

**Final Rule**

LSA Document #05-295(F)

**DIGEST**

Amends [864 IAC 1.1-4.1-7](#) to implement rule changes based on SEA 139-2005 (P.L.194-2005) to change the number of examination attempts for registration as a professional engineer. Amends [864 IAC 1.1-4.1-8](#) to implement rule changes based on SEA 139-2005 (P.L.194-2005) to bring the termination of application in conformity with the examination attempts for registration as a professional engineer. Amends [864 IAC 1.1-4.1-9](#) to implement rule changes based on SEA 139-2005 (P.L.194-2005) to change the number of examination attempts for registration as an engineer intern. *NOTE: LSA Document #05-295, printed at 29 IR 2356, was resubmitted for publication and reprinted at 29 IR 2665.* Effective 30 days after filing with the Publisher.

[864 IAC 1.1-4.1-7](#); [864 IAC 1.1-4.1-8](#); [864 IAC 1.1-4.1-9](#)

SECTION 1. [864 IAC 1.1-4.1-7](#) IS AMENDED TO READ AS FOLLOWS:

[864 IAC 1.1-4.1-7](#) **Examination attempts for registration as a professional engineer**

**Authority:** [IC 25-31-1-7](#)

**Affected:** [IC 25-31-1-14](#)

Sec. 7. (a) This section applies to the examination for registration as a professional engineer.

(b) An applicant who does not pass the entire fundamentals of engineering examination (Part I) in the first attempt shall be entitled to take ~~it one (1)~~ **the examination two (2)** additional ~~time provided that~~ **times. However,** the applicant's:

- (1) second examination is **must be** taken at either of the next two (2) regularly scheduled examinations after the failure of the first examination; **and**
- (2) **third examination must be taken at either of the next two (2) regularly scheduled examinations after the failure of the second examination.**

(c) An applicant who took the fundamentals of engineering examination two (2) times before July 1, 2005, shall not be entitled to further examination attempts under subsection (b). An applicant who took the fundamentals of engineering examination one (1) time before July 1, 2005, shall be entitled to two (2) additional examination attempts as long as the requirements stated in subsection (b) for timing of each examination attempt are met.

~~(d)~~ (d) Upon the exhaustion of the examination attempts allowed under subsection (b), the application shall be deemed terminated.

~~(e)~~ (e) An applicant who does not pass the principles and practice examination (Part II) and Part III on the first attempt shall be entitled to take ~~them one (1)~~ **the examinations two (2)** additional ~~time provided that~~ **times. However,** the applicant's:

- (1) second examination is **must be** taken at either of the **next** two (2) regularly scheduled examinations after the failure of the first examination; **and**
- (2) **third examination must be taken at either of the next two (2) regularly scheduled examinations after the failure of the second examination.**

(f) An applicant who took the principles and practice examination two (2) times before July 1, 2005, shall not be entitled to further examination attempts under subsection (b). An applicant who took the principles and practice examination one (1) time before July 1, 2005, shall be entitled to two (2) additional examination attempts as long as the requirements stated in subsection (b) for timing of each examination attempt are met.

~~(e)~~ **(g)** If the applicant passed Part II or Part III of the examination on the first attempt, the applicant will not be required to retake the passed part in the second examination allowed by subsection ~~(d)~~; **(e)**.

~~(f)~~ **(h)** Upon the exhaustion of the examination attempts allowed by subsection ~~(d)~~; **(e)**, the application shall be deemed terminated.

~~(g)~~ **(i)** If an application is terminated under subsection ~~(f)~~; **(h)**, the applicant shall not lose credit for a previous passing of the fundamentals of engineering examination. However, the applicant shall lose credit for passing either Part II or Part III.

~~(h)~~ **(j)** For purposes of this section, examination attempts out of state count.

*(State Board of Registration for Professional Engineers; [864 IAC 1.1-4.1-7](#); filed Jun 21, 1988, 4:00 p.m.: 11 IR 3906; filed Jul 24, 1989, 5:00 p.m.: 12 IR 2284; filed Sep 24, 1992, 9:00 a.m.: 16 IR 728; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2107; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; filed Jul 31, 2006, 8:41 a.m.: [20060830-IR-864050295FRA](#))*

SECTION 2. [864 IAC 1.1-4.1-8](#) IS AMENDED TO READ AS FOLLOWS:

### **[864 IAC 1.1-4.1-8](#) Terminated applications; reapplication for admission, qualifications**

**Authority:** [IC 25-31-1-7](#)

**Affected:** [IC 25-31-1-12](#); [IC 25-31-1-14](#)

Sec. 8. (a) An individual whose application has been deemed terminated under section ~~7(e)~~, ~~7(f)~~, **7(d)**, **7(h)**, or ~~9(d)~~ **9(e)** of this rule may reapply for admission to the applicable examination.

(b) In order for readmission to be granted, the applicant must meet the education and experience requirements in effect at the time of reapplication and must have completed the following:

(1) Since the termination of the application, nine (9) or more semester credit hours of college level courses related to the applicant's examination deficiency.

