



# Arkansas - Rules, Regulations, and Ethics for Professional Engineers

Course# AR101

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### **Course Description:**

The Arkansas Rules, Regulations, and Ethics course satisfies 3 of the 30 hours of continuing professional competency (CPC) required for Arkansas licensed professional engineers.

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

### **Objectives:**

The primary objective of this course is to familiarize the student with the canons of ethics and familiarize the student with the laws and rules regulating the practice of engineering in the state of Arkansas. Upon successful completion of the course, the student will have increased understanding of ethical practices and be well versed with the AR state laws and board rules.

### **Grading:**

Students must achieve a minimum score of 70% on the online quiz to pass this course. The quiz may be taken as many times as necessary to successfully pass and complete the course.

# Table of Contents

ARKANSAS CODE: TITLE 17 PROFESSIONS, OCCUPATIONS, AND BUSINESSES, SUBTITLE 2. NONMEDICAL PROFESSIONS, CH. 30 ENGINEERS .....	5
SUBCHAPTER 1 -- GENERAL PROVISIONS .....	5
17-30-101. Definitions.....	5
17-30-102. Penalties -- Violations.....	6
17-30-103. Injunction -- Liability of board. ....	8
17-30-104. Construction.....	8
17-30-105. Exemptions. ....	8
SUBCHAPTER 2 – STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS .....	9
17-30-201. Creation -- Members. ....	9
17-30-202. Officers and employees.....	10
17-30-203. Powers, duties, and proceedings. ....	10
17-30-204. Claims against board members. ....	11
17-30-205. Duty of Attorney General. ....	11
SUBCHAPTER 3 -- REGISTRATION .....	13
17-30-301. Licensure requirement -- Exceptions. ....	13
17-30-302. Applicant qualifications -- Examination.....	13
17-30-303. Authorization certificates.....	14
17-30-304. Fees -- Renewal of certificates -- Disposition of funds -- Inactive -- Reinstatements.....	15
17-30-305. Administrative violations and penalties.....	16
17-30-306. Disciplinary action -- Procedures.....	18
17-30-307. Continuing education requirements. ....	19
ARKANSAS CODE: TITLE 17 PROFESSIONS, OCCUPATIONS, AND BUSINESSES, SUBTITLE 2. NONMEDICAL PROFESSIONS, CH. 48 SURVEYORS .....	21
SUBCHAPTER 1 -- GENERAL PROVISIONS .....	21
17-48-101. Definitions.....	21
17-48-102. Penalties -- Enforcement.....	22

17-48-103. Regulation.....	23
17-48-104. Powers of the board.....	23
17-48-105. Seal and signature required.....	24
17-48-106. Failure to file boundary survey.....	24
17-48-107. Contents of survey.....	25
<b>SUBCHAPTER 2 – REGISTRATION.....</b>	<b>25</b>
17-48-201. Registration required -- Sole or group practice -- Trainees.....	25
17-48-202. Application.....	27
17-48-203. Qualifications -- Certification.....	27
17-48-204. Expiration and renewal -- Inactive status -- Reinstatement.....	29
17-48-205. Administrative violations and penalties.....	30
17-48-206. Continuing education requirements.....	33
17-48-207. Certificates of authorization.....	34
17-48-208. Disciplinary action -- Procedures.....	35
<b>SUBCHAPTER 3 – PRIVILEGES AND RESPONSIBILITIES UPON ENTERING PRIVATE LAND OR WATER.....</b>	<b>36</b>
17-48-301. Purpose.....	36
17-48-302. Definition.....	36
17-48-303. Right to enter -- Immunity from arrest -- Identification.....	36
17-48-304. Liability.....	37
<b>ARKANSAS ADMINISTRATIVE RULES: BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS, RULES OF THE BOARD.....</b>	<b>38</b>
Article 1. General Provisions.....	38
Article 2. Definitions.....	38
Article 3. Board – Organization And Meeting.....	42
Article 4. Board – Powers.....	43
Article 5. Receipts And Disbursements.....	44
Article 6. Records And Reports.....	44
Article 7. Roster.....	45
Article 8. General Requirements For Licensure.....	45
Article 9. Fees.....	57

Article 10. Professional Experience .....	60
Article 11. Examinations .....	60
Article 12. Certificates And Seals .....	62
Article 13. Expirations And Renewals. ....	64
Article 14. Disciplinary Action .....	65
Article 15. Complaints, Disciplinary Action & Declaratory Orders – Procedure .....	66
Article 16. Violations And Penalties .....	73
Article 17. Right To Practice .....	73
Article 18. Exemption.....	74
Article 19. Temporary Permits .....	75
Article 20. Continuing Professional Competency (Cpc).....	75
Article 21. Certificate Of Authorization (Coa).....	79
Article 22. Ethics And Rules Of Professional Conduct.....	81
Article 23. Effective Date .....	83
CODE OF ETHICS.....	84
Preamble.....	84
I. Fundamental Canons.....	84
II. Rules of Practice.....	84
III. Professional Obligations .....	86
REFERENCES .....	90

# **ARKANSAS CODE: TITLE 17 PROFESSIONS, OCCUPATIONS, AND BUSINESSES, SUBTITLE 2. NONMEDICAL PROFESSIONS, CH. 30 ENGINEERS**

## **SUBCHAPTER 1 -- GENERAL PROVISIONS**

### **17-30-101. Definitions.**

As used in this chapter:

(1) "Consulting engineer" means a professional engineer whose principal occupation is the independent practice of engineering, whose livelihood is obtained by offering engineering services to the public, who serves clients as an independent fiduciary, who is devoid of public, commercial, and product affiliation that might tend to infer a conflict of interest, and who is aware of his or her public and legal responsibilities and is capable of discharging them;

(2) "Engineer-intern" means a person who under this chapter has:

(A) Qualified for an examination authorized by the State Board of Licensure for Professional Engineers and Professional Surveyors in fundamental engineering subjects;  
and

(B) Passed the examination;

(3) (A) "Firm" means a form of business entity that offers professional engineering services of its licensed personnel to the public.

(B) "Firm" does not include an individual licensee operating under his or her name;

(4) (A) "Practice of engineering" means a service or creative work, the adequate performance of which requires engineering education, training, and experience in the

application of special knowledge in the mathematical, physical, and engineering sciences to services or creative work such as consultation, investigation, evaluation, planning, and design of engineering works and systems relating to the use of air, land, water, municipal and regional planning, forensic services, engineering teaching of advanced engineering subjects or related courses, engineering surveys, and the inspection of construction to assure compliance with drawings and specifications that are related to public or private service or work, concerning any utilities, structures, buildings, machines, equipment, processes, work systems, or projects including architectural work that is incidental to the practice of engineering.

(B) A person practices or offers to practice engineering, within the meaning of this chapter, who:

- (i) Practices a branch of the profession of engineering;
- (ii) By verbal claim, sign advertisement, letterhead, card, or in any other way represents himself or herself to be an engineer;
- (iii) Through the use of some other title implies that he or she is an engineer or that he or she is licensed under this chapter; or
- (iv) Holds himself or herself out as able to perform or does perform an engineering service or work or any other service designated by the practitioner that is recognized as engineering.

(C) "Practice of engineering" does not include:

- (i) Persons who operate or maintain machinery or equipment; or
- (ii) The act of measuring land, drawing plans, reading plans, or doing other work normally performed by a mechanic, technician, professional surveyor, or draftsman;

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

(6) "Responsible charge" means direct control of, supervision of, and legal responsibility for all engineering work performed.

### **17-30-102. Penalties -- Violations.**

(a) (1) A person who practices or offers to practice engineering in this state in violation of this chapter and a person using or attempting to use as his or her own the certificate of licensure of another, who gives false evidence of any kind to the State Board of Licensure for Professional Engineers and Professional Surveyors or to any member of the board in obtaining a certificate of

licensure, or who falsely impersonates any other practitioner or in any manner falsely implies that he or she is licensed or violates this chapter or the rules and regulations of the board is guilty of a misdemeanor.

(2) For each offense of which he or she is convicted, the person shall be punished by:

(A) A fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000);

(B) Imprisonment not to exceed three (3) months; or

(C) Both fine and imprisonment.

(3) Each violation and each day of any violation constitutes a separate offense.

(b) The following persons are guilty of a Class A misdemeanor for the first offense and a Class D felony for the second or any subsequent offense:

(1) A person who practices or offers to practice engineering in this state without being licensed under this chapter;

(2) A person, firm, partnership, organization, association, corporation, or other entity using or employing the words "engineer" or "engineering" or any modification or derivative thereof in its name or form or business activity, except as authorized in this chapter;

(3) A person presenting or attempting to use the certificate of licensure or the seal of another;

(4) A person who gives false or forged evidence of any kind to the board or to any member of the board in obtaining or attempting to obtain a certificate of licensure;

(5) A person who falsely impersonates a licensee of like or different name;

(6) A person who attempts to use an expired, suspended, revoked, or nonexistent certificate of licensure;

(7) A person who practices or offers to practice when not qualified;

(8) A person who falsely claims that he or she is licensed or authorized under this chapter; or

(9) A person who violates any of the provisions of this chapter.



**17-30-103. Injunction -- Liability of board.**

(a) (1) Upon proper determination that a person has been found guilty of violating this chapter, the State Board of Licensure for Professional Engineers and Professional Surveyors may file a civil suit in the proper court in the jurisdiction in which the service or work is being performed.

(2) Upon affidavit, the board shall secure a writ of injunction, without bond, restraining and prohibiting the person from performance of the service or work then being done or about to commence.

(b) The members of the board, acting in good faith, are not personally liable under this proceeding.

**17-30-104. Construction.**

The provisions of this chapter affirm the legal authority of an engineer licensed under its provisions to provide consultation, investigation, evaluation, planning, and design of buildings intended for accommodation of equipment, vehicles, goods, and/or processes or other utilitarian functions, with human occupancy including office space as required for the support of these functions, provided the engineer is practicing within his or her area of competency as defined by this chapter.

**17-30-105. Exemptions.**

This chapter does not prevent the practice by:

(1) Other Professions. The practice of any other legally recognized profession;

(2) Temporary Permits.

(A) (i) The practice or offer to practice of engineering by a person not a resident of or having no established place of business in this state if the person is legally qualified by licensure to practice engineering in his or her own state or country.

(ii) An applicant may temporarily provide engineering services before becoming licensed under the reciprocal and comity licensure provisions of § 17-30-302(d) by obtaining a temporary permit.

(iii) The State Board of Licensure for Professional Engineers and Professional Surveyors shall specify by rule the qualifications necessary to obtain a temporary permit.

(iv) The qualifications necessary to obtain a temporary permit shall be similar to those necessary for original licensure.

(B) An applicant for a temporary permit shall submit an application for a temporary permit and for reciprocal or comity licensure to the board in writing and, after payment of a fee established by board regulation, may be granted a written permit for a definite period of time; and

(3) Employees and Subordinates. The work of an employee or a subordinate of a person holding a certificate of licensure under this chapter or an employee of a person practicing lawfully under subdivision (2) of this section if the work does not include final engineering designs or decisions and is done under the direct supervision of and verified by a person holding a certificate of licensure under this chapter or a person practicing lawfully under subdivision (2) of this section.

#### **17-30-106. "Good Samaritan" law.**

A professional engineer who voluntarily, without compensation other than expense reimbursement, provides architectural, structural, electrical, mechanical, or other design professional services related to a declared national, state, or local emergency caused by an earthquake, hurricane, tornado, fire, explosion, collapse, or other similar disaster or catastrophic event shall be subject to the provisions and protection of § 17-15-106.

## **SUBCHAPTER 2 – STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS**

#### **17-30-201. Creation -- Members.**

(a) There is created a State Board of Licensure for Professional Engineers and Professional Surveyors, consisting of nine (9) members to be appointed by the Governor.

(b) (1) Each member of the board shall be a citizen of the United States, at least thirty-five (35) years of age, and shall have been a resident of this state for at least three (3) years immediately preceding his or her appointment.

(2) Five (5) members shall be professional engineers of at least ten (10) years' active experience, of good standing in their profession, and licensed as professional engineers at the time of their appointments.

(3) One (1) member shall be a professional engineer and a professional surveyor of at least ten (10) years' active experience in both, of good standing in both professions, and licensed as both a professional engineer and a professional surveyor at the time of his or her appointment.

(4) One (1) member shall be a professional surveyor of at least ten (10) years' active experience, of good standing in his or her profession, and licensed as a professional surveyor at the time of his or her appointment.

(5) (A) Two (2) members of the board shall:

(i) Not be actively engaged as or retired as professional engineers or professional surveyors;

(ii) Be appointed from the state at large, subject to confirmation by the Senate; and

(iii) Be full voting members but shall not participate in the grading of examinations.

(B) One (1) member shall represent consumers, and one (1) member shall be sixty (60) years of age or older and shall represent the lderly.

(C) The two (2) positions may not be held by the same person.

(c) The term of office for each member appointed shall be four (4) years.

(d) Each member shall hold office until his or her successor is appointed and qualified.

(e) The Governor may remove any member of the board for misconduct, incompetency, or neglect of duty.

(f) Vacancies on the board, however created, shall be filled by the Governor for the unexpired term.

(g) Each member of the board shall serve without compensation, except that the board member may receive expense reimbursement under § 25-16-901 et seq.

### **17-30-202. Officers and employees.**

The State Board of Licensure for Professional Engineers and Professional Surveyors shall:

(1) Select its own officers; and

(2) Have the power to appoint an executive director who shall serve as secretary-treasurer of the board.

### **17-30-203. Powers, duties, and proceedings.**

(a) The State Board of Licensure for Professional Engineers and Professional Surveyors shall:

- (1) Meet at least two (2) times each year;
- (2) Have a seal that shall be affixed to each certificate of licensure; and
- (3) Require that plans, specifications, plats, and reports issued by a professional engineer are stamped with a board-authorized design seal.

(b) The board:

- (1) May determine the persons entitled to be licensed and those whose licenses shall be suspended or revoked;
- (2) Shall fix the fees and renewal fees;
- (3) Shall hold examinations for applicants for licensure not less than two (2) times a year; and
- (4) May do any other things necessary to its duties, including the adoption of rules not inconsistent with this chapter, the Arkansas Constitution, and other laws.

(c) (1) The board may subpoena witnesses and compel their attendance and also may require the production of books, papers, and documents.

(2) A member of the board may administer oaths or affirmations to witnesses before the board.

(d) The expenses incurred by the board for the administration of this chapter may be paid by the board.

#### **17-30-204. Claims against board members.**

A person making a claim against a member of the State Board of Licensure for Professional Engineers and Professional Surveyors has the burden of proving the absence of good faith.

#### **17-30-205. Duty of Attorney General.**

(a) The Attorney General or his or her assistant shall act as legal advisor to the State Board of Licensure for Professional Engineers and Professional Surveyors and render such legal assistance as necessary in carrying out this chapter.

(b) It is the duty of the Attorney General to enforce this chapter and to prosecute any person violating this chapter.

(c) The board may employ counsel and necessary assistance to aid in the enforcement of this chapter, and the compensation and expenses shall be paid from the funds of the board.

## SUBCHAPTER 3 -- REGISTRATION

### **17-30-301. Licensure requirement -- Exceptions.**

A person, unless licensed under the present law, shall not practice or offer to practice engineering unless that person has been licensed under this chapter, except that:

- (1) An engineer-intern may engage in such a practice as an employee of or under the supervision of a licensed engineer;
- (2) A person holding a temporary permit under § 17-30-105(2) may temporarily provide engineering services for the purpose and in the manner provided by the State Board of Licensure for Professional Engineers and Professional Surveyors when granted the temporary license;
- (3) A person may engage in such a practice if that person is employed by a professional engineer and acts under his or her supervision and direction; and
- (4) A firm may not engage in the practice of engineering as a profession except under § 17-30-303.

### **17-30-302. Applicant qualifications -- Examination.**

(a) Except as provided hereafter, each applicant for licensure shall submit to an examination by the State Board of Licensure for Professional Engineers and Professional Surveyors and, if found to be qualified, shall be registered, depending on his or her education and experience, either as:

- (1) A professional engineer; or
- (2) An engineer-intern.

