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**IDAPA 10
TITLE 01
Chapter 01**

IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

10.01.01 - RULES OF PROCEDURE

000. LEGAL AUTHORITY.

These rules are promulgated as authorized by Section 54-1208(1), Idaho Code. (7-1-93)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited in full as the Idaho Board of Registration of Professional Engineers and Professional Land Surveyors," IDAPA 10, TITLE 01, Chapter 01, "Rules of Procedure." (7-1-93)

02. Scope. These rules include procedures of the Board on matters relating to meetings, organization, fees, certificates, publications, seals, applications, examinations, reexaminations, registrants or certificate holders of other states and boards and board quorum. (7-1-93)

002. (RESERVED).

003. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(16)(b)(iv), Idaho Code, this agency has written statements which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. These documents are available for public inspection and copying at cost in the main office of this agency. (7-1-93)

004. OFFICE--OFFICE HOURS--MAILING ADDRESS AND STREET ADDRESS--TELEPHONE NUMBERS.

The office of the Board shall be at 600 South Orchard, Suite A, Boise, Idaho 83705-1242. Normal office hours shall be from 8:00 AM to 12:00 Noon and 1:00 PM to 5:00 PM Monday through Friday except holidays as recognized by the State of Idaho. The mailing address shall be the same as the street address. The telephone number shall be (208) 334-3860. The telephone number for the facsimile machine shall be (208) 334-2008. The telephone number for the TDD relay shall be 1-800-377-3529. (7-1-93)

005. FILING OF DOCUMENTS--NUMBER OF COPIES.

All documents in rulemaking or contested cases must be filed with the Executive Secretary of the Board. Unless otherwise specifically required, only the original document must be filed. (7-1-93)

006. RULE-MAKING.

All matters relating to rulemaking by the Board shall be in accordance with the Attorney General's Rules, IDAPA 04, TITLE 11, Chapter 01, "Model Rules of Administrative Procedure." (4-22-94)

007. CONTESTED CASES.

All matters relating to contested cases before the Board shall be in accordance with the Attorney General's Rules, IDAPA 04, TITLE 11, Chapter 01, "Model Rules of Administrative Procedure." (4-22-94)

008. MEETINGS.

The annual meeting of the Board shall be held in June. Other regular meetings shall be held at such times and places as the Board may designate. The Chairman may call special meetings when deemed necessary and shall call special meetings upon the written request of three (3) members of the Board. The Executive Secretary shall notify members in writing, at least ten (10) days in advance of the date, time and place of each meeting, and shall also provide appropriate public notice of each meeting. (7-1-93)

009. ORDER OF BUSINESS.

01. Agenda Titles and Sequence. Order of Business shall be as follows: (7-1-93)

a. Reading of minutes. (7-1-93)

- b. Reports of officers. (7-1-93)
 - c. Reports of committees. (7-1-93)
 - d. Reading of communications. (7-1-93)
 - e. Unfinished business. (7-1-93)
 - f. New business. (7-1-93)
 - g. Consideration of applications and fees. (7-1-93)
 - h. Consideration of charges, suspensions and revocations. (7-1-93)
 - i. Election of officers for the ensuing year. (7-1-93)
 - j. Examinations. (7-1-93)
 - k. Adjournment. (7-1-93)
02. Governing by Robert's Rules of Order. Roberts Rules of Order shall govern procedure of the Board except as otherwise provided by these rules. (7-1-93)

