

ARTICLE 1.1. ADMINISTRATION; GENERAL REQUIREMENTS

Rule 1. General Provisions

864 IAC 1.1-1-1 Definitions; abbreviations

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-2; IC 25-31-1-21

Sec. 1. (a) The following definitions apply throughout this title:

- (1) "Act" means the Registration Act, IC 25-31, creating a board to regulate the practice of engineering in Indiana.
- (2) "Engineer" means professional engineer as defined in IC 25-31-1-2(b).
- (3) "Registrant" means an individual engineer to whom a certificate of registration has been granted under the Act.
- (4) "EI" means an engineering intern as defined in IC 25-31-1-2(c).
- (5) "Applicant" means any individual whose application has been received by the board for consideration to be registered as an engineer or for enrollment as an EI in the state of Indiana.
- (6) "ABET" means the Accreditation Board for Engineering and Technology.
- (7) "Approved engineering curriculum" means an ABET accredited four (4) years or more engineering program.
- (8) "The date of registration" means the date that licensure was approved by the board.
- (9) "Comity" means a principle by which the board licenses persons to practice engineering under IC 25-31-1-21 on the basis of engineering licenses issued by other states.

(b) The terms defined in IC 25-31-1-2 shall have the same definitions when used in this title. (*State Board of Registration for Professional Engineers; Rule 1, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 626; filed Oct 17, 1986, 2:20 p.m.: 10 IR 434; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3904; filed Sep 24, 1992, 9:00 a.m.: 16 IR 725; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2103; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-1-2 Seal of board (Repealed)

Sec. 2. (*Repealed by State Board of Registration for Professional Engineers; filed Oct 17, 1986, 2:20 pm: 10 IR 443*)

864 IAC 1.1-1-3 Meetings of board

Authority: IC 25-31-1-5; IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-5

Sec. 3. In order to establish the regular meetings provided for in IC 25-31-1-5 and provide for special meetings of the board, the board adopts the following:

- (1) one of the regular meetings of the board shall be held as soon as practicable after the start of the calendar year, at which meeting the board shall elect a chairman and a vice-chairman from among its members. Such officers may be elected also at any other meeting when a vacancy exists;
- (2) another regular meeting shall be held as near as practicable to the middle of the calendar year;
- (3) the chairman or any three members may call a special meeting by presenting a request to the professional licensing agency;
- (4) the professional licensing agency shall give a notice to all board members of each meeting setting out the time and place of the meeting and including a proposed agenda of the major items for action at the meeting, not less than ten days prior to the meeting, unless such notice has been waived by the chairman.

(*State Board of Registration for Professional Engineers; Rule 1, Sec 3; filed Feb 29, 1980, 3:40 pm: 3 IR 627; filed Oct 17, 1986, 2:20 pm: 10 IR 435; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-1-4 Conversion of quarter hours to semester hours

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-12; IC 25-31-1-14

Sec. 4. Any provision in this article which requires a specific number of semester credit hours shall be converted to the equivalent if a different grading period is used at the college or university. Unless it is established that a different equivalency applies, it shall be presumed that the correct equivalency is two (2) semester hours for every three (3) quarter hours. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-1-4; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2103; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

Rule 2. Qualifications for Examination

864 IAC 1.1-2-1 Examination admission criteria (Repealed)

Sec. 1. (*Repealed by State Board of Registration for Professional Engineers; filed Oct 17, 1986, 2:20 pm: 10 IR 443*)

864 IAC 1.1-2-2 Engineers; education and work experience

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-12

Sec. 2. (a) This section establishes the minimum education and experience requirements under IC 25-31-1-12 for admission to the professional engineer examination.

(b) The following table establishes provisions for evaluating combined education and experience to determine if it is sufficient to satisfy minimum registration requirements under IC 25-31-1-12 for professional engineer registration applicants holding the stated degrees:

| <u>Education (Qualifying Degree)</u> | <u>Minimum Years of Progressive Work Experience Following Baccalaureate Degree</u> |
|---|--|
| Doctorate in an engineering discipline following a baccalaureate degree in an approved engineering curriculum | 2 |
| Master of science degree in an engineering discipline following a baccalaureate degree in an approved engineering curriculum | 3 |
| Doctorate in an engineering discipline following a baccalaureate degree which is not in an approved engineering curriculum | 4 |
| Master of science degree in an engineering discipline following a baccalaureate degree which is not in an approved engineering curriculum | 5 |
| Baccalaureate degree in an approved engineering curriculum | 4 |
| Baccalaureate degree and completion of specific educational courses as required in subsection | 6 |

(c)

(c) The education of all applicants, except those who have obtained a baccalaureate degree in an approved engineering curriculum, must include the following:

(1) At least twelve (12) semester credit hours in college level mathematics, excluding college algebra and trigonometry, which must include a minimum of nine (9) semester credit hours of calculus and a minimum of three (3) semester credit hours of advanced calculus based mathematics, such as differential equations, linear algebra, or numerical analysis.

(2) At least eight (8) semester credit hours in college level courses in the physical sciences, which must include a minimum of three (3) semester credit hours of calculus based physics and a minimum of three (3) semester credit hours of chemistry.

(3) At least twelve (12) semester credit hours of engineering sciences that require calculus as a prerequisite or corequisite.

(4) Effective January 3, 2003, at least twelve (12) semester credit hours in engineering design.

(d) For a course to qualify as an engineering design course, the course must instruct on the decision making process in which the basic sciences and mathematics and engineering sciences are applied to convert resources optimally to meet a stated objective. Among the fundamental elements of the design process are the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. The content of an engineering design course must include some of the following features:

- (1) Development of student creativity.
- (2) Use of open-ended problems.
- (3) Development and use of modern design theory and methodology.
- (4) Formulation of design problems statements and specifications.
- (5) Consideration of alternative solutions, feasibility considerations, production processes, concurrent engineering design, and detailed system descriptions.

Further, it is essential that a variety of realistic constraints, such as economic factors, safety, reliability, aesthetics, ethics, and social impact be included.

(e) An applicant for admission for the examination must:

- (1) include on the application, or a document attached to the application, which courses meet the requirements of subsection (c) by stating the course names and numbers; and

(2) submit all college transcripts that show that college credit was awarded for the claimed courses.

(f) No degree requirement under this section may be achieved by obtaining an honorary degree or a degree obtained entirely by correspondence.

(g) College courses with substantial duplication of content may be counted only one (1) time toward the requirements of subsection (c).

(h) College courses that cover two (2) or more categories in subsection (c) shall be counted only in one (1) category. The appropriate category is that which is the greatest portion of the course. In determining the greatest portion of the course, the board may take into account information from the institution offering the course.

(i) Progressive experience of sufficient quality when used relative to the requirement for experience on engineering projects as provided for in IC 25-31-1-12(a) means the applicant has demonstrated the ability to assume continuously increasing levels of responsibility for engineering projects.

(j) No experience obtained prior to a baccalaureate degree shall qualify.

(k) Part-time experience acquired while the applicant was a full-time student shall not qualify. All other part-time experience shall be converted to its full-time equivalent in evaluating an application.

