

## **RULES OF THE BOARD**

### **ARTICLE 1. GENERAL PROVISIONS**

#### **A. Practice of Engineering**

In order to safeguard life, health and property and to promote the public welfare, the practice of engineering in the State of Arkansas is subject to regulation. It shall be unlawful for any person to practice, or to offer to practice engineering in this state, as defined in the provisions of ARK CODE ANNO. **17-30-101** ET SEQ and the Administrative Procedures Act. ARK CODE ANNO. **25-15-101** ET SEQ or to assume, advertise, or use his name and title or description tending to convey the impression that he is an engineer unless such person has been duly registered under the provisions of these Statutes. The Practice of Engineering shall be deemed a privilege granted by the State through the Registration Board based on the qualifications of the individual as evidenced by their certificate of registration, which shall not be transferable.

#### **B. Practice of Land Surveying**

In order to safeguard life, health and property and to promote the public welfare, the practice of land surveying in the State of Arkansas is subject to regulation. It shall be unlawful for any person to practice, or to offer to practice, land surveying in this state, as defined in the provisions or ARK CODE ANNO. **17-48-101** ET SEQ., and the Arkansas Administrative Procedures Act, ARK CODE ANNO. **25-15-101** ET SEQ., or to assume, advertise, or use his name, and title or description tending to convey the impression that he is a land surveyor unless such person has been duly registered under these Statutes. The Practice of Land Surveying shall be deemed a privilege granted by the State through the Registration Board based on the qualifications of the individual as evidenced by their certificate of registration, which shall not be transferable.

### **ARTICLE 2. DEFINITIONS**

**A. Board** – The term “Board”, as used in the Statutes and the Rules of the Board, shall mean the Arkansas State Board or Registration for Professional Engineers and Land Surveyors.

**B. Professional Engineer** – The term “professional engineer” within the intent of the Statutes and the Rules of the Board, shall mean a person who, has been duly registered or licensed as a Professional Engineer by the Board.

**C. Engineer-Intern** – The term “engineer-intern”, within the intent of the Statutes and the Rules of the Board, shall mean a person who complies with the requirements in education, experience, and character, who has passed an eight (8) hour National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Engineering examination, and has been duly certified by the Board.

**D. Practice of Engineering** – (1) The term “practice of engineering”, within the intent of the Statutes and the Rules of the Board, shall mean any service or creative work, the adequate performance of which requires engineering education and experience in the application of special knowledge in the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems relating to the use of air, land, and waters; municipal and regional planning; forensic services; teaching of JUNIOR LEVEL OR ABOVE engineering subjects or courses related thereto; engineering surveys, and the observation of construction for the purpose of assuring compliance with drawings and specifications; any of which embraces such service or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, or projects, including such architectural services as is incidental to the practice of engineering.

(2) A person shall be construed to practice or offer to practice engineering, within the intent of the Statutes and the Rules of the Board, who practices in any branch or engineering; or who, by verbal claim, sign, advertisement, letterhead, card or in any other way, represents himself to be an engineer; or who through the use of some other title implies that he is an engineer or that he is registered by the Board; or who holds himself out as able to perform or does perform any engineering service or work which is recognized as engineering, but such definition shall not include persons who operate or maintain machinery or equipment.

The practice of engineering shall not include the act of measuring land, drawing or reading plans or other work normally done by mechanics, technicians, draftsmen or registered land surveyors.

**E. Land Surveyor** – The term “land surveyor”, within the intent of the Statutes and the Rules of the Board, shall mean a person who, by reason of his special knowledge of and ability to use mathematical, physical and applied sciences, as well as the principles and techniques of measuring land, is qualified by education, experience and examination to practice land surveying; and who has been duly registered by the board.

**F. Land Surveyor-in-Training** – The term “land surveyor-in-training”, within the intent of the Statutes and the Rules of the Board, shall mean a person who complies with the requirements in education, experience and character who, has passed an eight (8) hour NCEES Fundamentals of Land Surveying examination and who has been duly certified by the Board.

**G. Practice of Land Surveying** – (1) The term “practice of land surveying”, within the intent of the Statutes and the Rules of the Board, shall mean any service comprising the determination of the location of land boundaries and land boundary corners; the preparation of plats showing the shape and areas of tracts of land and their subdivision into smaller tracts; the teaching of land surveying courses that define the position of land boundaries or land boundary corners; the preparation of plats showing the location of streets, roads, easements or right-of-ways; and the preparation of plats or maps of land boundaries within the State of Arkansas.

(2) The practice of Land Surveying shall also include the use of Global Positioning Systems, aerial Photography, computers, or other scientific means to determine the location of land boundaries and land boundary corners.

(3) A person shall be construed to practice or offer to practice land surveying, within the intent of the Statutes and the Rules of the Board, who engages in land surveying for others or who by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself to be a land surveyor or who through some other title implies that he is a land surveyor or that he is licensed by this Board. The term “land surveying” shall not include the measuring of acreage of timber, cotton, rice or other agricultural crops and/or surveying of irrigation levees.

**H. Responsible Charge** – The term “responsible charge”, as used in the Statutes and Rules of the Board, shall mean direct control, supervision of and legal responsibility for all engineering and land surveying performed. This responsible charge shall be of such a nature that the client may reasonably presume that the registered engineer or land surveyor of the firm which he has employed is the provider of the professional services.

I. The provisions of the Statutes and the Rules of the Board shall not be construed to amend in any manner the Arkansas Architectural Act (ARK CODE ANNO. **17-15-101** ET SEQ.)

