Idaho Board of Registration of Professional Engineers and Professional Land Surveyors

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BOARD STAFF
David L. Curtis, P.E., Executive Director
Email dave.curtis@ipels.idaho.gov
Jennifer Rowe, Admin. Secretary
Email jennifer.rowe@ipels.idaho.gov
Edith Williams, Office Specialist
Email edith.williams@ipels.idaho.gov

Board Home Page www.ipels.idaho.gov

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INTRODUCTION

This News Bulletin is distributed a minimum of twice per year by the Idaho State Board of Registration of Professional Engineers and Professional Land Surveyors to inform the public and the State's Professional Engineers and Professional Land Surveyors of those events which significantly affect the professions.

BOARD REQUESTS INPUT REGARDING DRAFT LEGISLATION

The primary purpose of this NEWS BULLETIN is to inform the public and the license and certificate holders of the Board's intent to ask the 2008 Idaho Legislature to amend the chapter of Idaho Code relating to the licensing of professional engineers and professional land surveyors. The Board would appreciate your input on these matters. The draft changes which are presented here are in "legislative format", in which words to be added are underlined and words to be removed have been ~~struck through~~. *The rationale for the draft amendment is presented in italics* and would not be included in the legislation itself.

***General comments**: Sections for which no amendments are being considered are not presented. The "Rationale" paragraph follows the draft amended section. The current language uses the terms "registration", "license," and "certification" interchangeably and in a confusing manner. In order to be consistent, and in keeping with the recommendations of the Model Law of the National Council of Examiners for Engineering and Surveying (NCEES), the terms "license" and "licensure" are substituted in the draft legislation when referring to professional engineers and professional land surveyors. Also in keeping with the NCEES Model Law, the term "engineering intern" is substituted for the current term "engineer-in-training" and the term "surveyor intern" is substituted for the current term "land surveyor-in-training." The term "certificate" and "certification" are used when referring to engineer interns, surveyor interns, and business entities. The Rationale paragraph associated with each section does not include a discussion of this change of terminology each time it occurs and if that is the only change in a section, it is not presented here.*

54-1201. Declaration of policy. To safeguard life, health and property, every person practicing or offering to practice professional engineering or professional land surveying, as herein defined, for any project physically located in this state, shall submit evidence of his qualifications and be ~~registered~~ licensed as hereinafter provided; and it shall be unlawful for any person to practice or offer to practice professional engineering or professional land surveying for any project physically located in this state, or to use in connection with his name or otherwise assume,

use or advertise any title or description tending to convey the impression that he is a ~~registered or~~ licensed professional engineer or professional land surveyor, unless such person has been duly ~~registered~~ licensed or is exempted under the provisions of this chapter. Except as exempted by section 54-1223, Idaho Code, an engineer shall be allowed to practice professional engineering as defined in this chapter only when he has become duly ~~registered or~~ licensed as a professional engineer by the board under this chapter. Except as exempted by section 54-1223, Idaho Code, a land surveyor shall be allowed to practice professional land surveying as defined in this chapter only when he has become duly licensed as a professional land surveyor by the board under this chapter. The practice of professional engineering or professional land surveying shall be deemed a privilege granted by the Idaho board of ~~registration~~ licensure of professional engineers and professional land surveyors through the board, based on qualifications of the individuals as evidenced by the person's ~~certificate of registration~~ license, which shall not be transferable.

Rationale: Insert language relating to land surveying which is parallel to existing language relating to engineering.

54-1203. Idaho board of ~~registration~~ licensure of professional engineers and professional land surveyors. A board to be known as the "Idaho board of ~~registration~~ licensure of professional engineers and professional land surveyors" is a division of the Idaho department of self-governing agencies and shall administer the provisions of this chapter. It shall consist of five (5) persons duly ~~registered~~ licensed as provided by this chapter, appointed by the governor from among nominees recommended by any organized and generally recognized state engineering society in this state for the professional engineer members or any organized and generally recognized state land surveying society in this state for the professional land surveyor member. The board shall be comprised of four (4) persons ~~registered~~ licensed as professional engineers and one (1) person ~~registered~~ licensed as a professional land surveyor. The members of the board shall have the qualifications required by section 54-1204, Idaho Code. The members of the present board shall continue to serve for the balance of their respective terms of appointment. Each member of the board shall take, subscribe and file the oath required by chapter 4, title 59, Idaho Code, before entering upon the duties of the office. On the expiration of the term of any member, a successor shall be appointed in like manner by the governor for a term of five (5) years. Any appointment to complete a term that has not expired, because of resignation or inability of a member to serve for any reason, shall be for the unexpired portion of the term. A member of the board shall hold office until the expiration of the term for which he was appointed and until his successor has been appointed and qualified. A member after serving two (2) consecutive full terms in addition to any unexpired portion of a term, shall not be reappointed for a period of two (2) years. The board, on its own initiative, may appoint any former member as an ~~member~~ emeritus member for special assignment to assist the board in the administration of this chapter.

Rationale: Clarify the emeritus member status.

54-1208. Board -- Powers. (1) The board shall have the power to adopt and amend ~~all bylaws~~ administrative rules including, but not limited to, rules of professional responsibility, rules of continuing professional development ~~for professional land surveyors~~ not to exceed sixteen (16) hours annually, and rules of procedure, not inconsistent with the constitution and laws of this state, which may be reasonably necessary for the proper performance of its duties and the administration of the chapter and the regulation of proceedings before the board. These actions by the board shall be binding upon persons ~~registered~~ licensed under this chapter and shall be applicable to business entities holding a certificate of authorization as provided in section 54-1235, Idaho Code. It shall adopt and have an official seal which shall be affixed to each license and certificate issued. It shall have power to provide an office, office equipment and facilities and such books and records as may be reasonably necessary for the proper performance of its duties.

(2) In carrying into effect the provisions of this chapter, the board may subpoena witnesses and compel their attendance, and also may require the submission of books, papers, documents, or other pertinent data in any disciplinary matters or in any case wherever a violation of this chapter is alleged. Upon failure or refusal to comply

with any such order of the board, or upon failure to honor its subpoena as herein provided, the board may apply to any court of any jurisdiction to enforce compliance with same.

(3) The board is hereby authorized in the name of the state to apply for relief by injunction in the established manner provided in cases of civil procedure, without bond, to enforce the provisions of this chapter or to restrain any violation thereof. Venue for all such actions shall be in the district court of the fourth judicial district, Ada county, Idaho.

(4) The board may subject an applicant for ~~registration~~ licensure or certification to such examination as it deems necessary to determine qualifications.

(5) Any action, claim or demand to recover money damages from the board or its employees which any person is legally entitled to recover as compensation for the negligent or otherwise wrongful act or omission of the board or its employees, when acting within the course and scope of their employment, shall be governed by the Idaho tort claims act, chapter 9, title 6, Idaho Code. For purposes of this section, the term "employees" shall include, in addition to those persons listed in section 6-902(4), Idaho Code, special assignment members, emeritus members, and ~~other~~ any independent contractors while acting within the course and scope of their board related work.

(6) The board may recommend arbitration of disputes between professional engineers or disputes between professional land surveyors.

Rationale: The Board is authorized to promulgate Administrative Rules, not "by-laws", so that obsolete term is proposed to be removed By striking "for professional land surveyors" the Board's authority to promulgate rules of continuing professional development would extend to all license holders of the Board By adding "emeritus members" it will be clear that actions of emeritus members of the Board are governed by the Idaho tort claims act.

54-1210. Records and reports. (1) The board shall keep a record of its proceedings and a ~~register~~ record of all applications for ~~registration~~ licensure or certification, which ~~register~~ record shall show: the name, date of birth and last known address of each applicant; the date of the application; the place of business of such applicant; his education, experience and other qualifications; type of examination required; whether or not the applicant was rejected; whether or not a certificate ~~of registration~~ or license was granted; the dates of the action of the board; and any other information as may be deemed necessary by the board.

(2) The records of the board shall be prima facie evidence of the proceedings of the board set forth therein, and ~~a transcript~~ minutes thereof, duly certified by the secretary of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

(3) Annually the board shall submit to the governor a report of its ~~transactions~~ activities of the preceding year, and shall also transmit to him a ~~complete~~ summary statement of the receipts and expenditures of the board~~, attested by affidavits of its chairman and its secretary~~.

(4) Board records and papers are subject to disclosure according to chapter 3, title 9, Idaho Code.

Rationale: The Board does not keep a "transcript" of its proceedings, but rather, "minutes." The Board submits a summary of its activities and financial transactions to the Governor, and that summary is signed by the Chair and Secretary.

