

State of Rhode Island and Providence Plantations
DEPARTMENT OF BUSINESS REGULATION
Division of Design Professionals
1511 Pontiac Avenue, Bldg. 68-69
Cranston, Rhode Island 02920

Public Notice of Proposed Rule-Making

Pursuant to the provisions of the Administrative Procedures Act, Chapter 42-35 of the General Laws, the Department of Business Regulation hereby gives notice of its intent to repeal the Rules and Regulations adopted by the former board known as the "Board of Registration for Professional Engineers and Land Surveyors" (ERLID 1311).

The purpose of this repeal is to eliminate a regulation that is no longer valid. The Board of Registration for Professional Engineers and the Board of Registration for Land Surveyors are now separate entities, with their own rules and regulations.

A copy of the regulation proposed to be repealed is available for public inspection at www.dbr.ri.gov, in person at Department of Business Regulation, 1511 Pontiac Avenue, Cranston, Rhode Island 02920, or by emailing jenna.algee@dbr.ri.gov or by calling Jenna Algee, Esq. at (401) 462 9593.

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

All interested parties are invited to submit written or oral comments concerning the proposed regulations by October 13, 2015 to Jenna Algee, Esq., Department of Business Regulation, 1511 Pontiac Avenue, Bldg. 68-1, Cranston, RI 02920, (401) 462 9593, jenna.algee@dbr.ri.gov. A public hearing to consider the proposed amendment shall be held on October 13, 2015 at 1:00 p.m. at 1511 Pontiac Avenue, Cranston, Rhode Island 02920 at which time and place all persons interested therein will be heard.

All are welcome at the Rhode Island Department of Business Regulation ("DBR"). If any reasonable accommodation is needed to ensure equal access, service or participation, please contact DBR at 401-462-9551, RI Relay at 7-1-1, or email directorofficeinquiry@dbr.ri.gov at least three (3) business days prior to the hearing.

Macky McCleary
Director, Department of Business Regulation

Date posted: September 10, 2015

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Concise Summary of Proposed Non-Technical Changes

In accordance with the Administrative Procedures Act, Section 42-35-3(a)(1) of the General Laws of Rhode Island, the following is a concise summary of proposed non-technical changes that would be accomplished by the proposed repeal of the Rules and Regulations adopted by the former board known as the "Board of Registration for Professional Engineers and Land Surveyors" (ERLID 1311).

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

BOARD OF REGISTRATION FOR PROFESSIONAL

ENGINEERS AND LAND SURVEYORS

RULES AND REGULATION

OFFICE OF THE BOARD:

DEPARTMENT OF BUSINESS REGULATION

100 NORTH MAIN STREET

PROVIDENCE, RHODE ISLAND 02903

TELEPHONE: (401) 277-2565

AUTHORITY

~~Chapter 78, Public Laws 1962~~

~~Amended 1978 & 1980~~

~~Section 1, Chapter 5-8~~

~~Section 5-8-8 entitled "Board Powers"~~

SECTION 1
RULES OF PROFESSIONAL CONDUCT

~~1.01 PREAMBLE~~

~~A. In order to safeguard, life, health and property, to promote the public welfare, and to establish and maintain a high standard of integrity and practice, the following Rules of Professional Conduct shall be binding on every person holding a certificate of registration and on all partnerships or corporations or other legal entities authorized to offer or perform engineering or land surveying services in this state.~~

~~B. The Rules of Professional Conduct as promulgated herein are an exercise of the police power vested in the Board by virtue of the acts of the Rhode Island General Assembly.~~

~~C. All persons registered under Chapter 78 Public Laws 1962 are charged with having knowledge of the existence of these Rules of Professional Conduct, and shall be deemed to be familiar with their provisions and to understand them. Such knowledge shall encompass the understanding that the practice of engineering and land surveying is a privilege, as opposed to a right.~~

~~D. In these Rules of Professional Conduct, the word "registrant" shall mean any person holding a license or certificate Issued by this Board.~~

~~1.02 FUNDAMENTAL CANONS~~

~~Registrants, in the fulfillment of their professional duties, shall abide by the following fundamental canons:~~

~~A. Registrants Shall Hold Paramount the Safety, Health and Welfare of the Public in the Performance of their Professional Duties.~~

~~1. Registrants shall at all times recognize that their primary obligation is to protect the safety, health, property and welfare of the public. If their professional judgment is overruled under circumstances where the safety, health, property or welfare of the public are endangered, they shall notify their employer or client and such other authority as may be appropriate.~~

~~2. Registrants shall approve and seal only those design documents and surveys, reviewed or prepared by them, which are safe for public health, property and welfare in conformity with accepted engineering and land surveying standards.~~

~~3. Registrants shall not reveal facts, data or information obtained in a professional capacity without the prior consent of the client, or employer except as authorized or required by law.~~

~~4. Registrants shall not permit the use of their name or firm name nor associate in business ventures with any person or firm which they have reason to believe is engaging in fraudulent or dishonest business or professional practices.~~

~~5. Registrants having knowledge of any alleged violation of any of these rules of professional conduct, shall cooperate with the Board in furnishing such information or assistance as may be required.~~

~~B. Registrants shall perform services only in the areas of their competence.~~

- ~~1. Registrants shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering or land surveying involved.~~
- ~~2. Registrants shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competence, nor to any such plan or document not prepared or reviewed under their direct supervisory control.~~
- ~~3. Registrants may accept an assignment outside of their fields of competence to the extent that their services are restricted to those phases of the project in which they are qualified, and to the extent that they are satisfied that all other phases of such project will be performed by qualified associates, consultants or employees.~~
- ~~4. In the event a question arises as to the competence of a registrant in a specific technical field which cannot be otherwise resolved to the Board's satisfaction, the Board, either upon request of the registrant or on its own volition, shall admit the registrant to an appropriate examination.~~

~~C. Registrants Shall Issue Public Statements Only in an Objective and Truthful Manner.~~

