



# Utah – Laws, Rules, and Ethics for Professional Engineers

Three (3) Continuing Education Hours  
Course #UT101

Approved Continuing Education for Licensed Professional Engineers

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### Course Description:

The Utah Laws, Rules and Ethics course satisfies 3 of the 30 hours of continuing professional education required for Utah licensed professional engineers.

The course is designed as a distance learning interactive course that enables the practicing professional engineer to examine the canons of ethics as well as keep up to date on the legal aspects that govern the practice of engineering in the state of Utah.

### Objectives:

The primary objective of this course is to familiarize the student with the canons of ethics and familiarize the student with the laws and rules regulating the practice of engineering in the state of Utah.

Upon successful completion of the course, the student will have increased understanding of ethical practices and be well versed with the UT state laws and board rules.

### Grading:

Students must achieve a minimum score of 70% on the online quiz to pass this course.

The quiz may be taken as many times as necessary to successful pass and complete the course.

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# Utah Statutes, Title 58. Occupations and Professions, Ch. 22. Professional Engineers and Professional Land Surveyors Licensing Act

## Part 1 General Provisions

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### 58-22-101 Title.

This chapter is known as the "Professional Engineers and Professional Land Surveyors Licensing Act." Amended by Chapter 259, 1996 General Session

### 58-22-102 Definitions.

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

- (1) "Board" means the Professional Engineers and Professional Land Surveyors Licensing Board created in Section 58-22-201.
- (2) "Building" means a structure which has human occupancy or habitation as its principal purpose, and includes the structural, mechanical, and electrical systems, utility services, and other facilities required for the building, and is otherwise governed by the State Construction Code or an approved code under Title 15A, State Construction and Fire Codes Act.
- (3) "Complete construction plans" means a final set of plans, specifications, and reports for a building or structure that normally includes:
  - (a) floor plans;
  - (b) elevations;
  - (c) site plans;
  - (d) foundation, structural, and framing detail;

- (e) electrical, mechanical, and plumbing design;
  - (f) information required by the energy code;
  - (g) specifications and related calculations as appropriate; and
  - (h) all other documents required to obtain a building permit.
- (4) "EAC/ABET" means the Engineering Accreditation Commission/Accreditation Board for Engineering and Technology.
- (5) "Fund" means the Professional Engineer, Professional Structural Engineer, and Professional Land Surveyor Education and Enforcement Fund created in Section 58-22-103.
- (6) "NCEES" means the National Council of Examiners for Engineering and Surveying.
- (7) "Principal" means a licensed professional engineer, professional structural engineer, or professional land surveyor having responsible charge of an organization's professional engineering, professional structural engineering, or professional land surveying practice.
- (8) "Professional engineer" means a person licensed under this chapter as a professional engineer.
- (9) (a) "Professional engineering," "the practice of engineering," or "the practice of professional engineering" means a service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to the service or creative work as consultation, investigation, evaluation, planning, design, and design coordination of engineering works and systems, planning the use of land and water, facility programming, performing engineering surveys and studies, and the review of construction for the purpose of monitoring compliance with drawings and specifications; any of which embraces these services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, and including other professional services as may be necessary to the planning, progress, and completion of any engineering services.
- (b) The practice of professional engineering does not include the practice of architecture as defined in Section 58-3a-102, but a licensed professional engineer may perform architecture work as is incidental to the practice of engineering.
- (10) "Professional engineering intern" means a person who:

- (a) has completed the education requirements to become a professional engineer;
- (b) has passed the fundamentals of engineering examination; and
- (c) is engaged in obtaining the four years of qualifying experience for licensure under the direct supervision of a licensed professional engineer.

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

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

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

(14) (a) "Professional structural engineering" or "the practice of structural engineering" means a service or creative work providing structural engineering services for significant structures, including:

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

(A) buildings and other structures whose primary occupancy is public assembly with an occupant load greater than 300;

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

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

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

- (E) jails and detention facilities with a gross area greater than 3,000 square feet; and
- (F) buildings and other structures with an occupant load greater than 5,000;
- (ii) buildings and other structures designated as essential facilities, including:
  - (A) hospitals and other health care facilities having surgery or emergency treatment facilities with a gross area greater than 3,000 square feet;
  - (B) fire, rescue, and police stations and emergency vehicle garages with a mean height greater than 24 feet or a gross area greater than 5,000 square feet;
  - (C) designated earthquake, hurricane, or other emergency shelters with a gross area greater than 3,000 square feet;
  - (D) designated emergency preparedness, communication, and operation centers and other buildings required for emergency response with a mean height more than 24 feet or a gross area greater than 5,000 square feet;
  - (E) power-generating stations and other public utility facilities required as emergency backup facilities with a gross area greater than 3,000 square feet;
  - (F) structures with a mean height more than 24 feet or a gross area greater than 5,000 square feet containing highly toxic materials as defined by the division by rule, where the quantity of the material exceeds the maximum allowable quantities set by the division by rule; and
  - (G) aviation control towers, air traffic control centers, and emergency aircraft hangars at commercial service and cargo air services airports as defined by the Federal Aviation Administration with a mean height greater than 35 feet or a gross area greater than 20,000 square feet; and
- (iii) buildings and other structures requiring special consideration, including:
  - (A) structures or buildings that are normally occupied by human beings and are five stories or more in height;
  - (B) structures or buildings that are normally occupied by human beings and have an average roof height more than 60 feet above the average ground level measured at the perimeter of the structure; and
  - (C) buildings that are over 200,000 aggregate gross square feet in area.
- (b) "Professional structural engineering" or "the practice of structural engineering":
  - (i) includes the definition of professional engineering or the practice of professional engineering as provided in Subsection (9); and

(ii) may be further defined by rules made by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(15) "Structure" means that which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in a definite manner, and as otherwise governed by the State Construction Code or an approved code under Title 15A, State Construction and Fire Codes Act.

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

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

(18) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-22-501.

(19) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-22-502.5

### 58-22-103 Education and enforcement fund.

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

(2) The fund consists of money from: Utah Code

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

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

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

(b) administrative penalties collected pursuant to this chapter.

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



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

- (a) education and training of licensees under this chapter;
- (b) education and training of the public or other interested persons in matters concerning engineering, structural engineering, and land surveying laws and practices; and
- (c) enforcement of this chapter by:
  - (i) investigating unprofessional or unlawful conduct; and
  - (ii) providing legal representation to the division when the division takes legal action against a person engaging in unprofessional or unlawful conduct.

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

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

## Part 2 Board

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### 58-22-201 Board.

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

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

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

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

(b) advise the division in its investigation of these complaints. Utah Code Page 5

(4) A board member who has, under Subsection

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

## Part 3 Licensure

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

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

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

- (a) professional engineer;
- (b) professional structural engineer; and
- (c) professional land surveyor.

