

250 CMR: BOARD OF REGISTRATION OF PROFESSIONAL
ENGINEERS AND LAND SURVEYORS

DRAFT -- FOR DISCUSSION PURPOSES ONLY

250 CMR 3.00: THE REGISTRATION PROCESS

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3.01: Registration Requirements

- (1) Applicants for registration are charged with having knowledge of M.G.L. c.112, § 81D through § 81T and 250 CMR.
- (2) The registration process is based upon different Application Classifications, each of which has specific education and Work Experience requirements. The classification details are summarized in 250 CMR 3.04(4): *Tables I and II*.
- (3) Each person applying to be registered in the Commonwealth as a Professional Engineer or Professional Land Surveyor must first have taken and passed the NCEES sanctioned FE Exam or the NCEES sanctioned FS Exam, with the exception of applicants under classification (e) as described in 250 CMR 3.04(4): *Tables I and II*.
- (4) In the event that an individual does not pass the FE or FS Exams, the exam may be retaken as allowed by NCEES and the Board, upon notification of the Board and payment of the required fees.
- (5) The Board will notify individuals of their exam results. The Board will issue Engineer- in-training certificates or Surveyor-in-training certificates to those individuals that are in compliance with 250 CMR 3.10.
- (6) Before submitting an application for registration, the applicant must obtain the Work Experience and education required for a given Application Classification. Work Experience obtained after the date the application was submitted is not included in determination of experience.
- (7) Once the Board has reviewed the applicant's education, Work Experience, character and experience references, college transcripts and documentation, the Board may schedule the engineering applicant for an interview; and the Board shall schedule all land surveying

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applicants for the mandatory oral exam. Once the Board has determined that all applicable statutory requirements have been met, the applicant will be scheduled to sit for the applicable written examinations.

(8) An application found to involve fraud, false statement(s) or misrepresentation(s) will be denied and action will be taken as prescribed in 250 CMR 7.00: *Enforcement and Discipline*.

(9) An applicant shall be registered only after completing the following:

- (a) meeting all the requirements of law;
- (b) passing the required examinations;
- (c) receiving notification from the Board; and
- (d) paying the registration fee.

Upon completion, an applicant will be issued a License to practice as a Professional Engineer or a Professional Land Surveyor and is then authorized to use the title Professional Engineer or Professional Land Surveyor in compliance with 250 CMR.

(10) Applicants for Comity Registration as a Professional Engineer must hold a current engineering license in another state or US Jurisdiction and must submit a current NCEES Record, or Board approved equivalent, along with the application. Comity applicants must meet all Massachusetts requirements for at least one Application Classification. When an applicant for Comity Registration as a Professional Engineer meets all other requirements of Application Classification 250 CMR 3.04(4): *Table I* classification (e), the Board may waive the personal interreview requirement.

(11) Comity applicants for registration as a Professional Land Surveyor must hold a current land surveying license in another state or US Jurisdiction and must pass the Massachusetts specific jurisprudence exam. Applicants for Comity Registration as a Professional Land Surveyor are required to meet all Massachusetts requirements for at least one Application Classification and must sit for an oral exam.

3.02: Application Form

(1) An application for registration must be submitted using only current Board-approved forms obtained from the Board.

(2) An application will be rejected if it is submitted on an out-of-date form, is incomplete, or does not comply with the documentation requirements.

(3) A completed application form must be submitted in accordance with the application form instructions along with the required fees and supporting documentation.

(4) An applicant for registration as a Professional Engineer must submit at least five references, three of which must be from Professional Engineers familiar with the work of the

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applicant, and one of which must be the applicant's current supervisor.

(5) An applicant for registration as a Professional Land Surveyor must submit at least five references, three of which must be from Professional Land Surveyors familiar with the work of the applicant, and one of which must be the applicant's current supervisor.

(6) Collectively, the references shall address the applicant's entire period of qualifying Work Experience. A Board member or a member of the applicant's family may be a reference only when the reference has been in direct charge of an applicant's Work Experience.

3.03: Application Review and Evaluation

M.G.L. c. 112 obligates the Board to review and consider an applicant's education, performance on required examinations, relevant Work Experience, and references. The Board cannot process applications if an applicant is unable to submit sufficient supporting Evidence related to the foregoing.

