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House BILL NO. 147

INTRODUCED BY [Signature]

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING ENGINEERING DOCTORATE DEGREE GRADUATES WITH 4 YEARS' EXPERIENCE TO TAKE THE PROFESSIONAL ENGINEERING EXAMINATION; ADDING CONTINUING EDUCATION OR OTHER OPTIONS TO CONTINUED PRACTICE IN ENGINEERING OR LAND SURVEYING AS CRITERIA FOR BIENNIAL REGISTRATION RENEWAL; ALLOWING CIVIL PENALTIES FOR UNLICENSED PRACTICE OF ENGINEERING OR LAND SURVEYING; AND AMENDING SECTIONS 37-67-306, 37-67-315, AND 37-67-332, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-67-306, MCA, is amended to read:

"37-67-306. Qualifications of applicant for registration as professional engineer. The following is considered minimum evidence satisfactory to the board that the applicant is qualified for registration as a professional engineer:

(1) A graduate of an engineering or engineering technology curriculum of 4 years or more approved by the board as being of satisfactory standing, with a specific record of an additional 4 years or more of progressive experience on engineering projects of a grade and character ~~which~~ that indicate to the board that the applicant may be competent to practice engineering, ~~shall~~ must be admitted to an 8-hour written examination in the fundamentals of engineering and an 8-hour written examination in the principles and practices of engineering. Upon passing ~~such~~ the examinations, the applicant ~~shall~~ must be granted a certificate of registration to practice engineering in this state ~~provided he~~ if the applicant is otherwise qualified.

(2) A graduate of a related science curriculum of 4 years or more, other than engineering or engineering technology, with a specific record of 8 years or more of progressive experience on engineering projects of a grade and character ~~which~~ that indicate to the board that the applicant may be competent to practice engineering, may be admitted to an 8-hour written examination in the fundamentals of engineering and an 8-hour written examination in the principles and practices of engineering. Upon passing ~~such~~ the



HB 147
INTRODUCED BILL

1 examinations, the applicant ~~shall~~ must be granted a certificate of registration to practice engineering in this
 2 state ~~provided he~~ if the applicant is otherwise qualified.

3 (3) A graduate of an engineering or related science curriculum of 4 years or more with a specific
 4 record of 20 years or more of progressive experience on engineering projects, of which at least 10 years
 5 have been in charge of important engineering projects, of a grade and character ~~which~~ that indicate to the
 6 board that the applicant may be competent to practice engineering ~~shall~~ must be admitted to an 8-hour
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10 (4) ~~Engineering teaching~~ Teaching engineering in a college or university offering an approved
 11 engineering curriculum of 4 years or more may be considered as engineering experience in these
 12 requirements ~~provided if~~ research, product development, or consulting has been a concurrent activity.

13 (5) A person who holds a doctorate degree in engineering from an institution with an engineering
 14 program approved by the board and the engineering accreditation commission of the accreditation board
 15 for engineering and technology or the Canadian engineering accreditation board and who provides a specific
 16 record of at least 4 years of progressive experience on engineering projects of a grade and character that
 17 indicate to the board that the applicant may be competent to practice engineering must be admitted to an
 18 8-hour written examination in the principles and practices of engineering. Upon passing the examination,
 19 the applicant must be issued a certificate of registration to practice engineering in this state if the applicant
 20 is otherwise qualified."

21

22 **Section 2.** Section 37-67-315, MCA, is amended to read:

23 **"37-67-315. Biennial renewal -- fee -- statement of competency.** (1) Certificates of registration
 24 expire every second year on the date established by rule of the department and become invalid on that date
 25 unless renewed. The department shall notify ~~every~~ each person registered under this chapter of the date
 26 of the expiration of ~~his~~ the person's certificate and the amount of the fee required for its renewal for 2
 27 years. This notice ~~shall~~ must be mailed at least 1 month in advance of the date of the expiration of the
 28 certificate. Renewal may be made prior to the expiration date by the payment of a fee as set by the board
 29 for either a professional engineer or professional land surveyor. For renewal of a dual license as both a
 30 professional engineer and professional land surveyor, the fee ~~shall~~ must be set by the board.

