

**NOTICE OF INTENT TO ADOPT A NEW CHAPTER TO THE
GEORGIA PROFESSIONAL ENGINEERS AND LAND SURVEYORS BOARD
AND NOTICE OF PUBLIC HEARING**

CHAPTER 180-2, “APPLICATIONS.”

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Registration for Professional Engineers and Land Surveyors (hereinafter “Board”) proposes an amendment to Chapter 180-2, “Applications” (herein after “proposed chapter”).

This notice, an exact copy of the proposed chapter, and a synopsis of the proposed chapter are being sent to all persons who have requested, in writing, that they be placed on a notification list. This notice, an exact copy of the proposed chapter, and a synopsis of the proposed chapter may also be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. The documents will also be available for review on the Board’s website at <https://sos.ga.gov/page/rules-and-regulations-georgia-professional-engineers-and-land-surveyors-board>. Copies may also be requested by contacting the Board office at (404)-424-9966.

A public hearing will be held at 9:30 a.m., August 1, 2024. The hearing will be held at 229 Peachtree Street, Suite 1800 Atlanta, GA 30303. The public will have an opportunity to comment upon and provide input into the proposed chapter.

Interested parties affected by the chapter may submit written comments to the Agency no later than close of business on July 25, 2024. Comments may be made by email to Darren Mickler, Executive Director at dmickler@sos.ga.gov.

During the public hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument, whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements will be limited to five (5) minutes per person.

The Board voted to post this Notice of Intent at its meeting on May 30, 2024. The Board also voted that the formulation and adoption of this chapter does not impose excessive regulatory cost on any licensee, and any cost to comply with the proposed chapter cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-2, 43-1-25, 43-15-1, 43-15-4, 43-15-6, 43-15-8, 43-15-9, 43-15-10, 43-15-11, 43-15-12, 43-15-13, 43-15-15 and 43-15-21. Additionally, the Board voted that it was neither legal nor feasible in meeting the objectives of O.C.G.A. §§ 43-1-2, 43-1-25, 43-15-1, 43-15-4, 43-15-6, 43-15-8, 43-15-9, 43-15-10, 43-15-11, 43-15-12, 43-15-13, 43-15-15 and 43-15-21 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this chapter will impact every licensee in the same manner and each licensee is independently licensed in the field of Engineering and Land Surveying.

According to the Department of Law of the State of Georgia, the Georgia State Board of Registration for Professional Engineers and Land Surveyors has the authority to adopt proposed

Chapter 180-2 pursuant to authority contained in O.C.G.A. §§ 43-1-2, 43-1-25, 43-15-1, 43-15-4, 43-15-6, 43-15-8, 43-15-9, 43-15-10, 43-15-11, 43-15-12, 43-15-13, 43-15-15 and 43-15-21. For further information, contact the Board office at (404)-424-9966.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the 18th day of June, 2024.



Darren Mickler Executive Director
Georgia Professional Engineers and Land Surveyors Board

Posted: _____

**SYNOPSIS OF PROPOSED REVISIONS TO THE
GEORGIA PROFESSIONAL ENGINEERS AND LAND SURVEYORS BOARD**

CHAPTER 180-2, "APPLICATIONS."

PURPOSE: The purpose of this amendment is to reconcile the requirements for a land surveyor application with the changes in SB 195.

THIS IS A CHAPTER AMMENDMENT.

Note: Underlined text is proposed to be added; lined-through text is proposed to be deleted.

Rule 180-2-.01 General

- (1) All applications shall be made to the Board ~~upon the forms prescribed by the Board~~ through the licensing portal available on the Board's website. Applications made otherwise will not be accepted.
- (2) An application will not be considered on file or complete, until the Board has received all data pertinent to the application. It is the applicant's responsibility to ensure that the Board receives all necessary data, including the established fee, reference forms, education transcripts, and other required documents.
- ~~(3) Application forms may be obtained from the Georgia Board of Professional Engineers and Land Surveyors, Professional Licensing Board Division, 237 Coliseum Drive Macon, Georgia 31217-3858.~~
- (3) Applicants applying for licensure as a Land Surveyor are required to submit a minimum of four plats or maps which meet Georgia minimum technical standards. Two shall be boundary surveys, and two shall be topographic or elevation surveys. Each plat or map shall include a unique certification by the sealing land surveyor certifying that the applicant prepared the plat under their direct supervision. Comity applicants may submit plats or maps prepared and sealed by the applicant in another state. These plats should be edited appropriately to meet the standards and requirements of the State of Georgia before submittal to the Board.

Authority: O.C.G.A. §§ 43-1-25, 43-15-1, 43-15-4, 43-15-6, 43-15-9, 43-15-10, 43-15-13 and 43-15-15.

