

PDHonline Course R901 (2 PDH)

Laws, Rules and Ethics for Indiana Professional Engineers

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Laws, Rules, and Ethics for Indiana Professional Engineers

Course Description

This two-hour course provides an in-depth review of the statutes and rules governing the practice of engineering in the State of Indiana as well as the ethical standards related to the engineering profession. Students will study the relevant excerpts from Articles 1 and 31 of the Indiana Code Title 25, and Rules 1 through 15 of the Indiana Administrative Code Title 864. In addition, procedures of disciplinary actions by the Indiana Board are presented along with the commonly used terms. This course is designed to help Indiana professional engineers meet both the ethics training requirement and the laws and rules training requirement mandated by the Indiana State Board of Registration for Professional Engineers.



This course includes a multiple-choice quiz at the end, which is designed to enhance the understanding of course materials.

Learning Objectives

At the conclusion of this course, the student will get familiar with:

- The laws and rules regulating the practice of engineering in the State of Indiana;
- The rules of professional conduct;
- The procedures of disciplinary actions by the Indiana Board;
- The mandatory continuing education requirements; and
- The professional obligations as a licensee.

Course Content

The content of this course consists of the following sections:

Section 1. Introduction

Section 2. Laws – Excerpts from Indiana Code – Title 25, Article 31

Section 3. Rules – Excerpts from Indiana Administrative Code – Title 864

Section 4. Ethics – Professional Licensing Standards of Practice (Excerpts from IC 25-1 Chapter 11)

Section 5. Ethics – Rules of Professional Conduct (Excerpts from 864 IAC Article 1-1 Rule 11)

Section 6. Procedures of Disciplinary Actions by the Indiana Board

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Section 1. Introduction

The Indiana State Board of Registration for Professional Engineers (the Board) is responsible for regulating the engineering profession to protect the safety, health, property, and welfare of the public. In 2010, the Board adopted the rules of mandatory continuing education, which require each licensee to complete thirty hours of professional development (30 PDHs) during each license renewal biennium. Out of the required 30 PDHs, 1 PDH must be related to Indiana statutes and rules applicable to the engineering practice and 1 PDH related to professional ethics. This 2-PDH course is designed to help you meet both requirements.

The Indiana Code is a compilation of state laws categorized by subject area into a code made up of titles and articles. The Indiana Administrative Code is a collection of the rules and regulations of the Indiana regulatory agencies. This course includes an overview of the Indiana Code Chapter 25-31-1 (Professional Engineers), Indiana Code Chapter 25-1 (Professions and Occupation), Indiana Administrative Code 864 Chapter 1.1 (Administration, General Requirements), Indiana Code Chapter 25-1-11 (Professional Licensing Standards of Practice).



Many state boards periodically disclose in their newsletters or on their websites the disciplinary actions taken by the boards against the licensees who violated the Board Rules. The most common types of violations are:

- 1. Performed services outside his/her area of competence.
- 2. Practiced engineering without being licensed in the state of the project.
- 3. Practiced or offered to practice engineering while not properly licensed.
- 4. Failed to have a resident licensed professional in responsible charge in each office.
- 5. Failed to properly sign, seal and date documents.
- 6. Affixed his/her seal to work not done under his/her direct supervision or responsible charge and without preparing his/her own evaluations and written report.
- 7. Affixed his/her seal to inadequate design documents, failing to protect the public.

Other types of violations include:

- 1. Produced a deficient, substandard, or inaccurate report, failing to protect the public.
- 2. Contracted with a non-licensed individual to provide certain professional services.
- 3. Failed to avoid conflicts of interests.
- 4. Committed a crime.

To avoid the above violations, it is highly recommended for all licensees to periodically review the Board Laws and Rules. As a professional engineer, the licensee shall at all times recognize the primary obligation to protect the safety, health, property, and welfare of the public. If a licensee's engineering judgment is overruled under circumstances where the safety, health, or welfare of the public is endangered, he/she shall inform the proper authorities and his/her employer of the situation as may be appropriate.

Section 2. Laws - Excerpts from Indiana Code - Title 25, Article 31

IC 25 Article 31. Professional Engineers

IC 25-31-1 Chapter 1. Regulation of Engineers; Creation of Board

IC 25-31-1-2Definitions

Sec. 2. As used in this chapter:

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

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

- (e) "Approved engineering curriculum" means an engineering curriculum of four (4) years or more that has been approved by the board. In approving the engineering curriculum, the board may take into consideration the standards of accreditation adopted by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology.
- (f) "Practice or offer to practice engineering" means the act of an individual or a business who by verbal claim, sign, advertisement, letterhead, card, telephone listing, or in any other way represents the individual or the business to be a professional engineer or who performs, or offers to perform, any acts or work involving the practice of engineering.
- (g) "Licensing agency" means the Indiana professional licensing agency established by IC 25-1-5-3. Formerly: Acts 1935, c.148, s.2; Acts 1947, c.262, s.2; Acts 1957, c.320, s.1; Acts 1961, c.277, s.1; Acts 1965, c.284, s.2; Acts 1969, c.279, s.1. As amended by Acts 1981, P.L.222, SEC.229; P.L.132-1984, SEC.40; P.L.23-1991, SEC.14; P.L.215-1993, SEC.2; P.L.1-2006, SEC.475; P.L.78-2017, SEC.18.

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

Sec. 3. (a) The state board of registration for professional engineers is created.

- (b) The board consists of seven (7) members, six (6) of whom shall be registered professional engineers.
- (c) Subject to IC 25-1-6.5-3, one (1) member must be appointed to represent the general public who is:
 - (1) a resident of this state; and
 - (2) not associated with professional engineering other than as a consumer.
- (d) All members of the board shall be appointed by the governor.
- (e) Subject to IC 25-1-6.5-3, six (6) professional engineer members shall be appointed to the board.
- (f) A person appointed as a professional engineer member of the board must:
 - (1) be a citizen of the United States;
 - (2) have been a resident of this state for a period of at least five (5) years immediately before the time of the member's appointment;

- (3) be registered as a professional engineer and must have been engaged in the lawful practice of engineering for at least twelve (12) years; and
- (4) have been in responsible charge of engineering work or engineering teaching for at least five (5) years. To the extent possible, the governor shall appoint members to the board who serve or have served in diverse areas of professional practice.
 - (g) Every member of the board shall be appointed under IC 25-1-6.5.
- (h) Every member of the board shall receive a certificate of appointment from the governor, and, before beginning the member's term of office, file with the secretary of the board a written oath or affirmation for the faithful discharge of the member's official duties.
- (i) The governor may remove any member of the board under <u>IC 25-1-6.5-4</u>. Formerly: Acts 1935, c.148, s.3; Acts 1965, c.284, s.3; Acts 1967, c.94, s.1. As amended by Acts 1981, P.L.222, SEC.230; P.L.23-1991, SEC.15; P.L.215-1993, SEC.3; P.L.249-2019, SEC.125.

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

- Sec. 4. (a) The members of the board shall receive a salary per diem for each and every day, or part of a day, while they are in actual attendance of any meeting of the board, or while they are engaged in the performance of the official business of the board. The salary per diem is in addition to any allowance, prescribed by the laws of the state, for subsistence and travel within Indiana.
- (b) Any member of the board, or the secretary of the board, may be authorized by the board to attend any engineering conference, or meeting, held outside of Indiana, the major purpose of the meeting being the consideration of problems directly associated with the registration of professional engineers. Any member of the board, in addition to any subsistence and travel allowance as prescribed by the laws of the state for travel outside of Indiana, shall receive a salary per diem for each and every day, or part of a day, while the board member is in actual attendance of any engineering conference or meeting held outside of Indiana, or while en route to and from the conference or meeting.

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

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

- Sec. 5. (a) The board shall hold in the city of Indianapolis at least two (2) regular meetings each year and special meetings as the board considers necessary. Regular and special meetings must be held at times and places as the rules of the board may provide. Notice of all meetings must be given according to IC 5-14-1.5.
 - (b) The board shall elect, annually, from its own members, a chairman and a vice chairman.
- (c) A quorum of the board consists of four (4) members and no official action of any meeting may be taken without at least four (4) votes being in accord.
- (d) Suitable office quarters shall be provided by the state for the use of the board in the city of Indianapolis. This office may be shared with the state board of registration for professional surveyors.

Formerly: Acts 1935, c.148, s.5. As amended by Acts 1982, P.L.113, SEC.75; P.L.23-1991, SEC.17; P.L.215-1993, SEC.5; P.L.2-2014, SEC.109.

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

- Sec. 6. (a) The licensing agency shall provide the board with a competent individual to serve as secretary of the board. The secretary may not be a member of the board. The secretary, through the licensing agency, shall keep a true and complete record of all proceedings of the board and perform any other duties, prescribed in this chapter, as may be assigned by the board.
- (b) The board shall be provided by the licensing agency whatever clerical or other assistants, including investigators, as may be necessary for the proper performance of its duties.
- (c) The licensing agency may assign joint personnel to work for both the board and the state board of registration for professional surveyors.

