



Kentucky Rules and Regulations

Course Number: SL-02-613

PDH: 2

Approved for: KY

Other states may accept this course, but the engineer is responsible for determining if the content is acceptable.

New Jersey Professional Competency Approval #24GP00025600

North Carolina Approved Sponsor #S-0695

Maryland Approved Provider of Continuing Professional Competency

Indiana Continuing Education Provider #CE21800088

This document is the course text. You may review this material at your leisure before or after you purchase the course. In order to obtain credit for this course, complete the following steps:

1) Log in to My Account and purchase the course. If you don't have an account, go to New User to create an account.

2) After the course has been purchased, review the technical material and then complete the quiz at your convenience.

3) A Certificate of Completion is available once you pass the exam (70% or greater). If a passing grade is not obtained, you may take the quiz as many times as necessary until a passing grade is obtained (up to one year from the purchase date).

If you have any questions or technical difficulties, please call (508) 298-4787 or email us at admin@PDH-Pro.com.





Kentucky Legislature



Kentucky Revised Statutes KRS Chapter 322

Includes enactments through the 2015 Regular Session

The KRS database was last updated on 12/14/2015

Engineers and Surveyors

- .010 Definitions for chapter.
- .015 Repealed, 2010.
- .020 Practice of engineering or land surveying without license prohibited.
- .030 Exceptions to KRS 322.020.
- .040 Requirements for licensure as a professional engineer -- Education, experience.
- .045 Requirements for licensure as a professional land surveyor -- Education, experience.
- .047 Alternate requirements for licensure as a professional land surveyor until June 30, 2011 -- Education, experience.
- .050 Requirements for applicants.
- .060 Prerequisites for practice of engineering by a business entity -- Permit -- Responsibility for conduct -- Disciplinary action -- Requirement of board certificate or letter for incorporation or for registration as a foreign corporation.
- .070 Application for licenses.
- .080 Time, place, scope of examination.
- .090 Reexamination.
- .100 License fees.
- .110 Licensure -- Designations -- Rights associated with license.
- .120 Licensure by endorsement.
- .130 Repealed, effective January 1, 1999.
- .140 Repealed, effective January 1, 1999.
- .150 Repealed, effective January 1, 1999.
- .160 Renewal of license or permit -- Duty of executive director -- No renewal fee for years spent in Armed Forces.
- .170 Replacement and reissuance of certain licenses and permits.
- .180 Grounds for denial of licensure and for disciplinary action.
- .190 Investigation and resolution of complaints -- Appeals.

Kentucky Statutes and Regulations for Professional Engineers

- .200 Repealed, 2010.
- .210 Repealed, 1996.
- .220 Petition for reissuance of license after revocation.
- .230 State Board of Licensure for Professional Engineers and Land Surveyors -- Membership -- Terms -- Oath.
- .240 Qualifications of board members.
- .250 Appointment of board members -- Vacancies.
- .260 Officers of board.
- .270 Compensation of board members.
- .280 Meetings of board.
- .290 Functions of board.
- .300 Board to keep record of proceedings and register of applications.
- .310 Repealed, 2010.
- .320 Board may require attendance of witnesses, production of documents.
- .330 Duties of secretary-treasurer.
- .340 Licensee to obtain seal or stamp -- Use of seal or stamp.
- .350 Repealed, effective January 1, 1999.
- .360 Public work required to be done under professional engineer or licensed architect.
- .370 Incidental architectural practice permitted.
- .380 Seeking business through another to avoid chapter prohibited.

Services of Engineer or Architect

- .550 Buildings or additions to existing buildings requiring services of an architect or of either a professional engineer or an architect.

Penalties

- .990 Penalties.

322.020 Practice of engineering or land surveying without license prohibited.

- (1) Unless licensed as a professional engineer, no person shall:
 - (a) Engage in the practice of engineering;
 - (b) Offer to practice engineering; or
 - (c) Use, assume, or advertise in any way any title or description tending to convey the impression that he or she is a professional engineer.
- (2) Unless licensed as a professional land surveyor, no person shall:
 - (a) Engage in the practice of land surveying;
 - (b) Offer to practice land surveying; or
 - (c) Use, assume, or advertise in any way any title or description tending to convey the impression that he or she is a professional land surveyor.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 3, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 2, effective July 15, 1986. -- Amended 1972 Ky. Acts ch. 148, sec. 2. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 1599e-1, 1599e-12, 1599e-21.

322.030 Exceptions to KRS 322.020.

KRS 322.020 shall not apply to:

- (1) The work of an employee or subordinate of:
 - (a) A professional engineer if the work is done under the direct supervision of and verified by the professional engineer; or
 - (b) A professional land surveyor if the work is done under the direct supervision of and verified by the professional land surveyor;
- (2) The practice of engineering or land surveying by officers and employees of the United States government while engaged in engineering or land surveying for the government;
- (3) The practice of engineering or land surveying by a person on property he or she leases or owns unless:
 - (a) The practice involves the public safety, health, or welfare; or
 - (b) The land surveying relates to the location or determination of any existing or proposed land boundaries;
- (4) An engineer or land surveyor engaged solely as an officer or employee of a privately owned public utility or of a business entity engaged in interstate commerce as defined in the Interstate Commerce Act (24 Stat. 379) as amended;
- (5) A licensed architect who engages in the practice of engineering incident to the practice of architecture; or
- (6) The practice of engineering related solely to the design or fabrication of manufactured products. This exemption does not extend to site-specific engineering work for Kentucky locations.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 163, sec. 4, effective July 15, 2010. -- Amended 1998 Ky. Acts ch. 214, sec. 4, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 3, effective July 15, 1986. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 1599e-18, 1599e-22.

322.040 Requirements for licensure as a professional engineer -- Education, experience.

- (1) A person shall qualify for licensure as a professional engineer by meeting the requirements set forth in paragraph (a) or (b) of this subsection.
 - (a) A person shall qualify if he or she has:
 1. Graduated from an engineering program of four (4) years or more accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology or any engineering program deemed equivalent by the board;
 2. Four (4) or more additional years of progressive experience in engineering or teaching of a grade and character which indicates to the board that the applicant is competent to practice engineering; and
 3. A passing score on:
 - a. The Principles and Practice of Engineering Examination; and
 - b. The Fundamentals of Engineering Examination. The board may allow students enrolled in the final year of an undergraduate engineering program to take this examination. Upon passing the examination, the applicant shall be designated an engineer in training.
 - (b) If an instructor in an engineering program accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology or an engineering program deemed equivalent by the board is not eligible for the exemption under subsection (2) of this section, the instructor shall have four (4) years from the date of hire to qualify for licensure by showing that he or she has:
 1. Graduated from an engineering program of four (4) years or more accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, or an engineering program deemed equivalent by the board;
 2. Four (4) or more additional years of progressive experience in engineering or teaching of a grade and character which indicates to the board that the applicant is competent to practice engineering;
 3. Passed the Principles and Practice of Engineering Examination; and
 4. Either passed the Fundamentals of Engineering Examination or graduated from a board-approved doctoral engineering degree program.
- (2) For the purpose of teaching engineering design courses only, an instructor who, on January 1, 1999, holds a tenured or tenure-track position in an engineering program defined in KRS 322.010(4)(a)3. shall be exempt from the licensure requirements of KRS 322.020 for the period that instructor is continuously employed by the institution offering that program. However, an instructor may apply and shall qualify for licensure as a professional engineer during this exempt period if he or she:

- (a) Has graduated from an engineering program of four (4) years or more accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology or an engineering program deemed equivalent by the board;
 - (b) Has graduated from a board-approved doctoral engineering degree program, with an additional three (3) years or more of progressive experience in engineering or teaching of a grade and character which indicate to the board that the applicant is competent to practice engineering; and
 - (c) Has passed the Principles and Practice of Engineering Examination.
- (3) Any person having the necessary qualifications prescribed in subsection (1) or (2) of this section shall be eligible to apply for licensure, even if the applicant is not practicing the profession at the time of application.
- (4) The board shall promulgate administrative regulations to establish requirements for consideration of experience gained prior to graduation from an engineering program as described in subsection (1)(a)1. of this section.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 20, sec. 1, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 214, sec. 5, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 4, effective July 15, 1986. -- Amended 1982 Ky. Acts ch. 273, sec. 2, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 275, sec. 2, effective June 17, 1978. -- Amended 1972 Ky. Acts ch. 148, sec. 3. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-12.

322.045 Requirements for licensure as a professional land surveyor -- Education, experience.

- (1) A person shall qualify for licensure as a professional land surveyor if he or she has:
 - (a) Passed the Fundamentals of Land Surveying Examination and is thereby designated a land surveyor in training according to the conditions set forth in either paragraph (c) of this subsection or KRS 322.047(1)(a);
 - (b) Passed the Principles and Practice of Land Surveying Examination; and
 - (c) Met one (1) of the following requirements set out in this paragraph:
 1. Graduation from a board-approved program of four (4) years or more in land surveying from a college or university and not less than three (3) years of progressive experience in land surveying under the direct supervision of a practicing professional land surveyor. The experience shall be of a grade and character to indicate to the board that the applicant is competent to practice land surveying. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination during the final year of the program;
 2. Graduation from a program of four (4) years or more in other than land surveying from a college or university of recognized standing, completion of a twenty-four (24) semester credit hour core curriculum in land surveying, and not less than four (4) years of progressive experience in land surveying under the direct supervision of a practicing professional land surveyor. The experience shall be of a grade and character to indicate to the board that the applicant is competent to practice land surveying;
 - a. The core curriculum in land surveying may be completed as part of the four (4) year program or may be taken in addition to that program; and
 - b. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination upon completion of the core curriculum in land surveying or during the final year in the program if twelve (12) hours or more of the core curriculum in land surveying have been completed; or
 3. Graduation from a civil, mining, or agricultural engineering program of four (4) years or more accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology or any engineering program deemed equivalent by the board, completion of twelve (12) semester credit hours of the core curriculum in land surveying referenced in subparagraph 2. of this paragraph, and not less than four (4) years of progressive experience in land surveying under the direct supervision of a practicing professional land surveyor. The experience shall be of a grade and character to indicate to the board that the applicant is competent to practice land surveying;

- a. The twelve (12) hours of the core curriculum in land surveying may be completed as part of the engineering program or may be taken in addition to that program; and
 - b. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination upon graduation from the engineering program or during the final year in the program if twelve (12) hours of the core curriculum in land surveying have been completed.
- (2) Any person having the necessary qualifications prescribed in subsection (1) of this section or any applicable qualifications prescribed in KRS 322.047(1)(a) shall be eligible to apply for licensure, even if the applicant is not practicing the profession at the time of application.
- (3) The board shall promulgate administrative regulations to establish requirements for consideration of experience gained prior to graduation from programs as described in subsection (1)(c)1., 2., and 3. of this section, and for the surveying core curriculum described in subsection (1)(c)2. and 3. of this section.

Effective: June 20, 2005

History: Created 2005 Ky. Acts ch. 20, sec. 2, effective June 20, 2005.

322.047 Alternate requirements for licensure as a professional land surveyor until June 30, 2011 -- Education, experience.

(1) Until June 30, 2011, the following shall apply to licensure as a professional land surveyor:

(a) In addition to the requirements listed in KRS 322.045(1)(c), a person may qualify for licensure as a professional land surveyor by meeting one of the following alternate requirements:

1. Graduation from a program of four (4) years or more in an area other than land surveying accredited by one of the Commissions of the Accreditation Board for Engineering and Technology and not less than six (6) years of progressive experience in land surveying under the direct supervision of a practicing professional land surveyor. The experience shall be of a grade and character to indicate to the board that the applicant is competent to practice land surveying. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination upon completion of two (2) years of progressive experience in land surveying. Applicants possessing education credentials of this subparagraph may pursue licensure under KRS 322.045(1)(c)2., providing the core curriculum in land surveying requirement is satisfied;
2. Graduation from a two (2) year board-approved program in land surveying and not less than six (6) years of progressive experience in land surveying under the direct supervision of a practicing professional land surveyor. The experience shall be of a grade and character to indicate to the board that the applicant is competent to practice land surveying. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination upon completion of two (2) years of progressive experience in land surveying; or
3. Graduation from high school, or the equivalent, and not less than ten (10) years of progressive experience in land surveying under the direct supervision of a practicing professional land surveyor. The experience shall be of a grade and character to indicate to the board that the applicant is competent to practice land surveying. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination upon completion of four (4) years of progressive experience in land surveying.

(b) As it may apply to the experience qualifications for land surveyors:

1. The satisfactory completion of each year as a full-time student of a board-approved program in civil engineering or land surveying without graduation may be considered as equivalent to one (1) year of experience required by subsection (1)(a)2. and 3. of this section;
2. Graduation from a program other than as provided in KRS 322.045(1)(c) or subsection (1)(a)1. and 2. of this section from a college or university of recognized standing may be considered as equivalent to two (2) years of experience required by subsection (1)(a)2. and 3. of this section;

3. No applicant shall receive credit for more than four (4) years of experience based on undergraduate educational qualifications.
- (2) The board shall promulgate administrative regulations to establish requirements for consideration of experience gained prior to graduation from programs as described in subsection (1)(a)1. and 2. of this section.
- (3) The board may promulgate administrative regulations to provide an exemption to the licensure requirements contained in subsection (1)(a) of this section based on a finding of hardship or medical necessity.

Effective: June 20, 2005

History: Created 2005 Ky. Acts ch. 20, sec. 3, effective June 20, 2005.

322.050 Requirements for applicants.

- (1) To be eligible for licensure, an applicant shall be:
 - (a) Of good character and reputation; and
 - (b) Able to competently communicate in the English language.
- (2) An applicant shall not be eligible for licensure if he or she:
 - (a) Has been convicted of any felony within the past ten (10) years involving violence, sexual misconduct, fraud, or deceit;
 - (b) Engages in conduct likely to deceive or defraud the public; or
 - (c) Is adjudged mentally disabled by a court of competent jurisdiction.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 163, sec. 5, effective July 15, 2010. -- Amended 1998 Ky. Acts ch. 214, sec. 6, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 5, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 111, sec. 140, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 141, sec. 87, effective July 1, 1982. -- Amended 1972 Ky. Acts ch. 148, sec. 4. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-12.

