

1 §133.43 – Experience Evaluation

2 The Texas Board of Professional Engineers proposes an amendment to §131.43, relating
3 to Experience Evaluation. The proposed amendment is related to the determination of
4 engineering experience acceptable for licensure.

5 As a part of the rule review required by Chapter 2001, Texas Government Code, the
6 Board must review and update the existing rules. During this review, several minor or
7 non-substantive changes were identified. These include minor grammar and language
8 changes. The proposed minor changes to rule include a clarification of the use of the
9 NCEES Council Record regarding experience, and giving the Board latitude in criteria
10 for considering engineering experience

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12 In addition to the minor language changes, the Board proposes an additional change in
13 response to a petition for rulemaking. The proposal would clarify the requirements for
14 counting experience credit gained prior to receiving a qualifying degree and would limit
15 the claimed experience gained in this manner to a total of two years. If adopted, this
16 provision would go into effect on January 1, 2009. Applications received between the
17 date of adoption of this amendment and the effective date of this provision would be
18 eligible to have all experience submitted evaluated, regardless if earned pre- or post-
19 graduation. However, all other provisions of the rules regarding engineering experience
20 evaluation will remain in effect and the Board has discretion regarding the quality and
21 relevance of experience claimed.

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23 Lance Kinney, P.E., Deputy Executive Director for the board, has determined that for the
24 first five-year period the proposed amendment is in effect there are no fiscal implications
25 for the state or local government as a result of enforcing or administering the section as
26 amended. Mr. Kinney has determined that there is no additional cost to the agency,
27 licensees, or individuals. There is no adverse fiscal impact to the estimated 1,000 small or
28 5,300 micro businesses regulated by the Board of Engineers. A Regulatory Flexibility
29 Analysis is not needed because there is no adverse economic effect to small or micro
30 businesses.

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32 Mr. Kinney also has determined that for the first five years the proposed amendment is in
33 effect, the public benefit anticipated as a result of enforcing the proposed amendment is
34 to provide sufficient notice to applicants regarding changes to application process, as well
35 as insuring a consistency in the evaluation of licensure applications.

36 Comments may be submitted no later than 30 days after the publication of this notice to
37 Lance Kinney, P.E., Deputy Executive Director, Texas Board of Professional Engineers,
38 1917 IH-35 South, Austin, Texas 78741 or faxed to his attention at (512) 440-0417.

39 The amendment is proposed pursuant to the Texas Engineering Practice Act, Occupations
40 Code §1001.202, which authorizes the board to make and enforce all rules and
41 regulations and bylaws consistent with the Act as necessary for the performance of its

1 duties, the governance of its own proceedings, and the regulation of the practice of
2 engineering in this state; §1001.302, which requires that an applicant meet educational
3 and experience requirements as determined by the Board; and Chapter 2001, Texas
4 Government Code, requiring a four year rule review of all agency rules.

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6 No other statutes, articles or codes are affected by the proposed amendment.
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9 §133.43 – Experience Evaluation

10
11 (a) The board shall evaluate the nature and quality of the experience found in the
12 supplementary experience record **or the NCEES record experience information** and
13 shall determine if the work is satisfactory to the board for the purpose of issuing a license
14 to the applicant. The board shall evaluate the supplementary experience record for
15 evidence of the applicant's competency to be placed in responsible charge of engineering
16 work of a similar character.

17 (1) Engineering work shall be satisfactory to the board and, therefore, considered by the
18 board to be creditable engineering experience for the purpose of licensure if it is of such a
19 nature that its adequate performance requires engineering education, training, or
20 experience. The application of engineering education, training and experience must be
21 demonstrated through the application of the mathematical, physical, and engineering
22 sciences. Such work must be fully described in the supplementary experience record.
23 Satisfactory engineering experience shall include an acceptable combination of design,
24 analysis, implementation, and/or communication experience, including the following
25 types of engineering activities:

26 (A) design, conceptual design, or conceptual design coordination for engineering
27 works, products or systems;

28 (B) development or optimization of plans and specifications for engineering works,
29 products, or systems;

30 (C) analysis, consultation, investigation, evaluation, planning or other related services
31 for engineering works, products, or systems;

32 (D) planning the use or alteration of land, water, or other resources;

33 (E) engineering for program management and for development of operating and
34 maintenance manuals;

35 (F) engineering for construction, or review of construction;

36 (G) performance of engineering surveys, studies, or mapping;

37 (H) engineering for materials testing and evaluation;

38 (I) expert engineering testimony;

39 (J) any other work of a mechanical, electrical, electronic, chemical, hydraulic,
40 pneumatic, geotechnical, or thermal nature that requires engineering education, training
41 or experience for its adequate performance; and

42 (K) the teaching of engineering subjects by a person who began teaching prior to
43 September 1, 2001.

1 (2) In the review of engineering experience, the board ~~shall~~ may consider additional
2 elements unique to the history of the applicant. Such elements ~~should~~ may include, ~~at a~~
3 **minimum:**

4 (A) whether the experience was sufficiently complex and diverse, and of an increasing
5 standard of quality and responsibility;

6 (B) whether the quality of the engineering work shows minimum technical
7 competency;

8 ~~—(C) whether the submitted materials indicate good character and reputation;~~

9 ~~(DC)~~ whether the experience was gained in accordance with the provisions of the Act;

10 ~~(ED)~~ whether the experience was gained in one dominant branch;

11 ~~(FE)~~ whether non-traditional engineering experience such as sales or military service
12 provides sufficient depth of practice; and

13 ~~(GF)~~ whether short engagements have had an impact upon professional growth.

14 (3) Engineering experience may be considered satisfactory for the purpose of licensing
15 provided that:

16 (A) the experience is gained during an engagement longer than three months in
17 duration;

18 (B) the experience, when taken as a whole, meets the minimum time;

19 (C) the experience is not anticipated and has actually been gained at the time of
20 application;

21 (D) the experience includes at least two years of experience in the United States, not
22 including time claimed for educational credit, or otherwise includes experience that
23 would show a familiarity with US codes and engineering practice; **and**

24 (E) the time granted for the experience claimed does not exceed the calendar time
25 available for the periods of employment claimed.

26 (b) Experience credit may be granted for experience gained prior to an applicant's
27 receiving a conferred degree per §133.31 of this chapter (relating to Educational
28 Requirement for Applicants). **Effective January 1, 2009, E**xperience gained in this
29 manner is limited to a total of two years, and must:

30 (1) be substantiated in the supplementary experience record and a reference statement
31 provided for the experience;

32 (2) be accounted for proportionally to a standard 40-hour work week, if it was part-time
33 employment; and

34 (3) reflect that, at the time the experience was gained, the applicant had passed junior
35 and/or senior level engineering or related engineering science courses and applied
36 relevant engineering knowledge in the claimed experience.

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38 (c) - (f) *no change*

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