

MODEL LAW

SEPTEMBER 2006

MODEL LAW

REVISED SEPTEMBER 2006

CONTENTS

Introduction	v
An Act	1
110 INTRODUCTION	1
110.10 General Provisions	1
110.20 Definitions.....	2
120 THE LICENSING BOARD	5
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
120.70 Receipts and Disbursements.....	8
120.80 Records and Reports	8
120.90 Roster	9
130 CANDIDATES FOR LICENSURE	9
130.10 General Requirements for Licensure	9
130.20 Application and Licensure Fees	12
130.30 Examinations.....	12
140 LICENSEES	13
140.10 Certificates, Seals.....	13
140.20 Expirations, Renewals, and Reinstatement to Active Practice	14
140.30 Reissuance of Certificates	14
140.40 Public Works.....	14
150 DISCIPLINARY ACTION	14
150.10 Disciplinary Action Revocation, Suspension, Refusal to Issue, Restore or Renew, Probation, Fine, Reprimand	14
150.20 Disciplinary Action Procedures	16
150.30 Civil Penalties for Non-Licensees.....	17
150.40 Criminal Offenses	18

160 MISCELLANEOUS	18
160.10 Certificates of Authorization	18
160.20 Exemption Clause	19
160.30 Duties of Recorders	20
160.40 Invalid Sections.....	20
160.50 Repeal of Conflicting Legislation	20
160.60 Grandfathering of Photogrammetrists	20
160.70 Effective Date	20
 APPENDIX A – Cross-Reference for <i>Model Law</i>.....	 23
APPENDIX B – References to Internal Citations in <i>Model Law</i>.....	28

INTRODUCTION

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

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

As revised through August 2005, this guide contains 29 sections designed to assist legislative counsels, legislators, and NCEES members in preparing new or amendatory legislation. To eliminate the redundancy present in previous versions, this document was condensed into a single chapter that covers all specific situations: boards that regulate only engineers, boards that regulate only surveyors, boards that regulate both engineers and surveyors, and independent boards that regulate both engineers and surveyors.

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

Should additional information be necessary, please contact:

National Council of Examiners for Engineering and Surveying®

PO Box 1686

280 Seneca Creek Road

Clemson, SC 29633-1686

Phone: 864-654-6824, 800-250-3196

Fax: 864-654-6033

www.ncees.org

LICENSURE OF ENGINEERS AND SURVEYORS

AN ACT

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

110 INTRODUCTION

110.10 General Provisions

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

¹ The *Model Law* has been simplified 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.

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

110.20 Definitions

1 A. Engineer

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

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

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

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

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

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

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

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

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

66 3. Surveyor Intern – The term “Surveyor Intern,” as used in this Act, shall mean a person who
67 has qualified for, taken, and has passed an examination in the fundamental surveyor intern
68 subjects, as provided by this Act.

69 4. Practice of Surveying – The term “Practice of Surveying,” within the intent of this Act, shall
70 mean providing, or offering to provide, professional services using such sciences as
71 mathematics, geodesy, and photogrammetry, and involving both (1) the making of geometric
72 measurements and gathering related information pertaining to the physical or legal features of
73 the earth, improvements on the earth, the space above, on, or below the earth and (2)
74 providing, utilizing, or developing the same into survey products such as graphics, data, maps,

75 plans, reports, descriptions, or projects. Professional services include acts of consultation,
76 investigation, testimony evaluation, expert technical testimony, planning, mapping,
77 assembling, and interpreting gathered measurements and information related to any one or
78 more of the following:

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

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

99 5. Inactive Licensee – Licensees who are not engaged in surveying practice which requires
100 licensure in this jurisdiction may be granted inactive status. No inactive licensee may practice
101 in this jurisdiction unless otherwise exempted in this chapter. Inactive licensees are exempt
102 from the continuing education requirements.

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

105 D. Jurisdiction – A state, the District of Columbia, any territory, commonwealth, or possession of
106 the United States that issues licenses to practice and regulates the practice of engineering and/or
107 surveying within its legal boundaries.

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

110 F. Rules of Professional Conduct – The term “Rules of Professional Conduct,” as used in this Act,
111 shall mean those rules, if any, promulgated by the board as authorized by this Act.

- 112 G. Firm – The term “Firm,” as used in this Act, shall mean any form of business entity other than an
113 individual licensee operating under his or her name that offers professional engineering or
114 surveying services to the public of their licensed personnel.
- 115 H. Managing Agent – The term “Managing Agent,” as used in this Act, shall mean a natural person
116 who is licensed under this Act and who has been designated pursuant to Section 160.10 of this
117 Act by the firm. The managing agent is responsible for the engineering or surveying work in this
118 jurisdiction and/or for projects or property within this jurisdiction offered or provided by the firm.
119 A licensee may not be designated as a managing agent for more than one firm. An engineer or
120 surveyor who renders occasional, part-time, or consulting engineering or surveying services to, or
121 for, a firm may not be designated as a managing agent. The managing agent’s responsibilities
122 include:
- 123 1. Renewal of the certificate of authority and notification to the board of any change in
124 managing agent.
 - 125 2. Overall supervision of the firm’s licensed and subordinate personnel providing the
126 engineering or surveying work in this jurisdiction.
 - 127 3. Institution and adherence of policies of the firm that are in accordance with the Rules of
128 Professional Conduct, adopted pursuant to Section 150.10 C of this Act.
- 129 I. Rules – The Rules are those adopted pursuant to Section 120.60, Board Powers,
130 subsection A, of this Act.
- 131 J. Signature – The term “Signature,” as used in this Act, shall be in accordance with the Rules.
- 132 K. Seal – The term “Seal,” as used in this Act, shall mean a symbol, image, or list of information in
133 accordance with the Rules.

120 THE LICENSING BOARD

120.10 Board Appointments, Terms

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

16 in an unexpired term, if not filled within 3 months by the governor, the board may appoint a
17 provisional member to serve in the interim until the governor acts.

