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# Engineering Laws, Rules and Ethics for Indiana Professional Engineers

Course No: IN2-005

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# Chapter 1

## Overview of Indiana Engineering Board Regulations

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### **Indiana State Board of Registration for Professional Engineers**

The Indiana State Board of Registration for Professional Engineers (Board) was created with the charge of protecting life, health, and property and to promote the public welfare. The Board reviews applications, administers examinations, licenses qualified applicants, and regulates the professional practice of licensees throughout the state. The Board also has the power to adopt rules, set standards for licensure, adopt mandatory standards of professional conduct and ethics, and investigate and discipline unauthorized, negligent, unethical or incompetent practice. The Board consists of seven members: six professional engineers appointed by the Governor and one member appointed from the public at large. All seven members are appointed for a term of four years.

The Board has the authority to implement provisions of the Indiana Code: Title 25, Article 31 "Professional Engineers" and the Indiana Administrative Code: Title 864, "State Board of Registration for Professional Engineers".

### **Indiana Code (Statutory Laws)**

The Indiana Code is a collection of state laws organized by subject area into a code made up of titles and articles. Title 25, Article 31, "Professional Engineers" was created by the Indiana General Assembly in the interest of public health and safety to regulate the practice of engineering in the State of Indiana. It was created by laws that adopt, amend, or repeal statutory material. The Indiana Code states the law followed by the history of the law which indicates when it was originally filed and subsequent effective dates of enactment.

Pertinent sections of Title 25, Article 31, which relate to Indiana professional engineering laws and rules are presented in Chapter 2 below.

### **Indiana Administrative Code (Board Rules)**

The Indiana Administrative Code is a compilation of the rules and regulations of the Indiana regulatory agencies. It is organized by titles with each title number representing a department, commission, board or other agency. Title 864 of the rules was created by the Indiana General Assembly and enforced by the Board. The Indiana Administrative Code states the rule followed by the history of the rule which indicates when the rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date.

Pertinent sections of Title 864, which relate to the Indiana professional engineering laws and rules are presented in Chapter 3 below.

### **Indiana Board Disciplinary Process**

The Indiana Professional Licensing Agency and each of its boards and commissions is charged with the responsibility of disciplining license holders who have violated practice standards, acted dishonestly, or acted unethically. Indiana has standards of practice that apply to all regulated professions. Those standards, along with laws and rules specific to each profession, provide the basis upon which boards impose discipline on licensed professionals.

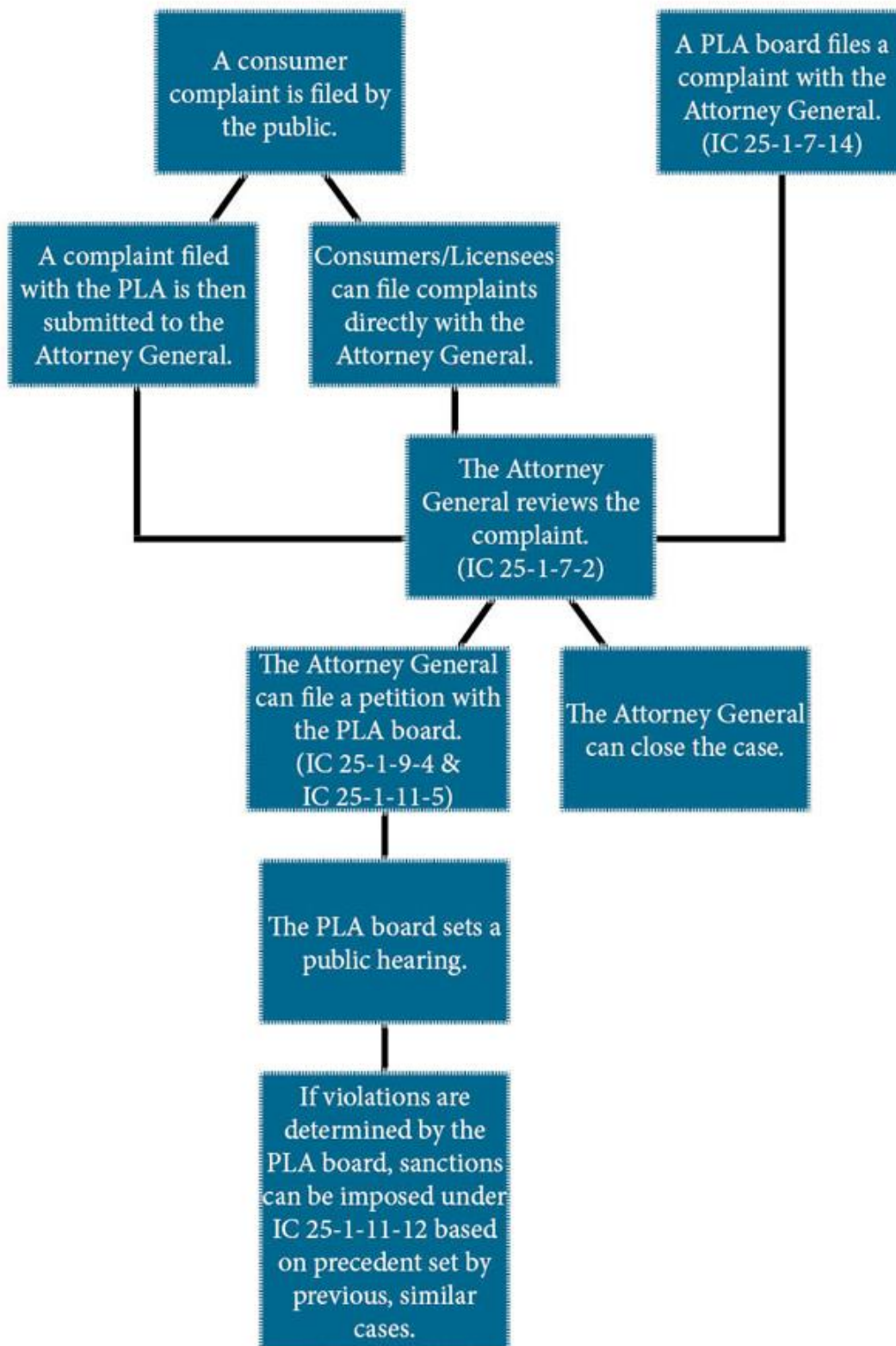
A consumer complaint can be filed with the Indiana Professional Licensing Agency or directly to its ultimate home, the Indiana Attorney General. Either way, the first step for any complaint is a review by the Attorney General. If evidence is found to suggest the complaint has merit, the Attorney General then brings it to the appropriate board or commission, seeking action against the license holder. (This step is much like a prosecutor who believes he has a case to take to court; in this situation, the Attorney General 'tries the case' before the respective board or commission, which acts like a judge). It is the Attorney General, then, who decides to seek disciplinary action. Once the Attorney General pursues the case it is the board or commission that holds a hearing and determines the outcome, including disciplinary actions.

