

State of Utah  
Administrative Rule Analysis

## NOTICE OF PROPOSED RULE

- \* The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- \* Please address questions regarding information on this notice to the agency.
- \* The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- \* The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no: 391609 Date filed: 8-24-2019

State Admin Rule Filing Id: \_\_\_\_\_ Time filed: \_\_\_\_\_

	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	- 22	-
Changed to Admin. Code Ref. (R no.):	R	-	-

1. **Agency:** Commerce/Division of Occupational and Professional Licensing

**Room no.:** \_\_\_\_\_

**Building:** Heber M. Wells Building

**Street address 1:** 160 East 300 South

**Street address 2:** \_\_\_\_\_

**City, state, zip:** Salt Lake City UT 84111-2316

**Mailing address 1:** PO Box 146741

**Mailing address 2:** \_\_\_\_\_

**City, state, zip:** Salt Lake City UT 84114-6741

**Contact person(s):**

Name:	Phone:	Fax:	E-mail:
Steve Duncombe	801-530-6235	801-530-6511	sduncombe@utah.gov

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

2. **Title of rule or section (catchline):**  
Professional Engineers and Professional Land Surveyors Licensing Act Rule
3. **Type of notice:**  
New \_\_\_\_\_; Amendment XXX; Repeal \_\_\_\_\_; Repeal and Reenact \_\_\_\_\_
4. **Purpose of the rule or reason for the change:**  
The Division and Professional Engineers and Professional Land Surveyors Licensing Board reviewed the rule and are proposing amendments to: (1) modify the professional land surveyor experience requirement; (2) remove the requirement for an applicant seeking licensure as a professional engineer or professional structural engineer to pass the Utah Law and Rules Examination; (3) remove inconsistent language concerning citations issued for unlicensed practice; and (4) make minor technical changes.
5. **This change is a response to comments from the Administrative Rules Review Committee.**  
No XXX; Yes \_\_\_\_\_

**6. Summary of the rule or change:**

Section R156-22-102: Changes are made to Subsections (5), (6)(d), and (7) to modify the code reference to the state construction and fire codes adopted under Title 15A. Additionally, this change removes unnecessary language from Subsection (14), and clearly defines "recognized jurisdiction", for the purpose of licensure by endorsement, as a jurisdiction that is a member of the National Council of Examiners for Engineering and Surveying (NCEES). Section R156-22-302b: This change removes the language "formerly known as the Center for Professional Engineering Education Services (CPEES)" referenced in Subsection (1)(c) and (2)(e), as it is no longer necessary. Section R156-22-302c: This section addresses an inconsistency created by prior rule changes that implemented the statutory repeal of the former experience only track for licensure. The qualifying supervised experience requirement for professional land surveyors with an associates degree is amended from four to six years, which brings the total combined education and experience requirement for all applicants to eight years. Section R156-22-302d: This change repeals Subsections (1)(a)(iii) and (2)(a)(i) that require an applicant for licensure as a professional engineer or a professional structural engineer, respectively, to pass the Utah Law and Rules Examination. The examination is currently included as part of the application for licensure. Additionally, this change removes "prior to April 2011" in Subsection (2)(a)(iii)(B) and "prior to January 1, 2004" in Subsection (2)(a)(iii)(C) as these dates are no longer necessary. Section R156-22-503: This change removes the language, "to individuals licensed" from the entry clause of the Subsection (1) in order to make it uniform with Section 58-22-501 regarding unlawful conduct and unlicensed practice. Section R156-22-601: This change clarifies the seal requirement to allow for electronically generated signatures.

**7. Aggregate anticipated cost or savings to:**

**A) State budget:**

**Affected:** No ; Yes

The Division will incur minimal costs of approximately \$75.00 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

**B) Local government:**

**Affected:** No ; Yes

The proposed amendments apply only to licensed professional engineers, professional structural engineers and professional land surveyors and applicants for licensure in those classifications. As a result, the proposed amendments do not apply to local governments.

**C) Small businesses ("small business" means a business employing fewer than 50 persons)**

**Affected:** No ; Yes

The proposed amendments will primarily impact individuals who have obtained an associates degree in land surveying or geomatics and seek licensure as a professional land surveyor. The applicants will now be required to complete a total of eight years of combined education and experience. This may result in a cost increase for those applicants that decide to pursue additional education in lieu of an associates degree, and correspondingly to businesses that hire them. These increased costs cannot be quantified due to a wide range of circumstances for the applicants and businesses.