1 (2) ~~No~~ A certificate may not be renewed unless the registrant submits a statement to the effect
2 and the board is satisfied that ~~he~~ the registrant has maintained competency by:

3 (a) the continued practice of engineering or land surveying; ~~or~~ and

4 (b) engaging in other activities, such as continuing education, that provide for the maintenance of
5 competency ~~as if~~ prescribed by board rule.

6 (3) Failure on the part of a registrant to renew ~~his~~ the certificate biennially prior to the expiration
7 date does not deprive ~~him~~ the registrant of the right of renewal; however, a registrant who fails to pay the
8 renewal fee for an additional year of the biennium ~~shall be~~ is considered a new applicant and is required
9 to submit a new application.

10 (4) The fee for any registrant who fails to renew ~~his~~ the certificate prior to the expiration date ~~shall~~
11 must be increased by an amount not to exceed 50% of ~~his~~ the renewal fee. Renewal may not be
12 completed until all fees are paid."

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14 **Section 3.** Section 37-67-332, MCA, is amended to read:

15 **"37-67-332. Violations -- penalties -- enforcement.** (1) (a) A person commits a criminal offense
16 ~~who~~ if the person knowingly:

17 (i) practices or offers to practice engineering or land surveying in this state without being registered
18 under this chapter; ~~or a person~~

19 (ii) ~~presenting or attempting to use as his own~~ presents or attempts to use the certificate of
20 registration or the seal of another person; ~~or a person who~~

21 (iii) gives false or forged evidence to the board or department in obtaining a certificate of
22 registration; ~~or a person who falsely~~

23 (iv) impersonates another registrant; ~~or a person who~~

24 (v) attempts to use an expired, revoked, or emeritus certificate of registration; ~~or a person who~~

25 (vi) violates a provision of this chapter ~~is guilty of a misdemeanor and,~~

26 (b) A person convicted under subsection (1)(a) shall on conviction be fined not less than \$100 or
27 more than \$500 or imprisoned be incarcerated in the county jail for a period not exceeding 3 months, or
28 both.

29 (2) All officers of the law of this state or a one of its political subdivision thereof subdivisions shall
30 enforce this chapter and prosecute persons violating it. The attorney general shall act as legal adviser of

1 the board and render legal assistance necessary in carrying out this chapter.

2 (3) The board may enter an order assessing a civil penalty not to exceed \$5,000 against a person,
3 firm, partnership, or corporation found by the board to have:

4 (a) engaged in the practice of or offer to practice engineering or land surveying in this state without
5 being registered in accordance with the provisions of this part;

6 (b) used the words "engineer", "engineering", "land surveyor", or "land surveying" or any
7 modification or derivation of these words in its name or form of business activity, except as authorized in
8 this part;

9 (c) presented or attempted to use the certificate of registration or the seal of another registered
10 engineer or registered land surveyor;

11 (d) given false or forged evidence of any kind to any board member in obtaining or attempting to
12 obtain a certificate of registration;

13 (e) impersonated any other registered engineer or registered land surveyor; or

14 (f) used or attempted to use an expired, suspended, revoked, or false certificate of registration.

15 (4) Each day of continued violation of subsection (3) is a separate violation.

16 (5) In determining the amount of civil penalty to be assessed under this section, the board may
17 consider the following:

18 (a) whether the amount imposed will deter the violation;

19 (b) the circumstances leading to the violation;

20 (c) the severity of the violation and the risk of harm to the public;

21 (d) the economic benefits gained by the violator as a result of noncompliance; and

22 (e) the interest of the public.

23 (6) Before issuing an order under this section, the board shall provide the person written notice and
24 the opportunity to request, within 30 days of a notice issued by the board, a hearing on the record.

25 (7) The board may issue subpoenas to compel the attendance and testimony of witnesses and the
26 disclosure of evidence and may request the attorney general to bring an action to enforce a subpoena.

27 (8) A person penalized under this section may appeal to the district court.

28 (9) An order, not paid within 30 days of entry, may be enforced in the same manner as a district
29 court money judgment."

30

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0147, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act allowing engineering doctorate degree graduates with 4 years' experience to take the professional engineering examination; adding continuing education or other options to continued practice in engineering or land surveying as criteria for biennial registration renewal; allowing civil penalties for unlicensed practice of engineering or land surveying.

