

Maine Revised Statute Title 32, Chapter 19: ENGINEERS

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Subchapter 1: GENERAL PROVISIONS

32 §1251. DEFINITIONS

As used in this chapter, unless a different meaning clearly appears from the context:

1. Board. "Board" means the State Board of Licensure for Professional Engineers.

[2005, c. 315, §2 (AMD) .]

2. Engineer-intern. The term "engineer-intern" means a person who has been certified as such by the board and whose name has been entered in the register of engineer-interns.

[1995, c. 355, §1 (AMD) .]

3. Practice of professional engineering. The term "practice of professional engineering" shall be held to mean any professional service, such as consultation, investigation, evaluation, planning, design or responsible supervision of construction in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects, wherein the public welfare or the safeguarding of life, health or property is concerned or involved, when such professional service requires the application of engineering principles and data.

4. Professional engineer. The term "professional engineer" means a person who, by reason of a knowledge of mathematics, the physical sciences and the principles of engineering, acquired by professional education and practical experience, is qualified to engage in engineering practice as defined.

[1995, c. 355, §1 (AMD) .]

SECTION HISTORY

1995, c. 355, §1 (AMD). 2005, c. 315, §2 (AMD).

32 §1252. OTHER LEGALLY RECOGNIZED PROFESSIONS NOT AFFECTED

This chapter shall not be construed to affect or prevent the practice of any other legally recognized profession.

32 §1253. CORPORATIONS, PARTNERSHIPS AND ASSOCIATIONS

A firm, copartnership, corporation or joint stock association may engage in the practice of professional engineering in this State, provided that the practice is carried on only by professional engineers licensed in this State. [2005, c. 315, §3 (AMD) .]

SECTION HISTORY

1983, c. 413, §40 (AMD). 2005, c. 315, §3 (AMD).

32 §1254. PUBLIC WORKS

1. Use of licensed professional engineer not required. Except as provided in subsection 2, any department of this State or any of its political subdivisions or any county, city, town, township or plantation may engage in construction of any public work involving professional engineering without procuring the services of a licensed professional engineer, as long as the contemplated expenditure for the completed project does not exceed \$100,000 and the work, both as performed and as completed, does not create an undue risk to public safety or welfare.

[2005, c. 315, §4 (AMD) .]

2. Exception. A department of this State may require the services of a licensed professional engineer for any public works project if the services of the professional engineer are required to comply with any provision of law or rule.

[2005, c. 315, §4 (AMD) .]

SECTION HISTORY

1997, c. 304, §1 (RPR). 2005, c. 315, §4 (AMD).

32 §1255. EXEMPTIONS

The following persons are exempt from this chapter: [1991, c. 442, §1 (AMD) .]

1. Limited practice by nonresident. A person not a resident of and not having established a place of business in this State, practicing or offering to practice the profession of engineering when such practice does not exceed more than 30 consecutive days in any calendar year, if the person is legally qualified by licensure to practice the profession in that person's own state or country in which the requirements and qualifications for licensure are not lower than those specified in this chapter. To practice under this section, the person must apply in writing and receive authorization;

[2005, c. 315, §5 (AMD) .]

2. Nonresident becoming resident. A person not a resident of and not having established a place of business in this State, or who has become a resident of this State, practicing or offering to practice in the State for more than 30 days in any calendar year the profession of engineering, and having filed with the board an application for a license and having paid the fee required by this chapter. The exemption continues only for such time as the board requires for the consideration of the application for licensure, if the person is legally qualified to practice the profession of engineering in the state or country of residence in which the requirements and qualifications for obtaining a license are not lower than those specified in this chapter.

A person must apply in writing and receive authorization in order to practice pursuant to the provisions of this subsection;

[2005, c. 315, §6 (AMD) .]

3. Certain employees. An employee or a subordinate of a person holding a license under this chapter, or an employee of a person exempted from licensure by subsections 1 and 2, provided that the practice does not include responsible charge or design or supervision by the employee or subordinate;

[2005, c. 315, §7 (AMD) .]

4. United States Government employees. Officers and employees of the Government of the United States while engaged within this State in the practice of the profession of engineering for said government.

