



Certification Page Regular and Emergency Rules

Revised September 2016

☐ **Emergency Rules** (After completing all of Sections 1 through 3, proceed to Section 5 below)

☐ **Regular Rules**

1. General Information

| | | |
|---------------------------------|------------------------------------|-------------|
| a. Agency/Board Name | | |
| b. Agency/Board Address | c. City | d. Zip Code |
| e. Name of Agency Liaison | f. Agency Liaison Telephone Number | |
| g. Agency Liaison Email Address | h. Adoption Date | |
| i. Program | | |

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

☐ No. ☐ Yes. Please provide the Enrolled Act Numbers and Years Enacted:

3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.

(Please use the Additional Rule Information form for more than 10 chapters and attach it to this certification)

| | | |
|-----------------|---------------|---|
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
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| Chapter Number: | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
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| Chapter Number: | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |

3. State Government Notice of Intended Rulemaking

a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were:

August 22, 2018

- approved as to form by the **Registrar of Rules**; and
- provided to the **Legislative Service Office** and **Attorney General**:

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. ☐ No. ☒ Yes. ☐ N/A

b. A public hearing was held on the proposed rules. ☒ No. ☐ Yes. Please complete the boxes below.

| | | | |
|--------------|--------------|--------------|--------------|
| Date: | Time: | City: | Location: |
| | | | |

c. If applicable, describe the **emergency** which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

5. Final Filing of Rules

a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office for the Governor's signature**:

b. Date on which final rules were approved as to form by the **Secretary of State** and sent to the **Legislative Service Office**:

c. ☒ The Statement of Reasons is attached to this certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual


Printed Name of Signatory

Patrick Tyrrell

Signatory Title

State Engineer

Date of Signature



7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature

Date of Signature



THE STATE

OF WYOMING

MATTHEW H. MEAD
GOVERNOR

State Board of Professional Engineers and Professional Land Surveyors

THOMAS V. ANDERSON, Casper
President
SKYLAR V. WILSON, LS, Pinedale
Vice President

SHELLEY R. MACY, PE, Cheyenne
Secretary-Treasurer
DR. STEVEN F. BARRETT, PE, Laramie

PAUL A. BLOUGH, LS, Cody
JEFFREY B. JONES, LS, Cheyenne
ROBERT R. NORTON, PELS, Jackson
PATRICK T. TYRRELL, PE, Cheyenne
SHANNON STANFILL, Executive Director

STATEMENT OF PRINCIPAL REASONS FOR FORMAL ADOPTION OF REGULAR RULES

August 2018

Pursuant to W.S. § 33-29-305(a), the Wyoming Board of Professional Engineers and Professional Land Surveyors (Board) is proposing amended rules necessary to enforce the practice Act and regulate the practice of professional engineering and professional land surveying.

The reasons for the currently proposed amendments and corrections include updating the surveying curriculum requirements and updating language for consistency with statutory changes which became effective on July 1, 2018. Wyo. Stat. Ann. §§ 33-29-402, -403, -406.

Upon review of the takings checklist provided by the Attorney General's Office, the proposed rules will not result in a taking of private property or violation of due process.

The proposed changes are outlined below.

Chapter 1 – General Provisions

- Establishes a definition of "A background that does not evidence conduct adverse to the practice of engineering or land surveying or the ability to practice engineering or land surveying."

Chapter 3 – License and Application Requirements

- Incorporates the defined term "A background that does not evidence conduct adverse to the practice of engineering or land surveying or the ability to practice engineering or land surveying" into application requirements.
- Updates the surveying curriculum requirements for Boundary Law from a minimum of three to a minimum of six semester hours.



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One comment was received during the public comment period.

Board of Professional Engineers and Professional Land Surveyors

Public Comments - Proposed Rules 2018

Public Comment period August 24, 2018 - October 15, 2018

| Comment Data | Comment | Board Response (Amend Yes/No, Why) |
|--|--|---|
| <p>Date Received: 10/5/2018</p> <p>Commentor: Pete Hutchison petehpels@gmail.com</p> <p>Method received: email</p> <p>Rule Reference: Ch 1 Section 2(f) Ch 3 Section 2(b)(i) Ch 3 Section 2(c)(i)</p> | <p>There has been a name change for one of the ABET commissions. The Applied Science Accreditation Commission (ASAC) has changed to the Applied and Natural Science Accreditation Commission (ANSAC) I believe just this year. ASAC appears in both chapters to be modified.</p> | <p>Amend rule based on comment. Change is not substantive. Board has confirmed through ABET the name change of the referenced commission.</p> |

CHAPTER 1 General Provisions

Section 1. Authority. The Wyoming Board of Professional Engineers and Professional Land Surveyors, hereinafter called the "Board" is created by W.S. 33-29-201 through 33-29-801 (the Act). Pursuant to W.S. 33-29-305(a)(i) and (ii), the Board may from time to time adopt such rules and regulations consistent with the laws of the State of Wyoming as may be deemed necessary to enforce the Act.

Section 2. Definitions.

(a) "Direct supervision" means direct control and personal supervision of engineering work or land surveying work.

