Vermont – Laws, Rules, and Ethics for Professional Engineers

Three (3) Continuing Education Hours
Course #VT101

Approved Continuing Education for Licensed Professional Engineers

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Course Description

The Vermont Laws, Rules and Ethics course presents all current regulations Vermont licensed professional engineers shall follow and also presents the cannons of ethics all professional engineers shall adhere to.

This course satisfies three (3) hours of continuing education including one (1) hour of ethics.

The course is designed as a distance learning interactive course that enables the practicing professional engineer to keep up to date on the legal aspects that govern the practice of engineering in the state of Vermont as well as revisit the emphasis that the holder of a professional license has a direct and vital impact on the safety, health, and welfare of the public.

Objectives

The primary objective of this course is to familiarize the student with current laws and rules regulating the practice of engineering in the state of Vermont and to familiarize the student with the standards of professional behavior for adherence to the highest ethical conduct.

Upon successful completion of the course, the student will be well versed in the applicable laws and rules and be well versed to exhibit the highest standards of honesty and integrity deemed paramount to this profession.

Grading

Students must achieve a minimum score of 70% on the online quiz to pass this course.

The quiz may be taken as many times as required until the student successfully passes.

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Vermont Statutes, Title 26: Professions And Occupations, Chapter 20: Professional Engineering

Subchapter 1: General Provisions

§ 1161. Definitions

As used in this chapter:

(1) "Board" means the Board of Professional Engineering.

(2) "Professional engineering" means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and engineering experience, insofar as the service or work involves safeguarding life, health, or property. This includes consultation, investigation, evaluation, planning, and design of engineering works and systems, planning the use of land, air, and water and accomplishing engineering surveys and studies, any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, control systems, fire protection systems, communication systems, transportation systems, projects, and equipment systems of a mechanical, electrical, hydraulic, pneumatic, chemical, or thermal nature.

(3) "Financial interest" means being:

(A) a licensed professional engineer;

(B) a person who deals in goods and services that are uniquely related to the practice of engineering; or

(C) a person who has invested anything of value in a business that provides engineering services.

(4) "Instruments of service" means project deliverables, such as reports, specifications, drawings, plans, construction documents, or engineering surveys, that have been prepared under the licensee's responsible charge.

(5) "Practice of professional engineering" means providing, attempting to provide, or offering to provide professional engineering services.

(6) A professional engineer in "private practice" means a professional engineer who owns, operates, or is employed by a business entity that derives a substantial part of its income from providing professional engineering services to the public.

(7) "Professional engineer" means a person licensed under this chapter.

(8) "Responsible charge" means direct control and personal supervision of engineering work.

(9) "Specialty discipline" means that area of professional engineering recognized by the Board as the area of expertise and practice for which a license is granted.

(10) "State" includes the United States, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands.

(11) "Unauthorized practice" means conduct prohibited by section 1162 of this chapter and not exempted by section 1163 of this chapter. *(Added 1983, No. 188 (Adj. Sess.), § 2; amended 1991, No. 167 (Adj. Sess.), § 24; 2009, No. 35, § 13; 2013, No. 27, § 4.)*

§ 1162. Prohibition; enforcement

(a) No person shall engage in the practice of professional engineering in this State unless the person is licensed under or exempt from this chapter.

(b) No person shall use in connection with the person's name any letters, words, or insignia, including "Professional Engineer," "P.E.," "PE," or "P.Eng.," indicating that the person is a professional engineer unless the person is licensed in accordance with this chapter.

(c) A person found guilty of violating this section shall be subject to penalties provided in 3 V.S.A. § 127(c). In addition to the power of criminal enforcement, the Attorney General, a State's Attorney, or a prosecuting attorney from the Office of Professional Regulation may bring a civil action to restrain continuing violations of this section. *(Added 1983, No. 188 (Adj. Sess.), § 2; amended 2007, No. 29, § 21; 2009, No. 35, § 14; 2013, No. 27, § 5.)*

§ 1163. Exemptions

(a) Persons exempt. Section 1162 of this chapter does not prohibit acts constituting the practice of engineering performed as a necessary part of the duties of:

(1) an officer or employee of the federal government;

(2) an officer or a full-time employee of the State;

(3) an officer or full-time employee of a municipality;

(4) certain classes of licensed potable water supply and wastewater system designers, as designated by rule of the Secretary of Natural Resources, who design supplies or systems with a design flow of up to 1,350 gallons per day and who are licensed under 10 V.S.A. chapter 64;

(5) an officer or employee of a corporation in interstate communications as defined in the act of Congress entitled "Communications Act of 1934" or of a telephone company under the supervision and regulation of the Public Utility Commission;

(6) an employee or subordinate of a professional engineer, provided the engineering work is done under the responsible charge of, and verified by, the professional engineer; or

(7) students of engineering acting under the supervision of a professional engineer.