- ~~1. Registrants shall be objective and truthful in professional reports, statements or testimony. They shall include all relevant and pertinent information in such reports, statements or testimony.~~
- ~~2. Registrants may express publicly a professional opinion on technical subjects only when that opinion is founded upon adequate knowledge of the facts and competence in the subject matter.~~
- ~~3. Registrants shall issue no statements, criticisms or arguments on technical matters which are inspired or paid for by interested parties, unless the registrants have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the registrants may have in the matters.~~

~~D. Registrants Shall Act in Professional Matters for each Employer or Client as Faithful Agents or Trustees, and Shall Avoid Conflicts of Interest.~~

- ~~1. Registrants shall disclose all known or potential conflicts of interest to their employers or clients by promptly informing them of any business association, interest, or other circumstances which could influence their judgment or the quality of their services.~~
- ~~2. Registrants shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.~~
- ~~3. Registrants shall not solicit or accept financial or other valuable consideration, directly or indirectly, from contractors, their agents, or other parties in connection with work for employers or clients for which the registrant is responsible.~~

~~4. Registrants in public service as members, advisors or employees of a governmental body or department shall not participate in decisions with respect to professional services solicited or provided by them or their organizations.~~

~~5. Registrants shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member, except upon public disclosure of all pertinent facts and circumstances and consent of appropriate public authority.~~

~~E. Registrants Shall Avoid Improper Solicitation of Professional Employment.~~

~~1. Registrants shall not falsify or permit misrepresentation of their, or their associates', academic or professional qualifications. They shall not misrepresent or exaggerate their degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or past accomplishments with the intent and purpose of enhancing their qualifications and their work.~~

~~2. Registrants shall not offer, give, solicit or receive, either directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, and shall not make any political contribution in an amount intended to influence the award of a contract by public authority, but which may be reasonably construed by the public of having the effect or intent to influence the award of a contract.~~

SECTION 2

ORGANIZATION AND PROCEDURES OF THE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

2.1 BOARD MEMBERSHIP

A. The Board shall consist of seven members. Five members shall be professional engineers, one member shall be a land surveyor, and one member shall be both a professional engineer and a land surveyor (per Section 5-8-3).

2.2 BOARD ORGANIZATION

A. The Board shall elect or appoint annually the following officers: A chairman, a vice chairman, and a secretary (per Section 5-8-7).

B. Officers shall be elected annually at the December meeting. Newly elected officers shall assume office immediately after adjournment of the meeting at which they are elected.

2.3 DUTIES OF OFFICERS

A. The Chairman shall be the Executive head of the Board, preside at meetings, appoint all committees, sign all Certificates of Registration issued by the Board, sign all vouchers authorizing expenditures of Board funds, and authorize and direct all legal proceedings and enforcement activities requiring such authorization and direction by an officer of the Board while the Board is in recess.

B. The Vice Chairman shall perform all the duties of the Chairman in the event the Chairman is Incapacitated or otherwise not available. He shall also perform or cause to be performed, the following duties: Prepare fiscal and operating budgets and submit for Board approval, 30 days prior to the required date for transmittal to the State Budget Director. Each member of the Board shall be provided with a copy of Budgets when prepared.

C. The Secretary shall:

1. Countersign all vouchers authorizing expenditure of Board funds.
2. Provide supervision of the Board's Administrative Office activities through the Administrative Assistant, and promptly advise the Board of matters requiring its attention.
3. Provide for transcribing of minutes of all meetings of the Board and furnishing copies to each member of the Board.
4. Send notices of regular and special meetings to Board members not less than 10 days in advance of such meetings, except emergency meetings called by the Chairman.
5. Examine each application for registration and bring about the necessary correction of, or the supplying of, missing or essential data in connection with such application, prior to consideration thereof by the Board.

- ~~6. Address all necessary inquiries to verify the qualifications, education, experience and character of applicants.~~
- ~~7. Arrange for all written examinations and interviews of applicants.~~
- ~~8. Arrange for notices of time and place of all written examinations to appear in the official record of the Secretary of State no less than 50 days prior to the date of such examinations.~~
- ~~9. Report to the Board the result of every examination and other evidence of qualifications of applicants.~~
- ~~10. Arrange for an appropriate news release to one or more news services of the names and addresses of all newly registered Professional Engineers and Land Surveyors.~~
- ~~11. Arrange for hearings as may be directed by the Board or the Chairman.~~
- ~~12. Prepare and present an annual report within 30 days following the end of each fiscal year.~~
- ~~13. Sign all Certificates of Registration and Authorization.~~
- ~~14. Otherwise perform the usual duties of his office, including all the official correspondence of the Board.~~
- ~~15. Keep all minutes of records including a record of all Certificates of Registration and Authorization issued.~~
- ~~16. Receive and account for all fees received from applicants and registrants.~~
- ~~17. Deposit all funds received with the State Treasurer, monthly or more often if necessary.~~
- ~~18. Furnish members of the Board with current financial reports on a monthly basis.~~
- ~~19. Provide for an annual audit of all financial records, a copy of such accounting to be furnished to each Board member.~~

~~2.4 ADMINISTRATIVE HEADQUARTERS~~

- ~~A. The Board's administrative headquarters shall be selected by the Board and shall house all Board records pertinent to the orderly administration of business procedure.~~

~~2.5 ADMINISTRATIVE ASSISTANT~~

~~A. General. The Board shall designate an individual as Administrative Assistant. As such, the Administrative Assistant shall maintain liaison with all Board members and shall coordinate and direct the activities of all members of the staff and the Board's legal counsel. The Administrative Assistant shall be responsible for implementing all procedures incident to examination and registration of applicants for registration as Professional Engineer, Engineer In Training, and Land Surveyor and certification of engineering and land surveying firms, including dissemination of application forms, verification of information furnished by applicants, notifications to applicants, administration of examinations, reporting results of investigations and examinations to the Board, and issuance of Certificates.~~

~~B. The Administrative Assistant shall be responsible to the Boards Secretary for implementation of the functions herein defined as responsibilities of the Secretary.~~