The complaint names the State of Indiana as the petitioner and the attorney general, through a deputy attorney general, represents the state. The complaint describes the alleged conduct the professional, referred to as the respondent, has engaged in and the standards of practice the professional has allegedly violated unless it is a complaint for a summary suspension. Complaints for summary suspension often include only a general statement of facts alleging that a professional represents a clear and immediate danger to the public health and safety if the professional is allowed to continue to practice.

Disciplinary hearings are held before the board or an administrative law judge appointed by the board. A case may be resolved through a settlement agreement, in which case there will be no evidentiary hearing. After a hearing, the board will deliberate and make its findings of fact and conclusions of law, and then the board decides the appropriate disciplinary sanction, if any, to impose on the professional's license. The possible sanctions are: revocation, suspension, probation, censure, reprimand, or a combination of these. The boards also have the authority to impose a fine in an amount not to exceed \$1,000 for each violation of law, except for a finding of incompetence due to a physical or mental disability.

The flow chart below, which was taken from the Indiana Board website, depicts the Indiana Consumer Complaint Process.

## Indiana Consumer Complaint Process



*Note: Figure above is courtesy of the IN Board Website.*

# Chapter 2

## Indiana Code: Title 25, Article 31

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### **Title 25, Article 31: Professional Engineers**

*The following are excerpts from Title 25, Article 31 of the Indiana Code. If you wish to review the entire article, please visit the website of the Indiana State Board of Registration for Professional Engineers and access the Board webpage at:*

<http://iga.in.gov/legislative/laws/2020/ic/titles/025#25-31>

#### **IC 25-31-1-16 Seal**

(a) The granting of registration extends to the registrant the authority to use a seal of a design approved by the board bearing the registrant's name, registration number, and the legend "professional engineer".

(b) During the period of time that a registrant's certificate is valid, the registrant is authorized to apply the registrant's seal to plans, specifications, studies, drawings, and reports. Applying the registrant's seal attests that:

(1) the work embodies the engineering work of the registrant;

(2) the registrant or an employed subordinate supervised by the registrant prepared the documents, and in the context of engineered plans "prepared" refers to the registrant's control and direction of the engineering work and design process;

(3) the registrant assumes full professional responsibility for the documents; and

(4) the work meets standards of acceptable engineering practice.

(c) It is unlawful for any person to stamp or seal any document with a seal after the certificate of the registrant named on the seal has expired or has been revoked.

*(Formerly: Acts 1935, c.148, s.16; Acts 1961, c.277, s.6.) As amended by P.L.23-1991, SEC.24; P.L.215-1993, SEC.15.*

#### **IC 25-31-1-17 Renewal of certificate**

(a) Subject to IC 25-1-2-6(e), unless renewed, a certificate issued under this chapter expires on a date specified by the licensing agency under IC 25-1-6-4 and expires biennially after the initial expiration date. An applicant for renewal shall submit an application in the manner prescribed by the board and pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency.

(b) Subject to IC 25-1-2-6(e), if the holder of a certificate does not renew the certificate by the date specified by the licensing agency, the certificate expires and becomes invalid without the board taking any action.

(c) The failure on the part of a registrant to renew a certificate does not deprive the registrant of the right of renewal.

(d) If a certificate has been expired for not more than three (3) years, the certificate may be reinstated by the board if the holder of the certificate meets the requirements for reinstatement under IC 25-1-8-6(c).

(e) If a certificate has been expired for more than three (3) years, the certificate may be reinstated by the board if the holder of the certificate meets the requirements for reinstatement under IC 25-1-8-6(d).

*(Formerly: Acts 1935, c.148, s.17; Acts 1961, c.277, s.7; Acts 1965, c.284, s.8; Acts 1969, c.279, s.6.) As amended by P.L.215-1993, SEC.16; P.L.194-2005, SEC.81; P.L.105-2008, SEC.59; P.L.177-2015, SEC.70.*

#### **IC 25-31-1-17.5 Continuing education rules**

(a) The board may adopt rules requiring a professional engineer to obtain continuing education for renewal of a certificate under section 17 of this chapter.

(b) If the board adopts rules under this section, the rules must do the following:

(1) Establish an inactive certificate of registration that:

(A) does not require the holder of an inactive certificate to obtain continuing education; and

(B) prohibits the holder of an inactive certificate from practicing engineering.

(2) Establish requirements for reactivation of an inactive certificate.

*As added by P.L.215-1993, SEC.17.*

#### **IC 25-31-1-18 Corporate practice**

(a) A registration certificate for a professional engineer may be issued only to a natural person.

(b) A business, including a proprietorship, partnership, or corporation, doing business in Indiana may not practice or offer to practice engineering unless that practice is carried on under the responsible direction and supervision of a registered professional engineer who is a full-time employee of the business. All plans, sheets of designs, specifications, reports, studies, or other engineering documents that require certification and are prepared by the personnel of a business must carry the signature and seal of the registered professional engineer who is in responsible charge of the professional engineering work.