Note: 1980 Ky. Acts ch. 396, sec. 93 would have amended this section effective July 1, 1982. However, 1980 Ky. Acts ch. 396 was repealed by 1982 Ky. Acts ch. 141, sec. 146, also effective July 1, 1982.

322.060 Prerequisites for practice of engineering by a business entity -- Permit -- Responsibility for conduct -- Disciplinary action -- Requirement of board certificate or letter for incorporation or for registration as a foreign corporation.

- (1) (a) A business entity shall not engage in the practice of engineering in this state unless:
 1. At least one (1) of its principals or officers, or a designated employee, is a professional engineer who is in responsible charge of the engineering work;
 2. The professional engineer in responsible charge is located at the Kentucky office, if one is maintained; and
 3. The board has issued a permit to the business entity.
 - (b) To apply for a permit, a business entity offering engineering services in this state shall file with the board, on a form prescribed by the board:
 1. The names and addresses of all principals and officers;
 2. The license number of principals, officers, and employees who are professional engineers in responsible charge of the business entity's practice of engineering in this state; and
 3. A list of locations of all offices in this state at which the business entity offers professional engineering services.
 - (c) If more than one (1) place of business is maintained in this state, a professional engineer shall be in responsible charge of the engineering work for each office.
 - (d) A professional engineer who renders occasional, part-time, or consulting engineering services to or for a business entity required to hold a permit from the board under this section shall not be designated as the person in responsible charge of the engineering work unless the professional engineer is an officer or owner of the business entity.
 - (e) A business entity holding a permit shall advise the board in writing within thirty (30) days of any change of status in those items listed in paragraph (b) of this subsection.
 - (f) An individual professional engineer providing engineering services as a sole proprietor in the name listed on his or her individual license, or architectural firms offering engineering services incident to their practice, shall be excluded from the provisions of this subsection.
- (2) (a) A business entity shall not engage in the practice of land surveying in this state unless:
 1. At least one (1) of its principals or officers, or a designated employee, is a professional land surveyor in direct responsible charge of the land surveying work;
 2. The professional land surveyor in responsible charge is located at the Kentucky office, if one is maintained; and

3. The board has issued a permit to the business entity.
- (b) To apply for a permit, a business entity offering land surveying services in this state shall file with the board, on a form prescribed by the board:
 1. The names and addresses of all principals and officers;
 2. The license numbers of the principals, officers, and employees who are professional land surveyors in responsible charge of the practice of land surveying in this state; and
 3. A list of locations of all offices in this state at which the business entity offers professional land surveying services.
 - (c) If more than one (1) place of business is maintained in this state, a professional land surveyor shall be in responsible charge of the land surveying work for each office.
 - (d) A professional land surveyor who renders occasional, part-time, or consulting services to or for a business entity required to hold a permit from the board under this section shall not be designated as the person in responsible charge of the land surveying work unless the professional land surveyor is an officer or owner of the business entity.
 - (e) A business entity holding a permit shall advise the board in writing within thirty (30) days of any change of status.
 - (f) An individual professional land surveyor providing land surveying services as a sole proprietor in the name listed on his or her individual license shall be excluded from the provisions of this subsection.
- (3)
 - (a) After a business entity applies for a professional engineering or professional land surveying permit and pays the proper fees, the board shall review the application and, upon approval, shall issue a permit.
 - (b) The board may suspend, revoke, or refuse to issue a permit for violation of the code of professional practice and conduct.
 - (c) The expiration date and renewal period for each permit and renewal procedures shall be established by administrative regulations promulgated by the board.
 - (4)
 - (a) No business entity shall be relieved of responsibility for the conduct or acts of its agent, employees, or officers by reason of its compliance with this section.
 - (b) No individual practicing professional engineering or professional land surveying shall be relieved of the responsibility for professional services performed by reason of the individual's employment or relationship with a business entity holding a permit under this section.
 - (5) Disciplinary action against a business entity holding a permit under this section shall be administered in the same manner and on the same grounds as disciplinary action against an individual professional engineer or professional land surveyor.
 - (6) The Secretary of State shall not accept articles of incorporation, articles of organization, statement of qualification or certificate of limited partnership or an application for a certificate of authority to transact business as a foreign corporation,

limited liability company or limited partnership or a statement of foreign qualification from a business entity which includes in its name or, among objects for which it is established, any of the words, "engineer," "engineering," "surveyor," "surveying," "land surveying," or any modification or derivation thereof, unless the filing with the Secretary of State includes a certificate or letter from the board.

Effective: July 15, 2010

History: Repealed and reenacted 2010 Ky. Acts ch. 51, sec. 141, effective July 15, 2010; and amended 2010 Ky. Acts ch. 163, sec. 6, effective July 15, 2010. -- Amended 2007 Ky. Acts ch. 137, sec. 141, effective June 26, 2007. -- Amended 1998 Ky. Acts ch. 214, sec. 7, effective January 1, 1999. -- Amended 1992 Ky. Acts ch. 96, sec. 2, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 291, sec. 6, effective July 15, 1986. --Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-12.

Legislative Research Commission Note (7/15/2010). This section was amended by 2010 Ky. Acts ch. 163, and repealed and reenacted by 2010 Ky Acts ch. 51. Pursuant to Section 184 of Acts ch. 51, it was the intent of the General Assembly that the repeal and reenactment not serve to void the amendment, and these Acts do not appear to be in conflict; therefore, they have been codified together.

322.070 Application for licenses.

Applications for professional engineer or professional land surveyor licenses shall be on forms prescribed and furnished by the board and shall contain:

- (1) Statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical experience;
- (2) Not less than five (5) references, of which at least three (3) shall be from professional engineers or professional land surveyors, as may be appropriate, having personal knowledge of the applicant's engineering or land surveying experience; and
- (3) Any other information as the board may require by administrative regulation.

References and employment verifications submitted under this section shall remain confidential records of the board.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 163, sec. 7, effective July 15, 2010. -- Amended 1998 Ky. Acts ch. 214, sec. 8, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 7, effective July 15, 1986. --Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-13.

322.080 Time, place, scope of examination.

- (1) Examinations shall be held at times and places determined by the board by promulgation of administrative regulations.
- (2) The scope of the examination and the methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering or land surveying works so as to insure the safety of life, health, and property.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 9, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 8, effective July 15, 1986. -- Amended 1972 Ky. Acts ch. 148, sec. 5. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-14.

322.090 Reexamination.

- (1) An applicant failing an examination up to two (2) times may apply for reexamination.
- (2) After July 12, 2006, an applicant failing an examination three (3) or more times, regardless of the jurisdiction where each examination is administered, may be approved for reexamination upon submitting a new application. The new application shall include evidence that the applicant has acquired additional knowledge. The board shall promulgate administrative regulations specifying the type and extent of additional knowledge and qualifications required to apply for reexamination under this subsection.
- (3) Reexaminations under this section shall be granted upon payment of a fee to be determined by administrative regulations promulgated by the board.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 67, sec. 1, effective July 12, 2006. -- Amended 1998 Ky. Acts ch. 214, sec. 10, effective January 1, 1999. -- Amended 1982 Ky. Acts ch. 273, sec. 3, effective July 15, 1982. -- Amended 1972 Ky. Acts ch. 148, sec. 6. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-14.

322.100 License fees.

The license fees for professional engineers and professional land surveyors shall be established by administrative regulation promulgated by the board. If the board refuses to issue a license to any applicant, the initial fee deposited shall be retained as an application fee.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 11, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 9, effective July 15, 1986. -- Amended 1978 Ky. Acts ch. 313, sec. 8, effective June 17, 1978. -- Amended 1972 Ky. Acts ch. 148, sec. 7. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-13.

322.110 Licensure -- Designations -- Rights associated with license.

- (1) The board shall issue a license authorizing the practice of engineering or land surveying to any applicant who has met the respective requirements set forth in this chapter.
- (2) All licenses issued under this subsection shall be signed by the chairman and the secretary of the board, under the seal of the board. Each license shall bear the full name of the licensee, the license number, and one (1) of the following designations:
 - (a) "Professional Engineer";
 - (b) "Professional Land Surveyor";
 - (c) "Professional Engineer, Inactive";
 - (d) "Professional Engineer, Retired";
 - (e) "Professional Land Surveyor, Inactive"; or
 - (f) "Professional Land Surveyor, Retired."
- (3) The designations in paragraphs (c), (d), (e), and (f) of subsection (2) of this section shall be defined in administrative regulations promulgated by the board.
- (4)
 - (a) A valid professional engineer or professional land surveyor license shall be prima facie evidence that the licensee is entitled to all rights, privileges, and responsibilities of a professional engineer or a professional land surveyor.
 - (b) A valid license bearing the designation "inactive" or "retired" shall be prima facie evidence that the licensee is entitled to all rights, privileges, and responsibilities of a professional engineer or professional land surveyor, except the right to practice.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 12, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 10, effective July 15, 1986. -- Amended 1972 Ky. Acts ch. 148, sec. 8. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-15.

322.120 Licensure by endorsement.

The board may, by promulgation of administrative regulations, establish requirements and fees for licensure by endorsement for those applicants who:

- (1) Hold a current license or certificate of registration to engage in the practice of engineering or land surveying issued by any state, territory, or possession of the United States, the District of Columbia, or any foreign country; and
- (2) Submit proof that the requirements and qualifications supporting that license or certificate:
 - (a) Are not in conflict with the provisions of this chapter; and
 - (b) Equal or exceed this state's requirements in effect on the date of issuance. However, the land surveyor applicant may be required to take examinations, as the board deems necessary, to determine the competency to engage in the practice of land surveying in this state. The examination shall include questions on laws, procedures, and practices pertaining to land surveying in this state.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 163, sec. 8, effective July 15, 2010. -- Amended 1998 Ky. Acts ch. 214, sec. 13, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 11, effective July 15, 1986. --Amended 1978 Ky. Acts ch. 313, sec. 9, effective June 17, 1978. -- Amended 1972 Ky. Acts ch. 148, sec. 9. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-19.

322.160 Renewal of license or permit -- Duty of executive director -- No renewal fee for years spent in Armed Forces.

- (1) Licenses for individuals and permits for business entities shall be valid for not more than two (2) years from the date of issuance, unless renewed.
- (2) The executive director shall notify every licensee and permit holder at least one (1) month in advance of the pending expiration date.
 - (a) All license renewals shall be completed on or before June 30 of the year of expiration.
 - (b) All permit renewals shall be completed on or before December 31 of the year of expiration.
 - (c) Each licensee or permit holder is responsible for notifying the board of any address change.
 - (d) The responsibility for the timely renewal of a license or permit rests with the licensee or permit holder.
- (3) The failure to renew shall not deprive a licensee or permit holder of the right of renewal, but the fee to be paid for the renewal shall be increased ten percent (10%) for each month or fraction of a month that payment of renewal is delayed. Any licensee or permit holder who fails to renew within one (1) year after expiration shall furnish the board with:
 - (a) Satisfactory evidence of qualification of continued practice. However, the board may require reexamination; and
 - (b) Evidence of completion of continuing education hours as required by KRS 322.290.
- (4) No licensee shall be required to pay renewal fees to the board during the time the licensee is on active duty in the Armed Forces of the United States.
 - (a) Any licensee who has previously paid any renewal fee covering a period of time spent on active duty shall, upon filing with the board a copy of his or her discharge, be granted a license renewal without the payment of any fee.
 - (b) The free renewal shall be for as many license years as the licensee was on active duty and which were covered in whole or in part by the previous payment of a renewal fee.
 - (c) The continuing education requirement under KRS 322.290 shall be waived for those years the licensee was on active duty.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 163, sec. 9, effective July 15, 2010. -- Amended 2007 Ky. Acts ch. 16, sec. 1, effective June 26, 2007. -- Amended 2004 Ky. Acts ch. 134, sec. 1, effective July 13, 2004. -- Amended 1998 Ky. Acts ch. 214, sec. 14, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 15, effective July 15, 1986. -- Amended 1982 Ky. Acts ch. 273, sec. 4, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 313, sec. 10, effective June 17, 1978. -- Amended 1946 Ky. Acts ch. 65, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-16.

322.170 Replacement and reissuance of certain licenses and permits.

- (1) A new license or permit may be issued to replace any license or permit that was lost, destroyed, or mutilated, subject to the administrative regulations promulgated by the board.
- (2) A license or permit may be reissued to replace any license or permit that was previously revoked, subject to KRS 322.220.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 15, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 16, effective July 15, 1986. -- Amended 1972 Ky. Acts ch. 148, sec. 12. --Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-20.

322.180 Grounds for denial of licensure and for disciplinary action.

The board may refuse to issue, refuse to renew, suspend, or revoke a license, may reprimand, place on probation, or admonish a licensee, may impose a fine on a licensee not to exceed one thousand dollars (\$1,000), or may impose any combination of these penalties when it finds that an applicant or licensee:

- (1) Engaged in any practice of fraud or deceit in obtaining a license;
- (2) Engaged in gross negligence, incompetence, or misconduct in the practice of engineering or land surveying;
- (3) Violated any provision of this chapter, the administrative regulations promulgated by the board, or the code of professional practice and conduct adopted by the board and incorporated in administrative regulations;
- (4) Employed, procured, or induced a person not licensed to practice engineering or land surveying in this state;
- (5) Aided or abetted a person not licensed to practice engineering or land surveying in this state;
- (6) Been granted a license upon a mistake of material fact;
- (7) Been convicted by a court of law of a felony;
- (8) Become a chronic or persistent alcoholic or has become drug-addicted so that continued practice is dangerous to clients or to the public safety;
- (9) Developed a physical or mental disability or other condition so that continued practice is dangerous to clients or to the public safety;
- (10) Violated any order of suspension or the terms or conditions of any order of probation issued by the board;
- (11) Had a license or registration certificate to practice as an engineer or land surveyor denied, limited, suspended, probated, or revoked in another jurisdiction on grounds sufficient to cause licensure to be denied, limited, suspended, probated, or revoked in this state;
- (12) Engaged in conduct likely to deceive or defraud the public;
- (13) Presented or attempted to use as his or her own the license, seal, or stamp of another;
- (14) Falsely impersonated any other licensee;
- (15) Attempted to use an expired, suspended, or revoked license;
- (16) Provided certification for any plan, specification, plat, report, or physical description not prepared by him or her or under his or her direct supervision; or
- (17) Applied the seal, stamp, signature, or title block of another professional engineer or professional land surveyor to a plan, specification, plat, report, or physical description that was not prepared by the other professional engineer or land surveyor.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 163, sec. 10, effective July 15, 2010. -- Amended 1998 Ky. Acts ch. 214, sec. 16, effective January 1, 1999. -- Amended 1986 Ky. Acts

ch. 291, sec. 17, effective July 15, 1986. -- Amended 1982 Ky. Acts ch. 273, sec. 5, effective July 15, 1982. -- Amended 1972 Ky. Acts ch. 148, sec. 13. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-20.

