

IN THE SENATE

SENATE BILL NO. 1046

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO ENGINEERS AND LAND SURVEYORS; AMENDING SECTION 54-1203, IDAHO
2 CODE, TO REVISE THE NUMBER OF MEMBERS OF THE BOARD, TO REVISE TERMINOL-
3 OGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1204, IDAHO
4 CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMEND-
5 ING SECTION 54-1207, IDAHO CODE, TO REVISE THE NUMBER OF MEMBERS NECES-
6 SARY FOR A QUORUM; AMENDING SECTION 54-1216, IDAHO CODE, TO REVISE PRO-
7 VISIONS RELATING TO RENEWAL OF LICENSES, TO REVISE THE PENALTY FOR FAIL-
8 URE TO RENEW A LICENSE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING
9 SECTION 54-1220, IDAHO CODE, TO PROVIDE A PENALTY FOR FAILURE TO COM-
10 PLETE CERTAIN PROFESSIONAL REQUIREMENTS AND TO MAKE A TECHNICAL CORREC-
11 TION.
12

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

14 SECTION 1. That Section 54-1203, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 54-1203. IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND PRO-
17 FESSIOANAL LAND SURVEYORS. A board to be known as the "Idaho board of licen-
18 sure of professional engineers and professional land surveyors" is a divi-
19 sion of the Idaho department of self-governing agencies and shall adminis-
20 ter the provisions of this chapter. It shall consist of ~~five~~ seven (57) per-
21 sons duly licensed as provided by this chapter, appointed by the governor
22 from among nominees recommended by any organized and generally recognized
23 state engineering society in this state for the professional engineer mem-
24 bers or any organized and generally recognized state land surveying society
25 in this state for the professional land surveyor members. The board shall
26 be comprised of ~~four~~ five (45) persons licensed as professional engineers
27 and ~~one~~ two (2) persons licensed as a professional land surveyors. The mem-
28 bers of the board shall have the qualifications required by section 54-1204,
29 Idaho Code. The members of the present board shall continue to serve for
30 the balance of their respective terms of appointment. Each member of the
31 board shall take, subscribe and file the oath required by chapter 4, title
32 59, Idaho Code, before entering upon the duties of the office. On the expira-
33 tion of the term of any member, a successor shall be appointed in like manner
34 by the governor for a term of five (5) years. Any appointment to complete a
35 term that has not expired, because of resignation or inability of a member to
36 serve for any reason, shall be for the unexpired portion of the term. A mem-
37 ber of the board shall hold office until the expiration of the term for which
38 he was appointed and until his successor has been appointed and qualified. A
39 member, after serving two (2) consecutive full terms in addition to any un-
40 expired portion of a term, shall not be reappointed for a period of two (2)
41 years. The board, on its own initiative, may appoint any former member as an

1 emeritus member for special assignment to assist the board in the adminis-
2 tration of this chapter.

3 SECTION 2. That Section 54-1204, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 54-1204. QUALIFICATION OF MEMBERS OF BOARD. Members of the board shall
6 be citizens of the United States and residents of this state, and they
7 shall have been engaged for at least twelve (12) years in the practice of
8 engineering for the professional engineer members or land surveying for the
9 professional land surveyor members, shall have been in responsible charge
10 for at least five (5) years of important professional engineering or profes-
11 sional land surveying work, and shall be licensed under the provisions of
12 this chapter. Responsible charge of engineering or land surveying teaching
13 may be construed as responsible charge of important professional engineer-
14 ing or professional land surveying work.

15 SECTION 3. That Section 54-1207, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 54-1207. BOARD -- ORGANIZATION AND MEETINGS. The board shall hold at
18 least one (1) regular meeting each year. The rules of the board may pro-
19 vide for additional regular meetings and for special meetings. Notice of all
20 meetings shall be given as may be provided in the rules. The board shall an-
21 nually elect a chairman, a vice-chairman and a secretary, who shall be mem-
22 bers of the board, and they may provide for an assistant or executive direc-
23 tor who need not be a member of the board. ~~Three~~ Four (~~3~~4) members shall con-
24 stitute a quorum.

