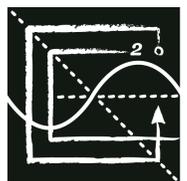


MODEL LAW

August 2011



NCEES

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INTRODUCTION

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

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

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

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

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LICENSURE OF ENGINEERS AND SURVEYORS

AN ACT

To regulate the practice of engineering and/or¹ 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 (Legislative Body) of the Jurisdiction of as follows.

110 INTRODUCTION

110.10 General Provisions

- A. Regulation of Engineers and Surveyors—In order to safeguard life, health, and property and to promote the public welfare, the practice of engineering and/or the practice of surveying in this jurisdiction is 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 their certificate of licensure, which shall not be transferable.
- B. Board Structure—The licensing board shall be an independent agency.² 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 (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 special knowledge and use of the mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience.
 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

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

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.

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 the
10 engineer has demonstrated competence.

- 11 3. Professional Engineer, Retired—The term “Professional Engineer, Retired,” as used in this Act,
12 shall mean an individual 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 by
14 the board to be granted the use of the title “Professional Engineer, Retired.”
- 15 4. Engineer Intern—The term “Engineer Intern,” as used in this Act, shall mean an individual
16 who has been duly certified as an engineer intern by the board.
- 17 5. Practice of Engineering—The term “Practice of Engineering,” as used in this Act, shall mean
18 any service or creative work, the adequate performance of which requires engineering
19 education, training, and experience in the application of special knowledge of the
20 mathematical, physical, and engineering sciences to such services or creative work as
21 consultation, investigation, expert technical testimony, evaluation, planning, design and
22 design coordination of engineering works and systems, planning the use of land, air, and
23 water, teaching of advanced engineering subjects, performing engineering surveys and studies,
24 and the review and/or management of construction for the purpose of monitoring and/or
25 ensuring compliance with drawings and specifications; any of which embraces such services or
26 work, either public or private, in connection with any utilities, structures, buildings, machines,
27 equipment, processes, work systems, projects, communication systems, transportation
28 systems, and industrial or consumer products, or equipment of a control systems,
29 communications, mechanical, electrical, hydraulic, pneumatic, chemical, environmental, or
30 thermal nature, insofar as they involve safeguarding life, health, or property, and including
31 such other professional services as may be necessary to the planning, progress, and
32 completion of any engineering services.

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

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

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

- 50 6. Inactive Status—Licensees who are not engaged in engineering practice which requires
51 licensure in this jurisdiction may be granted inactive status. No licensee granted inactive
52 status may practice or offer to practice engineering in this jurisdiction unless otherwise

53 exempted in this Act. Licensees granted inactive status are exempt from the continuing
54 education requirements.

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

- 57 1. Professional Surveyor—The term “Professional Surveyor,” as used in this Act, shall mean an
58 individual who has been duly licensed as a professional surveyor by the board established
59 under this Act, and who is a professional specialist in the technique of measuring land,
60 educated in the basic principles of mathematics, the related physical and applied sciences, and
61 the relevant requirements of law for adequate evidence and all requisite to surveying of real
62 property, and engaged in the practice of surveying as herein defined.
- 63 2. Professional Surveyor, Retired—The term “Professional Surveyor, Retired,” as used in this Act,
64 shall mean an individual who has been duly licensed as a professional surveyor by the board
65 and who chooses to relinquish or not to renew a license and who applies to and is approved by
66 the board to be granted the use of the title “Professional Surveyor, Retired.”
- 67 3. Surveyor Intern—The term “Surveyor Intern,” as used in this Act, shall mean an individual
68 who has been duly certified as a surveyor intern by the board.
- 69 4. Practice of Surveying—The term “Practice of Surveying,” as used in this Act, shall mean
70 providing, or offering to provide, professional services using such sciences as mathematics,
71 geodesy, and photogrammetry, and involving both (1) the making of geometric measurements
72 and gathering related information pertaining to the physical or legal features of the earth,
73 improvements on the earth, the space above, on, or below the earth and (2) providing,
74 utilizing, or developing the same into survey products such as graphics, data, maps, plans,
75 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 position
82 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 items a–f above

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

- 100 5. Inactive Status—Licensees who are not engaged in surveying practice which requires licensure
- 101 in this jurisdiction may be granted inactive status. No licensee granted inactive status may
- 102 practice or offer to practice surveying in this jurisdiction unless otherwise exempted in this
- 103 Act. Licensees granted inactive status are exempt from the continuing education requirements.
- 104 C. Board—The term “Board,” as used in this Act, shall mean the jurisdiction board of licensure for
- 105 professional engineers and professional surveyors, hereinafter provided by this Act.
- 106 D. Jurisdiction—The term “Jurisdiction,” as used in this Act, shall mean a state, the District of
- 107 Columbia, or any territory, commonwealth, or possession of the United States that issues licenses
- 108 to practice and regulates the practice of engineering and/or surveying within its legal boundaries.
- 109 E. Responsible Charge—The term “Responsible Charge,” as used in this Act, shall mean direct control
- 110 and personal supervision of engineering or surveying work, as the case may be.
- 111 F. Rules of Professional Conduct—The term “Rules of Professional Conduct,” as used in this Act, shall
- 112 mean those rules of professional conduct, if any, promulgated by the board as authorized by this
- 113 Act.
- 114 G. Firm—The term “Firm,” as used in this Act, shall mean any form of business or entity other than
- 115 an individual operating as a sole proprietorship under his or her own name.
- 116 H. Managing Agent—The term “Managing Agent,” as used in this Act, shall mean an individual who is
- 117 licensed under this Act and who has been designated pursuant to Section 160.20 of this Act by the
- 118 firm.
- 119 I. Rules—The term “Rules,” as used in this act, shall mean those rules and regulations adopted
- 120 pursuant to Section 120.60 A, Board Powers, of this Act.
- 121 J. Signature—The term “Signature,” as used in this Act, shall be in accordance with the Rules.
- 122 K. Seal—The term “Seal,” as used in this Act, shall mean a symbol, image, or list of information in
- 123 accordance with the Rules.
- 124 L. Licensee—The term “Licensee,” as used in this Act, shall mean a professional engineer or a
- 125 professional surveyor.
- 126 M. Person—The term “Person,” as used in this Act, shall mean an individual or firm.
- 127 N. Or the Equivalent—The term “or the equivalent” as used in this Act, shall mean an equivalent
- 128 educational program/curriculum to an engineering program accredited by the Engineering
- 129 Accreditation Commission of ABET (EAC/ABET) or a surveying program accredited by
- 130 EAC/ABET, the Technology Accreditation Commission of ABET (TAC/ABET), or the Applied
- 131 Science Accreditation Commission of ABET (ASAC/ABET).