**D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):**

**Affected:** No ; Yes

The proposed amendments will primarily impact individuals who have obtained an associates degree in land surveying or geomatics and seek licensure as a professional land surveyor. The applicants will now be required to complete a total of eight years of combined education and experience. This may result in a cost increase for those applicants that decide to pursue additional education in lieu of an associates degree. These increased costs cannot be quantified due to a wide range of circumstances for the applicants.

**8. Compliance costs for affected persons:**

The proposed amendments apply only to licensed professional engineers, professional structural engineers and professional land surveyors and applicants for licensure in those classifications. The proposed amendments will primarily impact individuals who have obtained an associates degree in land surveying or geomatics and seek licensure as a professional land surveyor. The applicants will now be required to complete a total of eight years of combined education and experience. This may result in a cost increase for those applicants that decide to pursue additional education in lieu of an associates degree. These increased costs cannot be quantified due to a wide range of circumstances for the applicants. Without any formal training or education, an individual seeking employment with a land surveying firm, in the designated starting position of "rodman" can expect a wage of \$14.00-\$18.00 per hour, whereas an experienced employee of the firm who did not obtain the required education and holds the position of "party chief" can expect a wage of \$18.00-\$35.00 per hour. Similarly, a licensed professional land surveyor, with an associates degree can expect a wage of \$18.00-\$40.00 per hour and a licensed professional land surveyor with a bachelors, masters, or doctorate degree can expect wages of \$20.00-\$50.00 per hour.

**9. A) Comments by the department head on the fiscal impact the rule may have on businesses:**

As stated in the rule analysis, this filing clarifies the education and experience requirements that apply to individuals who are licensed or seeking licensure as professional engineers, professional structural engineers and professional land surveyors. No fiscal impact to businesses is anticipated.

**B) Name and title of department head commenting on the fiscal impacts:**

Francine A. Gian, Executive Director

**10 This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.**

**State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV):**

Section 58-22-101

Subsection 58-1-106(1)(a)

Subsection 58-1-202(1)(a)

**11 This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; if none, leave blank):**

	First Incorporation	Second Incorporation
<b>Official Title of Materials Incorporated (from title page)</b>		
<b>Publisher</b>		
<b>Date Issued</b>		
<b>Issue, or version</b>		
<b>ISBN Number (optional)</b>		
<b>ISSN Number (optional)</b>		
<b>Cost of Incorporated Reference</b>		
<b>Action: Adds, updates, or removes</b>		

(If this rule incorporates more than two items by reference, please attach additional pages)

**12 The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)**

**A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):**

10/15/2015

**B) A public hearing (optional) will be held:**

**On (mm/dd/yyyy):**

09/16/2015

**At (hh:mm AM/PM):**

9:00 AM

**At (place):**

160 East 300 South, Conference Room 464 (4th floor), Salt Lake City, Utah

13 This rule change may become effective on (mm/dd/yyyy): 10/22/2015

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

14 Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:

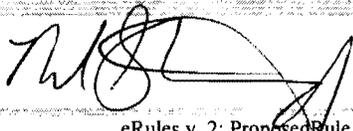
professional land surveyors professional engineers  
professional structural engineers

15 Attach an RTF document containing the text of this rule change (filename): R156-22.pro

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

### AGENCY AUTHORIZATION

Agency head or designee, and title:



Date (mm/dd/yyyy): 8/21/2015

**R156. Commerce, Occupational and Professional Licensing.**

**R156-22. Professional Engineers and Professional Land Surveyors Licensing Act Rule.**

**R156-22-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1, 3a and 22, as used in Title 58, Chapters 1, 3a and 22, or this rule:

(1) "Complete and final", as used in Section 58-22-603, means "complete construction plans" as defined in Subsection 58-22-102(3).

(2) "Direct supervision", as used in Subsection 58-22-102(10), means "supervision" as defined in Subsection 58-22-102(16).

(3) "Employee, subordinate, associate, or drafter of a licensee", as used in Subsections 58-22-102(16), 58-22-603(1)(b) and this rule, means one or more individuals not licensed under this chapter, who are working for, with, or providing professional engineering, professional structural engineering, or professional land surveying services directly to and under the supervision of a person licensed under this chapter.

(4) "Engineering surveys", as used in Subsection 58-22-102(9), 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, alignment of streets, and the dependent or independent surveys or resurveys of the public land survey system.

(5) "Highly toxic materials", as used in Subsection 58-22-102(14)(a)(ii)(F), is as defined in the State Construction and Fire Codes adopted under Title 15A~~[hazardous materials as defined in Section 307 of the 2009 International Building Code and Section 2703 of the 2009 International Fire Code]~~.