(2) Appropriate experience of the type required under [IC 25-31-1-12](#) for at least two (2) years subsequent to the termination of the application.

Under this subsection, the date of termination shall be deemed to be the date the ~~second~~ **third** examination was taken.

(c) An applicant who is readmitted to an examination under this section shall be treated as if the applicant had not previously taken the examination for all purposes under sections 5 and 7 of this rule.

(d) Individuals may be deemed terminated partially or completely because of out-of-state examination attempts. Therefore, an applicant will be required to comply with subsection (b) even if the first, second, **third**, or ~~both~~ **all** examination attempts are out of state.

(e) Individuals shall be deemed terminated under section ~~7(f)~~ **7(d)** or ~~9(d)~~ **9(e)** of this rule on the basis of all fundamentals of engineering examination attempts. Therefore, applicants will be required to comply with subsection (b) once the applicant has had ~~two (2)~~ **three (3)** fundamentals of engineering examination attempts regardless of whether ~~they~~ **the examination attempts** were as:

(1) an engineering intern applicant; or

(2) a professional engineer applicant.

(f) For purposes of this section and sections 7 and 9 of this rule, an examination attempt:

(1) means the actual taking of the examination; and

(2) does not include a failure to appear to take the examination.

*(State Board of Registration for Professional Engineers; [864 IAC 1.1-4.1-8](#); filed Jun 21, 1988, 4:00 p.m.: 11 IR 3907; errata filed Feb 5, 1990, 4:15 p.m.: 13 IR 1066; filed Nov 15, 1990, 1:35 p.m.: 14 IR 757; filed Sep 24,*

SECTION 3. [864 IAC 1.1-4.1-9](#) IS AMENDED TO READ AS FOLLOWS:

**[864 IAC 1.1-4.1-9](#) Examination attempts for certification as an EI**

**Authority:** [IC 25-31-1-7](#)

**Affected:** [IC 25-31-1-13](#); [IC 25-31-1-14](#)

Sec. 9. (a) This section applies to the examinations for certification as an EI.

(b) An applicant who does not pass the examination may take ~~it one (1)~~ **the examination two (2)** additional ~~time provided that~~ **times. However, the applicant requests to applicant's:**

**(1) second examination must be admitted to taken at either of the next two (2) regularly scheduled examinations after the failure of the first examination; and**

**(2) third examination must be taken at either of the next two (2) regularly scheduled examinations after the failure of the second examination.**

**(c) An applicant who took the examination two (2) times before July 1, 2005, shall not be entitled to further examination attempts under subsection (b). An applicant who took the examination one (1) time before July 1, 2005, shall be entitled to two (2) additional examination attempts as long as the requirements stated in subsection (b) for timing of each examination attempt are met.**

~~(e)~~ **(d)** An applicant who took the examination the first time on a college campus, as allowed by [864 IAC 1.1-2-4\(b\)](#), may take the examination ~~one (1)~~ **two (2)** additional ~~time~~ **times** provided the applicant **does the following:**

(1) Complies with subsection (b).

(2) Pays the fees under **the following:**

**(A) [864 IAC 1.1-12-1](#)(1). and**

**(B) [864 IAC 1.1-12-2](#).**

(3) Submits a certified copy of educational transcripts showing any degree conferred.

(4) Provides three (3) references as required under [IC 25-31-1-13\(a\)](#). and

(5) Otherwise qualifies for admission to the examination.

~~(e)~~ **(e)** Upon the exhaustion of the examination attempts allowed by this section, the application shall be deemed terminated.

~~(e)~~ **(f)** For the purposes of this section, examination attempts out of state count.

*(State Board of Registration for Professional Engineers; [864 IAC 1.1-4.1-9](#); filed Jun 21, 1988, 4:00 p.m.: 11 IR 3907; filed Sep 24, 1992, 9:00 a.m.: 16 IR 729; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2108; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; filed Sep 16, 2004, 9:00 a.m.: 28 IR 603, eff Nov 1, 2004; filed Jul 31, 2006, 8:41 a.m.: [20060830-IR-864050295FRA](#))*

*LSA Document #05-295(F)*

*Notice of Intent: November 1, 2005; 29 IR 578*

*Proposed Rule: May 1, 2006; 29 IR 2665*

*Hearing Held: June 15, 2006*

*Approved by Attorney General: July 21, 2006*

*Approved by Governor: July 28, 2006*

*Filed with Publisher: July 31, 2006, 8:41 a.m.*

*Documents Incorporated by Reference: None Received by Publisher*

*Small Business Regulatory Coordinator: Angela Smith Jones, Indiana Professional Licensing Agency, Indiana Government Center-South, 402 West Washington Street, Room W072, Indianapolis, Indiana 46204, (317) 234-3022, [ajones@pla.in.gov](mailto:ajones@pla.in.gov)*

*Posted: 08/30/2006 by Legislative Services Agency*