5. Interstate commerce corporation employees. An officer or employee of a corporation engaged in interstate commerce as defined in the Act of Congress entitled "An Act to Regulate Commerce" approved February 4, 1887, as amended, or in interstate communication as defined in the Act of Congress entitled "Communications Act of 1934" approved June 9, 1934, while working solely as an employee of such corporation. An officer or employee of such corporation customarily in responsible charge of the engineering work of such corporation within this State must be a licensee under this chapter;

[2005, c. 315, §8 (AMD) .]

6. Subsurface sewage disposal. Persons who have been licensed by the Department of Health and Human Services pursuant to Title 22, section 42, subsection 3-A, solely for the purpose of work relating to subsurface sewage disposal systems. This exemption does not apply to the board's power to license or to revoke, suspend or refuse to renew the license of any licensee;

[2007, c. 379, §1 (AMD) .]

7. Person who performs work on certain vessels. A person who performs work only on vessels under 200 feet long; and

[2007, c. 379, §2 (AMD) .]

8. Persons engaged in design of minor construction. Persons engaged in the design of the following minor construction do not need to provide stamped and sealed plans and specifications unless specifically required by the code enforcement officer.

A. Detached one-family or 2-family residences; [2007, c. 379, §3 (NEW) .]

B. Farm buildings with an overall floor plan not exceeding 3,000 square feet; [2007, c. 379, §3 (NEW) .]

C. Single bathroom additions or renovations in an existing building if there is no impact on the building's compliance with the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal; [2007, c. 379, §3 (NEW) .]

D. Revisions or additions to plumbing systems costing up to \$10,000 if the work has no impact on the building's compliance with the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal and does not involve roof drains; [2007, c. 379, §3 (NEW) .]

E. Revisions to existing heating, ventilation and air conditioning systems and design of new heating, ventilation and air conditioning systems if the work has no impact on the building's compliance with the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal requirements and the project does not include more than one heating, ventilation and air conditioning unit with a maximum cooling capacity of 5 tons or heating capacity of 200,000 BTUs; [2007, c. 379, §3 (NEW) .]

F. Revisions or additions to structural systems costing up to \$10,000 if the design is in accordance with the tables provided in the International Building Code; and [2007, c. 379, §3 (NEW) .]

G. Revisions or additions to electrical systems costing up to \$10,000 if the work has no impact on the building's compliance with the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal. [2007, c. 379, §3 (NEW) .]

All the work that is done under these exemptions must be in accordance with the licensing requirements of the trade involved, including, but not limited to, all construction industry design standards such as the National Fire Protection Association standards, state and municipal building and energy codes, the State Fire Marshal's requirements and ASHRAE Standard 62 and ASHRAE Standard 90.

[2007, c. 379, §3 (NEW) .]

SECTION HISTORY

1975, c. 760, §5 (AMD). 1991, c. 442, §§1,2 (AMD). 1995, c. 355, §§2,3 (AMD). 1999, c. 186, §§1,2 (AMD). 2003, c. 34, §1 (AMD). 2003, c. 689, §B6 (REV). 2005, c. 315, §§5-9 (AMD). 2007, c. 379, §§1-3 (AMD).

32 §1256. VIOLATIONS; PENALTIES; INJUNCTION

A person who practices or offers to practice the profession of engineering in this State without being licensed or exempted in accordance with this chapter, or a person presenting or attempting to use the license or the seal of another, or a person who gives a false or forged evidence of any kind to the board or to a member of the board in obtaining a license, or a person who falsely impersonates any other licensee of like or different name, or a person who attempts to use an expired or revoked license, or a person who violates any of the provisions of this chapter for which a penalty has not been prescribed commits a civil violation for which a fine of not more than \$1,000 may be adjudged. [2005, c. 315, §10 (AMD).]

The State may bring an action in Superior Court to enjoin a person from violating this chapter, regardless of whether other administrative, civil or criminal proceedings have been or may be instituted. [2001, c. 421, Pt. B, §95 (AMD); 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

1983, c. 413, §41 (AMD). 1995, c. 355, §4 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2001, c. 421, §B95 (AMD). 2001, c. 421, §C1 (AFF). 2005, c. 315, §10 (AMD).