322.190 Investigation and resolution of complaints -- Appeals.

Any person or organization, including the board upon its own volition, may file with the executive director of the board a written complaint alleging violation of any provision of this chapter. The executive director shall cause the complaint to be investigated.

- (1) If the investigation reveals that the alleged violation did occur but was not of a serious nature, the board may issue a written admonishment to the licensee. A copy of the admonishment shall be placed in the permanent file of the licensee. The licensee shall have the right to file a response to the admonishment within thirty (30) days of its receipt and to have the response placed in the permanent licensure file. The licensee may alternatively, within thirty (30) days of the receipt, file a request for hearing with the board. Upon receipt of this request, the board shall set aside the written admonishment and set the matter for hearing in accordance with the provisions of KRS Chapter 13B.
- (2) If the investigation reveals evidence supporting the complaint, the executive director shall set the matter for hearing in accordance with the provisions of KRS Chapter 13B before refusing to renew, suspending, revoking, reprimanding, imposing probation or an administrative fine, or any combination of actions regarding any license under the provisions of this chapter.
 - (a) At any time during the investigation or hearing process, the board may accept a written assurance of voluntary compliance from the licensee which effectively deals with the complaint.
 - (b) When the board issues a written reprimand to the licensee, a copy of the reprimand shall be placed in the permanent file of the licensee. The licensee shall have the right to submit a response within thirty (30) days of its receipt and to have that response filed in the permanent file.
- (3) After denying an application under the provisions of this chapter, the board may grant a hearing to the denied applicant in accordance with the provisions of KRS Chapter 13B.
- (4) The board may reconsider, modify, or reverse its decision on any disciplinary action.
- (5) Any party aggrieved by a disciplinary action of the board may bring an action in Franklin Circuit Court in accordance with the provisions of KRS Chapter 13B.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 17, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 18, effective July 15, 1986. -- Amended 1982 Ky. Acts ch. 273, sec. 6, effective July 15, 1982. -- Amended 1972 Ky. Acts ch. 148, sec. 14. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-20.

322.220 Petition for reissuance of license after revocation.

A person whose license has been revoked may petition the board to reissue. The board shall investigate the petition and may reissue the license upon a finding that the person has complied with any terms prescribed by the board and is again able to competently practice.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 19, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 21, effective July 15, 1986. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-20.

**322.230 State Board of Licensure for Professional Engineers and Land Surveyors -
- Membership -- Terms -- Oath.**

- (1) The State Board of Licensure for Professional Engineers and Land Surveyors shall consist of nine (9) members appointed by the Governor and two (2) ex officio members each with full voting rights. The ex officio members shall be the dean of the College of Engineering of the University of Kentucky and the dean of the J.B. Speed School of Engineering of the University of Louisville.
- (2) The term of each member of the board shall be four (4) years. Each member shall hold office until the expiration of the term or until a successor has been appointed and has qualified.
- (3) Before beginning a term of office, every member shall file with the Secretary of State a written oath for the faithful discharge of official duties.
- (4) No member of the board shall serve as an employee of the board.

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 173, sec. 1, effective July 15, 2008. -- Amended 1998 Ky. Acts ch. 214, sec. 20, effective January 1, 1999. -- Amended 1976 Ky. Acts ch. 206, sec. 16. -- Amended 1972 Ky. Acts ch. 148, sec. 16. -- Amended 1966 Ky. Acts ch. 68, sec. 3 -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-3.

Legislative Research Commission Note (7/15/2010). 2010 Ky. Acts ch. 163, sec. 17, provides: "One professional land surveyor who is appointed under KRS 322.230 to fill a position on the State Board of Licensure for Professional Engineers and Land surveyors after the previous term for that position has expired on December 31, 2010, shall serve a term of three years, after which appointments to this board position shall be for a term of four years."

322.240 Qualifications of board members.

- (1) Each appointed member of the board shall:
 - (a) Be a citizen of the United States;
 - (b) Have been a resident of this state for at least five (5) years; and
 - (c) Be a resident of this state at the time of appointment and for the term of the appointment.
- (2) One (1) member of the board shall be a citizen at large who is not associated with or financially interested in the practice of engineering or land surveying.
- (3) Eight (8) members of the board shall be a professional engineer or a professional land surveyor engaged in the respective practice for at least twelve (12) years and shall have been in responsible charge of important engineering or land surveying work for at least five (5) years.
 - (a) At least five (5) members of the board shall be professional engineers licensed in Kentucky for at least four (4) years prior to the date of their appointment;
 - (b) At least three (3) members of the board shall be professional land surveyors licensed in Kentucky for at least four (4) years prior to the date of their appointment; and
 - (c) The eight (8) members shall remain professional engineers or professional land surveyors licensed in Kentucky during the term of their appointments. If a member's license is surrendered, suspended, revoked, or placed in inactive or retired status, that member shall automatically be removed from the board and the vacancy filled under KRS 322.250(5).

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 173, sec. 2, effective July 15, 2008. -- Amended 1998 Ky. Acts ch. 214, sec. 21, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 22, effective July 15, 1986. -- Amended 1976 Ky. Acts ch. 206, sec. 17. -- Amended 1972 Ky. Acts ch. 148, sec. 17. -- Amended 1966 Ky. Acts ch. 68, sec. 4. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 1599e-3, 1599e-4.

322.250 Appointment of board members -- Vacancies.

- (1) Except as provided for in subsection (5) of this section, each land surveyor appointment to the board shall be made from a list of not less than three (3) nominees to be submitted to the Governor jointly by the Kentucky Society of Professional Engineers and the Kentucky Association of Professional Surveyors, with input from other professional societies. All other appointments to the board shall be made from a list of not less than three (3) nominees to be submitted to the Governor by the Kentucky Society of Professional Engineers with input from other professional societies.
- (2) The nominations shall be submitted to the Governor at least sixty (60) days prior to the appointment date.
- (3) The term of office for all full-term appointments shall begin January 1.
- (4) Board members shall be allowed to succeed themselves but shall be limited to not more than two (2) consecutive terms. A former member may be reappointed to the board if the member has not served in the preceding four (4) years.
- (5) If a vacancy on the board occurs for any reason resulting in an unexpired term, if not filled within three (3) months by official action of the Governor, the board may appoint a provisional member to serve in the interim until the Governor acts.
- (6) Every unexpired term shall be filled only for the remainder of that term.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 22, effective January 1, 1999. -- Amended 1972 Ky. Acts ch. 148, sec. 18. -- Amended 1966 Ky. Acts ch. 68, sec. 5. - - Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-3, 1599e-6.

322.260 Officers of board.

Every year the board shall elect a chair, a vice chair, and a secretary-treasurer.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 163, sec. 11, effective July 15, 2010. -- Amended 1998 Ky. Acts ch. 214, sec. 23, effective January 1, 1999. -- Amended 1972 Ky. Acts ch. 148, sec. 19. -- Amended 1946 Ky. Acts ch. 27, sec. 9. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 1599e-7, 1599e-9.

322.270 Compensation of board members.

Each member shall receive compensation as promulgated by administrative regulation of the board and approved by the appropriate legislative body. Official duties include meetings of committees of the board and time spent in necessary travel. Further, members shall be reimbursed for costs for all actual and necessary expenses incurred in carrying out their official duties as board members.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 24, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 23, effective July 15, 1986. -- Amended 1972 Ky. Acts ch. 148, sec. 20. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 1599e-5, 1599e-9.

322.280 Meetings of board.

- (1) The board shall hold at least four (4) regular meetings each year. Special meetings shall be held if the bylaws provide. Notice of all meetings shall be given in the manner provided by the bylaws.
- (2) Six (6) members shall constitute a quorum.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 25, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 24, effective July 15, 1986. -- Amended 1972 Ky. Acts ch. 148, sec. 21. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-7.

322.290 Functions of board.

The board shall:

- (1) Administer this chapter;
- (2) Adopt an official seal;
- (3) Provide suitable office quarters at its own expense;
- (4) Adopt and amend all bylaws and rules of procedure, and promulgate administrative regulations, consistent with the Constitution and laws of the state and reasonably necessary for the proper performance of its duties and the regulation and fair conduct of the proceedings before it;
- (5) Appoint an executive director and assistant executive directors and fix their compensation;
- (6) Employ any clerk or other assistants necessary for the proper performance of its work;
- (7) Appoint a general counsel and any assistant general counsel as it deems necessary and fix their compensation;
- (8) Appoint investigatory personnel, as it deems necessary, and fix their compensation;
- (9) Appoint committees of licensees, as it deems necessary, to review issues before the board and make recommendations to the board;
- (10) Make expenditures, as it deems necessary, for any purpose that it considers reasonably necessary for the proper performance of its duties, including paying the expenses of the board's delegates to national conventions of and membership dues to the National Council of Examiners for Engineering and Surveying or other affiliated national boards or societies;
- (11) Adopt and promulgate by administrative regulation a code of professional practice and conduct, which shall be based upon generally recognized principles of professional ethical conduct and binding upon persons licensed under this chapter. A code of professional practice and conduct shall be made known to all licensees and applicants and shall include but not be limited to the following objectives:
 - (a) The protection of the public health, safety, and welfare;
 - (b) The maintenance of standards of objectivity, truthfulness, and reliability in public statements;
 - (c) The avoidance of conflicts of interest;
 - (d) The prohibition of solicitation or acceptance of engineering or land surveying work on any basis other than qualifications for the work offered;
 - (e) The prohibition of association with any person engaging in illegal or dishonest activities; and
 - (f) The limitation of professional service to the area of competence of the licensee;
- (12) Adopt appropriate standards of practice;
- (13) Promulgate administrative regulations in accordance with KRS Chapter 13A to establish rules for the use of stamps, seals, and signatures in electronic transactions;

- (14) Bring, in its name, injunctive proceedings in the Franklin Circuit Court to enjoin any person, business entity, or combination thereof in violation of KRS 322.020 or KRS 322.060;
- (15) Adopt a program for continuing education for its individual land surveyor licensees. No individual land surveyor licensee shall be permitted to renew his or her license unless the minimum annual continuing education requirements are met, in addition to any other requirement for renewal. The program for continuing education shall not exceed a total of eight (8) credit clock hours per year and shall not include testing or examination of the licensee in any manner; and
- (16) Adopt a program for continuing education for its individual engineer licensees.
 - (a) The program for continuing education shall not exceed a total of fifteen (15) credit clock hours per year and shall not include testing or examination of the licensee in any manner.
 - (b) No individual engineer licensee shall be permitted to renew his or her license unless the minimum annual continuing education requirements are met, except as provided in paragraph (c) of this subsection, in addition to any other requirement for renewal.
 - (c) Any person licensed under this chapter as a professional engineer prior to January 1, 1972, who has maintained his or her license in good standing since becoming licensed shall not be subject to any continuing education requirements.

Effective: June 26, 2007

History: Amended 2007 Ky. Acts ch. 16, sec. 2, effective June 26, 2007. -- Amended 2000 Ky. Acts ch. 238, sec. 1, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 214, sec. 26, effective January 1, 1999. -- Amended 1992 Ky. Acts ch. 82, sec. 1, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 291, sec. 25, effective July 15, 1986. -- Amended 1982 Ky. Acts ch. 273, sec. 8, effective July 15, 1982. -- Amended 1972 Ky. Acts ch. 148, sec. 22. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 1599e-3, 1599e-8, 1599e-9, 1599e-21, 1599e-23.

Legislative Research Commission Note (6/26/2007). Under the authority of KRS 7.136(1), the Reviser of Statutes has changed the internal numbering system and rearranged some text of subsection (16) of this statute. No words were changed in the process.

322.300 Board to keep record of proceedings and register of applications.

The board shall keep a record of its proceedings and a register of all applications for licensure. The register shall state the following:

- (1) Name, age, and residence of each applicant;
- (2) Date of the application;
- (3) Place of business of the applicant;
- (4) Education and other qualifications of the applicant;
- (5) Whether an examination was required;
- (6) Whether the applicant was rejected;
- (7) Whether a license was granted;
- (8) Date of the action of the board; and
- (9) Any other information that the board considers necessary.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 27, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 26, effective July 15, 1986. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-10.

322.320 Board may require attendance of witnesses, production of documents.

- (1) In carrying this chapter into effect, the board, under the hand of its chairman or executive director and under its seal, may, during the investigation or an administrative hearing procedure, in cases involving the revocation of a license or practicing or offering to practice without a license, subpoena witnesses and compel their attendance and require the production of books, papers, and documents. Any member may administer oaths to witnesses appearing before the board.
- (2) If any person refuses to obey any subpoena so issued or refuses to testify or produce any books, papers, or documents, the board may present its petition to any authority having jurisdiction, setting forth the facts. That authority shall, in a proper case, issue its subpoena to the person, requiring him to attend and testify or produce books, papers and documents considered necessary and pertinent by the board.
- (3) Board members and agents and staff of the board shall be held free of any personal liability as a result of board actions.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 28, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 27, effective July 15, 1986. -- Amended 1972 Ky. Acts ch. 148, sec. 23. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-8.

322.330 Duties of secretary-treasurer.

The secretary-treasurer, or any other officer or designee properly authorized by the board, shall:

- (1) Receive and account for all money collected under this chapter and pay it into the State Treasury; and
- (2) Provide in an electronic format on the board's Web site a roster showing the names and addresses of all professional engineers, professional land surveyors, and business entities holding permits to practice engineering or land surveying in this state.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 163, sec. 12, effective July 15, 2010. -- Amended 1998 Ky. Acts ch. 214, sec. 29, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 28, effective July 15, 1986. -- Amended 1972 Ky. Acts ch. 148, sec. 24. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 1599e-9, 1599e-11.