(6) "Incidental practice" means "architecture work as is incidental to the practice of engineering", as used in Subsection 58-22-102(9), and "engineering work as is incidental to the practice of architecture", as used in Subsection 58-3a-102(6), which:

(a) can be safely and competently performed by the licensee without jeopardizing the life, health, property and welfare of the public;

(b) is secondary and substantially less in scope and magnitude when compared to the work performed or to be performed by the licensee in the licensed profession;

(c) is work in which the licensee is fully responsible for the incidental practice performed as provided in Subsections 58-3a-603(1) or 58-22-603(1);

(d) unless exempt from licensure as provided in Subsection 58-22-305(1)(e), is work on a building classified for~~[that affects]~~ not greater than 49 occupants as determined in the State Construction and Fire Codes adopted under Title 15A~~[Section 1004 of the 2009 International Building Code]~~;

(e) unless exempt from licensure as provided in Subsection 58-22-305(1)(e), is work included on a project with a construction value not

greater than 15 percent of the overall construction value for the project including all changes or additions to the contracted or agreed upon work; and

(f) shall not include work on a building or related structure in an occupancy category of III or IV as defined in 1604.5 of the 2009 International Building Code.

(7) "Maximum allowable quantities", as used in Subsection 58-22-102(14)(a)(ii)(F), is quantities of hazardous materials as set forth in Section 307 of the 2009 International Building Code, Tables 307.1(1) and 307.1(2), which when exceeded, would classify the building, structure or portion thereof as Group H-1, H-2, H-3, H-4 or H-5 hazardous use.

(8) "NCEES FE", as used throughout this rule, means the National Council of Examiners in Engineering and Surveying Fundamentals of Engineering Examination.

(9) "NCEES FS", as used throughout this rule, means the National Council of Examiners in Engineering and Surveying Fundamentals of Surveying Examination.

(10) "NCEES PE", as used throughout this rule, means the National Council of Examiners in Engineering and Surveying Principles and Practice of Engineering Examination.

(11) "NCEES PS", as used throughout this rule, means the National Council of Examiners in Engineering and Surveying Principles and Practice in Surveying Examination.

(12) "NCEES SE", as used throughout this rule, means the National Council of Examiners in Engineering and Surveying Structural Engineering Examination.

(13) "Professional structural engineering or the practice of structural engineering", as defined in Subsection 58-22-102(14), is further defined to exclude the design and oversight of the construction and installation of highway, utility, or pedestrian bridges.

(14) "Recognized jurisdiction", as used in Subsection 58-22-302(4)(d)(i), for licensure by endorsement, means any jurisdiction that is a member of the NCEES ~~[state, district or territory of the United States, or any foreign country that issues licenses to professional engineers, professional structural engineers, or professional land surveyors]~~.

(15) "Responsible charge" by a principal, as used in Subsection 58-22-102(7), means that the licensee is assigned to and is personally accountable for the production of specified professional engineering, professional structural engineering or professional land surveying projects within an organization.

(16) "TAC/ABET" means Technology Accreditation Commission/Accreditation Board for Engineering and Technology(ABET, Inc.).

(17) "Under the direction of the licensee", as used in Subsection 58-22-102(16), as part of the definition of "supervision of an employee, subordinate, associate, or drafter of a licensee", means that the unlicensed employee, subordinate, associate, or drafter of a person licensed under this chapter engages in the practice of professional

engineering, professional structural engineering, or professional land surveying only on work initiated by a person licensed under this chapter, and only under the administration, charge, control, command, authority, oversight, guidance, jurisdiction, regulation, management, and authorization of a person licensed under this chapter.

(18) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 22, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-22-502.

**R156-22-302b. Qualifications for Licensure - Education Requirements.**

(1) Education requirements - Professional Engineer and Professional Structural Engineer.

In accordance with Subsections 58-22-302(1)(d) and 58-22-302(2)(d), the engineering program criteria is established as one of the following:

(a) The bachelors or post graduate engineering program shall be accredited by EAC/ABET or the Canadian Engineering Accrediting Board (CEAB).

(b) The post graduate engineering degree, when not accredited by EAC/ABET or CEAB, shall be earned from an institution which offers a bachelors or masters degree in an engineering program accredited by EAC/ABET or CEAB in the same specific engineering discipline as the earned post graduate degree and the applicant is responsible to demonstrate that the combined engineering related coursework taken (both undergraduate and post graduate) included coursework that meets or exceeds the engineering related coursework required for the EAC/ABET accreditation for the bachelor degree program.