(l) Notwithstanding other provisions of this section, applicants who hold either a valid certificate as an EI or an engineer-in-training (EIT) do not need any additional education beyond that which was required for admission to the EI or EIT examination in Indiana, so long as they apply for admission to the professional engineer examination no later than the first examination application deadline (as provided for in 864 IAC 1.1-3-4), which is subsequent to seven (7) years after the date the applicant took and passed the engineering intern examination. (*State Board of Registration for Professional Engineers; Rule 2, Sec 2; filed Feb 29, 1980, 3:40 p.m.: 3 IR 627; filed Oct 17, 1986, 2:20 p.m.: 10 IR 435; filed Sep 24, 1992, 9:00 a.m.: 16 IR 726, eff Jan 1, 1993; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2103, eff Jul 4, 1995; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2112, eff Jan 3, 1997; filed Mar 27, 2000, 8:58 a.m.: 23 IR 2002; filed May 4, 2001, 11:13 a.m.: 24 IR 2694, eff Jul 3, 2001; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; filed Sep 23, 2002, 9:59 a.m.: 26 IR 379, eff Dec 1, 2002; filed Nov 7, 2003, 12:00 p.m.: 27 IR 874, eff Jan 3, 2004; readopted filed Nov 17, 2010, 9:56 a.m.: 20101215-IR-864100408RFA*)

864 IAC 1.1-2-3 Land surveyors; education and work experience

Sec. 3. (*NOTE: 864 IAC 1.1-2-3 was renumbered by Legislative Services Agency as 865 IAC 1-2-1.*)

864 IAC 1.1-2-4 Engineering intern; education and work experience

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-12

Sec. 4. (a) The education and experience requirements of section 2 of this rule for professional engineer applicants apply for engineering intern applicants except that individuals with:

- (1) a baccalaureate degree meeting the course requirements of section 2(c) of this rule shall only be required to obtain two
- (2) years of work experience;
- (2) a master of science degree in an engineering discipline following a baccalaureate that is not in an approved engineering

curriculum shall only be required to obtain one (1) year of work experience; and

(3) the other degrees listed in section 2(b) of this rule shall not be required to obtain any work experience.

(b) An individual who is enrolled as a senior in an engineering curriculum in a college or university in Indiana that has at least one (1) approved engineering curriculum may take the last EI examination offered prior to the individual's scheduled graduation. This subsection does not apply to any individual enrolled in any other baccalaureate degree program. (*State Board of Registration for Professional Engineers; Rule 2, Sec 4; filed Feb 29, 1980, 3:40 p.m.: 3 IR 628; filed Oct 17, 1986, 2:20 p.m.: 10 IR 438; errata filed Mar 8, 1990, 5:00 p.m.: 13 IR 1189 voided by the attorney general filed Apr 18, 1990: 13 IR 1863; errata filed Dec 20, 1990, 5:00 p.m.: 14 IR 1071; filed Sep 24, 1992, 9:00 a.m.: 16 IR 726, eff Jan 1, 1993; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2105, eff Jul 4, 1995; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; filed Sep 23, 2002, 9:59 a.m.: 26 IR 380, eff Dec 1, 2002; filed Sep 16, 2004, 9:00 a.m.: 28 IR 603, eff Nov 1, 2004; readopted filed Nov 17, 2010, 9:56 a.m.: 20101215-IR-864100408RFA*)

864 IAC 1.1-2-5 Land surveyors-in-training; education and work experience

Sec. 5. (*NOTE: 864 IAC 1.1-2-5 was renumbered by Legislative Services Agency as 865 IAC 1-2-2.*)

864 IAC 1.1-2-6 Dual registration; work experience (Repealed)

Sec. 6. (*Repealed by State Board of Registration for Professional Engineers; filed Oct 17, 1986, 2:20 pm: 10 IR 443*)

Rule 3. Applications

864 IAC 1.1-3-1 Uniform application requirements (Repealed)

Sec. 1. (*Repealed by State Board of Registration for Professional Engineers; filed Oct 17, 1986, 2:20 pm: 10 IR 443*)

864 IAC 1.1-3-2 Engineer application

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-13; IC 25-31-1-14

Sec. 2. (a) The board shall require at least three (3) favorable reports of the engineering applicant's competence from registered professional engineers familiar with the applicant's engineering work before admitting the applicant to examination or accepting the applicant for registration by comity in engineering.

(b) The board may exempt an applicant from taking the fundamentals of engineering portion of the engineer's examination if the applicant has previously passed the fundamentals of engineering portion of the examination for professional engineers in another state. (*State Board of Registration for Professional Engineers; Rule 3, Sec 2; filed Feb 29, 1980, 3:40 p.m.: 3 IR 629; filed Oct 17, 1986, 2:20 p.m.: 10 IR 439; filed Sep 24, 1992, 9:00 a.m.: 16 IR 727; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2105; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-3-3 Engineering intern application

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-13

Sec. 3. (a) An applicant for EI under 864 IAC 1.1-2-4(b) shall submit the application to sit for the fundamentals of engineering examination to the designee of the board located on the student's campus.

(b) All other EI applicants shall submit their applications to the board's office. (*State Board of Registration for Professional Engineers; Rule 3, Sec 3; filed Feb 29, 1980, 3:40 p.m.: 3 IR 630; filed Oct 17, 1986, 2:20 p.m.: 10 IR 439; filed Sep 24, 1992, 9:00 a.m.: 16 IR 727; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2105; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-3-4 Examination applicants filing dates

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 4-21.5-3-1; IC 25-31-1-13

Sec. 4. (a) Examination applications, including:

- (1) the completed application form;
- (2) the applicable application fee;
- (3) certified copy of educational transcripts; and
- (4) required references;

shall be filed with the board on or before January 2 for the April examination or July 1 for the October examination.

(b) As used in this section, the date an application is filed shall be calculated in the manner provided for in IC 4-21.5-3-1(f).

(c) This section does not apply to applications filed under section 3(a) of this rule. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-3-4; filed Sep 24, 1992, 9:00 a.m.: 16 IR 727; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2106; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

Rule 4. Examinations (Repealed)

(*Repealed by State Board of Registration for Professional Engineers; filed Jun 21, 1988, 4:00 pm: 11 IR 3908*)

Rule 4.1. Examinations

864 IAC 1.1-4.1-1 Scope of rule

Authority: IC 25-31-1-7

Affected: IC 25-31-1-14

Sec. 1. This rule applies to the taking of examinations for registration as a professional engineer and certification as an EI. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-1; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3905; filed Sep 24, 1992, 9:00 a.m.: 16 IR 727; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2106; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-4.1-2 Admission to examinations

Authority: IC 25-31-1-7

Affected: IC 25-31-1-12; IC 25-31-1-14

Sec. 2. (a) The board will admit an applicant to an examination only if the applicant otherwise qualifies for the registration or certification for which application has been made, including meeting applicable education and experience requirements established in IC 25-31-1-12 and 864 IAC 1.1-2.