010. OFFICERS AND COMMITTEES.

01. Duties of Chairman. The Chairman shall be the executive head of the Board and shall: preside at meetings; appoint committees; perform all duties pertaining to the office of the Chairman. (7-1-93)
02. Duties of Vice Chairman. The Vice Chairman shall, in the absence or incapacity of the Chairman, exercise the duties and possess all the powers of the Chairman. (7-1-93)
03. Duties of Secretary. The Secretary shall, with the assistance of the Executive Secretary and staff, and under the direction of the Board, perform the following functions and duties: (7-1-93)
- a. Keep correct minutes of the Board; (7-1-93)
 - b. Furnish a copy of all minutes to each member of the Board; (7-1-93)
 - c. Send written notice of regular and special meetings of the Board to each Board member not less than ten days in advance thereof, as well as provide appropriate public notice; (7-1-93)
 - d. Review each application for registration or certification for essential data prior to consideration thereof by the Board; (7-1-93)
 - e. Verify qualifications, experience and character of the applicants; (7-1-93)
 - f. Make arrangements for examinations, interviews and hearings; (7-1-93)
 - g. Report to the Board members the results of every examination and other evidence of qualifications, with recommendations to the Board; (7-1-93)
 - h. Assist in the investigations of complaints and charges and arrange for hearings by the Board; (7-1-93)
 - i. Prepare and present the required annual report and roster as the Board may direct; (7-1-93)
 - j. Keep all records, including minutes, register of applicants for registration and the roster of

- registrants; (7-1-93)
- k. Attend to all official correspondence of the Board; (7-1-93)
 - l. Perform all other duties prescribed by the Act as directed by the Board; and (7-1-93)
 - m. Otherwise perform all the duties normally pertaining to the Office of Secretary. (7-1-93)
04. Duties and Qualifications of Executive Secretary. The Executive Secretary of the Board of Professional Engineers and Professional Land Surveyors shall: (7-1-93)
- a. Not be a member of the Board. (7-1-93)
 - b. Be a registered professional engineer or professional land surveyor in the state of Idaho and possess other qualifications required for members of the Board. (7-1-93)
 - c. Hold office at the pleasure of the Board. (7-1-93)
 - d. Receive such compensation as the Board may determine. (7-1-93)
 - e. Perform such other duties as may from time to time be assigned by the Board. (7-1-93)
05. Surety Bond. To comply with the requirements of Section 41-3502, Idaho Code, state officials and state employees are covered by blanket bond with the premium prorated to the several departments and agencies. The portion of cost prorated to the Board of Professional Engineers and Professional Land Surveyors shall be paid from the "Professional Engineers and Land Surveyors" Fund. (7-1-93)
06. Committees. Regular and special committees of the Board shall perform the duties assigned to them and shall present reports to the Board at the time specified or at the earliest regular or special meeting of the Board. A special voluntary committee from the public, which may include members of the Board, may be formed to render special services as the Board may assign to them. (7-1-93)

011. FEES.

01. Applications and Renewals. All fees shall be set by the Board annually in the following categories and shall in no event be more than the amount specified in Sections 54-1213, 54-1214, 54-1216, 54-1219 and 54-1223, Idaho Code. Fees are not refundable. (7-1-93)
- a. Registration as a professional engineer or professional land surveyor by examination. (7-1-93)
 - b. Certification as an engineer-in-training or land surveyor-in-training by examination. (7-1-93)
 - c. Certification for a corporation applying for a certificate of authorization to practice or offer to practice engineering or land surveying. (7-1-93)
 - d. Applications for reexamination in professional engineering, professional land surveying, engineer-in-training or land surveyor-in-training. (7-1-93)
 - e. Renewals for professional engineers, professional land surveyors, engineers-in-training, land surveyors-in-training and corporations. (7-1-93)
 - f. Registration for professional engineers or professional land surveyors by comity registration. (7-1-93)
 - g. Temporary permits to practice engineering. (7-1-93)
 - h. Listing in the Retired section of the biennial roster. (7-1-93)

02. Late or Denied Renewals. Failure on the part of any registrant or corporation to renew their fees prior to their expiration shall not deprive such persons or corporation of the right of renewal, but the fees to be paid for renewal after their expiration shall be increased as prescribed in Section 54-1216, Idaho Code. Registrants whose renewal fees are received at the Board's office after October 31 of any year will not be listed in the biennial roster for that biennium. The Board, on review of a registrant's activity, may deny renewal for cause. (7-1-93)

03. Reexaminations. Separate fees will be assessed for each examination and such fees shall accompany all applications for examination for professional engineers, professional land surveyors, engineers-in-training, and land surveyors-in-training. (7-1-93)

04. Schedule of Fees. The schedule of fees as determined by the Board shall be furnished to applicants with application forms. (7-1-93)