120 THE LICENSING BOARD
120.10 Board Appointments, Terms

1 A jurisdiction board of licensure for professional engineers and/or professional surveyors is hereby
 2 created whose duty it shall be to administer the provisions of this Act. The board shall consist of
 3 professional engineers, professional surveyors, and public members who shall be appointed by
 4 the governor. The professional engineer and professional surveyor members shall preferably be
 5 appointed from a list of nominees submitted by the respective engineering and/or surveying societies
 6 of this jurisdiction and shall have the qualifications required by Section 120.20 of this Act. Each
 7 member of the board shall receive a certificate of his or her appointment from the governor and shall
 8 file with this jurisdiction a written oath or affirmation for the faithful discharge of their official duty.
 9 Appointments to the board shall be in such manner and for such period of time that the term of each
 10 member shall expire at the end of a different year, insofar as is possible. On the expiration of the term
 11 of any member, the governor shall in the manner hereinbefore provided appoint for a term of years
 12 a professional engineer, a professional surveyor, or a public member having the qualifications required

13 in Section 120.20 of this Act. Members may be reappointed to succeed themselves. Each member shall
14 hold office until the expiration of the term for which appointed or until a successor has been duly
15 appointed and has qualified. In the event of a vacancy on the board due to resignation, death, or for
16 any cause resulting in an unexpired term, if not filled within 3 months by the governor, the board may
17 appoint a provisional member to serve in the interim until the governor acts.

120.20 Board Qualifications

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

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

120.30 Board Compensation, Expenses

1 Each member of the board shall receive compensation when attending to the work of the board or any
2 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, or
2 for reason prescribed by law for removal of jurisdiction officials. Vacancies in the membership of the
3 board shall be filled for the unexpired term by appointment of the governor as provided in Section
4 120.10 of this Act.

120.50 Board Organization and Meetings

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

120.60 Board Powers

1 A. The board shall have the power to adopt and amend all bylaws and rules of procedure not
2 inconsistent with the constitution and laws of this jurisdiction or this Act, including, but not
3 limited to, the adoption and promulgation of Rules, which may be reasonably necessary for the
4 proper performance of its duties and the regulation of its procedures, meetings, records,
5 examinations, and the conduct thereof. These actions by the board shall be binding upon
6 individuals licensed or recognized under this Act and on non-licensees found by the board to be in
7 violation of provisions of this Act and shall be applicable to firms that hold or should hold a
8 certificate of authorization as provided in Section 160 of this Act. The board shall adopt and have
9 an 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 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 who are not licensed or authorized in this jurisdiction
29 as provided by law.
- 30 G. The board shall retain and exercise all administrative and civil rights and remedies commonly
31 available to agencies in this jurisdiction. No action or other legal proceedings for damages shall be
32 instituted against the board or against any board member or employee or agent of the board for
33 any act done in good faith and in the intended performance of any power granted under this Act 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 life, health, and
37 property and promoting the public welfare.
- 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. Board members shall be entitled to the maximum allowable per diem set by the board for each day
43 or portion thereof during which the member is actually engaged in the performance of official
44 duties. Board members shall also be reimbursed for all expenses incurred while performing service
45 as a board member.
- 46 K. The board shall have the power to appoint committees to assist the board's efforts in carrying out
47 the responsibilities of this Act. All individuals appointed by the board to serve on committees are
48 entitled to reimbursement of expenses as approved by the board.
- 49 L. The board shall have the power to adopt and collect fees in amounts necessary to enable the board
50 to carry out its function under this Act.
- 51 M. The board shall be authorized to use electronic transmissions for all purposes permitted under
52 statute (citation for jurisdiction law).
- 53 N. The attorney general of this jurisdiction or his or her assistants may act as legal adviser to the
54 board and render such legal assistance as may be necessary in carrying out the provisions of this
55 Act. The board may employ or retain counsel and necessary assistance to aid in the enforcement of
56 this Act and the compensation and expenses therefore shall be paid from the funds of the board.

120.70 Receipts and Disbursements

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

120.80 Records and Reports

- 1 A. The board shall keep a record of its proceedings and a register of all applications for licensure. The
2 register shall show all of the following:
- 3 1. The name, date of birth, and physical address of each applicant
 - 4 2. The date of application
 - 5 3. The place of business of the applicant
 - 6 4. Educational and other qualifications of the applicant
 - 7 5. Whether or not an examination was required
 - 8 6. Whether or not the applicant was rejected
 - 9 7. Whether or not a certificate of licensure was granted
 - 10 8. The date of the action by the board
 - 11 9. A written statement under oath from each applicant that he or she will abide by the statutes
12 and rules prescribed by the board, with the oath becoming a part of his or her application for
13 licensure
 - 14 10. Any other information deemed necessary by the board
- 15 B. The board shall also keep a register of all applications of firms for a certificate of authorization.
16 The register shall show all of the following:
- 17 1. The name, date of formation, and business address of each applicant
 - 18 2. The date of application
 - 19 3. The name, physical address, and license number of the managing agent
 - 20 4. Whether or not the applicant was rejected
 - 21 5. Whether or not a certificate of authorization was granted
 - 22 6. The date of the action by the board
 - 23 7. A written statement under oath from an officer and managing agent, if the officer is not the
24 managing agent, that the applicant will abide by the statutes and rules prescribed by the
25 board, with the oath becoming a part of its application for a certificate of authorization
 - 26 8. Any other information deemed necessary by the board
- 27 C. The record of the board shall be prima facie evidence of the proceedings of the board, and a
28 transcript thereof, duly certified by the board administrator under seal, shall be admissible as
29 evidence with the same force and effect as if the original were produced.