120.20 Board Qualifications

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

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

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

120.30 Board Compensation, Expenses

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

120.40 Board Removal of Members, Vacancies

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

120.50 Board Organization and Meetings

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

120.60 Board Powers

1 A. The board shall have the power to adopt and amend all bylaws and rules of procedure not
2 inconsistent with the constitution and laws of this jurisdiction or this Act, including, but not
3 limited to, the adoption and promulgation of Rules of Professional Conduct, which may be
4 reasonably necessary for the proper performance of its duties and the regulation of its procedures,
5 meetings, records, examinations, and the conduct thereof. These actions by the board shall be
6 binding upon persons licensed under this Act and on non-licensees found by the board to be in
7 violation of provisions of this Act and shall be applicable to corporations holding a certificate of

8 authorization as provided in Section 160.10 of this Act. The board shall adopt and have an
9 official seal, which shall be affixed to each certificate issued.

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

- 48 L. The board shall have the power to adopt and collect fees in amounts necessary to enable the
49 board to carry out its function under this Act.
- 50 M. The board shall be authorized to use electronic transmissions for all purposes permitted under
51 statute (citation for jurisdiction law).

120.70 Receipts and Disbursements

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

120.80 Records and Reports

- 1 A. The board shall keep a record of its proceedings and a register of all applications for licensure.
2 The register shall show all of the following:
- 3 • The name, date of birth, and physical address of each applicant
 - 4 • The date of application
 - 5 • The place of business of the applicant
 - 6 • Educational and other qualifications of the applicant
 - 7 • Whether or not an examination was required
 - 8 • Whether or not the applicant was rejected
 - 9 • Whether or not a certificate of licensure was granted
 - 10 • The date of the action by the board
 - 11 • A written statement under oath from each applicant that he or she will abide by the rules of
12 professional conduct prescribed by the board, with the oath becoming a part of his or her
13 application for licensure
 - 14 • Any other information deemed necessary by the board
- 15 B. The record of the board shall be prima facie evidence of the proceedings of the board, and a
16 transcript thereof, duly certified by the board administrator under seal, shall be admissible as
17 evidence with the same force and effect as if the original were produced.

- 18 C. The board shall adopt its budget in accordance with accepted accounting principles and
19 jurisdictional requirements. Periodic budget status reports showing classifications of expenditures
20 and revenues shall be made to the public and stakeholders. An annual financial report shall be
21 made by the board administrator to the governor or other appropriate fiscal oversight authorities
22 in the jurisdiction.
- 23 D. Board records and papers of the following class are of a confidential nature and are not public
24 records: examination material for examinations not yet given, file records of examination
25 problems and solutions, exam scores, letters of inquiry and reference concerning applicants,
26 transcripts of college courses and grades, e-mail addresses, board inquiry forms concerning
27 applicants, pending and closed complaints and investigative files until a formal hearing may
28 commence or until final disciplinary action is taken, cases dismissed without disciplinary action,
29 all other materials of like confidential nature, and information otherwise protected by law.

120.90 Roster

- 1 A complete roster showing the names and last known addresses of all licensed professional engineers
2 and of all licensed professional surveyors shall be published by the board administrator once each
3 year, or at intervals as established by board regulation.

130 CANDIDATES FOR LICENSURE

130.10 General Requirements for Licensure

- 1 Education, experience, and examinations (as described in *Model Rules*) are required for licensure as a
2 professional engineer or professional surveyor.
- 3 A. As an Engineer Intern – The following shall be considered as minimum evidence that the
4 applicant is qualified for certification as an engineer intern. A college senior or graduate of an
5 engineering program of 4 years or more accredited by EAC/ABET, or the equivalent, shall be
6 admitted to an 8-hour written examination in the fundamentals of engineering. Upon passing
7 such examination and providing proof of graduation, the applicant shall be certified or enrolled as
8 an engineer intern, if otherwise qualified.
- 9 B. As a Surveyor Intern – The following shall be considered as minimum evidence to the board that
10 the applicant is qualified for certification as a surveyor intern.
- 11 1. A college senior or graduate of a surveying program of 4 years or more accredited by
12 EAC/ABET, TAC/ABET, ASAC/ABET, or the equivalent, shall be admitted to an 8-hour
13 written examination in the fundamentals of surveying. Upon passing such examination and
14 providing proof of graduation, the applicant shall be certified or enrolled as a surveyor intern,
15 if the applicant is otherwise qualified.
- 16 2. A graduate of a program related to surveying of 4 years or more as approved by the board and
17 with a specific record of 2 years of progressive experience in surveying shall be admitted to an
18 8-hour written examination in the fundamentals of surveying. Upon passing such
19 examination, the applicant shall be certified or enrolled as a surveyor intern, if the applicant
20 is otherwise qualified.

21 3. A graduate of a 4-year or more program as acceptable to the board and with a specific record
22 of 4 years of progressive experience in surveying shall be admitted to an 8-hour written
23 examination in the fundamentals of surveying. Upon passing such examination, the applicant
24 shall be certified or enrolled as a surveyor intern, if the applicant is otherwise qualified.

25 C. Professional Engineer or Professional Surveyor – To be eligible for admission to the examination
26 for professional engineers or professional surveyors, an applicant must be of good character and
27 reputation and shall submit five references acceptable to the board with his or her application for
28 licensure, three of which references shall be professional engineers or professional surveyors
29 having personal knowledge of the applicant’s engineering or surveying experience.

30 1. As a Professional Engineer – The following shall be considered as minimum evidence
31 satisfactory to the board that the applicant is qualified for licensure as a professional engineer.

32 a. Licensure by Comity^{3,4} –

33 (1) A person holding a certificate of licensure to engage in the practice of engineering,
34 issued by a proper authority of a jurisdiction or possession of the United States, the
35 District of Columbia, or any foreign country, based on requirements that do not
36 conflict with the provisions of this Act and possessing credentials that are, in the
37 judgment of the board, of a standard not lower than that specified in the applicable
38 licensure act in effect in this jurisdiction at the time such certificate was issued may,
39 upon application, which may include a Council Record with NCEES, be licensed
40 without further examination except as required to present evidence of knowledge of
41 statutes, rules, and design requirements unique to this jurisdiction.