Subchapter 2: STATE BOARD OF LICENSURE
HEADING: PL 2005, C. 315, §11 (RPR)

32 §1301. APPOINTMENT; TERM

The State Board of Licensure for Professional Engineers, as established by Title 5, section 12004-A, subsection 16, administers this chapter. The board consists of 7 members. Six members are appointed by the Governor, of which 5 must be professional engineers who have the qualifications required by section 1302 and one must be a public member. The 7th member is the Chief Engineer of the Department of Transportation who shall serve as an ex officio voting member. To the extent that qualified nominees are available, appointment of nonpublic members must be made to ensure that a variety of engineering disciplines are represented. Nominees for appointment may be recommended to the Governor by representative engineering societies in the State. [2005, c. 315, §12 (AMD).]

Appointments are for 5-year terms. Appointments of members must comply with Title 10, section 8009. [2007, c. 695, Pt. B, §8 (AMD).]

SECTION HISTORY

1975, c. 575, §16 (AMD). 1975, c. 771, §341 (AMD). 1983, c. 812, §204 (AMD). 1983, c. 413, §42 (RPR). 1989, c. 503, §B126 (AMD). 1991, c. 442, §3 (AMD). 1993, c. 600, §A103 (AMD). 1995, c. 355, §5 (AMD). 2005, c. 315, §12 (AMD). 2007, c. 695, Pt. B, §8 (AMD).

32 §1302. QUALIFICATIONS

Each member of the board must be a citizen of the United States and a resident of this State, and each engineer member must have been engaged in the practice of the profession of engineering for at least 12 years and must have been in responsible charge of engineering work for at least 5 years. Teaching of engineering courses in a college or university offering an approved engineering curriculum of 4 years or more may be construed as responsible charge of engineering work. [1999, c. 186, §3 (AMD).]

SECTION HISTORY

1975, c. 575, §17 (AMD). 1995, c. 355, §6 (AMD). 1999, c. 186, §3 (AMD).

32 §1303. COMPENSATION AND EXPENSES

Members of the board shall be compensated according to the provisions of Title 5, chapter 379. Clerical expenses shall not be allowed any member of the board, except as provided in section 1307. [1983, c. 812, §205 (RPR).]

SECTION HISTORY

1983, c. 812, §205 (RPR).

32 §1304. REMOVAL

The Governor may remove a member of the board for cause. [1993, c. 600, Pt. A, §104 (AMD).]

SECTION HISTORY

1975, c. 771, §342 (AMD). 1983, c. 413, §43 (AMD). 1993, c. 600, §A104 (AMD).

32 §1305. ORGANIZATION AND MEETINGS

The board shall meet at least once a year to conduct its business and to elect its officers. Additional meetings must be held as necessary to conduct the business of the board, and may be convened at the call of the chair or a majority of the board members. [2005, c. 315, §13 (AMD).]

The board shall elect or appoint annually a chair and vice-chair. A quorum of the board consists of not less than 4 members. The board may adopt and have an official seal. [2005, c. 315, §13 (AMD).]

SECTION HISTORY

1975, c. 575, §18 (AMD). 1983, c. 413, §44 (RPR). 2005, c. 315, §13 (AMD).

32 §1306. POWERS

The board shall have the following duties and powers in addition to those otherwise set forth in this chapter. [1983, c. 413, §45 (RPR).]

1. Licenses; enforcement. The board shall evaluate the qualifications and supervise the examination of applicants for licensure under this chapter. The board may order an investigation of a licensee on its own motion or on written complaint filed with the board regarding noncompliance with or violation of any section of this chapter or of any rules adopted by the board.

[2005, c. 315, §14 (AMD) .]

2. Rules. The board may, in accordance with procedures established by the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II, adopt such rules as may be reasonably necessary for the proper performance of its duties and the administration of this chapter.

[1983, c. 413, §45 (NEW) .]

3. Hearings. Hearings may be conducted by the board to assist with investigations, to determine whether grounds exist for suspension, revocation or denial of a license, or as otherwise considered necessary to the fulfillment of its responsibilities under this chapter.

