

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
Department of Labor, Licensing, and Regulation  
(DLS Control No. 14-079)**

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**Overview and Legal and Fiscal Impact**

This regulation establishes examination procedures for the Board of Professional Engineers to utilize computer-based licensing examination services of the National Council of Examiners for Engineering and Surveying (NCEES).

The regulation presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

**Regulation of COMAR Affected**

**Department of Labor, Licensing, and Regulation:**

Board of Professional Engineers: Procedural Regulations: COMAR 09.23.01.04

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**Legal Analysis**

**Summary of Regulation**

The board requires all examinations for a license to practice engineering to be developed by NCEES, unless otherwise stated by the board. Qualified applicants for the Fundamentals of Engineering (FE) exam are required to apply directly to NCEES. Applicants who do not meet specified qualifications may apply to the board for review of an application and the board has 90 calendar days to review and act on the application. NCEES policies and procedures govern reexamination.

Applicants for any of the Principles and Practice of Engineering (PE) exams are required to submit applications to the board at least 120 days before the scheduled date of the exam and only complete applications will be reviewed and considered. An application for retaking a PE exam must be submitted to the board at least 60 days before an exam date. An applicant who fails any PE exam three times may take an exam again only if the applicant complies with requirements set forth in § 14-309 of the Business Occupations and Professions Article relating to reexamination of failed exams including new application, fee, and work experience requirements.

**Legal Issue**

The regulation presents no legal issue of concern.

## **Statutory Authority and Legislative Intent**

The board cites §§ 14-205 and 14-208 of the Business Occupations and Professions Article and § 10-204 of the State Government Article as authority for this proposed regulation. More specifically, §§ 14-208, 14-307, 14-307.1, and 14-309 of the Business Occupations and Professions Article are authority for this regulation.

Section 14-208 grants the board general authority to adopt regulations to carry out the provisions of the title subject to their authority. Section 14-307 permits a qualified applicant to be examined for a license to practice engineering and authorizes an individual to take the FE exam before meeting other qualifications for a license. This section also requires the board to give the required exams at the times and places the board determines. Section 14-307.1 authorizes the board to use a testing service to administer exams required under this subtitle. Section 14-309 authorizes an individual who has taken an exam and failed to retake the examination subject to specified requirements.

This authority is correct and complete. This regulation complies with the legislative intent of the law.

## **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

### **Agency Estimate of Projected Fiscal Impact**

The department advises that the regulation has minimal or no impact on State or local governments. The Department of Legislative Services concurs.

### **Impact on Budget**

There is no impact on the State operating or capital budget.

### **Agency Estimate of Projected Small Business Impact**

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

## **Additional Comments**

The regulation incorporates the current practice of computer-based delivery (as authorized by Chapter 210 of 2011) for the (1) fundamentals of engineering examination and (2) principles and practice of engineering examination that an individual must pass in order to be licensed by the State Board for Professional Engineers.

## **Contact Information**

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