42 (2) A person holding an active Council Record with the National Council of Examiners
43 for Engineering and Surveying, whose qualifications as evidenced by the Council
44 Record, meet the requirements of this Act, may, upon application, be licensed
45 without further examination except as required to examine the applicant’s knowledge
46 of statutes, rules, and design requirements unique to this jurisdiction.

47 b. Licensure by Examination – An engineer intern or an individual with a doctorate in
48 engineering acceptable to the board and with a specific record of an additional 4 years or
49 more of progressive experience on engineering projects of a grade and a character which
50 indicates to the board that the applicant may be competent to practice engineering shall
51 be admitted to an 8-hour written examination in the principles and practice of
52 engineering. Upon passing such examinations, the applicant shall be granted a certificate
53 of licensure to practice engineering in this jurisdiction, provided the applicant is
54 otherwise qualified.

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

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

- 55 c. Licensure by Examination (Effective January 1, 2015) – The following individuals shall
56 be admitted to an 8-hour written examination in the principles and practice of
57 engineering:
- 58 (1) An engineer intern with a bachelor’s degree, with an additional 30 credits of
59 acceptable upper-level undergraduate or graduate-level coursework from approved
60 course providers, and with a specific record of an additional 4 years or more of
61 progressive experience on engineering projects of a grade and a character which
62 indicate to the board that the applicant may be competent to practice engineering.
 - 63 (2) An engineer intern with a master’s degree in engineering from an institution that
64 offers EAC/ABET-accredited programs, or the equivalent, and with a specific record
65 of an additional 3 years or more of progressive experience on engineering projects of a
66 grade and a character which indicate to the board that the applicant may be
67 competent to practice engineering.
 - 68 (3) An engineer intern with a doctorate in engineering acceptable to the board and with
69 a specific record of an additional 2 years or more of progressive experience on
70 engineering projects of a grade and a character which indicate to the board that the
71 applicant may be competent to practice engineering.
 - 72 (4) An individual with a doctorate in engineering acceptable to the board and with a
73 specific record of an additional 4 years or more of progressive experience on
74 engineering projects of a grade and a character which indicate to the board that the
75 applicant may be competent to practice engineering.
- 76 2. As a Professional Surveyor – The evaluation of a professional surveyor applicant’s
77 qualifications involves consideration of education, technical, and surveying experience,
78 exhibits of surveying projects with which the applicant has been associated,
79 recommendations by references, and a review of these categories during an examination. The
80 surveyor intern applicant’s qualifications may be reviewed at an interview if the board deems
81 it necessary. The following shall be considered as minimum evidence to the board that the
82 applicant is qualified for licensure as a professional surveyor.
- 83 a. Licensure by Comity –
- 84 (1) A person holding a certificate of licensure to engage in the practice of surveying
85 issued by a proper authority of a jurisdiction or possession of the United States, the
86 District of Columbia, or any foreign country, based on requirements that do not
87 conflict with the provisions of this Act and possessing the credentials that are, in the
88 judgment of the board, not lower than that specified in the applicable licensure act in
89 effect in this jurisdiction at the time such certificate was issued may, upon
90 application, which may include a Council Record with the NCEES, be licensed
91 without further examination except as required to present evidence of knowledge of
92 statutes, rules, and surveying requirements unique to this jurisdiction.
 - 93 (2) A person holding an active Council Record with the National Council of Examiners
94 for Engineering and Surveying, whose qualifications as evidenced by the Council
95 Record, meet the requirements of this Act, may, upon application, be licensed

96 without further examination except as required to examine the applicant's knowledge
97 of statutes, rules, and surveying requirements unique to this jurisdiction.

98 b. Licensure by Examination – A surveyor intern with a specific record of an additional 4
99 years of combined office and field experience satisfactory to the board in surveying, of
100 which a minimum of 3 years' progressive experience has been on surveying projects under
101 the supervision of a professional surveyor, shall be admitted to an 8-hour written
102 examination in the principles and practice of surveying. Upon passing such examination,
103 the applicant shall be granted a certificate of licensure to practice surveying in this
104 jurisdiction, provided the applicant is otherwise qualified.

130.20 Application and Licensure Fees

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

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

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

13 C. The certification fee for corporations shall be established by regulation of the board and shall
14 accompany the application.

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

130.30 Examinations

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

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

8 1. Fundamentals of Engineering – The examination consists of an 8-hour test period on the
9 fundamentals of engineering. Passing this examination qualifies the examinee for an engineer
10 intern certificate, provided the examinee has met all other requirements for certification
11 required by this Act.

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

140 LICENSEES

140.10 Certificates, Seals

- 1 A. The board shall issue to any applicant who, in the opinion of the board, has met the requirements
2 of this Act, a certificate of licensure giving the licensee proper authority to practice their
3 profession in this jurisdiction. The certificate of licensure for a professional engineer shall carry
4 the designation “Professional Engineer” and for a professional surveyor, “Professional Surveyor.” It
5 shall give the full name of the licensee with licensure number and shall be signed by the
6 chairperson and the board administrator under the seal of the board.
- 7 B. This certificate shall be prima facie evidence that the person named thereon is entitled to all
8 rights, privileges, and responsibilities of a professional engineer or a professional surveyor while
9 the said certificate of licensure remains unrevoked and unexpired.
- 10 C. Each licensee hereunder must, upon licensure, obtain a seal, the use and design of which is
11 described in Section 110.20 K. It shall be unlawful for a licensee to affix or to permit their seal
12 and signature to be affixed to any document described here below after the expiration or
13 revocation of a license or for the purpose of aiding or abetting any other person to evade or
14 attempt to evade any provisions of this Act. Whenever the seal is applied, the document must be
15 signed by the licensee thereby certifying that he or she is competent in the subject matter and was
16 in responsible charge of the work product. Documents must be sealed and signed in accordance
17 with the Rules.

