

PDHExpress.com



Kentucky State Board of Engineers and Land Surveyors Rules, Laws, and Ethics

3 PDH

**Professional Development Hours (PDH) or
Continuing Education Hours (CE)
Online PDH or CE course**

**Kentucky Statutes -Occupations and Professions, Chapter 322.
Professional Engineers and Land Surveyors.**

322.010 Definitions for chapter

As used in this chapter, unless the context requires otherwise:

- (1) "Board" means the State Board of Licensure for Professional Engineers and Land Surveyors;
- (2) "Engineer" means a person who is qualified to engage in the practice of professional engineering by reason of special knowledge and use of:
 - (a) The mathematical, physical, and engineering sciences; and
 - (b) The principles and methods of engineering analysis and design, acquired by engineering education and practical engineering experience;
- (3) "Professional engineer" means a person who is licensed as a professional engineer by the board;
- (4) "Engineering" means any professional service or creative work, the adequate performance of which requires engineering education, training, and experience as an engineer.
 - (a) "Engineering" shall include:
 1. Consultation, investigation, evaluation, planning, certification, and design of engineering works and systems;
 - a. Engineering design and engineering work associated with design/build projects;
 - b. Engineering works and systems which involve earth materials, water or other liquids, and gases;
 - c. Planning the use of land, air, and waters; and
 - d. Performing engineering surveys and studies;

2. The review of construction for the purpose of assuring compliance with drawings and specifications; any of which embraces this service or work, either public or private, in connection with any utilities, structures, certain buildings, building systems, machines, equipment, processes, work systems, or projects with which the public welfare or the safeguarding of life, health, or property is concerned, when that professional service or work requires the application of engineering principles and data;

3. The teaching of engineering design courses in any program accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology or any engineering program deemed equivalent by the board;

4. The negotiation or solicitation of engineering services on any project in this state, regardless of whether the persons engaged in the practice of engineering:

a. Are residents of this state;

b. Have their principal place of business in this state; or

c. Are in responsible charge of the engineering services performed;

and

5. The services of a professional engineer who engages in the practice of land surveying incident to the practice of engineering that does not relate to the location or determination of land boundaries.

(b) "Engineering" shall not include the professional services performed by persons who:

1. Develop or administer construction project safety programs, construction safety compliance, construction safety rules or regulations, or related administrative regulations; or

2. Only operate or maintain machinery or equipment;

(5) "Practice of engineering" means the performance of any professional service included in subsection (4)(a) of this section;

(6) "Engineer in training" means a person who has passed the Fundamentals of Engineering Examination and is otherwise qualified to earn experience toward licensure as a professional engineer;

(7) "Responsible charge of engineering" means direct control and personal supervision of engineering, or teaching experience with the rank equivalent to assistant professor or higher in a board-approved engineering program;

(8) "Land surveyor" means a person who is qualified to engage in the practice of land surveying by reason of special knowledge and use of mathematics, the physical and applied sciences, and the principles and methods of land surveying, acquired by education and practical experience in land surveying;

(9) "Professional land surveyor" means a person who is licensed as a professional land surveyor by the board;

(10) "Land surveying" means any professional service or work, the adequate performance of which requires the education, training, and experience as a land surveyor.

(a) "Land surveying" shall include but not be limited to the following:

1. Measuring and locating, establishing, or reestablishing lines, angles, elevations, natural and man-made features in the air, on the surface and immediate subsurface of the earth, within underground workings, and on the beds or surfaces of bodies of water involving the:

a. Determination or establishment of the facts of size, shape, topography, and acreage;

b. Establishment of photogrammetric and geodetic control that is published and used for the determination, monumentation, or description of property boundaries;

c. Subdivision, division, and consolidation of lands;

d. Measurement of existing improvements, including condominiums, after construction and the preparation of plans depicting existing improvements, if the improvements are shown in relation to property boundaries;

e. Layout of proposed improvements, if those improvements are to be referenced to property boundaries;

f. Preparation of subdivision record plats;

g. Determination of existing grades and elevations of roads and land;

h. Creation and perpetuation of alignments related to maps, record plats, field note records, reports, property descriptions, and plans and drawings that represent them; and

i. Certification of documents;

2. The negotiation or solicitation of land surveying services on any project in this state, regardless of whether the persons engaged in the practice of land surveying:

a. Are residents of this state;

b. Have their principal office or place of business in this state; or

c. Are in responsible charge of the land surveying services or work performed; and

3. The preparation of survey descriptions for use in legal instruments affecting real property or property rights. "Land surveying" does not include the preparation of a physical description that identifies and describes the tract, parcel, or lot by reference to the tract, parcel, lot, block, or unit number of any subdivision, or other summary identifier appearing on a properly recorded plat of record, or by reference to a deed of record.

