

**PROFESSIONAL ENGINEERS & LAND SURVEYORS  
SECTION MEETING**

**MINUTES**

The Professional Engineer and Land Surveyor Sections of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on August 16, 2012, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

John L. Combs (PE)  
A. Cabell Crowther (Landscape Architect)  
Nico De León (PE)  
Wiley V. Johnson, III (PE)  
Patrick D. Leary (LS)  
Nancy McIntyre (LS)

Board member Paul deC. Holt, Jr. was not present for the meeting.

Board staff present for all or part of the meeting were:

Kathleen (Kate) R. Nosbisch, Executive Director  
Marian Brooks, Board Administrator  
Justin Garofalo, Board Administrator  
Amy Goobic, Administrative Assistant

Agency staff present for all or part of the meeting were:

Mark N. Courtney, Senior Director, Regulatory & Public Affairs  
Kristin Clay, Legal Analyst

No representative was present from the Office of the Attorney General.

Mr. Johnson, Chair, called the meeting to order at 9:07 a.m.

**Call to Order**

Mr. Johnson reviewed the emergency evacuation procedures.

**Emergency Evacuation  
Procedures**

Mr. Johnson welcomed Cabell Crowther, Landscape Architect and APELSCIDLA Board member, and Nico De León, PE, who was in attendance as his seat on the board has yet to be filled. Mr. Johnson also welcomed guests from the Washington, DC Department of Consumer & Regulatory Affairs, Clifford Cookes, Leon Lewis, Kevin Cyrus and S.J. Brown. The gentlemen from DC were in attendance to observe a “paperless” meeting.

**Welcome of Board  
Members & Guests**

Mr. De León moved to approve the agenda. Mr. Combs seconded the motion which was unanimously approved by members: Combs, De León, Johnson, Leary and McIntyre.

**Approval of  
Agenda**

Mr. Stephen Bowman was present to address the Sections. Mr. Bowman is a PE and expressed concerns regarding the procurement of Arc Flash Analysis by localities, asserted that many localities do not consider this a professional service. Mr. Bowman stated that arc flash analysis is engineering, and will be available to answer questions during the discussion of agenda item # 9.

**Public Comment Period**

Mr. Walt Crockett, City Surveyor for Hampton was present to address the Sections, stating that he was available for questions during the discussion of agenda item #11 - Clarification from City of Hampton Regarding Sections of 18VAC10-20-370.

Mr. Reed Adams, VDOT State Survey Manager, was present to address the Sections, stating that he was present for the discussion of agenda item # 10 - VDOT Request for Clarification on Survey Documents Requiring Signature & Seal.

Regarding **File Number 2012-00537, Dennis Daryl Willis**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Willis. The Section concurred with the recommendation of the presiding Board member. Mr. De León moved to recommend the Board accept the Consent Order which cites the following violations of the Board's regulations: 18VAC10-20-790.A.7 (Count 1); 18VAC10-20-370.A (Count 2); 18VAC10-20-370.D.1 (Count 3); 18VAC10-20-370.C.4 (Count 4); 18VAC10-20-370.D.2 (Count 5); 18VAC10-20-740.F (Count 6); and 18VAC10-20-760.B.2; (Count 7) For these violations, Mr. Willis agrees to pay the following monetary penalties: \$500 for the violation contained in Count 1; \$300 for the violation contained in Count 2; \$250 for the violation contained in Count 3; \$250 for the violation contained in Count 4; \$250 for the violation contained in Count 5; \$250 for the violation contained in Count 6; \$200 for the violation contained in Count 7; and Board costs in the amount of \$150.00, for a total of \$2,150.00. In addition, Mr. Willis agrees to complete at least four (4) classroom hours of continuing education pertaining to ethics and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the order. Mr. Combs seconded the motion which was unanimously approved by members: De León and Combs. As the presiding board member, Mr. Johnson was not present for the discussion or vote.

**File Number 2012-00537, Dennis Daryl Willis**

Ms. Cacace was present to address the Section.

Regarding **File Number 2012-00175, Deborah A. Cacace**, the section the section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and Summary of the Informal Fact-Finding Conference. Mr. De León recommended that the Board accept the Summary of the Informal Fact-Finding Conference which cites the following violation of the Board's regulations: 18VAC10-20-790.A.3 (Count 1); there was a finding of no

**File Number 2012-00175, Deborah A. Cacace**

violation on Count 2. Mr. Johnson seconded the motion which was unanimously approved by members: De León and Johnson.

Ms. Clay informed the section that Ms. Cacace had no prior violations. Mr. De León moved to recommend that the Board accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference: \$2,500 for the violation contained in Count 1; probation of one year; and 2 hours of continuing education coursework in ethics and provide proof of attendance and successful completion within six (6) months of the effective date of the order.. Mr. Johnson seconded the motion which was unanimously approved by members: De León and Johnson. As the presiding Board member, Mr. Combs was not present during the presentation, discussion or vote.

Section members reviewed minutes on the topic of value engineering and use of another professional's plans from the February 15, 2012, PE Section meeting, the February 16, 2012, LS Section meeting and the March 20, 2012 APELSCIDLA Board meeting. Ms. Nobsch explained that the Architect Section had not had the opportunity to discuss prior to the full board meeting in March. At their July 24, 2012, section meeting, the Architect's recommended amending the motion made at the June 12 APELSCIDLA Board meeting regarding value engineering and use of another professional's plans. After discussion, the sections agreed by consensus to add the language recommended by the Architect section: "...however any changes would need permission from the 'owner' and the changes must be completed under the direct control and supervision of an appropriately licensed professional."

**Discussion on Value Engineering & Use of Another Professional's Plans**

Ms. McIntyre recused herself from the discussion, as the issue originated in Virginia Beach, and she is an employee of the locality.

**Discussion on Arc Flash Analysis**

Discussion was held on Arc Flash Analysis and whether it is the practice of engineering. Board members reviewed several RFPs for the procurement of an arc flash analysis, the RFPs did not require 'professional services.' Mr. Stephen Bowman, PE, expressed his concerns, explaining that the analysis is engineering, and the RFP should require professional services.

The Section agreed by consensus that Arc Flash Analysis is the practice of engineering, and recommends that a letter be sent to the localities stating the board's position. Ms. Nobsch stated that a draft letter will be reviewed at the full board meeting September 25, 2012 to be sent to Virginia Beach and other localities. In addition, Ms. Nobsch stated an article will be included in the next edition of the board's newsletter affirming the Board's position.

Ms. Nobsch informed section members that VDOT had amended their signing and sealing document with regards to surveying, and asked the Board to review the changes. Discussion was held on the amended

**VDOT Request for Clarification on Survey Documents Requiring**

document. Ms. McIntyre stated that #8 regarding Right-of-Way plan sheets could be further clarified by adding “As shown on the right-of-way plan sheet...” Mr. De León recommended that the Board approve changes made by VDOT with the additional language. Ms. McIntyre seconded the motion which was unanimously approved by members: Combs, De León, Johnson, Leary and McIntyre.

**Signature & Seal**

The Sections recessed from 10:40 a.m. until 10:55 a.m.

**Recess**

Section members reviewed correspondence from Mr. Walt Crockett, City Surveyor for the City of Hampton. Mr. Crockett requested clarification on several topics including land boundary surveys for subdivisions, plat requirements for residual area, tax map designation for adjoining parcels and statements on plats regarding easements.

**Clarification from City of Hampton Regarding Sections of 18VAC10-20-370**

Mr. Crockett informed the Section members that he was inquiring about land boundary surveys for subdivisions as it is a requirement of their subdivision ordinance. Ms. McIntyre stated that localities (and/or state code) determine the requirements for subdivisions, not the board.

Discussion was held on plat requirements for larger parcels, or residual area, of a subdivided parcel. Section members agreed a boundary survey may not be necessary on the residual parcel; however the requirements may depend on the locality.

Mr. Crockett also inquired if the tax map designation applied to adjoining parcels. Ms. McIntyre stated that it is not a specific requirement.

With regards to plat statements on easements, Ms. McIntyre asserted that, a statement such as “All known easements shown” would be preferred, as this is a stronger statement than the example Mr. Crockett provided “All existing easements may not be shown on this plat.” Mr. Leary agreed that the plat should include a clear, concise statement as the regulations do not specify statement wording.

Ms. Nobsch informed the sections that she was appointed to the NCEES Mobility Task Force Committee and Mr. Johnson was appointed to the NCEES EPE Committee. Ms. Nobsch further informed the sections that the Technology Accreditation Commission (TAC) will be changed to the Engineering Technology Accreditation Commission effective October 1, 2012, and that computer based testing (CBT) for the FE and FS will begin January 2014. Ms. Nobsch also reviewed several news releases from NCEES.

**NCEES Update**

Mr. De León nominated Mr. Combs to serve as Chair of the Professional Engineer Section. Mr. Johnson seconded the motion which was

**Election of Section Chairs**

unanimously approved by members: Combs, De León & Johnson.

Ms. McIntyre nominated Mr. Holt to serve as Chair of the Land Surveyor Section. Mr. Leary seconded the motion which was unanimously approved by members: Leary & McIntyre.

Ms. Nosbisch provided exam statistics for the FE, PE, FS and PS exams and informed the sections that no board appointments had been announced yet. Ms. Nosbisch reminded that section members to provide a brief bio for the upcoming APELSCIDLA Workshop and asked Mr. Johnson and Ms. McIntyre to provide an overview of the application review process for their respective professions at the workshop.

**Other Business**

The Section members recessed for lunch from 11:57 a.m. until 12:25 p.m.

**Recess**

Section members reviewed resolutions to be presented at the 2012 NCEES Annual meeting, August 22-25. The Sections voted affirmatively on all resolutions endorsed by the board of directors with the exception of the Uniform Procedures and Legislative Guidelines Committee Motion 5 and would like further clarification on the Bylaws Section 5.01, Motion 4.

**Review of Resolutions  
for 2012 NCEES  
Annual Meeting**

Conflict of Interest forms were completed by all members present.

**Conflict of Interest  
Forms**

There being no further business, the meeting was adjourned at 2:16 p.m.

**Adjourn**

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Wiley V. Johnson III, Chair

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Gordon N. Dixon, Secretary

## Consent agenda

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The board of directors endorses the following motions for the Council to consider as potential consent items. Delegates will be asked to approve the individual motions listed on the consent agenda. It is proposed that this ratification be made with a single motion. However, any member board may request that an item be removed from the consent agenda and returned to the non-consent agenda for separate consideration and action by the Council.

Committee on Law Enforcement .....	Motions 1, 2
Special Committee on Bylaws .....	All motions
Committee on Finances .....	Motions 1, 2, 4-6
Leadership Task Force .....	All motions
Education Task Force .....	Motions 1, 3
Advisory Committee on Council Activities .....	All motions
Computer-Based Testing Implementation Task Force .....	Motion 1
Committee on Examinations for Professional Surveyors .....	Motion 2
Committee on Examinations for Professional Engineers .....	Motion 1
Committee on Examination Policy and Procedures .....	Motions 1-9, 11-13, 16-18
Committee on Uniform Procedures and Legislative Guidelines .....	Motions 1-4, 7-10

## Summary of 2012 motions

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### COMMITTEE ON LAW ENFORCEMENT (5 motions)

1. Move that the UPLG Committee be charged with incorporating the following definition of disciplinary action into *Model Law* 110.20 and *Model Rules* 210.20 A.3.

#### **Model Law 110.20 Definitions**

XX. Disciplinary Action—Any punitive or corrective action taken against an individual or firm by a licensing board and evidenced in writing by that licensing jurisdiction

#### **Model Rules 210.20 Definitions**

A. The NCEES *Model Law*, Section 110.20, Definitions, provides definitions of the following terms:

3. Other
  - xx. Disciplinary action

**The board of directors endorses Motion 1 and has placed it on the consent agenda.**

2. Move that the UPLG Committee be charged with adding the following preamble to *Model Rules* 240.15.

#### **Model Rules 240.15 Rules of Professional Conduct**

##### **Preamble**

In order to safeguard the life, health, property and welfare of the public and to maintain integrity and high standards of skills and practice in the professions of engineering and surveying, the following Rules of Professional Conduct, in this section, shall be binding upon every licensee and on all firms authorized to offer or perform engineering or surveying in this state.

##### **Rationale**

- The preamble states the intent of the rules of professional conduct and sets out the premise that professional engineers and surveyors are charged with the responsibility of safeguarding the life, health, property, and welfare of the public.

**The board of directors endorses Motion 2 and has placed it on the consent agenda.**

3. Move that the UPLG Committee be charged with incorporating the following changes into *Model Rules* 240.15 A.

#### **Model Rules 240.15 Rules of Professional Conduct**

##### **A. Licensee's Obligation to Society**

1. Licensees, in the performance of their services for clients, employers, and customers, shall be cognizant that their first and foremost responsibility is to the public welfare.
2. Licensees shall approve and seal only those ~~design documents and surveys plans, surveys, or documents~~ that conform to accepted engineering and surveying standards and safeguard the life, health, property, and welfare of the public.
3. Licensees shall notify their employer, or client and such other authority as may be appropriate, when their professional judgment is overruled under circumstances where the life, health, property, or welfare of the public is endangered.
4. Licensees shall be objective and truthful in all professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony.
5. Licensees shall express a professional opinion publicly only when it is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.
6. Licensees shall issue no statements, criticisms, or arguments on ~~technical engineering and surveying~~ matters which are inspired or paid for by interested parties, unless they explicitly identify the interested parties on whose behalf they are speaking and reveal any interest they have in the matters.

7. Licensees shall not permit the use of their name or firm name by, nor associate in the business ventures with, any person or firm ~~which that~~ is engaging in fraudulent or dishonest business or professional practices or is not properly licensed in the jurisdiction.
8. Licensees having knowledge of ~~possible any alleged~~ violation of any of these ~~Rules of Professional Conduct shall provide the board with the information and assistance necessary to make the final determination of such violation~~ rules or the laws that apply to the practice of engineering or surveying shall report thereon to the board and, when relevant, to legal and professional authorities, and shall cooperate with the board and those authorities in furnishing such information or assistance as may be required. (Section 150, Disciplinary Action, NCEES Model Law)
9. Licensees shall not assist in the application for licensure of a person known by the licensee to be unqualified with respect to education, training, experience, or character.
10. Licensees shall comply with the licensing laws and rules governing their professional practice in the jurisdictions in which they practice.