The board may not refuse to renew a license for any reason other than failure to pay a required fee and failure to meet the continuing education requirements, unless it has afforded the licensee an opportunity for an adjudicatory hearing. The board shall hold an adjudicatory hearing at the written request of any person who is denied a license without a hearing for any reason other than failure to pay a required fee, provided that

the request for hearing is received by the board within 30 days of the applicant's receipt of written notice of the denial of the application, the reasons for the denial and the right to request a hearing. Hearings must be conducted in conformity with Title 5, chapter 375, subchapter 4 to the extent applicable. The board may subpoena witnesses, records and documents in any hearing it conducts.

[2005, c. 315, §15 (AMD) .]

4. Contracts. The board may enter into contracts to carry out its responsibilities under this chapter.

[1983, c. 413, §45 (NEW) .]

SECTION HISTORY

1977, c. 694, §563 (AMD). 1983, c. 413, §45 (RPR). 1995, c. 355, §7 (AMD). 2005, c. 315, §§14,15 (AMD).

32 §1307. RECEIPTS AND DISBURSEMENTS

The board shall receive and account for all money derived under this chapter and shall pay the money, as provided by law, to the Treasurer of State, who shall keep the money in a separate fund to be known as the "Professional Engineers' Fund." The board may make other expenditures from this fund, upon itemized vouchers approved by the chair of the board, that in the opinion of the board are reasonably necessary for the proper performance of its duties under this chapter. [1999, c. 186, §4 (AMD).]

SECTION HISTORY

1995, c. 355, §8 (AMD). 1999, c. 186, §4 (AMD).

32 §1308. RECORDS AND REPORTS

The board shall keep such records and minutes as are necessary to the ordinary dispatch of its functions. [1983, c. 413, §46 (RPR).]

Not later than August 1st of each year, the board shall submit to the Commissioner of Professional and Financial Regulation a report of its transactions of the preceding fiscal year ending June 30th and shall transmit to the commissioner a complete statement of the receipts and expenditures of the board, attested by affidavits of its chair. [2005, c. 315, §16 (AMD).]

The commissioner shall act as a liaison between the board and the Governor. [1983, c. 413, §46 (RPR) .]

The commissioner may not exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board. The commissioner may require the board to be accessible to the public for complaints and questions during regular business hours and to provide any information the commissioner requires in order to ensure that the board is operating administratively within the requirements of this chapter. [1993, c. 659, Pt. B, §6 (AMD).]

The board shall submit to the Commissioner of Professional and Financial Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665. The budget submitted by the board to the commissioner must be sufficient to enable the board to comply with this subchapter. [1993, c. 659, Pt. B, §7 (AMD).]

SECTION HISTORY

1977, c. 604, §15 (AMD). 1981, c. 456, §§A107,A108 (AMD). 1983, c. 553, §46 (AMD). 1983, c. 758, §§5,6 (AMD). 1983, c. 413, §46 (RPR). 1993, c. 659, §§B6,7 (AMD). RR 1993, c. 1, §§82,83 (COR). 2005, c. 315, §16 (AMD).

32 §1309. ROSTER OF LICENSED PROFESSIONAL ENGINEERS

A roster showing the names of all active licensed professional engineers and newly certified engineer-interns is prepared by the board during the first calendar quarter of each even-numbered year. A supplementary roster of newly licensed professional engineers and newly certified engineer-interns is prepared by the board during the first calendar quarter of each odd-numbered year. The rosters must give the place of business of each listed licensed professional engineer. Copies of the roster and of the supplementary roster are provided to each active professional engineer listed on the roster and furnished to the public upon request for such fees as the board may authorize in its rules. [2005, c. 315, §17 (AMD).]

SECTION HISTORY

1979, c. 13, §9 (RP). 1979, c. 541, §A206 (REN). 1981, c. 456, §A109 (AMD). 1981, c. 698, §158 (AMD). 1981, c. 2, (RPR). 1991, c. 442, §4 (AMD). 1995, c. 355, §9 (AMD). 1999, c. 186, §5 (AMD). 2005, c. 315, §17 (AMD).