(b) ~~"Good moral character and repute"~~ A background that does not evidence conduct adverse to the practice of engineering or land surveying or to the ability to practice engineering or land surveying; " means the licensee or applicant:

(i) Has not been convicted of any crime that is related to the ability to practice engineering or land surveying within five (5) years of submitting an application for a license or certificate;

(ii) Is not currently incarcerated in a penal institution;

(iii) Has not engaged in fraud or misrepresentation negatively reflecting upon the licensee's or applicant's ability to practice professional engineering or land surveying;

(iv) If previously licensed in this state, another state, or foreign country, has not had his/her license canceled, revoked, suspended, restricted or not renewed for cause within five (5) years of applying for a license or certificate;

(v) Has not been found to have been practicing professional engineering or land surveying without a license by a court or licensing board of this or any other jurisdiction within two (2) years of submitting the application for a license or certificate;

(vi) Has fully complied with all terms of any sentence or order of probation and has been discharged from probation or parole.

(c) "Gross negligence" means a substantial or habitual deviation in professional practice from the standard of professional care exercised by members of the licensee's profession, or a substantial or habitual deviation from any technical standards issued by a nationally and/or state recognized professional organization comprised of members of the licensee's profession, or a substantial or habitual deviation from requirements contained in state laws, Board regulations, local ordinances, or regulations related to the licensee's professional practice.

(d) "Incompetence" means to lack the ability, professional qualifications, experience, education, or combination thereof to undertake a professional engagement or assignment.

(e) "ABET" is a nationally recognized accreditation agency for engineering and surveying. Information can be found at www.abet.org.

(f) "ABET/EAC" means the Engineering Accreditation Commission of ABET. "ABET/ETAC" means the Engineering Technology Accreditation Commission of ABET. "ABET/~~ASAC~~ANSAC" means the

Applied Science Accreditation and Natural Science Accreditation Commission of ABET.

(g) "NCEES" means the National Council of Examiners for Engineering and Surveying. Information can be found at www.ncees.org.

(h) "NCEES Record" means a mechanism to provide a means of storing and transmitting professional records—such as transcripts, exam results, and employment references—in order to apply for licensure in an additional state or territory (a process known as comity licensure).

(i) "NSPE" means the National Society of Professional Engineers. Information can be found at www.nspe.org.

(j) "NSPS" means the National Society of Professional Surveyors. Information can be found at www.nsps.us.com.

(k) "Licensee" means a person who has been granted a license pursuant to the Act.

(l) "Intern" means a land surveyor intern or engineer intern, as applicable.

(m) "Thorough technical review" means that the work product has been thoroughly reviewed, critically examined, and evaluated for compliance with appropriate professional standards by a licensee in that profession who accepts responsibility for the work product.

(n) "Wyoming licensing laws related to engineering and surveying" means W.S. 33-29-201 through 33-29-910 and these Rules.

(o) "Signature" means that it identifies the person, serves as a means of authentication of the contents of the document, provides responsibility for the creation of the document and provides for accountability for the contents of the document. Signature may be applied as either "original" signature or "digital" signature. "Original" signature and "digital" signature and are defined as follows:

(i) "Original" signature means the handwritten name of a person applied to a document.

(ii) "Digital" signature means a signature electronically created which has the same authority and effect as an original signature.

(p) "Public works" means all fixed works constructed for public use, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds or assessment of property owners or rights users.

Section 3. Regular Meeting. Regular meeting of the Board will be held at the Board office in Cheyenne on the second Monday of December at 8:30 a.m.

Section 4. Incorporation by Reference.

(a) For any rule or regulation incorporated by reference in these Board Rules:

(i) The Board has determined that incorporation of the full text in these Board Rules would be unduly cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section; and

(iii) The incorporated rule or regulation is maintained at 6920 Yellowtail Road Suite 100, Cheyenne, WY, and is available for public inspection and copying at cost at the same location.

(b) Each rule incorporated by reference is further identified as follows:

(i) Chapter 2-Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on July 20, 2017, found at <http://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>. These rules are referred to herein as the Uniform Rules for Contested Case Practice and Procedure.

(ii) Chapter 2-Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records, adopted by the Department of Administration and Information and effective on September 6, 2016, found at <http://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>.

(c) The Board incorporates by reference the following codes and creeds:

(i) The National Society of Professional Engineers Code of Ethics dated July 2007 Publication #1102 and found at <http://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>.

(ii) The National Society of Professional Surveyors "Surveyor's Creed and Canons" copyright 1996-2012 and found at <http://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>.

(d) The Board incorporates by reference the "Manual of Surveying Instruction for the Public Lands of the United States," 2009 edition at <http://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>.

CHAPTER 3

License and Application Requirements

Section 1. Engineer Intern Certificate.

(a) A “curriculum approved by the Board of at least four (4) years” is one that meets one of the following definitions:

(i) Undergraduate or graduate degree in an engineering program that is accredited by ABET/EAC;

(ii) A combined educational background that includes an undergraduate or graduate degree in an engineering program that meets the NCEES education standard.

(A) If the applicant does not hold a degree(s) from an international university, the Board will determine if the applicant’s educational background meets the NCEES standard.

(B) If the applicant holds a degree(s) from an international university, the education evaluation service provided by NCEES must determine whether the applicant’s education meets the NCEES education standard. The associated NCEES evaluation fees are the responsibility of the applicant.

(b) Following graduation, official transcripts must be provided directly to the Board by the registrar from the applicant’s educational institution(s).

(c) An “examination in the fundamentals of engineering” is defined as the NCEES Fundamentals of Engineering (FE) exam.

Section 2. Land Surveyor Intern Certificate.

(a) Any “curriculum approved by the Board” must include at least thirty (30) semester credit hours in surveying as follows:

(i) Core Subjects. A minimum of 21 semester credit hours is needed from the following categories as specified.