(b) Notwithstanding subsection (a), an applicant shall qualify for admission to the engineering intern examination without having to have completed any applicable experience required for certification as an engineering intern.

(c) An applicant will not be certified as an EI until the examination has been passed and any applicable experience requirements have been met, submitted to, and approved by the board.

(d) An EI applicant who passed the examination, under the provisions of subsection (b), without first completing the experience requirements must submit the completed experience requirements within five (5) years after the last day of the month in which the applicant took and passed the engineering intern examination or the examination results will be voided. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-2; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3905; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2106; filed Apr 23, 1999, 2:03 p.m.: 22 IR 2878, eff Jul 2, 1999; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-4.1-3 Content of engineering examinations; scheduling of examinations

Authority: IC 25-31-1-7

Affected: IC 25-31-1-14

Sec. 3. (a) The examination for registration as a professional engineer shall consist of three (3) parts. Part I shall be known as the fundamentals of engineering examination. Part II shall be known as the principles and practice examination. Parts I and II are further described in IC 25-31-1-14(a) through IC 25-31-1-14(c). Part III shall concern professional conduct and Indiana registration law for professional engineers. In order to be granted registration as a professional engineer, the applicant must pass Part I, Part II, and Part III.

(b) Part II of the professional engineer examination shall be by engineering discipline, for example, electrical, mechanical, or civil. The applicant shall be required to choose the discipline in which the applicant desires to be examined.

(c) Part III of the professional engineer examination will be a take home examination to be taken in conjunction with Part II.

(d) The examination for certification as an EI shall be the fundamentals of engineering examination described in subsection (a).

(e) Regularly scheduled examinations will be given twice each year, normally in April and October. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-3; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3906; filed Sep 24, 1992, 9:00 a.m.: 16 IR 727; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2106; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-4.1-4 Content of land surveying examinations; scheduling of examinations

Sec. 4. (*NOTE: 864 IAC 1.1-4.1-4 was renumbered by Legislative Services Agency as 865 IAC 1-4-3.*)

864 IAC 1.1-4.1-5 Notice of examination; failure to sit

Authority: IC 25-31-1-7

Affected: IC 25-31-1-14

Sec. 5. (a) If admission to an examination is granted, those parts of the examination which the applicant will be required to take and pass will be stated on a notice sent to the applicant.

(b) An applicant who has received the notice described in subsection (a) must take either the examination to which admission was granted or one (1) of the next two (2) examinations thereafter. If the applicant fails to sit for at least one (1) of the three (3) examinations, the application for the registration or certification being sought shall be deemed terminated and, if the applicant thereafter desires to seek the registration or certification for which application had been made, a new application must be filed with, and approved by, the board.

(c) This subsection applies only to individuals who apply for registration as a professional engineer without first having been certified as an engineering intern. An individual who passes the fundamentals of engineering examination as a professional engineer applicant must take the principles and practice examination and Part III of the examination no later than the third time it is offered after the applicant passes the fundamentals of engineering examination. If the applicant fails to do so, the applicant's application shall be deemed terminated and, therefore, the applicant shall be required to reapply as a professional engineer applicant and meet the requirements for examination admission before taking the principles and practice examination and Part III of the examination. However, such an applicant will not lose credit for passing the fundamentals of engineering examination until five (5) years after the last day of the month in which the applicant passed the fundamentals of engineering examination. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-5; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3906; filed Jul 24, 1989, 5:00 p.m.: 12 IR 2284; filed Nov 15, 1990, 1:35 p.m.: 14 IR 757; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2107; filed Apr 23, 1999, 2:03 p.m.: 22 IR 2879, eff Jul 2, 1999; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-4.1-6 Exemption from Part I of examination for an engineering intern

Authority: IC 25-31-1-7

Affected: IC 25-31-1-14

Sec. 6. An applicant for registration as a professional engineer, who holds either a valid certificate as an EI or as an engineer-in-training from Indiana or any other state or territory, by having passed the fundamentals of engineering examination shall be exempt from Part I of the examination for professional engineers. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-6; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3906; 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; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

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 the examination two (2) additional times. However, the applicant's:

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

(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 the examinations two (2) additional times. However, the applicant's:

(1) second examination 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.

(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 (e).

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

(i) If an application is terminated under subsection (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.

(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; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

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(d), 7(h), or 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 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 all examination attempts are out of state.

(e) Individuals shall be deemed terminated under section 7(d) or 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 three (3) fundamentals of engineering examination attempts regardless of whether 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, 1992, 9:00 a.m.: 16 IR 728; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2108; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; filed Jul 31, 2006, 8:41 a.m.: 20060830-IR-864050295FRA; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

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 the examination two (2) additional times. However, the applicant's:

(1) second examination 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 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.

(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 two (2) additional 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).

(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).

(5) Otherwise qualifies for admission to the examination.

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

(f) For 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; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-4.1-10 Examination grades; review of examination; retention of answer sheets (Repealed)

Sec. 10. (*Repealed by State Board of Registration for Professional Engineers; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2111*)

864 IAC 1.1-4.1-11 Passing score for Part III of the professional engineer examination

Authority: IC 25-31-1-7

Affected: IC 25-31-1-13; IC 25-31-1-14

Sec. 11. The passing score for Part III of the professional engineer examination will be eighty-eight percent (88%). (*State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-11; 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*)

Rule 5. Comity Registration

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 described in subsection (a) to become registered in Indiana is that the requirements under which the individual's registration was issued do not 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; filed Jun 10, 2008, 9:47 a.m.: 20080709-IR-864070663FRA*)

864 IAC 1.1-5-2 Engineer applicant (Repealed)

Sec. 2. (*Repealed by State Board of Registration for Professional Engineers; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2111*)

864 IAC 1.1-5-3 Land surveyor applicant

Sec. 3. *(NOTE: 864 IAC 1.1-5-3 was renumbered by Legislative Services Agency as 865 IAC 1-5-2.)*

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 two (2) additional times.

(c) Upon the failure of the examination 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 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; filed Jun 10, 2008, 9:47 a.m.: 20080709-IR-864070663FRA)*

Rule 6. Certificates

864 IAC 1.1-6-1 Certificates of registration and enrollment (Repealed)

Sec. 1. *(Repealed by State Board of Registration for Professional Engineers; filed Oct 17, 1986, 2:20 pm: 10 IR 444)*

864 IAC 1.1-6-2 Registration of engineer or land surveyor (Repealed)

Sec. 2. *(Repealed by State Board of Registration for Professional Engineers; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2111)*

864 IAC 1.1-6-3 Enrollment of engineer-in-training or surveyor-in-training (Repealed)

Sec. 3. *(Repealed by State Board of Registration for Professional Engineers; filed Oct 17, 1986, 2:20 pm: 10 IR 444)*

Rule 7. Registrant's Seal

864 IAC 1.1-7-1 Design, application and use of seal (Repealed)

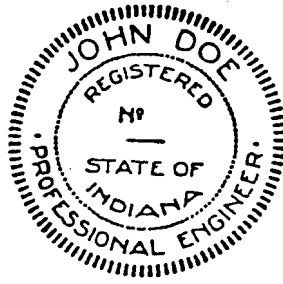
Sec. 1. *(Repealed by State Board of Registration for Professional Engineers; filed Oct 17, 1986, 2:20 pm: 10 IR 444)*

864 IAC 1.1-7-2 Design and contents of seal

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-16

Sec. 2. (a) The engineer seal shall generally be between one and five-eighths (1 5/8) inches and one and seven-eighths (1 7/8) inches in outside diameter, using the following design:



Plans containing an engineer seal of specified size may be reduced as long as the seal remains legible.

