

THE STATE OF TEXAS

**TEXAS ENGINEERING PRACTICE ACT
AND RULES CONCERNING
THE PRACTICE OF ENGINEERING
AND
PROFESSIONAL ENGINEERING LICENSURE**



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The material below is excerpted from Title 22, Part 6, of the Texas Administrative Code (See <https://engineers.texas.gov/downloads.htm#general> for the Part 6 document.)

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Chapter 137: Compliance and Professionalism

SUBCHAPTER A: INDIVIDUAL AND ENGINEER COMPLIANCE

§137.1 License Holder Designations

- (a) Pursuant to §1001.301 of the Act, a license holder may use the following terms when representing himself or herself to the public:
- (1) “engineer”,
 - (2) “professional engineer”,
 - (3) “licensed engineer”,
 - (4) “registered engineer”,
 - (5) “licensed professional engineer”,
 - (6) “registered professional engineer”, or
 - (7) any combination of words with or variation of the terms listed in paragraphs (1) - (6) of this subsection.
- (b) Certificates, seals, and other official documentation showing earlier terminology shall be considered valid for all purposes.
- (c) License holders who have placed their license in an inactive status pursuant to §137.13 of this chapter (relating to Inactive Status) may use the terms in §137.1(a) of this section but must include the term "inactive" or "retired" in conjunction with the designation.

Source Note: The provisions of this §137.1 amended to be effective December 21, 2008.

§137.3 Other Use of Term “Engineer”

A person may not use the name, title, or words that convey to the public that a person is offering to perform engineering services to the public unless licensed under the requirements of the Act. The Act allows for the use or variation of the term “engineer” in a limited manner as summarized in this section.

- (1) Pursuant to §1001.004(e)(1) of the Act, a person may use the term “engineer” or variation of the term to identify the name and trade in affiliation with an engineers’ labor organization.
- (2) Pursuant to §1001.055(b)(2) of the Act, a person who installs, operates, repairs or services any equipment or apparatus as listed in the statute may not use the term “engineer” unless authorized by another provision in the Act.
- (3) Pursuant to §1001.061(b)(2) of the Act, a person employed by an operating telephone company or an affiliate of an operating telephone company engaged strictly in the art and science of telephony may use the term “engineer” in the person’s job title or personnel classification if the person does not offer engineering services to the public and if the designation does not imply that the person is licensed under the Act.
- (4) Pursuant to §1001.062(b) of the Act, a person who is a regular full-time employee of a private business entity that implements the design or specification sealed by an engineer licensed under the Act may use the term “engineer” in the person’s job title or personnel classification if the person does not use the designation in conjunction with an offer to perform engineering services for the public.
- (5) Pursuant to §1001.066(2) of the Act, a person employed by a business entity whose products or services consist of space vehicles, services or technology required by the National Aeronautical and Space Administration (NASA) may use the terms "engineer" or "engineering" in the person's job title or personnel classification if the person only uses the designation in association with the products and services related to NASA.
- (6) Pursuant to §1001.301(f) of the Act, a person who is a regular employee of a business entity that is engaged in engineering activities but exempt from the licensure requirements under §1001.057 or §1001.058 of the Act may use the term "engineer" on business cards and forms of correspondence made available to the public providing the person does not:
 - (A) offer to perform engineering services to the public;
 - (B) use the designation outside the scope of §1001.057 or §1001.058 to convey the ability or willingness to perform engineering services or make an engineering judgment requiring a licensed professional engineer.
- (7) Pursuant to §1001.406(a)(2) of the Act, a person who has an undergraduate or graduate degree from an engineering program accredited by ABET may use the term "graduate engineer" on the person's business cards and in any forms of correspondence or personal communication.
- (8) Pursuant to §1001.406(b) of the Act, a person who has an undergraduate or graduate degree from an engineering program accredited by ABET and who is employed by a firm registered pursuant to Chapter 135 of this title and under the direct supervision of a licensed professional engineer may use the term "engineer" on the person's business cards and in any forms of correspondence or personal communication.

Source Note: The provisions of this §137.3 amended to be effective December 21, 2008.

§137.5 Notification of Name Change, Address Change, Employer Change, and Criminal Convictions

- (a) Each license holder shall notify the board in writing not later than 30 days after of a change in the person's legal name, personal mailing address or employment status.
- (b) A notice informing the board of a change in employment status shall include, as applicable, the:
- (1) full legal trade or business name of the association or employment;
 - (2) physical location and mailing address of the business;
 - (3) telephone number of the business office;
 - (4) type of business (corporation, assumed name, partnership, or self-employment through use of own name);
 - (5) legal relationship and position of responsibility within the business; and
 - (6) effective date of this change.
- (c) Each license holder shall notify the board in writing not later than 30 days after a misdemeanor or felony criminal conviction, or any sanction is imposed against a licensee by another state's engineering licensing board.

Source Note: The provisions of this §137.5 amended to be effective June 13, 2013.