(A) Elementary and Advanced Surveying – a minimum of 9 semester credit hours that contain any of the following topics:

(I) care and use of instruments

(II) leveling

(III) traversing

(IV) area calculation

(V) earthwork volume calculation

- (VI) astronomy
- (VII) note scriver (scribe)
- (VIII) topographic data acquisition
- (IX) triangulation
- (X) coordinate geometry
- (XI) photogrammetry
- (XII) public land survey system
- (XIII) section subdivision
- (XIV) ethics for professional surveyors
- (XV) global positioning systems
- (XVI) records research

(B) Office Tasks (Office Practicum) – a minimum of 3 semester credit hours that contain any of the following topics:

- (I) board drafting
- (II) computer aided drafting
- (III) map preparation
- (IV) subdivision drafting and design
- (V) data management and analysis

(C) Route Surveying – a minimum of 3 semester credit hours that contain any of the following topics:

- (I) P-line/center line establishment
- (II) curves – horizontal, vertical, etc.
- (III) route types – utility & transportation
- (IV) construction staking and calculation

(D) Boundary Law – a minimum of ~~3~~6 semester credit hours that contain any of the following topics:

- (I) field search and identification

- (II) real property law interpretation
- (III) document preparation
 - (1.) land descriptions
 - (2.) maps and plats
 - (3.) report of survey

(ii) Elective Subjects. A minimum of 7 semester credit hours is needed from this category, with a maximum of 4 semester credit hours in any one major area.

- (A) Mine Surveying
- (B) Water and water rights
 - (I) water law
 - (II) hydrology
 - (III) hydraulic engineering
 - (IV) hydrographic surveying
 - (1.) inland water boundaries
- (C) Geodesy
 - (I) horizontal control surveys and computations
 - (II) vertical control surveys and computations
 - (III) geodetic datum
 - (IV) global positioning systems
 - (V) precise control surveys
- (D) Cartography
 - (I) map projections
 - (II) property subdivisions
 - (III) utility and transportation mapping
 - (IV) geographic information systems

(E) Advanced Surveying Courses in subjects not covered in (ii) a-d above

(I) State specific laws

(II) survey data management

(III) site planning

(IV) real property law

(b) A “curriculum approved by the Board of at least four (4) years” is one that meets one of the following definitions:

(i) An Undergraduate or graduate degree in a surveying or geomatics program that is accredited by ABET/EAC, ABET/ETAC or ABET/ASAC ANSAC;

(ii) An Undergraduate or graduate degree in an engineering program that is accredited by ABET/EAC that also includes at least thirty (30) semester credit hours in surveying as set forth in paragraph (a) of this section;

(iii) An Undergraduate or graduate degree (not in surveying, geomatics, or engineering) that includes at least thirty (30) semester credit hours in surveying as set forth in paragraph (a) of this section and also contains other specific coursework:

(A). A combination of college level mathematics and basic sciences (with a laboratory component) appropriate to the discipline:

(I) Mathematics (8-10 semester credit hours) must include, at least:

(1.) college algebra

(2.) college trigonometry

(3.) technical statistics (e.g. non-business statistics)

(II) Basic Sciences (8-10 semester credit hours) must include lab-based courses in at least two of the following areas:

(1.) physics (preferred)

(2.) geology (preferred)

(3.) chemistry

(4.) biology

(III) A general education component that complements the technical content of the curriculum:

(1.) English (6-8 semester credit hours), which can include:

- a. composition
- b. literature
- c. public speaking
- d. technical report writing

(2.) Other (5-8 semester credit hours):

- a. social sciences (e.g. economics, history, political science, psychology, sociology, geography, etc)
- b. humanities (e.g. philosophy, religion, literature, etc.
- c. visual and performing arts (e.g. music, art, theatre, etc)
- d. business and management

(c) A “curriculum approved by the Board of at least two (2) years” is defined as:

- (i) An Associate degree in a surveying or geomatics program that is accredited by ABET/ETAC or ABET/ASAC ANSAC, or
- (ii) An Associate degree (not in surveying or geomatics) that includes at least thirty (30) semester credit hours in surveying as set forth in paragraph (a) of this section and also contains other specific coursework as defined under ~~(a)~~ (iii) of this section; and
- (iii) Two (2) years of combined office and field experience in land surveying, of which one (1) year shall have been in charge of land surveying projects under the supervision of a licensed professional land surveyor.

(d) Official transcripts must be provided directly to the Board by the registrar from the applicant’s educational institution(s).

(e) An “examination in the fundamentals of surveying” is defined as the NCEES Fundamentals of Surveying (FS) exam.

Section 3. Professional Engineer Licensure by Examination.

(a) An “examination in the principles and practices of engineering” is defined as an NCEES Principles and Practices exam (PE) in any of the examination areas offered by NCEES, or the NCEES Structural exam (SE).

(b) The four (4) years of engineering experience must be obtained after graduating with the degree described in Section 1 (a) of this Chapter. One (1) year of experience will be granted for those applicants who have earned both an undergraduate and graduate degree in engineering as defined in Section 1 (a) of this Chapter.

Section 4. Professional Engineer Licensure for Applicants with a Doctoral Degree.

- (a) A “doctoral curriculum approved by the Board” is defined as an earned doctoral degree in engineering from an institution that grants ABET accredited undergraduate or graduate degrees.
- (b) “Examinations required by Rule of the Board” are defined as
 - (i) A written examination on professional ethics and Wyoming licensing laws related to engineering and surveying, and
 - (ii) An oral interview with the Board.
- (c) The four (4) years of engineering experience must be obtained after the applicant completes his/her first degree (undergraduate or graduate) in engineering. No credit toward this experience requirement will be given for the applicant’s graduate education.
- (d) The applicant will be exempt from both the fundamentals (FE) and professional (PE) examinations.