(b) The seal may be embossed, electronically applied to a drawing, or applied by a rubber stamp in conformance with the design as shown in subsection (a). The seal may have a milled edge, as shown, or two (2) concentric circles with the outer and inner circles corresponding with the respective edges of the milling.

(c) The name and registration number of the registrant inscribed on the seal shall correspond to the name and certificate number inscribed on the certificate of registration. However, the letters "PE" may be excluded from the certificate number. (*State Board of Registration for Professional Engineers; Rule 7, Sec 2; filed Feb 29, 1980, 3:40 p.m.: 3 IR 632; filed Oct 17, 1986, 2:20 p.m.: 10 IR 441; 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*)

864 IAC 1.1-7-3 Application of seal; signature

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-16

Sec. 3. (a) The seal shall be affixed to documents and instruments only during the time the certificate of registration is current and has not been suspended or revoked and then only on such documents and instruments which have been prepared by the registrant or by the regularly employed and directly supervised subordinates of the registrant. The registrant shall be responsible for seeing that the seal, however affixed, and the signature shall be legible on the document.

(b) Whenever a registrant affixes the seal, it shall have:

- (1) the registrant's signature; and
- (2) the date the seal is being affixed;

directly adjacent to the seal, but not across the seal.

(c) When a registrant is in responsible charge of engineering work for which one (1) or more:

- (1) specifications;
- (2) plans; and
- (3) drawings;

are required to be submitted for review by the state building commissioner or other governmental body, the registrant shall apply the seal in the full manner required by this section on each page of all drawings or plans and on the title page of all specifications.

(d) A registrant who is not in responsible charge of the entire work, but assumes responsibility for portions of the work included on any page of:

- (1) specifications;
- (2) plans; or
- (3) drawings;

shall affix the seal in the manner required by this section on all title pages and on all pages on which the registrant's work appears.

(e) When affixing the seal, the registrant shall denote the registrant's part of the work by inserting below the registrant's signature and date, language similar to the following:

COVERING _____ DESIGN.

(*State Board of Registration for Professional Engineers; Rule 7, Sec 3; filed Feb 29, 1980, 3:40 p.m.: 3 IR 632; filed Oct 17, 1986, 2:20 p.m.: 10 IR 441; filed Jun 8, 1989, 4:45 p.m.: 12 IR 1903; filed Sep 24, 1992, 9:00 a.m.: 16 IR 730; filed Mar 28, 1995, 2:00*

p.m.: 18 IR 2110; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

864 IAC 1.1-7-4 Use of seal and signature; acceptance of full responsibility

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-16

Sec. 4. (a) The seal and signature of a registrant on any drawings, documents, or instruments signifies the registrant's acceptance of full responsibility for the professional work represented thereon, except as another registrant shall have assumed a limited responsibility for portions of the work in accordance with section 3(d) of this rule.

(b) A registrant may include in the registrant's plans certain predesigned manufactured equipment or products which have become established as acceptable for the proposed use, when such items:

- (1) meet standards established by nonprofit trade organizations;
- (2) meet the requirements for the proposed use as indicated by tests performed by a competent, unbiased testing agency;
- (3) are mechanical, electrical, or other types of machinery or systems guaranteed by a reputable manufacturer; or
- (4) do not affect the structural safety of the project.

(State Board of Registration for Professional Engineers; Rule 7, Sec 4; filed Feb 29, 1980, 3:40 p.m.: 3 IR 633; filed Sep 24, 1992, 9:00 a.m.: 16 IR 730; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2110; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

Rule 8. Renewal

864 IAC 1.1-8-1 Renewal of registration; fees; notice

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-17

Sec. 1. The board has adopted the following to clarify and implement the payment of renewal fees on a biennial basis:

- (1) For purposes of biennial renewal, the postmark on the envelope containing the remittance will be considered the date of payment.
- (2) When the renewal fee is not paid on time:
 - (A) the certificate of registration becomes invalid;
 - (B) the individual cannot lawfully practice or offer to practice engineering; and
 - (C) the individual's name will be deleted from future rosters;

until the renewal fee and required delinquent fee is paid.

(State Board of Registration for Professional Engineers; Rule 8, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 633; filed Oct 17, 1986, 2:20 p.m.: 10 IR 442; filed Sep 24, 1992, 9:00 a.m.: 16 IR 731; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

Rule 9. Roster

864 IAC 1.1-9-1 Publication and contents of rosters

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-17

Sec. 1. In order to establish the time of publication of rosters in conjunction with the biennial collection of renewal fees, the board adopts the following:

- (1) As soon as practicable after the completion of the biennial renewals in each even-numbered year, the board will publish a roster showing the names and addresses of engineers who are valid registrants until the date shown in the roster.
- (2) It shall be the responsibility of each registrant to keep the board advised of the registrant's latest address and such

supplementary roster information, if any, which is to be included in the roster.

(State Board of Registration for Professional Engineers; Rule 9, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 634; filed Oct 17, 1986, 2:20 p.m.: 10 IR 442; filed Sep 24, 1992, 9:00 a.m.: 16 IR 731; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

Rule 10. Temporary Permit

864 IAC 1.1-10-1 Engineer's temporary permit; purpose; application; use of seal (Repealed)

Sec. 1. *(Repealed by State Board of Registration for Professional Engineers; filed Oct 17, 1986, 2:20 pm: 10 IR 444)*

Rule 11. Rules of Professional Conduct

864 IAC 1.1-11-1 Ethical, economic, and legal principles; professional incompetence

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 1. (a) This rule establishes requirements concerning ethical, economic, and legal principles and unprofessional conduct in the practice of engineering.