18 D. The board shall issue to any applicant who, in the opinion of the board, has met the requirements
19 of this Act, an enrollment card as engineer intern or surveyor intern, which indicates that their
20 name has been recorded as such in the board office. The engineer intern or surveyor intern
21 enrollment card does not authorize the holder to practice as a professional engineer or a
22 professional surveyor.

140.20 Expirations, Renewals, and Reinstatement to Active Practice

1 A. Certificates of licensure and certificates of authorization for firms shall expire on the last day of
2 the month of following their issuance and shall become invalid after that date unless renewed.
3 It shall be the duty of the board administrator to notify every person licensed under this Act and
4 every firm holding a certificate of authorization under this Act of the date of the expiration of the
5 certificate of licensure or certificate of authorization and the amount of the fee required for its
6 renewal. Such notice shall be mailed to the licensee or firm at their last known address at least
7 1 month in advance of the date of the expiration of the certificate.

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

11 B. If a licensee is granted inactive status, the licensee may return to active status by notifying the
12 board in advance of this intention, by paying appropriate fees, and by meeting all requirements of
13 the board including demonstration of continuing professional competency as a condition of
14 reinstatement.

140.30 Reissuance of Certificates

1 A new certificate of licensure or certificate of authorization to replace any certificate lost, destroyed,
2 or mutilated may be issued subject to the rules of the board. A charge established by regulation shall
3 be made for each issuance.

140.40 Public Works

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

150 DISCIPLINARY ACTION

150.10 Disciplinary Action Revocation, Suspension, Refusal to Issue, Restore or Renew, Probation, Fine, Reprimand

1 A. The board shall have the power to suspend, revoke, place on probation, fine and/or reprimand, or
2 to refuse to issue, restore or renew a certificate of licensure, to any professional engineer or
3 professional surveyor who is found guilty of:

- 4 1. The practice of any fraud or deceit in obtaining or attempting to obtain or renew a certificate
5 of licensure or certificate of authorization.
- 6 2. Any negligence, incompetence, or misconduct in the practice of engineering or surveying.

- 7 3. Conviction of or entry of a plea of guilty or nolo contendere to any crime which is a felony,
8 whether related to practice or not; and conviction of or entry of a plea of guilty or nolo
9 contendere to any crime, whether a felony, misdemeanor, or otherwise, an essential element
10 of which is dishonesty or which is directly related to the practice of engineering or surveying.
- 11 4. Failure to comply with any of the provisions of this Act or any of the rules or regulations
12 pertaining thereto.
- 13 5. Discipline by another jurisdiction, territory, the District of Columbia, foreign country, the
14 United States government, or any other governmental agency, if at least one of the grounds
15 for discipline is the same or substantially equivalent to those contained in this section.
- 16 6. Failure to provide information requested by the board as a result of a formal or informal
17 complaint to the board which would indicate a violation of this Act.
- 18 7. Knowingly making false statements or signing false statements, certifications, or affidavits to
19 induce payment.
- 20 8. Aiding or assisting another person in violating any provision of this Act or the rules or
21 regulations pertaining thereto.
- 22 9. Violating any terms of probation imposed by the board or using a seal or practicing
23 engineering or surveying while the professional engineer's license or professional surveyor's
24 license is suspended, revoked, non-renewed, or inactive.
- 25 10. Signing, affixing, or permitting the licensee's seal or signature to be affixed to any
26 specifications, reports, drawings, plans, plats, design information, construction documents or
27 calculations, surveys, or revisions thereof which have not been prepared by the licensee or
28 under the licensee's responsibility or direct personal supervision.
- 29 11. Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to
30 deceive, defraud, or harm the public.
- 31 12. Providing false testimony or information to the board.
- 32 13. Habitual intoxication or addiction to the use of drugs or alcohol.
- 33 14. Providing engineering or surveying services outside any of the licensee's areas of competence.
34 Licensees must demonstrate by education or experience that they are competent to practice
35 in their field.
- 36 B. In addition to or in lieu of any other penalty provided in this section, any licensee who violates a
37 provision of this Act or any rule or regulation pertaining thereto, a civil penalty in an amount
38 determined by the board of not more than \$5,000 for each offense.
 - 39 1. Each day of continued violation may constitute a separate offense.
 - 40 2. In determining the amount of civil penalty to be assessed pursuant to this section the board
41 may consider such factors as the following:
 - 42 a. Whether the amount imposed will be a substantial economic deterrent to the violation;
 - 43 b. The circumstances leading to the violation;
 - 44 c. The severity of the violation and the risk of harm to the public.

- 45 C. The board shall have prepared and shall adopt Rules of Professional Conduct as provided for in
46 Section 120.60 A, which shall be made known in writing to every licensee and applicant for
47 licensure under this Act, and which shall be published in the roster provided for in Section
48 120.90. Such publication shall constitute due notice to all licensees. The board may revise and
49 amend these Rules of Professional Conduct from time to time and shall forthwith notify each
50 licensee in writing of such revisions or amendments.
- 51 D. In addition to any other penalty provided in this section, the board shall have the power to
52 revoke, suspend, place on probation, fine and/or reprimand, or refuse to issue, restore or renew,
53 the certificate of authorization of any firm where one or more of its officers, directors, partners,
54 members, or managers have been found guilty of any conduct which would constitute a violation
55 under the provisions of this section.
- 56 E. Before issuing an order under this section, the board shall provide the person written notice and
57 the opportunity to request, within 30 days of issuance of notice by the board, a hearing on the
58 record.
- 59 F. In connection with proceeding under Subsections A and B of this section, the board may issue
60 subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence,
61 and may request the attorney general to bring an action to enforce a subpoena.