Section 5. Professional Land Surveyor Licensure by Examination.

- (a) The “examination in the principles and practices of surveying” is defined as an NCEES Principles and Practices exam in surveying (PS), the Wyoming Land Surveying state specific exam, and the Wyoming Land Surveying take-home exam.
- (b) The four (4) years of land surveying experience must be obtained in addition to any experience necessary for the land surveying intern certificate.

Section 6. Professional Licensure on the Basis of Comity.

- (a) “Examinations required by Rule of the Board” are defined as a written examination on professional ethics and Wyoming licensing laws related to engineering and surveying, the successful passage of which is required only for those applicants who are applying based on the fifteen (15) years of experience criteria described in 33-29-406 (b).
- (b) All comity applications must be accompanied by:
 - (i) An NCEES Record or all documents as required by the Board in the application.
 - (ii) An executed release authorizing the Board to investigate the applicant's education, experience credentials, and ~~moral character and repute~~ a background that does not evidence conduct adverse to the practice of engineering or land surveying or to the ability to practice engineering or land surveying.
 - (iii) Evidence of lawful presence in the United States.

Section 7. Application Requirements for Licensure by Examination or those with a Doctoral Degree.

(a) Applicants seeking licensure as a professional engineer or professional land surveyor by examination or those with an earned Doctoral Degree as defined in Section 4 (a) of this Chapter shall complete the application form. If the application does not contain sufficient space for all information required to be submitted, the applicant may securely attach additional sheets to the form. In addition, all applicants shall:

(i) Arrange to have certified transcripts sent directly from NCEES or the registrar of the college, university, or educational institution to the Board;

(ii) Provide the names and addresses of immediate supervisors from past and present employment;

(iii) Supply the names and addresses of three (3) licensed professionals to serve as references. If the applicant cannot supply such information, he/she must provide to the Board a written, sworn statement explaining why. The applicant shall then provide the names and addresses of three (3) references, unrelated to the applicant, at least one (1) of whom shall be licensed in the profession in which license is sought. All references shall have personal knowledge of the applicant's experience. The Board may require additional references;

(iv) Execute a release authorizing the Board to investigate the applicant's education, experience credentials, and ~~moral character and repute~~ a background that does not evidence conduct adverse to the practice of engineering or land surveying or to the ability to practice engineering or land surveying; and

(v) Complete and submit evidence of lawful presence in the United States.

(vi) If an applicant makes no attempt to complete his/her application within six (6) months from the date of original application, his/her application will be canceled with neither prejudice nor refund of fee.

(b) The applicant shall provide experience verification in one of two methods:

(i) Mail experience verification forms to immediate supervisors from past and present employment or as provided in Section 7(a)(iii) of this chapter. The applicant shall mail any required additional reference forms. The applicant shall have the experience verification forms and reference forms sent directly to the Board Office. Upon receipt of all completed required forms, the application will be evaluated, or:

(ii) Submit NCEES Record Book.

(c) If the application is complete and in the proper form, the Board is satisfied that all statements on the application are true, and the applicant is eligible in all other respects to be licensed in engineering or land surveying for which the applicant has applied, then the Board shall certify the applicant as eligible to take any required examinations, or, if exempt from examination pursuant to the Act, is eligible for licensure. If, for any reason, the Board is not satisfied that all of the statements on the application are true or that the applicant is not eligible in all respects for examination or licensure, it may perform further investigations. If, in the judgment of the Board, the applicant has not furnished satisfactory evidence of qualifications for examination or licensure as required by these rules and regulations, it may deny the application or require additional information. The Board shall require an applicant for professional licensure to have passed both the fundamentals and professional

examination, unless exempt pursuant to the Act.

(d) No experience credit will be given for engineering work experience gained during pursuit of an undergraduate education, nor will experience credit be given for both land surveying and engineering for the same period of time.

Section 8. Application Requirements for Intern Programs.

(a) The following shall apply for intern applicants:

(i) Applicants shall register directly with NCEES to take the FE or FS exam;

(ii) Upon graduation with the education required by W.S. 33-29-402 and Sections 1 or 2, as appropriate, of this Chapter, applicants shall:

(A) Complete the appropriate application for intern certification with the Board;

(B) Have certified transcripts sent directly from NCEES or the registrar to the Board;

(C) Provide information to the Board that will allow it to determine if the applicant has passed the FE or FS exam; and

(D) Execute a release authorizing the Board to investigate the applicant's moral character and repute background that does not evidence conduct adverse to the practice of engineering or land surveying or to the ability to practice engineering or land surveying.

(b) If the application is complete and in the proper form, the Board is satisfied that all statements on the application are true, the applicant is eligible in all other respects to be granted an intern certificate in engineering or land surveying for which the applicant has applied, then the Board shall certify the applicant as an engineer or land surveyor intern. If, for any reason, the Board is not satisfied that all of the statements on the application are true or that the applicant is not eligible in all respects for intern certification, it may perform further investigations. If, in the judgment of the Board, the applicant has not furnished satisfactory evidence of qualifications for intern certification as required by these rules and regulations, it may deny the application or require additional information.

Section 9. Examinations; General.

(a) National examinations (FE, FS, PE, PS, SE) are given according to a schedule developed by NCEES.

(b) When an applicant has applied directly to NCEES to take an exam, the repeat policy for this exam shall be set by NCEES.

(c) State examinations (Wyoming licensing laws and professional ethics exam, Wyoming Land Surveying state specific exam, and the Wyoming Land Surveying take-home exam) are given according to a schedule and procedures developed by the Board.