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

### 58-22-302 Qualifications for licensure.

(1) Each applicant for licensure as a professional engineer shall:

- (a) submit an application in a form prescribed by the division;
- (b) pay a fee determined by the department under Section 63J-1-504;
- (c) provide satisfactory evidence of good moral character; (d)
  - (i) have graduated and received a bachelors or masters degree from an engineering program meeting criteria established by rule by the division in collaboration with the board; or
  - (ii) have completed the Transportation Engineering Technology and Fundamental Engineering College Program before July 1, 1998, under the direction of the Utah Department of Transportation and as certified by the Utah Department of Transportation;

- (e) have successfully completed a program of qualifying experience established by rule by the division in collaboration with the board;
- (f) have successfully passed examinations established by rule by the division in collaboration with the board; and
- (g) meet with the board or representative of the division upon request for the purpose of evaluating the applicant's qualification for licensure.

(2) Each applicant for licensure as a professional structural engineer shall:

- (a) submit an application in a form prescribed by the division;
- (b) pay a fee determined by the department under Section 63J-1-504;
- (c) provide satisfactory evidence of good moral character;
- (d) have graduated and received an earned bachelors or masters degree from an engineering program meeting criteria established by rule by the division in collaboration with the board;
- (e) have successfully completed three years of licensed professional engineering experience established by rule by the division in collaboration with the board, except that prior to January 1, 2009, an applicant for licensure may submit a signed affidavit in a form prescribed by the division stating that the applicant is currently engaged in the practice of structural engineering;
- (f) have successfully passed examinations established by rule by the division in collaboration with the board, except that prior to January 1, 2009, an applicant for licensure may submit a signed affidavit in a form prescribed by the division stating that the applicant is currently engaged in the practice of structural engineering; and
- (g) meet with the board or representative of the division upon request for the purpose of evaluating the applicant's qualification for licensure.

(3) Each applicant for licensure as a professional land surveyor shall:

- (a) submit an application in a form prescribed by the division;
- (b) pay a fee determined by the department under Section 63J-1-504;
- (c) provide satisfactory evidence of good moral character; (d)
  - (i) have graduated and received an associates, bachelors, or masters degree from a land surveying program, or an equivalent land surveying program, such as a program offered by a technical college described in Section 53B-2a-105, as approved by the State Board of Regents, established by rule by the division in collaboration with the board, and have

successfully completed a program of qualifying experience in land surveying established by rule by the division in collaboration with the board; or

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

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

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

(4) Each applicant for licensure by endorsement shall:

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

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

(c) provide satisfactory evidence of good moral character;

(d) submit satisfactory evidence of:

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

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

(iii) full-time employment as a principal for at least five of the last seven years immediately preceding the date of the application as a:

(A) licensed professional engineer for licensure as a professional engineer;

(B) licensed professional structural engineer for licensure as a structural engineer;  
or

(C) licensed professional land surveyor for licensure as a professional land surveyor; and

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

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

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

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

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

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

### 58-22-304 Continuing professional education.

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

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

### 58-22-305 Exemption from licensure.

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

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

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

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

(A) is not licensed in the state;

- (B) may not provide professional engineering, professional structural engineering, or professional land surveying services in the state until licensed in the state; and
- (C) that such condition may cause a delay in the ability of the professional engineer, professional structural engineer, or professional land surveyor to provide licensed services in the state;
- (iii) notifies the division in writing of the person's intent to offer to render professional engineering, professional structural engineering, or professional land surveying services in the state; and
- (iv) does not provide professional engineering, professional structural engineering, or professional land surveying services, or engage in the practice of professional engineering, professional structural engineering, or professional land surveying in this state until licensed to do so;
- (b) a person preparing a plan and specification for a one or two-family residence not exceeding two stories in height;
- (c) a person licensed to practice architecture under Title 58, Chapter 3a, Architects Licensing Act, performing architecture acts or incidental engineering or structural engineering practices that do not exceed the scope of the education and training of the person performing engineering or structural engineering;
- (d) unlicensed employees, subordinates, associates, or drafters of a person licensed under this chapter while preparing plans, maps, sketches, drawings, documents, specifications, plats, and reports under the supervision of a professional engineer, professional structural engineer, or professional land surveyor;
- (e) a person preparing a plan or specification for, or supervising the alteration of or repair to, an existing building affecting an area not exceeding 3,000 square feet when structural elements of a building are not changed, such as foundations, beams, columns, and structural slabs, joists, bearing walls, and trusses;
- (f) an employee of a communications, utility, railroad, mining, petroleum, or manufacturing company, or an affiliate of such a company, if the professional engineering or professional structural engineering work is performed solely in connection with the products or systems of the company and is not offered directly to the public;

- (g) an organization engaged in the practice of professional engineering, structural engineering, or professional land surveying, provided that:
    - (i) the organization employs a principal; and
    - (ii) all individuals employed by the organization, who are engaged in the practice of professional engineering, structural engineering, or land surveying, are licensed or exempt from licensure under this chapter; and
  - (h) a person licensed as a professional engineer, a professional structural engineer, or a professional land surveyor in a state other than Utah serving as an expert witness, provided the expert testimony meets one of the following:
    - (i) oral testimony as an expert witness in an administrative, civil, or criminal proceeding; or
    - (ii) written documentation included as part of the testimony in a proceeding, including designs, studies, plans, specifications, or similar documentation, provided that the purpose of the written documentation is not to establish specifications, plans, designs, processes, or standards to be used in the future in an industrial process, system, construction, design, or repair.
- (2) Nothing in this section shall be construed to restrict a draftsman from preparing plans for a client under the exemption provided in Subsection (1)(b), or taking those plans to a professional engineer for the engineer's review, approval, and subsequent fixing of the engineer's seal to that set of plans, if the plans meet the building code standards.

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

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

- (1) EAC/ABET curriculum; or
- (2) TAC/ABET curriculum.