Subchapter 3: LICENSURE HEADING: PL 2005, C. 315, §18 (RPR)

32 §1351. LICENSURE REQUIRED

In order to safeguard life, health and property, any person practicing or offering to practice the profession of engineering is required to submit evidence of qualification to practice the profession of engineering and must be licensed as provided. It is unlawful for any person to practice or to offer to practice the profession of engineering in the State or to use in connection with the person's name or otherwise assume, use or advertise any title or description tending to convey the impression that the person is a professional engineer, unless that person has been duly licensed or exempted under this chapter. [2005, c. 315, §19 (AMD).]

SECTION HISTORY

1995, c. 355, §10 (AMD). 2005, c. 315, §19 (AMD).

32 §1352. QUALIFICATIONS

(REPEALED)

SECTION HISTORY

1983, c. 413, §47 (AMD). 1991, c. 442, §5 (AMD). 1995, c. 355, §11 (AMD). 1999, c. 186, §6 (RP).

32 §1352-A. QUALIFICATIONS

To be eligible for licensure as a professional engineer, an applicant must submit 5 references with the application for licensure as a professional engineer, 3 of which must be from licensed professional engineers from this State or another state, territory or possession of the United States, District of Columbia or any foreign country having personal knowledge of the applicant's engineering experience. To be eligible for certification as an engineer-intern, an applicant must submit 3 character references with the application for certification. Each applicant shall demonstrate that the applicant is trustworthy and competent to engage in the practice of professional engineering in such a manner as to safeguard the interests of the public. [2005, c. 315, §20 (AMD).]

1. Professional engineer. Minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional engineer includes the following.

A. An applicant for licensure by endorsement or comity who provides proof that the applicant is a licensed professional engineer, in good standing, in another state, territory or possession of the United States, District of Columbia or any foreign country and whose qualifications meet the requirements of

this chapter upon application may be licensed without further examination. To seek licensure under this paragraph, the applicant must be a graduate of an engineering curriculum approved by the engineering accreditation commission of the accreditation board for engineering and technology or of an equivalent engineering curriculum and have not less than 4 years of acceptable engineering experience after graduation and have been licensed by passing 16 hours of written examinations. [2005, c. 315, §20 (AMD).]

B. A person holding a certificate of record verification issued by the National Council of Examiners for Engineering and Surveying whose qualifications meet the requirements of this chapter upon application may be licensed without further examination. [2005, c. 315, §20 (AMD).]

C. An applicant who provides proof of graduation from an engineering curriculum approved by the engineering accreditation commission of the accreditation board for engineering and technology or of an equivalent engineering curriculum of 4 years or more; has passed an 8-hour written examination in the fundamentals of engineering; has a record of an additional 4 years or more of progressive engineering experience, after graduation, of a grade and character that indicates to the board that the applicant may be competent to practice and has experienced increased engineering responsibilities; and has passed an 8-hour written examination in the principles and practice of engineering may be licensed as a professional engineer. An applicant for licensure may not sit for the principles and practice of engineering examination until the applicant has passed the fundamentals of engineering examination. [2005, c. 315, §20 (AMD).]

D. An applicant who provides proof of graduation from an engineering technology curriculum approved by the technology accreditation commission of the accreditation board for engineering and technology or of an equivalent engineering technology curriculum of 4 years or more; has passed an 8-hour written examination in the fundamentals of engineering; has a record of an additional 4 years or more of progressive engineering experience, after graduation, of a grade and character that indicates to the board that the applicant may be competent to practice and has experienced increased engineering responsibilities; and has passed an 8-hour written examination in the principles and practice of engineering may be licensed as a professional engineer. An applicant for licensure may not sit for the principles and practice of engineering examination until the applicant has passed the fundamentals of engineering examination. [2005, c. 315, §20 (AMD).]

E. An applicant who has a baccalaureate from an engineering or engineering technology curriculum that has not been approved by the accreditation board for engineering and technology or from an allied science curriculum of 4 years or more; has passed an 8-hour written examination in the fundamentals of engineering; has a record of an additional 8 years or more of progressive engineering experience, after graduation, of a grade and character that indicates to the board that the applicant may be competent to practice and has experienced increased engineering responsibilities; and has passed an 8-hour written examination in the principles and practice of engineering may be licensed as a professional engineer. An applicant for licensure may not sit for the principles and practice of engineering examination until the applicant has passed the fundamentals of engineering examination. [2005, c. 315, §20 (AMD).]