ASSUMPTIONS:

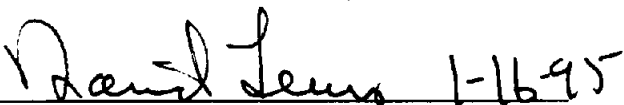
1. Continuing education requirements will be implemented on July 1, 1998 by the Board of Professional Engineers and Land Surveyors.
2. There will be 5 contested unlicensed practice case proceedings in each year of the 1997 biennium, at a cost of \$750 per case.
3. Department of Commerce, POL Bureau staff will conduct the investigations and prosecutions of the.
4. The average civil penalty of \$750 will be assessed per case.

FISCAL IMPACT:

	<u>FY96</u> <u>Difference</u>	<u>FY97</u> <u>Difference</u>
<u>Expenditures:</u>		
Operating Expenses	3,750	3,750
State Special Revenue (02)	3,750	3,750
<u>Revenues:</u>		
Civil Penalties (02)	3,750	3,750
<u>Net Impact:</u>		
State Special Revenue (02)	0	0

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The Board of Professional Engineers and Land Surveyors' operating expenses will increase in the 1999 biennium when continuing education requirements are implemented.


DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


DANIEL MCGEE, PRIMARY SPONSOR DATE

Fiscal Note for HB0147, as introduced

HB 147

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0147, third reading

DESCRIPTION OF PROPOSED LEGISLATION: An act allowing engineering doctorate degree graduates with 4 years' experience to take the professional engineering examination; adding continuing education or other options to continued practice in engineering or land surveying as criteria for biennial registration renewal; and providing for injunctive relief against the unlicensed practice of engineering or land surveying.

ASSUMPTIONS:

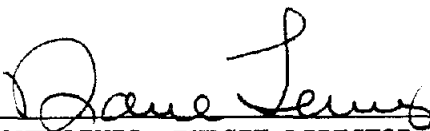
1. There is no fiscal impact as a result of changes to Section 1, qualification of applicant for registration as professional engineer.
2. The bill, as amended in Section 2 will not have a fiscal impact in the 1997 biennium. The Board of Professional Engineers and Land Surveyors will not implement the continuing education program until July 1, 1998.
3. The legal and investigative unit within the POL Bureau, Department of Commerce, will be responsible for the investigation and enforcement of Section 3. There will not be a fiscal impact as a result of changes to this section of the bill.


FISCAL IMPACT:

None in the 1997 biennium.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The Board of Professional Engineers and Land Surveyors' operating expenses will increase in the 1999 biennium when continuing education requirements are implemented.

 3-2-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


DANIEL MCGEE, PRIMARY SPONSOR DATE

Fiscal Note for HB0147, third reading

HB 147-#2

APPROVED BY COMMITTEE
ON BUSINESS AND LABOR

1 HOUSE BILL NO. 147

2 INTRODUCED BY MCGEE

3 BY REQUEST OF THE DEPARTMENT OF COMMERCE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING ENGINEERING DOCTORATE DEGREE GRADUATES
6 WITH 4 YEARS' EXPERIENCE TO TAKE THE PROFESSIONAL ENGINEERING EXAMINATION; ADDING
7 CONTINUING EDUCATION OR OTHER OPTIONS TO CONTINUED PRACTICE IN ENGINEERING OR LAND
8 SURVEYING AS CRITERIA FOR BIENNIAL REGISTRATION RENEWAL; ~~ALLOWING CIVIL PENALTIES FOR~~
9 ~~UNLICENSED PRACTICE OF ENGINEERING OR LAND SURVEYING~~; AND AMENDING SECTIONS 37-67-306,
10 37-67-315, AND 37-67-332, MCA."

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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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22 examination in the fundamentals of engineering and an 8-hour written examination in the principles and
23 practices of engineering. Upon passing ~~such~~ the examinations, the applicant ~~shall~~ must be granted a
24 certificate of registration to practice engineering in this state ~~provided he~~ if the applicant is otherwise
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26 (2) A graduate of a related science curriculum of 4 years or more, other than engineering or
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 12 requirements ~~provided if~~ if research, product development, or consulting has been a concurrent activity.

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 18 8-hour written examination in the principles and practices of engineering. Upon passing the examination,
 19 the applicant must be issued a certificate of registration to practice engineering in this state if the applicant
 20 is otherwise qualified."