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

27 54-1216. EXPIRATIONS AND RENEWALS -- FEES. Following issuance or
28 renewal of licenses for professional engineers and professional land sur-
29 veyors, expiration shall be on the last day of the month during which the
30 licensee was born, in even-numbered state of Idaho fiscal years for those
31 born in even-numbered calendar years and in odd-numbered state of Idaho
32 fiscal years for those born in odd-numbered calendar years, and shall become
33 invalid on that date unless renewed. ~~On or after July 1, 2010, the executive~~
34 ~~director of the board shall send renewal notices to business entities that~~
35 ~~have been issued a certificate of authorization. The renewal fee amount~~
36 ~~shall be for a period of one (1) year plus a prorated annual renewal fee~~
37 ~~amount for the number of months from and including August to and including~~
38 ~~the month in which the certificate of authorization was originally issued.~~
39 ~~Thereafter,~~ eCertificates of authorization for business entities shall
40 expire annually on the last day of the month in which the certificates were
41 initially issued and shall become invalid on that date unless renewed. It
42 shall be the duty of the board to notify every person licensed and every
43 business entity certified under this chapter, of the date of the expiration
44 of said license or certificate of authorization and the amount of the fee
45 that shall be required for its renewal. Such notice shall be mailed to the

1 last known address of the licensee or business entity at least one (1) month
 2 in advance of the date of the expiration of said license or certificate of
 3 authorization. Renewal shall be effective at any time in the appropriate
 4 year during the month in which the licensee was born or during the month in
 5 which the certificates were initially issued in the case of business enti-
 6 ties, by the payment of a renewal fee to be fixed by the board at not more than
 7 one hundred fifty dollars (\$150) and upon completion of any requirements for
 8 renewal required by this chapter or administrative rule. The failure on the
 9 part of any licensee or certificate holder to renew his or its license or cer-
 10 tificate biennially in the month in which they were born or annually in the
 11 month in which the certificates were initially issued in the case of business
 12 entities, as required above shall not deprive such person or business entity
 13 of the right of renewal, but the fee to be paid for the renewal of a license
 14 or certificate after the month in which it is due shall be increased ~~twenty~~
 15 fifty percent (250%) for each month or fraction of a month that payment of
 16 renewal is delayed; provided, however, that the maximum fee for delayed
 17 renewal shall not exceed ~~twice the renewal fee for each renewal cycle delin-~~
 18 ~~quent, but in no event more than three~~ five hundred dollars (\$3500). Any work
 19 performed after a license or certificate of authorization has expired, but
 20 before delayed renewal has been effected, shall become valid upon delayed
 21 renewal as if the license or certificate of authorization had not expired,
 22 but the licensee or certificate holder may be subject to disciplinary action
 23 by the board for practice on an expired license or such other action as pro-
 24 vided pursuant to this chapter.

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

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

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

1 (2) All charges, unless dismissed by the board as unfounded or de min-
2 imis, or unless settled informally, shall be heard by the board within six
3 (6) months after the date they were received at the board office unless such
4 time is extended by the board for justifiable cause.

5 (3) Administrative proceedings shall be governed by the provisions of
6 chapter 52, title 67, Idaho Code.

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

17 (5) Notwithstanding the provisions of subsection (4) of this section,
18 any person who has violated the recordkeeping or continuing professional
19 development requirements imposed by the rules of the board may, in lieu
20 of disciplinary proceedings under this chapter or chapter 52, title 67,
21 Idaho Code, elect to pay the board a penalty in the amount of four hundred
22 dollars (\$400) for a first-time violation. Upon successful completion of
23 the recordkeeping or continuing professional development requirements and
24 payment of the penalty, the violation shall not be considered disciplinary
25 action under the provisions of this section and shall not be reported to any
26 national disciplinary database.

27 (6) The board shall have jurisdiction over licensees whose licenses are
28 not current, provided the action relates to services performed when the li-
29 cense was current and valid.