(b) Other professions. Section 1162 of this chapter does not prohibit acts constituting the practice of any other legally recognized profession or occupation.

(c) Purposes exempt. Section 1162 of this chapter does not prohibit any person from performing acts constituting the practice of engineering for the purpose of:

(1) engineering of a manufactured product;

(2) engineering of a building that is not a public building as defined in 20 V.S.A. § 2730;

(3) engineering a building that contains only one, two, or three dwelling units and any outbuilding accessory to those units;

(4) [Repealed.]

(5) engineering of recreational trails and trail-related structures by a nonprofit organization whose trails have been recognized by the Agency of Natural Resources as part of the Vermont trails system; provided such organization purchases and maintains liability insurance in the amount required by law or under a contract with the State of Vermont, but in no event in an amount that is less than $100,000.00.

(d), (e) [Repealed.] *(Added 1983, No. 188 (Adj. Sess.), § 2; amended 1987, No. 76, § 18; 1991, No. 167 (Adj. Sess.), § 66(8); 1995, No. 175 (Adj. Sess.), § 1; 2001, No. 133 (Adj. Sess.), §§ 10, 11, eff. June 13, 2002; 2009, No. 35, §§ 15, 41; 2013, No. 27, § 6.)*

Subchapter 2: Board Of Professional Engineering

§ 1171. Board of Professional Engineering

(a) A Board of Professional Engineering is created, consisting of six members who are residents of this State. The Board shall be attached to the Office of Professional Regulation.

(b) One member of the Board shall be a member of the public who has no financial interest in engineering other than as a consumer or possible consumer of its services. The member shall have no financial interest personally or through a spouse.

(c) Five members of the Board shall be licensed professional engineers:

(1) Membership under this subsection shall include one civil engineer, one mechanical engineer, one structural engineer, one electrical engineer, and one engineer from among all specialty disciplines licensed by the Board.

(2) Membership under this subsection shall include at least three engineers in private practice.

(3) Of the five professional members appointed under this subsection, at the time of appointment, three persons shall have been engaged in the practice of professional engineering for at least 12 years.

(d) Board members shall be appointed by the Governor in accordance with 3 V.S.A. §§ 129b and 2004. The Governor shall request nominations from the various State engineering societies and may request nominations from other sources, but shall not be bound to select members from among the persons nominated. *(Added 1983, No. 188 (Adj.*

Sess.), § 2; amended 1989, No. 250 (Adj. Sess.), § 4(d); 2005, No. 27, § 37; 2005, No. 148 (Adj. Sess.), § 11; 2007, No. 29, § 22; 2007, No. 163 (Adj. Sess.), § 10; 2013, No. 27, § 7.)

§ 1172. Powers and duties

(a) The Board shall adopt rules necessary for the performance of its duties, including:

(1) a list of recognized engineering specialty disciplines;

(2) qualifications for obtaining licensure, interpreting sections 1182a and 1182b of this chapter;

(3) explanations of appeal and other significant rights given to licensees, applicants, and the public; and

(4) procedures for disciplinary and reinstatement cases.

(b) The Board shall:

(1) offer examinations to qualified applicants for licensing;

(2) use administrative services provided by the Office of Professional Regulation under 3 V.S.A. chapter 5;

(3) investigate suspected unprofessional conduct; and

(4) have general responsibility for ensuring that professional engineering services available in this State are of uniformly good quality and take suitable action, within the scope of its powers, to solve or bring public and professional attention to any problem which it finds in this area.

(c) The Board may:

(1) establish or approve continuing education programs or other methods of allowing licensees to maintain continued competency;

(2) conduct hearings;

(3) administer oaths and at the request of any party issue subpoenas;

(4) issue orders relating to discovery in the same manner as a judge under the Vermont Rules of Civil Procedure, which may be enforced under 3 V.S.A. § 809b;

(5) adopt rules relating to the procedures to be followed in hearings held under this chapter;

(6) receive assistance from and refer suspected unauthorized practice to the Attorney General; and

(7) request the Attorney General to obtain injunctions to restrain unprofessional conduct. *(Added 1983, No. 188 (Adj. Sess.), § 2; amended 1989, No. 250 (Adj. Sess.), § 4(d); 1999, No. 52, § 11; 2013, No. 27, § 8.)*

§§ 1173-1175. Repealed. 2013, No. 27, § 16.

§ 1174. Hearings

The provisions of the Vermont Administrative Procedure Act relating to contested cases shall apply to proceedings under this chapter. *(Added 1983, No. 188 (Adj. Sess.), § 2.)*

§ 1175. Enforcement or modification of a subpoena or order of the board

(a) A person aggrieved by a subpoena or discovery order issued by the board may appeal to the superior court. Upon such application and after hearing, the court may issue its order affirming, modifying, or vacating a subpoena or discovery order issued under this chapter.

