the public
  - 4. The economic benefits gained by the violator as a result of noncompliance
  - 5. The interest of the public
  - 6. Consistency of the fine with past fines for similar offenses, or justification for the fine amount

24 E. In addition to any other sanction provided in this section, the board shall have the power to fine  
25 and recover costs from any firm where one or more of its managing agents, officers, directors,  
26 owners, or managers have been found guilty of any conduct which would constitute a violation  
27 under the provisions of this Act or any of the rules or regulations of the board.

#### **160.100 Disciplinary Action Procedures—Firms Not Holding a Certificate of Authorization**

- 1 A. Any person or entity, including the board or board staff, may file a complaint alleging a violation of  
2 any provision of this Act or any of the rules or regulations of the board against any firm that does  
3 not hold a certificate of authorization.
- 4 B. A complaint shall be in writing and state specifically the facts on which the complaint is based.
- 5 C. All complaints shall be reviewed by the board or an investigative committee designated by the  
6 board. After review, the board or the investigative committee shall determine or recommend, as  
7 appropriate, if charges are warranted.
- 8 D. All charges, unless dismissed by the board as unfounded, trivial, or unless settled informally, shall  
9 be heard by the board. The time and place for the hearing shall be fixed by the board, and a copy of  
10 the charges, together with a notice of the time and place of hearing, shall be personally served on  
11 or mailed to the last known address of such accused firm at least 30 days before the date fixed for  
12 the hearing. At any hearing, the accused firm shall have the right to appear in person or by  
13 counsel, or both, to cross-examine witnesses in its defense and to produce evidence and witnesses  
14 in its defense. If the accused firm fails or refuses to appear at the hearing, the board may proceed  
15 to hear and determine the validity of the charges in the accused firm's absence.
- 16 E. If after such hearing a majority of the board votes in favor of sustaining the charges, the board  
17 shall fine in an amount not to exceed *[insert amount]* dollars for each count and recover costs  
18 from the accused firm.
- 19 F. A firm aggrieved by any action of the board in levying a fine or recovering costs may appeal the  
20 board's decision to the proper court under normal civil procedures.
- 21 G. Any financial sanction assessed pursuant to this section shall be assessed in a proceeding as  
22 provided in this section. Unless the amount of the penalty is paid within *[insert number]* 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 H. An action to enforce an order under this section may be combined with an action for an injunction.

#### **160.110 Criminal Offenses**

1 Any firm that shall commit a violation included in Section 160.90 of this Act shall be guilty of a *[insert*  
2 *highest degree of]* misdemeanor for the first offense and a *[insert lowest degree of]* felony for the  
3 second or 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 firm violating same.

### **170 MISCELLANEOUS**

#### **170.10 Public Works**

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



### **170.20 Engineered Products and Systems**

Licensed engineers shall be in responsible charge of all engineering design of buildings, structures, products, machines, processes, and systems that can affect the health, safety, and welfare of the public.

### **170.30 Exemption Clause**

This Act shall not be construed to prevent the following:

- A. Other Professions—The practice of any other legally recognized profession
- B. Contingent License—A contingent license may be issued by the board or board administrator to an applicant for licensure by comity if the applicant appears to meet the requirements for licensure by comity. Such a contingent license will be in effect from its date of issuance until such time as the board takes final action on the application for licensure by comity. If the board determines that the applicant does not meet the requirements for issuance of a license, the contingent license shall be immediately and automatically revoked upon notice to the applicant and no license will be issued.
- C. Employees and Subordinates—The work of an employee or a subordinate of an individual holding a certificate of licensure under this Act, or an employee of an individual practicing lawfully under Subsection B of this section, provided such work does not include final engineering or surveying designs or decisions and is done under the responsible charge of and verified by an individual holding a certificate of licensure under this Act or an individual practicing lawfully under Subsection B of this section.

### **170.40 Duties of Recordors**

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

### **170.50 Invalid Provisions**

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

### **170.60 Repeal of Conflicting Legislation**

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

### **170.70 Effective Date**

This Act shall take effect *[insert number]* days from and after the date of passage.