(b) (1) (A) A person may apply to be licensed as an engineer if he or she is a graduate of an Accreditation Board for Engineering and Technology, Inc., approved engineering curriculum, or its equivalent as approved by the State Board of Licensure for Professional Engineers and Professional Surveyors, of four (4) years from a school or college approved by the State Board of Licensure for Professional Engineers and Professional Surveyors and has had four (4) years' experience in engineering work of a type satisfactory to the board.

(B) In its discretion, the State Board of Licensure for Professional Engineers and Professional Surveyors may consider satisfactory graduate study in engineering equal to one

- (1) year's experience.
- (2) This subsection shall be effective July 1, 2001.

(c) (1) A person may apply to be registered as an engineer-intern if he or she is a graduate of an approved Accreditation Board for Engineering and Technology, Inc., or its equivalent as approved by the State Board of Licensure for Professional Engineers and Professional Surveyors, engineering curriculum of four (4) years from a school or college approved by the State Board of Licensure for Professional Engineers and Professional Surveyors.

(2) This subsection shall be effective July 1, 1997.

(d) The State Board of Licensure for Professional Engineers and Professional Surveyors in its discretion may waive examination of a person applying to be licensed as an engineer or an engineer-intern if he or she is licensed either as an engineer or an engineer-in-training or an engineer-intern by the licensing authority of any state or territory or possession of the United States or of any foreign country if his or her qualifications at the time he or she was licensed are not less than those provided in this chapter.

### **17-30-303. Authorization certificates.**

(a) (1) The practice or offer to practice for others, as defined in § 17-30-101, by individuals licensed under this chapter through a firm is permitted if:

(A) The professional engineers of the firm are licensed under this chapter or are practicing under § 17-30-105; and

(B) The firm has been issued a certificate of authorization by the State Board of Licensure for Professional Engineers and Professional Surveyors under this subchapter.

(2) All final drawings, specifications, plans, reports, calculations, or other engineering papers or documents involving the practice of engineering, as defined in this chapter, when issued or filed for public record, shall be dated and bear the signature and seal of the professional engineer qualified in the appropriate branch of engineering who prepared them or under whose immediate direction they were prepared.

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

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

- (3) If all of the requirements of this section are met, the board shall issue a certificate of authorization to the firm, and the firm may contract for and collect fees for furnishing engineering services.
- (c) This chapter does not prevent a firm from performing engineering services for the firm itself or a subsidiary or an affiliate of the firm.
- (d) (1) The firm shall not be relieved of responsibility for the conduct or acts of its agents, employees, officers, or partners by reason of its compliance with this section.
- (2) An individual practicing engineering under this chapter shall not be relieved of responsibility for engineering services performed by reason of employment or other relationship with a firm holding an authorization certificate.
- (e) A certificate of authorization shall be renewed as provided in this chapter.
- (f) An engineer who gives occasional, part-time, or consulting engineering services to or for a firm shall not be designated as being responsible for the professional activities of the firm unless the engineer is an officer or owner of the firm.
- (g) (1) The Secretary of State shall not issue a certificate of incorporation to an applicant or a registration as a foreign firm to a firm that includes among the objectives for which it is established any of the words "engineer", "engineering", or any modification or derivation thereof unless the board of licensure for this profession has issued for the applicant a certificate of authorization or a letter indicating the eligibility of the applicant to receive such a certificate.
- (2) The firm applying shall supply such a certificate or letter from the board with its application for incorporation or registration.
- (h) The Secretary of State shall decline to register any trade name or service mark that includes words as set forth in subsection (g) of this section or modifications or derivatives thereof in its firm name or logos except those firms holding authorization certificates issued under this section.

#### **17-30-304. Fees -- Renewal of certificates -- Disposition of funds -- Inactive -- Reinstatements.**

- (a) The State Board of Licensure for Professional Engineers and Professional Surveyors may establish application fees, certificate fees, renewal fees, license reinstatement fees, examination fees, penalties for late renewals or cancellations, and any other fees it deems necessary within the guidelines of the State of Arkansas.
- (b) The board may establish guidelines and require a demonstration of continuing professional competency as a condition of renewal or relicensure.



- (c) All certificates shall be renewed annually or biennially at the discretion of the board.
- (d) The fees shall be deposited into a bank designated by the board, and the officer or employee who collects the fees and disburses them shall be required to execute a corporate surety bond for the proper accounting thereof.
- (e) (1) A professional engineer or engineer-intern licensed under this chapter who is not engaged in the practice of engineering may request that the board grant him or her inactive status by placing his or her name on the board's inactive roll.
- (2) A professional engineer or engineer-intern who is granted inactive status maintains the right to seek active license status at a later time.
- (3) A professional engineer whose license is inactive may return to active status by:
- (A) Notifying the board in advance of his or her intention to return to active status;
  - (B) Paying the appropriate fees; and
  - (C) Meeting all requirements of the board, including demonstration of professional competency.
- (4) Inactive status shall continue so long as the license holder pays the annual fee under the board's rules.
- (f) A professional engineer or engineer-intern whose license is not renewed may have it reinstated by meeting the requirements of the board depending on the time of nonrenewal under the rules of the board. The requirements the board may consider are:
- (1) Payment of fees and penalties;
  - (2) Demonstration of continuing professional competency; and
  - (3) Reexamination.

### **17-30-305. Administrative violations and penalties.**

(a) The State Board of Licensure for Professional Engineers and Professional Surveyors may suspend, revoke, or refuse to issue, restore, or renew a certificate of licensure of, or place on probation, fine, or reprimand a professional engineer who is:

- (1) Found guilty of:

- (A) Fraud or deceit in obtaining, attempting to obtain, or renewing a certificate of licensure or certificate of authorization;
  - (B) Negligence, incompetency, or misconduct in the practice of engineering;
  - (C) Failure to comply with this chapter, the rules of the board, or an order of the board;
  - (D) Discipline by another state, territory, the District of Columbia, a foreign country, the United States Government, or any other governmental agency, if at least one (1) of the grounds for discipline is the same or substantially equivalent to those contained in this section;
  - (E) Failure within thirty (30) days to provide information requested by the board as a result of a formal or informal complaint to the board that would indicate a violation of this chapter;
  - (F) Knowingly making false statements or signing false statements, certificates, or affidavits to induce payment;
  - (G) Aiding or assisting another person in violating this chapter or the rules of the board;
  - (H) Violating a term of probation imposed by the board;
  - (I) Using a seal or practicing engineering while the professional engineer's license is suspended, revoked, nonrenewed, or inactive;
  - (J) Signing, affixing the professional engineer's seal, or permitting the professional engineer's seal or signature to be affixed to an instrument of practice that has not been prepared or completely checked by the professional engineer or under the professional engineer's direct supervision or control;
  - (K) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;
  - (L) Providing false testimony or information to the board; or
  - (M) Habitual intoxication or addiction to the use of drugs or alcohol; or
- (2) Found guilty of or enters a plea of guilty or nolo contendere to:
- (A) A felony;
  - (B) A crime of which an essential element is dishonesty; or

(C) A crime that is directly related to the practice of engineering.

(b) In addition to any other penalty provided in this section, a person who violates this chapter or a rule of the board shall pay to the board a civil penalty in an amount determined by the board of not more than five thousand dollars (\$5,000) for each offense.

(c) (1) The board shall adopt rules of professional conduct under § 17-30-203 that shall be published in writing to an applicant for licensure under this chapter and published in the roster.

(2) The publication shall constitute due notice to the licensees.

(3) The board may amend the rules of professional conduct from time to time and shall notify each licensee in writing of the amendments.

(d) The board may:

(1) Revoke a certificate of authorization;

(2) Suspend a certificate of authorization for no more than two (2) years of a firm if one (1) or more of its officers or directors have been found guilty of conduct that would authorize a revocation or suspension of the certificate of licensure of the officer or director under this section;

(3) Place a licensee on probation under rules prescribed by the board; or

(4) Levy a fine of not more than five thousand dollars (\$5,000) for each offense.

(e) The board may discipline nonlicensees that violate this chapter by imposing a fine of not more than five thousand dollars (\$5,000) for each offense.

### **17-30-306. Disciplinary action -- Procedures.**

(a) The rules promulgated by the State Board of Licensure for Professional Engineers and Professional Surveyors for disciplinary procedures shall be based on and consistent with the model rules of procedure of the Attorney General.

(b) A charge, unless dismissed or settled informally shall be heard by the board within twelve (12) months after the date on which the charge was submitted.

(c) A fine or civil penalty not paid within fifty (50) days after the order becomes final shall constitute a judgment, and the order shall be filed and executed in the same manner as any other judgment of a court of record.

(d) Upon petition of an individual licensee or firm holding a certificate of authorization, the board may reissue a certificate of licensure or authorization if a majority of the members of the board vote to reissue the certificate of licensure or authorization.

### **17-30-307. Continuing education requirements.**

(a) (1) The State Board of Licensure for Professional Engineers and Professional Surveyors shall issue rules establishing the continuing education requirements for professional engineers and engineer-interns.

(2) The rules shall take into account the accessibility to applicants of the board's continuing education requirements.

(3) The rules may:

(A) Rely upon guidelines and pronouncements of recognized educational and professional associations;

(B) Prescribe the content, duration, and organization of courses;

(C) Provide for the relaxation or suspension of requirements for:

(i) Applicants who certify that they do not intend to engage in the practice of engineering; and

(ii) Instances of individual hardship;

(D) Exempt from licensed continuing education requirements a professional engineer sixtyfive (65) years of age or older with twenty-five (25) or more years of experience as a practicing professional engineer; and

(E) (i) Prescribe the manner and condition under which credit shall be given for participation in a program of continuing education that the board considers necessary and appropriate to maintain competency in the practice of engineering.

(ii) Examples of programs of continuing education that are acceptable include without limitation programs or seminars sponsored by higher educational institutions, government agencies, and professional engineering organizations and related professions.

(b) (1) An application for renewal of a certificate of licensure shall be accompanied by evidence documenting the completion of acceptable continuing education credit during the previous renewal period.

(2) Failure by an applicant to provide this evidence upon request by the board is grounds for disciplinary action unless the board determines the failure is due to a reasonable cause or the applicant was not engaged in the practice of engineering during the previous renewal period.

(3) The board may renew a certificate of licensure despite an applicant's failure to furnish satisfactory evidence of meeting continuing education requirements and may issue a certificate of licensure to an applicant who has previously maintained inactive status under §17-30-304 if the applicant follows a particular program or schedule of continuing education prescribed by the board.

# **ARKANSAS CODE: TITLE 17 PROFESSIONS, OCCUPATIONS, AND BUSINESSES, SUBTITLE 2. NONMEDICAL PROFESSIONS, CH. 48 SURVEYORS**

## **SUBCHAPTER 1 -- GENERAL PROVISIONS**

### **17-48-101. Definitions.**

As used in this chapter:

(1) (A) "Firm" means a form of business entity that offers professional surveying services of its licensed personnel to the public.

(B) "Firm" does not include an individual licensee operating under his or her name;

(2) (A) "Land surveying" means a service comprising the:

(i) Determination of the location of land boundaries and land boundary corners;  
and

(ii) Preparation of:

(a) Plats showing the shape and areas of tracts of land and their  
subdivision into smaller tracts;

(b) Plats showing the location of streets, roads, and rights-of-way of tracts  
to give access to smaller tracts; and

(c) Official plats or maps of land thereof in this state.

(B) "Land surveying" does not include the measure of acreage of timber, cotton, rice, or  
other agricultural crops.

(C) A person practices or offers to practice land surveying if the person:

(i) Engages in land surveying for others; or

(ii) By verbal claim, sign, letterhead, card, telephone listing, or in any other way  
represents himself or herself:

- (a) To be a professional surveyor; or
  - (b) As able to perform land surveying in this state;
- (3) "Metadata" means a description of the content, ancestry and source, quantity, database schema, and accuracy of digital map data;
- (4) "Professional surveyor" means a person who by reason of special knowledge of mathematics, surveying principles and methods, and legal requirements that are acquired by educational or practical experience is qualified to engage in the practice of land surveying and surveying measurement certification;
- (5) "Responsible charge" means direct control of, supervision of, and legal responsibility for the surveying work performed; and
- (6) "Surveying measurement certification" means providing the professional service of certification or sealing of maps, documents, digital files, or other data to verify that the maps, documents, digital files, or other data are authoritative professional determinations based on accepted methods and principles of surveying measurement or analysis representing or listing the following types of surveying measurements:
- (A) The configuration or contour of the earth's surface or the position of fixed objects on the earth's surface;
  - (B) The position or elevation of a survey boundary, control monument, or reference point; and
  - (C) The alignment or elevation of a fixed work embraced within the practice of professional engineering.

#### **17-48-102. Penalties -- Enforcement.**

- (a) (1) Unless a different penalty is specifically provided, a person who violates this chapter shall be guilty of a Class B misdemeanor.
- (2) It is the duty of all duly constituted officers of the state and all of its political subdivisions to enforce this chapter and prosecute any persons violating it.
- (b) (1) The State Board of Licensure for Professional Engineers and Professional Surveyors may levy a civil penalty against any licensed engineer, professional surveyor, or surveyor intern who:
- (A) Is found guilty of:
    - (i) Fraud or deceit in his or her practice or in securing a certificate of licensure; or

(ii) Gross negligence, incompetence, or misconduct; or

(B) Fails or refuses to comply with any laws relating to the licensure and practice of engineers, professional surveyors, or surveyor interns or any rules or regulations adopted by the board under the authority granted in such laws.

(2) Any civil penalty levied by the board may be in lieu of or in addition to any other sanction imposed by the board.

(3) A civil penalty assessed by the board shall not be more than five thousand dollars (\$5,000).

(c) The Attorney General or his or her assistants shall act as legal advisors to the board and render such legal assistance as may be necessary.

(d) The board may employ counsel to enforce this chapter, the costs to be paid from the funds of the board.

### **17-48-103. Regulation.**

In order to safeguard the life, health, or property of the public, the practice of land surveying in this state is declared to be subject to regulation in the public interest.

### **17-48-104. Powers of the board.**

(a) The State Board of Licensure for Professional Engineers and Professional Surveyors may adopt and amend all bylaws and rules of procedure not inconsistent with the Arkansas Constitution and laws of this state or this chapter that may be reasonably necessary for the proper performance of its duties and the regulations of its proceedings, meetings, records, examinations, and the conduct thereof.

(b) The board may engage such technical advice and counsel as necessary to review applications, conduct interviews, prepare and give examinations, grade examinations, as required by this chapter, and to pay for such services.

(c) (1) In carrying into effect this chapter, the board, under the hand of its president and the seal of the board, may subpoena witnesses and compel their attendance and also may require the submission of books, papers, documents, or other pertinent data in any disciplinary matter or in any case in which a violation of this chapter is alleged.

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



(d) (1) In the name of the state, the board may apply for relief by injunction in the established manner provided in cases of civil procedure, without bond, to enforce this chapter or to restrain any violation thereof.

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

(3) The members of the board shall not be personally liable under this procedure.

(e) The board may establish application fees, certificate fees, renewal fees, license reinstatement fees, examination fees, penalties for late renewals or cancellations, and any other fees it deems necessary within the guidelines of the State of Arkansas.

#### **17-48-105. Seal and signature required.**

(a) Each licensed professional surveyor shall:

(1) Procure a personal seal, in form approved by the State Board of Licensure for Professional Engineers and Professional Surveyors; and

(2) Affix his or her signature and the seal upon all maps, plats, surveys, or other documents before the delivery thereof to any client or before offering to file a record of any such map, plat, survey, or other document in the office of the recorder of deeds of any county or with any proper public authority.

(b) It is unlawful for the recorder of deeds of any county or any proper public authority to file or record any map, plat, survey, or other document within the definition of land surveying that does not have impressed thereon and affixed thereto the personal signature and seal of a licensed professional surveyor by whom the map, plat, survey, or other document was prepared.

#### **17-48-106. Failure to file boundary survey.**

(a) (1) A licensed surveyor is not required to file a plat until he or she has been paid for performing the survey.

(2) A licensed surveyor shall file the plat with the State Surveyor within thirty (30) days after payment for performing the survey or the plat is completed, whichever event occurs last.