- 30 D. The board shall adopt its budget in accordance with accepted accounting principles and
31 jurisdictional requirements. Periodic budget status reports showing classifications of expenditures
32 and revenues shall be made to the public and stakeholders. An annual financial report shall be
33 made by the board administrator to the governor or other appropriate fiscal oversight authorities
34 in this jurisdiction.
- 35 E. Board records and papers of the following class are of a confidential nature and are not public
36 records: examination material for examinations not yet given, file records of examination
37 problems and solutions, examination scores, letters of inquiry and reference concerning
38 applicants, transcripts of college courses and grades, e-mail addresses, board inquiry forms
39 concerning applicants, pending and closed complaints and investigative files until a formal hearing
40 may commence or until final disciplinary action is taken, cases dismissed without disciplinary
41 action, all other 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 as established by board regulations.

130 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 applicant
4 is qualified for certification as an engineer intern. A college senior or graduate of an engineering
5 program of 4 years or more accredited by the Engineering Accreditation Commission of ABET
6 (EAC/ABET), or the equivalent, or an engineering master's program accredited by EAC/ABET
7 shall be admitted to an examination in the fundamentals of engineering. Upon passing such
8 examination and providing proof of graduation, the applicant shall be certified or enrolled as an
9 engineer intern, if otherwise qualified.
- 10 B. As a Surveyor Intern—The following shall be considered as minimum evidence that the applicant
11 is qualified for certification as a surveyor intern.
- 12 1. A college senior or graduate of a surveying program of 4 years or more accredited by
13 EAC/ABET, the Technology Accreditation Commission of ABET (TAC/ABET), the Applied
14 Science Accreditation Commission of ABET (ASAC/ABET), or the equivalent, shall be
15 admitted to an examination in the fundamentals of surveying. Upon passing such examination
16 and providing proof of graduation, the applicant shall be certified or enrolled as a surveyor
17 intern, if otherwise qualified;
 - 18 2. A graduate of a program related to surveying of 4 years or more as approved by the board and
19 with a specific record of 2 years of progressive experience in surveying shall be admitted to an
20 examination in the fundamentals of surveying. Upon passing such examination and providing
21 proof of graduation, the applicant shall be certified or enrolled as a surveyor intern, if
22 otherwise qualified; or
 - 23 3. A graduate of a program of 4 years or more as approved by the board and with a specific
24 record of 4 years of progressive experience in surveying shall be admitted to an examination in
25 the fundamentals of surveying. Upon passing such examination and providing proof of
26 graduation, the applicant shall be certified or enrolled as a surveyor intern, if otherwise
27 qualified.

- 28 C. Professional Engineer or Professional Surveyor—To be eligible for admission to the examination
29 for professional engineers or professional surveyors, an applicant must be of good character and
30 reputation and shall submit five references acceptable to the board with his or her application for
31 licensure, three of which references shall be professional engineers or professional surveyors
32 having personal knowledge of the applicant’s engineering or surveying experience.
- 33 1. As a Professional Engineer—The following shall be considered as minimum evidence
34 satisfactory to the board that the applicant is qualified for licensure as a professional engineer.
- 35 a. Licensure by Comity^{3,4}
- 36 (1) An individual holding a certificate of licensure to engage in the practice of engineering
37 issued by a proper authority of any jurisdiction or any foreign country, based on
38 requirements that do not conflict with the provisions of this Act and possessing
39 credentials that are, in the judgment of the board, of a standard not lower than that
40 specified in the applicable licensure act in effect in this jurisdiction at the time such
41 certificate was issued may, upon application, which may include a Council Record
42 with NCEES, be licensed without further examination except as required to examine
43 the applicant’s knowledge of statutes, rules, and other requirements unique to this
44 jurisdiction; or
- 45 (2) An individual holding an active Council Record with NCEES, whose qualifications as
46 evidenced by the Council Record meet the requirements of this Act, may, upon
47 application, be licensed without further examination except as required to examine
48 the applicant’s knowledge of statutes, rules, and other requirements unique to this
49 jurisdiction.
- 50 b. Licensure by Examination (Effective until January 1, 2020)—The following individuals
51 shall be admitted to an examination in the principles and practice of engineering and,
52 upon passing such examination and providing proof of graduation, shall be licensed as a
53 professional engineer, if otherwise qualified:
- 54 (1) An engineer intern with a bachelor’s degree in engineering and with a specific record
55 of 4 years or more of progressive engineering experience of a grade and a character
56 which indicate to the board that the applicant may be competent to practice
57 engineering
- 58 (2) An engineer intern who satisfies one of the following education and experience
59 requirements:
- 60 (a) Following a bachelor’s degree in engineering from an institution that offers
61 EAC/ABET-accredited programs, earns a master’s degree in engineering and
62 establishes a specific record of 3 years or more of progressive engineering
63 experience of a grade and a character which indicate to the board that the
64 applicant may be competent to practice engineering
- 65 (b) Following a master’s degree in engineering from an EAC/M-ABET-accredited
66 program, establishes a specific record of 3 years or more of progressive
67 engineering experience of a grade and a character which indicate to the board that
68 the applicant may be competent to practice engineering
- 69 (3) An engineer intern with an earned doctoral degree in engineering acceptable to the
70 board and with a specific record of 2 years or more of progressive engineering

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

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

71 experience of a grade and a character which indicate to the board that the applicant
72 may be competent to practice engineering

- 73 (4) An individual with an earned doctoral degree in engineering acceptable to the board
74 and with a specific record of 4 years or more of progressive engineering experience of
75 a grade and a character which indicate to the board that the applicant may be
76 competent to practice engineering

77 c. Licensure by Examination (Effective January 1, 2020)⁵—The following individuals shall be
78 admitted to an examination in the principles and practice of engineering and, upon
79 passing such examination and providing proof of graduation, shall be licensed as a
80 professional engineer, if otherwise qualified:

- 81 (1) An engineer intern who satisfies one of the following education and experience
82 requirements:

83 (a) Following the bachelor's degree, an acceptable amount of coursework resulting in
84 a master's degree in engineering from an institution that offers EAC/ABET-
85 accredited programs, or the equivalent, and with a specific record of 3 years or
86 more of progressive engineering experience of a grade and a character which
87 indicate to the board that the applicant may be competent to practice engineering

