

**BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND
GEOLOGISTS**

INITIAL STATEMENT OF REASONS

Hearing Date: No Hearing Scheduled

Subject Matter of Proposed Regulations:

Qualification Requirements for Structural Authority
Experience for Structural Engineering Gained Out of State
Qualification Requirements "Soil Engineer"

Sections Affected:

Amend Sections 426.10, 426.14, and 426.50 of Division 5 of Title 16 of the California Code of Regulations (CCR).

Specific Purpose of each adoption, amendment, or repeal:

1. Problem being addressed:

- a) Title 16 CCR Section 426.10, Qualification Requirements for Structural Authority, provides that an applicant for authority to use the title "structural engineer" shall submit evidence of a minimum of three years in responsible charge of structural engineering experience after the date of the examination which was passed to obtain licensure as a California civil engineer. However, a person cannot be "in responsible charge" of structural engineering until they are issued a license as a civil engineer. Because the Board must verify that a person has met all qualifications for licensure before issuing a license, the license is not issued immediately upon passing the examination. As such, the current regulatory language is misleading to the applicants since it appears that they are allowed to count time from the date the examination was passed, rather than the date of licensure. This regulatory proposal would amend the language to indicate that the experience "in responsible charge" as a structural engineer will begin on the date the applicant is licensed as a professional civil engineer in California.
- b) Title 16 CCR, Section 426.14, Experience for Structural Engineering Gained Out of State, refers to the applicant that does not possess three (3) years of

qualifying experience subsequent to the date the examination was passed to gain licensure as a California civil engineer. However, a person cannot be “in responsible charge” of structural engineering until they are issued a license as a civil engineer. Because the Board must verify that a person has met all qualifications for licensure before issuing a license, the license is not issued immediately upon passing the examination. As such, the current regulatory language is misleading to the applicants since it appears that they are allowed to count time from the date the examination was passed, rather than the date of licensure. This regulatory proposal would change the language to indicate that this section applies to applicants that do not possess three (3) years of qualifying experience beginning on the date in which the applicant was licensed as a professional civil engineer.

- c) Title 16 CCR, Section 426.50, Qualification Requirements “Soil Engineer,” provides that the applicant shall submit evidence that the minimum number of years of qualifying experience or education has been met subsequent to the date in which the applicant passed all required examinations. However, a person cannot begin counting time towards qualifying experience until they are issued a license as a civil engineer. The Board must verify that a person has met all qualifying experience for licensure before issuing a license, the license is not issued immediately upon passing the examination. Currently, the current regulatory language is misleading to the applicants since it appears that they are allowed to count time from the date the examination was passed, rather than the date of licensure. This proposal would amend the language to indicate that the qualifying experience would begin when the applicant is licensed as a professional civil engineer.

Business and Professions Code Section 6716 authorizes the Board to adopt, amend, and repeal regulations as may be reasonably necessary to enable the Board to implement laws relating to the practices of engineering, land surveying, geology, and geophysics. Pursuant to Sections 6710.1, 7810.1, and 8710.1, the Board’s highest priority is the protection of the public through the administration of its

licensing, regulatory, and disciplinary functions. To that extent, the Board is proposing regulatory amendments that will provide a clear date as to when an applicant's qualifying experience begins. Additionally, amendment of this regulation will more clearly identify which licenses are covered under this section. Clarifying these sections will maintain the Board's mission to safeguard the life, health, property, and welfare of the public by ensuring that applicants have the appropriate experience.

2. Anticipated benefits from this regulatory action:

- a) Changing the date in Title 16 CCR, Sections 426.10 and 426.50 in which the experience time is counted, beginning on the date the Professional Civil Engineer license was issued, will set a clearly defined date in which the experience time begins. It will be clearly defined for the applicant since their license issue date is printed on their wall certificate.
- b) Revising Title 16 CCR, Section 426.14 will provide consistency with the proposed changes for Title 16 CCR, Sections 426.10 and 426.50.
- c) Adding "Soils Engineer" and "Geotechnical Engineer" to Title 16 CCR, Section 426.50 will more clearly define the licenses covered in this section.