Formerly: Acts 1935, c.148, s.6; Acts 1957, c.320, s.3. As amended by Acts 1981, P.L.222, SEC.232; P.L.132-1984, SEC.41; P.L.23-1991, SEC.18; P.L.215-1993, SEC.6; P.L.2-2014, SEC.110.

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

- Sec. 7. (a) The board shall enforce and administer the provisions of this chapter, and adopt rules, not inconsistent with the Constitution and laws of this state, as may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The board shall adopt rules establishing standards for the competent practice of engineering and for the administration of the registered professional engineers and registered engineering interns investigative fund established by section 35 of this chapter. Any rulemaking by the board shall be in accordance with IC 4-22-2.
- (b) The board shall adopt and have an official seal. Formerly: Acts 1935, c.148, s.7. As amended by Acts 1981, P.L.222, SEC.233; P.L.23-1991, SEC.19; P.L.215-1993, SEC.7; P.L.194-2005, SEC.77.

IC 25-31-1-8Hearings and subpoenas

Sec. 8. The provisions of <u>IC 4-21.5</u> govern the board's procedures for conducting hearings and issuing subpoenas for witnesses and other evidence.

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

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

- Sec. 9. (a) Except as provided in IC 25-31-1-35 and subsection (b), the licensing agency shall receive and account for all money collected under the provisions of this chapter and shall deposit the money with the treasurer of state to be deposited by the treasurer of state in the general fund of the state.
- (b) In addition to the registration fee established under section 13(c) of this chapter, the board shall establish a fee of not more than twenty dollars (\$20) for registered professional engineers and registered engineering interns to be paid at the time of:
 - (1) issuance of a certificate of registration; and
 - (2) renewal of a certificate of registration;

under this article to provide funds for administering and enforcing this article, including investigating and taking action against persons violating this article. All funds collected under this subsection shall be deposited into the registered professional engineers and registered engineering interns investigative fund established by section 35 of this chapter. Formerly: Acts 1935, c.148, s.9. As amended by Acts 1976, P.L.119, SEC.24; P.L.215-1993, SEC.9; P.L.194-2005, SEC.78; P.L.177-2006, SEC.7.

IC 25-31-1-10Records

Sec. 10. (a) The board shall keep a record of its proceedings and a record of all applications for registration. The record shall show:

- (1) the name, age, and residence of each applicant;
- (2) the date of the application;
- (3) the place of business of the applicant;
- (4) the applicant's education and other qualifications;
- (5) whether or not an examination was required;
- (6) whether or not the applicant was rejected;
- (7) whether a certificate of registration was granted;
- (8) the date of the action of the board; and
- (9) any other information as may be deemed necessary by the board.
- (b) The records of the board are prima facie evidence of the proceedings of the board.
- (c) A transcript of the proceedings certified by the chairman and attested by the secretary of the board, under its seal, shall be admissible in evidence with the same force and effect as if the original were produced.

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

IC 25-31-1-11Repealed

Formerly: Acts 1935, c.148, s.11; Acts 1957, c.320, s.4; Acts 1965, c.284, s.5. Repealed by P.L.132-1984, SEC.55.

IC 25-31-1-12Qualifications for registration

Sec. 12. (a) The following under either subdivision (1) or (2) shall be considered as minimum evidence that the applicant is qualified for registration as a professional engineer:

- (1) All of the following:
 - (A) Graduation in an approved engineering curriculum of four (4) years or more.
 - (B) A specific record of four (4) years or more of progressive experience on engineering projects of sufficient quality acquired subsequent to graduation, which experience indicates that the applicant is qualified to be placed in responsible charge of engineering work requiring the exercise of judgment in the application of engineering sciences to the sound solution of engineering problems.
 - (C) The successful passing of an examination as provided for in section 14 of this chapter.
- (2) All of the following:
 - (A) A specific record of eight (8) years or more of engineering education and experience in engineering work, which indicates that the applicant has acquired knowledge and skill and practical experience in engineering work approximating that required for registration as a professional engineer under subdivision (1).
 - (B) The successful passing of an examination as provided for in section 14 of this chapter.
- (b) The following under either subdivision (1) or (2) shall be considered as minimum evidence that the applicant is qualified for certification as an engineering intern:
 - (1) All of the following:
 - (A) Graduation in an approved engineering curriculum of four (4) years or more.

- (B) The successful passing of an engineering intern examination as provided in section 14 of this chapter.
- (2) All of the following:
 - (A) A specific record of four (4) years or more of engineering education and experience in engineering work indicating that the applicant has acquired knowledge and skill approximating that acquired through graduation in an approved engineering curriculum of four (4) years or more.
 - (B) The successful passing of an engineering intern examination as provided in section 14 of this chapter.
- (c) The board may waive the examination under section 14 of this chapter to any applicant who has been granted a certificate of registration under section 21 of this chapter.
- (d) An individual is not eligible for registration as a professional engineer or certification as an engineering intern if the individual has been convicted of:
 - (1) an act which would constitute grounds for disciplinary sanction under IC 25-1-11; or
 - (2) a felony that has a direct bearing on the individual's ability to practice competently.
- (e) In considering the qualifications of applicants, responsible charge of engineering teaching shall be construed as responsible charge of engineering work. An applicant who holds a degree of master of science of engineering or the equivalent thereof from a curriculum in engineering approved by the board may be given a maximum credit of one (1) year of experience in addition to the credit of four (4) years of education. An applicant who holds a degree of doctor of philosophy or the equivalent thereof from a curriculum in engineering approved by the board may be given a maximum of credit of two (2) years of experience in addition to a credit of four (4) years of education. Graduation in a course other than engineering from a college or university acceptable to the board may be considered as equivalent to two (2) years engineering experience and education. The mere execution, as a contractor of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent shall not be deemed to be engineering experience.
- (f) Any person having the necessary qualifications to be registered under this chapter is eligible for registration although the individual may not be engaged in the practice of engineering at the time the application is made. Formerly: Acts 1935, c.148, s.12; Acts 1947, c.262, s.4; Acts 1957, c.320, s.5; Acts 1961, c.277, s.3; Acts 1965, c.284, s.6; Acts 1969, c.279, s.2. As amended by Acts 1981, P.L.222, SEC.234; Acts 1982, P.L.113, SEC.76; P.L.23-1991, SEC.20; P.L.1-1992, SEC.133; P.L.215-1993, SEC.11; P.L.214-1993, SEC.80.

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

- Sec. 13. (a) An individual applying for registration as a professional engineer or for certification as an engineering intern shall apply for registration or certification on a form prescribed and provided by the board. Each application for registration shall contain statements showing the education and qualifications of the applicant and a detailed summary of the technical work performed by the applicant. An application for registration as a professional engineer shall be accompanied by the names of five (5) persons to be used as references, at least three (3) of whom are professional engineers who have a personal knowledge of the experience of the applicant. Each application for a certification as an engineering intern must contain statements showing the education of the applicant, and except for an application for an examination to be given during the applicant's senior year, the application shall be accompanied by the names of three (3) persons to be used as references. All applications shall be certified to by the applicant as to the correctness of the statements contained in the application.
 - (b) A person who knowingly makes a false statement in the application commits a Class A misdemeanor.
- (c) The amount of registration fees for a professional engineer and for an engineering intern shall be fixed and determined by the board under <u>IC 25-1-8-2</u>. The board shall also in its rules prescribe the manner and the time for the paying of registration fees.
- (d) In the event the board refuses to issue a certificate of registration to any person who has made proper application for registration as a professional engineer, any initial fee prescribed by the board and deposited with the board by an applicant shall be retained by the board as an application fee.
- (e) In the event the board refuses to issue a certificate to any person who has made proper application for certification as an engineering intern, the fee prescribed by the board and deposited by the applicant with the board shall be retained as an application fee.

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

IC 25-31-1-14Examination; reexamination

- Sec. 14. (a) The examination required of all applicants for registration as a professional engineer shall be a written or computer based examination which shall be divided into the following two (2) parts:
 - (1) Engineering fundamentals.
 - (2) Principles and practice of engineering.

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

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

- (c) The principles and practice of the engineering portion of the examination shall be designed primarily to test the applicant's understanding of, and judgment and ability to apply correctly, the principles of:
 - (1) mathematics;
 - (2) the physical sciences;
 - (3) the engineering sciences; and
 - (4) engineering design analysis and synthesis;

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

- (d) An applicant for registration as a professional engineer who holds an engineering intern certificate issued in Indiana or in any other state or territory having equivalent standards may be exempted from the engineering fundamentals portion of the examination.
- (e) An applicant must successfully pass the engineering fundamentals portion of the examination before taking the principles and practice portion of the examination.
- (f) Examinations shall be held at times and places as determined by the board at least two (2) times each year. Examinations for certification as an engineering intern may be held separately from the examinations for registration as a professional engineer.
- (g) An applicant for registration as a professional engineer who is presently registered in another state or territory may be assigned a written or computer based examination as the board deems necessary to meet the requirements of this chapter.
- (h) An applicant shall have three (3) attempts to pass each part of the examination within a time period established by the board by rule. The board may specify by rule the time required between examinations and the opportunity for future examination attempts for an applicant who fails to appear at an examination. The amount of the fee to be paid for each examination shall be determined by the board under IC 25-1-8-2.
- (i) If an applicant who has failed a part of the examination three (3) times reapplies and submits evidence of acquiring additional knowledge for the examination, the board may give the applicant approval to take subsequent examinations or partial examinations.