(1) Each application must be reviewed and approved by at least two members of the Board. A denial of an application requires a majority vote of the Board.

(2) If the required Reference Questionnaires are not received by the Board within three months the applicant will be so advised. If not received within six months, the application will be rejected.

(3) If any deficiency in an application, including supplemental information requested by the Board, is not remedied within three months after notice of such deficiency is mailed to the applicant, the Board will act on the basis of the available information.

(4) Final Board action is based on the documented qualifications of the applicant.

(5) An application indicating that the applicant has been practicing engineering or surveying in violation of the law will be investigated and prosecuted if warranted.

(6) All application materials are maintained in compliance with the public records law. Samples of work included with application are destroyed after action by the Board.

(7) Applications that remain dormant for a period of three years or more will automatically lapse.

3.04: Education and Experience Requirements

(1) To determine the amount of education and Work Experience required for registration as a Professional Engineer refer to 250 CMR 3.04(4): *Table I*. To determine the amount of education and Work Experience required for registration as a Professional Land Surveyor

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refer to 250 CMR 3.04(4): *Table II*.

(2) 250 CMR 3.04(4): *Table I* refers to program Accreditation established by the Accreditation Board for Engineering and Technology (ABET). An applicant holding a degree that is not from an ABET accredited engineering program must obtain an Equivalency Appraisal of his or her specific educational transcript of the unaccredited educational program of four years or more. This appraisal will determine whether the applicant's education is acceptable to the Board. The Equivalency Appraisal must be done by a Board-approved agency.

(3) An ABET accredited graduate engineering program may be substituted for an ABET accredited undergraduate program for the purpose of EIT certification, SIT certification and/or Registration.

(4) In interpreting the experience requirements in 250 CMR 3.04(4): *Tables I and II*, the following may apply:

(a) A one year credit toward Work Experience requirement may be allowed for each postgraduate study program terminated successfully provided that the postgraduate degree is related to the applicant's engineering or land surveying undergraduate degree, whichever is applicable, or that the postgraduate degree is an ABET accredited degree and also provided that neither educational option will reduce the qualifying Work Experience below three years.

(b) Qualifying Work Experience for teaching engineering or land surveying will be based upon a careful examination of the curriculums taught, the research associated therewith, published papers, the professional level of that experience and the degree of responsibility carried by the applicant.

(c) Credit toward required years of acceptable engineering Work Experience may be allowed, up to three years, for Board-approved undergraduate education for 250 CMR 304(4): *Table I* or *II* classifications (d) and (e). Credit toward required years of acceptable land surveying Work Experience may be allowed, up to two years, for Board-approved undergraduate education for 250 CMR 304(4): *Table I* or *II* classifications (d) and (e).

250 CMR 3.04(4): Table I Engineering Application Requirements

Application Classification	Education Requirements	Engineering Experience Requirements*	Responsible Charge Requirements	FE Exam Req'd	PE Exam Req'd	Inter-vi ew Req'd	Reference
(a)	A certificate of license/registration to practice Engineering issued by another Jurisdiction in addition to meeting all the requirements of one of the following classifications:			Yes (except (e))	Yes	No	M.G.L. c. 112, § 81J (1)(a)
(b) (1)	A Bachelor of Science degree in engineering from an ABET	3 years	-	Yes	Yes	No	M.G.L. c.112, § 81J (1)(b)