88 (b) Following a master's degree in engineering from an EAC/M-ABET-accredited
89 program, a specific record of 3 years or more of progressive engineering
90 experience of a grade and a character which indicate to the board that the
91 applicant may be competent to practice engineering

92 (c) Following the bachelor's degree, an acceptable amount of coursework as defined
93 in NCEES *Model Rules* Section 230.10 D from approved course providers and a
94 specific record of 4 years or more of progressive engineering experience of a grade
95 and a character which indicate to the board that the applicant may be competent
96 to practice engineering

97 (d) Following a bachelor's degree from an EAC/ABET-accredited program that has a
98 minimum of 150 semester credit hours, of which at least 115 are in math, science,
99 and engineering combined and at least 75 of the 115 are in engineering, a specific
100 record of 4 years or more of progressive engineering experience of a grade and a
101 character which indicate to the board that the applicant may be competent to
102 practice engineering

- 103 (2) An engineer intern with an earned doctoral degree in engineering acceptable to the
104 board and with a specific record of 2 years or more of progressive engineering
105 experience of a grade and a character which indicate to the board that the applicant
106 may be competent to practice engineering

- 107 (3) An individual with an earned doctoral degree in engineering acceptable to the board
108 and with a specific record of 4 years or more of progressive engineering experience of
109 a grade and a character which indicate to the board that the applicant may be
110 competent to practice engineering

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

111 2. As a Professional Surveyor—The evaluation of a professional surveyor applicant’s
112 qualifications involves consideration of education, technical, and surveying experience,
113 exhibits of surveying projects with which the applicant has been associated, recommendations
114 by references, and a review of these categories during an examination. The applicant’s
115 qualifications may be reviewed at an interview if the board deems it necessary. The following
116 shall be considered as minimum evidence satisfactory to the board that the applicant is
117 qualified for licensure as a professional surveyor.

118 a. Licensure by Comity

119 (1) An individual holding a certificate of licensure to engage in the practice of surveying
120 issued by a proper authority of any jurisdiction or any foreign country, based on
121 requirements that do not conflict with the provisions of this Act and possessing the
122 credentials that are, in the judgment of the board, of a standard not lower than that
123 specified in the applicable licensure act in effect in this jurisdiction at the time such
124 certificate was issued may, upon application, which may include a Council Record
125 with NCEES, be licensed without further examination except as required to examine
126 the applicant’s knowledge of statutes, rules, and other requirements unique to this
127 jurisdiction; or

128 (2) An individual holding an active Council Record with NCEES, whose qualifications as
129 evidenced by the Council Record meet the requirements of this Act, may, upon
130 application, be licensed without further examination except as required to examine
131 the applicant’s knowledge of statutes, rules, and other requirements unique to this
132 jurisdiction.

133 b. Licensure by Examination—A surveyor intern with a specific record of 4 years or more of
134 combined office and field experience satisfactory to the board in surveying, of which a
135 minimum of 3 years’ progressive experience has been on surveying projects under the
136 supervision of a professional surveyor, shall be admitted to an NCEES-prepared
137 examination in the principles and practice of surveying and any required state-specific
138 examination(s). Upon passing all examination(s), the applicant shall be licensed as a
139 professional surveyor, if otherwise qualified.

130.20 Application and Fees

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

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

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

13 C. Should the board deny the issuance of a certificate of licensure or intern certification to any
14 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. 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. Examinations will be given in two sections and may be taken only after the applicant has met the
6 other minimum requirements as given in Sections 130.10 and 130.20 of this Act and has been
7 approved by the board for admission to the examinations as follows:
- 8 1. Fundamentals of Engineering—The examination consists of subject matters in the
9 fundamentals of engineering. Passing this examination qualifies the examinee for an engineer
10 intern certification, 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 subject matters in applied
13 engineering. Passing this examination qualifies the examinee for licensure as a professional
14 engineer, provided the examinee has met the other requirements for licensure required by this
15 Act.
 - 16 3. Fundamentals of Surveying—The examination consists of subject matters in the fundamentals
17 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 subject matters in applied
21 surveying, divided in separate parts as determined by the board. Passing these parts qualifies
22 the examinee for licensure as a professional surveyor, provided the examinee has met the
23 other requirements for licensure required by this Act.
 - 24 5. Structural Engineering – The Structural examination shall be considered and referred to as
25 one 16-hour examination. The Structural examination shall consist of two 8-hour components:
26 the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces
27 (wind/earthquake) component. A candidate must receive acceptable results on both 8-hour
28 components to pass the Structural examination. A candidate may sit for each component in
29 separate exam administrations but must receive acceptable results on both components within
30 a five-year period.
31 Receiving acceptable results on only one 8-hour component shall not be sufficient for
32 licensure purposes.
- 33 C. A candidate failing one examination may apply for re-examination, which may be granted upon
34 payment of a fee established by regulation of the board. Before readmission to the examination, in
35 the event of a second failure, the examinee may, at the discretion of the board, be required to
36 appear before the board with evidence of having acquired the additional knowledge needed to pass
37 the examination.
- 38 D. The board may prepare and require additional examinations in engineering and surveying.
39 Specifications for such additional examinations may be published and be made available to any
40 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 board shall issue to any applicant for licensure as a professional engineer or professional
2 surveyor who, in the opinion of the board, has met the requirements of this Act, a certificate of
3 licensure giving the licensee proper authority to practice his or her profession in this jurisdiction.
4 The certificate of licensure for a professional engineer shall carry the designation "Professional

5 Engineer” and for a professional surveyor, “Professional Surveyor.” It shall give the full name of
6 the licensee with licensure number and shall be signed by the chairperson and the board
7 administrator under the seal of the board.

- 8 B. The certificate of licensure shall be prima facie evidence that the individual named thereon is
9 entitled to all rights and privileges and is bound by all responsibilities of a professional engineer or
10 a professional surveyor while the said certificate of licensure remains active and unrestricted.
- 11 C. Each licensee hereunder must, upon licensure, obtain a seal as described in Section 110.20 K of
12 this Act. Documents must be sealed, signed, and dated in accordance with the Rules.
- 13 D. The board shall issue to any applicant for certification as an engineer intern or surveyor intern
14 who, in the opinion of the board, has met the requirements of this Act, an enrollment document as
15 engineer intern or surveyor intern, which indicates that his or her name has been recorded as such
16 in the board office. The engineer intern or surveyor intern enrollment document does not
17 authorize the holder to practice as a professional engineer or a professional surveyor.

