

**Title 17. Professions, Occupations, and Businesses**  
**Chapter XLIX. State Board of Licensure for Professional Engineers and Professional Surveyors, Department of Labor and Licensing**  
**Subchapter A. Generally**  
**Part 285. Rules of the Board**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"ARTICLE 22. EFFECTIVE DATE

The rules shall be adopted and take effect as provided by the Administrative Procedures Act on June 1, 2022."

**Subpart 1. General Provisions**

**17 CAR § 285-101. Practice of engineering.**

(a) In order to safeguard life, health, and property and to promote the public welfare, the practice of engineering in the State of Arkansas is subject to regulation.

(b) It shall be unlawful for any person to practice or to offer to practice engineering in this state, as defined in the provisions of Arkansas Code § 17-30-101 et seq., and the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., or to assume, advertise, or use the person's name and title or description tending to convey the impression that the person is an engineer unless such person has been duly licensed under the provisions of these statutes.

(c) The practice of engineering shall be deemed a privilege granted by the state through the State Board of Licensure for Professional Engineers and Professional Surveyors based on the qualifications of the individual as evidenced by their certificate of licensure, which shall not be transferable.

**Authority.** Arkansas Code § 17-30-203.

**17 CAR § 285-102. Practice of surveying.**

(a) In order to safeguard life, health, and property and to promote the public welfare, the practice of surveying in the State of Arkansas is subject to regulation.

(b) It shall be unlawful for any person to practice or to offer to practice surveying in this state, as defined in the provisions of Arkansas Code § 17-48-101 et seq., and the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., or to assume, advertise, or use the person's name and title or description tending to convey the impression that the person is a surveyor unless such person has been duly licensed under these statutes.

(c) The practice of surveying shall be deemed a privilege granted by the state through the State Board of Licensure for Professional Engineers and Professional Surveyors based on the qualifications of the individual as evidenced by their certificate of licensure, which shall not be transferable.

**Authority.** Arkansas Code § 17-48-104.

**17 CAR § 285-103. Definitions.**

As used in this part:

(1) "Board" means the State Board of Licensure for Professional Engineers and Professional Surveyors;

(2) "Engineer intern" means a person who:

(A) Complies with the requirements of the rules of the State Board of Licensure for Professional Engineers and Professional Surveyors;

(B) Has passed an eight-hour National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Engineering examination; and

(C) Has been licensed by the State Board of Licensure for Professional Engineers and Professional Surveyors;

(3)(A) "Firm" means any form of business entity that offers professional engineering and/or professional surveying services to the public.

(B) The term shall not include an individual licensee operating in the individual's own name so long as the:

(i) Licensee is operating as a sole proprietorship;

(ii) Name of the entity is sufficient to identify the licensee from the State Board of Licensure for Professional Engineers and Professional Surveyors' roster and includes, at a minimum, the licensee's last name and first and middle initials; and

(iii) Name is personal to the licensee and not:

(a) A trade name;

(b) A DBA; or

(c) An otherwise fictitious name;

(4) "Metadata" means a description of the content, ancestry and source, quantity, database schema, and accuracy of digital map data;

(5)(A) "NCEES" means the National Council of Examiners for Engineering and Surveying.

(B) It is composed of boards from the United States and its territories.

(C) NCEES is a source for the engineering and surveying examinations.

(D) The State Board of Licensure for Professional Engineers and Professional Surveyors is a member of NCEES;

(6)(A) "Practice of engineering" means any service or creative work, the adequate performance of which requires engineering education and experience in the application of special knowledge in the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning, and design of engineering works and systems relating to the use of air, land, water, municipal and regional planning, forensic services, teaching of junior level or above engineering subjects or courses related thereto, engineering surveys, and the observation of construction for the purpose of assuring compliance with drawings and specifications, any of which embraces such service or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, or projects, including such architectural services as is incidental to the practice of engineering.

(B)(i) Except as provided in subdivision (6)(C) of this section, a person shall be construed to practice or offer to practice engineering who:

(a) Practices in any branch of engineering;

(b) By verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself or herself to be an engineer;

(c) Through the use of some other title implies that the person is an engineer or that the person is licensed by the State Board of Licensure for Professional Engineers and Professional Surveyors; or

(d) Holds himself or herself out as able to perform or does perform any engineering service or work that is recognized as engineering.

(ii) Such definition shall not include persons who operate or maintain machinery or equipment.

(iii) The practice of engineering shall not include:

(a) The act of measuring land;

(b) Drawing or reading plans; or

(c) Other work normally done by:

(1) Mechanics;

(2) Technicians;

(3) Draftsmen; or

(4) Licensed surveyors.

(C)(i) A person who is a licensed engineer in another jurisdiction shall not be considered to be offering to practice engineering when soliciting work by any of the following means:

(a) Advertising in publications or electronic media, provided there is no holding out of professional services in jurisdictions where not licensed;

(b) Responding to letters of inquiry regarding requests for proposals, provided:

(1) There is written disclosure that the engineer and firm are not licensed in this jurisdiction; and

(2) The response is limited to inquiries regarding scope and to demonstrate interest;

(c) Responding to letters of inquiry from prospective clients, provided:

(1) There is written disclosure that the engineer and firm are not licensed in this jurisdiction; and

(2) The response is limited to inquiries regarding scope of project and to demonstrate interest; or

(d) Submitting proposals to prospective clients in response to notices, inquiries, or solicitations, provided there is written disclosure that the engineer and firm are not licensed in this jurisdiction.

(ii) Regardless of the above, contracts may not be signed or work commenced until the engineer and firm become licensed in this jurisdiction;

(7)(A) "Practice of surveying" except as provided in subdivision (7)(D) of this section, means a person shall be construed to practice or offer to practice surveying who:

(i) Engages in surveying for others;

(ii) By verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself or herself to be able to perform surveying; or

(iii) Through some other title implies that the person is a professional surveyor or that the person is licensed by the State Board of Licensure for Professional Engineers and Professional Surveyors.

(B)(i) "Land surveying" means:

(a) Any determination of the location of land boundaries or land boundary corners;

(b) The preparation of plats showing the shape and areas of tracts of land and their subdivision into smaller tracts;

(c) The preparation of plats showing the location of streets, roads, easements, or right-of-ways of tracts to give access to smaller tracts;

(d) The preparation of official plats or maps of land boundaries within the State of Arkansas; and

(e) Teaching of land surveying.

(ii) The term "land surveying" shall not include the:

(a) Measuring of acreage of:

(1) Timber;

(2) Cotton;

(3) Rice; or

(4) Other agricultural crops; and/or

(b) Surveying of irrigation levees.

(C)(i) "Surveying measurement certification" means providing the professional service of certification or sealing of maps, documents, digital files, or other data for the purpose of verifying that the maps, documents, digital files, or other data are authoritative professional determinations based upon accepted methods and principals of surveying measurements or analysis representing or listing the following types of surveying measurements:

(a) The configuration or contour of the earth's surface or the position of fixed objects on the earth's surface;

(b) The position or elevation of any survey boundary or control monument or reference point; and

(c) The alignment or elevation of any fixed works embraced within the practice of professional engineering.

(ii) "Surveying measurement certification" shall not be construed to permit the preparation of:

(a) Engineering or architectural design documents; or

(b) Quantity payment documents.

(D) **Clarification to offering to practice surveying.** A person who is a licensed surveyor in another jurisdiction shall not be considered to be offering to practice surveying when soliciting work by any of the following means:

(i) Advertising in publications or electronic media, provided there is no holding out of professional services in jurisdictions where not licensed;

(ii) Responding to letters of inquiry regarding requests for proposals, provided:

(1) There is written disclosure that the surveyor and firm are not licensed in this jurisdiction; and

(2) The response is limited to inquiries regarding scope and to demonstrate interest;

(iii) Responding to letters of inquiry from prospective clients, provided:

(1) There is written disclosure that the surveyor and firm are not licensed in this jurisdiction; and

(2) The response is limited to inquiries regarding scope of project and to demonstrate interest; or

(iv)(a) Submitting proposals to prospective clients in response to notices, inquiries, or solicitations, provided there is written disclosure that the surveyor and firm are not licensed in this jurisdiction.

(b) Regardless of the above, contracts may not be signed or work commenced until the surveyor and firm become licensed in this jurisdiction;

(8) "Professional engineer" means a person who has been duly licensed as a professional engineer by the State Board of Licensure for Professional Engineers and Professional Surveyors;

(9) "Professional surveyor" shall mean a person who:

(A) By reason of special knowledge of mathematics, surveying principles and methods, and legal requirements that are acquired by education and experience, is qualified to engage in the practice of land surveying and surveying measurement certification; and

(B) Has been duly licensed by the State Board of Licensure for Professional Engineers and Professional Surveyors;

(10)(A) "Responsible charge" means direct control, supervision of, and legal responsibility for all engineering and surveying performed.

(B) This responsible charge shall be of such a nature that the client may reasonably presume that the licensed engineer or surveyor of the firm that the client has employed is the provider of the professional services; and

(11) "Surveyor intern" means a person who:

(A) Complies with the requirements of the rules of the State Board of Licensure for Professional Engineers and Professional Surveyors;

(B) Has passed an approved NCEES Fundamentals of Surveying examination; and

(C) Has been licensed by the State Board of Licensure for Professional Engineers and Professional Surveyors.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

**Codification Notes.** "DBA" means doing business as.

## **Subpart 2. Organization and Operations of the Board**

### **17 CAR § 285-201. Board — Organization and meeting.**

(a)(1) Regular meetings of the State Board of Licensure for Professional Engineers and Professional Surveyors shall be held bimonthly and at such other times and places as the board may designate.

(2) The President of the State Board of Licensure for Professional Engineers and Professional Surveyors may call special meetings:

(A) When the president deems necessary; or

(B) Upon the written request of three (3) members of the board.

(b)(1) The board shall elect a president and vice president annually.

(2) A Director of the State Board of Licensure for Professional Engineers and Professional Surveyors shall be appointed by the board and will serve also as Secretary-

Treasurer of the State Board of Licensure for Professional Engineers and Professional Surveyors.

(c) Robert's Rules of Order Newly Revised and the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., shall govern the procedures of the board.

(d)(1) The president shall be the executive head of the board.

(2) The president shall:

(A) Preside at meetings;

(B) Appoint committees; and

(C) Perform all the duties pertaining to the office of president.

(e) The Vice President of the State Board of Licensure for Professional Engineers and Professional Surveyors shall exercise the duties and possess all the powers of the president in the absence or incapacity of the president.

(f) The director, with the assistance of staff, shall:

(1) Keep minutes of the board;

(2) Furnish a copy of all minutes to each member of the board;

(3) Send written notice of regular and special meetings of the board not less than ten (10) days in advance thereof;

(4) Examine each application for licensure prior to consideration by the board;

(5) Address inquiries to references to verify qualifications of applicants;

(6) Make arrangements as required by the board for:

(A) Examinations;

(B) Interviews; and

(C) Hearings;

(7) Report the results of every examination and other evidence of qualifications to the board members;

(8) Review and investigate, with the Complaint Committee, all complaints or alleged violations received by the board;

(9) Prepare and present required reports, budgets, and rosters as the board or Secretary of the Department of Labor and Licensing may direct;

(10) Keep all records;  
(11) Keep all funds and fiscal records;  
(12) Prepare official correspondence of the board;  
(13) Perform all other duties prescribed by the statutes and the rules of the board; and

(14) Perform all other duties normally associated with office administration.