(b) The failure of a registered professional engineer to comply with the provisions of this rule constitutes professional incompetence. *(State Board of Registration for Professional Engineers; Rule 11, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 634; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3908; filed Sep 24, 1992, 9:00 a.m.: 16 IR 731; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)*

864 IAC 1.1-11-2 Agreement to abide by act and rules

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-13

Sec. 2. Each applicant shall certify on the application that the applicant has read and agrees to abide by the Act and the rules of the board in force at the time. *(State Board of Registration for Professional Engineers; Rule 11, Sec 2; filed Feb 29, 1980, 3:40 p.m.: 3 IR 634; filed Sep 24, 1992, 9:00 a.m.: 16 IR 731; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)*

864 IAC 1.1-11-3 Privilege to practice; responses to board pertaining to professional conduct

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 3. Knowledge of the Act and rules of the board shall encompass the understanding that the practice of engineering is a privilege, as opposed to a right, and the registrant shall be forthright and candid in statements or written response to the board or its representatives on matters pertaining to professional conduct. *(State Board of Registration for Professional Engineers; Rule 11, Sec 3; filed Feb 29, 1980, 3:40 p.m.: 3 IR 634; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2111; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)*

864 IAC 1.1-11-4 Public safety, health, and welfare

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 4. The engineer shall at all times recognize the primary obligation to protect the safety, health, and welfare of the public

in the performance of professional duties. If the engineer's professional judgment is overruled under circumstances where the safety, health, and welfare of the public are endangered, the engineer shall inform the engineer's employer of the possible consequences and notify such other proper authority of the situation, as may be appropriate. (*State Board of Registration for Professional Engineers; Rule 11, Sec 4; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-11-5 Qualification to undertake assignment

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 5. The engineer shall undertake to perform engineering assignments only when qualified by education and experience in the specific technical field of professional engineering involved. (*State Board of Registration for Professional Engineers; Rule 11, Sec 5; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2111; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-11-6 Restricted services for assignment outside field of competence

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 6. The engineer may accept an assignment requiring education or experience outside of the engineer's field of competence, but only to the extent that services are restricted to those phases of the project in which the engineer is qualified. All other phases of such project shall be performed by qualified associates, consultants, or employees. (*State Board of Registration for Professional Engineers; Rule 11, Sec 6; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-11-7 Use of seal restricted

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 7. The engineer shall not affix the engineer's signature and/or seal to any engineering plan or document dealing with subject matter in which the engineer lacks competence by virtue of insufficient education or experience, or to any such plan or document not prepared as described in 864 IAC 1.1-7-4. (*State Board of Registration for Professional Engineers; Rule 11, Sec 7; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-11-8 Competence examination (Repealed)

Sec. 8. (*Repealed by State Board of Registration for Professional Engineers; filed Jun 21, 1988, 4:05 pm: 11 IR 3918*)

864 IAC 1.1-11-9 Professional reports, statements, and testimony

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 9. The engineer shall be completely objective and truthful in all professional reports, statements, or testimony. The engineer shall include all relevant and pertinent information in such reports, statements, or testimony. (*State Board of Registration for Professional Engineers; Rule 11, Sec 9; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-11-10 Expert opinion testimony

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 10. The engineer, when serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the engineer's testimony. (*State Board of Registration for Professional Engineers; Rule 11, Sec 10; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-11-11 Public policy statements, criticisms, or arguments

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 11. The engineer will issue no statement, criticisms, or arguments on engineering matters connected with public policy which are inspired or paid for by an interested party, or parties, unless the engineer has prefaced the comment by:

- (1) explicitly identifying himself or herself;
- (2) disclosing the identities of the party, or parties, on whose behalf the engineer is speaking; and
- (3) revealing the existence of any pecuniary interest the engineer may have in the instant matters.

(*State Board of Registration for Professional Engineers; Rule 11, Sec 11; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 733; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-11-12 Conflicts of interest

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 12. The engineer shall conscientiously avoid conflicts of interest with the engineer's employer or client, but, when unavoidable, the engineer shall forthwith disclose the circumstances to the engineer's employer or client. (*State Board of Registration for Professional Engineers; Rule 11, Sec 12; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 733; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-11-13 Disclosure of conflict of interest

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 13. The engineer shall avoid all known conflicts of interest with the engineer's employer or client and shall promptly inform the engineer's employer or client of any business association, interest, or circumstances which could influence judgment or quality of services. (*State Board of Registration for Professional Engineers; Rule 11, Sec 13; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 733; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-11-14 Compensation from more than one party for same project

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 14. The engineer shall not accept compensation, financial or otherwise, from more than one (1) party for services on

the same project, unless the circumstances are fully disclosed to and agreed to by all interested parties. (*State Board of Registration for Professional Engineers; Rule 11, Sec 14; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 733; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-11-15 Gratuities prohibited

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 15. The engineer shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the engineer's client or employer in connection with work for which the engineer is responsible. (*State Board of Registration for Professional Engineers; Rule 11, Sec 15; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 733; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-11-16 Financial or other considerations from suppliers prohibited

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 16. The engineer shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products. (*State Board of Registration for Professional Engineers; Rule 11, Sec 16; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 733; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-11-17 Public service position; conflict of interest

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 17. When in public service as a member, advisor, or employee of a governmental body or department, the engineer shall not participate in considerations or actions with respect to services provided by the engineer or the engineer's organizations in private engineering practices. (*State Board of Registration for Professional Engineers; Rule 11, Sec 17; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-11-18 Public contracts; conflict of interest

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 18. The engineer shall not solicit or accept an engineering contract from a governmental body on which a principal, officer, or employee of the engineer's organization serves as a member. (*State Board of Registration for Professional Engineers; Rule 11, Sec 18; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2111; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-11-19 Payment of consideration to secure work prohibited; exception

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 19. The engineer shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work, exclusive of securing a salaried position through employment agencies. (*State Board of*

Registration for Professional Engineers; Rule 11, Sec 19; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

864 IAC 1.1-11-20 Employment on basis of qualification and competence

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 20. The engineer shall seek professional employment on the basis of qualification and competence in the proper accomplishment of similar work. *(State Board of Registration for Professional Engineers; Rule 11, Sec 20; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)*

864 IAC 1.1-11-21 Misrepresentation of qualifications prohibited

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 21. The engineer shall not falsify or permit misrepresentation of the engineer's or the engineer's associates' academic or professional qualifications. The engineer shall not misrepresent or exaggerate the 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 their past accomplishments, or the engineer's past accomplishments with the intent and purpose of enhancing the engineer's qualifications and work. *(State Board of Registration for Professional Engineers; Rule 11, Sec 21; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)*

864 IAC 1.1-11-22 Use of name in fraudulent or dishonest venture

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 22. The engineer shall not knowingly associate with or permit the use of the engineer's name or firm name in a business venture by any person or firm which the engineer knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature. *(State Board of Registration for Professional Engineers; Rule 11, Sec 22; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)*

864 IAC 1.1-11-23 Reporting violations

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 23. If the engineer has knowledge or reason to believe that another person or firm may be in violation of this article, the engineer shall present such information to the board in writing and shall cooperate with the board in furnishing such further information or assistance as may be required by the board. *(State Board of Registration for Professional Engineers; Rule 11, Sec 23; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)*

864 IAC 1.1-11-24 Felony convictions; effect

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 24. Conviction of a crime shall be deemed incompetent practice if the acts which resulted in the conviction have a direct bearing on whether the applicant should be entrusted to serve the public as a registered professional engineer. (*State Board of Registration for Professional Engineers; Rule 11, Sec 24; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3908; filed Sep 24, 1992, 9:00 a.m.: 16 IR 735; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

864 IAC 1.1-11-25 Revocation or suspension of license in another jurisdiction; effect

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 25. The revocation or suspension of a professional engineer's license by another jurisdiction, if for a cause which in the state of Indiana would constitute a violation of IC 25-31-1 or this title, shall be grounds for a charge of violation of IC 25-31-1-22.1. (*State Board of Registration for Professional Engineers; Rule 11, Sec 25; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3908; errata filed Nov 28, 1989, 3:00 p.m.: 13 IR 677; filed Sep 24, 1992, 9:00 a.m.: 16 IR 735; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

Rule 12. Fees

864 IAC 1.1-12-1 Fees charged by board

Authority: IC 25-1-8-2; IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 1. The board shall charge and collect the following fees, which shall all be nonrefundable and nontransferable:

(1) Except for an application for college seniors applying for the fundamental engineering examination under 864 IAC 1.1-2-4 and 864 IAC 1.1-3-3, for review of an application for examination for certification as an engineering intern, one hundred dollars (\$100).