140.20 Expirations, Renewals, and Reinstatement to Active Practice

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

140.30 Issuance of Duplicate Certificates

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

150 DISCIPLINARY ACTION

150.10 Grounds for Disciplinary Action—Licensees and Interns

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

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

150.20 Disciplinary Action Procedures—Licensees and Interns

- 1 A. Any person or entity, including the board itself, may file a complaint alleging a violation of any
2 provision of this Act or any of the rules or regulations of the board against any licensee or against
3 any intern.
- 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 reprimand, fine in an amount not to exceed dollars (\$.....) for each count, recover costs,
19 refuse to issue, restore or renew, place on probation for a period of time, and subject to such
20 conditions as the board may specify, suspend, revoke, or any combination thereof, the accused
21 individual's license or intern certification.
- 22 F. A licensee or intern aggrieved by any action of the board in levying a fine; recovering costs;
23 reprimanding; placing on probation; denying; suspending; refusing to issue, restore, or renew; or
24 revoking a license or intern certification may appeal the board's decision to the proper court under
25 normal civil procedures.
- 26 G. Any financial sanction assessed pursuant to Section 150.10 of this Act shall be assessed in a
27 proceeding as provided in this section. Unless the amount of the penalty is paid within days
28 after the order becomes final, the order shall constitute a judgment and shall be filed and
29 execution issued thereon in the same manner as any other judgment of a court of record.
- 30 H. An action to enforce an order under this section may be combined with an action for an injunction.
- 31 I. The board may, upon petition of a licensee or intern to reissue a license or intern certification that
32 has been revoked by the board, provided that a majority of the board votes in favor of such
33 reissuance.

150.30 Grounds for Disciplinary Action—Unlicensed Individuals

- 1 A. In addition to any other provisions of law, the board shall have the power to fine and recover costs
2 from any unlicensed individual who is found guilty 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 his or her name or form of business activity except as
7 licensed in this Act
 - 8 3. Presenting or attempting to use the certificate of licensure or seal of a professional engineer or
9 professional surveyor
 - 10 4. Engaging in any fraud or deceit in obtaining or attempting to obtain a certificate of licensure
11 or intern certification
 - 12 5. Impersonating any professional engineer or professional surveyor
 - 13 6. Using or attempting to use an expired, suspended, revoked, inactive, retired, or non-existent
14 certificate of licensure
- 15 B. A fine assessed under this section may not exceed dollars (\$.....) for each offense.
- 16 C. Each day of continued violation may constitute a separate offense.
- 17 D. In determining the amount of fine to be assessed pursuant to this section, the board may consider
18 such factors as the following:
- 19 1. Whether the amount imposed will be a substantial economic deterrent to the violation
 - 20 2. The circumstances leading to the violation
 - 21 3. The severity of the violation and the risk of harm to the public
 - 22 4. The economic benefits gained by the violator as a result of non-compliance
 - 23 5. The interest of the public

150.40 Disciplinary Action Procedures—Unlicensed Individuals

- 1 A. Any person or entity, including the board itself, may file a complaint alleging a violation of any
2 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 dollars (\$.....) for each count and recover costs from the
19 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 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 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 (highest degree of) misdemeanor for the first offense and a (lowest degree of) felony for the second or
3 any subsequent offenses.

4 It shall be the duty of the attorney general or other appropriated enforcement authority of this
5 jurisdiction to enforce the provisions of this section and to prosecute any 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 which 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 professional engineer or a professional surveyor to be a managing agent
5 for the firm. The managing agent is responsible for the engineering or surveying work in this
6 jurisdiction and/or for projects within this jurisdiction offered or provided by the firm. A licensee
7 may not be designated as a managing agent for more than one firm. A licensee who renders
8 occasional, part-time, or consulting engineering or surveying services to, or for, a firm may not be
9 designated as a managing agent, unless the licensee is an officer or owner of the firm. The
10 managing agent’s responsibilities include:

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

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

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

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

160.30 Liability Not Affected

1 No firm shall be relieved of responsibility for the conduct or acts of its managing agents, employees,
2 officers, directors, owners, or managers by reason of its compliance with the provisions of this section.

3 No individual practicing engineering or surveying under the provisions of this Act shall be relieved of
4 responsibility for engineering or surveying services performed by reason of employment or other
5 relationship with a firm holding a certificate of authorization.

160.40 Application and Fees

- 1 A. A firm desiring a certificate of authorization must file with the board an application using a form
2 provided by the board and provide all the information required by the board. A form as provided
3 by the board shall be filed with the board upon renewal or within 30 days of the time any

4 information contained on the application form is changed or differs for any reason. If in the
5 judgment of the board the application meets the requirements of this Act, the board shall issue a
6 certificate of authorization for said firm to practice engineering and/or surveying.

- 7 B. The application fee shall be established by regulation of the board for a certificate of authorization
8 for firms and shall accompany the application.
- 9 C. Should the board deny the issuance of a certificate of authorization to any applicant, the fee paid
10 shall be retained as an application fee.

160.50 Expirations and Renewals

- 1 A. Certificates of authorization for firms shall expire on the last day of the month of following
2 their issuance and shall become invalid after that date unless renewed. It shall be the duty of the
3 board to notify every firm holding a certificate of authorization under this Act of the date of the
4 expiration of the certificate of authorization and the amount of the fee required for its renewal.
5 Such notice shall be mailed to the firm at its last known address at least 1 month in advance of the
6 date of the expiration of the certificate.
- 7 B. Renewal may be effected at any time prior to or during the month of by payment of a fee as
8 established by regulation of the board. Renewal of an expired certificate may be effected under
9 rules promulgated by the board regarding requirements for penalty fees.