(g) Regular and special committees appointed by the president shall perform the duties assigned to them and shall present reports to the board in a timely fashion as specified by the president.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

**17 CAR § 285-202. Board — Powers.**

(a) The State Board of Licensure for Professional Engineers and Professional Surveyors shall have the power to adopt and amend all rules consistent with Arkansas law, including the adoption and promulgation of the Rules of Professional Conduct, which shall be binding upon persons licensed under the statutes and the rules of the board.

(b)(1) The board may subpoena witnesses and require the submission of books, papers, documents, or other pertinent data when a violation of the statutes and/or the rules of the board is alleged.

(2) Upon failure or refusal to comply with any such order of the board or upon failure to honor its subpoena, the board may apply to a court of competent jurisdiction to enforce compliance.

(c)(1) In the name of the State of Arkansas, the board is authorized to apply for relief by injunction in the established manner provided in cases of civil procedure, without bond, to enforce the provisions of the statutes and the rules of the board or to restrain any violation.

(2) In such proceedings, it shall not be necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation.

(3) The members of the board shall not be personally liable under these proceedings.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

**17 CAR § 285-203. Receipts and disbursements.**

The Director of the State Board of Licensure for Professional Engineers and Professional Surveyors shall receive and account for all money received under the provisions of the statutes and the rules of the State Board of Licensure for Professional Engineers and Professional Surveyors.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

**17 CAR § 285-204. Records and reports.**

(a)(1) The State Board of Licensure for Professional Engineers and Professional Surveyors shall keep a record of its proceedings and of all applications for licensure.

(2) All applications shall include:

- (A) The name, age, Social Security number, and address of each applicant;
- (B) The date of application;
- (C) The place of business of such applicant;
- (D) Education, experience, and other qualifications of such applicant;
- (E) The board's decision concerning the applicant;
- (F) The date of the board's actions;
- (G) The examination taken and the results; and
- (H) Such other information as the board deems necessary.

(b) The board's record shall be prima facie evidence of its proceedings and a transcript thereof, duly certified by the Director of the State Board of Licensure for Professional Engineers and Professional Surveyors under seal, shall be admissible as evidence with the same force and effect of the original.

(c)(1) At its discretion, the board may send, accept, create, and retain any records, forms, applications, etc., either in written or electronic form or may convert written records to electronic records in a manner and format prescribed by the board, so long as they comply with the provisions of the Uniform Electronic Transactions Act, Arkansas Code § 25-32-101 et seq.

(2) In addition, electronic signatures may be accepted in lieu of handwritten signatures so long as they comply with the Uniform Electronic Transactions Act and the electronic signature standard or any current standard developed by the Office of State Technology and/or the Department of Shared Administrative Services as provided for in Arkansas Code § 25-32-118(a)(2).

(3) The board may specify the type or level and format of electronic signature that may be used.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

### **17 CAR § 285-205. Roster.**

(a) Rosters showing the names and addresses of all licensed engineers and surveyors shall be made available by the State Board of Licensure for Professional Engineers and Professional Surveyors at intervals established by the board.

(b) Such publication shall be in accordance with current Arkansas law.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

### **Subpart 3. General Requirements for Licensure**

#### **17 CAR § 285-301. General information.**

(a)(1) Each applicant must meet all qualifications as contained within the statutes and rules of the State Board of Licensure for Professional Engineers and Professional Surveyors.

(2) Each application shall be individually reviewed by the State Board of Licensure for Professional Engineers and Professional Surveyors.

(3) Experience credit may be claimed to application date.

(b)(1) The term "Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology (EAC of ABET) approved or equivalent" is used throughout this part.

(2) The phrase "or equivalent" will be defined by the State Board of Licensure for Professional Engineers and Professional Surveyors as:

(A) Those who have both a degree from a non-EAC of ABET undergraduate engineering or engineering technology program and a graduate engineering degree from an institution that offers an EAC of ABET-accredited undergraduate degree in the same discipline as the graduate degree; or

(B) Those who have a degree or degrees from a nonaccredited program or programs but have had their official transcripts evaluated and found acceptable by a State Board of Licensure for Professional Engineers and Professional Surveyors-approved organization, such as NCEES, or have made up any deficiencies identified by the evaluation with courses offered by an EAC of ABET-accredited degree program or equivalent.

(c) An applicant will be considered as having graduated from an EAC of ABET-accredited program if their program is/was accredited within three (3) years after their graduation.

(d) The State Board of Licensure for Professional Engineers and Professional Surveyors authorizes the Director of the State Board of Licensure for Professional Engineers and Professional Surveyors to conditionally approve, subject to State Board of Licensure for Professional Engineers and Professional Surveyors ratification, all comity and intern applicants who meet the requirements of the State Board of Licensure for Professional Engineers and Professional Surveyors' statutes and rules.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

**17 CAR § 285-302. Engineer intern.**

(a) **Original licensure.** An applicant who supplies proof of graduation from an EAC of ABET-approved, or equivalent, engineering curriculum of four (4) years or more and has passed an approved NCEES examination in the fundamentals of engineering shall be licensed as an engineer intern.

(b) **Reciprocity (comity).**

(1) **Required qualifications.** An applicant applying for reciprocal licensure shall meet the following requirements:

(A)(i) The applicant shall hold in good standing a substantially similar license in another United States jurisdiction.

(ii) An engineer intern license from another state is substantially similar to an Arkansas engineer intern license if an applicant has, or the other state's licensure qualifications require an applicant to have, proof of graduation from an EAC of ABET-approved, or equivalent, engineering curriculum of four (4) years or more.

(iii) The applicant shall not have had a license revoked for:

(a) An act of bad faith; or

(b) A violation of law, rule, or ethics.

(iv) The applicant shall not hold a suspended or probationary license in a United States jurisdiction; and

(B) The applicant shall be sufficiently competent in the field.

(2) **Required documentation.** An applicant shall submit a fully-executed application, the required fee, and the documentation described below:

(A) As evidence that the applicant's engineer intern license from another jurisdiction is in good standing and is substantially similar to an Arkansas engineer intern license, the applicant shall submit the following information:

(i)(a) Evidence of current licensure in good standing in that state.

(b) The State Board of Licensure for Professional Engineers and Professional Surveyors may verify this information online or by telephone;

(ii)(a) Evidence that the applicant has, or the other state's licensure requirements match, the educational requirements in subdivision (b)(1)(A)(ii) of this section.

(b) The State Board of Licensure for Professional Engineers and Professional Surveyors may receive verification of an applicant's education directly from the applicant's school or schools, or the State Board of Licensure for Professional Engineers and Professional Surveyors may verify the applicant's education and the other state's licensure requirements online or by telephone; and

(iii) To demonstrate that the applicant has not had a license revoked for bad faith or a violation of law, rule, or ethics, as required by subdivision (b)(A)(iii) of this section, and that the applicant does not hold a license on suspended or probationary status, as required by subdivision (b)(A)(iv) of this section, the applicant shall provide the State Board of Licensure for Professional Engineers and Professional Surveyors with:

(a) The names of all states in which the applicant is currently licensed or has been previously licensed; and

(b)(1) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant's license has not been revoked for the reasons listed in subdivision (b)(A)(iii) of this section and is not on suspended or probationary status as described in subdivision (b)(A)(iv) of this section.

(2) The State Board of Licensure for Professional Engineers and Professional Surveyors may verify information online or by telephone; and

(B) As evidence that the applicant is sufficiently competent, the applicant shall pass an examination in the fundamentals of engineering.

**Authority.** Arkansas Code §§ 17-30-203, 17-30-304, 17-48-104.

**17 CAR § 285-303. Professional engineer.**

**(a) Original licensure.**

(1)(A) The applicant shall supply proof of graduation from an EAC of ABET-approved, or equivalent, engineering curriculum of four (4) years or more and with a specific record of an additional four (4) or more years of progressive engineering experience of a grade and character that indicates to the State Board of Licensure for Professional Engineers and Professional Surveyors that the applicant may be competent to practice and has experienced increased engineering responsibilities.

(B) Refer to 17 CAR § 285-501.

(2)(A) The applicant shall submit five (5) references, three (3) of which shall be professional engineers having personal knowledge of the applicant's engineering experience.

(B) Preferably these references should include both present and past supervisors.

(3)(A) One (1) additional year of education may be substituted for experience for each graduate degree in engineering not to exceed two (2) years of credit.

(B) Four (4) years must elapse after completing the requirements for the EAC of ABET degree.

(4) The applicant shall have previously passed an examination in the fundamentals of engineering that is acceptable to the State Board of Licensure for Professional Engineers and Professional Surveyors.

(5) The applicant shall be admitted to an approved NCEES Professional Engineer examination once the applicant meets the above requirements, or the State Board of Licensure for Professional Engineers and Professional Surveyors shall accept the results of an approved NCEES Professional Engineer examination that the applicant has previously passed.

(6) Upon satisfactory completion of these requirements, the applicant shall be licensed in the State of Arkansas.

(7)(A) The State Board of Licensure for Professional Engineers and Professional Surveyors may exempt an individual from the NCEES Fundamentals of

Engineering Examination if the individual possesses an EAC of ABET-accredited engineering degree and an earned doctorate in engineering from a school that has an accredited engineering degree program in that discipline.

(B) An oral interview/examination may replace the written examination.

(C) The NCEES Professional Engineering Examination will not be waived.

**(b) Reciprocity (comity).**

(1) **Required qualifications.** An applicant applying for reciprocal licensure shall meet the following requirements:

(A)(i) The applicant shall hold in good standing a substantially similar license in another United States jurisdiction.

(ii) A professional engineer license from another state is substantially similar to an Arkansas professional engineer license if the applicant meets one (1) of the following, whichever is least restrictive:

(a) The applicant graduated from an EAC of ABET-approved, or equivalent, engineering curriculum of four (4) years or more; or

(b) The applicant meets the Arkansas requirements for licensure that were in effect at the time the applicant received his or her initial license as a professional engineer in another state.

(iii) The applicant shall not have had a license revoked for:

(a) An act of bad faith; or

(b) A violation of law, rule, or ethics.

(iv) The applicant shall not hold a suspended or probationary license in a United States jurisdiction;

(B) The applicant shall be sufficiently competent in the field of professional engineering; and

(C) The applicant shall meet the State Board of Licensure for Professional Engineers and Professional Surveyors' least restrictive requirements, which are described below in subdivision (b)(2)(C) of this section.

(2) **Required documentation.** An applicant shall submit a fully executed application, the required fee, and the documentation described below:

(A) As evidence that the applicant's professional engineer license from another jurisdiction is in good standing and is substantially similar to an Arkansas professional engineer license, the applicant shall submit the following information:

(i)(a) Evidence of current licensure in good standing in that state.

(b) The State Board of Licensure for Professional Engineers and Professional Surveyors may verify this information online or by telephone;

(ii)(a) Evidence that the applicant meets the requirements in either subdivision (b)(1)(A)(ii)(a) or (b) of this section, whichever is less restrictive.