(b) The sole purpose of filing the plat shall be to identify the person or persons who made the plat and survey and placed the survey markers and shall not be used to evidence adverse possession or as evidence in boundary disputes.

(c) The provisions of this chapter shall not apply to surveys hereafter made of subdivided property located in a municipality where property has previously been surveyed and a plat filed.

(d) Any licensed surveyor who shall fail or refuse to file the survey as provided by this chapter shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100) or imprisonment for not less than thirty (30) days nor more than six (6) months, or subject to both fine and imprisonment.

#### **17-48-107. Contents of survey.**

(a) Every survey of a parcel of real property made after March 30, 1981, shall include a statement of the number of acres or parts of acres included in the parcel surveyed. If the parcel surveyed includes lands situated in more than one quarter-quarter, the approximate number of acres of the parcel lying in each quarter-quarter shall be shown separately.

(b) The General Assembly recognizes that every county assessor in the state is required by law to account for and list each parcel of real property and every acre within his or her jurisdiction. It is the intent and purpose of this section to assist the various assessors to carry out this responsibility by requiring that every survey of real estate made after March 30, 1981, specify therein the number of acres or parts of acres included in the survey.

## **SUBCHAPTER 2 – REGISTRATION**

#### **17-48-201. Registration required -- Sole or group practice -- Trainees.**

(a) (1) It is unlawful for a person who is not a professional surveyor licensed by the State Board of Licensure for Professional Engineers and Professional Surveyors to hold himself or herself out as a professional surveyor to practice or offer to practice land surveying in the state, as defined in this chapter, or to use in connection with his or her name or otherwise assume or advertise any title or description tending to convey the impression that he or she is a professional surveyor unless the person has been licensed under this chapter.

(2) The board may discipline nonlicensees that violate this chapter by the levy of a fine in an amount not to exceed five thousand dollars (\$5,000) for each offense.

(b) (1) (A) Admission to practice land surveying and surveying measurement certification shall be determined upon the basis of individual personal qualifications.

(B) The right to engage in the practice of land surveying and surveying measurement certification is a personal right, based upon the qualifications of the individual, evidenced by his or her license certificate, and is not transferable.

(2) "Surveying measurement certification" does not permit the preparation of engineering or architectural design documents or quantity estimate payment documents.

(c) (1) A professional surveyor may practice his or her profession through the medium of or as a member or employee of a firm if:

(A) All surveys are signed and stamped with the signature and seal of the professional surveyor in responsible charge; and

(B) The firm has complied with § 17-48-207.

(2) The professional surveyor signing and sealing the surveys shall be personally and professionally responsible therefor, and his or her participation in any firm either as a partner, principal, or employee does not limit his or her individual liability.

(d) A surveyor intern may engage in the practice of land surveying only as an employee of or under the supervision of a professional surveyor.

(e) It is unlawful for a person to prepare, distribute, or place the public records, maps, documents, digital files, or other data that bear or contain a seal or any certification consisting of a verbal, numerical, or symbolic representation of the accuracy or precision of surveying measurements as defined in § 17-48-101(4) or that bear or contain a statement of determination by an authoritative professional source unless the maps, documents, digital files, or other data bear or contain the seal of a professional surveyor or professional engineer practicing within his or her respective discipline.

(f) This chapter does not apply to:

(1) The usual symbols and statements of the cartographic representation of scale and direction, including without limitation scale ratios, scale bars, and north arrows;

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

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

(g) This chapter does not impair or reduce the scope of:

(1) The professional practice of engineers as defined by statute and rules of the board; and

(2) The professional practice of professional architects as defined by statute and rules of the Arkansas State Board of Architects, Landscape Architects, and Interior Designers.

**17-48-202. Application.**

(a) Application for licensure as a professional surveyor or surveyor intern shall be made on forms provided by the State Board of Licensure for Professional Engineers and Professional Surveyors to be signed and sworn to by the applicant.

(b) The forms shall contain statements made under oath, showing the applicant's education, experience record, references, and any other pertinent information as determined by the board.

**17-48-203. Qualifications -- Certification.**

(a) A person who shows to the satisfaction of the State Board of Licensure for Professional Engineers and Professional Surveyors that he or she is a person of good character and reputation and over twenty-one (21) years of age shall be eligible for licensure as a professional surveyor if he or she qualifies under one (1) of the following provisions:

(1) A person holding a certificate of licensure to engage in the practice of land surveying issued to him or her on the basis of a written examination by proper authority of a state, territory, possession of the United States, the District of Columbia, or any foreign country, based on requirements and qualifications as shown on his or her application that in the opinion of the board are equal to or higher than the requirements of this chapter may be licensed at the discretion of the board;

(2) (A) A graduate from an approved engineering curriculum with sufficient surveying courses or a surveying technology curriculum of two (2) years or more approved by the board, followed by at least two (2) years of land surveying that must be surveying experience of a character satisfactory to the board, who has passed a written examination designed to show that he or she is qualified to practice land surveying in this state, may be licensed if he or she is otherwise qualified.

(B) Each year of teaching land surveying in an approved engineering or surveying curriculum may be considered as equivalent to one (1) year of land surveying experience; or

(3) (A) An applicant who cannot qualify under subdivision (a)(2) of this section and who has six (6) years or more of active experience in land surveying of a character satisfactory to the board and who has passed a written examination designed to show that he or she is qualified to practice land surveying may be granted a certificate of licensure to practice land surveying in this state if he or she is otherwise qualified.

(B) Each year of satisfactory work in an approved engineering or engineering technology curriculum majoring in surveying may be considered as one (1) year of experience in land surveying, but not exceeding two (2) years.

(b) Effective January 1, 2017, an applicant for licensure as a professional surveyor shall qualify under one (1) of the following provisions:

(1) (A) A graduate holding a baccalaureate degree from a curriculum of four (4) years or more who has completed at least thirty (30) semester credit hours or the equivalent, as approved by the board, in courses involving land surveying, mapping, and real property, as approved by the board, followed by three (3) years or more of experience in responsible charge of land surveying under the supervision of a professional surveyor and who has passed an examination for certification as a surveyor intern shall be admitted to sit for a written examination in a form approved by the board.

(B) An applicant who is otherwise qualified shall be granted licensure as a professional surveyor upon passing the written examination; or

(2) (A) A graduate holding an associate of science degree in surveying or an associate of applied science in surveying degree from a program approved by the board or its equivalent, as approved by the board, followed by six (6) years or more of experience in responsible charge of land surveying under the supervision of a professional surveyor, and who has passed an examination for certification as a surveyor intern shall be admitted to sit for a written examination in a form approved by the board.

(B) An applicant who is otherwise qualified shall be granted licensure as a professional surveyor upon passing the written examination.

(c) A person who shows to the satisfaction of the board that he or she is a person of good character shall be eligible for licensure as a surveyor intern if he or she qualifies under one (1) of the following provisions:

(1) A person holding a certificate of licensure as a surveyor intern issued to him or her on the basis of a written examination by proper authority of a state, territory, possession of the United States, the District of Columbia, or any foreign country, based on requirements and qualifications as shown on his or her application, which requirements and qualifications, in the opinion of the board, are equal to or higher than the requirements of this chapter, may be licensed as a surveyor intern at the discretion of the board;

(2) A graduate from an approved engineering curriculum with sufficient surveying courses, or a surveying technology curriculum of two (2) years or more, approved by the board, who has passed a written examination designed to show that he or she is proficient in surveying fundamentals, may be licensed if he or she is otherwise qualified; or

(3) (A) An applicant who cannot qualify under subdivision (c)(2) of this section and who has four (4) years or more of active experience in land surveying of a character

satisfactory to the board and who has passed a written examination designed to show that he or she is proficient in surveying fundamentals may be licensed if he or she is otherwise qualified.

(B) Each year of satisfactory work in an approved engineering or engineering technology curriculum majoring in surveying may be considered as one (1) year of experience in land surveying, but not exceeding two (2) years.

(d) Effective January 1, 2017, an applicant for licensure as a surveyor intern shall qualify under one (1) of the following:

(1) (A) A graduate holding or a student enrolled in the last year of a program leading to a baccalaureate degree from a curriculum of four (4) years or more who has finished at least thirty (30) semester credit hours, or the board-approved equivalent, in courses approved by the board involving land surveying, mapping, and real property shall be admitted to sit for a written examination in a form approved by the board.

(B) An applicant who is qualified shall be granted licensure as a surveyor intern on:

(i) Passing the written examination; and

(ii) Providing proof of graduation with a board-approved baccalaureate degree; or

(2) (A) A graduate holding or student enrolled in the last year of a program leading to an associate of science or an associate of applied science degree in surveying from a program approved by the board shall be admitted to sit for a written examination in a form approved by the board.

(B) An applicant who is qualified shall be granted licensure as a surveyor intern on:

(i) Passing the written examination; and

(ii) Providing proof of graduation with a board-approved associate of science or associate of applied science degree.

#### **17-48-204. Expiration and renewal -- Inactive status -- Reinstatement.**

(a) All certificates shall be renewed annually or biennially at the discretion of the State Board of Licensure for Professional Engineers and Professional Surveyors.

(b) Certificates of licensure for professional surveyors and professional surveyor interns shall be renewed by the board to persons who are holders of certificates issued under this chapter who have furnished evidence satisfactory to the board of compliance with the requirements of § 17-48-206(a).

(c) (1) (A) Notwithstanding subsection (b) of this section, a professional surveyor or surveyor intern licensed under this chapter who is not engaged in the practice of land surveying may request in writing that the board place his or her name on the board's inactive roll, thereby granting him or her inactive status and protecting his or her right to obtain a certificate of licensure under subsection (b) of this section at such later time as he or she may wish to become engaged in the practice of land surveying.

(B) Inactive status shall continue as long as the licensee pays the annual fee under the board's rules.

(2) A professional surveyor whose license is inactive may return to active status by:

(A) Notifying the board in advance of his or her intention to return to active status;

(B) Paying the appropriate fees; and

(C) Meeting all requirements of the board, including demonstration of continuing professional competency.

(d) A professional surveyor or surveyor intern whose certificate of licensure is not renewed may have it reinstated by meeting the requirements of the board, depending on the time of nonrenewal under the rules of the board. The requirements the board may consider are:

(1) Payment of fees and penalties;

(2) Demonstration of continuing professional competency; and

(3) Reexamination.

### **17-48-205. Administrative violations and penalties.**

(a) The State Board of Licensure for Professional Engineers and Professional Surveyors may suspend, revoke, or refuse to issue, restore, or renew a certificate of licensure of, or place on probation, fine, or reprimand a professional surveyor who is:

(1) Found guilty of:

(A) Fraud or deceit in obtaining, attempting to obtain, or renewing a certificate of licensure or certificate of authorization;

- (B) Negligence, incompetency, or misconduct in the practice of surveying;
  - (C) Failure to comply with this chapter, the rules of the board, or an order of the board;
  - (D) Discipline by another state, territory, the District of Columbia, a foreign, the United States Government, or any other governmental agency, if at least one (1) of the grounds for discipline is the same or substantially equivalent to those contained in this section;
  - (E) Failure within thirty (30) days to provide information requested by the board as a result of a formal or informal complaint to the board that would indicate a violation of this chapter;
  - (F) Knowingly making false statements or signing false statements, certificates, or affidavits to induce payment;
  - (G) Aiding or assisting another person in violating this chapter or the rules of the board;
  - (H) Violating a term of probation imposed by the board;
  - (I) Using a seal or practicing surveying while the professional surveyor's license is suspended, revoked, nonrenewed, or inactive;
  - (J) Signing, affixing the professional surveyor's seal, or permitting the professional surveyor's seal or signature to be affixed to an instrument of practice that has not been prepared or completely checked by the professional surveyor or under the professional surveyor's direct supervision or control;
  - (K) Engaging in dishonorable, unethical, or unprofessional conduct of character likely to deceive, defraud, or harm the public;
  - (L) Providing false testimony or information to the board; or
  - (M) Habitual intoxication or addiction to the use of drugs or alcohol;
- (2) Found guilty of or enters a plea of guilty or nolo contendere to:
- (A) A felony;
  - (B) A crime of which an essential element is dishonesty; or
  - (C) A crime that is directly related to the practice of surveying; or



(3) Subject to disciplinary action by another state, territory, the District of Columbia, a foreign country, the United States Government, or other governmental agency, if at least one (1) of the grounds for discipline is the same or substantially equivalent to those contained in this section.

(b) The board may take the following action against a professional surveyor:

- (1) Suspend or revoke a certificate of licensure;
- (2) Refuse to issue, restore, or renew a certificate of licensure;
- (3) Place on probation, impose a fine, or reprimand; or
- (4) A combination of the above.

(c) A person that violates this chapter or a rule of the board shall pay a civil penalty to the board of not more than five thousand dollars (\$5,000) for each offense.

(d) (1) The board shall adopt rules of professional conduct under § 17-48-104 that are to be provided to an applicant for licensure.

(2) The board may amend these rules of professional conduct from time to time and shall notify each licensee in writing of the amendments.

(e) The board may:

- (1) Revoke a certificate of authorization;
- (2) Suspend a certificate of authorization for a time not exceeding two (2) years of a firm when one (1) or more of its officers or directors have been found guilty of conduct that would authorize a revocation or suspension of their certificates of licensure under this section;
- (3) Place a firm on probation for a period and subject to the conditions as the board may specify; or
- (4) Levy a fine in an amount not more than five thousand dollars (\$5,000) for each offense.

(f) The board may levy a fine in an amount not more than five thousand dollars (\$5,000) for each offense against nonlicensees that violate this chapter.

**17-48-206. Continuing education requirements.**

(a) (1) The State Board of Licensure for Professional Engineers and Professional Surveyors shall issue rules establishing the continuing education requirements for professional surveyors and surveyor interns.

(2) The rules shall take into account the accessibility to applicants of the board's continuing education requirements.

(3) The rules may:

(A) Rely upon guidelines and pronouncements of recognized educational and professional associations;

(B) Prescribe the content, duration, and organization of courses;

(C) Provide for the relaxation or suspension of requirements for:

(i) Applicants who certify that they do not intend to engage in the practice of surveying; and

(ii) Instances of individual hardship;

(D) Exempt from licensed continuing education requirements a professional surveyor sixty (60) years of age or older with twenty (20) or more years of experience as a practicing professional surveyor; and

(E) (i) Prescribe the manner and condition under which credit shall be given for participation in a program of continuing education that the board considers necessary and appropriate to maintain competency in the practice of surveying.

(ii) Examples of programs of continuing education that are acceptable include without limitation programs or seminars sponsored by higher educational institutions, government agencies, and professional surveying organizations and related professions.

(b) (1) An application for renewal of a certificate of licensure shall be accompanied by evidence documenting the completion of acceptable continuing education credit during the previous renewal period.

(2) Failure by an applicant to provide this evidence upon request by the board is grounds for disciplinary action unless the board determines the failure is due to a reasonable cause or the applicant was not engaged in the practice of surveying during the previous renewal period.

(3) The board may renew a certificate of licensure despite an applicant's failure to furnish satisfactory evidence of meeting continuing education requirements and may issue a certificate of licensure to an applicant who has previously maintained inactive status under §17-48-204(c) if the applicant follows a particular program or schedule of continuing education prescribed by the board.

#### **17-48-207. Certificates of authorization.**

(a) A firm that practices or offers to practice surveying is required to obtain a certificate of authorization from the State Board of Licensure for Professional Engineers and Professional Surveyors under the board's rules.

(b) (1) In order to obtain a certificate of authorization, a surveying firm shall file an application with the board on a form provided by the board and shall provide all information required by the board's rules.

(2) A firm shall file a new application with the board on a form provided by the board:

(A) Upon renewal of the certificate of authorization; and

(B) Within thirty (30) days of the time that any of the information contained in the application form changes or differs for any reason from the information contained in the original application form.

(3) If in the judgment of the board the application meets the requirements of this chapter, the board shall issue a certificate of authorization for the surveying firm.

(c) A certificate of authorization is not required for a firm performing surveying for:

(1) Itself;

(2) The firm's parent organization; or

(3) A subsidiary of the firm.

