

APPENDIX II-C

RULEMAKING NOTICE FORM

Notice Number _____	Rule Number _____	Eng 300 various
1. Agency Name & Address: Board of Professional Engineers c/o Office of Professional Licensure & Certification 7 Eagle Square Concord, NH 03301	2. RSA Authority: RSA 310-A:6 (b), (c), (g), (i), (l), (m), (n), (o), & (r) 3. Federal Authority: n/a 4. Type of Action: Adoption X Repeal _____ Readoption _____ Readoption w/amendment X	
5. Short Title: Licensure Requirements		

6. (a) Summary of what the rule says and of any proposed amendments:

Most of Chapter Eng 300 on licensure requirements expired 1/1/20. The Board of Professional Engineers is intending to adopt or readopt with amendment all sections of the Eng 300 rules as follows:

Adopt Eng 301.01 provides the definitions used throughout the entire section of Eng 300. The proposed adoption has not been modified from the expired rule;

Adopt Eng 302.01 describing the application process for initial licensure. The proposed adoption is being modified from the expired rule by:

- **Changing the part heading “Application Requirements and Application/Examination/Licensure Fees”;**
- **Removing the forms of payment that is acceptable;**

Adopt Eng 302.02 describing the application for initial licensure. The proposed adoption is being modified from the expired rule by making minor editorial changes;

Adopt Eng 302.03 describing the fundamentals of the engineering examination. The proposed adoption has not been modified from the expired rule;

Readopt with amendment Eng 302.04 describing the application, examination, and licensure fees and is being amended to:

- **Adopting application fee for licensure, licensure by reciprocity, renewal, reinstatement, and temporary certification of professional engineers; and**
- **Adopt of certification fees for engineering companies;**

Adopt Eng 302.05 describing fees and how they are to be paid. The proposed adoption is being modified from the expired rule by removing the types of payment that are acceptable leaving the portion that state fees are non-refundable;

Adopt 303.01 describing the candidate for professional engineer’s licensure requirements. The proposed adoption has not been modified from the expired rule;

Adopt Eng 303.02 describing the experience required for licensure as a professional engineer. The proposed adoption has not been modified from the expired rule;

Adopt Eng 303.03 describing the references required to be provided to the Board by the applicant for professional engineer licensure. The proposed adoption has not been modified from the expired rule;

Adopt 303.04 describing the information to be provided by each reference required for licensure as a professional engineer. The proposed adoption has not been modified from the expired rule;

Adopt 303.05 describing additional reference required if the original information provided by the reference is unclear, incomplete, or contradictory. The proposed adoption has not been modified from the expired rule;

Readopt with amendment Eng 304.01 describing the examination requirements for licensure as a professional engineer. The expired paragraphs (b) through (f) are being inserted again as amendment to the existing rule but have not been modified;

Adopt Eng 304.02 describing re-examination of the candidate for licensure after failing the examination. The proposed adoption has not been modified from the expired rule;

Adopt Eng 305.01 describing reciprocity for candidates for licensure from another state. The proposed adoption has been modified by making minor editorial changes;

Adopt Eng 306.01 describing business organization certificate requirements when offering engineering services in New Hampshire. The proposed adoption has not been modified from the expired rule;

Adopt Eng 307.01 describing temporary permits for those professional engineers licensed in another state who are working on a specific project not to exceed 6 months in any one calendar year. The proposed adoption has been modified by making minor editorial changes;

Adopt 308.01 describing the issuance of a professional engineer license. The proposed adoption has not been modified from the expired rule;

Adopt Eng 308.02 describing the issuance of a pocket card at each renewal. The proposed adoption has not been modified from the expired rule; and

Adopt Eng 308.03 describing the licensed professional engineer's seal or stamp. The proposed adoption has been modified by making all pronouns non-gender specific.

6. (b) Brief description of the groups affected:

The groups affected by these rules are the those applying to take the professional engineering examination, those applying for initial and temporary licensure, and those that are licensed.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Specific State Statute which the Rule Implements
Eng 301	RSA 310-A:6, I (a); RSA 310-A:11; RSA 310-A:12, I, II, III, IV
Eng 302	RSA 310-A:6, I (b); RSA 310-A:12, I, II, III, IV
Eng 302.02(b)	RSA 310-A:6, I(a); RSA 310-A:16
Eng 302.03, 302.04	RSA 310-A:6, I (e); RSA 310-A:7, I, II; RSA 310-A:16
Eng 302.04 (a) and (c)	RSA 310-A:6, I (e); RSA 310-A:7, I (a) & (b); RSA 310-A:16; RSA 310-A:17
Eng 303	RSA 310-A:6, I, (b), (l); RSA 310-A:12, I, II, III, IV; RSA 310-A:13; RSA 310-A:14; RSA 310-A:15; RSA 310-A:16
Eng 304	RSA 310-A:6, I, (c), (m), (n); RSA 310-A:17
Eng 305	RSA 310-A:6, I, (o); RSA 310-A:18-a; RSA 310-A:19
Eng 306	RSA 310-A:6 I, (k); RSA 310-A:20, I-VI
Eng 307	RSA 310-A:6, I, (o); RSA 310-A:18-a; RSA 310-A:19
Eng 308	RSA 310-A:6, I, (i)

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Tina Kelley** Title: **Program Specialist IV**
Address: **Office of Professional Licensure and Certification** Phone #: **(603) 271-5247**
7 Eagle Square Fax#: **None**
Concord, NH 03301 E-mail: **OPLC-Rules@oplc.nh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, September 4, 2023 at 4:00 pm.**

☐ Fax ☒ E-mail ☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, August 24, 2023 at 9:30 a.m.**

Place: **Office of Professional Licensure and Certification**
7 Eagle Square
Concord, NH 03301

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 23:146 , dated 6/28/2023

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost when comparing the proposed rules to the existing rules. Not applicable to the various rules which expired in January 2020 and are being readopted.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

- The proposed rules remove the examination for licensure as a professional engineer fee. The removal of this fee will have no impact. For the past 9 months the Office of Professional Licensure and Certification (OPLC) has required individuals to pay the exam fee directly to the exam company.
- The proposed rules change the application fee for licensure by comity or reciprocity with other states from \$250 to \$150, a decrease of \$100. There are approximately 3 applications by comity or reciprocity submitted per year which would result in a decrease in revenue of \$300.
- The biennial renewal fee for retired status is changed from \$30 to \$75 per year resulting in an indeterminable increase in revenue. There are approximately 4,148 biennial renewals, however, the OPLC does not track active status vs retired status.

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A. To State general or State special funds:

There will be no direct impact on the State general fund, however after paying all costs and salaries associated with the Office, any remaining balance in the fund lapses to the general fund at the close of each biennium. There will be an indeterminable impact on revenue to the office of professional licensure and certification fund from the proposed fee changes.

B. To State citizens and political subdivisions:

There will be an indeterminable fiscal impact to State citizens who are professional engineers due to the proposed fees changes. There is no cost or benefit to political subdivisions.

C. To independently owned businesses:

None

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

These rules do not violate Part I, Article 28-a of the New Hampshire Constitution. These rules do not mandate or assign this program to any political subdivision in any way.