(c) If the degree was earned in a foreign country, the engineering curriculum shall be determined by the NCEES Credentials Evaluations [~~formerly known as the Center for Professional Engineering Education Services (CPEES),~~] to fulfill the required curricular content of the NCEES Engineering Education Standard. Deficiencies in course work reflected in the credential evaluation may be satisfied by [~~successfully~~] completing the deficiencies in course work at a recognized college or university approved by the Division in collaboration with the Board. Engineering course work deficiencies must be completed at an EAC/ABET approved program.

(d) A TAC/ABET accredited degree is not acceptable to meet the qualifications for licensure as a professional engineer or a professional structural engineer.

(2) Education requirements - Professional Land Surveyor.

In accordance with Subsection 58-22-302(3)(d), an applicant applying for licensure as a professional land surveyor shall verify completion of one of the following land surveying programs affiliated with an institution that is recognized by the Council for Higher Education Accreditation (CHEA) and approved by the Division in collaboration with the Board:

(a) an associates in applied science degree in land surveying or geomatics;

(b) a bachelors, masters or doctorate degree in land surveying or

geomatics;

(c) an equivalent land surveying program that includes completion of a bachelors, masters or doctorate degree in a field relation to land surveying or geomatics comprised of a minimum of 30 semester hours or 42 quarter hours of course work in land surveying or geomatics which shall include the following courses:

(i) successful completion of a minimum of one course in each of the following content areas:

- (A) boundary law;
- (B) writing legal descriptions;
- (C) photogrammetry;
- (D) public land survey system;
- (E) studies in land records or land record systems; and
- (F) surveying field techniques; and

(ii) completion of the remainder of the 30 semester hours or 42 quarter hours from any or all of the following content areas:

(A) algebra, calculus, geometry, statistics, trigonometry, not to exceed six semester hours or eight quarter hours;

(B) control systems;

(C) drafting, not to exceed six semester hours or eight quarter hours;

(D) geodesy;

(E) geographic information systems;

(F) global positioning systems;

(G) land development; and

(H) survey instrumentation; or

(d) an equivalent land surveying program that includes completion of a bachelors, masters or doctorate degree in a field related to land surveying or geomatics that does not include some of the course work specified in (c)(i) or (ii), or both, as part of the degree program, provided that the deficient requirements specified in (c)(i) or (ii), or both, have been completed post degree; and

(e) if the degree was earned in a foreign country, the land surveying curriculum shall be determined by the NCEES Credential Evaluations [~~formerly known as the Center for Professional Engineering Education Services (CPEES),~~] to fulfill the required curricular content of the NCEES Education Standard. Deficiencies in course work reflected in the credential evaluation may be satisfied by [~~successfully~~] completing the deficiencies in course work at a recognized college or university approved by the Division in collaboration with the Board.

**R156-22-302c. Qualifications for Licensure - Experience Requirements.**

(1) General Requirements. These general requirements apply to all applicants under this chapter and are in addition to the specific license requirements in Subsections (2), (3) and (4).

(a) 2,000 hours of work experience constitutes one year (12 months) of work experience.

(b) No more than 2,000 hours of work experience can be claimed in any 12 month period.

(c) Experience shall be progressive on projects that are of increasing quality and requiring greater responsibility.

(d) Only experience of an engineering, structural engineering or surveying nature, as appropriate for the specific license, is acceptable.

(e) Experience is not acceptable if it is obtained in violation of applicable statutes or rules.

(f) Unless otherwise provided in this Subsection (1)(g), experience shall be gained under the direct supervision of a person licensed in the profession for which the license application is submitted. Supervision of an intern by another intern is not permitted.

(g) Experience is also acceptable when obtained in a work setting where licensure is not required or is exempted from licensure requirements, including experience obtained in the armed services if:

(i) the experience is performed under the supervision of qualified persons and the applicant provides verifications of the credentials of the supervisor; and

(ii) the experience gained is equivalent to work performed by an intern obtaining experience under a licensed supervisor in a licensed or civilian setting, and the applicant provides verification of the nature of the experience.

(h) Proof of supervision. The supervisor shall provide to the applicant the certificate of qualifying experience in a sealed envelope with the supervisor's seal stamped across the seal flap of the envelope, which the applicant shall submit with the application for licensure.

(i) In the event the supervisor is unavailable or refuses to provide a certification of qualifying experience, the applicant shall submit a complete explanation of why the supervisor is unavailable and submit verification of the experience by alternative means acceptable to the Board, which shall demonstrate that the work was profession-related work, competently performed, and sufficient accumulated experience for the applicant to be granted a license without jeopardy to the public health, safety or welfare.

