

## **BOARDS AND COMMISSIONS**

### **Board of Licensure for Professional Engineers and Land Surveyors (Amended at ARRS Committee)**

#### **201 KAR 18:115. License reinstatement for professional engineers and land surveyors.**

RELATES TO: KRS 322.040-322.050, 322.120, 322.160, 322.180, 322.220

STATUTORY AUTHORITY: KRS 322.160(3)(a), 322.220, 322.290(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.290(4) requires the board to promulgate administrative regulations necessary for the proper performance of its duties. KRS 322.160(3)(a) requires a licensee or permit holder who fails to renew within one (1) year after expiration to submit to the board satisfactory evidence of qualification of continued practice. This administrative regulation establishes the requirements for license reinstatement for professional engineers and land surveyors.

#### **Section 1. General Requirements.**

(1) A person whose license has been in retired status, inactive status, or expired for more than one (1) year, or a person whose license has been revoked or surrendered in association with a disciplinary investigation or proceeding shall apply for reinstatement with the board by submitting evidence of successful completion of one (1) or more of the following:

- (a) Retaking and passing the licensure examination;
- (b) College courses related to engineering or surveying;
- (c) Continuing education courses related to engineering or surveying;
- (d) Work experience under another licensee; or
- (e) Licensed practice in another jurisdiction.

(2) The application for reinstatement shall be on the appropriate application form incorporated by reference in 201 KAR 18:020, and shall include:

- (a) An affidavit indicating whether or not the applicant has practiced engineering or land surveying in the Commonwealth of Kentucky since the expiration, inactivation, retirement, revocation, or surrender of the applicant's license; and
- (b) Evidence that the applicant is qualified to continue to practice pursuant to subsection (1) of this section.

(3) The applicant shall meet the requirements of KRS 322.050.

(4) In determining the applicant's fitness for reinstatement, the board shall consider the number of times the applicant has allowed his or her license to expire, as well as the length of time in the aggregate that the applicant has been unlicensed following the applicant's initial licensure.

(5) A professional land surveyor applicant shall meet the continuing professional development requirements of 201 KAR 18:192, Section 6.

(6) A professional engineer applicant shall meet the continuing professional development requirements of 201 KAR 18:196, Section 6.

(7) An applicant for reinstatement shall fully cooperate by providing the board any relevant information or documentation within his or her knowledge, possession, custody, or control.

(8) In an application for reinstatement, including any appearance before the board, and in any statement made to the board or to any representative of the board, an applicant shall not:

- (a) Knowingly make a false statement of material fact;
- (b) Fail to disclose a fact necessary to correct a misapprehension known by the applicant to have arisen in the matter; or

- (c) Knowingly fail to respond or produce relevant information or documentation requested by the board.

#### Section 2. Expiration of License.

- (1) If the applicant's license has been in retired status, inactive status, or expired for three (3) years or less, or if the applicant has a valid license in another jurisdiction, the executive director shall approve or disapprove the application based upon the requirements of KRS 322.040, 322.045, 322.050, and 322.120.
- (2) If the applicant's license has been in retired status, inactive status, or expired for more than three (3) years and the applicant does not possess a valid license in another jurisdiction, the application for reinstatement shall be considered by the board.

#### Section 3. Revocation of License.

- (1) Pursuant to KRS 322.220, a person whose license has been revoked may petition the board for reinstatement of that license.
- (2) An applicant whose surrender of license was associated with a disciplinary investigation or proceeding shall be considered under this section.
- (3) The applicant shall comply with the requirements of Section 1 of this administrative regulation. In addition, the applicant shall provide evidence that the applicant:
  - (a) Has complied with all previous terms of any consent decrees or orders of the board, or with any previous orders of suspension or revocation; and
  - (b) Is no longer a risk to the public health, safety, or welfare.
- (4) An applicant for reinstatement under this section shall:
  - (a) Be held to a substantially more rigorous standard than a first-time applicant for initial licensure as a professional engineer or land surveyor; and
  - (b) Have the burden of proving by a preponderance of evidence that the applicant possesses the professional and ethical qualifications, and good character and reputation, as required by KRS 322.040 through 322.050 and 201 KAR 18:142, for reinstatement of a license to practice engineering or land surveying, as appropriate.
- (5) To evaluate an applicant's petition for reinstatement, the board shall consider:
  - (a) The applicant's compliance with all previous terms of any consent decrees or orders of the board, or with any previous orders of suspension or revocation;
  - (b) The applicant's conduct while under a prior suspension, or while unlicensed, that shows that the applicant is worthy of the trust and confidence of the public;
  - (c) The sufficiency of the applicant's present professional capabilities to serve the public as a licensed engineer or land surveyor, including:
    - 1. The length of time elapsed since the applicant's license was revoked or surrendered; and
    - 2. The type, duration, and extent of educational courses and employment that the applicant has undertaken during the period the applicant was unlicensed;
  - (d) The understanding and appreciation by the applicant of the wrongfulness of any prior misconduct;
  - (e) The nature and degree, as well as the success of, any efforts made by the applicant to rehabilitate himself or herself from past professional or ethical failings;
  - (f) The applicant's previous and present conduct and attitude toward compliance with the requirements of the regulatory scheme governing the practice of engineering or land surveying, as appropriate;
  - (g) The applicant's candor in dealing with the board;
  - (h) Any act or omission by the applicant occurring while unlicensed, that would have violated any requirement of KRS Chapter 322 or 201 KAR Chapter 18, as appropriate, if it had occurred while the applicant was licensed; and
  - (i) Any other information relevant to determining whether or not the applicant has satisfied the requirements of KRS 322.220.

(6) Failure to meet any of the criteria to be considered in the evaluation of applicant's petition shall be grounds for denial of an applicant's petition.

#### Section 4. Reconsideration.

(1) If an application for reinstatement is disapproved, the applicant shall be given opportunity to secure reconsideration.

(2) If an application for reinstatement is disapproved by the executive director pursuant to Section 2(1) of this administrative regulation, the applicant may request reconsideration by the board. To request reconsideration, an applicant shall file a written request for reconsideration with the board within thirty (30) calendar days after the date upon which the applicant is sent notice that the application for reinstatement was disapproved by the board's executive director.

(3) If an application for reinstatement is denied by the board pursuant to Section 2(2) of this administrative regulation, Section 3 of this administrative regulation, or subsection (2) of this section, the applicant may request a hearing.

(a) To request a hearing, the applicant shall file a request for an administrative hearing with the board within thirty (30) calendar days after the date upon which the application for reinstatement was denied.

(b) The request for an administrative hearing shall:

1. Be signed and dated by the applicant; and

2. In numerical paragraphs, identify the specific issues in dispute and the legal basis on which the board's decision on each issue is believed to be erroneous.

(c) The hearing process shall be in accordance with the provisions of KRS Chapter 13B.

(33 Ky.R. 1748; 2272; eff. 3-9-2007; 35 Ky.R. 2335; 2765; eff. 7-31-2009; TAm eff. 4-4-2011; Crt eff. 2-14-2020; 51 Ky.R. 530, 1089; eff. 3-4-2025.)

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