012. REISSUANCE OF CERTIFICATES.

A new certificate of registration or authorization, to replace any certificate lost, destroyed or mutilated, may be issued upon written certification of the loss and payment of fee of ten dollars (\$10). (7-1-93)

013. PUBLICATIONS.

01. Annual Report. An annual report shall be submitted to the governor, the contents of which shall comply with the provisions of Section 54-1210, Idaho Code. (7-1-93)

02. Roster. A roster of professional engineers, professional land surveyors, engineers-in-training, land surveyors-in-training, and engineering and land surveying corporations in good standing and registrants and certificate holders in the retired status as provided in these rules shall be published biennially. A copy shall be mailed to each person or corporation registered or certified; and, when requested, furnished to the public as provided in Section 54-1211, Idaho Code. (7-1-93)

03. Rules of Procedure. Compilations of the roster and the various rules of the Board shall be made available to officials of the state of Idaho and to state, district and county law libraries free of charge, according to the provisions of Section 67-5205, Idaho Code. As provided in said Section 67-5205, Idaho Code, the Board may furnish copies to other persons at cost of printing and mailing. (7-1-93)

04. Contents of Booklet. The Annual Report, Roster, Rules of Procedure, Chapter 12, Title 54 of the Idaho Code, and other pertinent information may be published in one booklet for distribution as herein otherwise provided. (7-1-93)

05. Retired Status. Those registrants who have reached the age of sixty-five (65) (or are totally and permanently disabled) and are retiring from practice may be listed in the retired section of the Roster, upon application to the Board. The annual fee for being thus listed shall be established by the Board. Such listing does not permit a registrant to engage in the practice of engineering or land surveying. The fee for reinstatement to active practice shall be as required for delayed renewals in Section 54-1216, Idaho Code. (7-1-93)

014. SEALS.

01. Official Seal of Board. The official seal of this Board shall consist of the seal of the state of Idaho, surrounded with the words "Board of Professional Engineers and Professional Land Surveyors" and "State of Idaho". (7-1-93)

02. Standard Seals For Engineers and Land Surveyors. The Board shall adopt standard seals for use by registered professional engineers and professional land surveyors as prescribed by Section 54-1215, Idaho Code. (7-1-93)

03. Seal For Professional Engineer/Land Surveyor. Engineers obtaining registration as land surveyors under the changes to Section 54-1217, Idaho Code, by the 1978 Legislature shall use the seal showing registration as a Professional Engineer and Land Surveyor as adopted by the Board. (7-1-93)

015. CERTIFICATES.

Certificates of registration or authorization issued by the Board shall be displayed in the place of business. (7-1-93)

016. APPLICATION FOR REGISTRATION OR CERTIFICATION.

01. Forms. Application forms for registration as a professional engineer, or professional land surveyor, certification as an engineer-in-training, land surveyor-in-training or certificates of authorization to practice or offer to practice engineering or land surveying by a corporation may be obtained from the office of the Executive Secretary of the Board of Professional Engineers and Professional Land Surveyors. (7-1-93)

02. Completion of Application. Applications shall be made on such forms as may be prescribed by the Board. An application which is not fully completed by the applicant need not be considered or acted upon by the Board. The application by a corporation for a certificate of authorization to practice or offer to practice engineering or land surveying must set forth their Idaho mailing address, and name and address of the individual, or individuals, duly registered to practice engineering or land surveying in this state, who will be in responsible charge of engineering or land surveying services offered or rendered by the corporation in this state. (7-1-93)

03. Dates of Submittal. Applications for the Spring and Fall examination, respectively, must be received by the Executive Secretary or postmarked by January 1 or August 1 of any year. In order for the Board to be able to verify experience, only experience up to the date of submittal of the application will be considered as valid. Experience anticipated between the date of the application submittal and the date of the examination or issuance of registration will not be considered. For students, the application filing date for the Fundamentals of Engineering examination shall conform to the administrative rules of the University of Idaho and Idaho State University. Except for military personnel stationed in Idaho, only Idaho residents and students at Idaho universities will be assigned to examinations, unless otherwise approved by the Board. (4-22-94)