(b) "Land surveying" shall not include:

1. The measurement of crops or agricultural land area under any agricultural program sponsored by an agency of the federal government or the state of Kentucky;

2. The services of a professional engineer who engages in the practice of land surveying incident to the practice of engineering, if the land surveying work does not relate to the location or determination of land boundaries; or

3. The design of grades and elevations of roads and land;

(11) "Practice of land surveying" means the performance of any professional service included in subsection (10)(a) of this section;

(12) "Land surveyor in training" means a person who has passed the Fundamentals of Land Surveying Examination and is otherwise qualified to earn experience toward licensure as a professional land surveyor;

(13) "Responsible charge of land surveying" means direct control and personal supervision of land surveying, or teaching experience with the rank equivalent to assistant professor or higher in a board-approved land surveying program;

(14) "Business entity" means a corporation, partnership, limited liability company, limited partnership, or firm;

(15) "Offer to practice" means:

(a) A promise or commitment to engage in any act directly related to engineering or land surveying;

(b) Undertaking to engage in the practice of engineering or land surveying;
or

(c) Any claim, express or implied, by any person representing himself or herself to be a professional engineer or professional land surveyor;

(16) "Certification" means affixing a seal or stamp, signature, and date by a professional engineer or professional land surveyor to represent that the services or work addressed therein was performed by that professional engineer or professional land surveyor according to his or her knowledge, information, and belief, and that it was completed in accordance with applicable standards of practice. "Certification" shall not mean a guaranty or warranty, either express or implied;

(17) The "Fundamentals of Engineering Examination" means the examination with that name developed by the National Council of Examiners for Engineering and Surveying;

(18) The "Fundamentals of Land Surveying Examination" means the examination with that name developed by the National Council of Examiners for Engineering and Surveying;

(19) The "Principles and Practice of Engineering Examination" means the examination with that name developed by the National Council of Examiners for Engineering and Surveying; and

(20) The "Principles and Practice of Land Surveying Examination" means the examination with that name developed by the National Council of Examiners for Engineering and Surveying

322.015 Repealed, 2010.

Catchline at repeal: Effect of changes on existing registered engineers and registered land surveyors.

322.020 Practice of engineering or land surveying without license prohibited.

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

322.030 Exceptions to KRS 322.020.

KRS 322.020 shall not apply to:

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

322.040 Requirements for licensure as a professional engineer-education experience

(1) A person shall qualify for licensure as a professional engineer by meeting the requirements set forth in paragraph (a) or (b) of this subsection.

(a) A person shall qualify if he or she has:

1. Graduated from an engineering program of four (4) years or more accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology or any engineering program deemed equivalent by the board;
2. Four (4) or more additional years of progressive experience in engineering or teaching of a grade and character which indicates to the board that the applicant is competent to practice engineering; and

3. A passing score on:

- a. The Principles and Practice of Engineering Examination; and
- b. The Fundamentals of Engineering Examination. The board may allow students enrolled in the final year of an undergraduate engineering program to take this examination. Upon passing the examination, the applicant shall be designated an engineer in training.

(b) If an instructor in an engineering program accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology or an engineering program deemed equivalent by the board is not eligible for the exemption under subsection (2) of this section, the instructor shall have four (4) years from the date of hire to qualify for licensure by showing that he or she has:

1. Graduated from an engineering program of four (4) years or more accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, or an engineering program deemed equivalent by the board;
2. Four (4) or more additional years of progressive experience in engineering or teaching of a grade and character which indicates to the board that the applicant is competent to practice engineering;
3. Passed the Principles and Practice of Engineering Examination; and

4. Either passed the Fundamentals of Engineering Examination or graduated from a board-approved doctoral engineering degree program.

(2) For the purpose of teaching engineering design courses only, an instructor who, on January 1, 1999, holds a tenured or tenure-track position in an engineering program defined in KRS 322.010(4)(a)3. shall be exempt from the licensure requirements of KRS 322.020 for the period that instructor is continuously employed by the institution offering that program. However, an instructor may apply and shall qualify for licensure as a professional engineer during this exempt period if he or she:

(a) Has graduated from an engineering program of four (4) years or more accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology or an engineering program deemed equivalent by the board;

(b) Has graduated from a board-approved doctoral engineering degree program, with an additional three (3) years or more of progressive experience in engineering or teaching of a grade and character which indicate to the board that the applicant is competent to practice engineering; and

(c) Has passed the Principles and Practice of Engineering Examination.

(3) Any person having the necessary qualifications prescribed in subsection (1) or (2) of this section shall be eligible to apply for licensure, even if the applicant is not practicing the profession at the time of application.

