



Common Sense Initiative

Mike DeWine, *Governor*
Jon Husted, *Lt. Governor*

Joseph Baker, *Director*

MEMORANDUM

TO: John Greenhalge, State Board of Registration for Professional Engineers and Surveyors

FROM: Michael Bender, Business Advocate

DATE: June 17, 2024

RE: **CSI Review – Five-Year Rule Review – 2024 (OAC 4733-5-02, 4733-9-01, 4733-9-04, 4733-13-01, 4733-25-01, 4733-29-01, 4733-33-01, 4733-37-01, 4733-37-03, 4733-37-04, 4733-37-05, 4733-39-03, 4733-39-04, 4733-39-05)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Board as provided for in ORC 107.54.

Analysis

This rule package consists of fourteen no-change rules proposed by the State Board of Registration for Professional Engineers and Surveyors (Board) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on May 6, 2024, and the public comment period was held open through May 24, 2024. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on May 6, 2024.

Ohio Administrative Code (OAC) 4733-5-02 provides for notice of meetings held by the Board. OAC 4733-9-01 outlines the experience-based qualifications that the Board may consider in an application for registration as a professional engineer or professional surveyor. OAC 4733-9-04 provides for the administration of examinations for engineers and surveyors and establishes the passing grades for determining an applicant's qualifications for registration by examination. OAC 4733-13-01 authorizes the Board to grant registration to a registered engineer or surveyor from another state under certain conditions. OAC 4733-25-01 provides for the reinstatement of an expired certificate of

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registration. OAC 4733-29-01 requires applicants for registration as a professional engineer or professional surveyor to pass the principles and practice examination. OAC 4733-33-01 lists the examinations that applicants for registration as a professional surveyor must pass.

OAC 4733-37-01 establishes the applicability of the rules in OAC Chapter 4733-37 to all surveys relating to the establishment or retracement of property boundaries in the state of Ohio. OAC 4733-37-03 requires surveyors to set boundary monuments so that each corner of a surveyed property and each referenced control station are physically marked. OAC 4733-37-04 requires surveyors to make measurements in accordance with certain specifications. OAC 4733-37-05 requires surveyors to prepare a scale drawing of every survey in which they retrace previously established property lines or establish new boundaries. OAC 4733-39-03 sets forth filing requirements for corporations that seek to offer architectural, landscape architectural, professional engineering, or professional surveying services or any combination thereof. OAC 4733-39-04 provides for the biennial renewal of a certificate of authorization held by a firm, partnership, association, limited liability company, or corporation that performs professional engineering and/or professional surveying services. OAC 4733-39-05 requires each firm, partnership, association, limited liability company, or corporation to obtain a certificate of authorization from the Board to provide professional engineering and/or professional surveying services.

During early stakeholder outreach, the Board reached out to the public, the Ohio colleges and universities offering engineering and surveying programs, technical and professional associations representing the engineering and surveying professions, and approximately 35,000 licensed engineers, surveyors, and firms to solicit feedback on the rules. The Board also conducted over seventy presentations throughout 2021 to the public, members in the profession, and Ohio's universities and colleges to request input. Furthermore, the Board posted the rules on its website for public comment. The Board received suggestions to update the minimum standards to align with both national standards and the accepted standards of practice used by the profession more closely. These changes were incorporated during the Board's previous review of these rules in 2021 and 2022. The rules are being re-filed due to a typo in the five-year review date. No comments were received during the CSI public comment period.

The business community impacted by the rules includes Ohio's engineering and surveying firms. The adverse impacts created by the rules includes requirements concerning registration, reinstatement of registration, examinations, minimum surveying standards, filing for a certificate of authorization, and renewal of a certificate of authorization. The Board notes that there are fees of \$75 to file an application for registration as a professional engineer or professional surveyor, \$120-\$180 to reinstate a certificate of registration, \$75 to obtain a certificate of authorization, and \$75 to biennially renew a certificate of authorization. The Board estimates that it takes approximately thirty minutes or less to complete an application for registration as a professional engineer or professional

surveyor, an hour or less to complete a registration reinstatement application, forty-five days or less for a registration application to be approved, and three days or less for the approval of an application for a new or renewed certificate of authorization. The Board points out that the time needed to comply with surveying standards will vary depending on the size of the property in question and the complexity of the survey. According to the Board, the American Council of Engineering Companies of Ohio, which represents Ohio's engineering and surveying firms and other technical and professional associations representing the profession, supports the need for these rules. Additionally, the Board emphasizes that Ohio's rules, laws, and requirements for professional engineering and professional surveyor licensure closely mirror the national model law as well as those adopted by other state engineering and surveying boards. The Board states that the adverse impacts to business are justified to protect the public against financial loss and possible injury or death.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.