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

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

Sec. 15. (a) The board shall issue a certificate of registration, upon the payment of the fee prescribed by the board under IC 25-1-8-2 and the fee established by section 9(b) of this chapter, to any applicant who, in the opinion of the board, has satisfactorily met all requirements of this chapter. In the case of a professional engineer, the certificate shall authorize the practice of "professional engineering". The certificate of registration shall:

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

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

- (b) The board shall issue a certificate of enrollment upon the payment of the certificate fee prescribed by the board under IC 25-1-8-2 to any applicant who, in the opinion of the board, has satisfactorily met all of the requirements of this chapter. In the case of an engineering intern, the certificate shall state that the applicant has successfully passed the examination in engineering fundamentals and has been enrolled as an engineering intern. The certificate of enrollment shall:
 - (1) show the full name of the enrollee;
 - (2) bear a serial number and date; and
 - (3) be signed by the director of the licensing agency.

The issuance of a certificate of enrollment by the board is evidence that the individual named on the certificate is entitled to all the rights and privileges of an engineering intern while the certificate remains unrevoked or until it expires. Formerly: Acts 1935, c.148, s.15; Acts 1947, c.262, s.7; Acts 1969, c.279, s.5. As amended by Acts 1982, P.L.154, SEC.102; P.L.23-1991, SEC.23; P.L.215-1993, SEC.14; P.L.194-2005, SEC.80; P.L.177-2006, SEC.8.

IC 25-31-1-16Seal

Sec. 16. (a) The granting of registration extends to the registrant the authority to use a seal of a design approved by the board bearing the registrant's name, registration number, and the legend "professional engineer".

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

- (2) the registrant or an employed subordinate supervised by the registrant prepared the documents, and in the context of engineered plans "prepared" refers to the registrant's control and direction of the engineering work and design process;
- (3) the registrant assumes full professional responsibility for the documents; and
- (4) the work meets standards of acceptable engineering practice.
- (c) It is unlawful for any person to stamp or seal any document with a seal after the certificate of the registrant named on the seal has expired or has been revoked.

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

IC 25-31-1-17Renewal of certificate

Sec. 17. (a) Subject to IC 25-1-2-6(e), unless renewed, a certificate issued under this chapter expires on a date specified by the licensing agency under IC 25-1-6-4 and expires biennially after the initial expiration date. An applicant for renewal shall submit an application in the manner prescribed by the board and pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency.

- (b) Subject to IC 25-1-2-6(e), if the holder of a certificate does not renew the certificate by the date specified by the licensing agency, the certificate expires and becomes invalid without the board taking any action.
 - (c) The failure on the part of a registrant to renew a certificate does not deprive the registrant of the right of renewal.
- (d) If a certificate has been expired for not more than three (3) years, the certificate may be reinstated by the board if the holder of the certificate meets the requirements for reinstatement under IC 25-1-8-6(c).
- (e) If a certificate has been expired for more than three (3) years, the certificate may be reinstated by the board if the holder of the certificate meets the requirements for reinstatement under $\underline{IC\ 25-1-8-6}(d)$.

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

IC 25-31-1-17.5Continuing education rules

Sec. 17.5. (a) The board may adopt rules requiring a professional engineer to obtain continuing education for renewal of a certificate under section 17 of this chapter.

- (b) If the board adopts rules under this section, the rules must do the following:
 - (1) Establish an inactive certificate of registration that:
 - (A) does not require the holder of an inactive certificate to obtain continuing education; and
 - (B) prohibits the holder of an inactive certificate from practicing engineering.
 - (2) Establish requirements for reactivation of an inactive certificate.

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

IC 25-31-1-18Corporate practice

Sec. 18. (a) A registration certificate for a professional engineer may be issued only to a natural person.

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

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

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

- Sec. 19. (a) A county, city, town, township, school corporation, or other political subdivision of this state may not engage in the construction or maintenance of any public work involving the practice of engineering for which plans, specifications, and estimates have not been prepared, certified, and sealed by, and the construction and maintenance executed under the direct supervision of, a professional engineer. Any contract executed in violation of this section is void.
- (b) An official of this state, or of any city, town, county, township, or school corporation, charged with the enforcement of any law, ordinance, or rule relating to the design, construction, or alteration of buildings or structures may not use or accept or approve any plans or specifications that have not been prepared by, or under the supervision of and certified by, a registered professional engineer. This subsection does not apply:
 - (1) to plans or specifications prepared by, or under the supervision of and certified by, an architect who is registered under IC 25-4-1;
 - (2) to structures and construction listed in IC 22-15-3-3(a); or
 - (3) to plans or specifications contained in a registration, license, or permit application, including an application for an initial permit, the renewal of a permit, the modification of a permit, or a variance from a permit submitted to the commissioner of the department of environmental management under IC 13, unless the permit is for the approval of plans or specifications for construction for which a professional engineer's seal is required by operation of either state

or federal law, rule, or regulation. This subsection does not require a professional engineer's seal for an application for an air quality construction permit under 326 IAC 2-1-3.

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

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

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

IC 25-31-1-20Exempt persons

Sec. 20. (a) An employee or a subordinate of any person who holds a certificate of registration under the provisions of this chapter is exempt from the provisions of this chapter if the practice of the employee or subordinate does not include responsible charge of design or supervision.

- (b) This chapter does not require registration for the purpose of practicing engineering by an individual or a business:
 - (1) on property owned or leased by that individual or business unless the engineering practice involves the public health or safety, or the health or safety of the employees of that individual or business;
 - (2) for the performance of engineering which relates solely to the design or fabrication of manufactured products; or
 - (3) that is registered as a landscape architect under IC 25-4-2 and while the individual or business is engaged in the practice of landscape architecture planning the use of land or water.

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

IC 25-31-1-21License by reciprocity

- Sec. 21. The board may, upon application and payment of a fee established by the board in the board's rules, issue a certificate of registration as a professional engineer to an individual who holds a valid certificate of registration as a professional engineer, issued to the applicant by the proper authority of any state or territory or possession of the United States if the requirements for registration of professional engineers that the certificate of registration was issued under do not conflict with the provisions of this chapter. In determining the qualifications of an applicant, the board may accept the verified professional record of the applicant that is certified by the National Council of Examiners for Engineers and Surveyors. However, an applicant meets the experience requirement under section 12 of this chapter if the applicant:
 - (1) has at least three (3) years of engineering work experience after the applicant graduates from an approved engineering curriculum but before the applicant successfully passes an examination required under section 14 of this chapter; and
- (2) has been registered or licensed as a professional engineer in another state for at least ten (10) years. Formerly: Acts 1935, c.148, s.21; Acts 1957, c.320, s.10; Acts 1965, c.284, s.10; Acts 1969, c.279, s.8. As amended by Acts 1982, P.L.154, SEC.104; P.L.23-1991, SEC.28; P.L.215-1993, SEC.21; P.L.194-2005, SEC.82.

IC 25-31-1-22Repealed

Formerly: Acts 1935, c.148, s.22; Acts 1961, c.277, s.11; Acts 1965, c.284, s.11. As amended by Acts 1977, P.L.172, SEC.46. Repealed by Acts 1981, P.L.222, SEC.296.

IC 25-31-1-22.1Repealed

As added by Acts 1981, P.L.222, SEC.235. Amended by P.L.240-1985, SEC.11; P.L.23-1991, SEC.29. Repealed by P.L.214-1993, SEC.91.

IC 25-31-1-23Repealed

Formerly: Acts 1935, c.148, s.23. Repealed by P.L.214-1993, SEC.91.

IC 25-31-1-24Conduct of hearings

Sec. 24. All hearings conducted by the board shall be held pursuant to <u>IC 4-21.5-3</u>. *Formerly: Acts 1935, c.148, s.24; Acts 1965, c.284, s.12. As amended by Acts 1977, P.L.172, SEC.47; P.L.7-1987, SEC.128; P.L.214-1993, SEC.81; P.L.215-1993, SEC.24.*

IC 25-31-1-25Judicial review

Sec. 25. An applicant or a registrant who is aggrieved by an order or determination of the board is entitled to a judicial review under IC 4-21.5.

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

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

Sec. 26. A certificate of registration, or a certification as an engineering intern to replace a certificate which has been lost, destroyed, or mutilated, may be issued subject to the rules of the board and the fee established under IC 25-1-8-2. Formerly: Acts 1935, c.148, s.26; Acts 1947, c.262, s.10; Acts 1961, c.277, s.12. As amended by P.L.215-1993, SEC.26; P.L.235-1995, SEC.10.

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

Sec. 27. A person who:

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

commits a Class B misdemeanor.

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

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

Sec. 28. (a) It is the duty of all law enforcement officers of this state, or any political subdivision, to enforce the provisions of this chapter and to apprehend and prosecute any person who violates any of the provisions of this chapter.

- (b) The attorney general shall act as the legal advisor of the board and render any legal assistance as may be necessary in carrying out the provisions of this chapter.
- (c) The attorney general and the licensing agency may use the registered professional engineers and registered engineering interns investigative fund established by section 35 of this chapter to hire investigators and other employees to enforce the provisions of this article and to investigate and prosecute violations of this article.