F. [2005, c. 315, §20 (RP).]

G. An applicant with a record of at least 15 years of experience in engineering work, of which at least 10 years has been in responsible jobs of engineering work and of a grade and character that indicates to the board that the applicant may be competent to practice engineering, who has a license to engage in the practice of engineering on the basis of experience or a non-National Council of Examiners for Engineering and Surveying examination issued by a proper authority of a state, territory or possession of the United States, the District of Columbia or any foreign country and who in the opinion of the board meets the requirements of this chapter based on verified evidence may be licensed upon application by passing an oral examination conducted by the board or by a board committee. [2005, c. 315, §20 (AMD).]

H. An applicant with a record of less than 15 years of experience in engineering work, who has a license to engage in the practice of engineering on the basis of experience or a non-National Council of Examiners of Engineering and Surveying examination issued by a proper authority of a state, territory or possession of the United States, the District of Columbia or any foreign country, may be licensed upon application by passing an 8-hour examination in the principles and practice of engineering. [2005, c. 315, §20 (AMD).]

Engineering teaching experience of 4 years or more in a college or university offering an engineering or engineering technology curriculum approved by the accreditation board for engineering and technology may be considered as engineering experience.

[2005, c. 315, §20 (AMD) .]

2. Engineer-intern. Minimum evidence satisfactory to the board that the applicant is qualified for certification as an engineer-intern includes the following.

A. An applicant for certification as an engineer-intern is eligible to sit for the fundamentals of engineering examination during the applicant's senior year of college before graduation from a program approved by the accreditation board for engineering and technology. Certification as an engineer-intern may not take place until verification of graduation is received. [1999, c. 186, §7 (NEW).]

B. An applicant who provides proof of graduation from an engineering curriculum approved by the engineering accreditation commission of the accreditation board for engineering and technology or of an equivalent engineering curriculum of 4 years or more and has passed an 8-hour written examination in the fundamentals of engineering may be certified as an engineer-intern. [1999, c. 186, §7 (NEW) .]

C. An applicant who provides proof of graduation from an engineering technology curriculum approved by the technology accreditation commission of the accreditation board for engineering and technology of 4 years or more and has passed an 8-hour written examination in the fundamentals of engineering may be certified as an engineer-intern. [1999, c. 186, §7 (NEW).]

D. An applicant who is a graduate of an engineering curriculum not approved by the accreditation board for engineering and technology or an allied science curriculum of 4 years or more and who has submitted a transcript showing the completion of the minimum number of engineering science and design credits as required in a curriculum approved by the accreditation board for engineering and technology and who has passed an 8-hour written examination in the fundamentals of engineering may be certified as an engineer-intern. [1999, c. 186, §7 (NEW).]

E. [2005, c. 315, §20 (RP).]

Certification as an engineer-intern is valid for an indefinite period.

[2005, c. 315, §20 (AMD) .]

A person having the necessary qualifications prescribed in this chapter is eligible for licensure even though the person may not be practicing the engineering profession at the time of submitting an application. [2005, c. 315, §20 (AMD).]

SECTION HISTORY

1999, c. 186, §7 (NEW). 2005, c. 315, §20 (AMD).

32 §1353. APPLICATION; FEES

Application for licensure as a professional engineer or certification as an engineer-intern is on a form prescribed and furnished by the board; contains statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical experience, and contains references as set forth

in section 1352-A, none of which may be from members of the board. An application fee and an examination fee may be established by rule by the board in amounts that are reasonable and necessary for their respective purposes. [2005, c. 315, §21 (AMD).]

The licensure fee for professional engineers must be established by rule by the board in an amount not to exceed \$200. [2005, c. 315, §21 (AMD).]

The fee for engineer-intern certification or enrollment must be established by rule by the board in an amount not to exceed 1/2 of the licensure fee for professional engineers. [2005, c. 315, §21 (AMD).]

SECTION HISTORY

1983, c. 413, §48 (AMD). 1991, c. 442, §6 (AMD). 1995, c. 355, §12 (AMD). RR 1999, c. 1, §44 (COR). 2005, c. 315, §21 (AMD).