§137.7 License Expiration and Renewal

- (a) Pursuant to §1001.352 of the Act, the license holder must renew the license annually to continue to practice engineering under the provisions of the Act. If the license renewal requirements are not met by the expiration date of the license, the license shall expire and the license holder may not engage in engineering activities that require a license until the renewal requirements have been met.
- (b) Pursuant to §1001.352 of the Act, the board will mail a renewal notice to the last recorded address of each license holder at least 30 days prior to the date a person's license is to expire. Regardless of whether the renewal notice is received, the license holder has the sole responsibility to pay the required renewal fee together with any applicable increase in fees or late fees at the time of payment.
- (c) A license holder may renew a license by submitting:
- (1) the required annual renewal fee, including applicable increase in fees as required by §1001.206 of the Act. Payment may be made by personal, company, or other checks drawn on a United States bank (money order or cashier's check), or by electronic means, payable in United States currency;
 - (2) the continuing education program documentation as required in §137.17 of this chapter (relating to Continuing Education Program) to the board prior to the expiration date of the license; and
 - (3) documentation of submittal of fingerprints for criminal history record check as required by §1001.3535 of the Act, unless previously submitted to the board.
- (d) Pursuant to authority in §1001.205(b) and §1001.206(c) of the Act, the board has established the renewal fee for the following categories of licenses that do not require the increase in professional fees:
- (1) a license holder who is 65 years of age or older,
 - (2) a license holder who is disabled with a mental or physical impairment that substantially limits the ability of the person to earn a living as an engineer excluding an impairment caused by an addiction to the use of alcohol, illegal drugs, or controlled substance;
 - (3) a license holder who meets the exemption from licensure requirement of §1001.057 or §1001.058 of the Act but does not claim that exemption;
 - (4) a license holder who is not practicing engineering and has claimed inactive status with the board in accordance with the requirements of §137.13 of this chapter (relating to Inactive Status).
- (e) Licenses will expire according to the following schedule:
- (1) Licenses originally approved in the first quarter of a calendar year will expire on December 31.
 - (2) Licenses originally approved in the second quarter of a calendar year will expire on March 31.
 - (3) Licenses originally approved in the third quarter of a calendar year will expire on June 30.
 - (4) Licenses originally approved in the fourth quarter of a calendar year will expire on September 30.
- (f) A temporary license may only be renewed twice for a total duration of three years, after which the former license holder may apply for a new temporary or a standard license as provided in the current Act and applicable board rules.
- (g) A license holder who, at the time of his or her annual renewal, has any unpaid administrative penalty owed to the Board or who has failed to comply with any term or condition of a Consent Order, Agreed Board Order, or a Final Board Order shall not be allowed to renew his or her license to practice engineering until such time as the administrative penalty is paid in full or the term or condition is satisfied unless otherwise authorized by the Consent Order, Agreed Board Order, or a Final Board Order.

Source Note: The provisions of this §137.7 amended to be effective December 17, 2013.

§137.9 Renewal for Expired License

- (a) A license holder may renew a license that has expired for 90 days or less by submitting to the board the required annual renewal fee, a late renewal fee, any increase in fees as required by §1001.206 of the Act, and the continuing education program documentation as required in §137.17 of this chapter.
- (b) A license holder may renew a license that has expired for more than 90 days but less than one year by submitting to the board the required annual renewal fee, a late renewal fee, any increase in fees as required by §1001.206 of the Act, and the continuing education program documentation as required in §137.17 of this chapter (relating to Continuing Education Program).
- (c) A license holder may renew a license that has expired for more than one year but less than two years by submitting to the board the required annual renewal fee, a late renewal fee, any increase in fees as required by §1001.206 of the Act, and the continuing education program documentation as required in §137.17 of this chapter for each delinquent year or part of a year.
- (d) A license which has been expired for two years may not be renewed, but the former license holder may apply for a new license as provided in the current Act and applicable board rules.
- (e) Annual renewal fees or late renewal fees will not be refunded unless incorrect fee was assessed through a documented procedural error by Board staff.
- (f) In strict accordance with the provisions of the Texas Education Code §57.491, pertaining to the loan default proceedings of the Texas Guaranteed Student Loan Corporation (TGSLC), if a license holder's name has been provided by the TGSLC as being in default of a loan, the board shall not renew the license of the license holder, unless the TGSLC certifies that the individual has entered into a repayment agreement with TGSLC, or is not in default on a loan. Such license holder may request an informal hearing, similar to that provided by §139.33 of this title (relating to Informal Proceedings), before any action concerning the denial of a renewal of a license is taken under this subsection. A defaulted loan shall not bar the board's issuance of an initial license if the applicant is otherwise qualified for licensure.
- (g) In strict accordance with the provisions of the Texas Family Code, Chapter 232, pertaining to delinquent child support, if a license holder's name has been provided by the OAG (Office of the Attorney General) as being in default of child support, the board shall not renew the license of the license holder on the renewal date following such notification. The board shall not renew or reinstate said license unless the OAG certifies the individual has satisfied the requirements of the Texas Family Code, Chapter 232.
- (h) Pursuant to Texas Occupations Code §55.002, a license holder is exempt from any increased fee or other penalty imposed in this section for failing to renew the license in a timely manner if the license holder provides adequate documentation, including copies of orders, to establish to the satisfaction of the board that the license holder failed to renew in a timely manner because the license holder was serving on active duty in the United States armed forces outside Texas.

Source Note: The provisions of this §137.9 amended to be effective September 13, 2011.

§137.11 Expiration and Licensed in Another Jurisdiction

- (a) A person who was licensed in Texas and moved to another state and, for the two years preceding the date of application for an out-of-state renewal, who is currently licensed and has been practicing engineering in the other state may apply for a new license pursuant to this section.
- (b) A person meeting the criteria in §137.11(a) of this section is exempt from examination requirements.
- (c) To apply for renewal, the former license holder meeting the criteria in §137.11(a) of this section, must fill out an out-of-state renewal application form, submit documentation demonstrating licensure in the other state, pay a renewal fee that is equal to two times the normally required renewal fee for the license, pay any increase in fees as required by §1001.206 of the Act as applicable, and submit documentation demonstrating compliance with the continuing education program requirements for an expired license as prescribed in §137.17 of this chapter (relating to Continuing Education Program).
- (d) Any license issued to a former Texas license holder under this section shall be assigned a new serial number.

Source Note: The provisions of this §137.11 amended to be effective May 20, 2004.