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

IC 25-31-1-29Injunctions

- Sec. 29. (a) The attorney general, the prosecuting attorney of any county, the board, or a citizen of any county where a person who is not exempted engages in the practice of engineering without first having obtained a certificate of registration or without first having renewed an expired certificate of registration may, in accordance with the provisions of the laws of this state governing injunctions, file an action in the name of the state of Indiana to enjoin that person from engaging in the practice of engineering until a certificate of registration is secured or renewed.
- (b) Any person who has been enjoined and violates an injunction shall be punished for contempt of court. An injunction does not relieve a person engaged in the practice of engineering without a certificate of registration or without first having renewed an expired certificate of registration from a criminal prosecution.
- (c) The remedy by injunction is in addition to any remedy provided for herein for the criminal prosecution of the offender. In charging any person in a complaint for violation of the provisions of this chapter by engaging in the practice of engineering without a certificate of registration or without having renewed an expired certificate of registration, it is sufficient to charge that the offender:
 - (1) on a certain day in a certain county practiced or offered to practice engineering; and
 - (2) was not registered or exempted under this chapter.

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

IC 25-31-1-30Exemption from statutes relating to practice of architecture

Sec. 30. (a) Except as provided in <u>IC 25-4-1-11</u>, a person registered as a professional engineer under this chapter is exempt from the provisions of any and all statutes in force in this state regulating the practice of architecture.

(b) This chapter does not apply to an individual registered as an architect under <u>IC 25-4-1</u>. An architect, however, who is registered under <u>IC 25-4-1</u> and exempted from this chapter may not use the designation "engineer" in any form or manner unless the architect is registered under this chapter.

Formerly: Acts 1935, c.148, s.30; Acts 1967, c.95, s.2. As amended by Acts 1982, P.L.154, SEC.108; P.L.215-1993, SEC.30.

IC 25-31-1-31Repealed

Formerly: Acts 1935, c.148, s.33; Acts 1969, c.279, s.9. As amended by Acts 1982, P.L.154, SEC.109. Repealed by P.L.23-1991, SEC.40.

IC 25-31-1-32Repealed

Formerly: Acts 1935, c.148, s.39. Repealed by P.L.214-1993, SEC.91 and P.L.215-1993, SEC.32.

IC 25-31-1-34Use of engineer in political subdivision job title

Sec. 34. (a) This section does not apply to a job position filled by the department of environmental management.

(b) Unless a job position is filled by a professional engineer, the state or a political subdivision (as defined in IC 36-1-2-13) may not use the word "engineer" in the position's job title.

As added by P.L.215-1993, SEC.31. Amended by P.L.16-1994, SEC.9.

IC 25-31-1-35Investigative fund; administration by attorney general and licensing agency; appropriation

Sec. 35. (a) The registered professional engineers and registered engineering interns investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of this article. The fund shall be administered by the attorney general and the licensing agency.

- (b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of money from the fee imposed upon registered professional engineers and registered engineering interns under section 9(b) of this chapter.
- (c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.
- (d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. If the total amount in the fund exceeds five hundred thousand dollars (\$500,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds five hundred thousand dollars (\$500,000) reverts to the state general fund.
- (e) Money in the fund is continually appropriated for use by the attorney general and the licensing agency to administer and enforce the provisions of this article and to conduct investigations and take enforcement action against persons violating the provisions of this article.

As added by P.L.194-2005, SEC.84. Amended by P.L.177-2006, SEC.9.

IC 25-31-1-36Notice of disciplinary action determination

Sec. 36. The board shall send written notice to the department of homeland security established by <u>IC 10-19-2-1</u> of the determination of the board in a disciplinary action against an engineer under <u>IC 25-1-11</u>. The board shall send the notice not later than three (3) business days after the date of the board's determination. *As added by P.L.218-2014, SEC.18. Amended by P.L.187-2021, SEC.128.*



Section 3. Rules - Excerpts from Indiana Administrative Code - Title 864, Art. 1.1 ARTICLE 1.1. ADMINISTRATION; GENERAL REQUIREMENTS

Rule 1. General Provisions

864 IAC 1.1-1-1 Definitions; abbreviations

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

Sec. 1. (a) The following definitions apply throughout this title:

- (1) "Act" means the Registration Act, IC 25-31, creating a board to regulate the practice of engineering in Indiana.
- (2) "Engineer" means professional engineer as defined in IC 25-31-1-2(b).
- (3) "Registrant" means an individual engineer to whom a certificate of registration has been granted under the Act.
- (4) "EI" means an engineering intern as defined in IC 25-31-1-2(c).
- (5) "Applicant" means any individual whose application has been received by the board for consideration to be registered as an engineer or for enrollment as an EI in the state of Indiana.
- (6) "EAC ABET" means the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology.
- (7) "Approved engineering curriculum" means an EAC ABET accredited baccalaureate, master's, or doctoral degree engineering program.
- (8) "The date of registration" means the date that licensure was approved by the board.
- (9) "Comity" means a principle by which the board licenses persons to practice engineering under IC 25-31-1-21 on the basis of engineering licenses issued by other states.
- (b) The terms defined in IC 25-31-1-2 shall have the same definitions when used in this title. (State Board of Registration for Professional Engineers; Rule 1, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 626; filed Oct 17, 1986, 2:20 p.m.: 10 IR 434; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3904; filed Sep 24, 1992, 9:00 a.m.: 16 IR 725; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2103; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR- 864160321RFA; filed Dec 1, 2017, 10:32 a.m.: 20171227-IR-864150451FRA)

864 IAC 1.1-1-2 Seal of board (Repealed)

Sec. 2. (Repealed by State Board of Registration for Professional Engineers; filed Oct 17, 1986, 2:20 pm: 10 IR 443)

864 IAC 1.1-1-3 Meetings of board

Authority: IC 25-31-1-5; IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-5

Sec. 3. In order to establish the regular meetings provided for in IC 25-31-1-5 and provide for special meetings of the board, the board adopts the following:

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

(State Board of Registration for Professional Engineers; Rule 1, Sec 3; filed Feb 29, 1980, 3:40 pm: 3 IR 627; filed Oct 17, 1986, 2:20 pm: 10 IR 435; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

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

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

Sec. 4. Any provision in this article which requires a specific number of semester credit hours shall be converted to the equivalent if a different grading period is used at the college or university. Unless it is established that a different equivalency applies, it shall be presumed that the correct equivalency is two (2) semester hours for every three (3) quarter hours. (State Board of Registration for Professional Engineers; 864 IAC 1.1-1-4; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2103; readopted filed Jun 21,

2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013,

1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

- Rule 2. Qualifications for Examination (Omitted)
- Rule 3. Applications (Omitted)
- Rule 4. Examinations (Repealed) (Omitted)
- Rule 5. Comity Registration (Omitted)
- Rule 6. Certificates (Omitted)

Rule 7. Registrant's Seal

864 IAC 1.1-7-1 Design, application and use of seal (Repealed)

Sec. 1. (Repealed by State Board of Registration for Professional Engineers; filed Oct 17, 1986, 2:20 pm: 10 IR 444)

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

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

Affected: IC 25-31-1-16

Sec. 2. (a) The engineer seal shall generally be between one and five-eighths (1 5/8) inches and one and seven-eighths (1 7/8) inches in outside diameter, using the following design:



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

- (b) The seal may be embossed, electronically applied to a drawing, or applied by a rubber stamp in conformance with the design as shown in subsection (a). The seal may have a milled edge, as shown, or two (2) concentric circles with the outer and inner circles corresponding with the respective edges of the milling.
- (c) The name and registration number of the registrant inscribed on the seal shall correspond to the name and certificate number inscribed on the certificate of registration. However, the letters "PE" may be excluded from the certificate

number. (State Board of Registration for Professional Engineers; Rule 7, Sec 2; filed Feb 29, 1980, 3:40 p.m.: 3 IR 632; filed Oct 17, 1986, 2:20 p.m.: 10 IR 441; filed Sep 24, 1992, 9:00 a.m.: 16 IR 729; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2109; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

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

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

Affected: IC 25-31-1-16

Sec. 3. (a) The seal shall be affixed to documents and instruments only during the time the certificate of registration is current and has not been suspended or revoked and then only on such documents and instruments that have been prepared by the registrant or by the regularly employed and directly supervised subordinates of the registrant. The registrant shall be responsible for seeing that the seal, however affixed, and the signature shall be legible on the document.

- (b) Whenever a registrant affixes the seal, it shall have:
- (1) the registrant's original handwritten, electronic, or other signature recognized under Indiana law; and
- (2) the date the seal is being affixed;

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

- (c) When a registrant is in responsible charge of engineering work for which one (1) or more:
- (1) specifications;
- (2) plans; and
- (3) drawings;

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

- (d) A registrant who is not in responsible charge of the entire work, but assumes responsibility for portions of the work included on any page of:
 - (1) specifications;
 - (2) plans; or
 - (3) drawings;

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

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

COVERING DESIGN.