(b) The State Board of Licensure for Professional Engineers and Professional Surveyors may receive verification of an applicant's education directly from the applicant's school or schools, or the State Board of Licensure for Professional Engineers and Professional Surveyors may verify information online or by telephone; and

(iii) To demonstrate that the applicant has not had a license revoked for bad faith or a violation of law, rule, or ethics, as required by subdivision (b)(1)(A)(iii) of this section, and that the applicant does not hold a license on suspended or probationary status, as required by subdivision (b)(1)(A)(iv) of this section, the applicant shall provide the State Board of Licensure for Professional Engineers and Professional Surveyors with:

(a) The names of all states in which the applicant is currently licensed or has been previously licensed; and

(b)(1) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant's license has not been revoked for the reasons listed in subdivision (b)(1)(A)(iii) of this section and is not on suspended or probationary status as described in subdivision (b)(1)(A)(iv) of this section.

(2) The State Board of Licensure for Professional Engineers and Professional Surveyors may verify information online or by telephone;

(B) As evidence that the applicant is sufficiently competent in engineering, an applicant shall:

(i)(a) Submit five (5) references, three (3) of which shall be professional engineers having personal knowledge of the applicant's engineering experience.

(b) Preferably these references should include both present and past supervisors; and

(ii) Pass an examination in the fundamentals of engineering, except that the fundamentals exam shall be waived for:

(a) Individuals with at least fifteen (15) years licensed practice; or

(b) An individual with an EAC of ABET-accredited engineering degree and an earned doctorate in engineering from a school that has an accredited engineering degree program in that discipline; and

(C) As evidence that the applicant meets the State Board of Licensure for Professional Engineers and Professional Surveyors' least restrictive requirements, the applicant shall:

(i) Have passed the NCEES Professional Engineer examination; and  
(ii)(a) Have four (4) or more years of post-graduate engineering experience.

(b) Arkansas will accept an applicant's experience if the applicant's experience has been accepted by another state in which applicant holds a professional engineer license in good standing that is substantially similar to an Arkansas professional engineer license.

**Authority.** Arkansas Code § 17-30-203.

**17 CAR § 285-304. Surveyor intern.**

(a) **Original licensure.** Effective January 1, 2017, an applicant shall submit:

(1) Proof of graduation with a Bachelor of Science degree in surveying, geomatics, geomatics engineering, or spatial information systems with a minor or

emphasis in surveying from a program accredited by ABET or approved by the State Board of Licensure for Professional Engineers and Professional Surveyors;

(2) Proof of graduation with an Associate of Science or Associate of Applied Science degree in surveying or surveying technology from a program approved by the State Board of Licensure for Professional Engineers and Professional Surveyors; or

(3)(A) Proof of graduation with a baccalaureate degree from a curriculum of four (4) years and at least thirty (30) hours of surveying or surveying-related courses.

(B) One (1) or more of the courses shall emphasize United States Public Land Survey System aspects and principles, and one (1) or more of the courses shall emphasize law and professionalism in geomatics or surveying.

(b) Applicants meeting the requirements of this section shall, upon consideration and approval of all materials required by the State Board of Licensure for Professional Engineers and Professional Surveyors, and if otherwise qualified, shall:

(1) Have passed an approved NCEES examination in the fundamentals of surveying; and

(2) Be licensed as a surveyor intern upon successful completion of that examination.

(c)(1) An applicant who submitted an application prior to January 1, 2017, and is found by the State Board of Licensure for Professional Engineers and Professional Surveyors to meet the requirements in effect at that time, may take or continue to take the NCEES examination as provided in 17 CAR § 285-502.

(2) In no case, however, shall an applicant be allowed to take the NCEES examination after January 1, 2020, unless the applicant meets the requirements of subsection (a) of this section.

(d) **Reciprocity (comity).**

(1) **Required qualifications.** An applicant applying for reciprocal licensure shall meet the following requirements:

(A)(i) The applicant shall hold in good standing a substantially similar license in another United States jurisdiction.

(ii) A surveyor intern license from another state is substantially similar to an Arkansas surveyor intern license if an applicant has, or the other state's licensure qualifications require an applicant to have, one (1) of the following:

(a) Proof of graduation with a Bachelor of Science degree in surveying, geomatics, geomatics engineering, or spatial information systems with a minor or emphasis in surveying from a program accredited by ABET or approved by the State Board of Licensure for Professional Engineers and Professional Surveyors;

(b) Proof of graduation with an Associate of Science or Associate of Applied Science degree in surveying or surveying technology from a program approved by the State Board of Licensure for Professional Engineers and Professional Surveyors; or

(c)(1) Proof of graduation with a baccalaureate degree from a curriculum of four (4) years and at least thirty (30) hours of surveying or surveying-related courses.

(2) One (1) or more of the courses shall emphasize United States Public Land Survey System aspects and principles, and one (1) or more of the courses shall emphasize law and professionalism in geomatics or surveying.

(iii) The applicant shall not have had a license revoked for:

(a) An act of bad faith; or

(b) A violation of law, rule, or ethics.

(iv) The applicant shall not hold a suspended or probationary license in a United States jurisdiction; and

(B) The applicant shall be sufficiently competent in the field of surveying.

**(2) Required documentation.**

(A) An applicant shall submit:

(i) A fully executed application;

(ii) The required fee; and

(iii) The documentation described below.

(B) As evidence that the applicant's surveyor intern license from another jurisdiction is in good standing and is substantially similar to an Arkansas surveyor intern license, the applicant shall submit the following information:

(i)(a) Evidence of current licensure in good standing in that state.

(b) The State Board of Licensure for Professional Engineers and Professional Surveyors may verify this information online or by telephone;

(ii)(a) Evidence that the applicant has, or the other state's licensure requirements match, the educational requirements in subdivision (d)(1)(A)(ii)(a), (b), or (c) of this section.

(b) The State Board of Licensure for Professional Engineers and Professional Surveyors may receive verification of an applicant's education directly from the applicant's school or schools, or the State Board of Licensure for Professional Engineers and Professional Surveyors may verify the information online or by telephone; and

(iii) To demonstrate that the applicant has not had a license revoked for bad faith or a violation of law, rule, or ethics, as required by subdivision (d)(1)(A)(iii) of this section, and that the applicant does not hold a license on suspended or probationary status, as required by subdivision (d)(1)(A)(iv) of this section, the applicant shall provide the State Board of Licensure for Professional Engineers and Professional Surveyors with:

(a) The names of all states in which the applicant is currently licensed or has been previously licensed; and

(b)(1) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant's license has not been revoked for the reasons listed in subdivision (d)(1)(A)(iii) of this section and is not on suspended or probationary status as described in subdivision (d)(1)(A)(iv) of this section.

(2) The State Board of Licensure for Professional Engineers and Professional Surveyors may verify information online or by telephone.

(C) As evidence that the applicant is sufficiently competent in surveying, an applicant shall have passed an examination in the fundamentals of surveying.

**Authority.** Arkansas Code §§ 17-30-203, 17-30-304, 17-48-104.

**17 CAR § 285-305. Professional surveyor.**

**(a) Original licensure.**

(1) Effective January 1, 2017, an applicant shall submit:

(A) Proof of graduation with:

(i) A Bachelor of Science degree in surveying, geomatics, geomatics engineering, or spatial information systems with a minor or emphasis in surveying from a program accredited by ABET or approved by the State Board of Licensure for Professional Engineers and Professional Surveyors;

(ii) An Associate of Science or Associate of Applied Science degree in surveying or surveying technology from a program approved by the board; or

(iii)(a) A baccalaureate degree from a curriculum of four (4) years or more and at least thirty (30) hours of surveying or surveying-related courses.

(b) One (1) or more of the courses shall emphasize United States Public Land Survey System aspects and principles, and one (1) or more of the courses shall emphasize law and professionalism in geomatics or surveying; and

(B)(i)(a) Proof of three (3) years of acceptable experience if the applicant's educational qualifications meet the requirements of subdivision (a)(1)(A)(i) or (iii) of this section or six (6) years of acceptable experience if the applicant's educational qualifications meet the requirements of subdivision (a)(1)(A)(ii) of this section.

(b) Refer to 17 CAR § 285-501.

(ii) Those applicants requiring three (3) years' experience shall demonstrate:

(a) At least one (1) year in performing field duties that would include all aspects of planning and performing boundary surveys in a public land survey system similar to that in Arkansas, including:

- (1) Finding and evaluating evidence;
- (2) Monumentation;
- (3) Checking distances and locations; and
- (4) Verifying accuracies and closures;

(b) At least one (1) year in performing office duties involving:

(1) The research and planning of boundary, title, right-of-way, or other surveys requiring the determination of boundary lines and corners for field crews;

- (2) Computations for plats; and
- (3) The drawing, drafting, and publishing of surveys and survey plats; and

(c) The remainder of the three (3) years in either of the office or field procedures identified above or may be in other types of surveying, whether in the office or field, such as:

- (1) Construction stakeout;
- (2) Surveying for engineering projects;
- (3) Topographical surveying; or
- (4) Any activity constituting surveying measurement

certification.

(iii) Those applicants requiring six (6) years' experience shall demonstrate:

(a) At least two (2) years in performing field duties that would include all aspects of planning and performing boundary surveys in a public land survey system similar to that in Arkansas, including:

- (1) Finding and evaluating evidence;
- (2) Monumentation;
- (3) Checking distances and locations; and

(4) Verifying accuracies and closures;

(b) At least two (2) years in performing office duties involving:

(1) The research and planning of boundary, title, right-of-way or other surveys requiring the determination of boundary lines and corners for field crews;

(2) Computations for plats; and

(3) The drawing, drafting, and publishing of surveys and survey plats; and

(c) The remainder of the six (6) years can be in either office or field procedures identified above or may be in other types of surveying, whether in the office or field, such as:

(1) Construction stakeout;

(2) Surveying for engineering projects;

(3) Topographical surveying; or

(4) Any activity constituting surveying management certification.

(iv)(a) Time documented as spent in classroom training in engineering or surveying topics and that improve or enhance the applicant's skills in one (1) or more of the areas identified in subdivision (a)(1)(B)(ii)(c) or (a)(1)(B)(iii)(c) of this section may substitute for the field or office experience at the discretion of the State Board of Licensure for Professional Engineers and Professional Surveyors.

(b) Surveying courses that are not included or required as part of the applicant's degree or educational requirements shall be presumed to qualify for experience credit.

(c) The amount of credit actually provided for classes or training shall be determined based on the time spent while taking or attending the course or class as well as its content and complexity, and the total of all classroom or training credit shall not exceed the experience for an applicant under subdivision (a)(1)(B)(ii)(c) or (a)(1)(B)(iii)(c) of this section.

(2)(A) Applicant shall submit five (5) references, three (3) of which shall be from professional surveyors having personal knowledge of the applicant's surveying experience.

(B) These references should include both present and past supervisors.

(3) The applicant shall have previously passed a NCEES examination in the fundamentals of surveying that is acceptable to the State Board of Licensure for Professional Engineers and Professional Surveyors.

(4) The applicant shall be admitted to an approved NCEES Professional Surveying examination once the applicant meets the above requirements, or the State Board of Licensure for Professional Engineers and Professional Surveyors shall accept the results of an approved NCEES Principles and Practice of Surveying examination that the applicant has passed.

(5) The applicant shall pass the Arkansas state surveying examination or examinations.

(6) Upon satisfactory completion of these requirements, the applicant shall be granted licensure in the State of Arkansas.

(7)(A) An applicant who submitted an application prior to January 1, 2017, and was found by the State Board of Licensure for Professional Engineers and Professional Surveyors to meet the qualifications in effect at that time may take or continue to take the NCEES examination and state specific surveying examination as provided in 17 CAR § 285-502.

