



THE COMMONWEALTH OF MASSACHUSETTS  
William Francis Galvin, Secretary of the Commonwealth

**REGULATION FILING AND PUBLICATION**

1. Regulation Chapter, Number & Heading:

**250 CMR**

2. Name of Agency:

**BOARD OF REGISTRATION OF  
PROFESSIONAL ENGINEERS & LAND SURVEYORS**

3. This document is reprinted from the Code of Massachusetts Regulations and contains the following:

<b>250 CMR</b>	<b>1.00</b>	<b>RESERVED</b>
	<b>2.00</b>	<b>RULES FOR ADOPTING ADMINISTRATIVE REGULATIONS</b>
	<b>3.00</b>	<b>APPLICATION &amp; EXAMINATION</b>
	<b>4.00</b>	<b>RULES OF PROFESSIONAL RESPONSIBILITY</b>
	<b>5.00</b>	<b>STANDARDS FOR PROFESSIONAL PRACTICE</b>
	<b>6.00</b>	<b>PROCEDURAL &amp; TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING</b>

Under the Provisions of Massachusetts General Laws, Chapter 30A, § 6, and Chapter 233, § 75, this document may be used as evidence of the original documents on file with the Secretary of the Commonwealth

Compiled as in full force and effect:

**12/1/93**

A true copy attest:

A handwritten signature in cursive script, reading "William Francis Galvin".

**WILLIAM FRANCIS GALVIN**  
Secretary of the Commonwealth

**\$2.45**

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

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**OUTDATED AS OF 11/22/13**

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NON-TEXT PAGE

12/1/93

IMPORTANT NOTICE: AS OF 11/22/13, THESE REGULATIONS ARE NO LONGER IN EFFECT.  
FOR CURRENT BOARD REGULATIONS, SEE THOSE PUBLISHED ON 11/22/13.

**OUTDATED AS OF 11/22/13**

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ENGINEERS AND LAND SURVEYORS**

(250 CMR 1.00: RESERVED)

OUTDATED AS OF 11/22/13

250 CMR: BOARD OF REGISTRATION OF PROFESSIONAL  
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NON-TEXT PAGE

250 CMR: BOARD OF REGISTRATION OF PROFESSIONAL  
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250 CMR 2.00: RULES FOR ADOPTING ADMINISTRATIVE REGULATIONS

Section

- 2.01: Definition
- 2.02: Petition
- 2.03: Initial Procedure
- 2.04: Participation at Preliminary Meeting
- 2.05: Procedure for the Adoption, Amendment or Repeal of Regulations Where No Public Hearing is Required
- 2.06: Procedure for the Adoption, Amendment or Repeal of Regulations Where a Public Hearing is Required
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2.01: Definition

The following rules govern the procedures to be followed by the Board which is subject to the State Administrative Procedure Act when promulgating regulations (M.G.L. c. 30A, §§ 2 and 3). The term "regulation" is defined by the Act as "the whole or any part of every rule, regulation, standard or other requirement of general application and future effect adopted by an agency to implement or interpret the law enforced or administered by it." (M.G.L. c. 30A, § 1(5)) "Regulation" does not, however, include advisory rulings, rules relating to the internal management of the Board and not directly related to the rights or procedures available to the public, or decisions rendered in adjudicatory proceedings. Accordingly, 250 CMR 2.00 applies to the Board which is acting in a quasi-legislative capacity, *i.e.*, either promulgating rules governing its own procedures. Where 250 CMR 2.00 applies, no agency may waive or otherwise modify them except to the extent specifically provided herein.

2.02: Petition

Any interested person or his attorney may at any time petition the Board to adopt, amend, or repeal any regulation. The petition shall be addressed to the Board and sent to the secretary by mail or delivered in person during normal business hours. All petitions shall be signed by the petitioner or his attorney, contain his address or the address of his attorney, and set forth clearly and concisely the text of the proposed regulation. The petition may be accompanied by any supporting data, views or arguments.

2.03: Initial Procedure

Upon receipt of a petition for the adoption, amendment or repeal of a regulation submitted pursuant to 250 CMR 2.02 or upon written recommendation by a member of the Board that a regulation be adopted, amended or repealed, the Board shall consider the petition or recommendation at its next scheduled meeting and shall, thereupon, determine whether to schedule the petition or recommendation for further proceedings in accordance with 250 CMR 2.05 or 2.06. If the regulation has been presented to the Board by petition under 250 CMR 2.02, the Board shall within ten days after the meeting notify the petitioner of the Board's action.

2.04: Participation at Preliminary Meeting

During the meeting referred to in 250 CMR 2.03, the Board may, but shall not be required to, entertain comments or questions from members of the audience. The chairman or other presiding officer may at any time terminate participation by the audience.

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2.05: Procedure for the Adoption, Amendment or Repeal of Regulations Where No Public Hearing is Required

(1) Notice. Notice of the proposed action to adopt regulations shall be given by the Board at least 21 days prior to its proposed action, unless some other time is specified by any applicable law. The Board shall publish the notice in at least two newspapers of general circulation, and where appropriate, in such trade, industry, or professional publications as the Board may select. The Board shall likewise notify in writing any person specified by any law and any person or group which has filed request for notice pursuant to M.G.L. c. 30A, § 3(1)(b).

The notice shall contain the following:

- (a) The Board's statutory authority to adopt the proposed regulation.
- (b) The procedure for submitting data, views or arguments as set forth in 250 CMR 2.05(2).
- (c) The text of the proposed regulation (if the proposed regulation is lengthy, it need not be set out verbatim; however, the notice should either describe the substance of the proposed regulation or state the subject matter and issues involved) and the complete text should be on file in the Board's office.
- (d) Any additional matter required by any law.

The above notwithstanding, the Board shall also comply with any applicable statute which contains provisions for notice which differ from those contained herein.

(2) Procedure. Within 21 days after the publication and sending of notice regarding the proposed action, any interested person may submit a signed letter, brief or other memorandum stating his views or arguments concerning the proposed action. The letter, brief or memorandum shall be addressed to the Board and sent to the secretary by mail or delivered in person during normal business hours. The Board shall, at its next scheduled meeting, consider the proposed action. Within 30 days after this meeting, the Board shall give written notice of the disposition of the proposed action to all persons required to receive personal notice under 250 CMR 2.05(1) and such other persons submitting a letter, brief, or other memorandum.

(3) Oral Participation. The Board may afford any interested person or his duly authorized representative, or both, an opportunity to present data, views or arguments orally before the Board during the meeting at which the proposed action is to be considered. If the Board finds that such oral presentation is unnecessary or impracticable, it may require written presentation according to 250 CMR 2.05(2).

(4) Waiver of Notice and Participation. If the Board finds that the requirements of notice and opportunity to present views on its proposed action are unnecessary, impracticable or contrary to the public interest, the Board may dispense with such requirements or any part thereof. The Board's finding and a brief statement of the reasons for its finding shall be incorporated in 250 CMR 2.00, amendment or repeal as filed with the Secretary of State under 250 CMR 2.08.

2.06: Procedure for the Adoption, Amendment or Repeal of Regulations Where a Public Hearing is Required

(1) Notice. Notice of a public hearing shall be given at least 21 days prior to the date of the hearing unless some other time is specified by any applicable law. The Board shall publish the notice in at least two newspapers of general circulation and where appropriate, in such trade, industry, or professional publications as the Board may select. The Board shall likewise notify in writing any person specified by any law and any person or group which has filed written request for notice pursuant to M.G.L. c. 30A, § 2(1)(b).

The notice shall contain the following:

- (a) The Board's statutory authority to adopt the proposed regulation.
- (b) The time and place of the public hearing.
- (c) The text of the proposed regulation. (If the proposed regulation is lengthy, it need not be set out verbatim; however, the notice should either describe the substance of the proposed regulation or state the subject matter and issues involved) and the complete text should be on file in the Board's office.

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2.06: continued

(d) Any additional matter required by any law.

The above notwithstanding, the Board shall also comply with any applicable statute which contains provisions for notice which differ from those contained herein.

(2) Procedure. On the date and at the time and place designated in the notice referred to in 250 CMR 2.06(1), the Board shall hold a public hearing at which a majority of the Board shall be present. The meeting shall be opened, presided over and adjourned by the chairman or other member of the Board designated by the chairman. Within ten days after the close of the public hearing, written statements and arguments may be filed with the Board. The Board shall consider all relevant matter presented to it before adopting, amending or repealing any regulation.

(3) Oral Participation. Any interested person or his duly authorized representative, or both, shall be given an opportunity to present orally statements and arguments. In its discretion the Board may limit the length of oral presentation.

(4) Emergency Regulation. If the Board finds that the immediate adoption of a regulation is necessary for the public health, safety or general welfare, and that observance of requirements of notice and public hearing would be contrary to the public interest, the Board may dispense with such requirements and adopt the regulation as an emergency regulation. The Board's finding and a brief statement of the reasons for its finding shall be incorporated in the emergency regulation as filed with the Secretary of State in accordance with 250 CMR 2.08. Any emergency regulation so adopted shall state the date on which it is to be effective and the date upon which it shall expire. If no effective date is stated, the regulation shall be presumed to take effect upon being filed with the Secretary of State under 250 CMR 2.08. An emergency regulation shall not remain in effect for longer than three months unless during the time it is in effect the Board gives notice and holds a public hearing and adopts it as a permanent regulation in accordance with 250 CMR 2.00.

2.07: Availability of Regulation

The secretary of the Board shall be responsible for keeping a book containing all the Board regulations. In addition, the secretary shall compile and publish the regulations which are currently in effect. All the regulations of the Board shall be available for inspection during normal business hours in its office at the State Office Building, 100 Cambridge Street, Boston, Massachusetts 02202.

2.08: Filing of Regulation

-- Upon the adoption of a regulation, an attested copy shall be filed with the Secretary of State together with a citation of the statutory authority under which the regulation has been promulgated. 250 CMR 2.00 shall take effect upon filing unless a later date is required by any law or is specified by the Board in the regulation.



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2.09: Advisory Ruling

Any interested person or his attorney may at any time request an advisory ruling with respect to the applicability to any person, property or factual situation of any statute or regulation enforced or administered by the Board. The request shall be addressed to the Board and sent to the secretary by mail or delivered in person during normal business hours. All requests shall be signed by the person making it or his attorney, contain his address or the address of his attorney, and state clearly and concisely the substance or nature of the request. The request may be accompanied by any supporting data, views or arguments. Upon receipt of the request the Board shall consider it at its next scheduled meeting and shall within ten days thereafter notify the petitioner that the request is denied or that the Board will render an advisory ruling. The Board may at any time rescind a decision to render an advisory ruling. If an advisory ruling is rendered, a copy of the ruling shall be sent to the person requesting it or his attorney.

REGULATORY AUTHORITY

250 CMR 2.00: M.G.L. c. 112, § 81E; c. 13, § 45.

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250 CMR 3.00: APPLICATION AND EXAMINATION

Section

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- 3.02: Education and Experience
- 3.03: Experience Evaluation
- 3.04: Examinations and Interviews
- 3.05: Professional Practice
- 3.06: Renewal of Registration
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3.01: Making Application

(1) Applicants shall use a current application form and should have a current copy of the Law, M.G.L. c. 112, §§ 81D through 81T and Rules and Regulations of the Board. An application on an obsolete form will be returned to the sender. An application filled out incompletely or incorrectly will be returned to the sender. If you have pending application, you should request permission to withdraw it before filing a new application. An application received from an applicant for whom there is an application pending will be returned to the applicant.