(State Board of Registration for Professional Engineers; Rule 7, Sec 3; filed Feb 29, 1980, 3:40 p.m.: 3 IR 632; filed Oct 17, 1986, 2:20 p.m.: 10 IR 441; filed Jun 8, 1989, 4:45 p.m.: 12 IR 1903; filed Sep 24, 1992, 9:00 a.m.: 16 IR 730; filed Mar 28, 1995, 2:00p.m.: 18 IR 2110; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.:20161221-IR-864160321RFA; filed Dec 1, 2017, 10:32 a.m.: 20171227-IR-864150451FRA)

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

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

Affected: IC 25-31-1-16

- Sec. 4. (a) The seal and signature of a registrant on any drawings, documents, or instruments signifies the registrant's acceptance of full responsibility for the professional work represented thereon, except as another registrant shall have assumed a limited responsibility for portions of the work in accordance with section 3(d) of this rule.
- (b) A registrant may include in the registrant's plans certain predesigned manufactured equipment or products which have become established as acceptable for the proposed use, when such items:
 - (1) meet standards established by nonprofit trade organizations;
 - (2) meet the requirements for the proposed use as indicated by tests performed by a competent, unbiased testing agency;
 - (3) are mechanical, electrical, or other types of machinery or systems guaranteed by a reputable manufacturer; or
 - (4) do not affect the structural safety of the project.

(State Board of Registration for Professional Engineers; Rule 7, Sec 4; filed Feb 29, 1980, 3:40 p.m.: 3 IR 633; filed Sep 24, 1992, 9:00 a.m.: 16 IR 730; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2110; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

Rule 8. Renewal

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

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

Affected: IC 25-31-1-17

Sec. 1. The board has adopted the following to clarify and implement the payment of renewal fees on a biennial basis:

- (1) For purposes of biennial renewal, the postmark on the envelope containing the remittance will be considered the date of payment.
- (2) When the renewal fee is not paid on time:
 - (A) the certificate of registration becomes invalid; and
 - (B) the individual cannot lawfully practice or offer to practice engineering;

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

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

Rule 9. Name and Address Change

864 IAC 1.1-9-1 Notification of name and address change

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

Affected: IC 25-31-1-17

Sec. 1. (a) It shall be the responsibility of each registrant to keep the board advised of the registrant's latest address within thirty (30) days of the address change.

(b) It shall be the responsibility of each registrant to keep the board advised of the registrant's full name within thirty (30) days of the name change. (State Board of Registration for Professional Engineers; Rule 9, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 634; filed Oct 17, 1986, 2:20 p.m.: 10 IR 442; filed Sep 24, 1992, 9:00 a.m.: 16 IR 731; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA; filed Dec 1, 2017, 10:32 a.m.: 20171227-IR-864150451FRA)

Rule 10. Temporary Permit

864 IAC 1.1-10-1 Engineer's temporary permit; purpose; application; use of seal (Repealed)

Sec. 1. (Repealed by State Board of Registration for Professional Engineers; filed Oct 17, 1986, 2:20 pm: 10 IR 444)

Rule 11. Rules of Professional Conduct (see Section 5)

Rule 12. Fees (Omitted)

Rule 13. Land Surveying; Competent Practice (Omitted)

Rule 14. Limited Liability Company Practice

864 IAC 1.1-14-1 Limited liability company practice

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

Sec. 1. A limited liability company doing business in Indiana may practice or offer to practice engineering only if that practice is carried on under the responsible direction and supervision of a registered professional engineer who is a full-time employee or member of the company. All plans, sheets of designs, specifications, reports, studies, or other engineering documents—that require certification and are prepared by the personnel of a business must carry the signature and seal of the registered professional engineer who is in responsible charge of the professional engineering work. (State Board of Registration for Professional Engineers; 864 IAC 1.1-14-1; filed Nov 7, 2003, 12:00 p.m.: 27 IR 875; readopted filed Dec 1, 2009, 9:13 a.m.:20091223-IR-864090783RFA; readopted filed Nov 13, 2015, 11:26 a.m.: 20151209-IR-864150251RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

Rule 15. Continuing Education

864 IAC 1.1-15-1 Continuing education

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

Affected: IC 25

Sec. 1. This rule establishes the continuing education requirements for professional engineers. (State Board of Registration for Professional Engineers; 864 IAC 1.1-15-1; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

864 IAC 1.1-15-2 Definitions

Authority: IC 25-1-4-8; IC 25-31-1-17.5 Affected: IC 25-1-4-0.2; IC 25-1-4-0.5

- Sec. 2. (a) As used in this rule, "biennium" means a two (2) year licensure period during which continuing education requirements must be met. It:
 - (1) commences on August 1 of an even-numbered year; and
 - (2) concludes on July 31 of the next even-numbered year.
- (b) Based on IC 25-1-4-0.5 and as used in this rule, "continuing education" means an orderly process of instruction that is:
 - (1) approved by an approved organization (as defined in IC 25-1-4-0.2) or the board; and
 - (2) designed to directly enhance a professional engineer's knowledge and skill in providing services relevant to the practice of engineering.

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

(c) As used in this rule, "hour of continuing education" means at least fifty (50) minutes of instruction or course contact time. "Hours of continuing education" has the same meaning for the number of hours stated. An alternate term for an hour of continuing education that is used nationally with continuing education for professional engineers is professional development hour or PDH. (State Board of Registration for Professional Engineers; 864 IAC 1.1-15-2; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR- 864090788FRA; filed Nov 15, 2013, 2:51 p.m.: 20131211-IR-864130333FRA, eff Jan 1, 2014; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

864 IAC 1.1-15-3 Continuing education hours required

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

Affected: IC 25-1-4

- Sec. 3. (a) Except for holders of an inactive certificate under section 9 of this rule, during each biennium a professional engineer shall complete thirty (30) hours of continuing education that meets the requirements of this rule and IC 25-1-4 in order to renew his or her professional engineer registration. This continuing education requirement first applies to the biennium of August 1, 2010, through July 31, 2012, and therefore first applies to the July 31, 2012, renewal.
- (b) At least one (1) hour of the continuing education required in each biennium under subsection (a) shall be in ethics applicable to the practice of professional engineering.
- (c) At least one (1) hour of the continuing education required in each biennium under subsection (a) shall be in Indiana statutes and rules applicable to the practice of professional engineering.
 - (d) A professional engineer initially licensed in Indiana in the first year of a biennium shall only be required to obtain fifteen
- (15) hours of continuing education. A professional engineer initially licensed in Indiana in the second year of a biennium shall not be required to obtain any continuing education.
- (e) Up to fifteen (15) hours of continuing education obtained during a biennium beyond what is required for that biennium may be carried over to the next biennium. (State Board of Registration for Professional Engineers; 864 IAC 1.1-15-3; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA; filed Nov 15, 2013, 2:51 p.m.: 20131211-IR-864130333FRA, eff Jan 1, 2014; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

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

Authority: IC 25-31-1-17.5

Affected: IC 25

Sec. 4. (a) Distance learning courses obtained by distance learning methods shall qualify.

- (b) Courses that are relevant to the professional engineer's professional skills, which are part of the curriculum of an accredited university, college, or educational institution, shall earn:
 - (1) fifteen (15) hours of continuing education for each academic semester hour completed; or
 - (2) ten (10) hours of continuing education for each academic quarter hour completed.
- (c) Teaching a course at an accredited university, college, or educational institution shall earn two (2) times the number of hours a student is allowed under subsection (b), but only for the first time the instructor teaches the course.
- (d) Services as an instructor or presenter at a qualified continuing education course shall earn two (2) hours of continuing education for each hour taught, but only for the initial instruction or presentation.
- (e) Active participation in educational outreach activities with kindergarten to grade 12, or higher education students pertaining to professional engineer registration or the engineering profession shall qualify for a maximum of one (1) hour of continuing education per activity, and a maximum of two (2) hours of continuing education per biennium.
- (f) Active participation in a professional or technical society relating to the practice of engineering shall qualify for one (1) hour of continuing education per year of service and, therefore, a maximum of two (2) hours of continuing education per biennium.
- (g) Authoring of published papers, articles, or books relevant to the professional engineer's practice of engineering shall qualify for five (5) hours of continuing education in the biennium in which the publication occurred unless peer reviewed for an archival journal, in which case it shall qualify for ten (10) hours of continuing education in the biennium in which the publication occurred. Not more than one (1) paper, article, or book may be counted in any one (1) biennium.
- (h) Attainment of a patent relevant to the professional engineer's practice of engineering shall qualify for ten (10) hours for each patent. (State Board of Registration for Professional Engineers; 864 IAC 1.1-15-4; filed Jul 19, 2010, 11:22 a.m.: 20100818- IR-864090788FRA; filed Nov 15, 2013, 2:51 p.m.: 20131211-IR-864130333FRA, eff Jan 1, 2014; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

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

Authority: IC 25-1-4; IC 25-31-1-17.5 Affected: IC 25-1-4-0.2; IC 25-1-4-0.5

Sec. 5. (a) It is the professional engineer's responsibility to ensure that the course is applicable to enhancing the

