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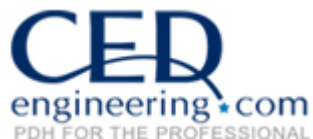
# Engineering Laws, Rules and Ethics for Indiana Professional Engineers (*Revised December 2012*)

Course No: IN2-002  
Credit: 2 PDH

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# Chapter 1

## Overview of the Indiana Engineering Laws, Rules and Ethics

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### **Indiana State Board of Registration of 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 last updated on July 1, 2012 by laws that create, 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 the professional engineering laws, rules and code of professional ethics, conduct and responsibility, 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. It was last updated on July 1, 2012. 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 professional engineering laws, rules and code of professional ethics, conduct and responsibility, are presented in Chapter 3 below.

# Chapter 2

## Indiana Code: Title 25, Article 31 (Revised July 2012)

### 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://www.in.gov/legislative/ic/code/title25/ar31/ch1.html>

#### IC 25-31-1-2 Definitions

Sec. 2:

As used in this chapter:

- (a) "Board" means the state board of registration for professional engineers.
- (b) "Professional engineer" means an individual who, by reason of that individual's special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design which are acquired by education and practical experience, is qualified to engage in the practice of engineering as attested by that individual's registration as a professional engineer.
- (c) "Engineering intern" means an individual who:
  - (1) is a graduate from an approved engineering curriculum of four years or more or who has acquired, through engineering education and experience in engineering work, knowledge and skill approximating that obtained by graduation in an approved engineering curriculum of four (4) years or more;
  - (2) has successfully passed an examination as prescribed in section 14 of this chapter; and
  - (3) has been issued by the board an appropriate certificate of enrollment as an engineering intern.
- (d) "Practice of engineering" means any service or creative work that the adequate performance of requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to services or creative work that includes the following:
  - (1) Consultation.
  - (2) Investigation.
  - (3) Evaluation.
  - (4) Planning, including planning the use of land and water.
  - (5) The design of or the supervision of the design of engineering works and systems.
  - (6) Engineering surveys and studies or the supervision of engineering surveys and studies, including all surveying activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but not including the surveying of real property for the establishment of land boundaries, subdivisions, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system.
  - (7) Evaluation of construction for the purpose of assuring compliance with specifications, plans, and designs, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, work systems, or projects.

The term "practice of engineering" does not include the work ordinarily performed by persons who operate or maintain machinery or equipment.

(e) "Approved engineering curriculum" means an engineering curriculum of four (4) years or more that has been approved by the board. In approving the engineering curriculum, the board may take into consideration the standards of accreditation adopted by the Accreditation Board for Engineering and Technology.

(f) "Practice or offer to practice engineering" means the act of an individual or a business who by verbal claim, sign, advertisement, letterhead, card, telephone listing, or in any other way represents the individual or the business to be a professional engineer or who performs, or offers to perform, any acts or work involving the practice of engineering.

(g) "Licensing agency" means the Indiana professional licensing agency established under IC 25-1-5.

(Formerly: Acts 1935, c.148, s.2; Acts 1947, c.262, s.2; Acts 1957, c.320, s.1; Acts 1961, c.277, s.1; Acts 1965, c.284, s.2; Acts 1969, c.279, s.1.) As amended by Acts 1981, P.L.222, SEC.229; P.L.132-1984, SEC.40; P.L.23-1991, SEC.14; P.L.215-1993, SEC.2; P.L.1-2006, SEC.475.

### **IC 25-31-1-3 State board of registration for professional engineers**

Sec. 3:

(a) The state board of registration for professional engineers is created.

(b) The board consists of seven (7) members, six (6) of whom shall be registered professional engineers.

(c) One (1) member must be appointed to represent the general public who is:

- (1) a resident of this state; and
- (2) not associated with professional engineering other than as a consumer.

(d) All members of the board shall be appointed by the governor.

(e) Six (6) professional engineer members shall be appointed to the board and shall at the time of appointment consist of:

- (1) one (1) member from industry;
- (2) one (1) member from government;
- (3) one (1) member from education;
- (4) two (2) members from private practice; and
- (5) one (1) member at large.

(f) A person appointed as a professional engineer member of the board must:

- (1) be a citizen of the United States;
- (2) have been a resident of this state for a period of at least five (5) years immediately before the time of the member's appointment;
- (3) be registered as a professional engineer and must have been engaged in the lawful practice of engineering for at least twelve (12) years; and
- (4) have been in responsible charge of engineering work or engineering teaching for at least five (5) years.

(g) Every member of the board shall be appointed for a term of four (4) years and shall serve until the member's successor is appointed and qualified.

(h) Every member of the board shall receive a certificate of appointment from the governor, and, before beginning the member's term of office, file with the secretary of the board a written oath or affirmation for the faithful discharge of the member's official duties.

(4) The governor may remove any member of the board at any time for incompetency, neglect of duty, or for unprofessional conduct.

(5) Any vacancy which may occur in the membership of the board, at any time, shall be filled by appointment by the governor for the unexpired term.

(Formerly: Acts 1935, c.148, s.3; Acts 1965, c.284, s.3; Acts 1967, c.94, s.1.) As amended by Acts 1981, P.L.222, SEC.230; P.L.23-1991, SEC.15; P.L.215-1993, SEC.3.

### **IC 25-31-1-4 Compensation and expenses of board members**

Sec. 4:

(a) The members of the board shall receive a salary per diem for each and every day, or part of a

day, while they are in actual attendance of any meeting of the board, or while they are engaged in the performance of the official business of the board. The salary per diem is in addition to any allowance, prescribed by the laws of the state, for subsistence and travel within Indiana.

(b) Any member of the board, or the secretary of the board, may be authorized by the board to attend any engineering conference, or meeting, held outside of Indiana, the major purpose of the meeting being the consideration of problems directly associated with the registration of professional engineers. Any member of the board, in addition to any subsistence and travel allowance as prescribed by the laws of the state for travel outside of Indiana, shall receive a salary per diem for each and every day, or part of a day, while the board member is in actual attendance of any engineering conference or meeting held outside of Indiana, or while en route to and from the conference or meeting.

(Formerly: Acts 1935, c.148, s.4; Acts 1957, c.320, s.2.) As amended by Acts 1976, P.L.119, SEC.23; Acts 1981, P.L.222, SEC.231; P.L.23-1991, SEC.16; P.L.215-1993, SEC.4.

#### **IC 25-31-1-5 Meetings of board; organization; quorum**

Sec. 5:

(a) The board shall hold in the city of Indianapolis at least two (2) regular meetings each year and special meetings as the board considers necessary. Regular and special meetings must be held at times and places as the rules of the board may provide. Notice of all meetings must be given according to IC 5-14-1.5.

(b) The board shall elect, annually, from its own members, a chairman and a vice chairman.

(c) A quorum of the board consists of four (4) members and no official action of any meeting may be taken without at least four (4) votes being in accord.