§137.13 Inactive Status

- (a) A license holder may request in writing to change the status of the license to "inactive" at any time. A license holder whose license is inactive may not practice engineering. A license holder who has requested inactive status shall not be required to pay the fee increase per §1001.206 of the Act and shall not receive any refunds for licensing fees previously paid to the board.
- (b) A license holder whose license is inactive must pay an annual fee as established by the board at the time of the license renewal. If the inactive fee is not paid by the date a person's license is to expire, the inactive renewal fee for the expired license shall be increased in the same manner as for an active license renewal fee.
- (c) A license holder whose license is inactive is not required to:
- (1) comply with the continuing education requirements adopted by the board; or
 - (2) take an examination for reinstatement to active status.
- (d) To return to active status, a license holder whose license is inactive must:
- (1) submit a request in writing for reinstatement to active status;
 - (2) pay the fee for annual renewal and the fee increase required by §1001.206 of the Act, as applicable;
 - (3) provide documentation of submittal of fingerprints for criminal history record check as required by §1001.3535 of the Act, unless previously submitted to the board; and
 - (4) comply with the continuing education program requirements for inactive license holders returning to practice as prescribed in §137.17(o) of this chapter (relating to Continuing Education Program).
- (e) A license holder may claim inactive status and return to active only once during the year period determined by the renewal schedule of the license. If a license holder claims inactive status and returns to active status during the same annual renewal period, the license holder shall comply with the full continuing education program requirements for that year.
- (f) A license holder claiming inactive status may use any term allowed for an active license holder followed by the term "Inactive" or "Retired" on business cards, stationery and other forms of correspondence. Failure to note inactive status in this manner is a violation of the Act and board rules and is subject to disciplinary action by the board.
- (g) A license holder on inactive status may provide a reference statement for an applicant for licensure.
- (h) Offering or performing engineering services to the public while the license is inactive is a violation of the inactive status and is subject to disciplinary action by the board.

Source Note: The provisions of this §137.13 amended to be effective December 17, 2013.

§137.14. Voluntary Surrender of License.

- (a) A license holder who does not wish to maintain a license, the legal guardian of the license holder, or other legal representative of the license holder may voluntarily surrender the license by submitting a request in writing provided that the license holder:
- (1) is in good standing, and
 - (2) does not have an enforcement case pending before the board.
- (b) A license that has been voluntarily surrendered may not be renewed. A license holder who has voluntarily surrendered a license may apply for a new license.

Source Note: The provisions of this §137.14 amended to be effective December 21, 2008.

§137.15 Replacement or New Design Certificates

- (a) Each license holder will be issued only one license certificate. A license holder may obtain a new license certificate to replace any license certificate lost, destroyed, or mutilated on payment of the established fee and verification of the status of the original license. A license holder requesting a replacement license under this section will, if possible, surrender any remaining portions of the original license to the board and shall file a written statement with original signature explaining the reasons for the request for a new certificate so that the board records will document the reason for issuance of a new license. Replacement licenses will reflect the original serial number of the license holder.
- (b) In the event the license design for professional engineers is changed by the board, a license holder may obtain a license of the new design upon payment of a fee to be established by the board and surrender of the original license certificate.

Source Note: The provisions of this §137.15 amended to be effective May 20, 2004.

§137.17 Continuing Education Program

- (a) Each license holder shall meet the Continuing Education Program (CEP) requirements for professional development as a condition for license renewal.
- (b) Terms used in this section are defined as follows:

- (1) Professional Development Hour (PDH) - A contact hour (clock hour) of CEP activity. PDH is the basic unit for CEP reporting.
 - (2) Continuing Education Unit (CEU) - Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class in an approved continuing education course.
 - (3) College/Unit Semester/Quarter Hour - Credit for course in ABET-approved program or other related college course.
 - (4) Course/Activity - Any qualifying course or activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the license holder's field of practice.
- (c) Every license holder is required to obtain 15 PDH units during the renewal period year.
- (d) A minimum of 1 PDH per renewal period must be in the area of professional ethics, roles and responsibilities of professional engineering, or review of the Texas Engineering Practice Act and Board Rules. PDH units carried forward may not be counted to meet the professional ethics requirement.
- (e) If a license holder exceeds the annual requirement in any renewal period, a maximum of 14 PDH units may be carried forward into the subsequent renewal period. Professional Development Hours must not be anticipated and cannot be used for more than one renewal period.
- (f) PDH units may be earned as follows:
- (1) Successful completion or auditing of college credit courses.
 - (2) Successful completion of continuing education courses, either offered by a professional or trade organization, university or college, or offered in-house by a corporation, other business entity, professional or technical societies, associations, agencies, or organizations, or other group.
 - (3) Successful completion of correspondence, on-line, televised, videotaped, and other short courses/tutorials.
 - (4) Presenting or attending seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences sponsored by a corporation, other business entity, professional or technical societies, associations, agencies, or organizations, or other group.
 - (5) Teaching or instructing as listed in paragraphs (1) through (4) of this subsection.
 - (6) Authoring published papers, articles, books, or accepted licensing examination items.
 - (7) Active participation in professional or technical societies, associations, agencies, or organizations, including:
 - (A) Serving as an elected or appointed official;
 - (B) Serving on a committee of the organization;
 - (C) Serving in other official positions.
 - (8) Patents issued.
 - (9) Engaging in self-directed study.
 - (10) Active participation in educational outreach activities involving K-12 or higher education students.
- (g) All activities described in §137.17(f) of this title shall be relevant to the practice of a technical profession and may include educational, technical, ethical, or managerial content.
- (h) The conversion of other units of credit to PDH units is as follows:
- (1) 1 College or unit semester hour - 15 PDH
 - (2) 1 College or unit quarter hour - 10 PDH
 - (3) 1 Continuing Education Unit - 10 PDH
 - (4) 1 Hour of professional development in course work, seminars, or professional or technical presentations made at meetings, conventions, or conferences - 1 PDH
 - (5) 1 Hour of professional development through self-directed study - 1 PDH (Not to exceed 5 PDH)
 - (6) Each published paper, article, or book - 10 PDH
 - (7) Active participation in professional or technical society, association, agency, or organization - 1 PDH (Not to exceed 5 PDH per organization)
 - (8) Active participation in educational outreach activities - 1 PDH (Not to exceed 3 PDH)
 - (9) Each patent issued - 15 PDH
 - (10) Other activities shall be credited at 1 PDH for each hour of participation in the activity.
- (i) Determination of Credit
- (1) The board shall be the final authority with respect to whether a course or activity meets the requirements of these rules.
 - (2) The board shall not pre-approve or endorse any CEP activities. It is the responsibility of each license holder to assure that all PDH credits claimed meet CEP requirements.
 - (3) Credit for college or community college approved courses will be based upon course credit established by the college.
 - (4) Credit for seminars and workshops will be based on one PDH unit for each hour of attendance. Attendance at programs presented at professional and/or technical society meetings will earn PDH units for the actual time of each program.
 - (5) Credit for self-directed study will be based on one PDH unit for each hour of study and is not to exceed 5 PDH per renewal period. Credit determination for self-directed study is the responsibility of the license holder and subject to review as required by the board.
 - (6) Credit determination for activities described in subsection (h)(4) of this section is the responsibility of the license holder and subject to review as required by the board.
 - (7) Credit for activity described in subsection (h)(7) of this section requires that a license holder serve as an officer of the organization, actively participate in a committee of the organization, or serve in other official positions. PDH credits are not earned until the end of each year of service is completed.
 - (8) Teaching credit is valid for teaching a course or seminar for the first time only.
- (j) The license holder is responsible for maintaining records to be used to support credits claimed. Records required include, but are not limited to:
- (1) a log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDH credits earned; and
 - (2) attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.
- (k) The license holder must certify that CEP requirements have been satisfied for that renewal year with the renewal application and fee.
- (l) CEP records for each license holder must be maintained for a period of three years by the license holder.