(d) (1) A firm shall not be relieved of responsibility for the conduct or acts of its agents, employees, officers, partners, members, or managers by reason of its compliance with this section.

(2) An individual practicing surveying under this chapter shall not be relieved of his or her responsibility for surveying services performed by reason of employment or other relationship with a firm holding a certificate of authorization.

(e) (1) Unless the board has first issued a certification of authorization or a letter stating the eligibility of an applicant to receive a certificate of authorization, the Secretary of State shall not

accept organization papers or issue a certificate of incorporation, licensure, or authorization to a firm that includes among the objectives for which it is established or within its name, the words:

(A) Surveyor;

(B) Surveying; or

(C) Any modification or derivation of surveyor or surveying.

(2) The firm applying to the Secretary of State shall supply the certificate of authorization or letter from the board indicating eligibility for a certificate of authorization with its application for incorporation, licensure, or authorization.

(f) The Secretary of State shall decline to license a trade name or service mark that includes the words surveyor, surveying, or any modification or derivation of surveyor or surveying in its firm name or logotype except in the case of a firm that has a certificate of authorization under this section.

(g) The certificate of authorization may be renewed under § 17-48-204.

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

#### **17-48-208. Disciplinary action -- Procedures.**

(a) The rules promulgated by the State Board of Licensure for Professional Engineers and Professional Surveyors for disciplinary procedures shall be based on and consistent with the model rules of procedure of the Attorney General.

(b) A charge, unless dismissed or settled informally, is to be heard by the board within twelve (12) months after the date on which the charge was submitted.

(c) (1) A fine or civil penalty not paid within fifty (50) days after the order becomes final is a judgment.

(2) The order is to be filed as a judgment and executed in the same manner as other judgments.

(d) The board, on petition of an individual licensee or firm holding a certificate of authorization, may reissue a certificate of licensure or authorization if a majority of the members of the board vote for the issuance.

## **SUBCHAPTER 3 – PRIVILEGES AND RESPONSIBILITIES UPON ENTERING PRIVATE LAND OR WATER**

### **17-48-301. Purpose.**

The purpose of this subchapter is to enable surveyors to have access to survey monuments, triangulation stations, traverse stations, leveling stations, section corners, quarter-section corners and sixteenth-section corners, locations, and other evidence needed in conducting or preparing for surveys or in preserving such monuments, triangulation stations, traverse stations, leveling stations, section corners, quarter-section corners and sixteenth-section corners, locations, or other evidence. It is particularly recognized that at times it is necessary for a surveyor to tread on property not in his or her survey contract because the boundaries and corners of any parcel of land are necessarily also those of adjoining parcels and because the location of boundaries and corners often are affected by the location of some that are remote and not adjoining.

### **17-48-302. Definition.**

As used in this subchapter, "surveyor" means a person:

- (1) Who is a registered surveyor licensed to practice in the State of Arkansas by permanent registration number or by special permit;
- (2) Employed in surveying by the United States Government, by the State of Arkansas, or by a local government agency; and
- (3) Who is under the direct supervision of or is employed by a person who is a surveyor under subdivision (1) or (2) of this section.

### **17-48-303. Right to enter -- Immunity from arrest -- Identification.**

(a) Surveyors shall have the right to enter on public or private land or waters, except buildings, in the lawful pursuit of their occupations and shall be immune from arrest for trespass when performing their duties as prescribed in this subchapter.

(b) (1) Where practical, surveyors shall announce and identify themselves and their intentions before entering upon private property.

(2) Surveyors will carry means of proper identification as to their registration or employment and will display the identification to anyone requesting it.

(3) Surveyors shall not use the privilege granted herein to extend that point of entry as determined by actual survey requirements.

**17-48-304. Liability.**

(a) Surveyors shall be personally liable for any damage caused to private property when exercising entry under this subchapter.

(b) Surveyors shall forfeit any and all claim for damage or personal injury against the landowner while on such lands or waters unless the damage or injury is caused by the intentional tortious conduct of the landowner or his or her agent.

# **ARKANSAS ADMINISTRATIVE RULES: BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS, RULES OF THE BOARD**

## **ARTICLE 1. GENERAL PROVISIONS**

### **A. Practice of Engineering**

In order to safeguard life, health and property and to promote the public welfare, the practice of engineering in the State of Arkansas is subject to regulation. It shall be unlawful for any person to practice, or to offer to practice engineering in this state, as defined in the provisions of A.C.A. 17-30-101 et. seq., and the Administrative Procedure Act, A.C.A. 25-15-101 et. seq., or to assume, advertise, or use his name and title or description tending to convey the impression that he is an engineer unless such person has been duly licensed under the provisions of these statutes. The Practice of Engineering shall be deemed a privilege granted by the State through the Licensing Board based on the qualifications of the individual as evidenced by their certificate of licensure, which shall not be transferable.

### **B. Practice of Surveying**

In order to safeguard life, health and property and to promote the public welfare, the practice of surveying in the State of Arkansas is subject to regulation. It shall be unlawful for any person to practice, or to offer to practice, surveying in this state, as defined in the provisions of A.C.A. 17-48-101 et. seq., and the Arkansas Administrative Procedure Act, A.C.A. 25-15-101 et. seq. or to assume, advertise, or use his name, and title or description tending to convey the impression that he is a surveyor unless such person has been duly licensed under these statutes. The Practice of Surveying shall be deemed a privilege granted by the State through the Licensing Board based on the qualifications of the individual as evidenced by their certificate of licensure, which shall not be transferable.

## **ARTICLE 2. DEFINITIONS**

A. Board – The term “Board” shall mean the Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors.

B. Professional Engineer – The term “professional engineer” shall mean a person who has been duly licensed as a Professional Engineer by the Board.

C. Engineer Intern – The term “engineer intern” shall mean a person who complies with the requirements in education and character, who has passed an eight (8) hour National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Engineering examination, and has been duly certified by the Board.

D. Practice of Engineering –

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

2. Except as provided in 3. below, a person shall be construed to practice or offer to practice engineering who practices in any branch of engineering; or who, by verbal claim, sign, advertisement, letterhead, card or in any other way, represents himself to be an engineer; or who through the use of some other title implies that he is an engineer or that he is licensed by the Board; or who holds himself out as able to perform or does perform any engineering service or work which is recognized as engineering, but such definition shall not include persons who operate or maintain machinery or equipment. The practice of engineering shall not include the act of measuring land, drawing or reading plans or other work normally done by mechanics, technicians, draftsmen or licensed surveyors.

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

- a. Advertising in publications or electronic media, provided there is no holding out of professional services in jurisdictions where not licensed;
- b. Responding to letters of inquiry regarding requests for proposals, provides there is written disclosure that the engineer and firm are not licensed in this jurisdiction and the response is limited to inquiries regarding scope and to demonstrate interest;



c. Responding to letters of inquiry from prospective clients, provided there is written disclosure that the engineer and firm are not licensed in this jurisdiction and the response is limited to inquiries regarding scope of project and to demonstrate interest;

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

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

E. Professional Surveyor – The term “professional surveyor” shall mean a person who, by reason of special knowledge of mathematics, surveying principles and methods, and legal requirements that are acquired by education or practical experience, is qualified to engage in the practice of land surveying and surveying measurement certification; and who has been duly licensed by the Board.

F. Surveyor Intern – The term “surveyor intern” shall mean a person who complies with the requirements in education, and/or experience and character who has passed an approved NCEES Fundamentals of Surveying examination and who has been duly certified by the Board.

G. Practice of Surveying – Except as provided in 3. below, a person shall be construed to practice or offer to practice surveying who engages in surveying for others or who by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself to be able to perform surveying or who through some other title implies that he is a professional surveyor or that he is licensed by this Board.

1. Land Surveying – The term “land surveying” shall mean any determination of the location of land boundaries or land boundary corners; the preparation of plats showing the shape and areas of tracts of land and their subdivision into smaller tracts; the preparation of plats showing the location of streets, roads, easements or right-of-ways of tracts to give access to smaller tracts; the preparation of official plats or maps of land boundaries within the State of Arkansas; and teaching of land surveying. The term “land surveying” shall not include the measuring of acreage of timber, cotton, rice or other agricultural crops and/or surveying of irrigation levees.

2. Surveying Measurement Certification – a. Means providing the professional service of certification or sealing of maps, documents, digital files, or other data for the purpose of verifying that the maps, documents, digital files, or other data are authoritative professional determinations based upon accepted methods and principals of surveying measurements or analysis representing or listing the following types of surveying measurements:

1. The configuration or contour of the earth's surface or the position of fixed objects on the earth's surface;
2. The position or elevation of any survey boundary or control monument or reference point; and
3. The alignment or elevation of any fixed works embraced within the practice of professional engineering.

b. The term "surveying measurement certification" shall not be construed to permit the preparation of engineering or architectural design documents or quantity payment documents.

3. Clarification to Offering to Practice Surveying – A person who is a licensed surveyor in another jurisdiction shall not be considered to be offering to practice surveying when soliciting work by any of the following means:

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

b. Responding to letters of inquiry regarding requests for proposals, provides there is written disclosure that the surveyor and firm are not licensed in this jurisdiction and the response is limited to inquiries regarding scope and to demonstrate interest;

c. Responding to letters of inquiry from prospective clients, provided there is written disclosure that the surveyor and firm are not licensed in this jurisdiction and the response is limited to inquiries regarding scope of project and to demonstrate interest.

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

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

H. Metadata – The term "metadata" means a description of the content, ancestry and source, quantity, database schema, and accuracy of digital map data.

I. Responsible Charge – The term "responsible charge" shall mean direct control, supervision of and legal responsibility for all engineering and surveying performed. This responsible charge shall be of such a nature that the client may reasonably presume that the licensed engineer or surveyor of the firm which he has employed is the provider of the professional services.

J. These rules shall not conflict with the Arkansas Architectural Act (A.C.A. 17-15-101 et.seq.)

K. NCEES – The term “NCEES” shall mean the National Council of Examiners for Engineering and Surveying. It is composed of Boards from the U.S. and its territories. NCEES is the sole source for the engineering and surveying examinations. The Arkansas Board of Licensure for Professional Engineers & Professional Surveyors is a member of NCEES.

L. ELSESES, LLC - The terms “ELSESES” or “ELSESES, LLC” means an affiliate of NCEES or any successor organization chosen or designated by the Board for administering examinations.

M. Firm – The term “Firm” means any form of business entity that offers professional engineering and/or professional surveying services to the public. The term shall not include an individual licensee operating in his or her own name so long as:

1. The licensee is operating as a sole proprietorship;
2. The name of the entity is sufficient to identify the licensee from the Board’s roster and includes, at a minimum, the licensee’s last name and first and middle initials; and
3. The name is personal to the licensee and not a trade name, dba or otherwise fictitious name.

### **ARTICLE 3. BOARD – ORGANIZATION AND MEETING**

A. Regular meetings of the Board shall be held bi-monthly and at such other times and places as the Board may designate. The President may call special meetings when he deems necessary or upon the written request of three members of the Board.

B. The Board shall elect a President and Vice-President annually. An Executive Director shall be appointed by the Board and will serve also as Secretary-Treasurer of the Board.

C. Roberts Rules of Order Newly Revised and Arkansas Administrative Procedure Act shall govern the procedures of the Board.

D. The President shall be the executive head of the Board. He shall preside at meetings, appoint committees, and perform all the duties pertaining to the office of President.

E. The Vice-President shall exercise the duties and possess all the powers of the President in the absence or incapacity of the President.

F. The Executive Director, with the assistance of staff, shall:

1. Keep minutes of the Board;
2. Furnish a copy of all minutes to each member of the Board;

3. Send written notice of regular and special meetings of the Board not less than ten (10) days in advance thereof;
4. Examine each application for licensure prior to consideration by the Board;
5. Address inquiries to references to verify qualifications, experience, and character of applicants;
6. Make arrangements as required by the Board for examinations, interviews and hearings;
7. Report the results of every examination and other evidence of qualifications to the Board members;
8. Review and investigate, with the Complaint Committee, all complaints or alleged violations received by the Board;
9. Prepare and present required reports, budgets, and rosters as the Board may direct;
10. Keep all records;
11. Keep all funds and fiscal records;
12. Prepare official correspondence of the Board;
13. Perform all other duties prescribed by the statutes and the Rules of the Board; and
14. Perform all other duties normally associated with office administration.

G. Regular and special committees appointed by the President shall perform the duties assigned to them and shall present reports to the Board in a timely fashion as specified by the President.

#### **ARTICLE 4. BOARD – POWERS**

- A. The Board shall have the power to adopt and amend all Rules consistent with Arkansas law, including the adoption and promulgation of the Rules of Professional Conduct, which shall be binding upon persons licensed under the statutes and the Rules of the Board.
- B. The Board may subpoena witnesses and require the submission of books, papers, documents, or other pertinent data, when a violation of the statutes and/or the Rules of the Board is alleged. Upon failure or refusal to comply with any such order of the Board or upon failure to honor its subpoena, the Board may apply to a court of competent jurisdiction to enforce compliance.
- C. In the name of the State of Arkansas, the Board is authorized to apply for relief by injunction in the established manner provided in cases of civil procedure, without bond, to enforce the

provisions of the statutes and the Rules of the Board or to restrain any violation. In such proceedings, it shall not be necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation. The members of the Board shall not be personally liable under these proceedings.

#### **ARTICLE 5. RECEIPTS AND DISBURSEMENTS**

The Executive Director of the Board shall receive and account for all money received under the provisions of the statutes and the Rules of the Board. These funds shall be deposited and paid out according to the directions of the Department of Finance and Administration. All funds in this account are specifically appropriated for the use of the Board by the General Assembly. The Executive Director shall receive such salary as the Board determines within the limits set forth by the General Assembly. The Board shall employ assistants required to properly perform its work and shall make expenditures from this account for any purpose which, in the opinion of the Board, is reasonably necessary to perform its duties under the statutes and the Rules of the Board. This shall include the membership fees in the NCEES and any of its subdivisions and the expenses of the Board's delegates to the NCEES National and Southern Zone meetings. The total amount of warrants issued in payment of the expenses and compensation provided for in the statutes and the Rules of the Board shall not exceed the amount of moneys available and/or appropriated, whichever is less.

#### **ARTICLE 6. RECORDS AND REPORTS**

A. The Board shall keep a record of its proceedings and of all applications for licensure. All applications shall include:

1. the name, age, social security number, and address of each applicant;
2. the date of application;
3. the place of business of such applicant;
4. education, experience and other qualifications of such applicant;
5. the Board's decision concerning the applicant;
6. the date of the Board's actions;
7. the examination taken and the results; and
8. such other information as the Board deems necessary.

B. The Board's record shall be prima facie evidence of its proceedings and a transcript thereof, duly certified by the Executive Director under seal, shall be admissible as evidence with the same force and effect of the original.

C. At the end of the fiscal year and at such other times as designated by the appropriate State Agencies and the General Assembly, the Board shall submit a report of its financial transactions, transmitting a complete statement of the receipts and expenditures of the Board. An audit of the Board records will be made by the Legislative Audit Division of the Legislative Council.

D. At its discretion, the Board may send, accept, create and retain any records, forms, applications, etc., either in written or electronic form or may convert written records to electronic records in a manner and format prescribed by the Board, so long as they comply with the provisions of the Uniform Electronic Transactions Act ("UETA") (A.C.A. § 25-32-101 et seq.). In addition, electronic signatures may be accepted in lieu of handwritten signatures so long as they comply with the UETA and the "Electronic Signature Standard" or any current standard developed by the Department of Information Systems and/or the Department of Finance and Administration as provided for in A.C.A. § 25-32-118(a)(2) and the Board may specify the type or level and format of electronic signature that may be used.

## **ARTICLE 7. ROSTER**

Rosters showing the names and addresses of all licensed engineers and surveyors shall be made available by the Board at intervals established by the Board. Such publication shall be in accordance with current Arkansas Law.