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

- (1) The continuing education course shall have a statement of objectives, which the program should achieve for its participants relating to and enhancing the practice of engineering.
- (2) The sponsor of continuing education courses shall provide:
 - (A) adequate administration, including a responsible person to coordinate and administer the program; and
 - (B) for the maintenance of proper records.
- (3) The curriculum of a continuing education course shall be thoughtfully planned and designed to explore in considerable depth one (1) subject or a closely related group of subjects related to the practice of engineering.
- (4) The continuing education course shall:
 - (A) have qualified instructors who have demonstrated competence in the subject areas;
 - (B) be held in adequate facilities that allow for an effective program; and
 - (C) employ a variety of educational methods and teaching aids that enhance the learning opportunities.
- (5) Appropriate methods of evaluation shall be devised and used to measure the continuing education course's effectiveness.
- (6) The sponsor of the continuing education course shall provide to the participants a meaningful record of attendance stating the continuing education hours involved, such as a certificate of completion.
- (b) Continuing education courses may be approved by the board provided the sponsoring organization has submitted the proper documentation.
- (c) The sponsor of the course is responsible for monitoring attendance in such a manner that verification of attendance throughout the entire course can be reliably assured.
- (d) Notwithstanding subsections (a) and (b), continuing education courses for professional engineers approved by an approved organization under IC 25-1-4-0.2 are automatically approved.
- (e) Without limiting any other organization that may qualify under IC 25-1-4-0.2, the following shall be an "approved organization" under IC 25-1-4-0.2 and this rule:
 - (1) Professional engineering related technical or professional societies, organizations, councils, associations, or institutions.
 - (2) Organizations or individuals who are approved by the board as provided for in subsection (f).
 - (f) To qualify for approval under subsection (e)(2), an organization or individual shall:
 - (1) Apply to the board certifying that continuing education courses shall comply with the provisions of subsection (a)(1) through (a)(6) and, as applicable, with IC 25-1-4 and other provisions of this rule, and receive the board's approval.
 - (2) Submit an annual report to the board no later than February 15 that represents that the organization or individual complies with the requirements of subdivision (1).
 - (3) Be subject to a board audit for compliance with subsection (a)(1) through (a)(6) and, as applicable, with IC 25-1-4 and other provisions of this rule.
- (g) The approval of an organization or individual under subsection (e)(2) may be rescinded if the organization or individual does not comply with subsection (a)(1) through (a)(6) and, as applicable, IC 25-1-4 and other provisions of this rule. (State Board of Registration for Professional Engineers; 864 IAC 1.1-15-5; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA; filed Nov 15, 2013, 2:51 p.m.: 20131211-IR-864130333FRA, eff Jan 1, 2014; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR- 864160321RFA)

864 IAC 1.1-15-6 Reporting continuing education

Authority: IC 25-31-1-17.5

Affected: IC 25

Sec. 6. (a) A licensee must sign the renewal form provided by the Indiana professional licensing agency that verifies that all continuing education requirements according to section 3 of this rule will have been met by the time of license renewal.

(b) The professional engineer shall maintain copies of certificates of completion of continuing education courses for a period of three (3) years following the end of the biennium. (State Board of Registration for Professional Engineers; 864 IAC 1.1-15-6; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR- 864160321RFA)

864 IAC 1.1-15-7 Continuing education audit

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

Affected: IC 25-1-4-3

Sec. 7. (a) As required by IC 25-1-4-3, the board shall conduct random audits for compliance with continuing education requirements.

(b) Action taken for noncompliance will be governed by IC 25-1-4. (State Board of Registration for Professional Engineers; 864 IAC 1.1-15-7; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

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

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

Affected: IC 25-1-4-4

Sec. 8. (a) Under IC 25-1-4-4, a professional engineer may apply in writing for a waiver for all or part of the continuing education requirements for a biennium, seeking renewal of that license without having completed the continuing education required for renewal under this rule, by submitting the following:

- (1) A statement explaining the reasons for noncompliance.
- (2) A request for a waiver of the continuing education required for renewal.
- (3) The renewal application and all required fees.
- (b) The license holder must submit evidence to the satisfaction of the board to be granted a waiver.
- (c) If the request is granted, the waiver will be effective for the current renewal period only.
- (d) If the request is denied, the license holder is responsible for completing the full amount of continuing education required for license renewal.
- (e) Waivers may be granted if a hardship exists. The board will determine whether a hardship exists that would have prevented the licensee from obtaining his or her continuing education, including, but not limited to, the following:
 - (1) For at least one (1) year during the current renewal period, the licensee was absent due to full-time service in the armed services of the United States.
 - (2) During the current renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered an incapacitating illness or injury. The existence of the incapacitating illness or injury must be verified by a licensed physician or psychologist with special expertise in the area of the incapacitating illness or injury. Verification of the incapacitating illness or injury must include the following:
 - (A) The nature and extent of the illness or injury.
 - (B) An explanation of how the illness or injury would hinder the licensee from completing the continuing education requirement.
 - (C) The:
 - (i) name;
 - (ii) title;
 - (iii) address:
 - (iv) telephone number;
 - (v) professional license number; and
 - (vi) original signature;

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

(State Board of Registration for Professional Engineers; 864 IAC 1.1-15-8; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR- 864090788FRA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

864 IAC 1.1-15-9 Inactive status

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

Affected: IC 25

Sec. 9. A professional engineer may apply to the board to renew the professional engineer's registration in an inactive status. No continuing education is required to renew inactive. An inactive professional engineer may not practice engineering while in an inactive status. (State Board of Registration for Professional Engineers; 864 IAC 1.1-15-9; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

864 IAC 1.1-15-10 Reactivation of inactive license

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

Affected: IC 25

Sec. 10. To reactivate an inactive license, a professional engineer must do the following: (1) Apply to the board for reactivation on the application form supplied by the board.

Pay the same fee required to renew an active license.

Show proof of having completed thirty (30) hours of continuing education that meet the requirements of this rule within the two (2) year period immediately prior to the date the reactivation application is filed. (State Board of Registration for Professional Engineers; 864 IAC 1.1-15-10; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR- 864090788FRA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)



Section 4. Ethics - Professional Licensing Standards of Practice (Excerpts from IC 25-1 Chapter 11)

IC 25-1-11-1 "Board" defined

As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (5) State board of registration for land surveyors (IC 25-21.5-2-1).
- (6) State board of funeral and cemetery service (IC 25-15-9).
- (7) State board of registration for professional engineers (IC 25-31-1-3).
- (8) Indiana plumbing commission (IC 25-28.5-1-3).
- (9) Indiana real estate commission (IC 25-34.1-2-1).
- (10) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (11) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (12) Manufactured home installer licensing board (IC 25-23.7).
- (13) Home inspectors licensing board (IC 25-20.2-3-1).
- (14) State board of massage therapy (IC 25-21.8-2-1).

IC 25-1-11-2 "Practitioner" defined

As used in this chapter, "practitioner" means a person that holds:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) an inactive license; issued by the board regulating a profession.

IC 25-1-11-3 "License" defined

As used in this chapter, "license" includes a license, certificate, registration, or permit.

IC 25-1-11-4 "Person" defined

As used in this chapter, "person" means an individual, a partnership, a corporation, or a limited liability company.

IC 25-1-11-5 Practitioner compliance with professional standards; findings meriting disciplinary sanctions; fraud or material deception

- (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:
 - (1) a practitioner has:
 - (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
 - (B) engaged in fraud or material deception in the course of professional services or activities;
 - (C) advertised services or goods in a false or misleading manner; or
 - (D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices;
 - (2) a practitioner has been convicted of a crime that:
 - (A) has a direct bearing on the practitioner's ability to continue to practice competently; or
 - (B) is harmful to the public;
 - (3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
 - (4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:
 - (A) professional incompetence, including undertaking professional activities that the practitioner is not qualified by training or experience to undertake;
 - (B) failure to keep abreast of current professional theory or practice;
 - (C) physical or mental disability; or
 - (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

- (5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;
- (7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any state or jurisdiction on grounds similar to those under this chapter;
- (8) a practitioner has assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter;
- (9) a practitioner has allowed a license issued by a board to be:
 - (A) used by another person; or
 - (B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended; or
- (10) a practitioner has failed to comply with an order imposing a sanction under section 12 of this chapter.
- (b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).
- (c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

IC 25-1-11-9 Engineers or land surveyors; grounds for disciplinary sanctions

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

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

IC 25-1-11-10 Physical and mental examination of practitioner

The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's expense, if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding.

IC 25-1-11-11 Refusal of physical or mental examination; summary suspension

Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 13 of this chapter.

