

TITLE 16, CALIFORNIA CODE OF REGULATIONS, DIVISION 5
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers and Land Surveyors is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

Office of Systems Integration
2525 Natomas Park Drive, Suite 100
Sacramento, California, 95833

Thursday, July 23, 2009
9:00 a.m.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on July 20, 2009, or must be received by the Board immediately following the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text.

With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 6716 and 6755 of the Business and Professions Code, and to implement, interpret, or make specific Section 6755 of said Code, the Board is considering changes to Division 5 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

Nondiscretionary Costs/Savings to Local Agencies:

None

Local Mandate:

None

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Requires Reimbursement:

None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs:

None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The Board does not license businesses; the Board licenses individuals. This proposal does not mandate licensure; it provides an alternative method for obtaining licensure as a professional engineer through waiving the first division examination.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be 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 proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Larry Kereszt
Address: 2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
Telephone No.: (916) 263-2240
Fax No.: (916) 263-2221
E-Mail Address: Larry_Kereszt@dca.ca.gov

The backup contact person is:

Name: Nancy Eissler
Address: 2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
Telephone No.: (916) 263-2241
Fax No.: (916) 263-2221
E-Mail Address: Nancy_Eissler@dca.ca.gov

Website Access

Materials regarding this proposal can be found at <http://www.pels.ca.gov>.