## Part 4 License Denial and Discipline

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

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

## Part 5 Unlawful Conduct - Penalties

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### 58-22-501 Unlawful conduct. "Unlawful conduct" includes:

- (1) using the title "professional engineer," "professional land surveyor," "land surveyor," "professional structural engineer," "structural engineer," or any other words, letters, abbreviations, or designations which represent recognized professional engineering disciplines indicating that the person using them is a professional engineer, professional land surveyor, or professional structural engineer if the person has not been licensed under this chapter, except as provided in Subsection 58-22-305(1);
- (2) using the terms "engineering," "structural engineering," or "surveying" or any similar words, letters, or abbreviations to describe the type of activity performed or offered to be performed if the person has not been licensed under this chapter, except as provided in Subsection 58-22-305(1);
- (3) engaging in or representing itself as engaging in the practice of professional engineering, professional structural engineering, or professional land surveying as a corporation, proprietorship, partnership, or limited liability company, except as provided in Subsection 58-22-305(1);
- (4) engaging in the practice of engineering, structural engineering, or surveying as set forth in Subsections 58-22-102(9), (11), and (14), if the person has not been licensed under this chapter, except as provided in Section 58-1-307 or Subsections 58-3a-304(1)(b) through (f); or
- (5) a professional engineer engaging in the practice of structural engineering as defined in Subsection 58-22-102(14)(a). A



### 58-22-502.5 Unprofessional conduct.

Unprofessional conduct includes unprofessional conduct that is defined by rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

### 58-22-503 Penalty for unlawful conduct.

(1)

- (a) If upon inspection or investigation, the division concludes that a person has violated Section 58-1-501, 58-22-501 , or 58-22-502.5, or any rule or order issued with respect to Section 58-22-501 or 58-22-502.5 , and that disciplinary action is appropriate, the director or the director's designee from within the division for each alternative respectively, shall promptly issue a citation to the person according to this chapter and any pertinent rules, attempt

to negotiate a stipulated settlement, or notify the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

- (i) A person who violates Section 58-1-501, 58-22-501 , or 58-22-502.5, or any rule or order issued with respect to Section 58-22-501 or 58-22-502.5 , as evidenced by an uncontested citation, a stipulated settlement, or by a finding of violation in an adjudicative proceeding, may be assessed a fine pursuant to this Subsection (1) and may, in addition to or in lieu of, be ordered to cease and desist from violating Section 58-1-501, 58-22-501, or 58-22-502.5, or any rule or order issued with respect to this section.

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

(b) A citation shall:

- (i) be in writing;
- (ii) describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;
- (iii) clearly state that the recipient must notify the division in writing within 20 calendar days of service of the citation if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and

- (iv) clearly explain the consequences of failure to timely contest the citation or to make payment of any fines assessed by the citation within the time specified in the citation.
- (c) The division may issue a notice in lieu of a citation.
- (d) Each citation issued under this section, or a copy of each citation, may be served upon a person upon whom a summons may be served in accordance with the Utah Rules of Civil Procedure and may be made personally or upon the person's agent by a division investigator or by any person specially designated by the director or by mail.
- (e) If within 20 calendar days from the service of the citation, the person to whom the citation was issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review. The period to contest a citation may be extended by the division for cause.
- (f) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a licensee who fails to comply with a citation after it becomes final.
- (g) The failure of an applicant for licensure to comply with a citation after it becomes final is a ground for denial of license.
- (h) No citation may be issued under this section after the expiration of six months following the occurrence of any violation.
- (i) The director or the director's designee shall assess fines according to the following:
  - (i) for a first offense handled pursuant to Subsection (1)(a), a fine of up to \$1,000;
  - (ii) for a second offense handled pursuant to Subsection (1)(a), a fine of up to \$2,000; and
  - (iii) for any subsequent offense handled pursuant to Subsection (1)(a), a fine of up to \$2,000 for each day of continued offense.
- (2) An action initiated for a first or second offense which has not yet resulted in a final order of the division shall not preclude initiation of any subsequent action for a second or subsequent offense during the pendency of any preceding action. The final order on a subsequent action shall be considered a second or subsequent offense, respectively, provided the preceding action resulted in a first or second offense, respectively.
- (3)

- (a) The director may collect a penalty that is not paid by:
  - (i) referring the matter to a collection agency; or
  - (ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.
- (b) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.
- (c) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

## Part 6 Practice Standards

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

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

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

1) Any final plan, specification, and report of a building or structure erected in this state shall bear the seal of a professional engineer or professional structural engineer licensed under this chapter, except as provided in Section 58-22-305, in Title 58, Chapter 3a, Architects Licensing Act, and by the State Construction Code or an approved code under Title 15A, State Construction and Fire Codes Act.

(2) Any final plan, specification, and report prepared by, or under the supervision of, the professional engineer or professional structural engineer shall bear the seal of the professional engineer or professional structural engineer when submitted to a client, when filed with public authorities, or when submitted to a building official for the purpose of obtaining a building permit, even if the practice is exempt from licensure under Section 58-22-305.

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

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

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

- (a) was personally prepared by the licensee;
- (b) was prepared by an employee, subordinate, associate, or drafter under the supervision of a licensee, provided the licensee or a principal affixing his seal assumes responsibility;
- (c) was prepared by a licensed professional engineer, professional structural engineer, or architect in this state or any other state provided:
  - (i) the licensee in this state affixing the seal performs a thorough review of all work for compliance with all applicable laws and rules and the standards of the profession; and
  - (ii) makes any necessary corrections before submitting the final plan, specification, or report:
    - (A) to a building official for the purpose of obtaining a building permit; or Utah Code Page 12
    - (B) to a client who has contracted with a professional engineer or professional structural engineer for the design of a building or structure, when the licensee represents, or could reasonably expect the client to consider, the plan, specification, or report to be complete and final;
- (d) was prepared in part by a licensed professional engineer, professional structural engineer, or architect in this state or any other state provided:
  - (i) the licensee in this state clearly identifies that portion of the plan, specification, or report for which the licensee is responsible;
  - (ii) the licensee in this state affixing the seal performs a thorough review of that portion of the plan, specification, or report for which the licensee is responsible for compliance with the standards of the profession; and
  - (iii) makes any necessary corrections before submitting the final plan, specification, or report for which the licensee is responsible:
    - (A) to a building official for the purpose of obtaining a building permit; or

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

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

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

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

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

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

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

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

(a) was personally prepared by the licensee; or

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

# Utah Administrative Code, Title R156

## Commerce, Occupational and Professional Licensing

### Rule R156-22. Professional Engineers and Professional Land Surveyors Licensing Act Rule.

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#### R156-22-101. Title.

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

#### R156-22-102. Definitions.

In addition to the definitions in Title 58, Chapters 1, 3a and 22, as used in Title 58, Chapters 1, 3a and 22, or this rule:

- (1) "Complete and final", as used in Section 58-22-603, means "complete construction plans" as defined in Subsection 58- 22-102(3).
- (2) "Direct supervision", as used in Subsection 58-22-102(10), means "supervision" as defined in Subsection 58-22-102(16).
- (3) "Employee, subordinate, associate, or drafter of a licensee", as used in Subsections 58-22-102(16), 58-22-603(1)(b) and this rule, means one or more individuals not licensed under this chapter, who are working for, with, or providing professional engineering, professional structural engineering, or professional land surveying services directly to and under the supervision of a person licensed under this chapter.
- (4) "Engineering surveys", as used in Subsection 58-22-102(9), include all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but exclude the surveying of real property for the establishment of land boundaries, rights-of-way, easements, alignment of streets, and the dependent or independent surveys or resurveys of the public land survey system.
- (5) "Highly toxic materials", as used in Subsection 58-22-102(14)(a)(ii)(F), is as defined in the State Construction and Fire Codes adopted under Title 15A.