322.340 Licensee to obtain seal or stamp -- Use of seal or stamp.

- (1) Each professional engineer or professional land surveyor shall, upon licensure, obtain a seal or stamp of the design authorized by the board, bearing his or her name, license number, and the words "Licensed Professional Engineer" or "Licensed Professional Land Surveyor."
- (2) Use of the stamp, seal, or signature in an electronic transaction shall be conducted in accordance with administrative regulations promulgated by the board under KRS 322.290(13).
- (3) The seal or stamp, signature, and the date shall be used to provide certification for all reports, specifications, drawings, and plans, if presented to a client or any public or governmental agency. Reproduction of original signatures shall be adequate to meet the requirements of this subsection.
- (4) The seal or stamp and signature shall be used by licensees only if the work being stamped was under the licensee's complete direction and control.
- (5) Every survey plat and physical description prepared by a professional land surveyor and submitted to a client or any public or governmental agency shall display the certification by the professional land surveyor under whose supervision the plat or description was prepared.
- (6) It shall be unlawful for a licensee to affix, or permit to be affixed, his or her seal, stamp, or signature to any document described in subsection (3) or (5) of this section:
 - (a) After the expiration of a license; or
 - (b) For the purpose of aiding or abetting any other person to evade or attempt to evade any provisions of this chapter.
- (7) A professional engineer shall check and have complete dominion and control of the design and engineering work of any engineer not licensed to practice in this state. Complete dominion and control shall include possession of the sealed and signed reproducible construction documents with all supporting design calculations, indicating all changes in the design.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 238, sec. 2, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 214, sec. 30, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 29, effective July 15, 1986. -- Amended 1972 Ky. Acts ch. 148, sec. 25. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-15.

322.360 Public work required to be done under professional engineer or licensed architect.

- (1) Neither the state nor any of its political subdivisions shall engage in the construction of any public work involving engineering, unless the plans, specifications, and estimates have been prepared and the construction executed under the direct supervision of a professional engineer or a licensed architect.
- (2) Subsection (1) of this section shall not apply to any public work, including a highway or capital project under KRS 56.491, that involves only maintenance or repair of the facility. Maintenance or repair shall not include any work which alters, modifies, or changes the original characteristics of the design.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 31, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 31, effective July 15, 1986. -- Amended 1974 Ky. Acts ch. 74, Art. II, sec. 9(1). -- Amended 1972 Ky. Acts ch. 247, sec. 2. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-18.

322.370 Incidental architectural practice permitted.

This chapter shall not prevent a professional engineer from carrying on any architectural practice incident to the practice of engineering.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 32, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 32, effective July 15, 1986. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-18.

322.380 Seeking business through another to avoid chapter prohibited.

- (1) No person without a license under this chapter shall avoid or attempt to avoid this chapter by having a representative or employee seek engineering or land surveying work in his or her behalf.
- (2) No person shall act as a representative or employee in the type of activity prohibited by subsection (1) of this section.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 33, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 33, effective July 15, 1986. -- Amended 1972 Ky. Acts ch. 148, sec. 27. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-12.

322.550 Buildings or additions to existing buildings requiring services of an architect or of either a professional engineer or an architect.

- (1) Except as otherwise provided in this section, the following buildings, or additions to existing buildings, classified by use group shall require the services of an architect licensed in the Commonwealth of Kentucky:
 - (a) Assembly use group having a capacity of one hundred (100) persons or more, except church buildings having a capacity of four hundred (400) persons or less or six thousand (6,000) square feet or less;
 - (b) Business use group having a capacity of one hundred (100) persons or more;
 - (c) Institutional use group, regardless of capacity;
 - (d) Mercantile use group having a capacity of one hundred (100) persons or more;
 - (e) Residential use group of more than twelve (12) dwelling units or having a capacity of fifty (50) persons or more;
 - (f) Educational use groups, regardless of capacity; and
 - (g) Mixed use group containing one (1) or more of the use group classifications and capacities listed under paragraphs (a) to (f) of this subsection.
- (2) Alterations or new construction requiring compliance with the Kentucky Building Code for any building containing one (1) or more of the use group classifications and capacities listed under subsection (1) of this section shall require the services of an architect licensed in the Commonwealth of Kentucky, but if alterations or new construction predominately involve primarily structural components or mechanical or electrical systems, then services may be performed by one (1) or more licensed professional engineers.
- (3) Buildings or additions to existing buildings, which contain one (1) or more of the use group classifications and capacities listed under subsection (1) of this section, shall require, in addition to the services of an architect, the services of one (1) or more licensed engineers.
- (4) The following buildings and additions to existing buildings, classified by use group, shall require the services of either a professional engineer or architect licensed in the Commonwealth of Kentucky:
 - (a) Factory and industrial use group having a capacity of one hundred (100) persons or more;
 - (b) High hazard use group, regardless of capacity;
 - (c) Storage use group having a capacity of one hundred (100) persons or more; and
 - (d) Utility and miscellaneous use groups having a capacity of one hundred (100) persons or more.
- (5) The services required in subsections (1) to (4) of this section shall include the administration of construction contracts.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 163, sec. 15, effective July 15, 2010. -- Amended 1998 Ky. Acts ch. 214, sec. 39, effective January 1, 1999. -- Created 1980 Ky. Acts

ch. 332, sec. 2, effective July 15, 1980.

322.990 Penalties.

Any person who violates any provision of this chapter shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or be imprisoned not more than three (3) months, or both.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 40, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 38, effective July 15, 1986. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-21.

322.020 Practice of engineering or land surveying without license prohibited.

- (1) Unless licensed as a professional engineer, no person shall:
 - (a) Engage in the practice of engineering;
 - (b) Offer to practice engineering; or
 - (c) Use, assume, or advertise in any way any title or description tending to convey the impression that he or she is a professional engineer.
- (2) Unless licensed as a professional land surveyor, no person shall:
 - (a) Engage in the practice of land surveying;
 - (b) Offer to practice land surveying; or
 - (c) Use, assume, or advertise in any way any title or description tending to convey the impression that he or she is a professional land surveyor.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 3, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 2, effective July 15, 1986. -- Amended 1972 Ky. Acts ch. 148, sec. 2. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 1599e-1, 1599e-12, 1599e-21.

GENERAL GOVERNMENT CABINET

Kentucky State Board of Licensure for Professional Engineers and Land Surveyors
(As Amended at ARRS, October 13, 2015)

Chapter 18 Board of Licensure for Professional Engineers and Land Surveyors

- 010 Classes of applicants
- 020 Application forms
- 030 In-training certificates
- 040 Fees
- 050 Disciplines of professional engineering for testing
- 060 Rejections
- 072 Experience
- 080 Display of licenses
- 092 Surveying core curriculum
- 104 Seals and signatures
- 104 Reg Seals and signatures
- 115 License reinstatement
- 120 Reissuance of license
- 142 Code of professional practice and conduct
- 142 Reg Code of professional practice and conduct
- 150 Standards of practice
- 170 Compensation of board members
- 180 Business entity permits
- 196 Continuing professional development for engineers
- 210 Retired and inactive status
- 220 Administrative hearings

201 KAR 18:010. Classes of applicants.

RELATES TO: KRS 322.040, 322.120

STATUTORY AUTHORITY: KRS 322.040, 322.120, 322.290(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.040 establishes the criteria for credentialing persons under the jurisdiction of the board. KRS 322.120 establishes the requirements for licensure by reciprocity. This administrative regulation establishes classes of applicants for professional engineers and land surveyors for convenience in discussing and processing applications for licenses, certification and examination.

Section 1. Classes of Applicants. (1) For convenience in discussing and processing applications for licenses, certification and examinations, there are hereby established the following four (4) classes of applicants.

Kentucky Statutes and Regulations for Professional Engineers

(2) Professional engineer. This class includes those applying for engineering licenses pursuant to KRS 322.040(1), (2) and (4) or 322.120.

(3) Engineer-in-training. This class includes those applying for certification as engineers-in-training pursuant to 201 KAR 18:030.

(4) Professional land surveyor. This class includes those applying for a land surveying license pursuant to KRS 322.040(3) and (4) or 322.120.

(5) Land surveyor-in-training. This class includes those applying for certification as land surveyors-in-training pursuant to 201 KAR 18:030. (PE & LS-I-1; 1 Ky.R. 1018; eff. 6-11-75; Am. 2 Ky.R. 192; eff. 12-10-75; Am. 28 Ky.R. 670; 1112; eff. 11-9-2001.)

201 KAR 18:020. Application forms.

RELATES TO: KRS 322.040, 322.045, 322.050, 322.070, 322.080, 322.090, 322.120, 322.300

STATUTORY AUTHORITY: KRS 322.070, 322.090, 322.290

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.070 authorizes the board to require the use of forms in the application process and for the applicant to furnish proof of meeting educational requirements. KRS 322.090 requires an applicant who has failed the examination three (3) or more times to furnish proof of further study. KRS 322.290(4) authorizes the board to promulgate administrative regulations for the proper performance of its duties. This administrative regulation establishes requirements for forms, transcripts, and additional study.

Section 1. Application Forms. (1)(a)1. An application by any of the four (4) classes of applicants, including a professional engineer, a professional land surveyor, an engineer-in-training, or a land surveyor-in-training, shall be made on the following forms issued by the board:

a. Combined Application to take the Principles & Practice of Engineering Examination And For Licensure as a Professional Engineer;

b. Application for Licensure to Practice Professional Land Surveying;

c. Application For Licensure as a Professional Engineer (PE) or Land Surveyor (PLS) By Endorsement;

d. Application for Business Entity Permit – PE or LS;

e. Application For Land Surveyor-In-Training (LSIT) Certification; or

f. Application For Engineer-In-Training (EIT) Certification.

2. Upon the applicant's completion of an application required by subparagraph 1. of this paragraph, the following forms shall be submitted if applicable:

- a. Request for Confidential Information – PE;
- b. Personal Reference – PE;
- c. Report of Professional Experience – PLS;
- d. Personal Reference – PLS;
- e. Personal Reference – LSIT;
- f. Professional Reference for Reinstatement – PE Applicant;
- g. Professional Reference for Reinstatement – PLS Applicant;
- h. Engineering Affidavit;
- i. Surveying Affidavit; or
- j. Employment Verification – PE Reinstatement.

(b) An applicant may attach additional sheets to the form if necessary for other evidence, but any attached sheets shall conform to the same size as the printed forms listed under this subsection and shall be securely attached.

(c) The board may require clarification or expansion of any of the information on the application required under this subsection in order to evaluate fully an applicant's qualifications.

(2) If the board requires a transcript in order to evaluate the qualifying education for licensure or certification, the applicant shall cause the required transcript to be sent directly from the educational institution to the board.

(3) If an applicant fails the same examination three (3) or more times, the applicant shall submit a new application required under subsection (1)(a)1. of this section and shall include evidence satisfactory to the board that the applicant has completed additional coursework. The requirement for this additional coursework shall be satisfied by completion of any of the following:

- (a) Examination review courses;
- (b) College courses; or
- (c) Continuing education courses.

Section 2. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Combined Application to take the Principles & Practice of Engineering Examination And For Licensure as a Professional Engineer", ed. 11/2013;

Kentucky Statutes and Regulations for Professional Engineers

- (b) "Request for Confidential Information - PE", ed. 10/03;
- (c) "Personal Reference - PE", ed. 1/07;
- (d) "Application for Licensure to Practice Professional Land Surveying", ed. 7/1/05;
- (e) "Report of Professional Experience - PLS", ed. 8/1/02;
- (f) "Personal Reference - PLS", ed. 1/04;
- (g) "Personal Reference - LSIT", ed. 1/04;
- (h) "Professional Reference for Reinstatement - PE Applicant", ed. 1/07;
- (i) "Professional Reference for Reinstatement - PLS Applicant", ed. 1/07;
- (j) "Engineering Affidavit", ed. 1/07;
- (k) "Surveying Affidavit", ed. 1/07;
- (l) "Employment Verification - PE Reinstatement", ed. 1/07;
- (m) "Application For Licensure as a Professional Engineer (PE) or Land Surveyor (PLS) By Endorsement", ed. 11/2013;
- (n) "Application for Business Entity Permit - PE or LS", ed. 1/07;
- (o) "Application For Land Surveyor-In-Training (LSIT) Certification", ed. 11/2013; and
- (p) "Application For Engineer-In-Training (EIT) Certification", ed. 11/2013.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (PE&LS-II-1; 1 Ky.R. 1018; eff. 6-11-75; 33 Ky.R. 1622; 2272; eff. 3-9-2007; 40 Ky.R. 886; 1248; eff. 1-3-2014.)

201 KAR 18:030. In-training certificates.

RELATES TO: KRS 322.010, 322.040, 322.045, 322.047, 322.120

STATUTORY AUTHORITY: KRS 322.010, 322.040, 322.045, 322.047, 322.120, 322.290(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.010 defines engineer in training and land surveyor in training. KRS 322.290(4) provides the board with the authority to promulgate administrative regulations necessary to perform its duties. This administrative regulation outlines the requirements under the certification program for in-training engineers and land surveyors under which the board has provided for early testing of basic sciences and fundamentals of engineering and land surveying.

Kentucky Statutes and Regulations for Professional Engineers

Section 1. Examinations are offered in the fundamentals of engineering (FE) and fundamentals of land surveying (FLS) provided by the National Council of Examiners for Engineers and Land Surveyors.

Section 2. Pursuant to KRS 322.040 and 322.045, the final year shall begin upon completion of at least 105 semester credit hours in the program.

Section 3. A qualified applicant who passes the examination shall be issued a certificate of recognition as engineer-in-training or land surveyor-in-training. The certificate shall be valid indefinitely with no renewal fees.

Section 4. The executive director is authorized to approve applications for the FE and FLS examinations. (PE&LS-III-1; 1 Ky.R. 1019; eff. 6-11-75; Am. 28 Ky.R. 671; 1112; eff. 11-9-2001; 31 Ky.R. 1882; 32 Ky.R. 52; eff. 8-5-05.)

201 KAR 18:040. Fees.

RELATES TO: KRS 322.060, 322.090, 322.100, 322.110, 322.120, 322.160, 322.170

STATUTORY AUTHORITY: KRS 322.090, 322.100, 322.110, 322.120, 322.290(4), 322.290(10)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.100 requires the board to establish fees for licensure. This administrative regulation establishes fees for examination, licensure, reinstatement, reissuance, and renewal.