#### **Rationale**

- **Paragraph 2:** While engineering and surveying plans are sometimes understood to be included in the term “design documents,” this revision will clarify that understanding.
- **Paragraph 4:** Inclusion of the word “all” will clarify that a licensee should not be selective as to when to be objective and truthful.
- **Paragraph 6:** Engineers and surveyors should be issuing statements, criticisms, or arguments only on matters for which they are qualified. The word “technical” is both overly broad and restrictive.
- **Paragraph 7:** Licensees should associate only with persons and firms that are properly registered or licensed. In the case of engineering and surveying firms, this includes being properly licensed in the appropriate jurisdiction.
- **Paragraph 8:** These changes expand the requirements of licensees to report improper acts to include not only alleged violation of the Rules of Professional Conduct but also of any laws or rules that apply to their practice. It further expands this requirement to include reporting, when relevant, to other authorities, such as code officials, public authorities, or police depending on the circumstances.
- **Paragraph 9:** Licensees, particularly when acting as references for applicants, should not provide false or incomplete information meant to assist an applicant when the licensee is aware that the applicant is unqualified. Licensees are expected to provide truthful, objective, and complete information.
- **Paragraph 10:** Licensees are expected to abide by the laws, rules, and regulations in each of the jurisdictions in which they are licensed.

#### **The board of directors endorses Motion 3.**

4. Move that the UPLG Committee be charged with incorporating the following changes into *Model Rules 240.15 B*.

#### **Model Rules 240.15 Rules of Professional Conduct**

##### **B. Licensee’s Obligation to Employer and Clients**

1. Licensees shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering or surveying involved.
2. Licensees shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competence, nor to any such plan or document not prepared under their responsible charge or for which they do not have personal professional knowledge.
3. Licensees may accept assignments and assume responsibility for coordination of an entire project, and sign and seal the engineering and surveying documents for the entire project, provided that each design-technical segment is signed and sealed only by the licensee responsible for preparation of that design segment qualified design professionals who prepared the segment.
4. Licensees shall not reveal facts, data, or information obtained in a professional capacity without the prior consent of the client or employer except as authorized or required by law or this code. Licensees shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties in connection with work for employers or clients.
5. Licensees shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.

56. Licensees shall ~~make full prior disclosures~~ disclose all known or potential conflicts of interest or other circumstances which could influence or appear to influence their judgment or the quality of their professional service to their employers or clients of potential conflicts of interest or other circumstances which could influence or appear to influence their judgment or the quality of their service and to any appropriate regulatory agency.
67. Licensees shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to in writing by all interested parties.
78. Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member. Conversely, licensees serving as members, advisors, or employees of a government body or department, who are the principals or employees of a private concern, shall not participate in decisions with respect to professional services offered or provided by said concern to the governmental body ~~which~~ that they serve. (*Section 150, Disciplinary Action, NCEES Model Law*)
9. Licensees shall not use confidential information coming to them in the course of their assignments as a means of making personal profit if such action is adverse to the interests of their clients, employers, or the public.

### Rationale

- **Paragraph 2:** This revision will cover those instances when a licensee may have the need to take responsibility for work not performed under his or her responsible charge—for example, when one licensee is unable to complete a project and assigns it to another; the successor licensee must perform sufficient due diligence to gain personal professional knowledge.
- **Paragraph 3:** These revisions strengthen the concept that each licensee must take responsibility for his or her particular sections of a project and that a licensed professional engineer or surveyor may coordinate an entire project, but assumes responsibility for that coordination.
- **Paragraphs 4 and 5:** This clarifies that a licensee—while being required by law, code, or regulation to disclose certain information (such as boundary surveys)—should not disclose the confidential information of any client without consent.
- **Paragraph 6:** This is a rewording of an existing clause to make it more readable, along with the addition of a requirement to disclose to regulatory agencies, if appropriate, for those times when conflicts may involve more than the licensee, his employer, or client.
- **Paragraphs 7, 8, and 9:** In most circumstances, licensees should not use confidential information gained while performing services for others. However, there are cases when such knowledge can add to the licensee’s expertise and be useful to the protection of the health, safety, and welfare of the public. If, in such instances, such action is not detrimental to the interests of the client, employer, or public, it can be appropriate.

### The board of directors endorses Motion 4.

5. Move that the UPLG Committee be charged with incorporating the following changes into *Model Rules 240.15 C*.

### **Model Rules 240.15 Rules of Professional Conduct**

#### C. Licensee’s Obligation to Other Licensees

1. Licensees shall not falsify or permit misrepresentation of their, or their associates’, academic or professional qualifications. They shall not misrepresent or exaggerate their degree of responsibility in prior assignments nor the complexity of said assignments. Presentations incident to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments.
2. Licensees shall not offer, give, solicit, or receive, either directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, and shall not make any political contribution with the intent to influence the award of a contract by public authority.
3. Licensees shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other licensees, nor indiscriminately criticize other licensees’ work. (*Section 150, Disciplinary Action, NCEES Model Law*)

4. Unless prohibited by court rules, if, during the course of his or her work, a licensee discovers a material discrepancy, error, or omission in the work of another licensee that may impact the health, safety, property, or welfare of the public, the discoverer shall make a reasonable effort to inform, in writing, the licensee whose work is believed to contain the discrepancy, error, or omission.
5. When reviewing the work of another licensee, the reviewing licensee shall notify the licensee in responsible charge of the work that their work is being reviewed. A written notification is not required if the licensee in responsible charge has submitted work for review.

**Rationale**

- **Paragraph 4:** In the interest of protecting the health, safety, property, and welfare of the public, licensees should be informed when there are discrepancies, errors, or omissions in order for that licensee to have the opportunity to correct his or her work.
- **Paragraph 5:** Unless the work product is being submitted to a client with the prior expectation that the work is to be reviewed (for example, by a code official or a government agency such as the department of transportation), licensees have a reasonable expectation that their work is being accepted by a client as submitted. If work product is provided to another licensee for an independent review, the responsible licensee should be made aware of the review in order to protect that work product and to assist in providing additional information, if necessary.

**The board of directors endorses Motion 5.**

**SPECIAL COMMITTEE ON BYLAWS (7 motions)**

1. Move that *Bylaws* Section 7.01, Standing Committees, be amended as follows:

**7.01 Standing Committees.** The standing committees of the Council shall be the following: Advisory Committee on Council Activities (ACCA), Awards, Education, Examination Audit, Examinations for Professional Engineers (EPE), Examinations for Professional Surveyors (EPS), Examination Policy and Procedures (EPP), Finances, Law Enforcement, Nominations, and Uniform Procedures and Legislative Guidelines (UPLG).

**The board of directors endorses Motion 1 and has placed it on the consent agenda.**

2. Move that a new *Bylaws* Section 7.04, Committee on Education, be adopted as shown below and that subsequent sections be renumbered accordingly:

**Section 7.04 Committee on Education.** The Committee on Education shall consist of a chair and two members from each zone. At least two members of the committee shall be professional surveyors. Committee appointments shall strive to include representatives from academia, private practice, industry, and government. The NCEES representatives to the ABET board of directors and Engineering Accreditation Commission shall be consultants to the committee. Other consultants shall be appointed as necessary.

The committee shall serve in an advisory role for education issues related to ABET, requirements prior to initial licensure, continuing professional competency, and foreign degree or unaccredited program evaluation.

**The board of directors endorses Motion 2 and has placed it on the consent agenda.**

3. Move that *Bylaws* Section 7.10, Committee on Nominations, be amended as follows:

**Section 7.10 Committee on Nominations.** The Committee on Nominations shall consist of a past Treasurer appointed by the President, four additional members, and four alternate members (one member and an alternate member elected by each zone of the Council at a zone meeting), plus and the chair, who shall be the Immediate Past President of the Council. Each zone will announce its nominating committee member and alternate before the close of the Annual Business Meeting. This committee will serve for the

nomination of officers for the next administrative year as specified in Section 11.01 and Section 11.02 of the Bylaws.

**The board of directors endorses Motion 3 and has placed it on the consent agenda.**

4. Move that *Bylaws* Section 5.01, President, be amended as follows:

**Section 5.01 President.** The President shall, when present, preside at all meetings; shall appoint all members, chairs, vice-chairs, and consultants of standing committees except for those of the Committee on Nominations; and shall present to the Council at the Annual Business Meeting a report of the activities during the term of office. The President shall also appoint all members, chairs, vice-chairs, and consultants of special committees unless specific action of the Council or of the Board of Directors names the personnel of the committee or task force. The President shall appoint all official representatives of the Council to other organizations as authorized by the Board of Directors. The President shall be chair of the Board of Directors, shall be an ex-officio member of all committees, and shall perform all other duties ordinarily pertaining to the office of President.

**The board of directors endorses Motion 4 and has placed it on the consent agenda.**

5. Move that *Bylaws* Section 7.01, Standing Committees, be amended as follows:

**7.01 Standing Committees.** The standing committees of the Council shall be the following: Advisory Committee on Council Activities (ACCA), Awards, Examination Audit, Examinations for Professional Engineers (EPE), Examinations for Professional Surveyors (EPS), Examination Policy and Procedures (EPP), Finances, Law Enforcement, Member Board Administrators (MBA), Nominations, and Uniform Procedures and Legislative Guidelines (UPLG).

**The board of directors endorses Motion 5 and has placed it on the consent agenda.**

6. Move that a new *Bylaws* Section 7.11, Committee on Member Board Administrators, be adopted as shown below and that subsequent sections be renumbered accordingly:

**Section 7.11 Committee on Member Board Administrators.** The Committee on Member Board Administrators shall consist of a chair and at least two members from each zone. Two members shall be current members or emeritus members of Member Boards. The committee shall arrange for the conference of administrators at the Annual Meeting and interim meetings of the NCEES zones. Throughout the year, the committee shall strive to provide close cooperation between administrators and to facilitate and assist any efforts by the Member Boards in addressing licensure processes and practices.

**The board of directors endorses Motion 6 and has placed it on the consent agenda.**

7. Move that a new *Bylaws* Section 3.07, Zones, be adopted as follows:

**Section 3.07 Zones.** The Member Boards of the Council shall be divided into four zones as follows: **Central Zone:** Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin; **Northeast Zone:** Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, ~~Virginia~~, West Virginia; **Southern Zone:** Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, Puerto Rico, South Carolina, Tennessee, Texas, Virgin Islands (U.S.), ~~Virginia~~; **Western Zone:** Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming.

**The board of directors endorses Motion 7 and has placed it on the consent agenda.**

## COMMITTEE ON FINANCES (6 motions)

1. Move that the adoption of the 2012–13 operating budget as shown in Appendix B be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

**The board of directors endorses Motion 1 and has placed it on the consent agenda.**

2. Move that the adoption of the 2012–13 capital budget as shown in Appendix C be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

**The board of directors endorses Motion 2 and has placed it on the consent agenda.**

3. Move that Position Statement 14 be deleted and that Financial Policy 1 be amended as follows:

### **PS 14 Council Funds**

~~The reserve funds (current tangible assets plus tangible marketable long term investments minus current liabilities) should be accumulated to the amount of approximately 75 percent of the annual operating budget plus a designated reserve equal to the computed cost of a total exam breach based on the current approved item replacement costs. If the reserve funds fall below this level, the Council shall strive to correct the situation.~~

### **FP 1 Council Funds**

- A. NCEES shall maintain operating accounts and operating reserve accounts with account balances in the aggregate sufficient to manage the day-to-day financial obligations of the Council.
- B. NCEES shall maintain long-term and short-term investments in accordance with the investment guidelines reviewed and approved at least annually by the Board of Directors.
- C. The reserve funds (current tangible assets plus tangible marketable long term investments minus current liabilities) should be accumulated to and maintained at a minimum amount of 100 percent of the annual operating budget plus a designated reserve equal to the computed cost of a total exam breach based on the current approved item replacement costs. If the reserve funds fall below this level, the Council shall strive to correct the situation.

**The board of directors endorses Motion 3.**

4. Move that Financial Policy 3 be amended as follows:

### **FP 3 Travel Expenses**

- A. The Council ~~will shall~~ budget for and pay travel expenses of members of the Board of Directors, committee members and consultants as authorized by the President, and Council staff to attend meetings representing NCEES. In addition, the Council ~~will may~~ pay travel expenses for the nominees of the Committee on Nominations ~~to attend the President's planning meeting, if it is held, and for the nominees of the Committee on Nominations as well as the chairs of standing committees and task forces~~ to attend the Annual Business Meeting. Registration fees for funded individuals shall be waived.

The President and the President-Elect, with the oversight of the Treasurer, have the discretion to purchase business class airfares for trips greater than or equal to 3 hours' actual flying time. If no business class is available, first class may be considered.

Unbudgeted international travel shall require authorization by the Board of Directors. All authorized travel and reimbursements shall be in accordance with the NCEES travel policy.

- B. The Council shall pay the travel expenses of a minimum of one delegate from each full member board to the Annual Business Meeting as specified by the member board. Expenses shall be paid according to the current expense payment policies of NCEES. The Annual Business Meeting registration fee for the

delegates shall be waived. The cost of optional functions not included in the registration fee shall not be paid by NCEES. Member boards must meet the *Bylaws* requirements for voting to receive the benefits of a funded delegate. The Council shall also pay the travel expenses and registration fee of one first-time attendee from each member board, within 18 months of initial appointment, to the Annual Business Meeting.

- C. The Council shall pay the travel expenses and registration fee of a minimum of one delegate from each full member board to that board's respective zone interim meeting as specified by the member board. The delegates must be a member of the member board or Associate Member designated to vote for the member board. Expenses shall be paid according to the current expense payment policies of NCEES. The cost of optional functions not included in the registration fee shall not be paid by NCEES.

**Financial Impact:** The committee concluded that funding additional delegates to meetings is a good use of excess reserves. This motion would allow additional funding at the discretion of the board of directors through the budget process. If the Council approves the motion, a \$200,000 travel expense will be added to the 2012–13 operating budget to fund one additional delegate from each member board to the interim zone meetings and to the annual meeting. The level of funding would be adjusted by the board of directors in future years as needed.

**The board of directors endorses Motion 4 and has placed it on the consent agenda.**

- 5. Move that Financial Policy 5 be deleted as follows:

**~~FP 5 Annual Business Meeting Contribution~~**

~~The host board for each Annual Business Meeting shall be granted a sum of money from Council funds for the purpose of defraying expenses of hosting the meeting. The amount of the grant will be determined by the Board of Directors.~~

**The board of directors endorses Motion 5 and has placed it on the consent agenda.**

- 6. Move that Financial Policy 6 be amended as follows:

**FP 6 Annual Business Meeting Registration Fees**

- ~~A. Registration fees at the Annual Business Meeting shall represent only those costs directly attributable to the Annual Business Meeting.~~
- ~~B. Registration fees shall be waived for the following: each member of the Board of Directors and his or her guest; each Committee on Nominations' nominee and his or her guest. Registration fees for committee chairs shall be reduced to an amount approved by the Board of Directors.~~

**The board of directors endorses Motion 6 and has placed it on the consent agenda.**

**LEADERSHIP TASK FORCE (2 motions)**

- 1. Move that the following amendment to the *Bylaws* be referred to a Special Committee on Bylaws:

**Section 3.08 Zone Organization.** Each zone shall adopt *Zone Meeting and Continuity Guidelines* for its organization and operation consistent with and in conformity to the NCEES Bylaws.

