



A SunCam online continuing education course

Utah Laws and Rules for Engineers

by

Mark Ludwigson



Utah Laws and Rules for Engineers
A SunCam online continuing education course

Course Outline:

Utah Code
Utah Code 58-22
Utah Administrative Code
UAC R156-22
State Board
Practice of Professional Engineering
Professions and Branches
Incidental Architecture Work
Professional Conduct
Sign and Seal Requirements
Continuing Education
Helpful References
Examination



Utah Laws and Rules for Engineers
A SunCam online continuing education course

Utah Code

State laws are enacted by the Utah State Legislature, made up of the Senate and House of Representatives. When a bill has passed in both chambers, it is transmitted to the Governor for signature and then becomes law. If the Governor vetoes the bill, the Legislature must override a veto with a two-thirds vote in both the Senate and the House of Representatives for the bill to become law.

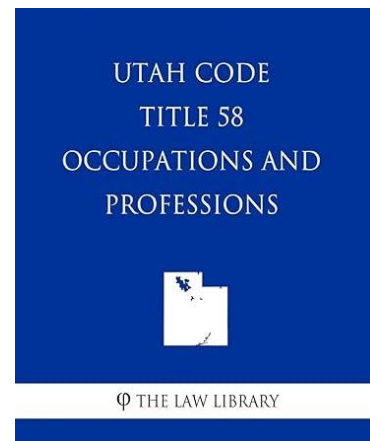
Passed bills are called acts. All acts are published in the Laws of Utah which is an unannotated set of laws. Acts are also added to the Utah Code in the appropriate locations with annotations added, such as notes, cross-references, and legislative history. The Utah Code is the official organized collection of state laws

The Utah Code contains 81 titles covering a variety of subjects. The title and chapter for engineering is under the following organization:

- Title 58: Occupations and Professions
 - Chapter 22: Professional Engineers and Professional Land Surveyors Licensing Act

The chapter can be cited as follows:

- Utah Code 58-22
- Utah Code § 58-22
- UT Code 58-22
- Utah Code Annotated 58-22
- UCA 58-22



Also, of relevance under Title 58, Chapter 1 entitled “Division of Professional Licensing Act” contains general licensing and professional conduct requirements which apply to the dozens of occupations covered under Title 58.

See the “Helpful Resources” section for the website addresses with the latest laws, rules, and Board information.



Utah Laws and Rules for Engineers
A SunCam online continuing education course

Utah Code 58-22

The law dedicated to the practice of engineering is Utah Code 58-22. It contains general requirements for engineers and surveyors. It also gives authority to the Board to enact the laws and manage licensing. The following is the contents of Utah Code 58-22, with **bold** sections being of particular importance for practicing professional engineers.

Chapter 22 Professional Engineers and Professional Land Surveyors Licensing Act

Part 1 General Provisions

- Section 101 Title.
- Section 102 Definitions.**
- Section 103 Education and enforcement fund.
- Section 104 Surcharge fee.

Part 2 Board

- Section 201 Board.

Part 3 Licensure

- Section 301 License required -- License classifications.**
- Section 302 Qualifications for licensure.
- Section 303 Term of license -- Expiration -- Renewal.
- Section 304 Continuing professional education.**
- Section 305 Exemption from licensure.**
- Section 306 Admission criteria to take the Fundamentals of Engineering Examination.

Part 4 License Denial and Discipline

- Section 401 Grounds for denial of license and disciplinary proceedings.

Part 5 Unlawful Conduct – Penalties

- Section 501 Unlawful conduct.**
- Section 502.5 Unprofessional conduct.**
- Section 503 Penalties and administrative actions for unlawful or unprofessional conduct.

Part 6 Practice Standards

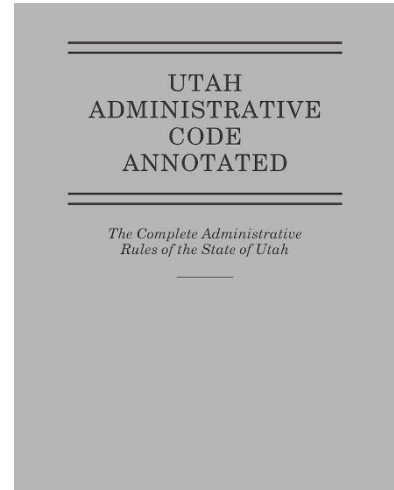
- Section 601 Seal -- Design and implementation.**
- Section 602 Plans, specifications, reports, maps, sketches, surveys, drawings, documents, and plats to be sealed.**
- Section 603 Seal -- Authorized use.**



Utah Laws and Rules for Engineers
A SunCam online continuing education course

Utah Administrative Code

State laws are often high-level and lack details required for implementation. The Utah Legislature delegates state agencies to manage the implementation of laws and to create rules and regulations that complement the laws. The compilation of agency regulations is called the Utah Administrative Code (UAC). These regulations are enforceable just like state laws.



The regulations are made up of titles from 13 to 995, each for a different department, division, board, council, or commission. Professional engineering is under the following organization:

- Dept. of Commerce: Titles 151 to 166
 - Title 156: Professional Licensing
 - Rule R156-22: “Professional Engineers and Professional Land Surveyors Licensing Act Rule”.

The board can make edits to the regulations in rule R156-22, provided they don’t contradict state laws.

There are some general provisions that apply to all professions in rule R156-1 entitled “General Rule of the Division of Professional Licensing.”

Note that there is a separate rule and separate board for architects and geologists.



UTAH | COMMERCE

Division of Professional Licensing



Utah Laws and Rules for Engineers
A SunCam online continuing education course

UAC R156-22

The following are the contents of R156-22 with important sections in **bold** being of particular importance for practicing professional engineers.

R156-22. Professional Engineers and Professional Land Surveyors Licensing Act Rule.