## APPENDIX A

### Index for *Model Law* with General Cross-Reference to *Model Rules*

The following table is for reference only and is not intended to be all-inclusive or adopted into board law/rules. *Italic font* indicates summary paraphrase of paragraph contents.

<b>Model Law Section</b>	<b>Descriptor</b>	<b>Corresponding Model Rules Section</b>
An Act	An Act	
<b>SECTION 110</b>	<b>INTRODUCTION</b>	<b>210</b>
Section 110.10	General Provisions	210.10
110.10 A	Regulation of Engineers and Surveyors	
110.10 B	Board Structure	
Section 110.20	Definitions	210.20
110.20 A	Engineer	
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	210.30
110.20 A.6	Inactive Status	
110.20 B	Professional Surveyor	
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	210.25, 210.30
110.20 B.5	Inactive Status	
110.20 C	Board	
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	
110.20 N	Authoritative	
110.20 O	Disciplinary Action	
110.20 P	Positional Accuracy	
110.20 Q	Georeferenced	
110.20 R	Surveying Deliverables	
<b>SECTION 120</b>	<b>THE LICENSING BOARD</b>	<b>220</b>
Section 120.10	Board Appointments, Terms	
Section 120.20	Board Qualifications	
Section 120.30	Board Compensation, Expenses	
Section 120.40	Board Removal of Members, Vacancies	
Section 120.50	Board Organization and Meetings	220.10 A
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 that hold or should hold a certificate of authorization; board to have official seal</i>	220.20
120.60 B	<i>Subpoena witnesses/evidence; court to enforce compliance</i>	250.30 A



<b>Model Law Section</b>	<b>Descriptor</b>	<b>Corresponding Model Rules Section</b>
120.60 C	<i>Apply for relief by injunction; board members not personally liable</i>	
120.60 D	<i>May subject licensure applicant to examinations to determine qualifications</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>Power to employ staff</i>	
120.60 K	<i>Authority to appoint committees</i>	
120.60 L	<i>Authority to adopt and collect fees</i>	220.30
120.60 M	<i>Authority to use electronic transmissions</i>	
120.60 N	<i>Power to obtain legal assistance</i>	
Section 120.65	Bias or Conflict	
Section 120.70	Receipts and Disbursements	
Section 120.80	Records and Reports	
120.80 A	<i>Record of proceedings and applications for licensure</i>	
120.80 B	<i>Record of applications of firms for certificate of authorization</i>	
120.80 C	<i>Record of board proceedings 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>	
Section 120.90	Roster	220.10 E
<b>SECTION 130</b>	<b>LICENSURE</b>	<b>230</b>
Section 130.10	General Requirements for Licensure	230.10 230.20 230.30 230.40
130.10 A	Eligibility for Licensure	
130.10 B	Engineering	
130.10 B.1	Certification or Enrollment as an Engineer Intern	230.10 A 230.40 B 230.50 A
130.10 B.2	Licensure as a Professional Engineer	230.10 A 230.20 A 230.30 230.40 230.50 A
130.10 B.2.a	Initial Licensure as a Professional Engineer	230.10 A 230.20 A 230.30 230.40 230.50 A
130.10 B.2.b	Licensure by Comity for a Professional Engineer	230.60 E
130.10 C	Surveying	
130.10 C.1	Certification or Enrollment as Surveyor Intern	230.10 A 230.40 D 230.50 B