*(Formerly: Acts 1935, c.148, s.18; Acts 1957, c.320, s.8; Acts 1961, c.277, s.8; Acts 1967, c.95, s.1.) As amended by P.L.23-1991, SEC.25; P.L.215-1993, SEC.18.*



### **IC 25-31-1-19 Public projects; employment of professional engineer**

(a) A county, city, town, township, school corporation, or other political subdivision of this state may not engage in the construction or maintenance of any public work involving the practice of engineering for which plans, specifications, and estimates have not been prepared, certified, and sealed by, and the construction and maintenance executed under the direct supervision of, a professional engineer. Any contract executed in violation of this section is void.

(b) An official of this state, or of any city, town, county, township, or school corporation, charged with the enforcement of any law, ordinance, or rule relating to the design, construction, or alteration of buildings or structures may not use or accept or approve any plans or specifications that have not been prepared by, or under the supervision of and certified by, a registered professional engineer. This subsection does not apply:

(1) to plans or specifications prepared by, or under the supervision of and certified by, an architect who is registered under IC 25-4-1;

(2) to structures and construction listed in IC 22-15-3-3(a); or

(3) to plans or specifications contained in a registration, license, or permit application, including an application for an initial permit, the renewal of a permit, the modification of a permit, or a variance from a permit submitted to the commissioner of the department of environmental management under IC 13, unless the permit is for the approval of plans or specifications for construction for which a professional engineer's seal is required by operation of either state or federal law, rule, or regulation. This subsection does not require a professional engineer's seal for an application for an air quality construction permit under 326 IAC 2-1-3.

This section shall not be construed as to abridge or otherwise affect the powers of any state board or department to issue rules governing the safety of buildings or structures.

(c) All maps required to show the underground workings of any mine in Indiana must be prepared, certified, and sealed by a professional engineer or professional surveyor.

*(Formerly: Acts 1935, c.148, s.19; Acts 1947, c.262, s.8; Acts 1957, c.320, s.9; Acts 1961, c.277, s.9; Acts 1965, c.284, s.9.) As amended by P.L.8-1984, SEC.121; P.L.23-1991, SEC.26; P.L.215-1993, SEC.19; P.L.82-1994, SEC.30; P.L.246-1995, SEC.1; P.L.57-2013, SEC.85.*

### **IC 25-31-1-20 Exempt persons**

(a) An employee or a subordinate of any person who holds a certificate of registration under the provisions of this chapter is exempt from the provisions of this chapter if the practice of the employee or subordinate does not include responsible charge of design or supervision.

(b) This chapter does not require registration for the purpose of practicing engineering by an individual or a business:

(1) on property owned or leased by that individual or business unless the engineering practice involves the public health or safety, or the health or safety of the employees of that

individual or business;

(2) for the performance of engineering which relates solely to the design or fabrication of manufactured products; or

(3) that is registered as a landscape architect under IC 25-4-2 and while the individual or business is engaged in the practice of landscape architecture planning the use of land or water.

*(Formerly: Acts 1935, c.148, s.20; Acts 1947, c.262, s.9; Acts 1951, c.125, s.1; Acts 1961, c.277, s.10; Acts 1969, c.279, s.7.) As amended by Acts 1982, P.L.154, SEC.103; P.L.23-1991, SEC.27; P.L.1-1993, SEC.198; P.L.215-1993, SEC.20.*

### **IC 25-31-1-21 License by reciprocity**

The board may, upon application and payment of a fee established by the board in the board's rules, issue a certificate of registration as a professional engineer to an individual who holds a valid certificate of registration as a professional engineer, issued to the applicant by the proper authority of any state or territory or possession of the United States if the requirements for registration of professional engineers that the certificate of registration was issued under do not conflict with the provisions of this chapter. In determining the qualifications of an applicant, the board may accept the verified professional record of the applicant that is certified by the National Council of Examiners for Engineers and Surveyors. However, an applicant meets the experience requirement under section 12 of this chapter if the applicant:

(1) has at least three (3) years of engineering work experience after the applicant graduates from an approved engineering curriculum but before the applicant successfully passes an examination required under section 14 of this chapter; and

(2) has been registered or licensed as a professional engineer in another state for at least ten (10) years.

*(Formerly: Acts 1935, c.148, s.21; Acts 1957, c.320, s.10; Acts 1965, c.284, s.10; Acts 1969, c.279, s.8.) As amended by Acts 1982, P.L.154, SEC.104; P.L.23-1991, SEC.28; P.L.215-1993, SEC.21; P.L.194-2005, SEC.82.*

### **IC 25-31-1-24 Conduct of hearings**

All hearings conducted by the board shall be held pursuant to IC 4-21.5-3.

*(Formerly: Acts 1935, c.148, s.24; Acts 1965, c.284, s.12.) As amended by Acts 1977, P.L.172, SEC.47; P.L.7-1987, SEC.128; P.L.214-1993, SEC.81; P.L.215-1993, SEC.24.*

### **IC 25-31-1-25 Judicial review**

An applicant or a registrant who is aggrieved by an order or determination of the board is entitled to a judicial review under IC 4-21.5.

*(Formerly: Acts 1935, c.148, s.25; Acts 1965, c.284, s.13.) As amended by Acts 1982, P.L.154, SEC.105; P.L.3-1989, SEC.148; P.L.215-1993, SEC.25.*

### **IC 25-31-1-26 Issuance of duplicate certificate**

A certificate of registration, or a certification as an engineering intern to replace a certificate which has been lost, destroyed, or mutilated, may be issued subject to the rules of the board and the fee established under IC 25-1-8-2.

