

State of Rhode Island and Providence Plantations
DEPARTMENT OF BUSINESS REGULATION
Division of Design Professionals
1511 Pontiac Avenue, Bldg. 69-2
Cranston, Rhode Island 02920

Public Notice of Proposed Rule-Making

Pursuant to the provisions of Chapter 5, Section 8 of the General Laws of Rhode Island, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws, the Department of Business Regulation hereby gives notice of its intent to amend the Rules and Regulations of the State Board of Registration for Professional Engineers.

The purpose of this amendment is to (1) provide the current address of the Board; (2) to remove the requirement that meetings be held at 1:00 p.m. and (3) to remove the requirement that an application be signed and sealed by a Notary Public or Justice of the Peace. This requirement is not included in the statute and is an impediment to the implementation of electronic licensing.

The proposed amended regulation and concise summary of non-technical amendments are available for public inspection at www.dbr.ri.gov, in person at Department of Business Regulation, 1511 Pontiac Avenue, Cranston, Rhode Island 02920, or by email edwyer@dbr.ri.gov or by calling Elizabeth Kelleher Dwyer at (401) 462 9520.

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

All interested parties are invited to submit written or oral comments concerning the proposed regulations by September 21, 2011 to Elizabeth Kelleher Dwyer, Department of Business Regulation, 1511 Pontiac Avenue, Bldg. 69-2, Cranston, RI 02920, (401) 462 9520 edwyer@dbr.ri.gov. A public hearing to consider the proposed amendment shall be held on September 21, 2011 at 9:30 am at 1511 Pontiac Avenue, Cranston, Rhode Island 02920 at which time and place all persons interested therein will be heard.

All are welcome at the Rhode Island Department of Business Regulation ("DBR"). If any reasonable accommodation is needed to ensure equal access, service or participation, please contact DBR at 401-462-9551, RI Relay at 7-1-1, or email directorofficeinquiry@dbr.ri.gov at least three (3) business days prior to the hearing.

Paul McGreevy
Director, Department of Business Regulation

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Concise Summary of Proposed Non-technical Amendments
to
Rules and Regulations of the State Board of Registration for Professional Engineers

In accordance with the Administrative Procedures Act, Section 42-35-3(a)(1) of the General Laws of Rhode Island, following is a concise summary of proposed non-technical amendments:

1. Section 1(B) is amended to provide the current address of the Board.
2. Section 1(E) is amended to remove the requirement that meetings will be held at 1:00 p.m.
3. Section 3.03 is amended to remove the requirement that the application be signed and sealed by a Notary Public or Justice of the Peace. This is not a requirement of the statute and is an impediment to the implementation of electronic licensing.

VI-2

RULES AND REGULATIONS OF STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

BY-LAWS

SUMMARY: This chapter describes the operation of the Board, the duties of the various officers and committees of the Board and the procedures for the conduct of the Board meetings.

SECTION 1 - GENERAL

A) NAME:

The name of this Board shall be State Board of Registration for Professional Engineers. For the purpose of brevity this organization shall be subsequently referred to as the "Board".

B) OFFICES:

The offices of the Board shall be at ~~Suite 324, Charles Orms Building, 10 Orms Street~~ 1511 Pontiac Avenue, Providence, Cranston, RI 02920

C) SEAL:

The seal of the Board shall be as follows: an embossed circular seal two and one-fourth inches in diameter consisting of two concentric circles, the outer circle to be two and one-eighth inches in diameter, the inner one to be one and three-eighths in diameter and containing the great seal of the State of Rhode Island, and the words "State of Rhode Island", and the words "State Board of Registration for Professional Engineers" below:

D) FISCAL YEAR:

The fiscal year of the Board shall end on June 30 of each year.

E) MEETINGS:

Not less than six stated regular meetings shall be held each year as follows: On the third Wednesday of each month ~~at 1PM~~ in the offices of the Board, unless otherwise

specified by notice. Special meetings may be called at any time by order of the Chairman or by a majority of board members. Due notice of special meeting shall be given to each member.

F) OFFICERS AND COMMITTEES:

The Board shall elect or appoint annually at its stated meeting on the third Thursday of each January the following officers to serve for one year from date of such election or appointment, a Chairman, Vice-Chairman, and a Secretary, all of whom shall be members of the Board. A quorum shall consist of three (3) members.

At the same stated meeting the Board shall elect or appoint committees as listed below to serve for one year or until his or her successor is elected; said secretary may or may not be a member of the Board.

- (1) Executive
- (2) Finance
- (3) Rules and Regulations
- (4) Examinations
- (5) Information
- (6) Complaint

SECTION 2 - DUTIES

A) THE CHAIRMAN:

The Chairman shall, when present, preside at meetings and shall appoint all committees. The Chairman shall otherwise perform all duties pertaining to the office of Chairman and shall sign all certificates, vouchers and other official documents.

