Title 58 Chapter 22 -- Professional Engineers and Professional Land Surveyors Licensing Act

58-22-101. Title.

This chapter is known as the "Professional Engineers and Professional Land Surveyors Licensing Act."

Amended by Chapter 259, 1996 General Session

58-22-102. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

(1) "Board" means the Professional Engineers and Professional Land Surveyors Licensing Board created in Section 58-22-201.

(2) "Building" means a structure which has human occupancy or habitation as its principal purpose, and includes the structural, mechanical, and electrical systems, utility services, and other facilities required for the building, and is otherwise governed by the codes adopted under Title 58, Chapter 56, Utah Uniform Building Standards Act.

(3) "Complete construction plans" means a final set of plans, specifications, and reports for a building or structure that normally includes:

(a) floor plans;

(b) elevations;

(c) site plans;

(d) foundation, structural, and framing detail;

(e) electrical, mechanical, and plumbing design;

(f) information required by the energy code;

(g) specifications and related calculations as appropriate; and

(h) all other documents required to obtain a building permit.

(4) "EAC/ABET" means the Engineering Accreditation Commission/Accreditation Board for Engineering and Technology.

(5) "Fund" means the Professional Engineer, Professional Structural Engineer, and Professional Land Surveyor Education and Enforcement Fund created in Section 58-22-103.

(6) "NCEES" means the National Council of Examiners for Engineering and Surveying.

(7) "Principal" means a licensed professional engineer, professional structural engineer, or professional land surveyor having responsible charge of an organization's professional engineering, professional structural engineering, or professional land surveying practice.

(8) "Professional engineer" means a person licensed under this chapter as a professional engineer.

(9) (a) "Professional engineering or the practice of engineering" means a service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to the service or creative work as consultation, investigation, evaluation, planning, design, and design coordination of engineering works and systems, planning the use of land and water, facility programming, performing engineering surveys and studies, and the review of construction for the purpose of monitoring compliance with drawings and specifications; any of which embraces these services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, and including other professional services as may be necessary to the planning, progress, and completion of any engineering services.

(b) The practice of professional engineering does not include the practice of architecture as defined in Section 58-3a-102, but a licensed professional engineer may perform architecture work as is incidental to the practice of engineering.

(10) "Professional engineering intern" means a person who:

(a) has completed the education requirements to become a professional engineer;

(b) has passed the fundamentals of engineering examination; and

(c) is engaged in obtaining the four years of qualifying experience for licensure under the direct supervision of a licensed professional engineer.

(11) "Professional land surveying or the practice of land surveying" means a service or work, the adequate performance of which requires the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting or locating property boundaries or points controlling boundaries, and for the platting and layout of lands and subdivisions of lands, including the topography, alignment and grades of streets, and for the preparation and perpetuation of maps, record plats, field notes records, and property descriptions that represent these surveys and other duties as sound surveying practices could direct.

(12) "Professional land surveyor" means an individual licensed under this chapter as a professional land surveyor.

(13) "Professional structural engineer" means a person licensed under this chapter as a professional structural engineer.

(14) "Professional structural engineering or the practice of structural engineering" means a service or creative work in the following areas, and may be further defined by rule by the division in collaboration with the board:

(a) providing structural engineering services for significant structures including:

(i) buildings and other structures representing a substantial hazard to human life, which include:

(A) buildings and other structures whose primary occupancy is public assembly with an

occupant load greater than 300;

(B) buildings and other structures with elementary school, secondary school, or day care facilities with an occupant load greater than 250;

(C) buildings and other structures with an occupant load greater than 500 for colleges or adult education facilities;

(D) health care facilities with an occupant load of 50 or more resident patients, but not having surgery or emergency treatment facilities;

(E) jails and detention facilities with a gross area greater than 3,000 square feet; or

(F) an occupancy with an occupant load greater than 5,000;

(ii) buildings and other structures designated as essential facilities, including:

(A) hospitals and other health care facilities having surgery or emergency treatment facilities with a gross area greater than 3,000 square feet;

(B) fire, rescue, and police stations and emergency vehicle garages with a mean height greater than 24 feet or a gross area greater than 5,000 square feet;

(C) designated earthquake, hurricane, or other emergency shelters with a gross area greater than 3,000 square feet;

(D) designated emergency preparedness, communication, and operation centers and other buildings required for emergency response with a mean height more than 24 feet or a gross area greater than 5,000 square feet;

(E) power-generating stations and other public utility facilities required as emergency backup facilities with a gross area greater then 3,000 square feet;

(F) structures with a mean height more than 24 feet or a gross area greater than 5,000 square feet containing highly toxic materials as defined by the division by rule, where the quantity of the material exceeds the maximum allowable quantities set by the division by rule; and

(G) aviation control towers, air traffic control centers, and emergency aircraft hangars at commercial service and cargo air services airports as defined by the Federal Aviation Administration with a mean height greater than 35 feet or a gross area greater than 20,000 square feet; and

(iii) buildings and other structures requiring special consideration, including:

(A) structures or buildings that are:

(I) normally occupied by human beings; and

(II) five stories or more in height; or

(III) that have an average roof height more than 60 feet above the average ground level measured at the perimeter of the structure; or

(B) all buildings over 200,000 aggregate gross square feet in area; and

(b) includes the definition of professional engineering or the practice of professional engineering as provided in Subsection (9).

(15) "Structure" means that which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in a definite manner, and as otherwise governed by the codes adopted under Title 58, Chapter 56, Utah Uniform Building Standards Act.

(16) " Supervision of an employee, subordinate, associate, or drafter of a licensee" means that a licensed professional engineer, professional structural engineer, or professional land surveyor is responsible for and personally reviews, corrects when necessary, and approves work performed by an employee, subordinate, associate, or drafter under the direction of the licensee, and may be further defined by rule by the division in collaboration with the board.

(17) "TAC/ABET" means the Technology Accreditation Commission/Accreditation Board for Engineering and Technology.

(18) "Unlawful conduct" is defined in Sections 58-1-501 and 58-22-501.

(19) "Unprofessional conduct" as defined in Section 58-1-501 may be further defined by rule by the division in collaboration with the board.

Amended by Chapter 277, 2008 General Session

58-22-103. Education and enforcement fund.

(1) There is created a restricted special revenue fund known as the "Professional Engineer, Professional Structural Engineer, and Professional Land Surveyor Education and Enforcement Fund."

(2) The fund consists of money from:

(a) a surcharge fee placed on initial, renewal, and reinstatement licensure fees under this chapter in accordance with the following:

(i) the surcharge fee shall be established by the department in accordance with Section 63J-1-504; and

(ii) the surcharge fee shall not exceed 50% of the respective initial, renewal, or reinstatement licensure fee; and

(b) administrative penalties collected pursuant to this chapter.

(3) The fund shall earn interest and all interest earned on fund money shall be deposited into the fund.

(4) The director may, with concurrence of the board, make distributions from the fund for the following purposes:

(a) education and training of licensees under this chapter;

(b) education and training of the public or other interested persons in matters concerning engineering, structural engineering, and land surveying laws and practices; and

(c) enforcement of this chapter by:

(i) investigating unprofessional or unlawful conduct; and

(ii) providing legal representation to the division when the division takes legal action against a person engaging in unprofessional or unlawful conduct.

(5) If the balance in the fund exceeds $100,000 at the close of any fiscal year, the excess shall be transferred to the General Fund.

(6) The division shall report annually to the appropriate appropriations subcommittee of the Legislature concerning the fund.

Amended by Chapter 183, 2009 General Session

58-22-201. Board.

(1) There is created a Professional Engineers and Professional Land Surveyors Licensing Board. The board shall consist of four licensed professional engineers, one licensed professional structural engineer, one licensed professional land surveyor, and one member from the general public. The composition of the four professional engineers on the board shall be representative of the various professional engineering disciplines.

(2) The board shall be appointed and shall serve in accordance with Section 58-1-201. The members of the board who are professional engineers shall be appointed from among nominees recommended by representative engineering societies in this state. The member of the board who is a land surveyor shall be appointed from among nominees recommended by representative professional land surveyor societies.

(3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a permanent or rotating basis to:

(a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a license; and

(b) advise the division in its investigation of these complaints.

(4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Amended by Chapter 259, 1996 General Session

58-22-301. License required -- License classifications.

(1) A license is required to engage in the practice of professional engineering, professional structural engineering, or professional land surveying, except as specifically provided in Section 58-1-307 or 58-22-305.

(2) The division shall issue licenses to individuals qualified under the provisions of this chapter in the following classifications:

(a) professional engineer;

(b) professional structural engineer; and

(c) professional land surveyor.

(3) The division may issue a license in a specific engineering discipline or disciplines as defined by rule by the division in collaboration with the board.

Amended by Chapter 259, 1996 General Session

58-22-302. Qualifications for licensure.

(1) Each applicant for licensure as a professional engineer shall:
(a) submit an application in a form prescribed by the division;
(b) pay a fee determined by the department under Section 63J-1-504;
(c) provide satisfactory evidence of good moral character;
(d) (i) have graduated and received a bachelors or masters degree from an engineering program meeting criteria established by rule by the division in collaboration with the board; or
(ii) have completed the Transportation Engineering Technology and Fundamental Engineering College Program prior to July 1, 1998, under the direction of the Utah Department of Transportation and as certified by the Utah Department of Transportation;
(e) have successfully completed a program of qualifying experience established by rule by the division in collaboration with the board;
(f) have successfully passed examinations established by rule by the division in collaboration with the board; and
(g) meet with the board or representative of the division upon request for the purpose of evaluating the applicant's qualification for licensure.
(2) Each applicant for licensure as a professional structural engineer shall:
(a) submit an application in a form prescribed by the division;
(b) pay a fee determined by the department under Section 63J-1-504;
(c) provide satisfactory evidence of good moral character;
(d) have graduated and received an earned bachelors or masters degree from an engineering program meeting criteria established by rule by the division in collaboration with the board;
(e) have successfully completed three years of licensed professional engineering experience established by rule by the division in collaboration with the board, except that prior to January 1, 2009, an applicant for licensure may submit a signed affidavit in a form prescribed by the division stating that the applicant is currently engaged in the practice of structural engineering;
(f) have successfully passed examinations established by rule by the division in collaboration with the board, except that prior to January 1, 2009, an applicant for licensure may submit a signed affidavit in a form prescribed by the division stating that the applicant is currently engaged in the practice of structural engineering; and
(g) meet with the board or representative of the division upon request for the purpose of evaluating the applicant's qualification for licensure.
(3) Each applicant for licensure as a professional land surveyor shall:
(a) submit an application in a form prescribed by the division;
(b) pay a fee determined by the department under Section 63J-1-504;
(c) provide satisfactory evidence of good moral character;
(d) (i) have graduated and received an associates, bachelors, or masters degree from a

land surveying program, or an equivalent land surveying program, such as a program offered by the Utah College of Applied Technology as approved by the State Board of Regents, established by rule by the division in collaboration with the board, and have successfully completed a program of qualifying experience in land surveying established by rule by the division in collaboration with the board; or

(ii) have successfully completed a program of qualifying experience in land surveying prior to January 1, 2007, in accordance with rules established by the division in collaboration with the board;

(e) have successfully passed examinations established by rule by the division in collaboration with the board; and

(f) meet with the board or representative of the division upon request for the purpose of evaluating the applicant's qualification for licensure.

(4) Each applicant for licensure by endorsement shall:

(a) submit an application in a form prescribed by the division;

(b) pay a fee determined by the department under Section 63J-1-504;

(c) provide satisfactory evidence of good moral character;

(d) submit satisfactory evidence of:

(i) current licensure in good standing in a jurisdiction recognized by rule by the division in collaboration with the board;

(ii) having successfully passed an examination established by rule by the division in collaboration with the board; and

(iii) full-time employment as a licensed professional engineer, professional structural engineer, or professional land surveyor as a principal for at least five of the last seven years immediately preceding the date of the application; and

(e) meet with the board or representative of the division upon request for the purpose of evaluating the applicant's qualifications for license.

(5) The rules made to implement this section shall be in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 183, 2009 General Session

58-22-303. Term of license -- Expiration -- Renewal.

(1) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule. The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

(2) At the time of renewal the licensee shall show satisfactory evidence of completion of continuing education as may be required by rules enacted pursuant to Section 58-22-304.

(3) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

58-22-304. Continuing professional education.

(1) Each individual licensed as a professional land surveyor shall be required to complete a program of qualifying continuing professional education in accordance with standards defined by rule.

(2) Each individual licensed as a professional engineer or professional structural engineer may be required to complete a program of qualifying continuing professional education in accordance with standards defined by rule.

Repealed and Re-enacted by Chapter 259, 1996 General Session

58-22-305. Exemption from licensure.

(1) In addition to the exemptions from licensure in Section 58-1-307, the following may engage in the following acts or practices without being licensed under this chapter:

(a) a person offering to render professional engineering, professional structural engineering, or professional land surveying services in this state when not licensed under this chapter if the person:

(i) holds a current and valid professional engineer, professional structural engineer, or professional land surveyor license issued by a licensing authority recognized by rule by the division in collaboration with the board;

(ii) discloses in writing to the potential client the fact that the professional engineer, professional structural engineer, or professional land surveyor:

(A) is not licensed in the state;

(B) may not provide professional engineering, professional structural engineering, or professional land surveying services in the state until licensed in the state; and

(C) that such condition may cause a delay in the ability of the professional engineer, professional structural engineer, or professional land surveyor to provide licensed services in the state;

(iii) notifies the division in writing of his intent to offer to render professional engineering, professional structural engineering, or professional land surveying services in the state; and

(iv) does not provide professional engineering, professional structural engineering, or professional land surveying services, or engage in the practice of professional engineering, professional structural engineering, or professional land surveying in this state until licensed to do so;

(b) a person preparing a plan and specification for a one- or two-family residence not exceeding two stories in height;

(c) a person licensed to practice architecture under Title 58, Chapter 3a, Architects Licensing Act, performing architecture acts or incidental engineering or structural engineering practices that do not exceed the scope of the education and training of the person performing engineering or structural engineering;

(d) unlicensed employees, subordinates, associates, or drafters of a person licensed under this chapter while preparing plans, maps, sketches, drawings, documents, specifications, plats, and reports under the supervision of a professional engineer, professional structural engineer, or professional land surveyor;

(e) a person preparing a plan or specification for, or supervising the alteration of or repair to, an existing building affecting an area not exceeding 3,000 square feet when structural elements of a building are not changed, such as foundations, beams, columns, and structural slabs, joists, bearing walls, and trusses;

(f) an employee of a communications, utility, railroad, mining, petroleum, or manufacturing company, or an affiliate of such a company, if the professional engineering or professional structural engineering work is performed solely in connection with the products or systems of the company and is not offered directly to the public;

(g) an organization engaged in the practice of professional engineering, structural engineering, or professional land surveying, provided that:

(i) the organization employs a principal; and

(ii) all individuals employed by the organization, who are engaged in the practice of professional engineering, structural engineering, or land surveying, are licensed or exempt from licensure under this chapter; and

(h) a person licensed as a professional engineer, a professional structural engineer, or a professional land surveyor in a state other than Utah serving as an expert witness, provided the expert testimony meets one of the following:

(i) oral testimony as an expert witness in an administrative, civil, or criminal proceeding is not part of the practice of the respective professions for which a license is required; or

(ii) written documentation included as part of the testimony in a preceding, including designs, studies, plans, specifications, or similar documentation, is not part of the practice of the respective professions for which a license is required provided that the purpose of the written documentation is not to establish specifications, plans, designs, processes, or standards to be used in the future in any industrial process, system, construction, designs, or repairs.

(2) Nothing in this section shall be construed to restrict a draftsman from preparing plans for a client under the exemption provided in Subsection (1)(b) or taking those plans to a professional engineer for his review, approval, and subsequent fixing of the engineer's seal to that set of plans if they meet the building code standards.

Amended by Chapter 277, 2008 General Session

58-22-306. Admission criteria to take the Fundamentals of Engineering Examination.

The admission criteria to take the NCEES Fundamentals of Engineering Examination shall be enrollment in or graduation from one of the following accredited curriculums, or other curriculums as may be established by rule by the division in collaboration with the board:

(1) EAC/ABET curriculum; or

(2) TAC/ABET curriculum.

Repealed and Re-enacted by Chapter 259, 1996 General Session

58-22-401. Grounds for denial of license and disciplinary proceedings.

The division may refuse to issue a license to an applicant, refuse to renew the license of a licensee, revoke, suspend, restrict, or place on probation the license of a licensee, issue a public or private reprimand to a licensee, and issue cease and desist orders in accordance with Section 58-1-401.

Renumbered and Amended by Chapter 274, 1994 General Session

58-22-501. Unlawful conduct.

"Unlawful conduct" includes:

(1) using the title "professional engineer," "professional land surveyor," "land surveyor," "professional structural engineer," "structural engineer," or any other words, letters, abbreviations, or designations which represent recognized professional engineering disciplines indicating that the person using them is a professional engineer, professional land surveyor, or professional structural engineer if the person has not been licensed under this chapter, except as provided in Subsection 58-22-305(1);

(2) using the terms "engineering," "structural engineering," or "surveying" or any similar words, letters, or abbreviations to describe the type of activity performed or offered to be performed if the person has not been licensed under this chapter, except as provided in Subsection 58-22-305(1);

(3) engaging in or representing itself as engaging in the practice of professional engineering, professional structural engineering, or professional land surveying as a corporation, proprietorship, partnership, or limited liability company, except as provided in Subsection 58-22-305(1);

(4) engaging in the practice of engineering, structural engineering, or surveying as set forth in Subsections 58-22-102(9), (11), and (14), if the person has not been licensed under this chapter, except as provided in Section 58-1-307 or Subsections 58-3a-304(1)(b) through (f); or

(5) a professional engineer engaging in the practice of structural engineering as defined in Subsection 58-22-102(14)(a).

58-22-503. Penalty for unlawful conduct.

(1) (a) If upon inspection or investigation, the division concludes that a person has violated Subsections 58-1-501(1)(a) through (d) or Section 58-22-501 or any rule or order issued with respect to Section 58-22-501, and that disciplinary action is appropriate, the director or the director's designee from within the division for each alternative respectively, shall promptly issue a citation to the person according to this chapter and any pertinent rules, attempt to negotiate a stipulated settlement, or notify the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(i) A person who violates Subsections 58-1-501(1)(a) through (d) or Section 58-22-501 or any rule or order issued with respect to Section 58-22-501, as evidenced by an uncontested citation, a stipulated settlement, or by a finding of violation in an adjudicative proceeding, may be assessed a fine pursuant to this Subsection (1) and may, in addition to or in lieu of, be ordered to cease and desist from violating Subsections 58-1-501(1)(a) through (d) or Section 58-22-501 or any rule or order issued with respect to this section.

(ii) Except for a cease and desist order, the licensure sanctions cited in Section 58-22-401 may not be assessed through a citation.

(b) A citation shall:

(i) be in writing;

(ii) describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;

(iii) clearly state that the recipient must notify the division in writing within 20 calendar days of service of the citation if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and

(iv) clearly explain the consequences of failure to timely contest the citation or to make payment of any fines assessed by the citation within the time specified in the citation.

(c) The division may issue a notice in lieu of a citation.

(d) Each citation issued under this section, or a copy of each citation, may be served upon any person whom a summons may be served in accordance with the Utah Rules of Civil Procedure and may be made personally or upon the person's agent by a division investigator or by any person specially designated by the director or by mail.

(e) If within 20 calendar days from the service of the citation, the person to whom the citation was issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review. The period to contest a citation may be extended by the division for cause.

(f) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a licensee who fails to comply with a citation after it becomes final.

(g) The failure of an applicant for licensure to comply with a citation after it becomes final is a ground for denial of license.

(h) No citation may be issued under this section after the expiration of six months following the occurrence of any violation.

(i) The director or the director's designee shall assess fines according to the following:

(i) for a first offense handled pursuant to Subsection (1)(a), a fine of up to $1,000;

(ii) for a second offense handled pursuant to Subsection (1)(a), a fine of up to $2,000; and

(iii) for any subsequent offense handled pursuant to Subsection (1)(a), a fine of up to $2,000 for each day of continued offense.

(2) An action initiated for a first or second offense which has not yet resulted in a final order of the division shall not preclude initiation of any subsequent action for a second or subsequent offense during the pendency of any preceding action. The final order on a subsequent action shall be considered a second or subsequent offense, respectively, provided the preceding action resulted in a first or second offense, respectively.

(3) Any penalty which is not paid may be collected by the director by either referring the matter to a collection agency or bringing an action in the district court of the county in which the person against whom the penalty is imposed resides or in the county where the office of the director is located. Any county attorney or the attorney general of the state shall provide legal assistance and advice to the director in any action to collect the penalty. In any action brought to enforce the provisions of this section, reasonable attorney's fees and costs shall be awarded to the division.

Amended by Chapter 382, 2008 General Session

58-22-601. Seal -- Design and implementation.

Every professional engineer, professional land surveyor, or professional structural engineer shall have a seal, the design and implementation of which shall be established by rule by the division in collaboration with the board.

Enacted by Chapter 259, 1996 General Session

58-22-602. Plans, specifications, reports, maps, sketches, surveys, drawings, documents, and plats to be sealed.

(1) Any final plan, specification, and report of a building or structure erected in this state shall bear the seal of a professional engineer or professional structural engineer licensed under this chapter, except as provided in Section 58-22-305, in Title 58, Chapter 3a, Architect Licensing Act, and by the codes adopted under Title 58, Chapter 56, Uniform Building Standards Act.

(2) Any final plan, specification, and report prepared by, or under the supervision of, the professional engineer or professional structural engineer shall bear the seal of the professional

engineer or professional structural engineer when submitted to a client, when filed with public authorities, or when submitted to a building official for the purpose of obtaining a building permit, even if the practice is exempt from licensure under Section 58-22-305.

(3) Any final plan, map, sketch, survey, drawing, document, plat, and report shall bear the seal of the professional land surveyor licensed under this chapter when submitted to a client or when filed with public authorities.

Enacted by Chapter 259, 1996 General Session

58-22-603. Seal -- Authorized use.

(1) A professional engineer or professional structural engineer may only affix the licensee's seal to a plan, specification, and report when the plan, specification, and report:

(a) was personally prepared by the licensee;

(b) was prepared by an employee, subordinate, associate, or drafter under the supervision of a licensee, provided the licensee or a principal affixing his seal assumes responsibility;

(c) was prepared by a licensed professional engineer, professional structural engineer, or architect in this state or any other state provided:

(i) the licensee in this state affixing the seal performs a thorough review of all work for compliance with all applicable laws and rules and the standards of the profession; and

(ii) makes any necessary corrections before submitting the final plan, specification, or report:

(A) to a building official for the purpose of obtaining a building permit; or

(B) to a client who has contracted with a professional engineer or professional structural engineer for the design of a building or structure, when the licensee represents, or could reasonably expect the client to consider, the plan, specification, or report to be complete and final;

(d) was prepared in part by a licensed professional engineer, professional structural engineer, or architect in this state or any other state provided:

(i) the licensee in this state clearly identifies that portion of the plan, specification, or report for which the licensee is responsible;

(ii) the licensee in this state affixing the seal performs a thorough review of that portion of the plan, specification, or report for which the licensee is responsible for compliance with the standards of the profession; and

(iii) makes any necessary corrections before submitting the final plan, specification, or report for which the licensee is responsible:

(A) to a building official for the purpose of obtaining a building permit; or

(B) to a client who has contracted with a professional engineer or professional structural engineer for the design of a building or structure, when the licensee represents, or could reasonably expect the client to consider, the plans, specifications, or reports to be complete and

final;

(e) was prepared by a person exempt from licensure as a professional engineer, professional structural engineer, or architect provided that:

(i) the licensee in this state affixing the seal performs a thorough review for compliance with all applicable laws and rules and the standards of the profession; and

(ii) makes any necessary corrections before submitting the final plan, specification, or report:

(A) to a building official for the purpose of obtaining a building permit; or

(B) to a client who has contracted with a professional engineer, professional structural engineer, or architect for the design of a building or structure, when the licensee represents, or could reasonably expect the client to consider, the plan, specification, or report to be complete and final; or

(f) meet any additional requirements established by rule by the division in collaboration with the board.

(2) A professional land surveyor may only affix the licensee's seal to a plan, map, sketch, survey, drawing, document, plat, and report when the plan, map, sketch, survey, drawing, document, plat, and report:

(a) was personally prepared by the licensee; or

(b) was prepared by an employee, subordinate, associate, or drafter under the supervision of a professional land surveyor, provided the professional land surveyor or a principal affixing his seal assumes responsibility.

Enacted by Chapter 259, 1996 General Session

Title 58 Chapter 24b -- Phy