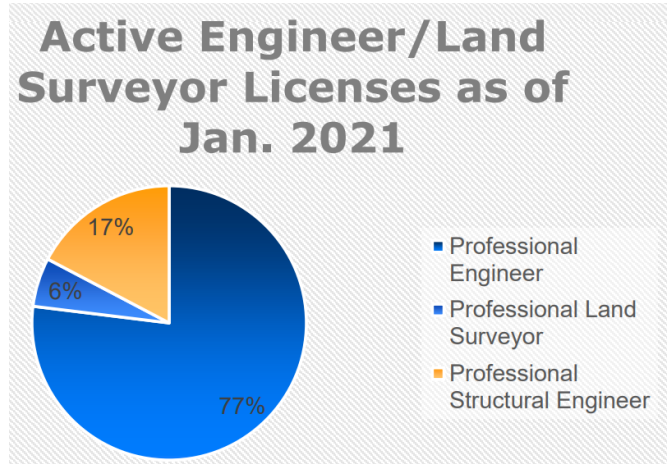
| | |
|--------------------|--|
| R156-22-101 | Title |
| R156-22-102 | Definitions |
| R156-22-103 | Authority - Purpose |
| R156-22-104 | Organization - Relationship to Rule R156-1 |
| R156-22-302b | Qualifications for Licensure - Education Requirements for Professional Engineer and Professional Structural Engineer |
| R156-22-302c | Qualifications for Licensure - Education Requirements for Professional Land Surveyor |
| R156-22-302d | Qualifications for Licensure - Experience Requirements for All Applicants |
| R156-22-302e | Qualifications for Licensure - Experience Requirements - Specific to Professional Engineer |
| R156-22-302f | Qualifications for Licensure - Experience Requirements - Specific to Professional Structural Engineer |
| R156-22-302g | Qualifications for Licensure - Experience Requirements - Specific to Professional Land Surveyor |
| R156-22-302h | Qualifications for Licensure - Examination Requirements for Professional Engineer |
| R156-22-302i | Qualifications for Licensure - Examination Requirements for Professional Structural Engineer |
| R156-22-302j | Qualifications for Licensure - Examination Requirements for Professional Land Surveyor |
| R156-22-304 | Continuing Education for Professional Engineers, Professional Structural Engineers, and Professional Land Surveyors |
| R156-22-305 | Inactive Status |
| R156-22-502 | Unprofessional Conduct |
| R156-22-503 | Administrative Penalties |
| R156-22-601 | Seal Requirements |



Utah Laws and Rules for Engineers
A SunCam online continuing education course

State Board

The state agency for professional engineering is the *Utah Professional Engineers and Professional Land Surveyors Licensing Board*, hereafter referred to as the Board. The Board oversees over 10,000 professional engineers. The board is given authority to manage and further regulate professional engineering. The Board can make modifications to UAC R156-22.



The Board is part of the Department of Commerce, under the Division of Professional Licensing.



Utah Department of Commerce
Division of Occupational and Professional Licensing

The board website (<https://dopl.utah.gov/engineering>) contains the following topic pages:

- Exam Information
- Renew a License
- Licensing
- Laws and Rules
- Board Information
- Related Information
- Criminal History
- Educational Videos
- Frequently Asked Questions
- Contact Us



Utah Laws and Rules for Engineers
A SunCam online continuing education course

Practice of Professional Engineering

The following is a copy-paste of the relevant laws and rules that help define the practice of professional engineering:

Utah Code 58-22

58-22-102. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Board" means the Professional Engineers and Professional Land Surveyors Licensing Board created in Section 58-22-201.
- (2) "Building" means a structure which has human occupancy or habitation as its principal purpose, and includes the structural, mechanical, and electrical systems, utility services, and other facilities required for the building, and is otherwise governed by the State Construction Code or an approved code under Title 15A, State Construction and Fire Codes Act.
- (3) "Complete construction plans" means a final set of plans, specifications, and reports for a building or structure that normally includes:
 - (a) floor plans;
 - (b) elevations;
 - (c) site plans;
 - (d) foundation, structural, and framing detail;
 - (e) electrical, mechanical, and plumbing design;
 - (f) information required by the energy code;
 - (g) specifications and related calculations as appropriate; and
 - (h) all other documents required to obtain a building permit.
- ...
- (6) "NCEES" means the National Council of Examiners for Engineering and Surveying.
- (7) "Principal" means a licensed professional engineer, professional structural engineer, or professional land surveyor having responsible charge of an organization's professional engineering, professional structural engineering, or professional land surveying practice.



Utah Laws and Rules for Engineers
A SunCam online continuing education course

- (8) "Professional engineer" means a person licensed under this chapter as a professional engineer.
- (9)
 - (a) "Professional engineering," "the practice of engineering," or "the practice of professional engineering" means a 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 to the service or creative work as consultation, investigation, evaluation, planning, design, and design coordination of engineering works and systems, planning the use of land and water, facility programming, performing engineering surveys and studies, and the review of construction for the purpose of monitoring compliance with drawings and specifications; any of which embraces these services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, and including other professional services as may be necessary to the planning, progress, and completion of any engineering services.
 - (b) "The practice of professional engineering" does not include the practice of architecture as defined in Section 58-3a-102, but a licensed professional engineer may perform architecture work as is incidental to the practice of engineering.
- (10) "Professional engineering intern" means a person who:
 - (a) has completed the education requirements to become a professional engineer;
 - (b) has passed the fundamentals of engineering examination; and
 - (c) is engaged in obtaining the four years of qualifying experience for licensure under the supervision of a licensed professional engineer.
- (11) "Professional land surveying" or "the practice of land surveying" means a service or work, the adequate performance of which requires the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations,



Utah Laws and Rules for Engineers
A SunCam online continuing education course

natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting or locating of property boundaries or points controlling boundaries, and for the platting and layout of lands and subdivisions of lands, including the topography, alignment and grades of streets, and for the preparation and perpetuation of maps, record plats, field notes records, and property descriptions that represent these surveys and other duties as sound surveying practices could direct.

(12) "Professional land surveyor" means an individual licensed under this chapter as a professional land surveyor.

...

(16) "Supervision" means that a licensed professional engineer, professional structural engineer, or professional land surveyor is responsible for and personally reviews, corrects when necessary, and approves work performed by an employee, subordinate, associate, or drafter under the direction of the licensee, and may be further defined by rule by the division in collaboration with the board.

...

(18) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-22-501.

(19) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-22-502.5 .

UAC R156-1

Section R156-1-102 - Definitions

Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act. In addition:

(1)

(a) "Active and in good standing" means a licensure status that allows the licensee full privileges to engage in the practice of the profession subject to the scope of the licensee's license classification.



Utah Laws and Rules for Engineers
A SunCam online continuing education course

(b) A license that has been placed on probation subject to terms and conditions is not active and in good standing.

(2)

(a) "Aggravating circumstances" means any consideration or factors that may justify an increase in the severity of an action to be imposed upon an applicant or licensee.

