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ANSWERS TO INFRASTRUCTURE™

Memo

Date: **January 14, 2015**

To: **Professional Engineers and Land Surveyors Licensing Board**

From: **Paul Hirst**

RE: **Consideration of Record Drawing Rule**

During our last scheduled meeting, I was asked to present a proposal for a rule concerning Record Drawing certification by Engineers and/or Land Surveyors registered in the State.

In order to help us make a decision, I have assembled some information and recitations from existing rules, citations of rule proposal presented previously to the Board, and some suggestions for a rule we could establish.

- First, to understand the need for a Record Drawing rule I call your attention to the Utah Rules 156-22-601, 58-22-603, and 156-22-502. Key recitations of these Rules at presented below:

Utah Rule: 156-22-601. Seal Requirements (Design Services)

(1) In accordance with Section 58-22-601, *all final plans, specification, reports, maps, sketches, surveys, drawings, documents and plats prepared by the licensee or prepared under the supervision of the licensee, shall be sealed* in accordance with the following:

Statute **Utah ~~Rule~~: 58-22-603. Seal—Authorized use**

(1) A professional engineer or professional structural engineer *may only affix the licensee's seal to a plans, specification, and report when the plan, specification, and report:*

a. *Was personally prepared by the licensee;*

b. Was prepared by an employee, subordinate, associate, or drafter under the *supervision of a licensee, provided the licensee or principal affixing his seal assumes responsibility.*

c. Was prepared by a licensed professional engineer, professional structural engineer, or architect in this state or any other state provided:

   i. The licensee in this state affixing the seal performs a thorough review of all work for compliance with all applicable laws and rules and the standards of the profession;

d. Was *prepared in part by a licensed professional engineer,* professional structural engineer, or architect in this state or any other state provided:

   i. he licensee in this state clearly identifies that portion of the plan, specification, or report for which the licensee is responsible;

Utah Rule 156-22-502 Unprofessional Conduit

(6) *Failing to notify an employer, client, or other such authority as may be appropriate when the licensee's professional judgment is overruled under circumstances where the life, health, property, or welfare of the public is endangered.*

Key point to these citations are that this Board requires that any final product prepared by an Engineer or Land Survey shall be sealed for the sake of the "life, health, property, or welfare of the public...."

- Some months ago, the Board received from ACEC a proposed wording for "Record Drawings" or "As-Built Drawings that reads as follows:

ACEC proposal to Board (Post Construction)

(2) *Licensees shall approve and seal only those design documents and surveys that conform to accepted engineering and land surveying standards and safeguards the life, health, property, and welfare of the public. Licensees shall not seal documents drawings or surveys that contain information for which they have not had direct responsible change.* This included so-called "Record Drawings" or "As-Built Drawing" which are a *representation of construction activities as recorded by the contractor or his agents.*

ACEC wished to underscore that "life, health, property or welfare of the public" would be at risk if an engineer or land surveyor sealed drawings that he had no direct responsibility for.

- In September of last year, our Chairman Chris Barker presented 3 rule options for our consideration. They are presented as Option 1-3:

Option 1:
Affixing a signature or seal to record drawings, often referred to as "as-built" drawings, by the engineer of record unless the engineer of record was in responsible charge and provided direct supervision of the portions of construction for which the engineer of record is licensed.

Option 2:
Record drawings, often referred to as "as-built" drawings, should not be stamped and sealed by the engineer of record unless the engineer of record was in responsible charge and provided direct supervision of the construction for which the engineer of record is licensed. Stamping and sealing record drawings without having been in responsible charge of the construction is unprofessional conduct.

Option 3:
Engineers should not stamp and seal "record drawings", sometimes known as as-built drawings", over which they did not provide direct construction supervision and the accuracy of which is not known.

During the September meeting, considerations of the Options 1-3 were derailed by the NCEES PS 29 Certification of Record/As Built Drawings suggested rule.

