



SPONSOR: Rep. Gray & Sen. McBride

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 338

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO 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 strikethrough and
2 insertions as shown by underline as follows and by redesignating accordingly:

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 (23) ~~“Permit” shall mean a temporary privilege to practice engineering in the State granted to a qualified~~
7 ~~individual, corporation, or partnership by the Council.~~

8 (24) ~~“Permittee” shall mean an individual, corporation or partnership holding a valid permit from the Association.~~

9 Section 2. Amend § 2817, Title 24 of the Delaware Code by making deletions as shown by strikethrough and
10 insertions as shown by underline as follows:

11 § 2817 Requirements for licensure.

12 The following requirements for the 3 essential components of education, experience, and examination shall be
13 considered as the minimum satisfactory evidence that an applicant is qualified for licensure as a professional engineer:

14 (1) Graduates from an engineering educational program approved by the Engineering Accreditation Commission
15 (EAC) of ABET, Inc. (formerly the Accreditation Board for Engineering and Technology), ~~or from an ABET~~
16 ~~recognized foreign accreditation agency approved educational program, or an engineering educational program~~
17 approved by an accrediting agency that is a signatory to the Washington Accord.

18 a. Graduation with a baccalaureate degree from an engineering educational program accredited by the
19 EAC of ABET, Inc., ~~or~~ by a foreign educational program accreditation agency adjudged by ABET to use
20 substantially equivalent accreditation ~~procedures; procedures or by an accrediting agency that is a signatory to the~~
21 Washington Accord; and

(6) Comity. —

a. The Council may, upon application and payment of the required fee and without further examination, issue a license as a professional engineer to any person holding a current, valid certificate of registration or a license as a professional engineer issued to that person by a proper authority of a state, territory, or possession of the United States, the District of Columbia, or a province or territory of Canada, provided the applicant's certificate or license is in good standing as defined in paragraph (9) of this section, and the applicant's qualifications meet at least 1 of the following:

1. The professional engineering qualifications of the applicant on the effective date of such certificate of registration or a license would have satisfied the requirements for licensure in this State on that date.

2. The professional engineering qualifications of the applicant at any time subsequent to the effective date of such certificate of registration or a license would have satisfied the requirements for licensure in this State in effect at that time. A personal interview may be required by Council to ascertain the facts in the case.

~~3. The professional engineering qualifications of the applicant include successful passing of an examination approved by the Council, meeting the additional requirements of paragraph (7) of this section, and having a minimum of 10 years of professional experience work of a character satisfactory to the Council, such experience indicating that the applicant is competent to practice as an engineer. At least 8 years of the applicant's experience shall have been obtained after the applicant has received the said valid certificate of registration or a license.~~

4. 3. The professional engineering qualifications of the applicant include a minimum of ~~10~~ 5 years of continuous and verifiable experience as a professional engineer. The applicant must meet the additional requirements of ~~paragraphs~~ paragraph (7)a. ~~and (9)~~ of this section ~~and must not have been subject to disciplinary action in the current or previous licensing jurisdictions.~~

4. An applicant holding a valid NCEES Council Record issued by the National Council of Examiners for Engineering and Surveying, whose qualifications meet the requirements of this chapter, may be registered by Council as a professional engineer upon receipt from the National Council of Examiners for Engineering and Surveying of a certified copy of such registration Record.

5. An applicant who has been designated as a "Model Law Engineer" by the National Council of Examiners for Engineering and Surveying. Such person may be issued a license administratively without Council review.

b. ~~A person holding a valid NCEES Council Record issued by the National Council of Examiners for Engineering and Surveying, whose qualifications meet the requirements of this chapter, may be registered by Council as a professional engineer upon receipt from the National Council of Examiners for Engineering and Surveying of a certified copy of such registration Record together with the usual application form and fee from the applicant.~~

b. The Council may, upon application and payment of the required fee, issue a license as a professional engineer to an applicant who is an International Professional Engineer (IntPE) registrant under the International Engineering Alliance (IEA) International Professional Engineers Agreement (IPEA). The applicant's IntPE registration must be current and in good standing as defined in paragraph (9) of this section. Such applicant must also have 5 years of experience obtained after receipt of the initial license.