54-1212. General requirements for examination and license. [EFFECTIVE UNTIL JULY 1, 2010] Except as herein otherwise expressly provided, no license as a professional engineer or professional land surveyor, or certification as an engineer~~-in-training~~ intern or land surveyor~~-in-training~~ intern, shall be issued until an applicant has successfully passed an examination given by or under the supervision of the board, nor shall a license as a professional engineer or professional land surveyor, or certification as an engineer~~-in-training~~ intern or land surveyor~~-in-training~~ intern, be issued to an applicant having habits or character that would justify revocation or suspension of license or certificate, as provided in section 54-1220, Idaho Code. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for assignment to an examination:

(1) As a professional engineer:

(a) Graduation from an approved engineering curriculum of four (4) years or more in a school or college

approved by the board as being of satisfactory standing, passage of an examination on the fundamentals of engineering acceptable to the board, and a specific record, after graduation, of an additional four (4) years or more of progressive experience in engineering work of a grade and character satisfactory to the board, and indicating that the applicant is competent to practice professional engineering; or

(b) Graduation with a bachelor's degree in a related science from a school or college approved by the board, and evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum, passage of an examination on the fundamentals of engineering acceptable to the board, and a specific record, after graduation, of an additional four (4) years or more of progressive experience in engineering work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice professional engineering.

(2) As a professional land surveyor:

(a) Graduation from an approved surveying curriculum of four (4) years or more in a school or college approved by the board as being of satisfactory standing, passage of an examination on the fundamentals of ~~land~~ surveying acceptable to the board, and a specific record of an additional four (4) years or more of progressive combined office and field experience in land surveying work, of a grade and character satisfactory to the board and indicating that the applicant is competent to practice professional land surveying; or

(b) At least sixty (60) semester credit hours of college level academic education beyond high school, including a minimum of fifteen (15) semester credit hours in surveying, passage of an examination on the fundamentals of ~~land~~ surveying acceptable to the board, and a specific record of an additional six (6) years of progressive combined office and field experience in land surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying; or

(c) Evidence that the applicant possesses knowledge and skill, satisfactory to the board, similar to that attained upon completion of an approved college level academic curriculum, passage of an examination on the fundamentals of ~~land~~ surveying acceptable to the board, and evidence of a specific record of an additional eight (8) years of progressive combined office and field experience in land surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying.

(3) As an engineer~~-in-training~~ intern:

(a) Graduation from or in the last two (2) semesters of an approved engineering curriculum of four (4) years or more in a school or college approved by the board as being of satisfactory standing and indicating that the applicant is competent to enroll as an engineer~~-in-training~~ intern; or

(b) Graduation with a bachelor's degree in a related science from a school or college approved by the board as being of satisfactory standing, and evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum, and indicating that the applicant is competent to be enrolled as an engineer~~-in-training~~ intern.

(c) In the event the applicant qualifies for assignment to the examination during the last two (2) semesters of college under the provisions of section 54-1212(3)(a), Idaho Code, and a passing grade is attained, a certificate will be issued only after the applicant graduates.

(4) As a land surveyor~~-in-training~~ intern:

(a) Graduation from, or in the last two (2) semesters of, an approved surveying curriculum of four (4) years or more in a school or college approved by the board as being of satisfactory standing and indicating that the applicant is competent to be enrolled as a land surveyor~~-in-training~~ intern; or

(b) At least sixty (60) semester credit hours of college level academic education beyond high school, including a minimum of fifteen (15) semester credit hours in surveying, and in addition, a specific record of three (3) years or more of progressive combined office and field experience in land surveying work of a grade and character satisfactory to the board that the applicant is competent to be enrolled as a land

surveyor-~~in-training~~ intern; or

(c) Possesses knowledge and skill, satisfactory to the board, similar to that attained upon completion of an approved college level academic curriculum and evidence of a specific record of at least four (4) years experience of progressive combined office and field experience of a grade and character satisfactory to the board that the applicant is competent to be enrolled as a land surveyor-~~in-training~~ intern.

In counting years of experience for assignment to the professional engineer or professional land surveyor examination, the board may, at its discretion, give credit, not in excess of one (1) year, for satisfactory graduate study toward a master's degree and not in excess of an additional one (1) year for satisfactory graduate study toward a doctorate degree. In the event an applicant obtains a doctorate degree without first obtaining a master's degree, the board may, at its discretion, give credit, not in excess of two (2) years.

In considering the combined education and experience qualifications of applicants, the board shall consider engineering teaching, land surveying teaching, each year of satisfactory completion of undergraduate college education, advanced degrees in engineering and advanced degrees in land surveying in establishing the applicants' minimum composite knowledge and skill.

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 the practice of engineering, but if such experience, in the opinion of the board, has involved responsible supervision of a character that will tend to expand the engineering knowledge and skill of the applicant the board may in its discretion give such credit therefor as it may deem proper.

Any person having the necessary qualifications prescribed in this chapter to entitle him to ~~registration~~ assignment to an examination for licensure or certification shall be eligible for such ~~registration~~ assignment although he may not be practicing his profession at the time of making his application.

54-1212. General requirements for examination and license. [EFFECTIVE JULY 1, 2010] Except as herein otherwise expressly provided, no license as a professional engineer or professional land surveyor, or certification as an engineer-~~in-training~~ intern or land surveyor-~~in-training~~ intern, shall be issued until an applicant has successfully passed an examination given by or under the supervision of the board, nor shall a license as a professional engineer or professional land surveyor, or certification as an engineer-~~in-training~~ intern or land surveyor-~~in-training~~ intern, be issued to an applicant having habits or character that would justify revocation or suspension of license or certificate, as provided in section 54-1220, Idaho Code. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for assignment to an examination:

(1) As a professional engineer:

(a) Graduation from an approved engineering curriculum of four (4) years or more in a school or college approved by the board as being of satisfactory standing, passage of an examination on the fundamentals of engineering acceptable to the board, and a specific record, after graduation, of an additional four (4) years or more of progressive experience in engineering work of a grade and character satisfactory to the board, and indicating that the applicant is competent to practice professional engineering; or

(b) Graduation with a bachelor's degree in a related science from a school or college approved by the board, and evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum, passage of an examination on the fundamentals of engineering acceptable to the board, and a specific record, after graduation, of four (4) years or more of progressive experience in engineering work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice professional engineering.

(2) As a professional land surveyor:

(a) Graduation from an approved surveying curriculum of four (4) years or more in a school or college approved by the board as being of satisfactory standing, passage of an examination on the fundamentals of ~~land~~ surveying acceptable to the board, and a specific record of an additional four (4) years or more of

progressive combined office and field experience in land surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice professional land surveying; or

(b) Graduation with a bachelor's degree in a related science from a school or college approved by the board as being of satisfactory standing, and evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year surveying curriculum, passage of an examination on the fundamentals of ~~land~~ surveying acceptable to the board, and a specific record of an additional four (4) years or more of progressive combined office and field experience in land surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying.

(3) As an engineer~~-in-training~~ intern:

(a) Graduation from or in the last two (2) semesters of an approved engineering curriculum of four (4) years or more in a school or college approved by the board as being of satisfactory standing and indicating that the applicant is competent to enroll as an engineer~~-in-training~~ intern; or

(b) Graduation with a bachelor's degree in a related science from a school or college approved by the board, and evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum, and indicating that the applicant is competent to be enrolled as an engineer~~-in-training~~ intern.

(c) In the event the applicant qualifies for assignment to the examination during the last two (2) semesters of college under the provisions of section 54-1212(3)(a), Idaho Code, and a passing grade is attained, a certificate will be issued only after the applicant graduates.

(4) As a land surveyor~~-in-training~~ intern:

(a) Graduation from, or in the last two (2) semesters of, an approved surveying curriculum of four (4) years or more in a school or college approved by the board as being of satisfactory standing and indicating that the applicant is competent to be enrolled as a land surveyor~~-in-training~~ intern; or

(b) Graduation with a bachelor's degree in a related science from a school or college approved by the board, evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year surveying curriculum, and indicating that the applicant is competent to be enrolled as a land surveyor~~-in-training~~ intern.

(c) In the event the applicant qualifies for assignment to the examination during the last two (2) semesters of college under the provisions of subsection (4)(a) of this section, and attains a passing grade, a certificate shall be issued only after the applicant graduates.

In counting years of experience for assignment to the professional engineer or professional land surveyor examination, the board may, at its discretion, give credit, not in excess of one (1) year, for satisfactory graduate study toward a master's degree and not in excess of an additional one (1) year for satisfactory graduate study toward a doctorate degree. In the event an applicant obtains a doctorate degree without first obtaining a master's degree, the board may, at its discretion, give credit, not in excess of two (2) years.