(b) Any party may petition the superior court for enforcement of a subpoena or discovery order of the board. If the court finds that the failure or refusal to comply with the subpoena or discovery order was without reasonable excuse, it may issue its warrant to compel the person's presence before the board, the production of documents, or compliance with a discovery order. The person against whom a warrant is issued shall pay all just damages as determined by the court. *(Added 1983, No. 188 (Adj. Sess.), § 2.)*

§ 1176. Fees

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application for engineering license or application to add additional specialty discipline $ 100.00

(2) Application for engineer intern certificate $ 50.00

(3) Biennial license renewal $ 150.00

(4) [Repealed.]

(Added 1983, No. 188 (Adj. Sess.), § 2; amended 1989, No. 250 (Adj. Sess.), § 33; 1991, No. 167 (Adj. Sess.), § 25; 1993, No. 108 (Adj. Sess.), § 3; 1997, No. 59, § 53, eff. June 30, 1997; 1999, No. 49, §

175; 2001, No. 143 (Adj. Sess.), § 23, eff. June 21, 2002; 2005, No. 202 (Adj. Sess.), § 12; 2007, No. 29, § 23; 2009, No. 47, § 9; 2013, No. 27, § 9; 2013, No. 191 (Adj. Sess.), § 13; 2019, No. 70, § 16.)

Subchapter 3: Licensing And Specialty Certifications

§ 1181. Repealed. 2013, No. 27, § 16.

§ 1181a. Engineer interns

(a) An engineer intern certification shall be issued by the Board to recognize those persons who have completed preliminary steps toward becoming licensed as a professional engineer. Engineer interns are not authorized to practice professional engineering.

(b) The minimum qualifications for certification by the Board as an engineer intern are as follows:

(1) a bachelor's degree in engineering or in engineering technology or six years or more of progressive engineering experience of a grade and character acceptable to the Board; and

(2) a passing score set by Board rule on a fundamentals of engineering examination recognized by Board rule and taken in the State of Vermont.

(c) Upon satisfaction of the minimum qualifications set forth in subsection (b) of this section, the Board shall issue a certificate as an engineer intern. The certificate shall have no expiration date and no renewal fees.

(d) The use of the titles "Engineer Intern" and "E.I." in Vermont is restricted to those persons certified as engineer interns by the Board or by an equivalent board in another state. An engineer intern certified by an equivalent board in another state shall be recognized as an engineer intern by the Board without further application or examination. *(Added 2013, No. 27, § 10.)*

§ 1182. Repealed. 2013, No. 27, § 16.

§ 1182a. Licensing standards

(a) Licensing standards and procedures adopted or used by the Board shall be fair and reasonable. The standards and procedures shall be designed and implemented to ensure that all qualified applicants are admitted to practice unless there is good reason to believe that practice by a particular applicant would be inconsistent with the public

health, safety, and welfare. Licensing standards shall not be designed or implemented for the purpose of limiting the number of licensees.

(b) The Board recognizes the following routes to licensure:

(1) Individuals with a bachelor's degree in engineering. A professional engineering license shall be issued to a person who:

(A) satisfactorily completes a bachelor's level engineering curriculum accredited by the Accreditation Board for Engineering and Technology (ABET);

(B) attains a passing score set by Board rule on a fundamentals of engineering examination recognized by Board rule;

(C) completes four years or more of progressive engineering experience after graduation of a grade and character that indicate to the Board that the applicant may be competent to practice engineering, at least two years of which shall be in the specialty discipline for which the license is sought. A master's degree in engineering may be counted as one year of experience;

(D) attains a passing score on a specialized examination recognized by Board rule testing the principles and practices of engineering in the specialty discipline sought; and

(E) satisfies all requirements set forth in the Board's rules.

(2) Individuals with a master's degree in engineering. A professional engineering license shall be issued to a person who:

(A) satisfactorily completes a bachelor's level curriculum in a technical field related to engineering and master's level engineering curriculum accredited by ABET;

(B) attains a passing score on a fundamentals of engineering examination recognized by Board rule;

(C) completes four years or more of progressive engineering experience after graduation from the master's degree program of a grade and character that indicate to the Board that the applicant may be competent to practice engineering, at least two years of which shall be in the specialty discipline for which the license is sought;

(D) attains a passing score on a specialized examination recognized by Board rule testing the principles and practices of engineering in the specialty discipline sought; and

(E) satisfies all requirements set forth in the Board's rules.