(2) Applicants for registration as a Professional Engineer require five references, three of which must be from registered Professional Engineers familiar with the work of the applicant, including the person listed as present supervisor. References should cover the entire period of qualifying experience.

(3) Applicants for registration as a Land Surveyor require five references, three of which must be from registered Land Surveyors familiar with the work of the applicant, including the person listed as present supervisor. References should cover the entire period of qualifying experience.

(4) Applicants for Engineer-in-Training certification require three references, one of which must be from a Registered Professional Engineer familiar with the education and engineering experience of the applicant.

(5) Applicants for Surveyor-in-Training certification require three references, one of which must be from a registered Land Surveyor familiar with the education and surveying experience of the applicant.

(6) Applicants holding the National Council Certificate issued by the National Council of Engineering Examiners (NCEE), updated within five years, may apply for Professional Engineer status without supplying references or supplemental information. An embossed copy of the National Council Certificate must be attached to the application.

National Council of Engineering Examiners record holders, however, must meet current reference and supplemental information requirements.

(7) An applicant for registration as a Professional Engineer or as a Land Surveyor must be registered as a Professional Engineer or as a Land Surveyor in the state or jurisdiction of residence before being registered in the Commonwealth of Massachusetts.

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3.02: Education and Experience

Acceptable education for registration under the Provisions of M.G.L. c. 112, §§ 81D through 81T, is defined as a degree from an institution authorized to grant this degree by the Massachusetts Legislature, a degree in an engineering curriculum accredited by the Accreditation Board for Engineering and Technology (ABET), formal education without a degree in curricula as defined above and a degree from a foreign institution with a curriculum found to be equivalent by the Board or that has been approved by an agency qualified to evaluate foreign curricula. The Board may approve other education following submittal and review of detailed information submitted by the applicant.

(1) Acceptable education for registration as a Professional Engineer with four years of experience is a degree of Bachelor of Science in Engineering from an institution authorized to grant this degree by the Massachusetts Legislature or a degree of Bachelor of Science in Engineering accredited by the Accreditation Board for Engineering and Technology (ABET).

(2) Acceptable education for registration as a Professional Engineer with eight years of experience is a degree of Bachelor of Science in Engineering Technology or a degree of Bachelor of Science in related engineering sciences, e.g., physics, chemistry, etc. Education obtained outside of Massachusetts may qualify if accredited by ABET or if a complete description of the curriculum is furnished and the Board finds it to be equivalent.

If an applicant having a degree in any of these categories has attained a graduate degree in engineering from an accredited program, the experience requirement shall then be four years.

(3) An applicant for registration as a Professional Engineer who has received a Baccalaureate Degree in Engineering at an engineering school not located in the United States may write the Fundamentals of Engineering Examination (Engineering-in-Training) anytime after receipt of the Bachelor of Science degree. The applicant will not be permitted to write the Principles and Practice of Engineering Examination until completion of eight years of acceptable engineering experience. The degree may, however, be considered equivalent to an accredited degree if it has been approved by an agency qualified to evaluate foreign curricula. In such event the experience requirement shall be four years.

(4) An applicant who has also received a Master's Degree in Engineering from an engineering school in the United States whose basic engineering program is accredited by ABET will be permitted to write the Principles and Practice of Engineering Examination after having completed three years of acceptable engineering experience after receipt of the Master's Degree. A Master's Degree in Engineering Management, or a degree of a similar nature, which has been obtained from any engineering school, shall not be interpreted as a Master's Degree in Engineering.

(5) Acceptable education for registration as a Land Surveyor with four years of experience is a degree of Bachelor of Science in Surveying or Engineering, including approved courses in land surveying, from an institution authorized to grant this degree by the Massachusetts Legislature or a degree of Bachelor of Science in Surveying or Engineering accredited by ABET and including approved courses in land surveying. Education obtained outside of the United States may qualify if a complete description of the curriculum is furnished and the Board finds it to be equivalent or it has been approved by an agency qualified to evaluate foreign curricula.

(6) Acceptable education for registration as a Land Surveyor with six years of experience is a degree of Bachelor of Science or Associate degree in Surveying or Civil Engineering Technology including at least 12 credit hours in approved courses in land surveying, or two years of formal education above high school level with at least 60 semester credit hours passed including at least 12 credit hours in approved courses in land surveying or equivalent quarter hours or the equivalent approved by the Board.

(7) Acceptable education for certification as an Engineer-in-Training or Surveyor-in-Training upon passing the Fundamentals Examination is an approved Bachelor of Science Degree.

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3.02: continued

An applicant having other than a degree in engineering or surveying shall have attained the required experience before receiving certification. An applicant for Surveyor-in-Training certification having an Associates Degree or a minimum of 60 semester hours of acceptable education including courses in surveying approved by the Board may be certified after passing the Fundamentals Examination and attaining the required experience.

An unregistered person practicing or interested in the practice of engineering or land surveying who does not otherwise qualify for admittance to the Fundamentals Examination, upon filing an application and payment of the appropriate fees, may, after review and evaluation, be admitted by the Board to take the appropriate Fundamentals Examination. The results of such examination shall be kept as part of the official record of the Board. Certification will be made only as provided by the provisions of the statutes.

(8) Whether or not engineering teaching 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.

(9) 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.

(10) An applicant for Land Surveyor status under Classification C (12 years of practice) is required to have at least six years of experience in responsible charge of survey projects. Responsible charge shall mean to perform and to be able to direct others in the performance of those field and office tasks required for survey projects including the application of standards and legal principles and the exercise of judgment in the successful completion of those projects.

3.03: Experience Evaluation

(1) Acceptable qualifying experience must be in work of a professional grade and character which indicates to the Board that the applicant is competent to practice engineering or land surveying.

(2) Qualifying experience is evaluated on the basis of satisfying the following criteria:

- (a) Statutory Length;
- (b) Professional Level;
- (c) Degree of Responsibility;
- (d) Application of Technical Knowledge;
- (e) Exercise of Judgment.

(3) Acceptable professional engineering experience is a full-time activity. Acceptable professional land surveying experience is a full-time activity. Part-time 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 professional experience. Engineering work periods or land surveying work periods of up to six months during, or incidental to, undergraduate education are considered part of the educational program and are not acceptable as professional experience.

(4) A graduate of an approved engineering curriculum of four years taken on a "day-time" program, or five years for a co-operative program must obtain the necessary experience in engineering work acceptable to the Board after receipt of the degree of Bachelor of Science in Engineering.

(5) A graduate of an approved engineering curriculum leading to the degree of Bachelor of Science in Engineering, taken in an evening program may obtain the necessary experience in engineering work acceptable to the Board either prior to the evening program of study, or concurrent with the evening program of study, or after receipt of the degree, or a combination of all three.

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3.03: continued

(6) A graduate of an approved curriculum leading to the degree of Bachelor of Science in Engineering Technology, taken in a "day-time" program must obtain the necessary experience in engineering work acceptable to the Board after receipt of the degree.

(7) A graduate of an approved curriculum leading to the degree of Bachelor of Science in Engineering Technology, taken in an evening program may obtain the necessary experience in engineering work acceptable to the Board either prior to the evening program of study, or concurrent with the evening program of study, or after receipt of the degree, or a combination of all three.

(8) Land surveying work is not acceptable professional engineering experience except for partial credit towards civil engineering experience. Engineering work is not acceptable land surveying experience. One calendar period cannot be considered to be all professional land surveying experience and at the same time also considered to be all professional civil engineering experience. If both types of work were performed during one period of time, a suitable fraction of the period, acceptable to the Board, may be counted toward acceptable professional experience. Sufficient documentation to substantiate the applicant's claim to the fraction of the period to be counted toward professional land surveying experience, and to the fraction of the period to be counted toward professional civil engineering experience, shall accompany the application. Additional documentation, if deemed necessary and requested by the Board, shall be furnished to the Board by the applicant.

(9) Credit toward required years of acceptable engineering or land surveying experience may be allowed, up to three years, for approved undergraduate education. Credit toward acceptable land surveying experience for applicants requiring six years may be allowed, up to two years, for approved undergraduate education.

(10) A one year credit toward the professional engineering or land surveying experience requirement may be allowed for postgraduate study terminated successfully with a Master's Degree in Engineering or Land Surveying. A Master's Degree in Management, or a degree of a similar nature, shall not be interpreted as a Master's Degree in Engineering.

(11) One additional year toward the experience requirement may be allowed for postgraduate study terminated successfully with a Doctor of Science Degree or a PhD in Engineering or Land Surveying. However, the minimum qualifying non-education experience for registration shall be three years.

(12) Acceptable qualifying experience for registration for an applicant under the 20 year classification shall, in addition to meeting the criteria in 250 CMR 3.03(2) have been:

- (a) In lawful practice of engineering or surveying work.
- (b) In the performance of such work at a professional level for the most recent ten years.
- (c) In work of a grade or character to demonstrate competence to practice engineering or surveying.

3.04: Examinations and Interviews

(1) Examination Requirements for Professional Engineer Applicants. To be eligible for registration as a professional engineer, an applicant shall meet the minimum qualifications set forth in M.G.L. c. 112, § 81(J)(1). Unless waived by statute, an applicant is required to pass the Fundamentals of Engineering Examination, a personal interview if required by the Board, and the Principles and Practice of Engineering examination prior to registration.

(a) Fundamentals of Engineering Examination.

1. The Fundamentals of Engineering Examination shall be the uniform eight hour written examination prepared by the National Council of Examiners for Engineering and Surveying (NCEES).
2. The Fundamentals of Engineering Examination is normally held in April and October of each year on a date set by NCEES.

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3.04: continued

3. The Fundamentals of Engineering Examination is graded by NCEES and the passing grades are established by the Board.

4. An applicant for Engineer-in-training status based upon a Bachelor of Science degree in a Board approved engineering curriculum may be admitted to the Fundamentals of Engineering Examination if the applicant has reasonable expectation of obtaining the Bachelor of Science Degree within seven calendar months of the date of the examination, but those having an engineering degree other than the ones approved by the Board will not receive certification as an Engineer-in-training until the required experience is acquired.

(b) Personal Interview. An applicant may be required to sit for a personal interview prior to registration. Each applicant for registration under M.G.L. c. 112, § 81(J)(1)(e) will be required to attend a personal interview with the Board for the purpose of evaluating the applicant's engineering experience. There is no fee for the interview.

1. If an applicant scheduled for an interview fails to accept the appointment after two offered appointments, the application automatically lapses.

2. If an applicant scheduled for interview fails twice to appear for an interview after accepting an appointment, the application automatically lapses.

3. 250 CMR 3.04(1)(b)1. and 2. do not apply to an applicant actively serving in the armed forces.

(c) Principles and Practice of Engineering Examination.