Section 1. Examination Fees. The fees for taking the Principles and Practice of Engineering Examination, the Principles and Practice of Land Surveying Examination, the Fundamentals of Engineering Examination, and the Fundamentals of Land Surveying Examination shall be the actual amounts charged by the National Council of Examiners for Engineering and Surveying.

Section 2. Endorsement, Renewal, Reinstatement, and Reissuance. (1) Renewal of an individual license shall be \$150 or shall be twenty (20) dollars for retired or inactive status.

(a) Each licensee whose surname begins with the letters A through K shall renew in odd-numbered years.

(b) Each licensee whose surname begins with the letters L through Z shall renew in even-numbered years.

(2) (a) The fee for reinstatement of an expired license or business entity permit that has been expired for less than one (1) year shall be calculated as provided by KRS 322.160(3).

(b) If the license or business entity permit has been expired for more than one (1) year, the former licensee or business entity shall file an application for reinstatement and pay a fee of \$500.

(3) Reissuance of a license after loss or destruction shall be twenty-five (25) dollars.

Kentucky Statutes and Regulations for Professional Engineers

(4) The fee for licensure by endorsement as a professional engineer or professional land surveyor shall be \$300. The fee shall accompany the application for licensure, which is incorporated by reference in 201 KAR 18:020.

(5) An applicant who fails the two (2) hour state specific examination on the first attempt shall be charged fifty (50) dollars for each subsequent attempt.

Section 3. Fees for Examination in Additional Disciplines. (1) After initial licensure, a licensee may apply for examination in one (1) or more disciplines of engineering for which examinations are available.

(2) For each additional examination an applicant shall submit an:

(a) Updated application, which is incorporated by reference in 201 KAR 18:020; and

(b) Examination fee as established in this administrative regulation.

Section 4. Business Entities. (1) The fee for a permit to practice engineering or land surveying in this state shall be \$100 for either permit.

(2) A business entity that applies for a dual permit shall submit \$150.

(3) These fees shall accompany the application.

(4) The annual renewal fee for an individual permit shall be \$100.

(5) The annual renewal fee for a dual permit shall be \$150.

Section 5. Payment of Fees. (1) (a) Fees payable pursuant to Sections 2 and 4 of this administrative regulation shall be paid by check or money order made payable to "Kentucky Board of Licensure" or by major credit card.

(b) Fees payable pursuant to Section 1 of this administrative regulation shall be paid directly to the examination service.

(2) All fees shall be nonrefundable. (PE&LS-IV-1; 1 Ky.R. 1019; eff. 6-11-1975; Am. 3 Ky.R. 584; eff. 2-2-1977; 4 Ky.R. 567; eff. 8-2-1978; 8 Ky.R. 194; 343; eff. 11-5-1981; 10 Ky.R. 902; eff. 2-1-1984; 13 Ky.R. 1091; eff. 1-13-1987; 16 Ky.R. 1960; eff. 5-13-1990; 18 Ky.R. 3210; 19 Ky.R. 1069; eff. 10-30-92; 26 Ky.R. 1587; 1798; eff. 4-12-2000; 28 Ky.R. 672; 1113; eff. 11-9-2001; 30 Ky.R. 690; 1204; eff. 12-5-2003; 33 Ky.R. 4203; eff. 8-31-2007; 34 Ky.R. 1097; 1704; eff. 2-1-2008; TAm eff. 4-4-2011; 38 Ky.R. 1636; 1840; eff. 6-1-2012; 39 Ky.R. 528; 948; eff. 12-7-2012; 39 Ky.R. 2380; eff. 9-6-2013.)

201 KAR 18:050. Disciplines of professional engineering for testing.

RELATES TO: KRS 322.020, 322.040(1)(a)3a, 322.080(2)

STATUTORY AUTHORITY: KRS 322.080(2), 322.290(4)

Kentucky Statutes and Regulations for Professional Engineers

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.040(1)(a)3a requires a passing score on the Principles and Practice of Engineering Examination (PPEE). KRS 322.080(2) requires the board to prescribe the scope of the examination. Because the PPEE is administered by discipline, it is necessary for the board to establish the disciplines recognized in Kentucky for the examination. This administrative regulation establishes the examination required for all disciplines.

Section 1. Disciplines of Professional Engineering. The examination required by KRS 322.040(1)(a)3a shall be administered in Kentucky for all disciplines for which an examination is available from the National Council of Examiners for Engineers and Surveyors. (PE&LS-V-1; 1 Ky.R. 1019; eff. 6-11-75; Am. 5 Ky.R. 243; eff. 11-1-78; 13 Ky.R. 1091; eff. 1-13-87; 14 Ky.R. 571; eff. 11-6-87; 25 Ky.R. 2929; 26 Ky.R. 718; eff. 10-15-99; 28 Ky.R. 673; 1113; eff. 11-9-2001.)

201 KAR 18:060. Rejections.

RELATES TO: KRS 322.050, 322.120, 322.210, 322.300

STATUTORY AUTHORITY: KRS 322.290

NECESSITY, FUNCTION, AND CONFORMITY: Relates to refusal of registration requests and applicants' right to reconsideration.

Section 1. Rejections. A person whose application has been rejected shall be fully informed as to the reason for the rejection of his application, and he will be given every reasonable opportunity to secure reconsideration of his application. (PE&LS-VI-1; 1 Ky.R. 1019; eff. 6-11-75.)

201 KAR 18:072. Experience.

RELATES TO: KRS 322.040, 322.045, 322.047

STATUTORY AUTHORITY: KRS 322.010, 322.040, 322.045(3), 322.047(2), 322.290(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.040(4), 322.045(3), and 322.047(2) provides that the board shall promulgate administrative regulations to establish requirements for experience as required by KRS 322.040(1)(a)2. This administrative regulation establishes these requirements.

Section 1. Evaluation of experience in engineering required under KRS 322.040 shall consider the following:

(1) Experience shall reflect increasing complexity of the engineering tasks and the progressive responsibility of the applicant.

(2) The applicant shall demonstrate knowledge of engineering mathematics, physical and applied sciences, properties of materials, the fundamental principles of engineering design and the application of engineering principles in the solution of engineering problems.

Kentucky Statutes and Regulations for Professional Engineers

(3) One (1) year of credit may be approved for completion of a master's degree in engineering in an EAC/ABET-accredited program, or one deemed equivalent by the board.

(4) Experience that violates KRS Chapter 322 shall not be approved.

(5) Engineering experience gained in the military services may be approved.

(6) Sales experience may be approved if engineering principles were required and used in that experience.

(7) Experience gained in teaching advanced-level engineering-related courses in a four (4) year EAC/ABET-accredited program, or one (1) deemed equivalent by the board, may be approved.

(8) Experience gained in engineering research and design projects by faculty in an EAC/ABET-accredited program, or one deemed equivalent by the board, may be approved.

(9) Experience may be approved for execution or supervision of construction projects designed by a professional engineer.

(10) The applicant shall demonstrate why experience not gained under the supervision of a professional engineer is eligible for credit.

(11) Qualifying experience shall be complete at the time of application for licensure.

(12) Qualifying experience required by KRS 322.040(1)(a)2 shall be gained following graduation from the engineering program required by the provisions of KRS 322.040(1)(a)1 except that up to three (3) months of experience may be granted for qualifying experience earned while on active duty in the armed forces prior to graduating from the engineering program required by the provisions of KRS 322.040(1)(a)1.

Section 2. Evaluation of experience in land surveying required under KRS 322.045 and 322.047 shall consider the following:

(1) Land surveying experience shall reflect increasing complexity of the land surveying tasks and the progressive responsibility of the applicant.

(2) Experience shall include projects in which the applicant, while under the direct supervision of a practicing professional land surveyor, implemented work involving property conveyance and property boundary determination. The applicant shall also demonstrate experience in the fieldwork aspects of property boundary determination.

(3) One (1) year of experience may be approved for completion of a master's degree in land surveying from a board-approved program in land surveying from a college or university.

(4) A maximum of two (2) years of experience shall be approved for land surveying work prior to graduation under KRS 322.045(1)(c)1, 2, 3, and 322.047(1)(a)1 and 2.

Kentucky Statutes and Regulations for Professional Engineers

- (5) Experience that violates KRS Chapter 322 shall not be approved.
- (6) Land surveying experience gained in the military services may be approved.
- (7) A maximum of two (2) years of experience may be approved for teaching land surveying courses at the postsecondary level.
- (8) Qualifying experience shall be complete at the time of application.
- (9) Notwithstanding subsections (3), (4), and (7), in no case shall an applicant's experience gained after graduation be less than two (2) years. (31 Ky.R. 1920; Am. 32 Ky.R. 52; eff. 8-5-2005; 34 Ky.R. 1099; 1705; eff. 2-1-2008; 35 Ky.R. 988; 1436; eff. 1-5-2009; 39 Ky.R. 2382; eff. 9-6-2013.)

201 KAR 18:080. Display of licenses.

RELATES TO: KRS 322.110, 322.120, 322.160, 322.170, 322.220

STATUTORY AUTHORITY: KRS 322.290(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.290(4) authorizes the board to promulgate administrative regulations necessary for the proper performance of its duties. KRS 322.110(1) requires the board to issue a license authorizing the practice of engineering or land surveying to an applicant who meets the requirements of KRS Chapter 322. This administrative regulation establishes requirements relating to the display of licenses issued by the board.

Section 1. a professional engineer or land surveyor licensed pursuant to KRS 322.110 shall conspicuously display his license issued by the board in his place of business if the professional engineer or land surveyor:

- (1) Does business with the public;
 - (a) Individually; or
 - (b) As a chief executive or consultant; or
- (2) Teaches a design course in an engineering or land surveying program accredited by the Accreditation Board for Engineering and Technology. (PE&LS-VIII-1; 1 Ky.R. 1020; eff. 6-11-75; Am. 25 Ky.R. 2930; 26 Ky.R. 719; eff. 10-15-99.)

201 KAR 18:092. Surveying Core Curriculum.

RELATES TO: KRS 322.010, 322.045, 322.120, 322.290(4)

STATUTORY AUTHORITY: KRS 322.045, 322.290(4)

Kentucky Statutes and Regulations for Professional Engineers

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.045(3) provides that the board shall promulgate administrative regulations to establish requirements for the surveying core curriculum as described in KRS 322.045(1)(c)2. This administrative regulation establishes these requirements.

Section 1. The core curriculum in land surveying and related areas referred to in KRS 322.045(1)(c)2 shall consist of twenty-four (24) semester credit hours from a board-approved college or university as follows:

(1) A minimum of twelve (12) semester credit hours in at least three (3) of the following subject areas:

- (a) Principles of Surveying;
- (b) Professional Ethics and Conduct;
- (c) Computer Graphics related to land surveying;
- (d) Geographic Information Systems;
- (e) Route Surveying;
- (f) Land Boundary Location; or
- (g) Boundary Law.

(2) The remainder of the twenty-four (24) semester credit hours shall come from the following subject areas:

- (a) Automated Surveying and Mapping;
- (b) Geodetic Surveying;
- (c) Hydrographic Surveying;
- (d) Photogrammetry;
- (e) Subdivision and Land Use Planning;
- (f) Advanced Surveying Measurement;
- (g) Construction Surveying;
- (h) Public Land Systems;
- (i) Remote Sensing Applications; or
- (j) Mine Surveying.

Section 2. The twelve (12) semester credit hours of the core curriculum in land surveying referred to in KRS 322.045(1)(c)3 shall consist of the twelve (12) hours described in subsection (1) above. (31 Ky.R. 1921; Am. 32 Ky.R. 53; eff. 8-5-05.)

201 KAR 18:104. Seals and signatures.

RELATES TO: KRS 322.290(13), 322.340

STATUTORY AUTHORITY: KRS 322.340, 322.290(4), (13)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.340 and 322.290(13) require the board to promulgate administrative regulations regulating the design of seals and the use of seals and signatures in electronic transactions. This administrative regulation establishes the requirements for the use of seals and signatures in electronic transactions.

Section 1. Definitions. (1) "Document" means reports, specifications, drawings, plans or plats in physical form pertaining to engineering or land surveying which require certification by application of a seal or stamp, a signature and a date.

(2) "Electronic document" means an electronic data file which is capable of being viewed by use of a computer and video monitor or converted into a document by use of a computer and printer or plotter.

(3) "Electronic signature" means a digital signature with an authentication process attached to or logically associated with an electronic document which shall carry the same weight, authority and effect as an original signature.

(4) "Electronic transmission" means the transmission of electronic data files from one (1) computer to another, and shall include the manual delivery of electronic data storage media from one (1) person or entity to another.

(5) "Licensee" means a person licensed as a professional engineer or professional land surveyor pursuant to KRS Chapter 322.

(6) "Original signature" means the handwritten name of a person applied to a document that identifies the person, serves as a means of authentication of the contents of the document, provides responsibility for the creation of the document and provides for accountability for the contents of the documents.

(7) "Original seal or stamp" means a rubber stamp or embossing seal meeting the design requirements set out in Section 5 of this administrative regulation.

(8) "Signature" means either original signature or electronic signature.

Section 2. (1) When documents are to be presented to a client or to a public or governmental entity, at least one (1) copy shall bear the licensee's original seal or stamp, original signature and date.

Kentucky Statutes and Regulations for Professional Engineers

(2) Any other copy of the documents may contain a facsimile of the licensee's stamp, signature and date applied manually by the use of stamps or by the use of a computer and printer or plotter.

Section 3. An electronic signature shall be permitted in place of an original seal, signature and date when the following criteria are met:

- (1) It is a unique identification of the licensee;
- (2) It is verifiable;
- (3) It is under the licensee's direct and exclusive control;

(4) It is linked to the electronic document in such a manner that causes changes to be easily determined and visually displayed if any data in the electronic document file is changed subsequent to the electronic signature having been affixed to the electronic document;

(5) An attempt to change the electronic document after the electronic signature is affixed shall cause the electronic signature to be removed or altered significantly enough to invalidate the electronic signature; and

(6) If the electronic document is to be electronically transmitted, the electronic document is converted to a read-only format.