21

22 **Section 2.** Section 37-67-315, MCA, is amended to read:

23 "**37-67-315. Biennial renewal -- fee -- statement of competency.** (1) Certificates of registration
 24 expire every second year on the date established by rule of the department and become invalid on that date
 25 unless renewed. The department shall notify ~~every~~ each person registered under this chapter of the date
 26 of the expiration of ~~his~~ the person's certificate and the amount of the fee required for its renewal for 2
 27 years. This notice ~~shall~~ must be mailed at least 1 month in advance of the date of the expiration of the
 28 certificate. Renewal may be made prior to the expiration date by the payment of a fee as set by the board
 29 for either a professional engineer or professional land surveyor. For renewal of a dual license as both a
 30 professional engineer and professional land surveyor, the fee ~~shall~~ must be set by the board.

1 (2) ~~No~~ A certificate may not be renewed unless the registrant submits a statement to the effect
2 and the board is satisfied that ~~he~~ the registrant has maintained competency by:

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4 (b) engaging in other activities, ~~such as continuing education,~~ that provide for the maintenance of
5 competency as if prescribed by board rule, SUCH AS CONTINUING EDUCATION, WHICH MAY REQUIRE
6 UP TO 15 PROFESSIONAL DEVELOPMENT HOURS AS PRESCRIBED BY BOARD RULE AND IS GENERALLY
7 PATTERNED AFTER THE MODEL RULES OF THE NATIONAL COUNCIL OF EXAMINERS FOR ENGINEERING
8 AND SURVEYING.

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10 date does not deprive ~~him~~ the registrant of the right of renewal; however, a registrant who fails to pay the
11 renewal fee for an additional year of the biennium ~~shall be~~ is considered a new applicant and is required
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15 completed until all fees are paid.”

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17 **Section 3.** Section 37-67-332, MCA, is amended to read:

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19 ~~who~~ if the person knowingly:

20 (i) practices or offers to practice engineering or land surveying in this state without being registered
21 under this chapter; ~~or a person~~

22 (ii) ~~presenting or attempting to use as his own~~ presents or attempts to use the certificate of
23 registration or the seal of another person; ~~or a person who~~

24 (iii) gives false or forged evidence to the board or department in obtaining a certificate of
25 registration; ~~or a person who falsely~~

26 (iv) impersonates another registrant; ~~or a person who~~

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28 (vi) violates a provision of this chapter is guilty of a misdemeanor and.

29 (b) A person convicted under subsection (1)(a) shall on conviction be fined not less than \$100 or
30 more than \$500 or ~~imprisoned~~ be incarcerated in the county jail for a period not exceeding 3 months, or

1 both.

2 (2) All officers of the law of this state or a one of its political subdivision thereof subdivisions shall
 3 enforce this chapter and prosecute persons violating it. The attorney general shall act as legal adviser of
 4 the board and render legal assistance necessary in carrying out this chapter.

5 ~~(3) The board may enter an order assessing a civil penalty not to exceed \$5,000 against a person,
 6 firm, partnership, or corporation found by the board to have:~~

7 ~~(a) engaged in the practice of or offer to practice engineering or land surveying in this state without
 8 being registered in accordance with the provisions of this part;~~

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 10 modification or derivation of these words in its name or form of business activity, except as authorized in
 11 this part;~~

12 ~~(c) presented or attempted to use the certificate of registration or the seal of another registered
 13 engineer or registered land surveyor;~~

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 15 obtain a certificate of registration;~~

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18 ~~(4) Each day of continued violation of subsection (3) is a separate violation.~~

19 ~~(5) In determining the amount of civil penalty to be assessed under this section, the board may
 20 consider the following:~~

21 ~~(a) whether the amount imposed will deter the violation;~~

22 ~~(b) the circumstances leading to the violation;~~

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 27 the opportunity to request, within 30 days of a notice issued by the board, a hearing on the record.~~

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 2 both.

3 (2) All officers of the law of this state or a one of its political subdivision thereof subdivisions shall
 4 enforce this chapter and prosecute persons violating it. The attorney general shall act as legal adviser of
 5 the board and render legal assistance necessary in carrying out this chapter.

6 (3) THE BOARD MAY APPLY TO THE APPROPRIATE COURT FOR AN INJUNCTION AGAINST A
 7 PERSON FOUND BY THE BOARD TO HAVE PRACTICED OR ATTEMPTED OR OFFERED TO PRACTICE
 8 ENGINEERING OR LAND SURVEYING IN THIS STATE WITHOUT A VALID CERTIFICATE OF REGISTRATION.