1. The Principles and Practice of Engineering Examination shall be the uniform written examination of at least eight hours prepared by NCEES. The format of the examination is determined by NCEES and applicants must select questions in accordance with the method in effect and as required by the Board for each particular examination. Specific instructions regarding selection of questions required for an examination will be forwarded to applicants prior to the examination when the information is received from NCEES.

2. The Principles and Practice of Engineering Examination is normally held in April and October of each year on a date set by NCEES.

3. The Principles and Practice of Engineering Examination is graded by NCEES and the passing grades are established by the Board.

4. The Admission Form for the Principles and Practice of Engineering Examination is not sent to the applicant until after all other requirements for Professional Engineer status are satisfied. If the applicant fails the examination once, the examination may be repeated upon payment of the required fee. If the applicant fails the examination twice, the application is rejected.

5. An applicant seeking approval to sit for the Principles and Practice of Engineering examination for a third time must submit documentation demonstrating that he or she has successfully completed an educational program aimed at helping the applicant succeed on the examination and, if the Board determines it is necessary, appear before the Board for a personal interview.

6. An applicant who fails the Principles and Practice of Engineering Examination three or more times, must meet the above requirements and wait at least one year before retaking the examination.

7. If NCEES does not offer a Principles and Practice Examination in a discipline of engineering recognized by the Board as a fundamental branch of engineering, the applicant seeking registration in that discipline must pass a NCEES Principles and Practice of Engineering Examination in a related discipline, as approved by the Board.

(d) Applicants with 20 Years of Experience. An applicant for registration under M.G.L. c. 112, § 81(J)(1)(e), may be registered as a professional engineer without passing the written Fundamentals in Engineering examination if the following requirements are met:

1. the applicant demonstrates through documentation and personal interview, to the Board's satisfaction, that he or she has 20 years or more of acceptable qualifying experience in engineering work, as outlined in M.G.L. c. 112, § 81(J)(1)(e), 250 CMR 3.02: *Education and Experience* and 250 CMR 3.03: *Experience Evaluation*, and

2. the applicant passes the written Principles and Practice of Engineering Examination.

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(2) Examination Requirements for Professional Land Surveying Applicants. To be eligible for registration as a professional land surveyor, an applicant shall meet the minimum qualifications set forth in M.G.L. c. 112, § 81(J)(2). Unless waived by statute, an applicant shall be required to pass the Fundamentals of Land Surveying Examination, an oral examination with a subcommittee of the Board, and the Principles and Practice of Land Surveying examination prior to registration.

(a) Fundamentals of Land Surveying Examination.

1. The Fundamentals of Land Surveying Examination shall be the uniform written eight hour examination prepared by NCEES.
2. The Fundamentals of Land Surveying Examination is normally held once a year in October on a date set by NCBES. The examination is normally held on a Saturday and applicants will be notified of the examination site where space is available.
3. The Fundamentals of Land Surveying Examination is graded by NCBES and the passing grades are established by the Board.
4. An applicant for Surveyor-in-training status based upon an approved Bachelor of Science in Surveying or Bachelor of Civil Engineering degree may be admitted to the Fundamentals of Land Surveying Examination if the applicant has reasonable expectation of obtaining the Bachelor of Science degree within seven calendar months of the date of the examination. An applicant for Surveyor-in-training based upon an approved associates degree of 60 semester credit hours or more of which at least 12 credit hours are core land surveying courses may also be admitted to the Fundamentals of Land Surveying Examination. Certification as a Surveyor-in-training shall not be received, however, until experience requirements are completed.
5. The admission form for the Fundamentals of Land Surveying Examination is not sent to the applicant until after all other requirements for Land Surveyor status are satisfied.
6. If the applicant fails the Fundamentals of Land Surveying Examination once, the examination may be repeated upon payment of the required fee. If the applicant fails the examination twice, the application is rejected.

(b) Oral Examination. All applicants for registration as a professional Land Surveyor must pass an oral examination by a subcommittee of the Board prior to receiving approval to take the written Principles and Practice of Land Surveying examination. There is no fee for the oral examination.

1. In determining whether an applicant for registration shall be permitted to take the written Principles and Practice of Land Surveying examination, the subcommittee shall consider the applicant's experience, education and qualifications, including but not limited to the following:
  - a. the applicant's experience performing retracement type surveys,
  - b. the applicant's understanding of the Law of Evidence as it pertains to retracement type surveys,
  - c. the applicant's ability to perform retracement type surveys that would conform to the requirements of 250 CMR 6.00: *Procedural and Technical Standards for the Practice of Land Surveying.*
2. An applicant who fails the oral examination must wait six months before sitting for another oral examination.
3. If an applicant scheduled for an oral examination fails to accept an appointment after two offered appointments, the application automatically lapses. This does not apply to an applicant actively serving in the armed forces. If an applicant required to take an oral examination fails twice to appear for the examination after accepting an appointment, the application automatically lapses.

(c) Principles and Practice of Land Surveying Examination.

1. The Principles and Practice of Land Surveying Examination shall consist of two parts. The first part shall be the six hour written Principles and Practice of Land Surveying examination prepared by NCBES. The second part shall be a two hour written Legal Principles and Massachusetts Law Examination prepared by the Board. Applicants required to take the examination must pass both parts to become registered to practice Land Surveying.

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3.04: continued

2. The first part of the Principles and Practices examination is graded by NCEES and the passing grades are established by the Board. The second part of the Principles and Practice of Land Surveying Examination, the two hour Legal Principles and Massachusetts Law Examination, is prepared and graded by the Board and passing grades are established by the Board.
3. Both parts of the Principles and Practice of Land Surveying Examination are open book examinations.
4. The admission form for the Principles and Practice of Land Surveying Examination is not sent to the applicant until after all other requirements for Land Surveyor status are satisfied. If the applicant fails the examination once, the examination may be repeated upon payment of the required fee. If the applicant fails the examination twice, the application is rejected.
5. An applicant seeking approval to sit for the Principles and Practice of Land Surveying examination for a third time must submit documentation demonstrating that he or she has successfully completed an educational program aimed at helping the applicant succeed on the examination and, if the Board determines it is necessary, appear before the Board for a personal interview.
6. An applicant who fails the Principles and Practices of Land Surveying examination three or more times, must meet the above requirements and wait at least one year before retaking the examination.

(d) Applicants with 20 Years Experience. An applicant for registration under M.G.L. c. 112, § 81(J)(2)(f), may be registered as a professional land surveyor without passing the written Fundamentals in Land Surveying examination if the following requirements are met:

1. The applicant demonstrates through documentation and personal interview, to the Board's satisfaction, that he or she has 20 years or more of acceptable qualifying experience in land surveying, as outlined in M.G.L. c. 112, § 81(J)(2)(f), 250 CMR. 3.02: *Education and Experience* and 250 CMR 3.03: *Experience Evaluation*;
2. The applicant passes the oral examination required in 250 CMR 3.04(2)(b); and
3. The applicant passes the two-part written Principles and Practice of Land Surveying Examination.

(3) General Application and Examination Rules.

- (a) An application closed as a result of the applicant failing any one examination twice may be opened at the request of the applicant if a repeat of the examination is desired. The required fee will be paid for each such repetition. An application closed for any other reason may not be reopened unless it is found that it was closed by error.
- (b) The Board may waive requirement for any written examination if the applicant has previously passed an equivalent written examination offered by this Board or offered by any other Board belonging to NCEES.
- (c) If an applicant fails to take an examination within 20 months after notification of eligibility is received, the application automatically lapses. This does not apply to an applicant actively serving in the armed forces.
- (d) If an applicant takes an examination, fails to pass and does not take the examination again within 20 months, the application automatically lapses. This does not apply to an applicant actively serving in the armed forces.
- (e) If an applicant takes an examination twice and fails both times, the application is automatically rejected.
- (f) The applicant will be advised whether the examination is passed or failed. The information will be given to anyone who inquires.
- (g) A person presently registered in the Commonwealth of Massachusetts as a Professional Engineer or Land Surveyor, without examination, if record of practice is satisfactory to the Board, can request waiver of the examination in the Fundamentals of Engineering or Land Surveying and take only the eight hour written Principles and Practice of Engineering or Land Surveying without prejudice. If the examination is successfully passed, the registrant will then have it entered into record as "registered by examination".



OUTDATED AS OF 11/22/13

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3.05: Professional Practice

- (1) Sample imprints of approved seals are available at the Board office. The outside diameter of the professional engineer and land surveyor imprint should be approximately one and five-sixteenths inches or thirty-three millimeters. Either a rubber stamp or an embossing press is approved.
- (2) The engineering discipline in which the registrant is registered shall be either included as part of the seal or it may be handwritten above the registrant's signature.
- (3) The seal is to be used only by the registrant personally, and only on drawings and/or documents produced by the registrant personally or under the registrant's direct personal supervision. Each time the seal is used, the registrant shall (if not included on the seal) indicate the discipline in which registered, the date and affix the registrant's signature in a legible manner. The registrant shall add any suitable comments if not taking entire responsibility for all of the work on the drawing and/or documents. A new stamping is required to indicate there has been a change or a series of changes made on the drawing. Such comment might limit responsibility to electrical design, structural design, property boundaries, a specified portion of the document, or a specified change.
- (4) The registrant must not permit the seal to pass out of said registrant's personal possession and total control. The seal shall not be used by a registrant whose registration has lapsed. The use of printed copies of the seal on stickers, decals, cards, stationery, advertising, or any other material is forbidden.
- (5) The Board file shows the branch of engineering in which the registrant was found to be competent by the Board on the basis of education, experience, and specific examination passed by said registrant.
- (6) The Board initially registers an applicant for Professional Engineer in one branch of engineering only. A registrant who wishes to change registration to a different branch or to be registered in an additional branch of engineering shall file a new application form including the proper experience record and educational basis for said application. There will be the standard fee for each registration application and for any examinations required. A registrant who wishes to practice engineering in an area of competence other than that in which registered may request a determination of competence by submitting such evidence as may be required by the Board.
- (7) A registrant must limit professional practice to areas of personal competence as demonstrated to and approved by the Board. (The registrant may, however, work in other areas provided it is under the guidance of a Registered Professional Engineer or Land Surveyor qualified in said other areas, or under the guidance of a competent Engineer or Land Surveyor practicing under one of the exceptions listed in M.G.L. c. 112, § 81R as noted in 250 CMR 3.05(8).) A registrant shall not take responsibility for work in areas in which said registrant is not competent even though the area comes within a branch in which said registrant is registered. The burden of proof of competence rests upon the registrant should a question be raised as to that competence. The Board shall make the determination of competence when requested by the registrant or any person or entity.
- (8) Engineering work may be performed only by registered Professional Engineers and land surveying work may be performed only by registered Land Surveyors with certain exceptions listed under M.G.L. c. 112, § 81R. These rights granted by specific exception do not include the right to use the title "engineer" or "land surveyor".
- (9) Engineering work may be performed only by or under the direct supervision of a registered Professional Engineer qualified by the laws of the Commonwealth of Massachusetts to so practice.

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3.05: continued

(10) Land surveying work may be performed only by or under the direct supervision of a registered Land Surveyor qualified by the laws of the Commonwealth of Massachusetts to so practice except that a Professional Engineer registered as a Civil Engineer may perform land surveying incidental to engineering work excluding property line determination. Any plan which requires the location of a structure in relation to a real property boundary involves property line determination and must be performed by a Land Surveyor.