### **ARTICLE 3. BOARD – ORGANIZATION AND MEETING**

**A.** Regular meetings of the Board shall be held bi-monthly and at such other times and places as the Board may designate. The President may call special meetings when he deems necessary or upon the written request of three members of the Board.

**B.** The Board shall elect a President and Vice-President annually in June. An Executive Director shall be appointed by the Board and will serve also as Secretary-Treasurer of the Board.

**C.** Roberts Rules of Order Newly Revised and Arkansas Administrative Procedures Act shall govern the procedures of the Board.

**D.** The President shall be the executive head of the Board. He shall preside at meetings, appoint committees, and perform all the duties pertaining to the office of President.

**E.** The Vice-president shall exercise the duties and possess all the powers of the President in the absence or incapacity of the President.

**F.** The Secretary-Treasurer, with the assistance of the Assistant Secretary and staff shall:

1. Keep minutes of the Board;
2. Furnish a copy of all minutes to each member of the Board;
3. Send written notice of regular and special meetings of the Board not less than ten (10) days in advance thereof;
4. Examine each application for registration prior to consideration by the Board;
5. Address inquiries to references to verify qualifications, experience, and character of applicants.
6. Make arrangements as required by the Board for examinations, interviews and hearings.
7. Report the results of every examination and other evidence of qualifications to the Board members
8. Review and investigate, with the Complaint Committee all complaints or alleged violations received by the Board;
9. Arrange for disciplinary hearings by the Board;
10. Prepare and present required reports, budgets, and rosters as the Board may direct;
11. Keep all records;
12. Keep all funds and fiscal records;
13. Prepare official correspondence of the Board;
14. Perform all other duties prescribed by the Statutes and the Rules of the Board;
15. Perform all other duties normally associated with office administration.

**G.** Regular and special committees appointed by the President shall perform the duties assigned to them and shall present reports to the Board in a timely fashion as specified by the President.

#### **ARTICLE 4. BOARD – POWERS**

**A.** The Board shall have the power to adopt and amend all Rules consistent with Arkansas law, including the adoption and promulgation of the Rules of Professional Conduct, which shall be binding upon persons registered under the Statutes and the Rules of the Board.

**B.** The Board may subpoena witnesses and require the submission of books, papers, documents, or other pertinent data, when a violation of the Statutes and/or the Rules of the Board is alleged. Upon failure or refusal to comply with any such order of the Board or upon failure to honor its subpoena, the Board may apply to a court of competent jurisdiction to enforce compliance.

**C.** In the name of the State of Arkansas, the Board is authorized to apply for relief by injunction in the established manner provided in cases of civil procedure, without bond, to enforce the provisions of the Statutes and the Rules of the Board or to restrain any violation. In such proceedings, it shall not necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation. The members of the Board shall not be personally liable under these proceedings.

#### **ARTICLE 5. RECEIPTS AND DISBURSEMENTS**

**A.** The Secretary-Treasurer of the Board shall receive and account for all money received under the provisions of the Statutes and the Rules of the Board. These funds shall be banked locally and shall be paid out only upon requisitions submitted by the Secretary-Treasurer. All funds in this account are specifically appropriated for the use of the Board by the General Assembly. The Secretary-Treasurer shall receive such salary as the Board determines within the limits set forth by the General Assembly. The Board shall employ assistants required to properly perform its work and shall make expenditures from this account for any purpose which, in the opinion of the Board, is reasonably necessary to perform its duties under the Statutes and the Rules of the Board. This shall include the membership fees in the NCEES and any of its subdivisions and the expenses of the Board's delegates to the National Council and Southern Zone meetings. The total amount of warrants issued in payment of the expenses and compensation provided for in the Statutes and the Rules of the Board shall not exceed the amount of moneys collected and/or appropriated, whichever is less.

#### **ARTICLE 6. RECORDS AND REPORTS**

**A.** The Board shall keep a record of its proceedings and of all applications for registration. All applications shall include:

- (1) the name, age, social security number, and address of each applicant;
- (2) the date of application;
- (3) the place of business of such applicant;
- (4) education, experience and other qualifications of such applicant;
- (5) the Board's decision concerning the applicant;
- (6) the date of the Board's actions;
- (7) the examination taken and the results; and
- (8) such other information as the Board deems necessary.

**B.** The Board's record shall be prima facie evidence of its proceedings and a transcript thereof, duly certified by the Secretary-Treasurer under seal, shall be admissible as evidence with the same force and effect of the original.

**C.** At the end of the fiscal year and at such other times as designated by the appropriate State Agencies and the General Assembly, the Board shall submit a report of its financial transactions, transmitting a complete statement of the receipts and expenditures of the Board. An audit of the Board records will be made by the Legislative Audit Division of the Legislative Council.

## **ARTICLE 7. ROSTER**

**A.** Rosters showing the names and addresses of all registered engineers and land surveyors shall be made available by the Board at intervals established by the Board. Such publication shall be in accordance with current Arkansas Laws.

## **ARTICLE 8. GENERAL REQUIREMENTS FOR REGISTRATION AND CERTIFICATION**

### **A. General Information**

1. To be eligible for registration as a professional engineer or land surveyor or certification as an engineer-intern or land surveyor-in-training, an applicant must be of good character and reputation.

2. Each applicant must meet all qualifications as contained within the Statutes and Rules of the Board. Each application shall be individually reviewed by the Board. Experience credit may be claimed to application date.

3. Evidence of minimum qualifications is required by the Board in accordance with the following sections of this Article.