(4) The board shall promulgate administrative regulations to establish requirements for consideration of experience gained prior to graduation from an engineering program as described in subsection (1)(a)1. of this section.

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

(1) A person shall qualify for licensure as a professional land surveyor if he or she has:

(a) Passed the Fundamentals of Land Surveying Examination and is thereby designated a land surveyor in training according to the conditions set forth in either paragraph (c) of this subsection or KRS 322.047(1)(a);

(b) Passed the Principles and Practice of Land Surveying Examination;
and

(c) Met one (1) of the following requirements set out in this paragraph:

1. Graduation from a board-approved program of four (4) years or more in land surveying from a college or university and not less than three (3) years of progressive experience in land surveying under the direct supervision of a practicing professional land surveyor. The experience shall be of a grade and character to indicate to the board that the applicant is competent to practice land surveying. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination during the final year of the program;

2. Graduation from a program of four (4) years or more in other than land surveying from a college or university of recognized standing, completion of a twenty-four (24) semester credit hour core curriculum in land surveying, and not less than four (4) years of progressive experience in land surveying under the direct supervision of a practicing professional land surveyor. The experience shall be of a grade and character to indicate to the board that the applicant is competent to practice land surveying;

a. The core curriculum in land surveying may be completed as part of the four (4) year program or may be taken in addition to that program; and

b. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination upon completion of the core curriculum in land surveying or during the final year in the program if twelve(12) hours or more of the core curriculum in land surveying have been completed; or

3. Graduation from a civil, mining, or agricultural engineering program of four (4) years or more accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology or any engineering program deemed equivalent by the board, completion of twelve (12) semester credit hours of the core curriculum in land surveying referenced in subparagraph 2. of this paragraph, and not less than four (4) years of progressive experience in land surveying under the direct supervision of a practicing professional land surveyor. The experience shall be of a grade and character to indicate to the board that the applicant is competent to practice land surveying;

a. The twelve (12) hours of the core curriculum in land surveying may be completed as part of the engineering program or may be taken in addition to that program; and

b. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination upon graduation from the engineering program or during the final year in the program if twelve (12) hours of the core curriculum in land surveying have been completed.

(2) Any person having the necessary qualifications prescribed in subsection (1) of this section or any applicable qualifications prescribed in KRS 322.047(1)(a) shall be eligible to apply for licensure, even if the applicant is not practicing the profession at the time of application.

(3) The board shall promulgate administrative regulations to establish requirements for consideration of experience gained prior to graduation from programs as described in subsection (1)(c)1., 2., and 3. of this section, and for the surveying core curriculum described in subsection (1)(c)2. and 3. of this section.

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

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

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

1. Graduation from a program of four (4) years or more in an area other than land surveying accredited by one of the Commissions of the Accreditation Board for Engineering and Technology and not less than six (6) years of progressive experience in land surveying under the direct supervision of a practicing professional land surveyor. The experience shall be of a grade and character to indicate to the board that the applicant is competent to practice land surveying. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination upon completion of two (2)

years of progressive experience in land surveying. Applicants possessing education credentials of this subparagraph may pursue licensure under KRS 322.045(1)(c)2., providing the core curriculum in land surveying requirement is satisfied;

2. Graduation from a two (2) year board-approved program in land surveying and not less than six (6) years of progressive experience in land surveying under the direct supervision of a practicing professional land surveyor. The experience shall be of a grade and character to indicate to the board that the applicant is competent to practice land surveying. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination upon completion of two (2) years of progressive experience in land surveying; or

3. Graduation from high school, or the equivalent, and not less than ten

(10) years of progressive experience in land surveying under the direct supervision of a practicing professional land surveyor. The experience shall be of a grade and character to indicate to the board that the applicant is competent to practice land surveying. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination upon completion of four (4) years of progressive experience in land surveying.

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

1. The satisfactory completion of each year as a full-time student of a board-approved program in civil engineering or land surveying without graduation may be considered as equivalent to one (1) year of experience required by subsection (1)(a)2. and 3. of this section;

2. Graduation from a program other than as provided in KRS 322.045(1)(c) or subsection (1)(a)1. and 2. of this section from a college or university of recognized standing may be considered as equivalent to two (2) years of experience required by subsection (1)(a)2. and 3. of this section;

3. No applicant shall receive credit for more than four (4) years of experience based on undergraduate educational qualifications.

(2) The board shall promulgate administrative regulations to establish requirements for consideration of experience gained prior to graduation from programs as described in subsection (1)(a)1. and 2. of this section.

(3) The board may promulgate administrative regulations to provide an exemption to the licensure requirements contained in subsection (1)(a) of this section based on a finding of hardship or medical necessity.