04. Confidentiality of References. All information received from references named by the applicant shall be held in confidence by the Board. Neither members of the Board nor relatives of the applicant by blood or marriage shall be named or accepted as references. (7-1-93)

05. Minimum Standards - References. An applicant may not be admitted to the examination until satisfactory replies have been received from a minimum of five of his references for professional engineers or land surveyors and three references for engineers-in-training and land surveyors-in-training. A majority of the references should be professional engineers or professional land surveyors as applicable. It shall be the responsibility of each applicant to furnish their references with the forms prescribed by the Board. (7-1-93)

017. EXAMINATIONS.

01. Semiannually or Annually; Special or Oral Examination. Examinations for professional engineer, professional land surveyor, engineer-in-training and land surveyor-in-training will be held annually or semi-annually, the exact time and place to be determined by the Board. Special oral or written examinations during the year may be given by the Board. (7-1-93)

02. Eligibility for Examinations; Educational Requirements. The application for registration for professional engineer, professional land surveyor or certification of engineer-in-training or land surveyor-in-training, together with the written examination, shall be considered in the determination of the applicant's eligibility. Each applicant must meet the minimum requirements as set forth in Section 54-1212, Idaho Code, before admittance to any examination. (7-1-93)

a. In regard to educational requirements, the Board will consider as unconditionally approved only those engineering curricula which are accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET). Non-ABET accredited engineering curricula will be considered by the Board on their specific merits. The Board may continue consideration of an application for valid reasons for a period of one year, without forfeiture of the application fee. An approved four-year (4) Bachelor of Technology (B.T.) engineering curriculum is not considered equal to an approved Bachelor of Science engineering curriculum. The Board will require additional experience for applicants with B.T. degrees. (7-1-93)

b. An applicant who has completed a four (4) year bachelor degree program in a major other than engineering but has attained a graduate engineering degree or who is in the last or second-to-last semester of a graduate engineering degree curriculum must have completed a minimum of twelve (12) semester credits of Engineering Science at a Junior and Senior level, 6 semester credits of Engineering Design related courses at a Senior level, six (6) semester credits of Mathematics through Differential Equations, six (6) semester credits of calculus-based Physics and two (2) semester credits of Engineering Economics before the Board will consider their education to be equivalent to graduation from an approved engineering curriculum of four (4) years or more as required by Section 54-1212(3)(a), Idaho Code, for assignment to the examination for certification as an Engineer-in-Training.

(4-22-94)

c. Standard, regularly scheduled courses from accredited university programs, (on campus, correspondence, video, etc.) are normally acceptable without further justification other than transcript listing. The Board may require detailed course descriptions for seminar, directed study, special problem and similar courses to insure that the above requirements are met.

(7-1-93)

d. Graduate level engineering courses, i.e. courses which are available only to graduate students, are normally not acceptable since the Board believes graduate engineering courses may not provide the proper fundamental foundation to meet the broad requirements of professional engineering.

(7-1-93)

e. In addition to the minimum requirements set forth in Section 54-1212, Idaho Code, a person who desires to be qualified by examination in the field of structural engineering shall meet the following requirements:

(4-22-94)

i. Be a registered professional engineer in Idaho.

(7-1-93)

ii. Have two (2) years of work experience in the field of structural engineering after being registered as a professional engineer. The Principles and Practice of Engineering examination for Structural Engineering will cover the practice of structural engineering to test the applicant's fitness to assume responsibility for engineering work affecting the public health, safety and welfare. The examination shall be sixteen (16) hours.

(7-1-93)

03. Notification to Applicant by Board. Notification of acceptance or non-acceptance to the examination will be furnished to the applicant at least thirty (30) days prior to the date of the examination.

(4-22-94)

04. Notification to Board by Applicant. The applicant shall, at least fifteen (15) days before an examination, notify the Executive Secretary of the Board whether he will appear for the examination. Examinations will be given only to those who have so notified the Board.

(4-22-94)

05. Excused Non-Attendance at Exam. In the event that an applicant cannot attend an examination, he shall immediately notify the Board to that effect and shall state the reason for non-attendance. Normally, no more than one valid excuse and reassignment shall be granted to an applicant.