~~C. Reports. The Administrative Assistant shall make a formal report to the Board at each Board meeting, of all pertinent administrative, investigative and enforcement activities since the previous meeting. Investigative and enforcement reports may be made at more frequent Intervals if circumstances so dictate. Investigation and enforcement reports shall normally be prepared in collaboration with the Board's legal counsel.~~

SECTION 3
HEARINGS AND INVESTIGATIVE PROCEDURES

3.1 — CHARGES

~~A. Any person may prefer charges of fraud, deceit, gross negligence, incompetence or misconduct against any registrant. Such charges shall be in writing and shall be sworn to by the person or persons making them and shall be filed with the Secretary of the Board (Section 5-8-18).~~

~~B. The Board may institute proceedings against a licensee on its behalf without a formal written third party complaint where there is evidence that any individual or firm is or has engaged in practice so as it may endanger the public health, safety or property.~~

~~C. All charges, unless dismissed by the Board as unfounded or trivial, shall be heard by the Board within three (3) months after the date on which they shall have been preferred.~~

3.2 — LEGAL ASSISTANCE

~~A. The attorney general of the state or his designated assistant shall act as legal adviser to the Board and render such legal assistance as may be necessary in carrying out the provisions of this chapter. The Board may employ counsel and necessary assistance to aid in the enforcement of this chapter, and the compensation and expenses therefore shall be paid from funds of the Board (Section 5-8-20).~~

3.3 — INVESTIGATIVE CONFERENCES

~~A. An informal investigation may be made of alleged violations of rules or laws involving a Professional Engineer or Land Surveyor. The Chairman of the Board may designate a Board member to conduct an investigative conference with the alleged violator. A full report of such conference shall be made to the Board.~~

~~1. In the matter of informal investigative conferences, the Board member conducting same shall immediately advise the alleged violator of the informal nature of the proposed proceeding; of the alleged violator's right to refuse to participate in said proceeding; and of the alleged violator's right to a formal hearing as set forth in Paragraph 3.04, below.~~

3.4 — HEARINGS

~~A. Basis. All hearings will be conducted in accordance with Section 5-8-18 entitled "Disciplinary action — Revocations" and in accordance with the applicable requirements of the Administrative Procedures Act of the State of Rhode Island as set forth in Chapter 35, Section 42-35 of the General Laws.~~

~~B. Penalties. The Board shall have the power to suspend, refuse to renew, or revoke the certification of registration of any registrant, who is found guilty of:~~

- ~~1. The practice of any fraud or deceit in obtaining a certificate of registration.~~
- ~~2. Any gross negligence, incompetence or misconduct in the practice of engineering as a professional engineer or in the practice of land surveying as a land surveyor.~~
- ~~3. Any felony or any crime involving moral turpitude.~~

~~C. Time and Place. The time and place for hearings shall be fixed by the Board, and a copy of charges together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such accused registrant, at least thirty (30) days before the date fixed for the hearing. At any hearing, the accused registrant shall have the right to appear personally and/or by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.~~

- ~~1. If, after such hearing, a majority of the Board votes in favor of sustaining the charges, the Board shall suspend, refuse to renew, or revoke the certificate of registration of such registered engineer or land surveyor. The Board, for reasons it may deem sufficient, may reissue a certificate or registration to any person whose certificate has been revoked.~~

SECTION 4
MEETINGS

4.1 — BOARD MEETINGS

A. ~~Board meetings shall be held no less than six (6) times a year. Special meetings may be called at the direction of the Chairman.~~

B. ~~Monthly meetings will be held on the third Wednesday of the month at 3:30 p.m. at the Board headquarters unless otherwise directed by the Chairman.~~

4.2 — QUORUM

A. ~~A quorum of the Board shall consist of not less than four (4) members.~~

4.3 — PARLIAMENTARY PROCEDURE

A. ~~Robert's Rules of Order shall be standard for the conduct of Board meetings.~~

4.4 — ORDER OF BUSINESS

A. ~~The order of business for regular Board meetings shall normally be as follows:-~~

~~Call to order~~

~~Reading and approval of minutes of previous meeting~~

~~Report of Administrative Assistant~~

~~Report of Secretary~~

~~Reports of Committees~~

~~Interviews of Applicants~~

~~Hearings~~

~~Reconsideration of old applicants~~

~~Review of examination grades~~

~~Consideration of new applicants~~

~~Old business~~

~~New business~~

~~Scheduling of hearings~~

~~Scheduling of meetings~~

~~Election of Officers (December meeting)~~

~~Adjournment~~

SECTION 5
PROFESSIONAL ENGINEER REGISTRATION

5.1 — GENERAL REQUIREMENTS

~~A. To be eligible for registration as a professional engineer, or certification as an engineer in training, an applicant must be of good character and reputation and shall submit five (5) references with his application for registration, three (3) of which references shall be registered engineers having personal knowledge of his engineering experience, or in the case of an application for certification as an engineer in training by three (3) character references. (Section 5-8-11)~~

5.2 — SPECIFIC REQUIREMENTS FOR PROFESSIONAL ENGINEER

~~The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified for registration as a professional engineer:~~

~~A. Registration by Endorsement.~~

~~1. A person holding a certificate of registration to engage in the practice of engineering, on the basis of comparable written examination, issued to him by proper authority of a state, territory, or possession of the United States, the District of Columbia, or of any foreign country, who, in the opinion of the Board, meets the requirements of this chapter, based on verified evidence may, upon application, be registered without further examination.~~

~~2. A person holding a certificate of qualification issued by the national bureau of engineering registration, whose qualifications meets the requirements of this chapter, may, upon application, be registered without further examination.~~

~~B. Graduation, Experience, and Examination.~~

~~1. A graduate of an engineering curriculum of four years or more approved by the Board as being of satisfactory standing and with a specific record of an additional four years or more of experience in engineering work of a grade and character which indicates to the Board that the applicant may be competent to practice engineering, shall be admitted to an eight hour written examination in the fundamentals of engineering, and an eight hour written examination in the principals and practice of engineering. Upon passing such examinations, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he is otherwise qualified.~~

