



# Kansas – Laws, Rules, and Ethics for Professional Engineers

Three (3) Continuing Education Hours  
Course #KS101

Approved Continuing Education for Licensed Professional Engineers

*EZ-pdh.com*  
*Ezekiel Enterprises, LLC*  
*301 Mission Dr. Unit 571*  
*New Smyrna Beach, FL 32170*  
*800-433-1487*  
*helpdesk@ezpdh.com*



## Course Description

The Kansas Laws, Rules, and Ethics course presents all current regulations Kansas licensed professional engineers shall follow and also presents the canons of ethics all professional engineers shall adhere to.

This course satisfies three (3) hours of continuing education.

The course is designed as a distance learning interactive course that enables the practicing professional engineer to keep up to date on the legal aspects that govern the practice of engineering in the state of Kansas as well as revisit the emphasis that the holder of a professional license has a direct and vital impact on the safety, health, and welfare of the public.

## Objectives

The primary objective of this course is to familiarize the student with current laws and rules regulating the practice of engineering in the state of Kansas and to familiarize the student with the standards of professional behavior for adherence to the highest ethical conduct.

Upon successful completion of the course, the student will be well versed in the applicable laws and rules and be well versed to exhibit the highest standards of honesty and integrity deemed paramount to this profession.

## 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 required until the student successfully passes.

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# KANSAS STATUTES

## CH. 74 - State Boards, Commissions and Authorities, ARTICLE 70 - State Board of Technical Professions

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### 74-7001. Technical professions; unlawful practice; representation and use of title.

(a) Except as otherwise provided in K.S.A. 74-7001 et seq., and amendments thereto, it shall be unlawful for any person to practice or to offer to practice in the state of Kansas, any profession included within the term technical professions, as such term is defined in K.S.A. 74-7003, and amendments thereto, unless such person has been duly licensed to practice such profession under K.S.A. 74-7001 et seq., and amendments thereto, or holds a certificate of authorization issued under K.S.A. 74-7036, and amendments thereto.

(b) Any person practicing any technical profession in this state, or calling or representing such person as a licensed practitioner of such technical profession, or using the title of a licensed practitioner of such technical profession shall be required to submit evidence that such person is duly licensed under K.S.A. 74-7001 et seq., and amendments thereto, or holds a certificate of authorization issued under K.S.A. 74-7036, and amendments thereto.

### 74-7003. Definitions.

As used in K.S.A. 74-7001 et seq., and amendments thereto:

(a) "Agricultural building" means any structure designed and constructed to house hay, grain, poultry, livestock or other horticultural products, or for farm storage of farming implements. Such structure shall not be a place for human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a building or structure for use by the public.

(b) "Architect" means a person who is qualified to engage in the practice of architecture and who is licensed by the board to practice architecture as provided in K.S.A. 74-7001 et seq., and amendments thereto.

(c) (1) "Architecture" or "practice of architecture" means providing, offering to provide or holding oneself out as able to provide professional architectural services or performing creative work which requires architectural education, training and experience as may be required in connection with the design and construction, restoration, enlargement or alteration of non-exempt public or private buildings intended for human habitation, occupancy or use, and the spaces within and the site surrounding such buildings.

(2) Professional architectural services include the following: Common technical services, as defined in subsection (g); pre-design and schematic design; programming; planning; preparing or providing architectural designs, drawings, specifications and other technical submissions; the design of items relating to building code requirements, as such items pertain to architecture; and the preparation of any architectural design features that are required on legal documents and those other professional architectural services as may be necessary for the rendering of services which have the purpose of protecting the health, safety, property and welfare of the public.

(3) The term "architecture" or "practice of architecture" shall not include those services specifically identified in the definition of "landscape architecture," "professional engineering," "professional geology" and "professional surveying" except for those services which are included in the term "common technical services," as defined in subsection (g).

(d) "Board" means the state board of technical professions.

(e) "Building" means any permanent structure which is enclosed or partially enclosed that provides shelter for human habitation.

(f) "Business entity" means a general corporation, professional corporation, limited liability company, limited liability partnership, corporate partnership or other legal entity created by law.

(g) "Common technical services" means those services which may be offered or performed by any licensee, are performed within the licensee's defined scope of practice and are further described as follows:

(1) Representation of clients in connection with contracts entered into between clients and others;

(2) coordination of elements of technical submissions prepared by the licensee's consultants;

- (3) administration of contracts for construction;
- (4) observation of construction for general conformance with requirements of approved construction documents or technical submissions prepared by a licensee;
- (5) performing acts of consultation and technical investigation;
- (6) providing expert technical testimony or testimony evaluation;
- (7) performing technical evaluations and research;
- (8) teaching in a college or university offering an accredited technical professional curriculum recognized by the board;
- (9) providing responsible supervision of these services, insofar as such services involve safeguarding the health, safety, property and welfare of the public; and
- (10) preparing and providing drawings, specifications and other technical submissions.

(h) "Construction administration" means the provision of technical professional services during construction by licensees, or persons under the licensee's responsible supervision, which act to confirm substantial compliance with the requirements and provisions of applicable technical documents prepared by the licensee or under the licensee's responsible supervision. Such technical professional services include, but are not limited to: Assisting with bidding or negotiation processes; reviewing and acting upon shop drawings and other submittals; providing clarification or interpretation of the licensee's technical documents; evaluating general progress of construction; observing or evaluating completed construction; and assisting the client in matters related to the licensee's technical professional expertise. Construction administration services do not include management of, or responsibility for, the contractor's construction activities, means or methods.

(i) "Government client" means any state, county or municipal governmental entity including, but not limited to, any department, agency, authority, planning district, board, commission, office or institution thereof, and any school district, college, university and any individual acting under authority to represent any such governmental entity.

(j) "Landscape architect" means a person who is qualified to engage in the practice of landscape architecture and who is licensed by the board to practice landscape architecture as provided in K.S.A. 74-7001 et seq., and amendments thereto.

(k) (1) "Landscape architecture" or "practice of landscape architecture" means performing professional landscape architectural services including the following: Common technical services, as defined in subsection (g); consultation, planning, designing or responsible supervision in connection with the development of land areas for preservation and enhancement; the development of sustainable designs and technology; preparation, review and analysis of master plans for land use and development; production of overall site development and land enhancement plans, grading and drainage plans, irrigation plans, planting plans and construction details; specifications, cost analysis and reports for land development; and the designing of land forms and non-habitable structures for aesthetic and functional purposes, such as pools, walls and structures for outdoor living spaces, for public and private use. The practice of landscape architecture also encompasses the determination of proper land use as it pertains to: Natural features; ground cover, use, nomenclature and arrangement of plant material adapted to soils and climate; naturalistic and aesthetic values; settings and approaches to structures and other improvements; soil conservation; erosion control; and the development of outdoor space in accordance with ideals of human use and enjoyment.

(2) The term "landscape architecture" or "practice of landscape architecture" shall not include those services specifically identified in the definition of "architecture," "professional engineering," "professional geology" and "professional surveying" except for those services which are included in the term "common technical services," as defined in subsection (g).

(l) "License" means a license to practice the technical professions granted under K.S.A. 74-7001 et seq., and amendments thereto.

(m) "Person" means a natural person or business entity.

(n) "Principal" means a person who serves in a business entity as an officer, member of a board of directors, member of a limited liability company or partner.

(o) "Professional engineer" means a person who is qualified to engage in the practice of engineering and who is licensed by the board to practice engineering as provided in K.S.A. 74-7001 et seq., and amendments thereto.

(p) (1) "Professional engineering" or "practice of engineering" means providing, offering to provide, or holding oneself out as able to provide professional engineering services, the adequate performance of which requires engineering education, training and experience in the application of special knowledge of the mathematical, physical and engineering sciences, including the following: Common technical services, as

defined in subsection (g); consulting, investigating, evaluating, planning and designing of engineering works and systems; producing engineering surveys and studies; and preparing any engineering design features which embrace such service or work, either public or private, for any utilities, structures, buildings, machines, equipment, processes, work systems, projects and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding the health, safety, property or welfare of the public.

(2) As used in this subsection, the term "engineering surveys" includes all survey activities required to support the sound conception, planning, design, construction, maintenance and operation of engineered projects, but excludes the surveying of real property for the establishment of land boundaries, rights-of-way, easements and the dependent or independent surveys or resurveys of the public land survey system.

(3) The term "professional engineering" or "practice of professional engineering" shall not include those services specifically identified in the definition of "architecture," "landscape architecture," "professional geology" and "professional surveying" except for those services which are included in the term "common technical services," as defined in subsection (g).

(q) "Professional geologist" means a person who is qualified to engage in the practice of geology and who is licensed by the board to practice geology as provided in K.S.A. 74-7001 et seq., and amendments thereto.

(r) (1) "Professional geology" or "practice of professional geology" means the performing of professional geology services including the following: Common technical services, as defined in subsection (g); planning or mapping, providing observation, or the responsible supervision thereof, in connection with the treatment of the earth and its origin and history, in general; the investigation of the earth's constituent rocks, minerals, solids, fluids, including surface and underground waters, gases and other materials; and the study of the natural agents, forces and processes which cause changes in the earth.

(2) The term "professional geology" or "practice of professional geology" shall not include those services specifically identified in the definition of "architecture," "landscape architecture," "professional engineering" and "professional surveying" except for those services which are included in the term "common technical services," as defined in subsection (g).



(s) "Professional surveyor" means any person who is engaged in the practice of surveying and who is licensed by the board to practice surveying as provided in K.S.A. 74-7001 et seq., and amendments thereto.

(t) (1) "Professional surveying" or "practice of professional surveying" means providing, or offering to provide, professional surveying services including the following: Common technical services, as defined in subsection (g); using such sciences as mathematics, geodesy and photogrammetry; and involving the making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvements on the earth, the space above, on or below the earth and providing, utilizing or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions or projects. Professional surveying services also include planning, mapping, assembling and interpreting gathered measurements and information related to any one or more of the following:

- (A) Determining by measurement the configuration or contour of the earth's surface or the position of fixed objects thereon;
- (B) determining by performing geodetic surveys the size and shape of the earth or the position of any point on the earth;
- (C) locating, relocating, establishing, re-establishing or retracing property lines or boundaries of any tract of land, road, right-of-way or easement;
- (D) preparing the original descriptions of real property for the conveyance of or recording thereof and the preparation of graphics, data, maps, plans, reports, land subdivision plats, descriptions and projects that represent these surveys;
- (E) determining, by the use of principles of surveying, the position for any survey monument, whether boundary or non-boundary, or reference point and establishing or replacing any such monument or reference point;
- (F) making any survey for the division, subdivision or consolidation of any tract of land;
- (G) locating or laying out alignments, positions or elevations where such work is part of the construction of engineering or architectural works; and
- (H) creating, preparing or modifying electronic, computerized or other data relative to performance of the activities set forth in subparagraphs (A) through (G).

(2) The term "professional surveying" or "practice of professional surveying" shall not include those services specifically identified in the definition of "architecture," "landscape architecture," "professional engineering" and "professional geology" except for those services which are included in the term "common technical services," as defined in subsection (g).

(u) "Responsible charge" means the application of personal supervision and professional judgment, and the incorporation of detailed knowledge with respect to the content of a technical submission by a licensee when applying the normal standard of care for the work that such licensee is licensed to perform.

(v) "Standard of care" means the duty to exercise the degree of learning and skill ordinarily possessed by a reputable licensee practicing in Kansas in the same or similar locality and under similar circumstances.

(w) "Technical professions" includes the professions of architecture, landscape architecture, professional engineering, professional geology and professional surveying as the practice of such professions are defined in K.S.A. 74-7001 et seq., and amendments thereto.