(B) In no case, however, shall an applicant be allowed to take the NCEES and/or state examination after January 1, 2020, unless the applicant meets the requirements of subdivision (a)(1) of this section.

(b) **Reciprocity (comity).**

(1) **Required qualifications.** An applicant applying for reciprocal licensure shall meet the following requirements:

(A)(i) The applicant shall hold in good standing a substantially similar license in another United States jurisdiction.

(ii) A professional surveyor license from another state is substantially similar to an Arkansas professional surveyor license if the applicant has, or the other state's licensure qualifications require an applicant to have, one (1) of the following, whichever is least restrictive:

(a) Proof of graduation with a Bachelor of Science degree in surveying, geomatics, geomatics engineering, or spatial information systems with a minor or emphasis in surveying from a program accredited by ABET or approved by the State Board of Licensure for Professional Engineers and Professional Surveyors;

(b) Proof of graduation with an Associate of Science or Associate of Applied Science degree in surveying or surveying technology from a program approved by the State Board of Licensure for Professional Engineers and Professional Surveyors;

(c)(1) Proof of graduation with a baccalaureate degree from a curriculum of four (4) years and at least thirty (30) hours of surveying or surveying-related courses.

(2) One (1) or more of the courses shall emphasize United States Public Land Survey System aspects and principles, and one (1) or more of the courses shall emphasize law and professionalism in geomatics or surveying; or

(d) The applicant meets the Arkansas requirements for licensure that were in effect at the time the applicant received his or her initial license as a professional surveyor in another state.

(iii) The applicant shall not have had a license revoked for:

(a) An act of bad faith; or

(b) A violation of law, rule, or ethics.

(iv) The applicant shall not hold a suspended or probationary license in a United States' jurisdiction;

(B) The applicant shall be sufficiently competent in the field of professional surveying; and

(C) The applicant shall meet the State Board of Licensure for Professional Engineers and Professional Surveyors' least restrictive requirements, which are described below in subdivision (b)(2)(D) of this section.

**(2) Required documentation.**

(A) An applicant shall submit:

- (i) A fully executed application;
- (ii) The required fee; and
- (iii) The documentation described below.

(B) As evidence that the applicant's professional surveyor license from another jurisdiction is in good standing and is substantially similar to an Arkansas professional surveyor license, the State Board of Licensure for Professional Engineers and Professional Surveyors shall receive the following information:

(i)(a) Evidence of current licensure in good standing in that state.

(b) The State Board of Licensure for Professional Engineers and Professional Surveyors may verify this information online or by telephone to the other state's licensing board;

(ii)(a) Evidence that the applicant has, or the other state's licensure requirements match, the educational requirements in subdivision (b)(1)(A)(ii)(a), (b)(1)(A)(ii)(b), or (b)(1)(A)(ii)(c) of this section.

(b) The State Board of Licensure for Professional Engineers and Professional Surveyors may receive verification of an applicant's education directly from the applicant's school or schools, or the State Board of Licensure for Professional Engineers and Professional Surveyors may verify the information online or by telephone; and

(iii) To demonstrate that the applicant has not had a license revoked for bad faith or a violation of law, rule, or ethics, as required by subdivision (b)(1)(A)(iii) of this section, and that the applicant does not hold a license on suspended or probationary status, as required by subdivision (b)(1)(A)(iv) of this section, the applicant shall provide the State Board of Licensure for Professional Engineers and Professional Surveyors with:

(a) The names of all states in which the applicant is currently licensed or has been previously licensed; and

(b)(1) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant's license has not been revoked for the reasons listed in subdivision (b)(1)(A)(iii) of this section, and is not on suspended or probationary status as described in subdivision (b)(1)(A)(iv) of this section.

(2) The State Board of Licensure for Professional Engineers and Professional Surveyors may verify information online or by telephone.

(C) As evidence that the applicant is sufficiently competent in surveying, an applicant shall:

(i)(a) Submit five (5) references, three (3) of which shall be professional surveyors having personal knowledge of the applicant's surveying experience.

(b) Preferably these references should include both present and past supervisors; and

(ii)(a) Have passed an examination in the fundamentals of surveying.

(b) For those individuals with at least fifteen (15) years licensed practice, the Fundamentals of Surveying examination may be waived.

(D) As evidence that the applicant meets the least restrictive requirements, the applicant shall:

(i) Have passed the NCEES Principles and Practice of Surveying examination;

(ii) Pass the Arkansas state surveying examination; and

(iii)(a) One (1) of the following, as applicable:

(1) If the applicant has a bachelor's degree, the applicant must have three (3) years of experience; or

(2) If the applicant has an associate's degree, the applicant must have six (6) years of experience.

(b) Arkansas will accept an applicant's experience if the applicant's experience has been accepted by another state in which the applicant holds a professional surveyor license in good standing that is substantially similar to an Arkansas professional surveyor.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

**17 CAR § 285-306. Reinstatement.**

(a) **Engineer and surveyor intern.** Any intern licensee who meets the requirements of Arkansas Code § 17-1-107 shall be reinstated administratively by paying the appropriate fees and penalties as provided in 17 CAR § 285-403(b).

(b) **Professional engineers and surveyors.**

(1) Any licensee whose license has been on inactive status or nonrenewed may apply in writing for reinstatement.

(2) Inactive license holders seeking reinstatement shall submit:

(A) A written request;

(B) Proof of fifteen (15) hours per year of continuing professional competency training, not to exceed a total of thirty (30) hours; and

(C) Pay a fee as prescribed in 17 CAR § 285-403(c).

(3) Those seeking to be reinstated for nonrenewing a license may do so in one (1) of the following three (3) ways:

(A) Licensees who have been nonrenewed for two (2) years or less may be reinstated administratively by paying the appropriate fees and penalties as provided in 17 CAR § 285-403(b);

(B) Licensees who have been nonrenewed for more than two (2) years but can demonstrate continuous active registration in another jurisdiction with no disciplinary actions during that period can be reinstated conditionally by the Director of the State Board of Licensure for Professional Engineers and Professional Surveyors subject to later ratification by the State Board of Licensure for Professional Engineers and Professional Surveyors by submission of:

(i) A completed application for reinstatement covering all experience and/or activities subsequent to the date of licensure;

(ii) Proof of fifteen (15) hours per year of continuing professional competency training, not to exceed a total of thirty (30) hours; and

(iii) Payment of a reinstatement fee and two (2) years renewal fees and late penalties as prescribed in 17 CAR § 285-403(c); or

(C) Licensees who have been nonrenewed for more than two (2) years and meet the requirements of Arkansas Code § 17-1-107 shall submit:

(i) A completed application covering all experience and/or activities subsequent to the date of licensure;

(ii) Five (5) references;

(iii) Proof of fifteen (15) hours per year of continuing professional competency training, not to exceed a total of thirty (30) hours; and

(iv) Payment of a reinstatement fee and the biennial renewal fees and late penalties as prescribed by 17 CAR § 285-403(c).

**Authority.** Arkansas Code §§ 17-30-102, 17-30-203, 17-30-305, 17-48-102, 17-48-104, 17-48-205.

**17 CAR § 285-307. Certificate of authorization (COA).**

(a) The practice of or offer to practice for others, as defined in Arkansas Code § 17-30-101 or § 17-48-101, by individuals licensed under this part through a firm as officers, employees, or agents is permitted, subject to the provisions of this part, provided that:

(1) One (1) or more personnel of said firm designated as being responsible for the engineering or surveying activities and decisions is a professional engineer or surveyor under this part;

(2) All personnel of said firm who act in its behalf as professional engineers or surveyors are licensed under Arkansas Code § 17-30-101 et seq., or § 17-48-101 et seq.; and

(3)(A) Said firm has been issued a certificate of authorization by the State Board of Licensure for Professional Engineers and Professional Surveyors as hereinafter provided.

(B) The one (1) exception to this requirement is where the firm is a sole proprietorship practicing in the name of the licensee.

(b)(1) A firm desiring a certificate of authorization shall file with the board an application, using the form provided by the board, provide all the information required by the board, and also of the individual duly licensed to practice engineering or surveying in this state who shall be in responsible charge of the practice of engineering or surveying in the state through said firm, must accompany the renewal fee.

(2) If the person in responsible charge changes during the year, an updated form must be filed with the board within thirty (30) days of the effective date of the change.

(c)(1) The COA shall expire biennially, and any firm that does not renew may later reapply for reinstatement by submitting an updated application along with reinstatement fee and up to two (2) years accumulated dues and penalties.

(2) In the event there shall be a change in any of these persons during the year, such changes shall be designated on the same form and filed with the board within thirty (30) days after effective date of said changes.

(d) If all of the requirements of this section are met, the Director of the State Board of Licensure for Professional Engineers and Professional Surveyors may conditionally approve the application and board shall ratify the issuance of a COA to such firm, and such firm shall be authorized to contract for and to collect fees for furnishing engineering and surveying services.

(e) The requirements of this part shall not prevent a firm from performing engineering or surveying services for the firm itself or a subsidiary or an affiliate of said firm.

(f)(1) No such firm shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, or partners by reason of its compliance with the provisions of this section.

(2) No individual practicing engineering or surveying under the provisions of this part shall be relieved of responsibility for engineering or surveying services performed by reason of employment or other relationship with a firm holding an authorization certificate.

(g) An engineer or surveyor who renders occasional, part-time, or consulting engineering or surveying services to or for a firm may not, for the purposes of this section, be designated as being in responsible charge of the professional activities of the firm unless the engineer or surveyor is an officer or owner of the firm.

(h)(1) Each firm that is issued a certificate of authorization shall obtain a seal.

(2) Refer to 17 CAR § 285-602(c) or (d) for seal requirements and placement on engineering and surveying documents and drawings.

**Authority.** Arkansas Code §§ 17-30-203, 17-30-304, 17-48-104.

#### **17 CAR § 285-308. Reciprocal temporary license.**

(a) For reciprocal applicants, the Director of the State Board of Licensure for Professional Engineers and Professional Surveyors shall issue a temporary license immediately upon receipt of the required fee and the documentation required to show that the applicant has a license from another jurisdiction that is in good standing and is substantially similar to an Arkansas engineer intern, professional engineer, surveyor intern, or professional surveyor license.

(b) An applicant shall submit a completed application with all required remaining documentation in order to receive a license.

(c) The temporary license shall be effective for ninety (90) days or until the State Board of Licensure for Professional Engineers and Professional Surveyors makes a decision on the application, whichever occurs first.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

#### **17 CAR § 285-309. Military licensure.**

(a) As used in this section, "uniformed service veteran" means a former member of the United States uniformed services discharged under circumstances other than dishonorable.

**(b) Automatic licensure for engineer intern applicants, professional engineer applicants, and surveyor intern applicants.**

(1) The State Board of Licensure for Professional Engineers and Professional Surveyors shall grant automatic licensure to an engineer intern applicant, professional engineer applicant, or surveyor intern applicant and who is the holder in good standing of a license with a similar scope of practice issued by another state, territory, or district of the United States and who is:

(A) A uniformed service member stationed in the State of Arkansas;

(B) A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or

(C) The spouse of a:

(i) Person under subdivision (b)(1)(A) or (B) of this section;

(ii) Uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; or

(iii) Uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

(2) The board shall grant such automatic licensure upon receipt of all of the below:

(A) Payment of the initial licensure fee;

(B) Evidence that the individual holds a license with a similar scope of practice in another state; and

(C) Evidence that the applicant is a qualified applicant under subdivision (b)(1) of this section.