- (m) CEP records for each license holder are subject to audit by the board or its authorized representative.
 - (1) Copies must be furnished, if requested, to the board or its authorized representative for audit verification purposes.
 - (2) If upon auditing a license holder, the board finds that the activities cited do not fall within the bounds of educational, technical, ethical, or professional management activities related to the practice of engineering; the board may require the license holder to acquire additional PDH as needed to fulfill the minimum CEP requirements.
- (n) A license holder may be exempt from the professional development educational requirements for one of the following reasons listed in paragraphs (1) - (4) of this subsection:
 - (1) New license holders by way of examination shall be exempt for their first renewal period.
 - (2) A license holder serving on active duty and deployed outside the United States, its possessions and territories, in or for the military service of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a year shall be exempt from obtaining the professional development hours required during that year.
 - (3) License holders experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the board may be exempt. Supporting documentation must be furnished to the board.
 - (4) License holders who list their status as "Inactive" and who further certify that they are not providing professional engineering services in Texas shall be exempt from the professional development hours required.
- (o) A license holder may bring an inactive license to active status by obtaining all delinquent PDH units and submitting copies of CEP records demonstrating compliance to the board or its authorized representative for verification purposes. If the total number required to become current exceeds 30 units, then 30 units shall be the maximum number required.
- (p) Noncompliance:
 - (1) If an license holder does not certify that CEP requirements have been met for a renewal period, the license shall be considered expired and subject to late fees and penalties.
 - (2) Failure to comply with CEP reporting requirements as listed in this section is a violation of board rules and shall be subject to sanctions.
 - (3) A determination by audit that CEP requirements have been falsely reported shall be considered to be misconduct and will subject the license holder to disciplinary action.

Source Note: The provisions of this §137.17 amended to be effective September 9, 2012.

§137.19. Engineers Qualified to be Texas Windstorm Inspectors.

- (a) Pursuant to §1001.652 of the Act, the board shall create and maintain a roster of windstorm inspector candidates composed of licensed engineers who have demonstrated the knowledge, understanding, and professional competence to be qualified to provide engineering design services related to compliance with applicable windstorm certification standards under Subchapter F, Chapter 2210, Insurance Code.
- (b) To be considered qualified for the roster described under subsection (a) of this section, a licensed engineer must demonstrate sufficient competence in each of the following subject areas:
 - (1) Applicable building codes and design standards for the design and construction of buildings or other structures located in high wind areas;
 - (2) Determination of wind loads on buildings and other structures;
 - (3) Lateral wind load resisting systems;
 - (4) Vertical wind load resisting systems;
 - (5) Wood frame structure design;
 - (6) Roof and wall framing connections to the foundation;
 - (7) Foundation design; and
 - (8) Roof cladding and exterior wall cladding design.
- (c) A license holder may request that the Executive Director or designee review his or her competency to be placed on the roster in subsection (a) of this section. In order to be approved to be placed on the roster, a licensed engineer must:
 - (1) Receive a passing score on the Wind Design Competence Verification, and
 - (2) Demonstrate competence in the subject areas specified in subsection (b) of this section by providing one or more of the following:
 - (A) a transcript from an institution listed in §133.31(a) of this chapter (relating to Educational Requirements for Applicants) showing coursework in the subject area;
 - (B) a supplementary experience record documenting at least 2 years of experience in the subject area verified by at least one PE reference provider who has documented competence in a related engineering discipline; or
 - (C) verification of successful passage of a principles and practice of engineering examination as specified in §133.67 of this chapter (relating to Examination on the Principles and Practice of Engineering), which tests competence in the subject area.
- (d) The Wind Design Competence Verification shall be self-administered by the applicant and shall be furnished by the board. The verification will consist of questions to verify an applicant's knowledge in applicable building codes and design standards for the design and construction of buildings or other structures located in high wind areas. Each licensee requesting to be placed on the roster in subsection (a) of this section must submit this verification in a format prescribed by the board with the request and must receive a score of at least 90%.
- (e) If the Executive Director or designee determines that the licensed engineer has not demonstrated sufficient competency as set forth above to be placed on the roster, the licensed engineer shall be notified of the denial and the reasons therefore.
 - (1) Within 15 working days after receiving the notice, which shall be sent by verifiable means of delivery, the licensed engineer may file a response addressing the reasons for the denial.
 - (2) If no response is received with fifteen working days, the decision is final effective the following day.
 - (3) If a response is timely received, the Executive Director or designee will consider the matters presented in the response and may either place the licensed engineer on the roster or affirm the denial on the roster. The licensed engineer will be notified by the same means specified in paragraphs (1) and (2) of this subsection.
 - (4) Any candidate may appeal the roster denial decision to the Board. Board review of and action on the roster denial decision shall be in accordance with §133.93 of this chapter (relating to Personal Interviews of Applicants).