#### 74-7004. State board of technical professions; purpose; membership; appointment; vacancies.

For the purpose of administering the provisions of this act and in order to establish and maintain a high standard of integrity, skills and practice in the technical professions and to safeguard the health, safety, property and welfare of the public, the governor shall appoint a state board of technical professions consisting of 13 members. At least 30 days prior to the expiration of any term other than that of a member appointed from the general public, professional societies and associations which are respectively representative of each branch of the technical professions may submit to the governor a list of three or more names of persons of recognized ability who have the qualifications prescribed for board members for appointment from that branch of the technical professions. The governor shall consider the list of persons in making the appointment to the board. In case of a vacancy in the membership of the board, other than that of a member appointed from the general public, for any reason other than the expiration of a term of office, the governor shall appoint a qualified successor to fill the unexpired term. In making the appointment the governor shall give consideration to the list of persons last submitted.

## 74-7005. Qualifications of members.

(a) Membership of the board shall be as follows:

(1) Four members shall have been engaged in the practice of engineering for at least eight years, which practice shall include responsible charge of engineering work, and shall be Kansas licensed professional engineers. At least one of such members shall be engaged in private practice as an engineer. At least one of such members may also be licensed as a Kansas professional surveyor, as well as a Kansas licensed professional engineer.

(2) Two members shall have been engaged in the practice of surveying for at least eight years, which practice shall include responsible charge of surveying work, and shall be Kansas licensed professional surveyors.

(3) Three members shall have been engaged in the practice of architecture for at least eight years, which practice shall include responsible charge of architectural work, and shall be Kansas licensed architects.

(4) One member shall have been engaged in the practice of landscape architecture for at least eight years, which practice shall include responsible charge of landscape architectural work, and shall be a Kansas licensed landscape architect.

(5) One member shall have been engaged in the practice of geology for at least eight years, which practice shall include responsible charge of geology work, and shall be a Kansas licensed professional geologist.

(6) Two members shall be from the general public of this state.

(b) Each member of the board shall be a citizen of the United States and a resident of this state.

(c) Any amendments to this section shall not be applicable to any member of the board who was appointed to the board and qualified for such appointment under this section prior to the effective date of such enactment.

## 74-7006. Terms of members; vacancies; removal from office.

(a) Whenever a vacancy occurs in the membership of the board by reason of the expiration of a term of office, the governor shall appoint a successor of like qualifications. Except as provided in subsection (e), all appointments shall be for terms of four years, but no member shall be appointed for more than three successive four-year terms.

(b) The terms of members appointed to the board shall commence on the July 1 immediately following the day of expiration of the preceding term, regardless of when the appointment is made, and except as provided in subsection (e), shall expire on June 30 of the fourth year of the member's term.

(c) Each member shall serve until a successor is appointed and qualified. Whenever a vacancy shall occur in the membership of the board for any reason other than the expiration of a member's term of office, the governor shall appoint a successor of like qualifications to fill the unexpired term.

(d) The governor may remove any member of the board for misconduct, incompetency, neglect of duty or for any other sufficient cause.

(e) (1) The following members whose terms begin July 1, 2012, shall serve initial terms as follows:

(A) One member licensed as both an engineer and as a land surveyor shall serve a term of one year.

(B) One member from the general public shall serve a term of one year.

(C) One member licensed as a geologist shall serve a term of three years.

(D) One member licensed as a land surveyor shall serve a term of two years.

(2) The terms of members specified in this subsection shall expire on June 30 in the last year of such member's term. Upon reappointment, members shall serve a term of not more than four years.

(3) No member specified in this subsection shall serve more than four consecutive terms.

**74-7007. Same; organization; election of officers; seal; rules; oath; meetings; quorum.**

The board shall organize annually at its first meeting subsequent to July 1, and shall select a chairperson, vice-chairperson, and secretary from its own membership. The secretary shall be the custodian of the common seal, the books and records of the board, and shall be responsible for the recordation, publication and archiving of all board proceedings. The chairperson and secretary shall have the power to administer oaths pertaining to the business of the board. The board shall have a common seal and shall formulate rules to govern its actions. Each member of the board shall take and

subscribe the oaths prescribed by law for state officers. The oaths provided for herein shall be filed in the office of the secretary of state. The board shall hold an annual meeting and such additional meetings as the board may designate. Seven members of the board shall constitute a quorum for the transaction of business.

#### 74-7008. Same; executive director and assistant executive director, appointment and salary; compensation and expenses of board members; personnel.

(a) The board may appoint an executive director and an assistant executive director who shall be in the unclassified service of the Kansas civil service act and shall receive an annual salary fixed by the board.

(b) Members of the state board of technical professions attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto.

(c) The board may employ clerical personnel and other assistants all of whom shall be in the classified service under the Kansas civil service act and may make and enter into contracts of employment with such professional personnel as may be necessary, in the board's judgment, for the performance of its duties and functions and the execution of its powers.

#### 74-7009. Fees; disposition; technical professions fee fund; expenditures.

(a) The following nonrefundable fees shall be collected by the board:

(1) For an original license, issued upon the basis of an examination given by the board, an application fee in the sum of not more than \$200 plus an amount equal to the cost of any examination directly administered by the board for any branch of the technical professions;

(2) for a license by reciprocity under K.S.A. 74-7024, and amendments thereto, an application fee of not more than \$500;

(3) for a certificate of authorization for a business entity, the sum of not more than \$300;

(4) for the biennial renewal of an active license, the sum of not more than \$200;

(5) for the biennial renewal of a certificate of authorization for a business entity, the sum of not more than \$300;

(6) for the untimely renewal of a license or certificate of authorization pursuant to K.S.A. 74-7025, and amendments thereto, a late fee of not more than \$200; and

(7) for the return of an inactive license to active practice, or for the reinstatement of a cancelled license, the sum of not more than \$200.

(b) On or before November 15 of each year, the board shall determine the amount necessary to administer the provisions of K.S.A. 74-7001 et seq., and amendments thereto, for the ensuing calendar year and shall fix the fees for such year at the sum deemed necessary for such purposes.

(c) The board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Ten percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the technical professions fee fund, which fund is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the board or by a person or persons designated by the chairperson.

#### 74-7010. Roster; maintenance and filing; copies, availability, fees.

A roster showing the names and places of business of all persons licensed under K.S.A. 74-7001 et seq., and amendments thereto, or issued a certificate of authorization under K.S.A. 74-7036, and amendments thereto, shall be maintained by the executive director. The roster shall also specify the branch of the technical professions in which each such person is licensed or authorized to practice. Copies of the roster shall be provided in accordance with the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.

#### 74-7013. Powers and duties of board.

(a) The board may adopt all rules and regulations, including rules of professional conduct, which are necessary for performance of its powers, duties and functions in the administration of the provisions of K.S.A. 74-7001 et seq., and amendments thereto.

(b) The board, through rules and regulations, may require continuing education as a condition for license renewal or reinstatement and may exempt persons from such continuing education requirements.

(c) The board may adopt rules and regulations concerning cancelled, inactive and emeritus licensure status.

(d) The board shall adopt rules and regulations prescribing minimum standards for boundary surveys, mortgage title inspection, American land title association surveys and such other surveys as necessary to control the quality of surveying in the state of Kansas.

#### 74-7016. Records of board; register; records as evidence.

(a) The board shall keep a record of its proceedings, and a register of all applications for license, which register shall show (1) the name and residence of each applicant; (2) the date of the application; (3) the place of business of such applicant; (4) the applicant's educational and other qualifications; (5) whether or not an examination was required; (6) the action of the board upon the application; (7) the date of the action of the board; and (8) such other information as may be deemed necessary by the board.

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

#### 74-7017. Examination requirement.

No applicant seeking original license to practice any technical profession shall be entitled to such license without first meeting the requirement to take and pass an examination utilized by the board.

#### 74-7018. Applications for license; fee; time.

Applications for licensure shall be submitted on forms prescribed by the board and shall contain information concerning the applicant's education and a detailed summary of the applicant's technical work, previous examinations, if any, and the results thereof and such other information and references as may be required by the board. All such applications shall be submitted to the executive director, together with the application fee prescribed under K.S.A. 74-7009, and amendments thereto, within a time period to be determined by the board.

### 74-7019. Architects; qualifications for licensure.

Minimum qualifications of applicants seeking licensure as architects are the following:

- (a) Graduation from a college or university program that is adequate in its preparation of students for the practice of architecture, as determined by the board in accordance with applicable rules and regulations;
- (b) proof of architectural experience of a character satisfactory to the board, as defined by rules and regulations of the board; and
- (c) the satisfactory passage of an examination utilized by the board.

### 74-7020. Landscape architects; qualifications for licensure.

Minimum qualifications of applicants seeking licensure as landscape architects are the following:

- (a) (1) Graduation from a four-year college or university program that is adequate in its preparation of students for the practice of landscape architecture and a minimum of four years of experience in landscape architectural work of a character satisfactory to the board, as defined by rules and regulations of the board; or
  - (2) graduation from a five-year college or university program that is adequate in its preparation of students for the practice of landscape architecture and a minimum of three years of experience in landscape architectural work of a character satisfactory to the board, as defined by rules and regulations of the board; and
- (b) the satisfactory passage of an examination utilized by the board.

### 74-7021. Professional engineers; qualifications for licensure; intern engineer certificate.

(a) Minimum qualifications of applicants seeking licensure as professional engineers are the following:

- (1) Graduation from a college or university program that is adequate in its preparation of students for the practice of engineering, as determined by the board in accordance with applicable rules and regulations;
- (2) the satisfactory passage of an examination in the fundamentals of engineering as utilized by the board;



(3) proof of four years of engineering experience of a character satisfactory to the board, as defined by rules and regulations of the board; and

(4) the satisfactory passage of an examination in professional practice as utilized by the board.

(b) The board may issue an intern engineer certificate to a person who meets the education and examination qualifications prescribed by the board.

#### 74-7022. Professional surveyors; qualifications for licensure; intern land surveyor certificate.

(a) Minimum qualifications of applicants seeking licensure as professional surveyors are the following:

(1) Proof of surveying experience and education in accordance with rules and regulations of the board; and

(2) the satisfactory passage of examinations utilized by the board.

(b) The board may issue an intern surveyor certificate to a person who meets the education, experience and examination qualifications prescribed by the board.

#### 74-7023. Examinations, time, place, scope, method of procedure; license, issuance, contents, evidence; seal, purchase and use, conditions.

(a) All examinations required by K.S.A. 74-7001 et seq., and amendments thereto, shall be held at such time and place as the board determines. The scope of the examinations, methods of procedure and eligibility to take examinations, including reexaminations, shall be prescribed by the board.

(b) The board, after receiving satisfactory evidence of the qualifications of an applicant and after satisfactory examination of the applicant, shall issue a license authorizing the applicant to practice the technical profession for which the applicant is qualified and to use the title appropriate to such technical profession.

(c) Each license shall show the full name of the licensee, shall have a serial number and shall be signed by the chairperson and the secretary of the board under seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named on the license is legally licensed and is entitled to all the rights and

privileges of a licensed practitioner of the technical profession for which the licensee is licensed while the license remains unrevoked and unexpired.

(d) Each licensee shall obtain a seal of a distinctive design authorized by the board, bearing the licensee's name and number and a uniform inscription formulated by the board. Documents signed by the licensee in the licensee's professional capacity shall be stamped with the seal during the duration of the license, but it shall be unlawful for anyone to stamp any document with the seal after the license has expired or has been revoked, unless the license has been renewed or reissued. No person shall tamper with or revise the seal without express written approval by the board.

#### 74-7024. Exemptions from examination for licensure; reciprocity; certain license or certificate holders; fees; conditions.

Any person who holds a current license to practice any branch of the technical professions issued by the proper authority in any other state or political subdivision of the United States may be exempted from examination for licensure in this state if the requirements under which such license was issued are of a standard accepted by the board and if the person's record fully meets the requirements of this state in all respects other than examination. Upon determination that the person meets the requirements of this section and all other requirements for licensure under K.S.A. 74-7001 et seq., and amendments thereto, the board may issue, upon application therefor and receipt of payment of the application fee prescribed under K.S.A. 74-7009, and amendments thereto, a license to practice the appropriate technical profession.

