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Vermont State Board of Engineers Rules, Laws, and Ethics

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Title 26: Professions and Occupations

Chapter 20: Professional Engineering

• *Subchapter 1: General Provisions*

• § 1161. Definitions

As used in this chapter:

- (1) "Board" means the Board of Professional Engineering.
 - (2) "Professional engineering" means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and engineering experience, insofar as the service or work involves safeguarding life, health, or property. This includes consultation, investigation, evaluation, planning, and design of engineering works and systems, planning the use of land, air, and water and accomplishing engineering surveys and studies, any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, and other structures, equipment, processes, work systems, control systems, and communication systems, transportation systems, and other systems of a technical nature related to the public interest, or the investigation of any thing of value in a business that involves the performance of service.
 - (3) "Project deliverables" means project deliverables, such as reports, specifications, drawings, plans, construction documents, or engineering surveys, that have been prepared under the licensee's responsible charge.
 - (4) "Practice of professional engineering" means providing, attempting to provide, or offering to provide professional engineering services.
 - (5) "Private practice" means a professional engineer who owns, operates, or is employed by a business entity that derives a substantial part of its income from providing professional engineering services.
 - (6) "Professional engineer" means a person licensed under this chapter.
 - (7) "Responsible charge" means direct control and personal supervision of engineering work.
 - (8) "Specialty discipline" means that area of professional engineering recognized by the Board as the area of expertise and practice for which a license is granted under this chapter.
 - (9) "State" includes the United States, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands.
 - (10) "Unauthorized practice" means conduct prohibited by section 1162 of this chapter and not exempted by section 1163 of this chapter. (Added 1983, No. 188 (Adj. Sess.), § 2; amended 1991, No. 167 (Adj. Sess.), § 24; 2009, § 1162 Prohibition, Enforcement, § 4.)
- (a) No person shall engage in the practice of professional engineering in this State unless the person is licensed under or exempt from this chapter.
- (b) No person shall use in connection with the person's name any letters, words, or insignia, including "Professional Engineer," "P.E.," "PE," or "P.Eng.," indicating that the person is a professional engineer unless the person is licensed in accordance with this chapter.

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(c) A person found guilty of violating this section shall be subject to penalties provided in 3 V.S.A. § 127(c). In addition to the power of criminal enforcement, the Attorney General, a State's Attorney, or a prosecuting attorney from the Office of Professional Regulation may bring a civil action to restrain continuing violations of this section. (Added 1983, No. 188 (Adj. Sess.) § 163. Exemptions 2007, No. 29, § 21; 2009, No. 35, § 14; 2013, No. 27, § 5.)

(a) Persons exempt. Section 1162 of this chapter does not prohibit acts constituting the practice of engineering performed as a necessary part of

- (1) an officer or employee of the federal government;
- (2) an officer or a full-time employee of the State;
- (3) an officer or full-time employee of a municipality;
- (4) certain classes of licensed potable water supply and wastewater system designers, as designated by rule of the Secretary of Natural Resources, who design supplies or systems with a design flow of up to 153 gallons per day and who are employed in the State of Vermont as defined in the act of Congress entitled "Communications Act of 1934" or of a telephone company under the supervision and regulation of the Public Utility Commission; subordinate of a professional engineer, provided the engineering work is done under the responsible charge of, and verified by, a professional engineer practicing under the supervision of a professional engineer;
- (5) other professions. Section 1162 of this chapter does not prohibit acts constituting the practice of any other legally recognized profession or occupation.

(b) Purposes exempt. Section 1162 of this chapter does not prohibit any person from performing acts constituting the practice of engineering for

- (1) the purpose of a manufactured product;
- (2) engineering of a building that is not a public building as defined in 20 V.S.A. § 2330; or
- (3) engineering a building that contains only one, two, or three dwelling units and any outbuilding accessory to those units;
- (4) [Repealed.]
- (5) engineering of recreational trails and trail-related structures by a nonprofit organization whose trails have been recognized by the Agency of Natural Resources as part of the Vermont trails system; provided such organization purchases and maintains liability insurance in the amount required by law. (Added 1983, No. 188 (Adj. Sess.) § 20, amended 1987, No. 76, § 18, 1991, No. 71 (Adj. Sess.) § 10, 1995, No. 175 (Adj. Sess.), § 1; 2001, No. 133 (Adj. Sess.), §§ 10, 11, eff. June 13, 2002; 2009, No. 35, §§ 15, 41; 2013, No. 27, § 6.)