(b) "Aggravating circumstances" include the following:

(i) prior record of disciplinary action, unlawful conduct, or unprofessional conduct;

(ii) dishonest or selfish motive;

(iii) pattern of misconduct;

(iv) multiple offenses;

(v) obstruction of the disciplinary process by intentionally failing to comply with rules or orders of the Division;

(vi) submission of false evidence, false statements, or engaging in other deceptive practices, including creating, destroying, or altering records;

(vii) refusal to acknowledge the wrongful nature of the misconduct involved, either to the client or to the Division;

(viii) vulnerability of the victim;

(ix) lack of good faith to make restitution or to rectify the consequences of the misconduct;

(x) illegal conduct, including the use of controlled substances; or

(xi) intimidation or threats of withholding client records or other detrimental consequences if the client reports or testifies regarding the unprofessional or unlawful conduct.

(3) "Cancel" or "cancellation" means nondisciplinary action by the Division to rescind, repeal, annul, or void a license:

(a) issued to a licensee in error, such as where a license is issued to an applicant:

(i) whose payment of the required application fee is dishonored when presented for payment;

(ii) who has been issued a conditional license pending a criminal background check and the check cannot be completed due to the applicant's failure to resolve an outstanding warrant or to submit acceptable fingerprint cards; or

(iii) who has been issued the wrong classification of licensure; or

(b) not issued in error, but the licensee fails to maintain the ongoing qualifications for licensure and the failure is not defined as unprofessional conduct or unlawful conduct.



Utah Laws and Rules for Engineers
A SunCam online continuing education course

(4) "Charges" means the acts or omissions alleged to constitute either unprofessional or unlawful conduct or both by a licensee, that serve as the basis to consider a licensee for inclusion in the Utah Professionals Health Program authorized in Title 58, Chapter 4a, Utah Professionals Health Program.

(5)

(a) "Cheating" means the use of any means or instrumentality by or for the benefit of a candidate to alter exam results to inaccurately represent the competency of a candidate with respect to the knowledge or skills about which the candidate is examined.

(b) "Cheating" includes:

(i) for a candidate during an exam:

(A) communication about the exam with another candidate inside the exam room or facility;

(B) communication about the exam with anyone outside of the exam room or facility;

(C) copying or looking at another candidate's answers;

(D) allowing another candidate to copy or look at the candidate's answers;

(E) use of any item, material, or device that is not specifically authorized for use in the exam; or

(F) unauthorized tampering with exam equipment or materials;

(ii) allowing access to exam questions or answers if not authorized by the Division;

(iii) taking or attempting to take an exam for another individual;

(iv) obtaining, using, disclosing, buying, selling, possessing, or having access to any part of a Division exam without written authorization from the Division or its contracted vendor;

(v) violating an exam confidentiality agreement; or

(vi) attesting that the candidate meets the qualifications to sit for an exam if the candidate knows or reasonable should know that the candidate does not meet the qualifications.

(c) "Cheating" is unlawful conduct under Subsection 58-1-501(1)(e) and unprofessional conduct under Subsection 58-1-501(2)(a)(viii).

(6) "Conditional licensure" means an interim non-adverse licensure action, in which a license is issued to an applicant for initial, renewal, or reinstatement of licensure on a conditional basis in accordance with Section R156-1-308f, while an investigation, inspection, or audit is pending.



Utah Laws and Rules for Engineers
A SunCam online continuing education course

(7) "Denial of licensure" means action by the Division refusing to issue a license to an applicant for initial licensure, renewal of licensure, reinstatement of licensure, or relicensure.

(8)

(a) "Disciplinary action" means adverse licensure action by the Division under the authority of Subsection 58-1-401(2)(a) or (b).

(b) "Disciplinary action" as used in Subsection 58-1-401(6):

(i) means an adverse licensure action initiated by the Division; and

(ii) does not mean an adverse licensure action taken by the Division in response to an application for licensure.

(9) "Duplicate license" means a license reissued to replace a license that has been lost, stolen, or mutilated.

(10) "Emergency review committee" means an emergency adjudicative proceedings review committee created by the Division under the authority of Subsection 58-1-108(2).

(11) "Expire" or "expiration" means the automatic termination of a license that occurs:

(a) at the expiration date shown upon a license if the licensee fails to renew the license before the expiration date; or

(b) before the expiration date shown on the license:

(i) upon the death of a licensee who is a natural person;

(ii) upon the dissolution of a licensee that is a business structure such as a partnership, corporation, or other business entity; or

(iii) upon the issuance of a new license that supersedes an old license, including a license that:

(A) replaces a temporary license;

(B) replaces a student or other interim license that is limited to one or more renewals or other renewal limitation; or

(C) is issued to a licensee in an upgraded classification permitting the licensee to engage in a broader scope of practice in the licensed occupation or profession.



Utah Laws and Rules for Engineers
A SunCam online continuing education course

(12) "Home telephone number" in Section 58-1-106 or R156-1-106 includes a licensee's personal cell phone number.

(13) "Home address" in Section 58-1-106 or R156-1-106 may include a licensee's mailing address or email address.

(14) "Inactive" or "inactivation" means action by the Division to place a license on inactive status in accordance with Section 58-1-305 and Section R156-1-305.

(15) "Investigative subpoena authority" means the Division assistant director or legal analyst, or an alternate designated by the director in writing.

(16) "License" means a right or privilege to engage in the practice of a regulated profession as a licensee.

(17) "Limit" or "limitation" means nondisciplinary action placing either terms and conditions or restrictions, or both upon a license:

(a) issued to an applicant for initial licensure, renewal, or reinstatement of licensure, or relicensure; or

(b) issued to a licensee in place of the licensee's current license or disciplinary status.

(18) "Mitigating circumstances" means any consideration or factors that may justify a reduction in the severity of an action to be imposed upon an applicant or licensee.

(a) Mitigating circumstances include:

(i) absence of prior record of disciplinary action, unlawful conduct or unprofessional conduct;

(ii) personal, mental, or emotional problems if the problems have not posed a risk to the health, safety, or welfare of the public or clients served, such as drug or alcohol abuse while working or similar situations where the licensee or applicant should know that they should refrain from engaging in activities that may pose such a risk;

(iii) timely and good faith effort to make restitution or rectify the consequences of the misconduct involved;

(iv) full and free disclosure to the client or Division before the discovery of any misconduct;



Utah Laws and Rules for Engineers
A SunCam online continuing education course

(v) inexperience in the practice of the profession, that is not the result of failure to obtain appropriate education or consultation that the applicant or licensee should have known they should obtain before beginning work on a particular matter;
 (vi) imposition of other penalties or sanctions if the other penalties and sanctions have alleviated threats to the public health, safety, and welfare; and
 (vii) remorse.