#### 74-7025. Expiration of license or certificate of authorization; notice; renewal; continuing education as condition for license renewal; reinstatement after failure to renew; fee for reinstatement; replacement license; inactive status.

(a) At least 30 days prior to the date of expiration of a license or certificate of authorization, the executive director shall notify every person licensed under K.S.A. 74-7001 et seq., and amendments thereto, or business entity issued a certificate of authorization under K.S.A. 74-7036, and amendments thereto, of the date of the expiration of the license or certificate of authorization and the amount of the fee that is required for its renewal for two years. The licensee shall notify the board in writing of any change of address within 30 days after the date of such change. A licensee shall not practice any technical profession after the expiration date until the license or certificate of authorization has been renewed or reinstated. Any license or certificate of

authorization not renewed by the expiration date may be renewed within 60 days after such expiration date by payment of the renewal fee plus a late fee as set forth in K.S.A. 74-7009, and amendments thereto. Any license or certificate of authorization not renewed within 60 days after the expiration date shall be cancelled.

(b) As a condition for obtaining license renewal, the board may require proof of compliance with continuing education requirements established by rules and regulations.

(c) Any person whose license or certificate of authorization has been cancelled pursuant to subsection (a) may have the license or certificate of authorization reinstated by the board for good cause shown and by filing an application for such license or certificate of authorization and such other documents as required by the board, and payment of the reinstatement fee as set forth in K.S.A. 74-7009, and amendments thereto.

(d) Any licensee who voluntarily decides to no longer practice a technical profession shall have such licensee's status changed from active to inactive, provided, such licensee meets the requirements for use of the inactive licensure status established in the rules and regulations adopted by the board. A person whose license is inactive may return to active practice of a technical profession by applying for a return to active practice, paying the appropriate fee as set forth in K.S.A. 74-7009, and amendments thereto, and complying with all applicable rules and regulations adopted by the board.

(e) Any licensee who voluntarily decides to no longer practice a technical profession and who is at least 60 years of age shall have such licensee's status changed from active to emeritus, provided, such licensee meets the requirements for use of the emeritus title established in the rules and regulations adopted by the board.

(f) A new license or certificate of authorization, to replace any lost, destroyed or mutilated license, may be issued, subject to rules and regulations of the board, and a charge of \$20 shall be made for such issuance.

74-7026. Discipline of licensees or holders of certificates of authorization; suspension or revocation of licenses or certificates of authorization; grounds; reinstatement of license or certificate of authorization, fees.

(a) The board shall have the power to limit, condition, reprimand or otherwise discipline, suspend or revoke the license of any person who has engaged in any of the following conduct:

- (1) The practice of any fraud or deceit in obtaining a license or certificate of authorization issued under K.S.A. 74-7036, and amendments thereto;
- (2) any gross negligence, incompetency, misconduct or wanton disregard for the rights of others in the practice of any technical profession;
- (3) a conviction of a felony as set forth in the criminal statutes of the state of Kansas, of any other state or of the United States;
- (4) violation of any rules of professional conduct adopted and promulgated by the board or violation of rules and regulations adopted by the board for the purpose of carrying out the provisions of K.S.A. 74-7001 et seq., and amendments thereto; or
- (5) affixing or permitting to be affixed such licensee's seal or name to any documents which were not prepared by such licensee or prepared under the responsible charge of such licensee.

(b) The board shall have the power to limit, condition, reprimand or otherwise discipline, suspend or revoke the certificate of authorization of any business entity which has engaged in any conduct which would authorize the board to limit, condition, reprimand or otherwise discipline, suspend or revoke the license of a person under this section.

(c) The board, for reasons it may deem sufficient, may reissue a license or certificate of authorization that has been revoked and may remove the suspension of the license or certificate of authorization, provided, seven or more members of the board vote in favor of such reissuance or removal of suspension. A new license or certificate of authorization, to replace any revoked or suspended license or certificate of authorization, may be issued, subject to rules and regulations of the board, and a charge of \$100 shall be made for the issuance of such license or \$150 for the issuance of a certificate of authorization.

(d) Any action of the board pursuant to this section shall be subject to the provisions of the Kansas administrative procedure act.

#### 74-7027. Authority of board at hearings; witnesses, compulsory attendance.

In performing its powers, duties and functions under the provisions of this act, the board shall have authority to issue an order under its seal compelling the attendance and testimony of witnesses or compelling the production of books, papers, records, documents or other evidence at any hearing before the board involving the revocation or suspension of license or certificate of authorization issued under K.S.A. 74-7036, and amendments thereto, or practicing or offering to practice without a license or certificate of authorization issued under K.S.A. 74-7036, and amendments thereto. All such hearings shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

#### 74-7028. Notice of denial, suspension or revocation of license or certificate of authorization; appeals.

Notice of the action of the board in denying, suspending or revoking a license or certificate of authorization issued under K.S.A. 74-7036, and amendments thereto, shall be given in accordance with the provisions of the Kansas administrative procedure act. Any person aggrieved by any decision of the board may appeal such action in accordance with the provisions of the Kansas judicial review act.

#### 74-7029. Unlawful acts; prosecution; assistance of attorney general and district or county attorney.

(a) It shall be a class A misdemeanor for any person to:

- (1) Practice or offer to practice or hold one's self out as entitled to practice any technical profession unless the person is licensed as provided in K.S.A. 74-7001 et seq., and amendments thereto, or holds a certificate of authorization issued under K.S.A. 74-7036, and amendments thereto;
- (2) present or attempt to use, as such person's own, the license, certificate of authorization or seal of another;
- (3) falsely impersonate any other practitioner of like or different name;

- (4) give false or forged evidence to the board, or any member thereof, in obtaining a license or certificate of authorization;
- (5) use or attempt to use a license or certificate of authorization that has expired or been suspended or revoked;
- (6) falsely advertise as a licensed practitioner or as the holder of a certificate of authorization;
- (7) use in connection with such person's name, or otherwise assume, or advertise any title or description intended to convey the impression that such person is a licensed practitioner or holds a certificate of authorization; or
- (8) otherwise violate any of the provisions of K.S.A. 74-7001 et seq., and amendments thereto, or any rule and regulation promulgated by the board.

(b) For the purposes of subsection (a)(1), a person shall be construed to practice or offer to practice or hold one's self out as entitled to practice a technical profession if such person:

- (1) Practices any branch of the technical professions;
- (2) by verbal claim, sign, advertisement, letterhead, card or in any other way represents the person to be an architect, landscape architect, professional engineer, professional geologist or professional surveyor;
- (3) through the use of some other title implies that such person is an architect, landscape architect, professional engineer, professional geologist or professional surveyor, or that such person is licensed to practice a technical profession; or
- (4) holds one's self out as able to perform, or does perform, any service or work or any other service designated by the practitioner which is recognized as within the scope of the practice of a technical profession.

(c) The attorney general of the state or the district or county attorney of any county, at the request of the board, shall render such legal assistance as may be necessary in carrying out the provisions of K.S.A. 74-7001 et seq., and amendments thereto. Upon the request of the board, the attorney general or district or county attorney of the proper county shall institute in the name of the state or board the proper proceedings against any person regarding whom a complaint has been made charging such person with the violation of any of the provisions of K.S.A. 74-7001 et seq., and amendments thereto. The attorney general, and such district or county attorney, at the request of

the attorney general or of the board, shall appear and prosecute any and all such actions.

#### 74-7030. Civil enforcement of act.

Whenever in the judgment of the board any person has engaged in, or is about to engage in, any acts or practices which constitute, or will constitute, a violation of this act, or any rules and regulations of the board, the board may make application to the district court, without giving bond, for civil enforcement of the act or rules and regulations in accordance with the Kansas judicial review act.

#### 74-7031. Architecture; exemptions from requirements for licensure or certification; definitions.

The provisions of K.S.A. 74-7001 et seq., and amendments thereto, requiring licensure or the issuance of a certificate of authorization under K.S.A. 74-7036, and amendments thereto, to engage in the practice of architecture shall not be construed to prevent or to affect:

- (a) The practice of any person engaging in the publication of books or pamphlets illustrating architectural designs.
- (b) Persons preparing plans, drawings or specifications for buildings housing no more than two dwelling units in one contiguous structure or for agricultural buildings.
- (c) Persons furnishing, individually or with subcontractors, labor and materials, with or without plans, drawings, specifications, instruments of service, or other data concerning the labor and materials to be used for any of the following, provided, compliance with the most recent edition of the international building code adopted by the international code conference and rules and regulations adopted by the state fire marshal, is not required:
  - (1) Store fronts or facades, interior alterations or additions, fixtures, cabinet work, furniture, appliances or other equipment;
  - (2) work necessary to provide for installation of any item designated in subsection (c)(1);
  - (3) alterations or additions to a building necessary to, or attendant upon, installation of any item designated in subsection (c)(1), if the alteration or addition does not change or affect:

- (A) The structural system of the building, which structural system includes, but is not limited to, foundations, walls, floors, roofs, footings, bearing partitions, beams, columns or joists and does not exceed the structural capacity of the system;
  - (B) the required exit capacities or exiting travel distances; or
  - (C) the required fire ratings of assemblies, fire separation walls or fire ratings required by building type.
- (d) Work involving matters of rates, rating and loss prevention by employees of insurance rating organizations and insurance service organizations and insurance companies and agencies.
- (e) The performance of services by a licensed landscape architect or business entity issued a certificate of authorization to provide services in landscape architecture under K.S.A. 74-7036, and amendments thereto, in connection with landscape and site planning for the sites, approaches or environment for buildings, structures or facilities.

#### 74-7032. Landscape architecture; exemptions from requirements for licensure or certification.

The provisions of K.S.A. 74-7001 et seq., and amendments thereto, requiring licensure or the issuance of a certificate of authorization under K.S.A. 74-7036, and amendments thereto, to engage in the practice of landscape architecture shall not be construed to prevent or to affect:

- (a) The right of any individual to engage in the occupation of growing and marketing nursery stock, to use the title nurseryman, landscape nurseryman or gardener, or to prohibit any individual to plan or plant such individual's own property.
- (b) The right of nurserymen to engage in preparing and executing planting plans.
- (c) The practice of site development planning, in accordance with the practice of architecture.
- (d) The performance of those services described in subsection (k)(1) of K.S.A. 74-7003, and amendments thereto, by a licensed professional engineer, except that no licensed professional engineer shall perform the following services: (1) Planting plans; or (2) the determination of proper land use as it pertains to natural features; ground cover, use, nomenclature and arrangement of plant material adapted to soils and climate.



### 74-7033. Engineering; exemptions from requirements for licensure or certification.

The provisions of K.S.A. 74-7001 et seq., and amendments thereto, requiring licensure or the issuance of a certificate of authorization under K.S.A. 74-7036, and amendments thereto, to engage in the practice of engineering shall not be construed to prevent or to affect:

- (a) Except as provided by subsection (b), the design or erection of any structure or work by a person who owns the structure or work, upon such person's own premises for such person's own use if the structure or work is not to be used for human habitation, is not to serve as a place of employment, and is not to be open to the public for any purpose whatsoever.
- (b) Persons designing or erecting or preparing plans, drawings or specifications for buildings housing no more than two dwelling units in one contiguous structure or for agricultural buildings.
- (c) Persons engaged in planning, drafting and designing of products manufactured for resale to the public.
- (d) The performance of services by a licensed landscape architect in connection with landscape and site planning for the sites, approaches or environment for buildings, structures or facilities.

### 74-7034. Land surveying; exemptions from requirements for licensure or certification.

The provisions of K.S.A. 74-7001 et seq., and amendments thereto, requiring licensure or the issuance of a certificate of authorization under K.S.A. 74-7036, and amendments thereto, to engage in the practice of surveying shall not be construed to prevent or to affect:

- (a) Those surveying activities, which include locating or laying out of alignments, positions or elevations where such work is part of the construction of engineering or architectural works, when such activities are for purposes other than the conveyance of an interest in real property.
- (b) The practice of surveying by an individual of such individual's own real property or that of such individual's employer for purposes other than the conveyance of an interest in such real property.