Each zone shall submit copies of its minutes and an annual financial statement to the Council at the Annual Business Meeting of the Council. Each zone shall elect an Assistant Vice President who shall serve a two-year term concurrent with the Vice President. The Assistant Vice President shall assist the Vice President, shall perform the duties outlined in the *Zone Meeting and Continuity Guidelines*, and shall perform all the duties of the Vice President in the event the Vice President is unable to perform for any reason. This shall include fulfilling the duties as Vice President on the Board of Directors.

**The board of directors endorses Motion 1 and has placed it on the consent agenda.**

2. Move that the *Zone Meeting and Continuity Guidelines* be revised as follows:

### **ZONE OFFICERS—GENERAL PROVISIONS**

#### **Duties of the assistant vice president**

The assistant vice president shall do the following:

- Preside at zone meetings in the absence of the vice president
- Chair the zone's Leadership Development Committee
- Assist the vice president in the administrative duties of the zone, including the coordination of zone committees
- Perform all the duties of the vice president in the event the vice president resigns or is unable to perform for any reason
- Perform outreach to member boards, particularly new members, to inform them of NCEES and its role in serving the member boards and the professions, to solicit involvement by the member boards and their new members, and to gather information regarding the leadership qualities of volunteers from the member boards to NCEES committees and task forces
- Identify experienced members of the zone to serve as mentors to newer members and assist with developing them to assume leadership roles
- Prepare and submit an annual report to the zone vice president at the zone interim meeting. The report shall include the outreach efforts performed by the assistant vice president, and shall identify prospective leaders and committee members. The zone vice president will include that report in the zone report at the NCEES annual meeting.

### **ZONE STANDING COMMITTEES**

No face-to-face meetings are authorized for zone committees unless specifically approved by the vice president and funded by the zone funds.

Standing committees for all zones shall include the following designated committees:

- Awards Committee
- Leadership Development
- Nominating Committee
- Site-Selection Committee
- Resolutions Committee

#### **Leadership Development Committee**

- The Leadership Development Committee shall be composed of the assistant vice president, a member board administrator, and no less than two members appointed by the zone vice president. The committee shall work with NCEES staff to communicate NCEES leadership philosophies and to groom future leaders.

**Financial impact:** When fully implemented, the cost would be limited to the additional office and staff expenses to support the zone vice president, and the incidental costs of conducting one meeting of the Zone Leadership Development Committee at the site of, and within the time allocated to, the zone interim meeting. The estimated annual cost should be made part of the interim zone meeting budget. Thus, there is no impact on the NCEES budget.

**The board of directors endorses Motion 2 and has placed it on the consent agenda.**

## EDUCATION TASK FORCE (3 motions)

1. Move that the following amendment to the *Bylaws* be referred to a Special Committee on Bylaws.

**Section 7.04 Committee on Education.** The Committee on Education shall consist of a chair and two members from each zone. At least two members of the committee shall be professional surveyors. Committee appointments shall strive to include representatives from academia, private practice, industry, and government. The NCEES representatives to the ABET board of directors and Engineering Accreditation Commission shall be consultants to the committee. Other consultants shall be appointed as necessary.

The committee shall serve in an advisory role for education issues related to ABET, requirements prior to initial licensure, continuing professional competency, and foreign degree or unaccredited program evaluation. The committee shall review and update the *Continuing Professional Competency Guidelines* as necessary, but at least every five years.

*Note: This motion is contingent on Bylaws Committee Motion 2, which is to add the standing Committee on Education to the Bylaws, passing at the 2012 annual meeting.*

**The board of directors endorses Motion 1 and has placed it on the consent agenda.**

2. Move that the existing Position Statement 4 be replaced with the following:

### **~~PS 4 EAC/ABET Approved Curriculum~~**

~~An applicant who completes an engineering education program that is non-accredited and not deemed substantially equivalent and who then earns a graduate engineering degree from a U.S. school with an EAC/ABET-accredited undergraduate or graduate program in an equivalent discipline should be accepted for the licensure process. The graduate degree should be treated as confirming the undergraduate degree, giving the applicant equal standing with an applicant who has graduated from an EAC/ABET undergraduate engineering program. The degree earned in the graduate program validates the degree earned in the non-accredited undergraduate program and would not then be applicable for experience credit.~~

~~To establish substantial equivalency for an individual graduate in the case of a non-accredited bachelor of science degree, an applicant must have his or her official degree program transcript evaluated by a board-approved organization and make up any deficiencies noted by such an evaluation. Deficiencies in engineering courses must be made up with courses offered by an EAC/ABET-accredited degree program or equivalent.~~

### **PS 4 Applicants with Non-Accredited Baccalaureate Degrees**

Applicants who are graduates of non-EAC/ABET-accredited baccalaureate degrees in engineering may apply for the licensure process. Similarly, applicants who are graduates of non-EAC/ABET-accredited baccalaureate programs, but who are subsequently admitted to, and earn, a master's degree in engineering, may apply for the licensure process. In both cases, the official degree program transcripts of applicants must be evaluated by a board-approved organization, and any deficiencies found in the evaluation must be corrected. Deficiencies in engineering science and engineering design must be remediated by taking courses offered by an EAC/ABET-accredited degree program, or equivalent.

**The board of directors endorses Motion 2.**

3. Move that Position Statement 25 be amended as follows:

### **PS 25 Equivalency of Foreign Professional Engineers Applying for Licensure in Jurisdictions of the United States**

It is the position of NCEES that member boards of the Council should provide appropriate recognition consideration of equivalent qualifications for professional engineers licensed by or otherwise approved for professional practice in a foreign jurisdiction.

**The board of directors endorses Motion 3 and has placed it on the consent agenda.**

## **ADVISORY COMMITTEE ON COUNCIL ACTIVITIES (6 motions)**

1. Move that the *Zone Meeting and Continuity Guidelines* be revised as follows:

### **Nominating Committee**

- This committee shall be chaired by the zone member elected to membership on the NCEES Committee on Nominations. Other members of this committee shall be no fewer than three member representatives selected from among the remaining zone member boards. The member board representatives shall be selected by the vice president from the member delegates to the zone interim meeting and shall commence their committee responsibilities at the conclusion of the next NCEES annual business meeting following their appointment.
- The committee shall recommend nominees for vice president and assistant vice president at the interim meeting in accordance with the schedule set therefore by the NCEES Bylaws. The committee shall recommend nominees for the secretary-treasurer at the interim meeting in accordance with the schedule established in these guidelines, and shall also recommend nominees for election to membership on the NCEES Committee on Nominations.
- The committee shall nominate a candidate for president-elect every fourth year from eligible members of zone member boards and shall do so in accordance with related provisions of the NCEES Bylaws. The committee may, in its discretion, also nominate a candidate for the office of NCEES treasurer.
- The committee shall conduct its business prior to the convening of the next zone interim meeting following appointment.
- Nominations from the committee shall be presented at the interim meeting, at which time additional nominations from the floor may be made. Nominations from the floor shall require two seconds, each by boards other than the nominating board.
- When an office or position is being contested at the interim meeting, the nominees shall be allowed to address the zone and respond to questions from the floor.
- The final zone nominations for national officer and the final election results for zone officer and national committee (NCEES Committee on Nominations) positions shall be transmitted by the vice president to the chair of the NCEES Committee on Nominations no later than 60 days prior to the opening date of the next annual business meeting.

### **Sample business meeting agenda**

- Call to order
- Invocation
- Welcome speaker (optional)
- Introductions
- Roll call of member boards
- Approval of minutes of previous meeting
- Financial report
- Reading of communications
- Comments by NCEES officer and executive director
- Appointment/identification of zone committees
- Nominating committee report, floor nominations, and speeches
- Reports of NCEES committee activities of interest
- Presentation of proposed zone policy/position statements and resolutions
- Old business
- New business
- Approval of future meeting location
- Election of officers and nominating committee member and alternate
- Report of (zone) resolutions committee
- Adjournment

**The board of directors endorses Motion 1 and has placed it on the consent agenda.**

2. Move that the *Annual Business Meeting Convention Rules* be amended as follows:

- G. The report of the Committee on Nominations shall be presented during Business Session I, after which additional nominations may be made from the floor.
- H. For contested offices, speeches by the candidates and questions from the floor will be allowed during Business Session II.
- ~~H~~I. Where there is only one candidate for election, a ballot vote may be dispensed with and an election by acclamation shall be held. However, upon the request of a single member, a ballot vote will be conducted electronically.
- ~~H~~J. A consent agenda shall be presented to the delegates for adoption without debate. Upon request of a single member board, any item may be removed from the consent agenda for separate consideration and action by the Council.
- ~~J~~K. Voting on motions and the election of officers will be conducted using the electronic voting keypad found at your table. In accordance with NCEES Bylaws Section 6.02, Quorum and Voting, only member boards shall be entitled to vote. Voting shall be by member boards, with each board entitled to one vote. If a board is represented by more than one delegate present at the time of voting, the vote may be split proportionately if its delegates wish. An associate member may serve as a member board delegate for voting purposes only when so designated by the board's chair through written, signed communication presented to NCEES staff prior to the opening session of the meeting. For boards that require authorization from the state, such designation may come from the agency director for that board.
- ~~K~~L. A majority vote of the member boards represented shall be required for affirmative action on all motions except for amendments to the Bylaws. An affirmative vote of two-thirds of member boards present and in good standing shall be required to adopt amendments to the Bylaws.
- ~~L~~M. Should any delegate have an emergency that requires early departure from the meeting, the delegate must notify a member of the NCEES staff before departing.

**The board of directors endorses Motion 2 and has placed it on the consent agenda.**

3. Move that Professional Policy 2 be amended as follows:

**PP 2 NCEES Records Verification Program**

NCEES will ~~develop and~~ maintain a records verification program to assist licensees and member boards with comity licensing.

**The board of directors endorses Motion 3 and has placed it on the consent agenda.**

4. Move that Professional Policy 4 be amended as follows.

**PP 4 International Relations**

NCEES will be actively involved in all matters relating to the foreign qualifications of professional engineers and surveyors. The long-range objectives will be:

- ~~• To provide support for evaluating education, experience, and examinations obtained in a foreign country~~
- To expand the understanding of the licensure and regulation of professional engineers and professional surveyors on an international basis through participation in relevant international meetings and establishing NCEES in a leadership role at such meetings (at relevant international meetings)
- To promote and establish a program for maintaining relationships with foreign licensure authorities
- ~~• To assist the member boards in achieving foreign engineering education evaluations as required by member boards in their pursuit to license applicants who have foreign engineering education credentials~~

**Rationale**

- The deleted language will be moved to a new policy (PP 7) as shown in ACCA Motion 5. The creation of PP 7 is a result of the development of the NCEES Credentials Evaluations service. The stricken language shown above directly relate to that service. The language that remains in PP 4 relates to overall international relations and is not specific to an NCEES service.

**The board of directors endorses Motion 4 and has placed it on the consent agenda.**

5. Move that a professional policy for the NCEES Credentials Evaluations service be adopted as follows:

**PP 7 NCEES Credentials Evaluations Program**

NCEES will maintain a credentials evaluations program to assist state licensing boards and applicants with licensing of applicants.

**The board of directors endorses Motion 5 and has placed it on the consent agenda.**

6. Move that the Council continue the NCEES Engineering Award.

**Financial Impact:** The 2012–13 cost of the Engineering Award is projected to be \$139,900 as shown in the proposed operating budget. This is in line with expenditures for the first three cycles of the award plus inflation. The cost of the award thereafter would continue to be approved by the Council as part of the proposed operating budget each year.

**The board of directors endorses Motion 6 and has placed it on the consent agenda.**

**COMPUTER-BASED TESTING IMPLEMENTATION TASK FORCE (1 motion)**

1. Move that Position Statement 15 be amended as follows to clarify the vision of NCEES with regard to computer-based testing:

**PS 15 Computer-Based Testing**

The NCEES vision of Computer-Based Testing (CBT) is as follows:

- ~~A. Conversion of the NCEES examinations to CBT will should eventually include all exams except the Structural Engineering (SE) examination.~~
- ~~B. The ultimate exam concept is a mastery level examination.~~
- ~~C. CBT will parallel or relate to technological advances, which means that the exam process will change.~~
- ~~D. CBT will keep up with the evolution of professional practice.~~
- B. The content areas, delivery methods, types, and processes associated with the CBT examination are expected to evolve and develop in order to remain current with the progress of professional practices as well as future technological advances to CBT.

**The board of directors endorses Motion 1 and has placed it on the consent agenda.**

**COMMITTEE ON EXAMINATIONS FOR PROFESSIONAL SURVEYORS (2 motions)**

1. Move that the UPLG Committee be charged with incorporating language into the *Model Law* and *Model Rules* as appropriate to state that a property survey should be performed by a licensed surveyor for all real property transfers.

**The board of directors takes no position on Motion 1.**

2. Move that NCEES prepare and administer the Principles and Practice of Surveying examination via computer-based testing at the earliest feasible date.

**Financial impact:** The maximum anticipated start-up cost of converting the PS exam to CBT is \$75,000. For fiscal year 2012–13, there are no anticipated costs. For future years, it is anticipated to be \$50,000 for item bank analysis, LOFT design, and IRT calibration, along with \$25,000 for research into innovative item types.

**The board of directors endorses Motion 2 and has placed it on the consent agenda.**

## COMMITTEE ON EXAMINATIONS FOR PROFESSIONAL ENGINEERS (1 motion)

1. Move that NCEES prepare and administer the Principles and Practice of Engineering examinations via computer-based testing and that each exam convert at its earliest feasible date but no earlier than January 2015.

**Financial impact:** The maximum anticipated start-up cost of converting the PE exams to CBT is \$620,000. For fiscal year 2012–13, there are no anticipated costs. For future years, it is estimated to be \$350,000 for supplied-reference development, item-bank analysis, LOFT design, and IRT calibration for five Group I exams and to be \$220,000 for supplied-reference development and CBT exam-design analysis for 11 Group II exams. An additional \$50,000 will be set aside for research into innovative item types.

