

CHAPTER 193
FORMERLY
HOUSE BILL NO. 197

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONAL ENGINEERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 2806, Title 24 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 2806. Membership.

(f) Expiration and renewals. —

(1) Members, associate members, adjunct members, and holders of certificates of authorization shall be billed for renewal fees 60 days before expiration of the period for which fees have been paid. If fees are not paid by the expiration date, the member, associate member or holder of a certificate of authorization shall be declared ineligible to practice engineering in the State and shall be removed from the active roster.

(2) Any applicant, associate member, adjunct member, engineering corporation or partnership whose application is approved shall be billed for fees for the quarter-year in which approved and for any remaining full quarters in the Association's licensure period.

(3) Any member, associate member, or holder of certificate of authorization on the active roster who intends to withdraw from the practice of engineering in the State shall notify the Secretary of the Council in writing. That name will then be removed from the active roster and be placed in an inactive status file. That name may be reinstated to active status by a request for reinstatement, in writing, within ~~10~~4 years of that removal from the active roster, to the Secretary of the Council, by payment of a reinstatement fee and by compliance with and satisfaction of the current continuing professional competency guidelines and requirements. After the expiration of the ~~10~~4-year period, reinstatement may be obtained only by reapplying for licensure pursuant to § 2817 of this title or for a certificate of authorization pursuant to § 2821 of this title. Any member, associate member or holder of a certificate of authorization in inactive status shall be ineligible to practice engineering in the State.

(4) Any member, associate member, or holder of a certificate of authorization who has not given notice of withdrawal and whose name has been removed from the active roster because of a delinquency in payment of fees, may be reinstated upon petition to the Council within 2 years of the removal from the active roster and by payment of the reinstatement fees plus any delinquency fees. After the expiration of the 2-year period, reinstatement may be obtained only by reapplying for licensure pursuant to § 2817 of this title or for a certificate of authorization pursuant to § 2821 of this title.

Section 2. Amend § 2816, Title 24 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 2816. Code of ethics.

(a) The Council shall prepare and publish a code of ethics designed for the protection of the public.

(b) All applicants, members, associate members, affiliate members, adjunct members, holders of certificate of authorization and permittees must subscribe to and follow this code of ethics in the practice of professional engineering, or in seeking to register as a professional engineer or seeking certification as an engineer intern.

~~(c) Copies of the code of ethics shall be provided to each member, associate member, affiliate member, adjunct member and permittee and shall be available free of charge to the public. Copies of the code of ethics shall also be sent to prospective applicants as a part of their application materials.~~

(c) The Code of Ethics is available on the Delaware Association of Professional Engineers' website.

Section 3. Amend § 2820, Title 24 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 2820. Qualifications for a temporary permit-

(a) Individuals not residing in this State, not having full-time employment in this State, and not having established a place of business for the practice of professional engineering within this State, who are legally qualified by licensure to practice engineering as defined within the chapter in the state, territory or possession of the United States, the District of Columbia, or province or territory of Canada where they reside or are in business, may make application to the Council in writing for a temporary permit and for licensure to practice professional engineering in this State.

~~(b) After payment of the fee established in the bylaws, the applicant may be issued a permit to practice engineering for a specific project. Such permit shall be limited to a specified time period, not to exceed 1 year, and shall be issued in writing upon authorization of the Council. The issuance of 1 such permit shall not mean that the Council will approve other permits nor shall such issuance result in any accrual of the right to practice engineering with respect to any other works not specified in the permit. Applicants for the permit must comply with all applicable state tax laws of Chapter 23 of Title 30 to the same extent as required by Delaware residents. Proof of compliance with all applicable state laws is required by the Council prior to actual issuance of permit.~~

(b) An applicant under this section shall submit the following:

(1) Application for temporary permit and the fee established under this chapter;

(2) Proof that the applicant is legally qualified by licensure to practice engineering as defined within the chapter in the state, territory, or possession of the United States, the District of Columbia, or province or territory of Canada where they reside or are in business;

(3) Concurrently with the application for temporary permit, a complete application for professional engineering licensure that meets the requirements of this chapter and the fee established under this chapter.

(c) The temporary permit shall be issued in writing upon authorization of the Council President and be valid for 60 days, which may be extended by the Council President for an additional 60 days for good cause shown. The temporary permit shall terminate upon final determination on the application for professional engineering licensure.

~~(e)~~(d) An engineering corporation or partnership may be issued a permit subject to the above limitations, provided that 1 of its officers or partners or 1 of its employees is designated as being in responsible charge of the engineering activities and decisions and holds a valid permit or is licensed under this chapter.

Section 4. Amend § 2829, Title 24 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 2829. ~~Use of seals and stamps~~ Seals, stamps, and signature.

(a) Each licensee shall obtain an embossing seal of the design authorized by the Council, bearing the licensee's name, license number and the legend "professional engineer." Failure of the licensee to substantiate to the Council, within 6 months of the licensee's application approval date, that such a seal has been procured will result in the licensee being placed by the Council in "delinquent status."

(b) In addition to the embossing seal required by the foregoing provisions of this section:

- (1) Licensees may procure and use a stamp containing the same data as the embossing seal, or
- (2) Licensees may use a seal, signature, and date that can be created or transmitted electronically.

Section 5. Amend § 2823, Title 24 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 2823. Grounds for discipline; appeals.

(a) Applicants, adjunct and affiliate members, and any person licensed under this chapter shall be subject to disciplinary penalties set forth in § 2824(c) of this title, if, after a hearing, the person is found to violate any of the following:

- (1) The practice of any fraud or deceit in the attempt to obtain any authorization to practice engineering in this State;
- (2) Any gross negligence, incompetence, or misconduct in the practice of engineering;
- (3) Violation of the code of ethics promulgated by the Council;
- (4) A crime that is substantially related to the practice of engineering;
- (5) a. An activity resulting in discipline by another jurisdiction, state, territory, or possession of the United States, foreign country, the District of Columbia, the United States government, or any other governmental agency, if at least 1 of the grounds for discipline is the same or substantially equivalent to those contained in this section;

b. The voluntary surrendering of an engineering license in order to avoid disciplinary action by another jurisdiction, state, territory, or possession of the United States, foreign country, the District of Columbia, the United States government, or any other governmental agency, if at least 1 of the grounds for discipline is the same or substantially equivalent to those contained in this section.

(6) The failure to report instances of out-of-state discipline, as set forth in the immediately preceding paragraph, to the Executive Director of the Delaware Association of Professional Engineers within 60 days of the final order imposing discipline;

- (7) Aiding or abetting another person in violating any provision of this chapter;

(8) Signing, affixing the licensee's seal, or permitting the licensee's seal or signature to be affixed to any specification, report, drawing, plan, plat, design information, construction document, or calculation, or revision thereof, that has not been prepared by the licensee or those under the licensee's responsible charge; or

(9) Failure to comply with and satisfy the continuing professional competency guidelines and requirements.

Approved September 29, 2017