Section 4. (1) A licensee may electronically transmit an electronic document without affixing an electronic signature provided there is inserted the following language in lieu of an image of a seal or stamp, signature and date: "This shall not be considered a certified document."

(2) This language shall not be required for documents electronically transmitted to a commercial printer or blueprint service for the purpose of reproducing documents or to the licensee's employer or employees.

Section 5. Approved Stamps and Seals. The stamps and seals used by a licensee shall be similar in design and conform to the size restrictions established in "Approved Stamps and Seals" (1999).

Section 6. Incorporation by Reference. (1) "Approved Stamps and Seals", (1999) is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (29 Ky.R. 2999; Am. 30 Ky.R. 277; eff. 8-13-2003.)

01 KAR 18:104. Seals and signatures.

RELATES TO: KRS 322.290(13), 322.340

STATUTORY AUTHORITY: KRS ~~322.340,~~ 322.290(4), (13), 322.340

Kentucky Statutes and Regulations for Professional Engineers

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.340 and 322.290(13) require the board to promulgate administrative regulations regulating the design of seals and the use of seals and signatures in electronic transactions. This administrative regulation establishes the requirements for the use of seals and signatures in electronic transactions.

Section 1. Definitions. (1) "Digital signature" means a signature generated electronically:

(a) With an authentication process attached to or logically associated with an electronic document;
and

(b) That carries~~[which shall carry]~~ the same weight, authority, and effect as an original signature["Document" means reports, specifications, drawings, plans or plats in physical form pertaining to engineering or land surveying which require certification by application of a seal or stamp, a signature and a date].

(2) "Document" means a report, specification, drawing, plan, or plat~~reports, specifications, drawings, plans, or plats~~ in physical form pertaining to engineering or land surveying that requires~~[which require]~~ certification by application of a seal or stamp, a signature, and a date~~["Electronic document" means an electronic data file which is capable of being viewed by use of a computer and video monitor or converted into a document by use of a computer and printer or plotter].~~

(3) "Electronic document" means an electronic data file~~[which is] capable of being viewed by use of a computer and video monitor or converted into a document by use of a computer and printer or plotter~~[signature" means a digital signature with an authentication process attached to or logically associated with an electronic document which shall carry the same weight, authority and effect as an original signature].

(4) "Electronic transmission" means the transmission of electronic data files from one (1) computer to another, and includes~~[shall include]~~ the manual delivery of electronic data storage media from one (1) person or entity to another.

(5) "Licensee" means a person licensed as a professional engineer or professional land surveyor pursuant to KRS Chapter 322.

(6) "Original seal or stamp" means a rubber stamp or embossing seal meeting the design requirements established in Section 5 of this administrative regulation.

(7) "Original signature" means the handwritten name of a person applied to a document that identifies the person, serves as a means of authentication of the contents of the document, provides responsibility for the creation of the document and provides for accountability for the contents of the documents.

~~[(7) "Original seal or stamp" means a rubber stamp or embossing seal meeting the design requirements set out in Section 5 of this administrative regulation.]~~

(8) "Signature" means either original signature or digital~~[electronic]~~ signature.

Kentucky Statutes and Regulations for Professional Engineers

Section 2. (1) ~~If a document will~~~~[When documents are to]~~ be presented to a client or to a public or governmental entity, at least one (1) copy shall bear the licensee's original seal or stamp, original signature, and date.

(2) Any other copy of the ~~document~~~~[documents]~~ may contain a facsimile of the licensee's stamp, signature, and date applied manually by the use of stamps or by the use of a computer and printer or plotter.

Section 3. ~~A digital~~~~[An electronic]~~ signature shall be permitted in place of an original seal, signature, and date ~~iff~~~~[when the following criteria are met]:~~

(1) ~~The digital signature~~~~[#]~~ is a unique identification of the licensee;

(2) ~~The digital signature~~~~[#]~~ is verifiable;

(3) ~~The digital signature~~~~[#]~~ is under the licensee's direct and exclusive control;

(4) ~~The digital signature~~~~[#]~~ is linked to the electronic document in~~[such]~~ a manner that causes changes to be easily determined and visually displayed if any data in the electronic document file is changed subsequent to the ~~digital~~~~[electronic]~~ signature having been affixed to the electronic document;

(5) An attempt to change the electronic document after the ~~digital~~~~[electronic]~~ signature is affixed shall cause the ~~digital~~~~[electronic]~~ signature to be removed or altered significantly enough to invalidate the ~~digital~~~~[electronic]~~ signature; and

(6) ~~In the case of an~~~~[if the]~~ electronic document ~~[is]~~ to be electronically transmitted, the electronic document is converted to a read-only format.

Section 4. (1) A licensee may electronically transmit an electronic document without affixing a ~~digital~~~~[an electronic]~~ signature ~~iff~~~~[provided]~~ there is inserted the following language in lieu of an image of a seal or stamp, signature, and date: "This shall not be considered a certified document."

(2) This language shall not be required for ~~a document~~~~[documents]~~ electronically transmitted to a commercial printer or blueprint service for the purpose of reproducing documents or to the licensee's employer or employees.

Section 5. Approved Stamps and Seals. The stamps and seals used by a licensee shall be similar in design and conform to the size restrictions established in ~~["]~~Approved Stamps and Seals~~["]~~~~[1999]~~.

Section 6. Incorporation by Reference. (1) "Approved Stamps and Seals", ~~[1999]~~ is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

B. DAVID COX, Executive Director

Kentucky Statutes and Regulations for Professional Engineers

APPROVED BY AGENCY: August 10, 2015

FILED WITH LRC: August 12, 2015 at 3 p.m.

CONTACT PERSON: Jonathan Buckley, General Counsel, Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, phone (502) 573-2680, fax (502) 573-6687.

201 KAR 18:115. License reinstatement.

RELATES TO: KRS 322.040-322.050, 322.160, 322.180, 322.220

STATUTORY AUTHORITY: KRS 322.160(3)(a), 322.220, 322.290(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.290(4) authorizes the board to promulgate administrative regulations necessary for the proper performance of its duties. KRS 322.160(3)(a) requires a licensee or permit holder who fails to renew within one (1) year after expiration to furnish the board with satisfactory evidence of qualification of continued practice. KRS 322.220 provides for an individual whose license has been revoked to petition the board for reissue. KRS 322.180 sets out grounds for denial of licensure. This administrative regulation establishes the requirements for license reinstatement.

Section 1. General Requirements. (1) A person whose license has been in retired status, inactive status, or expired for more than one (1) year, or a person whose license has been revoked or surrendered in association with a disciplinary proceeding shall apply to the board for reinstatement by submitting evidence of successful completion of one (1) or more of the following:

- (a) Retaking and passing the licensure examination;
- (b) College courses related to engineering or surveying;
- (c) Continuing education courses related to engineering or surveying;
- (d) Work experience under another licensee; or
- (e) Licensed practice in another jurisdiction.

(2) The application shall be on the appropriate application form incorporated by reference in 201 KAR 18:020, Section 2, and shall include:

(a) An affidavit indicating whether or not the applicant has practiced engineering or surveying in the Commonwealth of Kentucky since the expiration of the applicant's license; and

(b) A listing of the specific evidence that the applicant is qualified to continue to practice pursuant to subsection (1) of this section.

(3) The applicant shall meet the requirements of KRS 322.050.

Kentucky Statutes and Regulations for Professional Engineers

(4) In its determination of the applicant's fitness for reinstatement, the board may consider the number of times the applicant has allowed his or her license to expire, as well as the length of time in the aggregate that the applicant has been unlicensed following the applicant's initial licensure.

(5) A Professional Land Surveyor applicant shall meet the continuing professional development requirements of 201 KAR 18:192, Section 7.

(6) A Professional Engineer applicant shall meet the continuing professional development requirements of 201 KAR 18:196, Section 7.

(7) An applicant for reinstatement shall cooperate fully with any legal request for relevant information or documentation by the board.

(8) In an application for reinstatement, including any appearance before the board, and in any statement made to the board or to any representative of the board, an applicant shall not:

(a) Knowingly make a false statement of material fact;

(b) Fail to disclose a fact necessary to correct a misapprehension known by the applicant to have arisen in the matter; or

(c) Knowingly fail to respond to a lawful demand for information from the board.

Section 2. Expiration of License. (1) If the applicant's license has been expired for three (3) years or less, or if the applicant has a valid license in another jurisdiction, the executive director may approve or reject that application.

(2) If the applicant's license has been expired for more than three (3) years and the applicant does not possess a valid license in another jurisdiction, the application shall be considered by the board.

Section 3. Revocation of License. (1) Pursuant to KRS 322.220, a person whose license has been revoked may petition the board for reinstatement of that license.

(2) An applicant whose surrender of license was associated with a disciplinary investigation shall be considered under this section.

(3) The applicant shall comply with the requirements of Section 1 of this administrative regulation. In addition, the applicant shall provide evidence that the applicant:

(a) Has complied with any terms prescribed by the board; and

(b) Is no longer a risk to the public health, safety, and welfare. (4) An applicant for reinstatement under this section shall:

(a) Be held to a substantially more rigorous standard than a first time applicant for initial licensure as a professional engineer or land surveyor; and

Kentucky Statutes and Regulations for Professional Engineers

(b) Have the burden of proving by a preponderance of evidence that the applicant possesses the professional and ethical qualifications, and good character and reputation, as required by KRS 322.040 through 322.050 and 201 KAR 18:142, for reinstatement of a license to practice engineering or land surveying, as appropriate.

(5) To evaluate an applicant's petition for reinstatement, the board shall consider the following:

(a) The applicant's compliance with all previous terms of any consent decrees, or with any previous orders of suspension or revocation;

(b) The applicant's conduct while under a prior suspension, or while unlicensed, that shows that the applicant is worthy of the trust and confidence of the public;

(c) The sufficiency of the applicant's present professional capabilities to serve the public as a licensed engineer or land surveyor, considering:

1. The length of time elapsed since the applicant's revocation or surrender of license; and

2. The type, duration, and extent of educational courses and employment that the applicant has undertaken during the period the applicant was unlicensed;

(d) The understanding and appreciation by the applicant of the wrongfulness of any prior misconduct;

(e) The nature and degree, as well as the success of, any efforts made by the applicant to rehabilitate himself or herself from past professional or ethical failings;

(f) The applicant's previous and present conduct and attitude toward compliance with the requirements of the regulatory scheme governing the practice of engineering or land surveying, as appropriate;

(g) The applicant's candor in dealing with the board;

(h) Any act or omission by the applicant occurring while unlicensed, that would have violated any part of the statutes or regulations governing the profession of engineering or land surveying, as appropriate, if it had occurred while the applicant was licensed; and

(i) Any other information relevant to determining whether the applicant has satisfied the requirements of KRS 322.220.

(6) Failure to meet any of the criteria to be considered in the evaluation of applicant's petition may constitute a sufficient basis for denial of an applicant's petition.

Section 4. Reconsideration. (1) If an application for reinstatement is not approved, the applicant shall be given every reasonable opportunity to secure reconsideration.

(2) If an application is not approved by the executive director, the applicant may request reconsideration by the board.

(3) If an application is not approved by the board, the applicant may request a hearing in accordance with the provisions of KRS Chapter 13B. (33 Ky.R. 1748; 2272; eff. 3-9-2007; 35 Ky.R. 2335; 2765; eff. 7-31-2009; TAm eff. 4-4-2011.)

201 KAR 18:120. Reissuance of license.

RELATES TO: KRS 322.170

STATUTORY AUTHORITY: KRS 322.290(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.170 authorizes the board to reissue licenses and permits. This administrative regulation establishes the procedure for reissuance of licenses and permits.

Section 1. Reissuance of License. The fee charged for the reissuance of a license or permit shall be as set out in 201 KAR 18:040. A replacement license or permit shall:

(1) Bear the signatures of the current chairman; and

(2) Secretary-treasurer of the board and shall be identified as a replacement certificate. (PE&LS-XII; 1 Ky.R. 1020; eff. 6-11-75; Am. 25 Ky.R. 2932; Am. 26 Ky.R. 720; 10-15-99; 28 Ky.R. 674; eff. 11-9-2001.)

201 KAR 18:142. Code of professional practice and conduct.

RELATES TO: KRS 322.180(3), 322.290(11)

STATUTORY AUTHORITY: KRS 322.290(11)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.290(11) requires the board to promulgate a code of professional practice and conduct, which shall be binding upon persons licensed under KRS Chapter 322. This administrative regulation establishes a code of professional practice and conduct.

Section 1. Definitions. (1) "Conflict of interest" means any circumstance in which a licensee's personal or financial interest is contrary to the interests of the public, his or her employer, or current or past client.

(2) "Direct supervisory control" in the practice of engineering means that an engineer licensee directly supervises and takes responsibility for consultation, investigation, evaluation, planning, design and certification of an engineering project and includes only that work performed by an employee as defined in subsection (4) of this section.(3) "Direct supervisory control" in the practice of land surveying means that a surveyor licensee who certifies a work product directly supervises and takes responsibility for the survey and includes only that work performed by an employee as defined in subsection (4) of this section.

Kentucky Statutes and Regulations for Professional Engineers

(4) "Employee" means a person who works for a licensee or his or her employer for wages or a salary and includes professional and technical support personnel contracted on a temporary or occasional basis, if the compensation is paid directly by the licensee or his or her employer. It does not include a person who provides services to the licensee as an outside consultant or specialist.

(5) "Licensee" means any natural person licensed by the board to practice professional engineering or professional land surveying, or any business entity permitted under KRS 322.060.

(6) "Work product" means any engineering or land surveying plan, plat, document or other deliverable requiring certification that is intended to represent activities conducted in the practice of engineering or land surveying.

Section 2. The engineer or land surveyor shall conduct his or her practice in order to protect the public health, safety, and welfare.

(1) The practice of professional engineering and land surveying is a privilege, and not a right.

(2) If a licensee's judgment is overruled and a licensee has reason to believe the public health, safety or welfare may be endangered, the licensee shall inform his or her employer or client of the possible consequences and, if not resolved, notify appropriate authorities.

Section 3. A licensee shall issue all professional communications and work products in an objective and truthful manner.

(1) A licensee shall be objective and truthful in all professional reports, statements or testimony and shall include all material facts.