322.050 Requirements for applicants.

(1) To be eligible for licensure, an applicant shall be: (

- a) Of good character and reputation; and
- (b) Able to competently communicate in the English language.

(2) An applicant shall not be eligible for licensure if he or she:

- (a) Has been convicted of any felony within the past ten (10) years involving violence, sexual misconduct, fraud, or deceit;
- (b) Engages in conduct likely to deceive or defraud the public; or
- (c) Is adjudged mentally disabled by a court of competent jurisdiction.

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

(1) (a) A business entity shall not engage in the practice of engineering in this state unless:

1. At least one (1) of its principals or officers, or a designated employee, is a professional engineer who is in responsible charge of the engineering work;
2. The professional engineer in responsible charge is located at the Kentucky office, if one is maintained; and
3. The board has issued a permit to the business entity.

(b) To apply for a permit, a business entity offering engineering services in this state shall file with the board, on a form prescribed by the board:

1. The names and addresses of all principals and officers;
2. The license number of principals, officers, and employees who are professional engineers in responsible charge of the business entity's practice of engineering in this state; and
3. A list of locations of all offices in this state at which the business entity offers professional engineering services.

(c) If more than one (1) place of business is maintained in this state, a professional engineer shall be in responsible charge of the engineering work for each office.

(d) A professional engineer who renders occasional, part-time, or consulting engineering services to or for a business entity required to hold a permit from the board under this section shall not be designated as the person in responsible charge of the engineering work unless the professional engineer is an officer or owner of the business entity.

(e) A business entity holding a permit shall advise the board in writing within thirty (30) days of any change of status in those items listed in paragraph (b) of this subsection.

(f) An individual professional engineer providing engineering services as a sole proprietor in the name listed on his or her individual license, or architectural firms offering engineering services incident to their practice, shall be excluded from the provisions of this subsection.

(2) (a) A business entity shall not engage in the practice of land surveying in this state unless:

1. At least one (1) of its principals or officers, or a designated employee, is a professional land surveyor in direct responsible charge of the land surveying work;
2. The professional land surveyor in responsible charge is located at the Kentucky office, if one is maintained; and
3. The board has issued a permit to the business entity.

(b) To apply for a permit, a business entity offering land surveying services in this state shall file with the board, on a form prescribed by the board:

1. The names and addresses of all principals and officers;

2. The license numbers of the principals, officers, and employees who are professional land surveyors in responsible charge of the practice of land surveying in this state; and

3. A list of locations of all offices in this state at which the business entity offers professional land surveying services.

(c) If more than one (1) place of business is maintained in this state, a professional land surveyor shall be in responsible charge of the land surveying work for each office.

(d) A professional land surveyor who renders occasional, part-time, or consulting services to or for a business entity required to hold a permit from the board under this section shall not be designated as the person in responsible charge of the land surveying work unless the professional land surveyor is an officer or owner of the business entity.

(e) A business entity holding a permit shall advise the board in writing within thirty (30) days of any change of status.

(f) An individual professional land surveyor providing land surveying services as a sole proprietor in the name listed on his or her individual license shall be excluded from the provisions of this subsection.

(3) (a) After a business entity applies for a professional engineering or professional land surveying permit and pays the proper fees, the board shall review the application and, upon approval, shall issue a permit.

(b) The board may suspend, revoke, or refuse to issue a permit for violation of the code of professional practice and conduct.

(c) The expiration date and renewal period for each permit and renewal procedures shall be established by administrative regulations promulgated by the board.

(4) (a) No business entity shall be relieved of responsibility for the conduct or acts of its agent, employees, or officers by reason of its compliance with this section.

(b) No individual practicing professional engineering or professional land surveying shall be relieved of the responsibility for professional services performed by reason of the individual's employment or relationship with a business entity holding a permit under this section.

(5) Disciplinary action against a business entity holding a permit under this section shall be administered in the same manner and on the same grounds as disciplinary action against an individual professional engineer or professional land surveyor.

(6) The Secretary of State shall not accept articles of incorporation, articles of organization, statement of qualification or certificate of limited partnership or an application for a certificate of authority to transact business as a foreign corporation,

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

322.070 Application for licenses.

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

(1) Statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical experience;

(2) Not less than five (5) references, of which at least three (3) shall be from professional engineers or professional land surveyors, as may be appropriate, having personal knowledge of the applicant's engineering or land surveying experience; and

(3) Any other information as the board may require by administrative regulation. References and employment verifications submitted under this section shall remain confidential records of the board.

322.070 Application for licenses.

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

(1) Statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical experience;

(2) Not less than five (5) references, of which at least three (3) shall be from professional engineers or professional land surveyors, as may be appropriate, having personal knowledge of the applicant's engineering or land surveying experience; and

(3) Any other information as the board may require by administrative regulation. References and employment verifications submitted under this section shall remain confidential records of the board.