(f) A licensed engineer may be removed from the roster in subsection (a) of this section for any violation of the Texas Engineering Practice Act or Board rules. A removal action is subject to and will be governed by the provisions and procedures in Chapter 139 of this title (relating to Enforcement).

(g) If a licensed engineer is removed from the roster under subsection (a) of this section, a licensed engineer may reapply to be on the roster. To be reinstated on the roster, the licensed engineer must be in good standing with TDI and the Board, have no pending or ongoing enforcement actions with either TDI or the Board, and provide additional documentation or other information sufficient to demonstrate that reinstatement to the roster serves the public interest.

Source Note: The provisions of this §137.19 adopted to be effective December 11, 2011.

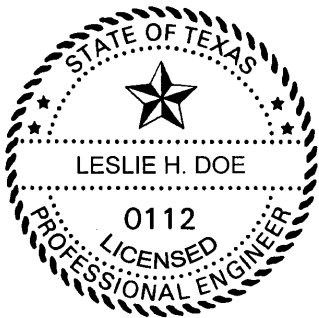
SUBCHAPTER B: SEALING REQUIREMENTS

§137.31 Seal Specifications

(a) Upon issuance of a license, each license holder is required to obtain a seal under the requirements of §133.97 of this title (relating to Issuance of License) and submit an impression of the seal or an electronic seal, and an original or an electronic signature to the board for board records.

(b) Physical and electronic seals shall be of the design illustrated in this section and shall be no larger than two inches. Regardless of seal size the engineer's name and number must be clearly legible.

(c) All physical seals obtained and used by license holders shall be capable of leaving a permanent ink image or permanent impression of the seal attached to the engineering work.



(d) All seals obtained and used by license holders shall contain any given name, commonly accepted variation of the given name, or initial combination with the surname as currently listed with the board and in the usual written signature. Nicknames shall not be permitted on a seal in lieu of a given name or initial combination. The name can be displayed on the seal using all uppercase letters such as "LESLIE H. DOE" or using the standard combination of upper and lowercase letters, such as "Leslie H. Doe".

(e) Preprinting of blank forms with an engineer's seal, or the use of decal or other seal replicas is prohibited.

(f) When signing an engineering work, the engineer may utilize the designation "P.E." or other terms as described in §137.1 of this chapter (relating to License Holder Designations).

(g) This section does not prevent the reproduction of sealed and signed, original works for distribution.

Source Note: The provisions of this §137.31 amended to be effective December 25, 2012.

§137.33 Sealing Procedures

(a) The purpose of the engineer's seal is to assure the user of the engineering product that the work has been performed or directly supervised by the professional engineer named and to delineate the scope of the engineer's work.

(b) License holders shall only seal work done by them, performed under their direct supervision as defined in §131.81 of this title, relating to Definitions, or shall be standards or general guideline specifications that they have reviewed and selected. Upon sealing, engineers take full professional responsibility for that work.

(c) When a license holder reviews and elects to use standards or general guideline specifications, those items shall be clearly labeled as such, shall bear the identity of the publishing entity, and shall be:

- (1) individually sealed by the license holder; or
- (2) specified on an integral design/title/contents sheet that bears the engineer's seal, signature, and date with a statement authorizing its use.

(d) License holders shall take reasonable steps to ensure the security of their physical or electronic seals and electronic signatures. For electronic seals and electronic signatures, the engineer must have reasonable security measures in place to protect these files. In the event of loss of a seal or electronic signature, the engineer will immediately give written notification of the facts concerning the loss to board.

(e) Preliminary documents released from a license holder's control shall identify the purpose of the document, the engineer(s) of record and the engineer license number(s), and the release date by placing the following text or similar wording on the title sheet of bound engineering reports, specifications, details, calculations or estimates, and each sheet of plans or drawings regardless of size or binding, instead of a seal: "This document is released for the purpose of (Examples: interim review, mark-up, drafting) under the authority of (Example: Leslie H. Doe, P.E. 0112) on (date). It is not to be used for (Examples: construction, bidding, permit) purposes."

(f) License holders shall affix their seal and original signature or electronic seal and signature with the date on the final version of their engineering work before such work is released from their control.

- (1) The signature and date shall not obscure the engineer's name or license number in the seal.
- (2) Engineering work required to bear a seal and signature includes the original title sheet of bound engineering reports, specifications, details, calculations or estimates, and each original sheet of plans or drawings regardless of size or binding.

- (3) All other engineering work, including but not limited to research reports, opinions, recommendations, evaluations, addenda, documents produced for litigation, and engineering software shall bear the engineer's printed name, date, signature and the designation "P.E." or other terms as described in §137.1 of this chapter (relating to License Holder Designations). A seal may be added on such work if required or at the engineer's discretion.
- (g) Work performed by more than one license holder shall be sealed in a manner such that all engineering can be clearly attributed to the responsible license holder or license holders. When sealing plans or documents on which two or more license holders have worked, the seal and signature of each license holder shall be placed on the plan or document with a notation describing the work done under each license holder's responsible charge.
- (h) Licensed employees of the state, its political subdivisions, or other public entities are responsible for sealing their original engineering work; however, such licensed employees engaged in review and evaluation for compliance with applicable law or regulation of engineering work submitted by others, or in the preparation of general planning documents, a proposal for decision in a contested case or any similar position statement resulting from a compliance review, need not seal the review reports, planning documents, proposals for decision, or position statements.
- (i) A license holder, as a third party, may alter, complete, correct, revise, or add to the work of another license holder when engaged to do so by a client, provided:
- (1) the client furnishes the documentation of such work submitted to the client by the first license holder;
 - (2) the first license holder is notified in writing by the second license holder of the engagement immediately upon acceptance of the engagement; and
 - (3) any work altered, completed, corrected, revised, or added to shall have a seal affixed by the second license holder. The second license holder then becomes responsible for any alterations, additions or deletions to the original design including any effect or impact of those changes on the original license holder's design.
- (j) A local authority may require an original seal and/or signature on reproduced documents.
- (k) A plan, specification, plat, or report issued by a license holder for a project to be constructed or used in this state must include the license holder's seal placed on the document. A license holder is not required to use a seal if the project is to be constructed or used in another state or country.
- (l) An engineer may securely transmit his or her final version of engineering work electronically provided that work bears the engineer's seal and uses one of the techniques described in §137.35(a) of this chapter (relating to Electronic Seals and Electronic Signatures) and must employ reasonable security measures to make the documents unalterable. Electronic correspondence of this type may be followed by a hard copy containing the engineer's printed name, date, signature and the designation "P.E." or other terms described in §137.1 of this chapter (relating to License Holder Designations).
- (m) A license holder is not required to use a seal for a project for which the license holder is not required to hold a license under an exemption set forth under the Act, Texas Occupation Code §§1001.051 - 1001.066.
- (n) All engineering documents released, issued, or submitted by a licensee, including preliminary documents, shall clearly indicate the firm name and registration number of the engineering firm by which the engineer is employed.
- (1) If the engineer is employed by a local, State, or Federal Government agency, then only the name of the agency shall be required.
 - (2) If the engineer is exempt from sealing a document under subsection (m) of this section, but elects to seal a document, then only the name of the employer shall be required.