In considering the combined education and experience qualifications of applicants, the board shall consider engineering teaching, land surveying teaching, each year of satisfactory completion of undergraduate college education, advanced degrees in engineering and advanced degrees in land surveying in establishing the applicants' minimum composite knowledge and skill.

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 the practice of engineering, but if such experience, in the opinion of the board, has involved responsible supervision of a character that will tend to expand the engineering knowledge and skill of the applicant the board may in its discretion give such credit therefor as it may deem proper.

Any person having the necessary qualifications prescribed in this chapter to entitle him to ~~registration~~ assignment to an examination for licensure or certification shall be eligible for such ~~registration~~ assignment although he may not be practicing his profession at the time of making his application.

Rationale: The name of the fundamentals examination used for surveyors has changed from "The Fundamentals of Land Surveying" to "The Fundamentals of Surveying". This section has to do with the credentials required for assignment to the examination, the passage of which is necessary in order to issue a license or certificate.

54-1213. Applications and ~~registration~~ fees. Applications for ~~registration~~ licensure as a professional engineer or professional land surveyor, or certification as an engineer~~-in-training~~ intern or land surveyor~~-in-training~~ intern, shall be on forms prescribed and furnished by the board. The application shall be made under oath, and shall show the applicant's education and a detailed summary of his ~~technical and~~ engineering or land surveying experience. An applicant for ~~registration~~ licensure as a professional engineer or professional land surveyor shall furnish not less than five (5) references, of whom three (3) or more should be ~~registered~~ professional engineers or professional land surveyors, as applicable, having personal knowledge of the applicant's engineering or land surveying experience. An applicant for certification as an engineer~~-in-training~~ intern or land surveyor~~-in-training~~ intern shall furnish not less than three (3) references of whom at least one (1) should be a ~~registered~~ professional engineer or professional land surveyor, as applicable, having personal knowledge of the applicant's engineering or land surveying experience. Applications for certificates of authorization shall be made in accordance with section 54-1235, Idaho Code.

The maximum application fee for professional engineers or professional land surveyors seeking to be licensed by an eight (8) hour or longer examination shall be an amount equal to the amount charged the board by the entity preparing and administering the examination, plus an administrative fee not to exceed one hundred dollars ($100). The total application fee shall accompany the application.

The maximum application fee for an applicant who seeks a certificate as an engineer~~-in-training~~ intern or land surveyor~~-in-training~~ intern shall be an amount equal to the amount charged the board by the entity preparing and administering the examination, plus an administrative fee not to exceed fifty dollars ($50.00). The application fee shall accompany the application.

The maximum application fee for business entities seeking a certificate of authorization shall be two hundred dollars ($200). The application fee shall accompany the application.

~~Separate application fees shall accompany all applications for each of the four (4) classes of examinations: professional land surveyor, engineer-in-training, land surveyor-in-training and professional engineer.~~

The amount of the ~~registration~~ license fee or certificate fee shall be fixed by the board prior to June 30th of any year and shall continue in force until changed.

Should the board deny the issuance of a certificate ~~of registration or authorization~~ or license to any applicant, the fee ~~deposited~~ paid shall be retained as ~~an application~~ a processing fee.

Rationale: Elimination of unnecessary language and clarification of terms.

54-1214. Examinations. (1) Examinations will be held at such times and places as the board directs. The board shall determine the acceptable grade on examinations.

(2) Written examinations will be given in two (2) sections and may be taken only after the applicant has met the other minimum requirements as given in section 54-1212, Idaho Code, and has been approved by the board for admission to the examinations as follows:

(a) Fundamentals of Engineering -- The examination consists of an eight (8) hour test ~~period~~ on the fundamentals of engineering. Passing this examination qualifies the examinee for an engineer~~-in-training~~ intern certificate, provided he has met all other requirements of certification required by this chapter.

(b) Principles and Practice of Engineering -- The examination consists of a minimum of an eight (8) hour test period on applied engineering. Passing this examination qualifies the examinee for ~~registration~~ licensure as a professional engineer, provided he has met the other requirements for ~~registration~~ licensure required by this chapter.

(c) Fundamentals of ~~Land~~ Surveying -- The examination consists of an eight (8) hour test ~~period~~ on the fundamentals of ~~land~~ surveying. Passing this examination qualifies the examinee for a land surveyor~~-in-training~~ intern certificate, provided he has met all other requirements for certification

required by this chapter.

(d) Principles and Practice of ~~Land~~ Surveying -- The examination consists of a minimum of an eight (8) hour test ~~period~~ on applied ~~land~~ surveying. Passing this examination qualifies the examinee for ~~registration~~ licensure as a professional land surveyor, provided he has met the other requirements for ~~registration~~ licensure required by this chapter.

(3) A candidate failing all or part of ~~the~~ an examination for the first time may apply for reexamination, which may be granted upon payment of a fee equal to the total application fee for the required examination. In the event of a second failure, the examinee shall be required to ~~appear before the board or a member thereof to~~ obtain a minimum of one (1) additional year of experience, acceptable to the board, from the date of the second examination failure, and submit evidence of having completed an additional eight (8) semester credits of college level academic education relating to the examination, before the board will consider that they have acquired the necessary additional knowledge to warrant assignment to a third examination. In the event of a third or subsequent failure, the examinee shall be required to obtain a minimum of three (3) additional years of experience, acceptable to the board, from the date of the third or subsequent examination failure, , and submit evidence of having completed an additional twelve (12) semester credits of college level academic education relating to the examination, before the board will consider that they have acquired the necessary additional knowledge to warrant assignment to a subsequent examination.

(4) The board may prepare and adopt specifications for the written examinations in engineering and land surveying. ~~They may be published in brochure form and be available to any person interested in being registered as a professional engineer or as a professional land surveyor.~~

Rationale: Candidates who do not receive a passing score after two attempts need to bolster their capabilities with additional education and experience and those who do not receive a passing score after three or more attempts should be required to obtain additional experience and not be allowed to take the examination and risk their passing it based on familiarity rather than competency. Exam brochures are not necessary because the Board has adopted national examinations for which specifications and information are readily available.

54-1215. Certificates -- Seals. (1) The board shall issue a ~~certificate of registration~~ license upon payment of the ~~registration~~ fee as provided for in this chapter to any applicant who, in the opinion of the board, has satisfactorily met all of the requirements of this chapter for licensure as a professional engineer or a professional land surveyor, and a~~n enrollment~~ certificate shall be issued to those who qualify as an engineer~~s in training~~ intern ~~and~~ or a land surveyor~~s in training~~ intern. In the case of a ~~registered~~ professional engineer, the ~~certificate~~ license shall authorize the practice of "professional engineering," and in the case of a ~~registered~~ professional land surveyor the ~~certificate~~ license shall authorize the practice of "professional land surveying." ~~Certificates of registration~~ Licenses shall show the full name of the ~~registrant~~ licensee, shall give a ~~serial registration~~ license number, and shall be signed by the chairman and the secretary of the board under seal of the board.

(2) The issuance of a ~~certificate of registration~~ license by the board shall be prima facie evidence that the person named therein is entitled to all the rights, privileges and responsibilities of a ~~registered~~ licensed professional engineer or of a ~~registered~~ licensed professional land surveyor, provided that said ~~certificate of registration~~ license has not expired or has not been suspended or revoked.

(3) Each ~~registrant~~ licensee hereunder shall, upon ~~registration~~ licensure, obtain a seal, the use and design of which are described below. It shall be unlawful for any person to affix or to permit his seal and signature to be affixed to any documents after the ~~certificate~~ license of the ~~registrant~~ licensee named thereon has expired or has been suspended or revoked, unless said ~~certificate~~ license shall have been renewed, reinstated, or reissued, or for the purpose of aiding or abetting any other person to evade or attempt to evade any portion of this chapter.

(a) The seal may be a rubber stamp, crimp or electronically generated image. Whenever the seal is applied, the ~~registrant's~~ licensee's signature and date shall also be included. If the signature is handwritten, it shall be adjacent to or across the seal. No further words or wording is required. A facsimile signature generated by any method will not be acceptable unless accompanied by a digital signature.

(b) The seal, signature and date shall be placed on all final specifications, land surveys, reports, plats, drawings, plans, design information and calculations, whenever presented to a client or any public or governmental agency. Any such document presented to a client or public or governmental agency that is not final and does not contain a seal, signature and date shall be clearly marked as "draft," "not for construction" or with similar words to distinguish the document from a final document. In the event the final work product is preliminary in nature or contains the word "preliminary," such as a "preliminary engineering report," the final work product shall be sealed, signed and dated as a final document if the document is intended to be relied upon to make policy decisions important to the life, health, property, or fiscal interest of the public.