**The board of directors endorses Motion 1 and has placed it on the consent agenda.**

## COMMITTEE ON EXAMINATION POLICY AND PROCEDURES (18 motions)

1. Move that Examination Development Policy 1 be amended as follows:

### EDP 1 Examination Titles

It shall be the policy of NCEES in all publications and correspondence to refer to the respective examinations only as follows:

- A. Fundamentals of Engineering (FE) examination ~~or FE~~
- B. Principles and Practice of Engineering (PE) examination ~~or PE~~
  1. The PE examinations are designated Group I or Group II as recommended by the Committee on Examinations for Professional Engineers (EPE) and approved by the Board of Directors.
    - a. Group I examinations are prepared solely by NCEES.
    - b. Group II examinations are prepared jointly by NCEES and a society that agrees to sponsor the examination in its discipline.
- C. Structural Engineering (SE) examination
- ~~D.~~ Fundamentals of Surveying (FS) examination ~~or FS~~
- ~~E.~~ Principles and Practice of Surveying (PS) examination ~~or PS~~

### Rationale

- Revised to make language in this policy match language in the *Model Law* and *Model Rules*

**The board of directors endorses Motion 1 and has placed it on the consent agenda.**

2. Move that Examination Development Policy 3 be amended as follows:

### EDP 3 Engineering and Surveying Examinations and Formats

- A. The Fundamentals of Engineering is ~~an 8-hour examination and shall be considered~~ a closed-book examination as defined in EAP 4. The exam will be administered in pencil-and-paper format through October 2013 and via computer-based testing (CBT) beginning in January 2014.
- B. The Principles and Practice of Engineering ~~are 8-hour examinations (unless otherwise noted), shall be offered only in the following disciplines, and shall be considered~~ an open-book, pencil-and-paper examination as defined in EAP 4:
  1. GROUP I
    - a. Chemical
    - b. Civil
    - c. Electrical and Computer—Computer Engineering
    - d. Electricals and Computer—Electrical and Electronics
    - e. Electrical and Computer—Power
    - f. Environmental
    - g. Mechanical
    - h. 16-hour Structural Engineering exam
  2. GROUP II
    - a. Agricultural
    - b. Architectural
    - c. Control Systems

- d. Fire Protection
  - e. Industrial
  - f. Metallurgical/Materials
  - g. Mining/Mineral Processing
  - h. Naval Architecture/Marine
  - ~~hi.~~ Nuclear
  - ij. Petroleum
  - j. ~~Naval Architecture/Marine~~
  - k. Software (effective with the spring 2013 exam administration)
- A combined examination that allows an examinee to select problems in more than one discipline shall not be permitted.
- C. The surveying examinations shall be available as follows:
1. The Fundamentals of Surveying ~~is an 8-hour examination and shall be considered~~ a closed-book examination as defined in EAP 4. The exam will be administered in pencil-and-paper format through October 2013 and via CBT beginning in January 2014.
  2. The Principles and Practice of Surveying ~~is a 6-hour examination:~~
    - a. ~~This examination shall be considered~~ an open-book, pencil-and-paper examination as defined in EAP 4. ~~It may be offered in two modules, a breadth module and a depth module. The breadth module shall examine knowledges common to professional surveying practice, regardless of practice area. A depth module shall be used to examine knowledges within a particular area of surveying practice. (Effective through the fall 2012 exam administration)~~
    - b. ~~This examination shall be considered~~ a closed-book, pencil-and-paper examination as defined in EAP 4. ~~It may be offered in two modules, a breadth module and a depth module. The breadth module shall examine knowledges common to professional surveying practices, regardless of practice area. A depth module shall be used to examine knowledges within a particular area of surveying practice. (Effective with the spring 2013 exam administration)~~
  3. Member boards shall reserve the right to administer certain state-specific ~~modules as part of~~ examinations in conjunction with the Principles and Practice of Surveying examination. State-specific examinations shall be scored and reported separately and apart from those published by NCEES for national examinations.
- D. ~~The e~~Examination items ~~banks~~ for all examinations shall be maintained solely at NCEES headquarters or at an offsite testing service that is able to demonstrate insurance, bond, or reserve to cover the pecuniary liability for the items ~~bank~~ should the items ~~bank~~ be compromised, lost, or damaged by the testing service.
1. ~~At the time an exam development committee releases~~ an a pencil-and-paper examination to be published, the committee shall also have available at least one additional exam that is ready to print immediately and an item bank that contains sufficient items to assemble a third examination in accordance with respective examination specifications and procedures.
  2. CBT item pools (subset of an item bank) must have sufficient back-up items as determined by the EPE/EPS committees.
- E. The Executive Director shall have contingency plans available in the event ~~that an examination is compromised after shipment but prior to administration of the examination of any irregularity that impacts the security of an exam or the ability to administer an exam per NCEES exam policies or prescribed schedules.~~
- ~~F. All technical societies that sponsor Group II examinations shall sign an agreement with NCEES delineating the responsibilities of both parties in developing the examinations.~~
- ~~GF.~~ Examination study guides shall be developed for each NCEES examination. These study guides shall provide sample questions and solutions on each major topic area sufficient to provide candidates with a sense of the structure, scope, and difficulty of the examination. In no case shall an examination study guide consist of less than 50 percent of the number of questions in an actual examination. Examination study guides shall remain current and be available six months prior to the administration of an examination. Sample examinations, tutorials, and supplied-reference manuals for CBT examinations shall be made available in the same format in which they will be given at the exam centers.

#### Rationale

- Added “Format” to title to better describe the policy
- Removed language indicating the length of exams in hours (8 hours and 6 hours)
- Added language to indicate the timeframe for converting the FE and FS exam to CBT
- Added language to clarify that PE and PS exams are pencil-and-paper exams

- Revised language related to the Structural Engineering exam to match the format of other exams' names
- Arranged Group II exams in alphabetical order
- Added Software Engineering to the list of Group II exams
- Revised language in C.2.a–b to match current practice
- Changed reference to state-specific PS “modules” to “examinations”
- Changed “item banks” to “items” to match anticipated CBT practice
- Added section D.2 to provide guidance on which committees develop CBT item pool backup criteria
- Strengthened language in Section E to provide the executive director with the authority to use alternate plans in the case of a exam security issue or problem that would prohibit the ability to offer an exam
- Moved section F to EDP 5
- Added clarifying language in section G concerning sample exams for CBT examinations

**The board of directors endorses Motion 2 and has placed it on the consent agenda.**

3. Move that Examination Development Policy 4 be amended as follows:

**EDP 4 Availability**

- A. The following ~~pencil-and-paper~~ examinations shall be available ~~for spring examination administration:~~
1. Fundamentals of Engineering
  2. Group I—Principles and Practice of Engineering
  3. Group II—Principles and Practice of Engineering:
    - a. Spring only: Architectural Engineering, Industrial Engineering (effective with the spring 2013 administration), and Naval Architecture/Marine Engineering
    - b. Fall only: All Principles and Practice of Engineering except Architectural Engineering, Industrial Engineering (effective with the fall 2013 administration), and Naval Architecture/Marine Engineering
  4. Fundamentals of Surveying
  5. Principles and Practice of Surveying
- ~~B. The following examinations shall be available for fall examination administration:~~
- ~~1. Fundamentals of Engineering~~
  - ~~2. Group I—Principles and Practice of Engineering~~
  - ~~3. Group II—All Principles and Practice of Engineering except Architectural Engineering, Industrial Engineering (effective with the fall 2013 administration), and Naval Architecture/Marine Engineering~~
  - ~~4. Fundamentals of Surveying~~
  - ~~5. Principles and Practice of Surveying~~
- ~~C. Surveying examinations shall be offered on a regular schedule as adopted by the Board of Directors.~~
- C. CBT examinations shall be made available in testing windows.

**Rationale**

- Revised to clarify when exams will be offered and define how CBT examinations will be offered

**The board of directors endorses Motion 3 and has placed it on the consent agenda.**

4. Move that Examination Development Policy 5 be amended as follows:

**EDP 5 Entry of New Discipline or Depth Module to PE Examination Status**

- A. No discipline shall be added to the examination program unless there is an EAC/ABET-accredited program in the discipline.
- B. No discipline shall be added as a Group II examination unless a technical society agrees to sponsor the examination. All technical societies that sponsor Group II examinations shall sign an agreement with NCEES delineating the responsibilities of both parties in developing the examinations.
- C. Requests for examinations and/or depth modules shall be made by no fewer than 10 member boards collectively who can each demonstrate a need for the examination or depth module in their jurisdiction. A request older than four years must be reaffirmed by the member board. Requests shall include proof

of such need, estimate of usage, and impact on protection of public health, safety, and welfare. Proof of need shall include evidence that knowledge areas and skills are not adequately measured in an existing examination or module and that additional knowledge areas and skills required for the discipline are sufficient to support a new examination or module.

- D. No discipline or depth module shall be added to the examination program unless the number of candidates for an ongoing examination conforms to NCEES policies and procedures. If that is demonstrated, a PAKS shall be conducted to establish that the addition in question is composed of a unique set of knowledges important for the protection of public health, safety, and welfare.

E. The request shall include a plan to develop the exam in CBT format.

~~E~~F. Member boards shall be notified one year in advance of the addition of any discipline or depth module to the examination program.

#### **Rationale**

- Revised to clearly define the responsibility of technical societies that sponsor Group II examinations
- Added language to require a plan for migration to CBT in the request from technical societies

**The board of directors endorses Motion 4 and has placed it on the consent agenda.**

5. Move that Examination Development Policy 8 be amended as follows:

#### **EDP 8 Deleting/Combining/Renaming a Discipline or Module from the Examination Program**

A. If in two consecutive administrations of pencil-and-paper examinations, there have been fewer than 50 total first-time examinees from NCEES jurisdictions in a specific PE, PS, or FS examination or module, or if in a two-year period, there are fewer than 1,000 first-time examinees from NCEES jurisdictions in a specific FE discipline module, the Committee on Examination Policy and Procedures (EPP) shall review the desirability of continuing the subject examination or module and make one of the following recommendations to the Board of Directors:

1. Continue to prepare the examination or module.
2. Discontinue the examination or module.
3. Put the examination or module on probation and recommend specific remedial action that may include combining the examination with another examination or other such action as the EPP Committee deems appropriate. If such remedial action fails to increase total first-time takers to a level that meets the minimum candidate requirements and time period as specified above, the EPP Committee shall recommend appropriate action to the Board of Directors.

B. If the population of first-time examinees from NCEES jurisdictions for any NCEES CBT examination or module is not adequate to provide for accurate psychometric analysis, the EPP Committee shall review the desirability of continuing the subject examination or module and make one of the following recommendations to the Board of Directors:

1. Continue to prepare the examination or module.
2. Discontinue the examination or module.
3. Put the examination or module on probation and recommend specific remedial action that may include combining the examination with another examination or other such action as the EPP Committee deems appropriate. If such remedial action fails to increase total first-time takers to a level that meets the minimum candidate requirements and time period as specified above, the EPP Committee shall recommend appropriate action to the Board of Directors.

~~B~~C. If an NCEES committee, technical society, or other group desires to have an examination or module deleted, it should make a request to the EPE/EPS Committee. The EPE/EPS Committee will review the request and make a recommendation to the Board of Directors.

~~C~~D. Any requests to rename an examination or module or to combine two or more discipline examinations or modules should also be made to the EPE/EPS Committee. Requests shall include proof of such need, estimate of usage, and impact on protection of public health, safety, and welfare. Proof of such need shall include evidence that knowledge areas and skills are not measured adequately in an existing examination or module and evidence that those knowledge areas and skills required for the discipline are sufficient to support a new, combined, or renamed examination or module. The EPE/EPS Committee will review the request and make a recommendation to the Board of Directors.

~~D~~E. If an examination-preparing entity fails to have on file with NCEES at all times an adequate item bank as specified in paragraph D of EDP 3, including solutions and knowledges being assessed, the EPP

Committee shall review the desirability of continuing the examination or module and make one of the following recommendations to the Board of Directors:

1. Continue to prepare the examination or module.
2. Discontinue the examination or module.
3. Put the examination on probation and recommend specific remedial action that may include contracting for item writing with an outside entity or other such action as the EPP Committee deems appropriate. If such remedial action fails to cause the examination to meet the requirements of paragraph D of EDP 3 within one year after the examination was put on probation, the EPP Committee shall recommend appropriate action to the Board of Directors.

~~EE.~~ If an examination-preparing entity fails to provide the Examination Audit Committee with sufficient data to conduct an adequate audit for two consecutive audit cycles, the EPP Committee shall review the desirability of continuing the examination or module and make one of the following recommendations to the Board of Directors:

1. Continue to prepare the examination or module.
2. Discontinue the examination or module.
3. Put the examination on probation and recommend specific remedial action that the EPP Committee deems appropriate. If the examination entity fails to provide sufficient data to successfully complete the next scheduled examination audit, the EPP Committee shall recommend appropriate action to the Board of Directors.

~~EG.~~ If, upon the Executive Director's recommendation and an EPE/EPS Committee evaluation, the Board of Directors determines that an examination does not meet the policies, specifications, and/or guidelines of the Council ~~to the degree that the examination is considered seriously flawed~~, the Board may temporarily suspend the offering of an examination in that particular discipline.

#### **Rationale**

- Revised section A to clearly indicate that this section defines procedure for pencil-and-paper exams
- Added section B to define CBT policy

**The board of directors endorses Motion 5 and has placed it on the consent agenda.**

6. Move that Examination Development Policy 10 be amended as follows:

#### **EDP 10 Adoption of a New Depth Module for the PS Examination**

- A. No depth module shall be added to the Principles and Practice of Surveying examination unless and until no fewer than 10 member boards collectively request the module. Requests shall include proof of need, estimates of usage, and impact on protection of the public health, safety, and welfare.
- B. A depth module must address a distinct PS practice area included within statutory coverage of the 10 requesting jurisdictions.

C. The request shall include a plan to develop the exam in CBT format.

~~CD.~~ Member boards shall be notified one year in advance of the addition of any depth module to the Principles and Practice of Surveying examination.

