

Issues to be Addressed

- **CREATING THE LAW**
- **IMPLEMENTING THE LAW**

CREATING THE LAW

1. CURRENT PRACTITIONERS

Do not put current practitioners out of practice

- GRANDFATHERING
- GRACE PERIOD

CREATING THE LAW, cont.

2. STATUTE vs. RULE

- Rules may provide a transition to law
- Rules allow for variances, law does not
- Rules usually are easier to amend than law
- Is dependent on each state's rule making authority
- Enabling language must exist in the law

CREATING THE LAW, cont.

2. STATUTE vs. RULE, cont.

Enabling language must exist in the law

- From Hawaii Chapter 464
 - “In the case of a certificate issued to a person authorizing the person to practice professional engineering, the certificate shall furthermore indicate the major branch or branches of engineering in which the person has specialized.”
- Generic
 - “The engineer shall undertake to perform professional services only when he or she is qualified by education, training and experience in the specific technical areas of work.”

CREATING THE LAW, cont.

3. The Law

- Definition of Structural Engineering
- Qualifications to be a Structural Engineer

CREATING THE LAW, cont.

3. The Law, cont.

- Definition of Structural Engineering

Buildings

Bridges

Other Structures

Designing

Investigating

CREATING THE LAW, cont.

3. The Law, cont.

- **Qualifications to be a Structural Engineer**

Education

Experience

Examination

Continuing Education

CREATING THE LAW, cont.

3. The Law, cont.

- References in Developing the Law

Statutes and Rules of other States
(www.ncees.org)

NCEES Model Law and Model Rules

NCSEA Certification Program

CREATING THE LAW, cont.

4. Practice Act vs. Title Act

5. Draft Sample State Legislation

IMPLEMENTING THE LAW

1. JUSTIFICATION FOR CREATION OF S.E. LICENSE

- **BETTER PROTECTION OF THE PUBLIC LIFE SAFETY**
 - Natural Disasters
 - Terrorism
 - Incompetent Practice

- **MOBILITY**

IMPLEMENTING THE LAW, cont.

2. KNOW THE STATE LAW

- P.E. Licensing Law and Rules
- Procedures to Change the Law
- Procedures to Add Rules

IMPLEMENTING THE LAW, cont.

3. INVOLVE RELATED STAKEHOLDERS

- **Civil Engineers**
- **Professional Engineers**
- **State Licensing Boards**

IMPLEMENTING THE LAW, cont.

4. State Politics

- **Assess the Political Climate in the State**
- **Work With A Political Action Committee/Lobbyist**
- **Educate Legislators**

IMPLEMENTING THE LAW, cont.

5. INVOLVE LOCAL STRUCTURAL ORGANIZATIONS

- SEA'S
- ASCE LOCAL CHAPTERS

IMPLEMENTING THE LAW, cont.

6. Identify the Opposition

- **Local**
- **National**

IMPLEMENTING THE LAW, cont.

7. Develop a Schedule

8. Determine Required Resources