*(Formerly: Acts 1935, c.148, s.26; Acts 1947, c.262, s.10; Acts 1961, c.277, s.12.) As amended by P.L.215-1993, SEC.26; P.L.235-1995, SEC.10.*

### **IC 25-31-1-27 Practicing without license and other specific violations**

A person who:

- (1) practices or offers to practice engineering without being registered or exempted under the laws of this state;
- (2) presents as the person's own the certificate of registration or the seal of another;
- (3) gives any false or forged evidence of any kind to the board or to any member of the board in obtaining a certificate of registration;
- (4) impersonates any other registrant;
- (5) uses an expired, suspended, or revoked certificate of registration; or
- (6) otherwise violates this chapter;

commits a Class B misdemeanor.

*(Formerly: Acts 1935, c.148, s.27; Acts 1947, c.262, s.11.) As amended by Acts 1978, P.L.2, SEC.2554; P.L.23-1991, SEC.30; P.L.215-1993, SEC.27.*

### **IC 25-31-1-28 Enforcement; use of investigative fund**

(a) It is the duty of all law enforcement officers of this state, or any political subdivision, to enforce the provisions of this chapter and to apprehend and prosecute any person who violates any of the provisions of this chapter.

(b) The attorney general shall act as the legal advisor of the board and render any legal assistance as may be necessary in carrying out the provisions of this chapter.

(c) The attorney general and the licensing agency may use the registered professional engineers and registered engineering interns investigative fund established by section 35 of this chapter to hire investigators and other employees to enforce the provisions of this article and to investigate and prosecute violations of this article.

*(Formerly: Acts 1935, c.148, s.28.) As amended by Acts 1982, P.L.154, SEC.106; P.L.215-1993, SEC.28; P.L.194-2005, SEC.83.*

## **IC 25-31-1-29 Injunctions**

(a) The attorney general, the prosecuting attorney of any county, the board, or a citizen of any county where a person who is not exempted engages in the practice of engineering without first having obtained a certificate of registration or without first having renewed an expired certificate of registration may, in accordance with the provisions of the laws of this state governing injunctions, file an action in the name of the state of Indiana to enjoin that person from engaging in the practice of engineering until a certificate of registration is secured or renewed.

(b) Any person who has been enjoined and violates an injunction shall be punished for contempt of court. An injunction does not relieve a person engaged in the practice of engineering without a certificate of registration or without first having renewed an expired certificate of registration from a criminal prosecution.

(c) The remedy by injunction is in addition to any remedy provided for herein for the criminal prosecution of the offender. In charging any person in a complaint for violation of the provisions of this chapter by engaging in the practice of engineering without a certificate of registration or without having renewed an expired certificate of registration, it is sufficient to charge that the offender:

- (1) on a certain day in a certain county practiced or offered to practice engineering; and
- (2) was not registered or exempted under this chapter.

*(Formerly: Acts 1935, c.148, s.29; Acts 1947, c.262, s.12.) As amended by Acts 1982, P.L.154, SEC.107; P.L.23-1991, SEC.31; P.L.215-1993, SEC.29.*

## **IC 25-1-11-9 Engineers or professional surveyors; grounds for disciplinary sanctions**

A practitioner registered as an engineer or a professional surveyor is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner:

- (1) has permitted the practitioner's seal to be affixed to plans, specifications, or drawings not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates; or
- (2) has used the title "architect" or advertised to practice architecture and is not registered under IC 25-4-1.

*As added by P.L.214-1993, SEC.1. Amended by P.L.42-2011, SEC.54; P.L.57-2013, SEC.30.*

# Chapter 3

## Indiana Administrative Code: Title 864 (Revised October 2020)

### TITLE 864: STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

*The following are excerpts from Title 864 of the Indiana Administrative Code. If you wish to review the entire title, please visit the website of the Indiana State Board of Registration for Professional Engineers and access the Board webpage at:*

<http://www.in.gov/legislative/iac/T08640/A00011.PDF?>

#### RULE 7. REGISTRANT'S SEAL

##### 864 IAC 1.1-7-2 Design and contents of seal

(a) The engineer seal shall generally be between one and five-eighths (1 5/8) inches and one and seven-eighths (1 7/8) inches in outside diameter, using the following design:



Plans containing an engineer seal of specified size may be reduced as long as the seal remains legible.

(b) The seal may be embossed, electronically applied to a drawing, or applied by a rubber stamp in conformance with the design as shown in subsection (a). The seal may have a milled edge, as shown, or two (2) concentric circles with the outer and inner circles corresponding with the respective edges of the milling.

(c) The name and registration number of the registrant inscribed on the seal shall correspond to the name and certificate number inscribed on the certificate of registration. However, the letters "PE" may be excluded from the certificate number.

*(State Board of Registration for Professional Engineers; Rule 7, Sec 2; filed Feb 29, 1980, 3:40 p.m.: 3 IR 632; filed Oct 17, 1986, 2:20 p.m.: 10 IR 441; filed Sep 24, 1992, 9:00 a.m.: 16 IR 729; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2109; readopted filed Jun 21, 2001,*

9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

### **864 IAC 1.1-7-3 Application of seal; signature**

(a) The seal shall be affixed to documents and instruments only during the time the certificate of registration is current and has not been suspended or revoked and then only on such documents and instruments that have been prepared by the registrant or by the regularly employed and directly supervised subordinates of the registrant. The registrant shall be responsible for seeing that the seal, however affixed, and the signature shall be legible on the document.

(b) Whenever a registrant affixes the seal, it shall have:

(1) the registrant's original handwritten, electronic, or other signature recognized under Indiana law; and

(2) the date the seal is being affixed; directly adjacent to the seal, but not across the seal. As used in this subsection, "electronic signature" means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record.

(c) When a registrant is in responsible charge of engineering work for which one (1) or more:

(1) specifications;

(2) plans; and

(3) drawings;

are required to be submitted for review by the state building commissioner or other governmental body, the registrant shall apply the seal in the full manner required by this section on each page of all drawings or plans and on the title page of all specifications.