The full text of this suggested rule is given in its entirety:

NCEES PS 29 Certification of Record / As Built Drawings

NCEES does not consider the representation of what was believed to be constructed to be engineering or surveying work and that to seal such work may be in violation of local and state statutes and rules.

However, an engineer or surveyor may be required to seal work not performed under the engineers or surveyor's direct supervision and control. In such cases, a caveat should be included on sealed record drawings, incorporating, as applicable, the following factors:

~~*A. The record drawing is a compiled representation of the construct project.*~~
B. The sources and basis of information used in the preparation of the record drawing should be listed.
~~*C. The record drawing is believed to be correct to the best of the professional's knowledge.*~~
D. The accuracy of the information cannot be guaranteed.

Factors A and C are lined out by me, given that I reject the premise of these two phases states we certify to nothing and support the status quo of today. No rule!

- Missouri rules give some very unequivocal and specific requirements to signing and sealing prohibitions. Note paragraph (6).

Missouri Rule

20 CSR 2030-3.060

> *(4) Plans, specifications, estimates, plats, reports, surveys, and other documents or Instruments shall be signed, sealed and dated unless clearly designated preliminary or incomplete. If the plan is not completed, the phrase, "Preliminary, not for construction, recording purposes or implementation" or similar language or phrase shall be placed in an obvious location so that it is readily found, easily read and not obscured by other markings. It shall be a disclaimer and notice to others that the plans are not complete.*
> *(6) The signing and sealing of plans, specification, estimates, reports and other documents or instruments not prepared by the licensee or under his / her immediate personal supervision is prohibited.*

20 CSR 2030-21.020

> *(1) The professional engineer who develops the design criteria and concept for a particular project and discipline, and who prepares or causes to be prepared under his / her immediate personal supervision the corresponding drawing, specification, reports, or other documents, shall be designated the engineer of record for the project and discipline. A professional engineer who provides services for a specific portions of the project within a particular discipline, but does not have a direct organizational contractual relationship with the corresponding engineer of record shall be designated the specialty engineer.*
>
> > *(A) The engineer of record shall communicate in writing the extent of and complete design criteria, performance specifications and other requirements for the portion of the project delegated to the specialty engineer, which shall be limited to the same discipline as that of the engineer of record.*
> > *(B) The specialty engineer shall perform his / her services in strict accordance with the written requirements of the engineer of record, or shall clearly indicate in writing any exceptions taken to said requirements in his / her submittals to the engineer of record.*
> > *(C) The specialty engineer shall prepare or cause to be prepared under his / her immediate personal supervision the drawings, specification, reports, or other documents that correspond to the portion of the project delegated by the engineer of record; shall seal, sign, and date them in accordance with 20 CSR 2030-3.060; and shall submit them to the engineer of record.*
> > *(D) The engineer of record shall review the drawings, specification, reports, or other documents submitted by the specialty engineer and confirm in writing that they conform to his / her written requirements and are consistent with the intent*

of his / her drawings, specifications, reports, or other documents prepared for the project.

- The final source of information came from XLDP, the large errors and omissions insurer for many professionals in the nation. Two potential options were provided by this insurance company.
    - From the regional claims manager the following: "David Ericksen, who XLDP consider a stamping, sealing expert, indicates that, he'd like a stronger worded disclaimer such as the one he sent me below which is based on a Missouri statue. He thinks it's safer for an architect to stamp the as-builts with a strong disclaimer rather than just provide a copy of plans. If they stamp with a strong disclaimer, there's a clear indication of what they are and are not providing."

      The Disclaimer is as follows:

      "We have not provided continuous, on site observations and have not been responsible for construction means, method, and sequencing or the performance of contractors and suppliers. Our construction phase role has been as defined and limited by our project agreement or our project records. In compiling these Record Drawings, we have incorporated our own information as well as relying without comprehensive verification on information received from other consultants, contractors, manufacturers, building officials, and clients. Subject to those limitations, to the best of and limited to our actual knowledge, the project has been construct in substantially as set forth in the attached record drawings."