<b>Model Law Section</b>	<b>Descriptor</b>	<b>Corresponding Model Rules Section</b>
130.10 C.2	Licensure as a Professional Surveyor	230.10 B 230.20 B 230.30 230.40 C, D 230.50 B
130.10 C.2.a	Initial Licensure as a Professional Surveyor	230.10 B 230.20 B 230.30 230.40 230.50 B
130.10 C.2.b	Licensure by Comity for a Professional Surveyor	230.60 E
130.10 C.3	Grandfathering of Photogrammetrists	
Section 130.20	Application and Fees	
130.20 A	<i>On form prescribed by board; under penalty of perjury</i>	230.60 A
130.20 B	<i>Application fee for individuals established by board, fee shall accompany application</i>	220.30 A
130.20 C	<i>Should board deny issuance of certificate of licensure or intern certification, fee is retained as an application fee</i>	220.30 A
Section 130.30	Examinations	
130.30 A	<i>Held at time/place the board directs and/or in accordance with NCEES policy; board determines passing grade on jurisdiction-specific exams</i>	230.40 E
130.30 B	<i>Applicant must meet requirements and be approved by board for admission to exams</i>	230.40 A 230.40 C
130.30 B.1	Fundamentals of Engineering examination	230.40 A.1
130.30 B.2	Principles and Practice of Engineering examination	230.40 A.2
130.30 B.3	Fundamentals of Surveying examination	230.40 C.1
130.30 B.4	Principles and Practice of Surveying examination	230.40 C.2
130.30 C	<i>Failing candidate may apply for re-examination in accordance with NCEES policy or as directed by board</i>	230.40 I.2, J.2
130.30 D	<i>Board may prepare and require additional examinations</i>	
<b>SECTION 140</b>	<b>LICENSEES</b>	<b>240</b>
Section 140.10	Certificates of Licensure, Seals	240.10 A
140.10 A	<i>Seal of board to be affixed to each certificate of licensure, certificate of authorization, and enrollment document</i>	
140.10 B	<i>Issuance of certificate of licensure</i>	240.10 A
140.10 C	<i>Certificate of licensure is prima facie evidence</i>	
140.10 D	<i>Licensee must obtain seal</i>	240.20
140.10 E	<i>Issuance of enrollment document as engineer intern or surveyor intern</i>	
Section 140.20	Expirations, Renewals, and Reinstatement to Active Practice	
140.20 A	<i>Expirations</i>	240.40
140.20 B	<i>Renewals</i>	220.30 D 240.40
140.20 C	<i>Reinstatement of expired certificate</i>	240.30 H
140.20 D	<i>Return to active status</i>	
Section 140.30	Issuance of Duplicate Certificates	220.30 E 240.10 D

<b>Model Law Section</b>	<b>Descriptor</b>	<b>Corresponding Model Rules Section</b>
<b>SECTION 150</b>	<b>DISCIPLINARY ACTION</b>	<b>250</b>
Section 150.10	Grounds for Disciplinary Action—Licensees and Interns	240.15
150.10 A	<i>Board has power to suspend, revoke, refuse to issue/restore/renew, etc., the license or intern certification of a licensee or intern found guilty of any of 14 types of violations</i>	
150.10 B	<i>Board can assess a fine of not more than \$[insert amount] for each offense</i>	
Section 150.20	Disciplinary Action Procedures—Licensees and Interns	250.30
150.20 A	<i>Any person or entity, including the board or board staff, may file a complaint against licensee or intern</i>	
150.20 B	<i>Complaint shall be in writing and state facts on which complaint is based</i>	
150.20 C	<i>All complaints shall be reviewed by board or investigative committee designated by the board. After review, board or committee shall determine if charges are warranted.</i>	
150.20 D	<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>	250.30 A, B, C, D
150.20 E	<i>If after hearing, a majority of board sustains charges, board can reprimand, fine, suspend/revoke/etc. individual's license or intern certification</i>	
150.20 F	Order of the Board	
150.20 G	Discipline	
150.20 H	Stay Order	
150.20 I	<i>Licensee or intern aggrieved by board actions may appeal to the proper court under normal civil procedures</i>	
150.20 J	<i>Financial sanction assessed pursuant to Section 150.10, unless paid within [insert number] days shall constitute a judgment and be filed/executed as any other judgment of a court of record</i>	
150.20 K	<i>Action to enforce order may be combined with action for injunction</i>	
150.20 L	<i>Board may, upon petition, reissue license or intern certification, if majority of board votes in favor</i>	240.40
Section 150.30	Grounds for Disciplinary Action—Unlicensed Individuals	250.30
150.30 A	<i>Enumeration of unlicensed practices/misrepresentations/fraud</i>	
150.30 B	<i>Board can assess fine of not more than \$[insert amount] 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>	