#### **Rationale**

- Added a new section requiring that when a request for adding a depth module is submitted, the request shall include a plan to migrate the exam to CBT

**The board of directors endorses Motion 6 and has placed it on the consent agenda.**

7. Move that Examination Development Policy 15 be amended as follows:

#### **EDP 15 Reporting of Scores**

~~A. Fundamentals of Engineering~~

~~The Fundamentals of Engineering examination shall be considered and referred to as one 8-hour examination with no distinction between AM and PM portions. Only one score, the total of the AM and PM portions, shall be reported to member boards.~~

~~B. Principles and Practice of Engineering~~

~~The Principles and Practice of Engineering examination shall be considered and referred to as one 8-hour examination (except as noted in paragraph F) with no distinction between AM and PM portions. Only one score, the total of the AM and PM portions, shall be reported to member boards.~~

~~C. Fundamentals of Surveying~~

~~The Fundamentals of Surveying examination shall be considered and referred to as one 8-hour examination with no distinction between AM and PM portions. Only one score, the total of the AM and PM portions, shall be reported to member boards.~~

~~D. Principles and Practice of Surveying~~

~~The Principles and Practice of Surveying examination shall be considered and referred to as one 6-hour examination with no distinction between AM and PM portions. Only one score, the total of the AM and PM portions, shall be reported to member boards.~~

A. All examination results shall be reported to member boards.

~~E.B. 16-Hour Structural Engineering Examination~~

~~The Structural Engineering examination shall be considered and referred to as one 16-hour examination.~~

~~The Structural Engineering examination shall consist of two 8-hour components: the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component. A candidate must receive acceptable results on both 8-hour components to pass the Structural Engineering examination. A candidate may sit for each component in separate exam administrations.~~

~~A **component results notice** will be transmitted to the member board for each administration that a candidate takes a component. After a candidate has received an acceptable result on both components, an **examination pass notice** will be transmitted to the member board to indicate that the candidate has passed the Structural Engineering examination.~~

~~F.C. Candidate Score Reports~~

~~Reporting of examination results for PE examination candidates will be reported only as pass or fail. All failing candidates will be provided with a diagnostic report to indicate performance on those sections attempted.~~

~~Reporting of examination results for FE examination candidates will be reported only as pass or fail. All failing candidates will be provided with a diagnostic report to indicate performance on those sections attempted.~~

~~Reporting of examination results for surveying examination candidates will be reported only as pass or fail. All failing candidates will be provided with a diagnostic report to indicate performance on those sections attempted.~~

~~G.D. Release of Candidate Scores to Member Boards~~

~~The converted scores for each candidate will be furnished to member boards upon request. The use of individual candidate scores is for licensure purposes only, that is, to establish minimum competency. Individual candidate names and scores shall not be published, made public, used to make related comparisons, or used for purposes other than licensure. For example, scores above passing shall not be used to rank-order or differentiate among passing candidates.~~

**Rationale**

- Removed all the sections that individually list each exam and how it will be reported and inserted a section that states that all examinations results will be reported to member boards
- As in the revision of EDP 1, revised “Structural examination” to “Structural Engineering examination”
- Removed language in Candidate Score Reports section dealing with FE, PE, and surveying examinations that results in wording that covers FE, PE, and surveying examinations in one generic statement

**The board of directors endorses Motion 7 and has placed it on the consent agenda.**

8. Move that Examination Development Policy 16 be amended as follows:

**EDP 16 EPE and EPS Committee Members Terms**

~~Members of the EPE and EPS Committees should, to the extent practicable, be representatives of the engineering and surveying disciplines within the Fundamentals, Group I, and Group II examinations. The typical term of each committee member representing a zone shall be three years, with one member from each zone replaced each year by the President Elect of NCEES. The terms of those serving as vice chair or chair shall be in accordance with the Bylaws.~~

**Rationale**

- Revised to remove language concerning committee member terms and zone representation
- All information removed is in the NCEES *Bylaws* and does not need to be duplicated in a policy.

**The board of directors endorses Motion 8 and has placed it on the consent agenda.**

9. Move that Examination Development Policy 17 be amended as follows:

**EDP 17 Examination Audits**

~~The Examination Audit Committee shall annually audit at least one third of the examinations developed by NCEES. In a three year period, normally all examinations shall be audited. The Examination Audit Committee shall audit all examinations developed by NCEES. The following constraints shall be used:~~

1. All anchor exams be audited
2. Each exam be audited at least once between anchor exam audits
3. No more than four years between audits

The President-Elect shall, in developing charges for the Examination Audit Committee, develop a list of examinations for audit in consultation with the current chair of the Audit Committee and the Director of Examination Services. Circumstances may prevail that would affect which examinations are selected for audit in a given year.

The Examination Audit Committee shall review each exam audited as to its conformance with specified criteria set forth in the Audit Committee procedures.

**Rationale**

- Results of past audits indicated that only minor problems are being identified in the review of exams. Exam committees are adhering to NCEES exam development policies and procedures. Due to the outstanding performance of exam committees, a revision in the exam audit schedule can be implemented without affecting exam performance and reliability.

**The board of directors endorses Motion 9 and has placed it on the consent agenda.**

10. Move that Examination Administration Policy 1 be amended as follows:

**EAP 1 Administration of Examinations**

- A. Guidelines and Procedures. NCEES will publish examination administrative procedures that will provide guidelines and procedures for member boards in the use of NCEES engineering and surveying examinations. The guidelines and procedures will cover matters concerning security, use, scoring, and general administration of such examinations for the purposes for which they are designated to ensure fairness and equality to all jurisdictions and examination candidates.
- ~~B. Candidate Agreement. Member boards or their designated representative will provide the NCEES Candidate Agreement to each candidate approved to take NCEES examinations.~~
- B. Testing Regulations. Member boards or their designated representative will provide to each candidate approved to take NCEES examinations information regarding regulations to be observed during the examinations and actions that may be taken in the event of a testing irregularity.
- C. Candidate Admission. Approval of candidates applying to take NCEES examinations shall be by the individual member boards or their designated representative. Candidates must be qualified for admission under the prevailing licensure statutes applicable in the jurisdiction where application is made. Only preauthorized board members, board staff, proctors, designated representatives, and candidates actually taking an examination will be permitted in the examination room. Candidates not allowed admission to the morning session of ~~an a pencil-and-paper~~ examination will not be admitted to the afternoon session.  
Once approved to sit for an NCEES examination, candidates will be required to obtain a unique identification number from NCEES. Only candidates with an NCEES-supplied identification number will be allowed admission into the examination site ~~(effective with the fall 2010 exam administration).~~
- D. Candidates who have passed an examination may not retake that same examination unless required by a member board.

E. A candidate may take the examination only one time per testing window and no more than three times in a rolling 12-month period.

EF. The Committee on Examination Audit shall include, as part of its auditing responsibilities, a review of the examination administrative procedures manual for content and effectiveness.

**Rationale**

- Revised language in paragraph B to replace Candidate Agreement language with Testing Regulations. Changing it to Testing Regulations allows this section to cover both pencil-and-paper and CBT examinations.
- Removed language in paragraph C (effective with the fall 2010 exam) because this action has already occurred
- Added language to define how many times a candidate can take a CBT exam during a testing window and the maximum number of times a candidate can take an examination during a 12-month period

**The board of directors endorses Motion 10.**

11. Move that Examination Administration Policy 2 be amended as follows:

**EAP 2 Examination Schedules**

A. Pencil-and-paper examinations

A 10-year schedule of examination dates shall be published, and the schedule shall be updated annually by NCEES staff and affirmed by the Board of Directors. The examination dates should avoid conflicts with public and religious holidays.

Member boards will schedule and administer examinations on the published day for each examination. The PE and PS examinations will be administered on Friday. The FE and FS examinations will be administered on Saturday. For the 16-hour Structural Engineering examination, the Vertical Forces (gravity/other) and Incidental Lateral component will be administered only on Friday, and the Lateral Forces (wind/earthquake) component will be administered only on Saturday.

Any request for deviation from this policy by a member board must be submitted to the NCEES office within the prescribed lead-time in order to be considered for approval. A request for any deviation must conform to the applicable NCEES guidelines and must be approved by the NCEES Compliance and Security Manager. Each request will be reviewed on its own merits.

B. CBT examinations

NCEES will administer CBT examinations in the published timeframes as noted in the *Security and Administrative Procedures Manual*. The schedule shall be updated annually by NCEES staff and affirmed by the Board of Directors.

**Rationale**

- Revised paragraph A to denote that this section refers to pencil-and-paper examinations
- Created examination schedule policy for CBT in paragraph B

**The board of directors endorses Motion 11 and has placed it on the consent agenda.**

12. Move that Examination Administration Policy 3 be amended as follows:

**EAP 3 Release and Return of Examinations and Seating Charts for Pencil-and-Paper Examinations**

Examination booklets will not be released to member boards prior to the regularly scheduled date for shipping orders for a particular administration. All examination booklets must be returned to NCEES, using the NCEES designated shipper, within 10 business days of the examination administration.

Seating charts for each exam site shall be returned to NCEES in the same shipment with the examination answer sheets.

**Rationale**

- Revised title to clarify that this policy is for pencil-and-paper examinations only

**The board of directors endorses Motion 12 and has placed it on the consent agenda.**

13. Move that Examination Administration Policy 4 be amended as follows:

**EAP 4 Materials Permitted in Examination Room**

**A. ~~General Pencil-and-Paper Examinations~~**

1. Devices or materials that might compromise the security of the examination or examination process are not permitted.
2. Only models of calculators as specified or supplied by NCEES are permitted in the examination room.
3. Devices having a QWERTY keypad arrangement similar to a typewriter or keyboard are not permitted. Devices not permitted include but are not limited to palmtop, laptop, handheld, and desktop computers; calculators; databanks; data collectors; and organizers.
4. Communication devices such as pagers and cellular phones are not permitted.
5. Only NCEES-supplied marking and erasing instruments are permitted for use in the examination room.

**B. CBT Examinations**

1. Devices or materials that might compromise the security of the examination or examination process are not permitted.
2. Only models of calculators as specified or supplied by NCEES are permitted in the examination room.
3. Communication devices such as pagers and cellular phones are not permitted.
4. Only NCEES-supplied marking and erasing instruments are permitted for use in the examination room.

**~~B~~C. Open-Book Examinations**

1. The following reference materials and aids may be brought into the examination room by the examinee for his or her personal use only:
  - a. Handbooks and textbooks
  - b. Bound reference materials, provided that the material be and remain contained (bound) in a cover during the entire examination, bound referring to:
    - (1) Material bound permanently, i.e., stitched or glued
    - (2) Material fastened securely in its cover by fasteners that penetrate all papers, e.g., ring binders, spiral binders, plastic snap binders, brads, screw posts. Loose material inside binder pockets does not qualify as bound.
2. The examinees are not permitted to exchange any reference materials.
3. Writing tablets, unbound tables, or unbound notes are not permitted in the examination room.
4. Examinees may tab reference books prior to the examination with Post-it™ type notes and flags, but pads of Post-it type notes and flags are not permitted in the examination room.

**~~C~~D. Closed-Book Examinations**

Only NCEES-supplied reference materials are permitted for use in the examination room.

**Rationale**

- Revised paragraph A to clarify that section is for pencil-and-paper examinations
- Added a new paragraph B for CBT examinations

**The board of directors endorses Motion 13 and has placed it on the consent agenda.**

14. Move that Examination Administration Policy 5 be amended as follows:

**EAP 5 NCEES Examinations Offered by a Member Board Within Its Jurisdiction**

- A. A member board may offer NCEES examinations only in its jurisdiction. The member board must make suitable arrangements to protect the confidentiality and security of the examinations according to NCEES guidelines. Administration of examinations must conform to the NCEES ~~schedules of dates~~ scheduled timeframes for examinations. Individual applicants should apply to the sponsoring jurisdiction in accordance with that jurisdiction's operating policies and procedures. This policy does not preclude an examinee from sitting for a CBT examination in a different jurisdiction.
- B. NCEES may provide directly to a university or college FE or FS examination data that will help measure outcomes of the total engineering or surveying education.

- C. Member boards are encouraged to sponsor or otherwise facilitate use of the FE and FS examinations for outcomes assessment, but such use should not subordinate or endanger the function, concept, or security of the FE or FS examination's primary purpose as the first examination for professional licensure, in keeping with the underlying mission of protection of public health, safety, and welfare.
- D. This policy does not preclude a member board from offering the examinations to U.S. military personnel stationed at military bases outside the United States.

**Rationale**

- Revised policy so that an applicant can take a CBT examination at any Pearson VUE test center

**The board of directors endorses Motion 14.**

15. Move that Examination Administration Policy 6 be amended as follows:

**EAP 6 Access to and Review of Examinations**

~~There shall be no post-administration access to, or review of, examination questions except in those jurisdictions where required by law or member board rule. The member board must request a review of the examination on behalf of the failing examinee within 30 calendar days after results have been sent out by the member board and/or request hand scores within 60 days. Such review as required by law or member board rule shall be conducted in accordance with established NCEES procedures. An administrative fee established by the NCEES Board of Directors will be assessed.~~

Member boards may request that an examinee's results from a pencil-and-paper examination be verified by NCEES by hand scoring manual verification, for a fee established by the Board of Directors. NCEES will not accept requests for hand scoring manual verification from individual examinees. No specific examinee comments will be addressed.

**Rationale**

- Revised to state that policy does not allow post-administration access to, or review of, any examination questions
- Removed the exemption for states that have laws allowing access to exam questions
- Replaced the term "hand scoring" with "manual verification"
- Added language to indicate that manual verification is for pencil-and-paper examinations

**The board of directors endorses Motion 15.**

16. Move that Examination Administration Policy 8 be amended as follows:

**EAP 8 Release and Use of Examination Results**

- A. Since the examination results are the property of the member boards of NCEES, examinee results shall be released only to the respective member boards or their designee.
- B. NCEES shall strive to ensure that the validity and integrity of the examinations are preserved and examinees are treated fairly. NCEES reserves the right to treat exam scores as final and not subject to change after one year has passed from the date of release from NCEES to the member boards. If there is a post-roster change within a year of the date NCEES releases the examination results roster to the member boards, then NCEES will notify the member board only if the post-roster change alters a candidate's status from "fail" to "pass."  
NCEES reserves the right to notify the member boards at any time if it learns that a candidate engaged in any improper conduct relating to the exam on which the score was obtained or took any action that jeopardized the security of any other NCEES exam or exam administration.
- C. Examination results for any examinee suspected of an exam irregularity will be provided in perpetuity to the affected member board in a report segregated from all other examinee score reports. This special report will identify the examinee and provide the examinee score information. After the release of the special score report, NCEES will provide the member board with the results of any analysis conducted or other information pertaining to the suspected irregularity. The member board will conduct a review and notify NCEES of its findings and any action taken. An examination irregularity is one that potentially

compromises the exam integrity or provides individual candidates with benefits not afforded to other candidates.

- D. Examination results for any examinee who fails to comply with the conditions stated in the ~~Candidate Agreement~~ Testing Regulations are subject to invalidation by NCEES in accordance with the list below. Exam irregularities that may be grounds for exam invalidation by the member boards are included in the second list below. The identity of any examinee whose results are invalidated and the reason for invalidation will be provided to the affected member board. Examinees identified by post-exam collusion analysis are subject to EAP 8.C above.

The following are the items in the ~~Candidate Agreement~~ Testing Regulations that are grounds for a candidate to be dismissed from the exam room and for a candidate's exam results to be invalidated by NCEES:

- Having a cell phone in ~~your~~ his or her possession
- Having a device with copying, recording, or communication capabilities in ~~your~~ his or her possession. These include but are not limited to cameras, pagers, PDAs, radios, headsets, tape players, calculator watches, electronic dictionaries, electronic translators, transmitting devices, and digital media players such as iPods.
- Having a calculator that is not on the NCEES-approved list
- Removing pages from ~~your~~ his or her exam booklet on pencil-and-paper examinations
- Leaving the exam area without authorization

The following are the items in the ~~Candidate Agreement~~ Testing Regulations that are grounds for a candidate's exam results to be invalidated by a member board:

- Having loose papers, legal pads, writing tablets, or unbound notes in ~~your~~ his or her possession
- Using a non-NCEES writing instrument or eraser to complete any portion of the exam
- Beginning the exam before the proctor instructs ~~you~~ him or her to do so
- Failing to stop writing immediately when time is called on pencil-and-paper examinations
- Writing on anything other than ~~your~~ the exam booklet or answer sheet; writing in the *FE Supplied-Reference Handbook* on pencil-and-paper examinations
- Violating any other terms stated in ~~this agreement~~ these regulations that are cause for dismissal or exam invalidation

It is noted that the following item in the ~~Candidate Agreement~~ Testing Regulations fall under collusion and is already grounds for invalidation by the member boards:

- Copying from another examinee's answer sheet or colluding with other examinees

- E. All communications relating to an examinee's results should be between the examinee and the board to which the examinee has made application to be licensed.
- F. When examinations are offered outside the boundaries of NCEES jurisdictions and are not to be used for licensing, the results may be returned to the sponsoring organization.
- G. The Structural Engineering examination shall be considered and referred to as one 16-hour examination. For the Structural Engineering examination, a candidate may sit for either component in separate exam administrations but must receive acceptable results on both components within a five-year period in order to pass the examination. Receiving an acceptable result on only one 8-hour component shall not be sufficient for any licensure purposes.