(d) A registrant who is not in responsible charge of the entire work, but assumes responsibility for portions of the work included on any page of:

(1) specifications;

(2) plans; or

(3) drawings;

shall affix the seal in the manner required by this section on all pages of plans or drawings on which the registrant's work appears and on the title pages of specifications in which the registrant's work appears.

(e) When affixing the seal, the registrant shall denote the registrant's part of the work by inserting below the registrant's signature and date, language similar to the following:

COVERING \_\_\_\_\_ DESIGN.

*(State Board of Registration for Professional Engineers; Rule 7, Sec 3; filed Feb 29, 1980, 3:40 p.m.: 3 IR 632; filed Oct 17, 1986, 2:20 p.m.: 10 IR 441; filed Jun 8, 1989, 4:45 p.m.: 12 IR 1903; filed Sep 24, 1992, 9:00 a.m.: 16 IR 730; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2110; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA; filed Dec 1, 2017, 10:32 a.m.: 20171227-IR-864150451FRA)*

#### **864 IAC 1.1-7-4 Use of seal and signature; acceptance of full responsibility**

(a) The seal and signature of a registrant on any drawings, documents, or instruments signifies the registrant's acceptance of full responsibility for the professional work represented thereon, except as another registrant shall have assumed a limited responsibility for portions of the work in accordance with section 3(d) of this rule.

(b) A registrant may include in the registrant's plans certain predesigned manufactured equipment or products which have become established as acceptable for the proposed use, when such items:

(1) meet standards established by nonprofit trade organizations;

(2) meet the requirements for the proposed use as indicated by tests performed by a competent, unbiased testing agency;

(3) are mechanical, electrical, or other types of machinery or systems guaranteed by a reputable manufacturer; or

(4) do not affect the structural safety of the project.

*(State Board of Registration for Professional Engineers; Rule 7, Sec 4; filed Feb 29, 1980, 3:40 p.m.: 3 IR 633; filed Sep 24, 1992, 9:00 a.m.: 16 IR 730; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2110; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

### **RULE 8. RENEWAL**

#### **864 IAC 1.1-8-1 Renewal of registration; fees; notice**

The board has adopted the following to clarify and implement the payment of renewal fees on a biennial basis:

(1) For purposes of biennial renewal, the postmark on the envelope containing the remittance will be considered the date of payment.

(2) When the renewal fee is not paid on time:

(A) the certificate of registration becomes invalid; and

(B) the individual cannot lawfully practice or offer to practice engineering;

until the renewal fee and required delinquent fee is paid and all other requirements for reinstatement of the certificate of registration have been met.

*(State Board of Registration for Professional Engineers; Rule 8, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 633; filed Oct 17, 1986, 2:20 p.m.: 10 IR 442; filed Sep 24, 1992, 9:00 a.m.: 16 IR 731; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA; filed Dec 1, 2017, 10:32 a.m.: 20171227-IR-864150451FRA)*

## **RULE 15. CONTINUING EDUCATION**

### **864 IAC 1.1-15-1 Continuing education**

This rule establishes the continuing education requirements for professional engineers.

*(State Board of Registration for Professional Engineers; 864 IAC 1.1-15-1; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

### **864 IAC 1.1-15-2 Definitions**

(a) As used in this rule, "biennium" means a two (2) year licensure period during which continuing education requirements must be met. It:

(1) commences on August 1 of an even-numbered year; and

(2) concludes on July 31 of the next even-numbered year.

(b) Based on IC 25-1-4-0.5 and as used in this rule, "continuing education" means an orderly process of instruction that is:

(1) approved by an approved organization (as defined in IC 25-1-4-0.2) or the board; and

(2) designed to directly enhance a professional engineer's knowledge and skill in providing services relevant to the practice of engineering.

The activities described in section 4 of this rule qualify as continuing education if they augment the professional engineer's knowledge and skill in providing services relevant to the practice of engineering.

(c) As used in this rule, "hour of continuing education" means at least fifty (50) minutes of instruction or course contact time. "Hours of continuing education" has the same meaning for the number of hours stated. An alternate term for an hour of continuing education that is used nationally with continuing education for professional engineers is professional development hour or PDH.

*(State Board of Registration for Professional Engineers; 864 IAC 1.1-15-2; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR864090788FRA; filed Nov 15, 2013, 2:51 p.m.: 20131211-*



*IR-864130333FRA, eff Jan 1, 2014; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

### **864 IAC 1.1-15-3 Continuing education hours required**

(a) Except for holders of an inactive certificate under section 9 of this rule, during each biennium a professional engineer shall complete thirty (30) hours of continuing education that meets the requirements of this rule and IC 25-1-4 in order to renew his or her professional engineer registration. This continuing education requirement first applies to the biennium of August 1, 2010, through July 31, 2012, and therefore first applies to the July 31, 2012, renewal.

(b) At least one (1) hour of the continuing education required in each biennium under subsection (a) shall be in ethics applicable to the practice of professional engineering.

(c) At least one (1) hour of the continuing education required in each biennium under subsection (a) shall be in Indiana statutes and rules applicable to the practice of professional engineering.

(d) A professional engineer initially licensed in Indiana in the first year of a biennium shall only be required to obtain fifteen (15) hours of continuing education. A professional engineer initially licensed in Indiana in the second year of a biennium shall not be required to obtain any continuing education.

(e) Up to fifteen (15) hours of continuing education obtained during a biennium beyond what is required for that biennium may be carried over to the next biennium.

*(State Board of Registration for Professional Engineers; 864 IAC 1.1-15-3; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA; filed Nov 15, 2013, 2:51 p.m.: 20131211-IR-864130333FRA, eff Jan 1, 2014; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

### **864 IAC 1.1-15-4 Credit for distance learning, teaching, college courses and other qualifying activities**

(a) Distance learning courses obtained by distance learning methods shall qualify.