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3.04: continued

250 CMR 3.04(4): Table I Engineering Application Requirements (continued)

	accredited program or a program approved by the Massachusetts Legislature together with a Master's Degree in Engineering by a school in the US whose basic engineering program is ABET accredited.						
(2)	A Bachelor of Science degree in engineering from an ABET accredited program.	4 years	-	Yes	Yes	No	M.G.L. c.112, § 81J (1)(b)
(3)	A Bachelor of Science degree in engineering from a non-ABET accredited program granted by an institution authorized to grant such degree by the Massachusetts Legislature.	4 years	-	Yes	Yes	No	M.G.L. c.112, § 81J (1)(b)
(4)	A Bachelor of Science degree in engineering from a non-ABET accredited program or related engineering science program such as a technology degree, foreign degree, physics degree, chemistry degree, etc. together with a degree from an ABET accredited advanced engineering program.	4 years	-	Yes	Yes	No	M.G.L. c.112, § 81J (1)(b)
(5)	A foreign degree or non-ABET degree in engineering of four years or more and whose education has received an Equivalency Appraisal per 250 CMR 3.04(2).	4 years	-	Yes	Yes	No	M.G.L. c.112, § 81J (1)(b)
(c)	A Bachelor of Science engineering technology degree or any non-ABET accredited program in engineering or related engineering science such as a foreign degree, physics degree, chemistry degree, <i>etc.</i> (foreign degree holders are also required to submit evidence that the foreign degree is equivalent to a regionally	8 years	-	Yes	Yes	No	M.G.L. c.112, § 81J(1)(c)

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3.04: continued

250 CMR 3.04(4): Table I Engineering Application Requirements (continued)

Application Classification	Education Requirements	Engineering Experience Requirements*	Responsible Charge Requirements	FE Exam Req'd	PE Exam Req'd	Inter-vi ew Req'd	Reference
(d)	No specific education requirement, however undergraduate study in a Board-approved engineering curriculum may be considered as engineering Work Experience on an equivalent full-time basis up to a maximum of 3 years.	12 years	5 years	Yes	Yes	May	M.G.L. c.112, § 81J(1)(d) M.G.L. c.112, § 81J(1)(f)
(e)	No specific education requirement, however undergraduate study in a Board-approved engineering curriculum may be considered as engineering Work Experience on an equivalent full-time basis up to a maximum of 3 years.	20 years	10 years	No	Yes	Yes	M.G.L. c.112, § 81J(1)(e) M.G.L. c.112, § 81J(1)(f)

* A one-year credit may be granted for each qualifying advanced engineering degree, provided qualifying Work Experience is not less than three years.

250 CMR 3.04(4): Table II Land Surveying Application Requirements

Application Classification	Education Requirements	Land Survey Experience Requirements*	Responsible Charge Requirements	FS Req'd Exam	PS Exam Req'd	JP Exam Req'd	Oral Exam Req'd	Reference
(a)	A certificate of license/registration to practice Land Surveying issued by another Jurisdiction in addition to meeting all the requirements of one of the following classifications:			Yes (except (e))	Yes	Yes	Yes	M.G.L. c. 112, § 81J (2)(d)
(b)	(1) A Bachelor of Science Degree in Land Surveying.	4 years	3 years	Yes	Yes	Yes	Yes	M.G.L. c. 112, § 81J (2)(a)

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(2)	A Bachelor of Science Degree in Civil Engineering including or in addition to at least 18 credit hours of Board-approved courses in land surveying	4 years	3 years	Yes	Yes	Yes	Yes	M.G.L. c. 112, § 81J (2)(a)
(3)	A foreign degree in Land Surveying or Civil Engineering of four years or more that has been determined to be equivalent to 250 CMR 3.04(4): Table II (1) or (2).	4 years	3 years	Yes	Yes	Yes	Yes	M.G.L. c. 112, § 81J (2)(a)
(c)	Two or more years of formal education comprised of at least 60 semester credit hours of which at least 18 credit hours are Board-approved land surveying courses and 12 credit hours of Board-approved higher mathematics and applied science courses.	6 years	4 Years	Yes	Yes	Yes	Yes	M.G.L. c. 112, § 81J(2)(b)
(d)	No education requirement, however undergraduate study in a Board-approved surveying curriculum may be considered as surveying Work Experience on an equivalent full-time basis up to a maximum of 2 years.	12 years	6 years	Yes	Yes	Yes	Yes	M.G.L. c. 112, § 81J(2)(c) M.G.L. c. 112, § 81J(2)(e)
(e)	No education requirement, however undergraduate study in a Board-approved surveying curriculum may be considered as surveying Work Experience on an equivalent full-time basis up to a maximum of 2 years.	20 years	10 years	No	Yes	Yes	Yes	M.G.L. c. 112, § 81J(2)(f) M.G.L. c. 112, § 81J(2)(e)

* A one-year credit may be granted for each qualifying advanced surveying degree, provided qualifying Work Experience is not less than three years.