(11) Direct charge of the practice of engineering or land surveying work is construed to be direct supervision of the activities performed by others. Direct supervision includes, but is not limited to coordination, review and approval of the technical and professional level tasks performed on a project for which the registrant is responsible. Registered persons in direct charge of the practice of engineering or surveying work, as defined in the laws and regulations, shall be able to provide acceptable written documentation that supervision was performed by the registrant with hands-on access to project data and documents throughout the duration of the project.

(12) Land surveying is considered to be work of a professional nature and shall be performed in conformance with minimum standards as embodied in 250 CMR 6.00.

3.06: Renewal of Registration

(1) Registration is for a period ending June 30th of the next even-numbered year and requires renewal at that time.

(2) If the renewal fee is not received from a registrant by August 1st of an even-numbered year, the registration lapses until the renewal fee together with the penalty fee for late renewal is received. If not renewed for more than two years, the registration automatically lapses. When a registrant permits the registration to lapse the registrant's name is removed from the Board file and will be omitted from any roster published subsequently. After registration has expired, use of the seal is prohibited and the registrant is no longer permitted to practice engineering or land surveying in the Commonwealth of Massachusetts except as noted in 250 CMR 3.05(8) Professional Practice.

(3) To apply for reinstatement of a lapsed registration, an application form shall be obtained from the Board office. In addition to the information furnished thereon as a sworn statement, an oral interview, documentation and such examinations as the Board chooses is required.

3.07: Temporary Permits

(1) A non-resident of Massachusetts registered in the state or country of residence desiring to practice in Massachusetts should file an application for a Temporary Permit at the Board office. If the Board finds the applicant qualified under Massachusetts law, a Temporary Permit will be issued. Residents of the Commonwealth may not receive a Temporary Permit.

(2) Such Temporary Permits are valid for 30 days from the specified date covering one project, and only one Temporary Permit may be issued to the same applicant in one calendar year. If the applicant has applied for registration in Massachusetts, the Temporary Permit is valid until the Board has acted on the application and it is so specified on the permit, provided that the applicant fulfills all requirements for registration within 12 calendar months.

(3) The holder of a Temporary Permit must use the state of residence seal to certify plans or other documents of work performed in Massachusetts. In such a case, the number of the Temporary Permit must be referenced on the document.

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3.08: Board Procedure

Approval or denial of registration of an applicant is by vote of a majority of the Board members. Two members may request postponement of a vote on an application to the next regular meeting pending further review of the applicant's qualifications. Each approved application must be initialed by at least two members of the Board.

(1) The preferred procedure is to apply for, and obtain, Engineer-in-Training certification before applying for Professional Engineer registration. However, it is permissible to apply for Professional Engineer status without first becoming an Engineer-in-Training or passing the Fundamentals of Engineering, and in this case the applicant will be required first to pass the Fundamentals of Engineering Examination. If the applicant fails the Fundamentals of Engineering Examination once, the Fundamentals of Engineering Examination may be taken a second time. If the applicant fails the Fundamentals of Engineering Examination twice, the Professional Engineer application will be rejected.

(2) The preferred procedure is to apply for, and obtain, Surveyor-in-Training certification before applying for Land Surveyor registration. However, it is permissible to apply for Land Surveyor status without first becoming a Surveyor-in-Training or passing the Fundamentals of Land Surveying Examination, and in this case the applicant will be required first to pass the Fundamentals of Land Surveying Examination except that for an applicant on the basis of more than 20 years of experience, the Board may waive the Fundamentals of Land Surveying examination. If the applicant fails the Fundamentals of Land Surveying twice, the Land Surveyor application will be rejected.

(3) If the required reference questionnaires are not received by the Board within three months after the forms were mailed to the applicant, the applicant will be so advised. If not received within six months, the application will be rejected.

(4) 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.

(5) Final Board action is based on the qualifications and the documented professional experience of the applicant as described in and submitted with the application as of the date the application was received at the Board office.

(6) An application found to involve fraud or false statements will be rejected and action taken as prescribed in M.G.L. c. 112, § 81T. Reapplication shall be permitted only as approved by an affirmative vote of the Board after a hearing requested by the would be applicant. An application indicating that the applicant has been practicing engineering or surveying in violation of the law will be vigorously investigated and prosecution recommended if warranted.

(7) Evaluation of applications and of applicants, formal or informal interviews, and written or oral examinations, involve the reputation of the applicant and are handled on a confidential basis. The information is for the sole use of the Board. When the application has been approved or denied, the file contents may become public information.

(8) An application remains open until terminated by Board action. The action may be approval or closure. Closure may be by leave to withdraw, lapsing or rejection.

(9) Examination papers are destroyed after two years. Supplemental information included with application is destroyed after action by the Board. Applications are recorded on microfilm and the originals are destroyed after seven years.

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3.09: Availability of Information

(1) Information in the Public Record Book, the Roster Card File or the Published Roster will be given in response to written inquiry from anyone. Telephone inquiries will be answered by the office staff when the work load permits. Additional information available to an applicant or to an engineering board of another state includes only the status of the application or reasons for rejection. Direct access to files will be granted only to persons authorized by the Board.

(2) A roster of all registered Professional Engineers and Land Surveyors is prepared annually by the Secretary of the Board and is available for inspection at the Board office.

REGULATORY AUTHORITY

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

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250 CMR 4.00: PROFESSIONAL RESPONSIBILITY

Section

- 4.01: Preamble
- 4.02: Responsibility
- 4.03: Competency
- 4.04: Public Statements
- 4.05: Conflict of Interest
- 4.06: Solicitation

4.01: Preamble

In order to safeguard, life, health and property, to promote the public welfare, and to establish and maintain a high standard of integrity and practice, the following Rules of Professional Responsibility shall be binding on every person holding a certificate of registration and on all partnerships or corporations or other legal entities authorized to offer or perform engineering or land surveying services in the Commonwealth of Massachusetts.

The Rules of Professional Responsibility as promulgated herein are an exercise of the police power vested in the Board by virtue of the following General Laws: M.G.L. c. 13, §§ 45 and 46; c. 112, §§ 81D through 81T; c. 143, § 54A, St. 1970 c. 707, §§ 1 through 12; c. 282; c. 707, §§ 13 through 15, St. 1971 c. 1099; St. 1972 c. 684; St. 1975 chs. 545 and 588; St. 1979 c. 897 with particular reference to M.G.L. c. 112, § 81E.

All persons registered under the above stated Massachusetts General Laws are charged with having knowledge of the existence of 250-CMR 4.00: *Professional Responsibility* and shall be deemed to be familiar with their provisions and to understand them.

In these Rules of Professional Responsibility, the word "registrant" shall mean any person holding a license issued by this Board.

4.02: Responsibility

- (1) Registrants shall hold paramount the safety, health and welfare of the public in the performance of their professional duties.
- (2) (a) Registrants shall at all times recognize that their primary obligation is to protect the safety, health, property and welfare of the public. If their professional judgment is overruled under circumstances where the safety, health, property or welfare of the public may be endangered, they shall notify their employer or client and such other authority as may be appropriate.  
(b) Registrants shall approve and seal only those design documents and surveys, reviewed or prepared by them, which are safe for public health, property and welfare in conformity with accepted engineering and land surveying standards.  
(c) Registrants shall not reveal facts, data or information obtained in a professional capacity without the prior consent of the client, or employer except as authorized or required by law.  
(d) Registrants shall not permit the use of their name or firm name nor associate in business ventures with any person or firm which they may have reason to believe is engaging in fraudulent or dishonest business or professional practices.  
(e) Registrants having knowledge of any alleged violation of 250 CMR 4.00 shall cooperate with the Board in furnishing such information or assistance as may be required.

4.03: Competency

Registrants shall perform services only in the areas of their competence.

- (1) Registrants shall undertake assignments only when qualified by education or experience in the specific technical field of engineering or land surveying involved.
- (2) Registrants shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competence, nor to any such plan or document not prepared or reviewed under their direct supervisory control.

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4.03: continued

(3) Registrants may accept an assignment outside of their fields of competence to the extent that their services are restricted to those phases of the project in which they are qualified, and to the extent that they are satisfied that all other phases of such project will be performed by qualified associates, consultants or employees.

(4) In the event a question arises as the competence of a registrant in a specific technical field which cannot be otherwise resolved to the Board's satisfaction, the Board either upon request by the registrant or on its own volition, shall admit the registrant to an appropriate examination.

4.04: Public Statements

Registrants shall issue public statements only in an objective and truthful manner.

(1) Registrants shall be objective and truthful in professional reports, statements or testimony.

(2) Registrants may express publicly a professional opinion on technical subjects only when that opinion is founded upon adequate knowledge of the facts and competence in the subject matter.

(3) Registrants shall issue no statements, criticisms or arguments on technical matters which are inspired or paid for by interested parties unless the registrants have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking and by revealing the existence of any interest the registrants may have in the matters.

4.05: Conflict of Interest

Registrants shall act in professional matters for each employer or client as faithful agents or trustees; and shall avoid conflicts of interest.

(1) Registrants shall disclose all known or potential conflicts of interest to their employers or clients by promptly informing them of any business association, interest, or other circumstances which could influence or give an impression of influencing their judgment or the quality of their services.

(2) Registrants shall not accept compensation, financial or otherwise, from more than one party for concurrent services on the same project, or for concurrent services pertaining to the same project, unless the circumstances are fully disclosed to all interested parties.

(3) Registrants shall not solicit or accept financial or other valuable consideration, directly or indirectly, from contractors, their agents, or other parties in connection with work for employers or clients for which the registrant is responsible.

(4) Registrants in public services as members, advisors, or employees of a governmental body or department shall not participate in decisions with respect to professional services solicited or provided by them or their organizations.

(5) Registrants shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves a member, except upon public disclosure of all pertinent facts and circumstances and consent of appropriate public authority.

4.06: Solicitation

Registrants shall avoid improper solicitation of professional employment.

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4.06: continued

(1) Registrants shall not falsify or permit misrepresentation of their own or their associates' academic or professional qualifications. They shall not misrepresent or exaggerate their degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or past accomplishments.

(2) Registrants shall not offer, give, solicit or receive, either directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, and shall not make any political contribution intended to influence the award of a contract.

REGULATORY AUTHORITY

250 CMR 4.00: M.G.L. c. 112, §§ 81D through 81T.



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250 CMR 5.00: STANDARDS FOR PROFESSIONAL PRACTICE

Section

- 5.01: Display of Certificate of Registration
- 5.02: Supervision of and Responsibility for Practice
- 5.03: Investigation of Practice

5.01: Display of Certificate of Registration

The certificate of registration and seal issued by the Board under M.G.L. c. 112, §§ 81D through 81T to the person, or persons in charge of and responsible for the practice of engineering or land surveying, as defined by the statute, by a firm, co-partnership, corporation or joint stock association shall be prominently displayed, in a place accessible to the public, on any premises where the practice of engineering or land surveying is conducted by a person, firm, co-partnership, corporation or joint stock association. Where more than one copy of the certificate is required for display in several offices, an auto-positive reproduction will be acceptable for such purposes only.

