



STATE OF KANSAS

## Office of the Attorney General

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**Curt T. Schneider**  
Attorney General

May 11, 1978

ATTORNEY GENERAL OPINION NO. 78- 163

Mrs. Charlotte Olander  
Board of Technical Professions  
535 Kansas  
Topeka, Kansas 66603

Re: Engineers - Licensure - Examination

Synopsis: Section 12 of 1978 Senate Bill 419 provides that all applicants must pass the professional examination. Those with 25 or more years of experience may take the fundamentals examination orally.

\* \* \*

Dear Mrs. Olander:

You inquired concerning subparagraphs (3) and (4) of Section 12 of 1978 Senate Bill 419 as they relate to the oral examination and professional examination of applicants for licensure as professional engineers.

New Section 12(a) states that "Minimum qualifications of applicants seeking licensure as professional engineers are the following ..."; following that sentence are three subparagraphs setting forth various combinations of education and experience. Subparagraph (1) ends with a semi-colon followed by the word "or"; subparagraph (2) ends with a semi-colon followed by the word "or." Subparagraph (3) provides for the combination of graduation in an approved engineering

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curriculum of four years or more and a specific record of 12 years of practice in engineering work of a character satisfactory to the Board, provided said applicant shall have "successfully passed an oral examination." The following language was added to the language of the old statutory requirement:

Any applicant qualifying for examination under this paragraph (3), and demonstrating a specific record of twenty-five (25) years or more of practice in engineering work, shall be given an oral examination by the board in lieu of a written examination upon request therefore by such applicant; and

Following that paragraph, subparagraph (4) provides the requirement of "satisfactory passage of a professional examination given by the Board."

It is my opinion that by listing education and experience alternatives (1) and (2) ending in the word "or", and alternative (3) ending in the word "and", the legislature has clearly indicated the intent that all applicants for registration as professional engineers successfully pass the professional examination given by the Board. Applicants have three alternatives by which they may satisfy the education and experience requirements necessary for licensure, as indicated by the word "or" following alternative (1) and alternative (2); however, the word "and" following alternative (3) is a clear indication that whether an applicant satisfies the education and experience requirements via alternative (1), alternative (2) or alternative (3), he/she must satisfactorily complete the professional examination as provided in subparagraph (4). This conclusion is further supported by the fact that alternatives (1) and (2) outline alternative possibilities for the education and experience of applicants, but both require the passage of a written examination in the fundamentals of engineering; alternative (3) requires certain education and experience in combination with an oral or written examination. It appears that this language, which is identical to the language of the prior statute, gives the Board the option of allowing oral examination on the fundamentals of engineering to those applicants with long years of experience. The newly added language merely gives those with experience of 25 years or more the right to take that examination orally, rather the opportunity to do so at the option of the Board. That language, appearing as it does at the end of alternative (3), has no effect on the requirement of subparagraph (4) that all applicants successfully pass a professional examination. Since 1968, the Board has administered two examinations --

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the professional examination and the examination in fundamentals, also known as the "E.I.T." exam. This was obviously a factor in the drafting of new section 12 of Senate Bill 419 to provide various alternative requirements of education, experience and examination in fundamentals, in addition to the professional examination.

Therefore, it is my conclusion that all applicants for licensure as professional engineers must satisfactorily pass the professional examination given by the Board. Those applicants qualifying under alternative (3) who have twenty-five (25) years or more of experience may take the examination in fundamentals orally. Those having experience of twelve (12) years or more but less than twenty-five (25) years may take the fundamental examination orally with permission of the Board.

Very truly yours,



CURT T. SCHNEIDER  
Attorney General

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