(3) Individuals with a bachelor's degree in engineering technology. A professional engineering license shall be issued to a person who:

(A) satisfactorily completes a bachelor's level engineering technology curriculum accredited by ABET;

(B) attains a passing score on a fundamentals of engineering examination recognized by Board rule;

(C) completes eight years or more of progressive engineering experience after graduation of a grade and character that indicate to the Board that the applicant may be competent to practice engineering, at least four years of which shall be in the specialty discipline for which the license is sought;

(D) attains a passing score on a specialized examination recognized by Board rule testing the principles and practices of engineering in the specialty discipline sought; and

(E) satisfies all requirements set forth in the Board's rules.

(4) Twelve years of engineering experience. A professional engineering license shall be issued to a person who:

(A) attains a passing score on a fundamentals of engineering examination recognized by Board rule;

(B) completes 12 years or more of progressive engineering experience of a grade and character that indicate to the Board that the applicant may be competent to practice engineering, at least six years of which shall be in the specialty discipline for which the license is sought;

(C) attains a passing score on a specialized examination recognized by Board rule testing the principles and practices of engineering in the specialty discipline sought; and

(D) satisfies all requirements set forth in the Board's rules.

(5) Sixteen years of engineering experience. A professional engineering license shall be issued to a person who:

(A) completes 16 years or more of progressive engineering experience of a grade and character that indicate to the Board that the applicant may be competent to practice engineering, at least eight years of which shall be in the specialty discipline for which the license is sought;

(B) attains a passing score on a specialized examination recognized by Board rule testing the principles and practices of engineering in the specialty discipline sought; and

(C) satisfies all requirements set forth in the Board's rules.

(6) Alternate route to licensure. A professional engineering license may be issued to a person who:

(A) attains a passing score on a fundamentals of engineering examination recognized by Board rule;

(B) completes education and experience that, in the judgment of the Board, demonstrates a substantially equivalent level of preparation for engineering practice as required by subdivision (b)(1), (b)(2), or (b)(3) of this section;

(C) attains a passing score on a specialized examination recognized by Board rule testing the principles and practices of engineering in the specialty discipline sought; and

(D) satisfies all requirements set forth in the Board's rules. *(Added 2013, No. 27, § 11.)*

§ 1182b. License and specialty disciplines

(a) Upon determining that an applicant is qualified for licensure in one or more specialty disciplines under section 1182a of this subchapter, the Board shall issue a license indicating the specialty discipline or disciplines.

(b) Upon determining that an existing licensee is qualified by application in an additional specialty discipline under section 1182a of this subchapter, the Board shall issue a license to the licensee indicating all specialty disciplines.

(c) Licenses issued under this chapter shall be renewed biennially. *(Added 2013, No. 27, § 12.)*

§ 1183. License renewal

(a) Licenses shall be renewed every two years without examination and on payment of the required fees. However, by rule, the Board may establish a continuing education requirement. If the Board establishes a continuing education requirement and a licensee fails to demonstrate compliance with that requirement, it may deny or condition renewal, after opportunity for hearing.

(b) Following expiration of a license, it may be reinstated upon payment of a renewal fee and a late renewal penalty. A licensee shall not be required to pay renewal fees during periods when the license was expired.

(c) [Repealed.] *(Added 1983, No. 188 (Adj. Sess.), § 2; amended 2013, No. 27, § 13.)*

§§ 1184-1186. Repealed. 2013, No. 27, § 16.

§ 1187. Repealed. 2009, No. 103 (Adj. Sess.), § 53.

§ 1188. Seal

(a) Each licensee shall obtain a seal of a design approved by the Board by rule.

(b) Plans, specifications, reports, and other instruments of service issued by a licensee shall be signed and sealed by the licensee.

(c) A person who affixes to a plan or other document the seal of a licensee without the licensee's authorization shall be fined not more than $1,000.00 or imprisoned not more than 30 days, or both. *(Added 1983, No. 188 (Adj. Sess.), § 2; amended 2013, No. 27, § 14.)*

Subchapter 4: Discipline

§ 1191. Unprofessional conduct

(a) Unprofessional conduct is the conduct prohibited by this section, by 3 V.S.A. § 129a, or by other statutes relating to engineering.

(b) [Repealed.]

(c) Unprofessional conduct includes any of the following actions by a licensee:

(1) failing to make available, upon the timely request of a person using engineering services, copies of instruments of service in the possession or under

the control of the licensee, when those instruments of service have been prepared for and paid for by the user of services;

(2) signing or sealing instruments of service for which the engineer is not in responsible charge, or negligently allowing use of the engineer's professional stamp on such an instrument;

(3) [Repealed.]

(4) accepting and performing engineering responsibilities that the licensee knows or has reason to know that he or she is not competent to perform;

(5) making any material misrepresentation in the practice of engineering, whether by commission or omission;

(6) agreeing with any other person or organization, or subscribing to any code of ethics or organizational bylaws, when the intent or primary effect of that agreement, code, or bylaw is to restrict or limit the flow of information concerning alleged or suspected unprofessional conduct to the Board;

(7) failing to supervise adequately employees and subordinates under the licensee's responsible charge who are engaged in the practice of professional engineering;

(8) accepting and performing engineering responsibilities that are outside the scope of engineering specialties held by the licensee;

(9) failing to protect the trust of engineering clients;

(10) failing to hold public health and safety above all other considerations in the practice of professional engineering;

(11) engaging in dishonorable or unethical conduct in the practice of professional engineering of a character likely to deceive, defraud, or harm the public; or

(12) failing to report to the Board knowledge of a perceived violation of this statute or the Board's rule by another professional engineer licensed in this State. *(Added 1983, No. 188 (Adj. Sess.), § 2; amended 1989, No. 250 (Adj. Sess.), § 34; 1997, No. 145 (Adj. Sess.), § 37; 2013, No. 27, § 15.)*

Administrative Rules of the Board of Professional Engineering

Part 1 The Board of Professional Engineering

1.1 The Board's Purpose

The Vermont Board of Professional Engineering (the "Board") has been created and given powers by Vermont law. Its primary purpose is to protect the public welfare and to safeguard life, health and property through the regulation of the practice of professional engineering. The Board does this by rulemaking, setting standards, evaluating applicants' qualifications for licensure, and when necessary, disciplining licensees for unprofessional conduct or referring unlicensed persons practicing professional engineering to enforcement authorities.

1.2 General Information about the Board

Copies of the Board's governing statute and additional information about the Board and its procedures may be obtained by contacting the State of Vermont Office of Professional Regulation (the “Office”) at (802) 828-1505 or at www.sec.state.vt.us/professional-regulation.

1.3 Laws That Govern the Board

The laws relating specifically to the Board, licensing of professional engineers, and certification of engineer interns can be found in Title 26, Chapter 20, Vermont Statutes Annotated. (V.S.A.). Other laws relating to the Board include the "Administrative Procedure Act" (3 V.S.A. §§ 801-849), the "Vermont Open Meeting Law" (1 V.S.A. §§ 310-314), the "Law of Professional Regulation" (3 V.S.A. §§ 121-132), and the "Public Records Act" (1 V.S.A. §§ 315-320). These laws establish rights for applicants, licensed engineers, and members of the public. The Vermont Statutes Online are available on the internet at http://legislature.vermont.gov/statutes/.

1.4 Initiating a Complaint

The Board follows the current complaint procedure set forth in the Administrative Rules governing the Office. A copy of the complaint procedure is available at www.sec.state.vt.us/professional-regulation.

1.5 Confidentiality

The Board follows the confidentiality provisions of the Law of Professional Regulation, 3 V.S.A. § 131. All identifying information related to complaints remains confidential until disciplinary charges are filed.

1.6 Appeals

A party aggrieved by a final decision of the Board in a disciplinary matter may, within 30 days of the decision, appeal that decision by filing a notice of appeal with the Director of Professional Regulation. Information about the appeal process may be obtained from the Office.

Part 2 Rules for Applicants for Licensure, Licensees, and Engineer Interns

2.1 Biennial License Renewal

Licenses are renewed on a two-year cycle. All licenses expire on July 31st of even years unless renewed. Before the expiration date, the Office will send a renewal notice to the licensee's email address of record. Non-receipt of renewal notice(s) shall not excuse a licensee from maintaining active licensure. Licensure status and expiration dates may be verified through an online lookup tool at https://www.sec.state.vt.us/professional-regulation.aspx. If the renewal application and fee are not received by the expiration date, the license will expire automatically and may be subject to penalties upon reinstatement as set out in 3 V.S.A. § 127(d).

2.2 Contact Information and Change of Name

It is the responsibility of each applicant, engineer intern, and licensee to notify the Office of any name changes and to maintain current contact information on file with the Office, including mailing address and email address.

2.3 Applications

(a) Applications for licensure, renewal, or examination may be obtained from the Office. Only completed applications will be considered by the Board. Applicable fees must accompany the application.

(b) Applicants who fail to pass all portions of an examination within two years of initial approval to sit for the examination must reapply. Should an applicant fail the Principles and Practice examination three times, the applicant will be eligible to reapply only upon

demonstrating to the Board an additional two years of acceptable progressive engineering experience, accomplished subsequent to the last failed examination.

(c) An applicant for licensure who has not been actively engaged in the practice of engineering within two years of applying to the Board may be required to submit additional information establishing current competency and may be required to retake and pass the examination in the Principles and Practice of Engineering in the specialty discipline sought.

(d) The Board requires technical references from each applicant for licensure as a professional engineer, which shall be supplied in a form and format specified by the Board. References shall be from supervisors or peers thoroughly familiar with the applicant's experience and shall be sufficient in number to verify all of the progressive engineering experience required for licensure. Not fewer than two reference providers shall be professional engineers licensed in good standing in any jurisdiction.