(7) Additional requirements. —

a. Every applicant shall give not less than 5 references, people who state that in their opinion and by their personal knowledge the applicant is qualified to practice as a professional engineer. At least 3 such references shall be registered or licensed professional engineers in this or any other state or territory or possession of the United States, the District of Columbia, or the province or territory of Canada or an International Professional Engineer (IntPE) registrant under the International Engineering Alliance (IEA).

(8) Applicants for licensure as a professional engineer shall be exempt from the requirement to pass the Fundamentals of Engineering Examination, if they are qualified as follows:

a. An individual holding an earned doctoral degree in engineering from a university, which has an ~~ABET~~ accredited undergraduate program, accredited by ABET or by an accrediting agency that is a signatory to the Washington Accord, in that discipline at the time that individual earned the doctoral degree, providing that doctoral degree required the passing of a Ph.D. qualifying examination from that university; or,

(9) The Council may refuse an applicant for licensure if the Council finds that the applicant has:

e. Used improper means to gain information usable by the applicant on or in connection with an examination taken by the applicant to obtain licensure as a professional engineer or certification as an engineer ~~intern; or~~ intern; or

f. Been disciplined by another jurisdiction, state, territory, or possession of the United States, the District of Columbia, foreign country, the United States government, or any other governmental entity, if at least 1 of the grounds for discipline is the same or substantially equivalent to those contained in section 2823 of this Chapter; or

g. Voluntarily surrendered an engineering license in order to avoid disciplinary action by another jurisdiction, state, territory, or possession of the United States, the District of Columbia, foreign country, the United States government, or any other governmental entity, if at least 1 of the grounds for discipline is the same or substantially equivalent to those contained in section 2823 of this Chapter.

Section 3. Amend § 2820, Title 24 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows and by redesignating accordingly:

§ 2820 Qualifications for a temporary permit.

(a) ~~Individuals not residing in this State, not having full-time employment in this State, and not having established a place of business for the practice of professional engineering within this State, who are legally qualified by licensure to practice engineering as defined within the chapter in the state, territory or possession of the United States, the District of Columbia, or province or territory of Canada where they reside or are in business, may make application to the Council in writing for a temporary permit and for licensure to practice professional engineering in this State.~~

(b) ~~An applicant under this section shall submit the following:~~

(1) ~~Application for temporary permit and the fee established under this chapter;~~

(2) ~~Proof that the applicant is legally qualified by licensure to practice engineering as defined within the chapter in the state, territory, or possession of the United States, the District of Columbia, or province or territory of Canada where they reside or are in business;~~

(3) ~~Concurrently with the application for temporary permit, a complete application for professional engineering licensure that meets the requirements of this chapter and the fee established under this chapter.~~

(c) ~~The temporary permit shall be issued in writing upon authorization of the Council President and be valid for 60 days, which may be extended by the Council President for an additional 60 days for good cause shown. The temporary permit shall terminate upon final determination on the application for professional engineering licensure.~~

(d) ~~An engineering corporation or partnership may be issued a permit subject to the above limitations, provided that 1 of its officers or partners or 1 of its employees is designated as being in responsible charge of the engineering activities and decisions and holds a valid permit or is licensed under this chapter.~~

Section 4. Amend § 2828(d), Title 24 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

(d) For purposes of this section, the term “application” shall mean any application or filing with the Council for the purpose of obtaining authorization to use the term “engineer,” licensure, a certification of authorization, ~~a temporary permit~~ or certification as an engineer intern.

Section 5. Amend § 2829(a), Title 24 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 2829 Seals, stamps, and signature.