4. The term "Engineering Accreditation Commission of Accreditation Board for Engineering and Technology (EAC of ABET) approved, or equivalent" is used throughout these rules. The phrase "or equivalent" will be defined by the Arkansas Board as "those judged substantially equivalent by ABET or those who have a non EAC of ABET undergraduate engineering degree plus a graduate engineering degree from an institution that offers an EAC of ABET accredited undergraduate degree in the same discipline as the graduate degree".

## **B. Engineer-Intern**

1. An applicant who supplies proof of graduation from an Engineering Accreditation Commission of Accreditation Board for Engineering and Technology (EAC of ABET) approved, or equivalent, engineering curriculum of four (4) years or more and has passed an eight (8) hour written examination in the fundamentals of engineering shall be certified as an engineer-intern.

2. The certification of an engineer-intern shall be valid for an indefinite period.

## **C. Professional Engineer**

### **1. Original Registration**

a. The applicant shall supply proof of graduation from an EAC of ABET approved, or equivalent, engineering curriculum of four (4) years or more and with a specific record of an additional four (4) years or more of progressive engineering experience after graduation of a grade and character which indicates to the

Board that the applicant may be competent to practice and has experienced increased engineering responsibilities.

b. Five (5) references, three (3) of which shall be registered professional engineers having personal knowledge of the applicant's engineering experience shall be submitted by all applicants applying for professional engineering registration. Preferably these references should include both present and past supervisors.

c. One additional year of education may be substituted for experience if the applicant has a Graduate Degree in engineering.

d. The applicant shall have a current Engineering-intern certificate.

e. When these requirements are met, the applicant shall be admitted to an eight (8) hour written examination in the principles and practice of engineering.

f. Upon satisfactory completion of these requirements, the applicant shall be registered in the State of Arkansas.

g. The Board may exempt an individual from the eight (8) hour written NCEES Fundamentals of Engineering Examination if he/she possesses an EAC of ABET accredited engineering degree and an earned doctorate in engineering from a school which has an accredited engineering degree program in that discipline. An oral interview/examination may replace the written examination. The NCEES Principles and Practice of Engineering Examination will not be waived.

## **2. Reciprocal Registration**

a. Applicant for reciprocal registration shall supply proof that the applicant is a registered engineer, in good standing, in another State of Jurisdiction.

b. Applicant must be deemed to have met the requirements for original registration as a professional engineer in Arkansas which were in effect at the time the applicant received their initial registration as a professional engineer. For those registrants from other jurisdictions who took the Principles and Practice of Engineering examination prior to four years of experience, the Board may waive this requirement providing the acceptable experience at time of application is at least four years. For those individuals with at least fifteen (15) years licensed practice, the NCEES Fundamentals of Engineering Examination may be waived.

c. Applicant shall submit five (5) references, three (3) of which shall be from registered engineers having personal knowledge of the applicant's engineering experience. Preferably these references should include both present and past supervisors.

d. Upon satisfactory completion of these requirements, the applicant shall be registered in the State of Arkansas.

#### **D. Land Surveyor-in-Training**

1. An applicant for Land Surveyor-in-Training who shall supply proof of graduation from a Bachelor of Science (BS) curriculum with at least nine (9) hours of surveying, three (3) hours of which must be in Principles of Practice of Boundary Location, approved by the Board, or graduation from an Associate of Science (AS) Degree Program in Land Surveying, approved by the Board, and who has passed an eight (8) hour written examination in the fundamentals of surveying shall be certified as a Land Surveyor-in-Training.

2. An applicant who cannot qualify under D.1 above and who has four (4) years or more experience in surveying of a grade and character satisfactory to the Board, who has submitted three (3) references, two (2) of which shall be from registered Land Surveyors having personal knowledge of the applicant's surveying experience, shall be admitted to an eight (8) hour written examination in the fundamentals of surveying. Upon satisfactory completion of the above requirements, the applicants shall be certified as a land surveyor-in-training. The Board, in its discretion, may grant to any applicant with education courses in engineering or land surveying up to two (2) years of experience for his education.

3. The certification of a land surveyor-in-training shall be valid for an indefinite period.

#### **E. Land Surveyor**

##### **1. Original Registration**

a. An applicant shall submit proof of graduation from a Bachelor of Science (BS) curriculum with at least nine (9) hours of surveying, three (3) hours of which must be in Principles and Practices of Boundary Location, approved by the Board, or graduation from an Associate of Science (AS) Degree Program in Land Surveying, approved by the Board, followed by at least two(2) years of land surveying experience of a character which indicates to the Board that the applicant may be competent to practice

b. An applicant who does not have an approved degree and can show proof of a record of six (6) years or more experience of a character which indicated to the Board that the applicant may be competent to practice. The Board in its discretion may grant an applicant with educational courses in engineering or land surveying up to two (2) years of experience for his education.

c. The teaching of land surveying in an approved engineering or surveying curriculum may be counted up to one (1) year toward the two (2) years of required field experience.

d. Five (5) references, three (3) of which shall be from registered land surveyors having personal knowledge of his land surveying experience shall be submitted by all applicants applying for land surveying registration. Preferably these references should include both present and past supervision.

e. The applicant shall have current Land Surveyor-in-Training certificate.

f. When these requirements are met, the applicant shall be admitted to an eight (8) hour written examination in the Principles and Practice of Land Surveying.

g. Upon satisfactory completion of these requirements, the applicant shall be granted registration in the State of Arkansas.