**(c) Expedited licensure for professional surveyor applicants.**

(1) The board shall grant expedited licensure to a professional surveyor applicant who is:

(A) A uniformed service member stationed in the State of Arkansas;

(B) A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or

(C) The spouse of a:

(i) Person under subdivision (c)(1)(A) or (B) of this section;

(ii) Uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; or

(iii) Uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

(2) The board shall grant such expedited licensure upon receipt of all of the below:

(A) Payment of the initial licensure fee;

(B) An application showing the professional surveyor applicant meets the requirements under 17 CAR § 285-305(a) or (b), as applicable;

(C) Evidence that the applicant is a qualified applicant under subdivision (c)(1)(A), (B), or (C) of this section; and

(D) Evidence that the applicant has passed the Arkansas state surveying examination.

**(3) Military temporary license.**

(A) The Director of the State Board of Licensure for Professional Engineers and Professional Surveyors shall issue a temporary license immediately upon receipt of the application and the other documentation required under subdivision (c)(2) of this section.

(B) The temporary license shall be effective for ninety (90) days or until the board determines whether the application meets the requirements under 17 CAR § 285-305(a) or (b), as applicable.

(d) The expiration date of a license for a deployed uniformed service member or spouse will be extended for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(e) A full exemption from continuing education requirements will be allowed for a deployed uniformed service member or spouse until one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

**Authority.** Arkansas Code §§ 17-30-203, 17-30-304, 17-48-104.

#### **Subpart 4. Fees**

##### **17 CAR § 285-401. Application.**

(a)(1) Application for licensure as a professional engineer or engineer intern or a professional surveyor or surveyor intern may be on forms furnished by, or electronically in a format specified by, the State Board of Licensure for Professional Engineers and Professional Surveyors.

(2)(A) The prescribed fees shall be submitted when the application is filed.

(B) The applicant will be responsible for delivery of the blank reference forms to the applicant's references.

(3) The application will not be considered complete and processed until all references and verifications of degrees and licensing have been received at the board's office.

(4) The board may accept the information contained in the NCEES record in lieu of the information required on the forms prescribed by the board.

(b)(1) Examinations may be given in various formats and with different application submittal dates depending on the examination format.

(2) For examinations administered once or twice a year, completed applications for original licensure by examination must be received at the office of the board by January 1 for the spring examination administration and July 1 for the fall examination administration.

(3)(A) For examinations administered in a computer-based format at more frequent intervals, there is no prior application required and no deadline, and an

applicant or examinee may take an exam at any time and will be subject to the requirements imposed by the exam developer or administrator.

(B) See 17 CAR § 285-502 for more information.

(4) Regardless of the examination format, applicable experience requirements must be satisfied by the date of the application.

**Authority.** Arkansas Code §§ 17-30-203, 17-30-304, 17-48-104.

**17 CAR § 285-402. Fees.**

**(a) Application.**

(1) Professional engineer:

(A) Original, seventy-five dollars (\$75.00);

(B) Comity, two hundred dollars (\$200); and

(C) Engineer intern, fifty dollars (\$50.00).

(2) Professional surveyor:

(A) Original, seventy-five dollars (\$75.00);

(B) Comity, two hundred dollars (\$200); and

(C) Surveyor intern, fifty dollars (\$50.00).

(3) Certificate of authorization, one hundred fifty dollars (\$150).

**(4) Fee waiver.**

(A) Pursuant to Acts 2021, No. 725, an applicant may receive a waiver of the initial licensure fee, if eligible.

(B) Eligible applicants are applicants who:

(i) Are receiving assistance through the:

(a) Arkansas, or current state of residence equivalent, Medicaid Program;

(b) Supplemental Nutrition Assistance Program;

(c) Special Supplemental Nutrition Program for Women, Infants, and Children;

(d) Temporary Assistance for Needy Families Program; or

(e) Lifeline Assistance Program;

(ii) Were approved for unemployment within the last twelve (12) months; or

(iii) Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

(C) Applicants shall provide documentation showing their receipt of benefits from the appropriate state agency:

(i) For Medicaid, Supplemental Nutrition Assistance Program, Special Supplemental Nutrition Program for Women, Infants, and Children, Temporary Assistance for Needy Families Program, or Lifeline Assistance Program, documentation from the Department of Human Services or current state of residence equivalent agency;

(ii) For unemployment benefits approval in the last twelve (12) months, the Division of Workforce Services or current state of residence equivalent agency; or

(iii) For proof of income, copies of all United States Internal Revenue Service forms indicating applicant's total personal income for the most recent tax year, e.g., W-2, 1099, etc.

(D) Applicants shall attest that the documentation provided under subdivision (a)(4)(C) of this section is a true and correct copy, and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

**(b) Examination fees.**

**(1) Arkansas state-specific surveying examination.**

(A)(i) Fees for the Arkansas state-specific surveying examination shall be paid to the State Board of Licensure for Professional Engineers and Professional Surveyors.

(ii) Applicants and/or examinees approved by the board, but who cancel or postpone a scheduled exam administration fifteen (15) or more days prior to

the date of the exam shall be charged a fee of fifty percent (50%) of the exam fee amount and be credited the remainder for the next exam administration.

(iii) The fee for cancelling or postponing an examination less than fifteen (15) days prior to the exam or failing to appear or complete an examination after being admitted to the examination room for any reason shall be one hundred percent (100%) of the exam fee amount.

(B) Arkansas state-specific surveying examination, one hundred dollars (\$100).

(2)(A) Fees for examinations developed and administered by NCEES shall be paid to NCEES at the amounts established by that organization.

(B) Payments shall be in accordance with any procedures and policies established by NCEES, and any credits, refunds, cancellations, postponements, or any other action or request shall also be in accordance with NCEES policies and procedures.

**Authority.** Arkansas Code §§ 17-30-203, 17-30-304, 17-48-104.

**17 CAR § 285-403. License renewal — Other charges — Refunds.**

(a) Biennial license renewal:

- (1) Engineer, eighty dollars (\$80.00);
- (2) Engineer intern, ten dollars (\$10.00);
- (3) Surveyor, sixty dollars (\$60.00);
- (4) Surveyor intern, ten dollars (\$10.00); and
- (5) Certificate of authorization, one hundred dollars (\$100).

(b) License renewal late penalty:

(1) Fifty percent (50%) of renewal fee amount, one (1) to sixty (60) days after renewal date; and

(2) One hundred percent (100%) of renewal fee amount, sixty-one (61) days to two (2) years.

(c) Other charges:

(1) Reinstatement from inactive status, 17 CAR § 285-306, one hundred dollars (\$100);

(2) Reinstatement from nonrenewed status, 17 CAR § 285-306, one hundred dollars (\$100);

(3) Returned check, twenty-five dollars (\$25.00);

(4) Temporary license, one hundred fifty dollars (\$150); and

(5) Replacement license certificate, five dollars (\$5.00).

**(d) Refunds.**

(1) There will be no refunds for application fees unless the refund request comes immediately after payment and before State Board of Licensure for Professional Engineers and Professional Surveyors staff has begun processing the application.

(2) Other than as specifically provided for in 17 CAR § 285-402(b), examination fees shall be refunded or credited to the next exam cycle only when the fee is paid at the time of application and the application is not approved.

(3) There will be no refund of full or partial license renewal fees.

**Authority.** Arkansas Code §§ 17-30-203, 17-30-304, 17-48-104.

**Subpart 5. Professional Experience — Examinations**

**17 CAR § 285-501. Professional experience.**

(a) Professional experience of an applicant will include only such experience gained after the applicant's eighteenth birthday and shall be experience that requires the exercise of original thought and independent responsibility.

(b) In the field or shop or laboratory, experience shall begin only after apprenticeship, or other subordinate position, unless the work accomplished specifically shows the applicant possesses originality and has responsibility in the subordinate position.

(c) In the office, experience shall begin when the applicant ceases to do technician's duties and begins work that requires original thought and responsibility.

**(d) Teaching.**

(1) Teaching engineering at the junior level or above in an approved curriculum of four (4) years or more may be considered as engineering experience.

(2) Teaching surveying in an approved curriculum of two (2) or four (4) years or more may be considered surveying experience.

(e) Experience gained from training programs, sales, applications, contracting, and manufacturer's representation or any other nondefined experience will be evaluated by the State Board of Licensure for Professional Engineers and Professional Surveyors.

(f)(1) Experience shall be obtained under the direct supervision of a professional licensee of the respective profession, which is generally presumed to mean that the professional licensee is in close proximity and available for regular personal interaction and mentoring rather than in a remote manner.

(2) This provision may be waived at the discretion of the board if the applicant can demonstrate that another supervisory arrangement provides similar oversight and guidance.

(g) Professional experience shall begin only after completing the requirements for graduation for those applicants graduating from an approved engineering or surveying program.

(h) The provisions of this section shall not apply to reciprocity applicants to the extent that the applicant's experience has been accepted by another state in which applicant holds a license that is substantially similar to Arkansas's.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

**17 CAR § 285-502. Examinations.**

(a) Examinations will be held semiannually or at such other times and at places designated by:

(1) The State Board of Licensure for Professional Engineers and Professional Surveyors;

(2) NCEES; or

(3) The exam administrator.

(b) Examinees seeking to take or retake the NCEES Fundamentals of Engineering examination or the NCEES Fundamentals of Surveying examination in a computer-based format shall register directly with NCEES.

(c) Examinees seeking or required to take the NCEES Principles and Practice of Engineering examination, the NCEES Principles and Practice of Surveying examination, or the Arkansas-specific surveying examination as part of an application for original or comity licensure shall be admitted in accordance with the following procedures:

(1)(A) Prior to admitting applicants, the board will review all applications and may interview applicants.

(B) On the basis of all formally submitted information, supplemented by information obtained at the interview, if held, the board will either admit or deny the applicant to the examination;

(2) Upon being approved for an examination the applicant will be referred to NCEES or another designated firm or entity for:

(A) Further instructions;

(B) Fee payments; and

(C) Examination administration;

(3) The applicant must receive a minimum passing grade or meet standards for passing as established by NCEES; and

(4)(A) Applicants who fail to pass the Arkansas state-specific surveying exam will be notified, and those desiring to sit again must notify the board of their intentions.

(B) The date and time for readmission will be at the discretion of the board but will generally be at the next regularly scheduled administration.

(d)(1) Examinees shall abide by the board's and exam administrator's examination policies and procedures.

(2) An examinee who does not fully comply with the exam administrator's policies or engages in other misconduct may be subject to dismissal or score invalidation by the exam administrator and be subject to any of the following:

(A) An examinee may be subject to disciplinary or other board action following a written report from the exam administrator that the examinee engaged in misconduct, including, but not limited to:

- (i) Cheating on the examination;
- (ii) Giving assistance to, or receiving assistance from, another person;
- (iii) Compromising the integrity or security of the examination;
- (iv) Disruptive or abusive behavior; or
- (v) Violation of any exam policies or procedures;

(B) An examinee failing to comply with the board or exam administrator's policies and procedures or engaging in any of the misconduct identified in subdivision (d)(2)(A) of this section before, during, or subsequent to an examination may be subject to:

- (i) Having the examinee's exam results invalidated either by the exam administrator or the board;
- (ii) Being prohibited from taking the examinations for a period of time as determined by the board; or
- (iii) Having any pending application for examination or licensure denied or reevaluated;

(C) The board may consider an applicant's or examinee's conduct before, during, or subsequent to an examination in another state or jurisdiction when evaluating the applicant's qualifications or fitness for licensure in this state; or

(D) The board may choose not to consider or accept the results of any licensure examination taken and passed in another state by an applicant or licensee during the time an applicant or licensee has been prohibited from taking an examination in this state for failing to comply with the provisions of this section.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

## **Subpart 6. Certificates and Seals**

**17 CAR § 285-601. Certificates.**

(a)(1) For all professional engineers, professional surveyors, engineer interns, and surveyor interns, the State Board of Licensure for Professional Engineers and Professional Surveyors shall issue a certificate.