(b) The following factors may not be considered as mitigating circumstances:

(i) forced or compelled restitution;

(ii) withdrawal of complaint by client or other affected persons;

(iii) resignation before disciplinary proceedings;

(iv) failure of injured client to complain;

(v) complainant's recommendation as to sanction; or

(vi) in an informal disciplinary proceeding brought pursuant to Subsection 58-1-501(2)(a)(iii), or 58-1-501(2)(a)(iv), or Section R156-1-501:

(A) argument that a prior proceeding was conducted unfairly, contrary to law, or in violation of due process or any other procedural safeguard;

(B) argument that a prior finding or sanction was contrary to the evidence or entered without due consideration of relevant evidence;

(C) argument that a respondent was not adequately represented by counsel in a prior proceeding; and

(D) argument or evidence that former statements of a respondent made in conjunction with a plea or settlement agreement are not true.

(19) "Nondisciplinary action" means adverse licensure action by the Division under the authority of Subsection 58-1-401(1) or 58-1-401(2)(c) or (d).

(20) "Peer committee" mean an advisory peer committee to a board that is created by the Legislature in Title 58, Occupations and Professions, or created by the Division under the authority of Subsection 58-1-203(1)(f).

(21) "Probation" means disciplinary action placing terms and conditions upon a license:

(a) issued to an applicant for initial licensure, renewal or reinstatement of licensure, or relicensure; or

(b) issued to a licensee in place of the licensee's current license or disciplinary status.



Utah Laws and Rules for Engineers
A SunCam online continuing education course

(22) "Public reprimand" means disciplinary action to formally reprove or censure a licensee for unprofessional or unlawful conduct, with the documentation of the action being classified as a public record.

(23) "Regulatory authority" as used in Subsection 58-1-501(2)(a)(iv) and this rule means any governmental entity that licenses, certifies, registers, or otherwise regulates persons subject to its jurisdiction, or grants the right to practice before or otherwise do business with the governmental entity.

(24) "Reinstate" or "reinstatement" means to:

(a) activate an expired license; or

(b) restore a license that is restricted as defined in Subsection (26)(b), suspended, or on probation, to a less restrictive license or an active in good standing license.

(25) "Relicense" or "relicensure" means to license an applicant who has previously been revoked or has previously surrendered a license.

(26) "Restrict" or "restriction" means disciplinary action qualifying or limiting the scope of a license:

(a) issued to an applicant for initial licensure, renewal or reinstatement of licensure, or relicensure in accordance with Section 58-1-304; or

(b) issued to a licensee in place of the licensee's current license or disciplinary status.

(27) "Revoke" or "revocation" means disciplinary action by the Division extinguishing a license.

(28) "Suspend" or "suspension" means disciplinary action by the Division removing the right to use a license for a period or indefinitely as indicated in the disciplinary order, with the possibility of subsequent reinstatement of the right to use the license.

(29) "Surrender" means voluntary action by a licensee giving back or returning to the Division in accordance with Section 58-1-306, the rights and privileges associated with a license issued to the licensee.



Utah Laws and Rules for Engineers
A SunCam online continuing education course

(30) "Temporary license" or "temporary licensure" means a license issued by the Division on a temporary basis to an applicant for initial licensure, renewal or reinstatement of licensure, or relicensure in accordance with Section 58-1-303.

(31) "Unprofessional conduct" as defined in Title 58, Occupations and Professions is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-1-501.

(32) A "warning or final disposition letter that does not constitute disciplinary action" as used in Subsection 58-1-108(3) means a letter that does not contain findings of fact or conclusions of law and does not constitute a reprimand, but that may address one or more of the following:

- (a) Division concerns;
- (b) allegations upon which those concerns are based;
- (c) potential for administrative or judicial action; or
- (d) disposition of Division concerns.

Section R156-1-102a - Global Definitions of Levels of Supervision

(1) Under Subsection 58-1-106(1)(a), except as otherwise provided by statute or rule, the following global definitions of levels of supervision apply to supervision terminology in Title 58, Occupations and Professions and Title R156, and shall be referenced and used to the extent practicable in those statutes and rules to promote uniformity and consistency:

(a) "Direct supervision" and "immediate supervision" means the supervising licensee is present and available for face-to-face communication with the person being supervised when and where professional services are being provided;

(b) "Indirect supervision" means the supervising licensee:

- (i) has given either written or oral instructions to the person being supervised;
- (ii) is present in the facility or located on the same premises where the person being supervised is providing services; and
- (iii) is available to provide immediate face-to-face communication with the person being supervised as necessary.

(c) "General supervision" means that the supervising licensee:

- (i) has authorized the work to be performed by the person being supervised;
- (ii) is available for consultation with the person being supervised by personal face-to-face contact, or direct voice contact by electronic or other means, without regard to



Utah Laws and Rules for Engineers
A SunCam online continuing education course

whether the supervising licensee is present in the facility or located on the same premises where the person being supervised is providing services;

(iii) can provide any necessary consultation within a reasonable time; and

(iv) personal contact is routine.

(d) "Supervising licensee" means a licensee who under statute or rule has satisfied the requirements to act as a supervisor and has agreed to supervise an unlicensed individual or a licensee in a classification or licensure status that requires supervision.

(2) Except as otherwise provided by statute or rule:

(a) unlicensed personnel allowed to practice a regulated profession shall practice under an appropriate level of supervision as defined in this section, as specified by the profession's licensing act or rule; and

(b) a license classification required to practice under supervision shall practice under an appropriate level of supervision as defined in this section, as specified by the profession's licensing act or rule.

UAC R156-22

Section R156-22-102 - Definitions

In addition to the definitions in Title 58, Chapters 1, 3a and 22, as used in Title 58, Chapters 1, 3a and 22, or this rule:

(1) "Complete and final", as used in Section 58-22-603, means "complete construction plans" as defined in Subsection 58-22-102(3).

(2) "Direct supervision", as used in Subsection 58-22-102(10), means "supervision" as defined in Subsection 58-22-102(16).