## **2. Reciprocal Registration**

a. An applicant for Reciprocal registration must supply proof that applicant is a registered land surveyor in another State or Jurisdiction.

b. He must also furnish proof that education, experience and examination are equal to or greater than that required by the Statutes and the Rules of the Board. In addition, the applicant shall be required to take a state specific Arkansas land surveying examination to determine his knowledge of Arkansas laws, procedures and practice.

c. Five (5) references, three (3) of which shall be registered land surveyors having personal knowledge of the applicant's land surveying experience, shall be submitted by all applicants applying for reciprocal registration. Preferably these references should include both present and past supervisors.

d. Upon satisfactory completion of these requirements, the applicant shall be granted registration in the State of Arkansas.

## **ARTICLE 9. APPLICATION AND REGISTRATION FEES**

**A.** Application for registration as an engineer or engineer-intern or a land surveyor or land surveyor-in-training shall be on the forms furnished by the Board. They shall be **TYPED** and all statements in the application shall be made under oath and notarized. The forms and prescribed fees shall be filed with the Secretary-Treasurer. The applicant will be responsible for delivery of the blank reference letters to his references. The applicant will not be considered complete and processed until all reference letters and confirmation of degrees and licensing have been received at the Board office. The Board may accept the certified information contained in the NCEES record in lieu of the information required on the forms prescribed by the Board. Completed original applications for licensing by examination must be received at the office of the Board by February 1<sup>st</sup> for the April examination and August 1<sup>st</sup> for the October examination. All experience requirements must be satisfied by the date of the application.

**B.** A photograph of the applicant taken within the previous six (6) months shall be furnished with the application.

**C. Application Fees\***

|    |                                   |          |
|----|-----------------------------------|----------|
| 1. | Professional Engineer             |          |
|    | Original                          | \$ 75.00 |
|    | Reciprocal                        | \$200.00 |
|    | Engineer Intern-non student       | \$ 50.00 |
|    | Engineer Intern Student           | \$ 10.00 |
| 2. | Land Surveyor                     |          |
|    | Original                          | \$ 75.00 |
|    | Reciprocal                        | \$200.00 |
|    | Land Surveyor in Training         | \$ 25.00 |
|    | Land Surveyor in Training Student | \$ 10.00 |
| 3. | Certificate of Authorization      | \$150.00 |

**D. Examination Fees\***

|     |  |                  |
|-----|--|------------------|
| 1.  | Principles and Practice of Engineering                         | \$125.00         |
| 1a. | Principles and Practice of Engineering (Structural II)         | \$500.00         |
| 2.  | Fundamentals of Engineering non-student and retakes            | \$ 65.00         |
| 3.  | Fundamentals of Engineering Student                            | \$ 30.00         |
| 4.  | Principles and Practice of Land Surveying (NCEES 6 Hr.)        | \$115.00         |
| 5.  | Principles and Practice of Land Surveying (Ark 2 Hr.)          | \$ 10.00         |
| 6.  | Fundamentals of Land Surveying non-student and retakes         | \$ 80.00         |
| 7.  | Fundamentals of Land Surveying student                         | \$ 30.00         |
| 8.  | Exam Cancellation Fee (cancel more than 15 days prior to exam) | 50% of exam fee  |
| 9.  | Exam Cancellation Fee (cancel less than 15 days prior to exam) | 100% of exam fee |
| 10. | Proctor Exam for another Board                                 | \$50.00          |

**E. Annual Renewal Fees**

|                              |         |
|------------------------------|---------|
| Engineer                     | \$20.00 |
| Engineer Intern              | \$ 5.00 |
| Land Surveyor                | \$15.00 |
| Land Surveyor in Training    | \$ 5.00 |
| Certificate of Authorization | \$50.00 |

**F. Late Penalty**

50% of annual renewal 1 to 60 days after renewal date

100% of annual renewal 61 to 180 days after renewal date

**G. Other Charges\***

|                  |          |
|------------------|----------|
| Temporary Permit | \$150.00 |
|------------------|----------|

\*All payments shall be non-refundable, unless waived by Board action.

**H. Reinstatement.** Any registrant whose registration has been revoked may apply in writing for reinstatement. The request so filed must be supported with a completed application covering all experience and/or activities subsequent to the date of revocation. Upon receipt of the request, the Board will determine

whether to reinstate the registration or require an interview and/or written examination. If reinstatement is granted, the registrant must pay all delinquent renewal fees and penalties.

I. All engineer registrations shall be renewed annually, or biannually at the discretion of the Board.

J. All land surveyor registrations shall be renewed annually.

K. All dual registrants shall be renewed annually on a common date.

## **ARTICLE 10. PROFESSIONAL EXPERIENCE**

A. Professional experience of an applicant will include only such experience gained after the applicant's eighteenth (18<sup>th</sup>) birthday and shall be experience that requires the exercise of original thought and independent responsibility.

B. In the field, experience shall begin when the applicant reaches a position of responsible charge equivalent to that of party chief.

C. In the shop or laboratory, experience shall begin only after apprenticeship, or other subordinate position, unless the work accomplished specifically shows the applicant possesses originality and has responsibility in the subordinate position.

D. In the office, experience shall begin when the applicant ceases to do tracing, lettering, drafting or purely mechanical work and begins work that requires original thought and responsibility.

E. Teaching at the junior level or above in an approved curriculum of four (4) years or more may be considered as experience.

F. Experience gained from training programs, sales, applications, contracting and manufacturer's representation of any other non-defined experience will be evaluated by the Board.

**G.** At least two (2) years of the required experience shall be obtained under the direct supervision of a professional registrant of the respective profession. This provision may be waived under unusual circumstances at the discretion of the Board.

