

### **Part 3 Licensure**

#### **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 principal for at least five of the last seven years immediately preceding the date of the application as a:
- (A) licensed professional engineer for licensure as a professional engineer;
- (B) licensed professional structural engineer for licensure as a structural engineer; or
- (C) licensed professional land surveyor for licensure as a professional land surveyor; 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 367, 2011 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.

Amended by Chapter 259, 1996 General Session

**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 the person's 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; or
    - (ii) written documentation included as part of the testimony in a proceeding, including designs, studies, plans, specifications, or similar documentation, 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 an industrial process, system, construction, design, or repair.
- (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 the engineer's review, approval, and subsequent fixing of the engineer's seal to that set of plans, if the plans meet the building code standards.

Amended by Chapter 262, 2013 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