32 §1354. EXAMINATIONS

Examinations must be held at such times and places as the board determines. Examinations required on fundamental engineering subjects may be taken as provided in section 1352-A. The principles and practices of engineering examinations may not be taken until the applicant has completed a period of engineering experience as set forth in section 1352-A. [1999, c. 186, §8 (AMD).]

The passing grade on any examination is established by the board. If an applicant receives a failing grade, that applicant may be readmitted to 2 subsequent examinations upon payment of an examination fee. An applicant who fails the examination a 3rd time must present 3 new references and new documentation for each subsequent request for reexamination satisfactory to the board that the applicant has acquired additional education and experience and is prepared to retake the examination. Upon approval by the board and payment of the examination fee, that applicant may be permitted to retake the examination. [1999, c. 186, §8 (AMD).]

SECTION HISTORY

1983, c. 468, §2 (AMD). 1995, c. 355, §13 (AMD). 1999, c. 186, §8 (AMD).

32 §1355. LICENSES; SEALS

The board shall issue a license upon payment of the licensure fee as provided for in this chapter, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. The license authorizes the practice of "professional engineering." Licenses must show the full name of the licensee, have a serial number and be signed by the chair of the board under seal of the board. [2005, c. 315, §22 (AMD).]

The issuance of a license by the board is evidence that the person named therein is entitled to all the rights and privileges of a licensed professional engineer while the license remains unrevoked or unexpired. [2005, c. 1, §15 (COR).]

Each licensee upon licensure may obtain a seal of the design authorized by the board, bearing the licensee's name and the legend "licensed professional engineer." Plans, specifications, plats and reports issued by a licensee must be stamped with the seal, as prescribed in the rules of the board, during the life of the licensee's license, but it is unlawful for anyone to stamp or seal any document with the seal after the license of the licensee named thereon has expired or has been revoked, unless the license has been renewed or reissued. [2005, c. 315, §22 (AMD).]

SECTION HISTORY

2005, c. 315, §22 (AMD). RR 2005, c. 1, §15 (COR).

32 §1356. REVOCATION AND REISSUANCE

The board may suspend or revoke the license of an engineer or the certificate of an engineer-intern pursuant to Title 5, section 10004. The board may refuse to issue or renew or the District Court, pursuant to Title 4, chapter 5, may revoke, suspend or refuse to renew the license of a licensed professional engineer or the certificate of an engineer-intern who is found guilty of: [2005, c. 315, §23 (AMD).]

1. Fraud or deceit. The practice of any fraud or deceit in obtaining a license as professional engineer or a certificate as an engineer-intern;

[2005, c. 315, §23 (AMD) .]

2. Negligence or misconduct. Any gross negligence, incompetency or misconduct in the practice of professional engineering as a licensed professional engineer or as an engineer-intern; or

[2005, c. 315, §23 (AMD) .]

3. Violations. Violating any provision of this chapter or any rule of the board.

[1983, c. 413, §49 (AMD) .]

Any person may register a complaint of fraud, deceit, gross negligence, incompetency or misconduct against any licensed professional engineer or any engineer-intern. These complaints must be in writing, signed by the individual making the complaint and filed with the board. [2005, c. 315, §23 (AMD).]

The board, for reasons it may determine sufficient, may reissue a license to a professional engineer or a certificate to an engineer-intern to any person whose license or certificate has been revoked, provided that 4 or more members of the board vote in favor of that reissuance. A new license as a professional engineer or certificate as an engineer-intern, to replace any license or certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules of the board and a charge established by the board. [2005, c. 315, §23 (AMD).]

SECTION HISTORY

1975, c. 575, §19 (AMD). 1977, c. 694, §§564,565 (AMD). 1983, c. 413, §49 (RPR). 1995, c. 355, §14 (AMD). 1999, c. 186, §9 (AMD). 1999, c. 547, §B61 (AMD). 1999, c. 547, §B80 (AFF). 2005, c. 315, §23 (AMD).