**H.** Professional experience shall begin only after graduation for those applicants graduating from an ABET approved engineering programs.

## **ARTICLE 11. EXAMINATIONS**

**A.** Written examinations will be held semi-annually in Little Rock, and/or such other times and places designated by the Board.

**B.** Prior to admitting applicants to the written examinations representatives of the Board will review all applications and may interview applicants. On the basis of all formally submitted information, supplemented by information obtained at the interview, if held, the Board will either admit or deny the applicant to the examination.

**C.** The applicant must receive a minimum passing grade as established by NCEES. If the applicant receives a failing grade he may be re-admitted to subsequent examinations upon payment of the examination fees.

**D.** Applicants who fail to pass the examinations will be notified. Should the applicant desire to sit for the next scheduled examination he/she must notify the Board in writing by the application cutoff date prior to the scheduled examination.

## **ARTICLE 12. CERTIFICATES AND SEALS**

**A.** For all Professional Engineers and Professional Land Surveyors and all Engineer-interns and all Land surveyors-in-training the Board shall issue a Certificate of Registration. The certificate shall show the name

of the registrant, the registrant's registration number and shall be signed by the President and Secretary with the embossed seal of the Board.

**B.** The issuance of a Certificate of Registration by the Board shall be prima facie evidence that the person named therein is registered while the certificate remains unrevoked.

**C.** Upon registration each professional engineer shall obtain a seal of the design authorized by the Board bearing the registrant's name, registration number and the legend "Registered Professional Engineer". Each final engineering document to include drawings, cover sheet of each volume of specifications, and written reports prepared by a registrant shall, when issued, be dated, signed and stamped with the said seal or facsimile thereof by the responsible registrant(s). It shall be unlawful for an engineer to affix, or permit his seal or facsimile thereof to be affixed to any engineering drawing, specifications, plats or reports after the expiration of his registration or for the purpose of aiding or abetting any other person to evade or attempt to evade any provision of the Statutes and the Rules of the Board.

**D.** Upon registration each professional land surveyor shall obtain a seal of the design authorized by the Board, bearing the registrant's name, registration number and the legend "Professional Land Surveyor". Final drawings, plats and reports prepared by a registrant shall, when issued, be dated, signed and stamped with the said seal or a facsimile thereof. Further, the land surveyor shall prepare all plats to meet or exceed the minimum standards of land surveying in Arkansas. It shall be unlawful for a registrant to affix or permit his seal and signature or facsimile thereof to be affixed to any drawings, plats or reports he did not prepare himself or supervise the preparation of or after the expiration of his registration or for aiding or abetting any other person to evade or attempt to evade any provision of the Statutes and Rules of the Board.

**E.** The Board hereby establishes the design of and clarifies the use of the seal by a registrant as follows:

1. The engineer and land surveyor and certificate of authorization seals shall use the following designs:



2. The seal shall have a milled edge in conformance with the above designs. A facsimile rubber stamp is authorized in lieu of a seal. The stamp may have either a milled edge, or two (2) concentric circles with the outer and inner circles corresponding with the respective edges of the milling on the seal. The registrant's name and number inscribed in the seal shall correspond to the name and certificate number shown on the Certificate of Registration.

3. The seal shall be affixed to documents and instruments only when registration is current and in good standing, and then only on such documents and instruments which have been prepared by the registrant or under the supervision of the registrant. The registrant shall be responsible for assuring the seal, however affixed, is legible on the document.

4. By affixing his seal to any documents or instruments, the registrant accepts full responsibility and liability for the professional work represented on such documents or instruments.

5. Registration as a professional engineer does not entitle a registrant to practice land surveying unless he is also a professional land surveyor, nor does registration as a professional land surveyor entitle a registrant to practice engineering unless he is also a registered professional engineer.

6. Computer generated seals shall be permitted. However, an original signature and date shall be affixed over the seal and maintained in the office of record. The electronic file shall contain the following: "This document was originally issued and sealed by (name of registrant), (license number) on (date). This copy is not a sealed document."

**ARTICLE 13. EXPIRATIONS AND RENEWALS.**

**A.** Registration for professional engineers shall expire annually or biannually. The Secretary-Treasurer of the Board will mail by first class mail to every registrant a notice showing the date of the expiration of said registration and the fee required for renewal. Such notice will be mailed to the registrant at his last known address at least one month in advance of the date of the expiration of said certificate. It is the responsibility of each registrant to notify the Board of changes of address.

**B.** Registration for professional land surveyors shall expire annually. The Secretary-Treasurer of the Board will mail by first class mail to every registrant a notice showing the date of the expiration of said registration and the amount of the fee required for its renewal. Such notice shall be mailed to the registrant at his last known address at least one month before the expiration date. It is the responsibility of each registrant to notify the Board of change of address.

**C.** Registrations of dual registrants shall expire annually. The Secretary-Treasurer of the Board will mail by first class mail to every registrant a notice showing the date of the expiration of said registration and the amount of the fee required for its renewal. Such notice shall be mailed to the registrant at his last known address at least one month before the expiration date. It is the responsibility of each registrant to notify the Board of change of address.

**D.** Late penalty for renewals shall be fifty percent (50%) of annual renewals for the first sixty (60) days after renewal date. The late penalty shall be one hundred percent (100%) of the annual renewal from sixty-one (61) to one hundred eighty (180) days after the renewal date. After one hundred eighty (180) days, the applicant must reapply to the Board.