Source Note: The provisions of this §137.33 amended to be effective December 21, 2008.

§137.35 Electronic Seals and Electronic Signatures

- (a) Licensed professional engineers shall maintain the security of their electronic seals and electronic signatures. The following methods are allowed:
- (1) Licensed professional engineers may electronically copy their original hard copy work that bears their seal, original signature, and date and transmit this work in a secure electronic format.
 - (2) An engineer may create an electronic seal and electronic signature for use in transmitting electronically formatted engineering work, regardless of whether the work was originally in hard copy or electronic format.
- (b) As an alternative to electronic sealing and electronic signatures, engineers shall affix their original seals and signatures and date to their engineering work as specified in §137.33(f) of this chapter (relating to Sealing Procedures).

Source Note: The provisions of this §137.35 amended to be effective April 27, 2008.

§137.37 Sealing Misconduct

- (a) A license holder is guilty of misconduct and subject to disciplinary action if the license holder:
- (1) knowingly signs or seals any engineering document or product if its use or implementation may endanger the health, safety, property or welfare of the public.
 - (2) signs or affixes a seal on any document or product when the license is inactive or has been revoked, suspended, or has expired.
 - (3) alters a sealed document without proper notification to the responsible license holder.
 - (4) allows others access to his or her electronic files containing his or her seal and/or electronic signature, unless access is explicitly authorized for particular engineering work.
- (b) A person not licensed by the board may not use, cause to be used, affix or cause to be affixed or in any other manner, regardless of the means, attach or in any way depict an engineering seal or a representation of an engineering seal without the express permission by the licensee responsible for the project or the specific engineering work in question.

Source Note: The provisions of this §137.37 amended to be effective December 25, 2012.

SUBCHAPTER C: PROFESSIONAL CONDUCT AND ETHICS

§137.51 General Practice

- (a) In order to safeguard, life, health and property, to promote the public welfare, and to establish and maintain a high standard of integrity and practice, the rules relating to professional conduct in this title shall be binding on every person holding a license authorized to offer or perform engineering services in Texas.
- (b) License holders having knowledge of any alleged violation of the Act and/or board rules shall cooperate with the board in furnishing such information or assistance as may be required.
- (c) A license holder shall respond to the board in writing to all written requests for information regarding all inquiries under the jurisdiction of the board within 21 days of receipt or by the date specified in board correspondence. A license holder shall fully comply with final decisions and orders of the board. Failure to comply with these matters will constitute a separate offense of misconduct and will subject the license holder to any of the penalties provided under §1001.451(2), (3), or (4) and §1001.502 of the Act.
- (d) Any license holder who directly or indirectly enters into any contract, arrangement, plan, or scheme with any person, firm, partnership, association, or corporation or other business entity which in any manner results in a violation of §137.77 of this title (relating to Firm Registration Compliance) shall be subject to legal and disciplinary actions available to the board. Professional engineers shall perform or directly supervise the engineering work of any subordinates as characterized in §131.81(10) of this title (relating to Definitions). Under no circumstances shall engineers work in a part-time arrangement with a firm not otherwise in full compliance with §137.77 of this chapter (relating to Firm Registration Compliance) in a manner that could enable such firm to offer or perform professional engineering services.
- (e) A licensed professional engineer may offer or perform engineering services on a full or part-time basis as a firm (including a sole practitioner) or other business entity if registered pursuant to the requirements of Chapter 135 of this title (Relating to Firm Registration).

Source Note: The provisions of this §137.51 amended to be effective December 11, 2011.

§137.53 Engineer Standards of Compliance with Professional Services Procurement Act

- (a) A licensed engineer shall not submit or request, orally or in writing, a competitive bid to perform professional engineering services for a governmental entity unless specifically authorized by state law and shall report to the board any requests from governmental entities and/or their representatives that request a bid or cost and/or pricing information or any other information from which pricing or cost can be derived prior to selection based on demonstrated competence and qualifications to perform the services.
- (b) For the purposes of this section, competitive bidding to perform engineering services includes, but is not limited to, the submission of any monetary cost information in the initial step of selecting qualified engineers. Cost information or other information from which cost can be derived must not be submitted until the second step of negotiating a contract at a fair and reasonable cost.
- (c) This section does not prohibit competitive bidding in the private sector.

Source Note: The provisions of this §137.53 amended to be effective June 4, 2007.

§137.55 Engineers Shall Protect the Public

- (a) Engineers shall be entrusted to protect the health, safety, property, and welfare of the public in the practice of their profession. The public as used in this section and other rules is defined as any individual(s), client(s), business or public entities, or any member of the general population whose normal course of life might reasonably include an interaction of any sort with the engineering work of the license holder.
- (b) Engineers shall not perform any engineering function which, when measured by generally accepted engineering standards or procedures, is reasonably likely to result in the endangerment of lives, health, safety, property, or welfare of the public. Any act or conduct which constitutes incompetence or gross negligence, or a criminal violation of law, constitutes misconduct and shall be censurable by the board.
- (c) Engineers shall first notify involved parties of any engineering decisions or practices that might endanger the health, safety, property or welfare of the public. When, in an engineer's judgment, any risk to the public remains unresolved, that engineer shall report any fraud, gross negligence, incompetence, misconduct, unethical or illegal conduct to the board or to proper civil or criminal authorities.
- (d) Engineers should strive to adequately examine the environmental impact of their actions and projects, including the prudent use and conservation of resources and energy, in order to make informed recommendations and decisions.