(2) For review of an application for examination for registration as a professional engineer, three hundred dollars (\$300).

(3) For the processing and review of qualifications for registration as a professional engineer by comity, five hundred dollars (\$500).

(4) For issuance of the original certificate to practice as a professional engineer following passage of the examination or approval for registration on the basis of comity, when the certificate is dated between August 1 of an:

(A) odd-numbered year and July 31 of the following even-numbered year, inclusive, fifty dollars (\$50); and

(B) even-numbered year and July 31 of the following odd-numbered year, inclusive, one hundred dollars (\$100).

(5) For biennial renewal of the certificate to practice as a professional engineer, one hundred dollars (\$100) payable prior to July 31 of each even-numbered year.

(6) For renewal of an expired certificate to practice as a professional engineer, fifty dollars (\$50), plus all unpaid renewal fees for the four (4) years of delinquency. A certificate may not be renewed after four (4) years of delinquency.

(7) For a duplicate or replacement certificate to practice as a professional engineer, ten dollars (\$10).

(8) The fee shall be one hundred dollars (\$100) for the proctoring of examinations taken in this state for purposes of registration in other states. This fee shall be in addition to the examination fee.

(*State Board of Registration for Professional Engineers; Rule 12, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Oct 14, 1981, 1:30 p.m.: 4 IR 2459; filed Oct 17, 1986, 2:20 p.m.: 10 IR 442; errata, 10 IR 445; filed Sep 24, 1992, 9:00 a.m.: 16 IR 735; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2111; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3109; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; filed Sep 23, 2002, 9:59 a.m.: 26 IR 380, eff Dec 1, 2002; filed Sep 16, 2004, 9:00 a.m.: 28 IR 604, eff Nov 1, 2004; readopted filed Nov 17, 2010, 9:56 a.m.: 20101215-IR-864100408RFA*)

864 IAC 1.1-12-2 Fee for examination administration

Authority: IC 25-1-8-2; IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 2. The fees for both the fundamentals of engineering examination and principles and practice of engineering examination are the costs for examination administration and examination scoring, payable to the examination services. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-12-2; filed Sep 16, 2004, 9:00 a.m.: 28 IR 604, eff Nov 1, 2004; readopted filed Nov 17, 2010, 9:56 a.m.: 20101215-IR-864100408RFA*)

Rule 13. Land Surveying; Competent Practice

864 IAC 1.1-13-1 Minimum standards for competent practice of land surveying

Sec. 1. (*NOTE: 864 IAC 1.1-13-1 was renumbered by Legislative Services Agency as 865 IAC 1-12-1.*)

864 IAC 1.1-13-2 Definitions; abbreviations

Sec. 2. (*NOTE: 864 IAC 1.1-13-2 was renumbered by Legislative Services Agency as 865 IAC 1-12-2.*)

864 IAC 1.1-13-3 Surveyor responsibility

Sec. 3. (*NOTE: 864 IAC 1.1-13-3 was renumbered by Legislative Services Agency as 865 IAC 1-12-3.*)

864 IAC 1.1-13-4 Land surveyor duty to accumulate, preserve, and share data

Sec. 4. (*NOTE: 864 IAC 1.1-13-4 was renumbered by Legislative Services Agency as 865 IAC 1-12-4.*)

864 IAC 1.1-13-5 Analysis of research, preliminary conclusions (Repealed)

Sec. 5. (*Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255*)

864 IAC 1.1-13-5.1 Property surveys affected

Sec. 5.1. (*NOTE: 864 IAC 1.1-13-5.1 was renumbered by Legislative Services Agency as 865 IAC 1-12-5.*)

864 IAC 1.1-13-6 Field notes

Sec. 6. (*NOTE: 864 IAC 1.1-13-6 was renumbered by Legislative Services Agency as 865 IAC 1-12-6.*)

864 IAC 1.1-13-7 Measurements for retracements or record document, surveys and original surveys

Sec. 7. (*NOTE: 864 IAC 1.1-13-7 was renumbered by Legislative Services Agency as 865 IAC 1-12-7.*)

864 IAC 1.1-13-8 Theoretical uncertainty

Sec. 8. (*NOTE: 864 IAC 1.1-13-8 was renumbered by Legislative Services Agency as 865 IAC 1-12-8.*)

864 IAC 1.1-13-9 Preliminary research and investigation on retracement and record document surveys

Sec. 9. (*NOTE: 864 IAC 1.1-13-9 was renumbered by Legislative Services Agency as 865 IAC 1-12-9.*)

864 IAC 1.1-13-10 Field investigation for retracement and record document surveys

Sec. 10. *(NOTE: 864 IAC 1.1-13-10 was renumbered by Legislative Services Agency as 865 IAC 1-12-10.)*

864 IAC 1.1-13-11 Surveyor conclusions in retracement or record document survey

Sec. 11. *(NOTE: 864 IAC 1.1-13-11 was renumbered by Legislative Services Agency as 865 IAC 1-12-11.)*

864 IAC 1.1-13-12 Publication of retracement, record document, or original survey results

Sec. 12. *(NOTE: 864 IAC 1.1-13-12 was renumbered by Legislative Services Agency as 865 IAC 1-12-12.)*

864 IAC 1.1-13-13 Retracement or record document survey plats

Sec. 13. *(NOTE: 864 IAC 1.1-13-13 was renumbered by Legislative Services Agency as 865 IAC 1-12-13.)*

864 IAC 1.1-13-14 Satisfying client requirements (Repealed)

Sec. 14. *(Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)*

864 IAC 1.1-13-15 Original survey preliminary research

Sec. 15. *(NOTE: 864 IAC 1.1-13-15 was renumbered by Legislative Services Agency as 865 IAC 1-12-14.)*

864 IAC 1.1-13-16 Original survey research analysis and conclusions

Sec. 16. *(NOTE: 864 IAC 1.1-13-16 was renumbered by Legislative Services Agency as 865 IAC 1-12-15.)*

864 IAC 1.1-13-17 Original survey fieldwork

Sec. 17. *(NOTE: 864 IAC 1.1-13-17 was renumbered by Legislative Services Agency as 865 IAC 1-12-16.)*

864 IAC 1.1-13-18 Publication; original survey results

Sec. 18. *(NOTE: 864 IAC 1.1-13-18 was renumbered by Legislative Services Agency as 865 IAC 1-12-17.)*