9 (4) IF A PERSON VIOLATES AN INJUNCTION AGAINST PRACTICE WITHOUT A VALID
 10 CERTIFICATE OF REGISTRATION, THE COURT MAY IMPOSE A FINE IN AN AMOUNT NOT TO EXCEED
 11 \$25,000.

12 ~~(3) The board may enter an order assessing a civil penalty not to exceed \$5,000 against a person,~~
 13 ~~firm, partnership, or corporation found by the board to have:~~

14 ~~(a) engaged in the practice of or offer to practice engineering or land surveying in this state without~~
 15 ~~being registered in accordance with the provisions of this part;~~

16 ~~(b) used the words "engineer", "engineering", "land surveyor", or "land surveying" or any~~
 17 ~~modification or derivation of these words in its name or form of business activity, except as authorized in~~
 18 ~~this part;~~

19 ~~(c) presented or attempted to use the certificate of registration or the seal of another registered~~
 20 ~~engineer or registered land surveyor;~~

21 ~~(d) given false or forged evidence of any kind to any board member in obtaining or attempting to~~
 22 ~~obtain a certificate of registration;~~

23 ~~(e) impersonated any other registered engineer or registered land surveyor; or~~

24 ~~(f) used or attempted to use an expired, suspended, revoked, or false certificate of registration.~~

25 ~~(4) Each day of continued violation of subsection (3) is a separate violation.~~

26 ~~(5) In determining the amount of civil penalty to be assessed under this section, the board may~~
 27 ~~consider the following:~~

28 ~~(a) whether the amount imposed will deter the violation;~~

29 ~~(b) the circumstances leading to the violation;~~

30 ~~(c) the severity of the violation and the risk of harm to the public;~~

- 1 ~~(d) the economic benefits gained by the violator as a result of noncompliance; and~~
2 ~~(e) the interest of the public.~~
3 ~~(6) Before issuing an order under this section, the board shall provide the person written notice and~~
4 ~~the opportunity to request, within 30 days of a notice issued by the board, a hearing on the record.~~
5 ~~(7) The board may issue subpoenas to compel the attendance and testimony of witnesses and the~~
6 ~~disclosure of evidence and may request the attorney general to bring an action to enforce a subpoena.~~
7 ~~(8) A person penalized under this section may appeal to the district court.~~
8 ~~(9) An order, not paid within 30 days of entry, may be enforced in the same manner as a district~~
9 ~~court money judgment."~~

10

-END-

1 HOUSE BILL NO. 147

2 INTRODUCED BY MCGEE

3 BY REQUEST OF THE DEPARTMENT OF COMMERCE
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING ENGINEERING DOCTORATE DEGREE GRADUATES
6 WITH 4 YEARS' EXPERIENCE TO TAKE THE PROFESSIONAL ENGINEERING EXAMINATION; ADDING
7 CONTINUING EDUCATION OR OTHER OPTIONS TO CONTINUED PRACTICE IN ENGINEERING OR LAND
8 SURVEYING AS CRITERIA FOR BIENNIAL REGISTRATION RENEWAL; ~~ALLOWING CIVIL PENALTIES FOR~~
9 ~~UNLICENSED PRACTICE OF ENGINEERING OR LAND SURVEYING~~; PROVIDING FOR INJUNCTIVE RELIEF
10 AGAINST THE UNLICENSED PRACTICE OF ENGINEERING OR LAND SURVEYING; AND AMENDING
11 SECTIONS 37-67-306, 37-67-315, AND 37-67-332, MCA."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
1415 **Section 1.** Section 37-67-306, MCA, is amended to read:16 **"37-67-306. Qualifications of applicant for registration as professional engineer.** The following is
17 considered minimum evidence satisfactory to the board that the applicant is qualified for registration as a
18 professional engineer:

19 (1) A graduate of an engineering or engineering technology curriculum of 4 years or more approved
20 by the board as being of satisfactory standing, with a specific record of an additional 4 years or more of
21 progressive experience on engineering projects of a grade and character ~~which~~ that indicate to the board
22 that the applicant may be competent to practice engineering, ~~shall~~ must be admitted to an 8-hour written
23 examination in the fundamentals of engineering and an 8-hour written examination in the principles and
24 practices of engineering. Upon passing ~~such~~ the examinations, the applicant ~~shall~~ must be granted a
25 certificate of registration to practice engineering in this state ~~provided he~~ if the applicant is otherwise
26 qualified.