~~Rule 180-2-.02 Timeliness~~

~~An application for admission to an examination must be on file with the Board by June 1st or December 1st preceding the next scheduled examination in order for the applicant to be considered for admission to that examination. Applications not on file by those dates may be deferred to the next examination. Notice of the Board's action on an application normally will be given to an applicant at least twenty (20) days prior to the examination for which the application has been filed.~~

Authority: ~~O.C.G.A. §§ 43-15-4, 43-15-6, 43-15-9, 43-15-10, 43-15-13 and 43-15-15.~~

Rule 180-2-.032 Board Action on Applications

- (1) Notice of the Board's action approving or rejecting an application will be given to an applicant, ~~by first class mail~~ via the email address on file with the Board.
- (2) In the event the Board makes a preliminary determination that grounds may exist for rejection of an application under O.C.G.A. 43-15-15(b), it will give notice of that determination to the applicant, ~~by certified mail, return receipt requested~~ via the email address on file with the Board. The applicant so notified may request a hearing before the Board in accordance with the Administrative Procedure Act.
- (3) In the event the Board rejects an application on any ground other than those set forth in O.C.G.A. 43-15-15(b) or 43-15-19, no formal hearing will be permitted before the Board. The Board may, in its sole discretion and upon the applicant's ~~written~~ request, permit an applicant an informal

conference with the Board or with a designated member thereof for the purpose of permitting the applicant to explain, but not to supplement, his/her application. No recording of such a conference will be permitted.

(4) In the event the Board rejects an application based on insufficient experience and/or education, the applicant should not file a new application until such time as the minimum period of deferment has expired. [A period of deferment may be imposed by the Board in accordance with O.C.G.A. 43-15-15(c)]. However, the applicant may file prior to the end of the deferment period if; in the applicant's opinion, there have been substantive changes in the rate in which experience has been earned or education obtained. The new information may be filed either as a new application or as a supplement to the original application. In either case, the required fee shall accompany each application submitted.

(5) For applications requiring that the applicant be examined, experience will be considered through the date on which such application was notarized. Experience earned between the date the application was filed and date of the next examination will be considered valid only if the applicant remains in the same, equivalent or higher position in which he/she was employed at the time of filing and may only be claimed when the applicant files a new application or supplemental application as applicable. It is the responsibility of the applicant to keep the Board informed of substantive changes in job duties and responsibilities.

~~(6) The Board will provide reasonable accommodation to a qualified applicant with disability in accordance with the Americans with Disabilities Act. The request for an accommodation by an individual with a disability must be made in writing and received in the Board office by the application deadline along with the appropriate documentation, as indicated in the Request for Disability Accommodation Guidelines.~~

Authority: O.C.G.A. §§ 43-1-2, 43-1-25, 43-15-4, 43-15-6, 43-15-9, 43-15-10, 43-15-13 and 43-15-15.

Rule 180-2-.043 Examinations, General

~~(1) Examinations will be held at such times and places as the Board directs. The Board shall determine the passing grade on examinations. All examinations shall be approved by the entire Board.~~

~~(2)~~ (2) With exception of a locally prepared examination on hydrology and the legal aspects of land surveying in Georgia, all examinations will be in accordance with the National Council of Examiners for Engineering and Surveying (NCEES).

~~(3)~~ (3) ~~Written Examinations as set forth below may be taken as prescribed by the Board; only after the applicant has met the other minimum requirements as set forth in O.C.G.A. 43-15-8 and 43-15-9 and has been approved by the Board for admission to the examination as follows:~~

(a) Fundamentals of Engineering. Consists of an ~~eight hour~~ examination on the fundamentals of engineering. Passing this examination qualifies the examinee for an engineer-in-training certificate, provided he/she has met all other requirements for certification by this Chapter.

(b) Principles and Practice of Engineering Passing this examination qualifies the examinee for registration as a professional engineer, provided he/she has met the other requirements for registration required by this Chapter. Applicants shall designate the branch of engineering in which they intend to practice. The Board, after consideration of the designation and a review of the experience and other information listed in the application, shall identify the appropriate NCEES exam to be administered to the Applicant.

1. Except as provided in paragraph (2), the Applicant will be directed to take the eight-hour NCEES exam that is applicable to the branch of engineering identified by the Applicant.

2. If the Applicant designates that he/she will engage in the branch identified as structural engineering or the Applicant's experience is deemed to be within the branch of structural engineering, the Applicant shall be directed to take the NCEES 16-hour Structural Engineering Exam.