(j) In addition to the supervisor's documentation, the applicant shall submit:

(i) at least one verification from a person licensed in the profession who has personal knowledge of the applicant's knowledge, ability and competence to practice in the profession applied for; or

(ii) if a person verifying the applicant's credentials is not licensed in the profession:

(A) at least one verification from the unlicensed person; and

(B) a written explanation as to why the unlicensed person is best qualified to verify the applicant's knowledge, ability and competence to practice in the profession applied for.

(k) Duties and responsibilities of a supervisor. The duties and responsibilities of a licensee under Subsection (1)(f) or other qualified

person under Subsection (1)(g) include the following.

(i) A person may not serve as a supervisor for more than one firm.

(ii) A person who renders occasional, part time or consulting services to or for a firm may not serve as a supervisor.

(iii) The supervisor shall be in responsible charge of the projects assigned and is professionally responsible for the acts and practices of the supervisee.

(iv) The supervision shall be conducted in a setting in which the supervisor is independent from control by the supervisee and in which the ability of the supervisor to supervise and direct the practice of the supervisee is not compromised.

(v) The supervisor shall be available for advice, consultation and direction consistent with the standards and ethics of the profession.

(vi) The supervisor shall provide periodic review of the work assigned to the supervisee.

(vii) The supervisor shall monitor the performance of the supervisee for compliance with laws, standards and ethics applicable to the profession.

(viii) The supervisor shall provide supervision only to a supervisee who is an employee of a licensed professional or alternatively in a setting wherein both the supervisor and the supervisee are engaged in a work setting in which the work is exempt from licensure requirements.

(ix) The supervisor shall submit appropriate documentation to the Division with respect to all work completed by the supervisee during the period of supervised experience, including the supervisor's evaluation of the supervisee's competence to practice in the profession.

(x) The supervisor shall assure each supervisee has obtained the degree which is a prerequisite to the intern beginning to obtain qualifying experience.

(2) Experience Requirements - Professional Engineer.

(a) In accordance with Subsection 58-22-302(1)(e), an applicant for licensure as a professional engineer shall ~~complete the following qualifying experience requirements~~ : [

~~(i) S] submit verification of qualifying experience [obtained while under the supervision of one or more licensed professional engineers, which experience has been certified by the licensed professional who provided the supervision documenting completion of a minimum of four years of full time or equivalent part time qualifying experience in professional engineering approved by the Division in collaboration with the Board] in accordance with the following:~~

~~(A]i) The [qualifying] experience shall be obtained after meeting the education requirement [s].~~

(ii) The experience shall be supervised by one or more licensed professional engineers.

(iii) The experience shall be certified by the licensed professional engineer who provided the supervision.

(iv) The experience shall include a minimum of four years of full-

time or equivalent part-time experience in professional engineering, except as provided in Subsection (b).

(b) Credit toward meeting the experience requirement may be granted as follows:

~~[(B) A maximum of three of the four years of qualifying experience may be approved by the Board as follows:]~~

~~[(i) A maximum of three years of qualifying experience may be granted for teaching advanced engineering subjects in a college or university offering an engineering curriculum accredited by EAC/ABET.]~~

~~[(ii) A maximum of three years of qualifying experience may be granted for conducting research in a college or university offering an engineering curriculum accredited by EAC/ABET provided the research is under the supervision of a licensed professional and is directly related to the practice of engineering, as long as such research has not been credited towards the education requirements. Therefore research which is included as part of the classwork, thesis or dissertation or similar work is not acceptable as additional work experience.]~~

~~[(iii) A maximum of one year of qualifying experience may be granted for completing~~[completion of]~~ a masters degree in engineering provided that both the earned bachelors and masters degree in engineering meet the program criteria set forth in Subsection R156-22-302b(1).]~~

~~[(iv) A maximum of two years of qualifying experience may be granted for completing~~[completion of]~~ a doctorate degree in engineering provided that both the earned bachelors or masters degree and doctorate degree in engineering meet the program criteria set forth in Subsection R156-22-302b(1).]~~

~~[(c) The performance or supervision of construction work as a contractor, foreman or superintendent is not qualifying experience for licensure as a professional engineer.]~~

~~[(d) Experience should include demonstration of, knowledge, application, and practical solutions using engineering mathematics, physical and applied science, properties of materials and the fundamental principles of engineering design.]~~

(3) Experience Requirements - Professional Structural Engineer.