#### **ARTICLE 14. DISCIPLINARY ACTION**

**A.** The Board may take disciplinary action to the fullest extent permitted by law against any registrant who is found guilty of any of the following:

1. Fraud or deceit in obtaining a certificate of registration or certification.
2. Any gross negligence, incompetence or misconduct in the practice of engineering as a

professional engineer or land surveying as a professional land surveyor.

3. Any felony or crime involving moral turpitude.
4. Any violation of the Rules of Professional Conduct and/or Rules of the Board.
5. Violations of the Arkansas Minimum Standards for Property Boundary Surveys and Plats.
6. Practicing engineering or land surveying with an invalid or expired license.

**B.** The Board has adopted Rules of Professional Conduct which shall be given in writing to every registrant and applicant and shall be made available in accordance with Arkansas Law. Such publication shall constitute due notice to all registrants. The Board may revise and amend the Rules of Professional Conduct pursuant to the procedure set forth in the Arkansas Administrative Procedures Act as deemed appropriate and shall notify each registrant promptly of such revisions or amendments in writing

**C.** The Board shall have the power to impose a civil penalty against any individual who violated any portion of the Act or Rules of the Board by a non-registrant.

#### **ARTICLE 15. DISCIPLINARY ACTION – PROCEDURE**

**A.** Any person may prefer charges of fraud, deceit, gross negligence, incompetence, misconduct or violation of the Statutes and the Rules of the Board against any registrant. Such charges shall be in writing, and signed by the person or persons making them, and shall be filed with the Secretary-Treasurer of the Board. A preliminary investigation shall be conducted by a Complaint Committee appointed by the President to determine recommended action to the Board.

**B.** Unless dismissed by the Board as unfounded or trivial, all charges shall be heard by the Board within a reasonable time.

**C.** The time and place for hearings shall be fixed by the Board, and a copy of the charges and notice of the time and place of hearings shall be served by registered mail to the registrant concerned at least twenty (20) days before the hearing. At any hearing, an accused registrant shall have the right to appear in person, be

represented by counsel, or both; to cross examine witnesses in his or her defense; and to produce evidence and witnesses in his or her defense. If the accused person fails or refuses to appear, the Board may proceed with the hearing.

**D.** If, after hearing the evidence, three-fifths (3/5) of the Board present and participating vote in favor of sustaining the charges, the Board shall reprimand, suspend, refuse to renew, or revoke the registrant's registration. A civil penalty may also be imposed by the Board.

**E.** Any individual registrant aggrieved by any action of the Board in denying, suspending, refusing to renew, or revoking his registration may appeal to the proper court as outlined in the Administrative Procedures Act.

#### **ARTICLE 16. VIOLATIONS AND PENALTIES**

**A.** Any person who shall practice, or offer to practice, engineering or land surveying in the State of Arkansas without being registered under the provisions of the Acts; or any persons, firm, partnership, organization, association, corporation or other entity using or employing the words "engineer", "engineering", "land surveyor", or "surveying" or any modification or derivative thereof in its name, form of business, or activity except as authorized in the Statutes and Rules of the Board; or any persons presenting or attempting to use the registration or the seal of another; or any person who shall give false or forged evidence of any kind to the Board or to any member thereof in obtaining or attempting to obtain registration; or any person who shall falsely impersonate any other registrant of like or different name; or any persons who shall attempt to use an expired, revoked, or non-existent registration, or who shall practice or offer to practice when not qualified; or any person who falsely claims that he is registered under the Statutes and the Rules of the Board, shall be guilty of a misdemeanor, and may, upon conviction, be sentenced to pay a fine not less than twenty-five dollars (\$25.00) nor more than two thousand dollars (\$2000.00), or suffer imprisonment, for a period not exceeding three (3) months, or both.

Further, for any survey completed subsequent to May 8, 1992 and prior to the effective date of this rule change, where the plat has not been filed with the State Surveyor, a copy of this plat may be filed with the State Surveyor within 6 months of the effective date of this rule change without penalty. Second,

effective 6 months after the effective date of this rule change, any complaint filed with the State Surveyor's office or the board against a surveyor for any reason shall automatically authorize the state surveyor to investigate the subject surveyor's compliance with Section 3.3.C.2 Minimum Standards, requiring the filing of plats with his office. Violations of Section 3.3.C.2 shall become party of the original complaint or may, at the discretion of the board, constitute a complaint in their own right. Each plat which is found not to have been properly filed shall constitute a separate violation. Each violation shall be punished by a penalty of no more than \$100.00.

**B.** The Board is empowered to impose a civil penalty of not less than twenty-five (\$25.00) nor more than two thousand dollars (\$2,000.00) per instance, against any individual violating any portion of the Statutes or Rules of the Board pertaining to the practice of Engineering and/or Land Surveying. Civil penalties may be imposed on registrants or non-registrants.

**C.** The Attorney General of the State of Arkansas or one of his assistants shall act as legal advisor to the Board and render legal assistance needed in fulfilling the provisions of the Statutes and the Rules of the Board. The Board may employ additional counsel with approval of the Attorney General and any other necessary assistance to aid in the enforcement of the Statutes and the Rules of the Board and the compensation and expenses therefore shall be paid from funds of the Board.