(2) The certificate shall:

(A) Show the name of the licensee and the license number; and

(B) Be signed by the President of the State Board of Licensure for Professional Engineers and Professional Surveyors and Director of the State Board of Licensure for Professional Engineers and Professional Surveyors with the embossed seal of the board.

(b) The issuance of a certificate of licensure by the board shall be prima facie evidence that the person named therein is licensed while the certificate remains unrevoked.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

**17 CAR § 285-602. Seals.**

(a)(1) Upon licensure, each professional engineer may obtain a seal of the design authorized by the State Board of Licensure for Professional Engineers and Professional Surveyors bearing the licensee's name, license number, and the legend "licensed professional engineer".

(2) Each page of each final engineering document, to include drawings, and the cover sheet of specifications and the signature page of written reports prepared by a licensee shall, when issued, be dated, signed, and stamped with the said seal or facsimile thereof by the responsible licensee or licensees.

(3) It shall be unlawful for an engineer to affix or permit the engineer's seal or facsimile thereof to be affixed to any engineering drawing, specifications, plats, or reports after the expiration of the engineer's license or for the purpose of aiding or abetting any other person to evade or attempt to evade any provision of the statutes and the rules of the board.

(4) Record or as-built drawings representing what is believed to be constructed shall not be sealed unless specifically required by contract and shall then contain a caveat or disclaimer that provides as applicable:

(A) The information in the drawing is a compiled representation of the constructed project;

(B) Identifies the source and basis of information used in preparing the drawing; and

(C) States or declares that the drawing is believed to be correct to the best of the professional's knowledge but it cannot be guaranteed accurate.

(b)(1) Upon licensure each professional surveyor may obtain a seal of the design authorized by the board bearing the licensee's name, license number, and the legend "licensed professional surveyor".

(2) Each page of final drawings, plats, and the signature page of reports and the cover sheet of specifications prepared by a licensee shall, when issued, be dated, signed, and stamped with the said seal or a facsimile thereof.

(3) It shall be unlawful for a licensee to affix or permit the licensee's seal and signature or facsimile thereof to be affixed to any document the licensee did not personally prepare or supervise the preparation of or after the expiration of the licensee's license or for aiding or abetting any other person to evade or attempt to evade any provision of the statutes and rules of the board.

(c) Each firm that is issued a certificate of authorization (COA) shall obtain a seal of the design authorized by the board bearing the name of the firm and the COA number and attach, at a minimum, to the cover sheet of the plans, cover page or the seals page of specifications, and reports for documents where the professional seal is required.

(d) The board hereby establishes the design of and clarifies the use of the seal by a licensee as follows:

(1)(A) The engineer and surveyor and certificate of authorization seals shall use the following designs.

(B) However, seals previously acquired in compliance with then current rules need not be changed nor modified as a result of subsequent rule changes unless specifically required;



(2)(A) The seal shall be from one and one-quarter inch (1 ¼ in.) to two inches (2 in.) in diameter and have a milled edge in conformance with the above designs.

(B) A facsimile rubber stamp is authorized in lieu of a seal.

(C) The stamp may have either a milled edge or two (2) concentric circles with the outer and inner circles corresponding with the respective edges of the milling on the seal.

(D) The licensee's name and number inscribed in the seal shall correspond to the name and certificate number shown on the certificate of licensure;

(3)(A) The seal shall be affixed to documents and instruments only when the license certificate is current and in good standing, and then only on such documents and instruments that have been prepared by the licensee or under the supervision of the licensee.

(B) The licensee shall be responsible for assuring the seal, however affixed, is legible on the document;

(4) By affixing the licensee's seal to any documents or instruments, a licensee accepts full responsibility and liability for the professional work represented on such documents or instruments; and

(5) Documents may be sealed electronically and may be signed and/or transmitted electronically if done in one (1) of the following ways:

(A) Documents digitally signed may be transmitted electronically as long as the signature is:

(i) Unique to and under the sole control of the person who applied it;

(ii) Capable of verification; and

(iii) Able to be linked to the document in such a manner that the signature is invalidated if any data on the document is altered;

(B)(i) Documents manually or digitally sealed but not signed may be transmitted electronically so long as an original signature and date shall be affixed over the seal and maintained on a paper or electronic copy of the document in the office of record.

(ii) The electronically transmitted file shall contain the following: "This document was originally issued and sealed by (name of licensee), (license number) on (date). This copy is not a signed and sealed document."; or

(C) Documents manually or digitally signed and sealed may be digitally copied and transmitted by electronic means.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

## **Subpart 7. Expirations and Renewals**

### **17 CAR § 285-701. Expirations and renewals.**

(a)(1) License certificates for professional engineers shall expire biennially.

(2) The Director of the State Board of Licensure for Professional Engineers and Professional Surveyors will mail to every licensee a notice showing the:

(A) Date of the expiration of said license; and

(B) Fee required for renewal.

(3) Such notice will be mailed to the licensee at the licensee's last known address at least one (1) month in advance of the date of the expiration of said certificate.

(4) It is the responsibility of each licensee to notify the board, in writing, of a change of address.

(b)(1) License certificates for professional surveyors shall expire biennially.

(2) The director will mail to every licensee a notice showing the:

(A) Date of the expiration of said license; and

(B) Amount of the fee required for its renewal.

(3) Such notice shall be mailed to the licensee at the licensee's last known address at least one (1) month before the expiration date.

(4) It is the responsibility of each licensee to notify the board, in writing, of a change of address.

(c)(1) License certificates of dual registrants shall expire biennially.

(2) The director will mail to every licensee a notice showing the:

(A) Date of the expiration of said license; and

(B) Amount of the fee required for its renewal.

(3) Such notice shall be mailed to the licensee at the licensee's last known address at least one (1) month before the expiration date.

(4) It is the responsibility of each licensee to notify the board, in writing, of a change of address.

(d)(1) Certificates of authority shall expire biennially.

(2) The director will mail to every firm and licensee not operating as a sole proprietorship a notice showing the:

(A) Date of the expiration of said license; and

(B) Amount of the fee required for its renewal.

(3) Such notice shall be mailed to the licensee at the licensee's last known address at least (1) one month before the expiration date.

(4) It is the responsibility of each licensee to notify the board, in writing, of a change of address.

(e) Late penalty for renewals shall be as described in 17 CAR § 285-401 et seq.

**Authority.** Arkansas Code §§ 17-30-203, 17-30-304, 17-48-104.

## **Subpart 8. Disciplinary Action — Complaints, Hearing Procedures, and Declaratory Orders — Violations**

### **17 CAR § 285-801. Disciplinary action.**

(a) The State Board of Licensure for Professional Engineers and Professional Surveyors may take disciplinary action to the fullest extent permitted by law against any licensee who is convicted of a felony listed under Arkansas Code § 17-3-102 or whom the board finds guilty of any of the following:

- (1) Fraud or deceit in obtaining a certificate of licensure or authorization;
- (2) Any gross negligence, incompetence or misconduct in the practice of engineering as a professional engineer or surveying as a professional surveyor;
- (3) Any violation of the Rules of Professional Conduct and/or rules of the board;
- (4) Violations of the Arkansas Standards of Practice No. 1 for Property Boundary Surveys and Plats in force at the time of the survey; and
- (5) Practicing engineering or surveying with an invalid or expired license.

(b) The board may discipline nonlicensees who violate this part by imposing a fine of not more than five thousand dollars (\$5,000) per violation.

**Authority.** Arkansas Code §§ 17-30-203, 17-30-304, 17-48-104.

### **17 CAR § 285-802. Complaints.**

(a)(1) Any person, including the Director of the State Board of Licensure for Professional Engineers and Professional Surveyors, may file a written complaint alleging violation of the statutes and/or the rules of the State Board of Licensure for Professional Engineers and Professional Surveyors.

(2) The respondent shall be mailed a copy of the complaint and shall enter an answer within twenty (20) days unless an extension is granted by the board.

(b)(1) A preliminary investigation shall be conducted by a complaint committee appointed by the President of the State Board of Licensure for Professional Engineers and Professional Surveyors.

(2) The complaint committee may:

(A) Find that probable cause exists that a violation has occurred and recommend to the board that the matter be set for hearing;

(B) Find that the allegations are not evidence of a violation or are otherwise unfounded and recommend to the board that the complaint be dismissed;

(C) Hold informal meetings with any persons or parties it deems appropriate and recommend informal disposition by:

(i) Stipulation;

(ii) Settlement;

(iii) Consent order; or

(iv) Default; or

(D) If directed or authorized by the board, adjudicate and prepare a proposal for board decision as provided for and in accordance with the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(c) Unless dismissed or otherwise resolved, all charges shall be heard by the board within twelve (12) months from the time the complaint is received unless the time limit is waived by agreement of the board and the respondent or respondents.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

### **17 CAR § 285-803. Hearing procedures.**

(a)(1) This section applies in all administrative adjudications conducted by the State Board of Licensure for Professional Engineers and Professional Surveyors.

(2) This procedure is developed to provide a process by which the board formulates orders (for example, an order revoking a license to practice or imposing civil penalties).

(b) The board shall preside at the hearing or may designate one (1) or more members of the board or one (1) or more examiners, referees, or hearing officers to preside at a hearing.

(c) Unless otherwise specified in these rules, all hearings will be conducted in accordance with the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(d) If there are separate matters that involve similar issues of law or fact, or identical parties, the matters may be consolidated if it appears that consolidation would promote the just and speedy resolution of the proceedings and would not unduly prejudice the rights of a party.

(e) If it appears that the determination of the rights of parties in a proceeding will necessarily involve a determination of the substantial interests of persons who are not parties, the presiding officer may enter an order requiring that an absent person be notified of the proceeding and be given an opportunity to be joined as a party of record.

(f)(1) An administrative adjudication is initiated by the issuance by the board of a notice of hearing.

(2)(A) The notice of hearing may be sent to the respondent by United States mail to the named recipient or agent.

(B) Notice shall be sufficient when it is so mailed to the respondent's latest address on file with the board.

(3) Notice will be mailed at least twenty (20) days before the scheduled hearing and shall include:

(A) A statement of the time, place, and nature of the hearing;

(B) A statement of the legal authority and jurisdiction under which the hearing is to be held; and

(C) A short and plain statement of the matters of fact and law asserted.

(g)(1) The board, either through its attorney or the Director of the State Board of Licensure for Professional Engineers and Professional Surveyors, may grant a continuance of hearing for good cause shown.

(2) Requests for continuances will be made in writing.

(3) The request must state the grounds to be considered and be made as soon as practicable and, except in cases of emergencies, no later than five (5) days prior to the date noticed for the hearing.