322.080 Time, place, scope of examination.

(1) Examinations shall be held at times and places determined by the board by promulgation of administrative regulations.

(2) The scope of the examination and the methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering or land surveying works so as to insure the safety of life, health, and property.

322.090 Reexamination.

(1) An applicant failing an examination up to two

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

(3) Reexaminations under this section shall be granted upon payment of a fee to be determined by administrative regulations promulgated by the board.

322.100 License fees.

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

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

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

322.120 Licensure by endorsement.

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

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

determine the competency to engage in the practice of land surveying in this state. The examination shall include questions on laws, procedures, and practices pertaining to land surveying in this state.

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

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

322.170 Replacement and reissuance of certain licenses and permits.

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

(2) A license or permit may be reissued to replace any license or permit that was previously revoked, subject to KRS 322.220.

322.180 Grounds for denial of licensure and for disciplinary action.

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

- (1) Engaged in any practice of fraud or deceit in obtaining a license;
- (2) Engaged in gross negligence, incompetence, or misconduct in the practice of engineering or land surveying;
- (3) Violated any provision of this chapter, the administrative regulations promulgated by the board, or the code of professional practice and conduct adopted by the board and incorporated in administrative regulations;
- (4) Employed, procured, or induced a person not licensed to practice engineering or land surveying in this state;
- (5) Aided or abetted a person not licensed to practice engineering or land surveying in this state;
- (6) Been granted a license upon a mistake of material fact;
- (7) Been convicted by a court of law of a felony, if in accordance with KRS Chapter 335B;
- (8) Become a chronic or persistent alcoholic or has become drug-addicted so that continued practice is dangerous to clients or to the public safety;
- (9) Developed a physical or mental disability or other condition so that continued practice is dangerous to clients or to the public safety;
- (10) Violated any order of suspension or the terms or conditions of any order of probation issued by the board;
- (11) Had a license or registration certificate to practice as an engineer or land surveyor denied, limited, suspended, probated, or revoked in another jurisdiction on grounds sufficient to cause licensure to be denied, limited, suspended, probated, or revoked in this state;
- (12) Engaged in conduct likely to deceive or defraud the public;
- (13) Presented or attempted to use as his or her own the license, seal, or stamp of another;
- (14) Falsely impersonated any other licensee;
- (15) Attempted to use an expired, suspended, or revoked license;

(16) Provided certification for any plan, specification, plat, report, or physical description not prepared by him or her or under his or her direct supervision; or

(17) Applied the seal, stamp, signature, or title block of another professional engineer or professional land surveyor to a plan, specification, plat, report, or physical description that was not prepared by the other professional engineer or land surveyor.

322.190 Investigation and resolution of complaints -- Appeals.

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

(1) If the investigation reveals that the alleged violation did occur but was not of a serious nature, the board may issue a written admonishment to the licensee. A copy of the admonishment shall be placed in the permanent file of the licensee. The licensee shall have the right to file a response to the admonishment within thirty (30) days of its receipt and to have the response placed in the permanent licensure file. The licensee may alternatively, within thirty (30) days of the receipt, file a request for hearing with the board. Upon receipt of this request, the board shall set aside the written admonishment and set the matter for hearing in accordance with the provisions of KRS Chapter 13B.

(2) If the investigation reveals evidence supporting the complaint, the executive director shall set the matter for hearing in accordance with the provisions of KRS Chapter 13B before refusing to renew, suspending, revoking, reprimanding, imposing probation or an administrative fine, or any combination of actions regarding any license under the provisions of this chapter.

(a) At any time during the investigation or hearing process, the board may accept a written assurance of voluntary compliance from the licensee which effectively deals with the complaint.

(b) When the board issues a written reprimand to the licensee, a copy of the reprimand shall be placed in the permanent file of the licensee. The licensee shall have the right to submit a response within thirty (30) days of its receipt and to have that response filed in the permanent file.

(3) After denying an application under the provisions of this chapter, the board may grant a hearing to the denied applicant in accordance with the provisions of KRS Chapter 13B.

(4) The board may reconsider, modify, or reverse its decision on any disciplinary action.

(5) Any party aggrieved by a disciplinary action of the board may bring an action in Franklin Circuit Court in accordance with the provisions of KRS Chapter 13B.

322.220 Petition for reissuance of license after revocation.

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

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

(1) The State Board of Licensure for Professional Engineers and Land Surveyors shall consist of nine (9) members appointed by the Governor and two (2) ex officio members each with full voting rights. The ex officio members shall be the dean of the College of Engineering of the University of Kentucky and the dean of the J.B. Speed School of Engineering of the University of Louisville.