27 (2) A graduate of a related science curriculum of 4 years or more, other than engineering or
28 engineering technology, with a specific record of 8 years or more of progressive experience on engineering
29 projects of a grade and character ~~which~~ that indicate to the board that the applicant may be competent to
30 practice engineering, may be admitted to an 8-hour written examination in the fundamentals of engineering

1 and an 8-hour written examination in the principles and practices of engineering. Upon passing ~~such the~~
 2 examinations, the applicant ~~shall~~ must be granted a certificate of registration to practice engineering in this
 3 state ~~provided he~~ if the applicant is otherwise qualified.

4 (3) A graduate of an engineering or related science curriculum of 4 years or more with a specific
 5 record of 20 years or more of progressive experience on engineering projects, of which at least 10 years
 6 have been in charge of important engineering projects, of a grade and character ~~which that~~ indicate to the
 7 board that the applicant may be competent to practice engineering ~~shall~~ must be admitted to an 8-hour
 8 written examination in the principles and practices of engineering. Upon passing ~~such the~~ examination, the
 9 applicant ~~shall~~ must be granted a certificate of registration to practice engineering in this state ~~provided he~~
 10 if the applicant is otherwise qualified.

11 (4) ~~Engineering-teaching~~ Teaching engineering in a college or university offering an approved
 12 engineering curriculum of 4 years or more may be considered as engineering experience in these
 13 requirements ~~provided if~~ research, product development, or consulting has been a concurrent activity.

14 (5) A person who holds a doctorate degree in engineering from an institution with an engineering
 15 program approved by the board and the engineering accreditation commission of the accreditation board
 16 for engineering and technology or the Canadian engineering accreditation board and who provides a specific
 17 record of at least 4 years of progressive experience on engineering projects of a grade and character that
 18 indicate to the board that the applicant may be competent to practice engineering must be admitted to an
 19 8-hour written examination in the principles and practices of engineering. Upon passing the examination,
 20 the applicant must be issued a certificate of registration to practice engineering in this state if the applicant
 21 is otherwise qualified."

22
 23 **Section 2.** Section 37-67-315, MCA, is amended to read:

24 **"37-67-315. Biennial renewal -- fee -- statement of competency.** (1) Certificates of registration
 25 expire every second year on the date established by rule of the department and become invalid on that date
 26 unless renewed. The department shall notify ~~every~~ each person registered under this chapter of the date
 27 of the expiration of ~~his~~ the person's certificate and the amount of the fee required for its renewal for 2
 28 years. This notice ~~shall~~ must be mailed at least 1 month in advance of the date of the expiration of the
 29 certificate. Renewal may be made prior to the expiration date by the payment of a fee as set by the board
 30 for either a professional engineer or professional land surveyor. For renewal of a dual license as both a

1 professional engineer and professional land surveyor, the fee ~~shall~~ must be set by the board.

2 (2) ~~No A~~ certificate may not be renewed unless the registrant submits a statement to the effect
3 and the board is satisfied that ~~he~~ the registrant has maintained competency by:

4 (a) the continued practice of engineering or land surveying; ~~or~~ and

5 (b) engaging in other activities, ~~such as continuing education,~~ that provide for the maintenance of
6 competency ~~as if~~ prescribed by board rule, SUCH AS CONTINUING EDUCATION, WHICH MAY REQUIRE
7 UP TO 15 PROFESSIONAL DEVELOPMENT HOURS AS PRESCRIBED BY BOARD RULE AND IS GENERALLY
8 PATTERNED AFTER THE MODEL RULES OF THE NATIONAL COUNCIL OF EXAMINERS FOR ENGINEERING
9 AND SURVEYING.

10 (3) Failure on the part of a registrant to renew ~~his~~ the certificate biennially prior to the expiration
11 date does not deprive ~~him~~ the registrant of the right of renewal; however, a registrant who fails to pay the
12 renewal fee for an additional year of the biennium ~~shall be~~ is considered a new applicant and is required
13 to submit a new application.