<b>Model Law Section</b>	<b>Descriptor</b>	<b>Corresponding Model Rules Section</b>
Section 150.40	Disciplinary Action Procedures—Unlicensed Individuals	250.30
150.40 A	<i>Any person or entity, including the board or board staff, may file a complaint against an unlicensed individual</i>	
150.40 B	<i>Complaint shall be in writing and state facts on which complaint is based</i>	
150.40 C	<i>All complaints shall be reviewed by board or investigative committee designated by the board. After review, board or investigative committee shall determine if charges are warranted.</i>	
150.40 D	<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>	250.30 A, B, C, D
150.40 E	<i>If after hearing, a majority of board sustains charges, board can fine not more than \$[insert amount] for each count and recover costs</i>	
150.40 F	<i>Individual aggrieved by board actions may appeal to the proper court under normal civil procedures</i>	
150.40 G	<i>Financial sanction assessed pursuant to this section unless paid within [insert number] days shall constitute a judgment and be filed/executed as any other judgment of a court of record</i>	
150.40 H	<i>Action to enforce order may be combined with action for injunction</i>	
Section 150.50	Criminal Offenses	
<b>SECTION 160</b>	<b>CERTIFICATES OF AUTHORIZATION FOR FIRMS</b>	
Section 160.10	General Requirements for Certificates of Authorization	
160.10 A	<i>Requirement for firms to obtain certificate of authorization</i>	
160.10 B	<i>This section does not prevent firm from performing services for itself or for a parent or subsidiary</i>	
160.10 C	<i>Rules for secretary of jurisdiction to issue certificate of incorporation, organization, licensure, or authorization to firms</i>	
160.10 D	<i>Rules for secretary of jurisdiction to authorize trade names/trademarks/service marks</i>	
Section 160.20	Managing Agent and Resident Professional	
160.20 A	Managing Agent	
160.20 B	Resident Professional	
Section 160.30	Liability Not Affected	
Section 160.40	Application and Fees	
160.40 A	<i>Application for certificate of authorization is filed with the board</i>	
160.40 B	<i>Application fee for certificate of authorization established by board</i>	220.30 A
160.40 C	<i>Should board deny issuance of certificate of authorization, fee is retained as application fee</i>	220.30 A
Section 160.50	Expirations and Renewals	220.30 D 240.40
160.50 A	<i>Expiration of certificates of authorization</i>	
160.50 B	<i>Renewal of certificates of authorization</i>	
Section 160.60	Issuance of Duplicate Certificates	220.30 E 240.10 D
Section 160.70	Grounds for Disciplinary Action—Firms Holding a Certificate of Authorization	240.15
160.70 A	<i>Board has power to suspend, revoke, refuse to issue/restore/renew, etc., the certificate of authorization of a firm found guilty of any of 11 types of violations</i>	250.30

<b>Model Law Section</b>	<b>Descriptor</b>	<b>Corresponding Model Rules Section</b>
160.70 B	<i>Board can assess a fine of not more than \$[insert amount] for each offense</i>	
160.70 C	<i>Board has power to revoke/suspend/etc. the certificate of authorization for a firm that has members found guilty of violation</i>	
Section 160.80	Disciplinary Action Procedures—Firms Holding a Certificate of Authorization	
160.80 A	<i>Any person or entity, including the board or board staff, may file a complaint against firm holding certificate of authorization</i>	
160.80 B	<i>Complaint shall be in writing and state facts on which complaint is based.</i>	
160.80 C	<i>All complaints shall be reviewed by board or investigative committee designated by the board. After review, board or investigative committee shall determine if charges are warranted.</i>	
160.80 D	<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>	250.30 A, B, C, D
160.80 E	<i>If after hearing, a majority of board sustains charges, board can reprimand, fine, suspend/revoke/etc. firm's certificate of authorization</i>	
160.80 F	<i>Firm aggrieved by board actions may appeal to the proper court under normal civil procedures</i>	
160.80 G	<i>Financial sanction assessed pursuant to Section 160.70, unless paid within [insert number] days shall constitute a judgment and be filed/executed as any other judgment of a court of record</i>	
160.80 H	<i>Action to enforce order may be combined with action for injunction</i>	
160.80 I	<i>Board may, upon petition, reissue certificate of authorization, if majority of board votes in favor</i>	240.40
Section 160.90	Grounds for Disciplinary Action—Firms Not Holding a Certificate of Authorization	250.30
160.90 A	<i>Enumeration of unauthorized practices/misrepresentations/fraud</i>	
160.90 B	<i>Board can assess fine of not more than \$[insert amount] for each offense</i>	
160.90 C	<i>Each day of continued violation may be a separate offense</i>	
160.90 D	<i>Determination of amount of fine</i>	
160.90 E	<i>Board may fine and recover costs from firm with members guilty of violation</i>	