    - A quote for the XL Group's eGuide for Design Professionals:

      Warning

      These Record Documents have been prepared based on information provided by others. The Consultant is under no obligation or duty to verify the accuracy and / or completeness of this information and has not done so. The Consultant shall not be responsible for any errors or omissions that may be incorporated as a result of erroneous information provided by others.

- We received via email a sample of a limitation statement from an engineer in Texas. This document follows the spirit of what XLDP is suggesting.

Use of the disclaimer or warning statements put all on notice, including the engineer or land surveyor of record, that record drawings are as important as the design drawings.

My recommendation is that we do not embrace the NCEES PS 29 approach but rather be more assertive in providing rules that will raise the level of professionalism for new engineers and land surveyors. Taking certified design documents and merely providing drafting services for someone's as constructed markings and then certifying to the accuracy could be a threat to the public and is unprofessional.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects

Chapter 3—Seals

20 CSR 2030-3.010 Official Seal of Board

PURPOSE: This rule describes the official seal of the board.

(1) The official seal of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects shall consist of the Great Seal of the State of Missouri, minus the words The Great Seal of the State of Missouri and in substitution for which words shall be the words Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, divided by the word Missouri, all the words engraved and surrounded by a cord-like circle within a fringed circle and of the dimensions of two and one-quarter inches (2 1/4") in diameter.

AUTHORITY: section 327.041, RSMo Supp. 2001. This rule originally filed as 4 CSR 30-3.010. Original rule filed March 16, 1970, effective April 16, 1970. Amended: Filed Oct. 30, 2002, effective April 30, 2003. Moved to 20 CSR 2030-3.010, effective Aug. 28, 2006.*

**Original authority: 327.041, RSMo 1969, amended 1981, 1986, 1989, 1993, 1995, 1999, 2001.*

20 CSR 2030-3.060 Licensee's Seal

PURPOSE: This rule describes the format for personal seal of an architect, a professional engineer, a professional land surveyor, and a landscape architect.

(1) Each person licensed as an architect, professional engineer, professional land surveyor or landscape architect (not including interns or individuals "in-training") shall, at his/her own expense, secure a seal one and three-quarters inches (1 3/4") in diameter of the following design: the seal shall consist of two concentric circles between which shall appear in roman capital letters, the words, "State of Missouri" on the upper part of the seal and either "Architect," or "Professional Engineer," or "Professional Land Surveyor" or "Landscape Architect," as the case may be, on the lower part, and within the inner circle shall appear the name of the licensee, together with his/her license number preceded by the roman capital letter(s) A for Architect, PE for Professional Engineer, PLS for Professional Land Surveyor or LA for Landscape Architect.

(A) The seal of an architect licensed prior to January 1, 2002 may display "Registered Architect" on the lower part and within the inner circle shall appear the name of the licensee, together with his/her license number preceded by the roman capital letter A.

(B) The seal of a professional engineer licensed prior to January 1, 2002 may display "Registered Professional Engineer" on the lower part and within the inner circle shall appear the name of the licensee, together with his/her license number preceded by the roman capital letter E.

(C) The seal of a professional land surveyor licensed prior to January 1, 2002 may display "Registered Land Surveyor" on the lower part and within the inner circle shall appear the name of the licensee, together with his/her license number preceded by the roman capital letters LS.

(2) The seal may be in the form of an embossing seal, a rubber stamp, or a computer-generated image, identical in size, design and content with the provisions of section (1) above.

(3) In addition to the personal seal, the licensee shall also affix his/her signature and place the date when the document was originally sealed, at the minimum, to the original of each sheet in a set of plans, drawings, specifications, estimates, reports and other documents which were prepared by the licensee or under his/her immediate personal supervision. The term "signature," as used herein shall mean a handwritten identification containing the name of the person who applied it; or for electronic or digital documents shall mean an electronic authentication process attached to or logically associated with the document. The digital signature must be unique to, and under the sole control of the person using it; it must also be capable of verification and be linked to a document in such manner that the digital signature is invalidated if any data on the document is altered.

