

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	04/21/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 5/30/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

09 23 01 04

3. Name of Promulgating Authority

Department of Labor, Licensing, and Regulation

4. Name of Regulations Coordinator Telephone Number
Donnice M Turner 410-230-6008

Mailing Address

500 N. Calvert Street, 4th Floor

City State Zip Code
Baltimore MD 21202

Email

donniturner@dllr.state.md.us

5. Name of Person to Call About this Document Telephone No.
Pamela J. Edwards 410-230-6262

Email Address

pam.edwards@maryland.gov

6. Check applicable items:

New Regulations

X- Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: April 11, 2014.

- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes **X-** No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

X- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

X- OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Milena Y. Trust, Assistant Attorney General, (telephone #410-230-6139) on April 14, 2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Pamela J. Edwards

Title

Executive Director

Telephone No.

410-230-6262

Date

April 14, 2014

Title 09

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 23 BOARD FOR PROFESSIONAL ENGINEERS

09.23.01 General Regulations

Authority: Business Occupations and Professions Article, §§14-205 and 14-208; State Government Article, §10-204; Annotated Code of Maryland.

Notice of Proposed Action

□

The Board for Professional Engineers proposes to amend Regulation .04 under COMAR 09.23.01 Procedural Regulations.

This action was considered by the Board at a public meeting held January 9, 2014 notice of which was published in the Daily Record on December 27, 2013 in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to align the policies set out in the regulations with changes implemented by the national organization, NCEES, as a result of computerization of the fundamentals of engineering exam. The need for a deadline for submission of applications no longer exists. The Board has also amended its procedures for submission of applications based on changes resulting from computer-based testing.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Pamela J. Edwards, Executive Director, Board for Professional Engineers, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6262, or email to pam.edwards@maryland.gov, or fax to 410-333-0021. Comments will be accepted through July 1, 2014. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board for Professional Engineers during a public meeting to be held on August 14, 2014 at 9 a.m., at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

State Occupational and Professional Licensing Design Boards' Fund

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

The proposed amendments relate to a change in deadline date and Board procedures for submission of applications based on changes resulting from computer-based testing and will have no monetary impact.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

The changes are administrative in nature and affect Board staff and test takers.

G. Small Business Worksheet:

The intended beneficiaries are individuals who take the fundamentals of engineering exam. The change will not affect their income or purchasing power.

Attached Document:

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 23 BOARD FOR PROFESSIONAL ENGINEERS

Chapter 01 Procedural Regulations

Authority: Business Occupations and Professions Article, §§14-205 and 14-208; State Government Article, §10-204; Annotated Code of Maryland

.04 Examinations.

A. All examinations, except by specific action of the Board to the contrary, shall be those developed by the National Council of Examiners for Engineering and Surveying ("*NCEES*").

[B.] - [F.] (proposed for repeal)

B. An applicant shall apply directly to NCEES to take the Fundamentals of Engineering examination (the "FE examination") only if the applicant has graduated from a college or university on completion of the Board-approved curriculum in engineering.

C. An applicant who does not satisfy the criteria set forth in B. above and who wishes to take the FE examination shall apply to the Board for the Board's review of the application. The Board shall have up to 90 calendar days to review and act on a FE examination application.

D. Applications to re-take FE examinations shall be governed by NCEES' policies and procedures, as the same may be amended or updated from time to time.

E. An applicant to take any of the Principles and Practice of Engineering examinations (the "PE examination") must file a complete application with the Board no later than 120 calendar days before the next applicable PE examination date. Applications which are not complete in all respects, as detailed in the most current application form, will not be reviewed by the Board.

F. Applications to re-take any PE examination shall be submitted for the Board's review at least 60 days before an examination date.

G. An applicant who fails any PE examination three times may take the examination again only if the applicant complies with the requirements set forth in Business Occupations and Professions Article, §14-309, Annotated Code of Maryland, and submits to the Board documentation that is acceptable to the Board indicating the applicant's updated work experience.

HOWARD C. HARCLERODE
Chairman
State Board for Professional Engineers