(i) An examinee may take the Wyoming Land Surveying 2-hour state specific exam no more than two times within a six month period and no more than three times in a one year period.

(ii) An examinee may take the ethics exam no more than two times within a three month period and no more than three times in a six month period.

(d) Examinees shall abide by the exam administrator's published examination policies and procedures. An examinee who does not fully comply with the exam administrator's requirements may, in addition to any action by the Board, be subject to dismissal from the remainder of the exam.

(e) An examinee may be dismissed from the examination and subject to disciplinary or other Board action for conduct including, but not limited to:

(i) Cheating on the examination;

(ii) Giving assistance to, or receiving assistance from, another person;

(iii) Compromising the integrity of the examination;

(iv) Disruptive or abusive behavior;

(v) Participating in any form of violation of exam policies or procedures during an examination.

(f) Evidence of failing to comply with the exam administrator's policies and procedures subsequent to an examination may also be a cause for action by the Board. An examinee who does not fully comply with the exam administrator's policies and procedures during and after an examination may be subject to having his/her exam results invalidated and being prohibited from taking the examination(s) for a period of time as determined by the Board. Any licensure examination taken and passed in another jurisdiction while barred from taking that same exam in Wyoming will not be acceptable for licensure purposes in Wyoming.

Section 10. Admission to the Professional Examination; Out-of-state Applicants with Intern Status. An applicant for licensure as a professional engineer or professional land surveyor who has successfully completed the fundamentals examination in another jurisdiction, which is equivalent to those examinations administered in Wyoming, may be admitted to take the professional examination. Proof of intern status must be forwarded directly from the authority which certified the original examination. An applicant must further comply with all the education and experience requirements set forth in this chapter.

Section 11. Engineering Branches Recognized.

(a) The Board recognizes all branches of professional engineering for which exams are offered by NCEES.

(b) The licensee may accept professional engagements or assignments in any branch of engineering in which the licensee has demonstrated proficiency via education, technical knowledge, or experience.

Section 12. Military Education, Training, and Experience. Education, training, or service gained in military services that is to be accepted and applied towards receiving a license or certificate,

must be substantially equivalent, as determined by the Board, to the qualifications otherwise applicable at the time of receipt of application. It is the applicant's responsibility to provide timely and complete evidence for review and consideration. Satisfactory evidence of such education, training, or service will be assessed on a case by case basis.

CHAPTER 1

General Provisions

Section 1. Authority. The Wyoming Board of Professional Engineers and Professional Land Surveyors, hereinafter called the "Board" is created by W.S. 33-29-201 through 33-29-801 (the Act). Pursuant to W.S. 33-29-305(a)(i) and (ii), the Board may from time to time adopt such rules and regulations consistent with the laws of the State of Wyoming as may be deemed necessary to enforce the Act.

Section 2. Definitions.

(a) "Direct supervision" means direct control and personal supervision of engineering work or land surveying work.

(b) "A background that does not evidence conduct adverse to the practice of engineering or land surveying or to the ability to practice engineering or land surveying;" means the licensee or applicant:

(i) Has not been convicted of any crime that is related to the ability to practice engineering or land surveying within five (5) years of submitting an application for a license or certificate;

(ii) Is not currently incarcerated in a penal institution;

(iii) Has not engaged in fraud or misrepresentation negatively reflecting upon the licensee's or applicant's ability to practice professional engineering or land surveying;

(iv) If previously licensed in this state, another state, or foreign country, has not had his/her license canceled, revoked, suspended, restricted or not renewed for cause within five (5) years of applying for a license or certificate;

(v) Has not been found to have been practicing professional engineering or land surveying without a license by a court or licensing board of this or any other jurisdiction within two (2) years of submitting the application for a license or certificate;

(vi) Has fully complied with all terms of any sentence or order of probation and has been discharged from probation or parole.

(c) "Gross negligence" means a substantial or habitual deviation in professional practice from the standard of professional care exercised by members of the licensee's profession, or a substantial or habitual deviation from any technical standards issued by a nationally and/or state recognized professional organization comprised of members of the licensee's profession, or a substantial or habitual deviation from requirements contained in state laws, Board regulations, local ordinances, or regulations related to the licensee's professional practice.

(d) "Incompetence" means to lack the ability, professional qualifications, experience, education, or combination thereof to undertake a professional engagement or assignment.

(e) "ABET" is a nationally recognized accreditation agency for engineering and surveying. Information can be found at www.abet.org.

(f) "ABET/EAC" means the Engineering Accreditation Commission of ABET. "ABET/ETAC" means the Engineering Technology Accreditation Commission of ABET. "ABET/ANSAC" means the

Applied and Natural Science Accreditation Commission of ABET.

(g) "NCEES" means the National Council of Examiners for Engineering and Surveying. Information can be found at www.ncees.org.

(h) "NCEES Record" means a mechanism to provide a means of storing and transmitting professional records—such as transcripts, exam results, and employment references—in order to apply for licensure in an additional state or territory (a process known as comity licensure).

(i) "NSPE" means the National Society of Professional Engineers. Information can be found at www.nspe.org.

(j) "NSPS" means the National Society of Professional Surveyors. Information can be found at www.nsps.us.com.

(k) "Licensee" means a person who has been granted a license pursuant to the Act.

(l) "Intern" means a land surveyor intern or engineer intern, as applicable.

(m) "Thorough technical review" means that the work product has been thoroughly reviewed, critically examined, and evaluated for compliance with appropriate professional standards by a licensee in that profession who accepts responsibility for the work product.