(3) "Employee, subordinate, associate, or drafter of a licensee", as used in Subsections 58-22-102(16), 58-22-603(1)(b) and this rule, means one or more individuals not licensed under this chapter, who are working for, with, or providing professional engineering, professional structural engineering, or professional land surveying services directly to and under the supervision of a person licensed under this chapter.

...

(5) "Highly toxic materials", as used in Subsection 58-22-102(14)(a)(ii)(F), is as defined in the State Construction and Fire Codes adopted under Title 15A.



Utah Laws and Rules for Engineers
A SunCam online continuing education course

(7) "Maximum allowable quantities", as used in Subsection 58-22-102(14)(a)(ii)(F), is quantities of hazardous materials as set forth in Section 307 of the 2009 International Building Code, Tables 307.1(1) and 307.1(2), which when exceeded, would classify the building, structure or portion thereof as Group H-1, H-2, H-3, H-4 or H-5 hazardous use.

...

(13) "Professional structural engineering or the practice of structural engineering", as defined in Subsection 58-22-102(14), is further defined to exclude the design and oversight of the construction and installation of highway, utility, or pedestrian bridges.

(14) "Recognized jurisdiction", as used in Subsection 58-22-302(4)(d)(i), for licensure by endorsement, means any jurisdiction that is a member of the NCEES.

(15) "Responsible charge" by a principal, as used in Subsection 58-22-102(7), means that the licensee is assigned to and is personally accountable for the production of specified professional engineering, professional structural engineering or professional land surveying projects within an organization.

...

(17) "Under the direction of the licensee", as used in Subsection 58-22-102(16), as part of the definition of "supervision of an employee, subordinate, associate, or drafter of a licensee", means that the unlicensed employee, subordinate, associate, or drafter of a person licensed under this chapter engages in the practice of professional engineering, professional structural engineering, or professional land surveying only on work initiated by a person licensed under this chapter, and only under the administration, charge, control, command, authority, oversight, guidance, jurisdiction, regulation, management, and authorization of a person licensed under this chapter.

(18) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 22, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-22-502.



Utah Laws and Rules for Engineers
A SunCam online continuing education course

Professions and Branches

There are separate and distinct licenses for the following professions regulated by the same board:

- Professional Engineer
- Professional Structural Engineer
- Land Surveyor

Structural is the only engineering branch identified on certificates and seals.

Professional engineers should only undertake assignments when qualified by education or experience in the specific technical fields and only sign and seal documents for subject matter in which they lack competence.

Utah Code 58-22

58-22-102. Definitions.

...

- (13) "Professional structural engineer" means a person licensed under this chapter as a professional structural engineer.
- (14) (a) "Professional structural engineering" or "the practice of structural engineering" means a service or creative work providing structural engineering services for significant structures, including:
- (i) buildings and other structures representing a substantial hazard to human life, which include:
 - (A) buildings and other structures whose primary occupancy is public assembly with an occupant load greater than 300;
 - (B) buildings and other structures with elementary school, secondary school, or day care facilities with an occupant load greater than 250;
 - (C) buildings and other structures with an occupant load greater than 500 for colleges or adult education facilities;



Utah Laws and Rules for Engineers
A SunCam online continuing education course

- (D) health care facilities with an occupant load of 50 or more resident patients, but not having surgery or emergency treatment facilities;
 - (E) jails and detention facilities with a gross area greater than 3,000 square feet; and
 - (F) buildings and other structures with an occupant load greater than 5,000;
- (ii) buildings and other structures designated as essential facilities, including:
- (A) hospitals and other health care facilities having surgery or emergency treatment facilities with a gross area greater than 3,000 square feet;
 - (B) fire, rescue, and police stations and emergency vehicle garages with a mean height greater than 24 feet or a gross area greater than 5,000 square feet;
 - (C) designated earthquake, hurricane, or other emergency shelters with a gross area greater than 3,000 square feet;
 - (D) designated emergency preparedness, communication, and operation centers and other buildings required for emergency response with a mean height more than 24 feet or a gross area greater than 5,000 square feet;
 - (E) power-generating stations and other public utility facilities required as emergency backup facilities with a gross area greater than 3,000 square feet;
 - (F) structures with a mean height more than 24 feet or a gross area greater than 5,000 square feet containing highly toxic materials as defined by the division by rule, where the quantity of the material exceeds the maximum allowable quantities set by the division by rule; and



Utah Laws and Rules for Engineers
A SunCam online continuing education course

- (G) aviation control towers, air traffic control centers, and emergency aircraft hangars at commercial service and cargo air services airports as defined by the Federal Aviation Administration with a mean height greater than 35 feet or a gross area greater than 20,000 square feet; and
- (iii) buildings and other structures requiring special consideration, including:
 - (A) structures or buildings that are normally occupied by human beings and are five stories or more in height;
 - (B) structures or buildings that are normally occupied by human beings and have an average roof height more than 60 feet above the average ground level measured at the perimeter of the structure; and
 - (C) buildings that are over 200,000 aggregate gross square feet in area.
- (b) "Professional structural engineering" or "the practice of structural engineering":
 - (i) includes the definition of professional engineering or the practice of professional engineering as provided in Subsection (9); and
 - (ii) may be further defined by rules made by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (15) "Structure" means that which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in a definite manner, and as otherwise governed by the State Construction Code or an approved code under Title 15A, State Construction and Fire Codes Act.



Utah Laws and Rules for Engineers
A SunCam online continuing education course

58-22-301. License required -- License classifications.

- (1) A license is required to engage in the practice of professional engineering, professional structural engineering, or professional land surveying, except as specifically provided in Section 58-1-307 or 58-22-305.
- (2) The division shall issue licenses to individuals qualified under the provisions of this chapter in the following classifications:
 - (a) professional engineer;
 - (b) professional structural engineer; and
 - (c) professional land surveyor.
- (3) The division may issue a license in a specific engineering discipline or disciplines as defined by rule by the division in collaboration with the board.



Utah Laws and Rules for Engineers
A SunCam online continuing education course

Incidental Architecture Work

Professional engineers can perform architecture work that is incidental to the practice of engineering, under the following conditions of UAC R156-1-102(6).

58-22-102. Definitions.

...

- (9)(b) "The practice of professional engineering" does not include the practice of architecture as defined in Section 58-3a-102, but a licensed professional engineer may perform architecture work as is incidental to the practice of engineering.

UAC R156-22

Section R156-1-102 - Definitions

...