~~2. A graduate of an engineering curriculum of four years or more, said curriculum having been approved by the Board as being of satisfactory standing, and with a specific record of twelve years or more of experience in engineering work of a grade and character which indicates to the Board that the applicant may be competent to practice engineering, shall be admitted to an eight hour written examination in the principles and practice of engineering. Upon passing such examination, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he is otherwise Qualified.~~

~~3. The Board may, at its complete and sole discretion, credit not more than one year of successfully completed graduate engineering study as constituting "experience in engineering work" as required under Paragraphs B1 and B2, above.~~

~~4. The Board may, at its complete and sole discretion, consider active engineering teaching assignments at a college or university offering engineering curricula of four years or more, said curricula being approved by the Board, as constituting "experience in engineering work" as required under Paragraphs B1 and B2, above.~~

~~C. Experience and Examination.~~

~~1. An applicant, having a specific record of a high school education and twelve years or more of progressive experience in engineering work of a character and grade which indicates to the Board that the applicant may be competent to practice engineering, shall be admitted to an eight hour written examination in the fundamentals of engineering designed to show knowledge and skill approximating that obtained through graduation in an approved four year engineering curriculum, and an eight hour written examination in the principles and practice of engineering. Upon passing such examinations, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he is otherwise qualified.~~

~~2. Successful completion by an applicant of a two year or four year course of study in engineering technology, as evidenced by awarded degrees and/or official transcripts, at an institution of higher learning not recognized by the Board as being of satisfactory professional standing, may be considered by the Board, at its complete and sole discretion, as constituting "progressive experience in engineering work". The number of years of said progressive experience to be allowed by the Board under the requirements of Paragraph C1, above, shall in no case exceed 1.5 times the number of such years of study successfully completed by the applicant.~~

~~D. Long Established Practice. An applicant, with a specific record of at least twenty years of lawful practice in engineering work of which at least ten years have been in responsible charge of important engineering work, and of a grade and character which indicates to the Board that the applicant may be competent to practice engineering, shall be admitted to an eight hour written examination in the principles and practice of engineering. Upon passing such examination, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he is otherwise qualified.~~

~~E. Engineers Previously Registered. Each engineer holding a certificate of registration under the laws of this state as heretofore in effect shall be deemed registered under this chapter.~~

~~F. Eminence, Veteran Professional Engineer Candidate. Such a candidate must meet the requirements of one of the above categories.~~

~~5.3 — SPECIFIC REQUIREMENTS FOR ENGINEER IN TRAINING~~

~~The following shall be considered by the Board as the minimum evidence that an applicant is qualified for certification as an Engineer In Training:~~

~~A. Graduation and Examination. A graduate of, or a college senior in, an approved engineering curriculum of four years or more approved by the Board as being of satisfactory standing, shall be admitted to an eight hour written examination in the fundamentals of engineering. Upon passing such an examination, the graduate applicant shall be certified as an Engineer In Training, provided he is otherwise qualified. The college senior applicant will be certified as an Engineer In Training after evidence of graduation is verified by the Board.~~

~~B. Experience and Examination.~~

~~1. An applicant, having a high school education and a specific record of eight or more years of progressive experience in engineering work of a grade and character satisfactory to the Board, shall be admitted to an eight hour written examination in the fundamentals of engineering. Upon passing such examination, the applicant shall be certified as an Engineer In Training, provided he is otherwise qualified.~~

~~2. Successful completion by an applicant of a two year or four year course of study in engineering technology, as evidenced by awarded degrees and/or official transcripts, at an institution of higher learning not recognized by the Board as being of satisfactory professional standing, may be considered by the Board, at its complete and sole discretion, as constituting "progressive experience in engineering work". The number of years of said progressive experience to be allowed by the Board under the requirements of Paragraph B1, above, shall in no case exceed 1.5 times the number of such years of study successfully completed by the applicant.~~

~~5.4 — ACCREDITED ENGINEERING CURRICULA~~

~~A. The official list of accredited engineering curricula of the Board shall be that of the Engineering Accreditation Commission/Accreditation Board for Engineering and Technology (EAC/ABET) and such other curricula as may be approved by the Board.~~

~~5.5 — COMMUNICATIONS~~

~~A. All communications with reference to licensing of Professional Engineers shall be addressed to the Secretary of the Board of Registration for Professional Engineers and Land Surveyors, Room No. 308, State Office Building, Providence, Rhode Island 02903, (401) 277-2565.~~

~~5.6 — APPLICATIONS~~

~~A. Application forms for licensing as a Professional Engineer may be obtained from the Secretary. All applications shall be completed in accordance with the instructions contained therein and submitted to the Secretary with the Prescribed fee. All applications and supporting papers submitted to the Board become part of the applicant's examination and become property of the Board.~~

5.7 ~~FEES~~

A. ~~Professional Engineers.~~

1. ~~Registration Fee: ~\$60.00 to accompany the application.~~
2. ~~Annual Renewal Fee: \$40.00~~
3. ~~Reinstatement Registration: 1st year – \$40.00 plus \$40.00 penalty
Each additional year – \$40.00 per year
plus \$60.00 penalty~~
4. ~~Re-examination Fee: \$40.00~~
5. ~~Duplicate Certificate of Registration Fee: \$25.00~~
6. ~~Temporary Permit Fee: \$150.00~~

B. ~~Engineers In Training.~~

1. ~~A \$40.00 fee will be required for applicants for certification as an Engineer In Training.~~
2. ~~No annual renewal of certification as an Engineer In Training or payment of renewal fee is required.~~
3. ~~Re-examination Fee: \$40.00~~

C. ~~Checks are to be made payable to the Rhode Island Board of Registration for Professional Engineers and Land Surveyors.~~

D. ~~All application fees shall be deposited by the Secretary, with the General Treasurer of the State of Rhode Island, and they are not refundable.~~