150.20 Disciplinary Action Procedures

- 1 A. Any person may prefer charges of fraud, deceit, gross negligence, incompetence, negligence,
2 misconduct, or violation of the Rules of Professional Conduct against any individual licensee or
3 against any firm holding a certificate of authorization.
- 4 B. All charges, unless dismissed by the board as unfounded, trivial, or unless settled informally, shall
5 be heard by the board. The time and place for the hearings shall be fixed by the board and a copy
6 of the charges, together with a notice of the time and place of hearing, shall be personally served
7 on or mailed to the last known address of such individual licensee or firm holding a certificate of
8 authorization at least thirty days before the date fixed for the hearing. At any hearing, the accused
9 individual licensee or firm holding a certificate of authorization shall have the right to appear in
10 person or by counsel, or both, to cross-examine witnesses in their defense and to produce
11 evidence and witnesses in their own defense. If the accused person or firm fails or refuses to
12 appear, the board may proceed to hear and determine the validity of the charges.
- 13 C. If after such hearing a majority of the board votes in favor of sustaining the charges, the board
14 shall reprimand, fine in an amount not to exceed dollars (\$.....) for each count, refuse to issue,
15 restore or renew, place on probation for a period of time, and subject to such conditions as the
16 board may specify, suspend, revoke, or any combination thereof, the individual's certificate of
17 licensure or a firm's certificate of authorization.
- 18 D. An individual licensee having a certificate of licensure or a firm having a certificate of
19 authorization aggrieved by any action of the board in levying a fine, denying, suspending, refusing
20 to issue, restore or renew, or revoking their certificate of licensure or a firm's certificate of
21 authorization, may appeal therefrom to the proper court under normal civil procedures.
- 22 E. A penalty assessed pursuant to Section 150.10 B of this Act shall be assessed in a proceeding as
23 provided in this section. Unless the amount of the penalty is paid within 50 days after the order

24 becomes final, the order shall constitute a judgment and shall be filed and execution issued
25 thereon in the same manner as any other judgment of a court of record.

26 F. The board may, upon petition of an individual licensee or firm holding a certificate of
27 authorization, reissue a certificate of licensure or authorization, provided that a majority of the
28 members of the board votes in favor of such issuance.

150.30 Civil Penalties for Non-Licensees

1 A. In addition to any other provisions of law, the board may enter an order assessing a civil penalty
2 against any person, firm, partnership, or corporation found guilty by the board of:

- 3 1. Engaging in the practice or offer to practice of engineering or surveying in this jurisdiction
4 without being licensed in accordance with the provisions of this Act;
- 5 2. Using or employing the words “engineer,” “engineering,” “surveyor,” “surveying,” or any
6 modification or derivative thereof in its name or form of business activity except as authorized
7 in this Act;
- 8 3. Presenting or attempting to use the certificate of licensure or the seal of another licensed
9 engineer or licensed surveyor;
- 10 4. Giving false or forged evidence of any kind to the board or any member thereof in obtaining
11 or attempting to obtain a certificate of licensure;
- 12 5. Falsely impersonating any other licensed engineer or licensed surveyor of like or different
13 name; or
- 14 6. Using or attempting to use an expired, suspended, or revoked or non-existent certificate of
15 licensure.

16 B. A civil penalty levied under this section may not exceed \$5,000 for each offense.

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

18 D. In determining the amount of civil penalty to be assessed pursuant to this section, the board may
19 consider such factors as the following:

- 20 1. Whether the amount imposed will be a substantial economic deterrent to the violation;
- 21 2. The circumstances leading to the violation;
- 22 3. The severity of the violation and the risk of harm to the public;
- 23 4. The economic benefits gained by the violator as a result of non-compliance; and
- 24 5. The interest of the public.

25 E. Before issuing an order under this section, the board shall provide the person written notice and
26 the opportunity to request, within 30 days of issuance of notice by the board, a hearing on the
27 record.

28 F. In connection with proceeding under Subsections A and B of this section, the board may issue
29 subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence,
30 and may request the attorney general to bring an action to enforce a subpoena.

- 31 G. A person aggrieved by the levy of a civil penalty under this section may file an appeal with the
32 superior court for judicial review of the penalty aforementioned.
- 33 H. If a person fails to pay a civil penalty within 30 days after entry of an order under Subsection A of
34 this section, or if the order is stayed pending an appeal, within 10 days after the court enters a
35 final judgment in favor of the board of an order appealed under Subsection E of this section, the
36 board shall notify the attorney general. The attorney general may commence a civil action to
37 recover the amount of the penalty, plus attorney's fees and costs.
- 38 I. An action to enforce an order under this section may be combined with an action for an
39 injunction.

150.40 Criminal Offenses

- 1 Any person who shall practice or offer to practice engineering or surveying in this jurisdiction being
2 licensed in accordance with the provisions of this Act, or any person, firm, partnership, organization,
3 association, corporation, or other entity using or employing the words "Engineer" or "Engineering,"
4 "Surveyor" or "Surveying," or any modification or derivative thereof in its name or form of business
5 activity except as authorized in this Act, or any person presenting or attempting to use the certificate
6 of licensure or the seal of another, or any person who shall give any false or forged evidence of any
7 kind to the board or to any member thereof in obtaining or attempting to obtain a certificate of
8 licensure, or any person who shall falsely impersonate any other licensee of like or different name, or
9 any person who shall attempt to use an expired, suspended or revoked, or non-existent certificate of
10 licensure, or who shall practice or offer to practice when not qualified, or any person who falsely
11 claims that they are licensed or authorized under this Act, or any person who shall violate any of the
12 provisions of the Act, shall be guilty of a (highest degree of) misdemeanor for the first offense and a
13 (lowest degree of) felony for the second or any subsequent offenses.
- 14 It shall be the duty of the attorney general of the jurisdiction to enforce the provisions of this Act and
15 to prosecute any person violating same.
- 16 The attorney general of the jurisdiction or the assistant shall act as legal adviser to the board and
17 render such legal assistance as may be necessary in carrying out the provisions of this Act. The board
18 may employ counsel and necessary assistance to aid in the enforcement of this Act and the
19 compensation and expenses therefore shall be paid from the funds of the board.

