

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 427

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO ENGINEERS AND SURVEYORS; AMENDING SECTION 54-1212, IDAHO CODE,
2 TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-1213, IDAHO CODE,
3 TO REMOVE PROVISIONS REQUIRING AN APPLICANT FOR CERTIFICATION AS AN
4 ENGINEER INTERN OR LAND SURVEYOR INTERN TO PROVIDE CERTAIN REFERENCES,
5 TO REMOVE PROVISIONS RELATING TO FEES FOR LICENSURE BY EXAMINATION AND
6 TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1214, IDAHO CODE,
7 TO REVISE REQUIREMENTS RELATING TO WRITTEN EXAMINATIONS; AMENDING
8 SECTION 54-1216, IDAHO CODE, TO REVISE RENEWAL REQUIREMENTS AND
9 EXPIRATION DAYS FOR CERTIFICATES OF AUTHORIZATION ISSUED TO BUSINESS
10 ENTITIES; AMENDING SECTION 54-1220, IDAHO CODE, TO PROVIDE CORRECT
11 TERMINOLOGY RELATING TO ADMINISTRATIVE PROCEEDINGS; AND AMENDING
12 SECTION 54-1223, IDAHO CODE, TO PROVIDE FOR THE DUTY OF RESPONSIBLE
13 CHARGE OF A PROJECT WHEN A LICENSEE IS NOT AVAILABLE TO SEAL, SIGN AND
14 DATE FINAL DOCUMENTS.
15

16 Be It Enacted by the Legislature of the State of Idaho:

17 SECTION 1. That Section 54-1212, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 54-1212. GENERAL REQUIREMENTS FOR EXAMINATION AND LICENSE. Except as
20 herein otherwise expressly provided, no license as a professional engineer
21 or professional land surveyor, or certification as an engineer intern or
22 land surveyor intern, shall be issued until an applicant has successfully
23 passed an examination given by or under the supervision of the board, nor
24 shall a license as a professional engineer or professional land surveyor,
25 or certification as an engineer intern or land surveyor intern, be issued
26 to an applicant having habits or character that would justify revocation
27 or suspension of his license or certificate, as provided in section
28 54-1220, Idaho Code. The following shall be considered as minimum evidence
29 satisfactory to the board that the applicant is qualified for assignment to
30 an examination:

31 (1) As a professional engineer:

32 (a) Graduation from an approved engineering ~~curriculum program~~ of four
33 (4) years or more in a school or college approved by the board as being
34 of satisfactory standing, passage of an examination on the fundamentals
35 of engineering acceptable to the board, and a specific record, after
36 graduation, of an additional four (4) years or more of progressive
37 experience in engineering work of a grade and character satisfactory to
38 the board, and indicating that the applicant is competent to practice
39 professional engineering; or

40 (b) Graduation with a bachelor's degree in a related science from a
41 school or college approved by the board, and evidence satisfactory
42 to the board that the applicant possesses knowledge and skill

1 approximating that attained through graduation from an approved four
2 (4) year engineering curriculum program, passage of an examination on
3 the fundamentals of engineering acceptable to the board, and a specific
4 record, after graduation, of four (4) years or more of progressive
5 experience in engineering work of a grade and character satisfactory
6 to the board and indicating that the applicant is competent to practice
7 professional engineering.

8 (2) As a professional land surveyor:

9 (a) Graduation from an approved surveying curriculum program of
10 four (4) years or more in a school or college approved by the board
11 as being of satisfactory standing, passage of an examination on the
12 fundamentals of surveying acceptable to the board, and a specific
13 record of an additional four (4) years or more of progressive combined
14 office and field experience in land surveying work of a grade and
15 character satisfactory to the board and indicating that the applicant
16 is competent to practice professional land surveying; or

17 (b) Graduation with a bachelor's degree in a related science from
18 a school or college approved by the board as being of satisfactory
19 standing, and evidence satisfactory to the board that the applicant
20 possesses knowledge and skill approximating that attained through
21 graduation from an approved four (4) year surveying curriculum program,
22 passage of an examination on the fundamentals of surveying acceptable
23 to the board, and a specific record of an additional four (4) years
24 or more of progressive combined office and field experience in land
25 surveying work of a grade and character satisfactory to the board and
26 indicating that the applicant is competent to practice land surveying.