#### **Rationale**

- To be consistent with other policies, changed "Candidate Agreement" to "Testing Regulations"
- Added "pencil-and-paper examinations" when the policy is strictly for non-CBT examinations
- Changed "Structural examination" to "Structural Engineering examination" to be consistent with other policies

**The board of directors endorses Motion 16 and has placed it on the consent agenda.**

17. Move that Examination Administration Policy 10, be amended as follows:

#### **EAP 10 NCEES Examinations Offered to a Foreign Entity**

NCEES may contract to provide NCEES examinations to a foreign entity (outside the geographic jurisdiction of a member board), subject to the approval of the Council. The executive director may be authorized by the

NCEES Board of Directors to enter into discussions with a foreign entity concerning the administration of NCEES examinations at a foreign site. The discussions will include an assurance that NCEES examinations will be administered in full compliance with all NCEES examination policies and procedures. NCEES examinations shall not be administered at a foreign site ~~prior to the examinations being administered in member boards' jurisdictions~~ outside the prescribed time period. Based upon a determination that these conditions will be met, a draft agreement that defines areas of responsibility for the foreign entity and NCEES may be created. The agreement will require, at a minimum, that all costs borne by NCEES to carry out the provisions of the agreement will be reimbursed.

For any agreement approved by the Council, NCEES will establish minimum criteria for candidates of the foreign entity that are in general conformance with the existing NCEES *Model Law* and *Model Rules*. NCEES will retain the score information for examinees of foreign entities and will transmit that information to any member board when requested.

The examinations may be used to assist examinees interested in applying for licensure as a professional engineer or surveyor with an NCEES member board as well as an outcomes assessment tool to assist in measuring the outcomes of a foreign-based education system.

However, in the event that the examinee elects to use the results of the examination for the purpose of applying for licensure, the member board may not be precluded from imposing any additional requirements related to state licensure, including but not limited to educational and experience requirements.

**Rationale**

- Revised language related to when examinations can be administered at foreign sites for both pencil-and-paper and CBT examinations

**The board of directors endorses Motion 17 and has placed it on the consent agenda.**

18. Move that Examination Administration Policy 12 be amended as follows:

**EAP 12 Exam Administration Audits**

Member boards or their authorized representatives are required to participate in exam administration audits as established by the NCEES Board of Directors' exam administration audit plan in order to ensure consistency in exam administration and security.

Member boards or their authorized representatives will follow the procedures established in the Auditing Compliance with Exam Procedures section of the NCEES *Security and Administrative Procedures Manual*. These will include member board self-audits, onsite follow-up audits, and the use of current NCEES Compliance and Security Audit forms.

CBT examination forensics, including a secret shopper-type program, may be performed in accordance with the vendor-NCEES contract. Secret shopper exposure to NCEES examination content is restricted to an NCEES staff member or a licensed engineer or surveyor who has already passed the appropriate NCEES exam.

**Rationale**

- Added procedure for auditing CBT examinations and defined who can take part in the program

**The board of directors endorses Motion 18 and has placed it on the consent agenda.**

**COMMITTEE ON UNIFORM PROCEDURES AND LEGISLATIVE GUIDELINES (10 motions)**

1. Move that *Model Law* 150.10 and 160.70 be amended as follows:

***Model Law* 150.10 Grounds for Disciplinary Action—Licensees and Interns**

- A. The board shall have the power to suspend, revoke, place on probation, fine, recover costs, and/or reprimand, or to refuse to issue, restore, or renew a license or intern certification to any licensee or intern that is found guilty of:
  1. Any fraud or deceit in obtaining or attempting to obtain or renew a certificate of licensure
  2. Any negligence, incompetence, or misconduct in the practice of engineering or surveying

3. Conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony, whether or not related to the practice of engineering or surveying; and conviction of or entry of a plea of guilty or nolo contendere to any crime, whether a felony, misdemeanor, or otherwise, an essential element of which is dishonesty or which is directly related to the practice of engineering or surveying
4. Failure to comply with any of the provisions of this Act or any of the rules or regulations of the board
5. Discipline (including voluntary surrender of a professional engineer's or professional surveyor's license in order to avoid disciplinary action) by another jurisdiction, foreign country, or the United States government, if at least one of the grounds for discipline is the same or substantially equivalent to those contained in this Act
6. Failure to provide information requested by the board as a result of a formal or informal complaint to the board which alleges a violation of this Act
7. Knowingly making false statements or signing false statements, certifications, or affidavits in connection with the practice of engineering or surveying
8. Aiding or assisting another person in violating any provision of this Act or the rules or regulations of the board
9. Violating any terms of ~~probation~~ any Order imposed by the board or using a seal or practicing engineering or surveying while the licensee's license is inactive or restricted
10. Signing, affixing, or permitting the licensee's seal or signature to be affixed to any specifications, reports, drawings, plans, plats, design information, construction documents or calculations, surveys, or revisions thereof which have not been prepared by the licensee or under the licensee's responsible charge
11. Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public
12. Providing false testimony or information to the board
13. Habitual intoxication or addiction to the use of drugs or alcohol
14. Providing engineering or surveying services outside any of the licensee's areas of competence

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

- A. The board shall have the power to suspend, revoke, place on probation, fine, recover costs, and/or reprimand, or to refuse to issue, restore, or renew a certificate of authorization to any firm holding a certificate of authorization that is found guilty of:
1. Any fraud or deceit in obtaining or attempting to obtain or renew a certificate of authorization
  2. Any negligence, incompetence, or misconduct in the practice of engineering or surveying
  3. Conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony, whether or not related to the practice of engineering or surveying; and conviction of or entry of a plea of guilty or nolo contendere to any crime, whether a felony, misdemeanor, or otherwise, an essential element of which is dishonesty or which is directly related to the practice of engineering or surveying
  4. Failure to comply with any of the provisions of this Act or any of the rules or regulations of the board
  5. Discipline (including voluntary surrender of a professional engineer's or professional surveyor's license in order to avoid disciplinary action) by another jurisdiction, foreign country, or the United States government, if at least one of the grounds for discipline is the same or substantially equivalent to those contained in this Act
  6. Failure to provide information requested by the board as a result of a formal or informal complaint to the board which alleges a violation of this Act
  7. Knowingly making false statements or signing false statements, certifications, or affidavits in connection with the practice of engineering or surveying
  8. Aiding or assisting another person in violating any provision of this Act or the rules or regulations of the board
  9. Violating any terms of ~~probation~~ any Order imposed by the board or using a seal or practicing engineering or surveying while the firm's certificate of authorization is inactive or restricted
  10. Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public
  11. Providing false testimony or information to the board

**The board of directors endorses Motion 1 and has placed it on the consent agenda.**

2. Move that *Model Rules 230.40* be amended as follows:

***Model Rules 230.40 Examinations***

**J. Pencil-and-Paper Examination Offerings**

1. An applicant failing 3 or more attempts of the same NCEES examination, regardless of the jurisdiction in which the examination is administered, must submit an application to be readmitted to future administrations of the same NCEES examination. If readmitted by the board, an applicant must wait at least 11 months until the next yearly interval the failed NCEES examination is offered before retaking the examination. At the end of the waiting period and continuing thereafter, an applicant may take the examination only once every calendar year. (*Section 130.30 C, Examinations, NCEES Model Law*)
2. An applicant for the PE or PS examinations will be notified by the board at least 60 days before the examination date of approval to take the examination. The applicant must notify the board whether he or she plans to sit for the examination at least 45 days before the examination date.
3. An applicant for the FE or FS examinations must submit an application at least 45 days before the examination date in order to sit for the examination.

**K. Computer-Based Examination Offerings**

1. An applicant must submit an application to sit for the FE or FS examination.
2. An applicant failing the FE or FS examination may be allowed to retake the examination in accordance with NCEES policy.

**~~K~~L. Examination Results**

Examination results will be released in accordance with established NCEES policy.

**~~L~~M. Review of Examinations**

There shall be no post-administration access to, or review of, examination questions except in those jurisdictions where required by law. Such review as required by law shall be conducted in accordance with established procedures of NCEES. An administrative fee established by the NCEES Board of Directors will be assessed.

**~~M~~N. Examination for Record Purposes**

1. Any professional engineer licensed by this board may take for record purposes the FE examination and/or a PE examination in a chosen discipline offered by NCEES upon payment of ..... (fee set by board regulation).
2. Failure to pass either or both examinations will in no way affect current licensure.

**The board of directors endorses Motion 2 and has placed it on the consent agenda.**

3. Move that *Model Law 130.10, Model Law 130.30, Model Rules 210.20, Model Rules 230.40, Model Rules 230.60, and Model Rules 240.40* be amended as follows:

***Model Law 130.10 General Requirements for Licensure***

Education, experience, and examinations (as described in *Model Rules*) are required for licensure as a professional engineer or professional surveyor.

- A. As an Engineer Intern—The following shall be considered as minimum evidence that the applicant is qualified for certification as an engineer intern. A college senior or graduate of an engineering program of 4 years or more accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), or the equivalent, or an engineering master's program accredited by EAC/ABET shall be admitted to ~~an examination in the fundamentals of engineering~~ the NCEES Fundamentals of Engineering (FE) examination. Upon passing such examination and providing proof of graduation, the applicant shall be certified or enrolled as an engineer intern, if otherwise qualified.
- B. As a Surveyor Intern—The following shall be considered as minimum evidence that the applicant is qualified for certification as a surveyor intern.
  1. A college senior or graduate of a surveying program of 4 years or more accredited by EAC/ABET, the Technology Accreditation Commission of ABET (TAC/ABET), the Applied Science Accreditation Commission of ABET (ASAC/ABET), or the equivalent, shall be admitted to ~~an examination in the fundamentals of surveying~~ the NCEES Fundamentals of Surveying (FS) examination. Upon passing such examination and providing proof of graduation, the applicant shall be certified or enrolled as a surveyor intern, if otherwise qualified;
  2. A graduate of a program related to surveying of 4 years or more as approved by the board and with a specific record of 2 years of progressive experience in surveying shall be admitted to ~~an examination~~

- ~~in the fundamentals of surveying the FS examination.~~ Upon passing such examination and providing proof of graduation, the applicant shall be certified or enrolled as a surveyor intern, if otherwise qualified; or
3. A graduate of a program of 4 years or more as approved by the board and with a specific record of 4 years of progressive experience in surveying shall be admitted to ~~an examination in the fundamentals of surveying the FS examination.~~ Upon passing such examination and providing proof of graduation, the applicant shall be certified or enrolled as a surveyor intern, if otherwise qualified.
- C. Professional Engineer or Professional Surveyor—To be eligible for admission to the examination for professional engineers or professional surveyors, an applicant must be of good character and reputation and shall submit five references acceptable to the board with his or her application for licensure, three of which references shall be professional engineers or professional surveyors having personal knowledge of the applicant’s engineering or surveying experience.
1. As a Professional Engineer—The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional engineer.
    - a. Licensure by Comity
      - (1) An individual holding a certificate of licensure to engage in the practice of engineering issued by a proper authority of any jurisdiction or any foreign country, based on requirements that do not conflict with the provisions of this Act and possessing credentials that are, in the judgment of the board, of a standard not lower than that specified in the applicable licensure act in effect in this jurisdiction at the time such certificate was issued may, upon application, which may include a Council Record with NCEES, be licensed without further examination except as required to examine the applicant’s knowledge of statutes, rules, and other requirements unique to this jurisdiction; or
      - (2) An individual holding an active Council Record with NCEES, whose qualifications as evidenced by the Council Record meet the requirements of this Act, may, upon application, be licensed without further examination except as required to examine the applicant’s knowledge of statutes, rules, and other requirements unique to this jurisdiction.
    - b. Licensure by Examination (Effective until January 1, 2020)—The following individuals shall be admitted to ~~an examination in the principles and practice of engineering the NCEES Principles and Practice of Engineering (PE) examination~~ and, upon passing such examination and providing proof of graduation, shall be licensed as a professional engineer, if otherwise qualified:
      - (1) An engineer intern with a bachelor’s degree in engineering and with a specific record of 4 years or more of progressive engineering experience of a grade and a character which indicate to the board that the applicant may be competent to practice engineering
      - (2) An engineer intern who satisfies one of the following education and experience requirements:
        - (a) Following a bachelor’s degree in engineering from an institution that offers EAC/ABET-accredited programs, earns a master’s degree in engineering and establishes a specific record of 3 years or more of progressive engineering experience of a grade and a character which indicate to the board that the applicant may be competent to practice engineering
        - (b) Following a master’s degree in engineering from an EAC/M-ABET-accredited program, establishes a specific record of 3 years or more of progressive engineering experience of a grade and a character which indicate to the board that the applicant may be competent to practice engineering
      - (3) An engineer intern with an earned doctoral degree in engineering acceptable to the board and with a specific record of 2 years or more of progressive engineering experience of a grade and a character which indicate to the board that the applicant may be competent to practice engineering
      - (4) An individual with an earned doctoral degree in engineering acceptable to the board and with a specific record of 4 years or more of progressive engineering experience of a grade and a character which indicate to the board that the applicant may be competent to practice engineering
    - c. Licensure by Examination (Effective January 1, 2020)—The following individuals shall be admitted to ~~an examination in the principles and practice of engineering the PE examination~~ and, upon passing such examination and providing proof of graduation, shall be licensed as a professional engineer, if otherwise qualified:

- (1) An engineer intern who satisfies one of the following education and experience requirements:
    - (a) Following the bachelor's degree, an acceptable amount of coursework resulting in a master's degree in engineering from an institution that offers EAC/ABET-accredited programs, or the equivalent, and with a specific record of 3 years or more of progressive engineering experience of a grade and a character which indicate to the board that the applicant may be competent to practice engineering
    - (b) Following a master's degree in engineering from an EAC/M-ABET-accredited program, a specific record of 3 years or more of progressive engineering experience of a grade and a character which indicate to the board that the applicant may be competent to practice engineering
    - (c) Following the bachelor's degree, an acceptable amount of coursework as defined in NCEES *Model Rules* Section 230.10 D from approved course providers and a specific record of 4 years or more of progressive engineering experience of a grade and a character which indicate to the board that the applicant may be competent to practice engineering
    - (d) Following a bachelor's degree from an EAC/ABET-accredited program that has a minimum of 150 semester credit hours, of which at least 115 are in math, science, and engineering combined and at least 75 of the 115 are in engineering, a specific record of 4 years or more of progressive engineering experience of a grade and a character which indicate to the board that the applicant may be competent to practice engineering
  - (2) An engineer intern with an earned doctoral degree in engineering acceptable to the board and with a specific record of 2 years or more of progressive engineering experience of a grade and a character which indicate to the board that the applicant may be competent to practice engineering
  - (3) An individual with an earned doctoral degree in engineering acceptable to the board and with a specific record of 4 years or more of progressive engineering experience of a grade and a character which indicate to the board that the applicant may be competent to practice engineering
2. As a Professional Surveyor—The evaluation of a professional surveyor applicant's qualifications involves consideration of education, technical, and surveying experience, exhibits of surveying projects with which the applicant has been associated, recommendations by references, and a review of these categories during an examination. The applicant's qualifications may be reviewed at an interview if the board deems it necessary. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional surveyor.
- a. Licensure by Comity
    - (1) An individual holding a certificate of licensure to engage in the practice of surveying issued by a proper authority of any jurisdiction or any foreign country, based on requirements that do not conflict with the provisions of this Act and possessing the credentials that are, in the judgment of the board, of a standard not lower than that specified in the applicable licensure act in effect in this jurisdiction at the time such certificate was issued may, upon application, which may include a Council Record with NCEES, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction; or
    - (2) An individual holding an active Council Record with NCEES, whose qualifications as evidenced by the Council Record meet the requirements of this Act, may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction.
  - b. Licensure by Examination—A surveyor intern with a specific record of 4 years or more of combined office and field experience satisfactory to the board in surveying, of which a minimum of 3 years' progressive experience has been on surveying projects under the supervision of a professional surveyor, shall be admitted to ~~an NCEES-prepared examination in the principles and practice of surveying~~ the NCEES Principles and Practice of Surveying examination and any required state-specific examination(s). Upon passing all examination(s), the applicant shall be licensed as a professional surveyor, if otherwise qualified.

**Model Law 130.30 Examinations**

- A. The examinations will be held at such times and places as the board directs. The board shall determine the acceptable passing grade on examinations. The board may require a take-home, pre-application

questionnaire based on this jurisdiction's rules and regulations as they apply to professionalism and ethics.

- B. Examinations will be given in two sections and may be taken only after the applicant has met the other minimum requirements as given in Sections 130.10 and 130.20 of this Act and has been approved by the board for admission to the examinations as follows:
1. NCEES Fundamentals of Engineering (FE) examination—The examination consists of subject matters in the fundamentals of engineering. Passing this examination qualifies the examinee for an engineer intern certification, provided the examinee has met all other requirements for certification required by this Act.
  2. NCEES Principles and Practice of Engineering (PE) examination—The examination consists of subject matters in applied engineering. Passing this examination qualifies the examinee for licensure as a professional engineer, provided the examinee has met the other requirements for licensure required by this Act.
  3. NCEES Fundamentals of Surveying (FS) examination—The examination consists of subject matters in the fundamentals of surveying. Passing this examination qualifies the examinee for a surveyor intern certification, provided the examinee has met all other requirements for certification required by this Act.
  4. NCEES Principles and Practice of Surveying (PS) examination—The examination consists of subject matters in applied surveying, divided in separate parts as determined by the board. Passing these parts qualifies the examinee for licensure as a professional surveyor, provided the examinee has met the other requirements for licensure required by this Act.
  5. NCEES Structural Engineering (SE) examination—The ~~Structural~~ examination shall be considered and referred to as one 16-hour examination. The ~~Structural~~ examination ~~shall~~ consists of two 8-hour components: the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component. A candidate must receive acceptable results on both 8-hour components to pass the ~~Structural~~ SE examination. A candidate may sit for each component in separate exam administrations but must receive acceptable results on both components within a five-year period.  
Receiving acceptable results on only one 8-hour component shall not be sufficient for licensure purposes.
- C. A candidate failing one examination may apply for re-examination, which may be granted upon payment of a fee established by regulation of the board. Before readmission to the examination, in the event of a second failure, the examinee may, at the discretion of the board, be required to appear before the board with evidence of having acquired the additional knowledge needed to pass the examination.
- D. The board may prepare and require additional examinations in engineering and surveying. Specifications for such additional examinations may be published and be made available to any individual interested in being licensed as a professional engineer or as a professional surveyor.

#### **Model Rules 210.20 Definitions**

- B. The following definitions are included in the *Model Rules* only:
4. Model Law Structural Engineer—The term “Model Law Structural Engineer” refers to an individual who has obtained licensure in at least one jurisdiction as the result of satisfying the following conditions:
    - a. Is a graduate who has earned one of the following:
      - (1) A bachelor's degree in engineering from a program accredited by EAC/ABET
      - (2) A master's degree in engineering from a program accredited by EAC/M-ABET
    - b. Passes a minimum of 18 semester (27 quarter) hours of structural analysis and design courses. At least 9 of the semester (14 quarter) hours must be structural design courses.
    - c. Passes the NCEES FE examination
    - d. Passes one of the following:
      - (1) 16 hours of NCEES structural examinations, 8 hours of which were from the SE II taken prior to January 1, 2011
      - (2) 16-hour state-written structural examinations taken prior to 2004
      - (3) NCEES SE II plus 8-hour state-written structural examinations taken prior to January 1, 2011
      - (4) NCEES 16-hour Structural Engineering (SE) examination taken after January 1, 2011
    - e. Meets one of the following experience requirements:
      - (1) Completes 4 years of acceptable structural engineering experience after confirmation of a bachelor of science degree in an engineering program accredited by EAC/ABET

- (2) Completes 3 years of acceptable structural engineering experience as an engineer intern after confirmation of a bachelor of science degree in engineering from an EAC/ABET-accredited engineering program and holds a master's degree in engineering that includes at least 6 semester (9 quarter) hours of structural engineering (in addition to the 18 hours noted above)
  - (3) Completes 3 years of acceptable structural engineering experience as an engineer intern after confirmation of a master's degree in engineering from an EAC/M-ABET-accredited engineering program that includes at least 6 semester (9 quarter) hours of structural engineering (in addition to the 18 hours noted above)
  - (4) Completes 2 years of acceptable structural engineering experience as an engineer intern and has an earned doctoral degree in engineering focused on structural engineering from an institution that offers EAC/ABET-accredited programs
- f. Has a record clear of disciplinary action  
To maintain Model Law Structural Engineer status, the individual must maintain a record clear of disciplinary action pursuant to NCEES *Model Law*, Section 150.10.
5. Model Law Structural Engineer 2020 (effective January 1, 2020)—The term “Model Law Structural Engineer 2020” refers to an individual who has obtained licensure in at least one jurisdiction as the result of satisfying the following conditions:
- a. Is a graduate who has earned one of the following:
    - (1) A bachelor's degree in engineering from a program accredited by EAC/ABET and has completed a master's or earned doctoral degree in engineering from an institution that offers EAC/ABET-accredited programs, or the equivalent
    - (2) A bachelor's degree in engineering from a program accredited by EAC/ABET and has completed additional coursework as defined in Section 230.10 D
    - (3) A master's degree in engineering from a program accredited by EAC/M-ABET
  - b. Passes a minimum of 18 semester (27 quarter) hours of structural analysis and design courses. At least 9 of the semester (14 quarter) hours must be structural design courses.
  - c. Passes the NCEES FE examination
  - d. Passes one of the following:
    - (1) 16 hours of NCEES structural examinations, 8 hours of which were from the SE II taken prior to January 1, 2011
    - (2) 16-hour state-written structural examinations taken prior to 2004
    - (3) NCEES SE II plus 8-hour state-written structural examinations taken prior to January 1, 2011
    - (4) NCEES 16-hour ~~Structural-SE~~ examination taken after January 1, 2011
  - e. Meets one of the following experience requirements:
    - (1) Completes 4 years of acceptable structural engineering experience after confirmation of a bachelor of science degree in an engineering program accredited by EAC/ABET
    - (2) Completes 3 years of acceptable structural engineering experience as an engineer intern after confirmation of a bachelor of science degree in engineering from an EAC/ABET-accredited engineering program and holds a master's degree in engineering that includes at least 6 semester (9 quarter) hours of structural engineering (in addition to the 18 hours noted above)
    - (3) Completes 3 years of acceptable structural engineering experience as an engineer intern after confirmation of a master's degree in engineering from an EAC/M-ABET-accredited engineering program that includes at least 6 semester (9 quarter) hours of structural engineering (in addition to the 18 hours noted above)
    - (4) Completes 2 years of acceptable structural engineering experience as an engineer intern and has an earned doctoral degree in engineering focused on structural engineering from an institution that offers EAC/ABET-accredited programs
  - f. Has a record clear of disciplinary action  
To maintain Model Law Structural Engineer 2020 status, the individual must maintain a record clear of disciplinary action pursuant to NCEES *Model Law*, Section 150.10.

### **Model Rules 230.40 Examinations**

#### **A. Classification of Engineering Examinations**

This jurisdiction will provide the following examinations, prepared and furnished by NCEES, meeting the requirements of this jurisdiction for licensure as a professional engineer:

1. Examination in the ~~fundamentals of engineering, known as the~~ NCEES Fundamentals of Engineering (FE) examination, and
  2. Examination in the ~~principles and practice of engineering, known as the~~ NCEES Principles and Practice of Engineering (PE) examination in the appropriate engineering discipline (*In part from Section 130.30, Examinations, NCEES Model Law*)
  3. The Structural Engineering (SE) examination shall be considered and referred to as one 16-hour examination. The ~~Structural (SE)~~ examination shall consist of two 8-hour components: the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component. A candidate must receive acceptable results on both 8-hour components to pass the ~~Structural (SE)~~ examination. A candidate may sit for each component in separate exam administrations but must receive acceptable results on both components within a 5-year period. Receiving acceptable results on only one 8-hour component shall not be sufficient for licensure purposes.
- B. Eligibility of Applicant for an Engineering Examination
1. Applicants for licensure as a professional engineer will be permitted to sit for the PE examination upon satisfactorily fulfilling all application requirements of this jurisdiction.
  2. No applicant may sit for the FE examination or the PE examination until the board has established that the applicant is eligible for the examinations.
  3. An applicant for certification as an engineer intern becomes eligible to sit for the FE examination during the senior year of enrollment in an engineering program leading to a bachelor's degree in engineering and approved by the board. The enrollment of the applicant must be verified by the school being attended by the applicant.
  4. Effective January 1, 2020, a graduate of an EAC/ABET-accredited bachelor's program may request that credits earned in excess of the institution's requirements for the applicable degree be applied to satisfy the requirements for an additional 30 credits of acceptable upper-level undergraduate and/or graduate-level coursework.
  5. Engineering doctorate degree applicants with an undergraduate degree from an EAC/ABET-accredited program and a doctorate degree in engineering from an institution that offers EAC/ABET-accredited undergraduate programs in the doctorate degree field of engineering and with experience that meets the qualifications defined by the board may sit for the PE examination without having taken or passed the FE examination.
- C. Classification of Surveying Examinations
- This jurisdiction will provide the following examinations, prepared and furnished by NCEES, meeting the requirements of this jurisdiction for licensure as a professional surveyor:
1. Examination in the ~~fundamentals of surveying, known as the~~ NCEES Fundamentals of Surveying (FS) examination, and
  2. Examination in the ~~principles and practice of surveying, known as the~~ NCEES Principles and Practice of Surveying (PS) examination
- Jurisdictions have the right to administer separate modules on jurisdiction laws and procedures for the practice of surveying. (*In part from Section 130.30, Examinations, NCEES Model Law*)
- D. Eligibility of Applicant for a Surveying Examination
1. An applicant for licensure as a professional surveyor will not be permitted to sit for the PS examination until the FS examination has been passed.
  2. No applicant may sit for the FS examination or the PS examination until the board has established that the applicant is eligible for the examinations.
- E. Examination Dates and Locations
1. Examinations are offered on dates set by NCEES.
  2. Locations at which the examinations are given are designated by the board.
- F. Language of the Examination
- The language of the examination will be English.
- G. Study Information
1. The board will not distribute copies of questions used on prior examinations. NCEES does offer for sale copies of questions on prior examinations, and copies may be purchased directly from it.
  2. The board may publish and make available specifications for all examinations that are specific to the jurisdiction. (*Section 130.30 D, Examinations, NCEES Model Law*)
- H. Instructions for Examinees
- Instructions provided prior to each examination will declare an examination to be open- or closed-book. Instructions will communicate what materials are allowed in the examination room in accordance with established NCEES policy.

- I. Failure to Attend an Examination
  1. An applicant who fails to attend an examination for which he or she has been scheduled will forfeit the fee paid for the examination, except in the case of illness, death in the family, or other unavoidable causes for absence where the fee will be applied to the next examination administration.
  2. Failure of an applicant to attend an examination for which he or she has been scheduled to attend does not count as a failure of the examination.
- J. Examination Offerings
  1. An applicant failing 3 or more attempts of the same NCEES examination, regardless of the jurisdiction in which the examination is administered, must submit an application to be readmitted to future administrations of the same NCEES examination. If readmitted by the board, an applicant must wait at least 11 months until the next yearly interval the failed NCEES examination is offered before retaking the examination. At the end of the waiting period and continuing thereafter, an applicant may take the examination only once every calendar year. (*Section 130.30 C, Examinations, NCEES Model Law*)
  2. An applicant for the PE or PS examinations will be notified by the board at least 60 days before the examination date of approval to take the examination. The applicant must notify the board whether he or she plans to sit for the examination at least 45 days before the examination date.
  3. An applicant for the FE or FS examinations must submit an application at least 45 days before the examination date in order to sit for the examination.
- K. Examination Results
 

Examination results will be released in accordance with established NCEES policy.
- L. Review of Examinations
 

There shall be no post-administration access to, or review of, examination questions except in those jurisdictions where required by law. Such review as required by law shall be conducted in accordance with established procedures of NCEES. An administrative fee established by the NCEES Board of Directors will be assessed.
- M. Examination for Record Purposes
  1. Any professional engineer licensed by this board may take for record purposes the FE examination and/or a PE examination in a chosen discipline offered by NCEES upon payment of ..... (fee set by board regulation).
  2. Failure to pass either or both examinations will in no way affect current licensure.

**Model Rules 230.60 Applications**

- A. Types of Applications
 

Licensure as a professional engineer or professional surveyor or certification as an engineer intern or surveyor intern requires that an applicant present his or her qualifications on forms prescribed by this board.