(2) If serving as an expert or technical witness before any tribunal, a licensee shall express an opinion only if it is founded on adequate knowledge of the facts in issue, on the basis of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of that testimony, and shall act with objectivity and impartiality. A licensee shall not ignore or suppress a material fact.

(3) A licensee shall not issue a statement or opinion on professional matters connected with public policy unless the licensee has identified himself or herself, has disclosed the identity of the party on whose behalf the licensee is speaking, and has disclosed any pecuniary interest the licensee may have in the matter.

(4) A licensee shall not maliciously injure the professional reputation, prospect, practice or employment of another licensee.

(5) A licensee shall not accept a contingency fee for serving as an expert witness before any tribunal.

(6) A licensee shall maintain for a period of not less than five (5) years, calculations and documents necessary to support work products.

(7) A professional land surveyor shall maintain records for boundary surveys under 201 KAR 18:150, Section 10(2) and (3).

Kentucky Statutes and Regulations for Professional Engineers

(8) The requirements of subsections (6) and (7) of this section shall be satisfied for the individual licensee employed by a business entity permitted by the board in conformance with KRS 322.060 by that permitted entity's compliance with subsections (6) and (7) of this section.

Section 4. A licensee shall avoid conflicts of interest. (1) If a reasonable possibility of a conflict of interest exists, a licensee shall promptly notify his or her employer, client or past client.

(2) A licensee shall not accept a valuable consideration from more than one (1) party for services pertaining to the same identical project, unless the circumstances are fully disclosed to all other principal parties directly involved in the project.

(3) A licensee shall not solicit or accept a valuable consideration either for specifying materials or equipment, or from contractors, their agents or other parties dealing with a client or employer in connection with work for which the licensee is responsible.

(4) A licensee shall not solicit or submit proposals for professional services containing a false, fraudulent, misleading, deceptive or unfair statement regarding the cost, quality or extent of services to be performed.

(5) A licensee shall not misrepresent his or her professional qualifications or experience, or those of the licensee's associates.

(6) A licensee serving as a member, advisor, or employee of a governmental body shall not participate in decisions with respect to professional services offered or provided by him or her or by a business entity in which the licensee is a principal, officer or employee, to that governmental body.

Section 5. A licensee shall solicit or accept engineering or land surveying work only on the basis of his or her, or the licensee's firm's or associates' qualifications for the work offered.

(1) A licensee shall not offer or accept any valuable consideration in order to secure specific work, exclusive of commissions paid by individual licensees for securing salaried positions through employment agencies. A licensee may participate in design-build projects.

(2) A licensee may advertise professional services if the advertising is not false or misleading.

Section 6. A licensee shall not knowingly associate with any person engaging in fraudulent, illegal or dishonest activities. (1) A licensee shall not permit the use of his or her, or the licensee's business entity's name by any person or business entity that he or she knows or has reason to believe is engaging in fraudulent, dishonest or illegal activities.

(2) A licensee shall not aid or abet the illegal practice of engineering or land surveying.

Section 7. A licensee shall perform his or her services only in the areas of his or her competence.

(1) A licensee shall undertake to perform professional assignments only if qualified by education or experience in the specific technical field involved.

Kentucky Statutes and Regulations for Professional Engineers

(2) A licensee may accept an assignment requiring education or experience outside his or her own field of competence, but only to the extent that his or her services are restricted to those parts of the project in which the licensee is competent. All other parts of the project shall be certified by licensed associates, consultants or employees.

(3) If a question of the competence of a licensee to perform a professional assignment in a specific technical field is an issue and cannot be otherwise resolved to the satisfaction of the board, the board, upon a majority vote or upon request by the licensee, may require the licensee to satisfactorily complete an examination the board deems appropriate and relevant.

Section 8. Except as provided by this section, a licensee shall not certify any work product dealing with subject matter in which he or she lacks competence by virtue of education or experience, or any work product not prepared by him or her under his or her direct supervisory control.

(1) A professional engineer may review and certify the work product of another professional engineer if:

(a) The review and certification are made at the request of the other professional engineer;

(b) He or she does not remove or obliterate the identity of the other professional engineer;

(c) He or she performs and retains in his or her possession for not less than five (5) years all calculations and documents necessary to perform an adequate review; and

(d) He or she confirms that the other professional engineer was licensed when the work was created.

(2) If a professional engineer undertakes to review only a portion of the work product of another professional engineer, his or her certification shall clearly identify the portion reviewed.

(3) A professional engineer may modify the work product of another professional engineer, whether or not the project has been built, if he or she retains in his or her possession for not less than five (5) years a record of his or her modifications.

(4) If a professional engineer modifies the work product of another professional engineer, his or her certification shall clearly identify, by words or graphics, that portion that was modified.

(5) A professional engineer may incorporate in his or her work product the designs of manufactured or standard components developed by manufacturers, suppliers or professional or technical societies and associations.

(6) If, in the professional land surveyor's reasonable judgment, his or her personal participation is not required in performing a particular aspect of a project, he or she may delegate those tasks to an employee, if all work is actually reviewed by the licensee.

(7) The need for a professional land surveyor to make a site visit shall be dictated by the nature, size and complexity of a project. However, the failure to make a site visit in a substantial percentage of surveys may be construed as a failure to exercise direct supervisory control.

(8) While an employee may investigate the circumstances of a potential project, only a licensee may establish the scope of work to be performed.

Section 9. The professional engineer or professional land surveyor shall avoid conduct likely to discredit or reflect unfavorably upon the dignity or honor of his or her profession.

Section 10. If a licensee has knowledge or reason to believe that any person or other licensee is in violation of KRS Chapter 322 or any administrative regulation adopted by this board, the licensee shall present that information to the board in writing and shall cooperate with the board in furnishing information within his or her knowledge.

Section 11. (1) A licensee shall not, directly or indirectly, contact a board member concerning any ongoing disciplinary action, or any existing investigation being conducted by the board staff.

(2) Any communication by a licensee concerning an ongoing disciplinary action or an existing investigation shall be directed to a board staff member. (27 Ky.R. 2603; Am. 3122; 3239; eff. 6-8-2001; 35 Ky.R. 2337; 2768; 36 Ky.R. 25; eff. 7-31-2009; TAm eff. 4-4-2011; 39 Ky.R. 2383; 40 Ky.R. 278; eff. 9-6-2013.)

201 KAR 18:142. Code of professional practice and conduct.

RELATES TO: KRS 322.060, 322.180(3), 322.290(11)

STATUTORY AUTHORITY: KRS 322.290(11)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.290(11) requires the board to promulgate a code of professional practice and conduct, which shall be binding upon persons licensed under KRS Chapter 322. This administrative regulation establishes a code of professional practice and conduct.

Section 1. Definitions. (1) "Conflict of interest" means any circumstance in which a licensee has a private or [licensee's] personal [or financial] interest sufficient to appear to influence [r] or possibly influence [r] the objective exercise of the licensee's professional duty to [is contrary to the interests of] the public, his or her employer, or current [or past] client. [; for the purposes of this definition,] The private or personal interests of the licensee [shall] include the personal or business interests of the members of the licensee's family, his or her close relatives, or business associates.

(2) "Direct supervisory control" in the practice of engineering means that an engineer licensee directly supervises and takes responsibility for consultation, investigation, evaluation, planning, design, and certification of an engineering project and includes only that work performed by an employee as defined in subsection (4) of this section.

(3) "Direct supervisory control" in the practice of land surveying means that a surveyor licensee who certifies a work product directly supervises and takes responsibility for the survey and includes only that work performed by an employee as defined in subsection (4) of this section.

(4) "Employee":

Kentucky Statutes and Regulations for Professional Engineers

(a) Means a person who works for a licensee or his or her employer for wages or a salary and includes professional and technical support personnel contracted on a temporary or occasional basis, if the compensation is paid directly by the licensee or his or her employer; **and**

(b) Does not mean ~~It does not include~~ a person who provides services to the licensee as an outside consultant or specialist.

(5) "Licensee" means any natural person licensed by the board to practice professional engineering or professional land surveying, or any business entity permitted under KRS 322.060.

(6) "Work product" means any engineering or land surveying plan, plat, document, or other deliverable requiring certification that is intended to represent activities conducted in the practice of engineering or land surveying.

Section 2. The engineer or land surveyor shall conduct his or her practice in order to protect the public health, safety, and welfare. ~~[(1) The practice of professional engineering and land surveying is a privilege, and not a right.~~

~~(2)~~ If a licensee's judgment is overruled and a licensee has reason to believe the public health, safety, or welfare may be endangered, the licensee shall inform his or her employer or client of the possible consequences and, if not resolved, notify appropriate authorities.

Section 3. A licensee shall issue all professional communications and work products in an objective and truthful manner. (1) A licensee shall be objective and truthful in all professional reports, statements, or testimony and shall include all material facts.

(2)**(a)** If serving as an expert or technical witness before any tribunal, a licensee shall:

1. Express an opinion only if it is founded on adequate knowledge of the facts in issue, on the basis of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of that testimony; **and**

~~2., and shall~~ Act with objectivity and impartiality.

(b) A licensee shall not ignore or suppress a material fact.

(3) A licensee shall not issue a statement or opinion on professional matters connected with public policy unless the licensee has:

(a) Identified himself or herself;

(b) ~~has~~ Disclosed the identity of the party on whose behalf the licensee is speaking; **and**

(c) ~~and has~~ Disclosed any pecuniary interest the licensee may have in the matter.

(4) A licensee shall not maliciously injure the professional reputation, prospect, practice, or employment of another licensee.

Kentucky Statutes and Regulations for Professional Engineers

(5) A licensee shall not accept a contingency fee for serving as an expert witness before any tribunal.

(6) A licensee shall maintain for a period of not less than five (5) years, calculations and documents necessary to support work products.

(7) A professional land surveyor shall maintain records for boundary surveys under 201 KAR 18:150, Section 10(2) and (3).

(8) The requirements of subsections (6) and (7) of this section shall be satisfied for the individual licensee employed by a business entity permitted by the board in conformance with KRS 322.060 by that permitted entity's compliance with subsections (6) and (7) of this section.

(9) A licensee shall not solicit or submit proposals for professional services containing a false, fraudulent, misleading, deceptive, or unfair statement regarding the cost, quality, or extent of services to be performed.

(10) A licensee shall not misrepresent his or her professional qualifications or experience, or those of the licensee's associates.

Section 4. A licensee shall avoid conflicts of interest. ~~A[The public, as well as a professional's employer and clients, have the expectation that the]~~ professional engineer or land surveyor shall act objectively and independently. ~~[Conflicts of interest involve the abuse, actual or potential, of the trust people have in professional engineers and land surveyors.]~~ (1) If a situation occurs in which a reasonable person would think that a licensee's professional judgment is likely to be compromised ~~[possibility of a conflict of interest exists]~~, a licensee shall promptly disclose the possibility of the conflict of interest to ~~[notify]~~ his or her employer, or client, and shall, if reasonably possible, withdraw from participation in the situation ~~that[which]~~ gave rise to the conflict of interest ~~[or past client]~~.

(2) A licensee shall not accept a valuable consideration from more than one (1) party for services pertaining to the same ~~[identical]~~ project, unless the circumstances are fully disclosed to all other principal parties directly involved in the project.

(3) A licensee shall not solicit or accept a valuable consideration from any vendor, contractor, or client, or their agents for acceptance, rejection, approval, or disapproval of any work performed by others, or [either] for specifying materials or equipment ~~[, or from contractors, their agents or other parties dealing with a client or employer]~~ in connection with work for which the licensee is responsible.

(4) A licensee serving as a member, advisor, or employee of a governmental body shall not, while[when] utilizing either his or her status as a licensed professional engineer or land surveyor, or his or her skill, experience, or knowledge as a licensed professional engineer or land surveyor, participate in decisions in which he or she has a private or personal interest, and shall not review or approve work that was performed by the licensee, or by others, on behalf of a business entity in which the licensee has any control, or private or personal interest ~~[shall not solicit or submit proposals for professional services containing a false, fraudulent, misleading, deceptive or unfair statement regarding the cost, quality or extent of services to be performed.]~~

Kentucky Statutes and Regulations for Professional Engineers

~~(5) A licensee shall not misrepresent his or her professional qualifications or experience, or those of the licensee's associates.~~

~~(6) A licensee serving as a member, advisor, or employee of a governmental body shall not participate in decisions with respect to professional services offered or provided by him or her or by a business entity in which the licensee is a principal, officer or employee, to that governmental body].~~

Section 5. A licensee shall solicit or accept engineering or land surveying work only on the basis of his or her, or the licensee's firm's or associates' qualifications for the work offered. (1) A licensee shall not offer or accept any valuable consideration in order to secure specific work, exclusive of commissions paid by individual licensees for securing salaried positions through employment agencies. A licensee may participate in design-build projects.

(2) A licensee may advertise professional services if the advertising is not false or misleading.

Section 6. A licensee shall not knowingly associate with any person engaging in fraudulent, illegal, or dishonest activities. (1) A licensee shall not permit the use of his or her, or the licensee's business entity's name by any person or business entity that he or she knows or has reason to believe is engaging in fraudulent, dishonest, or illegal activities.

(2) A licensee shall not aid or abet the illegal practice of engineering or land surveying.

Section 7. A licensee shall perform his or her services only in the areas of his or her competence. (1) A licensee shall undertake to perform professional assignments only if qualified by education or experience in the specific technical field involved.

(2) A licensee may accept an assignment requiring education or experience outside his or her own field of competence, but only to the extent that his or her services are restricted to those parts of the project in which the licensee is competent. All other parts of the project shall be certified by licensed associates, consultants, or employees.

(3) If a question of the competence of a licensee to perform a professional assignment in a specific technical field is an issue and cannot be otherwise resolved ~~[to the satisfaction of the board]~~, the board, upon a majority vote or upon request by the licensee, may require the licensee to satisfactorily complete a relevant ~~[an]~~ examination ~~[the board deems appropriate and relevant]~~.

Section 8. Except as provided by this section, a licensee shall not certify any work product dealing with subject matter in which he or she lacks competence by virtue of education or experience, or any work product not prepared by him or her under his or her direct supervisory control. (1) A professional engineer may review and certify the work product of another professional engineer if:

(a) The review and certification are made at the request of the other professional engineer;

(b) He or she does not remove or obliterate the identity of the other professional engineer;

(c) He or she performs and retains in his or her possession for not less than five (5) years all calculations and documents necessary to perform an adequate review; and

Kentucky Statutes and Regulations for Professional Engineers

(d) He or she confirms that the other professional engineer was licensed when the work was created.