160.60 Issuance of Duplicate Certificates

1 A duplicate certificate of authorization to replace any certificate lost, destroyed, or mutilated may be
2 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

- 1 A. The board shall have the power to suspend, revoke, place on probation, fine, recover costs, and/or
2 reprimand, or to refuse to issue, restore, or renew a certificate of authorization to any firm holding
3 a certificate of authorization that is found guilty of:
- 4 1. Any fraud or deceit in obtaining or attempting to obtain or renew a certificate of authorization
 - 5 2. Any negligence, incompetence, or misconduct in the practice of engineering or surveying
 - 6 3. Conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony,
7 whether or not related to the practice of engineering or surveying; and conviction of or entry of
8 a plea of guilty or nolo contendere to any crime, whether a felony, misdemeanor, or otherwise,
9 an essential element of which is dishonesty or which is directly related to the practice of
10 engineering or surveying
 - 11 4. Failure to comply with any of the provisions of this Act or any of the rules or regulations of the
12 board
 - 13 5. Discipline by another jurisdiction, foreign country, or the United States government, if at least
14 one of the grounds for discipline is the same or substantially equivalent to those contained in
15 this Act
 - 16 6. Failure to provide information requested by the board as a result of a formal or informal
17 complaint to the board which alleges a violation of this Act
 - 18 7. Knowingly making false statements or signing false statements, certifications, or affidavits in
19 connection with the practice of engineering or surveying
 - 20 8. Aiding or assisting another person in violating any provision of this Act or the rules or
21 regulations of the board
 - 22 9. Violating any terms of probation imposed by the board or using a seal or practicing
23 engineering or surveying while the firm's certificate of authorization is inactive or restricted

- 24 10. Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive,
 25 defraud, or harm the public
- 26 11. Providing false testimony or information to the board
- 27 B. In addition to or in lieu of any other sanction provided in this section, any firm holding a
 28 certificate of authorization that violates a provision of this Act or any rule or regulation of the
 29 board may be assessed a fine in an amount determined by the board of not more than dollars
 30 (\$....) for each offense
- 31 1. Each day of continued violation may constitute a separate offense.
- 32 2. In determining the amount of fine to be assessed pursuant to this section, the board may
 33 consider such factors as the following:
- 34 a. Whether the amount imposed will be a substantial economic deterrent to the violation
- 35 b. The circumstances leading to the violation
- 36 c. The severity of the violation and the risk of harm to the public
- 37 d. The economic benefits gained by the violator as a result of non-compliance
- 38 e. The interest of the public
- 39 C. In addition to any other sanction provided in this section, the board shall have the power to
 40 sanction as follows any firm where one or more of its managing agents, officers, directors, owners,
 41 or managers have been found guilty of any conduct which would constitute a violation under the
 42 provisions of this Act or any of the rules or regulations of the board:
- 43 1. Place on probation, fine, recover costs from, and/or reprimand
- 44 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

- 1 A. Any person or entity, including the board itself, may file a complaint alleging a violation of any
 2 provision of this Act or any of the rules or regulations of the board against any firm holding a
 3 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 and the accused firm’s managing agent shall have the
 13 right to appear in person or by counsel, or both, to cross-examine witnesses in the accused firm’s
 14 defense and to produce evidence and witnesses in the accused firm’s defense. If the accused firm
 15 fails or refuses to appear at the hearing, the board may proceed to hear and determine the validity
 16 of the charges in the accused firm’s absence.
- 17 E. If after such hearing a majority of the board votes in favor of sustaining the charges, the board
 18 shall reprimand, fine in an amount not to exceed dollars (\$.....) for each count, recover costs,
 19 refuse to issue, restore or renew, place on probation for a period of time, and subject to such
 20 conditions as the board may specify, suspend, revoke, or any combination thereof, the accused
 21 firm’s certificate of authorization.
- 22 F. A firm aggrieved by any action of the board in levying a fine; recovering costs; reprimanding;
 23 placing on probation; denying; suspending, refusing to issue, restore, or renew; or revoking a firm

24 certificate of authorization may appeal the board's decision to the proper court under normal civil
25 procedures.

- 26 G. Any financial sanction assessed pursuant to Section 160.70 of this Act shall be assessed in a
27 proceeding as provided in this section. Unless the amount of the penalty is paid within days
28 after the order becomes final, the order shall constitute a judgment and shall be filed and
29 execution issued thereon in the same manner as any other judgment of a court of record.
- 30 H. An action to enforce an order under this section may be combined with an action for an injunction.
- 31 I. The board may, upon petition of a firm to reissue a firm certificate of authorization that has been
32 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

- 1 A. In addition to any other provisions of law, the board shall have the power to fine and recover costs
2 from any firm that does not hold a certificate of authorization and that is found guilty of:
- 3 1. Engaging in the practice or offer to practice of engineering or surveying in this jurisdiction
4 without being authorized 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 an unauthorized certificate of authorization
 - 9 4. Engaging in any fraud or deceit in obtaining or attempting to obtain a certificate of
10 authorization
 - 11 5. Impersonating any firm holding a certificate of authorization
 - 12 6. Using or attempting to use an expired, suspended, revoked, inactive, retired, or non-existent
13 certificate of authorization
- 14 B. A fine assessed under this section may not exceed dollars (\$....) for each offense.
- 15 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 non-compliance
 - 22 5. The interest of the public
- 23 E. In addition to any other sanction provided in this section, the board shall have the power to fine
24 and recover costs from any firm where one or more of its managing agents, officers, directors,
25 owners, or managers have been found guilty of any conduct which would constitute a violation
26 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 itself, may file a complaint alleging a violation of any
2 provision of this Act or any of the rules or regulations of the board against any firm that does not
3 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 dollars (\$.....) for each count and recover costs from the
18 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 days after the order
23 becomes final, the order shall constitute a judgment and shall be filed and execution issued
24 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
2 (highest degree of) misdemeanor for the first offense and a (lowest degree of) felony for the second or
3 any subsequent offenses.

4 It shall be the duty of the attorney general or other appropriated enforcement authority of this
5 jurisdiction to enforce the provisions of this section and to prosecute any 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, as provided for the practice of the respective
5 professions by this Act.

170.20 Exemption Clause

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

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

3 B. Contingent License—A contingent license may be issued by the board or board administrator to an
4 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 the
6 board takes final action on the application for comity licensure. If the board determines that the
7 applicant does not meet the requirements for issuance of a comity license, the contingent license
8 shall be immediately and automatically revoked upon notice to the applicant and no comity license
9 will be issued.

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

14 holding a certificate of licensure under this Act or an individual practicing lawfully under
15 Subsection B of this section.