(c) The seal~~,~~ and signature of the licensee and the date shall be placed on all original documents. The application of the ~~registrant's~~ licensee's seal~~,~~ and signature and the date shall constitute certification that the work thereon was done by him or under his responsible charge. Each plan or drawing sheet shall be sealed and signed and dated by the ~~registrant~~ licensee or ~~registrants~~ licensees responsible for each sheet. In the case of a business entity, each plan or drawing sheet shall be sealed and signed and dated by the ~~registrant~~ licensee or ~~registrants~~ licensees involved. ~~The principal in responsible charge shall sign and seal the title or first sheet.~~ Copies of electronically produced documents, listed in paragraph (b) of this subsection, distributed for informational uses such as for bidding purposes or working copies, may be issued with the ~~registrant's~~ licensee's seal and a notice that the original document is on file with the ~~registrant's~~ licensee's signature and the date. The words "Original Signed By:" and "Date Original Signed:" shall be placed adjacent to or across the seal on the electronic original. The storage location of the original document shall also be provided. Only the title page of reports, specifications and like documents need bear the seal~~,~~ and signature of the licensee and the date ~~of the registrant~~.

(d) The seal and signature shall be used by ~~registrants~~ licensees only when the work being stamped was under the ~~registrant's~~ licensee's responsible charge.

(e) The design of the seal shall be as determined by the board.

(4) The board shall issue to any applicant who, in the opinion of the board, has met the requirements of this chapter, ~~an enrollment~~ certificate ~~or card~~ as an engineer~~-in-training~~ intern or land surveyor~~-in-training~~ intern~~, which indicates that his name has been recorded as such in the board office~~. The engineer~~-in-training~~ intern or land surveyor~~-in-training enrollment card~~ intern certificate does not authorize the certificate holder to practice as a professional engineer or a professional land surveyor.

Rationale: Removal of unnecessary language.

54-1219. Comity ~~certification~~ licensure -- Fee. The board, upon application therefor and the payment of a fee of not to exceed a maximum of one hundred fifty dollars ($150), may issue a ~~certificate of registration~~ license as a professional engineer or professional land surveyor to any person who holds a ~~certificate of registration~~ license issued to the applicant by the proper authority of any state, territory or possession of the United States, the District of Columbia, or of a foreign country, provided that, in the opinion of the board, the applicant possesses the education, experience and examination credentials, or their equivalents, that were specified in the applicable ~~registration~~ licensing chapter in effect in this state at the time such ~~certificate~~ license was issued, provided that a professional land surveyor applicant must successfully pass a land surveying examination as prepared and administered by the board, and provided such state, territory, possession or country will license ~~or issue certificates of registration~~, without examination and upon substantially the same condition, to applicants holding licenses ~~or certificates of registration~~ issued by the board under this chapter. In the event the applicant has been licensed and has practiced as a professional engineer or professional land surveyor in another jurisdiction for a minimum of eight (8) years, has no outstanding disciplinary action, and is in good standing under a licensing system which, in the opinion of the board, maintains substantially equivalent professional standards as required under this chapter, the board may, in its discretion, waive the requirement for satisfaction of prescriptive credentials in education and examination .

Rationale: The Board would be allowed to evaluate an applicant's record of practice as well as their prescriptive credentials and would be allowed to grant a license to an applicant who has not met the prescriptive requirements of education and examination for licensure but has a proven record of satisfactory practice in another jurisdiction whose standards are substantially equivalent to the Boards.

54-1220. Disciplinary action -- Procedures. (1) Any affected party may prefer charges of fraud, deceit, gross negligence, incompetence, misconduct or violation of any provision of this chapter, or violation of any of the rules promulgated by the board against any individual ~~registrant~~ licensee or certificate holder or against any business entity holding a certificate of authorization or against a person applying for a license or against a business entity applying for a certificate of authorization. Repeated acts of negligence may be considered as a gross act for disciplinary action. Such charges shall be in writing, and shall be sworn to by the person or persons making them and shall be filed with the executive director of the board. The executive director of the board shall be considered an affected party and may be the person making and filing the charges.

(2) All charges, unless dismissed by the board as unfounded or trivial, or unless settled informally, shall be heard by the board within six (6) months after the date they were received at the board office unless such time is extended by the board for justifiable cause.

(3) The ~~time and place for said~~ hearing ~~shall be fixed by the board and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such individual registrant or business entity holding a certificate of authorization. The~~ proceedings shall be governed by the provisions of chapter 52, title 67, Idaho Code.

(4) If, after such hearing, the board votes in favor of sustaining the charges, the board may, in its discretion, impose an administrative penalty, not to exceed ~~two~~ five thousand dollars ($~~2~~5,000) for deposit in the general account of the state of Idaho. In addition, the board, in its discretion, may admonish, reprimand, suspend, revoke, refuse to renew, refuse to grant, or any combination thereof, the individual's license or certificate ~~of registration~~ or a business entity's certificate of authorization. The board may also, in its discretion, require the individual to practice under the supervision of another licensee, or require the individual to successfully complete continuing education courses as may be prescribed by the board.

(5) The board shall have jurisdiction over ~~registrants~~ licensees whose licenses are not current provided the action relates to services performed when the license was current and valid.

Rationale: Elimination of obsolete language and deference to the Administrative Procedures Act for hearing proceedings The provision for administrative penalties was enacted in 1986 and the maximum amount has not been changed since then.

54-1221. Reissuance of licenses and certificates. The board, upon petition of an individual or a business entity, may reissue or reinstate a ~~certificate of registration~~ license or certificate or certificate of authorization, provided three (3) or more members of the board vote in favor of such reissuance or reinstatement. A new license or certificate ~~of registration~~ or certificate of authorization, to replace any license or certificate revoked, lost, destroyed or mutilated, may be issued~~, subject to the rules of the board, and~~ upon payment of such reasonable charge therefore as shall be fixed by the board to cover the estimated cost of ~~investigation and~~ such reissuance, but not exceeding ten dollars ($10.00) in any case.

Rationale: The Board has no rules regarding this matter and does not conduct investigations regarding lost licenses or certificates.

54-1222. Violations and penalties -- Prosecution of offenses. Any person who shall practice, or offer to practice, professional engineering or professional land surveying in this state without being ~~registered~~ licensed in accordance with the provisions of this chapter, or any person presenting or attempting to use as his own the ~~certificate of registration~~ license or the seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining a license or certificate ~~of registration~~, or any person who shall

falsely impersonate any other ~~registrant~~ licensee of like or different name, or any person who shall attempt to use an expired or revoked ~~certificate of registration~~ license or practice at any time during a period the board has suspended or revoked his ~~certificate of registration~~ license, or any person who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor.

Legal counsel selected by the board, or the attorney general of this state or anyone designated by him may act as legal advisor of the board. It shall be the duty of the attorney general of this state to enforce the provisions of this chapter relating to unlicensed practice and to prosecute any unlicensed person violating the same. The attorney general shall be reimbursed by the board for any fees and expenses incurred by the attorney general in representing the board or prosecuting unlicensed persons.

Rationale: To clarify that the Attorney General enforces unlicensed practice violations.

54-1227. Surveys -- Authority and duties of professional land surveyors and professional engineers. Every ~~registered,~~ licensed professional land surveyor is hereby authorized to make land surveys relating to the sale or subdivision of lands, the retracing or establishing of property or boundary lines, public roads, streets, alleys, or trails~~;~~. ~~and i~~It shall be the duty of each ~~registered~~ licensed professional land surveyor, whenever making any such land survey, to set ~~permanent and reliable~~ magnetically detectable metal monuments, the minimum size of which shall be ~~one half (1/2)~~ five-eighths (5/8) inch in least dimension and two (2) feet long ~~iron or steel rod~~ unless special circumstances preclude use of such monuments~~;~~. Special circumstances may include, but are not limited to when corner positions are on solid rock, portland cement concrete, or masonry, and such monuments must be magnetically detectable. ~~and such~~ All monuments must be ~~permanently marked~~ stamped; or bear a non-ferrous metal tag attached with a non-ferrous metal wire, or a metal cap stamped with the ~~registration~~ license number of the professional land surveyor responsible for placing the monument. Professional engineers qualified and duly ~~registered~~ licensed pursuant to ~~title 54, Idaho Code~~ this chapter, may ~~also~~ perform those non-boundary surveys necessary and incidental to the work customarily performed by them.

Rationale: Clarify that boundary monuments must be permanently marked or bear a metal tag or cap and clarify that professional engineers may perform non-boundary surveys.

54-1228. Administering and certification of oaths -- Authority of professional land surveyors. Every ~~registered,~~ professional land surveyor is authorized to administer and certify oaths, when it becomes necessary to take testimony to identify or establish old or lost corners, or to perpetuate a corner that is in a perishable condition, or whenever the importance of the land survey makes it desirable~~, and to administer oaths to assistants for the faithful performance of duty~~. A record of such oaths shall be kept as part of the field notes of the land survey.