B) THE VICE-CHAIRMAN

The Vice-Chairman shall, in the absence or incapacity, real or imagined, of the Chairman, exercise the duties and shall possess all the powers of the Chairman.

C) THE SECRETARY

The Secretary shall: Conduct and care for all correspondence in the name of the Board and shall record and file all applications, certificates of registration, examinations, registrations and revocations; be in possession of the official seal and affix same to all

official documents upon order of the Chairman and Board; sign all certificates; keep a record of all meetings, in the form approved by the Board; maintain a proper account of all the business of the Board; receive and account for all moneys and transfer same to the State Treasurer monthly; present to the Board annually at the first meeting after the fiscal year closure a report of the transactions of the Board of the preceding year and a complete statement of the receipts and expenditures of the Board. Pending approval of the report by the Board, they shall be transmitted to the commissioner of professional and financial regulation. The Secretary shall prepare a roster showing the names and places of business of all registered professional engineers during the fiscal calendar quarter of each even-numbered year. A supplementary roster of newly registered professional engineers shall be prepared by the Secretary during the first calendar quarter of each odd-numbered year. Copies of each roster shall be mailed to each engineer of known address listed there-in and furnished to public agencies upon request without charge. Copies will be furnished to others on an as available basis for a fee of ten (\$10.00) dollars or such other fee as the Board may establish. The Secretary shall keep all records of the Board in a manner reasonably safe from all fire hazard.

D) VACANCIES:

If for any reason vacancies shall occur in the office of Chairman, Vice-Chairman and/or Secretary, the Offices or Office shall be filled by an election of the Board Members either at a regular stated meeting or a special meeting called for that purpose. Any Officers so elected shall receive not less than three (3) affirmative votes.

E) EXECUTIVE COMMITTEE:

The Executive Committee shall consist of three (3) members, of which the Chairman of the Board shall be Chairman. Its duties shall be to transact all business during the interval between meetings and to make a report thereon to the Board at its next meeting.

F) FINANCE COMMITTEE:

The Finance Committee shall consist of two (2) members, and shall review all bills, accounts, income and expense, including the financial records of the Secretary, and shall report to the Board at each regular meeting.

G) RULES AND REGULATIONS COMMITTEE:

The Rules and Regulations Committee shall consist of two (2) members, and shall from time to time consider and recommend to the Board such modifications of the by-laws and rules and regulations governing examinations, registrations and procedure as will give the best operating results.

H) EXAMINATIONS COMMITTEE:

The committee on examinations shall consist of all members of the Board. Their duties shall be to coordinate with the National Council of Examiners for Engineering and Surveying on the nature and scope of the examinations to be held by the Board and verify examination scores.

I) INFORMATION COMMITTEE:

The Committee on Information shall consist of three (3) members, and its duties shall be to recommend to the Board data for publication and circulation setting forth the policy, purpose and principles of the Board.

J) COMPLAINT COMMITTEE:

The Committee shall consist of one (1) member and he shall, with the Secretary, screen all complaints and decide on the procedure for their treatment. He shall, further, act as complaint officer for such complaints as progress to that stage. The Board may appoint its legal counsel to fulfill the purpose of this committee.

SECTION 3 - PROCEDURE

A) QUORUM:

Three (3) members of the Board shall constitute a quorum for the transaction of business.

B) ORDER OF BUSINESS SHALL BE AS FOLLOWS UNLESS CHANGED BY A MAJORITY VOTE OF THE BOARD.

- 1. READING OF MINUTES**
- 2. REPORT OF EXECUTIVE COMMITTEE**
- 3. REPORT OF FINANCE COMMITTEE**
- 4. REPORT OF RULES AND REGULATIONS COMMITTEE**
- 5. REPORT OF COMMITTEE ON EXAMINATIONS**
- 6. REPORT OF INFORMATION COMMITTEE**

7. **REPORT OF COMPLAINT COMMITTEE**
8. **REPORT OF SPECIAL COMMITTEES**
9. **READING COMMUNICATIONS**
10. **READING AND CONSIDERING APPLICATIONS**
11. **UNFINISHED BUSINESS**
12. **NEW BUSINESS**
13. **EXAMINATIONS**
14. **ADJOURNMENT**

C) PROCEDURE

Roberts' Rules of Order shall govern the procedures of the Board except as otherwise provided by the Statutes or Rules and Regulations.

D) NOTICE

A notice of each meeting shall be mailed to each member of the Board, by the Secretary, and shall be deemed full and proper notice thereof.

E) AMENDMENTS

Proposed amendments to the Rules and Regulations must be presented in writing to each member of the Board at least one (1) week in advance of a meeting and shall be adopted in accordance with the appropriate provisions of state statutes.

BASIS STATEMENT:

This chapter details and expands on the statutes governing the operation of the Board.

SECTION 3: REGISTRATION OF PROFESSIONAL ENGINEERS

SUMMARY: This chapter contains provisions relating to registration requirement and exemptions for Engineers and Engineers-In-Training, fees and examinations. It also contains definitions necessary for interpretation of this chapter.