5.02: Supervision and Responsibility for Practice

The practice of engineering or of land surveying by a person, firm, co-partnership, corporation or joint stock association construed to practice or to offer to practice engineering or land surveying shall be under the direct charge and supervision of a person, or persons, holding a valid certificate of registration under the statute and that person, or persons, shall be responsible for the performance of such work in a competent manner to avoid gross negligence or misconduct that could endanger the life, health and safety of the public.

5.03: Investigation of Practice

(1) The Board shall elect a member to be the Investigative Coordinator to coordinate all complaints and investigations of violations of the provisions of the statutes and 250 CMR 5.00.

(2) Any Board member may conduct investigations, including inspection of premises on which the practice of engineering and surveying is being performed to determine violations, provided that the Board member notify, in writing, the Investigative Coordinator or the Chairman if the investigation is by the Investigative Coordinator at least one week prior to such investigation and only subsequent to confirmation that such notification has been received.

(3) After the investigation is conducted, the Board member conducting said investigation shall file a written report thereof within 30 days to the Investigative Coordinator with a copy to the Board.

(4) If any violation is found to exist or has existed, the coordinator shall notify the full Board of the findings. The Board shall then take appropriate action under the provisions of the statutes.

(5) Reports of investigations conducted by the Investigative Unit of the Division of Registration shall be coordinated in a similar manner by the Investigative Coordinator.

REGULATORY AUTHORITY

250 CMR 5.00: M.G.L. c. 112, §§ 81D through 81T.

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250 CMR 6.00: PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF  
LAND SURVEYING

Section

- 6.01: Cadastral, Original and Retracement Surveys
- 6.02: Data Accumulation Surveys (Topographic-Photogrammetric-Utilities-Site-Hydrographic)
- 6.03: Construction Layout Surveys
- 6.04: Title Insurance Surveys
- 6.05: Mortgage Loan Inspections
- (6.06 through 6.89: Reserved)
- 6.90: Appendix A - Annotated Laws and Other Standards

6.01: Cadastral, Original and Retracement Surveys

(1) Procedural Standards.

(a) Research and Investigation. The surveyor shall:

1. Obtain a legal description of property to be surveyed as well as a legal description of abutting properties.
2. Obtain copies of recorded documents affecting the survey.
3. Obtain from utility companies, public offices and Land Court copies of available plans, documents and field notes affecting the survey.
4. Obtain from known private sources available copies of data affecting the survey.
5. Obtain copies of the applicable zoning by-laws that govern in the area in which the property is located.

(b) Analysis of Research and Preliminary Conclusions. The surveyor shall:

1. Examine thoroughly and analyze data.
2. Test consistency of data by plotting and compiling available record information.
3. Form preliminary conclusions as to the completeness of data and reconcile any inconsistencies in the record information.
4. Plan procedure for performing the field surveys.

(c) Field Investigation. The surveyor shall:

1. Search for physical monuments and weigh their reliability.
2. Search for and locate monuments and real evidence which affect the survey.
3. Investigate possible parole (oral) and written evidence supporting positions of obliterated control monuments and have affidavits taken if necessary.
4. Make measurements to correlate all found evidence.
5. Whenever possible, connect the survey with proper adjustments to the Massachusetts Plane Coordinate System.
6. Take sufficient check measurements to verify the work.
7. Locate physical occupation lines (e.g., fences, hedges, walls, etc.) between adjoining; make comments on possible age of possession; verify age by parole and written evidence.
8. Record all information, preferably in a bound field notebook; incorrect data shall be crossed out not erased.
9. Set adequate monumentation for reestablishing property lines.

(d) Computations, Conclusions and Publications of Results. The surveyor shall:

1. Compute and compare field information with record data.
2. In the event of substantial disagreement with the work of another surveyor, contact the other surveyor and investigate the disagreement.
3. Make interpretation of location in accordance with law and/or precedent, and finalize the establishment of the property lines.
4. Make final decisions and computations for determination of existing and new property lines.
5. Provide sufficient monumentation to enable the reproduction of the survey on the ground.
6. When applicable, e.g., parcels created by new subdivision, furnish the client, in addition to a plan, a metes and bounds description of the land, and make reference to the plan in the description.
7. Retain all records that may be used to substantiate conclusions reached in an indexed file.

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6.01: continued

(2) Technical Standards.

(a) Measurements.

1. Measurements shall be taken to a precision compatible with the particular problem involved and with the size and geometric shape of the parcel involved.
2. All measurements made to establish property lines shall be taken with a minimum precision of 1 part in 12,000.
3. All linear measurements shall be taken with a properly calibrated measuring device with a record of calibration maintained for future reference.

(b) Monuments.

1. A substantial number of corners shall be marked with a physical monument and set in a manner providing a degree of permanency consistent with the terrain, physical features and desired use.
2. When conditions require setting a monument on an offset rather than at the true corner, the location shall be selected so the monument lies on a line of the survey or a prolongation of such line if possible. Offsets shall not be in fractional feet from the corner unless a physical obstruction affects their location. Offset monuments shall be marked as such.
3. It is desirable that monuments have the surveyor's name and license number affixed thereto.
4. Monuments shall be witnessed in such a manner that they will be easily discoverable.

(c) Field Notes. All pertinent information, measurements and observations made in the field during the course of the survey shall be recorded in an appropriate field note form and in a manner that is intelligible to other surveyors. All field notes shall indicate location, street names, client, party members in crew, instrument, measurement device, date and weather conditions affecting measurements.

(d) Plans. The client shall be furnished a plan drawn to an appropriate scale in accordance with the Rules and Regulations of the Registers of Deeds dated June 19, 1975, the Massachusetts Land Court, the Subdivision Control Law and Local Requirements.

1. A title block containing the political subdivision of the parcel surveyed, the owner's name, date, scale, meter and foot bar scale and name and address of the firm or surveyor responsible for the survey shall be shown. Revisions shall be noted near the title block with reference number, date, description and initials of the responsible surveyor.
2. The locus shall be referenced to the nearest physical monumentation. If necessary, a vicinity map shall be provided.
3. Meridian arrow and its origin shall be indicated.
4. All pertinent bearings, dimensions and areas shall be indicated. Source of information shall be shown for recorded data.
5. All monuments, whether found or set, shall be noted on the plan and identified as to character.
6. The relation of all monuments to the property lines and corners shall be noted.
7. When a planimetric or topographic feature controls the location of a line or point found or being created, the relationship of the feature to the line or point shall be shown.
8. Names of locus owners and abutting property owners shall be shown.
9. Sufficient data shall be shown on the plan to allow the retracement of all the created lines and points.
10. Parcels of land containing two acres or less shall not have a mathematical closure error of more than 0.03 feet. Parcels of land containing more than two acres shall not have a mathematical closure of more than 0.05 feet. Any parcel of land which has an irregular boundary shall have a closing tie line or lines in the general vicinity of said irregular boundary.
11. The Registered Land Surveyor's seal, signature and date shall be affixed to the plan.

6.02: Data Accumulation Surveys (Topographic-Photogrammetric-Utilities-Site-Hydro-graphic)

(1) Procedural Standards.

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6.02: continued

- (a) Research and Investigation. The surveyor shall:
    1. Determine the purpose of the survey, the specific items of data to be accumulated and the degree of completeness and accuracy necessary.
    2. Obtain from public agencies, Land Court, and Utility Companies copies of available deeds, maps and plans pertinent to the survey.
    3. Obtain the available description of monuments referencing the horizontal and vertical datums upon which the work is to be based.
  - (b) Analysis of Research and Preliminary Conclusions. The surveyor shall:
    1. Examine thoroughly and analyze data.
    2. Test consistency of data by plotting and compiling available record information.
    3. Reconcile the data for any inconsistencies in the record information.
    4. Plan procedure for performing the field surveys.
  - (c) Field Investigation. The surveyor shall:
    1. Search for and verify monuments referencing horizontal and vertical datums.
    2. Establish, adjust and monument necessary control lines to which data accumulation surveys are to be referenced.
    3. Take sufficient measurements to verify the work.
    4. Extend survey a reasonable distance beyond the limits of the project to include any physical characteristics that may affect the locus.
    5. Record all information, preferably in a bound field notebook; incorrect data shall be crossed out, not erased.
    6. Plane table sheets may be used in place of field notebook.
  - (d) Computations, Conclusions and Publication of Results. The surveyor shall:
    1. Make any reductions and compilations necessary.
    2. Make necessary computations to verify correctness of measurements.
    3. Evaluate and edit collected data.
    4. Prepare in an appropriate form the results of the survey in a clear concise manner to minimize misinterpretation.
- (2) Technical Standards.
- (a) Measurements.
    1. Measurements shall be taken to a precision compatible with the particular problem involved and with the size and geometric shape of the parcel involved.
    2. All measurements made to establish property lines shall be taken with a minimum precision of 1 part in 12,000.
    3. All linear measurements shall be taken with a properly calibrated measuring device with a record of calibration maintained for future reference.
    4. Vertical.
      - a. Whenever possible, elevations shall be referenced to the National Geodetic Vertical Datum of 1929 or some other locally recognized datum.
      - b. For the purpose of establishing bench marks, level loops shall close to a minimum accuracy of .05 feet times the square root of the length of the level run in miles.
      - c. A minimum of two permanent bench marks shall be established on each site, and their locations and elevations shall be shown on the final plan.
    5. Topographic.
      - a. Measurements shall be taken with a precision compatible with the detail being located.
      - b. Linear measurements shall be taken to the nearest hundredth of a foot when locating such features as property lines, monuments and buildings when it is necessary.
      - c. Linear measurements shall be taken to a precision of 1/40th of the plan scale when locating planimetric features e.g. poles, manholes, curbs, pavements, etc.
      - d. Stadia measurements shall be taken to the nearest foot.
      - e. Horizontal angles read in Stadia Surveys shall be taken to the nearest minute.
      - f. Vertical angles shall be taken to the nearest minute of arc.
      - g. Vertical measurements shall be taken to the nearest hundredth of a foot when locating such cultural features as building floor elevations, manholes, curbs, pipe inverts, pavements, etc.

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6.02: continued

- h. Vertical measurements shall be taken to the nearest tenth of a foot on natural ground, water levels, etc.
- (b) Monuments. The control lines or points to which the topographic surveys are referenced shall be marked with physical monuments set in a manner providing a degree of permanency consistent with the terrain, physical features and purpose of the survey.
- (c) Field Notes. All pertinent information, measurements, and observations made in the field during the course of the survey shall be recorded in an appropriate field note form and in a manner that is intelligible to other surveyors. All field notes shall indicate location, street names, client, party members in crew, instrument, measurement device, date and weather conditions affecting measurements.
- (d) Plans. The client shall be furnished the results of the survey in an appropriate form *e.g.*, plans and sketches, cross-sections, diagrams, tabulations, etc. as follows:
  1. A title block containing the political subdivision of the parcel surveyed, the owner's name, the date, the scale, the name and address of the firm or surveyor responsible for the survey shall be included. Revisions shall be noted near the title block with reference number, date, description and initials of the responsible surveyor.
  2. The locus shall be referenced to the nearest physical monumentation. If necessary, a vicinity map shall be provided.
  3. A statement describing the survey technique used to accomplish the work (*i.e.*, "This map was prepared by photogrammetric methods." "Topography by transit stadia method," etc.) shall be noted.
  4. Identification of the horizontal and vertical datums to which the work is referenced and specific descriptions of the monuments used to establish the reference shall be included.
  5. Meridian arrow and its origins shall be indicated.
  6. If property boundaries are required all property line bearings, dimensions and areas with sufficient notations to identify their source shall be provided.
  7. All physical monuments, whether found or set, shall be noted on the plan and identified as to character.
  8. Sufficient information for all control lines or points to which the data accumulation surveys are referenced shall be shown to allow retracement of the work.
  9. Any compiled data of an informational type shown shall indicate the source of the data and to what degree the information was verified.
  10. The Registered Land Surveyor's seal and signature shall be affixed to the plan.
  11. When the presentation consists of more than a single document, all material furnished shall be adequately indexed and cross-referenced.