Rationale: Removal of obsolete language.

54-1230. Public or private surveying -- Right of entry. (1) Any person employed in the execution of any survey authorized by the congress of the United States may enter upon lands within this state for the purpose of exploring, triangulating, leveling, surveying, and of doing any work which may be necessary to carry out the objects of then existing laws relative to surveys, and may establish permanent station marks, and erect the necessary signals and temporary observatories, doing no unnecessary injury thereby.

(2) A professional land surveyor licensed pursuant to the provisions of this chapter, and his subordinates, who in the course of work find it necessary to go upon the land of a party or parties other than the one for whom the survey is being made, and upon such land lies land survey corners or monuments the access to which is necessary to complete a survey, shall not be guilty of trespass but shall be liable for any damage done to such land or property. If the person making a survey under this subsection (2) cannot obtain oral permission from the owner of the land to enter, then he shall give written notice via United States post office certified, return receipt requested mailing, of the survey to the owner of the land at least ten (10) days before entering the land. If confirmation of delivery of notification is received by the surveyor within the ten (10) days, the surveyor may enter upon the land.

Rationale: To exempt private surveyors and their subordinates from trespass violations if they must access land on which lies land survey corners or monuments in order to complete a survey.

54-1231. Public or private surveying -- Assessment of damages for entry. If the parties interested cannot agree upon the amount to be paid for damages caused thereby, either of them may petition the district court in the county in which the land is situated, which court shall appoint a time for a hearing as soon as may be, and order at least twenty (20) days' notice to be given to all parties interested, and, with or without a view of the premises, as the court may determine, hear the parties and their witnesses and assess damages.

Rationale: Include private surveyors in the assessment of damages for entry section.

54-1232. Public or private surveying -- Tender of damages for entry. The person so entering upon land may tender to the injured party damages therefore, and if, in case of petition or complaint to the court, the damages finally assessed do not exceed the amount tendered, the person entering shall recover costs; otherwise the prevailing party shall recover costs.

Rationale: Include private surveyors in the tender of damages for entry section.

54-1233. Public or private surveying -- Costs of assessment of damages. The costs to be allowed in all such cases shall be the same as allowed according to the rules of the court, and provisions of law relating thereto.

Rationale: Include private surveyors in the costs of assessment of damages section.

54-1234. Monumentation -- Penalty and liability for defacing. If any person shall willfully deface, injure or remove any signal, monument~~, building~~ or other object set as a permanent boundary survey marker by a ~~registered,~~ professional land surveyor, he shall forfeit a sum not exceeding five hundred dollars ($500) for each offense, and shall be liable for damages sustained by the affected parties in consequence of such defacing, injury or removal, to be recovered in a civil action in any court of competent jurisdiction.

Rationale: Removal of obsolete language.

In addition to the above draft amendments to Idaho Code Title 54 Chapter 12, the Board seeks input on the following draft amendments.

55-1603. Definitions. Except where the context indicates a different meaning, terms used in this chapter shall be defined as follows:

(1) An "accessory to a corner" is any exclusively identifiable physical object whose spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing objects, monuments, reference monuments, line trees, pits, mounds, charcoal-filled bottles, steel or wooden stakes, or other objects.

(2) ~~"Adequate evidence of the existence of a land survey monument" means the visual presence of the monument or existence of a federal general land office or bureau of land management plat on which the monument appears, or a recorded corner perpetuation and filing form as provided in this chapter, or a record of survey filed in accordance with chapter 19, title 55, Idaho Code, on which the monument appears, or a subdivision plat filed in accordance with chapter 13, title 50, Idaho Code, on which the monument appears.~~

~~(3)~~ The "board" is the board of registration of professional engineers and professional land surveyors.

(4~~3~~) A "corner," unless otherwise defined, means a property corner, or a property controlling corner, or a public land survey corner, or any combination of these.

(~~5~~4) "Establish" means to determine the position of a corner either physically or mathematically.

(~~6~~5) A "monument" is a physical structure that occupies the exact position of a corner.

(~~7~~6) A "professional land surveyor" means any person who is authorized by the laws of this state to practice land surveying.

(~~8~~7) A "property controlling corner" for a property is a public land survey corner, or any property corner, which does not lie on a property line of the property in question, but which controls the location of one or more of the property corners of the property in question.

(~~9~~8) A "property corner" is a geographic point on the surface of the earth, and is on, a part of, and controls a property line.

(~~10~~9) A "public land survey corner" is any point actually established and monumented in an original survey or resurvey that determines the boundaries of remaining public lands, or public lands patented, represented on an official plat and in the field notes thereof, accepted and approved under authority delegated by congress to the U.S. general land office and the U.S. department of interior, bureau of land management.

(1~~1~~0) A "reference monument" is a special monument that does not occupy the same geographical position as the corner itself, but whose spatial relationship to the corner is recorded, and which serves to witness the corner.

Rationale: Elimination of the definition of a term which will no longer be used in the chapter.

55-1608. Professional land surveyor to reconstruct monuments. In every case where a corner record of a survey corner is required to be filed or recorded under the provisions of this chapter, the professional land surveyor must reconstruct or rehabilitate the monument of such corner, and accessories to such corner~~, so that it will be as permanent a monument as is reasonably possible to provide and so that it may be located with facility at any time in the future~~.

Any monument set shall ~~be permanently marked or tagged with the certificate number of the professional land surveyor in responsible charge~~ conform to the provisions of Idaho code section 54-1227. If the monument is set by a public officer, it shall be marked by an appropriate official designation.

Rationale: Dovetail with amendments to Idaho Code Section 54-1227.

55-1612. Penalty. Professional land surveyors failing to comply with the provisions hereof ~~and professional engineers who prepare plans which do not indicate the presence of corners for which adequate evidence exists~~ shall be deemed to be within the purview of section 54-1220, Idaho Code, and shall be subject to disciplinary action as in said section provided.~~ Any person shall be subject to the penalties prescribed in section 54-1234, Idaho Code, if they prepare plans for the construction of any facility and construction of that facility results in the defacing, injury or removal of a monument, if the plans they prepare do not indicate the presence of a corner or corners for which adequate evidence exists.~~

Rationale: Language which is included in subsequent sections is removed.

55-1613. Monuments disturbed by construction activities -- Procedure -- Requirements. When ~~adequate evidence~~ professional engineers prepare construction documents for projects which may disturb land survey monuments, a field search shall be conducted by or under the direction of a professional land surveyor to determine whether monuments, reference monuments, or accessories to corners physically exists ~~as to~~ at the location of or referencing the location of ~~a~~ public land survey corners, ~~subdivision~~ property controlling corners~~, tract,~~ or property~~, or other land~~ corners~~,~~. ~~s~~Such monuments, reference monuments, or accessories to corners shall be located and referenced by or under the direction of a professional land surveyor prior to the time when construction or other activities may disturb them. Such ~~corners~~ monuments, reference monuments, or accessories to corners shall be reestablished and remonumented by or under the direction of a professional land surveyor at the expense of the agency or person causing ~~the~~ such loss or disturbance ~~of monuments~~. Professional engineers who prepare ~~plans~~ construction documents which do not indicate the ~~presence~~ existence of corners, monuments, reference monuments,

and accessories to corners ~~for which adequate evidence exists~~ shall be deemed to be within the purview of section 54-1220, Idaho Code, and shall be subject to disciplinary action as provided in said section. Any person shall be subject to the penalties prescribed in section 54-1234, Idaho Code, if they prepare ~~plans~~ construction documents for the construction of any facility which do not indicate the existence of monuments, reference monuments, and accessories to corners and construction of that facility results in the defacing, injury or removal of ~~a~~ monuments, reference monuments or accessories to corners~~, if the plans they prepare do not indicate the presence of a corner or corners for which adequate evidence exists~~.

Rationale: Clarify the duty of professional engineers to locate and indicate the existence of land survey monuments on construction documents.