- (c) The surveying on farms for agricultural purposes other than the conveyance of an interest in such farm property.
- (d) The performance of services by a licensed landscape architect or by a business entity issued a certificate of authorization to provide services in landscape architecture under K.S.A. 74-7036, and amendments thereto, in connection with landscape and site planning for the sites, approaches or environment for buildings, structures or facilities.
- (e) Mapping by governmental agencies when such activity does not involve the locating, relocating, or physical establishment of land boundaries and related monuments or the preparation of original or field retracement of existing descriptions of real property.

#### 74-7035. Act not applicable to certain practices and persons.

The provisions of K.S.A. 74-7001 et seq., and amendments thereto, shall not apply to:

- (a) The work of an employee, consultant or a subordinate of a person holding a license under K.S.A. 74-7001 et seq., and amendments thereto, if such work does not include final designs or decisions, responsible charge of design and is done under the direct responsibility and supervision of a person practicing lawfully a technical profession;
- (b) the work of any person who is exclusively and regularly employed by a single employer, provided, such employer is not an engineering, architectural, surveying, landscape architectural or geology firm, and is not primarily engaged in the business of conveying an interest in real property, and also provided, such work is performed under an employer-employee relationship, and making surveys of land and determinations of physical property rights is performed solely in connection with the affairs of such employer or its subsidiaries and affiliates and solely for the uses, purposes and benefit of such employer, subsidiaries and affiliates;
- (c) a plumbing contractor, master plumber or journeyman plumber licensed under the provisions of K.S.A. 12-1508 et seq., and amendments thereto, while performing the work such plumber is authorized to perform pursuant to such license; or
- (d) an electrical contractor, master electrician, journeyman electrician or residential electrician licensed under the provisions of K.S.A. 12-1525 et seq., and amendments thereto, while performing the work such electrician is authorized to perform pursuant to such license.

(e) For purposes of this act, public officers and employees who, within the scope of their employment and in the discharge of their public duties, provide information pertinent to or review the sufficiency of technical submissions, or who inspect property or buildings for compliance with requirements safeguarding life, health or property, are not engaged in the practice of the technical professions.

**74-7036. Practice of technical professions by business entity; conditions; application for certificate of authorization, contents, fee; renewal, conditions, fee; change of principal, reporting; liability for services performed.**

(a) Notwithstanding any other provision of law, a business entity organized for the practice of one or more of the technical professions shall obtain a certificate of authorization pursuant to this section prior to doing business in this state. To obtain a certificate of authorization a business entity must meet the following:

- (1) One or more principals is designated as being in responsible charge for the activities and decisions relating to the practice of such profession and is licensed to practice such profession by the board and is a regular employee of and active participant in the business entity;
- (2) each person engaged in the practice of the technical profession is licensed to practice such profession by the board, or is exempt from licensure under K.S.A. 74-7031 through 74-7035, and amendments thereto, or is exempt from examination for licensure in this state under K.S.A. 74-7024, and amendments thereto; and
- (3) each separate office or place of business established in this state by the business entity has a licensed professional who is regularly supervising the work of an office or place of business and has responsible charge of each respective technical professional practicing in the office. This requirement shall not apply to offices or places of business established to provide construction administration services only.

(b) A business entity shall apply to the board for a certificate of authorization, upon a form prescribed by the board, listing the names and addresses of all principals licensed to practice the technical profession and such other information as may be required by the board. The application for a certificate of authorization shall be accompanied by an application fee fixed by the board under K.S.A. 74-7009, and amendments thereto. The certificate of authorization shall be renewed biennially. The biennial renewal fee fixed

by the board under K.S.A. 74-7009, and amendments thereto, shall be accompanied by a form prescribed by the board providing current information. In the event of a change of any principal, such change shall be provided to the board within 30 days after the effective date of such change.

(c) If the board finds that such business entity is in compliance with all of the requirements of this section, the board shall issue a certificate of authorization to such business entity designating the technical profession for which such business entity is authorized to provide services.

(d) No business entity issued a certificate of authorization under this section shall be relieved of responsibility for the conduct or acts of its agents, employees or principals by reason of its compliance with the provisions of this section, nor shall any individual practicing a technical profession be relieved of responsibility and liability for services performed by reason of employment or relationship with such business entity. The requirements of this section shall not affect a business entity and its employees in performing services included within the term "technical professions" solely for the benefit of such business entity or subsidiary or affiliated business entities. Nothing in this section shall exempt any business entity from the provisions of any other law applicable thereto.

#### 74-7038. Technical submissions; limitation on acceptance or approval by public officials; building permits, invalidity; immunity from liability.

A public official charged with the enforcement of any state, county or municipal building code shall not accept or approve any technical submissions involving the practice of the technical professions unless the technical submissions have been stamped with the technical professional's seal, signed and dated as required by K.S.A. 74-7001 et seq., and amendments thereto, or unless the applicant has certified on the technical submission to the applicability of a specific exception provided for in K.S.A. 74-7035, and amendments thereto, permitting the preparation of the technical submissions by a person not licensed under K.S.A. 74-7001 et seq., and amendments thereto. A building permit issued with respect to technical submissions which does not conform to the requirements of K.S.A. 74-7001 et seq., and amendments thereto, is invalid. The acceptance or approval of technical submissions or the issuance of a building permit by a public official engaged in building inspection responsibilities, contrary to the provisions of K.S.A. 74-7001 et seq., and amendments thereto, shall not create liability upon the public official or the official's governmental agency.

### 74-7039. Civil penalties for violations; notice and hearing; fines, costs, attorney fees, disposition; determination of amount, factors.

(a) The board, in addition to any other penalty prescribed under K.S.A. 74-7001 et seq., and amendments thereto, may assess civil fines after proper notice and an opportunity to be heard, against any person or entity for a violation of the statutes, rules and regulations or orders enforceable by the board in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation. All civil fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(b) The board may also assess costs, including attorney fees, against any person or entity for a violation of the statutes, rules and regulations or orders enforceable by the board in addition to any fine imposed. All costs assessed under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the technical professions fee fund.

(c) In determining the amount of penalty to be assessed pursuant to this section, the board may consider the following factors among others:

- (1) Willfulness of the violation;
- (2) repetitions of the violation; and
- (3) magnitude of the risk of harm to the health, safety, property and welfare of the public caused by the violation.

### 74-7040. Rights and privileges of licensees saved.

Any person licensed to practice the technical professions in the state of Kansas at the time this act takes effect shall thereafter continue to possess the same rights and privileges with respect to the practice of the technical profession for which such person is licensed, in accordance with the current definition of the practice of such technical profession, without being required to obtain a new license under the provisions of this act, subject to the power of the board as provided in this act to suspend or revoke the

license of any such person for any of the causes set forth in K.S.A. 74-7026, and amendments thereto, and subject to the power of the board to require any such person to renew such license as provided in K.S.A. 74-7025, and amendments thereto.

#### 74-7041a. Professional geologists, minimum qualifications; licensure; intern geologists.

(a) Minimum qualifications of applicants seeking licensure as professional geologists are the following:

- (1) Graduation from a course of study in geology, or from a program which is of four or more years' duration and which includes at least 30 semester or 45 quarter hours of credit with a major in geology or a geology specialty, that is adequate in its preparation of students for the practice of geology;
- (2) proof of at least four years of experience in geology of a character satisfactory to the board, as defined by rules and regulations of the board; and
- (3) the satisfactory passage of such examinations in the fundamentals of geology and in geologic practice as utilized by the board.

(b) The board may issue an intern geologist certificate to a person who meets the education and examination qualifications prescribed by the board.

#### 74-7042a. Geology; exemptions from requirements for licensure or certification.

The provisions of K.S.A. 74-7001 et seq., and amendments thereto, requiring licensure or the issuance of a certificate of authorization under K.S.A. 74-7036, and amendments thereto, to engage in the practice of geology shall not be construed to prevent or to affect:

- (a) The practice of geology by any person before July 1, 2000.
- (b) The practice of geology which is exclusively in the exploration for and development of energy resources and economic minerals, and which does not affect the health, safety, property and welfare of the public, as determined by the board.
- (c) The acquisition of engineering data, geologic data for engineering purposes and the utilization of such data by licensed professional engineers.

- (d) The performance of work customarily performed by graduate physical or natural scientists.
- (e) The teaching of geology in a college or university offering an approved geology curriculum.

#### 74-7046. Liability of licensed professional surveyor.

- (a) A professional surveyor, licensed pursuant to article 70 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, and such professional surveyor's authorized agents and employees may enter upon lands, waters and premises of a party who has not requested the survey when it is necessary for the purpose of making a survey. If the licensed professional surveyor has made a reasonable attempt to notify the person in possession, such entry shall not be deemed a trespass. Upon notice, such person in possession has the right to modify the time and other provisions of the professional surveyor's access upon notification to the surveyor, as long as such modifications do not unreasonably restrict completion of the survey. Nothing herein shall change the status of the licensed professional surveyor as an occupier of land.
- (b) While conducting surveys, the licensed professional surveyor and such professional surveyor's authorized agents and employees shall carry proper identification as to such professional surveyor's licensure or employment and shall display such identification to anyone upon request.
- (c) Neither the landowner nor the person in possession shall be liable for any injury or damage sustained by a licensed professional surveyor or such professional surveyor's authorized agents and employees entering upon such land, water or premises under the provisions of this section, except when such damages and injury were willfully or deliberately caused by the landowner or person in possession.
- (d) Nothing in this section shall be construed to:
  - (1) Remove civil liability for actual damage to such lands, waters, premises, crops or personal property;
  - (2) give the licensed professional surveyor or such professional surveyor's authorized agents and employees the authority to enter any building or structure used as a residence or for storage; and
  - (3) remove civil or criminal liability for intentional acts of injury or for damages to the professional surveyor or authorized agents and employees.

## 74-7047. Peer review; technical professions.

(a) As used in this section:

(1) "Board" means the state board of technical professions established pursuant to K.S.A. 74-7004, and amendments thereto.

(2) "Design profession" means the practice of architecture, landscape architecture, land surveying, geology or engineering as specified in K.S.A. 74-7003, and amendments thereto.

(3) "Design professional" means an architect, landscape architect, land surveyor, geologist or professional engineer or a business entity authorized pursuant to K.S.A. 74-7036, and amendments thereto, to practice one or more of the technical professions specified in paragraph (2).

(4) "Architect" shall have the meaning ascribed to such term in K.S.A. 74-7003, and amendments thereto.

(5) "Geologist" shall have the meaning ascribed to such term in K.S.A. 74-7003, and amendments thereto.

(6) "Landscape architect" shall have the meaning ascribed to such term in K.S.A. 74-7003, and amendments thereto.

(7) "Land surveyor" shall have the meaning ascribed to such term in K.S.A. 74-7003, and amendments thereto.

(8) "Professional engineer" shall have the meaning ascribed to such term in K.S.A. 74-7003, and amendments thereto.

(9) "Lessons learned" means any internal meeting, class, publication in any medium, presentation, lecture, or other means of teaching and communicating after substantial completion of the project which are conducted solely and exclusively by and with the employees, partners, and coworkers of the design professional who prepared the project's design for the purpose of learning best practices and reducing errors and omissions in design documents and procedures.

(10) "Peer review" or "peer review process" means any of the following functions:

(A) Evaluate and improve the design, drawings specifications or quality of services rendered by a design professional;



(B) evaluate the design, construction, procedures and results of improvements to real property based upon services rendered by a design professional during or after completion of such improvements; or

(C) prepare an internal lessons learned review of any project or services rendered for the purpose of improving the quality of services rendered by a design professional.