For purposes of this rule, "structural engineering" shall be defined as engaging in the design or analysis of "Designated Structures." "Designated Structures" are defined as follows:

- (i) For buildings and other structures requiring a building permit as required by the International Building Code, adopted edition, with Georgia Amendments in current effect in the state of Georgia, a Designated Structure is any building or other structure which meets any one of the following criteria:
- (I) Any building structure which has risk Category of III or IV in accordance with Table 1604.5 of the International Building Code, adopted edition, with Georgia Amendments.
 - (II) Any building structure which has a covered gross area of 100,000 square feet or greater, or has an occupied floor elevation that is 45 feet or more above the average ground level of the building.
 - (III) Any building structure which with height to least width aspect ratio of the structural lateral load resisting system greater than or equal to seven.
 - (IV) Any building structure which is designed using nonlinear time history analysis or with special seismic energy dissipation systems.
- (ii) For bridges and other related transportation structures, a Designated Structure is one that is considered to be a "complex bridge", as described in the Georgia Department of Transportation Consultant Prequalification Manual, which includes the following:
- (I) Bridges of spans longer than 300 feet
 - (II) Tunnels
 - (III) Cable-stayed bridges
 - (IV) Suspension bridges
 - (V) Movable bridges
 - (VI) Trusses with spans longer than 300 feet
 - (VII) Arch bridges
 - (VIII) Segmental bridges
 - (IX) Balance-cantilever bridges
 - (X) Other bridges requiring unique analytical methods or design features not commonly addressed in standards set forth by the American Association of State Highway and Transportation Officials.
3. Civil Engineering applicants who engage in the design of structural elements but will not perform Structural Engineering as defined in Paragraph (2), will be directed to take the ~~8~~ eight-hour Civil Breadth and Structural Depth exam.
- (c) Fundamentals of Land Surveying. Consists of an ~~eight-hour~~ examination on the elementary disciplines of land surveying. Passing this examination qualifies the examinee for a land surveyor-in-training certificate provided he/she has met all other requirements for certification of this Chapter.
- (d) Principles and Practice of Land Surveying and the Laws of Georgia. ~~The~~ This examination is administered in three parts. ~~One part (the national land surveying examination) tests the applicant's understanding of the theory and practice and of land surveying. A second part focuses on the application of hydrology to land surveying. The third part tests the applicant's knowledge of the law of Georgia as it applies to land surveying. An applicant must obtain a passing score in each of the three parts in order to pass the examination~~ This examination may be taken after passage of the Fundamentals of Land Surveying Examination.
- (e) Laws and History of Land Surveying in Georgia. This examination tests the applicant's knowledge and proficiency in the laws of Georgia which apply to land surveying as well as the history of the land division systems of Georgia.
- (f) Hydrology. This examination is available to land surveyors who meet the requirements of OCGA 43-15-13.1 to become recognized as a Land Surveyor whose licensure is "Hydrology and Design Authorized". This examination tests the applicant's knowledge and proficiency in the engineering principles of hydrology, open channel flow, pressurized flows, sanitary sewer collection, and stormwater management.
- (3) After administration of an examination, the contents of the examination will be treated as confidential and will not be disclosed, except in such circumstances and under such conditions as may be approved by the Board. No reuse, copying or reproduction in any manner of any portion of the examination materials is permitted without the Board's permission.
- (4) The Board will not conduct with examinees reviews of any portion of any examination. Further, the Board will not permit an examination to be re-scored.

(5) In case of an applicant seeking registration by comity under O.C.G.A. 43-15-16, the Board shall review the prior experience of the applicant in determining which exam is required for licensure in Georgia.

Authority: O.C.G.A. §§ 43-1-25, 43-15-4, 43-15-6, 43-15-8, 43-15-11, 43-15-12, 43-15-13 and 43-15-15.

Rule 180-2-.04 Repealed

Authority: O.C.G.A. §§ 43-15-8, 43-15-11, 43-15-12 and 43-15-13.

Rule 180-2-.05 Temporary Permits Repealed

The Georgia Law covering the issuing of Temporary Permits under the provisions of Georgia Code Section 43-15-21 is interpreted by the Board of Registration for Professional Engineers and Land Surveyors to include the following:

(1) ~~— The Board, or its delegate, in its sole discretion may issue a temporary permit to a person who is not a resident of and who has no established place of business in this state, or who has recently become a resident thereof, to permit him, in accordance with the conditions of the temporary permit, to practice, or offer to practice engineering in this state if:~~

~~(a) — An application for a certificate of registration has been filed with the board and the fee required by this chapter has been paid;~~

~~(b) — The applicant is legally qualified to practice such profession in the state or country of the applicant's residence or former residence; and~~

~~(c) — The requirements and qualifications for obtaining a certificate of registration in that jurisdiction are not lower than those specified in this chapter.~~

~~(2) — Temporary permits under this code section shall be only considered and granted for a single project stipulated by the applicant to be of one year's duration or less, or subsection of a single project of one year's duration or less, as determined by the board to be within the applicant's area of expertise and experience.~~