50-1303. Survey -- Stakes and monuments -- Accuracy. The centerline intersections and points where the centerline changes direction on all streets, avenues, and public highways, and all points, witness corners and reference monuments on the exterior boundary ~~where the boundary line changes direction shall be marked with monuments either of concrete, galvanized iron pipe, aluminum pipe, iron or steel rods or other suitable monument approved by the county surveyor; if concrete be used they shall not be less than six (6) inches by six (6) inches by twenty-four (24) inches or in the case of public highways the size of a state standard right-of-way monument, and be magnetically detectable; if galvanized iron pipe be used they shall not be less than one (1) inch in diameter and thirty (30) inches long; if aluminum pipe be used they shall not be less than one (1) inch in diameter and thirty (30) inches long, and be magnetically detectable; and if iron or steel rods be used they shall not be less than five-eighths (5/8) of an inch in least dimension and thirty (30) inches long. Points shall be plainly and permanently marked upon monuments so that measurements may be taken to them to within one-tenth (1/10) of a foot. A~~ and all lot and block corners, witness corners, and reference monuments for lot and block corners shall be marked with monuments ~~of either galvanized iron pipe, not less than one-half (1/2) inch in diameter, or iron or steel rods, not less than one-half (1/2) inch in least dimension and two (2) feet long or other suitable monument approved by the county surveyor. All monuments set shall be magnetically detectable and shall be permanently marked with the registration number of the professional land surveyor in responsible charge~~ conforming to the provisions of Idaho code section 54-1227. Monuments shall be plainly and permanently marked so that measurements may be taken to the marks within one-tenth (1/10) of a foot. All lot corners of a burial lot within a platted cemetery need not be marked with a monument, but the block corners shall be ~~placed within the cemetery in accordance with sound surveying principles and practice, and at locations that will~~ monumented in order to permit the accurate identification of each burial lot within the cemetery. The monuments shall ~~be of either galvanized iron pipe or iron or steel rods or bars not less than one-half (1/2) inch in least dimension and two (2) feet long with marked cap; or caps not less than one (1) inch in diameter~~ conform to the provisions of Idaho code section 54-1227. The locations and descriptions of all monuments within a platted cemetery shall be ~~carefully~~ recorded upon the plat, and the ~~proper~~ courses and distances of all boundary lines shall be shown, but may be shown by ~~appropriate~~ legend. The survey for any plat shall be conducted in such a manner as to produce an unadjusted mathematical error of closure of not less than one (1) part in five thousand (5,000).

Rationale: Dovetail with amendments to Idaho Code Section 54-1227

If you have comments on any of the possible amendments to these sections, please provide them in writing to the Board not later than June 1, 2007.

BOARD CHAIR SCOTT McCLURE, P.E. WRITES ON FIRE ALARM AND SPRINKLER SYSTEMS

Fire suppression and fire alarm systems are assuming an even greater role in today's building community. The recent fire which destroyed the Middleton School has demonstrated the danger of not having a sprinkler system installed. At the same time, building codes are providing increased incentive for installation of such systems, allowing reductions in fire rating of building systems if sprinklers systems are installed.

With this situation, it becomes critical that engineers, when involved in the design, provide at least minimum information regarding the systems they are responsible for to design. What those minimum requirements are varies, depending upon whether the system being designed is a fire suppression or fire alarm system. A panel convened by the Board, which included members of the engineering community, fire systems contractors, code enforcement officials and building owners, worked to identify key elements which must to be included in the design documents to ensure that critical information is provided for system design. The results of that discussion are summarized in the white paper published by the Board and included in this bulletin. This document should be studied by all engineers planning on providing professional design or either fire sprinkler or fire alarm systems.

The reason for your doing so are two fold. First, it establishes minimum standards regarding information the design documents should contain. Thus it provides clear guidance on the minimum amount of information which all members of the fire protection community agree should be included in the design documents.

Secondly, if there is ever any question regarding the adequacy of design in a fire protection system, this document will be used as a guideline by the Board in determining whether designs presented meet professional standards.

Providing clear and concise design documents is important regardless of the discipline. Shared responsibilities in the layout and design of fire protection systems make it difficult to determine what constitutes a "complete" design. Compliance with the guidelines by design professionals will go a long way in ensuring that documents comply with minimum standards and contribute to the installation of effective fire protection systems.

BOARD ISSUES ORDER ON DESIGN OF FIRE ALARM AND SPRINKLER SYSTEMS

In response to a Petition for Declaratory Ruling, the Board has issued a Final Order with attachments regarding the design of fire alarm and sprinkler systems. The content of the Order and attachments follows.

BEFORE THE IDAHO BOARD OF REGISTRATION OF
PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

IN RE THE PETITION OF DAVID L. CURTIS, P.E., Executive Director of the Idaho Board of Registration of Professional Engineers and Professional Land Surveyors for a Declaratory Ruling	Docket No. FY 03.21 FINAL ORDER

FINDINGS OF FACT

On June 16, 2003, a petition for a declaratory ruling was filed by David L. Curtis, P.E., ("Petitioner") Executive Director of the Idaho Board of Registration of Professional Engineers and Professional Land Surveyors ("Board"). Petitioner urged the Board to determine to what extent, if any, the design of fire alarm systems and fire sprinkler systems for commercial application in Idaho is the practice of professional engineering requiring a professional license issued by this Board. See the Petition for Declaratory Ruling which is incorporated by reference.

Pursuant to public notice, a hearing was held before the Board on September 25, 2003 in Boise, Idaho. Individuals involved in the fire alarm and fire sprinkler industries were subpoenaed by the Board and other

persons were invited to appear and testify. Further Hearings were also held on January 7, 2004 in Moscow Idaho and on February 9, 2004 in Pocatello, Idaho. Among those who appeared and testified were: Corrine McKague, Greg Patrick, Ken Webster, Mark Larson, Doug Strosnider, David Miller, Sam Rogers, Ron Stenquist, Jon Busack, Jon Farren, Milford Terrell, Mike Wisdom, Stan Beus and Jack Woycheese. These hearings were valuable to the Board in providing insights from businesses, authorities having jurisdiction ("AHJs") and professional engineers.

The Board determined that both fire alarm and fire sprinkler design have elements which by law require the services of professional engineers. At the same time, the Board believes that there are functions that could and should be performed by National Institute for Certification in Engineering Technologies ("NICET") trained individuals or by unlicensed persons.

Based on its determination, the Board felt that there would be merit in getting representatives of the various stakeholders to meet to see what laws might need clarification and how the public could best be served. Persons representing businesses, AHJs, professional engineers and Board members were invited to participate in a Task Force. A series of three meetings were held by the Task Force on October 12, 2005, November 9, 2005 and March 15, 2006. Persons participating in these meetings included: Scott McClure (Board member and McClure Engineering), Einar Norton (Boise State University), Richard Greene (Greene Fire Protection and Safety Service), Mark Larson (State Fire Marshall), Ron Stenquist (Treasure Valley Fire Protection), Bob Brady (CSHQA Architects and Engineers), Wes Smith (Romar Electric), Gary Young (Board member and Twin Falls City Engineer), David Maxwell (Northwest Fire and Security), Shane Walker (Boise Fire Department), David Curtis (Board Executive Director), and Woody Richards and Angela Richards (Board Attorneys).

A significant number of issues were discussed during the meetings of the Task Force. For example, there was some sentiment for sponsoring legislation that would lead to regulation of fire alarm contractors similar to the current regulation of fire sprinkler contractors. The need for accountability and responsibility was also seen as a major issue. It was generally felt that disclaimers on work performed for fire alarm and fire sprinkler systems by professional engineers was not helpful and may misstate the actual responsibility to the public. With regard to professional engineers, continuing education requirements were discussed which would supplement current law which requires engineers to perform assignments only when they are qualified. With regard to fire alarm and fire sprinkler contractors, it was generally felt that NICET programs were useful for establishing competency for preparation of shop drawings and performance of certain calculations. While some questions need to be submitted to AHJs for interpretation, some concern was expressed about professionals relying too much on the State Fire Marshall's office and other AHJs for design. With regard to new fire sprinkler and fire alarm statutes and rules, laws from other state jurisdictions were reviewed. After a significant amount of discussion and rewriting of drafts, the documents attached to this Order received general support from the group. The Task Force believed that proposing legislation or rules at this time to implement the attached documents would be premature.

Generally, it is believed that competent engineer involvement in fire alarm and fire sprinkler projects can have positive benefits including: creating a level playing field for potential fire alarm and fire sprinkler bidders on projects; cost determinations for owners of projects; enhancement of safety for the public; and potentially saving costs for owners by avoiding some change orders. If these benefits materialize, support for greater engineering involvement should occur among AHJs, fire departments, alarm and sprinkler contractors and professional engineers. It is anticipated that following the publication of the attached standards developed by the Task Force, competency by engineers, and clarification of boundaries for engineering and overall public satisfaction can be enhanced.

Based on the preceding considerations, the Board issued a Draft Final Order and circulated it to professional engineers, AHJs, fire alarm contractors, fire sprinkler contractors and other interested parties. No one has submitted any comments in response to the Draft Final Order.

CONCLUSIONS OF LAW

1. The Board has the legal authority and jurisdiction to hear this matter by virtue of Idaho Code Sections 54-1201, 54-1202, 54-1208, 54-1222, 54-1235 and also those statutes and rules referred to in the Petition for Declaratory Ruling on file in this matter.