(b) Courses that are relevant to the professional engineer's professional skills, which are part of the curriculum of an accredited university, college, or educational institution, shall earn:

(1) fifteen (15) hours of continuing education for each academic semester hour completed;  
or

(2) ten (10) hours of continuing education for each academic quarter hour completed.

(c) Teaching a course at an accredited university, college, or educational institution shall earn two (2) times the number of hours a student is allowed under subsection (b), but only for the first time the instructor teaches the course.

(d) Services as an instructor or presenter at a qualified continuing education course shall earn two (2) hours of continuing education for each hour taught, but only for the initial instruction or presentation.

(e) Active participation in educational outreach activities with kindergarten to grade 12, or higher education students pertaining to professional engineer registration or the engineering profession shall qualify for a maximum of one (1) hour of continuing education per activity, and a maximum of two (2) hours of continuing education per biennium.

(f) Active participation in a professional or technical society relating to the practice of engineering shall qualify for one (1) hour of continuing education per year of service and, therefore, a maximum of two (2) hours of continuing education per biennium.

(g) Authoring of published papers, articles, or books relevant to the professional engineer's practice of engineering shall qualify for five (5) hours of continuing education in the biennium in which the publication occurred unless peer reviewed for an archival journal, in which case it shall qualify for ten (10) hours of continuing education in the biennium in which the publication occurred. Not more than one (1) paper, article, or book may be counted in any one (1) biennium.

(h) Attainment of a patent relevant to the professional engineer's practice of engineering shall qualify for ten (10) hours for each patent.

*(State Board of Registration for Professional Engineers; 864 IAC 1.1-15-4; filed Jul 19, 2010, 11:22 a.m.: 20100818- IR-864090788FRA; filed Nov 15, 2013, 2:51 p.m.: 20131211-IR-864130333FRA, eff Jan 1, 2014; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

#### **864 IAC 1.1-15-5 Approval of continuing education programs**

(a) It is the professional engineer's responsibility to ensure that the course is applicable to enhancing the practice of engineering. According to IC 25-1-4-0.5, certain courses are automatically approved by being approved by an approved organization under IC 25-1-4-0.2 assuming the subject matter of the course is acceptable under this rule by being designed to directly enhance the practitioner's knowledge and skill. For any course not automatically approved, the following criteria shall be used for board approval of continuing education programs for professional engineers:

(1) The continuing education course shall have a statement of objectives, which the program should achieve for its participants relating to and enhancing the practice of engineering.

(2) The sponsor of continuing education courses shall provide:

(A) adequate administration, including a responsible person to coordinate and administer the program; and

(B) for the maintenance of proper records.

(3) The curriculum of a continuing education course shall be thoughtfully planned and designed to explore in considerable depth one (1) subject or a closely related group of subjects related to the practice of engineering.

(4) The continuing education course shall:

(A) have qualified instructors who have demonstrated competence in the subject areas;

(B) be held in adequate facilities that allow for an effective program; and

(C) employ a variety of educational methods and teaching aids that enhance the learning opportunities.

(5) Appropriate methods of evaluation shall be devised and used to measure the continuing education course's effectiveness.

(6) The sponsor of the continuing education course shall provide to the participants a meaningful record of attendance stating the continuing education hours involved, such as a certificate of completion.

(b) Continuing education courses may be approved by the board provided the sponsoring organization has submitted the proper documentation.

(c) The sponsor of the course is responsible for monitoring attendance in such a manner that verification of attendance throughout the entire course can be reliably assured.

(d) Notwithstanding subsections (a) and (b), continuing education courses for professional engineers approved by an approved organization under IC 25-1-4-0.2 are automatically approved.

(e) Without limiting any other organization that may qualify under IC 25-1-4-0.2, the following shall be an "approved organization" under IC 25-1-4-0.2 and this rule:

(1) Professional engineering related technical or professional societies, organizations, councils, associations, or institutions.

(2) Organizations or individuals who are approved by the board as provided for in subsection (f).

(f) To qualify for approval under subsection (e)(2), an organization or individual shall:

(1) Apply to the board certifying that continuing education courses shall comply with the provisions of subsection (a)(1) through (a)(6) and, as applicable, with IC 25-1-4 and other provisions of this rule, and receive the board's approval.

(2) Submit an annual report to the board no later than February 15 that represents that the organization or individual complies with the requirements of subdivision (1).

(3) Be subject to a board audit for compliance with subsection (a)(1) through (a)(6) and, as applicable, with IC 25-1-4 and other provisions of this rule.

(g) The approval of an organization or individual under subsection (e)(2) may be rescinded if the organization or individual does not comply with subsection (a)(1) through (a)(6) and, as applicable, IC 25-1-4 and other provisions of this rule.

*(State Board of Registration for Professional Engineers; 864 IAC 1.1-15-5; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA; filed Nov 15, 2013, 2:51 p.m.: 20131211-*

*IR-864130333FRA, eff Jan 1, 2014; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR864160321RFA)*

#### **864 IAC 1.1-15-6 Reporting continuing education**

(a) A licensee must sign the renewal form provided by the Indiana professional licensing agency that verifies that all continuing education requirements according to section 3 of this rule will have been met by the time of license renewal.

(b) The professional engineer shall maintain copies of certificates of completion of continuing education courses for a period of three (3) years following the end of the biennium.

*(State Board of Registration for Professional Engineers; 864 IAC 1.1-15-6; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR864160321RFA)*

#### **864 IAC 1.1-15-7 Continuing education audit**

(a) As required by IC 25-1-4-3, the board shall conduct random audits for compliance with continuing education requirements.

(b) Action taken for noncompliance will be governed by IC 25-1-4.