(d) Suitable office quarters shall be provided by the state for the use of the board in the city of Indianapolis. This office may be shared with the state board of registration for land surveyors.

(Formerly: Acts 1935, c.148, s.5.) As amended by Acts 1982, P.L.113, SEC.75; P.L.23-1991, SEC.17; P.L.215-1993, SEC.5.

#### **IC 25-31-1-6 Secretary of board; duties; employees**

Sec. 6:

(a) The licensing agency shall provide the board with a competent individual to serve as secretary of the board. The secretary may not be a member of the board. The secretary, through the licensing agency, shall keep a true and complete record of all proceedings of the board and perform any other duties, prescribed in this chapter, as may be assigned by the board.

(b) The board shall be provided by the licensing agency whatever clerical or other assistants, including investigators, as may be necessary for the proper performance of its duties.

(c) The licensing agency may assign joint personnel to work for both the board and the state board of registration for land surveyors.

(Formerly: Acts 1935, c.148, s.6; Acts 1957, c.320, s.3.) As amended by Acts 1981, P.L.222, SEC.232; P.L.132-1984, SEC.41; P.L.23-1991, SEC.18; P.L.215-1993, SEC.6.

#### **IC 25-31-1-7 Enforcement and administration of chapter by board**

Sec. 7:

(a) The board shall enforce and administer the provisions of this chapter, and adopt rules, not inconsistent with the Constitution and laws of this state, as may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The board shall adopt rules establishing standards for the competent practice of engineering and for the administration of the registered professional engineers and registered engineering interns investigative fund established by section 35 of this chapter. Any rulemaking by the board shall be in accordance with IC 4-22-2.

(b) The board shall adopt and have an official seal.

(Formerly: Acts 1935, c.148, s.7.) As amended by Acts 1981, P.L.222, SEC.233; P.L.23-1991,

SEC.19; P.L.215-1993, SEC.7; P.L.194-2005, SEC.77.

#### **IC 25-31-1-8 Hearings and subpoenas**

Sec. 8:

The provisions of IC 4-21.5 govern the board's procedures for conducting hearings and issuing subpoenas for witnesses and other evidence.

(Formerly: Acts 1935, c.148, s.8; Acts 1947, c.262, s.3; Acts 1965, c.284, s.4.) As amended by Acts 1982, P.L.154, SEC.101; P.L.215-1993, SEC.8.

#### **IC 25-31-1-9 Disposition of receipts; fee**

Sec. 9:

(a) Except as provided in IC 25-31-1-35 and subsection (b), the licensing agency shall receive and account for all money collected under the provisions of this chapter and shall deposit the money with the treasurer of state to be deposited by the treasurer of state in the general fund of the state.

(b) In addition to the registration fee established under section 13(c) of this chapter, the board shall establish a fee of not more than twenty dollars (\$20) for registered professional engineers and registered engineering interns to be paid at the time of:

- (1) issuance of a certificate of registration; and
- (2) renewal of a certificate of registration;

under this article to provide funds for administering and enforcing this article, including investigating and taking action against persons violating this article. All funds collected under this subsection shall be deposited into the registered professional engineers and registered engineering interns investigative fund established by section 35 of this chapter.

(Formerly: Acts 1935, c.148, s.9.) As amended by Acts 1976, P.L.119, SEC.24; P.L.215-1993, SEC.9; P.L.194-2005, SEC.78; P.L.177-2006, SEC.7.

#### **IC 25-31-1-10 Records**

Sec. 10:

(a) The board shall keep a record of its proceedings and a record of all applications for registration. The record shall show:

- (1) the name, age, and residence of each applicant;
- (2) the date of the application;
- (3) the place of business of the applicant;
- (4) the applicant's education and other qualifications;
- (5) whether or not an examination was required;
- (6) whether or not the applicant was rejected;
- (7) whether a certificate of registration was granted;
- (8) the date of the action of the board; and
- (9) any other information as may be deemed necessary by the board.

(b) The records of the board are prima facie evidence of the proceedings of the board.

(c) A transcript of the proceedings certified by the chairman and attested by the secretary of the board, under its seal, shall be admissible in evidence with the same force and effect as if the original were produced.

(Formerly: Acts 1935, c.148, s.10; Acts 1961, c.277, s.2.) As amended by Acts 1979, P.L.17, SEC.48; P.L.215-1993, SEC.10.

#### **IC 25-31-1-12 Qualifications for registration**

Sec. 12:

(a) The following under either subdivision (1) or (2) shall be considered as minimum evidence that the applicant is qualified for registration as a professional engineer:

- (1) All of the following:
  - (A) Graduation in an approved engineering curriculum of four (4) years or more.



- (B) A specific record of four (4) years or more of progressive experience on engineering projects of sufficient quality acquired subsequent to graduation, which experience indicates that the applicant is qualified to be placed in responsible charge of engineering work requiring the exercise of judgment in the application of engineering sciences to the sound solution of engineering problems.
- (C) The successful passing of an examination as provided for in section 14 of this chapter.
- (2) All of the following:
- (A) A specific record of eight (8) years or more of engineering education and experience in engineering work, which indicates that the applicant has acquired knowledge and skill and practical experience in engineering work approximating that required for registration as a professional engineer under subdivision (1).
- (B) The successful passing of an examination as provided for in section 14 of this chapter.
- (b) The following under either subdivision (1) or (2) shall be considered as minimum evidence that the applicant is qualified for certification as an engineering intern:
- (1) All of the following:
- (A) Graduation in an approved engineering curriculum of four (4) years or more.
- (B) The successful passing of an engineering intern examination as provided in section 14 of this chapter.
- (2) All of the following:
- (A) A specific record of four (4) years or more of engineering education and experience in engineering work indicating that the applicant has acquired knowledge and skill approximating that acquired through graduation in an approved engineering curriculum of four (4) years or more.
- (B) The successful passing of an engineering intern examination as provided in section 14 of this chapter.
- (c) The board may waive the examination under section 14 of this chapter to any applicant who has been granted a certificate of registration under section 21 of this chapter.
- (d) An individual is not eligible for registration as a professional engineer or certification as an engineering intern if the individual has been convicted of:
- (1) an act which would constitute grounds for disciplinary sanction under IC 25-1-11; or
- (2) a felony that has a direct bearing on the individual's ability to practice competently.
- (e) In considering the qualifications of applicants, responsible charge of engineering teaching shall be construed as responsible charge of engineering work. An applicant who holds a degree of Master of Science of engineering or the equivalent thereof from a curriculum in engineering approved by the board may be given a maximum credit of one (1) year of experience in addition to the credit of four (4) years of education. An applicant who holds a degree of doctor of philosophy or the equivalent thereof from a curriculum in engineering approved by the board may be given a maximum of credit of two (2) years of experience in addition to a credit of four (4) years of education. Graduation in a course other than engineering from a college or university acceptable to the board may be considered as equivalent to two (2) years engineering experience and education. The mere execution, as a contractor of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent shall not be deemed to be engineering experience.
- (f) Any person having the necessary qualifications to be registered under this chapter is eligible for registration although the individual may not be engaged in the practice of engineering at the time the application is made.