(4) In determining whether to grant a continuance, the board may consider:

(A) Prior continuances;

(B) The interests of all parties;

(C) The likelihood of informal disposition;

(D) The existence of an emergency;

(E) Any objection;

(F) Any applicable time requirement, although the respondent may choose to waive the time limitation in 17 CAR § 285-802(b) when making the request;

(G) The existence of a conflict of the schedules of:

(i) Counsel;

(ii) Parties; or

(iii) Witnesses;

(H) The time limits of the request; and

(I) Other relevant factors.

(5) The board may require documentation of any grounds for continuance.

(h) The presiding officer is charged with maintaining the decorum of the hearing and may refuse to admit, or may expel, anyone whose conduct is disorderly.

(i)(1) A party seeking admission of an exhibit shall provide a sufficient number of copies of each exhibit at the hearing.

(2) The presiding officer shall provide the opposing parties with an opportunity to examine the exhibit prior to the ruling on its admissibility.

(3) All exhibits admitted into evidence should be appropriately marked and be made part of the record.

(j) **Reasonable inferences.** The board may base its findings of fact upon reasonable inferences derived from other evidence received.

(k) If a party fails to appear or participate in an administrative adjudication after proper service of notice, the board may proceed with the hearing and render a decision in the absence of the party.

(l) Subpoenas requiring attendance of witnesses and/or production of documents at a hearing may be issued by the board, and:

(1) The requesting party shall specify whether the witness is requested to bring documents and reasonably identify said documents;

(2)(A) A subpoena may be served by any person:

(i) Specified by law to serve process; or

(ii) Who is not a party and who is eighteen (18) years of age or older.

(B) Delivering a copy to the person named in the subpoena shall make service.

(C) Proof of service may be made by affidavit of the person making service.

(D) The party seeking the subpoena shall:

(i) Have the burden of obtaining service of the process; and

(ii) Be charged with the responsibility of tendering appropriate mileage fees and witness fees pursuant to Rule 45, Arkansas Rules of Civil Procedure.

(E) The witness must be served at least two (2) days prior to the hearing.

(F) For good cause, the board may authorize the subpoena to be served less than two (2) days before the hearing; and

(3)(A) The board shall reasonably comply with any request for issuing a subpoena but may refuse if the party requesting it fails or refuses to provide sufficient justification that the witness or documents will provide relevant evidence and/or are not otherwise obtainable.

(B) Any objection to refusal to issue a subpoena shall be made on the record at the hearing.

(m) In addition to any other considerations permitted by Arkansas Code § 17-30-101 et seq., and § 17-48-101 et seq., if applicable, the board in imposing any sanction may consider the following:

- (1) The nature and degree of the misconduct for which the licensee is being sanctioned;
- (2) The seriousness and circumstances surrounding this misconduct;
- (3) The loss or damage to clients or others;
- (4) The assurance that those who seek similar professional services in the future will be protected from the type of misconduct found;
- (5) The profit to the licensee;
- (6) The avoidance of repetition;
- (7) Whether the conduct was:
  - (A) Deliberate;
  - (B) Intentional; or
  - (C) Negligent;
- (8) The deterrent effect on others;
- (9) The conduct of the individual during the course of the disciplinary proceeding;
- (10) The professional's prior disciplinary record, including warnings;
- (11) Matters offered by the professional in mitigation or extenuation, except that a claim of disability or impairment resulting from the use of alcohol or drugs may not be considered unless the professional demonstrates the successful and good faith pursuit of a program of recovery; and
- (12) Any other factors or circumstances deemed relevant or important.

**Authority.** Arkansas Code §§ 17-30-203, 17-30-304, 17-48-104.

**17 CAR § 285-804. Declaratory orders.**

(a)(1) A declaratory order is a means of resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the State Board of Licensure for Professional Engineers and Professional Surveyors has authority.

(2) A petition for declaratory order may be used only to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances.

(3) A declaratory order is not the appropriate means for determining the conduct of another person or for obtaining a policy statement of general applicability from the board.

(4) A petition or declaratory order must describe the potential impact of statutes, rules, or orders upon the petitioner's interests.

(b) The process to obtain a declaratory order is begun by filing with the Director of the State Board of Licensure for Professional Engineers and Professional Surveyors, at the board's office, a petition that provides the following information:

(1) The caption shall read: "Petition for Declaratory Order Before the Board of Licensure for Professional Engineers and Professional Surveyors";

(2) The name, address, telephone number, and facsimile number of the petitioner;

(3) The name, address, telephone number, and facsimile number of the attorney of the petitioner;

(4) The statutory provision or provisions, board rule or rules, or board order or orders on which the declaratory order is sought;

(5) A description of how the statutes, rules, or orders may substantially affect the petitioner and the petitioner's particular set of circumstances, and the question or issue on which the petitioner seeks a declaratory order;

(6) The signature of the petitioner or petitioner's attorney;

(7) The date; and

(8) Request for a hearing, if desired.

(c)(1) The board may hold a hearing to consider a petition for declaratory statement.

(2) If a hearing is held, it shall be conducted in accordance with Arkansas Code §§ 25-15-208 and 25-15-213 and the board's rules for adjudicatory hearings.

(d)(1) The board may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts.

(2) Within ninety (90) days of the filing of the petition, the board will render a final order denying the petition or issuing a declaratory order.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

**17 CAR § 285-805. Violations and penalties.**

(a) Any person or entity who commits any of the following actions shall be subject to disciplinary action by the State Board of Licensure for Professional Engineers and Professional Surveyors:

(1) Practicing, or offering to practice, engineering or surveying in the State of Arkansas without being licensed under the provisions of the acts;

(2) Using or employing the words "engineer", "engineering", "surveyor", or "surveying" or any modification or derivative thereof in its name, form of business, or activity except as authorized in the statutes and rules of the board;

(3) Presenting or attempting to use the license or the seal of another;

(4) Giving false or forged evidence of any kind to the board or to any member thereof in obtaining or attempting to obtain licensure;

(5) Falsely impersonating any other licensee of like or different name;

(6) Attempt to use an expired, revoked, or nonexistent license;

(7) Practice or offer to practice when not qualified; or

(8) Falsely claiming to be licensed under the statutes and the rules of the board.

(b)(1) Any complaint filed with the State Surveyor's office or the board against a surveyor for any reason shall automatically authorize the State Surveyor to investigate the subject surveyor's compliance with the Arkansas Standards of Practice No. 1, which requires the filing of plats with the State Surveyor's office.

(2) Violations of the Arkansas Standards of Practice No. 1 shall become part of the original complaint or may, at the discretion of the board, constitute a complaint in their own right.

(3) Each plat that is found not to have been properly filed shall constitute a separate violation.

(4) Each violation shall be punished by a penalty of no more than one hundred dollars (\$100).

(c)(1) The board is empowered to impose a civil penalty of not more than five thousand dollars (\$5,000) per instance against any individual violating any portion of the statutes or rules of the board pertaining to the practice of engineering and/or surveying.

(2) Civil penalties may be imposed on licensees or nonlicensees.

**Authority.** Arkansas Code §§ 17-30-102, 17-30-203, 17-30-305, 17-48-102, 17-48-104, 17-48-205.

## **Subpart 9. Right to Practice — Exemption**

### **17 CAR § 285-901. Right to practice.**

(a) An individual may practice or offer to practice engineering or surveying for others if licensed or permitted under the State Board of Licensure for Professional Engineers and Professional Surveyors' statutes and rules, subject to the provisions contained therein.

(b) A firm, association, partnership, or corporation may not engage in the practice of engineering or surveying unless the practice as engaged in is done under the supervision and direction of an engineer or surveyor licensed in the State of Arkansas.

(c) A firm, association, partnership, or corporation may engage in the practice of engineering or surveying with relation to its own property or business so long as such practice is done under the supervision of a licensed engineer or licensed surveyor.

(d) All final drawings, specifications, plans, reports, plats, or other papers or documents involving the practice of engineering or surveying, as defined in the statutes, when issued or filed for public records, shall be dated and bear the signature and seal of the professional engineer or of the professional surveyor who prepared or supervised and approved them.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

**17 CAR § 285-902. Exemption.**

(a) The statutes and rules of the State Board of Licensure for Professional Engineers and Professional Surveyors will govern the activities of the engineer and surveyor and shall not be construed to prevent the practice of any other legally recognized profession.

(b) The statutes and rules of the board shall not be construed to prohibit the work of an employee or a subordinate of a licensee or any employee of a person practicing lawfully under 17 CAR § 285-103 et seq., provided such work does not include final engineering or surveying decisions and is done under the direct supervision of and verified by a licensee or a person practicing lawfully under 17 CAR § 285-301.

(c) The statutes and rules of the board shall not apply to:

(1) The usual symbols and statements of the cartographic representation of scale and direction, including, but not limited to:

- (A) Scale ratios;
- (B) Scale bar; and
- (C) North arrows;

(2) The preparation and attachment of metadata or to the scientific analysis of measurement data for research by a person who is not a professional surveyor or professional engineer; and

(3) Any government agency or office in conducting its statutory or constitutional duties to certify representations or spatial data.

(d) The statutes and rules of the board shall not impair or reduce the scope of the professional practice of professional architects as defined by statute and rules of the Arkansas State Board of Architects, Landscape Architects, and Interior Designers.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

## **Subpart 10. Continuing Professional Competency**

### **17 CAR § 285-1001. Introduction.**

In order to safeguard life, health, property, and to promote public welfare, it has been determined that the practice of engineering and surveying will require continuing education in order to renew licenses.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

### **17 CAR § 285-1002. Definitions.**

Terms used in this subpart are defined as follows:

(1) "College/unit semester/quarter hour" means credit for approved course or other related college course approved in accordance with 17 CAR § 285-1005;

(2)(A) "Continuing education unit (CEU)" means a unit of credit customarily used for continuing education courses.

(B) One (1) continuing education unit equals ten (10) hours of class in an approved education course;

(3) "Course/activity" means any qualifying course or activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice;

(4) "Dual licensee" means a person who is licensed as both a professional engineer and a professional surveyor; and

(5) "Professional development hours (PDH)" means an hour (nominal) of instruction or presentation.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

**17 CAR § 285-1003. Requirements.**

Continuing professional competency is required as follows:

(1)(A) Every professional engineer or professional surveyor licensee is required to report a minimum of thirty (30) PDH units for each renewal period.

(B) If a licensee exceeds the requirement in any renewal period, a maximum of thirty (30) PDH units may be carried forward into the subsequent renewal period;

(2) A professional surveyor, including a professional surveyor who is a dual licensee, is required to have at least two (2) PDH hours of Arkansas Standards of Practice No. 1 for Property Boundary Surveys and Plats for each renewal period; and

(3)(A) Dual licensees are required to report a minimum of forty (40) PDH units for each renewal period, with at least ten (10) PDH units earned in each profession.

(B) The remaining twenty (20) PDH units may be obtained in either profession.

(C) If a licensee exceeds the requirement in any renewal period, a maximum of forty (40) PDH units may be carried forward into the subsequent renewal period (no more than thirty (30) in either profession).

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

**17 CAR § 285-1004. Units.**

(a) Units may be earned as follows:

(1) Successful completion of college courses;

(2) Successful completion of continuing education courses;

(3) Successful completion of correspondence, televised, videotaped, audiotaped, and other short courses/tutorials;

(4) Presenting or attending qualifying seminars, in-house courses, workshops, or professional, technical, or managerial presentations made at:

(A) Meetings;

(B) Conventions; or

(C) Conferences;

(5) Teaching or instructing in subdivisions (a)(1) – (4) of this section;

(6) Authoring published:

(A) Papers;

(B) Articles; or

(C) Books;

(7) Active participation in professional or technical societies; and

(8) Patent grants.