- **Subchapter 2: Board of Professional Engineering**
- **§ 1171. Board of Professional Engineering**

(a) The Board of Professional Engineering is created, consisting of six members who are residents of this State. The Board shall be attached to the Office of Professional Regulation and shall be a member of the public who has no financial interest in engineering other than as a consumer or possible consumer of its services. The member shall have no financial interest in the Board.

(b) For a list of members of the Board shall be licensed professional engineers:

- (1) Membership under this subsection shall include one civil engineer, one mechanical engineer, one structural engineer, one electrical engineer, and one engineer from among all specialty disciplines licensed by the Board.

(2) Membership under this subsection shall include at least three ~~(3) Of the five professional members appointed under this subsection, at the time of appointment, three persons shall have been engaged in the practice of professions shall begin appointing for by the Governor in accordance with 3 V.S.A. §§ 129b and 2004. The Governor shall request nominations from the various State engineering societies and may request nominations from other sources, but shall not be bound to select members from among the persons nominated. (Added 1983, No. 188 (Adj. Sess.), § 2; amended 1989, No. 250 (Adj. Sess.), § 4(d); 2005, No. 27, § 37; 2005, No. 148 (Adj. Sess.), § 14; § 1072. Powers and duties 2007, No. 163 (Adj. Sess.), § 10; 2013, No. 27, § 7.)~~

(a) The Board shall adopt rules necessary for the performance of its duties, ~~(d) a list of recognized engineering specialty disciplines;~~

(2) qualifications for obtaining licensure, interpreting sections 1182a and ~~(3) 2 b p d f i t i s o a p f a p p e a l and other significant rights given to licensees, (4) p r o c e d u r e s f o r d i s b a r r a n d r e i n s t a t e m e n t c a s e s.~~

(b) The Board shall:

(1) offer examinations to qualified applicants for licensing;

(2) use administrative services provided by the Office of Professional Regulation under 3 V.S.A. chapter 5;

(3) investigate suspected unprofessional conduct; and

(4) have general responsibility for ensuring that professional engineering services available in this State are of uniformly good quality and take suitable action, within the scope of its powers, to solve or bring public and ~~(c) p r o f e s s i o n a l a t t e n t i o n to any problem which it finds in this area.~~

(1) establish or approve continuing education programs or other methods of allowing licensees to maintain continued competency;

(2) conduct hearings;

(3) administer oaths and at the request of any party issue subpoenas;

(4) issue orders relating to discovery in the same manner as a judge under the Vermont Rules of Civil Procedure, which may be enforced under 3

~~(5) 5. Ad § 8 0 9 u b e s r e l a t i n g t o t h e p r o c e d u r e s t o b e f o l l o w e d i n h e a r i n g s h e l d (6) d e c t h i s e c a s i s e a n c e f r o m a n d r e f e r s u s p e c t e d u n a u t h o r i z e d p r a c t i c e t o (7) A t t o r n e y G e n e r a l t o o b t a i n i n j u n c t i o n s t o r e s t r a i n~~

unprofessional conduct. (Added 1983, No. 188 (Adj. Sess.), § 2; amended 1989, No. 250 (Adj. Sess.), § 4(d); 1999, No. 52, § 11; 2013, No. 27, § 8.)

- **§§ 1173-1175. Repealed. 2013, No. 27, § 16.**

- **§ 1176. Fees**

Applicants and persons regulated under this chapter shall pay the

~~(d) A p p l i c a t i o n f o r e n g i n e e r i n g l i c e n s e o r a p p l i c a t i o n t o a d d a d d i t i o n a l~~

~~(2) A p p l i c a t i o n f o r e n g i n e e r i n g i n t e r n c e r t i f i c a t e \$ 6 0 . 0 0~~

(3) Biennial license renewal \$175.00

(4) [Repealed.] (Added 1983, No. 188 (Adj. Sess.), § 2; amended 1989, No. 250 (Adj. Sess.), § 33; 1991, No. 167 (Adj. Sess.), § 25; 1993, No. 108 (Adj. Sess.), § 3; 1997, No. 59, § 53, eff. June 30, 1997; 1999, No. 49, § 175; 2001, No. 143 (Adj. Sess.), § 23, eff. June 21, 2002; 2005, No. 202 (Adj. Sess.), § 12; 2007, No. 29, § 23; 2009, No. 47, § 9; 2013, No. 27, § 9; 2013, No. 191 (Adj. Sess.), § 13; 2019, No. 70, § 16; 2023, No. 77, § 25, eff. June 20, 2023.)