(7-1-93)

06. Two Examinations for Engineering Registration. The complete examining procedure for registration as a professional engineer consists of two (2) separate written examinations. The first is the Fundamentals of Engineering examination for engineer-in-training certification, and the second is the Principles and Practice of Engineering for professional engineer registration. Each examination shall be eight (8) hours in length. Normally, applicants are eligible to take the Fundamentals of Engineering examination during the last or second-to-last semester of or after graduation from an accredited bachelor of science engineering curriculum. A certificate as an Engineer-in-Training will be issued only to those student applicants who earn a passing grade on the examination and who receive a degree. Having passed the Fundamentals of Engineering examination, applicants will be required to take the Principles and Practice of Engineering examination at a later date when qualified by experience.

(4-22-94)

07. Fundamentals of Engineering. The Fundamentals of Engineering examination will cover such subjects as are ordinarily given in engineering college curricula and which are common to all fields of practice. The examination is the same for all applicants.

(7-1-93)

08. Principles and Practice of Engineering - Disciplines. The Principles and Practice of Engineering examination will cover the practice of engineering to test the applicant's fitness to assume responsibility for

engineering works affecting the public health, safety and welfare. Separate examinations will be given to test the applicant's fitness in any discipline for which there is an examination which, in the opinion of the Board, meets the requirements of duration and difficulty necessary to adequately test the applicant's fitness to practice in that particular discipline. The Board may use examinations prepared by the National Council of Examiners for Engineering and Surveying (NCEES) or it may prepare or commission the preparation of examinations in disciplines other than those for which examinations may be available from NCEES. (4-22-94)

09. Two (2) Examinations for Land Surveying Registration. The complete examining procedure for registration as a professional land surveyor consists of two (2) separate written examinations. The first is the Fundamentals of Land Surveying examination for land surveyors-in-training certification, and the second is the Principles and Practice of Land Surveying registration. Each examination will be eight (8) hours in length. Having passed the Fundamentals of Land Surveying examination, applicants will be required to take the Principles and Practice of Land Surveying examination at a later date when qualified by experience. The examination shall cover the theory and principles of surveying, the practice of land surveying and the requirements of legal enactments. (7-1-93)

10. Oral or Unassembled Examinations. An oral examination or unassembled written examination, in addition to the prescribed written examination, may be required for professional engineer and professional land surveyor applicants. (7-1-93)

11. Special Examinations. A special examination, written or oral or both, may be required in certain instances where the applicant is seeking registration through comity with another state or political entity having required written examinations that are not wholly comparable in length, nature or scope. This examination supplements the certified qualifying record of the applicant and establishes a more common basis for judging the application and awarding a certificate of qualification or registration in this state. The length of these special examinations shall be determined by the Board, but shall in no case exceed the lengths specified for the regular examination. Special examinations may be given at any date and need not conform with regular examination dates. (7-1-93)

12. Grading. Each land surveyor-in-training, engineer-in-training and professional engineer applicant must normally attain a grade of seventy percent (70%) or above on the entire eight (8) hour examination before being awarded certification or registration. Examinees on the Principles and Practice of Land Surveying examination must normally attain a grade of seventy percent (70%) or above on each section of the examination. (7-1-93)

13. Use of NCEES Examinations. Examinations prepared and graded by the National Council of Examiners for Engineering and Surveying (NCEES) for professional engineer, engineers-in-training, professional land surveyors, and land surveyors-in-training may be used by the Board. The examination for the field of structural engineering shall be the sixteen (16) hour examination as determined by the Board. (7-1-93)

14. Review of Examination by Examinee. Examinees who fail an examination shall be allowed to review their examination at the Board office. Examinees will only be allowed to review those questions attempted during the examinee's last taking of the examination. Examinees shall be allowed a review time equal to one-half (1/2) the time originally allowed to take the examination. The review shall be monitored by a Board member or Board representative. Paper will be provided by the Board and may not be taken away from the review site. A hand-held calculator not having word processing capabilities may be used by the applicant during the review. Examinees in the Principles and Practice of Engineering examination may submit a rescoring request on the "free-response" or "essay" type problems attempted. Examinees who submit a rescoring request may use their own reference materials to complete the rescoring request. (4-22-94)