(Formerly: Acts 1935, c.148, s.12; Acts 1947, c.262, s.4; Acts 1957, c.320, s.5; Acts 1961, c.277, s.3; Acts 1965, c.284, s.6; Acts 1969, c.279, s.2.) As amended by Acts 1981, P.L.222, SEC.234; Acts 1982, P.L.113, SEC.76; P.L.23-1991, SEC.20; P.L.1-1992, SEC.133; P.L.215-1993, SEC.11; P.L.214-1993, SEC.80.

### **IC 25-31-1-13 Application for registration; fees**

Sec. 13:

- (a) An individual applying for registration as a professional engineer or for certification as an engineering intern shall apply for registration or certification on a form prescribed and provided by the board. Each application for registration shall contain statements showing the education and qualifications of the applicant and a detailed summary of the technical work performed by the applicant. An application for registration as a professional engineer shall be accompanied by the names of five (5) persons to be used as references, at least three (3) of whom are professional

engineers who have a personal knowledge of the experience of the applicant. Each application for a certification as an engineering intern must contain statements showing the education of the applicant, and except for an application for an examination to be given during the applicant's senior year, the application shall be accompanied by the names of three (3) persons to be used as references. All applications shall be certified to by the applicant as to the correctness of the statements contained in the application.

(b) A person who knowingly makes a false statement in the application commits a Class A misdemeanor.

(c) The amount of registration fees for a professional engineer and for an engineering intern shall be fixed and determined by the board under IC 25-1-8-2. The board shall also in its rules prescribe the manner and the time for the paying of registration fees.

(d) In the event the board refuses to issue a certificate of registration to any person who has made proper application for registration as a professional engineer, any initial fee prescribed by the board and deposited with the board by an applicant shall be retained by the board as an application fee.

(e) In the event the board refuses to issue a certificate to any person who has made proper application for certification as an engineering intern, the fee prescribed by the board and deposited by the applicant with the board shall be retained as an application fee.

(Formerly: Acts 1935, c.148, s.13; Acts 1947, c.262, s.5; Acts 1957, c.320, s.6; Acts 1961, c.277, s.4; Acts 1965, c.284, s.7; Acts 1969, c.279, s.3.) As amended by Acts 1978, P.L.2, SEC.2553; P.L.23-1991, SEC.21; P.L.215-1993, SEC.12.

#### **IC 25-31-1-14 Examination; reexamination**

Sec. 14:

(a) The examination required of all applicants for registration as a professional engineer shall be a written or computer based examination which shall be divided into the following two (2) parts:

- (1) Engineering fundamentals.
- (2) Principles and practice of engineering.

The board may adopt rules under IC 4-22-2 establishing additional examination requirements.

(b) The engineering fundamentals portion of the examination shall be designed to test the applicant's knowledge of mathematics and the physical and engineering sciences. The standards of proficiency required shall approximate that attained by graduation in an approved four (4) year engineering curriculum.

(c) The principles and practice of the engineering portion of the examination shall be designed primarily to test the applicant's understanding of, and judgment and ability to apply correctly, the principles of:

- (1) mathematics;
- (2) the physical sciences;
- (3) the engineering sciences; and
- (4) engineering design analysis and synthesis;

to the practice of professional engineering. A part of the examination may be designed to test the applicant's knowledge and understanding of the ethical, economic, and legal principles relating to the practices of professional engineering.

(d) An applicant for registration as a professional engineer who holds an engineering intern certificate issued in Indiana or in any other state or territory having equivalent standards may be exempted from the engineering fundamentals portion of the examination.

(e) An applicant must successfully pass the engineering fundamentals portion of the examination before taking the principles and practice portion of the examination.

(f) Examinations shall be held at times and places as determined by the board at least two (2) times each year. Examinations for certification as an engineering intern may be held separately from the examinations for registration as a professional engineer.

(g) An applicant for registration as a professional engineer who is presently registered in another state or territory may be assigned a written examination as the board deems necessary to meet the requirements of this chapter.

(h) An applicant shall have three (3) attempts to pass each part of the examination within a time period established by the board by rule. The board may specify by rule the time required between examinations and the opportunity for future examination attempts for an applicant who fails to appear

at an examination. The amount of the fee to be paid for each examination shall be determined by the board under IC 25-1-8-2.

(i) If an applicant who has failed a part of the examination three (3) times reapplies and submits evidence of acquiring additional knowledge for the examination, the board may give the applicant approval to take subsequent examinations or partial examinations.

(Formerly: Acts 1935, c.148, s.14; Acts 1947, c.262, s.6; Acts 1957, c.320, s.7; Acts 1961, c.277, s.5; Acts 1969, c.279, s.4.) As amended by Acts 1980, P.L.166, SEC.6; P.L.23-1991, SEC.22; P.L.215-1993, SEC.13; P.L.194-2005, SEC.79; P.L.9-2012, SEC.3.

### **IC 25-31-1-15 Issuance of certificate of registration; certificate of enrollment**

Sec. 15:

(a) The board shall issue a certificate of registration, upon the payment of the fee prescribed by the board under IC 25-1-8-2 and the fee established by section 9(b) of this chapter, to any applicant who, in the opinion of the board, has satisfactorily met all requirements of this chapter. In the case of a professional engineer, the certificate shall authorize the practice of "professional engineering". The certificate of registration shall:

- (1) show the full name of the registrant;
- (2) bear a serial number and date; and
- (3) be signed by a designee of the board.

The issuance of any certificate of registration by the board under this chapter is evidence that the individual named on the certificate is entitled to all the rights and privileges of a registered professional engineer from the date on the certificate until it expires or is revoked.

(b) The board shall issue a certificate of enrollment upon the payment of the certificate fee prescribed by the board under IC 25-1-8-2 to any applicant who, in the opinion of the board, has satisfactorily met all of the requirements of this chapter. In the case of an engineering intern, the certificate shall state that the applicant has successfully passed the examination in engineering fundamentals and has been enrolled as an engineering intern. The certificate of enrollment shall:

- (1) show the full name of the enrollee;
- (2) bear a serial number and date; and
- (3) be signed by the director of the licensing agency.

The issuance of a certificate of enrollment by the board is evidence that the individual named on the certificate is entitled to all the rights and privileges of an engineering intern while the certificate remains unrevoked or until it expires.

(Formerly: Acts 1935, c.148, s.15; Acts 1947, c.262, s.7; Acts 1969, c.279, s.5.) As amended by Acts 1982, P.L.154, SEC.102; P.L.23-1991, SEC.23; P.L.215-1993, SEC.14; P.L.194-2005, SEC.80; P.L.177-2006, SEC.8.