(b) Unit conversion for other credit to PDH units is as follows:

(1) One (1) college or unit semester hour, forty-five (45) PDH;

(2) One (1) college or unit quarter hour, thirty (30) PDH;

(3) One (1) continuing education unit, ten (10) PDH;

(4) One (1) hour of professional development in coursework, seminars, or professional, management, or technical presentations made at meetings, conventions, or conferences, one (1) PDH;

(5) For teaching items in subdivisions (b)(1) – (4) of this section, apply a multiple of two (2) (teaching credit is valid for teaching a course or seminar for the first time only);

(6) Each published paper, article, or book, ten (10) PDH maximum;

(7) Active participation in professional and technical society (each organization), two (2) PDH; and

(8) Each patent granted, ten (10) PDH maximum.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

**17 CAR § 285-1005. Determination of credit.**

(a) The State Board of Licensure for Professional Engineers and Professional Surveyors has final authority with respect to approval of:

- (1) Courses;
- (2) Credit;
- (3) PDH value for courses; and
- (4) Other methods of earning credit.

(b) Credit for college or community college approved courses will be based upon credit established by the college.

(c)(1) Credit for qualifying seminars and workshops will be based on one (1) PDH unit for each hour of attendance.

(2) Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDH units for the actual time of each program.

(d) Credit determination for the activities in 17 CAR § 285-1004(a)(6) and (a)(8) is the responsibility of the licensee (subject to review as required by the board).

(e)(1) Credit for activity in 17 CAR § 285-1004(a)(7), active participation in professional and technical societies (limited to two (2) PDH per organization), requires that a licensee serve as an officer and/or actively participate in a committee of the organization.

(2) PDH credits are not earned until the end of each year of service is completed.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

**17 CAR § 285-1006. Records.**

(a) The maintenance of records to support credits claimed is the responsibility of the licensee.

(b) Records required include, but are not limited to:

- (1) A log showing the:
  - (A) Type of activity claimed;
  - (B) Sponsoring organization;

- (C) Location;
  - (D) Duration;
  - (E) Instructor's or speaker's name; and
  - (F) PDH credits earned;
- (2) Attendance verification records in the form of:
- (A) Completion certificates; or
  - (B) Other documents supporting evidence of attendance; and
- (3) Records as maintained by the professional development similar repositories.

(c) These records must be maintained for a period of three (3) years, and copies may be requested by the State Board of Licensure for Professional Engineers and Professional Surveyors for audit verification purposes.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

**17 CAR § 285-1007. Exemptions.**

A licensee may be exempt from the professional development education requirements for one (1) of the following reasons:

- (1) New licensees by way of examination or comity shall be exempt for their first renewal period;
- (2)(A) A licensee experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the State Board of Licensure for Professional Engineers and Professional Surveyors may be exempt.
  - (B) Supporting documentation must be furnished to the board;
- (3) A licensee listed as "inactive" on the board-approved renewal form certifying that they are no longer receiving any remuneration from providing professional engineering or professional surveying services shall be exempt from the professional development hours required;
- (4)(A) A professional surveyor may be exempt if he or she:
  - (i) Is at least sixty (60) years of age; and

- (ii) Has twenty (20) years of acceptable professional experience.
- (B) This request must be submitted on forms supplied by the board; and
- (5)(A) A professional engineer may be exempt if he or she:
  - (i) Is at least sixty-five (65) years of age; and
  - (ii) Has twenty-five (25) years of acceptable professional experience.
- (B) This request must be submitted on forms supplied by the board.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

**17 CAR § 285-1008. Forms.**

(a) All renewal applications will require the completion of a continuing education certificate stating the number of PDH credit claimed.

(b) The licensee must maintain sufficient records to permit audit verification, when requested.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

**17 CAR § 285-1009. Audit.**

The State Board of Licensure for Professional Engineers and Professional Surveyors may conduct random audits each year of reported continuing education credit after each license renewal period according to the following procedures:

(1) The population to be audited for continuing professional competency compliance shall consist of those licensees who are renewing their licenses with the board and who:

(A) Are not claiming PDH and qualify for an exemption under 17 CAR § 285-1007; or

(B) Do not report sufficient hours as provided in 17 CAR § 285-1010;

(2) The sample for the audit shall be chosen not less than one hundred eighty (180) days after the renewal period is ended;

(3) The sample size for each audit group shall be two percent (2%) of the population, chosen at random, without replacement;

(4) Each licensee chosen for audit shall provide within thirty (30) days, on the form supplied by the board, a log of continuing education obtained during the previous licensing period, with supporting documents attached, according to the requirements specified in 17 CAR § 185-1006; and

(5) Those auditees failing to respond or unable to verify their claims to continuing education may be served with a complaint and charged with having obtained renewal of their licenses by false statements according to the provisions and procedures in 17 CAR §§ 285-801 – 285-804.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

**17 CAR § 285-1010. Noncompliance for reporting less than required hours.**

(a)(1) A licensee who does not satisfy the continuing education requirement by reporting less than the required number of hours shall be placed on probationary status and notified of that status.

(2) The licensee shall have six (6) months from the renewal dates to provide documentation of having obtained both the originally reported and the necessary additional hours or the licensee's license will be placed in an inactive status.

(b) Licensees placed on inactive status may return to active status as provided for in 17 CAR § 285-306.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

**Subpart 11. Ethics and Rules of Professional Conduct**

**17 CAR § 285-1101. Ethics and rules of professional conduct.**

(a)(1) The following rules of professional conduct shall be binding on every person holding a certificate of licensure.

(2) The rules of professional conduct delineate specific obligations the licensee must meet.

(3) In addition, each licensee is charged with the responsibility of adhering to standards of highest ethical and moral conduct in all aspects of the practice of professional engineering and professional surveying.

(b)(1) Licensees shall avoid conflicts of interest and faithfully serve the legitimate interest of their employers, clients, and customers within the limits defined by this part.

(2) A licensee's professional reputation shall be built on the merit of the licensee's services and shall not compete unfairly with others.

**(c) Licensee's obligation to society.**

(1) Licensees, in the performance of their services for clients, employers, and customers, shall be cognizant that their first and foremost responsibility is to the public welfare.

(2) Licensees shall approve and seal only those design documents and surveys that conform to accepted engineering and surveying standards and safeguard the life, health, property, and welfare of the public.

(3) Licensees shall notify their employer or client and such other authority as may be appropriate when their professional judgment is overruled under circumstances where the life, health, property, and welfare of the public is endangered.

(4)(A) Licensees shall be objective and truthful in professional reports, statements, or testimony.

(B) They shall include all relevant and pertinent information in such reports, statements, or testimony.

(5) Licensees shall express a professional opinion publicly only when it is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.

(6) Licensees shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they explicitly identify

the interested parties on whose behalf they are speaking and reveal any interest they have in the matters.

(7) Licensees shall not permit the use of their name or firm name by, nor associate in business ventures with, any person or firm that is engaging in fraudulent or dishonest business or professional practices.

(8) Licensees having knowledge of possible violations of any of these rules of professional conduct shall provide the State Board of Licensure for Professional Engineers and Professional Surveyors with information and assistance necessary for the final determination of such violation.

(9) Licensees who are salespersons or who represent a particular product or system shall qualify any public statement made concerning their product or system.

**(d) Licensee's obligation to employer, clients, and customers.**

(1) Licensees shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering or surveying involved.

(2) Licensees shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competence, nor to any such plan or document not prepared under their direct control and personal supervision.

(3) Licensees may accept assignments for coordination of an entire project, provided that each element is signed and sealed by the licensee responsible for preparation of that element.

(4) Licensees shall not reveal confidential facts, data, or information obtained in a professional capacity without the prior consent of the client or employer except as authorized or required by law.

(5) Licensees shall not solicit or accept financial or other valuable consideration, directly or indirectly, from contractors, their agents, or other parties in connection with work for employers or clients, unless the conditions in subdivision (d)(7) of this section are met.

(6) Licensees shall make full prior disclosures to their employers or clients of potential conflicts of interest or other circumstances that could influence or appear to influence their judgment or the quality of their service.

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

(8)(A) Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member.

(B) Conversely, licensees serving as members, advisors, or employees of a governmental body or department, who are the principals or employees of a private concern, shall not participate in decisions with respect to professional services offered or provided by said concern to the governmental body which they serve.

**(e) Licensee's obligation to other licensees.**

(1)(A) Licensees shall not falsify or permit misrepresentation of their, or their associates', academic or professional qualifications.

(B) They shall not misrepresent or exaggerate neither their degree of responsibility in prior assignments nor the complexity of said assignments.

(C) Presentations incidental to the solicitation of employment or business shall not misrepresent pertinent facts concerning:

- (i) Employers;
- (ii) Employees;
- (iii) Associates;
- (iv) Joint ventures; or
- (v) Past accomplishments.

(2) Licensees shall not offer, give, solicit, or receive, either directly or indirectly, any commission, gift, or other valuable consideration in order to secure work and shall not make any political contribution with the intent to influence the award of a contract by a public authority.

(3) Licensees shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other licensees, nor indiscriminately criticize other licensees' work.

(4)(A) Licensees who are aware of any alleged violations of the law, rules of the board, or these rules of professional conduct by a fellow licensee may counsel with that licensee to determine the facts.

(B) If correction is not made the licensee shall report the violation to the board and other proper authorities.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

## **Subpart 12. Prelicensure Criminal Background Check and Waiver Request**

### **17 CAR § 285-1201. Prelicensure criminal background check.**

(a) Pursuant to Acts 2019, No. 990, an individual may petition for a prelicensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.

(b) The individual must obtain the prelicensure criminal background check petition form from the State Board of Licensure for Professional Engineers and Professional Surveyors.

(c) The board will respond with a decision in writing to a completed petition within a reasonable time.

(d) The board's response will state the reasons for the decision.

(e) All decisions of the board in response to the petition will be determined by the information provided by the individual.

(f) Any decision made by the board in response to a prelicensure criminal background check petition is not subject to appeal.

(g) The board will retain a copy of the petition and response, and it will be reviewed during the formal application process.

**Authority.** Arkansas Code §§ 17-30-203, 17-48-104.

### **17 CAR § 285-1202. Waiver request.**

(a) If an individual has been convicted of an offense listed in Arkansas Code § 17-3-102(a) or (e), the State Board of Licensure for Professional Engineers and Professional Surveyors may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by an:

- (1) Affected applicant for a license; or
- (2) Individual holding a license subject to revocation.

(b) The board may grant a waiver upon consideration of the following, without limitation:

- (1) The age at which the offense was committed;
- (2) The circumstances surrounding the offense;
- (3) The length of time since the offense was committed;
- (4) Subsequent work history since the offense was committed;
- (5) Employment references since the offense was committed;
- (6) Character references since the offense was committed;
- (7) Relevance of the offense to the occupational license; and
- (8) Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.

(c) A request for a waiver, if made by an applicant, must:

- (1) Be in writing; and
- (2) Accompany the completed application and fees.

(d) The board will:

- (1) Respond with a decision in writing; and
- (2) State the reasons for the decision.

(e) An appeal of a determination under this section will be subject to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

**Authority.** Arkansas Code §§ 17-30-203, 17-30-304, 17-48-104.