5.8 ~~FILING DATES~~

A. ~~Applications for admission to the Spring examination shall be in the hands of the Secretary with all endorsements and verifications no later than January first, and for the Fall examination no later than August first. Only complete applications will assure consideration of an applicant for the immediately following examination.~~

5.9 ~~EVIDENCE~~

A. ~~Evidence that the applicant meets the requirements shall be presented to the Board in the manner set forth in the Application Form and its accompanying instructions. The Board may make further inquiries and investigations with respect to the qualifications of the applicant, and all references may be further interrogated to confirm or amplify information supplied.~~

~~5.10 EVIDENCE OF TRAINING AND EXPERIENCE~~

~~A. Evidence of educational work at the college level shall be transmitted directly to the Secretary by the educational institution. Such evidence shall clearly identify the applicant and degrees conferred and shall be authenticated by an official seal or original signature of a responsible official.~~

~~B. Professional engineering training and experience shall be progressive in complexity and based on a knowledge of engineering mathematics, physical and applied sciences, properties of materials and fundamental principles of engineering design. Each item of the experience record shall be authenticated by an authoritative reference. Such reference shall be the immediate supervisor of the applicant unless deceased or otherwise unavailable. In general, experience in sales, estimating, field surveying, non-engineering military service, inspection and testing is considered sub professional and nonqualifying.~~

~~C. Engineering experience gained by post graduate engineering study or by engineering teaching in the rank of instructor or higher in an institution approved by the Board may be deemed professional experience.~~

~~5.11 EXAMINATIONS~~

~~A. Notification of Examination. Each applicant will receive written notification from the Secretary of the time and place of any examination for which he is eligible. Each candidate shall promptly notify the Secretary of his intention either to appear or not to appear for the examination. Failure to so notify the Secretary may result in loss of eligibility for that particular examination should the candidate appear.~~

~~1. A candidate who has not appeared for an examination after the second written notice from the Secretary, regardless of the reasons for not appearing, will not receive further notice of such examination. However, this candidate will be allowed to sit for his examination at any time it may be given thereafter upon written request to the Secretary.~~

~~2. A candidate who fails over a period of four years to appear for an examination for which he is eligible, for whatever reasons, shall have his application cancelled and his Application Form so marked with the reason therefore. Should he desire examination thereafter he shall make application anew.~~

~~B. Time and Place of Examinations. Written examinations shall be held twice each year, approximately in April and November. The exact dates and places of all examinations shall be determined by the Board.~~

~~C. Conduct of the Examination. Written examinations shall be conducted under the following general rules:~~

~~1. They shall be given during two four-hour periods, morning and afternoon, on two separate days.~~

~~2. No candidate shall communicate with any other candidate in any way without the direct permission of the Proctor.~~

~~3. All papers handed in by a candidate shall bear an assigned code number and shall not bear any other identification which can make known his name.~~

~~4. Textbooks, bound notes and standard printed references may be used as aids during any part of any examination.~~

~~5. Silent nonprogramable, self powered, electronic calculators may be used.~~

~~6. A candidate eligible for admission to both parts of the examination must first successfully complete Part A before being admitted to Part B.~~

~~D. Grading. Each part of the written examination will have a value of 100 points. A candidate shall be deemed to have successfully completed or passed any part if he has made a grade of 70 points as judged by the Board. Candidates will be notified of passing or failing, but will not be notified of their grades.~~

~~E. Character of the Written Examination.~~

~~1. Part A, Fundamentals of Engineering contained in mathematics, nucleonics and wave phenomena, chemistry, statics, dynamics, mechanics of materials, fluid mechanics, thermodynamics, electrical theory, material science and economic analysis.~~

~~2. Part B, Principles and Practice covering the professional practice of engineering in the general fields of Professional Engineering.~~

~~5.12 RE-EXAMINATION~~

~~A. Applicants for registration as professional engineer who have failed the Part B written examination may be given a re-examination upon request and payment of appropriate re-examination fee. The re-examination may consist of the whole or a part of the regularly given examination. After one Part B re-examination, the applicant cannot be given another re-examination until at least ten (10) months shall have elapsed. After two Part B re-examinations, the applicant will be required to be interviewed by the Board before being considered for admission to re-examination.~~

~~B. Applicants for certification as Engineer In Training and applicants for registration as Professional Engineers who have failed the Part A (Fundamentals) written examination may be given a re-examination on any future regularly scheduled examination date upon request and payment of appropriate re-examination fee. Requests for re-examination must be received by the Office of the Board at least sixty (60) days prior to the scheduled examination date.~~

~~5.13 ENGINEER IN TRAINING DESIGNATION~~

~~A. The Engineer In Training designation shall remain valid for a period of twelve years. An applicant who has met the prescribed requirements, except that he holds an E.I.T. certificate issued by another state or political subdivision of the United States, shall be classified as a Professional Engineer candidate and may be eligible for admission to Part B of the examination if he has obtained the required training and experience. But credit for Part A of the examination shall be granted only provided the certificate already held by the applicant is valid and active and was issued only upon~~

~~successful completion of a written examination with grades satisfactory to the Board by a legally constituted Board of Professional Engineer examiners, and provided the examination was of a scope adjudged by the Board to be the equivalent of that given in Rhode Island at the time, and provided reciprocal privileges are granted to citizens of Rhode Island by the state or political subdivision concerned.~~

~~5.14 NATIONAL COUNCIL OF ENGINEERING EXAMINERS~~

~~A. The Board is a member of the National Council of Engineering Examiners (NCEE) and as such is authorized to conduct NCEE examinations. The Board accepts NCEE Certificates as evidence of licensing in other jurisdictions. Information concerning examinations and other services offered may be obtained by writing to NCEE, Box 5000, Seneca, South Carolina 29678.~~

~~5.15 CERTIFICATES OF REGISTRATION AND AUTHORIZED FORMS~~

~~A. All certificates of Registration issued to Professional Engineers and Certificates for Engineers In Training shall be signed by the Chairman and the Secretary of the Board.~~