*(State Board of Registration for Professional Engineers; 864 IAC 1.1-15-7; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

#### **864 IAC 1.1-15-8 Request for a waiver of the continuing education requirement**

(a) Under IC 25-1-4-4, a professional engineer may apply in writing for a waiver for all or part of the continuing education requirements for a biennium, seeking renewal of that license without having completed the continuing education required for renewal under this rule, by submitting the following:

(1) A statement explaining the reasons for noncompliance.

(2) A request for a waiver of the continuing education required for renewal.

(3) The renewal application and all required fees.

(b) The license holder must submit evidence to the satisfaction of the board to be granted a waiver.

(c) If the request is granted, the waiver will be effective for the current renewal period only.

(d) If the request is denied, the license holder is responsible for completing the full amount of continuing education required for license renewal.

(e) Waivers may be granted if a hardship exists. The board will determine whether a hardship exists that would have prevented the licensee from obtaining his or her continuing education, including, but not limited to, the following:

(1) For at least one (1) year during the current renewal period, the licensee was absent due to full-time service in the armed services of the United States.

(2) During the current renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered an incapacitating illness or injury. The existence of the incapacitating illness or injury must be verified by a licensed physician or psychologist with special expertise in the area of the incapacitating illness or injury. Verification of the incapacitating illness or injury must include the following:

(A) The nature and extent of the illness or injury.

(B) An explanation of how the illness or injury would hinder the licensee from completing the continuing education requirement.

(C) The:

(i) name;

(ii) title;

(iii) address;

(iv) telephone number;

(v) professional license number; and

(vi) original signature;

of the licensed physician or psychologist verifying the illness or injury.

*(State Board of Registration for Professional Engineers; 864 IAC 1.1-15-8; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR864090788FRA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

### **864 IAC 1.1-15-9 Inactive status**

A professional engineer may apply to the board to renew the professional engineer's registration in an inactive status. No continuing education is required to renew inactive. An inactive professional engineer may not practice engineering while in an inactive status.

*(State Board of Registration for Professional Engineers; 864 IAC 1.1-15-9; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

### **864 IAC 1.1-15-10 Reactivation of inactive license**

To reactivate an inactive license, a professional engineer must do the following:

- (1) Apply to the board for reactivation on the application form supplied by the board.
- (2) Pay the same fee required to renew an active license.
- (3) Show proof of having completed thirty (30) hours of continuing education that meet the requirements of this rule within the two (2) year period immediately prior to the date the reactivation application is filed.

*(State Board of Registration for Professional Engineers; 864 IAC 1.1-15-10; filed Jul 19, 2010, 11:22 a.m.:20100818-IR-864090788FRA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

# Chapter 4

## IAC Rule 11 - Rules of Professional Conduct

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### **RULE 11. RULES OF PROFESSIONAL CONDUCT**

#### **864 IAC 1.1-11-1 Ethical, economic, and legal principles; professional incompetence**

(a) This rule establishes requirements concerning ethical, economic, and legal principles and unprofessional conduct in the practice of engineering.

(b) The failure of a registered professional engineer to comply with the provisions of this rule constitutes professional incompetence.

*(State Board of Registration for Professional Engineers; Rule 11, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 634; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3908; filed Sep 24, 1992, 9:00 a.m.: 16 IR 731; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

#### **864 IAC 1.1-11-2 Agreement to abide by act and rules**

Each applicant shall certify on the application that the applicant has read and agrees to abide by the Act and the rules of the board in force at the time.

*(State Board of Registration for Professional Engineers; Rule 11, Sec 2; filed Feb 29, 1980, 3:40 p.m.: 3 IR 634; filed Sep 24, 1992, 9:00 a.m.: 16 IR 731; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

#### **864 IAC 1.1-11-3 Privilege to practice; responses to board pertaining to professional conduct**

Knowledge of the Act and rules of the board shall encompass the understanding that the practice of engineering is a privilege, as opposed to a right, and the registrant shall be forthright and candid in statements or written response to the board or its representatives on matters pertaining to professional conduct.

*(State Board of Registration for Professional Engineers; Rule 11, Sec 3; filed Feb 29, 1980, 3:40 p.m.: 3 IR 634; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2111; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-*

IR-864160321RFA)

#### **864 IAC 1.1-11-4 Public safety, health, and welfare**

The engineer shall at all times recognize the primary obligation to protect the safety, health, and welfare of the public in the performance of professional duties. If the engineer's professional judgment is overruled under circumstances where the safety, health, and welfare of the public are endangered, the engineer shall inform the engineer's employer of the possible consequences and notify such other proper authority of the situation, as may be appropriate.

*(State Board of Registration for Professional Engineers; Rule 11, Sec 4; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

#### **864 IAC 1.1-11-5 Qualification to undertake assignment**

The engineer shall undertake to perform engineering assignments only when qualified by education and experience in the specific technical field of professional engineering involved.

*(State Board of Registration for Professional Engineers; Rule 11, Sec 5; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2111; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

#### **864 IAC 1.1-11-6 Restricted services for assignment outside field of competence**

The engineer may accept an assignment requiring education or experience outside of the engineer's field of competence, but only to the extent that services are restricted to those phases of the project in which the engineer is qualified. All other phases of such project shall be performed by qualified associates, consultants, or employees.

*(State Board of Registration for Professional Engineers; Rule 11, Sec 6; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

#### **864 IAC 1.1-11-7 Use of seal restricted**

The engineer shall not affix the engineer's signature and/or seal to any engineering plan or document dealing with subject matter in which the engineer lacks competence by virtue of insufficient education or experience, or to any such plan or document not prepared as described in 864 IAC 1.1-7-4.

*(State Board of Registration for Professional Engineers; Rule 11, Sec 7; filed Feb 29, 1980,*



3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

#### **864 IAC 1.1-11-9 Professional reports, statements, and testimony**

The engineer shall be completely objective and truthful in all professional reports, statements, or testimony. The engineer shall include all relevant and pertinent information in such reports, statements, or testimony.