160 MISCELLANEOUS

160.10 Certificates of Authorization

- 1 A. A firm that practices or offers to practice engineering or surveying is required to obtain a
2 certificate of authorization by the board in accordance with the Rules.
- 3 B. An engineering or surveying firm desiring a certificate of authorization must file with the board
4 an application using a form provided by the board and provide all the information required by the
5 board. A form as provided by the board shall be filed with the board upon renewal or within 30
6 days of the time any information contained on the application form is changed or differs for any
7 reason. If in the judgment of the board the application meets the requirements of this Act, the
8 board shall issue a certificate of authorization for said firm to practice engineering or surveying.

- 9 C. This section shall not require a certificate of authorization for a firm performing engineering or
10 surveying for the firm itself or a parent or subsidiary of said firm.
- 11 D. No firm shall be relieved of responsibility for the conduct or acts of its agents, employees, officers,
12 partners, members, or managers by reason of its compliance with the provisions of this section.
13 No individual practicing engineering or surveying under the provisions of this Act shall be
14 relieved of responsibility for engineering or surveying services performed by reason of employment
15 or other relationship with a firm holding a certificate of authorization.
- 16 E. The secretary of state of this jurisdiction shall not accept organizational papers nor issue a
17 certificate of incorporation, licensure, or authorization to any firm which includes among the
18 objectives for which it is established or within its name, any of the words “engineer,”
19 “engineering,” “surveyor,” “surveying,” or any modification or derivation thereof unless the board
20 of licensure for this profession has issued for said applicant a certificate of authorization or a letter
21 indicating the eligibility of such applicant to receive such a certificate. The firm applying shall
22 supply such certificate or letter from the board with its application for incorporation, licensure, or
23 authorization.
- 24 F. The secretary of state of this jurisdiction shall decline to license any trade name or service mark
25 which includes such words as set forth in the above article, or modifications or derivatives thereof
26 in its firm name or logotype except those firms holding certificates of authorization issued under
27 the provisions of this section.
- 28 G. The certificate of authorization shall be renewed as hereinbefore provided in Section 140.20 A.
- 29 H. An engineer or surveyor who renders occasional, part-time, or consulting engineering or
30 surveying services to or for a firm may not, for the purposes of this section, be designated as being
31 in responsible charge of the professional activities of the firm unless the engineer or surveyor is an
32 officer or owner of the firm.

160.20 Exemption Clause

- 1 This Act shall not be construed to prevent the practice by:
- 2 A. Other Professions – The practice of any other legally recognized profession.
- 3 B. Contingent Permits – A contingent license may be issued by the board or board administrator to
4 an applicant for comity licensure if the applicant appears to meet the requirements for comity
5 licensure. Such a contingent license will be in effect from its date of issuance until such time as
6 the board takes final action on the application for comity licensure. If the board determines that
7 the applicant does not meet the requirements for issuance of a comity license, the contingent
8 license shall be immediately and automatically revoked and no comity license will be issued.
- 9 C. Employees and Subordinates – The work of an employee or a subordinate of a person holding a
10 certificate of licensure under this Act, or an employee of a person practicing lawfully under
11 Subsection B of this section, provided such work does not include final engineering or surveying
12 designs or decisions and is done under the direct supervision of and verified by a person holding a
13 certificate of licensure under this Act or a person practicing lawfully under Subsection B of this
14 section.

160.30 Duties of Recorders

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

160.40 Invalid Sections

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

160.50 Repeal of Conflicting Legislation

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

160.60 Grandfathering of Photogrammetrists

1 A. Licensure of Professionals Currently Practicing Surveying as defined in the *Model Law*, Section
2 110.20 B.4.a. – Any person presently practicing surveying in the jurisdiction of, as defined in
3 Section 110.20 D of the *Model Law*, using photogrammetric technologies with at least 8 years'
4 experience in the profession, two or more of which shall have been in responsible charge of
5 photogrammetric mapping projects meeting ASPRS Aerial Photography and Mapping Standards,
6 or U.S. National Mapping Standards, shall, upon application, be licensed to practice surveying
7 and/or mapping in the jurisdiction of, provided:

- 8 1. The applicant submits certified proof of graduation from high school, high school
9 equivalency, or a higher degree.
- 10 2. The applicant, optionally, submits: certified proof of a baccalaureate degree in surveying or a
11 related field of study approved by the (board), which may be substituted for four of the above
12 required years of experience; or certified proof of a master's degree in surveying or a related
13 field of study approved by the (board), which may be substituted for a maximum of five of the
14 above required years of experience.
- 15 3. The applicant submits proof of employment in responsible charge of photogrammetric
16 surveying and/or mapping projects, practicing within any of the fifty United States, including
17 itemized reports detailing methods, procedures, amount of the applicant's personal
18 involvement, and the name, address, and telephone numbers of the client for five projects
19 completed under the supervision of the applicant within the United States. A final map for
20 each of the five projects shall also be submitted.
- 21 4. The applicant submits five references as to the applicant's character and quality of work,
22 three of which shall be from professional surveyors, mappers, or engineers currently practicing
23 within the scope of their license in an area of surveying and/or mapping.

24 5. Said application is filed with the board within 2 years, next after _____ 20__.
25 Thereafter, no photogrammetric surveyor or mapper shall be licensed without meeting the
26 requirements for education, length of experience, testing, or reciprocity criteria, as set forth
27 by the board for all applicants.

160.70 Effective Date

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

APPENDIX A
Cross-Reference for *Model Law*

Based on September 2006 revision

Italic font indicates summary paraphrase of paragraph contents.