6.03: Construction Layout Surveys

(1) Procedural Standards.

- (a) Research and Investigation. The surveyor shall:
  1. Obtain from the client the approved specifications and plans setting forth the project for which the layout survey is to be conducted.
  2. Obtain from known private and public sources available copies of data affecting the project.
  3. Determine appropriate number of control points to be established and the relationship of said control points to construction lines, grades and offset grades.
- (b) Analysis of Research and Preliminary Conclusions. The surveyor shall:
  1. Examine thoroughly and analyze data.
  2. Test consistency of data and bring any observed inconsistencies to the attention of the client.
  3. Form the preliminary conclusions.
  4. Plan the procedure for performing the construction layout.
- (c) Field Investigation and Layout Survey. The surveyor shall:
  1. Search for and verify monuments, lines or objects indicated by the construction documents as the intended references for the projects horizontal and vertical datums.
  2. When appropriate, establish, adjust and monument control points and lines necessary as intermediate to the final layout surveys.

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3. Establish final layout control monuments in proper relationship to construction lines and grades.
  4. Take sufficient check measurements to verify the work satisfactorily.
  5. Record all information in an appropriate field note form.
  6. Immediately bring to the attention of the client any inconsistencies disclosed by the survey or by examination of the plans.
- (d) Computations, Conclusions and Publication of Results. The surveyor shall:
1. Make necessary computations to verify the correctness of measurements.
  2. In the event of the discovery of any inconsistencies or disagreements with the work of others, notify the client in writing of the specific inconsistency or disagreement and the authorized corrective measures that were taken, if any.
  3. If requested, prepare a plan or appropriate report showing the results of the survey.
  4. Retain all records that may be used to substantiate conclusions reached in an indexed file.
- (2) Technical Standards.
- (a) Measurements.
1. Measurements shall be taken with a properly calibrated measuring device to a precision compatible with the construction tolerances.
  2. Measurements shall be recorded and shown on the plan or report to a number of significant figures representative of the precision of the work.
- (b) Monuments.
1. Construction layout monuments shall be of a type and character and set in a manner providing a degree of permanency consistent with the terrain, physical features and intended use.
  2. Sufficient monuments and offset information shall be provided to enable the user to check the accuracy of any points or lines established therefrom.
  3. Monuments shall be witnessed in a manner that shall be easily discoverable. Any stakes that show offsets and/or cut and fill data shall also show sufficient information to identify the horizontal position of the referenced point.
- (c) Field Notes. All pertinent information, measurements and observations made in the field during the course of the survey shall be recorded in an appropriate field note form and in a manner that is intelligible to other surveyors. All field notes shall indicate location, street names, client, party members in crew, instrument, measurement device, date and weather conditions affecting measurements.
- (d) Presentation of Data. The client shall be furnished with the results of the survey in an appropriate plan, if requested, as follows:
1. The client's name, the date of field work, the surveyor's file number and name, the address, the signature and registration number of the surveyor responsible for the work. Revisions shall be noted near the title block with reference number, date, description and initials of the responsible surveyor.
  2. A location description of the project referenced to title description and political subdivision, or geographic location and, when appropriate, the specific description of the constructed facility surveyed, the identification of the construction documents used and a statement whether or not approved and the date of the latest revision shall be included.
  3. Sufficient information to reference the layout to the construction documents shall be provided.
  4. Identification of the horizontal and vertical datums on which the layout is based and specific description of the monuments used shall be noted.
  5. North arrow and scale shall be included.
  6. Horizontal dimensions and directions shall include sufficient notations to indicate the source, such as, As per plans (Plans) Calculated from data shown on plans (Calc. Plans).
  7. All pertinent monuments identified as to character, with a notation whether found or set. Origin of found monuments shall be shown. When there is no available reference, this shall be so stated.



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6.03: continued

8. Sufficient information for all layout control lines and points to allow the easy retracement of the work shall be noted.
9. Any discrepancies or inconsistencies between the construction documents and the layout as surveyed with statement of the surveyor's authority for deviating from the construction documents shall be noted.
10. Reports prepared shall be signed by the supervising Registered Land Surveyor and the surveyor who performed the field work. The supervising Registered Land Surveyor shall affix his seal to the report.
11. Index and cross reference when the presentation consists of more than a single document shall be included.

6.04: Title Insurance Surveys

- (1) Procedural Standards.
  - (a) Research and Investigation. The surveyor shall:
    1. Obtain a legal description of the property to be surveyed as well as a legal description of abutting properties. A title report shall be obtained by the surveyor from the client if available.
    2. Obtain copies of recorded documents affecting the survey.
    3. Obtain from utility companies, public offices and Land Court, copies of available plans, documents and field notes affecting the survey.
    4. Obtain from known private sources available copies of data affecting the survey.
    5. Obtain copies of the applicable zoning by-laws that govern in the area in which the property is located.
  - (b) Analysis of Research and Preliminary Conclusions. The surveyor shall:
    1. Examine thoroughly and analyze data.
    2. Test consistency of data by plotting and compiling available record information.
    3. Reconcile the data for any inconsistencies in the record information.
    4. Plan procedure for performing field survey.
  - (c) Field Surveys. The surveyor shall:
    1. Reconnoiter the area, recover existing monumentation and note all physical evidence of easements and encroachments affecting the site.
    2. Establish control and make all necessary locations.
    3. Whenever possible, connect the survey with proper adjustments to the Massachusetts Plane Coordinate System.
    4. Take sufficient check measurements to verify the work.
    5. Record all information in appropriate field note form.
  - (d) Computations and Publication of Results. The surveyor shall:
    1. Compute and compare field information with record data.
    2. Make final determination of property lines, easements and encroachments.
    3. Prepare a plan showing the result of the survey.
    4. Prepare a Surveyor's Report.
- (2) Technical Standards.
  - (a) Measurements.
    1. Measurements shall be taken to a precision compatible with the particular problem involved and with the size and geometric shape of the parcel involved.
    2. All measurements made to establish property lines shall be taken with a minimum precision of 1 part in 12,000.
    3. All linear measurements shall be taken with a properly calibrated measuring device with a record of calibration maintained for future reference.
  - (b) Monuments.
    1. Unless specifically excluded from the contract or modified by agreement with the client, a substantial number of corners shall be marked with a physical monument and set in a manner providing a degree of permanency consistent with the terrain and physical features. If no monuments are set, a statement attesting to this fact shall be added to the plan.

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6.04: continued

2. When conditions require setting a monument on an offset rather than at the true corner, the location shall be selected so the monument lies on a line of the survey or a prolongation of such line if possible. Offsets shall not be in fractional feet from the corner unless a physical obstruction affects their location. Offset monuments shall be marked as such.
3. It is desirable that monuments have the surveyor's license number affixed thereto.
4. Monuments shall be witnessed in a manner that will be easily discoverable.
5. All traverse points and monuments set shall be tied with a minimum of three tie points.

(c) Field Notes.

1. All pertinent information, measurements and observations made in the field during the course of the survey shall be recorded in an appropriate field note form and in a manner that is intelligible to other surveyors. All field notes shall indicate the locations, street names, client, party members in crew, instrument, measurement device, date and weather conditions affecting measurements.

(d) Plans. The client shall be furnished a plan, suitable for recording and drawn to an appropriate scale showing the following:

1. A title block containing the political subdivision of the parcel surveyed, owner's name, date, scale, a meter and foot bar scale and the name and address of the firm or surveyor responsible for the survey shall be included. Revisions shall be noted near the title block with reference number, date, description and initials of the responsible surveyor.
2. The locus shall be referenced to the nearest physical monument. If necessary, a vicinity map shall be provided.
3. Meridian arrow and its origin shall be indicated.
4. The perimeter as well as the interior lines of a subdivision must contain all the data necessary to establish the correctness of the mathematical figure represented by said lines: *i.e.*, all angles must be given directly or by bearing or by azimuths; minimum elements of curves must be shown, *i.e.*, radius and arc length. The locus shall be tied by a distance to the nearest street intersection where conditions and layout permit. Distances along a highway line from the surveyed premises to the nearest highway monument must be shown, if available. Parcels within a larger tract must be related at least to one of the exterior lines.
5. Names of abutting owners as ascertained from the latest tax list must be shown on all plans.
6. The character of all evidence of possession along the boundary lines, *e.g.*, fences, walls, buildings, monuments, blazed trees, or otherwise, must be stated and the location of same shown in relation to reference or record description lines.
7. The character and location of all buildings upon the locus must be shown and their location referred to the boundary. Street numbers must be shown where available. Easements of all kinds, *e.g.*, roads, brooks, drains, utility lines, etc., on or across the property must be shown.
8. All buildings and fences on abutting land within four feet of the property line must be shown, and all encroachments of eaves, cornices, blinds, etc., must be noted.
9. The nature, character, location of all building walls, independent, party or otherwise, at or near a boundary line must be shown. If a building on the locus has no independent wall but used the wall on the adjoining premises, this condition must be shown and explained. The same requirements apply when conditions are reversed. All structural appurtenances and projections, *e.g.*, fire escapes, bay windows, windows that open outward, flue pipes, stoops, areas, steps, etc., encroaching by or on abutting property or on abutting streets must be indicated and the extent of such encroachments or projection.
10. The area or areas of the locus shall be shown.
11. The location of street lines shall be shown. Where streets and lots have not been properly defined by monuments or where monuments have been erroneously set or where record data and field measurements do not correspond, the nature of the discrepancies must be described and the possible affect of these discrepancies defined.

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6.04: continued

12. The Registered Land Surveyor's seal and signature shall be affixed to the plan and the Surveyor's Report.

6.05: Mortgage Loan Inspections

(1) Procedural Standards.

(a) Research and Investigation.

1. Obtain legal description(s), copies of recorded plans and documents affecting the inspection of the property.

(b) Analysis of Research and Preliminary Conclusions.

1. The surveyor shall analyze and reconcile record information in order to plan field inspection procedure(s).

(c) Field Inspection.

1. The surveyor shall identify or establish sufficient control from which reliable measurements can be made to locate improvements to the tract(s).

(d) Computations and Publications of Results. The Surveyor shall:

1. Compute and compare field information with record data.

2. Establish the relationship of improvements to the property lines with sufficient accuracy for the purpose of the inspection.