(n) "Wyoming licensing laws related to engineering and surveying" means W.S. 33-29-201 through 33-29-910 and these Rules.

(o) "Signature" means that it identifies the person, serves as a means of authentication of the contents of the document, provides responsibility for the creation of the document and provides for accountability for the contents of the document. Signature may be applied as either "original" signature or "digital" signature. "Original" signature and "digital" signature and are defined as follows:

(i) "Original" signature means the handwritten name of a person applied to a document.

(ii) "Digital" signature means a signature electronically created which has the same authority and effect as an original signature.

(p) "Public works" means all fixed works constructed for public use, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds or assessment of property owners or rights users.

Section 3. Regular Meeting. Regular meeting of the Board will be held at the Board office in Cheyenne on the second Monday of December at 8:30 a.m.

Section 4. Incorporation by Reference.

(a) For any rule or regulation incorporated by reference in these Board Rules:

(i) The Board has determined that incorporation of the full text in these Board Rules would be unduly cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section; and

(iii) The incorporated rule or regulation is maintained at 6920 Yellowtail Road Suite 100, Cheyenne, WY, and is available for public inspection and copying at cost at the same location.

(b) Each rule incorporated by reference is further identified as follows:

(i) Chapter 2-Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on July 20, 2017, found at <http://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>. These rules are referred to herein as the Uniform Rules for Contested Case Practice and Procedure.

(ii) Chapter 2-Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records, adopted by the Department of Administration and Information and effective on September 6, 2016, found at <http://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>.

(c) The Board incorporates by reference the following codes and creeds:

(i) The National Society of Professional Engineers Code of Ethics dated July 2007 Publication #1102 and found at <http://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>.

(ii) The National Society of Professional Surveyors "Surveyor's Creed and Canons" copyright 1996-2012 and found at <http://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>.

(d) The Board incorporates by reference the "Manual of Surveying Instruction for the Public Lands of the United States," 2009 edition at <http://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>.

CHAPTER 3

License and Application Requirements

Section 1. Engineer Intern Certificate.

(a) A “curriculum approved by the Board of at least four (4) years” is one that meets one of the following definitions:

(i) Undergraduate or graduate degree in an engineering program that is accredited by ABET/EAC;

(ii) A combined educational background that includes an undergraduate or graduate degree in an engineering program that meets the NCEES education standard.

(A) If the applicant does not hold a degree(s) from an international university, the Board will determine if the applicant’s educational background meets the NCEES standard.

(B) If the applicant holds a degree(s) from an international university, the education evaluation service provided by NCEES must determine whether the applicant’s education meets the NCEES education standard. The associated NCEES evaluation fees are the responsibility of the applicant.

(b) Following graduation, official transcripts must be provided directly to the Board by the registrar from the applicant’s educational institution(s).

(c) An “examination in the fundamentals of engineering” is defined as the NCEES Fundamentals of Engineering (FE) exam.

Section 2. Land Surveyor Intern Certificate.

(a) Any “curriculum approved by the Board” must include at least thirty (30) semester credit hours in surveying as follows:

(i) Core Subjects. A minimum of 21 semester credit hours is needed from the following categories as specified.

(A) Elementary and Advanced Surveying – a minimum of 9 semester credit hours that contain any of the following topics:

(I) care and use of instruments

(II) leveling

(III) traversing

(IV) area calculation

(V) earthwork volume calculation

- (VI) astronomy
- (VII) note scriver (scribe)
- (VIII) topographic data acquisition
- (IX) triangulation
- (X) coordinate geometry
- (XI) photogrammetry
- (XII) public land survey system
- (XIII) section subdivision
- (XIV) ethics for professional surveyors
- (XV) global positioning systems
- (XVI) records research

(B) Office Tasks (Office Practicum) – a minimum of 3 semester credit hours that contain any of the following topics:

- (I) board drafting
- (II) computer aided drafting
- (III) map preparation
- (IV) subdivision drafting and design
- (V) data management and analysis

(C) Route Surveying – a minimum of 3 semester credit hours that contain any of the following topics:

- (I) P-line/center line establishment
- (II) curves – horizontal, vertical, etc.
- (III) route types – utility & transportation
- (IV) construction staking and calculation

(D) Boundary Law – a minimum of 6 semester credit hours that contain any of the following topics:

- (I) field search and identification

- (II) real property law interpretation
- (III) document preparation
 - (1.) land descriptions
 - (2.) maps and plats
 - (3.) report of survey

(ii) Elective Subjects. A minimum of 7 semester credit hours is needed from this category, with a maximum of 4 semester credit hours in any one major area.

- (A) Mine Surveying
- (B) Water and water rights
 - (I) water law
 - (II) hydrology
 - (III) hydraulic engineering
 - (IV) hydrographic surveying
 - (1.) inland water boundaries
- (C) Geodesy
 - (I) horizontal control surveys and computations
 - (II) vertical control surveys and computations
 - (III) geodetic datum
 - (IV) global positioning systems
 - (V) precise control surveys
- (D) Cartography
 - (I) map projections
 - (II) property subdivisions
 - (III) utility and transportation mapping
 - (IV) geographic information systems

(E) Advanced Surveying Courses in subjects not covered in (ii) a-d above

(I) State specific laws

(II) survey data management

(III) site planning

(IV) real property law

(b) A “curriculum approved by the Board of at least four (4) years” is one that meets one of the following definitions:

(i) An Undergraduate or graduate degree in a surveying or geomatics program that is accredited by ABET/EAC, ABET/ETAC or ABET/ANSAC;