(6) "Incidental practice" means "architecture work as is incidental to the practice of engineering", as used in Subsection 58-22-102(9), and "engineering work as is incidental to the practice of architecture", as used in Subsection 58-3a-102(6), which:

- (a) can be safely and competently performed by the licensee without jeopardizing the life, health, property and welfare of the public;
- (b) is secondary and substantially less in scope and magnitude when compared to the work performed or to be performed by the licensee in the licensed profession;
- (c) is work in which the licensee is fully responsible for the incidental practice performed as provided in Subsections 58-3a-603(1) or 58-22-603(1);
- (d) unless exempt from licensure as provided in Subsection 58-22-305(1)(e), is work on a building classified for not greater than 49 occupants as determined in the State Construction and Fire Codes adopted under Title 15A;
- (e) unless exempt from licensure as provided in Subsection 58-22-305(1)(e), is work included on a project with a construction value not greater than 15 percent of the overall construction value for the project including all changes or additions to the contracted or agreed upon work; and
- (f) shall not include work on a building or related structure in an occupancy category of III or IV as defined in 1604.5 of the 2009 International Building Code.



Utah Laws and Rules for Engineers
A SunCam online continuing education course

Professional Conduct

The following laws and rules help define proper professional conduct.

Utah Code 58-22

58-22-501. Unlawful conduct.

"Unlawful conduct" includes:

- (1) using the title "professional engineer," "professional land surveyor," "land surveyor," "professional structural engineer," "structural engineer," or any other words, letters, abbreviations, or designations which represent recognized professional engineering disciplines indicating that the person using them is a professional engineer, professional land surveyor, or professional structural engineer if the person has not been licensed under this chapter, except as provided in Subsection 58-22-305(1);
- (2) using the terms "engineering," "structural engineering," or "surveying" or any similar words, letters, or abbreviations to describe the type of activity performed or offered to be performed if the person has not been licensed under this chapter, except as provided in Subsection 58-22-305(1);
- (3) engaging in or representing itself as engaging in the practice of professional engineering, professional structural engineering, or professional land surveying as a corporation, proprietorship, partnership, or limited liability company, except as provided in Subsection 58-22-305(1);
- (4) engaging in the practice of engineering, structural engineering, or surveying as set forth in Subsections 58-22-102(9), (11), and (14), if the person has not been licensed under this chapter, except as provided in Section 58-1-307 or Subsections 58-3a-304(1)(b) through (f); or
- (5) a professional engineer engaging in the practice of structural engineering as defined in Subsection 58-22-102(14)(a).

58-22-502.5. Unprofessional conduct.

Unprofessional conduct includes unprofessional conduct that is defined by rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.



Utah Laws and Rules for Engineers
A SunCam online continuing education course

UAC R156-22

R156-22-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

- (1) submitting an incomplete final plan, specification, report or set of construction plans to:
 - (a) a client, when the licensee represents, or could reasonably expect the client to consider the plan, specification, report or set of construction plans to be complete and final; or
 - (b) to a building official for the purpose of obtaining a building permit;
- (2) failing as a principal to exercise responsible charge;
- (3) failing as a supervisor to exercise supervision of an employee, subordinate, associate or drafter;
- (4) receiving gratuities from material, product, or services suppliers for specifying or endorsing their goods or services;
- (5) failing to fully disclose and obtain consent in writing of the principal employer and all interested parties prior to accepting or engaging in supplemental professional engineering, structural engineering, or land surveying services; and
- (6) failing to conform to the accepted and recognized standards and ethics of the profession, including those established in the "Rules of Professional Conduct", as published in the NCEES Model Rules, revised August 2016, which is hereby incorporated by reference.



Utah Laws and Rules for Engineers
A SunCam online continuing education course

NCEES Model Rules

240.15 Rules of Professional Conduct

To safeguard the health, safety, and welfare of the public and to maintain integrity and high standards of skill and practice in the engineering and surveying professions, the rules of professional conduct provided in this section shall be binding upon every licensee and on all firms authorized to offer or perform engineering or surveying services in this jurisdiction.

A. Licensee's Obligation to the Public

1. Licensees shall be cognizant that their first and foremost responsibility is to safeguard the health, safety, and welfare of the public when performing services for clients and employers.
2. Licensees shall sign and seal only those plans, surveys, and other documents that conform to accepted engineering and surveying standards and that safeguard the health, safety, and welfare of the public.
3. Licensees shall notify their employer or client and such other authority as may be appropriate when their professional judgment is overruled under circumstances in which the health, safety, or welfare of the public is endangered.
4. Licensees shall, to the best of their knowledge, include all relevant and pertinent information in an objective and truthful manner within all professional documents, statements, and testimony.
5. Licensees shall express a professional opinion publicly only when it is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.
6. Licensees shall issue no statements, criticisms, or arguments on engineering and surveying matters that are inspired or paid for by interested parties, unless they explicitly identify the interested parties on whose behalf they are speaking and reveal any interest they have in the matters.
7. Licensees shall not partner, practice, or offer to practice with any person or firm that they know is engaged in fraudulent or dishonest business or professional practices.
8. Licensees who have knowledge or reason to believe that any person or firm has violated any rules or laws applying to the practice of engineering or surveying shall report it to the board, may report it to appropriate legal authorities, and shall cooperate with the board and those authorities as may be requested.
9. Licensees shall not knowingly provide false or incomplete information regarding an applicant in obtaining licensure.
10. Licensees shall comply with the licensing laws and rules governing their professional practice in each of the jurisdictions in which they practice.



Utah Laws and Rules for Engineers
A SunCam online continuing education course

B. Licensee's Obligation to Employer and Clients

1. Licensees shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering or surveying involved.
2. Licensees shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competence, nor to any such plan or document not prepared under their responsible charge.
3. Licensees may accept assignments and assume responsibility for coordination of an entire project, provided that each technical segment is signed and sealed by the licensee responsible for preparation of that technical segment.
4. Licensees shall not reveal facts, data, or information obtained in a professional capacity without the prior consent of the client, employer, or public body on which they serve except as authorized or required by law or rules.
5. Licensees shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties in connection with work for employers or clients.
6. Licensees shall disclose to their employers or clients all known or potential conflicts of interest or other circumstances that could influence or appear to influence their judgment or the quality of their professional service or engagement.
7. Licensees shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to in writing by all interested parties.
8. Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member. Conversely, licensees serving as members, advisors, or employees of a government body or department, who are the principals or employees of a private concern, shall not participate in decisions with respect to professional services offered or provided by said concern to the governmental body that they serve.
9. Licensees shall not use confidential information received in the course of their assignments as a means of making personal profit without the consent of the party from whom the information was obtained.