~~(a) Each licensee shall obtain an embossing seal of the design authorized by the Council, bearing the licensee's name, license number and the legend "professional engineer." Failure of the licensee to substantiate to the Council, within 6 months of the licensee's application approval date that such a seal has been procured will result in the licensee being placed by the Council in "delinquent status."~~

(a) Each licensee shall obtain a seal of the design authorized by the Council, bearing the licensee's name, license number and the legend "professional engineer." The seal format may be embossing, rubber stamp or digital. All new licensees must submit proof of their Delaware seal to the Council office no later than 6 months after the licensee's application approval date, and failure to do so will result in the licensee being placed by the Council in delinquent status.

Section 6. Amend § 2830(c), Title 24 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

~~(c) The holder of a temporary permit, using the seal of the State designated by the Council on the permit, shall seal all final drawings, specifications, and documents in accordance with this section. The permittee shall, in addition, write the permittee's permit number and the permittee's signature immediately adjacent to the imprint of the seal.~~

SYNOPSIS

This Act promotes the expansion of licensure opportunities in Delaware while maintaining standards of competence and professionalism required for the protection of the citizens of Delaware. The National Council of Examiners for Engineering and Surveying (NCEES) is a national nonprofit organization dedicated to advancing professional licensure for engineers. It develops, administers, and scores the examinations used for engineering licensure in the United States. Most recently, NCEES has recommended that states broaden access to licensure subject to rigorous competency requirements. For example, Delaware has historically recognized EAC of ABET-accredited (Engineering Accreditation Commission of the former Accreditation Board for Engineering and Technology) programs as the gold standard for engineering education. NCEES has recommended that graduates of engineering programs accredited by signatories of the Washington Accord be afforded the same recognition as EAC of ABET graduates. The Washington Accord is an international agreement between bodies responsible for accrediting engineering degree programs. Signatories of the Accord mutually "recognize the substantial equivalency of participating organizations' accreditation processes and their graduates' preparedness to begin professional practice at the entry level." ABET and Engineers Canada are signatories of the Accord among a total of 20 representing agencies from every continent. This Act will give holders of degrees from engineering programs accredited by Washington Accord signatories the same recognition as EAC of ABET graduates. The required engineering experience for such applicants will be four years.

This Act also proposes modifications that would expand licensure comity. While many professions in Delaware use the term "reciprocity" to define the process whereby an individual licensed in one jurisdiction may become licensed in Delaware, the term "comity" is used in the licensing law for professional engineers. To promote international engineering licensure mobility, this Act provides that the Council may license an applicant who is an International Professional Engineer (IntPE), meaning that the applicant has been fully and rigorously evaluated and approved by the International Engineering Alliance (IEA). NCEES is a member of the IEA and the International Professional Engineers Agreement (IPEA). There are currently 15 other members of the IPEA including Engineers Canada. "The International Professional Engineers Agreement recognizes the substantial equivalency of standards establishing the competency of professional engineers for independent practice." Engineers who are licensed by agencies that are members of IPEA undergo a rigorous application process for registration as IntPEs. NCEES is an IPEA member and maintains a registry of U.S. licensed

engineers who have attained IntPE status. Engineers registered as IntPEs would be provided with the same eligibility for comity within the U.S. as would U.S. state-licensed engineers. This applicant will also need to present proof of five years of experience obtained after initial licensure.

This Act further proposes that an applicant who has been designated as a Model Law Engineer by NCEES may be issued a license administratively on the basis that the applicant has already been vetted by the profession's governing body. Other provisions pertaining to comity have been amended to make the Practice Act consistent with other statutes governing professional licensure. Specifically, the comity provision pertaining to licensure by experience has been revised to require five years of licensed experience rather than the current ten years. The standards for licensure by comity have been amended to ensure that the applicant has a current license in good standing from the originating jurisdiction.

This Act clarifies the grounds for denial of an application to explicitly include discipline in another jurisdiction. This Act eliminates the requirement that licensees must acquire an embossing seal and allows them to choose a seal format, such as embossing, stamp or electronic. Finally, this Act strikes references to permits on the basis that compliance with temporary permit requirements is difficult for the Council to monitor. Further, as an alternative to the temporary permit, an expedited path to licensure will be available for applicants with the Model Law Engineer designation.