## **ARTICLE 17. RIGHT TO PRACTICE**

**A.** To practice or offer to practice engineering or land surveying for others, as defined in Article 2, by individuals registered under the Statutes and the Rules of the Board through a corporation as officers, employees, or agents is permitted, subject to the provisions contained therein; in addition persons may practice lawfully under Article 19. A firm, association, partnership or corporation may not engage in the practice of engineering unless the practice of engineering as engaged in is done under the supervision and direction of an engineer registered in the State of Arkansas; however either a firm, association, partnership or corporation may engage in the practice of engineering with relation to its own property or business so long as such engineering practice is done under the supervision of a registered engineer. All final drawings,

specifications, plans, reports, or other engineering papers or documents involving the practice of engineering or land surveying, as defined in the Statutes, when issued or filed for public records, shall be dated and bear the signature and seal of the professional engineer or of the registered land surveyor who prepared or approved them.

#### **ARTICLE 18. EXEMPTION**

**A.** The Statutes and Rules of the Board will govern the activities of the engineer and land surveyor and shall not be construed to prevent the practice of any other legally recognized profession.

**B.** The Statutes and the Rules of the Board shall not be construed to prohibit the work of an employee or a subordinate of a person holding registration under the Statutes, or any employee of a person practicing lawfully under Article 2, provided such work does not include final engineering designs or decisions and is done under the direct supervision of and verified by a person holding a registration under the Statutes or a person practicing lawfully under Article 19.

#### **ARTICLE 19. TEMPORARY PERMITS**

**A.** The Secretary-Treasurer of the Board shall be authorized to issue a temporary written permit to an engineer under the following conditions:

1. An applicant for temporary permit shall have valid registration in another state or jurisdiction.
2. A temporary permit for sixty (60) calendar days is a one time courtesy extended to authorize practice during the period or time required to process an application and obtain Board action for Arkansas registration.
3. Information relative to registration in other states shall be verified before issuance of a temporary permit.
4. The holder of a temporary permit shall seal plans, specifications, or documents only in accordance with the Statutes and the Rules of the Board. The seal used shall be his registration seal of the

state on which the issuance of the temporary permit was based, and immediately under the seal the following shall be inserted:

Arkansas Temporary Permit Number \_\_\_\_\_

Issued \_\_\_\_\_ for the year \_\_\_\_\_

Signature of Holder \_\_\_\_\_

5. The temporary application fee shall be remitted with application.

## **ARTICLE 20. CONTINUING PROFESSIONAL COMPETENCY (CPC)**

**A. Introduction** In order to safeguard life, health, property and to promote public welfare, it has been determined that the practice of engineering and land surveying will require continuing education in order to renew licenses.

### **B. Definitions**

Terms used in this article are defined as follows:

1. Professional Development Hours (PDH) – A contact hour (nominal) of instruction or presentation.  
The common denominator for other units of credit.
2. Continuing Education Unit (CEU) – Unit of credit customarily used for continuing education courses. One continuing education equals ten (10) hours of class in an approved education course.
3. College/Unit Semester/Quarter Hour – Credit for ABET approved course or other related college course approved in accordance with “Section E” of this article.
4. Course/Activity – Any qualifying course or activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the licensee’s field of practice.
5. Dual Registrant – A person who is registered as both a professional engineer and a professional land surveyor.

6. Sponsor – An organization or individual that has supplied information on a form prescribed and furnished by the Board with respect to the organization or individual’s ability to provide instruction in “for credit” courses. Courses offered by those designated as “Sponsor” must contain a clear purpose and objective, and result in the maintenance, improvement, or expansion of skills and knowledge relevant to a registrant’s field of practice. Courses offered by “Sponsors” are deemed acceptable for PDH credit without scrutiny of individual course content.

**C. Requirements** – Every registrant is required to report a cumulative of fifteen (15) PDH units per year for each renewal period. If a registrant exceeds the annual requirement in any renewal period, a maximum of fifteen (15) PDH units may be carried forward into the subsequent renewal period. Professional Land Surveyors must have a minimum of four (4) PDH units in the Minimum Standards for Property Surveys in a public land state every three (3) years. PDH units may be earned as follows:

1. Successful completion of college courses.
2. Successful completion of continuing education courses.
3. Successful completion of correspondence, televised, videotaped, audiotape, and other short courses/tutorials.
4. Presenting or attending qualifying seminars, in-house courses, work shops, or professional, technical, or managerial presentations made at meetings, conventions, or conferences.
5. Teaching or instructing in (1) through (4) above.
6. Authoring published papers, articles, or books.
7. Active participation in professional or technical societies.
8. Patent grants.

**D. Units** – The conversion of other units of credit to PDH Units are as follows:

1. 1 College or unit semester hour-----45 PDH
2. 1 College or unit quarter hour-----30 PDH
3. 1 Continuing Education Unit-----10 PDH

4. 1 Hour of professional development in course work, seminars, or professional, or management, or technical presentations made at meetings, conventions or conferences----- 1 PDH
5. For teaching items 1 through 4 above, apply a multiple of 2 (teaching credit is valid for teaching a course or seminar for the first time only).
6. Each published paper, article, or book-----10 PDH Max.
7. Active participation in professional and technical society (each organization)----2 PDH
8. Each patent granted-----10 PDH Max.

**E. Determination of Credit** – The Board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.

1. Credit for college or community college approved courses will be based upon credit established by the college.

2. Credit for qualifying seminars and workshops will be based on one PDH unit for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDH units for the actual time of each program.

3. Credit determination for activities D6 and D8 is the responsibility of the registrant (subject to review as required by the Board).

4. Credit for activity D7, active participation in professional and technical societies (limited to 2 PDH per organization), requires that a registrant serve as an officer and/or actively participate in a committee of the organization. PDH credits are not earned until the end of each year of service is completed.