(A) Documents that are without an electronic signature or authentication process that are transmitted electronically shall have the seal removed and the following inserted in its place: "This media should not be considered a certified document."

(B) When revisions are made, the licensee who made the revisions or under whose immediate personal supervision the revisions were made shall sign, seal and date each sheet and provide an explanation of the revisions.

(C) In lieu of signing, sealing and dating each page, the licensee(s) may sign, seal and date the title page, an index page, or a seals page on bound multiple page documents not considered to be drawings, providing that the signed page clearly identifies all of the other pages comprising the bound volume. Provided further that any of the other pages which were prepared by, or under the immediate personal supervision of another licensee be signed, sealed and dated as provided for, by the other licensee. Any additions, deletions or other revision shall not be made unless signed, sealed and dated by the licensee who made the revisions or under whose immediate personal supervision the revisions were made.

(4) Plans, specifications, estimates, plats, reports, surveys, and other documents or instruments shall be signed, sealed and dated unless clearly designated preliminary or incomplete. If the plan is not completed, the phrase, "Preliminary, not for construction, recording purposes or implementation" or similar language or phrase shall be placed in an obvious location so that it is readily found, easily read and not obscured by other markings. It shall be a disclaimer and notice to others that the plans are not complete.

(5) In the instance of one (1) licensee performing design for other licensees to incorporate into his/her documents, each licensee shall seal, date and sign those documents, using the appropriate disclaimer for clarification of each licensee's responsibility.

(6) The signing and sealing of plans, specifications, estimates, reports and other documents or instruments not prepared by the licensee or under his/her immediate personal supervision is prohibited.

(7) This rule supercedes any conflicting rules.

AUTHORITY: sections 327.041 and 327.411, RSMo Supp. 2006. This rule originally filed as 4 CSR 30-3.060. Original rule filed July 24, 2003, effective Feb. 29, 2004. Moved to 20 CSR 2030-3.060, effective Aug. 28, 2006. Amended: Filed Oct. 16, 2006, effective April 30, 2007.*

**Original authority: 327.041, RSMo 1969, amended 1981, 1986, 1989, 1993, 1995, 1999, 2001 and 327.411, RSMo 1969, amended 1999, 2003.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects

Chapter 21—Professional Engineering

20 CSR 2030-21.010 Design of Fire Suppression Systems

PURPOSE: This rule requires the design of fire suppression systems to be designed, prepared, and sealed by a professional engineer.

(1) Pursuant to section 327.181, RSMo, the design of fire suppression systems is engineering and therefore the plans for those systems must be designed, prepared, and sealed by a professional engineer. This can be accomplished two (2) ways:

(A) The design engineer seals the construction documents that specify the design and criteria for the fire suppression system, including sprinklers, fire alarms, and other suppression systems. The layout and sizing of these systems, done by a Level III Technician certified by the National Institute for Certification in Engineering Technologies (NICET) or a professional engineer, can be submitted as a shop drawing. These shop drawings may be sealed by a professional engineer. The design engineer must review and approve the shop drawings for compliance with the design and specifications shown on the construction documents; and

(B) If there is no design engineer for the fire suppression system, then the shop drawings for the sprinklers, fire alarms, and other suppression systems must be designed and prepared under the immediate personal supervision of a professional engineer. These shop drawings must be sealed by the professional engineer who prepared them.

(2) Nothing in this section shall prohibit the design engineer, at his/her discretion, to specify and require the shop drawings to be designed, prepared, and sealed, by a professional engineer.

(3) The design of fire suppression systems for dwelling units as defined in the National Fire Protection Association's Standard for the Installation of Sprinkler Systems (NFPA 13D) is exempt and is not required to be designed by a professional engineer so long as the layout and sizing of these systems are done by a Level III Technician certified in the Fire Suppression System Layout by the NICET. Engineer decisions needed when the scope of the project is not clearly addressed in NFPA 13D shall be done by a qualified professional engineer.

