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**TITLE 864 STATE BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS**

Proposed Rule
LSA Document #05-222

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. Effective 30 days after filing with the Secretary of State.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

Estimated Number of Small Businesses Subject to This Rule:

NAICS 541330 Engineering Services

The State Board of Registration for Professional Engineers (Board) estimates that no small businesses will be directly affected by this rule. The Board has the authority to promulgate rules in accordance with IC 25-31-1-7, including establishing the requirements and examination attempts for registration as a professional engineer and an engineer intern. This proposed rule will not have any costs on small businesses.

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) time~~ **the examination two (2) additional times 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.

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

~~(d)~~ **(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) time~~ **the examinations two (2) additional times 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*)

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(c)~~, ~~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, 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)

SECTION 3. 864 IAC 1.1-4.1-9, AS AMENDED AT 28 IR 603, SECTION 2, 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.

~~(d)~~ **(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)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on February 16, 2006 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W064, Indianapolis, Indiana the State Board of Registration for Professional Engineers will hold a public hearing on proposed amendments to implement rule changes based on SEA 139-2005 (P.L.194-2005), including changes to the number of examination attempts for registration as a professional engineer, changes to bring the termination of application in conformity with the examination attempts for registration as a professional engineer, and changes to the number of examination attempts for registration as an engineer intern.

The State Board of Registration for Professional Engineers has the authority to promulgate rules in accordance with IC 25-31-1-7, including establishing the requirements and examination attempts for registration as a professional engineer and an engineer intern. The proposed rule is being promulgated 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 and an engineer intern. This proposed rule will have some costs on the regulated entities. The regulated entity will have to pay to register to sit for another licensing examination. However, the regulated entity is given another opportunity to sit for the licensing examination before being required to obtain additional education and to reapply to sit for the licensing examination.

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W072 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency