

TITLE 16. BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers, Land Surveyors, and Geologists (Board) is proposing to take the action described in the Informative Digest. The Board does not intend to hold a hearing in this matter. If an interested party wishes that a hearing be held, he or she must make the request in writing to the Board no later than 5:00 p.m. on July 6, 2015. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially related to the original text.

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 6, 2015.

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 the 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, 6755 8710, and 8741 of the Business and Professions Code, and to implement, interpret, or make specific Sections 6706.3, 6710, 6732, 6751, 6755, 6755.1, 6759, 8741, 8742, 8745 and 8748 of said Code, the Board is considering changes to Divisions 5 of Title 16 of the California Code of Regulations as follows: section 438, subsections (a)(2), (b)(7) and (b) (2).

INFORMATIVE DIGEST

Amend Section 438.

Business and Professions Code section 6755 provides that Fundamentals of Engineering (FE) examination shall test the applicant's knowledge of appropriate fundamental engineering subjects, including mathematics and the basic sciences. Business and Professions Code section 8741 provides that the Fundamentals of Surveying (FS) examination shall test the applicant's fundamental knowledge of surveying, mathematics, and basic science.

Both sections 6755 and 8741 also provide the requirements for the examinations necessary for applicants to be licensed in professional engineering and land surveying (respectively) and each section provides for the possibility of exemptions for the FE and FS examinations. These exemptions for professional engineers and land surveyors are codified in 16 CCR Section 438.

Section 438 currently contains inaccurate and contradictory language. The proposed

regulatory action would amend section 438 (a)(2) and 438 (b)(7) to remove language identifying an eight hour written examination. FE and FS examinees are no longer tested within an eight hour timeframe. Currently, the FE and FS examinees are tested on the content of the exam, not the timeframe. Additionally, section 438 (b)(2) must be removed from the regulation. Section 438 (b)(2) contradicts legislation that was passed in 2012 (Senate Bill 1576; amended by Stats. 2012, Ch. 661, Sec. 12). SB 1576 specified that individuals that hold an Engineers-in-Training (EIT) certificate can no longer use the certificate to waive the Land Surveyors in Training (LSIT) certificate.

POLICY STATEMENT OVERVIEW/ANTICIPATED BENEFITS OF PROPOSAL

The purpose and benefit of this proposed regulatory action is to ensure that the Board's regulations are accurate and reflective of the examinations that are being administered to applicants for licensure. These amendments will help to maintain the Board's mission to "evaluate current laws and regulations and pursue changes where appropriate."

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing these regulations and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

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

The changes to Section 438(a)(2) and 438(b)(7) do not result in a fiscal impact to public or state agencies (with the exception of the Board) since it does not require any action, time, or fiscal adjustments. There is also no costs/savings impact to federal funding to the state.

There will be a slight cost impact to applicants who at one time were able to waive the LSIT examination, but must now take the examination. The cost impact is very minimal, because, the number of applicant applying for the LSIT waiver is very small. Only one application has been received over the last four years.

Nondiscretionary Costs/Savings to Local Agencies:

This proposed regulatory action does not result in nondiscretionary costs or savings to local agencies.

Local Mandate:

This proposed regulatory action does not impose a mandate on local agencies or school districts.

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 this 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 proposed regulatory action will not have an impact on the creation of jobs or new businesses or the elimination of jobs or existing 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 this proposed regulatory action would not affect small businesses. The removal of language regarding examination length is administrative and has no economic or fiscal impact on agencies or individuals. The waiver removal has a very minimal effect on applicants, but will have no effect on small business.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

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

Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and the State's government:

This proposed regulatory action will benefit prospective applicants by not misleading them into a false representation of national examinations. Although the examinations will continue to be developed as they always have been, the regulations will be more representative of the examinations by not having any indication of time associated with them.

Removing the possibility of a waiver of the LSIT, the Board will be in compliance with statute. These regulations will help to maintain the Board's mission to safeguard the life, health, property, and welfare of the public.

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 be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of 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:	Kara Williams
Address:	2535 Capitol Oaks Drive, Suite 300 Sacramento, CA 95833
Telephone No.:	(916) 263-5438
Fax No.:	(916) 263-2246
E-Mail Address:	Kara.Williams@dca.ca.gov

The back-up contact person is:

Name:	Tralee Morris
Address:	2535 Capitol Oaks Drive, Suite 300

Telephone No.: Sacramento, CA 95833
(916) 263-2249
Fax No.: (916) 263-2246
E-Mail Address: Tralee.Morris@dca.ca.gov

WEBSITE ACCESS:

The Board's website is: <http://www.bpelsg.ca.gov>. Materials regarding this proposal can be found at: http://www.bpelsg.ca.gov/about_us/rulemaking.shtml.