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

Sec. 16:

(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 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 Expiration and renewal of certificate**

Sec. 17:

(a) Unless a certificate is 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) 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.

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

Sec. 17.5:

(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**

Sec. 18:

(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**

Sec. 19:

(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 land 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.

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

Sec. 20:

(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**

Sec. 21:

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**

Sec. 24:

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**

Sec. 25:

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**

Sec. 26:

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**

Sec. 27:

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**

Sec. 28:

(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**

Sec. 29:

(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 land surveyors; grounds for disciplinary sanctions**

Sec. 9:

A practitioner registered as an engineer or a land 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;
- (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.

# Chapter 3

## Indiana Administrative Code: Title 864 (Revised July 2012)

### 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?>

#### ARTICLE 1.1. ADMINISTRATION; GENERAL REQUIREMENTS

##### Rule 1. General Provisions

##### **864 IAC 1.1-1-1 Definitions; abbreviations**

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1-2; IC 25-31-1-21  
Sec. 1:

(a) The following definitions apply throughout this title:

- (1) "Act" means the Registration Act, IC 25-31, creating a board to regulate the practice of engineering in Indiana.
  - (2) "Engineer" means professional engineer as defined in IC 25-31-1-2(b).
  - (3) "Registrant" means an individual engineer to whom a certificate of registration has been granted under the Act.
  - (4) "EI" means an engineering intern as defined in IC 25-31-1-2(c).
  - (5) "Applicant" means any individual whose application has been received by the board for consideration to be registered as an engineer or for enrollment as an EI in the state of Indiana.
  - (6) "ABET" means the Accreditation Board for Engineering and Technology.
  - (7) "Approved engineering curriculum" means an ABET accredited four (4) years or more engineering program.
  - (8) "The date of registration" means the date that licensure was approved by the board.
  - (9) "Comity" means a principle by which the board licenses persons to practice engineering under IC 25-31-1-21 on the basis of engineering licenses issued by other states.
- (b) The terms defined in IC 25-31-1-2 shall have the same definitions when used in this title.

(State Board of Registration for Professional Engineers; Rule 1, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 626; filed Oct 17, 1986, 2:20 p.m.: 10 IR 434; filed Jun21, 1988, 4:00 p.m.: 11 IR 3904; filed Sep 24, 1992, 9:00 a.m.: 16 IR 725; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2103; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

##### **864 IAC 1.1-1-3 Meetings of board**

Authority: IC 25-31-1-5; IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1-5  
Sec. 3:



In order to establish the regular meetings provided for in IC 25-31-1-5 and provide for special meetings of the board, the board adopts the following:

- (1) one of the regular meetings of the board shall be held as soon as practicable after the start of the calendar year, at which meeting the board shall elect a chairman and a vice-chairman from among its members. Such officers may be elected also at any other meeting when a vacancy exists;
- (2) another regular meeting shall be held as near as practicable to the middle of the calendar year;
- (3) the chairman or any three members may call a special meeting by presenting a request to the professional licensing agency;
- (4) the professional licensing agency shall give a notice to all board members of each meeting setting out the time and place of the meeting and including a proposed agenda of the major items for action at the meeting, not less than ten days prior to the meeting, unless such notice has been waived by the chairman.

(State Board of Registration for Professional Engineers; Rule 1, Sec 3; filed Feb 29, 1980, 3:40 pm: 3 IR 627; filed Oct 17, 1986, 2:20 pm: 10 IR 435; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

**864 IAC 1.1-1-4 Conversion of quarter hours to semester hours**

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1-12; IC 25-31-1-14  
Sec. 4:

Any provision in this article which requires a specific number of semester credit hours shall be converted to the equivalent if a different grading period is used at the college or university. Unless it is established that a different equivalency applies, it shall be presumed that the correct equivalency is two (2) semester hours for every three (3) quarter hours.

(State Board of Registration for Professional Engineers; 864 IAC 1.1-1-4; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2103; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

**Rule 2. Qualifications for Examination**

**864 IAC 1.1-2-2 Engineers; education and work experience**

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1-12  
Sec. 2:

- (a) This section establishes the minimum education and experience requirements under IC 25-31-1-12 for admission to the professional engineer examination.
- (b) The following table establishes provisions for evaluating combined education and experience to determine if it is sufficient to satisfy minimum registration requirements under IC 25-31-1-12 for professional engineer registration applicants holding the stated degrees:

Education (Qualifying Degree)	Min. Years of Progressive Work Experience Following Baccalaureate Degree
Doctorate in an engineering discipline following a Baccalaureate degree in an approved engineering curriculum	2
Master of Science degree in an engineering discipline following a Baccalaureate degree in an approved engineering curriculum	3
Doctorate in an engineering discipline following a Baccalaureate degree which is not in an approved engineering curriculum	4

Education (Qualifying Degree)	Min. Years of Progressive Work Experience Following Baccalaureate Degree
Master of Science degree in an engineering discipline following a Baccalaureate degree which is not in an approved engineering curriculum	5
Baccalaureate degree in an approved engineering curriculum	4
Baccalaureate degree and completion of specific educational courses as required in subsection (c)	6

(c) The education of all applicants, except those who have obtained a baccalaureate degree in an approved engineering curriculum, must include the following:

- (1) At least twelve (12) semester credit hours in college level mathematics, excluding college algebra and trigonometry, which must include a minimum of nine (9) semester credit hours of calculus and a minimum of three (3) semester credit hours of advanced calculus based mathematics, such as differential equations, linear algebra, or numerical analysis.
- (2) At least eight (8) semester credit hours in college level courses in the physical sciences, which must include a minimum of three (3) semester credit hours of calculus based physics and a minimum of three (3) semester credit hours of chemistry.
- (3) At least twelve (12) semester credit hours of engineering sciences that require calculus as a prerequisite or corequisite.
- (4) Effective January 3, 2003, at least twelve (12) semester credit hours in engineering design.

(d) For a course to qualify as an engineering design course, the course must instruct on the decision making process in which the basic sciences and mathematics and engineering sciences are applied to convert resources optimally to meet a stated objective. Among the fundamental elements of the design process are the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. The content of an engineering design course must include some of the following features:

- (1) Development of student creativity.
- (2) Use of open-ended problems.
- (3) Development and use of modern design theory and methodology.
- (4) Formulation of design problems statements and specifications.
- (5) Consideration of alternative solutions, feasibility considerations, production processes, concurrent engineering design, and detailed system descriptions.

Further, it is essential that a variety of realistic constraints, such as economic factors, safety, reliability, aesthetics, ethics, and social impact be included.

(e) An applicant for admission for the examination must:

- (1) include on the application, or a document attached to the application, which courses meet the requirements of subsection (c) by stating the course names and numbers; and
- (2) submit all college transcripts that show that college credit was awarded for the claimed courses.

(f) No degree requirement under this section may be achieved by obtaining an honorary degree or a degree obtained entirely by correspondence.