2.4 Reinstatement

A petitioner for reinstatement of a license that has been expired for two years or more shall submit a new application, meet all requirements for licensure at the time the new application is filed, and provide evidence satisfactory to the Board of thirty professional development hours ("PDHs") completed within the two years immediately preceding the date of the new application.

2.5 Professional Engineering Disciplines

(a) The Board issues a license indicating a specialty discipline pursuant to 26 V.S.A. §§ 1182a and 1182b. A table of recognized specialties available for new applicants is available from the Board's website. A professional engineer shall practice only within his or her licensed specialty discipline and area of competence.

(b) Applicants who meet the qualifications for multiple specialty disciplines may apply for more than one specialty discipline in the same application and for a single application fee. A licensee wishing to add an additional discipline to an existing license shall submit a new application with the application fee. The renewal fee is unaffected by the number of specialty disciplines included within a particular license.

2.6 Seals

Each licensee shall obtain a seal bearing the licensee's name, specialty discipline, license number, and the title "Licensed Professional Engineer." The seal shall be substantially of the following format, and shall be approximately one-and-one-half inches in diameter. The seal may be a wet seal, embossed seal, or an electronic format.

Each licensee is responsible for managing the use and security of his or her seal and signature.

2.7 Sealing of Instruments of Service

(a) Sealing means the application of the seal and the signature of the licensee. Manual or electronic forms of the seal and signature are acceptable.

(b) The seal and signature of a licensee indicate that the instruments of service were prepared under the licensee's responsible charge as defined at 26 V.S.A. §1161(8) and that:

(1) the licensee takes professional responsibility for the work;

(2) to the best of the licensee's knowledge, the work represented in the document conforms to applicable codes in effect at the time of submission;

(3) the work has been prepared in conformance with normal and customary standards of practice; and

(4) the work has been completed with due regard to the protection of the public health, safety, and welfare.

(c) A licensee may sign and seal instruments of service that have been prepared by others not under the licensee's responsible charge only if the sealing licensee has performed a full and independent review and assumes full professional responsibility for the work.

(d) Instruments of service, as defined at 26 V.S.A. §1161(4), issued by a licensee, including those intended for submission to an authority having jurisdiction shall be signed and sealed by the licensee. For the purposes of this paragraph, exchanging working documents for the purposes of coordinating or developing the work is not considered an instrument of service and may not need to be signed and sealed.

(e) Signed and sealed instruments of service shall be clearly labeled as to their purpose or intended use, for example: “Preliminary,” “Final,” “For Permitting,” “Not for Construction,” or “For Construction.”

2.8 Engineering Degrees

Recognized by the Board In addition to the ABET-accredited degrees described in §1182a, The Board recognizes the following degrees as substantially equivalent to an ABET-accredited degree for purposes of applying through the alternate route to licensure set out at 26 VSA § 1182a(b)(6):

(a) Washington Accord Bachelor's Degree in Engineering: A foreign bachelor’s degree in engineering is considered substantially equivalent to an ABET-accredited bachelor's degree in engineering if the foreign degree program was recognized under the Washington Accord at the time of completion. Information about countries and institutions included in the Washington Accord can be found at www.ieagreements.org. The applicant shall provide confirmation that the degree program complied with the Washington Accord at time of graduation.

(b) Non-ABET Degree in Engineering or Engineering Technology: A degree in engineering or engineering technology that is not accredited by ABET may be recognized as substantially equivalent to an ABET-accredited degree in engineering or engineering technology at the discretion of the Board. Such degree programs shall be reviewed by the National Council of Examiners for Engineering and Surveying (“NCEES”) Credentials Evaluation Service or other evaluation service approved by the Board. A copy of the evaluation report must be submitted to the Board by the evaluation service.

2.9 Examinations

(a) Examinations are administered by the National Council of Examiners for Engineering and Surveying (NCEES). Once an applicant has been approved by the Board to take the Fundamentals of Engineering (FE) or Principles and Practice (PE) examination, the Board will forward that approval to NCEES. Once approved for examination, the applicant is responsible for registering for the exam with NCEES and paying any examination fees.

(b) Eligibility for Examination:

> (1) Fundamentals of Engineering Examination (FE): To be approved by the Board to sit for the exam, applicants shall meet (i), (ii), or (iii), below, at the time of application:

(i) Applicant has completed at least six full-time semesters, or the equivalent thereto, of a bachelor's-level curriculum in engineering or engineering technology that is accredited by the Accreditation Board for Engineering and Technology ("ABET") or deemed substantially equivalent to an ABET-accredited degree in accordance with Section 2.8 of these Rules.

(ii) Applicant is a graduate of a four-year bachelor's level curriculum in engineering or engineering technology. Applicant shall have the school submit proof of graduation to the Board. If the curriculum is not accredited by the Accreditation Board for Engineering and Technology, then the applicant shall also have the school forward an English-language copy of the applicant's transcript to the board.