<b>Model Law Section</b>	<b>Descriptor</b>	<b>Corresponding Model Rules Section</b>
Section 160.100	Disciplinary Action Procedures—Firms Not Holding a Certificate of Authorization	250.30
160.100 A	<i>Any person or entity, including the board or board staff, may prefer charges against firm not holding certificate of authorization</i>	
160.100 B	<i>Complaint shall be in writing and state facts on which complaint is based</i>	
160.100 C	<i>All complaints shall be reviewed by board or investigative committee designated by the board. After review, board or investigative committee shall determine if charges are warranted.</i>	
160.100 D	<i>All charges, unless dismissed/settle informally, shall be heard by the board. Also, notification of the accused, rights of the accused, and conduct of the hearing.</i>	250.30 A, B, C, D
160.100 E	<i>If after hearing, a majority of board sustains charges, board can fine not more than \$[insert amount] for each count and recover costs</i>	
160.100 F	<i>Firm aggrieved by board may appeal to the proper court under normal civil procedures</i>	
160.100 G	<i>Unless penalty is paid within [insert number] days, order shall constitute a judgment</i>	
160.100 H	<i>Action to enforce order may be combined with action for injunction</i>	
Section 160.110	Criminal Offenses	
<b>SECTION 170</b>	<b>MISCELLANEOUS</b>	
Section 170.10	Public Works	
Section 170.20	Engineered Products and Systems	
Section 170.30	Exemption Clause	
170.30 A	Other Professions	
170.30 B	Contingent License	
170.30 C	Employees and Subordinates	
Section 170.40	Duties of Recorders	
Section 170.50	Invalid Provisions	260.10
Section 170.60	Repeal of Conflicting Legislation	
Section 170.70	Effective Date	

## APPENDIX B

References to Internal Sections in *Model Law*

The following table is to be used for general representative, informational purposes only.

<b><i>Model Law Citation</i></b>	<b><i>Model Law Citation Referenced within Citations in Column 1</i></b>
110.20 H	160.20
110.20 I	120.60 A
120.10	120.20
120.40	120.10
120.60 A	160
130.30 B	130.10, 130.20
150.20 J	150.10
150.50	150.30
160.80 G	160.70
160.110	160.90
170.30 C	170.30 B

## APPENDIX C

### NCEES Publications

Publications available on [ncees.org](http://ncees.org) in the About NCEES section