(a) In accordance with Subsection 58-22-302(2)(e), each applicant shall submit verification of qualifying experience in accordance with the following:~~[three years of full time or equivalent part time professional structural engineering experience obtained while under the supervision of one or more licensed professional structural engineers, which experience is certified by the licensed structural engineer supervisor and is in addition to the qualifying experience required for licensure as a professional engineer.]~~

~~[(b) The ~~[qualifying]~~ experience shall be obtained after meeting the education requirement~~[s]~~.]~~

(ii) The experience shall be supervised by one or more licensed professional structural engineers.

(iii) The experience shall be certified by the licensed professional

structural engineer who provided the supervision.

(iv) The experience shall include a minimum of three years of full-time or equivalent part-time experience in professional structural engineering.

([c]b) Professional structural engineering experience shall include responsible charge of structural design in one or more of the following areas:

(i) structural design of any building or structure two stories and more, or 45 feet in height, located in a region of moderate or high seismic risk designed in accordance with current codes adopted pursuant to Section 58-56-4;

(ii) structural design for a major seismic retrofit/rehabilitation of an existing building or structure located in a region of moderate or high seismic risk; or

(iii) structural design of any other structure of comparable structural complexity.

([d]c) Professional structural engineering experience shall include structural design in all of the following areas:

(i) use of three of the following four materials as they relate to the design, rehabilitation or investigation of buildings or structures:

- (A) steel;
- (B) concrete;
- (C) wood; or
- (D) masonry;

(ii) selection of framing systems including the consideration of alternatives and the selection of an appropriate system for the interaction of structural components to support vertical and lateral loads;

(iii) selection of foundation systems including the consideration of alternatives and the selection of an appropriate type of foundation system to support the structure;

(iv) design and detailing for the transfer of forces between stories in multi-story buildings or structures;

(v) application of lateral design in the design of the buildings or structures in addition to any wind design requirements; and

(vi) application of the local, state and federal code requirements as they relate to design loads, materials, and detailing.

(4) Experience Requirements - Professional Land Surveyor.

(a) In accordance with Subsection 58-22-302(3)(d), each applicant for licensure as a professional land surveyor shall submit verification of qualifying experience in accordance with the following: [four years of full time or equivalent part time qualifying experience in land surveying obtained under the supervision of one or more licensed professional land surveyors which experience may be obtained before, during or after completing the education requirements for licensure. The experience shall be certified by the licensed professional land surveyor supervisor.]

(i) The experience may be obtained before, during or after completing the education requirement.

(ii) The experience shall be supervised by one or more licensed professional land surveyors.

(iii) The experience shall be certified by the licensed professional land surveyor who provided the supervision.

(~~[b]~~iv) The [~~four years of qualifying~~] experience shall [~~comply with the following~~] include experience in professional land surveying in the following content areas:

(~~[i]~~A) [~~two years of~~] experience specific to field surveying with actual "hands on" surveying, including all of the following:

(~~[A]~~I) operation of various instrumentation;

(~~[B]~~II) review and understanding of plan and plat data;

(~~[C]~~III) public land survey systems;

(~~[D]~~IV) calculations;

(~~[E]~~V) traverse;

(~~[F]~~VI) staking procedures;

(~~[G]~~VII) field notes and manipulation of various forms of data encountered in horizontal and vertical studies; and

(~~[ii]~~B) [~~two years of~~] experience specific to office surveying, including all of the following:

(~~[A]~~I) drafting (includes computer plots and layout);

(~~[B]~~II) reduction of notes and field survey data;

(~~[C]~~III) research of public records;

(~~[D]~~IV) preparation and evaluation of legal descriptions; and

(~~[E]~~V) preparation of survey related drawings, plats and record of survey maps.

(v) The amount of experience shall be in accordance with one of the following:

(A) Each applicant having graduated and received an associates degree in land surveying or geomatics shall complete a minimum of six years of experience as follows:

(I) three years of experience that complies with Subsection (4)(a)(iv)(A); and

(II) three years of experience that complies with Subsection (4)(a)(iv)(B).

(B) Each applicant having graduated and received a bachelors degree in land surveying or geomatics shall complete a minimum of four years of qualifying experience as follows:

(A) two years of qualifying experience that complies with Subsection (4)(a)(iv)(A); and

(B) two years of qualifying experience that complies with Subsection (4)(a)(iv)(B).