3. Prepare a plan showing the results of the inspection.

(e) If the property lines cannot be sufficiently reestablished to identify possible encroachments, the surveyor shall recommend to the client that a property survey be performed under the Standards governing Cadastral Original or Retracement Surveys.

(2) Technical Standards.

(a) Measurements. Measurements shall be taken to a precision compatible with the particular problem involved, the size and shape of the parcel involved and the particular detail being located.

(b) Field Notes. All pertinent information, measurements and observations made in the field during the course of the inspection shall be recorded in an appropriate field note form and in a manner that is intelligible to other surveyors.

(c) Plans. The client shall be furnished a plan entitled "Mortgage Inspection Plan" drawn to an appropriate scale showing the following:

1. A title block showing the political subdivision of the parcel being inspected, the date, the scale, the name and address of the firm or surveyor responsible for the inspection shall be included.

2. Location of tract boundary with relation to nearest street intersection or other suitable reference available to the layman shall be noted. If necessary, a vicinity map shall be provided.

3. Meridian arrow and its basis shall be indicated.

4. Boundary lines of the tract with deed or record plan data shall be noted.

5. Improvements to the tract(s) with proper offsets to permanent and accessory structures shall be shown with sufficient accuracy for the purpose of the inspection.

6. Existing record easements and existing aboveground utilities requiring an easement (main pole lines, etc., but not house service lines) and any surface evidence of underground utilities requiring an easement, such as manholes, inlets and headwalls shall be noted.

7. The relationship of the improvements to the property lines shall be shown by measurement with a precision compatible with the particular problem involved.

8. Recording data of description of subject property shall be included.

9. A note shall be placed as to whether the property being inspected is affected by a Special Flood Hazard Area as defined by the Department of Housing and Urban Development or successor.

10. The Registered Land Surveyor's seal and signature shall be affixed to the plan.

11. All plans prepared under this section of the regulations shall be suitable for filing as an instrument with a recordable deed at the Registry of Deeds.

(6.06 through 6.89: Reserved)

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6.90: Appendix A

- I. REGISTRY OF DEEDS STANDARDS AND PLAN REGULATIONS
- II. STANDARDS ESTABLISHED BY STATUTES, TITLES AND CHAPTERS OF THE ANNOTATED LAWS OF MASSACHUSETTS

ADMINISTRATION OF THE GOVERNMENT

TITLE VI: COUNTY AND COUNTY OFFICERS

Chapter 36 Registers of Deeds

TITLE VII: CITIES, TOWNS AND DISTRICTS

- Chapter 40 Powers and duties of cities and towns
- Chapter 40A Zoning regulations
- Chapter 40B Regional planning
- Chapter 40C Historic districts
- Chapter 41 Officers and employees of cities, towns and districts
- Chapter 42 Boundaries of cities and towns
- Chapter 45 Public parks, playgrounds, and the public domain
- Chapter 49 Fences, fence viewers, pounds and field drivers

TITLE IX: TAXATION

Chapter 64D Excise on deeds, instruments and writings

TITLE X: EMINENT DOMAIN AND BETTERMENTS

- Chapter 79 Eminent domain
- Chapter 80 Betterments
- Chapter 80A Eminent domain takings and betterment assessments by judicial proceedings

TITLE XIV: PUBLIC WAYS AND WORKS

- Chapter 81 State Highways
- Chapter 82 The laying out, alteration, relocation and discontinuance of public ways and specific repairs thereon
- Chapter 83 Sewers, drains and sidewalks
- Chapter 84 Repairs of ways and bridges
- Chapter 85 Regulations and by-laws relative to Ways and Bridges
- Chapter 86 Boundaries of highways and other public places and encroachments thereon
- Chapter 87 Shade trees
- Chapter 88 Ferries, canals and public landings
- Chapter 89 Law of the road
- Chapter 90 Motor vehicles and aircraft
- Chapter 90A The highway safety act
- Chapter 90B Motorboats and other vessels
- Chapter 91 Waterways
- Chapter 91A Port of Boston Commission
- Chapter 92 Metropolitan sewers, water and parks

TITLE XV: REGULATION OF TRADE

- Chapter 97 Surveying of land
- Chapter 99 The metric system of weights and measures

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Appendix A: continued

TITLE XVI: PUBLIC HEALTH

- Chapter 112 Registration of certain professions and occupations (as amended)
- Chapter 114 Cemeteries and burials

TITLE XIX: AGRICULTURE AND CONSERVATION

- Chapter 128B Conservation of soil and soil resources and prevention and control of erosion
- Chapter 131 Powers and duties of the division of fisheries and game
- Chapter 132 Forestry
- Chapter 132A State recreation areas outside of the Metropolitan Parks district

TITLE XX: PUBLIC SAFETY AND GOOD ORDER

- Chapter 135 Unclaimed and abandoned property
- Chapter 140 Licenses

TITLE XXII: CORPORATIONS

- Chapter 160 Railroads
- Chapter 161 Street railways
- Chapter 162 Electric railroads
- Chapter 163 Trackless trolley companies
- Chapter 165 Water and aqueduct companies
- Chapter 166 Telephone and telegraph companies and lines for the transmission of electricity.
- Chapter 179 Proprietors of wharves, real estate laying in common and general fields

REAL AND PERSONAL PROPERTY AND DOMESTIC RELATIONS

TITLE I: TITLE TO REAL PROPERTY

- Chapter 183 Alienation of land
- Chapter 183A Condominiums
- Chapter 184 General provisions relative to real property
- Chapter 184A The rule against perpetuities
- Chapter 185 The land court and registration of title to land
- Chapter 186 Estates for years and at will
- Chapter 187 Easements
- Chapter 188 Homesteads
- Chapter 189 Dower and curtesy

TITLE II: DESCENT AND DISTRIBUTION, WILLS, ESTATES OF DECEASED PERSONS AND ABSENTEES, GUARDIANSHIP, CONSERVATIONSHIP AND TRUSTS

- Chapter 190 Descent and distribution of real and personal property
- Chapter 190A Effect of apparently simultaneous deaths upon devolution and disposition of property, including proceeds of insurance
- Chapter 200A Abandoned property

COURTS, JUDICIAL OFFICERS AND PROCEEDINGS IN CIVIL CASES

TITLE I: COURTS AND JUDICIAL OFFICERS (for the land court, see chap. 185)

- Chapter 211 The supreme judicial court
- Chapter 212 The superior court
- Chapter 215 Probate courts
- Chapter 218 District courts

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Appendix A: continued

TITLE II: ACTIONS AND PROCEEDINGS THEREIN

Chapter 236 Levy of executions on land

TITLE III: REMEDIES RELATING TO REAL PROPERTY

- Chapter 237 Writs of entry
- Chapter 238 Writs of dower
- Chapter 239 Summary process for possession of land
- Chapter 240 Proceedings for settlement of title to land
- Chapter 241 Partition of land
- Chapter 242 Waste and trespass
- Chapter 243 Actions for private nuisances
- Chapter 244 Foreclosure and redemption of mortgages
- Chapter 245 Informations by the Commonwealth

TITLE IV: CERTAIN WRITS AND PROCEEDINGS IN SPECIAL CASES

- Chapter 252 Improvements of lowland and swamp
- Chapter 253 Mills, dams and reservoirs
- Chapter 254 Liens on buildings and land
- Chapter 258 Claims against the Commonwealth

CRIMES, PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES

TITLE I: CRIMES AND PUNISHMENTS

Chapter 266 Crimes against property

PLAN REGULATIONS

1. Plan sizes shall be a minimum of 8½" x 11" and a maximum of 24" x 36".
2. Plans being presented for recording shall be on linen or polyester film, single matte with a thickness of .004 mils, and must have an opacity so as to allow consistent diazo and microfilm reproduction.
3. All plans shall be prepared using a compatible ink with excellent cohesiveness which will produce a permanent bond and result in a plan with long-term durability.
4. Linen or polyester reproduction shall be accepted for recording provided they contain original signatures and comply with the other requirements for the recording of plans.
5. Each plan shall have ¾" borders.
6. The minimum letter size on plans presented for recording shall be ⅛".
7. Each plan presented for recording shall include a graphic scale.
8. Each plan shall have an area reserved to receive planning board recitation or contain a surveyors certification as per St. 1966 c. 380.
9. Each plan shall have a 3½" square reserved for Registry use.
10. Each plan must contain a certification clause signed by the preparer stating that he/she has conformed with the rules and regulations of the Registers of Deeds in preparing the plan.

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Appendix A: continued

III. SUPPLEMENTAL STANDARDS

- A. Land Court of the Commonwealth of Massachusetts Manual of Instructions
- B. Classification, Standards of Accuracy and General Specifications of Geodetic Control Surveys - National Geodetic Survey, NOAA
- C. Definitions of Surveying and Association Terms, American Society of Civil Engineers (ASCE)
- D. Standards for the Practice of Surveying, American Congress of Surveying and Mapping (ACSM)

REGULATORY AUTHORITY

250 CMR 6.00: M.G.L. c. 112, §§ 81D through 81T.



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**Consumer Affairs and Business Regulation**

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**Policy Bulletin Regarding Applicants Who Fail the Principles and Practice Licensing Examination More Than Once**

By the Division of Professional Licensure

**Board Policy on Applicants who Fail the Principles and Practice Examination Multiple Times**

The Board of Registration of Professional Engineers and Professional Land Surveyors ("the Board") voted at its meeting on May 26<sup>th</sup>, 2011 to adopt the following Policy Guideline. The guideline set forth below does not have the full force and effect of law, as would a Massachusetts General Law or a Board rule or regulation. However, the Board uses policy guidelines as an internal management tool in formulating decisions that relate to issues in the practice of engineering and land surveying.

Policy No. 11-001 (revising policy No. 06-02, dated April 27th, 2006)

**Purpose:**

The purpose of this policy is to inform applicants of the procedures that must be followed to obtain approval to take the principles and practice licensing examination after having failed that examination two or more times.

**Policy:**

An applicant who takes the principles and practice examination in engineering or the principles and practice examination in land surveying twice and fails both times must submit documentation demonstrating that he or she has successfully completed an educational program aimed at helping the applicant succeed on the examination prior to receiving Board approval to sit for the examination for a third time. In addition, the Board may require the applicant to sit for a personal interview for the purpose of evaluating the applicant's updated qualifications before being approved to sit for the examination.

Anyone who fails the principles and practice examination three or more times, in addition to complying with the above mentioned requirements, will not be eligible to retake the exam for a period of one year. The Board may require increased evidence of qualification to take the examination after each subsequent failure. After repeated examination failures, the Board may notify the applicant that the next examination will be his or her last opportunity to pass the examination prior to denial of his or her application for failure to meet minimal qualifications for licensure.

**DISCUSSION:**

Per G.L. c. 112, § 81J, the Board is responsible for evaluating the qualifications of applicants for licensure as a professional engineer or a professional land surveyor in the Commonwealth of Massachusetts.

Per G.L. c. 112, § 81L, successful completion of the Board's examination requirements is a crucial component of the licensing process. This statute states that an applicant who fails a licensing examination once may apply after six months to take the examination again. The statute is silent, however, with respect to applicants who fail a licensing examination more than twice.