(g) College courses with substantial duplication of content may be counted only one (1) time toward the requirements of subsection (c).

(h) College courses that cover two (2) or more categories in subsection (c) shall be counted only in one (1) category. The appropriate category is that which is the greatest portion of the course. In determining the greatest portion of the course, the board may take into account information from the institution offering the course.

(i) Progressive experience of sufficient quality when used relative to the requirement for experience on engineering projects as provided for in IC 25-31-1-12(a) means the applicant has demonstrated the ability to assume continuously increasing levels of responsibility for engineering projects.

(j) No experience obtained prior to a baccalaureate degree shall qualify.

(k) Part-time experience acquired while the applicant was a full-time student shall not qualify. All other part-time experience shall be converted to its full-time equivalent in evaluating an application.

(l) Notwithstanding other provisions of this section, applicants who hold either a valid certificate as

an EI or an engineer-in-training (EIT) do not need any additional education beyond that which was required for admission to the EI or EIT examination in Indiana, so long as they apply for admission to the professional engineer examination no later than the first examination application deadline (as provided for in 864 IAC 1.1-3-4), which is subsequent to seven (7) years after the date the applicant took and passed the engineering intern examination.

(State Board of Registration for Professional Engineers; Rule 2, Sec 2; filed Feb 29, 1980, 3:40 p.m.: 3 IR 627; filed Oct 17, 1986, 2:20 p.m.: 10 IR 435; filed Sep 24, 1992, 9:00 a.m.: 16 IR 726, eff Jan 1, 1993; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2103, eff Jul 4, 1995; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2112, eff Jan 3, 1997; filed Mar 27, 2000, 8:58 a.m.: 23 IR 2002; filed May 4, 2001, 11:13 a.m.: 24 IR 2694, eff Jul 3, 2001; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; filed Sep 23, 2002, 9:59 a.m.: 26 IR 379, eff Dec 1, 2002; filed Nov 7, 2003, 12:00 p.m.: 27 IR 874, eff Jan 3, 2004)

#### **864 IAC 1.1-2-4 Engineering intern; education and work experience**

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1-12

Sec. 4:

(a) The education and experience requirements of section 2 of this rule for professional engineer applicants apply for engineering intern applicants except that individuals with:

- (1) a baccalaureate degree meeting the course requirements of section 2(c) of this rule shall only be required to obtain two (2) years of work experience;
- (2) a master of science degree in an engineering discipline following a baccalaureate that is not in an approved engineering curriculum shall only be required to obtain one (1) year of work experience; and
- (3) the other degrees listed in section 2(b) of this rule shall not be required to obtain any work experience.

(b) An individual who is enrolled as a senior in an engineering curriculum in a college or university in Indiana that has at least one (1) approved engineering curriculum may take the last EI examination offered prior to the individual's scheduled graduation. This subsection does not apply to any individual enrolled in any other baccalaureate degree program.

(State Board of Registration for Professional Engineers; Rule 2, Sec 4; filed Feb 29, 1980, 3:40 p.m.: 3 IR 628; filed Oct 17, 1986, 2:20 p.m.: 10 IR 438; errata filed Mar 8, 1990, 5:00 p.m.: 13 IR 1189 voided by the attorney general filed Apr 18, 1990: 13 IR 1863; errata filed Dec 20, 1990, 5:00 p.m.: 14 IR 1071; filed Sep 24, 1992, 9:00 a.m.: 16 IR 726, eff Jan 1, 1993; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2105, eff Jul 4, 1995; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; filed Sep 23, 2002, 9:59 a.m.: 26 IR 380, eff Dec 1, 2002; filed Sep 16, 2004, 9:00 a.m.: 28 IR 603, eff Nov 1, 2004)

#### **864 IAC 1.1-3-2 Engineer application**

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1-13; IC 25-31-1-14

Sec. 2:

(a) The board shall require at least three (3) favorable reports of the engineering applicant's competence from registered professional engineers familiar with the applicant's engineering work before admitting the applicant to examination or accepting the applicant for registration by comity in engineering.

(b) The board may exempt an applicant from taking the fundamentals of engineering portion of the engineer's examination if the applicant has previously passed the fundamentals of engineering portion of the examination for professional engineers in another state.

(State Board of Registration for Professional Engineers; Rule 3, Sec 2; filed Feb 29, 1980, 3:40 p.m.: 3 IR 629; filed Oct 17, 1986, 2:20 p.m.: 10 IR 439; filed Sep 24, 1992, 9:00 a.m.: 16 IR 727; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2105; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

#### **864 IAC 1.1-3-3 Engineering intern application**

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1-13

Sec. 3:

(a) An applicant for EI under 864 IAC 1.1-2-4(b) shall submit the application to sit for the fundamentals of engineering examination to the designee of the board located on the student's campus.

(b) All other EI applicants shall submit their applications to the board's office.

(State Board of Registration for Professional Engineers; Rule 3, Sec 3; filed Feb 29, 1980, 3:40 p.m.: 3 IR 630; filed Oct 17, 1986, 2:20 p.m.: 10 IR 439; filed Sep 24, 1992, 9:00 a.m.: 16 IR 727; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2105; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

#### **864 IAC 1.1-3-4 Examination applicants filing dates**

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 4-21.5-3-1; IC 25-31-1-13

Sec. 4:

(a) Examination applications, including:

- (1) the completed application form;
- (2) the applicable application fee;
- (3) certified copy of educational transcripts; and
- (4) required references;

shall be filed with the board on or before January 2 for the April examination or July 1 for the October examination.

(b) As used in this section, the date an application is filed shall be calculated in the manner provided for in IC 4-21.5-3-1(f).

(c) This section does not apply to applications filed under section 3(a) of this rule.

(State Board of Registration for Professional Engineers; 864 IAC 1.1-3-4; filed Sep 24, 1992, 9:00 a.m.: 16 IR 727; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2106; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

### **Rule 4.1. Examinations**

#### **864 IAC 1.1-4.1-1 Scope of rule**

Authority: IC 25-31-1-7 Affected: IC 25-31-1-14

Sec. 1.

This rule applies to the taking of examinations for registration as a professional engineer and certification as an EI.

(State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-1; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3905; filed Sep 24, 1992, 9:00 a.m.: 16 IR 727; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2106; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

#### **864 IAC 1.1-4.1-2 Admission to examinations**

Authority: IC 25-31-1-7 Affected: IC 25-31-1-12; IC 25-31-1-14

Sec. 2:

(a) The board will admit an applicant to an examination only if the applicant otherwise qualifies for the registration or certification for which application has been made, including meeting applicable education and experience requirements established in IC 25-31-1-12 and IAC 1.1-2.

(b) Notwithstanding subsection (a), an applicant shall qualify for admission to the engineering intern examination without having to have completed any applicable experience required for certification as an engineering intern.

(c) An applicant will not be certified as an EI until the examination has been passed and any applicable experience requirements have been met, submitted to, and approved by the board.