~~5.16 SERIAL NUMBERS FOR PROFESSIONAL ENGINEERS~~

~~A. The serial numbers for Professional Engineers will be in numerical sequence and not transferable.~~

~~5.17 SERIAL NUMBERS FOR ENGINEERS IN TRAINING~~

~~A. The serial numbers for Engineers In Training will be in numerical sequence and not transferable.~~

~~5.18 SEAL~~

~~A. Each Professional Engineer hereunder may upon registration obtain a seal of the design indicated below, bearing the registrant's name, serial number and the legend, "Registered Professional Engineer". Final engineering drawings, specifications, and reports prepared by a registrant shall, when issued, be signed and stamped with the said seal or facsimile thereof.~~

~~B. Form shall be as follows:~~

SECTION 6
LAND SURVEYOR REGISTRATION

6.1 — GENERAL REQUIREMENTS

~~A. To be eligible for admission to examination for land surveyor, or land surveyor in training, an applicant must be of good character and reputation and shall submit five references with his application for registration as a land surveyor, three of which references shall be registered land surveyors having personal knowledge of his land surveying experience; or in the case of an application for certification as a land surveyor in training, by three references, one of whom shall be a registered land surveyor having personal knowledge of the applicant's land surveying experience.~~

~~B. The evaluation of a land surveyor applicant's qualifications involves a consideration of his education, technical and land surveying experience, exhibits of land surveying projects with which he has been associated, recommendations by references and, at the Board's discretion, a review of these categories during an oral examination. The land surveyor in training applicant's qualifications may be reviewed at an interview if the Board deems it necessary. Educational credit for institute courses, correspondence courses, etc. shall be determined by the Board.~~

6.2 — SPECIFIC REQUIREMENTS FOR LAND SURVEYORS

~~One of the following shall be considered as minimum evidence to the Board that the applicant is qualified for registration as a land surveyor:~~

~~A. Registration by Comity or Endorsement. A person holding a certificate of registration to engage in the practice of land surveying issued on the basis of comparable qualifications from a state, territory, or possession of the United States, will be given comity consideration. However, he may be asked to take such examination as the Board deems necessary to determine his qualifications. but in any event he shall be required to pass a written examination of not less than four hours duration, which shall include questions on laws, procedures, and practices pertaining to the practice of land surveying in this state.~~

~~B. Graduation, Experience and Examination.~~

~~1. A graduate of an institution of higher learning In a four year curriculum having as a major course of study a program in land surveying or civil engineering, said institution and program approved by the Board as being of satisfactory standing, shall be admitted to an eight hour written examination in the fundamentals of land surveying. Upon passing said examination and having acquired an additional four years or more of combined office and field experience in land surveying of a grade and character which indicates to the Board that the applicant may be competent to practice land surveying, the applicant shall then be admitted to a second eight hour combined written and field examination in the principles and practice of land surveying. Upon passing said second examination, the applicant shall be granted a certificate of registration to practice land surveying in this state, provided he is otherwise qualified.~~

~~2. A graduate of an institution of higher learning in a two year curriculum having as a major course of study a program in land surveying or civil engineering, said institution and program approved by the Board as being of satisfactory standing, and having acquired at least two years of experience in land surveying under direct supervision of a registered land surveyor, shall be admitted to an eight hour written examination in the fundamentals of land surveying. Upon passing said examination and having acquired an additional four years or more of combined office and field experience in land surveying of a grade and character which indicates to the Board that the applicant may be competent to practice land surveying, the applicant shall then be admitted to a second eight hour combined written and field examination in the principles and practice of land surveying. Upon passing said second examination, the applicant shall be granted a certificate of registration to practice land surveying in this state, provided he is otherwise qualified.~~

~~3. A graduate of high school or secondary vocational school and having acquired at least four years of combined office and field experience in land surveying under the direct supervision of a registered land surveyor, shall be admitted to an eight hour written examination in the fundamentals of surveying. Upon passing said examination and having acquired an additional four years or more of combined office and field experience in land surveying of a grade and character which indicates to the Board that the applicant may be competent to practice land surveying, the applicant shall then be admitted to a second eight hour combined written and field examination in the principles and practice of land surveying. Upon passing said second examination the applicant shall be granted a certificate of registration to practice land surveying in this state, provided he is otherwise qualified.~~

~~C. Experience and Examination. A person having acquired at least eight years of active office and/or field experience in land surveying, at least four years of which experience have been under the direct supervision of a registered land surveyor, and with said experience being of a grade and character which indicates to the Board that the applicant may be competent to practice land surveying, shall be admitted to an eight-hour written examination in the fundamentals of land surveying. Upon passing said examination the applicant shall be admitted to a second eight hour combined written and field examination in the principles and practice of land surveying. Upon passing said second examination, the applicant shall be granted a certificate of registration to practice land surveying in this state, provided he is otherwise qualified.~~

~~In certain situations in which an applicant under this paragraph presents an experience record of unusually high quality, the Board, at its complete and sole discretion, may waive the requirement for the first examination on fundamentals of land surveying and admit the applicant to the examination on the principles and practice of land surveying.~~

~~D. Surveyors Previously Registered. Each land surveyor holding a certificate of registration under the laws of this state as heretofore in effect shall be deemed registered under this chapter.~~

~~E. Professional Engineers registered to practice in Rhode Island under Chapter 5-8 of the General Laws prior to the adoption of the amendment of 1962.~~

~~6.3 — SPECIFIC REQUIREMENTS FOR LAND SURVEYOR IN TRAINING~~

~~One of the following shall be considered as minimum evidence to the Board that the applicant is qualified for certification as a land surveyor in training:~~

~~A. Graduation and Examination. A graduate, or a college senior, of an institution of higher learning in a four year curriculum having as a major course of study a program in land surveying or civil engineering, said institution and program approved by the Board as being of satisfactory standing, shall be admitted to an eight hour written examination in the fundamentals of land surveying. Upon passing said examination the graduate applicant shall be certified and enrolled as a Land Surveyor In Training. The college senior applicant will be certified as a Land Surveyor In Training after evidence of graduation is verified by the Board.~~