(11) "Peer reviewer" or "peer review committee" means an individual design professional or a committee of design professionals retained, employed, designated or appointed by:

(A) A state, county or local society of design professionals; or

(B) the board of directors, chief executive officer, quality control director, or employed design professional of a business entity authorized pursuant to K.S.A. 74-7036, and amendments thereto, to practice one or more of the technical professions specified in paragraph (2).

(b) (1) Except as provided by K.S.A. 60-437, and amendments thereto, and by subsections (c) and (d), the reports, statements, memoranda, proceedings, findings and other records submitted to or generated by any peer review committee or peer reviewer shall be privileged and shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity or be admissible in evidence in any judicial or administrative proceeding. Information contained in such records shall not be discoverable or admissible at trial in the form of testimony by an individual who participated in the peer review process.

(2) The design professional who retains, employs, designates or appoints the peer reviewer or peer review committee is the holder of the privilege established by this section. This privilege may be claimed by such design professional and shall not be waived as a result of any disclosure by a peer reviewer or peer review committee.

(c) (1) Subsection (b) shall not apply to proceedings by the board in which a design professional contests the revocation, denial, restriction or termination of the license, registration, certification or other authorization to practice of the design professional. In any disciplinary proceeding conducted by the board in which admission of any peer review report, record or testimony is proposed by the licensee, the board shall hold the hearing in closed session when any such report, record or testimony is disclosed. Unless otherwise provided by law, in a disciplinary proceeding involving a design professional, the board may close only that portion of the hearing in which disclosure of a report or

record privileged under this section is proposed. In closing a portion of a hearing as provided by this section, the presiding officer may exclude any person from the hearing location except the licensee, the licensee's attorney, the agency's attorney, the witness, the court reporter and appropriate staff support for either counsel.

(2) Upon motion of the design professional who is subject to the proceeding, a district court or the board shall make the portions of the agency record in which such report or record is disclosed subject to a protective order prohibiting further disclosure of such report or record.

(3) Such report or record shall not be subject to discovery, subpoena or other means of legal compulsion for its release to any person or entity. No person in attendance at a closed portion of a disciplinary proceeding shall at a subsequent civil, criminal or administrative hearing, be required to testify regarding the existence or content of a report or record privileged under this section which was disclosed in a closed portion of a hearing, nor shall such testimony be admitted into evidence in any subsequent civil, criminal or administrative hearing.

(4) In conducting a disciplinary proceeding, the board may review peer review committee process, records, testimony or reports but must prove its findings with independently obtained testimony or records which shall be presented as part of the disciplinary proceeding in open meeting of the board. Peer review committee process, records, testimony or reports received by the board shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity and shall not be admissible in evidence in any judicial or administrative proceeding other than a disciplinary proceeding by the board.

(5) Offering such testimony or records in an open public hearing shall not be deemed a waiver of the peer review privilege relating to any peer review committee testimony, records or report.

(d) Nothing in this section shall limit the authority, which may otherwise be provided by law, of the board to impose disciplinary action pursuant to K.S.A. 74-7026, and amendments thereto, against a design professional.

(e) (1) A peer review committee or peer reviewer may report to and discuss its activities, information and findings to other peer review committees or peer reviewers or to the design professional who retains, employs, designates or appoints the peer reviewer or peer review committee and to any officer, director or quality control director thereof without waiver of the privilege provided by subsection (b) and

the records of all such peer review committees or peer reviewers relating to such report shall be privileged as provided by subsection (b).

(2) Each peer reviewer and member of a peer review committee shall be immune from civil liability for such acts so long as the acts are performed in good faith, without malice, and are reasonably related to the scope of inquiry of the peer review process. The immunity in this subsection is intended to cover only outside peer reviews by a third-party design professional who:

(A) Is not an employee, coworker, or partner of the design professional whose design is being peer reviewed; and

(B) has no other role in the project besides performing the peer review.

(f) No provision of this act shall be construed to supersede or conflict with the authority of the board of technical professions pursuant to K.S.A. 74-7001 et seq., and amendments thereto.

#### 74-7283. Citation of act.

This act shall be known and may be cited as the Kansas governmental operations accountability law or K-GOAL.

# KANSAS ADMINISTRATIVE REGULATIONS

## AGENCY 66 State Board of Technical Professions

### Article 6 Professional Practice

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#### 66-6-1. Seals and signatures.

(a) Each licensee shall obtain a seal of the design approved by the board in compliance with K.S.A. 74-7023, and amendments thereto. The seal may contain an abbreviated **form of the licensee's given name or a combination of initials representing the licensee's** given name if the surname listed with the board appears on the seal and in the signature. The seal may be a rubber stamp, an embossed seal, or a digital seal.

**(b)(1) After the licensee's seal has been** applied to any document, the licensee shall **apply the licensee's handwritten** or authenticated digital signature and the date across the seal. The application of the licensee's seal and signature and the date shall constitute certification that the document on which the seal was applied was created by the licensee or under the licensee's responsible charge.

(2) After a licensee has applied the seal, handwritten or digital signature, and date to a document, that document may be reproduced as necessary for the project in accordance with applicable law.

(3) Any licensee may use a digital signature if the digital signature authentication process meets all of the following requirements:

(A) Is unique to the licensee using the digital signature;

(B) is able to be verified;

(C) is under the sole control of the licensee using the digital signature; and

(D) is linked to an electronic document bearing the digital signature in such a manner that the signature is invalidated if any data in the document is altered.

(4) Each transmitted or stored electronic document containing a digital signature shall bear the signature, date of signing, and seal, which shall be a confirmation that the

electronic document was not altered after the initial digital signing of the document. If the electronic document is altered, the signature, date, and seal shall be void.

(c)(1) Except as provided in K.S.A. 74-7031, K.S.A. 74-7032, K.S.A. 74-7033, K.S.A. 74-7034, or K.S.A. 74-7042a and amendments thereto, each document, including drawings, technical reports, original land descriptions for the purpose of conveying an interest in real property, records, and papers, shall be sealed, signed, and dated by the licensee who prepared the document or by the licensee who is in responsible charge. The licensee shall **seal, sign, and date only work within the licensee's area of licensure** and competence. Unless the licensee is in responsible charge, that licensee shall not review or check technical submissions of another licensed professional or unlicensed person and seal the documents as the licensee's own work.

(2) Documents required to be sealed, signed, and dated shall include the following:

(A) Any document submitted to any public or governmental agency, a client, or a user for final approval or recording; and

(B) each revision to a sealed, signed, and dated document, which shall be identified and sealed, signed, and dated by the licensee responsible for the revision.

(d)(1) The following documents shall be sealed, signed, and dated as specified in this subsection:

(A) For a set of drawings, in one of the following ways:

(i) On each drawing sheet of a set of drawings;

(ii) only on the first sheet of a multisheet set of project drawings if a digital signature authentication process meeting all the requirements in this regulation **and capable of digitally linking all drawing sheets to a licensee's area of** responsibility is utilized; or

(iii) in a certification block displaying the seal, signature, and date of each licensee in responsible charge and designating the drawing sheets for which each licensee is responsible, which shall be included on the cover sheet or first drawing sheet of the set of drawings;

(B) for project-specific technical specifications, on the cover sheet or index page. If multiple licensees contribute to these specifications, each licensee shall also designate each part for which that licensee is responsible;

(C) for each technical report or survey plat, on the first or last page;

(D) for original land descriptions for the purpose of conveying an interest in real property, on the first or last page;

**(E) for each manufacturer's design document submitted in response to a project's** delegated design requirements, including performance specifications or drawings for a specific system or components that are not commonly manufactured items standard for order, and prepared by or under the direct supervision of a Kansas licensee, with the submittal sealed, signed, and dated by the manufacturer's Kansas licensee as specified in paragraph (d)(1)(A) or (B); and

(F) for modified standard details or drawings required by a public agency to be incorporated in a project, on the cover sheet or index page of the document.

(2) For multiple seals, each **licensee shall affix that individual's seal and signature** to the document and shall designate the specific subject matter for which that licensee **is responsible, in a note under that licensee's seal or in the title or index sheet** indicating the document to which the seal applies.

(e) The documents not required to be sealed, signed, and dated shall include the following:

(1) A working drawing or preliminary document, if the working drawing or preliminary document contains a statement in large, bold letters stating **"PRELIMINARY, NOT FOR CONSTRUCTION, RECORDING PURPOSES, OR IMPLEMENTATION"** or words of comparable meaning; and

(2) published standard details, drawings, or specifications adopted by a municipal, county, or public agency, if incorporated in that **agency's own projects. These** documents shall be referenced **within the project's set of drawings when used.** Nothing in this subsection shall relieve a licensee of the duty of professional conduct.

(f)(1) If a licensee who has responsible charge of the work is unavailable to complete the work, a successor licensee may assume responsible charge by performing all professional services, including developing a complete design file with work or design criteria, calculations, code research, and any necessary and appropriate changes to the work, under either of the following conditions:

(A) The work is a site adaptation of a standard design plan.

(B) The non-professional services, including drafting, are not required to be redone by the successor licensee but clearly and accurately reflect the successor **licensee's work**.

(2) The successor licensee shall have responsible charge over the work product.

(3) The successor licensee shall be responsible for compliance with this subsection.

#### 66-6-4. Professional conduct.

**(a) For the purposes of this regulation, "licensee" shall mean an architect, a landscape architect, a professional engineer, a professional geologist, or a professional surveyor.**

**(b) If any licensee's professional judgment has been disregarded under circumstances** in which the safety, health, or welfare of the public is endangered, the licensee shall inform the employer or client of the possible consequences, and the licensee shall notify the authority who issued the building permit or otherwise has jurisdiction.

(c) The licensee shall not advertise to perform or undertake to perform any assignment involving a specific technical profession unless the licensee is licensed and qualified by education and experience in that technical profession, as defined in K.S.A. 74-7003, and amendments thereto.

(d) A licensee in any technical profession shall not affix a personal or digital signature, seal, or both to any plan or document dealing with subject matter that is outside of the **licensee's field of practice as defined by K.S.A. 74-7003**, and amendments thereto. (e) If the competence of any licensee to perform an assignment in a specific technical field is at issue, the licensee may be required by the board to pass an appropriate examination.

(f) In all professional reports, statements, and testimony, each licensee shall meet the following requirements:

(1) Be completely objective and truthful; and

(2) include all relevant and pertinent information.

(g) When serving as an expert or technical witness before any court, commission, or other tribunal, each licensee shall express only opinions founded on the following:

(1) An adequate knowledge of the facts at issue;

(2) a background of technical competence in the subject matter; and

(3) an actual, good-**faith belief in the accuracy and propriety of the licensee's** testimony.

(h) If a licensee issues any statements, criticisms, or arguments on public policy matters that are inspired or paid for by any interested party or parties, those comments shall be prefaced by and include disclosure of the following:

- (1) The identity of each party on whose behalf the licensee is speaking; and
- (2) the existence of any pecuniary interest of the licensee.

(i) Each licensee shall disclose all known or potential conflicts of interest to employers or clients by promptly informing them of any business association, interest, or any other circumstances that **could influence that licensee's judgment or the quality of the licensee's services.**

(j) A licensee 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.

(k) A licensee shall not solicit or accept financial or other valuable consideration, directly or indirectly, from either of the following:

- (1) Material or equipment suppliers for specifying their products; or
- (2) contractors, their agents, or other parties in connection with work for employers or clients for which the licensee is responsible.

(l) A licensee shall not solicit a contract from a governmental body on which a principal **or officer of the licensee's organization serves as a member, except upon public** disclosure of all pertinent facts and circumstances and consent of the appropriate public authority.

(m) A licensee shall not offer, directly or indirectly, to pay a commission or other consideration or to make a political contribution or other gift in order to secure work, except for payment made to an employment agency for its services.

(n) In all contacts with prospective or existing clients or employers, each licensee shall **accurately represent the licensee's qualifications and the scope of the licensee's** responsibility in connection with work for which the licensee is claiming credit.