## **ARTICLE 8. GENERAL REQUIREMENTS FOR LICENSURE**

### **A. General Information**

1. To be eligible for licensure as a professional engineer or surveyor or certification as an engineer intern or surveyor intern, an applicant must be of good character and reputation.
2. Each applicant must meet all qualifications as contained within the statutes and Rules of the Board. Each application shall be individually reviewed by the Board. Experience credit may be claimed to application date.
3. The term "Engineering Accreditation Commission of Accreditation Board for Engineering and Technology (EAC of ABET) approved, or equivalent" is used throughout these rules. The phrase "or equivalent" will be defined by the Arkansas Board as:

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

b. those who have a degree or degrees from a non-accredited program(s) but have had their official transcripts evaluated and found acceptable by a Board-approved organization such as NCEES or have made up any deficiencies identified by the evaluation with courses offered by an EAC of ABET accredited degree program or equivalent.

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

#### B. Engineer Intern

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

#### C. Professional Engineer

##### 1. Original Licensure

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

b. Applicant shall submit five (5) references, three (3) of which shall be professional engineers having personal knowledge of the applicant's engineering experience. Preferably these references should include both present and past supervisors.

c. One additional year of education may be substituted for experience for each Graduate Degree in engineering not to exceed two years of credit. Four (4) years must elapse after completing the requirements for the EAC of ABET degree.

d. The applicant shall have previously passed an examination in the fundamentals of engineering that is acceptable to the Board.

e. When these requirements are met, the applicant shall be admitted to an approved NCEES Professional Engineer examination.

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

g. The Board may exempt an individual from the NCEES Fundamentals of Engineering Examination if he possesses an EAC of ABET accredited engineering degree and an earned doctorate in engineering from a school which has an accredited engineering degree program in that discipline. An oral interview/examination may replace the written examination. The NCEES Professional Engineering Examination will not be waived.

## 2. Comity Licensure

a. Applicant shall supply proof that he or she is a Professional Engineer, in good standing, in another state or jurisdiction.

b. Applicant must meet the requirements for original licensure as a professional engineer in Arkansas which were in effect at the time the applicant received his or her initial license as a professional engineer. For those licensees from other jurisdictions who took the Professional Engineering Examination prior to four years of experience, the Board may waive this requirement providing the acceptable experience at time of application is at least four years. For those individuals with at least fifteen (15) years licensed practice, the Fundamentals of Engineering Examination may be waived.

c. Applicant shall submit five (5) references, three (3) of which shall be from professional engineers having personal knowledge of the applicant's engineering experience. Preferably, these references should include both present and past supervisors.

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

## D. Surveyor Intern

1. An applicant for Surveyor Intern who shall supply proof of graduation from a Bachelor of Science (BS) curriculum with at least nine (9) hours of surveying, three (3) hours of which must be in Principles of Practice of Boundary Location, approved by the Board, or graduation from an Associate of Science (AS) Degree Program in Surveying, approved by the Board, and who has passed an approved NCEES examination in the fundamentals of surveying shall be certified as a Surveyor Intern.

2. An applicant who cannot qualify under Section D.1, above, and who has four (4) or more years of experience in surveying of a grade and character satisfactory to the Board, who has submitted three (3) references, two (2) of which shall be from Professional



Surveyors having personal knowledge of the applicant's surveying experience, and has passed an approved NCEES examination in the fundamentals of surveying shall be certified as a Surveyor Intern. The Board, at its discretion, may grant to any applicant with education courses in engineering or surveying up to two (2) years of experience for his education. In general, an applicant's experience will be considered to be of a sufficient grade and character if it demonstrates and is verified by the applicant's supervisor to include:

- a. Three (3) years of field surveying methods and procedures that includes:
  - i. At least two (2) years of performing boundary surveys, land title surveys, geodetic surveys, right-of-way and easement surveys, and corner location and restoration and sectional breakdown in a public land survey system similar to that used in Arkansas. This would include experience in cadastral surveys and maps, monumentation, legal principles and reconciliation, field measurement and analysis and state plane coordinates. The applicant shall also demonstrate he or she is familiar with the theory and proper operation of various types of surveying instruments; and
  - ii. Not more than one (1) year in performing other types of surveys and/or surveying including construction stakeout, subdivision staking, topographic surveys, creating digital models, or any activity constituting Surveying Measurement Certification.
- b. One (1) year of office surveying methods and procedures that includes:
  - i. At least three (3) months in record research and analysis; and
  - ii. At least three (3) months in survey computations including reducing, evaluating and adjusting boundary survey and networked data; and
  - iii. At least three (3) months in preparing legal descriptions, survey plats, and/or subdivision plats.
- c. When evaluating an applicant's experience the primary consideration shall be the type, amount, and character demonstrated by the applicant rather than the title or description when obtained.
- d. Time documented as spent in classroom training in engineering or surveying as described above and that would improve or enhance the applicant's skills in one or more of the areas identified in subsections a. or b. of this section may substitute for some of the field or office experience at the discretion of the Board. The burden shall be on the applicant, however, to furnish sufficient documentation so the nature and type of instruction can be ascertained.

3. Effective January 1, 2017, an applicant shall submit:

- a. Proof of graduation with a Bachelor of Science degree in Surveying, Geomatics, Geomatics Engineering, or Spatial Information Systems with a minor or emphasis in Surveying, from a program accredited by ABET or approved by the Board; or
- b. Proof of graduation with an Associate of Science or Associate of Applied Science degree in Surveying or Surveying Technology from a program approved by the Board; or
- c. Proof of graduation with a baccalaureate degree from a curriculum of four (4) years or more that includes core general education courses in subsection i. of this section, or an engineering degree from a program that is EAC of ABET accredited. Both degrees require at least thirty (30) hours of surveying or surveying-related courses as specified in subsection ii. of this section.

i. General education courses shall include:

- A. Mathematics (College Algebra and higher) – twelve (12) semester credit hours or the equivalent; and
- B. English, Technical Writing, Public Communication or Speech – nine (9) semester credit hours or the equivalent; and
- C. Basic Sciences (General, Elementary, College or University Physics and lab) – four (4) semester credit hours or the equivalent; and
- D. Additional Sciences that may include Chemistry, Earth Sciences, Dendrology, Biology, Geology, Geography, Soil Mechanics, Ecology, Engineering Science, Computer Science or Programming or other similar courses – nine (9) semester credit hours or the equivalent; and
- E. Ethics and Business Management (Unless taken as part of Surveying curriculum below) – six (6) semester hours or the equivalent.

ii. Surveying or Surveying-related courses shall consist of:

- A. At least eighteen (18) semester credit hours or the equivalent to include all of the following courses or equivalent topics. One or more of the courses shall emphasize U.S. Public Land Survey System aspects and principles:
  1. Boundary Surveying principles; and
  2. Plane Surveying; and
  3. Survey Plats and Deeds; and

4. Law and Professionalism in Geomatics or Surveying; and
5. Plane Trigonometry; and
6. Route and Construction Surveying

B. At least six (6) semester credit hours or the equivalent, and at least two (2) courses or equivalent topics from the following:

1. Cartography; or
2. Remote Sensing; or
3. Photogrammetry; or
4. Advanced GPS; or
5. Advanced Surveying; or
6. Advanced GIS; or
7. Hydrographic Surveying.

C. Not more than six (6) semester credit hours or the equivalent, and no more than three (3) courses or equivalent topics from the following:

1. Intro to GIS, GPS or Remote Sensing; or
2. Digital Photogrammetry; or
3. Digital Remote Sensing; or
4. Spatial Statistics; or
5. Hydrology; or
6. Principles of Real Estate; or
7. Route or Highway Design; or
8. Geographic Coordinate Systems; or
9. Subdivision and/or Land Development; or
10. Any other courses or subjects deemed acceptable by the Board.

Applicants verified by an appropriate school official as being enrolled in and within 12 months of graduation from programs meeting the requirements of subsection a. or subsection b. of this section and who are otherwise qualified, shall be admitted to an approved NCEES examination in the fundamentals of surveying and licensed as a surveyor intern upon successful completion of that examination and after furnishing proof of graduation.

Other applicants meeting the requirements of this section shall, upon consideration and approval of all materials required by the Board, and if otherwise qualified, shall be admitted to an approved NCEES examination in the fundamentals of surveying and shall be licensed as a surveyor intern upon successful completion of that examination.

d. Except as provided otherwise in this subsection d., an applicant that submitted an application prior to January 1, 2017 and found by the Board to meet the requirements in effect at that time, may take or continue to take the NCEES examination as provided in Article 11. In no case, however, shall an applicant be allowed to take the NCEES examination after January 1, 2020 unless he or she meets the requirements of subsection 3. of this section.

#### E. Professional Surveyor

##### 1. Original Licensure

a. An applicant shall submit proof of graduation from a Bachelor of Science (BS) curriculum with at least nine (9) hours of surveying, three (3) hours of which must be in Principles and Practices of Boundary Location, approved by the Board, or graduation from an Associate of Science (AS) Degree Program in Surveying, approved by the Board, followed by at least two (2) years of surveying experience of a character which indicates to the Board that the applicant may be competent to practice.

In general, an applicant's experience will be considered to be of a sufficient character if it demonstrates and is verified by the applicant's supervisor to include:

i. At least nine (9) months experience in performing field duties that includes all aspects of planning and performing boundary surveys in a public land survey system similar to that in Arkansas including finding and evaluating evidence, monumentation, checking distances and locations, and verifying accuracies and closures; and

ii. At least nine (9) months experience performing office duties involving research and planning of boundary, title, right-of-way or other surveys requiring the determination of boundary lines and corners for field crews, computations for plats, and the drawing, drafting, publishing of surveys and survey plats; and

iii. The remainder of the two (2) years can be in either the office or field procedures identified above or may be in other types of surveying whether in the office or field such

as construction stakeout, surveying for engineering projects, topographical surveying or any activity constituting Surveying Measurement Certification.

b. An applicant who does not have an approved degree, but can show proof of a record of six (6) or more years of experience of a character which indicates to the Board that the applicant may be competent to practice may be considered for licensure. The Board in its discretion may grant an applicant with educational courses in engineering or surveying up to two (2) years of experience for his education.

In general, an applicant's experience will be considered to be of a sufficient character if it includes and encompasses the activities as described in Subsection D.2. of this Article and subsection a. of this section.

c. Effective January 1, 2017, an applicant shall submit:

- i. Proof of graduation with a Bachelor of Science degree in Surveying, Geomatics, Geomatics Engineering, Spatial Information Systems with a minor or emphasis in Surveying, from a program accredited by ABET or approved by the Board; or
- ii. Proof of graduation with an Associate of Science or Associate of Applied Science degree in Surveying or Surveying Technology from a program approved by the Board; or
- iii. Proof of graduation with a baccalaureate degree from a curriculum of four (4) years or more that includes both core general education courses in subsection A. and surveying or surveying-related courses in subsection B., or an engineering degree from a program that is EAC of ABET accredited, and at least thirty (30) hours of surveying or surveying-related courses as specified in subsection B. below.

A. General education courses shall include:

1. Mathematics (College Algebra and higher) – twelve (12) semester credit hours or the equivalent; and
2. English, Technical Writing, Public Communication or Speech – nine (9) semester credit hours or the equivalent; and
3. Basic Sciences (General, Elementary, College or University Physics and lab) – four (4) semester credit hours or the equivalent; and
4. Additional Sciences that may include Chemistry, Earth Sciences, Dendrology, Biology, Geology, Geography, Soil Mechanics, Ecology, Engineering Science, Computer Science or Programming or other similar courses – nine (9) semester credit hours or the equivalent; and

5. Ethics and Business Management (Unless taken as part of Surveying curriculum below) – six (6) semester hours or the equivalent.

B. Surveying or Surveying-related courses shall consist of:

1. At least eighteen (18) semester credit hours or the equivalent to include all of the following courses or equivalent topics. One or more of the courses shall emphasize U.S. Public Land Survey System aspects and principles:

- a. Boundary Surveying principles; and
- b. Plane Surveying; and
- c. Survey Plats and Deeds; and
- d. Law and Professionalism in Geomatics or Surveying; and
- e. Plane Trigonometry; and
- f. Route and Construction Surveying

2. At least six (6) semester credit hours or the equivalent, and at least two (2) courses or equivalent topics from the following:

- a. Cartography; or
- b. Remote Sensing; or
- c. Photogrammetry; or
- d. Advanced GPS; or
- e. Advanced Surveying; or
- f. Advanced GIS; or
- g. Hydrographic Surveying.

3. Not more than six (6) semester credit hours or the equivalent, and no more than three (3) courses or equivalent topics from the following:

- a. Intro to GIS, GPS or Remote Sensing; or
- b. Digital Photogrammetry; or
- c. Digital Remote Sensing; or
- d. Spatial Statistics; or

- e. Hydrology; or
- f. Principles of Real Estate; or
- g. Route or Highway Design; or
- h. Geographic Coordinate Systems; or
- i. Subdivision and/or Land Development; or
- j. Any other courses or subjects deemed acceptable by the Board.

iv. Proof of three (3) years of acceptable experience if the applicant's educational qualifications meet the requirements of subsection i. or subsection iii. of this section or six (6) years of acceptable experience if the applicant's educational qualifications meet the requirements of subsection ii. of this section.

A. Those applicants requiring three (3) years experience shall demonstrate:

1. At least one (1) year in performing field duties that would include all aspects of planning and performing boundary surveys in a public land survey system similar to that in Arkansas including finding and evaluating evidence, monumentation, checking distances and locations, and verifying accuracies and closures; and
2. At least one (1) year in performing office duties involving the research and planning of boundary, title, right-of-way or other surveys requiring the determination of boundary lines and corners for field crews, computations for plats, and the drawing, drafting, publishing of surveys and survey plats; and
3. The remainder of the three (3) years in either of the office or field procedures identified above or may be in other types of surveying whether in the office or field such as construction stakeout, surveying for engineering projects, topographical surveying or any activity constituting Surveying Measurement Certification.

B. Those applicants requiring six (6) years experience shall demonstrate:

1. At least two (2) years in performing field duties that would include all aspects of planning and performing boundary surveys in a public land survey system similar to that in Arkansas including finding and evaluating evidence, monumentation, checking distances and locations, and verifying accuracies and closures; and
2. At least two (2) years in performing office duties involving the research and planning of boundary, title, right-of-way or other surveys requiring the determination of boundary lines and corners for field crews, computations for plats, and the drawing, drafting, publishing of surveys and survey plats; and

3. The remainder of the six (6) years can be in either office or field procedures identified above or may be in other types of surveying whether in the office or field such as construction stakeout, surveying for engineering projects, topographical surveying or any activity constituting Surveying Measurement Certification.

C. Time documented as spent in classroom training in engineering or surveying topics and that improve or enhance the applicant's skills in one or more of the areas identified in subsections A. or B. of this section may substitute for some of the field or office experience at the discretion of the Board. Courses that meet the requirements of subsection iii.b. of this section and not taken or otherwise included or required as part of the applicant's degree or educational requirements shall be presumed to qualify for experience credit. The amount of credit actually provided for classes or training shall be determined based on the time spent while taking or attending the course or class as well as its content and complexity, and the total of all classroom or training credit shall not exceed more than one third (1/3) of the required experience for an applicant.

d. Applicant shall submit five (5) references, three (3) of which shall be from Professional Surveyors having personal knowledge of his surveying experience. Preferably these references should include both present and past supervisors.

e. The applicant shall have previously passed an examination in the fundamentals of surveying that is acceptable to the Board.

f. When these requirements are met, the applicant shall be admitted to an approved NCEES Professional Surveying and/or state examination(s).

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

h. Except as provided otherwise in this subsection h., an applicant that submitted an application prior to January 1, 2017 and found by the Board to meet the qualifications in effect at that time may take or continue to take the NCEES examination and state specific examination as provided in Article 11. In no case, however, shall an applicant be allowed to take the NCEES and/or state examination after January 1, 2020 unless he or she meets the requirements of subsection c. of this section.