~~(3) — An application under subsection (1) of this Code Section shall be made to the board in writing, containing such information and in the form and manner as shall be prescribed by the board including the following:~~

~~(a) — The identity of the project and a brief description of the engineering services for the project intended to perform by the recipient of the requested temporary permit; and~~

~~(b) — The applicant's proposed role and responsibilities for the project services to be provided under the requested temporary permit; and~~

~~(c) — The applicant's statement as to the duration of the engineering services and the period required to complete the project.~~

~~(4) — The temporary permit shall continue only for such time as the board requires for the consideration of the application for registration or for a maximum of one (1) year, whichever occurs first. The temporary permit shall contain such conditions with respect to the scope of permission granted as the board deems necessary or desirable.~~

~~(5) — Plans specifications, and reports issued by a person holding a temporary permit shall bear his/her signature and a stamp containing his/her name, business address, and "Georgia Professional Engineer Temporary No. _____." The signature and stamp shall be affixed only in accordance with the requirements of subsection (b) of Code Section 43-15-22.~~

~~(6) — A person who has obtained a temporary permit and practices in accordance therewith is deemed to be a professional engineer for purpose of this chapter, but a temporary permit shall not be deemed to be a registration under any provision of this chapter, including, by way of illustration and not limitation, Code Section 43-15-23.~~

O.C.G.A. §§ 43-15-21.

RULES
OF
GEORGIA PROFESSIONAL ENGINEERS AND LAND SURVEYORS BOARD
CHAPTER 180-2
APPLICATIONS
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Rule 180-2-.01 General

- (1) All applications shall be made to the Board through the licensing portal available on the Board's website. Applications made otherwise will not be accepted.
- (2) An application will not be considered on file or complete, until the Board has received all data pertinent to the application. It is the applicant's responsibility to ensure that the Board receives all necessary data, including the established fee, reference forms, education transcripts, and other required documents.
- (3) Applicants applying for licensure as a Land Surveyor are required to submit a minimum of four plats or maps which meet Georgia minimum technical standards. Two shall be boundary surveys, and two shall be topographic or elevation surveys. Each plat or map shall include a unique certification by the sealing land surveyor certifying that the applicant prepared the plat under their direct supervision. Comity applicants may submit plats or maps prepared and sealed by the applicant in another state. These plats should be edited appropriately to meet the standards and requirements of the State of Georgia before submittal to the Board.

Authority: O.C.G.A. §§ 43-1-25, 43-15-1, 43-15-4, 43-15-6, 43-15-9, 43-15-10, 43-15-13 and 43-15-15.

Rule 180-2-.02 Board Action on Applications

- (1) Notice of the Board's action approving or rejecting an application will be given to an applicant at the email address on file with the Board.
- (2) In the event the Board makes a preliminary determination that grounds may exist for rejection of an application under O.C.G.A. 43-15-15(b), it will give notice of that determination to the applicant at the email address on file with the Board. The applicant so notified may request a hearing before the Board in accordance with the Administrative Procedure Act.
- (3) In the event the Board rejects an application on any ground other than those set forth in O.C.G.A. 43-15-15(b) or 43-15-19, no formal hearing will be permitted before the Board. The Board may, in its sole discretion and upon the applicant's ~~written~~ request, permit an applicant an informal conference with the Board or with a designated member thereof for the purpose of permitting the applicant to explain, but not to supplement, his/her application. No recording of such a conference will be permitted.
- (4) In the event the Board rejects an application based on insufficient experience and/or education, the applicant should not file a new application until such time as the minimum period of deferment has expired. [A period of deferment may be imposed by the Board in accordance with O.C.G.A. 43-15-15(c)]. However, the applicant may file prior to the end of the deferment period if; in the applicant's opinion, there have been substantive changes in the rate in which experience has been earned or education obtained. The new information may be filed either as a new application or as a supplement to the original application. In either case, the required fee shall accompany each application submitted.
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Rule 180-2-.03 Examinations, General

- (1) With exception of a locally prepared examination on hydrology and the legal aspects of land surveying in Georgia, all examinations will be in accordance with the National Council of Examiners for Engineering and Surveying (NCEES).
- (2) Examinations may be taken only after the applicant has met the other minimum requirements as set forth in O.C.G.A. 43-15-8 and 43-15-9 and has been approved by the Board for admission to the examination as follows:
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Authority: O.C.G.A. §§ 43-1-25, 43-15-4, 43-15-6, 43-15-8, 43-15-11, 43-15-12, 43-15-13 and 43-15-15.

Rule 180-2-.04 Repealed

Authority: O.C.G.A. §§ 43-15-8, 43-15-11, 43-15-12 and 43-15-13.

Rule 180-2-.05 Repealed

O.C.G.A. § 43-15-21.