3.01 - Definitions

A) The term "Act" shall refer to an relating to businesses and professions, land surveyors, and engineers, "Title 5, Chapter 8, of the General Laws of the State of Rhode Island revised statute of 1990, as amended."

B) The term "Board" shall mean the State Board of Registration for Professional Engineers as defined in Title 5, Chapter 8, Section 2(e), revised statutes of 1990, as amended.

C) The term "Professional Engineer" shall mean a person who, by reasons of the person's 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 in Title 5, Chapter 8, Section 2(b), revised statutes of 1990, as amended.

D) The practice of Professional Engineering means any service or creative work, the adequate performance of which required engineering education, training and experience in the application of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation surveys, planning and design of engineering systems, and the supervision of construction for the purpose of assuring compliance with specifications; and embracing those services or work in connection with any public or private utilities, structures, buildings, machines, equipment, processes, work, or projects wherein the public welfare or the safeguarding of life, health, or property is involved or concerned.

E) A "Code of Ethics" designed for the protection of the public shall be prepared and published by the Board. It will be published in every edition of the roster and sent to all applicants.

3.02 - REGISTRATION

A) Any person desiring to practice Professional Engineering in the State of Rhode Island shall apply to the Board for a certificate of Registration and shall submit evidence of his or her qualifications to the Board on forms furnished by the Board, and, upon the approval of the Board, will be issued a certificate as a Professional Engineer.

B) Professional Engineers and any other person or entity registered under this act are requested to keep their certificates of registration issued by the Board posted conspicuously in their principal place of business, where the public can examine said certificate.

C) Professional Engineers under this act are expected to practice within their area of competence. This requires that all applicants declare their appropriate engineering discipline of competence and practice. These disciplines are as follows:

- Civil
- Structural
- Electrical
- Mechanical
- Chemical
- Environmental

The Board will issue Certificates of Registration to those applicants who demonstrate qualifications acceptable to the Board, for specific discipline.

D) In administering the act and formulating its procedures, the Board recognizes three (3) fundamental obligations:

1. To respect the right to means of a livelihood of any individual who has conscientiously and properly prepared to practice Professional Engineering.

2. To protect the public, as far as possible, within the limits of the act from

such dangers, affecting life, health and property, as may arise from the attempt of incompetent or unethical persons to practice this profession.

3. All Engineers and Engineers-In-Training shall conform to the Code of Ethics adopted by this Board in their professional activities.

3.03 - APPLICATION FOR REGISTRATION AS A PROFESSIONAL ENGINEER AND FOR CERTIFICATION AS AN ENGINEER-IN-TRAINING.

A) Applications for Registrations as a Professional Engineer and certification as an Engineer-In-Training shall be made on forms furnished by the Board. ~~All applicants shall be made under oath and signed and sealed by a Notary Public or Justice of the Peace.~~

B) Application for certification as an Engineer-In-Training shall, in approval, admit the applicant to examination, the passage of which shall entitle the applicant to a certificate as an Engineer-In-Training.

3.04 - CLASSES OF APPLICANTS

Each applicant shall designate the classification in the following schedule of minimum requirements, under which he or she makes application.

A) PROFESSIONAL ENGINEER

1. By endorsement without further examination. Acceptable evidence of registration in good standing by comparable written examination in another State, territory or possession of the United States, the District of Columbia, or of any foreign country and/or a certificate of qualification from the National Council of Engineering examiners showing the applicant to have qualifications meeting the requirements of the statutes, as defined in Title 5, Chapter 8, Section 11(1)(a), of the General Laws of Rhode Island, as amended. All such applicants shall be required to verify such information furnished to the Board in a form satisfactory and approved by the Board.

2. By graduation, experience and examination.

(a) Graduates of engineering schools in an ABET approved four-year engineering curriculum, with four years of active practice indicating experience of a grade and character satisfactory to the Board and passing an eight-hour written examination in the fundamentals of engineering and passing an eight-hour written examination in the principles and practice of engineering. As defined in Title 5, Chapter 8, Section 11(1)(b), of the General Laws of Rhode Island, as amended.

NOT ON STATUTE:

(b) Graduates of an ABET approved four-year engineering technology curriculum, with six years of active practice indicating experience of a grade and character satisfactory to the Board and passing an eight-hour written examination in the fundamentals of engineering and passing an eight-hour written examination in the principles and practice of engineering.

(c) Graduates of engineering schools in an ABET approved four-year curriculum, with twelve (12) years or more experience of a grade and character, satisfactory to the Board, and passing an eight-hour written examination in the Principles and Practice of Engineering, as defined in Title 5, Chapter 8, Section 11(1)(b), of the General Laws of Rhode Island, as amended. In order to satisfy the requirements of this provision, the applicant must demonstrate that for each of the twelve (12) years submitted for experience purposes that the applicant was directly employed within the engineering profession and was principally employed in the engineering profession during each of the years submitted.