

Texas Board of Professional Engineers

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The practice of engineering is an established and respected profession, and the ability and character of those who meet the State's requirements to become professional engineers are not in question. However, the work professional engineers do has a significant bearing on the safety and welfare of all Texans that justifies the continuing need for state regulation. For that regulation to be effective, the Texas Board of Professional Engineers must have the proper tools to deal with those who do not comply with established requirements and pose a risk to the public.

The Sunset review of the Board focused on its ability to effectively enforce the Engineering Practice Act to ensure proper practice and to protect the public. Senate Bill 204, the Sunset bill for the Engineers' Board, addresses these needs by enabling the Board to take advantage of new technology to help it meet current requirements and giving it additional authority to act against individuals who violate the law. The bill gives the Board flexibility to administer the national accrediting examination electronically, and provides for electronic fingerprinting to ensure complete and accurate criminal history record information that is already part of the Board's license application process. The bill also gives the Board new tools to take meaningful action against individuals who violate the Act or Board rules. The bill authorizes the Board to take immediate action against professional engineers whose misdeeds pose an immediate threat to the public and to deter unlicensed activity. The bill also increases administrative penalties against violators to enhance the deterrent effect of the Board's enforcement efforts.

The following material summarizes results of the Sunset review of the Board. For additional information see the *Texas Board of Professional Engineers Sunset Final Report with Legislative Action* available on the Sunset Commission website at www.sunset.state.tx.us.

Licensing

- Requires the Board to adopt clear policies governing the testing process and removes a specific testing requirement that limits flexibility in how future testing is administered.
- Requires the Board to conduct fingerprint-based criminal background checks to review complete federal and state criminal history information on all applicants and current licensees.
- Prohibits the Board from collecting the \$200 professional fee before applicants satisfy licensing requirements as Professional Engineers.

Enforcement

- Increases the Board's administrative penalty authority from \$3,000 to \$5,000 per violation per day for violations of the Engineering Practice Act or Board rules.
- Authorizes the Board to suspend a license on an emergency basis for actions that present an immediate harm to the public.

- Grants cease-and-desist authority to the Board for the unlicensed practice of engineering.

Continuation

- Continues the Texas Board of Professional Engineers for 12 years.

Fiscal Implication

Senate Bill 204 will have a small, negative fiscal impact to the State of \$88,000 for the next biennium, with a loss of \$66,000 to General Revenue and \$22,000 to the Foundation School Fund. This loss will result from the Board no longer collecting the professional fee from applicants who fail to earn their professional engineer license.