*(State Board of Registration for Professional Engineers; Rule 11, Sec 9; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

#### **864 IAC 1.1-11-10 Expert opinion testimony**

The engineer, when serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the engineer's testimony.

*(State Board of Registration for Professional Engineers; Rule 11, Sec 10; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

#### **864 IAC 1.1-11-11 Public policy statements, criticisms, or arguments**

The engineer will issue no statement, criticisms, or arguments on engineering matters connected with public policy which are inspired or paid for by an interested party, or parties, unless the engineer has prefaced the comment by:

- (1) explicitly identifying himself or herself;
- (2) disclosing the identities of the party, or parties, on whose behalf the engineer is speaking; and
- (3) revealing the existence of any pecuniary interest the engineer may have in the instant matters.

*(State Board of Registration for Professional Engineers; Rule 11, Sec 11; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 733; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

#### **864 IAC 1.1-11-12 Conflicts of interest**

The engineer shall conscientiously avoid conflicts of interest with the engineer's employer or client, but, when unavoidable, the engineer shall forthwith disclose the circumstances to the engineer's employer or client.

*(State Board of Registration for Professional Engineers; Rule 11, Sec 12; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 733; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

#### **864 IAC 1.1-11-13 Disclosure of conflict of interest**

The engineer shall avoid all known conflicts of interest with the engineer's employer or client and shall promptly inform the engineer's employer or client of any business association, interest, or circumstances which could influence judgment or quality of services.

*(State Board of Registration for Professional Engineers; Rule 11, Sec 13; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 733; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

#### **864 IAC 1.1-11-14 Compensation from more than one party for same project**

The engineer shall not accept compensation, financial or otherwise, from more than one (1) party for services on the same project, unless the circumstances are fully disclosed to and agreed to by all interested parties.

*(State Board of Registration for Professional Engineers; Rule 11, Sec 14; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 733; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

#### **864 IAC 1.1-11-15 Gratuities prohibited**

The engineer shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the engineer's client or employer in connection with work for which the engineer is responsible.

*(State Board of Registration for Professional Engineers; Rule 11, Sec 15; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 733; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

### **864 IAC 1.1-11-16 Financial or other considerations from suppliers prohibited**

The engineer shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.

*(State Board of Registration for Professional Engineers; Rule 11, Sec 16; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 733; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

### **864 IAC 1.1-11-17 Public service position; conflict of interest**

When in public service as a member, advisor, or employee of a governmental body or department, the engineer shall not participate in considerations or actions with respect to services provided by the engineer or the engineer's organizations in private engineering practices.

*(State Board of Registration for Professional Engineers; Rule 11, Sec 17; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

### **864 IAC 1.1-11-18 Public contracts; conflict of interest**

The engineer shall not solicit or accept an engineering contract from a governmental body on which a principal, officer, or employee of the engineer's organization serves as a member.

*(State Board of Registration for Professional Engineers; Rule 11, Sec 18; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2111; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

### **864 IAC 1.1-11-19 Payment of consideration to secure work prohibited; exception**

The engineer shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work, exclusive of securing a salaried position through employment agencies.

*(State Board of Registration for Professional Engineers; Rule 11, Sec 19; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

### **864 IAC 1.1-11-20 Employment on basis of qualification and competence**

The engineer shall seek professional employment on the basis of qualification and competence in the proper accomplishment of similar work.

*(State Board of Registration for Professional Engineers; Rule 11, Sec 20; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

### **864 IAC 1.1-11-21 Misrepresentation of qualifications prohibited**

The engineer shall not falsify or permit misrepresentation of the engineer's or the engineer's associates' academic or professional qualifications. The engineer shall not misrepresent or exaggerate the degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or their past accomplishments, or the engineer's past accomplishments with the intent and purpose of enhancing the engineer's qualifications and work.

*(State Board of Registration for Professional Engineers; Rule 11, Sec 21; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

### **864 IAC 1.1-11-22 Use of name in fraudulent or dishonest venture**

The engineer shall not knowingly associate with or permit the use of the engineer's name or firm name in a business venture by any person or firm which the engineer knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.

*(State Board of Registration for Professional Engineers; Rule 11, Sec 22; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

### **864 IAC 1.1-11-23 Reporting violations**

If the engineer has knowledge or reason to believe that another person or firm may be in violation of this article, the engineer shall present such information to the board in writing and shall cooperate with the board in furnishing such further information or assistance as may be required by the board.

*(State Board of Registration for Professional Engineers; Rule 11, Sec 23; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

*readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)*

#### **864 IAC 1.1-11-24 Conviction of a crime; effect**

Conviction of a crime may be a basis for disciplinary action under IC 25-1-11-5 or other applicable statute.

*(State Board of Registration for Professional Engineers; Rule 11, Sec 24; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3908; filed Sep 24, 1992, 9:00 a.m.: 16 IR 735; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA; filed Dec 1, 2017, 10:32 a.m.: 20171227-IR-864150451FRA)*

#### **864 IAC 1.1-11-25 Discipline of license in another jurisdiction; effect**

Discipline of a professional engineer's license by another jurisdiction may be grounds for disciplinary action under IC 25-1-11-5(a)(7).

*(State Board of Registration for Professional Engineers; Rule 11, Sec 25; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3908; errata filed Nov 28, 1989, 3:00 p.m.: 13 IR 677; filed Sep 24, 1992, 9:00 a.m.: 16 IR 735; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA; filed Dec 1, 2017, 10:32 a.m.: 20171227-IR-864150451FRA)*

# Appendix A

## References

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Indiana State Board of Registration for Professional Engineers  
<http://www.in.gov/pla/engineer.htm>

Indiana Code  
<http://iga.in.gov/legislative/laws/2020/ic/titles/025>

Indiana Administrative Code  
<http://www.in.gov/legislative/iac/T08640/A00011.PDF?>

Indiana Board Disciplinary Process  
<http://www.in.gov/pla/3638.htm>