27 (3) As an engineer intern:

28 (a) Graduation from or in the last two (2) semesters of an approved
29 engineering curriculum program of four (4) years or more in a school
30 or college approved by the board as being of satisfactory standing and
31 indicating that the applicant is competent to enroll as an engineer
32 intern; or

33 (b) Graduation with a bachelor's degree in a related science from a
34 school or college approved by the board, and evidence satisfactory
35 to the board that the applicant possesses knowledge and skill
36 approximating that attained through graduation from an approved
37 four (4) year engineering curriculum program, and indicating that the
38 applicant is competent to be enrolled as an engineer intern.

39 (c) In the event the applicant qualifies for assignment to the
40 examination during the last two (2) semesters of college under the
41 provisions of section 54-1212(3)(a), Idaho Code, and a passing grade
42 is attained, a certificate will be issued only after the applicant
43 graduates.

44 (4) As a land surveyor intern:

45 (a) Graduation from, or in the last two (2) semesters of, an approved
46 surveying curriculum program of four (4) years or more in a school or
47 college approved by the board as being of satisfactory standing and
48 indicating that the applicant is competent to be enrolled as a land
49 surveyor intern; or

1 (b) Graduation with a bachelor's degree in a related science from a
2 school or college approved by the board, evidence satisfactory to the
3 board that the applicant possesses knowledge and skill approximating
4 that attained through graduation from an approved four (4) year
5 surveying curriculum program, and indicating that the applicant is
6 competent to be enrolled as a land surveyor intern.

7 (c) In the event the applicant qualifies for assignment to the
8 examination during the last two (2) semesters of college under the
9 provisions of subsection (4)(a) of this section, and attains a
10 passing grade, a certificate shall be issued only after the applicant
11 graduates.

12 In counting years of experience for assignment to the professional
13 engineer or professional land surveyor examination, the board may, at its
14 discretion, give credit, not in excess of one (1) year, for satisfactory
15 graduate study toward a master's degree and not in excess of an additional
16 one (1) year for satisfactory graduate study toward a doctorate degree. In
17 the event an applicant obtains a doctorate degree without first obtaining a
18 master's degree, the board may, at its discretion, give credit, not in excess
19 of two (2) years.

20 In considering the combined education and experience qualifications of
21 applicants, the board shall consider engineering teaching, land surveying
22 teaching, each year of satisfactory completion of undergraduate college
23 education, advanced degrees in engineering and advanced degrees in land
24 surveying in establishing the applicants' minimum composite knowledge and
25 skill.

26 The mere execution, as a contractor, of work designed by a professional
27 engineer, or the supervision of the construction of such work as a foreman or
28 superintendent, shall not be deemed to be the practice of engineering, but
29 if such experience, in the opinion of the board, has involved responsible
30 supervision of a character that will tend to expand the engineering
31 knowledge and skill of the applicant the board may in its discretion give
32 such credit therefor as it may deem proper.

33 Any person having the necessary qualifications prescribed in this
34 chapter to entitle him to assignment to an examination for licensure or
35 certification shall be eligible for such assignment although he may not be
36 practicing his profession at the time of making his application.

37 SECTION 2. That Section 54-1213, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 54-1213. APPLICATIONS AND FEES. Applications for licensure as a
40 professional engineer or professional land surveyor, or certification as
41 an engineer intern or land surveyor intern, shall be on forms prescribed and
42 furnished by the board. The application shall be made under oath, and shall
43 show the applicant's education and a detailed summary of his engineering or
44 land surveying experience. An applicant for licensure as a professional
45 engineer or professional land surveyor shall furnish not less than five (5)
46 references, of whom three (3) or more should be professional engineers or
47 professional land surveyors, as applicable, having personal knowledge of
48 the applicant's engineering or land surveying experience. ~~An applicant
49 for certification as an engineer intern or land surveyor intern shall~~

1 ~~furnish not less than three (3) references of whom at least one (1) should~~
 2 ~~be a professional engineer or professional land surveyor, as applicable,~~
 3 ~~having personal knowledge of the applicant's engineering or land surveying~~
 4 ~~experience.~~ Applications for certificates of authorization shall be made in
 5 accordance with section 54-1235, Idaho Code.

6 The maximum application fee for professional engineers or professional
 7 land surveyors seeking to be licensed by ~~an eight (8) hour or longer~~
 8 examination shall not exceed one hundred dollars (\$100). The application
 9 fee shall accompany the application. The examination fee, which shall be
 10 separate from the application fee, shall be paid by the applicant directly
 11 to the entity designated by the board.