AUTHORITY: section 327.041, RSMo Supp. 2008. This rule originally filed as 4 CSR 30-21.010. Original rule filed May 13, 2005, effective Nov. 30, 2005. Moved to 20 CSR 2030-21.010, effective Aug. 28, 2006. Amended: Filed July 22, 2009, effective Jan. 30, 2010.*

**Original authority: 327.041, RSMo 1969, amended 1981, 1986, 1989, 1993, 1995, 1999, 2001.*

20 CSR 2030-21.020 Engineer of Record and Specialty Engineers

PURPOSE: In instances when there is more than one (1) engineer involved on a project, this rule will clarify what the responsibilities are of each engineer.

(1) The professional engineer who develops the design criteria and concept for a particular project and discipline, and who prepares or causes to be prepared under his/her immediate personal supervision the corresponding drawings, specifications, reports, or other documents, shall be designated the engineer of record for the project and discipline. A professional engineer who provides services for specific portions of the project within a particular discipline, but does not have a direct organizational contractual relationship with the corresponding engineer of record, shall be designated the specialty engineer.

(A) The engineer of record shall communicate in writing the extent of and complete design criteria, performance specifications and other requirements for the portion of the project delegated to the specialty engineer, which shall be limited to the same discipline as that of the engineer of record.

(B) The specialty engineer shall perform his/her services in strict accordance with the written requirements of the engineer of record, or shall clearly indicate in writing any exceptions taken to said requirements in his/her submittals to the engineer of record.

(C) The specialty engineer shall prepare or cause to be prepared under his/her immediate personal supervision the drawings, specifications, reports, or other documents that correspond to the portion of the project delegated by the engineer of record; shall seal, sign, and date them in accordance with 20 CSR 2030-3.060; and shall submit them to the engineer of record.

(D) The engineer of record shall review the drawings, specifications, reports, or other documents submitted by the specialty engineer and confirm in writing that they conform to his/her written requirements and are consistent with the intent of his/her drawings, specifications, reports, or other documents prepared for the project.

(E) An architect may delegate such engineering work as is incidental to the practice of architecture, provided that he/she follows the requirements for the engineer of record as described in this rule.

AUTHORITY: section 327.041, RSMo Supp. 2007. Original rule filed Jan. 15, 2008, effective July 30, 2008.*

**Original authority: 327.041, RSMo 1969, amended 1981, 1986, 1989, 1993, 1995, 1999, 2001.*

Charge 4

Further evaluate the need for certification of record/as-built drawings, and provide recommendations for revisions to the Model Rules *as appropriate.*

NCEES and its Member Boards are frequently asked questions regarding drawings for construction projects. Many times, the questions concern record drawings, also known as "as-built" drawings, and whether or not these need to be prepared by a professional engineer or professional surveyor. There are situations in which the professional is not in the direct supervision of a project, but an official may require the record drawings to be prepared, and then signed and sealed by the professional.

The committee found that the professional errors-and-omissions insurance carriers discourage certifications of record drawings. On the other hand, an ever increasing number of local and state laws and ordinances require such certifications, generally in connection with issuance of certificates of occupancy or placing a utility into service.

The committee agrees that preparation of record drawings is an important function and that, when the conditions of "responsible charge" are met, unqualified certification by the professional of the record drawings is appropriate. However, if the professional is preparing record drawings by relying on data provided by others, the professional certification must be qualified. The committee attempted to develop language to recommend for inclusion in the *Model Rules* that might address this situation for all Member Boards. After numerous attempts, it became clear that the language to be used would need to be crafted by each Member Board in order to address issues unique to specific jurisdictions. In view of that determination, ACCA recommends the adoption of a new position statement to address this issue.