Factual Basis/Rationale

Pursuant to Title 16 CCR, Sections 423.10 and 426.50, an individual must be licensed as a Professional Civil Engineer in California and shall submit evidence that the individual has been in responsible charge of structural engineering or geotechnical/soil engineering work before they can take the Structural or Geotechnical Engineer licensing exams in California. In addition, Title 16 CCR, Sections 426.10, 426.14, and 426.50 provide that the qualifying experience time required to apply for licensure as a Structural Engineer or Geotechnical Engineer should not be counted until subsequent to the date of the examination which was passed to gain California licensure as a Professional Civil Engineer.

In order for an individual to become licensed as a Professional Civil Engineer in California, they must meet all of the experience requirements outlined in Title 16 CCR Section 424; they must take and pass four (4) examinations pursuant to Business and Professions Code Sections 6755 and 6755.1; and they must be cleared through a criminal background check pursuant to Title 16, CCR Section 420.1. Upon meeting the licensing requirements, including passing the required exams, the individual is issued a Professional Civil Engineer license in accordance with B&P Code Section 6762.

Existing regulatory language is problematic because the regulation requires the Board to count a Structural or Geotechnical Engineer applicant's experience beginning from the date on which they passed the last exam required for the Professional Civil Engineer license. However, an individual is not legally authorized to be in responsible charge of structural or geotechnical engineering work until they are licensed as a Professional Civil Engineer in accordance with Business and Professions Code Sections 6732 and 6735; therefore, the work experience used to qualify an individual for the Structural or Geotechnical Engineer examinations should begin when the individual has been licensed as a Professional Civil Engineer, not the date in which the individual passes the last exam that they are required to pass for Professional Civil Engineer licensure.

Changing the date in which the experience time is counted to begin at the time the Professional Civil Engineer license is issued would set a clearly defined date in which the experience time begins. It will be clearly defined for the applicant since their license issue date is printed on their wall certificate.

Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any):

1. Board for Professional Engineers, Land Surveyors, and Geologists, February 12 -13, 2014 Board Meeting Agenda and Minutes, Agenda Item VII.
2. Board for Professional Engineers, Land Surveyors and Geologists 2015-2015 Strategic Plan, Goal 3.

Business Impact

This proposed regulatory action will not have a significant adverse economic impact on businesses. This initial determination is being made since the amendments only affect the updating of the language of the regulation to more clearly define the set time for experience and to add clarification as to the titles included in this regulation. No additional cost is being required of the licensee, the consumer, or the agency.

Economic Impact Assessment

This proposed regulatory action will have the following effects:

- It will not create or eliminate jobs within the State of California because the proposal only affects the individuals that are applying for licensure, and the licensees of the Board.
- It will not create new businesses or eliminate existing businesses within the State of California because the proposed rulemaking action only affects the individuals that are applying for licensure, and the licensees of the Board.
- It will not affect the expansion of businesses currently doing business within the State of California because the proposed rulemaking only affects the individuals that are applying for licensure, and the licensees of the Board.
- This proposed regulatory action benefits the health and welfare of California residents because it ensures that the applicants have the experience required as defined in Title 16 CCR, Sections 426.10, 426.14, and 426.50.
- This proposed regulatory action benefits worker safety because it ensures that the applicants have the experience required as defined in Title 16 CCR, Sections 426.10, 426.14, and 426.50.
- This regulatory proposal could potentially have a positive effect on the state's environment by ensuring applicants have the experience required as defined in Title 16 CCR, Sections 426.10, 426.14, and 426.50.

Specific Technologies or Equipment

This proposed regulatory action does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the proposed regulatory action would be either more effective than or as effective as and less burdensome on affected private persons than this proposal.

The alternative to this proposed regulatory action would be to retain the current regulations. However, doing so would: make it difficult for the Structural Engineer or Geotechnical Engineer applicant to determine the date in which their qualifying experience begins; make it difficult for the Senior Registrar to determine the date in which the applicant passed all four (4) required examinations; and it would go against the Board's 2015-2018 Strategic Plan Goals to promote clear, relevant, unambiguous, and functional regulations, and to provide consistency among all of the Board's regulated professions with regard to statutes and regulations.