~~B. Graduation, Experience, and Examination. A graduate of an institution of higher learning in a two year curriculum having as a major course of study a program in land surveying or civil engineering, said institution and program approved by the Board as being of satisfactory standing, and having acquired at least two years of experience in land surveying under direct supervision of a registered land surveyor, shall be admitted to an eight hour written examination in the fundamentals of land surveying. Upon passing said examination the applicant shall be certified and enrolled as a land surveyor in training.~~

~~6.4 — COMMUNICATIONS~~

~~A. All communications with reference to licensing of Land Surveyors shall be addressed to the Secretary of the Board of Registration for Professional Engineers and Land Surveyors, Room No. 308, State Office Building, Providence, Rhode Island 02903, (401) 277-2565.~~

~~6.5 — APPLICATIONS~~

~~A. Application forms for licensing as a Land Surveyor may be obtained from the Secretary. All applications shall be completed in accordance with the instructions contained therein and submitted to the Secretary with the prescribed fee. All applications and supporting papers submitted to the Board become part of the applicant's examination and become property of the Board.~~

~~6.6 FEES~~

~~A. Land Surveyors~~

- ~~1. Registration Fee: \$60 .00 to accompany the application.~~
- ~~2. Annual Renewal Fee: \$40.00~~
- ~~3. Reinstatement Registration: 1st year – \$40.00 plus \$40.00 penalty
Each additional year \$40.00 per year plus \$60.00 penalty~~
- ~~4. Re-examination Fee: \$40.00~~
- ~~5. Duplicate Certificate of Registration Fee: \$25 .00~~
- ~~6. Temporary Permit Fee: \$150.00~~

~~B. Land Surveyor In Training~~

- ~~1. A \$60.00 fee will be required for applicants for certification as a Land Surveyor In Training.~~
- ~~2. No annual renewal of certification as a Land Surveyor In Training or payment of renewal fee is required.~~
- ~~3. Re-examination Fee: \$40.00~~

~~C. Checks are to be made payable to the Rhode Island Board of Registration for Professional Engineers and Land Surveyors.~~

~~D. All application fees shall be deposited by the Secretary, with the General Treasurer of the State of Rhode Island, and they are not refundable.~~

~~6.7 Filing Dates.~~

~~A. Applications for admission to the Spring examination shall be in the hands of the Secretary with all endorsements and verifications no later than January first, and for the Fall examination no later than August first. Only complete applications will assure consideration of an applicant for the immediately following examination.~~

~~6.8 EVIDENCE~~

~~A. Evidence that the applicant meets the requirements shall be presented to the Board in the manner set forth in the Application Form and its accompanying instructions. The Board may make further inquiries and investigations with respect to the qualifications of the applicant and all references may be further Interrogated to confirm or amplify information supplied.~~

~~6.9 EVIDENCE OF TRAINING AND EXPERIENCE~~

~~A. Evidence of educational work at the college level shall be transmitted directly to the Secretary by the educational institution. Such evidence shall clearly identify the applicant and degrees conferred and shall be authenticated by an official seal and original signature of a responsible official.~~

~~B. Satisfactory or approved practical experience is defined as diversified practical training in land surveying under the supervision and direction of a licensed land surveyor, said experience being acquired in positions of responsibility which require exercise of independent judgment, initiative and professional skill. Approved experience does not include experience as chainman, rodman, instrumentman or transitman, or other positions of routine work; approved experience may include experience as a party chief where a primary responsibility exists for evaluating, establishing and evaluating land boundaries.~~

~~C. Experience as a party chief in construction surveying or engineering surveying activity is not sufficiently diversified to be fully approved.~~

~~D. Each application shall clearly indicate the extent of experience diversity attained, both in the field and in the office, and further shall indicate the specific level of applicant's responsibility, the time span or time period of each level of responsibility, whether each such level of attained responsibility was on a full time or part time employment basis, and the specific duties of the applicant in fulfilling his responsibilities.~~

~~6.10 EXAMINATIONS~~

~~A. Notification of Examination. Each applicant will receive written notification from the Secretary of the time and place of any examination for which he is eligible. Each candidate shall promptly notify the Secretary of his intention either to appear or not to appear for the examination. Failure to so notify the Secretary may result in loss of eligibility for that particular examination should the candidate appear.~~

~~1. A candidate who has not appeared for an examination after the second written notice from the Secretary, regardless of the reasons for not appearing, will not receive further notice of such examination. However, this candidate will be allowed to sit for his examination at any time within a four year period and upon approval of the Board upon written request to the Secretary.~~

~~2. A candidate who fails over a period of four years to appear for an examination for which he is eligible, for whatever reasons, shall have his application cancelled and his Application Form so marked with the reason therefore. Should he desire examination thereafter he shall make application anew.~~

~~B. PART A Fundamentals of Land Surveying. Written examinations shall be held twice each year, approximately in April and November.~~

~~C. PART B Principals and Practice of Land Surveying. Combined written and field examinations shall be held once each year, approximately in April.~~

~~D. Dates. The exact dates and places of all examinations shall be determined by the Board.~~

~~E. Conduct of the Examination. Examinations shall be conducted under the following general rules:~~

~~1. They shall be given during two four hour periods, morning and afternoon, on two separate days.~~

~~2. No candidate shall communicate with any other candidate in any way without the direct permission of the Proctor.~~

~~3. All papers handed in by a candidate shall bear an assigned code number and shall not bear any other identification which can make known his name.~~

~~4. Textbooks, bound notes and standard printed references may be used as aids during Part "A", Fundamentals of Land Surveying Examination, and when permitted by the Board for Part "B", Principles and Practice of Land Surveying.~~

~~5. Silent nonprogrammable, self powered, electronic calculators may be used.~~

~~6. A candidate eligible for admission to both parts of the examination must first successfully complete Part A before being admitted to Part B, which will be scheduled six months to one year later.~~

~~7. Drawing instruments and drawing accessories shall be provided by the applicant.~~