864 IAC 1.1-13-19 Original and retracement or record document survey monumentation

Sec. 19. *(NOTE: 864 IAC 1.1-13-19 was renumbered by Legislative Services Agency as 865 IAC 1-12-18.)*

864 IAC 1.1-13-20 Original survey plats

Sec. 20. *(NOTE: 864 IAC 1.1-13-20 was renumbered by Legislative Services Agency as 865 IAC 1-12-19.)*

864 IAC 1.1-13-21 Data accumulation survey preliminary research (Repealed)

Sec. 21. *(Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)*

864 IAC 1.1-13-22 Data accumulation survey field investigation (Repealed)

Sec. 22. *(Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)*

864 IAC 1.1-13-23 Completion and evaluation; data accumulation survey (Repealed)

Sec. 23. *(Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)*

864 IAC 1.1-13-24 Publication; data accumulation survey results (Repealed)

Sec. 24. *(Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)*

864 IAC 1.1-13-25 Data accumulation survey measurements (Repealed)

Sec. 25. *(Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)*

864 IAC 1.1-13-26 Data accumulation survey monumentation (Repealed)

Sec. 26. *(Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)*

864 IAC 1.1-13-27 Data accumulation survey presentation (Repealed)

Sec. 27. *(Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)*

864 IAC 1.1-13-28 Construction layout survey preliminary research (Repealed)

Sec. 28. *(Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)*

864 IAC 1.1-13-29 Construction layout survey field investigation (Repealed)

Sec. 29. *(Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)*

864 IAC 1.1-13-30 Construction layout survey conclusions (Repealed)

Sec. 30. *(Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)*

864 IAC 1.1-13-31 Publication of construction layout survey results (Repealed)

Sec. 31. *(Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)*

864 IAC 1.1-13-32 Construction layout survey measurements (Repealed)

Sec. 32. *(Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)*

864 IAC 1.1-13-33 Construction layout survey monumentation (Repealed)

Sec. 33. *(Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)*

864 IAC 1.1-13-34 Construction layout survey data presentation (Repealed)

Sec. 34. *(Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)*

864 IAC 1.1-13-35 Route survey preliminary research

Sec. 35. (NOTE: 864 IAC 1.1-13-35 was renumbered by Legislative Services Agency as 865 IAC 1-12-20.)

864 IAC 1.1-13-36 Route survey fieldwork

Sec. 36. (NOTE: 864 IAC 1.1-13-36 was renumbered by Legislative Services Agency as 865 IAC 1-12-21.)

864 IAC 1.1-13-37 Measurements for route surveys

Sec. 37. (NOTE: 864 IAC 1.1-13-37 was renumbered by Legislative Services Agency as 865 IAC 1-12-22.)

864 IAC 1.1-13-38 Publication of route survey results

Sec. 38. (NOTE: 864 IAC 1.1-13-38 was renumbered by Legislative Services Agency as 865 IAC 1-12-23.)

864 IAC 1.1-13-39 Route survey monumentation

Sec. 39. (NOTE: 864 IAC 1.1-13-39 was renumbered by Legislative Services Agency as 865 IAC 1-12-24.)

864 IAC 1.1-13-40 Route survey plats

Sec. 40. (NOTE: 864 IAC 1.1-13-40 was renumbered by Legislative Services Agency as 865 IAC 1-12-25.)

864 IAC 1.1-13-41 Effective date for route surveys

Sec. 41. (NOTE: 864 IAC 1.1-13-41 was renumbered by Legislative Services Agency as 865 IAC 1-12-26.)

864 IAC 1.1-13-42 Surveyor location reports; purpose; scope

Sec. 42. (NOTE: 864 IAC 1.1-13-42 was renumbered by Legislative Services Agency as 865 IAC 1-12-27.)

864 IAC 1.1-13-43 Surveyor location reports; requirements

Sec. 43. (NOTE: 864 IAC 1.1-13-43 was renumbered by Legislative Services Agency as 865 IAC 1-12-28.)

864 IAC 1.1-13-44 Surveyor location reports; certificate

Sec. 44. (NOTE: 864 IAC 1.1-13-44 was renumbered by Legislative Services Agency as 865 IAC 1-12-29.)

Rule 14. Limited Liability Company Practice

864 IAC 1.1-14-1 Limited liability company practice

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 23-18-2-2; IC 25-31-1-18

Sec. 1. A limited liability company doing business in Indiana may practice or offer to practice engineering only if that practice is carried on under the responsible direction and supervision of a registered professional engineer who is a full-time employee or member of the company. All plans, sheets of designs, specifications, reports, studies, or other engineering documents that require certification and are prepared by the personnel of a business must carry the signature and seal of the registered professional engineer who is in responsible charge of the professional engineering work. (*State Board of Registration for*

Professional Engineers; 864 IAC 1.1-14-1; filed Nov 7, 2003, 12:00 p.m.: 27 IR 875; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-864090783RFA)

Rule 15. Continuing Education

864 IAC 1.1-15-1 Continuing education

Authority: IC 25-1-4-8; IC 25-31-1-17.5

Affected: IC 25

Sec. 1. This rule establishes the continuing education requirements for professional engineers. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-15-1; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA*)

864 IAC 1.1-15-2 Definitions

Authority: IC 25-1-4-8; IC 25-31-1-17.5

Affected: IC 25-1-4-0.2; IC 25-1-4-0.5

Sec. 2. (a) As used in this rule, "biennium" means a two (2) year licensure period during which continuing education requirements must be met. It:

(1) commences on August 1 of an even-numbered year; and

(2) concludes on July 31 of the next even-numbered year.

(b) Based on IC 25-1-4-0.5 and as used in this rule, "continuing education" means an orderly process of instruction that is:

(1) approved by an approved organization (as defined in IC 25-1-4-0.2) or the board; and

(2) designed to directly enhance a professional engineer's knowledge and skill in providing services relevant to the practice of engineering.

(c) As used in this rule, "hour of continuing education" means at least fifty (50) minutes of instruction or course contact time.

"Hours of continuing education" has the same meaning for the number of hours stated. An alternate term for an hour of continuing education that is used nationally with continuing education for professional engineers is professional development hour or PDH. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-15-2; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA*)

864 IAC 1.1-15-3 Continuing education hours required

Authority: IC 25-1-4-8; IC 25-31-1-17.5

Affected: IC 25-1-4

Sec. 3. (a) Except for holders of an inactive certificate under section 9 of this rule, during each biennium a professional engineer shall complete thirty (30) hours of continuing education that meets the requirements of this rule and IC 25-1-4 in order to renew his or her professional engineer registration. This continuing education requirement first applies to the biennium of August 1, 2010, through July 31, 2012, and therefore first applies to the July 31, 2012, renewal.

(b) At least one (1) hour of the continuing education required in each biennium under subsection (a) shall be in ethics applicable to the practice of professional engineering.

(c) At least one (1) hour of the continuing education required in each biennium under subsection (a) shall be in Indiana statutes and rules applicable to the practice of professional engineering.