(ii) An Undergraduate or graduate degree in an engineering program that is accredited by ABET/EAC that also includes at least thirty (30) semester credit hours in surveying as set forth in paragraph (a) of this section;

(iii) An Undergraduate or graduate degree (not in surveying, geomatics, or engineering) that includes at least thirty (30) semester credit hours in surveying as set forth in paragraph (a) of this section and also contains other specific coursework:

(A). A combination of college level mathematics and basic sciences (with a laboratory component) appropriate to the discipline:

(I) Mathematics (8-10 semester credit hours) must include, at least:

(1.) college algebra

(2.) college trigonometry

(3.) technical statistics (e.g. non-business statistics)

(II) Basic Sciences (8-10 semester credit hours) must include lab-based courses in at least two of the following areas:

(1.) physics (preferred)

(2.) geology (preferred)

(3.) chemistry

(4.) biology

(III) A general education component that complements the technical content of the curriculum:

(1.) English (6-8 semester credit hours), which can include:

- a. composition
- b. literature
- c. public speaking
- d. technical report writing

(2.) Other (5-8 semester credit hours):

- a. social sciences (e.g. economics, history, political science, psychology, sociology, geography, etc)
- b. humanities (e.g. philosophy, religion, literature, etc.
- c. visual and performing arts (e.g. music, art, theatre, etc)
- d. business and management

(c) A “curriculum approved by the Board of at least two (2) years” is defined as:

- (i) An Associate degree in a surveying or geomatics program that is accredited by ABET/ETAC or ABET/ANSAC, or
- (ii) An Associate degree (not in surveying or geomatics) that includes at least thirty (30) semester credit hours in surveying as set forth in paragraph (a) of this section and also contains other specific coursework as defined under (b) (iii) of this section; and
- (iii) Two (2) years of combined office and field experience in land surveying, of which one (1) year shall have been in charge of land surveying projects under the supervision of a licensed professional land surveyor.

(d) Official transcripts must be provided directly to the Board by the registrar from the applicant’s educational institution(s).

(e) An “examination in the fundamentals of surveying” is defined as the NCEES Fundamentals of Surveying (FS) exam.

Section 3. Professional Engineer Licensure by Examination.

(a) An “examination in the principles and practices of engineering” is defined as an NCEES Principles and Practices exam (PE) in any of the examination areas offered by NCEES, or the NCEES Structural exam (SE).

(b) The four (4) years of engineering experience must be obtained after graduating with the degree described in Section 1 (a) of this Chapter. One (1) year of experience will be granted for those applicants who have earned both an undergraduate and graduate degree in engineering as defined in Section 1 (a) of this Chapter.

Section 4. Professional Engineer Licensure for Applicants with a Doctoral Degree.

- (a) A “doctoral curriculum approved by the Board” is defined as an earned doctoral degree in engineering from an institution that grants ABET accredited undergraduate or graduate degrees.
- (b) “Examinations required by Rule of the Board” are defined as
 - (i) A written examination on professional ethics and Wyoming licensing laws related to engineering and surveying, and
 - (ii) An oral interview with the Board.
- (c) The four (4) years of engineering experience must be obtained after the applicant completes his/her first degree (undergraduate or graduate) in engineering. No credit toward this experience requirement will be given for the applicant’s graduate education.
- (d) The applicant will be exempt from both the fundamentals (FE) and professional (PE) examinations.

Section 5. Professional Land Surveyor Licensure by Examination.

- (a) The “examination in the principles and practices of surveying” is defined as an NCEES Principles and Practices exam in surveying (PS), the Wyoming Land Surveying state specific exam, and the Wyoming Land Surveying take-home exam.
- (b) The four (4) years of land surveying experience must be obtained in addition to any experience necessary for the land surveying intern certificate.

Section 6. Professional Licensure on the Basis of Comity.

- (a) “Examinations required by Rule of the Board” are defined as a written examination on professional ethics and Wyoming licensing laws related to engineering and surveying, the successful passage of which is required only for those applicants who are applying based on the fifteen (15) years of experience criteria described in 33-29-406 (b).
- (b) All comity applications must be accompanied by:
 - (i) An NCEES Record or all documents as required by the Board in the application.
 - (ii) An executed release authorizing the Board to investigate the applicant's education, experience credentials, and a background that does not evidence conduct adverse to the practice of engineering or land surveying or to the ability to practice engineering or land surveying.
 - (iii) Evidence of lawful presence in the United States.

Section 7. Application Requirements for Licensure by Examination or those with a Doctoral Degree.

(a) Applicants seeking licensure as a professional engineer or professional land surveyor by examination or those with an earned Doctoral Degree as defined in Section 4 (a) of this Chapter shall complete the application form. If the application does not contain sufficient space for all information required to be submitted, the applicant may securely attach additional sheets to the form. In addition, all applicants shall:

(i) Arrange to have certified transcripts sent directly from NCEES or the registrar of the college, university, or educational institution to the Board;

(ii) Provide the names and addresses of immediate supervisors from past and present employment;

(iii) Supply the names and addresses of three (3) licensed professionals to serve as references. If the applicant cannot supply such information, he/she must provide to the Board a written, sworn statement explaining why. The applicant shall then provide the names and addresses of three (3) references, unrelated to the applicant, at least one (1) of whom shall be licensed in the profession in which license is sought. All references shall have personal knowledge of the applicant's experience. The Board may require additional references;

(iv) Execute a release authorizing the Board to investigate the applicant's education, experience credentials, and a background that does not evidence conduct adverse to the practice of engineering or land surveying or to the ability to practice engineering or land surveying; and

(v) Complete and submit evidence of lawful presence in the United States.