IC 25-1-11-12 Sanctions for violations

- (a) The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:
 - (1) Permanently revoke a practitioner's license.
 - (2) Suspend a practitioner's license.
 - (3) Censure a practitioner.
 - (4) Issue a letter of reprimand.
 - (5) Place a practitioner on probation status and require the practitioner to:
 - (A) report regularly to the board upon the matters that are the basis of probation;
 - (B) limit practice to those areas prescribed by the board;
 - (C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
 - (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.
 - (6) Assess a civil penalty against the practitioner for not more than one thousand dollars (\$1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.
 - (7) Order a practitioner to pay consumer restitution to a person who suffered damages as a result of the conduct or omission that was the basis for the disciplinary sanctions under this chapter.
- (b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(c) The board may withdraw or modify the probation under subsection (a)(5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

IC 25-1-11-13 Summary license suspension of real estate appraisers and other practitioners; notification by consumer protection division

- (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days.
- (b) The board may summarily suspend the license of a real estate appraiser for ninety (90) days before a final adjudication or during the appeals process if the board finds that the licensed real estate appraiser has engaged in material and intentional misrepresentations or omissions in the preparation of at least three (3) written appraisal reports that were submitted by a person to obtain a loan. The summary suspension may be renewed after a hearing before the board. Each renewal of a summary suspension may be for not more than ninety (90) days.
- (c) Before the board may summarily suspend a license under this section, the consumer protection division of the office of the attorney general shall make a reasonable attempt to notify a practitioner of:
 - (1) a hearing by the board to suspend the practitioner's license; and
 - (2) information regarding the allegation against the practitioner.

The consumer protection division of the office of the attorney general shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to notify the practitioner is made if the consumer protection division of the office of the attorney general attempts to notify the practitioner by telephone or facsimile at the last telephone number or facsimile number of the practitioner on file with the board.

IC 25-1-11-14 Reinstatement of suspended license

The board may reinstate a license that has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

IC 25-1-11-15 Reinstatement of revoked license

The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

IC 25-1-11-16 Consistency of sanctions

The board shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

IC 25-1-11-17 Surrender of practitioner license; surrender prohibited if attorney general opposes

- (a) Except as provided in subsection (b), a practitioner may petition the board to accept the surrender of the practitioner's license instead of having a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.
- (b) The board may not approve the surrender of a practitioner's license under subsection (a) if the office of the attorney general:
 - (1) has filed an administrative complaint concerning the practitioner's license; and
 - (2) opposes the surrender of the practitioner's license.

IC 25-1-11-18 Costs; practitioners subject to sanctions

A practitioner who has been subjected to disciplinary sanctions may be required by a board to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.

- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.
- (10) Administrative law judges.
- (11) Real estate review appraisals, if applicable.

IC 25-1-11-19 Refusal to issue license; probationary license; requirements

- (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:
 - (1) the applicant has:
 - (A) been disciplined by a licensing entity of another state or jurisdiction; or
 - (B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and
 - (2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.
- (b) The board may:
 - (1) refuse to issue a license; or
 - (2) issue a probationary license;

to an applicant for licensure if the applicant practiced without a license in violation of the law.

- (c) Whenever the board issues a probationary license, the board may require a licensee to do any of the following:
 - (1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
 - (2) Limit practice to the areas prescribed by the board.
 - (3) Continue or renew professional education requirements.
 - (4) Engage in community restitution or service without compensation for the number of hours specified by the board.
 - (5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.
- (d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a public hearing that the deficiency that required disciplinary action has been remedied.

IC 25-1-11-20 Appearance before board

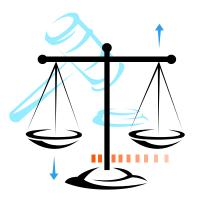
The board may require an applicant for licensure to appear before the board before issuing a license.

IC 25-1-11-21 Authority to adopt rules

The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:

- (1) license;
- (2) certificate;
- (3) registration; or
- (4) permit;

of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.



Section 5. Ethics – Rules of Professional Conduct (Excerpts from 864 IAC 1-1 Rule 11)

Rule 11. Rules of Professional Conduct

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

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

Affected: IC 25-31-1

Sec. 1. (a) This rule establishes requirements concerning ethical, economic, and legal principles and unprofessional conduct in the practice of engineering.

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

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

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

Affected: IC 25-31-1-13

Sec. 2. Each applicant shall certify on the application that the applicant has read and agrees to abide by the Act and the rules of the board in force at the time. (State Board of Registration for Professional Engineers; Rule 11, Sec 2; filed Feb 29, 1980, 3:40 p.m.: 3 IR 634; filed Sep 24, 1992, 9:00 a.m.: 16 IR 731; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

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

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

Affected: IC 25-31-1

Sec. 3. Knowledge of the Act and rules of the board shall encompass the understanding that the practice of engineering is a privilege, as opposed to a right, and the registrant shall be forthright and candid in statements or written response to the board or its representatives on matters pertaining to professional conduct. (State Board of Registration for Professional Engineers; Rule 11, Sec 3; filed Feb 29, 1980, 3:40 p.m.: 3 IR 634; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2111; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

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

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

Affected: IC 25-31-1

Sec. 4. The engineer shall at all times recognize the primary obligation to protect the safety, health, and welfare of the public in the performance of professional duties. If the engineer's professional judgment is overruled under circumstances where the safety, health, and welfare of the public are endangered, the engineer shall inform the engineer's employer of the possible consequences and notify such other proper authority of the situation, as may be appropriate. (State Board of Registration for Professional Engineers; Rule 11, Sec 4; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

864 IAC 1.1-11-5 Qualification to undertake assignment

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

Affected: IC 25-31-1

Sec. 5. The engineer shall undertake to perform engineering assignments only when qualified by education and experience in the specific technical field of professional engineering involved. (State Board of Registration for Professional Engineers; Rule 11, Sec 5; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2111; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

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

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

Affected: IC 25-31-1

Sec. 6. The engineer may accept an assignment requiring education or experience outside of the engineer's field of competence, but only to the extent that services are restricted to those phases of the project in which the engineer is qualified. All other phases of such project shall be performed by qualified associates, consultants, or employees. (State Board of Registration for Professional Engineers; Rule 11, Sec 6; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR- 864160321RFA)

864 IAC 1.1-11-7 Use of seal restricted

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

Affected: IC 25-31-1

Sec. 7. The engineer shall not affix the engineer's signature and/or seal to any engineering plan or document dealing with subject matter in which the engineer lacks competence by virtue of insufficient education or experience, or to any such plan or document not prepared as described in 864 IAC 1.1-7-4. (State Board of Registration for Professional Engineers; Rule 11, Sec 7; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

864 IAC 1.1-11-8 Competence examination (Repealed)

Sec. 8. (Repealed by State Board of Registration for Professional Engineers; filed Jun 21, 1988, 4:05 pm: 11 IR 3918)

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

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

Affected: IC 25-31-1

Sec. 9. The engineer shall be completely objective and truthful in all professional reports, statements, or testimony. The engineer shall include all relevant and pertinent information in such reports, statements, or testimony. (State Board of Registration for Professional Engineers; Rule 11, Sec 9; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR- 864160321RFA)

864 IAC 1.1-11-10 Expert opinion testimony

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

Affected: IC 25-31-1

Sec. 10. The engineer, when serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the engineer's testimony. (State Board of Registration for Professional Engineers; Rule 11, Sec 10; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19,

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

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

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

Affected: IC 25-31-1

Sec. 11. The engineer will issue no statement, criticisms, or arguments on engineering matters connected with public policy which are inspired or paid for by an interested party, or parties, unless the engineer has prefaced the comment by:

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

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

864 IAC 1.1-11-12 Conflicts of interest

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

Affected: IC 25-31-1

Sec. 12. The engineer shall conscientiously avoid conflicts of interest with the engineer's employer or client, but, when unavoidable, the engineer shall forthwith disclose the circumstances to the engineer's employer or client. (State Board of Registration for Professional Engineers; Rule 11, Sec 12; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 733; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

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

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

Affected: IC 25-31-1

Sec. 13. The engineer shall avoid all known conflicts of interest with the engineer's employer or client and shall promptly inform the engineer's employer or client of any business association, interest, or circumstances which could influence judgment or quality of services. (State Board of Registration for Professional Engineers; Rule 11, Sec 13; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 733; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

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

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

Affected: IC 25-31-1

Sec. 14. The engineer shall not accept compensation, financial or otherwise, from more than one (1) party for services on the same project, unless the circumstances are fully disclosed to and agreed to by all interested parties. (State Board of Registration for Professional Engineers; Rule 11, Sec 14; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 733; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR- 864160321RFA)

864 IAC 1.1-11-15 Gratuities prohibited

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

Affected: IC 25-31-1

Sec. 15. The engineer shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the engineer's client or employer in connection with work for which the engineer is responsible.