Utah Laws and Rules for Engineers
A SunCam online continuing education course

C. Licensee's Obligation to Other Licensees

1. Licensees shall not falsify or permit misrepresentation of their, or their associates', academic or professional qualifications. They shall not misrepresent or exaggerate their degree of responsibility in prior assignments nor the complexity of said assignments. Presentations incidental to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments.
2. Licensees shall not offer, give, solicit, or receive, either directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, and shall not make any political contribution with the intent to influence the award of a contract by public authority.
3. Licensees shall not injure or attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other licensees, nor indiscriminately criticize other licensees' work.
4. Licensees shall make a reasonable effort to inform another licensee whose work is believed to contain a material discrepancy, error, or omission that may impact the health, safety, or welfare of the public, unless such reporting is legally prohibited.

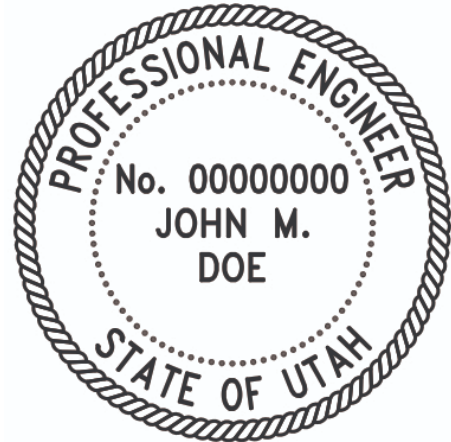


Utah Laws and Rules for Engineers
A SunCam online continuing education course

Sign and Seal Requirements

Engineering seal and signature requirements are found in Utah Code 58-22-603 and UAC R156-22-601. Here are highlights that may differ from requirements in other states:

- Seal outer diameter to be minimum 1.5”
- Sign and date over the seal
- For multipage specifications, it is acceptable to only seal the cover or title page
- Photocopies, scans, and printouts of sealed documents are acceptable provided the seal, signature and date is clearly recognizable
- Acceptable forms of signatures:
 - Original (hand) sign and seal (wet stamp or embossed)
 - Electronic/digital signature requirements:
 - Digital seal image
 - Responsibility of the licensee to provide adequate security (Adobe and Bluebeam e-signatures may be acceptable)



Laws and Rules

The following is a copy-paste of the relevant laws and rules:



Utah Laws and Rules for Engineers
A SunCam online continuing education course

Utah Code 58-22

58-22-601. Seal -- Design and implementation.

Every professional engineer, professional land surveyor, or professional structural engineer shall have a seal, the design and implementation of which shall be established by rule by the division in collaboration with the board.

58-22-602. Plans, specifications, reports, maps, sketches, surveys, drawings, documents, and plats to be sealed.

- (1) Any final plan, specification, and report of a building or structure erected in this state shall bear the seal of a professional engineer or professional structural engineer licensed under this chapter, except as provided in Section 58-22-305, in Title 58, Chapter 3a, Architects Licensing Act, and by the State Construction Code or an approved code under Title 15A, State Construction and Fire Codes Act.
- (2) Any final plan, specification, and report prepared by, or under the supervision of, the professional engineer or professional structural engineer shall bear the seal of the professional engineer or professional structural engineer when submitted to a client, when filed with public authorities, or when submitted to a building official for the purpose of obtaining a building permit, even if the practice is exempt from licensure under Section 58-22-305.
- (3) Any final plan, map, sketch, survey, drawing, document, plat, and report shall bear the seal of the professional land surveyor licensed under this chapter when submitted to a client or when filed with public authorities.

58-22-603. Seal -- Authorized use.

- (1) A professional engineer or professional structural engineer may only affix the licensee's seal to a plan, specification, and report when the plan, specification, and report:
 - (a) was personally prepared by the licensee;
 - (b) was prepared by an employee, subordinate, associate, or drafter under the supervision of a licensee, provided the licensee or a principal affixing his seal assumes responsibility;



Utah Laws and Rules for Engineers
A SunCam online continuing education course

- (c) was prepared by a licensed professional engineer, professional structural engineer, or architect in this state or any other state provided:
 - (i) the licensee in this state affixing the seal performs a thorough review of all work for compliance with all applicable laws and rules and the standards of the profession; and
 - (ii) makes any necessary corrections before submitting the final plan, specification, or report:
 - (A) to a building official for the purpose of obtaining a building permit; or
 - (B) to a client who has contracted with a professional engineer or professional structural engineer for the design of a building or structure, when the licensee represents, or could reasonably expect the client to consider, the plan, specification, or report to be complete and final;

- (d) was prepared in part by a licensed professional engineer, professional structural engineer, or architect in this state or any other state provided:
 - (i) the licensee in this state clearly identifies that portion of the plan, specification, or report for which the licensee is responsible;
 - (ii) the licensee in this state affixing the seal performs a thorough review of that portion of the plan, specification, or report for which the licensee is responsible for compliance with the standards of the profession; and
 - (iii) makes any necessary corrections before submitting the final plan, specification, or report for which the licensee is responsible:
 - (A) to a building official for the purpose of obtaining a building permit; or
 - (B) to a client who has contracted with a professional engineer or professional structural engineer for the design of a building or structure, when the licensee



Utah Laws and Rules for Engineers
A SunCam online continuing education course

represents, or could reasonably expect the client to consider, the plans, specifications, or reports to be complete and final;

- (e) was prepared by a person exempt from licensure as a professional engineer, professional structural engineer, or architect provided that:
 - (i) the licensee in this state affixing the seal performs a thorough review for compliance with all applicable laws and rules and the standards of the profession; and
 - (ii) makes any necessary corrections before submitting the final plan, specification, or report:
 - (A) to a building official for the purpose of obtaining a building permit; or
 - (B) to a client who has contracted with a professional engineer, professional structural engineer, or architect for the design of a building or structure, when the licensee represents, or could reasonably expect the client to consider, the plan, specification, or report to be complete and final; or
- (f) meet any additional requirements established by rule by the division in collaboration with the board.

...