12 The maximum application fee for an applicant who seeks a certificate as
 13 an engineer intern or land surveyor intern shall not exceed fifty dollars
 14 (\$50.00). The application fee shall accompany the application. The
 15 examination fee, which shall be separate from the application fee, shall be
 16 paid by the applicant directly to the entity designated by the board.

17 The maximum application fee for business entities seeking a certificate
 18 of authorization shall be two hundred dollars (\$200). The application fee
 19 shall accompany the application.

20 The amount of the license fee or certificate fee shall be fixed by
 21 the board prior to June 30th of any year and shall continue in force until
 22 changed.

23 Should the board deny the issuance of a certificate or license to any
 24 applicant, the application fee paid shall be retained as a processing fee.

25 SECTION 3. That Section 54-1214, Idaho Code, be, and the same is hereby
 26 amended to read as follows:

27 54-1214. EXAMINATIONS. (1) Examinations will be held at such times and
 28 places as the board directs. The board shall determine the acceptable grade
 29 on examinations.

30 (2) Written examinations ~~will be given in two (2) sections and~~ may be
 31 taken only after the applicant has met the other minimum requirements as
 32 given in section 54-1212, Idaho Code, and has been approved by the board for
 33 admission to the examinations as follows:

34 (a) Fundamentals of Engineering -- The examination consists of ~~an~~
 35 ~~eight (8) hour~~ a test on the fundamentals of engineering acceptable
 36 to the board. Passing this examination qualifies the examinee for an
 37 engineer intern certificate, provided he has met all other requirements
 38 of certification required by this chapter.

39 (b) Principles and Practice of Engineering -- The examination consists
 40 of a ~~minimum of an eight (8) hour~~ test on applied engineering acceptable
 41 to the board. Passing this examination qualifies the examinee for
 42 licensure as a professional engineer, provided he has met the other
 43 requirements for licensure required by this chapter.

44 (c) Fundamentals of Surveying -- The examination consists of ~~an eight~~
 45 ~~(8) hour~~ a test on the fundamentals of surveying acceptable to the
 46 board. Passing this examination qualifies the examinee for a land
 47 surveyor intern certificate, provided he has met all other requirements
 48 for certification required by this chapter.

1 (d) Principles and Practice of Surveying -- The examination consists
 2 of a ~~minimum of an eight (8) hour~~ test on applied surveying acceptable
 3 to the board. Passing this examination qualifies the examinee for
 4 licensure as a professional land surveyor, provided he has met the other
 5 requirements for licensure required by this chapter.

6 (3) A candidate failing all or part of an examination for the first
 7 time may apply for reexamination, which may be granted upon payment of an
 8 application fee equal to the application fee for the required examination
 9 plus a separate examination fee paid by the applicant directly to the entity
 10 designated by the board. In the event of a second failure, the examinee shall
 11 be required to obtain a minimum of one (1) additional year of experience,
 12 acceptable to the board, from the date of the second examination failure, and
 13 submit evidence of having completed an additional eight (8) semester credits
 14 of college level academic education relating to the examination, before the
 15 board will consider that he has acquired the necessary additional knowledge
 16 to warrant assignment to a third examination. The separate application and
 17 examination fees shall be as set forth herein. In the event of a third or
 18 subsequent failure, the examinee shall be required to obtain a minimum of
 19 three (3) additional years of experience, acceptable to the board, from the
 20 date of the third or subsequent examination failure, and submit evidence
 21 of having completed an additional twelve (12) semester credits of college
 22 level academic education relating to the examination, before the board
 23 will consider that he has acquired the necessary additional knowledge to
 24 warrant assignment to a subsequent examination. The separate application
 25 and examination fees shall be as set forth herein.

26 (4) The board may prepare and adopt specifications for the written
 27 examinations in engineering and land surveying.