- (6) "Incidental practice" means "architecture work as is incidental to the practice of engineering", as used in Subsection 58-22-102(9), and "engineering work as is incidental to the practice of architecture", as used in Subsection 58-3a-102(6), which:
- (a) can be safely and competently performed by the licensee without jeopardizing the life, health, property and welfare of the public;
  - (b) is secondary and substantially less in scope and magnitude when compared to the work performed or to be performed by the licensee in the licensed profession;
  - (c) is work in which the licensee is fully responsible for the incidental practice performed as provided in Subsections 58-3a-603(1) or 58-22-603(1);
  - (d) unless exempt from licensure as provided in Subsection 58-22-305(1)(e), is work on a building classified for not greater than 49 occupants as determined in the State Construction and Fire Codes adopted under Title 15A;
  - (e) unless exempt from licensure as provided in Subsection 58-22-305(1)(e), is work included on a project with a construction value not greater than 15 percent of the overall construction value for the project including all changes or additions to the contracted or agreed upon work; and
  - (f) shall not include work on a building or related structure in an occupancy category of III or IV as defined in 1604.5 of the 2009 International Building Code.
- (7) "Maximum allowable quantities", as used in Subsection 58-22-102(14)(a)(ii)(F), is quantities of hazardous materials as set forth in Section 307 of the 2009 International Building Code, Tables 307.1(1) and 307.1(2), which when exceeded, would classify the building, structure or portion thereof as Group H-1, H-2, H-3, H-4 or H-5 hazardous use.
- (8) "NCEES FE", as used throughout this rule, means the National Council of Examiners in Engineering and Surveying Fundamentals of Engineering Examination.
- (9) "NCEES FS", as used throughout this rule, means the National Council of Examiners in Engineering and Surveying Fundamentals of Surveying Examination.
- (10) "NCEES PE", as used throughout this rule, means the National Council of Examiners in Engineering and Surveying Principles and Practice of Engineering Examination.
- (11) "NCEES PS", as used throughout this rule, means the National Council of Examiners in Engineering and Surveying Principles and Practice in Surveying Examination.
- (12) "NCEES SE", as used throughout this rule, means the National Council of Examiners in Engineering and Surveying Structural Engineering Examination.

- (13) "Professional structural engineering or the practice of structural engineering", as defined in Subsection 58-22-102(14), is further defined to exclude the design and oversight of the construction and installation of highway, utility, or pedestrian bridges.
- (14) "Recognized jurisdiction", as used in Subsection 58-22-302(4)(d)(i), for licensure by endorsement, means any jurisdiction that is a member of the NCEES.
- (15) "Responsible charge" by a principal, as used in Subsection 58-22-102(7), means that the licensee is assigned to and is personally accountable for the production of specified professional engineering, professional structural engineering or professional land surveying projects within an organization.
- (16) "TAC/ABET" means Technology Accreditation Commission/Accreditation Board for Engineering and Technology(ABET, Inc.).
- (17) "Under the direction of the licensee", as used in Subsection 58-22-102(16), as part of the definition of "supervision of an employee, subordinate, associate, or drafter of a licensee", means that the unlicensed employee, subordinate, associate, or drafter of
- 3a person licensed under this chapter engages in the practice of professional engineering, professional structural engineering, or professional land surveying only on work initiated by a person licensed under this chapter, and only under the administration, charge, control, command, authority, oversight, guidance, jurisdiction, regulation, management, and authorization of a person licensed under this chapter.
- (18) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 22, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-22-502.

### R156-22-103. Authority - Purpose.

This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 22.

### R156-22-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

### R156-22-302b. Qualifications for Licensure - Education Requirements for Professional Engineer and Professional Structural Engineer.

In accordance with Subsections 58-22-302(1)(d) and 58-22-302(2)(d), the engineering program criteria is established as



follows:

- (1) The bachelors degree shall be earned from an engineering program accredited by EAC/ABET or the Canadian Engineering Accrediting Board (CEAB).
- (2) The post-graduate degree shall be earned:
  - (a) from an engineering program accredited by EAC/ABET or the Canadian Engineering Accreditation Board (CEAB); or
  - (b) from an institution which offers a bachelors or masters degree in an engineering program accredited by EAC/ABET or CEAB in the same specific engineering discipline as the earned post-graduate degree; and
  - (c) the applicant shall demonstrate that the combined engineering-related coursework taken meets or exceeds the engineering- related coursework required for an EAC/ABET-accredited bachelor degree program.
- (3) If the degree was earned in a foreign country, the engineering curriculum shall be determined by the NCEES Credentials Evaluations to fulfill the required curricular content of the NCEES Engineering Education Standard.
  - (a) Engineering coursework deficiencies must be completed at an EAC/ABET-approved program; and
  - (b) all other coursework deficiencies may be satisfied at a recognized college or university approved by the Division in collaboration with the Board.
- (4) A TAC/ABET accredited degree is not acceptable to meet the qualifications for licensure as a professional engineer or a professional structural engineer.

### R156-22-302c. Qualifications for Licensure - Education Requirements for Professional Land Surveyor.

In accordance with Subsection 58-22-302(3)(d), an applicant for licensure as a professional land surveyor shall verify completion of one of the following land surveying programs affiliated with an institution that is recognized by the Council for Higher Education Accreditation (CHEA), and approved by the Division in collaboration with the Board:

- (1) an associates in applied science degree in land surveying or geomatics;
- (2) a bachelors, masters or doctorate degree in land surveying or geomatics;
- (3) an equivalent land surveying program that includes completion of a bachelors, masters or doctorate degree in a field related to land surveying or geomatics comprised of a minimum of 30 semester hours or 42 quarter hours of coursework in land surveying or geomatics which shall include completion of the following courses:
  - (a) a minimum of one course in each of the following content areas:
    - (i) boundary law;

- (ii) writing legal descriptions;
- (iii) photogrammetry;
- (iv) public land survey system;
- (v) studies in land records or land record systems; and
- (vi) surveying field techniques; and
- (b) the remainder shall be from any or all of the following content areas:
  - (i) algebra, calculus, geometry, statistics, trigonometry, not to exceed six semester hours or eight quarter hours;
  - (ii) control systems;
  - (iii) drafting, not to exceed six semester hours or eight quarter hours;
  - (iv) geodesy;
  - (v) geographic information systems;
  - (vi) global positioning systems;

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- (vii) land development; and
- (viii) survey instrumentation; or

- (4) an equivalent land surveying program that includes completion of a bachelors, masters or doctorate degree in a field related to land surveying or geomatics that does not include some of the coursework specified in Subsection (3) as part of the degree program, provided that the deficient requirements have been completed post-degree; and
- (5) if the degree was earned in a foreign country, the land surveying curriculum shall be determined by the NCEES Credential Evaluations to fulfill the required curricular content of the NCEES Education Standard; deficiencies in coursework may be satisfied by completion at a recognized college or university approved by the Division in collaboration with the Board.