(iii) Applicant has completed at least six years of progressive engineering experience in accordance with Section 2.10 of these Rules that indicates to the Board that the applicant is developing engineering knowledge and experience suitable for eventual licensure. Applicant shall submit a detailed description of this work experience for evaluation by the Board, along with verification of that experience by the applicant's supervisor.

(2) Principles and Practice Examination: To be approved by the board to sit for the exam, applicants shall meet all requirements for licensure set out by 26 V.S.A. § 1182a at the time of application.

(c) Recognized Examinations:

(1) Fundamentals of Engineering Examination: The Board recognizes the NCEES Fundamentals of Engineering (“FE”) examination and adopts the NCEES recommended passing score, and other examinations considered substantially equivalent by the Board. Information on the availability of the FE examination can be found on the NCEES website, www.ncees.org.

(2) Principles and Practice of Engineering Examination: The Board recognizes the NCEES Principles and Practice of Engineering (“PE”) examination in the applicable engineering discipline and adopts the NCEES recommended passing score, and other exams recognized as substantially equivalent by the Board. Information on the availability of the PE examination can be found on the NCEES website, www.ncees.org.

(3) The Board recognizes the following PE examinations for the structural specialty discipline:

(a.) For Structural 1:

(i) NCEES Civil examination taken prior to July 1, 2012; or

(ii) 8-hour NCEES Structural 1 examination (discontinued in 2010); or

(iii) other examinations considered substantially equivalent by the Board.

(b.) For Structural 2:

(i) 16-hour NCEES Structural examination; or

(ii) 8-hour NCEES Structural 1 exam plus 8-hour NCEES Structural 2 exam (both discontinued in 2010); or

(iii) NCEES Civil examination plus 8-hour NCEES Structural 2 exam (discontinued in 2010); or

(iv) 16-hour Western States Structural Engineering Exam; or

(v) other examinations considered substantially equivalent by the Board.

2.10 Progressive Engineering Experience

Experience For experience to be acceptable to the Board as progressive engineering experience, it must meet all of the following requirements:

(a) Experience shall include demonstration of knowledge of engineering mathematics, physical and applied science, properties of materials, the fundamental principles of engineering design, and the application of engineering principles in the practical solution of engineering problems.

(b) Activities such as drafting, surveying, construction support, testing, and inspection may be acceptable engineering experience if the applicant credibly demonstrates progressive engineering responsibility and the direct application of engineering principles.

(c) Experience shall be progressive to indicate that it is of increasing difficulty over time, requiring greater responsibility, and demonstrating maturation of engineering judgment and increased depth of technical knowledge.

(d) Experience shall not be obtained in a manner that constitutes unauthorized practice as defined in 26 V.S.A. § 1161(11), nor in a manner inconsistent with the laws, rules, and standards of the jurisdiction where the experience is obtained.

(e) Experience shall be obtained under the supervision of a licensed professional engineer. The Board in its sole discretion may recognize experience otherwise obtained only if the applicant supplies an explanation demonstrating that the experience should be considered as though obtained under the supervision of a licensed professional engineer.

(f) Acceptable experience may include engineering research in an academic setting and teaching engineering analysis or design courses at the college level.

(g) Experience shall not be anticipated. The experience must have been obtained by the time of the application.

(h) The Board may require supplemental experience, education, or examination by any applicant exhibiting disruption in progressive engineering experience within the four years preceding application.

(i) Technician-level activities that do not rise to the level of engineering experience as defined in Rule 2.10(a,b,c), such as drafting, surveying, testing, and inspection, may be accepted in satisfaction of a portion of the progressive engineering experience, provided the applicant satisfactorily documents how the technician-level activities contributed to professional development.

2.11 Continuing Professional Competency

Every licensee, except those renewing for the first time, shall meet the following continuing professional competency requirements as a condition of license renewal:

(a) Every licensee shall obtain the equivalent of 30 professional development hours (“PDHs”) prior to license renewal. A PDH is one contact hour (60 minutes) of instruction or presentation. These PDHs shall be obtained during the three years preceding the renewal date. Each PDH can be counted toward only one renewal.

(b) A qualifying course or activity shall have content areas aimed at maintaining, improving, or expanding the skills set and knowledge relevant to the licensee’s field and methods of engineering practice, such as coursework related to the following:

(1) technical topics directly related to the practice of engineering;

(2) awareness of professional practice ethical concerns and conflicts;

(3) an understanding of standards of practice or care; or

(4) engineering management.