(vi) Each applicant having graduated and received a masters degree in land surveying or geomatics shall complete a minimum of three years of qualifying experience as follows:

(A) one and a half years of qualifying experience that complies with Subsection (4)(a)(iv)(A); and

(B) one and a half years of qualifying experience that complies with

Subsection (4) (a) (iv) (B).

(vii) Each applicant having graduated and received a doctorate degree in land surveying or geomatics shall complete a minimum of two years of qualifying experience as follows:

(A) one year of qualifying experience that complies with Subsection (4) (a) (iv) (A); and

(B) one year of qualifying experience that complies with Subsection (4) (a) (iv) (B).

~~[(c) A maximum of one year of qualifying experience may be granted for completion of a masters degree in land surveying or geomatics.~~

~~[(d) A maximum of two years of qualifying experience may be granted for completion of a doctorate degree in land surveying or geomatics.]~~

**R156-22-302d. Qualifications for Licensure - Examination Requirements.**

(1) Examination Requirements - Professional Engineer.

(a) In accordance with Subsection 58-22-302(1)(f), the examination requirements for licensure as a professional engineer are defined, clarified or established as the following:

(i) the NCEES FE examination with a passing score as established by the NCEES except that an applicant who has completed one of the following is not required to pass the FE examination:

(A) a Ph.D. or doctorate degree in engineering from an institution that offers EAC/ABET undergraduate programs in the Ph.D. field of engineering; or

(B) A Ph.D. or doctorate degree in engineering from a foreign institution if the engineering curriculum is determined by the NCEES Credentials Evaluations, formerly known as the Center for Professional Engineering Education Services (CPEES), to fulfill the required curricular content of the NCEES Engineering Education Standard.

(ii) the NCEES PE examination with a passing score as established by the NCEES; or

(iii) the NCEES SE examination with a passing score as established by the NCEES [; and

~~(iii) pass all questions on the open book, take home Utah Law and Rules Examination, which is included as part of the license application form].~~

(b) If an applicant was approved by the Division of Occupational and Professional Licensing to take the examinations required for licensure as an engineer under prior Utah statutes and rules and did take and pass all examinations required under such prior rules, the prior examinations will be acceptable to qualify for reinstatement of licensure rather than the examinations specified under Subsection R156-22-302d(1)(a).

(c) Prior to submitting an application for pre-approval to sit for the NCEES PE examination, an applicant shall successfully complete the education requirements set forth in Subsection R156-22-302b(1).

(d) The admission criteria to sit for the NCEES FE examination is set forth in Section 58-22-306.

(2) Examination Requirements - Professional Structural Engineer.

(a) In accordance with Subsection 58-22-302(2)(f), the examination requirements for licensure as a professional structural engineer are established as the following:

(i) ~~[as part of the application for license, pass all questions on the open book, take home Utah Law and Rules Examination.~~

~~(ii)]~~ the NCEES FE examination with a passing score as established by the NCEES; and

~~(iii)]~~ ii) (A) the NCEES SE examination with a passing score as established by the NCEES;

(B) ~~[prior to April 2011,]~~ the NCEES Structural I and Structural II Examinations with a passing score as established by the NCEES;

(C) ~~[prior to January 1, 2004,]~~ an equivalent 16-hour state written examination with a passing score; or

(D) the NCEES Structural II exam and an equivalent 8-hour state written examination with a passing score.

(b) Prior to submitting an application for pre-approval to sit for the NCEES SE examination, an applicant ~~[must have successfully completed]~~ shall complete two out of the three years of the experience requirements set forth in Subsection R156-22-302c(3).

(3) Examination Requirements - Professional Land Surveyor.

(a) In accordance with Subsection 58-22-302(3)(e), the examination requirements for licensure as a professional land surveyor are established as the following:

(i) the NCEES FS examination with a passing score as established by the NCEES;

(ii) the NCEES PS examination with a passing score as established by the NCEES; and

(iii) the Utah Local Practice Examination with a passing score of at least 75. An applicant who fails the Utah Local Practice Examination may retake the examination as follows:

(A) no sooner than 30 days following any failure, up to three failures; and

(B) no sooner than six months following any failure thereafter.

(b) Prior to submitting an application for pre-approval to sit for the NCEES PS examination, an applicant shall ~~[successfully]~~ complete the education requirement set forth in Subsection R156-22-302b(2).

(4) Examination Requirements for Licensure by Endorsement.