(o) A licensee shall not be associated with, or permit the use of the **licensee's personal** name or firm name in, a business venture being performed by any person or firm that the licensee knows, or has reason to believe, is engaging in either of the following:

- (1) Business or professional practice of a fraudulent or dishonest nature; or
- (2) a violation of K.S.A. 74-7001 et seq., and amendments thereto, or the regulations promulgated and adopted by the board, or both.

(p) Each licensee with knowledge of any alleged violation of K.S.A. 74-7001 et seq., and amendments thereto, or the regulations promulgated and adopted by the board, or both, shall report the alleged violation to the board.

(q) Each licensee shall cooperate with the board in its investigation of complaints or possible violations of K.S.A. 74-7001 et seq., and amendments thereto, and the regulations of the board. This cooperation shall include responding timely to written communications from the board, providing any information or documents requested within 30 days of the date on which the communication was mailed, and appearing before the board or its designee upon request.

(r) A licensee shall not assist any person in applying for licensure if the licensee knows that person to be unqualified with respect to education, training, experience, or character.

(s) Conviction of a felony or the revocation or suspension of a professional license by another jurisdiction, if for a cause that in the state of Kansas would constitute a violation of Kansas law or of these regulations, or both, shall constitute unprofessional conduct.

(t) A licensee shall not violate any order of the board.

(u) Each professional surveyor shall comply with the minimum standards for the practice of professional surveying adopted by reference in K.A.R. 66-12-1.

(v) Each licensee shall take **appropriate measures to ensure that the licensee's drawings** and specifications meet the following requirements:

- (1) Remain the property of the licensee regardless of whether the project contemplated was executed;
- (2) are not utilized for projects that were not contemplated at the time of the completion of the drawings and specifications; and

(3) are not used by the client on any other projects, including additions to the contemplated project, unless the licensee defaults or agrees in writing to this use.

### 66-6-6. Renewal of licenses and certificates of authorization.

(a) Each licensee whose last name begins with one of the letters A through L shall renew the license in even-numbered years. Each licensee whose last name begins with one of the letters M through Z shall renew the license in odd-numbered years. A written notice shall be issued by the board to each licensee during the appropriate renewal year, and not later than 30 days before the following expiration dates:

- (1) architects June 30;
- (2) landscape architects December 31;
- (3) professional engineers April 30;
- (4) professional geologists June 30; and
- (5) professional surveyors March 31.

(b) Each business entity whose name begins with one of the letters A through L shall renew its certificate of authorization in even-numbered years. Each business entity whose name begins with one of the letters M through Z shall renew its certificate of authorization in odd-numbered years. A notice shall be issued by the board to each business entity during the appropriate renewal year, and not later than 30 days before the December 31 expiration date.

### 66-6-10. License statuses.

For licenses that renew on or after November 1, 2014, any licensee may elect to place the license, at the time of renewal, into one of the following license statuses:

- (a) Active status shall require renewal every two years with the appropriate fee. The individual shall have 30 professional development hours (PDHs) of acceptable continuing education as required for renewal.
- (b) Inactive status shall require renewal every two years with the appropriate fee. No continuing education shall be required. The individual shall have no pending disciplinary action before the board. The individual shall not practice a technical profession in Kansas.

(c) Emeritus status shall require the individual to be at least 60 years of age. The individual shall submit a one-time application, with no fee and no proof of continuing education required. The individual shall have no pending disciplinary action before the board. Any individual who chooses this license status **may use that individual's professional title in conjunction with the word "emeritus."** The individual shall not practice a technical profession in Kansas.

## ARTICLE 7. APPLICATIONS

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### 66-7-1. Applications.

(a) In addition to the appropriate, completed application form and fee, each applicant shall also submit the following:

- (1) An official transcript to verify any educational credit; and
- (2) verification of any practical experience for which credit is claimed on reference forms approved by the board and forwarded directly to the board office by the individual providing the reference.

(b) Each applicant for a license by reciprocity shall also submit the following:

- (1) Verification of any exams previously taken; and
- (2) verification of a current active license.

### 66-7-2. Application for certificate of authorization.

(a) A separate application shall be submitted for each technical profession for which a business entity wishes to become authorized.

(b) Each application submitted by a foreign business entity shall be accompanied by the following:

- (1) A copy of the formation documents from the home state; and
- (2) a copy of the certificate of authority to do business in the state of Kansas from the Kansas secretary of state if qualified pursuant to K.S.A. 17-7301 et seq., and amendments thereto, or if exempt pursuant to K.S.A. 17-7303, 17-76,121a, or 56a-1104 et seq., and amendments thereto.

(c) Each application submitted by a domestic business entity shall be accompanied by a copy of the formation documents and a certificate of good standing from the Kansas secretary of state.

### 66-7-3. Denial of initial application for license.

When evaluating an application for licensure, the following additional factors concerning the applicant shall be considered by the board:

- (a) whether the applicant has committed any fraud or misrepresentation in the information contained in or supporting the application;
- (b) whether the applicant has been convicted of a felony as stated in K.S.A. 74-7026;
- (c) whether the applicant has engaged in acts which would constitute a violation of K.A.R. 66-6-4 or the statutes contained in K.S.A. 74-7001 through K.S.A. 74-7040 under the jurisdiction of the board;
- (d) whether the applicant has been disciplined by the licensing agency or other regulatory or authoritative entity of any other jurisdiction; and
- (e) any other factors that the board may consider pertinent to the issuance of an initial license.

## ARTICLE 8. EXAMINATIONS

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### 66-8-2. Architectural examination.

- (a) The examination required of an applicant for architectural licensure shall be the architectural registration examination as prepared by the national council of architectural registration boards (NCARB).
- (b) The examination shall be graded by the NCARB, subject to approval by the board.
- (c) Each applicant who has passed a section or sections of previous registration examinations shall be granted transfer credits in accordance with the rules approved by the board. These rules shall be available from the board upon request.
- (d) Each applicant for a professional license shall take and pass all sections of the architectural examination and meet the architectural experience requirements under K.S.A. 74-7019.

### 66-8-3. Engineering examinations.

- (a) The examination required of each applicant for engineering licensure shall be the national council of examiners for engineering and surveying (NCEES) examination consisting of an engineering fundamentals section and a professional practice section.
- (b) The examination shall be graded by the NCEES, subject to approval by the board.
- (c) Each applicant for a professional license shall be required to pass the section on engineering fundamentals, meet the educational requirements under K.A.R. 66-9-4, and meet the professional engineering experience requirements under K.S.A. 74-7021 and amendments thereto before submitting an application to take the section on professional practice.

### 66-8-4. Professional surveyor examinations.

- (a) The examinations required of each applicant for licensure as a professional surveyor shall be the following:
  - (1) The national council of examiners for engineering and surveying (NCEES) examinations covering the following:
    - (A) The fundamentals of surveying; and
    - (B) the principles and practices of surveying; and
  - (2) an examination covering Kansas surveying laws and practices.
- (b) The fundamentals and the principles and practices of surveying examinations shall be graded by the NCEES, subject to approval by the board.
- (c) Any applicant who has passed one or more sections of previous registration examinations may be granted transfer credits if approved by the board.
- (d) Each applicant for a license as a professional surveyor shall take and pass the section on the fundamentals of surveying and shall meet the surveying experience requirements under K.S.A. 74-7022, and amendments thereto, before the applicant may take the section on professional practice.

66-8-5. Landscape architectural examinations. (a) The examination required of an applicant for landscape architectural licensure shall be the landscape architect registration examination as prepared by the national council of landscape architectural registration boards (CLARB).

(b) The landscape architect registration examination shall be graded by the CLARB, subject to approval by the board.

(c) Each applicant who has passed any sections of previous registration examinations may be granted transfer credits if approved by the board.

(d) Each applicant for a professional license shall be required to take and pass all sections of the landscape architect examinations and to meet the landscape architectural experience requirements pursuant to K.S.A. 74-7020, and amendments thereto.

### 66-8-6. Reexamination.

(a) Any applicant for a license to practice engineering, surveying, or geology who fails an examination on the first attempt may take the examination two additional times, except as specified in subsections (b) and (c).

(b) Except as specified in subsection (c), the fourth and any subsequent attempts by an applicant to retake an examination may be allowed by the board if the applicant establishes that the areas of deficiency identified in the examination failure report provided by the testing administrator have been addressed through either of the following:

(1) Additional coursework; or

(2) experience under the supervision of a person licensed in the technical profession for which the applicant is seeking licensure.

(c) Any applicant's examination results may be rejected by the board and permission to retake an examination may be withheld by the board upon a report by the testing administrator of any possible violation by the applicant of the provisions of any candidate testing agreement regarding examination irregularities.

(d) Each applicant shall submit the appropriate fee for each examination.

### 66-8-7. Geology examinations.

(a) The examination required of each applicant for geology licensure shall be the national association of state boards of geology (ASBOG®) examination, consisting of a geology fundamentals section and a geologic practice section.

(b) The examination shall be graded by the ASBOG®, subject to approval by the board.

(c) Each applicant for a professional license shall be required to pass the section on geology fundamentals and shall meet the geology experience requirements under 2014 SB 349, sec. 16, and amendments thereto, before submitting an application to take the section on geologic practice.

### 66-8-8. Examination standards acceptable to the board for reciprocity applicants.

(a) The reexamination of an applicant from another jurisdiction shall not be required for a license by reciprocity **if that jurisdiction's examination requirements would have met the Kansas requirements in effect on the date when the applicant's original license was issued**, as determined by the board.

**(b) Another jurisdiction's examination requirements may be accepted** by the board if that jurisdiction did not require the national examination when the applicant was originally licensed.

(c) In order to meet the standard acceptable to the board, each applicant for a license by reciprocity as a professional surveyor shall be required to demonstrate proficiency in Kansas surveying laws and practices. This proficiency shall be presumed by the board **upon the applicant's successful completion of the examination as specified in K.A.R. 66-8-4(a)(2)**.

## ARTICLE 9. EDUCATION

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### 66-9-1. Architectural curriculum approved by the board.

**"A college or university program that is adequate in its preparation of students for the practice of architecture"** means a baccalaureate or master's curriculum accredited by the national architectural accreditation board (NAAB). Any other architectural curriculum which has not been accredited by NAAB but has been evaluated and found to be of an equivalent standard, may be reviewed and accepted by the board.

### 66-9-2. Landscape architectural curriculum approved by the board.

**"A college or university program that is adequate in its preparation of students for the practice of landscape architecture"** means a baccalaureate or master's curriculum accredited by the landscape architectural accreditation board (LAAB). Any landscape architectural curriculum which has not been accredited by LAAB but has been evaluated

and found to be of an equivalent standard, may be reviewed and accepted by the board.

#### 66-9-4. Engineering curriculum approved by the board.

**"A college or university program that is adequate in its preparation of students for the practice of engineering" shall mean any of the following:**

(a) A baccalaureate engineering curriculum accredited by the engineering accreditation commission of the accreditation board for engineering and technology (EAC/ABET);

(b) a **curriculum for a master's degree or doctorate in engineering, if** all college coursework is reviewed and approved by the board and found to be of a standard equivalent to that of an ABET-accredited baccalaureate engineering curriculum; or

(c) a baccalaureate engineering curriculum outside the United States that has not been accredited by ABET but meets the following requirements:

(1) Is evaluated by an organization approved by the board and found to be of a standard equivalent to that of ABET; and

(2) is reviewed and approved by the board.

#### 66-9-5. Surveying curriculum approved by the board.

Any applicant seeking licensure as a professional surveyor may fulfill the education requirement by any of the following:

(a) Graduation from an approved engineering curriculum as defined in K.A.R. 66-9-4;

(b) graduation from a four-year surveying baccalaureate curriculum accredited by the accreditation board for engineering and technology (ABET);

(c) graduation from an approved surveying curriculum of two years from a school or college approved by the board;

(d) graduation from an approved four-year related science curriculum, which may include geology, mathematics, chemistry, or physics; or

**(e) successful completion of the board's "land surveying curriculum," which was approved by the board on December 8, 2006 and is hereby adopted by reference.**



### 66-9-6. Geology curriculum approved by the board.

Graduation from a course of study in geology shall mean successful completion of a **baccalaureate or a master's degree in geology that meets** the requirements of 2014 SB 349, sec. 16, and amendments thereto.