**F. Records.** – The responsibility of maintaining records to be used to support credits claimed is the responsibility of the registrant. Records required include, but are not limited to:

1. A log showing the type of activity claimed, sponsoring organization, location, duration, instructor’s or speaker’s name, and PDH credits earned;

2. Attendance verification records in the form of completion certificates, or other documents supporting evidence of attendance ; or

3. Records as maintained by the Professional Development similar repositories.

These records must be maintained for a period of three (3) years, and copies may be requested by the board for audit verification purposes.

**G. Exemptions.** A registrant may be exempt from the professional development education requirements for one of the following reasons:

1. New registrants by way of examination or reciprocity shall be exempt for their first renewal period.
2. A registrant serving on temporary active duty in the Armed Forces of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a year shall be exempt from obtaining professional development hours required during that year.
3. Registrants experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the board may be exempt. Supporting documentation must be furnished to the board.
4. Registrants who list their occupation as “inactive” on the board approved renewal form and who further certify that they are no longer receiving any remuneration from providing professional engineering or professional land surveying services shall be exempt from the professional development hours required.
5. Professional Land Surveyor registrants may be exempt if they are sixty (60) years of age or have twenty (20) years of acceptable professional experience in Arkansas. This request must be submitted on forms supplied by the Board.
6. Professional Engineer registrants may be exempt if they are sixty-five (65) years of age and have twenty-five (25) years of acceptable professional experience. This request must be submitted on forms supplied by the Board.

**H. Reinstatement** – A registrant who wishes to reinstate an “inactive” registration of one year or more must submit a written request to the board accompanied with a fee of one hundred dollars (\$100.00) and must satisfy the annual PDH requirement multiplied by the number of years of inactive status up to a maximum of thirty (30) PDH's.

**I. Comity/Out-of-Jurisdiction Resident** – The CPC requirements for Arkansas will be deemed as satisfied when a non-resident registrant certifies to being licensed in and having met the mandatory CPC requirements of any jurisdiction approved and listed by Arkansas.

**J. Dual Registrants** – The number of PDH units required shall be twenty (20) PDH's per year at least five (5) PDH's shall be earned in each profession. The remaining ten (10) PDH's may be obtained in any subject that would be applicable to each of the professions.

**K. Forms** – All renewal applications will require the completion of a continuing education form specified by the board outlining PDH credit claimed. The registrant must supply sufficient detail on the form to permit audit verification, must certify and sign the continuing education form, and submit with the renewal application and fee.

**L. Audit** – The Board may conduct random audits each year of the files and the annual renewals. Should deficiencies be discovered, registrants will be notified and have six (6) months from the date of notification to show that these deficiencies have been satisfied.

**M. Noncompliance** – A registrant who does not satisfy the continuing education requirements at renewal time will be placed on probationary status and notified of that status. The registrant will have six (6) months from the renewal dates to satisfy that condition or his license will be placed in an inactive status.

## **ARTICLE 21. CERTIFICATE OF AUTHORIZATION**

**A.** The cover sheet of each volume of final engineering drawings, written plans, specifications, and similar documents carrying the seal of a professional engineer are required to also carry the seal evidencing the firm's Certificate of Authorization (COA) to practice in Arkansas. In the alternative, the COA seal may be placed on each sheet thereof. The one exception to this requirement is where the firm is a sole proprietorship practicing in the name of the registrant.

**B.** The practice of or offer to practice for others as defined in A.C.A. 17-30-101 by individuals registered under this chapter through a corporation as officers, employees, or agents, is permitted, subject to the provisions of this chapter; provided, that:

**C.** One (1) or more of the corporate officers of said corporation designated as being responsible for the engineering activities and decisions is a professional engineer under this chapter or under the engineering registration law of another state, territory, or possession of the United States or the District of Columbia;

**D.** All personnel of said corporation who act in its behalf as professional engineers are registered under this chapter, or are persons lawfully practicing under 17-30-105; and

**E.** Said corporation has been issued a Certificate of Authorization by the board as hereinafter provided.

**F.** All final drawings, specifications, plans, reports, calculations or other engineering papers or documents involving the practice of engineering as defined in this chapter, when issued or filed for public record, shall be dated and bear signature and seal of the professional engineer qualified in the appropriate branch of engineering who prepared them or under whose immediate direction they were prepared.

**G.** A corporation desiring a certificate of authorization (COA) shall file with the board an application, using the form provided by the Board, listing names and addresses of all officers and board members of the corporation, and also of the individual duly registered to practice engineering in this state who shall be in responsible charge of the practice of engineering in the state through said corporation, and other information, must accompany the annual renewal fee. The COA must be renewed annually or biannually. In the event there shall be a change in any of these persons during the year, such changes shall be designated on the same form and filed with the board within thirty (30) days after effective date of said changes. If all of the requirements of this section are met, the board shall issue a certificate of authorization to such corporation and such corporation shall be authorized to contract for and to collect fees for furnishing engineering services.

H. The requirements of this chapter shall not prevent a corporation from performing engineering services for the corporation itself or a subsidiary or an affiliate of said corporation.

I. No such corporation shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, or partners by reason of its compliance with the provisions of this section. No individual practicing engineering under the provisions of this chapter shall be relieved of responsibility for engineering services performed by reason of employment or other relationship with a corporation holding an authorization certificate.

**ARTICLE 22. INVALID ARTICLES**

If any provisions of the Rules shall be held invalid, the remainder of the Rules shall not be affected thereby.

**ARTICLE 23. EFFECTIVE DATE**

The Rules shall be adopted and take effect as provided by the Administrative Procedures Act April 1, 2002.