Respectfully submitted, the **Advisory Committee on Council Activities:**

Henn Rebane, P.E., Chair

Members
Peggy A. Abshagen
Ying Fay Chan, P.E.
Gene L. Dinkins, P.E., P.L.S.
Howard C. Gibbs, P.E.
John P. Hoffstatter, P.E.
Roger L. Jacobson, P.E.
James R. Nichols, P.E.
Kenneth J. Vaughn, P.E.

Board Liaison
Louis A. Raimondi, P.E., L.S.

Staff Liaison
Jerry T. Carter

C. Manpower—Professional societies are comprised of numerous, geographically dispersed members. Some of these members likely have working relationships with state legislators who may be serving on key committees and voting on the practice act legislation. Appropriately timed testimony from these professional society members can be a major benefit toward passage of practice act revisions.

D. Legislative Sponsorship—A professional society may have a member who is a legislator or who has a relationship with a legislator who has an active interest in the practice act legislation. Having the right sponsor to recruit appropriate co-sponsors, work with appropriate committee members, follow the bill through both houses, and withdraw the bill if necessary is vital to passage of appropriate legislation. If possible, the sponsor should be included in the initial consensus process.

PS 29 Certification of Record/As-Built Drawings

NCEES does not consider the representation of what was believed to be constructed to be engineering or surveying work and that to seal such work may be in violation of local and state statutes and rules. However, an engineer or surveyor may be required to seal work not performed under the engineer's or surveyor's direct supervision and control. In such cases, a caveat should be included on sealed record drawings, incorporating, as applicable, the following factors:

A. The record drawing is a compiled representation of the constructed project.

B. The sources and the basis of information used in the preparation of the record drawing should be listed.

C. The record drawing is believed to be correct to the best of the professional's knowledge.

D. The accuracy of the information cannot be guaranteed.

PS 30 Tower Cranes

NCEES recognizes that the use of tower cranes—including assembly/erection, climbing, dismantling, and hoisting—exposes the public to a level of risk to health, safety, and welfare.

NCEES recommends that member boards actively pursue enforcement of statutes and rules with local permitting authorities having jurisdiction (AHJ) regarding the engineering supervision over the design and erection procedures related to the foundations of tower cranes.

To implement the above, the following is recommended:

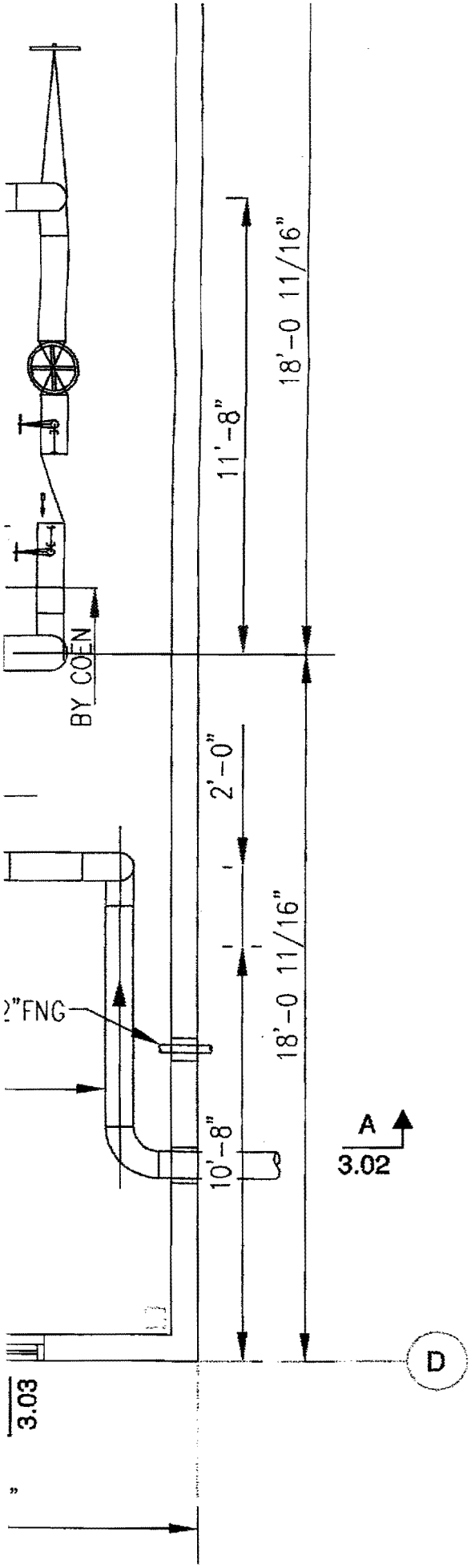
A. Foundation design documents shall be prepared by a qualified licensed professional engineer or a licensed structural engineer, as required, and the documents are to be sealed by the engineer.