ORDER

IT IS HEREBY ORDERED that if the design of a fire alarm or fire sprinkler system falls outside the prescriptive path of NFPA 13 or NFPA 72, a professional engineer must be involved. If the design falls within the design parameters established in NFPA 13 or NFPA 72, it is recommended that a professional engineer be involved.

IT IS FURTHER ORDERED that if a professional engineer is involved in the design of a fire alarm or fire sprinkler system, the attached documents outline the level of performance required of the professional engineer.

This is a final agency action issuing a declaratory ruling. Pursuant to Sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by the declaratory ruling may appeal to district court by filing a petition in the District Court in the county in which: i. A hearing was held; ii. The declaratory ruling was issued; iii. The party appealing resides, or operates its principal place of business in Idaho; or the real property or personal property that was the subject of the declaratory ruling is located. This appeal must be filed with in twenty-eight (28) days of the service date of this declaratory ruling. See Section 67-5273, Idaho Code.

DONE BY ORDER OF THE IDAHO BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS, this 17th Day of November, 2006.

/S/ Scott McClure, P.E.
Board Chairman

ATTEST:

/S/ Morgan W. Richards, Jr.
Legal Counsel to the Board

FIRE ALARM SYSTEM ENGINEERING DOCUMENTS

(1) When Fire Alarm System Working Plans are used to finalize engineering concepts:

(a) The licensee (a licensed professional engineer) acting as the Engineer of Record shall provide Fire Alarm System Engineering Documents that define the design concept adequate for Working Plan preparation by others. Merely placing notes on Engineering Documents, such as "This building shall be provided with a fire alarm system according to NFPA 72" or "To be fully fire alarmed per Fire Department requirements," is not sufficient. If the technicians preparing Working Plans are not provided the required information by the licensee and yet requested or required to provide fire alarm Working Plans, then the licensee may be aiding and abetting the unlicensed practice of engineering. This statutory violation may be considered unprofessional conduct and may subject the professional engineer to disciplinary action.

The fire alarm system engineering documents for fire alarm systems must include as a minimum:

(i) occupancy type and occupant load;
(ii) the signaling and/or zoning method and any other special conditions;
(iii) audibility levels;
(iv) ADA requirements and visual notification methods;
(v) minimum wire sizes and types, and wiring method;
(vi) calculation methods and factors to be used in battery and voltage drop calculations;
(vii) building and fire code requirements or references that must be complied with;
(viii) equipment sensitivity or performance requirements; and
(ix) layout of initiation, notification and detection devices.

The form of the Fire Alarm System Engineering Documents is at the discretion of the licensee subject to the standard of care provisions under the laws and rules of the Idaho State Board of Professional Engineers & Professional Land Surveyors.

(b) A properly qualified technician or licensee shall prepare Fire Alarm System Working Plans in accordance with the design concept and the applicable NFPA standards. Working Plans for fire alarm systems must include as a minimum:

(i) Name of owner, contractor, and technician or licensee preparing the Working Plans;
(ii) Location, including street address, city, state;
(iii) Device legend;
(iv) Date and revision number;
(v) Complete detection and notification devices/locations;
(vi) Complete system zoning and/or programming;
(vii) Project-specific fire alarm system riser defining wiring methods and routing separations;
(viii) Typical device circuits defining wiring and connection methods;
(ix) Voltage Drop Calculations for each non-addressable circuit;
(x) Battery sizing calculations;
(xi) Listing of all equipment items, including wiring, that will be installed;
(xii) System installation manual published by the manufacturer; and
(xiii) System components installation sheets.

(2) The licensee shall not seal the Working Plans unless prepared under the responsibility of the licensee. A letter of review must be prepared and sealed indicating the licensee's acceptance of the Working Plans as being in accordance with the design concept. Such review letter must be submitted with Working Plans to appropriate jurisdictional authorities and interested parties.

(3) A licensee shall not be required to provide design concepts or letter of review for:
   (a) projects exempt from building code requirements for fire alarm;
   (b) remodeling an existing fire alarm system, provided there is no change to the Fire Alarm Control Panel, change in hazard classification, occupancy classification, storage configuration, or other change in occupancy use that would require design concept modifications; or
   (c) routine maintenance, when accomplished in accordance with national fire protection association (NFPA) standard #72, "National Fire Alarm Code," or (NFPA) standard #25, "Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems."

(4) Definitions.
   (a) Engineer of Record for the Fire Alarm System(s): The Idaho Licensed Professional Engineer who develops the Fire Alarm System(s) design criteria; performs analysis as required: and is responsible for the preparation of the Fire Alarm System Engineering Documents.
   (b) Fire Alarm System Engineering Documents: The fire alarm system engineering drawings, specifications, prescriptive and performance criteria, detector performance requirements, strobe light coverage analysis and other materials or representations, which are submitted with the general construction documents, that set forth the overall design requirements and provide sufficient direction for the contractor to layout the construction, alteration, demolition, renovation, repair, modification, permitting and such, for any public or private fire alarm system(s), which are prepared, signed, dated and sealed by the Engineer of Record for the Fire Alarm System(s).
   (c) Fire Alarm System Working Plans: Layout drawings, detail drawings, battery and voltage drop calculations, Input/Output Matrix, Programming Matrix, catalog information on standard products, and other construction data prepared by a qualified technician that provides detail on the type and location of initiation and notification devices, wiring, conduit, mounting, strobe intensity, audibility, and system programming and also serves as a guide for fabrication installation, programming, and testing of a fire alarm system. Fire Alarm System Working Plans are based upon engineering direction provided in the Fire Alarm System Engineering Documents and require no additional engineering input. These documents do not require the seal of an Idaho licensed engineer.
   (d) Layout: The location of the Fire Alarm Control Panel and supporting panels, initiating devices, notification devices, control input and output devices, size of wire, wire and/or conduit routing, wire termination instructions, battery and voltage drop calculations based on anticipated wire lengths, plus a fire alarm riser diagram.

FIRE SPRINKLER SYSTEM ENGINEERING DOCUMENTS

(1) When Fire Sprinkler System Working Plans are used to finalize engineering concepts:
   (a) The licensee (a licensed professional engineer) acting as the Engineer of Record shall provide Fire Sprinkler System Engineering Documents that define the design concept adequate for Working Plan preparation by others. Merely placing notes on Engineering Documents, such as "This building shall be sprinklered according to NFPA 13" or "To be fully sprinklered," is not sufficient. If the technicians preparing Working Plans are not provided the required information and yet requested or required to provide fire sprinkler Working Plans, then the licensee may be aiding and abetting the unlicensed practice of engineering. This statutory violation may be considered unprofessional conduct and may subject the professional engineer to disciplinary action.

   The fire sprinkler system engineering documents for sprinkler systems must include as a minimum:
      (i) the hazard classification, density, water flow and pressure requirements for the sprinkler system design;
      (ii) the storage arrangement and classification of commodities to be protected;
      (iii) confirmation of adequate water supply based on water purveyor data; and
      (iv) riser location and feed main routing.

The form of the Fire Sprinkler System Engineering Documents is at the discretion of the licensee subject to the standard of care provisions under the laws and rules of the Idaho State Board of Professional Engineers & Professional Land Surveyors.

(b) A properly qualified technician or licensee shall prepare Fire Sprinkler System Working Plans in accordance with the design concept and the applicable NFPA standards. Working Plans for sprinkler systems must include as a minimum:
(i) layout of risers;
(ii) cross-mains;
(iii) branch lines;
(iv) sprinkler heads;
(v) sizing of pipe;
(vi) hanger locations and seismic restraints; and
(vii) hydraulic calculations, in accordance with the design concepts.

(2) The licensee shall not seal the Working Plans unless prepared under the responsible charge of the licensee. A letter of review must be prepared and sealed indicating the licensee's acceptance of the Working Plans as being in accordance with the design concept. Such review letter must be submitted with Working Plans to appropriate jurisdictional authorities and interested parties.

(3) For the purposes of (1)(b), a "qualified technician" is a person who is under contract to, or employed by, a fire sprinkler contractor licensed by the State of Idaho Fire Marshal.

(4) A licensee shall not be required to provide design concepts or letter of review for:
(a) projects exempt from building code requirements for fire sprinklers;
(b) remodeling an existing fire sprinkler system, provided there is no change in occupancy classification, storage configuration, or other change in occupancy use that would require design concept modifications; or
(c) routine maintenance, when accomplished in accordance with national fire protection association (NFPA) standards.