28 SECTION 4. That Section 54-1216, Idaho Code, be, and the same is hereby
 29 amended to read as follows:

30 54-1216. EXPIRATIONS AND RENEWALS -- FEES. Following issuance or
 31 renewal of licenses for professional engineers and professional land
 32 surveyors, expiration shall be on the last day of the month during which the
 33 licensee was born, in even-numbered state of Idaho fiscal years for those
 34 born in even-numbered calendar years and in odd-numbered state of Idaho
 35 fiscal years for those born in odd-numbered calendar years, and shall become
 36 invalid on that date unless renewed. On or after July 1, 2010, the executive
 37 director of the board shall send renewal notices to business entities that
 38 have been issued a certificate of authorization. The renewal fee amount
 39 shall be for a period of one (1) year plus a prorated annual renewal fee
 40 amount for the number of months from and including August to and including
 41 the month in which the certificate of authorization was originally issued.
 42 Thereafter, c~~C~~ertificates of authorization for business entities shall
 43 expire on the last day of the month of July following issuance or renewal in
 44 which they were initially issued and shall become invalid on that date unless
 45 renewed. It shall be the duty of the board to notify every person licensed
 46 and every business entity certified under this chapter, of the date of the
 47 expiration of said license or certificate of authorization and the amount of
 48 the fee that shall be required for its renewal. Such notice shall be mailed
 49 to the last known address of the licensee or business entity at least one (1)

1 month in advance of the date of the expiration of said license or certificate
 2 of authorization. Renewal shall be effective at any time in the appropriate
 3 year during the month in which the licensee was born or during the month of
 4 July in the case of business entities, by the payment of a renewal fee to be
 5 fixed by the board at not more than one hundred fifty dollars (\$150). The
 6 failure on the part of any licensee or certificate holder to renew his or its
 7 license or certificate biennially in the month in which they were born or in
 8 the month of July in the case of business entities, as required above shall
 9 not deprive such person or business entity of the right of renewal, but the
 10 fee to be paid for the renewal of a license or certificate after the month
 11 in which it is due shall be increased twenty percent (20%) for each month or
 12 fraction of a month that payment of renewal is delayed; provided, however,
 13 that the maximum fee for delayed renewal shall not exceed twice the renewal
 14 fee for each renewal cycle delinquent, but in no event more than three
 15 hundred dollars (\$300). Any work performed after a license or certificate
 16 of authorization has expired, but before delayed renewal has been effected,
 17 shall become valid upon delayed renewal as if the license or certificate of
 18 authorization had not expired, but the licensee or certificate holder may
 19 be subject to disciplinary action by the board for practice on an expired
 20 license or such other action as provided pursuant to this chapter.

21 Following issuance or renewal of certificates for engineer interns
 22 and land surveyor interns, expiration shall be on the last day of the month
 23 during which the certificate holder was born, in even-numbered state of
 24 Idaho fiscal years for those born in even-numbered calendar years and in
 25 odd-numbered state of Idaho fiscal years for those born in odd-numbered
 26 calendar years. The notification to holders of certificates shall be
 27 processed as prescribed above for licensees except that the biennial renewal
 28 fee shall not be more than thirty dollars (\$30.00). The failure on the part
 29 of any holder of a certificate to effect renewal shall not invalidate his
 30 status as an engineer intern or land surveyor intern, but his name shall be
 31 removed from the board's mailing list.

32 SECTION 5. That Section 54-1220, Idaho Code, be, and the same is hereby
 33 amended to read as follows:

34 54-1220. DISCIPLINARY ACTION -- PROCEDURES. (1) Any affected party
 35 may prefer charges of fraud, deceit, gross negligence, incompetence,
 36 misconduct or violation of any provision of this chapter, or violation of
 37 any of the rules promulgated by the board against any individual licensee
 38 or certificate holder or against any business entity holding a certificate
 39 of authorization or against a person applying for a license or against a
 40 business entity applying for a certificate of authorization. Repeated acts
 41 of negligence may be considered as a gross act for disciplinary action. Such
 42 charges shall be in writing, and shall be sworn to by the person or persons
 43 making them and shall be filed with the executive director of the board. The
 44 executive director of the board shall be considered an affected party and may
 45 be the person making and filing the charges.

46 (2) All charges, unless dismissed by the board as unfounded or trivial,
 47 or unless settled informally, shall be heard by the board within six (6)
 48 months after the date they were received at the board office unless such time
 49 is extended by the board for justifiable cause.

1 (3) ~~Hearing~~ Administrative proceedings shall be governed by the
2 provisions of chapter 52, title 67, Idaho Code.

3 (4) If, after ~~such~~ an administrative hearing, the board votes in favor
4 of sustaining the charges, the board may, in its discretion, impose an
5 administrative penalty, not to exceed five thousand dollars (\$5,000) for
6 deposit in the general fund of the state of Idaho. In addition, the board, in
7 its discretion, may admonish, reprimand, suspend, revoke, refuse to renew,
8 refuse to grant, or any combination thereof, the individual's license or
9 certificate or a business entity's certificate of authorization. The board
10 may also, in its discretion, require the individual to practice under the
11 supervision of another licensee, or require the individual to successfully
12 complete continuing education courses as may be prescribed by the board.