Utah Laws and Rules for Engineers
A SunCam online continuing education course

UAC R156-22

Section R156-22-601 - Seal Requirements

(1) In accordance with Section 58-22-601, all final plans, specifications, reports, maps, sketches, surveys, drawings, documents and plats prepared by the licensee or prepared under the supervision of the licensee, shall be sealed in accordance with the following:

- (a) Each seal shall be a circular seal, 1-1/2 inches minimum diameter.
- (b) Each seal shall include the licensee's name, license number, "State of Utah", and, as appropriate, "Professional Engineer", "Professional Structural Engineer", or "Professional Land Surveyor".
- (c) Each seal shall be signed and dated with the signature and date appearing across the face of each seal imprint.
- (d) Each original set of final plans, specifications, reports, maps, sketches, surveys, drawings, documents and plats, as a minimum, shall have the original seal imprint, original signature and date placed on the cover or title sheet.
- (e) A seal may be a wet stamp, embossed, or electronically produced.
- (f) Electronically generated signatures are acceptable.
- (g) It is the responsibility of the licensee to provide adequate security when documents with electronic seals and electronic signatures are submitted. Sheets subsequent to the cover of specifications are not required to be sealed, signed and dated.
- (h) Copies of the original set of plans, specifications, reports, maps, sketches, surveys, drawings, documents and plats which contain the original seal, original signature and date is permitted, if the seal, signature and date is clearly recognizable.

(2) A person who qualifies for and uses the title of professional engineer intern is not permitted to use a seal.



Utah Laws and Rules for Engineers
A SunCam online continuing education course

Continuing Education

Per UAC R156-22-304, the following continuing professional competency is required every 2-year renewal period, where a PDH is a professional development hour:

- Total 30 PDH
- The Board does NOT pre-approve providers or specific courses
- Course requirements:
 - Related to ethics, business, or technical content
 - Aimed at maintaining, improving, or expanding the skills and knowledge relevant to the licensee's professional practice
- A maximum of 15 PDH can carry forward to the next period
- Retain PDH records for 4 years
- Renewal date is March 31 of odd years

Laws and Rules

Here is a copy-paste of the relevant laws and rules:

Utah Code 58-22

58-22-304. Continuing professional education.

- (1) Each individual licensed as a professional land surveyor shall be required to complete a program of qualifying continuing professional education in accordance with standards defined by rule.
- (2) Each individual licensed as a professional engineer or professional structural engineer may be required to complete a program of qualifying continuing professional education in accordance with standards defined by rule.

UAC R156-22

Section R156-22-304 - Continuing Education for Professional Engineers, Professional Structural Engineers, and Professional Land Surveyors

In accordance with Subsection 58-22-303(2) and Section 58-22-304, the qualifying continuing professional education standards for professional engineers, professional structural engineers and professional land surveyors are established as follows:



Utah Laws and Rules for Engineers
A SunCam online continuing education course

(1) During each two-year period ending on March 31 of each odd numbered year, a licensed professional engineer, professional structural engineer, and professional land surveyor shall complete at least 30 hours of qualified professional education directly related to the ethics, business and technical content aimed at maintaining, improving, or expanding the skills and knowledge relevant to the licensee's professional practice.

(2) The required hours of professional education for an individual who first becomes licensed during the two- year period shall be decreased in a pro-rata amount equal to any part of that two year period preceding the date on which that individual first became licensed.

(3) Qualified continuing professional education under this section shall:

- (a) have an identifiable clear statement of purpose and defined objective for the educational program directly related to the licensee's professional practice;
- (b) be relevant to the licensee's professional practice;
- (c) be presented in a competent, well organized and sequential manner consistent with the stated purpose and objective of the program;
- (d) be prepared and presented by individuals who are qualified by education, training and experience; and
- (e) have a competent method of registration of individuals who actually completed the education program, with records of registration and completion available for review.

(4) Credit for qualified continuing professional education shall be recognized as follows:

- (a) unlimited hours for each hour of professional education completed in blocks of time of not less than 50 minutes, in formally established classroom courses, seminars, or conferences;
- (b) a maximum of 15 hours for teaching in a college or university or for teaching qualified continuing professional education courses in the field of professional engineering, professional structural engineering or professional land surveying, provided it is the first time the material has been taught during the preceding 12 months;
- (c) a maximum of five hours for preparation of papers, articles, or books directly related to the practice of professional engineering, professional structural engineering, or professional land surveying and submitted for publication; and



Utah Laws and Rules for Engineers
A SunCam online continuing education course

(d) a maximum of ten hours for service on committees or in leadership roles in any state, national or international organization for the development and improvement of the profession of professional engineering, professional structural engineering, or professional land surveying but no more than five of the ten hours may be obtained from such activity in any one organization;

(e) unlimited hours for continuing education provided via Internet or through home study courses provided the course verifies registration and participation in the course by means of a test which demonstrates that the participant has learned the material.

(5) A licensee shall maintain records of completed qualified continuing professional education for a period of four years after close of the two-year period to which the records pertain. It is the responsibility of the licensee to maintain information with respect to qualified continuing professional education to demonstrate it meets the requirements of this section.

(6) If a licensee exceeds the 30 hours of qualified continuing professional education during the two-year period, the licensee may carry forward a maximum of 15 hours into the next two-year period.

(7) Any licensee who fails to timely complete the continuing education required by this rule shall be required to complete double the number of hours missed to be eligible for renewal or reinstatement of licensure.

(8) Any applicant for reinstatement who was not in compliance with the continuing education requirement at the time of the expiration of licensure shall be required to complete 30 hours of continuing education within two years prior to the date of application for reinstatement of licensure.

(9) The Division may waive continuing education in accordance with Section R156-1-308d.



Utah Laws and Rules for Engineers
A SunCam online continuing education course

Helpful References

Utah Professional Engineers and Professional Land Surveyors Licensing Board

| | |
|--------------------------------------|---|
| General website: | https://dopl.utah.gov/engineering/ |
| License renewal & Address change: | https://utahdoc.mylicenseone.com/ |
| Utah Code 58-22: | https://le.utah.gov/xcode/Title58/Chapter22/58-22.html |
| UAC R156-22: | https://adminrules.utah.gov/public/rule/R156-22/Current%20Rules? |
| Sign & Seal Guide: | https://www.Utah.gov/osbeels/maintaining/Pages/Seals-and-Signatures.aspx |
| FAQ: | https://dopl.utah.gov/engineering/frequently-asked-questions/ |