B. Supervision by a qualified licensed professional engineer or a licensed structural engineer is required in the review of erection of the crane for compliance with the engineer's design and specifications for the tower crane foundations.

PS 31 Commissioning of Engineered Systems

NCEES recognizes commissioning is a field of services provided to validate design concepts and systems operations. A variety of levels of professional expertise, using both licensed and unlicensed professionals, are used to deliver commissioning services.

It is the position of NCEES that commissioning of those systems that are engineered systems falls under the practice of engineering and must be performed under the responsible charge of a professional engineer.



ELECTRICAL

BNA Consulting Engineers II

146 Pierpont Avenue
Salt Lake City, Utah 84101
(801) 532-2196 FAX (801) 532-2305

No.	By	Date	Revision
1	RMO	4/25/01	AS NOTED

PROJECT TITLE

EAST CAMPUS CENTRAL PLANT HIGH TEMP. WATER

THE UNIVERSITY OF UTAH
SALT LAKE CITY, UTAH

KEY PLAN

This record drawing has been prepared, in part based upon information furnished by others. While this information is believed to be reliable, the DESIGN PROFESSIONAL cannot assure its accuracy, and thus is not responsible to the accuracy of this record drawing or for any errors or omissions which may have been incorporated into it as a result. Those relying on this record document are advised to obtain independent verification of its accuracy before applying it for any purpose.

NORTH

MECHANICAL PIPING MAIN LEVEL

CONSULTANT: Burns & McDonnell

SEAL

DESIGNED: J.V.K.	SCALE: 1/4"=1'-0"
DRAWN: FWP	UofU PROJECT NO: 0302-9666
CHECKED: JMF	VBFA PROJECT NO: 2998
REVIEWED: JT	DATE: 1-22-01

DRAWING NO: M3.00

BLDG. 0302

plate to the 2 X 8 blocking add even more capacity. The addition of two screws will provide an attachment of the speaker enclosure to the primary framing that should have no structural issues under normal loading conditions.

RECOMMENDATIONS

RECOMMENDATIONS: Add 2 – 1/8" X 6" wood screws from the attic side of 2 X 8 blocking into the ends of the 2 X 4 wood frames which are spaced at 16" centers. See the attached drawing – SK-1.

STATEMENT OF LIMITATIONS

LIMITATIONS: This report is not a guarantee or warranty of the foundation, the design, or the soil conditions. It is limited to opinions made as a result of the on-site visit and areas examined and recommendation for speaker enclosure attachment to primary framing.

We appreciate the opportunity to be of service to you. If you have any question, please do not hesitate to call.

Sincerely,

Fittz & Shipman, Inc.

by: Terry G. Shipman, P.E.
For the Firm

STATE OF TEXAS
TERRY GLEN SHIPMAN
39176
REGISTERED
PROFESSIONAL ENGINEER
8-13-14

TGS/blp

Enclosure: SK-1 – Speaker Enclosure Modification
Email: gilthorpewe@ldschurch.org

I am a Registered Professional Engineer in the State of Texas. This seal does not guarantee the existing conditions. See the Statement of Limitations in the body of the report.

