



SPONSOR: Rep. Gray & Sen. Hansen
Reps. Baumbach, Carson; Sen. Pettyjohn

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 369

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 2803, Title 24 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 2803. Definitions.

4 The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them,
5 except where the context clearly indicates a different meaning;

6 () “Successor professional engineer” shall mean a professional engineer, as defined in § 2803(27), who assumes
7 responsible charge, as defined in § 2803(28), of a project or component of a project and uses or relies upon the work,
8 findings, or recommendations of the professional engineer who previously was in responsible charge and sealed pertinent
9 documents. The successor professional engineer may assume responsible charge of a project or component of a project
10 only when qualified to do so by education or experience in the areas of professional engineering involved. A professional
11 engineer who uses or relies upon work performed by another qualified engineer, associate, consultant, or employee is not a
12 successor professional engineer and may sign and seal the documents for the total project. A professional engineer who
13 uses or relies upon work such as, but not limited to, geotechnical reports, soil investigation reports, legal surveys, and other
14 works that may be sealed by others, in order to assume responsible charge of a project, is not considered a successor
15 engineer. The professional engineer shall not affix their professional engineer’s seal to any document not prepared under
16 their supervisory control and review.

17 Section 2. Amend Chapter 28, Title 24 of the Delaware Code by making deletions as shown by strike through and
18 insertions as shown by underline as follows:

19 § 2832. Procedures for successor professional engineer using or relying upon the work of previous engineer.

20 (a) In situations where the professional engineer in responsible charge of an engineering project is unable to
21 complete the project for any reason, or when the project is a site-specific adaption of a previous design, a successor

professional engineer may assume responsible charge of that portion of the project if the successor professional engineer meets the following requirements:

(1) Performs or has responsible charge over all professional engineering services related to that portion of the project.

(2) Has direct control and personal supervision over the engineering work and the signed, dated, and sealed originals of all documents over which the successor professional engineer has taken responsible charge.

(3) Dates, signs, and seals the final drawings, specifications, reports and documents involving the practice of engineering as defined in this chapter in compliance with § 2830 of this chapter.

(4) Performs sufficient review and calculation to ensure that all standards of practice required of professional engineers are met.

(b) A successor professional engineer must notify the previous professional engineer in responsible charge of their intention to use the previous engineer's work. Notification shall be by certified mail, or other verifiable communication, to the last known physical or electronic address of the previous professional engineer. The previous engineer's approval is not required for the successor professional engineer to use the previous engineer's sealed work.

(c) A successor professional engineer assumes full professional responsibility by signing and affixing the successor professional engineer's seal to the assumed documents. Such documents will be treated as though they are the successor professional engineer's original project.

SYNOPSIS

This Act amends Chapter 28 of Title 24 of the Delaware Code to define "successor professional engineer" as a professional engineer who assumes responsible charge of a project, or component of a project, and uses or relies upon the work of the professional engineer who was previously in responsible charge and sealed pertinent documents. The new Section 2832 delineates the acceptable parameters for a successor professional engineer's use or reliance upon work performed by the previous professional engineer in responsible charge. These revisions will both inform licensees of the permissible use of another professional engineer's work and ensure that the recipient of services can identify the responsible professional engineer. The Council for the Delaware Association of Professional Engineers solicited feedback from and held committee meetings with various stakeholders who contributed to drafting of this Act. The Council approved this Act.