- **Subchapter 3: Licensing and Specialty Certifications**

- § 1181. Repealed. 2013, No. 27, § 16.
- § 1181a. Engineer interns

(a) An engineer intern certification shall be issued by the Board to recognize those persons who have completed preliminary steps toward becoming licensed as a professional engineer. Engineer interns are not eligible for certification by the Board as an engineer intern unless they have a high school diploma or a degree in engineering or in engineering technology or six years or more of progressive engineering experience of a grade and character that indicate to the Board that the applicant may be competent to practice engineering, at least two years of which shall be in the specialty discipline for which the license is sought. (b) A person is eligible to be certified as an engineer intern if the person has passed an examination on a fundamentals of engineering examination recognized by Board rule and taken in the State of Vermont. (c) Upon satisfaction of the minimum qualifications set forth in subsection (b) of this section, the Board shall issue a certificate as an engineer intern. The certificate shall have no expiration date and no renewal fees. (d) The use of the titles "Engineer Intern" and "E.I." in Vermont is restricted to those persons certified as engineer interns by the Board or by an equivalent board in another state. An engineer intern certified by an equivalent board in another state shall be recognized as an engineer intern by the Board upon application or examination. (Added 2013, No. 27, § 10.)

- § 1182a. Licensing standards

(a) Licensing standards and procedures adopted or used by the Board shall be fair and reasonable. The standards and procedures shall be designed and implemented to ensure that all qualified applicants are admitted to practice unless there is good reason to believe that practice by a particular applicant would be inconsistent with the public health, safety, and welfare. (b) The Board shall not issue a license to a person who does not hold a degree in engineering. A professional engineering license shall be issued to a person who:

(A) satisfactorily completes a bachelor's level engineering curriculum accredited by the Accreditation Board for Engineering and Technology (ABET) and obtains a passing score set by Board rule on a fundamentals of engineering examination recognized by Board rule;

(C) completes four years or more of progressive engineering experience after graduation of a grade and character that indicate to the Board that the applicant may be competent to practice engineering, at least two years of which shall be in the specialty discipline for which the license is sought.

(D) maintains a passing score on a board examination recognized by the Board in testing the principles and practices of engineering in the specialty discipline for which the license is sought.

(2) Individuals with a master's degree in engineering. A professional engineering license shall be issued to a person who:

(A) satisfactorily completes a bachelor's level curriculum in a technical field related to engineering and a master's level engineering curriculum accredited by ABET, and obtains a passing score on a fundamentals of engineering examination recognized by Board rule;

(C) completes four years or more of progressive engineering experience after graduation from the master's degree program of a grade and character that indicate to the Board that the applicant may be competent to practice engineering, at least two years of which shall be in the specialty discipline for which the license is sought.

(D) maintains a passing score on a board examination recognized by the Board in testing the principles and practices of engineering in the specialty discipline for which the license is sought.

and practices of engineering in the specialty discipline sought; and
 (E) satisfies all requirements set forth in the Board's rules.

(3) Individuals with a bachelor's degree in engineering technology. A professional engineering license shall be issued to a person who:

(A) satisfactorily completes a bachelor's level engineering technology

(B) ~~attains a passing score on a~~ fundamentals of engineering examination

(C) ~~recognized by Board~~ rules or more of progressive engineering experience after graduation of a grade and character that indicate to the Board that the applicant may be competent to practice engineering, at least four years

(D) ~~which shall be~~ in the specialty discipline for which the license is sought; Board rule testing the principles and practices of engineering in the

(E) ~~specialty discipline~~ requirements set forth in the Board's rules.

(4) Twelve years of engineering experience. A professional engineering license shall be issued to a person who:

(A) attains a passing score on a fundamentals of engineering examination

(B) ~~recognized by Board~~ rules or more of progressive engineering experience of a grade and character that indicate to the Board that the applicant may be competent to practice engineering, at least six years of which shall be in

(C) ~~specialty discipline~~ for which the license is sought recognized by Board rule testing the principles and practices of engineering in the

(D) ~~specialty discipline~~ requirements set forth in the Board's rules.