## 2. Comity Licensure

a. An applicant must supply proof that he or she is a Professional Surveyor, in good standing, in another state or jurisdiction.

b. Applicant must meet the requirements for original licensure as a professional surveyor in Arkansas which were in effect at the time the applicant received their initial license as a professional surveyor. For those licensees from other jurisdictions who took the Professional Surveying Examination prior to the required years of experience, the Board may waive this



requirement providing there is acceptable experience at time of application. In addition, the applicant shall be required to have experience in a public land survey system similar to Arkansas' and take a state specific Arkansas land surveying examination to determine his knowledge of Arkansas laws, procedures and practice. For those individuals with at least fifteen (15) years licensed practice, the Fundamentals of Surveying Examination may be waived.

c. Applicant shall submit five (5) references, three (3) of which shall be Professional Surveyors having personal knowledge of the applicant's surveying experience. Preferably these references should include both present and past supervisors.

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

#### F. Reinstatement

1. Engineer and Surveyor Intern – Any Intern licensee whose certificate has been non-renewed may apply in writing and be reinstated administratively by paying the appropriate fees and penalties as provided in Article 9.D

2. Professional Engineers and Surveyors - Any licensee whose certificate has been on inactive status or non-renewed may apply in writing for reinstatement. Inactive license holders seeking reinstatement shall submit a written request, proof of 15 hours per year of Continuing Professional Competency Training (CPC), not to exceed a total of 30 hours and pay a fee as prescribed in Article 9.E. Those seeking to be reinstated for non-renewing a license may do so in one of the following 3 ways:

a. Those who have been non-renewed for 2 years or less may be reinstated administratively by paying the appropriate fees and penalties as provided in Article 9.D.;

b. Those who have been non-renewed for more than 2 years but can demonstrate continuous active registration in another jurisdiction with no disciplinary actions during that period can be reinstated conditionally by the Executive Director subject to later ratification by the Board by submission of a completed application covering all experience and/or activities subsequent to the date of licensure, proof of 15 hours per year of Continuing Professional Competency Training (CPC), not to exceed a total of 30 hours and payment of a reinstatement fee and 2 years renewal fees and late penalties as prescribed in Article 9.E.;

c. Those who have been non-renewed for more than 2 years and cannot demonstrate continuous active registration in another jurisdiction or who otherwise don't qualify for reinstatement under a. or b. above shall submit a completed application covering all experience and/or activities subsequent to the date of licensure, five (5) references, proof of 15 hours per year of Continuing Professional Competency (CPC) training, not to exceed a total of 30 hours and payment of a reinstatement fee and 2 years renewal fees and late penalties as prescribed by Article 9.E.. Upon

receipt of the request, the Board will determine whether to reinstate the license or require an interview and/or written examination(s).

## ARTICLE 9. FEES

### A. Application

1. Application for licensure as a professional engineer or engineer intern or a professional surveyor or surveyor intern may be on forms furnished by, or electronically in a format specified by, the Board. The prescribed fees shall be submitted when the application is filed. The applicant will be responsible for delivery of the blank reference forms to his or her references. The application will not be considered complete and processed until all references and verifications of degrees and licensing have been received at the Board office. The Board may accept the information contained in the NCEES record in lieu of the information required on the forms prescribed by the Board.

2. Examinations may be given in various formats and with different application submittal dates depending on the examination format. For examinations administered once or twice a year, completed applications for original licensure by examination must be received at the office of the Board by January 1st for the spring examination administration and July 1st for the fall examination administration.

For examinations administered in a computer-based format at more frequent intervals, there is no prior application required and no deadline, and an applicant or examinee may take an exam at any time and will be subject to the requirements imposed by the exam developer or administrator. See Article 11 for more information.

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

### B. Fees

#### 1. Application

##### a. Professional Engineer

Original \$ 75.00

Comity \$200.00

Engineer Intern \$ 50.00

##### b. Professional Surveyor

Original \$ 75.00

Comity \$200.00

Surveyor Intern \$ 50.00

c. Certificate of Authorization \$150.00

## 2. Examination Fees

a. Fees for examination administered prior to January 1, 2014 shall be in accordance with the following:

(Fees for all examinations shall be paid to the Board. Applicants and/or examinees approved by the Board, but that cancel or postpone a scheduled exam administration (15) or more days prior to the date of the exam shall be charged a fee of 50% of the exam fee amount and be credited the remainder for the next exam administration. The fee for cancelling or postponing an examination less than 15 days prior to the exam, failing to appear or complete an examination after being admitted to the examination room for any reason shall be 100% of the exam fee amount.)

i. Principles and Practice of Engineering \$180.00

ii. Fundamentals of Engineering, non-student and retakes \$ 65.00

iii. Fundamentals of Engineering, Student \$ 30.00

iv. Principles and Practice of Surveying (6 Hr.) \$180.00

v. Arkansas State Specific Surveying \$100.00\*

vi. Fundamentals of Surveying non-student and retakes \$110.00

vii. Fundamentals of Surveying, student \$ 30.00

viii. NCEES Structural (Lateral) PE \$500.00

ix. NCEES Structural (Vertical) PE \$500.00

x. Proctor Exam for another Board \$ 50.00

xi. Administration fee (payable to NCEES)

b. Fees for examinations developed and administered by NCEES after January 1, 2014, shall be paid to NCEES at the amounts established by that organization. Payments shall be in accordance with any procedures and policies established by NCEES, and any credits, refunds, cancellations, postponements or any other action or request shall also be in accordance with NCEES policies and procedures.

\*Professional Surveyor applicants or candidates approved to take or retake the Arkansas Specific Surveying examination shall pay a fee of \$100 to the Board prior to taking the examination. The manner and method of payment shall be at the discretion of the Board. Board staff may accommodate reasonable requests to postpone or cancel a scheduled administration. Requests for a refund or credit of the examination fee shall be at the discretion of the Board or Board staff after considering the timing of and reasons for the postponement or cancellation.

#### C. Biennial License Renewal

1. Engineer \$ 80.00
2. Engineer Intern \$ 10.00
3. Surveyor \$ 60.00
4. Surveyor Intern \$ 10.00
5. Certificate of Authorization \$100.00

#### D. License Renewal Late Penalty

1. 50% of renewal fee amount 1 to 60 days after renewal date
2. 100% of renewal fee amount 61 days to 2 years

#### E. Other Charges

1. Reinstatement from Inactive Status (see Article 8.F) \$100.00
2. Reinstatement from non-renewed status (see Article 8.F) \$100.00
3. Returned check \$ 25.00
4. Temporary Permit \$150.00
5. Replacement License Certificate \$ 5.00

#### F. Refunds

There will be no refunds for application fees unless the refund request comes immediately after payment, and before Board staff has begun processing the application. Other than as specifically provided for in subsection B.2. of this Article, examination fees shall be refunded or credited to the next exam cycle only when the fee is paid at the time of application and the application is not approved. There will be no refund of full or partial license renewal fees.

## **ARTICLE 10. PROFESSIONAL EXPERIENCE**

A. Professional experience of an applicant will include only such experience gained after the applicant's eighteenth (18th) birthday and shall be experience that requires the exercise of original thought and independent responsibility.

B. In the field, experience shall begin when the surveyor applicant reaches a position of responsible charge.

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

D. In the office, experience shall begin when the applicant ceases to do technicians duties and begins work that requires original thought and responsibility.

### **E. Teaching**

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

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

F. Experience gained from training programs, sales, applications, contracting and manufacturer's representation or any other non-defined experience will be evaluated by the Board.

G. Experience shall be obtained under the direct supervision of a professional licensee of the respective profession, which is generally presumed to mean that the professional licensee is in close proximity and available for regular personal interaction and mentoring rather than in a remote manner. This provision may be waived at the discretion of the Board if the applicant can demonstrate that another supervisory arrangement provides similar oversight and guidance.

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

## **ARTICLE 11. EXAMINATIONS**

A Examinations will be held semi-annually or at such other times and at places designated by the Board, NCEES or the Exam Administrator.

B. Examinees seeking to take or retake the NCEES Fundamentals of Engineering Examination or the NCEES Fundamentals of Surveying Examination in a computer-based format may register directly with NCEES.

C. Examinees seeking or required to take the NCEES Principles and Practice of Engineering Examination, the NCEES Principles and Practice of Surveying Examination or the Arkansas Specific Surveying examination as part of an application for original, comity or reinstatement licensure shall be admitted in accordance with the following procedures:

1. Prior to admitting applicants, the Board will review all applications and may interview applicants. On the basis of all formally submitted information, supplemented by information obtained at the interview, (if held), the Board will either admit or deny the applicant to the examination.
- 2.. Upon being approved for an examination the applicant will be referred to ELSESES, NCEES or other designated firm or entity for further instructions, fee payments, and examination administration.
3. The applicant must receive a minimum passing grade or meet standards for passing as established by NCEES. If the applicant fails he may be re-admitted to two (2) subsequent administrations at times and locations specified by the Board upon payment of the examination and administration fees. Applicants who fail three or more times, or that do not pass within 5 years after the date an application is approved whichever comes first, must submit a new application, and if readmitted, must wait at least 11 months before retaking and thereafter only once every calendar year.
4. Applicants who fail to pass will be notified and those desiring to sit again must notify the Board of their intentions. The date and time for readmission will be at the discretion of the Board but will generally be at the next regularly scheduled administration or not earlier than 6 months from the previous examination whichever is later.

D. Examinees shall abide by the Board's and exam administrator's examination policies and procedures. An examinee that does not fully comply with the exam administrator's policies or engages in other misconduct may be subject to dismissal or score invalidation by the exam administrator and be subject to any of the following:

1. An examinee may be subject to disciplinary or other Board action following a written report from the exam administrator that the examinee engaged in misconduct including, but not limited to:
  - a. Cheating on the examination;
  - b. Giving assistance to, or receiving assistance from, another person;
  - c. Compromising the integrity or security of the examination;
  - d. Disruptive or abusive behavior;
  - e. Violation of any exam policies or procedures.

2. An examinee failing to comply with the Board's or exam administrator's policies and procedures or engaging in any of the misconduct identified in subsection F.1. before, during or subsequent to an examination may be subject to:

- a. having his or her exam results invalidated either by the exam administrator or the Board;
- b. being prohibited from taking the examination(s) for a period of time as determined by the Board;
- c. having any pending application for examination or licensure denied or re-evaluated.

3. The Board may consider an applicant's or examinee's conduct before, during or subsequent to an examination in another state or jurisdiction when evaluating the applicant's qualifications or fitness for licensure in this state.

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

## **ARTICLE 12. CERTIFICATES AND SEALS**

### **A. Certificates**

1. For all Professional Engineers and Professional Surveyors, all Engineer Interns and Surveyor Interns, the Board shall issue a Certificate. The certificate shall show the name of the licensee, the license number and shall be signed by the President and Executive Director with the embossed seal of the Board.

2. The issuance of a Certificate of Licensure by the Board shall be Prima Facie Evidence that the person named therein is licensed while the certificate remains unrevoked.

### **B. Seals**

1. Upon licensure each professional engineer may obtain a seal of the design authorized by the Board bearing the licensee's name, license number and the legend "Licensed Professional Engineer".

- a. Each final engineering document to include drawings, cover sheet of each volume of specifications, and written reports prepared by a licensee shall, when issued, be dated, signed and stamped with the said seal or facsimile thereof by the responsible licensee(s). It shall be unlawful for an engineer to affix, or permit his

seal or facsimile thereof to be affixed to any engineering drawing, specifications, plats or reports after the expiration of his license or for the purpose of aiding or abetting any other person to evade or attempt to evade any provision of the statutes and the Rules of the Board.

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

1. the information in the drawing is a compiled representation of the constructed project;
2. identifies the source and basis of information used in preparing the drawing;
3. states or declares that the drawing is believed to be correct to the best of the professional's knowledge but it cannot be guaranteed accurate.

2. Upon licensure each professional surveyor may obtain a seal of the design authorized by the Board, bearing the licensee's name, license number and the legend "Licensed Professional Surveyor". Final drawings, plats and reports prepared by a licensee shall, when issued, be dated, signed and stamped with the said seal or a facsimile thereof. It shall be unlawful for a licensee to affix or permit his seal and signature or facsimile thereof to be affixed to any drawings, plats or reports he did not prepare himself or supervise the preparation of or after the expiration of his license or for aiding or abetting any other person to evade or attempt to evade any provision of the Statutes and Rules of the Board.

3. Each firm that is issued a Certificate of Authorization (COA) shall obtain a seal of the design authorized by the Board, bearing the name of the firm and the COA number.

4. The Board hereby establishes the design of and clarifies the use of the seal by a licensee as follows:

a. The engineer and surveyor and certificate of authorization seals shall use the following designs, however, seals previously acquired in compliance with then current rules need not be changed nor modified as a result of subsequent rule changes unless specifically required;





b. The seal shall be from 1 ¼ to 2 inches diameter and have a milled edge in conformance with the above designs. A facsimile rubber stamp is authorized in lieu of a seal. The stamp may have either a milled edge, or two (2) concentric circles with the outer and inner circles corresponding with the respective edges of the milling on the seal. The licensee's name and number inscribed in the seal shall correspond to the name and certificate number shown on the Certificate of Licensure;

c. The seal shall be affixed to documents and instruments only when the license certificate is current and in good standing, and then only on such documents and instruments which have been prepared by the licensee or under the supervision of the licensee. The licensee shall be responsible for assuring the seal, however affixed, is legible on the document;

d. By affixing his seal to any documents or instruments, the licensee accepts full responsibility and liability for the professional work represented on such documents or instruments; and

e. Documents may be sealed electronically and may be signed and/or transmitted electronically if done in one of the following ways:

i. Documents digitally signed may be transmitted electronically as long as the signature is unique to and under the sole control of the person who applied it, be capable of verification and be linked to the document in such a manner that the signature is invalidated if any data on the document is altered;

ii. Documents manually or digitally sealed but not signed may be transmitted electronically so long as an original signature and date shall be affixed over the seal and maintained on a paper or electronic copy of the document in the office of record. The electronically transmitted file shall contain the following: "This document was originally issued and sealed by (name of licensee), (license number) on (date). This copy is not a signed and sealed document."; or

iii. Documents manually or digitally signed and sealed may be digitally copied and transmitted by electronic means;

### **ARTICLE 13. EXPIRATIONS AND RENEWALS.**

A. License certificates for professional engineers shall expire annually or biennially. The Executive Director of the Board will mail, to every licensee, a notice showing the date of the

expiration of said license and the fee required for renewal. Such notice will be mailed to the licensee at his last known address at least one month in advance of the date of the expiration of said certificate. It is the responsibility of each licensee to notify the Board, in writing, of a change of address.

B. License certificates for professional surveyors shall expire annually or biennially. The Executive Director of the Board will mail, to every licensee, a notice showing the date of the expiration of said license and the amount of the fee required for its renewal. Such notice shall be mailed to the licensee at his last known address at least one month before the expiration date. It is the responsibility of each licensee to notify the Board, in writing, of a change of address.

C. License certificates of dual registrants shall expire annually or biennially. The Executive Director of the Board will mail, to every licensee, a notice showing the date of the expiration of said license and the amount of the fee required for its renewal. Such notice shall be mailed to the licensee at his last known address at least one month before the expiration date. It is the responsibility of each licensee to notify the Board, in writing, of a change of address.

D. Certificates of Authority shall expire annually or biennially. The Executive Director of the Board will mail, to every licensee, a notice showing the date of the expiration of said license and the amount of the fee required for its renewal. Such notice shall be mailed to the licensee at his last known address at least one month before the expiration date. It is the responsibility of each licensee to notify the Board, in writing, of a change of address.

E. Late penalty for renewals shall be as described in Article 9.

#### **ARTICLE 14. DISCIPLINARY ACTION**

A. The Board may take disciplinary action to the fullest extent permitted by law against any licensee who is found guilty of any of the following:

1. Fraud or deceit in obtaining a certificate of licensure or authorization;
2. Any gross negligence, incompetence or misconduct in the practice of engineering as a professional engineer or surveying as a professional surveyor;
3. Any felony or crime involving moral turpitude;
4. Any violation of the Rules of Professional Conduct and/or Rules of the Board;
5. Violations of the Arkansas Minimum Standards for Property Boundary Surveys and Plats (Minimum Standards), in force at the time of the survey; and
6. Practicing engineering or surveying with an invalid or expired license.