(2) The term of each member of the board shall be four (4) years. Each member shall hold office until the expiration of the term or until a successor has been appointed and has qualified.

(3) Before beginning a term of office, every member shall file with the Secretary of State a written oath for the faithful discharge of official duties.

(4) No member of the board shall serve as an employee of the board.

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

(1) The State Board of Licensure for Professional Engineers and Land Surveyors shall consist of nine (9) members appointed by the Governor and two

(2) ex officio members each with full voting rights. The ex officio members shall be the dean of the College of Engineering of the University of Kentucky and the dean of the J.B. Speed School of Engineering of the University of Louisville. (2) The term of each member of the board shall be four (4) years. Each member shall hold office until the expiration of the term or until a successor has been appointed and has qualified.

(3) Before beginning a term of office, every member shall file with the Secretary of State a written oath for the faithful discharge of official duties.

(4) No member of the board shall serve as an employee of the board.

322.240 Qualifications of board members.

(1) Each appointed member of the board shall:

- (a) Be a citizen of the United States;
- (b) Have been a resident of this state for at least five (5) years; and
- (c) Be a resident of this state at the time of appointment and for the term of the appointment.

(2) One (1) member of the board shall be a citizen at large who is not associated with or financially interested in the practice of engineering or land surveying.

(3) Eight (8) members of the board shall be a professional engineer or a professional land surveyor engaged in the respective practice for at least twelve (12) years and shall have been in responsible charge of important engineering or land surveying work for at least five (5) years.

(a) At least five (5) members of the board shall be professional engineers licensed in Kentucky for at least four (4) years prior to the date of their appointment;

(b) At least three (3) members of the board shall be professional land surveyors licensed in Kentucky for at least four (4) years prior to the date of their appointment; and

(c) The eight (8) members shall remain professional engineers or professional land surveyors licensed in Kentucky during the term of their appointments. If a member's license is surrendered, suspended, revoked, or placed in inactive or retired status, that member shall automatically be removed from the board and the vacancy filled under KRS 322.250(5).

322.250 Appointment of board members -- Vacancies.

(1) Except as provided for in subsection (5) of this section, each land surveyor appointment to the board shall be made from a list of not less than three (3) nominees to be submitted to the Governor jointly by the Kentucky Society of Professional Engineers and the Kentucky Association of Professional Surveyors, with input from other professional societies. All other appointments to the board shall be made from a list of not less than three (3) nominees to be submitted to the Governor by the Kentucky Society of Professional Engineers with input from other professional societies.

(2) The nominations shall be submitted to the Governor at least sixty (60) days prior to the appointment date.

(3) The term of office for all full-term appointments shall begin January 1.

(4) Board members shall be allowed to succeed themselves but shall be limited to not more than two (2) consecutive terms. A former

member may be reappointed to the board if the member has not served in the preceding four (4) years.

(5) If a vacancy on the board occurs for any reason resulting in an unexpired term, if not filled within three (3) months by official action of the Governor, the board may appoint a provisional member to serve in the interim until the Governor acts.

(6) Every unexpired term shall be filled only for the remainder of that term.

322.260 Officers of board.

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

322.270 Compensation of board members.

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

322.280 Meetings of board.

(1) The board shall hold at least four (4) regular meetings each year. Special meetings shall be held if the bylaws provide. Notice of all meetings shall be given in the manner provided by the bylaws.

(2) Six (6) members shall constitute a quorum.

322.290 Functions of board

The board shall:

(1) Administer this chapter;

(2) Adopt an official seal;

(3) Provide suitable office quarters at its own expense;

(4) Adopt and amend all bylaws and rules of procedure, and promulgate administrative regulations, consistent with the Constitution and laws of the state and reasonably necessary for the proper

performance of its duties and the regulation and fair conduct of the proceedings before it;

(5) Appoint an executive director and assistant executive directors and fix their compensation;

(6) Employ any clerk or other assistants necessary for the proper performance of its work;

(7) Appoint a general counsel and any assistant general counsel as it deems necessary and fix their compensation;

(8) Appoint investigatory personnel, as it deems necessary, and fix their compensation;

(9) Appoint committees of licensees, as it deems necessary, to review issues before the board and make recommendations to the board;

(10) Make expenditures, as it deems necessary, for any purpose that it considers reasonably necessary for the proper performance of its duties, including paying the expenses of the board's delegates to national conventions of and membership dues to the National Council of Examiners for Engineering and Surveying or other affiliated national boards or societies;

(11) Adopt and promulgate by administrative regulation a code of professional practice and conduct, which shall be based upon generally recognized principles of professional ethical conduct and binding upon persons licensed under this chapter. A code of professional practice and conduct shall be made known to all licensees and applicants and shall include but not be limited to the following objectives:

(a) The protection of the public health, safety, and welfare;

(b) The maintenance of standards of objectivity, truthfulness, and reliability in public statements;

(c) The avoidance of conflicts of interest;

(d) The prohibition of solicitation or acceptance of engineering or land surveying work on any basis other than qualifications for the work offered;

(e) The prohibition of association with any person engaging in illegal or dishonest activities; and

(f) The limitation of professional service to the area of competence of the licensee;

(12) Adopt appropriate standards of practice;

(13) Promulgate administrative regulations in accordance with KRS Chapter 13A to establish rules for the use of stamps, seals, and signatures in electronic transactions;

(14) Bring, in its name, injunctive proceedings in the Franklin Circuit Court to enjoin any person, business entity, or combination thereof in violation of KRS 322.020 or KRS 322.060;

(15) Adopt a program for continuing education for its individual land surveyor licensees. No individual land surveyor licensee shall be permitted to renew his or her license unless the minimum annual continuing education requirements are met, in addition to any other requirement for renewal. The program for continuing education shall not exceed a total of eight (8) credit clock hours per year and shall not include testing or examination of the licensee in any manner; and

(16) Adopt a program for continuing education for its individual engineer licensees.

(a) The program for continuing education shall not exceed a total of fifteen (15) credit clock hours per year and shall not include testing or examination of the licensee in any manner.

(b) No individual engineer licensee shall be permitted to renew his or her license unless the minimum annual continuing education requirements are met, except as provided in paragraph (c) of this subsection, in addition to any other requirement for renewal.

(c) Any person licensed under this chapter as a professional engineer prior to January 1, 1972, who has maintained his or her license in good standing since becoming licensed shall not be subject to any continuing education requirements.

322.300 Board to keep record of proceedings and register of

applications.

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

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

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

(1) In carrying this chapter into effect, the board, under the hand of its chairman or executive director and under its seal, may, during the investigation or an administrative hearing procedure, in cases involving the revocation of a license or practicing or offering to practice without a license, subpoena witnesses and compel their attendance and require the production of books, papers, and documents. Any member may administer oaths to witnesses appearing before the board.

(2) If any person refuses to obey any subpoena so issued or refuses to testify or produce any books, papers, or documents, the board may present its petition to any authority having jurisdiction, setting forth the facts. That authority shall, in a proper case, issue its subpoena to the person, requiring him to attend and testify or produce books, papers and documents considered necessary and pertinent by the board.

(3) Board members and agents and staff of the board shall be held free of any personal liability as a result of board actions.

322.330 Duties of secretary-treasurer.

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

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

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

(1) Each professional engineer or professional land surveyor shall, upon licensure, obtain a seal or stamp of the design authorized by the board, bearing his or her name, license number, and the words "Licensed Professional Engineer" or "Licensed Professional Land Surveyor."

(2) Use of the stamp, seal, or signature in an electronic transaction shall be conducted in accordance with administrative regulations promulgated by the board under KRS 322.290(13).

(3) The seal or stamp, signature, and the date shall be used to provide certification for all reports, specifications, drawings, and plans, if presented to a client or any public or governmental agency. Reproduction of original signatures shall be adequate to meet the requirements of this subsection.

(4) The seal or stamp and signature shall be used by licensees only if the work being stamped was under the licensee's complete direction and control.

(5) Every survey plat and physical description prepared by a professional land surveyor and submitted to a client or any public or governmental agency shall display the certification by the professional land surveyor under whose supervision the plat or description was prepared.

(6) It shall be unlawful for a licensee to affix, or permit to be affixed, his or her seal, stamp, or signature to any document described in subsection (3) or (5) of this section:

- (a) After the expiration of a license; or
- (b) For the purpose of aiding or abetting any other person to evade or attempt to evade any provisions of this chapter.

(7) A professional engineer shall check and have complete dominion and control of the design and engineering work of any engineer not licensed to practice in this state. Complete dominion and control shall include possession of the sealed and signed reproducible construction documents with all supporting design calculations, indicating all changes in the design.

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

(1) Neither the state nor any of its political subdivisions shall engage in the construction of any public work involving engineering, unless the plans, specifications, and estimates have been prepared and the

construction executed under the direct supervision of a professional engineer or a licensed architect.

(2) Subsection (1) of this section shall not apply to any public work, including a highway or capital project under KRS 56.491, that involves only maintenance or repair of the facility. Maintenance or repair shall not include any work which alters, modifies, or changes the original characteristics of the design.

322.370 Incidental architectural practice permitted.

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

322.380 Seeking business through another to avoid chapter prohibited.

(1) No person without a license under this chapter shall avoid or attempt to avoid this chapter by having a representative or employee seek engineering or land surveying work in his or her behalf.