(vi) If an applicant makes no attempt to complete his/her application within six (6) months from the date of original application, his/her application will be canceled with neither prejudice nor refund of fee.

(b) The applicant shall provide experience verification in one of two methods:

(i) Mail experience verification forms to immediate supervisors from past and present employment or as provided in Section 7(a)(iii) of this chapter. The applicant shall mail any required additional reference forms. The applicant shall have the experience verification forms and reference forms sent directly to the Board Office. Upon receipt of all completed required forms, the application will be evaluated, or:

(ii) Submit NCEES Record Book.

(c) If the application is complete and in the proper form, the Board is satisfied that all statements on the application are true, and the applicant is eligible in all other respects to be licensed in engineering or land surveying for which the applicant has applied, then the Board shall certify the applicant as eligible to take any required examinations, or, if exempt from examination pursuant to the Act, is eligible for licensure. If, for any reason, the Board is not satisfied that all of the statements on the application are true or that the applicant is not eligible in all respects for examination or licensure, it may perform further investigations. If, in the judgment of the Board, the applicant has not furnished satisfactory evidence of qualifications for examination or licensure as required by these rules and regulations, it may deny the application or require additional information. The Board shall require an applicant for professional licensure to have passed both the fundamentals and professional examination, unless exempt pursuant to the Act.

(d) No experience credit will be given for engineering work experience gained during pursuit of an undergraduate education, nor will experience credit be given for both land surveying and engineering for the same period of time.

Section 8. Application Requirements for Intern Programs.

- (a) The following shall apply for intern applicants:
- (i) Applicants shall register directly with NCEES to take the FE or FS exam;
 - (ii) Upon graduation with the education required by W.S. 33-29-402 and Sections 1 or 2, as appropriate, of this Chapter, applicants shall:
 - (A) Complete the appropriate application for intern certification with the Board;
 - (B) Have certified transcripts sent directly from NCEES or the registrar to the Board;
 - (C) Provide information to the Board that will allow it to determine if the applicant has passed the FE or FS exam; and
 - (D) Execute a release authorizing the Board to investigate the applicant's background that does not evidence conduct adverse to the practice of engineering or land surveying or to the ability to practice engineering or land surveying.
- (b) If the application is complete and in the proper form, the Board is satisfied that all statements on the application are true, the applicant is eligible in all other respects to be granted an intern certificate in engineering or land surveying for which the applicant has applied, then the Board shall certify the applicant as an engineer or land surveyor intern. If, for any reason, the Board is not satisfied that all of the statements on the application are true or that the applicant is not eligible in all respects for intern certification, it may perform further investigations. If, in the judgment of the Board, the applicant has not furnished satisfactory evidence of qualifications for intern certification as required by these rules and regulations, it may deny the application or require additional information.

Section 9. Examinations; General.

- (a) National examinations (FE, FS, PE, PS, SE) are given according to a schedule developed by NCEES.
- (b) When an applicant has applied directly to NCEES to take an exam, the repeat policy for this exam shall be set by NCEES.
- (c) State examinations (Wyoming licensing laws and professional ethics exam, Wyoming Land Surveying state specific exam, and the Wyoming Land Surveying take-home exam) are given according to a schedule and procedures developed by the Board.
- (i) An examinee may take the Wyoming Land Surveying 2-hour state specific exam no more than two times within a six month period and no more than three times in a one year period.

(ii) An examinee may take the ethics exam no more than two times within a three month period and no more than three times in a six month period.

(d) Examinees shall abide by the exam administrator's published examination policies and procedures. An examinee who does not fully comply with the exam administrator's requirements may, in addition to any action by the Board, be subject to dismissal from the remainder of the exam.

(e) An examinee may be dismissed from the examination and subject to disciplinary or other Board action for conduct including, but not limited to:

- (i) Cheating on the examination;
- (ii) Giving assistance to, or receiving assistance from, another person;
- (iii) Compromising the integrity of the examination;
- (iv) Disruptive or abusive behavior;
- (v) Participating in any form of violation of exam policies or procedures during an examination.

(f) Evidence of failing to comply with the exam administrator's policies and procedures subsequent to an examination may also be a cause for action by the Board. An examinee who does not fully comply with the exam administrator's policies and procedures during and after an examination may be subject to having his/her exam results invalidated and being prohibited from taking the examination(s) for a period of time as determined by the Board. Any licensure examination taken and passed in another jurisdiction while barred from taking that same exam in Wyoming will not be acceptable for licensure purposes in Wyoming.

Section 10. Admission to the Professional Examination; Out-of-state Applicants with Intern Status. An applicant for licensure as a professional engineer or professional land surveyor who has successfully completed the fundamentals examination in another jurisdiction, which is equivalent to those examinations administered in Wyoming, may be admitted to take the professional examination. Proof of intern status must be forwarded directly from the authority which certified the original examination. An applicant must further comply with all the education and experience requirements set forth in this chapter.

Section 11. Engineering Branches Recognized.

(a) The Board recognizes all branches of professional engineering for which exams are offered by NCEES.

(b) The licensee may accept professional engagements or assignments in any branch of engineering in which the licensee has demonstrated proficiency via education, technical knowledge, or experience.

Section 12. Military Education, Training, and Experience. Education, training, or service gained in military services that is to be accepted and applied towards receiving a license or certificate, must be substantially equivalent, as determined by the Board, to the qualifications otherwise applicable at the time of receipt of application. It is the applicant's responsibility to provide timely and complete

evidence for review and consideration. Satisfactory evidence of such education, training, or service will be assessed on a case by case basis.