13 (5) The board shall have jurisdiction over licensees whose licenses
14 are not current provided the action relates to services performed when the
15 license was current and valid.

16 SECTION 6. That Section 54-1223, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 54-1223. SAVING CLAUSE -- EXEMPTIONS. (1) This chapter shall not be
19 construed to affect:

20 (a) The practice of any other profession or trade for which a license is
21 required under any law of this state or the United States.

22 (b) The work of an employee or a subordinate of a person holding a
23 license under this chapter, provided such work does not include final
24 engineering design or land surveying decisions and is done under the
25 direct responsibility, checking, and supervision of, and verified by, a
26 person holding a license under this chapter.

27 (c) Any individual teaching upper division engineering subjects that
28 are classified as engineering design for any college or university in
29 this state as of July 1, 1988, and any such individual employed after
30 July 1, 1988, for a period of five (5) years from the date of employment
31 with any college or university in this state.

32 (d) An individual doing surveying work for himself, or through a
33 business entity, on property owned or leased by the individual or
34 business entity, or in which the individual or business entity has an
35 interest, estate or possessory right and which affects exclusively the
36 property or interests of the individual or business entity; provided,
37 that all land surveying maps, plats or plans filed with any county
38 recorder's office in the state of Idaho for the purpose of illustrating
39 or defining boundaries of property ownership, shall be made by a
40 licensed professional land surveyor as provided in this chapter.

41 (e) An individual doing survey work for himself, or through a business
42 entity with respect to the location, amendment, or relocation of a
43 mining claim.

44 (f) The practice of engineering by employees of a business entity as
45 long as the services provided by them are for internal business entity
46 use only.

47 (2) The board, at its discretion, may exempt an exceptional individual
48 who has twelve (12) or more years of appropriate experience in engineering

1 from the requirement for satisfactory completion of an examination in the
2 fundamentals of engineering.

3 (3) An applicant for licensure as a professional engineer either by
4 examination or by comity who has earned a bachelor degree in engineering from
5 an approved engineering program and has, in addition, earned a doctorate
6 degree in engineering from a college or university which offers an approved
7 undergraduate program in the same discipline as the doctorate degree earned,
8 shall be exempt from the requirement for satisfactory completion of an
9 examination in the fundamentals of engineering. Honorary doctorate degrees
10 are not considered earned degrees for purposes of this subsection.

11 (4) In addition to, and notwithstanding other provisions of this
12 chapter, in circumstances of emergency creating conditions of imminent and
13 substantial danger to the public health, safety or environment through the
14 provision of engineering services, the prosecuting attorney or the attorney
15 general may institute a civil action for an immediate injunction to halt the
16 provision of engineering services.

17 (5) A professional engineer licensed in Idaho may review the work of
18 a professional engineer who is licensed in another jurisdiction of the
19 United States or a foreign country on a project that is a site adaptation
20 of a standard design plan to determine that the standard design plan meets
21 the standard of care and is applicable to the intended circumstance, with or
22 without modification. The Idaho professional engineer shall demonstrate
23 responsible charge, as defined in this chapter, by performing professional
24 services related to his assignment including developing or obtaining a
25 complete design record with design criteria and calculations, performing
26 necessary code research and developing any necessary and appropriate
27 changes to the standard design plan necessary to properly apply the standard
28 design to the intended circumstance. The nonprofessional services, such as
29 drafting, need not be redone by the Idaho professional engineer, but must
30 clearly and accurately reflect the Idaho professional engineer's work. The
31 burden is on the Idaho professional engineer to show such compliance. The
32 Idaho professional engineer shall have control of and responsibility for
33 the entire work product, shall seal, sign and date it as required in this
34 chapter, and shall be in possession of all original documents or certified
35 copies of documents related to the professional engineer's work for the
36 project.

37 (6) In the event a licensee in responsible charge of a project leaves
38 employment, is transferred, is promoted, becomes incapacitated, dies or is
39 otherwise not available to seal, sign and date final documents, the duty of
40 responsible charge of the project shall be accomplished by the successor
41 licensee by becoming familiar with and reviewing, in detail, and retaining
42 the project documents to date. Subsequent work on the project must clearly
43 and accurately reflect the successor licensee's responsible charge. The
44 successor licensee shall seal, sign and date all work product in conformance
45 with section 54-1215, Idaho Code.