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

MODEL LAW SECTION	DESCRIPTOR	CORRESPONDING MODEL RULES SECTION
An Act	An Act	
SECTION 110	INTRODUCTION	
Section 110.10	General Provisions	
110.10 A	Regulation of Engineers and Surveyors	
110.10 B	Board Structure	
Section 110.20	Definitions	
110.20 A	Engineer	210.20 A.1
110.20 A.1	Engineer	"
110.20 A.2	Professional Engineer	"
110.20 A.3	Professional Engineer, Retired	"
110.20 A.4	Engineer Intern	"
110.20 A.5	Practice of Engineering	"
110.20 A.6	Inactive Licensee	"
110.20 B	Professional Surveyor	210.20 A.2
110.20 B.1	Professional Surveyor	"
110.20 B.2	Professional Surveyor, Retired	"
110.20 B.3	Surveyor Intern	"
110.20 B.4	Practice of Surveying	210.20 A.2, 210.25
110.20 B.5	Inactive Licensee	210.20 A.2
110.20 C	Board	210.20 A.3
110.20 D	Jurisdiction	"
110.20 E	Responsible Charge	"
110.20 F	Rules of Professional Conduct	"
110.20 G	Firm	"
110.20 H	Managing Agent	"
110.20 I	Rules	"
110.20 J	Signature	"
110.20 K	Seal	"
SECTION 120	THE LICENSING BOARD	
Section 120.10	Board Appointments, Terms	220.10 A
Section 120.20	Board Qualifications	220.10 B
Section 120.30	Board Compensation, Expenses	220.10 H
Section 120.40	Board Removal of Members, Vacancies	

MODEL LAW SECTION	DESCRIPTOR	CORRESPONDING MODEL RULES SECTION
Section 120.50	Board Organization and Meetings	220.10 C, D, E
Section 120.60	Board Powers	
120.60 A	<i>Power to adopt/amend bylaws/rules of procedure, not inconsistent with constitution and laws of jurisdiction; binding on licensees and non-licensees, and corporations holding a certificate of authorization; board to have official seal.</i>	210.10 B, C 240.20 A 220.20 A
120.60 B	<i>Subpoena witnesses/evidence; court to enforce compliance if needed</i>	
120.60 C	<i>Apply for relief by injunction; board members not personally liable</i>	
120.60 D	<i>Subject applicant for licensure to examinations</i>	
120.60 E	<i>Authority to require continuing professional competency as condition of renewal/relicensure</i>	240.30
120.60 F	<i>Authority for citation and fining of persons engaged in unlawful 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 the jurisdiction. No action or other legal proceedings for damages against board, board member, or employee/agent of board</i>	
120.60 H	<i>Board has power and authority to waive requirements</i>	
120.60 I	<i>Authority to contract with any agency or vendor to carry out board function</i>	
120.60 J	<i>Per diem and reimbursement of expenses for performing board duties</i>	
120.60 K	<i>Authority to appoint committees to help with board efforts</i>	
120.60 L	<i>Authority to adopt and collect fees to carry out board function</i>	
120.60 M	<i>Authority to use electronic transmissions</i>	
Section 120.70	Receipts and Disbursements	220.10 J
Section 120.80	Records and Reports	
120.80 A	<i>Record of proceedings and applications for licensure</i>	
120.80 B	<i>Record of board is evidence of proceedings of the board</i>	
120.80 C	<i>Budget, annual report to governor</i>	
120.80 D	<i>Class of records and papers of a confidential nature</i>	220.10 L
Section 120.90	Roster	220.10 M
SECTION 130	CANDIDATES FOR LICENSURE	
Section 130.10	General Requirements for Licensure	230.30 A
130.10 A	<i>As an Engineer Intern</i>	
130.10 B	<i>As a Surveyor Intern</i>	
130.10 B.1	<i>Graduate of EAC/ABET, TAC/ABET, ASAC/ABET or the equivalent surveying program + FS</i>	
130.10 B.2	<i>Graduate of related survey curriculum + experience + FS</i>	
130.10 B.3	<i>Graduate of program + experience + FS</i>	
130.10 C	<i>Professional Engineer or Professional Surveyor</i>	

MODEL LAW SECTION	DESCRIPTOR	CORRESPONDING MODEL RULES SECTION
130.10 C.1	As a Professional Engineer	230.10 A 230.20 A 230.40 B
130.10 C.1.a	Licensure by Comity	
130.10 C.1.b	Licensure by Examination	
130.10 C.1.c	Licensure by Examination (Effective January 1, 2015)	
130.10 C.2	As a Professional Surveyor	230.10 B 230.20 B 230.40 D 230.50 B
130.10 C.2.a	Licensure by Comity	
130.10 C.2.b	Licensure by Examination	
Section 130.20	Application and Licensure Fees	230.60 A, B 220.30 B
130.20 A	<i>On form prescribed by board; under oath</i>	
130.20 B	<i>License fee established by board, shall accompany application</i>	
130.20 C	<i>Certification fee for corporations</i>	
130.20 D	<i>Should board deny issuance of certificate, fee is retained as an application fee</i>	
Section 130.30	Examinations	
130.30 A	<i>Held at time/place the board directs; board determines passing grade; board may require take-home questionnaire on professionalism/ethics</i>	230.40 E
130.30 B	<i>Written examinations given in 2 sections</i>	230.40 A 230.40 C
130.30 B.1	Fundamentals of Engineering	
130.30 B.2	Principles and Practice of Engineering	
130.30 B.3	Fundamentals of Surveying	
130.30 B.4	Principles and Practice of Surveying	
130.30 C	<i>Failing candidate may apply for re-examination</i>	230.40 J
130.30 D	<i>Board may prepare and adopt specifications for the written examinations</i>	230.40 G
SECTION 140	LICENSEES	
Section 140.10	Certificates, Seals	240.10 A, B 240.20 C
140.10 A	<i>Issuance of Certificate of Licensure</i>	
140.10 B	<i>Certificate of Licensure is prima facie evidence</i>	
140.10 C	<i>Licensee must obtain seal; use of seal</i>	240.20 B, C
140.10 D	<i>Issuance of enrollment card as E.I. or S.I.</i>	
Section 140.20	Expirations, Renewals, and Reinstatement to Active Practice	220.30 E 240.40 A
140.20 A	<i>Expirations and renewals</i>	
140.20 B	<i>Return to active status by inactive licensee</i>	