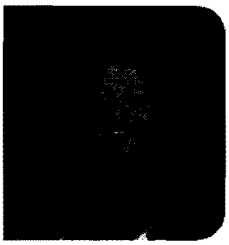
AN OFFICIAL NCEES PUBLICATION FOR THE EXCHANGE OF INFORMATION, OPINIONS, AND IDEAS REGARDING THE LICENSURE OF ENGINEERS AND SURVEYORS

Licensure
EXCHANGE

DECEMBER 2014

NCEES

DAVID L. WHITMAN, PH.D., P.E., F.ASEE
WYOMING BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS
MEMBER AND NCEES PAST PRESIDENT



WYOMING'S PH.D. PATHWAY TO LICENSURE: AN 18-MONTH UPDATE

IN 2009, AS NCEES PRESIDENT, I CHARGED A TASK force of licensed P.E.s to examine the issue of faculty licensure. This blue ribbon group presented a pathway for licensure that, while supported by many NCEES member board members, failed to garner enough support to be inserted into the NCEES *Model Law*. Based on the task force efforts, in early 2013 the Wyoming Board of Registration for Professional Engineers and Professional Land Surveyors sponsored a modification to its practice act that created a new licensure path for those engineers with doctoral degrees. On July 1, 2013, the law went into effect. This report represents the progress of the pathway after nearly 18 months.

The pathway effectively recognizes the earning of a doctoral degree in engineering as evidence that both the education and examination portions of licensure's "three-legged stool" are met. Most of the candidates for this pathway will have already earned a baccalaureate degree in engineering, and it was felt that the number of examinations completed as a licensure candidate earns the advanced doctoral degree were sufficient to waive both the FE and PE exams. The third leg—four years of progressive experience—is still required for licensure. Because Wyoming law defines the teaching of upper-division design subjects and performing research investigations as the practice of professional engineering, it is not necessary for the candidate to have industrial experience. However, his or her teaching experience must show increasing responsibility and scope.

While attractive to faculty, the license is not limited to those who teach and is not a restricted license. It carries all of the rights and responsibilities of a Wyoming P.E. license that is achieved by any of the board's pathways.

Specifically, the Wyoming Statute (Title 33, Chapter 29) states,

> An applicant for a license as a professional engineer who has graduated from a doctoral curriculum in engineering approved by the board shall submit evidence satisfactory to the board showing that the applicant:
> (a) Is of good moral character and repute;
> (b) Has passed any examinations required by rule of the board to establish competence at a professional level in Wyoming licensing laws and professional ethics; and
> (c) Has four (4) years of engineering experience in increasing responsibility and scope of a grade and character that evidence the applicant is competent to practice as a professional engineer.

continued on page 6

NCEES
advancing licensure for engineers and surveyors

ARTICLE 10. MEMBERSHIP FEES.

Section 10.01 Fees. Annual fees of Member Boards, as well as dues for participating organizations, are due on January 1 for the ensuing calendar year. The fee schedule for Member Boards shall be based on the number of licensees of record as of December 31 of the preceding calendar year.

Section 10.011 Fee Schedule. The annual membership fees for Member Boards shall be determined by the Council in accordance with the financial policy.

Section 10.012 Inactive Status. Any Member Board in arrears in membership fees 90 days prior to the Annual Business Meeting shall be placed in an inactive status by the Board of Directors. Member Boards in an inactive status shall not be entitled to vote. Individual members of Member Boards may not hold office or serve on committees. Representatives of boards in inactive status may attend meetings of the Council and may have the privilege of the floor. To be reinstated to an active status and to all the rights and privileges pertaining thereto, an inactive Member Board shall pay all fees and assessments in arrears plus those that have accrued during such inactive status period.

Section 10.013 Participating Organizations Obligations. Payments for dues by participating organizations shall be in accordance with a schedule established annually by the Board of Directors.