3.05: Experience Evaluation

(1) Acceptable Work Experience must be in work of a professional grade and character that indicates to the Board that the applicant is competent to practice engineering or land

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surveying.

- (2) Acceptable Work Experience of a professional grade is evaluated on the basis of:
 - (a) Statutory Length as of date of application;
 - (b) Professional Level;
 - (c) Degree of Responsibility;
 - (d) Application of Technical Knowledge;
 - (e) Exercise of Judgment.
- (3) Engineering work or land surveying work performed during a period of full-time study at an educational institution is considered part of the educational program, and is not acceptable Work Experience.
- (4) Engineering work periods or land surveying work periods of up to six months during, or incidental to, undergraduate education (such as a cooperative experience or an internship) are considered part of the educational program and are not acceptable as Work Experience.
- (5) Acceptable Work Experience for graduates of a Board-approved engineering curriculums leading to the degree of Bachelor of Science in Engineering or Engineering Technology in an "evening" or "part-time" program may accrue during enrollment in such a program.
- (6) Land surveying experience is not acceptable professional engineering Work Experience except that part of the practice of land surveying that is incidental to civil engineering.
- (7) Periods of Work Experience claimed on an application for registration in one Branch cannot be used again on another application for a different Branch, except for that Work Experience that may be common to both Branches.
- (8) Acceptable Work Experience for registration as an engineer or land surveyor must be accrued during the lawful Practice of Engineering or Practice of Land Surveying respectively except that teaching at a college or university offering a Board-approved engineering or surveying curriculum may be considered as acceptable Work Experience.
- (9) Acceptable Work Experience for registration for an applicant under classification 250 CMR 3.04(4): *Tables I or II* classification (e) (20 year classification) shall in addition to meeting the requirements of 250 CMR 3.05(2), have been:
 - (a) In Responsible Charge of major engineering or land surveying work for the most recent ten years and,
 - (b) In work of a grade and character that demonstrates competence to practice engineering or land surveying.
- (10) Whether or not construction related experience is acceptable engineering experience depends upon the nature of the work performed as revealed by close examination of the details, professional level and the degree of responsibility carried by the applicant.

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(11) The execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent, shall not be deemed to be the Practice of Engineering.

(12) At least 50% of an engineering applicant's required Work Experience for the selected application classification must have been completed in the United States or its territories or involve the application of technical codes and professional standards generally used in the United States. In determining whether an applicant's work involved the application of United States codes and professional standards, one of the factors the Board will consider is whether the work was performed under the Direct Supervision of a professional engineer licensed within the United States or one of its territories.

(13) Acceptable Work Experience for land surveying applicants must have been under the Direct Supervision of a professional land surveyor licensed within the United States or one of its territories.

3.06: Examinations and Interviews

(1) The FE, FS, PE, and PS Exams are prepared by NCEES, with the exception of the state specific portion of the PS Exam which is prepared by the Board.

(2) The written portions of the engineering and surveying examinations are held at dates and times set by NCEES. Applicants will be notified of the examination date, time, and site.

(3) The FE and the FS Exams are examinations prepared by NCEES. The exams are graded and scored by NCEES and the passing score is approved by the Board.

(4) Admittance to the PE or PS Exams will not be allowed until the respective FE or FS Exam has been passed except under Application Classification 250 CMR 3.04(4): *Tables I or II* classification (e), and all other registration requirements have been met.

(5) The PE Exam is the Branch specific examination(s) prepared by NCEES. When the examination is comprised of multiple components, all components must be passed to become registered. Applicants seeking to become registered in a fundamental Branch of engineering recognized by the Board for which an NCEES exam is not offered may be allowed to take an NCEES examination in a related Branch as approved by the Board. The exams are graded and scored by NCEES and the passing score approved by the Board.

(6) The PS Exam consists of two components. The first component is the uniform PS Exam prepared and graded by NCEES. The second component of the PS Exam is the Massachusetts-specific jurisprudence prepared and graded by the Board. The passing grade for both components shall be approved by the Board. Applicants are required to take and pass both components to become registered as a Professional Land Surveyor.