Source Note: The provisions of this §137.55 amended to be effective May 20, 2004.

§137.57 Engineers Shall be Objective and Truthful

- (a) Engineers shall issue statements only in an objective and truthful manner. Engineers should strive to make affected parties aware of the engineers' professional concerns regarding particular actions or projects, and of the consequences of engineering decisions or judgments that are overruled or disregarded.
- (b) The issuance of oral or written assertions in the practice of engineering shall not be:
- (1) fraudulent,
 - (2) deceitful, or
 - (3) misleading or shall not in any manner whatsoever tend to create a misleading impression.
- (c) The engineer shall disclose a possible conflict of interest to a potential or current client or employer upon discovery of the possible conflict.
- (d) A conflict of interest exists when an engineer accepts employment when a reasonable probability exists that the engineer's own financial, business, property, or personal interests may affect any professional judgment, decisions, or practices exercised on behalf of the client or employer. An engineer may accept such an employment only if all parties involved in the potential conflict of interest are fully informed in writing and the client or employer confirms the knowledge of the potential conflict in writing. An engineer in a conflict of interest employment shall maintain the interests of the client and other parties as provided by §137.61 of this title (relating to Engineers Shall Maintain Confidentiality of Clients) and other rules and statutes.

Source Note: The provisions of this §137.57 amended to be effective December 21, 2008.

§137.59 Engineers' Actions Shall Be Competent

- (a) Engineers shall practice only in their areas of competence.
- (b) The engineer shall not perform any engineering assignment for which the engineer is not qualified by education or experience to perform adequately and competently. However, an engineer may accept an assignment which includes phases outside of the engineer's area of competence if those other phases are performed by qualified licensed professionals, consultants, associates, or employees.
- (c) The engineer shall not express an engineering opinion in deposition or before a court, administrative agency, or other public forum which is contrary to generally accepted scientific and engineering principles without fully disclosing the basis and rationale for such an opinion. Engineering opinions which are rendered as expert testimony and contain quantitative values shall be supported by adequate modeling or analysis of the phenomena described.

Source Note: The provisions of this §137.59 amended to be effective September 4, 2006.

§137.61 Engineers Shall Maintain Confidentiality of Clients

- (a) The engineer may reveal confidences and private information only with a fully informed client's or employer's consent, or when required by law or court order; or when those confidences, if left undisclosed, would constitute a threat to the health, safety or welfare of the public.
- (b) The engineer shall not use a confidence or private information regarding a client or employer to the disadvantage of such client or employer or for the advantage of a third party.
- (c) The engineer shall exercise reasonable care to prevent unauthorized disclosure or use of private information or confidences concerning a client or employer by the engineer's employees and associates.

Source Note: The provisions of this §137.61 amended to be effective May 20, 2004.

§137.63 Engineers' Responsibility to the Profession

- (a) Engineers shall engage in professional and business activities in an honest and ethical manner. Engineers should strive to promote responsibility, commitment, and ethics both in the education and practice phases of engineering. They should attempt to enhance society's awareness of engineers' responsibilities to the public and encourage the communication of these principles of ethical conduct among engineers.
- (b) The engineer shall:
 - (1) endeavor to meet all of the applicable professional practice requirements of federal, state and local statutes, codes, regulations, rules, ordinances or standards in the performance of engineering services;
 - (2) exercise reasonable care or diligence to prevent the engineer's partners, associates, and employees from engaging in conduct which, if done by the engineer, would violate any provision of the Texas Engineering Practice Act, general board rule, or any of the professional practice requirements of federal, state and local statutes, codes, regulations, rules or ordinances in the performance of engineering services;
 - (3) exercise reasonable care to prevent the association of the engineer's name, professional identification, seal, firm or business name in connection with any venture or enterprise which the engineer knows, or should have known, is engaging in trade, business or professional practices of a fraudulent, deceitful, or dishonest nature, or any action which violates any provision of the Texas Engineering Practice Act or board rules.
 - (4) act as faithful agent for their employers or clients;
 - (5) conduct engineering and related business affairs in a manner that is respectful of the client, involved parties, and employees. Inappropriate behaviors or patterns of inappropriate behaviors may include, but are not limited to, misrepresentation in billing; unprofessional correspondence or language; sale and/or performance of unnecessary work; or conduct that harasses or intimidates another party; and
 - (6) practice engineering in a careful and diligent manner.
- (c) The engineer shall not:
 - (1) aid or abet, directly or indirectly, any unlicensed person or business entity in the unlawful practice of engineering;
 - (2) maliciously injure or attempt to injure or damage the personal or professional reputation of another by any means. This does not preclude an engineer from giving a frank but private appraisal of engineers or other persons or firms when requested by a client or prospective employer;
 - (3) retaliate against a person who provides reference material for an application for a license or who in good faith attempts to bring forward an allegation of wrongdoing;
 - (4) give, offer or promise to pay or deliver, directly or indirectly, any commission, gift, favor, gratuity, benefit, or reward as an inducement to secure any specific engineering work or assignment;
 - (5) accept compensation or benefits from more than one party for services pertaining to the same project or assignment; or
 - (6) solicit professional employment in any false or misleading advertising.

Source Note: The provisions of this §137.63 amended to be effective December 21, 2008.