  1. Applications for licensure as a professional engineer or professional surveyor are accepted from those who believe that they are qualified by education and experience, according to laws of this jurisdiction, to be licensed as a professional engineer or a professional surveyor.
  2. Applications for certification as an engineer intern or a surveyor intern are accepted from those who believe that they have the necessary qualifications for licensure according to the laws of this jurisdiction, as a professional engineer or a professional surveyor except for that of experience.
  3. Those who are college seniors in at least a 4-year program leading to a bachelor's degree in an engineering program may apply for certification as an engineer intern and to take the NCEES Fundamentals of Engineering (FE) examination during the senior year.
  4. Those who are college seniors in at least a 4-year program leading to a bachelor's degree in a surveying program may apply for certification as a surveyor intern and to take the NCEES Fundamentals of Surveying (FS) examination during the senior year.
  5. Applications for licensure properly executed and issued with verification by NCEES will be accepted in lieu of the same information that is required on the form prescribed and furnished by this board. (*In part from Section 130.20, Application and Fees, NCEES Model Law*)

**Model Rules 240.40 Expirations, Renewals, and Reinstatement to Active Practice**

- A. A renewal notice will be mailed annually or as required by this jurisdiction by the board during the month of ..... to the last known address of every individual licensed under the licensure act and to every firm holding a certificate of authorization showing the expiration date of their license or certificate and the amount of the fee for renewal.

- B. The annual (other) renewal fee is established by the board. (*Section 140.20, Expirations, Renewals, and Reinstatement to Active Practice, NCEES Model Law and Section 160.50, Expirations and Renewals, NCEES Model Law*)
- C. Renewal fees must be received by the board prior to the expiration date.
- D. Renewal fees received within 1 month or more after the renewal date will be assessed an additional fee established by the board.
- E. Renewal fees not paid within a period established by the board after the expiration date voids the license or certificate and will require a new application for licensure or certification in order to continue to practice engineering or surveying.
- F. A licensee or firm who supplies the board before the expiration date of his/her/its license/certificate with an affidavit that he/she/it is no longer practicing and will not practice engineering or surveying in this jurisdiction may retain his/her/its license/certificate for later use upon payment of delinquent fees.
- G. The responsibility for the timely renewal of a licensee's license rests solely with the individual licensee. The responsibility for the timely renewal of a firm's certificate rests solely with the firm's managing agent.
- H. The applicant for renewal or reinstatement may be required to demonstrate to the board that he or she has maintained the required minimum level of professional competence in a manner acceptable to the board.
- I. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of this intention, by paying appropriate fees, and by meeting all requirements of the board including the demonstration of continuing professional competency as a condition of reinstatement.
- J. In the event an inactive licensee does not maintain a current license in any jurisdiction for the 3 previous years prior to requesting reinstatement, that individual will be required to take the NCEES Principles and Practice of Engineering (PE) examination or the NCEES Principles and Practice of Surveying (PS) examination and jurisdiction-specific examinations prior to reinstatement.

**The board of directors endorses Motion 3 and has placed it on the consent agenda.**

- 4. Move that *Model Rules 240.30* be amended as follows:

***Model Rules 240.30 Continuing Professional Competency***

The continuing professional competency guidelines are set forth below for the purpose of providing consistency in those jurisdictions that adopt mandatory requirements and for those jurisdictions that wish to encourage voluntary usage. The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of professional engineers and/or professional surveyors.

**B. Definitions**

Terms used in this section are defined as follows:

- 1. Professional Development Hour (PDH)—~~A~~One contact hour (nominal) of instruction or presentation. The PDH is the common denominator for other units of credit.
- 2. Ethics/Business-Related Course or Activity—A qualifying course or activity with content areas related to (1) the awareness of ethical concerns and conflicts; (2) an enhanced familiarity with the codes of conduct; (3) an understanding of standards of practice or care; (4) project management and risk-assessment management; or (5) other similar topics aimed at maintaining, improving, or expanding the skills set and knowledge relevant to the licensee's field and methods of practice.
- 3. Continuing Education Unit (CEU)—Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class in an approved continuing education course.
- 4. College/Unit Semester/Quarter Hour—Credit for course in ABET-approved programs or other related college course approved in accordance with subsection E of this section.
- 5. Course/Activity—Any qualifying course or activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice. Regular duties are not considered qualified activities.
- 6. Dual Licensee—An individual who is licensed as both a professional engineer and a professional surveyor.

**The board of directors endorses Motion 4 and has placed it on the consent agenda.**

5. Move that *Model Law 170* be amended as follows:

**Model Law 170 MISCELLANEOUS**

**170.10 Public Works**

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

**170.20 Engineered Products and Systems**

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

**~~170.20~~ 170.30 Exemption Clause**

This Act shall not be construed to prevent the following:

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

**~~170.30~~ 170.40 Duties of Recorders**

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

**~~170.40~~ 170.50 Invalid Provisions**

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

**~~170.50~~ 170.60 Repeal of Conflicting Legislation**

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

**~~170.60~~ 170.70 Grandfathering of Photogrammetrists**

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

- A. The applicant submits certified proof of graduation from high school, high school equivalency, or a higher degree; or certified proof of a bachelor's degree in surveying or a related field of study approved by the board, which may be substituted for four of the above required years of experience; or certified proof of a master's degree in surveying or a related field of study approved by the board, which may be substituted for a maximum of five of the above required years of experience.
- B. The applicant submits proof of employment in responsible charge of photogrammetric surveying and/or mapping projects, practicing within any jurisdiction, including itemized reports detailing methods,

procedures, amount of the applicant's personal involvement, and the name, address, and telephone numbers of the client for five projects completed under the supervision of the applicant within the United States. A final map for each of the five projects shall also be submitted.

- C. The applicant submits five references as to the applicant's character and quality of work, five of which shall be from professional surveyors or professional engineers currently practicing within the scope of their license in an area of surveying.
- D. The applicant files an application with the board within 2 years, next after..... Thereafter, no photogrammetrist shall be licensed without meeting the requirements for licensure as a professional surveyor set forth by the board for all other applicants.

**~~170.70-170.80~~ Effective Date**

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

**The board of directors takes no position on Motion 5.**

- 6. Move that *Model Law* 110.20 be amended as follows:

***Model Law* 110.20 Definitions**

A. Engineer

- 5. Practice of Engineering—The term “Practice of Engineering,” as used in this Act, shall mean any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as the following:
  - a. ~~e~~Consultation, investigation, expert technical testimony, evaluation, planning, design, ~~and~~ design coordination, and/or commissioning of engineering works, products, and systems;
  - b. ~~p~~Planning the use of land, air, and/or water;
  - c. ~~t~~Teaching of advanced engineering subjects;
  - d. ~~p~~Performing engineering surveys and studies, ~~and~~
  - e. ~~t~~The review and/or management of construction for the purpose of monitoring and/or ensuring compliance with drawings and specifications;

~~a~~Any of which the items above that embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, communication systems, transportation systems, and industrial or consumer products, or equipment of a control systems, communications, mechanical, electrical, hydraulic, pneumatic, chemical, environmental, or thermal nature, insofar as they involve safeguarding life, health, or property, and including such other professional services as may be necessary to the planning, progress, and completion of any engineering services are considered the practice of engineering.

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

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

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

**The board of directors takes no position on Motion 6.**

7. Move that *Model Rules 250.30* be amended as follows:

**Model Rules 250.30 Disciplinary Action Procedures**

A. Complaints

Proceedings to take disciplinary action against licensees, interns, firms, unlicensed individuals, and firms that do not hold a certificate of authorization may be initiated by any person who may file a complaint alleging violations of the licensure act or these Rules.

- ~~1.—All complaints must shall be made in writing in a format prescribed by the board by the person or persons making them and shall be filed with the board.~~
- ~~2.— All complaints shall be made on forms prescribed by the board, which are available from the board. The information required includes the name and addresses of the complainant and the respondent, a concise statement of the complaint with facts supporting the allegation that a violation has occurred and a statement of the relief sought. The complainant shall sign the complaint. (In part from Section 150.20, Disciplinary Action Procedures—Licensees and Interns, NCEES Model Law and Section 160.80, Disciplinary Action Procedures—Firms Holding a Certificate of Authorization, NCEES Model Law)~~

**The board of directors endorses Motion 7 and has placed it on the consent agenda.**

8. Move that *Model Rules 250.30* be amended as follows:

**Model Rules 250.30 Disciplinary Action Procedures**

A. Complaints

~~Proceedings to take disciplinary action~~ Any person or entity, including the board itself, may file a complaint against licensees, interns, firms, unlicensed individuals, and firms that do not hold a certificate of authorization ~~may be initiated by any person who may file a complaint~~ alleging violations of the licensure act or these Rules.

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**The board of directors endorses Motion 8 and has placed it on the consent agenda.**

9. Move that *Model Law 150.10, 150.30, 160.70, and 160.90* be amended as follows:

**Model Law 150.10 Grounds for Disciplinary Action—Licensees and Interns**

- B. In addition to or in lieu of any other sanction provided in this section, any licensee or intern that violates a provision of this Act or any rule or regulation of the board may be assessed a fine in an amount determined by the board of not more than .... dollars (\$....) for each offense
1. Each day of continued violation may constitute a separate offense.
  2. In determining the amount of fine to be assessed pursuant to this section, the board may consider such factors as the following:
    - a. Whether the amount imposed will be a substantial economic deterrent to the violation
    - b. The circumstances leading to the violation
    - c. The severity of the violation and the risk of harm to the public
    - d. The economic benefits gained by the violator as a result of non-compliance
    - e. The interest of the public
    - f. Consistency of the fine with past fines for similar offenses, or justification for the fine amount

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

- A. In addition to any other provisions of law, the board shall have the power to fine and recover costs from any unlicensed individual who is found guilty of:
1. Engaging in the practice or offer to practice of engineering or surveying in this jurisdiction without being licensed in accordance with the provisions of this Act
  2. Using or employing the words “engineer,” “engineering,” “surveyor,” “surveying,” or any modification or derivative thereof in his or her name or form of business activity except as licensed in this Act
  3. Presenting or attempting to use the certificate of licensure or seal of a professional engineer or professional surveyor

4. Engaging in any fraud or deceit in obtaining or attempting to obtain a certificate of licensure or intern certification
  5. Impersonating any professional engineer or professional surveyor
  6. Using or attempting to use an expired, suspended, revoked, inactive, retired, or non-existent certificate of licensure
- B. A fine assessed under this section may not exceed .... dollars (\$....) for each offense.
- C. Each day of continued violation may constitute a separate offense.
- D. In determining the amount of fine to be assessed pursuant to this section, the board may consider such factors as the following:
1. Whether the amount imposed will be a substantial economic deterrent to the violation
  2. The circumstances leading to the violation
  3. The severity of the violation and the risk of harm to the public
  4. The economic benefits gained by the violator as a result of non-compliance
  5. The interest of the public
  6. Consistency of the fine with past fines for similar offenses, or justification for the fine amount

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

- B. In addition to or in lieu of any other sanction provided in this section, any firm holding a certificate of authorization that violates a provision of this Act or any rule or regulation of the board may be assessed a fine in an amount determined by the board of not more than .... dollars (\$....) for each offense
1. Each day of continued violation may constitute a separate offense.
  2. In determining the amount of fine to be assessed pursuant to this section, the board may consider such factors as the following:
    - a. Whether the amount imposed will be a substantial economic deterrent to the violation
    - b. The circumstances leading to the violation
    - c. The severity of the violation and the risk of harm to the public
    - d. The economic benefits gained by the violator as a result of non-compliance
    - e. The interest of the public
    - f. Consistency of the fine with past fines for similar offenses, or justification for the fine amount

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

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

**The board of directors endorses Motion 9 and has placed it on the consent agenda.**

10. Move that *Model Law 110.20* and *Model Rules 210.20* be amended as follows:

**Model Law 110.20 Definitions**

- A. Engineer  
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- B. Professional Surveyor (Professional Land Surveyor, Professional Surveyor and Mapper, Geomatics Professional, or equivalent term)  
\*\*\*\*\*
- C. Board—The term “Board,” as used in this Act, shall mean the jurisdiction board of licensure for professional engineers and professional surveyors, hereinafter provided by this Act.
- D. Jurisdiction—The term “Jurisdiction,” as used in this Act, shall mean a state, the District of Columbia, or any territory, commonwealth, or possession of the United States that issues licenses to practice and regulates the practice of engineering and/or surveying within its legal boundaries.
- E. Responsible Charge—The term “Responsible Charge,” as used in this Act, shall mean direct control and personal supervision of engineering or surveying work, as the case may be.
- F. Rules of Professional Conduct—The term “Rules of Professional Conduct,” as used in this Act, shall mean those rules of professional conduct, if any, promulgated by the board as authorized by this Act.
- G. Firm—The term “Firm,” as used in this Act, shall mean any form of business or entity other than an individual operating as a sole proprietorship under his or her own name.
- H. Managing Agent—The term “Managing Agent,” as used in this Act, shall mean an individual who is licensed under this Act and who has been designated pursuant to Section 160.20 of this Act by the firm.
- I. Rules—The term “Rules,” as used in this act, shall mean those rules and regulations adopted pursuant to Section 120.60 A, Board Powers, of this Act.
- J. Signature—The term “Signature,” as used in this Act, shall be in accordance with the Rules.
- K. Seal—The term “Seal,” as used in this Act, shall mean a symbol, image, or list of information in accordance with the Rules.
- L. Licensee—The term “Licensee,” as used in this Act, shall mean a professional engineer or a professional surveyor.
- M. Person—The term “Person,” as used in this Act, shall mean an individual or firm.
- N. Or the Equivalent—The term “or the equivalent” as used in this Act, shall mean an equivalent educational program/curriculum to an engineering program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) or a surveying program accredited by EAC/ABET, the Technology Accreditation Commission of ABET (TAC/ABET), or the Applied Science Accreditation Commission of ABET (ASAC/ABET).
- O. Authoritative—The term “authoritative” as used in this Act, shall mean being presented as trustworthy and competent when used to describe products, processes, applications, or data resulting from the practice of surveying.

**Model Rules 210.20 Definitions**

- A. The NCEES *Model Law*, Section 110.20, Definitions, provides definitions of the following terms:
  - 1. Engineer
    - a. Engineer
    - b. Professional engineer
    - c. Professional engineer, retired
    - d. Engineer intern
    - e. Practice of engineering
    - f. Inactive status
  - 2. Professional Surveyor
    - a. Professional surveyor
    - b. Professional surveyor, retired
    - c. Surveyor intern
    - d. Practice of surveying
    - e. Inactive status
  - 3. Other
    - a. Board
    - b. Jurisdiction
    - c. Responsible charge
    - d. Rules of Professional Conduct

- e. Firm
- f. Managing agent
- g. Rules
- h. Signature
- i. Seal
- j. Licensee
- k. Person
- l. Or the equivalent
- m. Authoritative

**The board of directors endorses Motion 10 and has placed it on the consent agenda.**