(5) Sixteen years of engineering experience. A professional engineering license shall be issued to a person who:

(A) completes 16 years or more of progressive engineering experience of a grade and character that indicate to the Board that the applicant may be competent to practice engineering, at least eight years of which shall be in

(B) ~~specialty discipline~~ for which the license is sought recognized by Board rule testing the principles and practices of engineering in the

(C) ~~specialty discipline~~ requirements set forth in the Board's rules.

(6) Alternate route to licensure. A professional engineering license may be

(A) ~~attains a passing score on a~~ fundamentals of engineering examination

(B) ~~recognized by Board~~ and experience that, in the judgment of the Board, demonstrates a substantially equivalent level of preparation for engineering practice as required by subdivision (b)(1), (b)(2), or (b)(3) of

(C) ~~attains a passing score on a~~ specialized examination recognized by Board rule testing the principles and practices of engineering in the

(D) ~~specialty discipline~~ requirements set forth in the Board's rules. (Added 2013, No. 2 § 1182b. License and specialty disciplines

(a) Upon determining that an applicant is qualified for licensure in one or more specialty disciplines under section 1182a of this subchapter, the Board shall issue a license indicating the specialty discipline or disciplines.

(b) Upon determining that an existing licensee is qualified by application in an additional specialty discipline under section 1182a of this subchapter, the Board shall issue a license to the licensee indicating all specialty

(c) ~~licenses~~ issued under this chapter shall be renewed biennially. (Added 2013, § 1182 License renewal

(a) Licenses shall be renewed every two years without examination and on However, by rule, the Board may establish a continuing education continuing education requirement and a licensee fails to demonstrate

may deny or condition renewal, after opportunity for hearing.

(b) Following expiration of a license, it may be reinstated upon payment of a renewal fee and a late renewal penalty. A licensee shall not be required to pay renewal fees during periods when the license was expired.

(c) [Repealed.] (Added 1983, No. 188 (Adj. Sess.), § 2; amended 2013, No. 27, § 16.)

- § 1187. Repealed. 2009, No. 103 (Adj. Sess.), § 53.
- § 1188. Seal

(a) Each licensee shall obtain a seal of a design approved by the Board by the Plans, specifications, reports, and other instruments of service issued by a licensee shall be signed and sealed by the licensee.

(c) A person who affixes to a plan or other document the seal of a licensee without the licensee's authorization shall be fined not more than \$1,000.00 or imprisoned not more than 30 days, or both. (Added 1983, No. 188 (Adj. Sess.), § 2; amended 2013, No. 27, § 14.)

- *Subchapter 4: Discipline*
- § 1191. Unprofessional conduct

(a) Unprofessional conduct is the conduct prohibited by this section, by 3 V.S.A. § 129a, or by other statutes relating to engineering.

(b) [Repealed.]

(c) Unprofessional conduct includes any of the following actions by a licensee: (1) failing to make available, upon the timely request of a person using engineering services, copies of instruments of service in the possession or under the control of the licensee, when those instruments of service have been signed, prepared, sealed and paid for by the licensee or for which the engineer is not in responsible charge, or negligently allowing use of the engineer's professional stamp on such an instrument;

(2) accepting and performing engineering responsibilities that the licensee knows or has reason to know that he or she is not competent to perform;

(3) making any material misrepresentation in the practice of engineering, whether by commission or omission;

(4) agreeing with any other person or organization, or subscribing to any code of ethics or organizational bylaws, when the intent or primary effect of that agreement, code, or bylaw is to restrict or limit the flow of information concerning alleged or suspected unprofessional conduct to the Board;

(5) failing to supervise adequately or supervise unprofessional conduct of the licensee's responsible charge who are engaged in the practice of professional engineering;

(6) failing to perform engineering responsibilities that are outside the scope of engineering specialties held by the licensee;

(7) failing to protect the trust of engineering clients;

(8) failing to hold public health and safety above all other considerations in the practice of professional engineering;

(9) engaging in dishonorable or unethical conduct in the practice of professional engineering of a character likely to deceive, defraud, or harm the public;

(10) failing to report to the Board knowledge of a perceived violation of this statute or the Board's rule by another professional engineer licensed in this State. (Added 1983, No. 188 (Adj. Sess.), § 2; amended 1989, No. 250 (Adj. Sess.), § 34; 1997, No. 145 (Adj. Sess.), § 37; 2013, No. 27, § 15.)

- **§§ 1192, 1193. Repealed. 2013, No. 27, § 16.**
- **§ 1194. Repealed. 1989, No. 250 (Adj. Sess.), § 92.**