(d) An EI applicant who passed the examination, under the provisions of subsection (b), without first completing the experience requirements must submit the completed experience requirements within five (5) years after the last day of the month in which the applicant took and passed the engineering intern examination or the examination results will be voided.

(State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-2; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3905; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2106; filed Apr 23, 1999, 2:03 p.m.: 22 IR 2878, eff Jul 2, 1999; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

#### **864 IAC 1.1-4.1-3 Content of engineering examinations; scheduling of examinations**

Authority: IC 25-31-1-7 Affected: IC 25-31-1-14  
Sec. 3

(a) The examination for registration as a professional engineer shall consist of three (3) parts. Part I shall be known as the fundamentals of engineering examination. Part II shall be known as the principles and practice examination. Parts I and II are further described in IC 25-31-1-14(a) through IC 25-31-1-14(c). Part III shall concern professional conduct and Indiana registration law for professional engineers. In order to be granted registration as a professional engineer, the applicant must pass Part I, Part II, and Part III.

(b) Part II of the professional engineer examination shall be by engineering discipline, for example, electrical, mechanical, or civil. The applicant shall be required to choose the discipline in which the applicant desires to be examined.

(c) Part III of the professional engineer examination will be a take home examination to be taken in conjunction with Part II.

(d) The examination for certification as an EI shall be the fundamentals of engineering examination described in subsection (a).

(e) Regularly scheduled examinations will be given twice each year, normally in April and October.

(State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-3; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3906; filed Sep 24, 1992, 9:00 a.m.: 16 IR 727; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2106; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

#### **864 IAC 1.1-4.1-5 Notice of examination; failure to sit**

Authority: IC 25-31-1-7 Affected: IC 25-31-1-14  
Sec. 5

(a) If admission to an examination is granted, those parts of the examination which the applicant will be required to take and pass will be stated on a notice sent to the applicant.

(b) An applicant who has received the notice described in subsection (a) must take either the examination to which admission was granted or one (1) of the next two (2) examinations thereafter. If the applicant fails to sit for at least one (1) of the three (3) examinations, the application for the registration or certification being sought shall be deemed terminated and, if the applicant thereafter desires to seek the registration or certification for which application had been made, a new application must be filed with, and approved by, the board.

(c) This subsection applies only to individuals who apply for registration as a professional engineer without first having been certified as an engineering intern. An individual who passes the fundamentals of engineering examination as a professional engineer applicant must take the principles and practice examination and Part III of the examination no later than the third time it is offered after the applicant passes the fundamentals of engineering examination. If the applicant fails to do so, the applicant's application shall be deemed terminated and, therefore, the applicant shall be required to reapply as a professional engineer applicant and meet the requirements for examination admission before taking the principles and practice examination and Part III of the examination. However, such an applicant will not lose credit for passing the fundamentals of engineering examination until five (5) years after the last day of the month in which the applicant passed the fundamentals of engineering examination.

(State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-5; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3906; filed Jul 24, 1989, 5:00 p.m.: 12 IR 2284; filed Nov 15, 1990, 1:35 p.m.: 14 IR 757; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2107; filed Apr 23, 1999, 2:03 p.m.: 22 IR 2879, eff Jul 2, 1999; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

#### **864 IAC 1.1-4.1-6 Exemption from Part I of examination for an engineering intern**

Authority: IC 25-31-1-7 Affected: IC 25-31-1-14

Sec. 6.

An applicant for registration as a professional engineer, who holds either a valid certificate as an EI or as an engineer-in-training from Indiana or any other state or territory, by having passed the fundamentals of engineering examination shall be exempt from Part I of the examination for professional engineers.

(State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-6; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3906; filed Sep 24, 1992, 9:00 a.m.: 16 IR 728; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2107; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

#### **864 IAC 1.1-4.1-7 Examination attempts for registration as a professional engineer**

Authority: IC 25-31-1-7 Affected: IC 25-31-1-14

Sec. 7:

- (a) This section applies to the examination for registration as a professional engineer.
- (b) An applicant who does not pass the entire fundamentals of engineering examination (Part I) in the first attempt shall be entitled to take the examination two (2) additional times. However, the applicant's:
  - (1) second examination must be taken at either of the next two (2) regularly scheduled examinations after the failure of the first examination; and
  - (2) third examination must be taken at either of the next two (2) regularly scheduled examinations after the failure of the second examination.
- (c) An applicant who took the fundamentals of engineering examination two (2) times before July 1, 2005, shall not be entitled to further examination attempts under subsection (b). An applicant who took the fundamentals of engineering examination one (1) time before July 1, 2005, shall be entitled to two (2) additional examination attempts as long as the requirements stated in subsection (b) for timing of each examination attempt are met.
- (d) Upon the exhaustion of the examination attempts allowed under subsection (b), the application shall be deemed terminated.
- (e) An applicant who does not pass the principles and practice examination (Part II) and Part III on the first attempt shall be entitled to take the examinations two (2) additional times. However, the applicant's:
  - (1) second examination must be taken at either of the next two (2) regularly scheduled examinations after the failure of the first examination; and
  - (2) third examination must be taken at either of the next two (2) regularly scheduled examinations after the failure of the second examination.
- (f) An applicant who took the principles and practice examination two (2) times before July 1, 2005, shall not be entitled to further examination attempts under subsection (b). An applicant who took the principles and practice examination one (1) time before July 1, 2005, shall be entitled to two (2) additional examination attempts as long as the requirements stated in subsection (b) for timing of each examination attempt are met.
- (g) If the applicant passed Part II or Part III of the examination on the first attempt, the applicant will not be required to retake the passed part in the second examination allowed by subsection (e).
- (h) Upon the exhaustion of the examination attempts allowed by subsection (e), the application shall be deemed terminated.
- (i) If an application is terminated under subsection (h), the applicant shall not lose credit for a previous passing of the fundamentals of engineering examination. However, the applicant shall lose credit for passing either Part II or Part III.
- (j) For purposes of this section, examination attempts out of state count.

(State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-7; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3906; filed Jul 24, 1989, 5:00 p.m.: 12 IR 2284; filed Sep 24, 1992, 9:00 a.m.: 16 IR 728; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2107; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; filed Jul 31, 2006, 8:41 a.m.: 20060830-IR-864050295FRA; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)



#### **864 IAC 1.1-4.1-8 Terminated applications; reapplication for admission, qualifications**

Authority: IC 25-31-1-7 Affected: IC 25-31-1-12; IC 25-31-1-14

Sec. 8:

(a) An individual whose application has been deemed terminated under section 7(d), 7(h), or 9(e) of this rule may reapply for admission to the applicable examination.

(b) In order for readmission to be granted, the applicant must meet the education and experience requirements in effect at the time of reapplication and must have completed the following:

(1) Since the termination of the application, nine (9) or more semester credit hours of college level courses related to the applicant's examination deficiency.