(2) If a professional engineer undertakes to review only a portion of the work product of another professional engineer, his or her certification shall clearly identify the portion reviewed.

(3) A professional engineer may modify the work product of another professional engineer, whether or not the project has been built, if he or she retains in his or her possession for not less than five (5) years a record of his or her modifications.

(4) If a professional engineer modifies the work product of another professional engineer, his or her certification shall clearly identify, by words or graphics, that portion that was modified.

(5) A professional engineer may incorporate in his or her work product the designs of manufactured or standard components developed by manufacturers, suppliers or professional or technical societies, and associations.

(6) If, in the professional land surveyor's reasonable judgment, his or her personal participation is not required in performing a particular aspect of a project, he or she may delegate those tasks to an employee, if all work is actually reviewed by the licensee.

(7) The need for a professional land surveyor to make a site visit shall be dictated by the nature, size and complexity of a project. ~~[However,]~~The failure to make a site visit in a substantial percentage of surveys ~~shall~~**may** be construed as a failure to exercise direct supervisory control.

(8) While an employee may investigate the circumstances of a potential project, only a licensee may establish the scope of work to be performed.

Section 9. The professional engineer or professional land surveyor shall avoid conduct likely to discredit or reflect unfavorably upon the dignity or honor of his or her profession.

Section 10. ~~(1)~~ If a licensee has knowledge or reason to believe that any person or other licensee is in violation of KRS Chapter 322 or **201 KAR Chapter 18**~~[any administrative regulation adopted by this board]~~, the licensee shall ~~submit~~**present that information** to the board in writing ~~the relevant~~**and shall cooperate with the board in furnishing** information within his or her knowledge.

(2) A licensee, upon request by the board, shall cooperate with the board in an investigation, by providing any relevant information within his or her knowledge.

Section 11. (1) A licensee shall not, directly or indirectly, contact a board member concerning any ongoing disciplinary action, or any existing investigation being conducted by the board staff.

(2) Any communication by a licensee concerning an ongoing disciplinary action or an existing investigation shall be directed to a board staff member.

Kentucky Statutes and Regulations for Professional Engineers

Section 12. A licensee who is in doubt about the ethical propriety of any professional act or omission contemplated by that licensee may request an informal opinion from the executive director of the board. (1) The request shall be in writing[*l*] or *by* email with the subject line of "Request for Advisory Opinion Pursuant to 201 KAR 18:142."[*j*] The request shall include the name and address of the licensee making the request, a phone number and email address at which the licensee can be contacted, and all relevant information.

(2) Based on the information provided in the request, the executive director shall respond in writing as to the ethical propriety of the act or course of conduct in question.

(3) A licensee shall not be disciplined for any professional act performed by that licensee in compliance with the written advisory opinion furnished by the executive director pursuant to the licensee's written request, if the licensee's written request clearly, fairly, accurately, and completely states the licensee's contemplated professional act and all relevant information.

B. DAVID COX, Executive director

APPROVED BY AGENCY: August 10, 2015

FILED WITH LRC: August 12, 2015 at 3 p.m.

CONTACT PERSON: Jonathan Buckley, General Counsel, Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, phone (502) 573-2680, fax (502) 573-6687.

201 KAR 18:170. Compensation of board members.

RELATES TO: KRS 322.270

STATUTORY AUTHORITY: KRS 322.270

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.270 states that "when attending to the work of the board, each member shall receive compensation as established by regulation of the board and approved by the appropriate legislative body."

Section 1. Each member of the board shall receive \$200 per day when actually attending to the work of the board or any of its committees. (14 Ky.R. 1170; eff. 1-4-88; 33 Ky.R. 854; eff. 12-1-2006.)

201 KAR 18:180. Business entity permits.

RELATES TO: KRS 322.060, 322.160,

STATUTORY AUTHORITY: KRS 322.060, 322.160, 322.290

Kentucky Statutes and Regulations for Professional Engineers

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.060 requires the registration of engineering and land surveying business entities doing business in Kentucky. This administrative regulation establishes the requirements for a business entity permit.

Section 1. (1) An application for a business entity permit to practice engineering or land surveying shall be made on an "Application for Business Entity Permit."

(2) An application for a permit that is not made on the application form shall not be accepted.

(3) An applicant may attach additional sheets to the application form if:

(a) They are necessary to provide required information;

(b) Are the same size as the application form; and

(c) Are securely attached to the application form.

Section 2. Permits shall be serially numbered for each profession in the order in which they are approved.

Section 3. (1) A permit shall be renewed annually.

(2) Each one (1) year renewal period shall:

(a) Begin January 1; and

(b) End the following December 31.

Section 4. Incorporation by Reference. (1) "Application for Business Entity Permit (2004)" is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, Kentucky Engineering Center, 160 Democrat Drive, Frankfort, Kentucky 40601, 8 a.m. to 4:30 p.m., EST, Monday through Friday, or by downloading from the board's web page at <http://kyboels.ky.gov>. (19 Ky.R. 1697; Am. 20 Ky.R. 56; eff. 7-9-93; 28 Ky.R. 675; eff. 11-9-2001; 30 Ky.R. 2543; 31 Ky.R. 337; eff. 8-26-04.)

201 KAR 18:210. Retired and inactive status.

RELATES TO: KRS 322.100, 322.160(1), 322.290(15), (16)

STATUTORY AUTHORITY: KRS 322.100, 322.110(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.100 requires the board to establish license fees for engineers and land surveyors by administrative regulation. KRS 322.110(3) requires the board to

Kentucky Statutes and Regulations for Professional Engineers

promulgate administrative regulations for inactive or retired status engineers and land surveyors. This administrative regulation establishes the registration and renewal fee and professional development requirements for retired or inactive engineers and land surveyors.

Section 1. (1) A professional engineer may be registered as a "professional engineer, retired" or "professional engineer, inactive", and a professional land surveyor may be registered as a "professional land surveyor, retired" or "professional land surveyor, inactive".

(2) The applicant shall:

- (a) Pay a biennial fee of twenty (20) dollars;
- (b) Renew the registration in accordance with KRS 322.160; and
- (c) Not practice the profession.

(3) In order to again practice the profession, the applicant shall apply for license reinstatement in accordance with 201 KAR 18:115.

Section 2. Professional Development Program. (1) Except as required by subsections (2) and (3) of this section, an inactive or retired registrant shall not be required to complete professional development hours.

(2) An inactive or retired professional land surveyor shall, prior to reinstatement, complete eight (8) professional development hours for each calendar year of inactive or retired status, up to a maximum of thirty-two (32) professional development hours.

(3) An inactive or retired professional engineer shall, prior to reinstatement, complete fifteen (15) professional development hours for each calendar year of inactive or retired status, up to a maximum of sixty (60) professional development hours. (23 Ky.R. 3647; Am. 4110; eff. 6-13-97; 34 Ky.R. 2558; 35 Ky.R. 257; eff. 9-5-08.)

201 KAR 18:220. Administrative hearings.

RELATES TO: KRS 13B, 322.290(4)

STATUTORY AUTHORITY: KRS 13B.170(1), 322.290(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.290(4) requires the board to promulgate administrative regulations to carry out the conduct of proceedings before it. KRS 13B.170(1) authorizes the board to promulgate administrative regulations necessary to carry out the provisions of that chapter. This administrative regulation establishes procedural guidelines for administrative hearings as authorized by KRS 322.290(4) and 13B.170(1).

Kentucky Statutes and Regulations for Professional Engineers

Section 1. Definitions. (1) "Action" means a charge brought pursuant to this administrative regulation and KRS Chapter 13B.

(2) "Administrative complaint" means a written accusation filed by the board's general counsel with the board and with the Office of the Attorney General, Administrative Hearings Division alleging a violation by a licensee of KRS Chapter 322 or a provision of 201 KAR Chapter 18.

(3) "Administrative hearing" or "hearing" is defined by KRS 13B.010(2).

(4) "Board" means the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors.

(5) "Charge" means a written accusation of a violation of a provision of KRS Chapter 322 or of 201 KAR Chapter 18, contained in an administrative complaint.

(6) "Consent decree" means an order entered by the board with the agreement of a respondent.

(7) "Default" means a failure of a respondent to file an answer to an administrative complaint, to attend or participate in a prehearing conference, hearing, or other stage of the administrative hearing process, or to comply with the orders of a hearing officer.

(8) "Division" is defined by KRS 13B.010(8).

(9) "Final order" is defined by KRS 13B.010(6).

(10) "Hearing officer" is defined by KRS 13B.010(7).

(11) "Investigation review advisor" means a present or former member of the board, selected by the board chairman in consultation with the executive director, to independently review an investigation and provide the executive director with his or her opinion as to the propriety of filing an administrative complaint against the subject of the investigation, and to make suggestions regarding the nature of the charges, the appropriate penalty, and terms for settlement.

(12) "Letter of complaint" means a factual statement made in writing, by a person or organization, to the board, alleging a possible violation of a provision of KRS Chapter 322 or 201 KAR Chapter 18.

(13) "Licensee" means an individual or business entity licensed to practice engineering or land surveying in this Commonwealth pursuant to KRS Chapter 322.

(14) "Notice" means a notice of administrative hearing satisfying the requirements of KRS 13B.050(3).

(15) "Party" is defined by KRS 13B.010(3).

(16) "Respondent" means a licensee who is the subject of an investigation by the board for a violation of KRS Chapter 322 or 201 KAR Chapter 18.

(17) "Settlement conference" means a conference between board staff and a respondent and his or her attorney, if any, to attempt to resolve matters raised in an administrative complaint or charge.

(18) "Violation" means an act or failure to act that is in conflict with a provision of KRS Chapter 322 or 201 KAR Chapter 18.

Section 2. Letter of Complaint, and Investigation. (1) A letter of complaint shall be in writing, be signed by the individual making the allegations, and shall allege facts showing why that individual believes that a violation has occurred.

(2) An investigation shall be made of every complaint.

(3) An investigation may also be made without the receipt of a letter of complaint if information within the knowledge of the board or board staff indicates that a violation may have been committed.

Section 3. Disposition Following Investigation. (1) Following the completion of the investigation, if it appears to the executive director that no violation has occurred, or that the matter does not warrant further action, the executive director shall terminate any further proceedings and the matter shall be closed.

(2) If, following the completion of the investigation, it appears to the executive director that the respondent may have committed one (1) or more violations sufficient to warrant a charge or charges against that licensee, then to resolve the matter, the executive director shall:

(a) Issue a letter of admonishment to the respondent;

(b) Negotiate a proposed consent decree with the respondent, which shall, after execution by the respondent, be presented to the board for approval or rejection; or

(c) Cause an administrative complaint to be filed.

(3) If a proposed consent decree is rejected by the board, the executive director shall either try to resolve the matter with another proposed consent decree, or shall proceed with an administrative complaint;

(4) The board may enter into a settlement conference following the completion of the investigation.

(5) Prior to causing an administrative complaint to be filed, the executive director may request that the board chairman designate one (1) or two (2) investigative review advisors who shall independently review the investigation, and shall submit to the executive director, their independent opinions as to the propriety of filing an administrative complaint against the subject of the investigation, and suggestions regarding the nature of the charges, the appropriate penalty, and terms for settlement.

(6) A former board member who serves as an investigative review advisor shall be compensated at the same rate as provided for a board member who so serves.

Kentucky Statutes and Regulations for Professional Engineers

(7) A board member who serves as an investigative review advisor for a specific disciplinary action, shall not thereafter participate in the determination of a final order in that same action, except that he or she may participate in the consideration of a proposed consent decree.

(8) An individual who has filed a letter of complaint shall be notified of the disposition of the subject matter upon its resolution.

Section 4. Administrative Complaints. An administrative complaint shall be in plain language in the pleading form used in the circuit courts of this Commonwealth and shall be signed by the board's general counsel.

Section 5. Actions. (1) An action shall be commenced by sending notice and a copy of the administrative complaint to the licensee at the address for the licensee on file with the board, with a copy to the Office of the Attorney General, Hearing Officer Division consistent with the provision of KRS Chapter 13B.

(2) The board shall file proof of notice with the hearing officer.

(3) Within twenty (20) days of notice, a respondent shall file an answer with the board and with the hearing officer.

(4) The hearing shall be conducted according to the provisions of KRS Chapter 13B.

Section 6. Default. A default shall be deemed a confession of all material allegations contained in the administrative complaint.

Section 7. Amended Pleadings. (1) A party, as a matter of right, may amend a pleading.

(a) A pleading shall not be amended later than thirty (30) days before a scheduled hearing.

(b) A party seeking to amend a pleading within a period less than thirty (30) days before a scheduled hearing shall amend a pleading only by consent of the adverse party or by leave of the hearing officer, and leave shall be freely given if justice so requires.

(2) If an amended pleading introduces new legal or factual issues that cannot reasonably be met by the opposing party prior to the scheduled hearing, the hearing officer shall continue the hearing.

Section. 8. Final Order and Consent Decree. (1) If an administrative complaint has been filed, and the matter resolved by means of a consent decree, the consent decree entered by the board is a final order as established by KRS Chapter 13B.

(2) A consent decree shall not be binding on the parties until approved by the board.

(3) If a final order or consent decree provides that the executive director shall suspend or revoke a license for failure of the licensee to comply with the terms of the final order or consent decree, the executive director shall suspend or revoke the license for failure to comply according to the terms of the final order or consent decree.

Kentucky Statutes and Regulations for Professional Engineers

(4) If a final order or consent decree does not include a provision for suspension or revocation of a license for the licensee's failure to comply with the terms of the final order or consent decree, and the executive director has probable cause to believe that a respondent has violated the terms of a final order or consent decree, the executive director shall cause a show cause order, over the signature of the board's general counsel, to be issued to the respondent, with a copy to the Office of the Attorney General, Hearing Officer Division.

(5) The show cause order shall meet the requirements of a notice and shall be treated as an administrative complaint for procedural purposes.

Section 9. Publication. At least annually, a summary of all final orders and consent decrees shall be published. (30 Ky.R. 1705; Am. 1925; eff. 2-16-2004; 38 Ky.R. 1991; eff. 8-31-2012.)