(2) No person shall act as a representative or employee in the type of activity prohibited by subsection (1) of this section.

322.400 Plats or surveys not to be recorded unless certified by a professional land surveyor.

No county clerk of any county, or any other public authority, shall accept for filing, file, or record any map, plat, survey, or other document related to the practice of land surveying, unless it evidences certification by a professional land surveyor by whom, or under whose personal supervision and direction, the map, plat, survey, or other document was prepared.

322.420 Disposition of fees paid to the board.

All fees paid to and collected by the board under this chapter shall be deposited in a depository designated by the board and disbursed only at the direction of the board.

322.450 Persons exempt from law.

The provisions of this chapter relating to the necessity of licensure to engage in the practice of land surveying shall not apply to any employee or employees of the Kentucky Transportation Cabinet, or any other subdivision of the government of the Commonwealth of Kentucky, working under the direct supervision and control of a professional engineer or professional land surveyor.

322.460 Officers to enforce law -- Employment of attorneys.

The Attorney General of Kentucky or his or her designee shall act as

legal adviser to the board and render legal assistance as the board may from time to time require. In addition, the Attorney General of Kentucky, all Commonwealth's attorneys, and the county attorney of each county shall, upon request of the board, and without additional compensation, lend their assistance to the enforcement of the provisions of this chapter and the prosecution of any violations thereof. The board shall employ additional counsel as necessary to effectively enforce the provisions of this chapter, the cost of which shall be paid exclusively from funds of the board.

322.470 Right of entry on land of others by land surveyor -- Notification of landowner -- Liability of landowner.

As used in this section, "professional land surveyor" shall include the agents, the employees, and any personnel under the supervision of a professional land surveyor.

(1) A professional land surveyor may go on, over, and upon the lands of others if necessary to perform surveys for the location of property corners, boundary lines, rights-of-way, and easements, and may carry with them their customary equipment and vehicles.

(a) Entry under the right hereby granted shall not constitute trespass; and

(b) A professional land surveyor shall not be liable to arrest or a civil action by reason of this entry.

(2) Nothing in this section shall be construed as giving authority to a professional land surveyor to destroy, injure, damage, or move anything on the lands of another without the written permission of the landowner; and nothing in this section shall be construed as removing civil liability for these damages.

(3) A professional land surveyor shall make reasonable effort to notify adjoining landowners upon whose land it is necessary to enter.

(4) No owner or occupant of the land shall be liable for any injury or damage sustained by any person entering upon his or her land under the provisions of this section.

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

(1) Except as otherwise provided in this section, the following buildings, or additions to existing buildings, classified by use group shall require the services of an architect licensed in the Commonwealth of Kentucky:

- (a) Assembly use group having a capacity of one hundred (100) persons or more, except church buildings having a capacity of four hundred (400) persons or less or six thousand (6,000) square feet or less;
- (b) Business use group having a capacity of one hundred (100) persons or more;
- (c) Institutional use group, regardless of capacity;
- (d) Mercantile use group having a capacity of one hundred (100) persons or more;
- (e) Residential use group of more than twelve (12) dwelling units or having a capacity of fifty (50) persons or more;
- (f) Educational use groups, regardless of capacity; and
- (g) Mixed use group containing one (1) or more of the use group classifications and capacities listed under paragraphs (a) to (f) of this subsection.

(2) Alterations or new construction requiring compliance with the Kentucky Building Code for any building containing one (1) or more of the use group classifications and capacities listed under subsection (1) of this section shall require the services of an architect licensed in the Commonwealth of Kentucky, but if alterations or new construction predominately involve primarily structural components or mechanical or electrical systems, then services may be performed by one (1) or more licensed professional engineers.

(3) Buildings or additions to existing buildings, which contain one (1) or more of the use group classifications and capacities listed under subsection (1) of this section, shall require, in addition to the services of an architect, the services of one (1) or more licensed engineers.

(4) The following buildings and additions to existing buildings, classified by use group, shall require the services of either a professional engineer or architect licensed in the Commonwealth of Kentucky:

- (a) Factory and industrial use group having a capacity of one hundred (100) persons or more;
- (b) High hazard use group, regardless of capacity;
- (c) Storage use group having a capacity of one hundred (100) persons or more; and
- (d) Utility and miscellaneous use groups having a capacity of one hundred (100) persons or more.

(5) The services required in subsections (1) to (4) of this section shall include the administration of construction contracts.

322.560 Maximum voltage exception for licensed electrical engineer.

Notwithstanding Article 555.4 of the National Electrical Code or any other provision of law, the maximum voltage of one thousand (1,000) volts for yard and pier distribution systems may be exceeded when engineered by an electrical engineer licensed under this chapter.