## R156-22-302d. Qualifications for Licensure - Experience Requirements for All Applicants.

In accordance with Subsection 58-22-302, the following general experience requirements are established for all applicants under this chapter, and are in addition to the specific experience requirements for each profession described in Sections R156-22-302e, R156-22-302f and R156-22-302g:

- (1) 2,000 hours of work experience constitutes one year (12 months) of work experience.
- (2) No more than 2,000 hours of work experience can be claimed in any 12 month period.
- (3) Experience shall be progressive on projects that are of increasing quality and requiring greater responsibility.

- (4) Only experience of an engineering, structural engineering or surveying nature, as appropriate for the specific license, is acceptable.
- (5) Experience is not acceptable if it is obtained in violation of applicable statutes or rules.
- (6) Unless otherwise provided in Section 7, experience shall be gained under the direct supervision of a person licensed in the profession for which the license application is submitted. Supervision of an intern by another intern is not permitted.
- (7) Experience is also acceptable when obtained in a work setting where licensure is not required or is exempted from licensure in accordance with Section 58-22-305, including experience obtained in the armed services if:
  - (a) the experience is performed under the supervision of qualified persons and the applicant provides verifications of the credentials of the supervisor; and
  - (b) the experience gained is equivalent to work performed by an intern obtaining experience under a licensed supervisor in a licensed or civilian setting, and the applicant provides verification of the nature of the experience.
- (8) Each supervisor shall provide to the applicant the certificate of qualifying experience with the supervisor's seal, which the applicant shall submit with the application for licensure.
- (9) If the supervisor is unavailable or refuses to provide a certification of qualifying experience, the applicant shall submit:
  - (a) a complete explanation of why the supervisor is unavailable; and
  - (b) verification of the experience by alternative means acceptable to the Board, which shall demonstrate that the work was profession-related, competently performed, and sufficient accumulated experience for the applicant to be granted a license without jeopardy to the public health, safety, or welfare.
- (10) If the supervisor verifying the applicant's credentials is not licensed in the profession, the supervisor shall provide a written explanation as to why the supervisor is qualified to verify the applicant's knowledge, ability and competence to practice in the profession applied for.
- (11) Supervisor duties and responsibilities shall include the following:
  - (a) A person may not serve as a supervisor for more than one firm.
  - (b) A person who renders occasional, part time or consulting services to or for a firm may not serve as a supervisor.
  - (c) The supervisor shall be in responsible charge of the projects assigned, and professionally responsible for the acts and practices of the supervisee.
  - (d) The supervision shall be conducted in a setting in which the supervisor is independent from control by the supervisee and in which the ability of the supervisor to supervise and direct the practice of the supervisee is not compromised.

- (e) The supervisor shall be available for advice, consultation, and direction consistent with the standards and ethics of the profession.
- (f) The supervisor shall provide periodic review of the work assigned to the supervisee.
- (g) The supervisor shall monitor the performance of the supervisee for compliance with laws, standards and ethics applicable to the profession.
- (h) The supervisor shall provide supervision only to a supervisee who is an employee of a licensed professional or alternatively in a setting wherein both the supervisor and the supervisee are engaged in a work setting in which the work is exempt from licensure requirements.
- (i) The supervisor shall submit appropriate documentation to the Division with respect to all work completed by the supervisee during the period of supervised experience, including the supervisor's evaluation of the supervisee's competence to practice in the profession.
- (j) The supervisor shall ensure that each supervisee has obtained the degree which is a prerequisite to obtaining the qualifying experience.

### R156-22-302e. Qualifications for Licensure - Experience Requirements - Specific to Professional Engineer.

In accordance with Subsection 58-22-302(1)(e), each applicant for licensure as a professional engineer shall submit verification of qualifying experience as follows:

- (1) The experience shall be:
  - (a) obtained after meeting the education requirement;
  - (b) supervised by one or more licensed professional engineers;
  - (c) certified by the licensed professional engineer who provided the supervision; and
  - (d) include a minimum of four years of full-time or substantially equivalent part-time experience in professional engineering, except as provided in Subsection (2).
- (2) Credit toward meeting the experience requirement may be granted as follows:
  - (a) A maximum of three years for teaching advanced engineering subjects in a college or university offering an engineering curriculum accredited by EAC/ABET.
  - (b) A maximum of three years for conducting research in a college or university offering an engineering curriculum accredited by EAC/ABET, provided the research is:
    - (i) under the supervision of a licensed professional;
    - (ii) directly related to the practice of engineering; and
    - (iii) has not been credited towards the education requirements, such as part of classwork, thesis or dissertation, or similar work.

- (c) A maximum of one year for completing a masters degree in engineering provided that both the earned bachelors and masters degree in engineering meet the program criteria set forth in Section R156-22-302b.
- (d) A maximum of two years for completing a doctorate degree in engineering provided that both the earned bachelors or masters degree and doctorate degree in engineering meet the program criteria set forth in Section R156-22-302b.
- (3) The performance or supervision of construction work as a contractor, foreman or superintendent is not qualifying experience for licensure as a professional engineer.
- (4) Experience shall demonstrate knowledge, application, and practical solutions using engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design.

### R156-22-302f. Qualifications for Licensure - Experience Requirements - Specific to Professional Structural Engineer.

In accordance with Subsection 58-22-302(2)(e), each applicant for licensure as a professional structural engineer shall submit verification of qualifying experience as follows:

- (1) The experience shall be:
  - (a) obtained after meeting the education requirement;
  - (b) supervised by one or more licensed professional structural engineers;
  - (c) certified by the licensed professional structural engineer who provided the supervision; and
  - (d) include a minimum of three years of full-time or equivalent part-time experience in professional structural engineering.
- (2) Professional structural engineering experience shall include responsible charge of structural design in one or more of the following areas:
  - (a) structural design of any building or structure two stories and more, or 45 feet in height, located in a region of moderate or high seismic risk, designed in accordance with current codes adopted pursuant to Section 58-56-4;
  - (b) structural design for a major seismic retrofit/rehabilitation of an existing building or structure located in a region of moderate or high seismic risk; or
  - (c) structural design of any other structure of comparable structural complexity.
- (3) Professional structural engineering experience shall include structural design in all of the following areas:
  - (a) use of three of the following four materials as they relate to the design, rehabilitation or investigation of buildings or structures:
    - (i) steel;

- (ii) concrete;
- (iii) wood; or
- (iv) masonry;
- (b) selection of framing systems including the consideration of alternatives and the selection of an appropriate system for the interaction of structural components to support vertical and lateral loads;
- (c) selection of foundation systems including the consideration of alternatives and the selection of an appropriate type of foundation system to support the structure;
- (d) design and detailing for the transfer of forces between stories in multi-story buildings or structures;
- (e) application of lateral design in the design of the buildings or structures, in addition to any wind design requirements; and
- (f) application of the local, state, and federal code requirements as they relate to design loads, materials, and detailing.