B. The Board has adopted Rules of Professional Conduct which shall be given in writing to every professional licensee and applicant and shall be made available in accordance with Arkansas law. Such publication shall constitute due notice to all professional licensees. The Board may revise and amend the Rules of Professional Conduct pursuant to the procedure set forth in the Arkansas Administrative Procedure Act as deemed appropriate and shall notify each licensee promptly of such revisions or amendments in writing.

C. The Board shall have the power to impose a civil penalty against any individual who violated any portion of the Act or Rules of the Board by a non-licensee.

## **ARTICLE 15. COMPLAINTS, DISCIPLINARY ACTION & DECLARATORY ORDERS – PROCEDURE**

### **A. COMPLAINTS**

Any person, including, the Executive Director of the Board, may file a written complaint alleging violation of the statutes and/or the Rules of the Board. The respondent shall be mailed a copy of the complaint and may enter an answer within 20 days.

1. A preliminary investigation shall be conducted by a Complaint Committee appointed by the President. The Complaint Committee may:

a. find that probable cause exists that a violation has occurred, and recommend the matter be set for hearing; or

b. find that the allegations are not evidence of a violation or are otherwise unfounded and recommend that the Complaint be dismissed: or

c. hold informal meetings with any persons or parties it deems appropriate and recommend informal disposition by stipulation, settlement, consent order or default; or

d. if directed or authorized by the Board, adjudicate and prepare a proposal for Board decision as provided for and in accordance with the Administrative Procedure Act (A.C.A. § 15-201 et sec).

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

### **B. HEARING PROCEDURES**

This sub article applies in all administrative adjudications conducted by the Arkansas Board of Licensure for Professional Engineers and Professional Surveyors. This procedure is developed to

provide a process by which the Board formulates orders (for example, an order revoking a license to practice, or imposing civil penalties).

1. The Board shall preside at the hearing or may designate one or more members of the Board or one or more examiners, referees, or hearing officers to preside at a hearing.
2. Parties may appear in person and/or be represented by counsel.
3. If there are separate matters that involve similar issues of law or fact, or identical parties, the matters may be consolidated if it appears that consolidation would promote the just and speedy resolution of the proceedings, and would not unduly prejudice the rights of a party.
4. If it appears that the determination of the rights of parties in a proceeding will necessarily involve a determination of the substantial interests of persons who are not parties, the presiding officer may enter an order requiring that an absent person be notified of the proceeding and be given an opportunity to be joined as a party of record.
5. An administrative adjudication is initiated by the issuance by the Board of a notice of hearing.
  - a. The notice of hearing may be sent to the respondent by U.S. Mail to the named recipient or his agent. Notice shall be sufficient when it is so mailed to the respondent's latest address on file with the Board.
  - b. Notice will be mailed at least 20 days before the scheduled hearing and shall include:
    - i. A statement of the time, place, and nature of the hearing;
    - ii. A statement of the legal authority and jurisdiction under which the hearing is to be held; and
    - iii. A short and plain statement of the matters of fact and law asserted.
6. Any requests for relief shall be made on the record during a hearing, must fully state the action requested and the grounds relied upon. The presiding officer may conduct such proceedings and enter such orders as are deemed necessary to address issues raised by the motion. However, a presiding officer, other than the Board will not enter a dispositive order unless expressly authorized to do so.
7. Upon written request, the Board shall provide the information designated in A.C.A §25-15-208(a)(3). Such requests should be received by the Board at least 10 days before the scheduled hearing.

8. The Board, either through its Attorney or Executive Director may grant a continuance of hearing for good cause shown. Requests for continuances will be made in writing. The request must state the grounds to be considered and be made as soon as practicable and, except in cases of emergencies, no later than five (5) days prior to the date noticed for the hearing. In determining whether to grant a continuance, the Board may consider:

- a. Prior continuances;
- b. The interests of all parties;
- c. The likelihood of informal disposition;
- d. The existence of an emergency;
- e. Any objection;
- f. Any applicable time requirement, although the respondent may choose to waive the time limitation in subsection A.2. of this Article when making the request;
- g. The existence of a conflict of the schedules of counsel, parties, or witnesses;
- h. The time limits of the request; and
- i. Other relevant factors.

The Board may require documentation of any grounds for continuance.

9. The presiding officer presides at the hearing and may rule on motions, require briefs, and issue such orders as will ensure the orderly conduct of the proceedings; provided, however, any presiding officer other than the Board shall not enter a dispositive order or proposed decision unless expressly authorized to do so, and:

- a. All objections must be made in a timely manner and stated on the record;
- b. Parties have the right to participate or to be represented by counsel in all hearings or prehearing conferences related to their case.
- c. Subject to terms and conditions prescribed by the Administrative Procedure Act, parties have the right to introduce evidence on issues of material fact, cross-examine witnesses as necessary for a full and true disclosure of the facts, present evidence in rebuttal, and, upon request by the Board, may submit briefs and engage in oral argument.
- d. The presiding officer is charged with maintaining the decorum of the hearing and may refuse to admit, or may expel, anyone whose conduct is disorderly.

10. The presiding officer will conduct the hearing in the following manner:
  - a. The presiding officer will give an opening statement, briefly describing the nature of the proceedings;
  - b. The parties are to be given the opportunity to present opening statements;
  - c. The parties will be allowed to present their cases in the sequence determined by the presiding officer;
  - d. Each witness must be sworn or affirmed by the presiding officer, or the court reporter, and be subject to examination and cross-examination as well as questioning by the Board. The presiding officer may limit questioning in a manner consistent with the law.
  - e. When all parties and witnesses have been heard and when time allows, parties may be given the opportunity to present final arguments.
  
11. The presiding officer shall rule on the admissibility of evidence and may, when appropriate, take official notice of facts in accordance with all applicable requirements of law, and:
  - a. Stipulation of facts is encouraged. The agency may make a decision based on stipulated facts;
  - b. Evidence in the proceeding must be confined to the issues set forth in the hearing notice, unless the parties waive their right to such notice or the presiding officer determines that good cause justifies expansion of the issues. If the presiding officer decides to admit evidence outside the scope of the notice, over the objection of a party who did not have actual notice of those issues, that party, upon timely request, will receive a continuance sufficient to prepare for the additional issue and to permit amendment of pleadings;
  - c. A party seeking admission of an exhibit may provide 10 copies of each exhibit at the hearing. The presiding officer shall provide the opposing parties with an opportunity to examine the exhibit prior to the ruling on its admissibility. All exhibits admitted into evidence should be appropriately marked and be made part of the record;
  - d. Any party may object to specific evidence or may request limits on the scope of the examination or cross-examination. A brief statement of the grounds upon which it is based shall accompany such an objection. The objection, the ruling on the objection, and the reasons for the ruling will be noted in the record. The

presiding officer may rule on the objection at the time it is made or may reserve the ruling until the written decision;

e. Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony will briefly summarize the testimony or, with permission of the presiding officer, present the testimony. If the excluded evidence consists of a document or exhibit, it shall be marked as part of an offer of proof and inserted in the record;

f. Irrelevant, immaterial, and unduly repetitive evidence may be excluded. Any other oral or documentary evidence, not privileged, may be received if it is of a type commonly relied upon by reasonably prudent men and women in the conduct of their affairs;

g. Reasonable inferences. The Board may base its findings of fact upon reasonable inferences derived from other evidence received.

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

13. Subpoenas requiring attendance of witnesses and/or production of documents at a hearing may be issued by the Board, and:

a. The requesting party shall specify whether the witness is requested to bring documents and reasonably identify said documents;

b. A subpoena may be served by any person specified by law to serve process or by any person who is not a party and who is eighteen (18) years of age or older. Delivering a copy to the person named in the subpoena shall make service. Proof of service may be made by affidavit of the person making service. The party seeking the subpoena shall have the burden of obtaining service of the process and shall be charged with the responsibility of tendering appropriate mileage fees and witness fees pursuant to Rule 45, Arkansas Rules of Civil Procedure. The witness must be served at least two days prior to the hearing. For good cause, the Board may authorize the subpoena to be served less than two days before the hearing;

c. The Board shall reasonably comply with any request for issuing a subpoena but may refuse if the party requesting it fails or refuses to provide sufficient justification that the witness or documents will provide relevant evidence and/or

are not otherwise obtainable. Any objection to refusal to issue a subpoena shall be made on the record at the hearing.

14. The responsibility to record the testimony heard at a hearing is borne by the Board. Upon the filing of a petition for judicial review, the Board will provide a transcript of testimony taken before the Board.

15. In addition to any other considerations permitted by A.C.A. § 17-30-101 et. seq. and A.C.A. § 17-48-101 et. seq. if applicable, the Board in imposing any sanction may consider the following:

- a. The nature and degree of the misconduct for which the licensee is being sanctioned;
- b. The seriousness and circumstances surrounding this misconduct;
- c. The loss or damage to clients or others;
- d. The assurance that those who seek similar professional services in the future will be protected from the type of misconduct found;
- e. The profit to the licensee;
- f. The avoidance of repetition;
- g. Whether the conduct was deliberate, intentional, or negligent;
- h. The deterrent effect on others;
- i. The conduct of the individual during the course of the disciplinary proceeding;
- j. The professional's prior disciplinary record, including warnings;
- k. Matters offered by the professional in mitigation or extenuation, except that a claim of disability or impairment resulting from the use of alcohol or drugs may not be considered unless the professional demonstrates that he or she is successfully pursuing in good faith a program of recovery;
- l. Any other factors or circumstances deemed relevant or important.

The Board will serve on the respondent a written order that reflects the action taken by the Board. The order will include a recitation of facts found based on testimony and other evidence presented and reasonable inferences derived from the evidence pertinent to the issues of the case. It will also state conclusions of law and directives or other disposition entered against or in favor of the respondent. The order will be served personally or by mail on the respondent. If counsel



represents respondent, service of the order on respondent's counsel shall be deemed service on the respondent.

### C. DECLARATORY ORDERS

A declaratory order is a means of resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the Board has authority. A petition for declaratory order may be used only to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances. A declaratory order is not the appropriate means for determining the conduct of another person or for obtaining a policy statement of general applicability from a Board. A petition or declaratory order must describe the potential impact of statutes, rules, or orders upon the petitioner's interests.

The process to obtain a declaratory order is begun by filing with the Executive Director at the Board's Offices a petition that provides the following information:

1. The caption shall read: Petition for Declaratory Order Before the Board of Licensure for Professional Engineers and Professional Surveyors;
2. The name, address, telephone number, and facsimile number of the petitioner;
3. The name, address, telephone number, and facsimile number of the attorney of the petitioner;
4. The statutory provision(s), Board rule(s), or Board order(s) on which the declaratory order is sought;
5. A description of how the statutes, rules, or orders may substantially affect the petitioner and the petitioner's particular set of circumstances, and the question or issue on which petitioner seeks a declaratory order;
6. The signature of the petitioner or petitioner's attorney;
7. The date;
8. Request for a hearing, if desired.

The Board may hold a hearing to consider a petition for declaratory statement. If a hearing is held, it shall be conducted in accordance with A.C.A. §25-15-208 and §25-15-213, and the Board's rules for adjudicatory hearings.

The Board may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts. Within ninety (90) days of the filing of the petition, the Board will render a final order denying the petition or issuing a declaratory order.

## **ARTICLE 16. VIOLATIONS AND PENALTIES**

A. Any person who shall practice, or offer to practice, engineering or surveying in the State of Arkansas without being licensed under the provisions of the Acts; or any person, firm, partnership, organization, association, corporation or other entity using or employing the words “engineer”, “engineering”, “surveyor”, or “surveying” or any modification or derivative thereof in its name, form of business, or activity except as authorized in the statutes and Rules of the Board; or any persons presenting or attempting to use the license or the seal of another; or any person who shall give false or forged evidence of any kind to the Board or to any member thereof in obtaining or attempting to obtain licensure; or any person who shall falsely impersonate any other licensee of like or different name; or any persons who shall attempt to use an expired, revoked, or non-existent license, or who shall practice or offer to practice when not qualified; or any person who falsely claims that he is licensed under the statutes and the Rules of the Board, shall be guilty of a misdemeanor, and may, upon conviction in a criminal court, be sentenced to pay a fine not more than five thousand dollars (\$5000.00), or suffer imprisonment, for a period not exceeding three (3) months, or both.

B. Any complaint filed with the State Surveyor’s office or the Board against a surveyor for any reason shall automatically authorize the state surveyor to investigate the subject surveyor’s compliance with the Minimum Standards which requires the filing of plats with his office. Violations of the Minimum Standards shall become part of the original complaint or may, at the discretion of the Board, constitute a complaint in their own right. Each plat which is found not to have been properly filed shall constitute a separate violation. Each violation shall be punished by a penalty of no more than \$100.00.

C. The Board is empowered to impose a civil penalty of not more than five thousand dollars (\$5,000.00), per instance, against any individual violating any portion of the statutes or Rules of the Board pertaining to the practice of Engineering and/or Surveying. Civil penalties may be imposed on licensees or non-licensees.

D. The Attorney General of the State of Arkansas or one of his assistants shall act as legal advisor to the Board and render legal assistance needed in fulfilling the provisions of the statutes and the Rules of the Board. The Board may employ additional counsel with approval of the Attorney General and any other necessary assistance to aid in the enforcement of the statutes and the Rules of the Board and the compensation and expenses therefore shall be paid from funds of the Board.

## **ARTICLE 17. RIGHT TO PRACTICE**

To practice or offer to practice engineering or surveying for others, as defined in Article 2, by individuals licensed under the statutes and the Rules of the Board or through a corporation as

officers, employees, or agents is permitted, subject to the provisions contained therein; in addition persons may practice lawfully under Article 19. A firm, association, partnership or corporation may not engage in the practice of engineering or surveying unless the practice as engaged in is done under the supervision and direction of an engineer or surveyor licensed in the State of Arkansas. A firm, association, partnership or corporation may engage in the practice of engineering with relation to its own property or business so long as such practice is done under the supervision of a licensed engineer. All final drawings, specifications, plans, reports, plats, or other papers or documents involving the practice of engineering or surveying, as defined in the statutes, when issued or filed for public records, shall be dated and bear the signature and seal of the professional engineer or of the professional surveyor who prepared or supervised and approved them.

### **ARTICLE 18. EXEMPTION**

A. The statutes and Rules of the Board will govern the activities of the engineer and surveyor and shall not be construed to prevent the practice of any other legally recognized profession.

B. The statutes and Rules of the Board shall not be construed to prohibit the work of an employee or a subordinate of a licensee or any employee of a person practicing lawfully under Article 2, provided such work does not include final engineering or surveying decisions and is done under the direct supervision of and verified by a licensee or a person practicing lawfully under Article 19.

C. The statutes and Rules of the Board shall not apply to:

1. The usual symbols and statements of the cartographic representation of scale and direction, including, but not limited to, scale ratios, scale bar, and north arrows;
2. The preparation and attachment of metadata or to the scientific analysis of measurement data for research by a person who is not a professional surveyor or professional engineer; and
3. Any government agency or office in conducting its statutory or constitutional duties to certify representations or spatial data.

D. The statutes and Rules of the Board shall not impair or reduce the scope of:

1. The professional practice of engineers or surveyors as defined by statute and Rules of the Board; and
2. The professional practice of professional architects as defined by statute and Rules of the Arkansas State Board of Architects.

**ARTICLE 19. TEMPORARY PERMITS**

Subject to final approval by the Board, the Executive Director shall be authorized to issue a temporary written permit to an engineer under the following conditions:

1. An applicant shall have submitted an application for comity licensure as provided by Article 8.C.2., paid a fee as prescribed by Article 9. and possess a valid license in another state or jurisdiction that was obtained with the qualifications for original licensure as provided by Article 8.C.1. with the exception of the references as required in subsection b of that section;
2. A temporary permit for sixty (60) calendar days is a one-time courtesy extended to authorize practice during the period or time required to process an application and obtain Board action for Arkansas licensure;
3. Information relative to licensure in other states, education and experience shall be verified before issuance of a temporary permit;
4. The holder of a temporary permit shall seal plans, specifications, or documents only in accordance with the statutes and the Rules of the Board. The seal used shall be the seal of the state on which the issuance of the temporary permit was based, and immediately under the seal the following shall be inserted;

Arkansas Temporary Permit Number\_\_\_\_\_

Issued\_\_\_\_\_ for the year\_\_\_\_\_

**ARTICLE 20. CONTINUING PROFESSIONAL COMPETENCY (CPC)**

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

B. Definitions - Terms used in this article are defined as follows:

1. Professional Development Hours (PDH) – A contact hour (nominal) of instruction or presentation. The common denominator for other units of credit;
2. Continuing Education Unit (CEU) – Unit of credit customarily used for continuing education courses. One Continuing Education Unit equals ten (10) hours of class in an approved education course;

3. College/Unit Semester/Quarter Hour – Credit for approved course or other related college course approved in accordance with “Section E” of this article;
4. Course/Activity – Any qualifying course or activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the licensee’s field of practice; and
5. Dual Licensee – A person who is licensed as both a professional engineer and a professional surveyor.