~~8. Field examination instruments and equipment will be furnished by the Applicant.~~

~~F. Character of the Written Examination.~~

~~1. Part A shall consist of problems designed to indicate the applicant's knowledge of fundamentals and of his technical qualifications. The Board will use the fundamentals of land surveying examination as prepared and distributed by the National Council of Engineering Examiners for this part of the examination.~~

~~2. Part B shall consist of problems designed to indicate the applicant's practical knowledge of land surveying in Rhode Island. Included in Part B shall be field testing to determine the applicant's practical knowledge in the use of various land surveying instruments and equipment.~~

~~G. Grading. Each applicant must obtain a minimum passing grade of 70. Candidates will be notified of passing or failing, but will not be notified of their grades.~~

~~6.11 — RE-EXAMINATION~~

~~A. Applicants for registration as land surveyor who have failed the written examination may be given a re-examination upon request and payment of appropriate re-examination fee. The re-examination may consist of the whole or a part of the regularly given examination. After one Part B re-examination, the applicant cannot be given another re-examination until at least ten (10) months shall have elapsed. After two Part B. re-examinations, the applicant will be required to be interviewed by the Board before being considered for admission to re-examination.~~

~~B. Applicants for certification as Land Surveyor In Training and applicants for registration as Land Surveyor who have failed the Part A (Fundamentals) written examination may be given a re-examination on any future regularly scheduled examination date upon request and payment of appropriate re-examination fee. Requests for re-examination must be received by the Office of the Board at least sixty (60) days prior to the scheduled examination date.~~

~~6.12 — LAND SURVEYOR IN TRAINING DESIGNATION~~

~~A. The Land Surveyor In Training designation shall remain valid for a period of twelve years. An applicant who has met the prescribed requirements, except that he holds a L.S.I.T. certificate issued by another state or political subdivision of the United States, shall be classified as a Land Surveyor candidate and may be eligible for admission to Part B of the examination if he has obtained the required training and experience. But credit for Part A of the examination shall be granted only provided the certificate already held by the applicant is valid and active and was issued only upon successful completion of a written examination with grades satisfactory to the Board by a legally constituted board of examiners, and provided the examination was of a scope adjudged by the Board to be the equivalent of that given in Rhode Island at the time, and provided reciprocal privileges are granted to citizens of Rhode Island by the state or political subdivision concerned.~~

~~6.13 — NATIONAL COUNCIL OF ENGINEERING EXAMINERS~~

~~A. The Board is a member of the National Council of Engineering Examiners (NCEE) and as such is authorized to conduct NCEE examinations. The Board accepts NCEE Certificates as evidence of licensing in other jurisdictions. Information concerning examinations and other services offered may be obtained by writing NCEE, Box 5000, Seneca, South Carolina 29678.~~

~~6.14 — CERTIFICATES OF REGISTRATION AND AUTHORIZED FORMS~~

~~A. All Certificates of Registration issued to Land Surveyors and Certificates for Land Surveyors In Training shall be signed by the Chairman and the Secretary of the Board.~~

~~6.15 — SERIAL NUMBERS FOR LAND SURVEYORS~~

~~A. The serial numbers for Land Surveyors will be in numerical sequence and not transferable.~~

~~6.16 SERIAL NUMBERS FOR LAND SURVEYORS IN TRAINING~~

~~The serial numbers for Land Surveyors In Training will be in numerical sequence and not transferable.~~

~~6.17 SEAL~~

~~A. Each Land Surveyor hereunder may upon registration obtain a seal of the design indicated below, bearing the registrant's name, serial number and the legend, "Registered Land Surveyor". Final drawings, plats, and reports prepared by a registrant shall, when issued, be signed and stamped with the said seal or facsimile thereof.~~

~~B. Form shall be as follows:~~

SECTION 7
RULE AMENDMENT PROCEDURE

7.1 — RULES

~~A. Rules hereinafter set forth are made by the Board under authority of the General Laws Chapter 78 Section 5 8 and have been promulgated in conformity with the applicable provisions of the General Laws Chapter 35 Section 42 35 known as the State Administrative Procedures Act.~~

~~B. If any provisions of these Rules or the application thereof to any person or circumstances is invalid, such invalidity shall not affect other provisions or applications of these Rules which can be given effect without the invalid provisions or application and to this end the provisions of these Rules are declared to be severable.~~

~~C. Any interested person may petition the Board requesting the adoption, amendment, or repeal of any Rules and may accompany his petition with such data, views, and arguments as he thinks pertinent. All such petitions shall be submitted in writing and shall specifically and clearly indicate the following:~~

- ~~1. Identification of existing Rule by number.~~
- ~~2. Full text of proposed Rule.~~
- ~~3. Specific objection to existing Rule.~~
- ~~4. Full text of any section of law related or affected.~~
- ~~5. All comments, arguments, and views.~~

~~D. After reasonable consideration, subject always to such public hearing as may be required by law, the Board will determine the proper disposition of such petition as follows:~~

- ~~1. Dismissed, action deemed unnecessary.~~
- ~~2. Returned to petitioner for resubmittal or additional information.~~
- ~~3. Rule adopted, repealed, or amended by the Board.~~

~~The foregoing rules and regulations are hereby approved for filing with the Secretary of State in accordance with the provisions of the General Laws of Rhode Island, 1956, as amended, Chapter 42-35, specifically sections 42-35-3(a), 42-35-4(b), and Chapter 5-8, specifically section 5-3-8.~~

~~Attest a true copy:~~

~~Board of Registration for Professional
Engineers and Land Surveyors~~

~~Date~~

~~Date~~

~~Secretary~~

The foregoing rules and regulations, after due notice and hearing, are hereby adopted and filed with the Secretary of State this 24th day of December, to become effective twenty (20) days thereafter, in accordance with the provisions of Chapter 5-8 and 42-35 of the General Laws of Rhode Island, 1956, as amended.

Joseph F. Mulcahy
Chairman

Notice given on November 6,7,9, 1980

Hearing held on December 1, 1980

Effective January 20, 1980