

January 25, 2017

Lisa Durden  
Division Director  
Secretary of State, Professional Licensing Boards Division  
Georgia State Board of Registration for  
Professional Engineers and Land Surveyors  
237 Coliseum Drive  
Macon, Georgia 31217

Dear Ms. Durden:

On behalf of the 31,000 members of the National Society of Professional Engineers (NSPE), we write to you today concerning the proposed amendment to rule 180-2-.04, “Examinations” and its implications for the practice of engineering and engineering licensure.

NSPE strongly believes in the importance of professional engineering licensure and appreciates that the Georgia State Board of Registration for Professional Engineers and Land Surveyors (Georgia Board) shares this common purpose. While we understand that the direct purpose of this proposed amendment to the rule is not to create separate licensure of structural engineers, we are concerned that the unintended consequences may negatively impact the practice of engineering in the state of Georgia and interfere with the capacity for qualified professional engineers to continue their practice within the state in service to the public health, safety and welfare.

In reading the proposed amendment to the rule and the existing Georgia professional engineering licensure law, NSPE understands that the intention of the Georgia Board is for applicants for engineering licensure to designate the branch of engineering in which they intend to practice when they apply for licensure. The Georgia Board, after considering the designation and a review of the experience and other applicant information, will identify the appropriate 8-hour NCEES Principles and Practice of Engineering exam to be administered to the applicant. However, in cases where the applicant designates that they will engage in the branch identified in the proposed rule as “structural engineering”, the applicant will be directed to take the 16-hour NCEES Structural Engineering Exam. If an applicant will “engage in the design of structural elements” but not “structural engineering”, the applicant will be directed to take the 8-hour Civil Breadth and Structural Depth Exam.

#### **Form and Clarification**

There are several form and term concerns with the proposed rule and, based on these alone, NSPE requests that the Georgia Board review the proposed rule before proceeding with the administrative rulemaking process. NSPE first notes that

“structural elements” is not defined and leaves all engineering disciplines questioning what the Georgia Board will consider qualifies in this category. This issue, alone, creates an ambiguous administrative rule. Additionally, the proposed rule uses both “structural engineering” in lowercase (*see* 180-2-.04(b)(2)) and uppercase (*see* 180-2-.04(b)(3)). Given the majority of the references are lowercase, NSPE recommends that lowercase be used throughout. Finally, the numbering of 180-2-.04(b)(2) subparts is inconsistent between the redline and the clean version of the proposed rule and is likely to lead to confusion or potential miscommunication in the comment period. All NSPE references in this letter are to the numbering in the redline version of the rulemaking.

NSPE recommends, on the basis of the comments above, that the rulemaking be reissued for a new comment period with these inconsistencies in numbering and terminology corrected to ensure that the Georgia Board and commenters are clear on what provisions are being referenced and as to what the breadth of impacts may be on licensees or prospective licensees.

### **Substance and Licensure Considerations**

The proposed amendment to the rule also raises several questions and creates ambiguities for the practice of professional engineering in Georgia.

The rule does not address how this proposed rule may affect existing licensure of professional engineers in Georgia who currently perform what the proposed rule defines as “structural engineering.” It is not clear from the proposed rule if these individuals would be grandfathered in (and allowed to continue their practice) or would be required to be approved, and sit, for the 16-hour Structural NCEES Structural Engineering Exam. Specifically, it does not address the following:

1. The 16-hour NCEES Structural Engineering Exam was *first* offered in April 2011. Prior to that time, there were the 8-hour Structural I exam, the 8-hour Structural II exam, and some states even offered their own structural engineering exams. The rule does not address what impact this proposed rule may have on the professional engineer who is legally performing structural engineering in the state who may have taken one of these other exams.
2. Because the 16-hour NCEES Structural Engineering Exam was not offered until April 2011, the rule does not address how it may review an application for comity of licensure for an individual performing structural engineering in another state who may have taken either or any combination of the Structural I exam, the Structural II exam, or a state-offered Structural exam. Even if the rule clarified that it only applied to licenses issued after a prospective date, the rule would still not address the situation where a professional engineer licensed in another state who completed both the Structural I exam and the Structural II exam who may now be seeking comity in Georgia.

3. The proposed rule provides no guidance to licensees or prospective licensees as to what the path to the legal practice of structural engineering would be for an individual who obtains professional engineering licensure on the basis of an 8-hour exam in Georgia or another state, who then completes additional training or education in structural engineering sufficient to practice structural engineering, as defined by the proposed rule.
4. The proposed rule also does not address the situation where a practicing professional engineer, approved (currently or in the future) for the practice of structural engineering in another state, either by separate structural engineering license or by practice designation, under the laws of that state at the time the license was issued, then seeks licensure by comity in Georgia to practice structural engineering.
5. As mentioned above, the term “structural elements” is not defined, creating an ambiguous administrative rule.
6. The proposed rule limits the definition of “Structural Engineering” to that of habitable structures while stating in the Notice that “the purpose of the proposed amendment is for determining which applicants shall be required to take the 16-hour Structural Engineering Exam.” The NCEES 16-hour Structural Engineering Exam is not specific to habitable structures and application of this proposed rule, as written, may not be appropriately inclusive.

#### Conclusion

NSPE and the professional engineers we represent have a foremost responsibility to ensure public health, safety, and welfare in the practice of engineering. Thank you for this opportunity to provide comment. If we can answer any questions or respond to any comments, please contact Arielle Eiser, Senior Manager of Government Relations, at [aeiser@nspe.org](mailto:aeiser@nspe.org).

Sincerely,



Kodi Jean Verhalen, P.E., Esq., F. NSPE  
President, 2016-2017  
National Society of Professional Engineers

cc: Darren Mickler, Executive Director  
Georgia State Board of Registration for Professional Engineers and Land Surveyors