MODEL LAW SECTION	DESCRIPTOR	CORRESPONDING MODEL RULES SECTION
Section 140.30	Reissuance of Certificates	220.30 F 240.10 D
SECTION 150	DISCIPLINARY ACTION	
Section 150.10	Disciplinary Action Revocation, Suspension, Refusal to Issue, Restore or Renew, Probation, Fine, Reprimand	
150.10 A	<i>Board has power to suspend, revoke, refuse to issue/restore/renew, etc., license of P.E./P.S.'s found guilty of any of 14 types of violations</i>	
150.10 B	<i>Board can impose civil penalty of not more than \$5,000 for each offense</i>	
150.10 C	<i>Board prepares/adopts rules of professional conduct; and informs all licensees of amendments and revisions. See also Sections 120.60 and 120.90.</i>	250.10 A
150.10 D	<i>Board has power to revoke/suspend/etc. the certificate of authorization for a firm which has guilty members.</i>	
150.10 E	<i>Board issues written notice to violator prior to issuing an order under this section; opportunity to request hearing</i>	
150.10 F	<i>Board may issue subpoenas for witnesses and evidence; attorney general can enforce the subpoena</i>	
Section 150.20	Disciplinary Action Procedures	250.30
150.20 A	<i>Any person may prefer charges against licensee/firm holding certificate of authorization</i>	250.30 A
150.20 B	<i>All charges, unless dismissed/settled informally, shall be heard by the board. Also, notification of the accused, rights of the accused, and conduct of the hearing</i>	
150.20 C	<i>After hearing, majority of board sustains charges, board can reprimand, fine, suspend/revoke/etc. individual's certificate of licensure or firm's certificate of authorization</i>	
150.20 D	<i>Individual/firm aggrieved by board actions may appeal to the proper court under normal civil procedures</i>	
150.20 E	<i>Penalty assessed pursuant to Section 150.10 B, unless paid within 50 days shall constitute a judgment and be filed/executed as any other judgment of a court of record</i>	
150.20 F	<i>Board may, upon petition, reissue certificate of licensure/authorization, if majority of board votes in favor</i>	250.40 A, B
Section 150.30	Civil Penalties for Non-Licensees	250.20
150.30 A	<i>Enumeration of unlicensed practices/misrepresentations/fraud</i>	
150.30 B	<i>Board can impose civil penalty of not more than \$5,000 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 civil penalty</i>	
150.30 E	<i>Board issues written notice to violator prior to issuing an order under this section; opportunity to request hearing</i>	

MODEL LAW SECTION	DESCRIPTOR	CORRESPONDING MODEL RULES SECTION
150.30 F	<i>Board may issue subpoenas for witnesses and evidence; attorney general can enforce the subpoena</i>	
150.30 G	<i>Individual aggrieved by levy of civil penalty may appeal to the superior court for judicial review</i>	
150.30 H	<i>If person fails to pay civil penalty, board notifies attorney general, to commence civil action to recover penalty plus attorney's fees/costs</i>	
150.30 I	<i>Action to enforce order may be combined with action for injunction</i>	
Section 150.40	Criminal Offenses	
SECTION 160	MISCELLANEOUS	
Section 160.10	Certificates of Authorization	
160.10 A	<i>Practice by individuals through a firm</i>	
160.10 B	<i>Application for certificate of authorization is filed with the board.</i>	
160.10 C	<i>This Act does not prevent firm from performing services for itself or subsidiary</i>	
160.10 D	<i>Firm not relieved of responsibility for conduct/acts of its agents/employees/officers/etc.</i>	
160.10 E	<i>Rules for secretary of jurisdiction to issue certificate of incorporation</i>	
160.10 F	<i>Rules for secretary of jurisdiction to issue trade names/service marks</i>	
160.10 G	<i>Rules for secretary of jurisdiction to issue trade names/service marks</i>	
160.10 H	<i>P.E./P.S.'s rendering part-time/consulting services not responsible for professional activities of firm</i>	
Section 160.20	Exemption Clause	
160.20 A	Other Professions	
160.20 B	Contingent Permits	
160.20 C	Employees and Subordinates	
Section 160.30	Duties of Recorders	
Section 160.40	Invalid Sections	
Section 160.50	Repeal of Conflicting Legislation	
Section 160.60	Grandfathering of Photogrammetrists	
Section 160.70	Effective Date	

APPENDIX B
References to Internal Citations in *Model Law*

MODEL LAW CITATION	MODEL LAW CITATION REFERENCED WITHIN CITATIONS IN COLUMN 1	MODEL LAW CITATION THAT REFERENCES CITATIONS IN COLUMN 1
110.20 B.4.a		160.60 A
110.20 D		160.60 A
110.20 H	160.10	
110.20 H.3	150.10 C	
110.20 I	120.60	
110.20 K		140.10 C
120.10	120.20 (twice)	120.40
120.20		120.10
120.40	120.10	
120.60		110.20 I
120.60 A	160.10	150.10 C
120.90		150.10 C
130.10		130.30 B
130.30 B	130.10	
140.10 C	110.20 K	
140.20 A		160.10 G
150.10 A		150.10 F
150.10 B		150.10 F, 150.20 E
150.10 C	120.60 A, 120.90	110.20 H.3
150.10 F	150.10 A, 150.10 B	
150.20 E	150.10 B	
150.30 A		150.30 F, 150.30 H
150.30 B		150.30 F
150.30 E		150.30 H
150.30 F	150.30 A, 150.30 B	
150.30 H	150.30 A, 150.30 E	
160.10		110.20 H, 120.60 A
160.10 G	140.20 A	
160.20 B		160.20 C
160.20 C	160.20 B (twice)	
160.60 A	110.20 B.4.a, 110.20 D	



NATIONAL COUNCIL OF EXAMINERS FOR ENGINEERING AND SURVEYING®

PO Box 1686
280 Seneca Creek Road
Clemson, SC 29633-1686
Phone: 864-654-6824, 800-250-3196
Fax: 864-654-6033
www.ncees.org

Printed October 2006, 500