### 66-9-7. Educational standard acceptable to the board for reciprocity applicants.

For purposes of K.S.A. 74-7024 and amendments thereto, the following shall apply:

(a) Each applicant for a license to practice engineering, surveying, landscape architecture, or geology by reciprocity shall be deemed to have met the educational **standard acceptable to the board if the applicant's educational qualifications when the original license was issued would have met the Kansas requirements in effect on that date.**

(b) Each applicant for a license to practice architecture by reciprocity shall provide proof of certification by the national council of architectural registration boards (NCARB). The requirements for this certification shall be those specified in sections one through five on pages 11-15 of the **"certification guidelines," published by the national council of architectural registration boards and revised January 2014.** These five sections are hereby adopted by reference.

## ARTICLE 10. EXPERIENCE

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### 66-10-1. Architectural experience of a character satisfactory to the board.

Each applicant shall complete the intern development program (IDP) as specified on pages 9-20 in the **"intern development program guidelines," dated December 2013 and published by the national council of architectural registration boards (NCARB).** These pages are hereby adopted by reference. Each applicant shall provide a completed record of architectural experience prepared by the NCARB.

66-10-3. Architectural experience required of a reciprocity applicant. Each applicant for a license to practice architecture by reciprocity shall provide proof of certification by the national council of architectural registration boards (NCARB), for approval by the board. The requirements for this certification shall be those specified in **the portions of the "certification guidelines" adopted by reference in K.A.R. 66-9-7.**

## 66-10-4. Landscape architecture work experience of a character satisfactory to the board.

(a) The work experience required of each applicant shall expose the applicant to all phases of work integral to the practice of landscape architecture, and shall be verified as set forth in paragraph (b)(1)(B) of this regulation.

(b)(1) Landscape architectural work experience shall meet the following conditions:

**(A) Fall within the definition of “the practice of landscape architecture” under K.S.A. 74-7003 and amendments thereto; and**

**(B) if performed after February 22, 1993, be supervised and verified by a licensed landscape architect, architect, or engineer.**

(2) Beginning April 1, 1995, each applicant for examination shall provide a record of landscape architectural experience that has been compiled and transmitted by the council of landscape architectural boards (CLARB).

(3) Beginning July 1, 2001, each applicant for reciprocity shall provide a record of landscape architectural experience that has been compiled and transmitted by the council of landscape architectural boards (CLARB).

(c) The following guidelines shall be used to assign credit for work experience.

**(1) A master’s degree in landscape architecture may equal one year of credit toward the four-year experience requirement for a graduate of an accredited, four-year curriculum in landscape architecture.**

(2) Each applicant who is a graduate of an **accredited, master’s level curriculum in landscape architecture** as the first professional degree shall be considered by the board to be equivalent to a graduate of a five-year curriculum and shall meet the experience requirements of that curriculum as specified in K.S.A. 74-7020 and amendments thereto.

(3) Teaching landscape architecture in a college or university that offers an approved landscape architectural curriculum of four years or more may be considered landscape architectural experience.

(4) Credit may be given for 50% of the verified work experience obtained after a **student had achieved “junior status” in an LAAB-accredited landscape architectural curriculum.** Credit for this work experience shall not exceed one year.

(d) Each applicant shall supply at least three references from licensed landscape **architects who are familiar with the applicant's landscape architectural experience.**

### 66-10-9. Engineering experience of a character that is satisfactory to the board.

(a) The work experience required of each applicant shall expose the applicant to all phases of work integral to the discipline of engineering in which the applicant claims qualification to practice and shall be verified as specified in paragraph (b)(2).

(b) Engineering work experience shall meet the following requirements:

**(1) Fall within the definition of "the practice of engineering" pursuant to K.S.A. 74-7003, and amendments thereto;**

(2) be directly supervised and verified by a licensed professional engineer. However, direct supervision by a licensed professional engineer shall not be required of the employees of any person, firm, or corporation not offering services in the technical **professions to the public, although verification by the applicant's supervisor shall still** be required; and

(3) include at least two years of work experience, which shall have been gained in the United States.

(c) The following requirements and provisions shall be used to assign credit for work experience:

(1) The applicant shall demonstrate four years of acceptable work experience.

(2) One year of credit toward the experience requirement may be given for a **master's or doctoral degree in engineering**, unless that degree is used to satisfy the educational requirement described in K.A.R. 66-9-4(b). Credit for concurrent experience shall not be granted if the applicant is working full-time while earning a **master's degree and that master's degree is** received less than four calendar years from the date of the baccalaureate degree.

(3) Teaching engineering at a college or university that offers an engineering curriculum accredited by the engineering accreditation commission of the accreditation board for engineering and technology (EAC/ABET) of four years or more may be considered engineering experience.

(4) Work experience credit shall not be allowed for work performed before graduation with the baccalaureate degree.

(d) Each applicant shall supply at least three references from professional engineers **who are licensed in the United States and are familiar with the applicant's engineering experience.**

### 66-10-10. Surveying experience required of a graduate of an accredited engineering curriculum.

Each graduate of an accredited engineering curriculum, as defined by K.A.R. 66-9-4, shall provide a verified record of six years of surveying experience as specified by K.S.A. 74-7022(a), and amendments thereto. At least four years of experience shall have been in progressive surveying, as defined in K.A.R. 66-10-12(b)(1).

### 66-10-10a. Surveying experience required of applicant who completes surveying curriculum or is a graduate of an approved surveying curriculum.

(a) Each graduate of a four-year surveying curriculum, as described in K.A.R. 66-9-5(b), shall be required to provide documentation of four years of surveying experience, as required by K.S.A. 74-7022(a) and amendments thereto. The four years of experience shall have been in progressive surveying, as described in K.A.R. 66-10-12(b)(1).

(b) Each person who has successfully completed the land surveying curriculum specified in K.A.R. 66-9-5(e) and each graduate of an approved surveying curriculum of two years, as specified in K.A.R. 66-9-5(c), shall be required to provide documentation of six years of surveying experience, as required by K.S.A. 74-7022(a), and amendments thereto. At least four years of experience shall have been in progressive land surveying as specified in K.A.R. 66-10-12(b)(1), and the remainder shall have been in either progressive surveying or basic surveying, as specified in K.A.R. 66-10-12(b)(2) or (3).

### 66-10-10b. Surveying experience required of a graduate in a four-year related science curriculum other than land surveying or engineering.

Each graduate of a four-year curriculum considered by the board to be related to land surveying, which may include geology, mathematics, chemistry, or physics, shall provide a verified record of six years of surveying experience as specified by K.S.A. 74-

7022(a), and amendments thereto. At least four years of this experience shall have been in progressive land surveying, as defined in K.A.R. 66-10-12(b)(1).

## 66-10-12. Surveying experience of a character satisfactory to the board.

(a)(1) Surveying experience shall meet the following requirements:

**(A) Fall within the definition of "practice of professional surveying" in K.S.A. 74-7003, and amendments thereto; and**

(B) be under the direct supervision of a licensed professional surveyor for work performed after May 1, 1988.

(2) Each applicant shall supply references from at least three licensed surveyors or **licensed engineers who are familiar with the applicant's surveying experience. At least one reference shall be from a licensed surveyor.**

(b) The following requirements shall be used to assign credit for work experience.

(1) Progressive surveying experience shall include each of the following elements of professional surveying:

(A) Project management;

(B) research;

(C) measurements and locations;

(D) computations and analysis;

(E) legal principles and reconciliation;

(F) land planning and design;

(G) monumentation; and

(H) documentation and land information systems.

(2) Surveying experience normally identified with engineering projects, including construction staking, curb and gutter projects, sanitary sewers, and design surveys for highways or bridges other than those that relate to right-of-way surveys, shall not be considered progressive surveying experience. This experience, however, may be considered by the board as basic surveying experience.

(3) Teaching experience in surveying courses in an accredited engineering or surveying curriculum may be considered as equal to one year of basic land surveying experience.

### 66-10-13. Geology experience of a character that is satisfactory to the board.

(a) The work experience required of each applicant shall expose the applicant to all phases of work integral to the discipline of geology in which the applicant claims qualification to practice and shall be verified as specified in paragraph (b)(2).

(b) Geology experience shall meet the following requirements:

(1) Fall within **the definition of "practice of professional geology" in K.S.A. 74-7003**, and amendments thereto; and

(2) be directly supervised and verified by a licensed geologist for work performed after July 1, 2000. However, direct supervision by a licensed geologist shall not be required of the employees of any person, firm, or corporation that does not offer services in the technical professions to the public, although verification by the **applicant's supervisor shall still be required.**

(c) The following shall be used to assess credit for work experience:

(1) Experience credit shall not be allowed for work performed before graduation.

(2) One year of credit toward the experience requirement may be given for a **master's degree in geology** or in a closely related specialty area acceptable to the board.

(3) Teaching geology in a college or university that offers a geology curriculum of four years or more approved by the board may be considered geology experience.

(d) Each applicant shall supply references from at least three licensed geologists or licensed engineers who are familiar with **the applicant's geology experience.** At least two of these references shall be licensed geologists. One of the three references may be a licensed engineer.

## 66-10-14. Engineering, surveying, and geology experience standards acceptable to the board for reciprocity applicants.

(a) Each applicant for a professional engineering license by reciprocity shall meet the following requirements:

(1) Provide verification from the employer of at least four years of experience in the practice of professional engineering, as defined in K.S.A. 74-7003 and amendments thereto. One year of credit toward the experience requirement may be given for a **master's or doctoral degree in engineering; and**

(2) supply references from at least three engineers who are licensed in the United States and are familiar with the applicant's engineering experience.

(b) Each applicant for a professional surveying license by reciprocity shall meet the following requirements:

(1) Provide verification from the employer of at least eight years of surveying experience or education, or a combination of these, pursuant to K.S.A. 74-7022 and amendments thereto, K.A.R. 66-10-10, K.A.R. 66-10-10a, K.A.R. 66-10-10b, and K.A.R. 66-10-11; and

(2) supply references from at least three licensed surveyors or licensed engineers who are familiar with the applicant's surveying experience. At least one reference shall be from a licensed surveyor.

(c) Each applicant for a professional geology license by reciprocity shall meet the following requirements:

(1) Provide verification from the employer of at least four years of experience in the practice of professional geology, as defined in K.S.A. 74-7003 and amendments thereto. One year of credit toward the experience requirement may be given for a **master's degree in geology or in a closely related specialty area acceptable to the board; and**

(2) supply references from at least three licensed geologists or licensed engineers who are familiar with the applicant's geology experience. At least two of these references shall be from licensed geologists. One of the three references may be from a licensed engineer.

## ARTICLE 11. INTERN CERTIFICATION AND ADMISSION TO THE FUNDAMENTALS EXAMINATION

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### 66-11-1. Intern engineer certificate.

An intern engineer certificate shall be issued to each individual who meets the following requirements:

- (a) Passes the examination in the fundamentals of engineering as administered by the national council of examiners for engineering and surveying (NCEES);
- (b) submits proof of completion of a baccalaureate engineering curriculum or equivalent as described in K.A.R. 66-9-4; and
- (c) submits an application, on a form provided by the board, that is approved by the board.

### 66-11-1a. Intern geologist certificate.

An intern geologist certificate shall be issued to each individual who meets both of the following requirements:

- (a) Passes the examination in the fundamentals of geology as administered by the national association of state boards of geology (ASBOG); and
- (b) submits proof of completion of a baccalaureate or **master's degree in geology** pursuant to K.A.R. 66-9-6. This regulation shall become effective on July 1, 2014.

