

# Portability, Reciprocity, Comity and You

By Barry Arnold, S.E., SECB

You graduated from an ABET college with a bachelor's degree in engineering, passed the Fundamentals of Engineering (FE) exam, worked four years under the direct supervision of a licensed engineer, and recently took and passed the Principles and Practice of engineering (PE) exam – your options appear limitless, right? Not necessarily.

It is a primary concern of engineering associations and engineers themselves to have portability with their PE licenses. Portability means that an engineer receiving licensure in any one state should, with a minimum amount of difficulty, be able to obtain licensure in any other state.

Acknowledging the importance of portability, the National Council of Examiners for Engineering and Surveying (NCEES) has established a Model Law that outlines its recommended minimum standards for licensure of a professional engineer. Assuming that the applicant has graduated from an ABET college, passed the FE exam, and is in good standing with the appropriate Board, the suggested paths to PE licensure are as follows:

- $L = BS + 4Exp + PE$  (bachelor's degree plus four years of experience plus successfully completing the PE exam)

Or,

- $L = MS + 3Exp + PE$  (master's degree plus three years of experience plus successfully completing the PE exam)

Of course, each state has the option of following the NCEES recommendations or not. Many do so, but a number of states, for whatever reason, have chosen to create their own minimum standards. Each state is autonomous, and the engineers and Boards in those states are perfectly within their rights to establish the laws and rules defining the minimum qualifications for licensure.

Other paths to PE licensure currently in use include the following:

- $L = BS + PE + 4Exp$  (the PE exam is taken after graduation but before experience has been obtained)
- $L = BS + 4Exp + SE1$  (the SE1 exam is used in lieu of the PE exam)
- $L = BS + SE1 + 4Exp$  (the SE1 exam is taken after graduation but before experience has been obtained)

This list represents only a few of the many potential combinations.

Often the engineers who are first licensed in the states that deviate from the NCEES Model Law recommendations find that their problems begin when they seek licensure in another state. This results from

misconceptions about what reciprocity and comity are, and how they apply to the state where they want to get licensed.

By definition, reciprocity means a mutual exchange of privileges; recognition by one state of the validity of licenses granted by the other. In its simplest form, reciprocity means that two states with PE licensure will generally accept each other's licenses as an indication that the applicant has met the requirements for licensure.

Comity means the informal and voluntary recognition of one state's licensing laws by another state. In its simplest form, comity means that two states with PE licensure acknowledge that they have similar licensure laws and may accept all or portions of an applicant's qualifications accordingly. Usually, however, additional forms are necessary and other requirements must be met.

Some states have a reciprocity agreement with other states. Some states have a comity agreement with other states. Reciprocity and comity are not synonymous. There is often a significant difference between them in terms of how an application for licensure is handled.

Two examples:

- An engineer who takes the PE exam after graduation but before completing four years of experience may become licensed in some states, but not be allowed licensure in other states that specifically require the PE exam to be taken AFTER the experience requirement has been met.
- An engineer who obtains the required experience after graduation and then takes the SE1 exam may become licensed in some states, but not allowed licensure in other states that do NOT accept the SE1 exam in lieu of the PE exam.

These simple cases by no means exhaust the potential problems and difficulties that engineers may face. Often the issue does not arise at all until applying for licensure in other states. It is the engineers' responsibility to evaluate their unique circumstances and determine for themselves the possible limitations of their current PE licenses.

In addition to the Model Law for professional engineers, NCEES also has Model Law qualifications for structural engineers (MLSE). Assuming that the applicant has graduated from an ABET college, passed

the FE exam, and is in good standing with the appropriate Board, the suggested paths to SE licensure are as follows:

- $L = BS + 4Exp + SE16$  (bachelor's degree plus four years of experience plus successfully completing 16 hours of structural exams)

Or,

- $L = MS + 3Exp + SE16Exam$  (master's degree plus three years of experience plus successfully completing 16 hours of structural exams)

SEI recommends two different paths to SE licensure, consistent with ASCE policy:

- $L = BS + 4Exp + PE + SE16$  (bachelor's degree plus four years of experience plus successfully completing the PE exam plus successfully completing 16 hours of structural exams)

Or,

- $L = MS + 3Exp + PE + SE16Exam$  (master's degree plus three years of experience plus successfully completing the PE exam plus successfully completing 16 hours of structural exams)

The key difference between these two approaches – whether PE licensure is necessary prior to SE licensure – creates a dilemma for the structural engineer. There seems to be wisdom in complying with our own structural notes and specifications: “follow the most stringent requirements” to ensure that portability, reciprocity, and comity for structural engineers will not be a problem in the future.

Before engaging a client to do work in a state where you are not licensed, it is wise to check the laws in that state to determine whether your application will be accepted. Some state laws are very explicit and do not allow a proposal to be submitted, contract signed, or work commenced until the engineer and his/her employer have become licensed in that state.

It is the responsibility of each engineer to read and understand the statutes and regulations that the state legislatures and licensing Boards have adopted. Doing so will help you avoid delays and unnecessary frustration. ■

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