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(7) If an applicant takes and passes only part of a multiple component examination, the applicant will have five years to pass the remaining components. Thereafter, the entire exam must be retaken.

(8) An applicant who failed the PE or PS Exam or one of its components once may take it a second time upon paying the required fee.

An applicant who desires to retake the failed exam must make such request in writing after meeting the requirements in 250 CMR 3.06(8)(a) through (d):

- (a) wait one year before retaking the exam;
- (b) submit evidence satisfactory to the Board that the applicant has completed an educational program or obtained additional experience sufficient to improve their chances of passing the exam following the date of the most recent failed exam;
- (c) sit for an oral exam if required by the Board; and
- (d) satisfactorily update their application materials to reflect any changes since the date the original application was submitted.

Increasing amounts of education/experience may be required following each succeeding failed exam. An applicant with multiple failures may be notified by the Board that the application for registration will be denied if the applicant fails the exam one more time.

(9) The Board may waive the requirement of an NCEES written examination if the applicant had previously passed a written examination offered by one of NCEES's member Boards that is considered equivalent to the NCEES exam required for registration.

(10) Prior to being admitted to the PE Exam, the Board may require an oral interview following its evaluation of the application materials.

(11) Prior to being admitted to the PS Exam, all applicants must pass an oral examination administered by the Board. In determining whether an applicant shall be permitted to take the PS Exam, the Board shall consider the applicant's Work Experience, education and qualifications, including but not limited to the following:

- (a) The applicant's experience in performing Boundary surveys;
- (b) The applicant's understanding of the Laws of Evidence as they pertain to Boundary surveys; and
- (c) The applicant's ability to perform surveys that would conform to the requirements of 250 CMR 6.00: *Land Surveying Procedures and Standards*.

An applicant who fails the oral examination must wait six months before sitting for another oral examination.

(12) When an applicant scheduled for an oral examination or interview fails to accept an appointment after two offered appointments, the application will lapse.

(13) When an applicant fails to take a written examination within 36 months after being admitted to the examination, the application will lapse.

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- (14) When an applicant fails to pass on the first examination attempt and does not take the examination a second time within 36 months of the failed examination date, the application will lapse.
- (15) 250 CMR 3.06(12) through (14) do not apply to applicants actively serving in the United States armed forces.
- (16) When an applicant passes the Principles and Practices exam but does not pay the initial License fee within three months of the notification that the examination was passed, the application will lapse.
- (17) An applicant for registration as a Professional Engineer under of 250 CMR 3.04(4): *Table I* classification (e) may be registered provided:
- (a) The applicant demonstrates to the Board's satisfaction, through documentation and personal interview, that the applicant has 20 years or more of acceptable qualifying experience in engineering work, as outlined in 250 CMR 3.05; and
 - (b) The applicant passes the PE Exam.
- (18) An applicant for registration as a Professional Land Surveyor under 250 CMR 3.04(4): *Table II* classification (e) of may be registered provided:
- (a) The applicant demonstrates through documentation and personal interview, to the Board's satisfaction, that the applicant has 20 years or more of acceptable qualifying experience in land surveying, as outlined in 250 CMR 3.05;
 - (b) The applicant passes the oral examination required in 250 CMR 3.06(11); and
 - (c) The applicant passes the two-part PS Exam.

3.07: Withdrawn, Rejected, Lapsed, and Denied Applications

(1) Withdrawn Applications.

- (a) To re-open a withdrawn application, an applicant shall submit a written request to the Board. Such request shall include at a minimum a statement of the reasons the applicant seeks to re-open the previously withdrawn application and associated documentation and documentation sufficient to update any part of the withdrawn application that is now out of date.
- (b) When a request to re-open a withdrawn application is granted the Board may require the applicant to submit a new application with updated information. When a new application is required, any section on the new application that is unchanged from the withdrawn application may indicate "no change from [insert date of withdrawn application]"
- (c) Re-opened applications will be considered in light of the current requirements for registration.