### 66-11-1b. Intern surveyor certificate.

An intern surveyor certificate shall be issued to each individual who meets both of the following requirements:

- (a) Passes the examination in the fundamentals of surveying as administered by the national council of examiners for engineering and surveying (NCEES); and
- (b) submits proof of completion of the surveying curriculum described in K.A.R. 66-9-5.



#### 66-11-4. Admission requirements for fundamentals of geology examination.

- (a) Each application shall be reviewed by the board to determine whether the requirements for examination have been met. Once the board establishes that the requirements have been met, the applicant shall be allowed to sit for the examination.
- (b) The requirements for admission shall be either of the following:
- (1) Senior status in a geology curriculum described in K.A.R. 66-9-6; or
  - (2) completion of a geology curriculum described in K.A.R. 66-9-6. This regulation shall become effective on July 1, 2014.

#### 66-11-5. Admission requirements for fundamentals of surveying examination.

- (a) Each application shall be reviewed by the board to determine whether the requirements for admission to take the fundamentals of surveying examination have been met. Once the board establishes that these requirements have been met, the applicant shall be allowed to sit for the examination.
- (b) Each applicant shall meet one of the following requirements for admission before taking the examination:
- (1) Graduation from an accredited surveying curriculum, as defined in K.A.R. 66-9-5 (b) and (c);
  - (2) successful completion of the surveying curriculum specified in K.A.R. 66-9-5(e);  
or
  - (3) verification of a combination of education and experience of a character **satisfactory to the board. In evaluating an applicant's record, a determination shall be made by the board of whether, based on the applicant's educational background,** the applicant requires no more than four years of additional progressive surveying experience to qualify for admission to the practice of surveying examination.

## ARTICLE 12. MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING.

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### 66-12-1. Minimum standards for the practice of professional surveying.

The board hereby adopts by reference the following:

**(a) The “minimum standard detail requirements for ALTA/ACSM land title surveys (effective February 23, 2011)”;** and

**(b) the “Kansas minimum standards for boundary surveys and mortgagee title inspections standards of practice” adopted by the Kansas society of land surveyors and last amended on December 2009, except that the preface and scope sections shall be deleted. This regulation shall become effective on July 1, 2014.**

## ARTICLE 13. ADMINISTRATIVE PROCEDURES

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### 66-13-1. Types of hearings.

(a) Where required by Article 74 of the Kansas Statutes Annotated, hearings and procedures of the board shall be in accordance with the hearings and procedures established by the Kansas administrative procedure act.

(b) Summary adjudicative proceedings pursuant to the Kansas administrative procedure act, and amendments thereto may be used for the following types of action:

- (1) cease and desist orders;
- (2) enforcement orders based on stipulations;
- (3) public or private censures.

(c) Any party who disagrees with and is subject to a summary adjudicative action may request that the proceedings be converted to a conference adjudicative proceeding or a formal adjudicative proceeding. Upon request, the summary proceeding shall be converted to the appropriate proceeding available under the Kansas administrative procedure act or rules and regulations promulgated thereunder.

(d) The order issued pursuant to subsection (b) of this regulation shall contain a notice informing those who are subject to the order that a request for review or conversion must be made within 15 days.

(e) The presiding officer for summary adjudicative proceedings may be the executive **director or the executive director's designee.**

(f) Conference adjudicative proceedings pursuant to K.S.A. 77-533, 77-534 and 77-535 of the Kansas administrative procedure act may be used for actions in which:

- (1) there is no disputed issue of material fact; or
- (2) the parties agree to a conference adjudicative proceeding.

## ARTICLE 14. CONTINUING EDUCATION REQUIREMENTS

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### 66-14-1. Requirements.

(a) Each licensee shall have completed 30 professional development hours (PDHs) of acceptable continuing education requirements during the two-year period immediately preceding the biennial renewal date established in K.A.R. 66-6-6 as a condition for license renewal. If the licensee exceeds the requirement in any renewal period, the licensee may carry a maximum of 15 PDHs forward into the subsequent renewal period.

(b)(1) Each professional surveyor shall complete, as part of the 30 PDHs required, at least two PDHs of preapproved continuing education activity on the Kansas minimum standards adopted by reference in K.A.R. 66-12-1(b).

(2) Each provider of a continuing education activity specified in paragraph (b)(1) shall submit an application for preapproval of the continuing education activity on a form provided by the board.

(3) To qualify for preapproval, each continuing education activity shall meet the following conditions:

- (A) The activity has a definable purpose and objective.
  - (B) The activity is created and conducted by a person qualified in the subject area.
  - (C) The activity equals two contact hours.
  - (D) Documentation is provided to the participant upon completion of the activity.
- This regulation shall be effective on and after September 1, 2015.

## 66-14-2. Definitions.

Each of the following terms used in this article shall have the meaning specified in this regulation:

- (a) **"Contact hour"** means one clock-hour of at least 50 minutes.
- (b) **"Continuing education activity"** means an activity that enhances a licensee's level of technical, professional, managerial, or ethical competence in order to further the goal of protecting the health, safety, and welfare of the public.
- (c) **"Continuing education unit" (CEU)** means a unit of credit customarily used for continuing education courses. One CEU shall be the equivalent of 10 PDHs.
- (d) **"Dual licensee"** means a person who is licensed in two technical professions.
- (e) **"Professional development hour" (PDH)** means a unit of credit given by the board for participation in a continuing education activity as specified in this article.
- (f) **"Sponsor"** means an individual, organization, association, institution, or other entity that provides an educational offering for the purpose of fulfilling the continuing educational requirements of these regulations. This regulation shall be effective on and after September 1, 2015.

## 66-14-3. Continuing education activities.

(a) Continuing education activities that satisfy the continuing education requirement shall include the following:

- (1) Attending professional or technical presentations at meetings, conventions, or conferences;
- (2) attending in-house programs sponsored by corporations or other organizations;
- (3) successfully completing seminars, tutorials, short courses, correspondence courses, televised courses, or videotaped courses;
- (4) making professional or technical presentations at meetings, conventions, or conferences;
- (5) teaching or instructing, as described in K.A.R. 66-14-5(a)(2);
- (6) authoring published papers, articles, or books;

- (7) serving as an officer or committee member of a technical profession society or organization, as described in K.A.R. 66-14-5(a)(4);
  - (8) successfully completing courses sponsored by a college or university;
  - (9) successfully completing courses that are awarded PDHs;
- (b) Each of the continuing education activities identified in paragraphs (a)(1), (2), (3), (8), and (9) shall meet all of the following conditions:
- (1) The activity has a **definable purpose and objective relevant to the licensee's field of practice**.
  - (2) The program is conducted by a person qualified in the subject area.
  - (3) The licensee retains a record of registration and attendance. This regulation shall be effective on and after September 1, 2015.

#### 66-14-5. Computation of credit.

- (a) Continuing education units shall be measured in professional development hours (PDHs) and shall be computed as follows:
- (1) Successfully completing one contact hour of professional development education in coursework or seminars or making professional or technical presentations at meetings, conventions, or conferences shall be the equivalent of one PDH.
  - (2) Teaching or instructing, as specified in K.A.R. 66-14-3(a)(5), shall constitute four PDHs for each contact hour spent in the classroom. Teaching credit shall be valid for teaching a course or seminar in its initial presentation only. Full-time faculty at a college, university, or other educational institution shall not receive teaching credit for teaching their regularly assigned courses.
  - (3) Authoring a published paper, article, or book shall be the equivalent of one of the following:
    - (A) 10 PDHs for each book or **peer-reviewed paper in the licensee's area of professional practice**; or
    - (B) two PDHs for each paper or article **in the licensee's area of professional practice**.
  - (4) Serving as an officer or committee member of a technical profession society or organization shall be the equivalent of two PDHs. Professional development hours

shall be limited to two PDHs for each organization and shall not be earned until the completion of each year of service.

(5) Successfully completing one university semester hour of credit shall be the equivalent of 45 PDHs.

(6) Successfully completing one university quarter hour of credit shall be the equivalent of 30 PDHs.

(b) Final authority regarding the approval of continuing education activities shall rest with the board. This regulation shall be effective on and after September 1, 2015.

### 66-14-6. Exemptions.

A licensee may be exempt, upon board review and approval, from continuing education requirements in any of the following situations:

(a) The licensee is renewing for the first time.

(b) The licensee is called to active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a calendar year. This individual may be exempt from obtaining the 15 professional development hours (PDH) required only during that year chooses to have the license placed on inactive status or emeritus status as specified in K.A.R. 66-6-10. If the licensee elects to return to practice, the licensee shall earn 30 professional development hours for the last renewal period or shall meet the requirement specified in K.A.R. 66-14-10 or K.A.R. 66-14-11.

### 66-14-7. Records.

(a) Each licensee shall maintain records on forms prescribed and furnished by the board to support the professional development hours claimed by the licensee.

The records shall include the following:

(1) A log showing the type of continuing education activity claimed, the number of professional development hours earned, and other information as applicable; and

(2) supporting documentation, which may include documentation of either of the following:

(A) Presentations or attendance at meetings, conventions, conferences, programs, seminars, and similar activities, which shall be documented by verification records

in the form of completion certificates or other documents supporting evidence of attendance;

(B) authoring published papers, articles, or books, which shall be documented by proof of publication

(b) Each licensee shall maintain the records specified in subsection (a) for at least four years and shall provide a copy to the board, upon request. This regulation shall be effective on and after September 1, 2015.

### 66-14-8. Reinstatement.

Any individual may reinstate a canceled license by obtaining all delinquent professional development hours, not to exceed 30 PDH. Upon proof that the individual has complied with the requirements for obtaining continuing education, the individual shall meet the **board's other requirements for reinstatement before reinstatement shall be** granted.

### 66-14-9. Proof of compliance.

Each licensee shall provide proof of satisfying the continuing education requirements as required by the board. If the licensee fails to furnish the information as required by the board, the license shall not be renewed.

### 66-14-10. Licensure in another jurisdiction.

(a) Except as specified in subsections (b) and (c), the board's continuing education requirements may be satisfied if a licensee meets all of the following conditions:

(1) The licensee is licensed to practice one of the technical professions in another jurisdiction.

(2) The licensee resides in the jurisdiction specified in paragraph (a)(1).

(3) The licensee meets the continuing education requirements of the jurisdiction in which the licensee resides.

(b) If a licensee resides in a jurisdiction that requires no continuing education, the licensee shall meet the continuing education requirements of this article.

(c) Each professional surveyor shall comply with K.A.R. 66-14-1(b). This regulation shall be effective on and after September 1, 2015.

### 66-14-11. Dual licensee.

Each dual licensee shall earn at least 20 of the required PDHs for each renewal period, including the carryover permitted by this regulation, in each technical profession. The number of PDHs that may be carried over into the next renewal period for each dual licensee shall not exceed 15 in each technical profession. This regulation shall be effective on and after September 1, 2015.

### 66-14-12. Disallowance.

If the board disallows the professional development hours claimed, the applicant for licensure renewal or

reinstatement shall have 120 days after notification to substantiate the original claim or to earn other credit to meet the minimum requirement.



# CODE OF ETHICS

## Preamble

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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<sup>1</sup> 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 non-engineer, 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

Kansas State Board of Technical Professions: Statutes and Rules

<http://www.ksbtp.ks.gov/statutes-rules/ksbtp-statutes-rules-regulations>

Kansas Statutes: Ch. 74. State Boards, Commissions and Authorities, Article 70. State Board of Technical Professions, (74-7001 to 74-7047)

[http://kslegislature.org/li\\_2014/b2013\\_14/statute/074\\_000\\_0000\\_chapter/074\\_070\\_0000\\_article/](http://kslegislature.org/li_2014/b2013_14/statute/074_000_0000_chapter/074_070_0000_article/)

Kansas Administrative Regulations: Agency 66 State Board of Technical Professions, (66- 6-1 to 66-14-2)

<http://www.ksbtp.ks.gov/statutes-rules/rules-regs>

National Society of Professional Engineers, Code of Ethics

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