15. Disposal of Used Examination Pamphlets and Answer Sheets. The Executive Secretary of the Board is authorized by the Board to dispose of used examination solution pamphlets and answer sheets on the third year anniversary date after the examination was given. (7-1-93)

018. REEXAMINATIONS.

01. Allowing Reexamination Upon Failure. An applicant failing any portion of the Principles and Practice of Land Surveying examination, and having applied for reexamination as permitted by law, may at the discretion of the Board, be required to take only the portion of the examination for which a failing grade was

received. (7-1-93)

02. Application for Reexamination. An applicant who has failed any examination, as previously described, may be assigned by the Board to reexamination upon written request and payment of fees at least sixty (60) days prior to any scheduled examination date. (7-1-93)

03. Failure of Reexamination. An applicant who fails on reexamination, must appear before the Board before being admitted to examination, and must present evidence satisfactory to the Board to warrant an additional examination as set forth in Section 54-1214, Idaho Code. (7-1-93)

019. REGISTRANTS OR CERTIFICATE HOLDERS OF OTHER STATES AND BOARDS.

01. Interstate Registration Evaluation. Each application for Idaho professional engineer license, or professional land surveyor license or engineer-in-training or land surveyor-in-training certificate submitted by an applicant who is licensed as a professional engineer, or licensed as a professional land surveyor, or certified as an engineer-in-training or land surveyor-in-training, respectively, in one (1) or more states, territories or foreign countries, shall be considered by the Board on its merits, and the application evaluated with respect to the requirements of the Idaho law. (7-1-93)

02. Denials or Special Examinations. An application from a registrant of another state, territory or foreign country may be denied by the Board for any just cause and the application fee retained; or the Board may approve the applicant for a special written and/or oral examination. If the applicant is assigned to examination no additional fee shall be required. (7-1-93)

03. Corporate Requirements. No application for a certificate of authorization to practice or offer to practice professional engineering or professional land surveying, or both, in Idaho by a corporation authorized to practice professional engineering or professional land surveying or both in one or more states, territories or foreign countries shall be considered by the Board unless such application includes the name and address of the individual or individuals, duly registered to practice professional engineering or professional land surveying or both in this state, who will be in responsible charge of the engineering or land surveying services, or both, as applicable, to be rendered by the corporation in Idaho. The said individual or individuals must certify or indicate to the Board their willingness to assume responsible charge. (7-1-93)

020. BOARD QUORUM.

For the conduct of official business at any Board meeting, a quorum shall be present. A quorum is construed and defined as being at least three (3) members of the Board legally holding office at the time of the meeting. (7-1-93)

021. RIGHT TO PUBLISH DISCIPLINARY ACTIONS.

The Board office shall not disclose the filing of a complaint, the nature of a complaint, nor the details of an investigation. Final, formal enforcement, including, but not limited to actions such as fines, assessment of expenses, revocations or suspensions shall be public information. Probations and conditions may be subject to public disclosure whenever the Board believes it is in the public interest. Following a hearing or the entry of a consent agreement, the Board may publish a summary of any order issued by it, in a newsletter or newspaper of general circulation. The Board may also advise anyone requesting such information of the contents of any order issued by it. (7-1-93)

022. -- 994. (RESERVED).

995. ADMINISTRATIVE APPEALS.

Persons desiring to contest the actions taken in accordance with these rules shall seek administrative relief under the Attorney General's Rules, IDAPA 04, TITLE 11, Chapter 01, "Model Rules of Administrative Procedure." (4-22-94)

996. (RESERVED).

997. PUBLIC RECORDS ACT COMPLIANCE.

The records associated with the Board are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 1, Idaho Code. (7-1-93)

998. INCLUSIVE GENDER.

For the purpose of this chapter, words used in the masculine gender include the feminine, or vice versa, where appropriate. (7-1-93)

999. SEVERABILITY.

The rules governing this chapter are severable. If any rule, or part thereof, or the application of such rule to any person or circumstance is declared invalid, that invalidity does not affect the validity of any remaining portion of this chapter. (7-1-93)