

BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

INITIAL STATEMENT OF REASONS

Hearing Date: July 23, 2009

Subject Matter of Proposed Regulations:

Waiver of Fundamentals Examination

Sections Affected:

The proposed regulation would amend Section 438 of Title 16, Division 5, of the California Code of Regulations.

Specific Purpose of each adoption, amendment, or repeal:

This regulation amendment would include a provision allowing for the waiver of the first division examination (the Engineer-in-Training [EIT] examination) for professional engineering applicants if the applicant is the holder of a Ph.D. from an a Board-approved [accredited] engineering program.

Factual Basis/Rationale

Factual basis for determination that each proposed change is necessary:

In 1995, Section 438 was amended to include a provision allowing for the waiver of the first division examination (the Engineer-in-Training [EIT] examination) for professional engineering applicants if the applicant is the holder of a Ph.D. from an accredited engineering program. The provision included a “sunset clause” that authorized this waiver to be in effect for five years. This clause was included so that the Board could determine if there was sufficient interest to continue this waiver. At the end of the five-year period, it appeared that there was not sufficient interest in continuing it. Therefore, the waiver provision was allowed to end. Subsequently, the language was removed from the regulation.

Recently, the Board has received inquiries and correspondence from various individuals and professional associations indicating a renewed interest in such a waiver. Therefore, at its November 20, 2008, meeting, the Board decided to amend Section 438 to once again include a provision to allow for the waiver of the EIT examination if the applicant for the professional engineer license is the holder of a Ph.D. from a Board-approved [accredited] engineering program.

Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any):

1. Letter, dated December 5, 2007, from Robert A. Katin, PE, California Legislative Council of Professional Engineers (CLCPE)
2. Minutes from the January 24, 2008, Board Meeting
3. Minutes from the March 14, 2008, Board Meeting
4. Staff Report and Minutes from the November 20, 2008, Board Meeting

Business Impact

This proposed amendment will not have any adverse economic impact on businesses.

Specific Technologies or Equipment

This proposed amendment does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

The Board has determined that granting a waiver of the first division examination for professional engineering applicants who possess a Ph.D. from an accredited engineering program does not compromise its statutory obligation to safeguard the life, health, property, and welfare of the public.