

**IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS**

**10.01.04 - RULES OF CONTINUING PROFESSIONAL DEVELOPMENT**

**DOCKET NO. 10-0104-1501**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1208, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The amendments will clarify the continuing professional development requirements in plain English for licensees who want to reinstate a retired or expired license. The existing citation is difficult to understand. The rule change clarifies the intent of the board.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: There is no fee associated with this rule change.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: There is no fiscal impact to the state general fund or the agency dedicated fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2015 Idaho Administrative Bulletin, [Vol. 15-6, page 41](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Materials incorporated by reference include the latest version of the National Council of Examiners for Engineering and Surveying Model Rule 240.30 as found at [https://cdn.ncees.org/wp-content/uploads/2012/11/Model\\_Rules\\_2014.pdf](https://cdn.ncees.org/wp-content/uploads/2012/11/Model_Rules_2014.pdf). This reference includes the national standard that licensees may elect to use in lieu of the standard adopted by rule in Idaho. Licensees are required to comply with continuing professional development as a condition of licensure renewal. The purpose for adopting this reference and national standard is to make it easier for individuals holding licenses in multiple states to comply with one standard instead of keeping track of each state standard for complying with continuing professional development.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Keith Simila, (208) 373-7210.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2015.

DATED this 23rd Day of June, 2015.

Keith Simila, P.E. - Executive Director  
1510 Watertower St.  
Meridian, Idaho 83642

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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 10-0104-1501  
 (Only Those Sections With Amendments Are Shown.)

**009. EXEMPTIONS.**

A Licensee may be exempt from the continuing professional development requirements for one (1) of the following reasons: (7-1-99)

**01. First Renewal Period.** New Licensees by way of examination or comity shall be exempt from compliance with these rules during the time between issuance of the license and the due date of their first renewal following the issuance of the license. (5-8-09)

**02. Active Duty in the Armed Forces.** A Licensee serving on active duty in the armed forces of the United States, or a civilian deployed with the military, and temporarily assigned duty at a location other than their normal home station for a period of time exceeding one hundred twenty (120) consecutive days in a renewal period or the two (2) calendar year period closest to the renewal biennium shall be exempt from obtaining the professional development hours required during that renewal period or the two (2) calendar year period closest to the renewal biennium. (3-29-12)

**03. Extenuating Circumstances.** A Licensee experiencing physical disability, serious illness, or other extenuating circumstances accepted by the board. (7-1-99)

**04. Retired ~~and Receiving No Remuneration~~.** A Licensee who has chosen ~~and qualified for the "Retired" status and who further certifies that they are no longer receiving any remuneration from providing professional engineering or professional land surveying services~~ shall be exempt from the professional development hours required. In the event such a person elects to return to active practice of professional engineering or professional land surveying, professional development hours must be earned before returning to active practice. ~~for each biennium or the two (2) calendar year period closest to the renewal biennium exempted not to exceed the requirement for two (2) bienniums or four (4) calendar years~~ Thirty (30) PDH's must be earned for an exempted period less than four (4) years prior to the reinstatement request date. The thirty (30) PDH's earned must be earned within the previous two (2) years of the reinstatement request date. Sixty (60) PDH's must be earned for exempted periods of four (4) years or more prior to the reinstatement request date. The sixty (60) PDH's must be earned within the previous four (4) years of the reinstatement request date. All PDH's earned must comply with the requirements of this chapter. (5-8-09)(      )

**05. Expired License.** A Licensee who has chosen to allow his license to expire shall be exempt from the professional development hours required. In the event such a person elects to ~~reactivate~~ reinstate the license, professional development hours must be earned and documented before reinstating the license ~~for each biennium or two (2) calendar years exempted not to exceed the requirement for two (2) bienniums or four (4) calendar years.~~ The requirements for PDH's are the same as shown for retired licensees in Subsection 009.04. (5-8-09)(      )

~~**06. Renewal Period Following Adoption of These Rules as They are Amended to Include Professional Engineers.** All professional engineers shall be exempt from compliance with these rules during the time between the effective date of this subsection and the due date of their first renewal following the effective date of this subsection.~~ (5-8-09)

**07. Licensees Residing Outside the United States of America.** Licensees employed and residing outside the United States may delay the time required for fulfilling the continuing professional development requirements for a maximum of two (2) biennia or four (4) calendar years until the end of the six (6) month period beginning upon their return to the United States. This subsection shall not apply to permanent non-residents of the United States. (4-4-13)

(BREAK IN CONTINUITY OF SECTIONS)

**011. USE OF NCEES MODEL CPC STANDARD.**

Licensees have the option of complying with the requirements of this chapter, or may choose to comply with the National Council of Examiners for Engineering and Surveying (NCEES) Continuing Professional Competency (CPC) renewal standard as identified in the latest version of the NCEES Model Rule 240.30. This standard is found at [https://cdn.ncees.org/wp-content/uploads/2012/11/Model\\_Rules\\_2014.pdf](https://cdn.ncees.org/wp-content/uploads/2012/11/Model_Rules_2014.pdf). ( )

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