

Proposed Rule
LSA Document #07-663

DIGEST

Amends [864 IAC 1.1-5-1](#) and [864 IAC 1.1-5-4](#) concerning requirements for registration of professional engineers applying by comity. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)[864 IAC 1.1-5-1](#); [864 IAC 1.1-5-4](#)

SECTION 1. [864 IAC 1.1-5-1](#) IS AMENDED TO READ AS FOLLOWS:

[864 IAC 1.1-5-1](#) Comity registration standards

Authority: [IC 25-31-1-7](#); [IC 25-31-1-8](#)

Affected: [IC 25-31-1-14](#); [IC 25-31-1-21](#)

Sec. 1. (a) **This rule addresses the requirements for registration of professional engineers who are registered in another state, territory, or possession of the United States. These applicants are also known as comity applicants.**

(b) Under [IC 25-31-1-21](#), one (1) requirement for an individual who is registered as a professional engineer out of state ~~described in subsection (a)~~ to become registered in Indiana is that the requirements under which the out-of-state individual's registration was issued do not conflict with [IC 25-31-1](#). ~~One (1) such provision is that all other requirements for registration be completed before taking the principles and practice examination. Therefore, an applicant must have obtained the qualifying work experience following graduation and prior to the taking of the principles and practice examination. Any other sequence of events shall be considered to be in conflict with [IC 25-31-1](#).~~

(c) **In determining whether there is conflict under [IC 25-31-1-21](#) and subsection (b), the board will evaluate whether the applicant meets the educational, experience, and examination requirements found in [IC 25-31-1](#) and this title. This includes the educational and experience requirements found in [864 IAC 1.1-2-2](#) and the passing of the fundamentals of engineering examination and the principles and practice of engineering examination as required by [IC 25-31-1-14](#) and [864 IAC 1.1-4.1-3](#).**

(d) **Unless the applicant does not qualify for registration for some other appropriate reason, if the educational, experience, and examination requirements described in subsection (c) are met at the time the applicant files the applicant's application with the board, the applicant will qualify for registration.**

(State Board of Registration for Professional Engineers; Rule 5, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 630; filed Sep 24, 1992, 9:00 a.m.: 16 IR 729; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2109; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: [20070808-IR-864070063RFA](#))

SECTION 2. [864 IAC 1.1-5-4](#) IS AMENDED TO READ AS FOLLOWS:

[864 IAC 1.1-5-4](#) Professional engineer examination; comity applicants

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

Affected: [IC 25-31-1-15](#); [IC 25-31-1-21](#)

Sec. 4. (a) Comity applicants shall be required to take and pass Part III of the professional engineer examination as described in [864 IAC 1.1-4.1-3](#). Notwithstanding [864 IAC 1.1-4.1-3](#)(e), this examination shall be submitted with the comity applicant's application.

(b) An applicant who does not pass Part III of the engineering examination on the first attempt shall be entitled to take it ~~one (1)~~ **two (2)** additional ~~time~~ **times**.

(c) Upon the failure of the examination ~~attempt~~ **in the attempts** allowed in subsection (b), the application shall be deemed terminated. The applicant shall be ineligible to reapply for a period of two (2) years from the date of the ~~second~~ **third** failure.

(State Board of Registration for Professional Engineers; [864 IAC 1.1-5-4](#); filed Mar 28, 1995, 2:00 p.m.: 18 IR 2109; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: [20070808-IR-864070063RFA](#))

SECTION 3. [864 IAC 1.1-5-1](#), as amended by this document, shall apply to applications pending when it takes effect.

[Notice of Public Hearing](#)

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