170.30 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 practice of
3 surveying as set forth in this Act which do not have impressed thereon and affixed thereto the personal
4 signature and seal of a professional surveyor by whom or under whose responsible charge the map,
5 plat, survey, or other documents were prepared.

170.40 Invalid Provisions

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

170.50 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.

170.60 Grandfathering of Photogrammetrists

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

- 6 A. The applicant submits certified proof of graduation from high school, high school equivalency, or
7 a higher degree; or certified proof of a bachelor's degree in surveying or a related field of study
8 approved by the board, which may be substituted for four of the above required years of
9 experience; or certified proof of a master's degree in surveying or a related field of study approved
10 by the board, which may be substituted for a maximum of five of the above required years of
11 experience.
- 12 B. The applicant submits proof of employment in responsible charge of photogrammetric surveying
13 and/or mapping projects, practicing within any jurisdiction, including itemized reports detailing
14 methods, procedures, amount of the applicant's personal involvement, and the name, address,
15 and telephone numbers of the client for five projects completed under the supervision of the
16 applicant within the United States. A final map for each of the five projects shall also be
17 submitted.
- 18 C. The applicant submits five references as to the applicant's character and quality of work, five of
19 which shall be from professional surveyors or professional engineers currently practicing within
20 the scope of their license in an area of surveying.
- 21 D. The applicant files an application with the board within 2 years, next after..... Thereafter, no
22 photogrammetrist shall be licensed without meeting the requirements for licensure as a
23 professional surveyor set forth by the board for all other applicants.

170.70 Effective Date

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

APPENDIX A
Cross-Reference for *Model Law*

Based on August 2011 revision
 Italic font indicates summary paraphrase of paragraph contents.

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

Model Law Section	Descriptor	Corresponding Model Rules Section
An Act	An Act	
SECTION 110	INTRODUCTION	
Section 110.10	General Provisions	
110.10 A	Regulation of Engineers and Surveyors	
110.10 B	Board Structure	
Section 110.20	Definitions	
110.20 A	Engineer	210.20 A.1
110.20 A.1	Engineer	"
110.20 A.2	Professional Engineer	"
110.20 A.3	Professional Engineer, Retired	"
110.20 A.4	Engineer Intern	"
110.20 A.5	Practice of Engineering	"
110.20 A.6	Inactive Status	"
110.20 B	Professional Surveyor	210.20 A.2
110.20 B.1	Professional Surveyor	"
110.20 B.2	Professional Surveyor, Retired	"
110.20 B.3	Surveyor Intern	"
110.20 B.4	Practice of Surveying	210.20 A.2, 210.25
110.20 B.5	Inactive Status	210.20 A.2
110.20 C	Board	210.20 A.3
110.20 D	Jurisdiction	"
110.20 E	Responsible Charge	"
110.20 F	Rules of Professional Conduct	"
110.20 G	Firm	"
110.20 H	Managing Agent	"
110.20 I	Rules	"
110.20 J	Signature	"
110.20 K	Seal	"
110.20 L	Licensee	"
110.20 M	Person	"
110.20 N	Or the Equivalent	"
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	
Section 120.50	Board Organization and Meetings	220.10 C, D, E
Section 120.60	Board Powers	220.20 A

Model Law Section	Descriptor	Corresponding Model Rules Section
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>	210.10 B, C 240.20 A
120.60 B	<i>Subpoena witnesses/evidence; court to enforce compliance if needed</i>	250.30 C
120.60 C	<i>Apply for relief by injunction; board members not personally liable</i>	
120.60 D	<i>Subject applicant for licensure to examinations</i>	
120.60 E	<i>Authority to require continuing professional competency as condition of renewal/relicensure</i>	240.30
120.60 F	<i>Authority for citation and fining of persons engaged in practice who are not licensed in jurisdiction</i>	
120.60 G	<i>Authority to retain and exercise all administrative and civil rights and remedies available to agencies in jurisdiction. No action or other legal proceedings for damages against board, board member, or employee/agent of board</i>	
120.60 H	<i>Authority to waive requirements</i>	
120.60 I	<i>Authority to contract with jurisdictional agency or vendor</i>	
120.60 J	<i>Per diem and reimbursement of expenses for performing board duties</i>	
120.60 K	<i>Authority to appoint committees</i>	
120.60 L	<i>Authority to adopt and collect fees</i>	
120.60 M	<i>Authority to use electronic transmissions</i>	
120.60 N	<i>Power to obtain legal assistance</i>	
Section 120.70	Receipts and Disbursements	220.10 J
Section 120.80	Records and Reports	
120.80 A	<i>Record of proceedings and applications for licensure</i>	
120.80 B	<i>Register of applications of firms for certificate of authorization</i>	
120.80 C	<i>Record of board is evidence of proceedings of the board</i>	
120.80 D	<i>Budget, annual report to governor</i>	
120.80 E	<i>Class of records and papers of a confidential nature</i>	220.10 L
Section 120.90	Roster	220.10 M
SECTION 130	LICENSURE	
Section 130.10	General Requirements for Licensure	230.30 A
130.10 A	As an Engineer Intern	230.10 A 230.40 B 230.50 A
130.10 B	As a Surveyor Intern	230.10 E 230.50 B
130.10 B.1	<i>Graduate of EAC/ABET, TAC/ABET, ASAC/ABET or equivalent surveying program + FS</i>	
130.10 B.2	<i>Graduate of program related to surveying + experience + FS</i>	
130.10 B.3	<i>Graduate of program + experience + FS</i>	
130.10 C	Professional Engineer or Professional Surveyor	
130.10 C.1	As a Professional Engineer	230.10 D 230.20 A 230.40 B 230.50 A
130.10 C.1.a	Licensure by Comity	