(c) The following methods of attaining PDHs are acceptable:

(1) college courses (10 PDHs per semester credit; 6 PDHs per quarter credit);

(2) continuing education courses, seminars, presentations, and workshops, including those provided by employers outside of normal on-the-job training;

(3) teaching or presenting items in subsections 1 and 2, above. (PDHs may be earned at double the presentation length; however, repetitions of the same material may not be credited, and full-time faculty may not claim teaching credit associated with their regular duties);

(4) authoring published papers, articles, or books related to the licensee's specialty discipline or practice (5 PDHs each, not to exceed 15 PDHs in a biennial period);

(5) active participation in development of engineering codes and standards (up to 2 PDHs per code or standard); and

(6) PDHs for activities 1-3 above may be earned in person, through the internet, correspondence, by television, or by pre-recorded media.

2.12 Evidence of Compliance with Continuing Professional Competency

(a) The licensee shall document successful completion of the required number of PDHs during the biennial renewal period preceding renewal. Required records include, but are not limited to:

(1) a log showing the type of activity claimed, sponsoring organization, location, duration, presenter, and PDHs earned;

(2) attendance verification records in the form of completion certificates or other documents verifying attendance/participation;

(3) program syllabi, outlines, handouts or other evidence of course or activity content.

(b) Records shall be maintained for the prior two biennial renewal periods.

2.13 Audit of Compliance with Continuing Professional Competency

The Board may at any time audit licensees, or a randomized subset of licensees, to verify compliance with continuing professional competency requirements. At its discretion, the Board may also audit previously-disciplined licensees, late renewing licensees, and licensees who in any of the preceding two biennial renewal periods were initially found not to have met continuing education renewal requirements. An audit notice will be sent to licensees selected. The subject of an audit shall, within 30 days of the date of the audit notice, furnish documentary evidence showing completion of the requirements for the audited reporting period.

Code of Ethics

Preamble

Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

I. Fundamental Canons

Engineers, in the fulfillment of their professional duties, shall:

1) Hold paramount the safety, health, and welfare of the public.
2) Perform services only in areas of their competence.
3) Issue public statements only in an objective and truthful manner.
4) Act for each employer or client as faithful agents or trustees.
5) Avoid deceptive acts.
6) Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

II. Rules of Practice

1. Engineers shall hold paramount the safety, health, and welfare of the public.
   1) If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
   2) Engineers shall approve only those engineering documents that are in conformity with applicable standards.
   3) Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.

4) Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.

5) Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.

6) Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.

2. Engineers shall perform services only in the areas of their competence.

1) Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.

2) Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.

3) Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.

3. Engineers shall issue public statements only in an objective and truthful manner.

1) Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.

2) Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.

3) Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.

4. Engineers shall act for each employer or client as faithful agents or trustees.

1) Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
2) Engineers shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.
3) Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.
4) Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.
5) Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.

5. Engineers shall avoid deceptive acts.
1) Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.
2) Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

III. Professional Obligations

1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.
    1) Engineers shall acknowledge their errors and shall not distort or alter the facts.
    2) Engineers shall advise their clients or employers when they believe a project will not be successful.
    3) Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.
    4) Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.
    5) Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.
2. Engineers shall at all times strive to serve the public interest.
    1) Engineers are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.
    2) Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.
    3) Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.
    4) Engineers are encouraged to adhere to the principles of sustainable development[1] in order to protect the environment for future generations.
3. Engineers shall avoid all conduct or practice that deceives the public.
    1) Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.
    2) Consistent with the foregoing, engineers may advertise for recruitment of personnel.
    3) Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.

4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.

1) Engineers shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.

2) Engineers shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.

5. Engineers shall not be influenced in their professional duties by conflicting interests.

1) Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.

2) Engineers shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or employers of the engineer in connection with work for which the engineer is responsible.

6. Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.

1) Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.

2) Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.

3) Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.

7. Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.

1) Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.

2) Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.

3) Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.

8. Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.

1) Engineers shall conform with state registration laws in the practice of engineering.

2) Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.

9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.

1) Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.

2) Engineers using designs supplied by a client recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.

3) Engineers, before undertaking work for others in connection with which the engineer may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, should enter into a positive agreement regarding ownership.

4) Engineers' designs, data, records, and notes referring exclusively to an employer's work are the employer's property. The employer should indemnify the engineer for use of the information for any purpose other than the original purpose.

5) Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses,

reading in the technical literature, and attending professional meetings and seminars.

References

Vermont Board of Professional Engineering Statutes & Rules
https://sos.vermont.gov/engineering/statutes-rules-resources/

Vermont Statutes, Title 26: Professions and Occupations, Chapter 20: Professional Engineering
https://legislature.vermont.gov/statutes/fullchapter/26/020

Code of Vermont Rules, Agency 04. Secretary of State, Sub-Agency 030. Office of Professional Regulation, Chapter 100. Administrative Rules of The Board of Professional Engineering
https://sos.vermont.gov/media/5nfla4zb/pe-rules-w-annotation.pdf

National Society of Professional Engineers, Code of Ethics
http://www.nspe.org/resources/ethics/code-ethics