---

- The NCEES **annual report** highlights the Council’s leadership, mission, initiatives, and financial activities. An interactive version of the annual report is available at [ncees.org/annualreport](http://ncees.org/annualreport).
- The NCEES **Bylaws** outlines the structure of the Council.
- The **Continuing Professional Competency Guidelines** provides best practices for state licensing boards that have CPC requirements for licensees.
- NCEES uses its “**Criteria for Evaluating the Administration of NCEES Examinations at Non-U.S. Sites**” when assessing whether or not to administer its exams in other countries.
- The **History of the National Council of Examiners for Engineering and Surveying, 1920–2004** provides an in-depth history of U.S. licensure and NCEES. A more recent short history of the Council is also available.
- **Licensure Exchange** is the NCEES bimonthly newsletter for the exchange of information, opinions, and ideas regarding the licensure of engineers and surveyors.
- The **Manual of Policy and Position Statements** describes Council administrative, examination, financial, and professional policies as well as the official NCEES position on licensure issues.
- The **Model Law** reflects best practices as determined by the NCEES member boards. It is a model for state practice legislation.
- The **Model Rules** provides licensure boards with guidelines for engineering and surveying licensing laws and ethics.
- When it conducts a credentials evaluation, NCEES compares the candidate’s college-level education against the NCEES **Engineering Education Standard** or the NCEES **Surveying Education Standard**. These standards reflect generally agreed-upon educational qualifications for entering the profession.
- NCEES **Squared** is the official NCEES source for engineering and surveying licensure statistics.
- The NCEES white paper “**Using the FE Exam as an Outcomes Assessment Tool**” describes in detail how engineering departments can use the FE exam to assess program outcomes.

Additional publications available on MyNCEES (Member Resources portion of the NCEES website)

---

- Annual meeting *Action Items and Conference Reports*
- NCEES board of directors minutes
- *Investigation and Enforcement Guidelines*
- *Investigative Training Manual*
- Zone minutes
- *Zone Meeting and Continuity Guidelines*



## APPENDIX D

### Model Language for Member Boards that License Structural Engineers

*Model Law 130.10* provides model language for general licensure requirements for professional engineers and professional surveyors. The language highlighted in gray below is being provided in this appendix to the *Model Law* so that boards that also license structural engineers will have model language for structural engineering. Adopting similar language can help with licensure mobility among the jurisdictions that license structural engineers. The language highlighted in gray below is provided for those boards. The language that is not highlighted in gray is currently in *Model Law 130.10 B* for professional engineers and is provided as a reference for where to insert the structural engineering-related language in the *Model Law*.

#### Model language to use for structural engineering licensure

##### 130.10 General Requirements for Licensure

Education, experience, and examinations are required for licensure as a professional engineer or professional surveyor.

##### B. Engineering

###### 1. Certification or Enrollment as an Engineer Intern

The following shall be considered as minimum evidence that the applicant is qualified for certification as an engineer intern.

- a. Graduating from an engineering program of four years or more accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), graduating from an engineering master's program accredited by EAC/ABET, or meeting the requirements of the NCEES *Engineering Education Standard*
- b. Passing the NCEES Fundamentals of Engineering (FE) examination

###### 2. Licensure as a Professional Engineer

###### a. Initial Licensure as a Professional Engineer

An applicant who presents evidence of meeting the applicable education, examination, and experience requirements as described below shall be eligible for licensure as a professional engineer.

###### (1) Education Requirements

An individual seeking licensure as a professional engineer shall possess one or more of the following education qualifications:

- (a) A degree in engineering from an EAC/ABET-accredited bachelor's program
- (b) A degree in engineering from an EAC/ABET-accredited master's program
- (c) A bachelor's, master's, or doctoral degree in engineering from a non-EAC/ABET-accredited program. This individual's education must be shown to meet the NCEES *Engineering Education Standard*.

###### (2) Examination Requirements

An individual seeking licensure as a professional engineer shall take and pass the NCEES Fundamentals of Engineering (FE) examination and the NCEES Principles and Practice of Engineering (PE) examination as described below.

- (a) The FE examination may be taken by a college senior or graduate of an engineering program of four years or more accredited by EAC/ABET, of a program that meets the requirements of the NCEES *Engineering Education Standard*, or of an engineering master's program accredited by EAC/ABET.
- (b) The PE examination may be taken by an engineer intern.