(2) Appropriate experience of the type required under IC 25-31-1-12 for at least two (2) years subsequent to the termination of the application.

Under this subsection, the date of termination shall be deemed to be the date the third examination was taken.

(c) An applicant who is readmitted to an examination under this section shall be treated as if the applicant had not previously taken the examination for all purposes under sections 5 and 7 of this rule.

(d) Individuals may be deemed terminated partially or completely because of out-of-state examination attempts. Therefore, an applicant will be required to comply with subsection (b) even if the first, second, third, or all examination attempts are out of state.

(e) Individuals shall be deemed terminated under section 7(d) or 9(e) of this rule on the basis of all fundamentals of engineering examination attempts. Therefore, applicants will be required to comply with subsection (b) once the applicant has had three (3) fundamentals of engineering examination attempts regardless of whether the examination attempts were as:

(1) an engineering intern applicant; or

(2) a professional engineer applicant.

(f) For purposes of this section and sections 7 and 9 of this rule, an examination attempt:

(1) means the actual taking of the examination; and

(2) does not include a failure to appear to take the examination.

(State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-8; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3907; errata filed Feb 5, 1990, 4:15 p.m.: 13 IR 1066; filed Nov 15, 1990, 1:35 p.m.: 14 IR 757; filed Sep 24, 1992, 9:00 a.m.: 16 IR 728; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2108; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; filed Jul 31, 2006, 8:41 a.m.: 20060830-IR-864050295FRA; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

#### **864 IAC 1.1-4.1-9 Examination attempts for certification as an EI**

Authority: IC 25-31-1-7 Affected: IC 25-31-1-13; IC 25-31-1-14

Sec. 9

(a) This section applies to the examinations for certification as an EI.

(b) An applicant who does not pass the examination may take the examination two (2) additional times. However, the applicant's:

(1) second examination must be taken at either of the next two (2) regularly scheduled examinations after the failure of the first examination; and

(2) third examination must be taken at either of the next two (2) regularly scheduled examinations after the failure of the second examination.

(c) An applicant who took the examination two (2) times before July 1, 2005, shall not be entitled to further examination attempts under subsection (b). An applicant who took the examination one (1) time before July 1, 2005, shall be entitled to two (2) additional examination attempts as long as the requirements stated in subsection (b) for timing of each examination attempt are met.

(d) An applicant who took the examination the first time on a college campus, as allowed by 864 IAC 1.1-2-4(b), may take the examination two (2) additional times provided the applicant does the following:

(1) Complies with subsection (b).

(2) Pays the fees under the following:

(A) 864 IAC 1.1-12-1(1).

(B) 864 IAC 1.1-12-2.

(3) Submits a certified copy of educational transcripts showing any degree conferred.

- (4) Provides three (3) references as required under IC 25-31-1-13(a).
- (5) Otherwise qualifies for admission to the examination.
- (e) Upon the exhaustion of the examination attempts allowed by this section, the application shall be deemed terminated.
- (f) For purposes of this section, examination attempts out of state count.

(State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-9; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3907; filed Sep 24, 1992, 9:00 a.m.: 16 IR 729; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2108; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; filed Sep 16, 2004, 9:00 a.m.: 28 IR 603, eff Nov 1, 2004; filed Jul 31, 2006, 8:41 a.m.: 20060830-IR-864050295FRA; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

#### **864 IAC 1.1-4.1-11 Passing score for Part III of the professional engineer examination**

Authority: IC 25-31-1-7 Affected: IC 25-31-1-13; IC 25-31-1-14

Sec. 11:

The passing score for Part III of the professional engineer examination will be eighty-eight percent (88%).

(State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-11; 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)

### **Rule 5. Comity Registration**

#### **864 IAC 1.1-5-1 Comity registration standards**

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1-15; IC 25-31-1-21

Sec. 1:

(a) This rule addresses the requirements for registration of professional engineers who are registered in another state, territory, or possession of the United States. These applicants are also known as comity applicants.

(b) Under IC 25-31-1-21, one (1) requirement for an individual described in subsection (a) to become registered in Indiana is that the requirements under which the individual's registration was issued do not conflict with IC 25-31-1.

(c) In determining whether there is conflict under IC 25-31-1-21 and subsection (b), the board will evaluate whether the applicant meets the educational, experience, and examination requirements found in IC 25-31-1 and this title. This includes the educational and experience requirements found in 864 IAC 1.1-2-2 and the passing of the fundamentals of engineering examination and the principles and practice of engineering examination as required by IC 25-31-1-14 and 864 IAC 1.1-4.1-3.

(d) Unless the applicant does not qualify for registration for some other appropriate reason, if the educational, experience, and examination requirements described in subsection (c) are met at the time the applicant files the applicant's application with the board, the applicant will qualify for registration.

(State Board of Registration for Professional Engineers; Rule 5, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 630; 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; filed Jun 10, 2008, 9:47 a.m.: 20080709-IR-864070663FRA)

#### **864 IAC 1.1-5-4 Professional engineer examination; comity applicants**

Authority: IC 25-31-1-7 Affected: IC 25-31-1-15; IC 25-31-1-21

Sec. 4:

(a) Comity applicants shall be required to take and pass Part III of the professional engineer examination as described in 864 IAC 1.1-4.1-3. Notwithstanding 864 IAC 1.1-4.1-3(e), this examination shall be submitted with the comity applicant's application.

(b) An applicant who does not pass Part III of the engineering examination on the first attempt shall



be entitled to take it two (2) additional times.

(c) Upon the failure of the examination in the attempts allowed in subsection (b), the application shall be deemed terminated. The applicant shall be ineligible to reapply for a period of two (2) years from the date of the third failure.

(State Board of Registration for Professional Engineers; 864 IAC 1.1-5-4; 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; filed Jun 10, 2008, 9:47 a.m.: 20080709-IR-864070663FRA)

## Rule 7. Registrant's Seal

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1-16  
Sec. 2

(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)

### 864 IAC 1.1-7-3 Application of seal; signature Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1-16

Sec. 3:

(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 which 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 signature; and
- (2) the date the seal is being affixed;

directly adjacent to the seal, but not across the seal.

(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 title pages and on all pages on 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-IR-864070063RFA)

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1-16

Sec. 4:

(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)

### **Rule 8. Renewal**

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1-17

Sec. 1:

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;
  - (B) the individual cannot lawfully practice or offer to practice engineering; and
  - (C) the individual's name will be deleted from future rosters; until the renewal fee and required delinquent fee is paid.

(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)

## **Rule 9. Roster**

### **864 IAC 1.1-9-1 Publication and contents of rosters**

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1-17

Sec. 1:

In order to establish the time of publication of rosters in conjunction with the biennial collection of renewal fees, the board adopts the following:

- (1) As soon as practicable after the completion of the biennial renewals in each even-numbered year, the board will publish a roster showing the names and addresses of engineers who are valid registrants until the date shown in the roster.
- (2) It shall be the responsibility of each registrant to keep the board advised of the registrant's latest address and such supplementary roster information, if any, which is to be included in the roster.