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

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

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

Affected: IC 25-31-1

Sec. 16. The engineer shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products. (State Board of Registration for Professional Engineers; Rule 11, Sec 16; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 733; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

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

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

Affected: IC 25-31-1

Sec. 17. When in public service as a member, advisor, or employee of a governmental body or department, the engineer shall not participate in considerations or actions with respect to services provided by the engineer or the engineer's organizations in private engineering practices. (State Board of Registration for Professional Engineers; Rule 11, Sec 17; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

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

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

Affected: IC 25-31-1

Sec. 18. The engineer shall not solicit or accept an engineering contract from a governmental body on which a principal, officer, or employee of the engineer's organization serves as a member. (State Board of Registration for Professional Engineers; Rule 11, Sec 18; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2111; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

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

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

Affected: IC 25-31-1

Sec. 19. The engineer shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work, exclusive of securing a salaried position through employment agencies. (State Board of Registration for Professional Engineers; Rule 11, Sec 19; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.:16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

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

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

Affected: IC 25-31-1

Sec. 20. The engineer shall seek professional employment on the basis of qualification and competence in the proper accomplishment of similar work. (State Board of Registration for Professional Engineers; Rule 11, Sec 20; filed Feb 29, 1980 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

864 IAC 1.1-11-21 Misrepresentation of qualifications prohibited

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

Affected: IC 25-31-1

Sec. 21. The engineer shall not falsify or permit misrepresentation of the engineer's or the engineer's associates' academic or professional qualifications. The engineer shall not misrepresent or exaggerate the degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or their past accomplishments, or the engineer's past accomplishments with the intent and purpose of enhancing the engineer's qualifications and work. (State Board of Registration for Professional Engineers; Rule 11, Sec 21; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR- 864160321RFA)

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

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

Affected: IC 25-31-1

Sec. 22. The engineer shall not knowingly associate with or permit the use of the engineer's name or firm name in a business venture by any person or firm which the engineer knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature. (State Board of Registration for Professional Engineers; Rule 11, Sec 22; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

864 IAC 1.1-11-23 Reporting violations

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

Affected: IC 25-31-1

Sec. 23. If the engineer has knowledge or reason to believe that another person or firm may be in violation of this article, the engineer shall present such information to the board in writing and shall cooperate with the board in furnishing such further information or assistance as may be required by the board. (State Board of Registration for Professional Engineers; Rule 11, Sec 23; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA)

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

Authority: IC 25-1-1.1; IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-1-11-5; IC 25-31-1

Sec. 24. Conviction of a crime may be a basis for disciplinary action under IC 25-1-11-5 or other applicable statute. (State Board of Registration for Professional Engineers; Rule 11, Sec 24; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3908; filed Sep 24, 1992, 9:00 a.m.: 16 IR 735; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA; filed Dec 1, 2017, 10:32 a.m.: 20171227-IR-864150451FRA)

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

Authority: IC 25-31-1-7; IC 25-31-1-8 Affected: IC 25-1-11-5; IC 25-31-1

Sec. 25. Discipline of a professional engineer's license by another jurisdiction may be grounds for disciplinary action under IC 25-1-11-5(a)(7). (State Board of Registration for Professional Engineers; Rule 11, Sec 25; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3908; errata filed Nov 28, 1989, 3:00 p.m.: 13 IR 677; filed Sep 24, 1992, 9:00 a.m.: 16 IR 735; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19,

2007, 12:56 p.m.: 20070808-IR-864070063RFA; readopted filed Jul 29, 2013, 1:25 p.m.: 20130828-IR-864130228RFA; readopted filed Nov 22, 2016, 12:27 p.m.: 20161221-IR-864160321RFA; filed Dec 1, 2017, 10:32 a.m.: 20171227-IR-864150451FRA)



Section 6. Procedures of Disciplinary Actions by the Indiana Board

The following information is compiled from the Indiana state website www.in.gov.

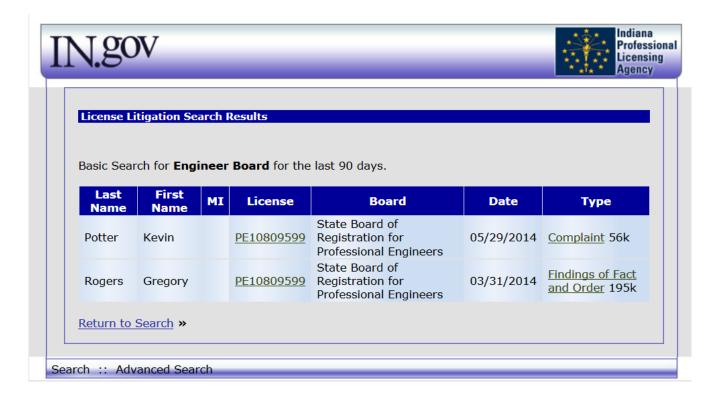
The professional licensing boards, commissions, and committees within the Indiana Professional Licensing Agency are charged with the responsibility of disciplining licensees who have violated practice standards, acted dishonestly, or acted unethically. The manifest goal of professional regulation is to establish standards that protect public health and safety and to enforce those standards through the disciplinary process. Indiana has standards of practice that apply to all regulated professions. The standards of practice are located in IC 25-1-9 (health professions) and IC 25-1-11 (non-health professions). Those standards, along with statutes and rules specific to each profession, provide the basis upon which boards impose discipline on licensed professionals.

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

Disciplinary hearings are held before the board or an administrative law judge appointed by the board. A case may be resolved through a settlement agreement, in which case, there will be no evidentiary hearing. After a hearing, the board will deliberate and make its findings of fact and conclusions of law, and then the board decides the appropriate disciplinary sanction, if any, to impose on the professional's license. The possible sanctions are: revocation, suspension, probation, censure, reprimand, or a combination of these. The boards also have the authority to impose a fine in an amount not to exceed \$1000 for each violation of law, except for a finding of incompetence due to a physical or mental disability.

In most cases a final action taken by the board in a disciplinary proceeding does not go into effect until a written order is issued by the Board, which does not occur until the order has been signed and file marked. The respondent cannot be required to comply with the order until the respondent has been served with the order or has actual knowledge of the order, except in the case of certain summary suspensions, settlements, or agreed orders (Indiana Code 4-21.5-3-3). Actual knowledge cannot be implied by the Respondent's presence at the hearing. State law provides that the board may take up to ninety days to issue an order (with an extension of time available in certain cases). This means that a disciplinary action taken by a board in a public meeting likely will not be effective immediately. Orders are posted on the agency's license litigation site.

In a 10-year period between January 1, 2004 and December 31, 2013, the Indiana State Board of Registration for Professional Engineers has taken approximately 50 disciplinary actions against individual licensees. Information regarding disciplinary actions is now available on the web at https://www.in.gov/apps/pla/litigation/ as a public service. The screen capture on the next page shows a sample search result.



Commonly Used Terms

Administrative Complaint - a complaint filed with the board by the Attorney General that describes the alleged conduct a licensed professional has engaged in and the laws and administrative rules the professional has violated; sometimes referred to as disciplinary charges.

Administrative Law Judge - an individual or panel of individuals that preside over an administrative proceeding, receive the evidence, and make a decision.

Censure - an expression of official disapproval that is an official record that the license has been disciplined. The censure itself does not affect the status of the license or the licensee's ability to practice. The censure may be imposed in combination with other types of disciplinary sanctions. A censure and a reprimand are similar.

Conclusions of Law - the conclusions the board reaches by applying the facts of a case to the relevant law.

Consumer Complaint - a complaint filed by a member of the public against a licensed professional. To obtain a complaint form, go to http://www.indianaconsumer.com/.

Default - omission, neglect, or failure of a party to take a step required, such as failing to appear for a hearing.

Disciplinary Charges - a complaint filed with the board by the Attorney General that describes the alleged conduct a licensed professional has engaged in and the laws and administrative rules the professional has violated; sometimes referred to as an administrative complaint.

Emergency Suspension - a 90-day suspension of a licensed professional's license after a finding that a professional represents a clear and immediate danger to the public health and safety if the professional is allowed to continue to practice; also called a summary suspension.

Final Order - the written order issued by the board following an administrative hearing that contains the findings of fact and conclusions of law in the case.

Findings of Fact - the facts that the board determines have been proven in an administrative hearing on a disciplinary complaint.

Probation - professionals whose licenses are placed on probation are allowed to continue practicing subject to certain terms and conditions. The conditions imposed as part of an order of probation will vary depending on the circumstances of the case.

Reprimand - a reprimand is an official record that the license has been disciplined. The reprimand itself does not affect the status of the license or the licensee's ability to practice. The reprimand may be imposed in combination with other types of disciplinary sanctions. A reprimand and a censure are similar.

Respondent - the professional against whom disciplinary charges are brought.

Revocation - professionals cannot practice with a revoked license. The professional cannot apply for a new license for seven years from the date of the revocation.

Settlement Conference - a meeting conducted with the parties in a case conducted by a board member or ALJ to discuss settling the case as an alternative to having a contested hearing.

Summary Suspension - a 90-day suspension of a professional's license based upon a finding that the professional represents a clear and immediate danger to the public health and safety if allowed to continue to practice; also called an emergency suspension.

Suspension - professionals whose licenses have been suspended cannot practice during the period of suspension. Suspensions are typically imposed for an indefinite period of time with the board setting the minimum time that must pass before the professional can apply for reinstatement of the suspended licenses. In many cases, the suspension is followed by a period of probation.

Section 7. Course Summary

To safeguard the life, health, property and welfare of the public, licensed professional engineers must fully understand the Board Laws and Rules, and conduct their business in ethical manner. A licensee who violates any provision of the Laws and Rules may be subject to disciplinary action, such as a fine, reprimand, probation, suspension or revocation of the license.

Section 8. References

- [1] Indiana Code Title 25 Article 31, http://www.in.gov/legislative/ic/code/title25/ar31/
- [2] Indiana Administrative Code Title 864, http://www.in.gov/legislative/iac/iac_title?iact=864
- [3] Indiana Code Title 25 Article 1, http://www.in.gov/legislative/ic/code/title25/ar1/
- [4] Indiana State Board of Registration for Professional Engineers, https://www.in.gov/pla/professions/engineering-home/