###### (3) Experience Requirements

An individual seeking licensure as a professional engineer shall present evidence of a specific record of four years of progressive engineering experience after a qualifying degree is conferred as described in a(1) above. This experience should be of a grade and character that indicate to the board that the applicant may be competent to practice engineering. The following educational criteria may apply as a substitute to the length of experience set forth above:

- (a) An individual with a master's degree in engineering acceptable to the board: three years of experience after the qualifying bachelor's degree is conferred as described in a(1)(a) or a(1)(c) above
- (b) An individual with an earned doctoral degree in engineering acceptable to the board and who has passed the FE exam: two years of experience

- (c) An individual with an earned doctoral degree in engineering acceptable to the board and who has elected not to take the FE exam: four years of experience

A graduate degree that is used to satisfy education requirements cannot be applied for experience credit toward licensure. To be eligible for experience credit, graduate degrees shall be relevant to the applicant's area of professional practice.

Experience credit for a graduate degree cannot be earned concurrently with work experience credit.

### 3. Licensure as a Professional Structural Engineer

#### a. Initial Licensure as a Professional Structural Engineer

An applicant who presents evidence of meeting the applicable education, examination, and experience requirements as described below shall be eligible for licensure as a professional structural engineer.

##### (1) Education Requirements

- (a) An individual seeking licensure as a professional structural engineer shall possess one or more of the following education qualifications:

- (i) A degree in engineering from an EAC/ABET-accredited bachelor's program
- (ii) A degree in engineering from an EAC/ABET-accredited master's program
- (iii) A bachelor's, master's, or doctoral degree in engineering from a non-EAC/ABET-accredited program. This individual's education must be shown to meet the NCEES *Engineering Education Standard*.

- (b) The degree, or degrees, must include a minimum of 18 semester (27 quarter) hours of structural analysis and design courses and at least 9 of the semester (14 quarter) hours must be structural design classes.

##### (2) Examination Requirements

An individual seeking licensure as a professional structural engineer shall take and pass the NCEES Fundamentals of Engineering (FE) examination and the NCEES Structural Engineering (SE) examination as described below.

- (a) The FE examination may be taken by a college senior or graduate of an engineering program of four years or more accredited by EAC/ABET, of a program that meets the requirements of the NCEES *Engineering Education Standard*, or of an engineering master's program accredited by EAC/ABET.
- (b) The SE examination may be taken by an engineer intern.

##### (3) Experience Requirements

An individual seeking licensure as a professional structural engineer shall present evidence of completing one of the following:

- (a) Four years of acceptable structural engineering experience after confirmation of a bachelor of science degree in an engineering program accredited by EAC/ABET
- (b) Three years of acceptable structural engineering experience after confirmation of a bachelor of science degree in engineering from an EAC/ABET-accredited engineering program and a master's degree in engineering that includes at least 6 semester (9 quarter) hours of structural engineering (in addition to the 18 hours noted above)
- (c) Three years of acceptable structural engineering experience after confirmation of a master's degree in engineering from an EAC/ABET-accredited engineering program that includes at least 6 semester (9 quarter) hours of structural engineering (in addition to the 18 hours noted above)
- (d) Two years of acceptable structural engineering experience and an earned doctoral degree in engineering focused on structural engineering from an institution that offers EAC/ABET-accredited programs

A graduate degree that is used to satisfy education requirements cannot be applied for experience credit toward licensure. To be eligible for experience credit, graduate degrees shall be relevant to the applicant's area of professional practice. Experience credit for a graduate degree cannot be earned concurrently with work experience credit.

#### b. Licensure by Comity for a Professional Engineer or Professional Structural Engineer

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure by comity:

- (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 that provides proof of minimal competency and is comparable to the applicable licensure act in effect in this

jurisdiction at the time such certificate was issued 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; or

- (2) An individual holding an active Council Record with NCEES, 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.

- (3) In addition to b(1) or b(2) above, an applicant for comity as a professional structural engineer must have passed one of the following:

- a. 16 hours of NCEES structural examinations, 8 hours of which were from the SEII taken prior to January 1, 2011,
- b. 16-hour state-written examinations taken prior to 2004,
- c. NCEES SEII plus 8-hour state-written structural examination taken prior to January 1, 2011, or
- d. NCEES 16-hour Structural Engineering (SE) examination taken after January 1, 2011.



P.O. Box 1686, Clemson, S.C. 29633  
[ncees.org](http://ncees.org)