(5) Definitions.
(a) Engineer of Record for the Fire Sprinkler System(s): The Idaho Licensed Professional Engineer who develops the Fire Sprinkler System(s) design criteria; performs analysis as required: and is responsible for the preparation of the Fire Sprinkler System Engineering Documents.
(b) Fire Sprinkler System Engineering Documents: The fire sprinkler system engineering drawings, specifications, prescriptive and performance criteria, water supply analysis and other materials or representations, which are submitted with the general construction documents, that set forth the overall design requirements and provide sufficient direction for the contractor to layout the construction, alteration, demolition, renovation, repair, modification, permitting and such, for any public or private fire sprinkler system(s), which are prepared, signed, dated and sealed by the Engineer of Record for the Fire Sprinkler System(s).
(c) Fire Sprinkler System Working Plans: Layout drawings, hydraulic calculations, catalog information on standard products, and other construction data prepared by a qualified technician as defined in paragraph (3) above that provides detail on the location of risers, cross mains, branch lines, sprinkler heads, sizing of pipe, hanger locations and seismic restraints, and hydraulic calculations and also serves as a guide for fabrication and installation of a fire sprinkler system. Fire Sprinkler System Working Plans are based upon engineering direction provided in the Fire Sprinkler System Engineering Documents and require no additional engineering input. These documents do not require the seal of an Idaho licensed engineer.

(d) Layout: The location of risers, cross mains, branch lines, sprinkler heads, sizing of pipe, hanger locations, and hydraulic calculations based on engineering documents.

BOARD EXECUTIVE DIRECTOR DAVID CURTIS, P.E. WRITES ON REGULATORY AGENCIES AS QUALITY CONTROL/QUALITY ASSURANCE

One of the most disturbing trends that I have observed over the past nineteen years as Executive Director of the Board is what I perceive as a misuse of regulatory review. Most work done by professional engineers and professional land surveyors is subject to review by a regulatory agency of the federal, state or local government. Whether the work product is a plat, a set of building plans, or plans depicting water and sewer improvements, our work is commonly reviewed by employees of those regulatory agencies. More and more, the Board is receiving expressions of concern from those regulatory agencies that engineers and surveyors are submitting incomplete, inaccurate, or otherwise significantly deficient plans. In some cases, the work product does not even comply with published and easily available checklists of items that the agency uses for review purposes and has made public. Too often, engineers and surveyors seem to be using the regulatory review process as their first quality control review. The regulatory agencies end up doing the design by "red-line." The Board has advised some regulatory agencies that they should not feel compelled to accept work products for review that are grossly deficient and appear to have been prepared without knowledge of the codes and standards against which their adequacy will be judged. In some cases, the Board has even suggested that the agency require a statement from the design professional upon subsequent submittal that, in the opinion of the design professional, the submittal is in compliance with all applicable statutes, rules and codes. If the work product accompanied by such a statement is then found to be substandard, the professional submitting it might be subject to accusations of incompetence or negligence. My point here is that professionals should conduct quality control and quality assurance functions before they submit a work product for regulatory review.

BOARD RESPONDS TO QUESTIONS FROM BUILDING OFFICIAL

At its meeting on November 16, 17 & 18, 2006 the Board reviewed an email from Bob Ankersmit, Kootenai County Building Official. In that communication Mr. Ankersmit asked several questions. While the Board does not generally answer "hypothetical" questions, his questions seem to address real current situations, so the Board chose to answer them, even though there was a limited amount of detail on the background. Listed below are Ankersmits questions followed by the Board answers.

Question: In the definition of "Engineer", what exactly does "special knowledge" mean? Does it mean the accumulation of ALL knowledge that one receives when the result is a degree in engineering? If that interpretation is accurate, that would then allow a person with SOME training to determine reasonably simple vertical and lateral load path solutions if the methods are readily available (and they are, even in the IBC). To go even further, there is software available either from engineered wood manufacturers or for purchase (in our office we have StruCalc). I understand the concept of "bad input = bad output", but does one ALWAYS need an engineering degree to provide good input? If some solutions don't have to be sealed and signed, where do we draw the line?

Answer: The Board would only be willing to consider a response to this question when we know the specific provisions provided to the Building Official by the Code and what latitude is provided to the Building Official by the Code under which the plans are being reviewed. If the Code requires that a design professional prepare the plans, they must be prepared by someone licensed as a design professional by an agency of the State of Idaho.

Question: If structural solutions are for ones own project and not offered to another person, does that require the seal and signature of a licensed engineer? The definition of the "Practice of Engineering" seems to indicate that to be the case.

Answer: Ownership is immaterial. If engineering is being practiced, it must be by a licensed individual.

Question: Is "partial engineering" of a structure allowed? We have some very vocal licensed engineers who insist that partial engineering is illegal and we should not accept such submittals.
Answer: The Board has issued an opinion in the past that allows an engineer to "qualify" his responsibility by including a statement such as "Structural Only" alongside the seal. More specifically, an engineer who stamps a plan which contains work done by others must clearly identify the work for which he or she is responsible. If an engineer were to be involved only in a portion of a structure, such as a beam, the engineer would have a responsibility to assure the load path and connections to the beam and beyond the beam are properly analyzed and appropriate components specified.

Question: We always ask for supporting calculations. A few licensed engineers become outraged that we ask for them. We aren't qualified to review them[.] Actually one of our plans examiners is [a] licensed engineer, although he doesn't perform all of the structural review. Even if we don't review the accuracy of the calculating, we still need to determine if the correct design criteria has been used. It's very common to have a cover page with the correct design criteria listed, only to find that other factors have been used in the calculations. Are we wrong to require supporting calculations?
Answer: In the Board's opinion, asking for design calculations is a reasonable request to make of an engineer.

Questions: When the engineers, architects, and building officials got together for meetings throughout the State last year, it looked like we might be on to something good. Are there any plans to continue?
Answer: Tentative plans call for similar workshops in the future, but a specific schedule has not yet been established.

IN MEMORY OF THOSE RECENTLY DECEASED

Darrell F. Baker, 779 CE, Tacoma, WA
Kent Barber, 975 CE, Meridian, ID
William H. Borton, 1716 CE, Boise, ID
Donald H. Charles, 8941 CE, Santa Rosa, CA
Robert H. Dart, 3438 ME, Calhan, CO
Robert J. Dexter, 8031 CE, Maple Grove, MN
George A. Freund, 1422 ChE, Idaho Falls, ID
Mark A. Hoover, 2155 ME, Idaho Falls, ID
Max N. Jensen, 1036 CE/LS, Boise, ID
F. Lyle Page, 5295 LS, Sandy, UT
Robert R. Reese, 2024 CE, Spokane, WA
Wayne L. Robison, 1258 AgE/LS, Boise, ID
Ismael Salazar, 9121 ME, Tustin, CA
John F. Szablya, 4802 EE, Kirkland, WA
David Twiddy, 2187 CE/LS, Oviedo, FL
Gary-John Gilbert Yap, 11561 ME, Blacklick, OH

CHANGES TO LEGISLATION AND RULES

Effective July 1, 2007, changes to the laws relating to engineering and surveying include an expanded definition of "responsible charge"; a definition of "standard design plan"; clarification of some issues relating to sealing and signing documents; and clarification of the use of standard design plans. Effective July 1, 2008, the Board Member honorarium will increase from $50 per day to $75 per day, the first increase since 1986. Effective upon adjournment of the Legislature on March 30, 2007, a list of prescriptive courses has been adopted which will be required of those applicants after July 1, 2010 who have a four year degree in a major other than surveying.

CALENDAR OF UPCOMING EVENTS

April 19-21, 2007 ..... Board Meeting, Idaho Falls, Idaho
April 20, 2007 ..... PE and PS Examinations, Boise, Idaho
April 21, 2007 ..... FS (aka LSIT) Examination, Boise, Moscow, and Pocatello, Idaho
April 21, 2007 ..... FE (aka EIT) Examinations, Boise, Pocatello, Moscow
April 12-14, 2007 ..... Board Meeting in Conjunction with NCEES Western Zone in Gleneden Beach, Oregon
June 14-16, 2007 ..... Board Meeting, Boise, Idaho
August 1, 2007 ..... Application Deadline for Fall Examinations
August 3 & 4, 2007 ..... Board Meeting, Riggins, Idaho
August 22-25, 2007 ..... Board Meeting in conjunction with NCEES Annual Meeting, Philadelphia, Pennsylvania
September 12-15, 2007 ..... Board Meeting, Boise, Idaho
October 26, 2007 ..... PE and PS Examinations, Boise, Idaho
October 27, 2007 ..... FS (aka LSIT) Examination, Boise, Moscow, and Pocatello, Idaho
October 27, 2007 ..... FE (aka EIT) Examinations, Boise, Pocatello, Moscow
November 15-17, 2007 ..... Board Meeting, Boise, Idaho
January 10, 2008 ..... Application Deadline for Spring Examinations