### R156-22-302g. Qualifications for Licensure - Experience Requirements - Specific to Professional Land Surveyor.

In accordance with Subsection 58-22-302(3)(d), each applicant for licensure as a professional land surveyor shall submit verification of qualifying experience as follows:

- (1) The experience may be obtained before, during, or after completing the education requirement.
- (2) The experience shall be supervised by one or more licensed professional land surveyors, and certified by the supervisor.
- (3) The experience shall include experience in professional land surveying in the following content areas:
  - (a) experience specific to field surveying with actual "hands on" surveying, including all of the following:
    - (i) operation of various instrumentation;
    - (ii) review and understanding of plan and plat data;
    - (iii) public land survey systems;
    - (iv) calculations;
    - (v) traverse;
    - (vi) staking procedures;
    - (vii) field notes and manipulation of various forms of data encountered in horizontal and vertical studies; and
  - (b) experience specific to office surveying, including all of the following:

- (i) drafting (including computer plots and layout);
  - (ii) reduction of notes and field survey data;
  - (iii) research of public records;
  - (iv) preparation and evaluation of legal descriptions; and
  - (v) preparation of survey-related drawings, plats, and record of survey maps.
- (c) The amount of qualifying experience shall be as follows:
- (1) Each applicant with an associates degree in land surveying or geomatics shall complete a minimum of six years of experience as follows:
    - (a) three years that complies with Subsection(3)(a); and
    - (b) three years that complies with Subsection (3)(b).
  - (2) Each applicant with a bachelors degree in land surveying or geomatics shall complete a minimum of four years of experience as follows:
    - (a) two years that complies with Subsection (3)(a); and
    - (b) two years that complies with Subsection (3)(b).
  - (3) Each applicant with a masters degree in land surveying or geomatics shall complete a minimum of three years of experience as follows:
    - (a) one and a half years that complies with Subsection (3)(a); and
    - (b) one and a half years that complies with Subsection (3)(b).
  - (4) Each applicant with a doctorate degree in land surveying or geomatics shall complete a minimum of two years of experience as follows:
    - (a) one year that complies with Subsection (3)(a); and
    - (b) one year that complies with Subsection (3)(b).

## R156-22-302h. Qualifications for Licensure - Examination Requirements for Professional Engineer.

In accordance with Subsection 58-22-302(1)(f), the examination requirements for licensure as a professional engineer are defined, clarified, or established as the following:

- (1) the NCEES FE examination with a passing score as established by the NCEES except that an applicant who has completed one of the following is not required to pass the FE examination:
  - (a) a Ph.D. or doctorate degree in engineering from an institution that offers EAC/ABET undergraduate programs in the Ph.D. field of engineering; or
  - (b) a Ph.D. or doctorate degree in engineering from a foreign institution if the engineering curriculum is determined by the NCEES Credentials Evaluations to fulfill the required curricular content of the NCEES Engineering Education Standard.
- (2) the NCEES PE examination with a passing score as established by the NCEES; or
- (3) the NCEES SE examination with a passing score as established by the NCEES.

- (4) If an applicant for reinstatement of licensure as a professional engineer passed the examinations required for licensure as an engineer under prior Utah statutes and rules, the prior examinations will be acceptable to qualify for reinstatement of licensure rather than the examinations specified under Subsection R156-22-302h(1).
- (5) Prior to registering directly with NCEES to sit for the NCEES PE examination, an applicant shall:
  - (a) complete the education requirements set forth in Subsection R156-22-302b; and
  - (b) provide verification to NCEES of passing the NCEES FE examination.
- (6) The admission criteria to sit for the NCEES FE examination is set forth in Section 58-22-306.
- (7) In accordance with Subsection 58-22-302(4)(d)(ii), an applicant for licensure as a professional engineer by endorsement shall comply with the examination requirements in Subsection R156-22-302h, except that the Board may waive one or more of the following:
  - (a) the NCEES FE examination, for an applicant who:
    - (i) is a principal for five of the last seven years preceding the date of the license application; and
    - (ii) was not required to pass the NCEES FE examination for initial licensure from the recognized jurisdiction the applicant was originally licensed;
  - (b) the NCEES PE examination for an applicant who:
    - (i) has been a principal for five of the last seven years preceding the date of the license application;
    - (ii) has been licensed for ten years preceding the date of the license application; and
    - (iii) was not required to pass the NCEES PE examination for initial licensure from the recognized jurisdiction the applicant was originally licensed.

### R156-22-302i Qualifications for Licensure - Examination Requirements for Professional Structural Engineer.

In accordance with Subsection 58-22-302(2)(f), the examination requirements for licensure as a professional structural engineer are defined, clarified, or established as the following:

- (1) the NCEES FE examination with a passing score as established by the NCEES; and one of the following:
  - (a) the NCEES SE examination with a passing score as established by the NCEES;
  - (b) the NCEES Structural I and Structural II Examinations with a passing score as established by the NCEES;
  - (c) an equivalent 16-hour state written examination with a passing score; or



- (d) the NCEES Structural II exam and an equivalent 8-hour state written examination with a passing score.
- (2) Prior to registering directly with NCEES to sit for the NCEES SE examination, an applicant shall:
  - (a) complete two out of the three years of the experience requirements set forth in Subsection R156-22-302f; and
  - (b) provide verification to NCEES of passing the NCEES FE examination.
- (3) An applicant for licensure as a professional structural engineer by endorsement shall comply with the examination requirements in Subsection R156-22-302i, except that the Board may waive the NCEES FE examination for an applicant who:
  - (a) has been a principal for five of the last seven years preceding the date of the license application; and
  - (b) was not required to pass the NCEES FE examination for initial licensure from the recognized jurisdiction the applicant was originally licensed.