§137.65 Action in Another Jurisdiction

- (a) The engineer shall not practice or offer to practice engineering in any other jurisdiction in violation of the laws regulating the practice of professional engineering in that jurisdiction. A finding by such jurisdiction of illegal practice or offer to practice is misconduct and will subject the engineer to disciplinary action in Texas.
- (b) Any disciplinary actions taken by another jurisdiction on a matter which would constitute a violation of the Texas Engineering Practice Act or board rules shall be sufficient cause for disciplinary action by this board. A certified copy of the board Order or Final Action from another jurisdiction shall be sufficient evidence to take disciplinary action in this state.
- (c) Any complaint, referral or report that a Texas licensed professional engineer performing engineering related to Texas Occupations Code, §1001.068 in another state may be subject to disciplinary action by this board, if after investigation it is determined that the engineering work done in that other state was inadequate, deficient, incorrect or violated that state's law or rules regarding the practice of engineering.

SUBCHAPTER D: FIRM AND GOVERNMENTAL ENTITY COMPLIANCE

§137.71 Firm Names

Pursuant to §1001.405(e), a business entity that is not registered with the board may not represent to the public by way of letters, signs, or symbols as a part of any sign, directory, listing, contract, document, pamphlet, stationery, advertisement, signature, or business name that it is engaged in the practice of engineering by using the terms:

- (1) "engineer,"
- (2) "engineering,"
- (3) "engineering services,"
- (4) "engineering company,"
- (5) "engineering, inc.,"
- (6) "professional engineers,"
- (7) "licensed engineer,"
- (8) "registered engineer,"
- (9) "licensed professional engineer,"
- (10) "registered professional engineer,"
- (11) "engineered," or
- (12) any abbreviation or variation of those terms listed in (1)-(11) above, or directly or indirectly use or cause to be used any of those terms in combination with other words.

Source Note: The provisions of this §137.71 amended to be effective December 21, 2008.

§137.73 Firm Record Modifications

(a) Each registered firm shall notify the board in writing not later than 30 days after a change in the business entity's:

- (1) physical or mailing address, electronic mail address, telephone or facsimile number or other contact information;
- (2) officers or directors;
- (3) employment status of the professional engineers of the firm;
- (4) operation including dissolution of the firm or that the firm no longer offers to provide or is not providing engineering services to the public in Texas; or
- (5) operation including addition or dissolution of branch and/or subsidiary offices.

(b) Notice shall include, as applicable, the:

- (1) full legal trade or business name entity,
- (2) the firm registration number,
- (3) telephone number of the business office,
- (4) name and license number of the license holder employed or leaving the entity,
- (5) description of the change, and
- (6) effective date of this change.

Source Note: The provisions of this §137.73 amended to be effective December 21, 2008.

§137.75 Registration Renewal and Expiration

(a) The certificate of registration shall be valid until the last day of the twelfth month following the date of issuance of the certificate of registration. At least one month in advance of the date of the expiration, the board shall notify each firm holding a certificate of registration of the date of the expiration and the amount of the fee that shall be required for its renewal for one year. The renewal notice shall be mailed to the last address provided by the firm to the board. The certificate of registration may be renewed by completing the renewal application and paying the annual registration renewal fee set by the board. It is the sole responsibility of the firm to pay the required renewal fee prior to the expiration date, regardless of whether the renewal notice is received.

(b) A certificate of registration which has been expired for less than one year may be renewed by completing the renewal statement sent by the board and payment of two (2) times the normal renewal fee. When renewing an expired certificate of registration, the authorized official of the firm shall submit a written statement of whether engineering services were offered, pending, or performed for the public in Texas during the time the certificate of registration was expired.

(c) If a certificate of registration has been expired for more than one year, the firm must re-apply for certification under the laws and rules in effect at the time of the new application and shall be issued a new certificate of registration serial number if the new application is approved.

(d) The renewal fee will not be refunded.

Source Note: The provisions of this §137.75 amended to be effective May 20, 2004.

§137.77 Firm Registration Compliance

- (a) Any firm or other business entity shall not offer or perform engineering services to the public unless registered with the board pursuant to the requirements of Chapter 135 of this title (relating to Firm Registration).
- (b) A firm shall provide that at least one full-time active license holder is employed with the entity and that the active license holder performs or directly supervises all engineering work and activities that require a license that is performed in the primary, branch, remote, or project office(s).
- (c) An active license holder who is a sole practitioner shall satisfy the requirement of the regular, full-time employee.
- (d) No engineering services are to be offered to or performed for the public in Texas by a firm while that firm does not have a current certificate of registration.
- (e) A business entity that offers or is engaged in the practice of engineering in Texas and is not registered with the board or has previously been registered with the board and whose registration has expired shall be considered to be in violation of the Act and board rules and will be subject to administrative penalties as set forth in §§1001.501 - 1001.508 of the Act and §139.35 of this title (relating to Sanctions and Penalties).
- (f) The board may revoke a certificate of registration that was obtained in violation of the Act and/or board rules including, but not limited to, fraudulent or misleading information submitted in the application or lack of employee relationship with the designated professional engineer for the firm.
- (g) If a firm has notified the board that it is no longer offering or performing engineer services to the public, including the absence of a regular, full-time employee who is an active professional engineer licensed in Texas, the certificate of registration record will be placed in inactive status until the board is notified of resumed offering and services. If firm certificate of registration is inactive, the certificate of registration will expire under the same requirements of subsection (e) of this section unless renewed.
- (h) All engineering documents released, issued, or submitted by or for a registered engineering firm, including preliminary documents, must clearly indicate the firm name and registration number.
- (i) A firm registered under Chapter 135 of this title may voluntarily surrender the registration by submitting a request in writing provided that the firm:
 - (1) is in good standing; and
 - (2) does not have an enforcement case pending before the board.
- (j) A firm registration that has been voluntarily surrendered may not be renewed. A firm which has voluntarily surrendered a registration may apply for a new registration.

Source Note: The provisions of this §137.77 amended to be effective June 13, 2010.

§137.79 Standards for Compliance with Professional Services Procurement Act

When procuring professional engineering services, a governmental entity and/or its representative(s) shall comply with the requirements of Subchapter A, Chapter 2254, Texas Government Code and shall select and award on the basis of demonstrated competence and qualifications to perform the services for a fair and reasonable price and shall not select services or award contracts on the basis of competitive bidding.

Source Note: The provisions of this §137.79 amended to be effective December 21, 2008.