(State Board of Registration for Professional Engineers; Rule 9, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 634; 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)

## **Rule 11. Rules of Professional Conduct**

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1

Sec. 1:

- (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)

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1-13

Sec. 2:

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)

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1

Sec. 3:

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)

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1  
Sec. 4:

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)

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1  
Sec. 5:

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)

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1  
Sec. 6:

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)

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1  
Sec. 7:

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)

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1  
Sec. 9:

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)

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1  
Sec. 10:

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)

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1  
Sec. 11:

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)

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1  
Sec. 12:

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)

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1  
Sec. 13:

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)

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1  
Sec. 14:

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)

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1  
Sec. 15:

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)

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1  
Sec. 16:

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)

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1  
Sec. 17:

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)

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1  
Sec. 18:

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)

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1  
Sec. 19:

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)

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1  
Sec. 20:

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)

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1  
Sec. 21:

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)

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1  
Sec. 22:

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)



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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1  
Sec. 23:

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)

#### **864 IAC 1.1-11-24 Felony convictions; effect**

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1  
Sec. 24:

Conviction of a crime shall be deemed incompetent practice if the acts which resulted in the conviction have a direct bearing on whether the applicant should be entrusted to serve the public as a registered professional engineer.

(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)

#### **864 IAC 1.1-11-25 Revocation or suspension of license in another jurisdiction; effect**

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1  
Sec. 25:

The revocation or suspension of a professional engineer's license by another jurisdiction, if for a cause which in the state of Indiana would constitute a violation of IC 25-31-1 or this title, shall be grounds for a charge of violation of IC 25-31-1-22.1.

(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)

### **Rule 12. Fees**

#### **864 IAC 1.1-12-1 Fees charged by board**

Authority: IC 25-1-8-2; IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1  
Sec. 1:

The board shall charge and collect the following fees, which shall all be nonrefundable and nontransferable:

- (1) Except for an application for college seniors applying for the fundamental engineering examination under 864 IAC 1.1-2-4 and 864 IAC 1.1-3-3, for review of an application for examination for certification as an engineering intern, one hundred dollars (\$100).
- (2) For review of an application for examination for registration as a professional engineer, three hundred dollars (\$300).
- (3) For the processing and review of qualifications for registration as a professional engineer by comity, five hundred dollars (\$500).
- (4) For issuance of the original certificate to practice as a professional engineer following passage of the examination or approval for registration on the basis of comity, when the certificate is dated between August 1 of an:
  - (A) odd-numbered year and July 31 of the following even-numbered year, inclusive, fifty dollars (\$50); and
  - (B) even-numbered year and July 31 of the following odd-numbered year, inclusive, one hundred



dollars (\$100).

(5) For biennial renewal of the certificate to practice as a professional engineer, one hundred dollars (\$100) payable prior to July 31 of each even-numbered year.

(6) For renewal of an expired certificate to practice as a professional engineer, fifty dollars (\$50), plus all unpaid renewal fees for the four (4) years of delinquency. A certificate may not be renewed after four (4) years of delinquency.

(7) For a duplicate or replacement certificate to practice as a professional engineer, ten dollars (\$10).

(8) The fee shall be one hundred dollars (\$100) for the proctoring of examinations taken in this state for purposes of registration in other states. This fee shall be in addition to the examination fee.

(State Board of Registration for Professional Engineers; Rule 12, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Oct 14, 1981, 1:30 p.m.: 4 IR 2459; filed Oct 17, 1986, 2:20 p.m.: 10 IR 442; errata, 10 IR 445; filed Sep 24, 1992, 9:00 a.m.: 16 IR 735; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2111; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3109; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; filed Sep 23, 2002, 9:59 a.m.: 26 IR 380, eff Dec 1, 2002; filed Sep 16, 2004, 9:00 a.m.: 28 IR 604, eff Nov 1, 2004)

#### **864 IAC 1.1-12-2 Fee for examination administration**

Authority: IC 25-1-8-2; IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-31-1  
Sec. 2:

The fees for both the fundamentals of engineering examination and principles and practice of engineering examination are the costs for examination administration and examination scoring, payable to the examination services.

(State Board of Registration for Professional Engineers; 864 IAC 1.1-12-2; filed Sep 16, 2004, 9:00 a.m.: 28 IR 604, eff Nov 1, 2004)

### **Rule 14. Limited Liability Company Practice**

#### **864 IAC 1.1-14-1 Limited liability company practice**

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 23-18-2-2; IC 25-31-1-18  
Sec. 1:

A limited liability company doing business in Indiana may practice or offer to practice engineering only if that practice is carried on under the responsible direction and supervision of a registered professional engineer who is a full-time employee or member of the company. 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.

(State Board of Registration for Professional Engineers; 864 IAC 1.1-14-1; filed Nov 7, 2003, 12:00 p.m.: 27 IR 875)

### **Rule 15. Continuing Education**

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

Authority: IC 25-1-4-8; IC 25-31-1-17.5  
Affected: IC 25  
Sec. 1.

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)

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

Authority: IC 25-1-4-8; IC 25-31-1-17.5

Affected: IC 25-1-4-0.2; IC 25-1-4-0.5

Sec. 2.

(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.

(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-IR-864090788FRA)

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

Authority: IC 25-1-4-8; IC 25-31-1-17.5

Affected: IC 25-1-4

Sec. 3.

(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 may be carried over as follows:

- (1) Continuing education obtained after the effective date of this rule and before August 1, 2010, may be carried over to the August 1, 2010, to the July 31, 2012, biennium.
- (2) 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)

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

Authority: IC 25-31-1-17.5

Affected: IC 25

Sec. 4.

(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 earn one (1) hour of continuing education for each hour taught, but only for the initial instruction or presentation.

(State Board of Registration for Professional Engineers; 864 IAC 1.1-15-4; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)

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

Authority: IC 25-1-4; IC 25-31-1-17.5

Affected: IC 25-1-4-0.2; IC 25-1-4-0.5

Sec. 5.

(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.

(State Board of Registration for Professional Engineers; 864 IAC 1.1-15-5; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)

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

Authority: IC 25-31-1-17.5

Affected: IC 25

Sec. 6.

(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)

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

Authority: IC 25-1-4; IC 25-31-1-17.5

Affected: IC 25-1-4-3

Sec. 7.

(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)

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

Authority: IC 25-1-4; IC 25-31-1-17.5

Affected: IC 25-1-4-4

Sec. 8.

(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-IR-864090788FRA)

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

Authority: IC 25-1-4; IC 25-31-1-17.5  
Affected: IC 25  
Sec. 9.

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)

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

Authority: IC 25-1-4; IC 25-31-1-17.5  
Affected: IC 25  
Sec. 10.

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)

# 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://www.in.gov/legislative/ic/code/title25/ar31/ch1.html>

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