C. Requirements - Continuing Professional Competency (CPC) is required as follows:

1. Every professional engineer or professional surveyor licensee is required to report a minimum of thirty (30) PDH units for each renewal period. If a licensee exceeds the requirement in any renewal period, a maximum of thirty (30) PDH units may be carried forward into the subsequent renewal period.
2. Dual licensees are required to report a minimum of forty (40) PDH units for each renewal period, with at least ten (10) PDH units earned in each profession. The remaining twenty (20) PDH units may be obtained in either profession. If a licensee exceeds the requirement in any renewal period, a maximum of forty (40) PDH units may be carried forward into the subsequent renewal period (no more than 30 in either profession).

D. Units –

1. Units may be earned as follows:
  - a. Successful completion of college courses;
  - b. Successful completion of continuing education courses;
  - c. Successful completion of correspondence, televised, videotaped, audiotape, and other short courses/tutorials;
  - d. Presenting or attending qualifying seminars, in-house courses, workshops, or professional, technical, or managerial presentations made at meetings, conventions, or conferences;
  - e. Teaching or instructing in (1) through (4) above;
  - f. Authoring published papers, articles, or books;
  - g. Active participation in professional or technical societies; and

h. Patent grants.

2. Unit conversion for other credit to PDH Units is as follows:

- |                                                                                                                                                                                    |             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| a. 1 College or unit semester hour-----                                                                                                                                            | 45 PDH      |
| b. 1 College or unit quarter hour-----                                                                                                                                             | 30 PDH      |
| c. 1 Continuing Education Unit-----                                                                                                                                                | 10 PDH      |
| d. 1 Hour of professional development in course work, seminars, or professional,<br>or management, or technical presentations made at meetings, conventions or<br>conferences----- | 1 PDH       |
| e. For teaching items a. through d. above, apply a multiple of 2 (teaching credit is<br>valid for teaching a course or seminar for the first time only).                           |             |
| f. Each published paper, article, or book-----                                                                                                                                     | 10 PDH Max. |
| g. Active participation in professional and technical society (each organization)---<br>-----                                                                                      | 2 PDH       |
| h. Each patent granted-----                                                                                                                                                        | 10 PDH Max. |

E. Determination of Credit – The Board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.

1. Credit for college or community college approved courses will be based upon credit established by the college.
2. Credit for qualifying seminars and workshops will be based on one PDH unit for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDH units for the actual time of each program.
3. Credit determination for activities D.1.f and D.1.h is the responsibility of the licensee (subject to review as required by the Board).
4. Credit for activity D.1.g., active participation in professional and technical societies (limited to 2 PDH per organization), requires that a licensee serve as an officer and/or actively participate in a committee of the organization. PDH credits are not earned until the end of each year of service is completed.

F. Records. – The maintenance of records to support credits claimed is the responsibility of the licensee. Records required include, but are not limited to:

1. A log showing the type of activity claimed, sponsoring organization, location, duration, instructors or speaker's name, and PDH credits earned;
2. Attendance verification records in the form of completion certificates, or other documents supporting evidence of attendance; and
3. Records as maintained by the Professional Development similar repositories.

**These records must be maintained for a period of three (3) years, and copies may be requested by the board for audit verification purposes.**

G. Exemptions. A licensee may be exempt from the professional development education requirements for one of the following reasons:

1. New licensees by way of examination or comity shall be exempt for their first renewal period;
2. A licensee serving on temporary active duty in the Armed Forces of the United States, or out of the United States, for a period of time exceeding one hundred twenty (120) consecutive days in a year shall be exempt from obtaining professional development hours required during that year;
3. A licensee experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the Board may be exempt. Supporting documentation must be furnished to the Board;
4. A licensee listed as "inactive" on the Board approved renewal form certifying that they are no longer receiving any remuneration from providing professional engineering or professional surveying services shall be exempt from the professional development hours required;
5. A Professional Surveyor may be exempt if sixty (60) years of age or older or has twenty (20) years of acceptable professional experience. This request must be submitted on forms supplied by the Board; and
6. A Professional Engineer may be exempt if sixty-five (65) years of age or older and has twenty-five (25) years of acceptable professional experience. This request must be submitted on forms supplied by the Board.

H. Comity/Out-of-Jurisdiction Licensee – The CPC requirements for Arkansas will be deemed as satisfied when a non-resident licensee certifies to being licensed in and having met the mandatory CPC requirements of any jurisdiction approved and listed by Arkansas.

I. Forms – All renewal applications will require the completion of a continuing education certificate stating the number of PDH credit claimed. The licensee must maintain sufficient records to permit audit verification, when requested.

J. Audit – The Board may conduct random audits each year of reported continuing education credit after each license renewal period according to the following procedures:

1. The population to be audited for Continuing Professional Competency compliance shall consist of those licensees who are renewing their licenses with the Board, and who are not claiming and qualifies for an exemption under Section G. of this Article or who do not report sufficient hours as provided in Section K. of this Article.
2. The sample for the audit shall be chosen not less than 180 days after the renewal period is ended.
3. The sample size for each audit group shall be two percent (2%) of the population, chosen at random, without replacement.
4. Each licensee chosen for audit shall provide within 30 days, on the form supplied by the Board, a log of continuing education obtained during the previous licensing period, with supporting documents attached, according to the requirements specified in section F. of this Article.
5. Those auditees failing to respond, or unable to verify their claims to continuing education shall be served with a complaint and charged with having obtained renewal of their licenses by false statements according to the provisions and procedures in Articles 14. and 15. of these rules.

K. Noncompliance for reporting less than required hours -

A licensee who does not satisfy the continuing education requirement by reporting less than the required number of hours shall be placed on probationary status and notified of that status. The licensee shall have six months from the renewal dates to provide documentation of having obtained both the originally reported and the necessary additional hours or his or her license will be placed in an inactive status. Licensees placed on inactive status may return to active status as provided for in Article 8. Section F. of these rules.

## **ARTICLE 21. CERTIFICATE OF AUTHORIZATION (COA)**

A. The cover sheet of each volume of final engineering drawings, written plans, specifications, and similar documents carrying the seal of a professional engineer, or each survey carrying the seal of a professional surveyor, are required to also carry the seal evidencing the firm's COA to practice in Arkansas. In the alternative, the COA seal may be placed on each sheet thereof. The



one exception to this requirement is where the firm is a sole proprietorship practicing in the name of the licensee.

B. The practice of or offer to practice for others as defined in A.C.A. 17-30-101, or A.C.A. 17-48-101, by individuals licensed under this chapter through a firm as officers, employees, or agents, is permitted, subject to the provisions of this chapter; provided, that:

1. One (1) or more personnel of said firm designated as being responsible for the engineering or surveying activities and decisions is a professional engineer or surveyor under this chapter;
2. All personnel of said firm who act in its behalf as professional engineers or surveyors are licensed under A.C.A. 17-30-101 et. seq. or 17-48-101 et. seq.; and
3. Said firm has been issued a Certificate of Authorization by the board as hereinafter provided.

C. A firm desiring a certificate of authorization shall file with the board an application, using the form provided by the Board, provide all the information required by the Board, and also of the individual duly licensed to practice engineering or surveying in this state who shall be in responsible charge of the practice of engineering or surveying in the state through said firm, and other information, must accompany the renewal fee. The COA shall expire annually or biennially and any firm that does not renew may later reapply for reinstatement by submitting an updated application along with reinstatement fee and up to two (2) years accumulated dues and penalties. In the event there shall be a change in any of these persons during the year, such changes shall be designated on the same form and filed with the Board within thirty (30) days after effective date of said changes. If all of the requirements of this section are met, the Board shall issue a COA to such firm and such firm shall be authorized to contract for and to collect fees for furnishing engineering and surveying services.

D. The requirements of this chapter shall not prevent a firm from performing engineering or surveying services for the firm itself or a subsidiary or an affiliate of said firm.

E. No such firm shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, or partners by reason of its compliance with the provisions of this section. No individual practicing engineering or surveying under the provisions of this chapter shall be relieved of responsibility for engineering or surveying services performed by reason of employment or other relationship with a firm holding an authorization certificate.

F. An engineer or surveyor who renders occasional, part-time or consulting engineering or surveying services to or for a firm may not, for the purposes of subsection B.1., be designated as being in responsible charge of the professional activities of the firm unless the engineer or surveyor is an officer or owner of the firm.

## **ARTICLE 22. ETHICS AND RULES OF PROFESSIONAL CONDUCT**

The following Rules of Professional Conduct shall be binding on every person holding a Certificate of Licensure. The Rules of Professional Conduct delineate specific obligations the licensee must meet. In addition, each licensee is charged with the responsibility of adhering to standards of highest ethical and moral conduct in all aspects of the practice of Professional Engineering and Professional Surveying.

Licensees shall avoid conflicts of interest and faithfully serve the legitimate interest of their employers, clients and customers within the limits defined by these Rules. A Licensee's professional reputation shall be built on the merit of his or her services and shall not compete unfairly with others.

### ***A. LICENSEE'S OBLIGATION TO SOCIETY***

1. Licensees, in the performance of their services for clients, employers and customers, shall be cognizant that their first and foremost responsibility is to the public welfare.
2. Licensees shall approve and seal only those design documents and surveys that conform to accepted engineering and land surveying standards and safeguard the life, health, property and welfare of the public.
3. Licensees shall notify their employer or client and such other authority as may be appropriate when their professional judgment is overruled under circumstances where the life, health, property and welfare of the public is endangered.
4. Licensees shall be objective and truthful in professional reports, statements or testimony. They shall include all relevant and pertinent information in such reports, statements or testimony.
5. Licensees shall express a professional opinion publicly only when it is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.
6. Licensees shall issue no statements, criticisms or arguments on technical matters which are inspired or paid for by interested parties, unless they explicitly identify the interested parties on whose behalf they are speaking and reveal any interest they have in the matters.
7. Licensees shall not permit the use of their name or firm name by, nor associate in business ventures with, any person or firm which is engaging in fraudulent or dishonest business or professional practices.
8. Licensees having knowledge of possible violations of any of these Rules of Professional Conduct shall provide the Board with information and assistance necessary for the final determination of such violation.
9. Licensees that are salespersons or who represent a particular product or system shall qualify any public statement made concerning their product or system.

***B. LICENSEE'S OBLIGATION TO EMPLOYER, CLIENTS AND CUSTOMERS***

1. Licensees shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering or surveying involved.
2. Licensees shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competence, nor to any such plan or document not prepared under their direct control and personal supervision.
3. Licensees may accept assignments for coordination of an entire project, provided that each element is signed and sealed by the licensee responsible for preparation of that element.
4. Licensees shall not reveal confidential facts, data or information obtained in a professional capacity without the prior consent of the client or employer except as authorized or required by law.
5. Licensees shall not solicit or accept financial or other valuable consideration, directly or indirectly, from contractors, their agents or other parties in connection with work for employers or clients.
6. Licensees shall make full prior disclosures to their employers or clients of potential conflicts of interest or other circumstances which could influence or appear to influence their judgment or the quality of their service.
7. Licensees shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.
8. Licensees shall not solicit or accept a professional contract from a governmental body on which a principle or officer of their organization serves as a member. Conversely, licensees serving as members, advisors, or employees of a governmental body or department, who are the principals or employees of a private concern, shall not participate in decisions with respect to professional services offered or provided by said concern to the governmental body which they serve.

***C. LICENSEE'S OBLIGATION TO OTHER LICENSEES***

1. Licensees shall not falsify or permit misrepresentation of their, or their associates; academic or professional qualifications. They shall not misrepresent or exaggerate neither their degree of responsibility in prior assignments nor the complexity of said assignments. Presentations incidental to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or past accomplishments.
2. Licensees shall not offer, give, solicit or receive, either directly or indirectly, any commission, gift, or other valuable consideration in order to secure work, and shall not make any political contribution with the intent to influence the award of a contract by a public authority.

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

4. Licensees who are aware of any alleged violations of the Law, Rules of the Board, or these Rules of Professional Conduct by a fellow licensee may counsel with that licensee to determine the facts. If correction is not made the licensee shall report the violation to the Board and other proper authorities.

#### **ARTICLE 23. EFFECTIVE DATE**

The Rules shall be adopted and take effect as provided by the Administrative Procedures Act on October 14, 2013.

# CODE OF ETHICS

## Preamble

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

## I. Fundamental Canons

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

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

## II. Rules of Practice

1. Engineers shall hold paramount the safety, health, and welfare of the public.
  - 1) If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
  - 2) Engineers shall approve only those engineering documents that are in conformity with applicable standards.
  - 3) Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.
  - 4) Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.

- 5) Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
  - 6) Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.
2. Engineers shall perform services only in the areas of their competence.
    - 1) Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
    - 2) Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.
    - 3) Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.
  3. Engineers shall issue public statements only in an objective and truthful manner.
    - 1) Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.
    - 2) Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.
    - 3) Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.
  4. Engineers shall act for each employer or client as faithful agents or trustees.
    - 1) Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
    - 2) Engineers shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

- 3) Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.
  - 4) Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.
  - 5) Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.
5. Engineers shall avoid deceptive acts.
- 1) Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.
  - 2) Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

### **III. Professional Obligations**

1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.
  - 1) Engineers shall acknowledge their errors and shall not distort or alter the facts.
  - 2) Engineers shall advise their clients or employers when they believe a project will not be successful.
  - 3) Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.
  - 4) Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.

- 5) Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.
2. Engineers shall at all times strive to serve the public interest.
  - 1) Engineers are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.
  - 2) Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.
  - 3) Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.
  - 4) Engineers are encouraged to adhere to the principles of sustainable development, in order to protect the environment for future generations.
3. Engineers shall avoid all conduct or practice that deceives the public.
  - 1) Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.
  - 2) Consistent with the foregoing, engineers may advertise for recruitment of personnel.
  - 3) Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.
4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.
  - 1) Engineers shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.
  - 2) Engineers shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.
5. Engineers shall not be influenced in their professional duties by conflicting interests.
  - 1) Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.



- 2) Engineers shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or employers of the engineer in connection with work for which the engineer is responsible.
6. Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.
- 1) Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.
  - 2) Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.
  - 3) Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.
7. Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.
- 1) Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.
  - 2) Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.
  - 3) Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.
8. Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.
- 1) Engineers shall conform with state registration laws in the practice of engineering.
  - 2) Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.
9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.

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

## REFERENCES

**Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors, Rules/Regs/Standards**

<http://www.pels.arkansas.gov/rulesRegsStandards/Pages/default.aspx>

**Arkansas Code: Title 17 Professions, Occupations, and Businesses, Subtitle 2. Nonmedical Professions, Ch. 30 Engineers, (17-30-101 to 17-30-307)**

<http://www.lexisnexis.com/hottopics/arcod/Default.asp>

**Arkansas Code: Title 17 Professions, Occupations, and Businesses, Subtitle 2. Nonmedical Professions, Ch. 48 Surveyors, (17-48-101 to 17-48-304)**

<http://www.lexisnexis.com/hottopics/arcod/Default.asp>

**Arkansas Administrative Rules: Board of Licensure for Professional Engineers and Professional Surveyors, Rules of the Board, (Article 1 to Article 23)**

[http://www.sos.arkansas.gov/rules\\_and\\_regs/index.php/rules/search](http://www.sos.arkansas.gov/rules_and_regs/index.php/rules/search)

**National Society of Professional Engineers, Code of Ethics**

<http://www.nspe.org/resources/ethics/code-ethics>