(2) Rejected Applications. When an application has been rejected, an applicant desiring to reapply will be required to submit the reasons for reconsideration accompanied by a new application along with all the supporting documentation. The Board is under no obligation

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to reconsider rejected applications.

(3) Lapsed Applications.

(a) To re-open a lapsed application, an applicant shall submit a written request to the Board. Such request shall include at a minimum a statement of the reasons the applicant seeks to re-open the lapsed application and associated documentation and documentation sufficient to update any part of the lapsed application that is now out of date.

(b) When a request to re-open a lapsed application is granted the Board may require the applicant to submit a new application and appropriate fees.

(c) Re-opened applications will be considered in light of the current requirements for registration.

(4) Denied Applications. When the Board finds that an applicant is not qualified for registration, the application will be denied.

3.08: Additional Branch Registrations

If a Registrant wishes to be registered by the Board in an additional fundamental Branch, the Registrant will be required to demonstrate compliance with the current registration requirements for that Branch by submitting the appropriate application and passing the appropriate NCEES exam(s). Upon meeting such requirements, the Board shall issue the Registrant an additional registration number associated with that Branch.

3.09: Temporary Permits

Persons legally qualified by license/registration to practice in another Jurisdiction can practice in the state of Massachusetts under the provisions of M.G.L. c. 112, § 81R(b), and (c) pursuant to the following.

(1) A person who is not a Resident of Massachusetts and who does not have an established place of business in Massachusetts or who has become a Resident of Massachusetts within the last 12 months and who holds a current license/registration to practice in another state or Jurisdiction may apply for a Temporary Permit to practice in Massachusetts for not more than 30 consecutive calendar days annually, which permit can be used by the applicant when sealing Instruments of Service in Massachusetts. Said applicant must demonstrate compliance with the following minimum requirements:

(a) The applicant's qualifications must comply with the Board's current Comity Registration requirements;

(b) The applicant must have passed the NCEES PE or PS Exam(s);

(c) The applicant must be licensed/registered to practice, and be in good standing in the state or Jurisdiction where they reside or where their established place of business is located;

(d) Land surveying applicants must have also passed the Massachusetts oral exam and the written Massachusetts-specific Jurisprudence Exam; and

(e) The applicant must never have been Licensed to practice in Massachusetts.

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(2) If the applicant has submitted a complete application for registration in Massachusetts, the Temporary Permit is valid until the Board has acted on the application.

(3) The holder of a Current Massachusetts Temporary Permit must use the seal of state of residence or former state of residence to seal Instruments of Service in Massachusetts. In such a case, the number and date of the Temporary Permit must be referenced on the document.

3.10: EIT and SIT Certifications

The route to Registration may begin with either an Engineer-in-training certificate or Surveyor- in-training certificate, although such certification is not a requirement of Registration.

(1) Engineering-in-training certifications are available to applicants who have passed the FE Exam and who meet one of the following two qualifications:

(a) An applicant who meets the education requirements of 250 CMR 3.04(4): *Table I*, classification (b); or

(b) An applicant who meets the education requirements of 250 CMR 3.04(4): *Table I*, classification (c) and has a specific record of four years or more of Work Experience in engineering work of grade and character satisfactory to the Board.

(2) Surveying-in-training certifications are available to applicants who have passed the FS Exam and who meet one of the following two qualifications:

(a) An applicant who meets the education requirements of 250 CMR 3.04(4): *Table II*, classification (b) and who has had in addition thereto at least two years of combined office and field experience in land surveying, with a minimum of one year in Responsible Charge under the Direct Supervision of a Professional Land Surveyor or

(b) An applicant who meets the education requirements of 250 CMR 3.04(4): *Table II*, classification (c) and who has had in addition thereto at least four years of combined office and field experience in land surveying, with a minimum of two years in Responsible Charge under the Direct Supervision of a Professional Land Surveyor.

(3) No person shall be eligible for an EIT certification or SIT certification who is not of good character and reputation. Individuals who have passed the respective FE or FS Exam prior to meeting the other certification requirements noted above must contact the Board's administrator for the proper filing requirements for certification.

REGULATORY AUTHORITY

250 CMR 3.00: M.G.L. c. 112, §§ 81D through 84T; c. 13, § 45.