32 §1357. EXPIRATION AND RENEWALS

Licenses expire on the last day of December of odd-numbered years following their issuance or renewal and become invalid on that date unless renewed. The board shall notify every person licensed under this chapter of the date of the expiration of that person's license and the amount of the fee that is required for its renewal for a 2-year period, except when the applicant has become licensed during the first year of the 2-year period, then the renewal fee is for the remaining one year of that 2-year period. The notice must be mailed at least one month in advance of the date of the expiration of the license. Renewal may be effected at any time after completion of continuing education requirements and after receipt of notice by the payment of a fee established by rule by the board, which may not exceed \$50 annually. Licenses may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the license renewal date is subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if the renewal application is made within 3 years from the date of the expiration. [2005, c. 315, §24 (AMD).]

SECTION HISTORY

1975, c. 535, (RPR). 1983, c. 413, §50 (AMD). 1991, c. 442, §7 (AMD). 1999, c. 186, §10 (AMD). 2005, c. 315, §24 (AMD).

32 §1358. EXEMPTIONS FROM EXPIRATION AND RENEWAL FEES

A person holding a valid license under this chapter on the date of entering employment in the Armed Forces of the Government of the United States during a period of war or employment in any wartime service outside of the continental United States, governmental or otherwise, under the United States or any of its allied nations is exempt, for the duration of that employment, from the payment of all renewal fees, and the licensee's license remains in full force until the next regular renewal date following the termination of that employment. [2005, c. 315, §25 (AMD).]

SECTION HISTORY

1995, c. 355, §15 (AMD). 2005, c. 315, §25 (AMD).

32 §1359. RECIPROCITY

(REPEALED)

SECTION HISTORY

1983, c. 413, §51 (AMD). 1999, c. 186, §11 (RP).

32 §1360. RESIDENTS CERTIFIED ELSEWHERE

A person who is a resident of the State and has been certified in another state as an engineer-intern may be certified as an engineer-intern in this State upon payment of a fee established by the board and upon submission of evidence satisfactory to the board that certification as an engineer-intern in another state was under qualifications equivalent to those specified in this chapter for that certification. [1995, c. 355, §16 (AMD).]

SECTION HISTORY

1983, c. 413, §52 (AMD). 1995, c. 355, §16 (AMD).

32 §1361. RETIRED STATUS

A licensee who has terminated practice of engineering may apply to the board for retired status. Upon receiving an application for retired status, accompanied by the fee established by the board, the board shall issue a certificate of retired status to the applicant and record the applicant's name in the roster as a retired licensee, along with the date of retired status. [2005, c. 315, §26 (AMD).]

A retired licensee may retain but not use the seal and may not practice engineering. The board shall reissue a license to a retired licensee who pays all application fees, meets all current requirements for licensure renewal and demonstrates to the board's satisfaction that, for 2 years preceding the application for licensure, the retired licensee met the requirements for maintaining professional competence established under the board rules. [2005, c. 315, §26 (AMD).]

SECTION HISTORY

1995, c. 355, §17 (NEW). 2005, c. 315, §26 (AMD).

32 §1362. CONTINUING PROFESSIONAL EDUCATION

1. Requirement for renewal. Beginning with registrations or licenses that expire in December 2005, every person seeking renewal under section 1357 must provide evidence satisfactory to the board that the person has completed 30 continuing professional education hours within the period for which the registration or license was issued.

[2005, c. 315, §27 (AMD) .]

2. Failure to meet requirement. The board may not renew a license of an applicant who fails to meet the continuing professional education requirements under subsection 1. If an applicant subsequently fulfills the requirement after the license has expired, the board may renew the license for the remainder of the 2-year period for which a renewal would have been valid but for the applicant's failure to meet the continuing professional education requirement.

[2005, c. 315, §27 (AMD) .]

3. Review; monitoring. The board shall review and monitor compliance with the continuing professional education requirement under subsection 1.

[2005, c. 315, §27 (AMD) .]

4. Exemptions. Notwithstanding any other provisions of this chapter, the board or a 3-person committee of the board may allow an exemption or a partial exemption of the requirements of this section to a person seeking renewal under section 1357 upon the showing of an extenuating situation, hardship or disability.

[2005, c. 315, §27 (NEW) .]

SECTION HISTORY

2003, c. 94, §1 (NEW). 2005, c. 315, §27 (AMD).

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