In accordance with Subsection 58-22-302(4)(d)(ii), the examination requirements for licensure by endorsement are established as follows:

(a) Professional Engineer: An applicant for licensure as a professional engineer by endorsement shall comply with the examination requirements in Subsection R156-22-302d(1) except that the Board may waive one or more of the following examinations under the following conditions:

(i) the NCEES FE examination for an applicant who is a principal for five of the last seven years preceding the date of the license application and who was not required to pass the NCEES FE examination for initial

licensure from the recognized jurisdiction the applicant was originally licensed;

(ii) the NCEES PE examination for an applicant who is a principal for five of the last seven years preceding the date of the license application, who has been licensed for 10 years preceding the date of the license application, and who was not required to pass the NCEES PE examination for initial licensure from the recognized jurisdiction the applicant was originally licensed.

(b) Professional Structural Engineer: An applicant for licensure as a professional structural engineer by endorsement shall comply with the examination requirements in Subsection R156-22-302d(2) except that the Board may waive the NCEES FE examination for an applicant who is a principal for five of the last seven years preceding the date of the license application and who was not required to pass the NCEES FE examination for initial licensure from the recognized jurisdiction the applicant was originally licensed.

(c) Professional Land Surveyor: An applicant for licensure as a professional land surveyor by endorsement shall comply with the examination requirements in Subsection R156-22-302d(3) except that the Board may waive either the NCEES FS examination or the NCEES PS examination or both to an applicant who is a principal for five of the last seven years preceding the date of the license application and who was not required to pass the NCEES FS examination or the NCEES PS examination for initial licensure from the recognized jurisdiction the applicant was originally licensed.

### **R156-22-503. Administrative Penalties.**

(1) In accordance with Subsection 58-22-503, the following fine schedule shall apply to citations issued [~~to individuals licensed~~] under Title 58, Chapters 1 and 22:

#### TABLE

#### FINE SCHEDULE

Violation	First Offense	Second Offense
58-1-501(1)(a)	\$ 800.00	\$1,600.00
58-1-501(1)(b)	\$1,000.00	\$2,000.00
58-1-501(1)(c)	\$1,000.00	\$2,000.00
58-1-501(1)(d)	\$1,000.00	\$2,000.00
58-22-501(1)	\$ 800.00	\$1,600.00
58-22-501(2)	\$ 800.00	\$1,600.00
58-22-501(3)	\$ 800.00	\$1,600.00
58-22-501(4)	\$ 800.00	\$1,600.00
58-22-501(5)	\$ 800.00	\$1,600.00

(2) Citations shall not be issued for third offenses, except in extraordinary circumstances approved by the investigative supervisor. If a

citation is issued for a third offense, the fine is double the second offense amount, with a maximum amount not to exceed the maximum fine allowed under Subsection 58-22-503(1)(i).

(3) If multiple offenses are cited on the same citation, the fine shall be determined by evaluating the most serious offense.

(4) An investigative supervisor may authorize a deviation from the fine schedule based upon the aggravating or mitigating circumstances.

(5) In all cases the presiding officer shall have the discretion, after a review of the aggravating and mitigating circumstances, to increase or decrease the fine amount based upon the evidence reviewed.

#### **R156-22-601. Seal Requirements.**

(1) In accordance with Section 58-22-601, all final plans, specifications, 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:

(a) Each seal shall be a circular seal, 1-1/2 inches minimum diameter.

(b) Each seal shall include the licensee's name, license number, "State of Utah", and "Professional Engineer", "Professional Structural Engineer", or "Professional Land Surveyor" as appropriate.

(c) Each seal shall be signed and dated with the signature and date appearing across the face of each seal imprint.

(d) Each original set of final plans, specifications, reports, maps, sketches, surveys, drawings, documents and plats, as a minimum, shall have the original seal imprint, original signature and date placed on the cover or title sheet.

(e) A seal may be a wet stamp, embossed, or electronically produced.

(f) Electronically generated signatures are acceptable.

(g) It is the responsibility of the licensee to provide adequate security when documents with electronic seals and electronic signatures are submitted. Sheets subsequent to the cover of specifications are not required to be sealed, signed and dated.

([f]h) Copies of the original set of plans, specifications, reports, maps, sketches, surveys, drawings, documents and plats which contain the original seal, original signature and date is permitted, if the seal, signature and date is clearly recognizable.

(2) A person who qualifies for and uses the title of professional engineer intern is not permitted to use a seal.

**KEY: professional land surveyors, professional engineers, professional structural engineers**

**Date of Enactment or Last Substantive Amendment: [~~April 8, 2014~~]2015**

**Notice of Continuation: June 25, 2012**

**Authorizing, and Implemented or Interpreted Law: 58-22-101; 58-1-106(1)(a); 58-1-202(1)(a)**