### R156-22-302j. Qualifications for Licensure - Examination Requirements for Professional Land Surveyor.

In accordance with Subsection 58-22-302(3)(e), the examination requirements for licensure as a professional land surveyor are defined, clarified, or established as the following:

- (1) the NCEES FS examination with a passing score as established by the NCEES;
- (2) the NCEES PS examination with a passing score as established by the NCEES;
- and
- (3) the Utah Professional Land Surveyor Examination, with a passing score of at least 75%.
- (4) An applicant who fails the Utah Professional Land Surveyor Examination may retake the examination:
  - (a) no sooner than 30 days following any failure, up to three failures; and
  - (b) no sooner than six months following any failure thereafter.
- (5) Prior to registering directly with NCEES to sit for the NCEES PS examination, an applicant shall:
  - (a) complete the education requirement set forth in Section R156-22-302c; and
  - (b) provide verification to NCEES of passing the NCEES FS examination.
- (6) An applicant for licensure as a professional land surveyor by endorsement shall comply with the examination requirements in Section R156-22-302j, except that the Board may waive either the NCEES FS examination or the NCEES PS examination, or both, for an applicant who:

- (a) has been a principal for five of the last seven years preceding the date of the license application; and
- (b) was not required to pass the NCEES FS examination or the NCEES PS examination for initial licensure from the recognized jurisdiction the applicant was originally licensed.

### R156-22-304. Continuing Education for Professional Engineers, Professional Structural Engineers, and Professional Land Surveyors.

In accordance with Subsection 58-22-303(2) and Section 58-22-304, the qualifying continuing professional education standards for professional engineers, professional structural engineers and professional land surveyors are established as follows:

- (1) During each two-year period ending on March 31 of each odd numbered year, a licensed professional engineer, professional structural engineer, and professional land surveyor shall complete at least 30 hours of qualified professional education directly related to the ethics, business and technical content aimed at maintaining, improving, or expanding the skills and knowledge relevant to the licensee's professional practice.
- (2) The required hours of professional education for an individual who first becomes licensed during the two-year period shall be decreased in a pro-rata amount equal to any part of that two year period preceding the date on which that individual first became licensed.
- (3) Qualified continuing professional education under this section shall:
  - (a) have an identifiable clear statement of purpose and defined objective for the educational program directly related to the licensee's professional practice;
  - (b) be relevant to the licensee's professional practice;
  - (c) be presented in a competent, well organized and sequential manner consistent with the stated purpose and objective of the program;
  - (d) be prepared and presented by individuals who are qualified by education, training and experience; and
  - (e) have a competent method of registration of individuals who actually completed the education program, with records of registration and completion available for review.
- (4) Credit for qualified continuing professional education shall be recognized as follows:
  - (a) unlimited hours for each hour of professional education completed in blocks of time of not less than 50 minutes, in formally established classroom courses, seminars, or conferences;
  - (b) a maximum of 15 hours for teaching in a college or university or for teaching qualified continuing professional education courses in the field of professional

engineering, professional structural engineering or professional land surveying, provided it is the first time the material has been taught during the preceding 12 months;

- (c) a maximum of five hours for preparation of papers, articles, or books directly related to the practice of professional engineering, professional structural engineering, or professional land surveying and submitted for publication; and
- (d) a maximum of ten hours for service on committees or in leadership roles in any state, national or international organization for the development and improvement of the profession of professional engineering, professional structural engineering, or professional land surveying but no more than five of the ten hours may be obtained from such activity in any one organization;
- (e) unlimited hours for continuing education provided via Internet or through home study courses provided the course verifies registration and participation in the course by means of a test which demonstrates that the participant has learned the material.

- (5) A licensee shall maintain records of completed qualified continuing professional education for a period of four years after close of the two-year period to which the records pertain. It is the responsibility of the licensee to maintain information with respect to qualified continuing professional education to demonstrate it meets the requirements of this section.
- (6) If a licensee exceeds the 30 hours of qualified continuing professional education during the two-year period, the licensee may carry forward a maximum of 15 hours into the next two-year period.
- (7) Any licensee who fails to timely complete the continuing education required by this rule shall be required to complete double the number of hours missed to be eligible for renewal or reinstatement of licensure.
- (8) Any applicant for reinstatement who was not in compliance with the continuing education requirement at the time of the expiration of licensure shall be required to complete 30 hours of continuing education within two years prior to the date of application for reinstatement of licensure.
- (9) The Division may waive continuing education in accordance with Section R156-1-308d.

### R156-22-305. Inactive Status.

- (1) The requirements for inactive licensure specified in Subsection R156-1-305(3) shall also include certification that the professional engineer, professional structural engineer or professional land surveyor licensee shall not engage in the profession for which the license was issued while the license is on inactive status, except to identify the individual as an inactive licensee.

- (2) A license shall be active and in good standing prior to being placed on inactive status.
- (3) Inactive status licensees are not required to fulfill the continuing education requirement.
- (4) In addition to the requirements in Subsection R156-1-305(6) to reactivate an inactive license, a licensee shall provide documentation that the licensee, within two years of the license being reactivated, completed 30 hours of continuing education.
- (5) Prior to a license being reactivated, a licensee shall meet the requirements for license renewal.

### R156-22-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

- (1) submitting an incomplete final plan, specification, report or set of construction plans to:
  - (a) a client, when the licensee represents, or could reasonably expect the client to consider the plan, specification, report or set of construction plans to be complete and final; or
  - (b) to a building official for the purpose of obtaining a building permit;
- (2) failing as a principal to exercise responsible charge;
- (3) failing as a supervisor to exercise supervision of an employee, subordinate, associate or drafter;
- (4) receiving gratuities from material, product, or services suppliers for specifying or endorsing their goods or services;
- (5) failing to fully disclose and obtain consent in writing of the principal employer and all interested parties prior to accepting or engaging in supplemental professional engineering, structural engineering, or land surveying services; and
- (6) failing to conform to the accepted and recognized standards and ethics of the profession, including those established in the "Rules of Professional Conduct", as published in the NCEES Model Rules, revised August 2016, which is hereby incorporated by reference.

### R156-22-503. Administrative Penalties.

- (1) In accordance with Subsection 58-22-503, the following fine schedule shall apply to citations issued under Title 58, Chapters 1 and 22:

### R156-22-503. Administrative Penalties.

(1) In accordance with Subsection 58-22-503, the following fine schedule shall apply to citations issued under Title 58, Chapters 1 and 22:

TABLE FINE SCHEDULE

| Violation      | First Offense | Second Offense |
|----------------|---------------|----------------|
| 58-1-501(1)(a) | \$1,000.00    | \$2,000.00     |
| 58-1-501(1)(b) | \$1,000.00    | \$2,000.00     |
| 58-1-501(1)(c) | \$1,000.00    | \$2,000.00     |
| 58-1-501(1)(d) | \$1,000.00    | \$2,000.00     |
| 58-1-501(1)(e) | \$1,000.00    | \$2,000.00     |
| 58-1-501(2)(a) | \$1,000.00    | \$2,000.00     |
| 58-1-501(2)(b) | \$1,000.00    | \$2,000.00     |
| 58-1-501(2)(c) | \$ 800.00     | \$1,600.00     |
| 58-1-501(2)(d) | \$ 250.00     | \$ 500.00      |
| 58-1-501(2)(e) | \$ 800.00     | \$1,600.00     |
| 58-1-501(2)(f) | \$ 800.00     | \$1,600.00     |
| 58-1-501(2)(g) | \$1,000.00    | \$2,000.00     |
| 58-1-501(2)(h) | \$1,000.00    | \$2,000.00     |
| 58-1-501(2)(i) | \$1,000.00    | \$2,000.00     |
| 58-1-501(2)(j) | \$1,000.00    | \$2,000.00     |
| 58-1-501(2)(k) | \$1,000.00    | \$2,000.00     |
| 58-1-501(2)(l) | \$1,000.00    | \$2,000.00     |
| 58-1-501(2)(o) | \$1,000.00    | \$2,000.00     |
| 58-22-501(1)   | \$ 800.00     | \$1,600.00     |
| 58-22-501(2)   | \$ 800.00     | \$1,600.00     |
| 58-22-501(3)   | \$ 800.00     | \$1,600.00     |
| 58-22-501(4)   | \$ 800.00     | \$1,600.00     |

|              |            |            |
|--------------|------------|------------|
| 58-22-501(5) | \$ 800.00  | \$1,600.00 |
| 58-22-502.5  | \$1,000.00 | \$2,000.00 |

- (2) Citations shall not be issued for third offenses, except in extraordinary circumstances approved by the investigative supervisor. If a citation is issued for a third offense, the fine is double the second offense amount, with a maximum amount not to exceed the maximum fine allowed under Subsection 58-22-503(1)(i).
- (3) If multiple offenses are cited on the same citation, the fine shall be determined by evaluating the most serious offense.
- (4) An investigative supervisor may authorize a deviation from the fine schedule based upon the aggravating or mitigating circumstances.
- (5) In all cases the presiding officer shall have the discretion, after a review of the aggravating and mitigating circumstances, to increase or decrease the fine amount based upon the evidence reviewed.

### R156-22-601. Seal Requirements.

- (1) In accordance with Section 58-22-601, all final plans, specifications, reports, maps, sketches, surveys, drawings, documents and plats prepared by the licensee or prepared under the supervision of the licensee, shall be sealed in accordance with the following:
  - (a) Each seal shall be a circular seal, 1-1/2 inches minimum diameter.
  - (b) Each seal shall include the licensee's name, license number, "State of Utah", and, as appropriate, "Professional Engineer", "Professional Structural Engineer", or "Professional Land Surveyor".
  - (c) Each seal shall be signed and dated with the signature and date appearing across the face of each seal imprint.
  - (d) Each original set of final plans, specifications, reports, maps, sketches, surveys, drawings, documents and plats, as a minimum, shall have the original seal imprint, original signature and date placed on the cover or title sheet.
  - (e) A seal may be a wet stamp, embossed, or electronically produced.
  - (f) Electronically generated signatures are acceptable.
  - (g) It is the responsibility of the licensee to provide adequate security when documents with electronic seals and electronic signatures are submitted. Sheets subsequent to the cover of specifications are not required to be sealed, signed and dated.
  - (h) Copies of the original set of plans, specifications, reports, maps, sketches, surveys, drawings, documents and plats which contain the original seal, original

signature and date is permitted, if the seal, signature and date is clearly recognizable.

- (2) A person who qualifies for and uses the title of professional engineer intern is not permitted to use a seal.

# CODE OF ETHICS

## Preamble

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Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

## I. Fundamental Canons

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Engineers, in the fulfillment of their professional duties, shall:

- 1) Hold paramount the safety, health, and welfare of the public.
- 2) Perform services only in areas of their competence.
- 3) Issue public statements only in an objective and truthful manner.
- 4) Act for each employer or client as faithful agents or trustees.
- 5) Avoid deceptive acts.
- 6) Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

## II. Rules of Practice

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1. Engineers shall hold paramount the safety, health, and welfare of the public.



- 1) If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
  - 2) Engineers shall approve only those engineering documents that are in conformity with applicable standards.
  - 3) Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.
  - 4) Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.
  - 5) Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
  - 6) Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.
2. Engineers shall perform services only in the areas of their competence.
- 1) Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
  - 2) Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.
  - 3) Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.
3. Engineers shall issue public statements only in an objective and truthful manner.
- 1) Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent

information in such reports, statements, or testimony, which should bear the date indicating when it was current.

2) Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.

3) Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.

4. Engineers shall act for each employer or client as faithful agents or trustees.

1) Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.

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

3) Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.

4) Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.

5) Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.

5. Engineers shall avoid deceptive acts.

1) Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their 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 venturers, or past accomplishments.

2) Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

### III. Professional Obligations

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1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.

1) Engineers shall acknowledge their errors and shall not distort or alter the facts.

2) Engineers shall advise their clients or employers when they believe a project will not be successful.

3) Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.

4) Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.

5) Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.

2. Engineers shall at all times strive to serve the public interest.

1) Engineers are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.

2) Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the

client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.

3) Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.

4) Engineers are encouraged to adhere to the principles of sustainable development<sup>1</sup> in order to protect the environment for future generations.

3. Engineers shall avoid all conduct or practice that deceives the public.

1) Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.

2) Consistent with the foregoing, engineers may advertise for recruitment of personnel.

3) Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.

4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.

1) Engineers shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.

2) Engineers shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.

5. Engineers shall not be influenced in their professional duties by conflicting interests.

1) Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.

2) Engineers shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or

employers of the engineer in connection with work for which the engineer is responsible.

6. Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.

1) Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.

2) Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.

3) Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.

7. Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.

1) Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.

2) Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.

3) Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.

8. Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.

- 1) Engineers shall conform with state registration laws in the practice of engineering.
  - 2) Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.
9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.
- 1) Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.
  - 2) Engineers using designs supplied by a client recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.
  - 3) Engineers, before undertaking work for others in connection with which the engineer may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, should enter into a positive agreement regarding ownership.
  - 4) Engineers' designs, data, records, and notes referring exclusively to an employer's work are the employer's property. The employer should indemnify the engineer for use of the information for any purpose other than the original purpose.
  - 5) Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars.

## REFERENCES

Utah Board of Professional Engineers & Professional Land Surveyors, Homepage  
[http://www.dopl.utah.gov/licensing/engineer\\_land\\_surveying.html](http://www.dopl.utah.gov/licensing/engineer_land_surveying.html)

Utah Statutes, Title 58. Occupations and Professions, CH. 22. Professional Engineers and Professional Land Surveyors Licensing Acts, (§ 58-22-101 to § 58-22-603)  
<http://le.utah.gov/xcode/Title58/Chapter22/58-22.html>

Utah Administrative Code, Title R156 Commerce, Occupational and Professional Licensing, Rule R156-22. Professional Engineers and Professional Land Surveyors Licensing Act Rule., (R156-22-101 to R156-22-601)  
<http://www.rules.utah.gov/publicat/code/r156/r156.htm>

National Society of Professional Engineers, Code of Ethics  
<http://www.nspe.org/resources/ethics/code-ethics>