14 (4) The fee for any registrant who fails to renew ~~his~~ the certificate prior to the expiration date ~~shall~~
15 must be increased by an amount not to exceed 50% of ~~his~~ the renewal fee. Renewal may not be
16 completed until all fees are paid."

17

18 **Section 3.** Section 37-67-332, MCA, is amended to read:

19 "**37-67-332. Violations -- penalties -- enforcement.** (1) (a) A person commits a criminal offense
20 ~~who~~ if the person knowingly;

21 (i) practices or offers to practice engineering or land surveying in this state without being registered
22 under this chapter; ~~or a person~~

23 (ii) ~~presenting or attempting to use as his own~~ presents or attempts to use the certificate of
24 registration or the seal of another person; ~~or a person who~~

25 (iii) gives false or forged evidence to the board or department in obtaining a certificate of
26 registration; ~~or a person who falsely~~

27 (iv) impersonates another registrant; ~~or a person who~~

28 (v) attempts to use an expired, revoked, or emeritus certificate of registration; ~~or a person who~~

29 (vi) violates a provision of this chapter ~~is guilty of a misdemeanor and.~~

30 (b) A person convicted under subsection (1)(a) shall on conviction be fined not less than \$100 or

1 more than \$500 or ~~imprisoned~~ be incarcerated in the county jail for a period not exceeding 3 months, or
 2 both.

3 (2) All officers of the law of this state or a one of its political subdivisions thereof subdivisions shall
 4 enforce this chapter and prosecute persons violating it. The attorney general shall act as legal adviser of
 5 the board and render legal assistance necessary in carrying out this chapter.

6 (3) THE BOARD MAY APPLY TO THE APPROPRIATE COURT FOR AN INJUNCTION AGAINST A
 7 PERSON FOUND BY THE BOARD TO HAVE PRACTICED OR ATTEMPTED OR OFFERED TO PRACTICE
 8 ENGINEERING OR LAND SURVEYING IN THIS STATE WITHOUT A VALID CERTIFICATE OF REGISTRATION.

9 (4) IF A PERSON VIOLATES AN INJUNCTION AGAINST PRACTICE WITHOUT A VALID
 10 CERTIFICATE OF REGISTRATION, THE COURT MAY IMPOSE A FINE IN AN AMOUNT NOT TO EXCEED
 11 \$25,000.

12 ~~(3) The board may enter an order assessing a civil penalty not to exceed \$5,000 against a person,~~
 13 ~~firm, partnership, or corporation found by the board to have:~~

14 ~~(a) engaged in the practice of or offer to practice engineering or land surveying in this state without~~
 15 ~~being registered in accordance with the provisions of this part;~~

16 ~~(b) used the words "engineer", "engineering", "land surveyor", or "land surveying" or any~~
 17 ~~modification or derivation of these words in its name or form of business activity, except as authorized in~~
 18 ~~this part;~~

19 ~~(c) presented or attempted to use the certificate of registration or the seal of another registered~~
 20 ~~engineer or registered land surveyor;~~

21 ~~(d) given false or forged evidence of any kind to any board member in obtaining or attempting to~~
 22 ~~obtain a certificate of registration;~~

23 ~~(e) impersonated any other registered engineer or registered land surveyor; or~~

24 ~~(f) used or attempted to use an expired, suspended, revoked, or false certificate of registration.~~

25 ~~(4) Each day of continued violation of subsection (3) is a separate violation.~~

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 27 ~~consider the following:~~

28 ~~(a) whether the amount imposed will deter the violation;~~

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30 ~~(c) the severity of the violation and the risk of harm to the public;~~

1 ~~(d) the economic benefits gained by the violator as a result of noncompliance; and~~

2 ~~(e) the interest of the public.~~

3 ~~(6) Before issuing an order under this section, the board shall provide the person written notice and~~
4 ~~the opportunity to request, within 30 days of a notice issued by the board, a hearing on the record.~~

5 ~~(7) The board may issue subpoenas to compel the attendance and testimony of witnesses and the~~
6 ~~disclosure of evidence and may request the attorney general to bring an action to enforce a subpoena.~~

7 ~~(8) A person penalized under this section may appeal to the district court.~~

8 ~~(9) An order, not paid within 30 days of entry, may be enforced in the same manner as a district~~
9 ~~court money judgment."~~

10 -END-