Model Law Section	Descriptor	Corresponding Model Rules Section
130.10 C.1.b	Licensure by Examination (Effective until January 1, 2020)	
130.10 C.1.c	Licensure by Examination (Effective January 1, 2020)	210.20 B 230.10 B, C, D
130.10 C.2	As a Professional Surveyor	230.10 E 230.20 B 230.40 D 230.50 B
130.10 C.2.a	Licensure by Comity	
130.10 C.2.b	Licensure by Examination	
Section 130.20	Application and Fees	230.60 A, B
130.20 A	<i>On form prescribed by board; under oath</i>	
130.20 B	<i>Application fee for individuals established by board, shall accompany application</i>	220.30 B
130.20 C	<i>Should board deny issuance of certificate of licensure or intern certification, 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>Examinations given in 2 sections; applicant must meet requirements and be approved by board for admission</i>	230.40 A 230.40 C
130.30 B.1	Fundamentals of Engineering	
130.30 B.2	Principles and Practice of Engineering	
130.30 B.3	Fundamentals of Surveying	
130.30 B.4	Principles and Practice of Surveying	
130.30 B.5	Structural Engineering	
130.30 C	<i>Failing candidate may apply for re-examination</i>	230.40 J
130.30 D	<i>Board may prepare and require additional examinations</i>	230.40 G
SECTION 140	LICENSEES	
Section 140.10	Certificates of Licensure, 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
140.10 D	<i>Issuance of enrollment document as E.I. or S.I.</i>	
Section 140.20	<i>Expirations, Renewals, and Reinstatement to Active Practice</i>	220.30 E 240.40 A, B
140.20 A	<i>Expirations and renewals</i>	
140.20 B	<i>Return to active status by inactive licensee</i>	
Section 140.30	<i>Issuance of Duplicate Certificates</i>	220.30 F 240.10 D
SECTION 150	DISCIPLINARY ACTION	240.15 A, B, C
Section 150.10	Grounds for Disciplinary Action—Licensees and Interns	210.20 B
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 \$.... for each offense</i>	

Model Law Section	Descriptor	Corresponding Model Rules Section
Section 150.20	Disciplinary Action Procedures—Licensees and Interns	250.30
150.20 A	<i>Any person or entity, including the board itself, may file a complaint against licensee or intern.</i>	250.30 A, C, H
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>	
150.20 E	<i>After hearing, majority of board sustains charges, board can reprimand, fine, suspend/revoke/etc. individual's license or intern certification</i>	
150.20 F	<i>Licensee or intern aggrieved by board actions may appeal to the proper court under normal civil procedures</i>	
150.20 G	<i>Financial sanction assessed pursuant to Section 150.10, unless paid within days shall constitute a judgment and be filed/executed as any other judgment of a court of record</i>	
150.20 H	<i>Action to enforce order may be combined with action for injunction</i>	
150.20 I	<i>Board may, upon petition, reissue license or intern certification, if majority of board votes in favor</i>	250.40 A, B
Section 150.30	Grounds for Disciplinary Action—Unlicensed Individuals	250.20
150.30 A	<i>Enumeration of unlicensed practices/misrepresentations/fraud</i>	
150.30 B	<i>Board can assess fine of not more than \$.... for each offense</i>	
150.30 C	<i>Each day of continued violation may be a separate offense</i>	
150.30 D	<i>Determination of amount of fine</i>	
Section 150.40	Disciplinary Action Procedures—Unlicensed Individuals	
150.40 A	<i>Any person or entity, including the board itself, may file a complaint against licensee or intern.</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>	
150.40 E	<i>After hearing, if majority of board sustains charges, board can fine not more than \$.... 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 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	

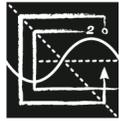
Model Law Section	Descriptor	Corresponding Model Rules Section
SECTION 160	CERTIFICATES OF AUTHORIZATION FOR FIRMS	
Section 160.10	General Requirements for Certificates of Authorization	
160.10 A	<i>Requirements for firms to obtain certificate of authorization</i>	
160.10 B	<i>This Act does not prevent 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	
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 B
160.40 C	<i>Should board deny issuance of certificate of authorization, fee is retained as application fee</i>	220.30 B
Section 160.50	Expirations and Renewals	220.30 B 240.40 A, B
160.50 A	<i>Expiration of certificates of authorization for firms</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	
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>	
160.70 B	<i>Board can impose assess a fine of not more than \$.... for each offense</i>	
160.70 C	<i>Board has power to revoke/suspend/etc. the certificate of authorization for a firm which has guilty members</i>	
Section 160.80	Disciplinary Action Procedures—Firms Holding a Certificate of Authorization	250.30 A, C, H
160.80 A	<i>Any person or entity, including the board itself, 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>	
160.80 E	<i>After hearing, majority of board sustains charges, board can reprimand, fine, suspend/revoke/etc. firm's certificate of authorization</i>	

Model Law Section	Descriptor	Corresponding Model Rules Section
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 ... 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>	250.40 A, B
Section 160.90	Grounds for Disciplinary Action—Firms Not Holding a Certificate of Authorization	
160.90 A	<i>Enumeration of unauthorized practices/misrepresentations/fraud</i>	
160.90 B	<i>Board can assess fine of not more than \$.... 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>	
Section 160.100	Disciplinary Action Procedures—Firms Not Holding a Certificate of Authorization	
160.100 A	<i>Any person or entity, including the board itself, 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>	
160.100 E	<i>After hearing, if majority of board sustains charges, board can fine not more than \$.... 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 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	
SECTION 170	MISCELLANEOUS	
Section 170.10	Public Works	
Section 170.20	Exemption Clause	
170.20 A	Other Professions	
170.20 B	Contingent License	
170.20 C	Employees and Subordinates	
Section 170.30	Duties of Recorders	
Section 170.40	Invalid Provisions	

<i>Model Law Section</i>	Descriptor	Corresponding <i>Model Rules</i> Section
Section 170.50	Repeal of Conflicting Legislation	
Section 170.60	Grandfathering of Photogrammetrists	
Section 170.70	Effective Date	

APPENDIX B
References to Internal Citations in *Model Law*

<i>Model Law</i> Citation	<i>Model Law</i> Citation Referenced within Citations in Column 1
110.20 H	160.20
110.20 I	120.60 A
110.20 K	
120.10	120.20 (twice)
120.20	
120.40	120.10
120.60 A	160
130.10	
130.20	
130.30 B	130.10, 130.20
140.10 C	110.20 K
150.10	
150.20 G	150.10
150.30	
150.50	150.30
160	
160.20	
160.70	
160.80	160.70
160.90	
160.110	160.90
170.20 B	
170.20 C	170.20 B (twice)



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