(d) A professional engineer initially licensed in Indiana in the first year of a biennium shall only be required to obtain fifteen (15) hours of continuing education. A professional engineer initially licensed in Indiana in the second year of a biennium shall not be required to obtain any continuing education.

(e) Up to fifteen (15) hours of continuing education may be carried over as follows:

(1) Continuing education obtained after the effective date of this rule and before August 1, 2010, may be carried over to the August 1, 2010, to the July 31, 2012, biennium.

(2) Continuing education obtained during a biennium beyond what is required for that biennium may be carried over to the

next biennium.

(State Board of Registration for Professional Engineers; 864 IAC 1.1-15-3; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)

864 IAC 1.1-15-4 Credit for distance learning, teaching, and college courses

Authority: IC 25-31-1-17.5

Affected: IC 25

Sec. 4. (a) Distance learning courses obtained by distance learning methods shall qualify.

(b) Courses that are relevant to the professional engineer's professional skills, which are part of the curriculum of an accredited university, college, or educational institution, shall earn:

(1) fifteen (15) hours of continuing education for each academic semester hour completed; or

(2) ten (10) hours of continuing education for each academic quarter hour completed.

(c) Teaching a course at an accredited university, college, or educational institution shall earn two (2) times the number of hours a student is allowed under subsection (b), but only for the first time the instructor teaches the course.

(d) Services as an instructor or presenter at a qualified continuing education course earn one (1) hour of continuing education for each hour taught, but only for the initial instruction or presentation. (State Board of Registration for Professional Engineers; 864 IAC 1.1-15-4; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)

864 IAC 1.1-15-5 Approval of continuing education programs

Authority: IC 25-1-4; IC 25-31-1-17.5

Affected: IC 25-1-4-0.2; IC 25-1-4-0.5

Sec. 5. (a) It is the professional engineer's responsibility to ensure that the course is applicable to enhancing the practice of engineering. According to IC 25-1-4-0.5, certain courses are automatically approved by being approved by an approved organization under IC 25-1-4-0.2 assuming the subject matter of the course is acceptable under this rule by being designed to directly enhance the practitioner's knowledge and skill. For any course not automatically approved, the following criteria shall be used for board approval of continuing education programs for professional engineers:

(1) The continuing education course shall have a statement of objectives, which the program should achieve for its participants relating to and enhancing the practice of engineering.

(2) The sponsor of continuing education courses shall provide:

(A) adequate administration, including a responsible person to coordinate and administer the program; and

(B) for the maintenance of proper records.

(3) The curriculum of a continuing education course shall be thoughtfully planned and designed to explore in considerable depth one (1) subject or a closely related group of subjects related to the practice of engineering.

(4) The continuing education course shall:

(A) have qualified instructors who have demonstrated competence in the subject areas;

(B) be held in adequate facilities that allow for an effective program; and

(C) employ a variety of educational methods and teaching aids that enhance the learning opportunities.

(5) Appropriate methods of evaluation shall be devised and used to measure the continuing education course's effectiveness.

(6) The sponsor of the continuing education course shall provide to the participants a meaningful record of attendance stating the continuing education hours involved, such as a certificate of completion.

(b) Continuing education courses may be approved by the board provided the sponsoring organization has submitted the proper documentation.

(c) The sponsor of the course is responsible for monitoring attendance in such a manner that verification of attendance throughout the entire course can be reliably assured.

(d) Notwithstanding subsections (a) and (b), continuing education courses for professional engineers approved by an approved organization under IC 25-1-4-0.2 are automatically approved. (State Board of Registration for Professional Engineers; 864 IAC 1.1-15-5; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)

864 IAC 1.1-15-6 Reporting continuing education

Authority: IC 25-31-1-17.5

Affected: IC 25

Sec. 6. (a) A licensee must sign the renewal form provided by the Indiana professional licensing agency that verifies that all continuing education requirements according to section 3 of this rule will have been met by the time of license renewal.

(b) The professional engineer shall maintain copies of certificates of completion of continuing education courses for a period of three (3) years following the end of the biennium. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-15-6; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA*)

864 IAC 1.1-15-7 Continuing education audit

Authority: IC 25-1-4; IC 25-31-1-17.5

Affected: IC 25-1-4-3

Sec. 7. (a) As required by IC 25-1-4-3, the board shall conduct random audits for compliance with continuing education requirements.

(b) Action taken for noncompliance will be governed by IC 25-1-4. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-15-7; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA*)

864 IAC 1.1-15-8 Request for a waiver of the continuing education requirement

Authority: IC 25-1-4; IC 25-31-1-17.5

Affected: IC 25-1-4-4

Sec. 8. (a) Under IC 25-1-4-4, a professional engineer may apply in writing for a waiver for all or part of the continuing education requirements for a biennium, seeking renewal of that license without having completed the continuing education required for renewal under this rule, by submitting the following:

(1) A statement explaining the reasons for noncompliance.

(2) A request for a waiver of the continuing education required for renewal.

(3) The renewal application and all required fees.

(b) The license holder must submit evidence to the satisfaction of the board to be granted a waiver.

(c) If the request is granted, the waiver will be effective for the current renewal period only.

(d) If the request is denied, the license holder is responsible for completing the full amount of continuing education required for license renewal.

(e) Waivers may be granted if a hardship exists. The board will determine whether a hardship exists that would have prevented the licensee from obtaining his or her continuing education, including, but not limited to, the following:

(1) For at least one (1) year during the current renewal period, the licensee was absent due to full-time service in the armed services of the United States.

(2) During the current renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered an incapacitating illness or injury. The existence of the incapacitating illness or injury must be verified by a licensed physician or psychologist with special expertise in the area of the incapacitating illness or injury. Verification of the incapacitating illness or injury must include the following:

(A) The nature and extent of the illness or injury.

(B) An explanation of how the illness or injury would hinder the licensee from completing the continuing education requirement.

(C) The:

(i) name;

(ii) title;

(iii) address;

- (iv) telephone number;
- (v) professional license number; and
- (vi) original signature;

of the licensed physician or psychologist verifying the illness or injury.

(State Board of Registration for Professional Engineers; 864 IAC 1.1-15-8; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)

864 IAC 1.1-15-9 Inactive status

Authority: IC 25-1-4; IC 25-31-1-17.5

Affected: IC 25

Sec. 9. A professional engineer may apply to the board to renew the professional engineer's registration in an inactive status. No continuing education is required to renew inactive. An inactive professional engineer may not practice engineering while in an inactive status. *(State Board of Registration for Professional Engineers; 864 IAC 1.1-15-9; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)*

864 IAC 1.1-15-10 Reactivation of inactive license

Authority: IC 25-1-4; IC 25-31-1-17.5

Affected: IC 25

Sec. 10. To reactivate an inactive license, a professional engineer must do the following:

- (1) Apply to the board for reactivation on the application form supplied by the board.
- (2) Pay the same fee required to renew an active license.
- (3) Show proof of having completed thirty (30) hours of continuing education that meet the requirements of this rule within the two (2) year period immediately prior to the date the reactivation application is filed.

(State Board of Registration for Professional Engineers; 864 IAC 1.1-15-10; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)

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