Board regulations are contained in Title 250 of the Code of Massachusetts Regulations ("Title 250"). Section 3.04(1)(c) and 3.04(2)(c) of Title 250 state that if the applicant fails the principles and practice examination a second time, his application is automatically rejected.

Those regulations further provide that an applicant whose application is rejected based on two failures may apply to the Board to have his or her application re-opened if he or she wants to take the examination for a third time. See 250 CMR 3.04(1)(c)(5) and (2)(c)(5). While this provision allows the applicant to ask if his or her application can be re-opened, it does not mandate the application be re-opened, nor does it mandate that the board admit the applicant to the exam again if the application is re-opened.

An applicant's repeated failure of a licensing examination calls into question his or her qualifications for licensure. Accordingly, prior to allowing an applicant to take an examination for the third time, the Board will require that the applicant submit documentation demonstrating that he or she has successfully completed an educational program aimed at helping the applicant succeed on the examination. In addition, the Board may require the applicant to sit for a personal interview to allow the Board to evaluate the applicant's updated qualifications before being approved to sit for the examination.

Per 250 C.M.R. 3.04(1)(c)(6) and 3.04(2)(c)(6) anyone who fails the Board's licensing examination three or more times, in addition to complying with the above-mentioned requirements, must wait a period of at least one year for each subsequent exam.

Repeated failure of the licensing examination despite completion of all the requirements set forth above raises serious concerns regarding an applicant's qualifications as well as examination security. Accordingly, an applicant who fails the

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principles and practice examination repeatedly may be denied approval to sit for another examination and have his or her application for licensure denied by the Board for failure to meet minimal qualifications for licensure.

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## Consumer Affairs and Business Regulation

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[ABET Undergraduate Engineering Degree Criteria](#)

### ABET Undergraduate Engineering Degree Criteria

By the [Division of Professional Licensure](#)

Revised: January 25, 2007

Summary of General Laws, CMR250 and Paragraph #22 of the Application for Professional Engineer.

This Policy Summary is directed toward clarifying the educational requirements as given in paragraph #22, Classification 'B', of the Application for Professional Engineer.

Classification 'B' requires that the applicant be a graduate of an engineering curriculum accredited by the Accreditation Board for Engineering and Technology (ABET). In the case of an applicant applying under Classification 'B' with an engineering degree that is not from an ABET accredited engineering program, the applicant must obtain an appraisal of his/her specific educational transcript from the unaccredited educational program. This appraisal will determine whether the non-ABET engineering undergraduate degree, claimed by the applicant, is, in fact, a degree that is judged to be equivalent to an ABET accredited degree. These requirements apply to undergraduate engineering education only. There are a number of organizations that offer these curriculum evaluation services. Application forms for this appraisal are available through PCS, 150 Fourth Avenue North, P.O. Box 198689, Suite 700, Nashville, TN 37219.

An ABET accredited Masters degree in an engineering discipline maybe be substituted for an ABET accredited undergraduate engineering degree, for the purpose of certification and/or registration. Please note that the Masters degree itself must be accredited. The Board will not assume that because the institution is accredited at the undergraduate level, it is also accredited at the Masters level.

A graduate level degree in an ABET approved program, if in an engineering or science area, may also, at the discretion of the Board, give the applicant a one year credit against the experience requirement of a given classification.

If the applicant cannot satisfy the requirements for an ABET accredited engineering degree, then the application must be considered under one of the other classifications (usually Classification 'C') that describe the specific education and experience qualifications for a person not having an ABET accredited engineering degree. This may require the applicant to withdraw his/her application until the requirements for acceptable engineering experience have been met.

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### Policy Bulletin Regarding Digital Signatures and Handwritten Signatures

By the [Division of Professional Licensure](#)

The Board of Registration of Professional Engineers and Professional Land Surveyors ("the Board") voted at its meeting on Thursday, October 29<sup>th</sup>, 2009 to adopt the following Policy Guideline. This policy guideline is intended as a recommended protocol for the profession to follow. The guideline set forth below does not have the full force and effect of law, as would a Massachusetts General Law or a Board rule or regulation. However, the Board uses policy guidelines as an internal management tool in formulating decisions that relate to issues in the practice of engineering and land surveying.

#### Policy No. 10-01

##### Purpose:

The purpose of this policy statement is to offer guidance and provide some clarification to Licensees regarding the use of electronic signatures on drawings and/or documents produced by the Licensee personally and/or under the Licensee's direct personal supervision.

##### Policy:

At its regularly scheduled Board meeting on Thursday, October 29<sup>th</sup>, 2009, the Board voted to adopt the following policy:

- Whenever all parties to a transaction agree to transmit a document bearing an original signature and stamp electronically, the document must be accompanied by a properly encrypted digital signature. A digital signature must have an electronic authentication process attached to it such that it can only be associated with the Licensee, is capable of verification, and is linked uniquely to the underlying documents in a manner that invalidates the signature if any part of the document is changed.
- The digital certificate and associated private key used to digitally sign the documents must be under the sole and exclusive control of the Licensee, e.g. kept on a smart card when access to the computer used to apply the digital signature cannot be controlled.
- The handwritten signatures of the licensees must be affixed adjacent to and below the Licensee's seal.

##### Discussion:

Pursuant to G.L. c. 112 § 81M, "[p]lans, specifications, plats and reports whenever stamped with the seal of a registered professional engineer or professional land surveyor shall be signed by the registrant named thereon. *The use of a facsimile signature stamp shall not be deemed to comply with this section.*"

Under 250 CMR 3.05 (3), however, "The seal is to be used only by the registrant personally, and only on drawings and/or documents produced by the registrant personally or under the registrant's direct personal supervision. Each time the seal is used, the registrant shall (if not included on the seal) indicate the discipline in which registered, the date and *affix the registrant's signature in a legible manner.*"

##### References:

MGL C112, S81M (last paragraph)

250 CMR 3.05 (1), (3) & (4)

MGL C-110G

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### Policy on Experience Obtained Outside of the United States

By the [Division of Professional Licensure](#)

The Board of Registration of Professional Engineers and Professional Land Surveyors ("the Board") voted at its meeting on Thursday, December 16, 2010 to adopt the following policy guideline. This policy guideline is intended as a recommended protocol for the profession to follow. The guideline set forth below does not have the full force and effect of law, as would a Massachusetts General Law or a Board rule or regulation. However, the Board uses policy guidelines as an internal management tool in formulating decisions that relate to issues in the practice of engineering and land surveying.

**Policy No. 11-01**

**Purpose :** The purpose of this policy guideline is to inform applicants of the Board's expectations regarding engineering experience obtained outside of the United States.

**Policy :** At its regularly scheduled Board meeting on Thursday, December 16, 2010, the Board voted to adopt the following policy:

When evaluating whether an applicant's work experience constitutes acceptable qualifying engineering experience for licensure, the Board requires that at least fifty percent (50%) of the experience required for a given application classification be completed in the United States (or its territories) or involve the application of technical codes and professional standards commonly 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 look at is whether the work was performed under the direct supervision of a professional engineer licensed within the United States or one of its territories.

**Discussion:**

Pursuant to G.L. c. 112 § 81J, an applicant must submit minimum evidence satisfactory to the Board, that he or she is qualified for licensure as a professional engineer in the Commonwealth. Subsections of this law outline the specific variations of education and "progressive experience in engineering work" that constitute minimum evidence of qualifications for licensure.

As set forth in 250 CMR 3.03(2), when determining whether an applicant's experience constitutes "acceptable qualifying" experience required for licensure, the Board considers the following criteria: (a) Statutory Length; (b) Professional Level; (c) Degree of Responsibility; (d) Application of Technical Knowledge; and (e) Exercise of Judgment.

In evaluating the above-mentioned criteria, the Board looks for evidence that the applicant's work involved the application of the technical codes and professional standards commonly used in the United States. Engineering work that was not performed in compliance with United States codes and standards is insufficient to demonstrate that the applicant has obtained the technical knowledge and professional judgment necessary for licensure. Consequently, the Board has determined that at least half (50%) of an applicant's required qualifying experience must be completed within the United States or its territories or in the application of U.S. technical codes and practice standards.

The Board retains discretion to determine whether work performed outside of the United States involved the application of U.S. technical codes and standards and thus will be credited as qualifying experience. One of the factors the Board will consider in making that determination is whether the work was performed under the direct supervision of a professional engineer licensed in the United States or one of its territories.



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**Advisory Ruling Pursuant 250 CMR 2.09 RE: Use of the title "Engineer"**

By the Division of Professional Licensure

Chapter 112, Section 81D of the Massachusetts General Laws states that "a person shall be construed to practice or to offer to practice engineering (1) who practices any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer (2), or through the use of some other title implies that he is a professional engineer; or who holds himself out as able to perform, or who does perform any engineering service or work or any other professional service designated by the practitioner or recognized by educational authorities as engineering." *(emphasis added)*

The Board interprets branch to mean any one of the fundamental branches of engineering enumerated under M.G.L. c. 112, § 81E together with those additional fundamental branches currently licensed by the Board and any of their sub-branches.

The fundamental branches include: aeronautical, chemical, civil, electrical, heating-ventilating- air conditioning, industrial, mechanical, metallurgical, mining, safety, fire protection, sanitary and structural as well as agricultural, control systems, environmental, manufacturing, marine, nuclear and petroleum engineering.

Therefore, the use of the title "Engineer" in a manner that the Board determines is inconsistent with the aforementioned provisions shall be subject to disciplinary action per M.G.L. c. 112, §65A.

The provisions of this opinion, however, shall not apply to:

- Persons licensed as engineers under M.G.L. c. 146, who are not qualified to engage in the practice of engineering as defined in M.G.L. c. 112, § 81D.
- The work ordinarily performed by persons who operate, maintain or install machinery and/or equipment per M.G.L. c. 112, § 81D.
- Persons who are exempt from the provisions of the registration law by virtue of M.G.L. c.112, § 81R.
- Persons who are not registered/licensed in Massachusetts but who hold a current license to practice in another state or jurisdiction and who declare or otherwise qualify their title in a manner that does not imply they are qualified to practice in Massachusetts *(e.g. Professional Engineer, Kansas)*.

This Advisory Ruling is issued pursuant to a determination made by a majority of members present at the duly call meeting of the Board of Registration of Professional Engineers and Professional Land Surveyors on December 11, 2008.

(1) M.G.L. c. 112, s. 81D defines the practice of engineering as "any professional service or creative work requiring engineering education, training and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design and supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects ..."

(2) M.G.L. c. 112, s. 81D defines a Professional Engineer as "a person who, by reason of his special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design acquired by professional education and practical experience, is qualified to practice engineering, as attested by his registration as a professional engineer ..."



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**Advisory Ruling RE: Stamping Each Page of Multi-Page Plans**

By the [Division of Professional Licensure](#)

The Board of Registration of Professional Engineers and Professional Land Surveyors (Board) voted at its meeting on Thursday, August 28, 2008, to adopt the following policy relating to the stamping of engineering and/or land surveying plans filed with public authorities. The Board utilizes this and other guidelines as an internal management tool in formulating decisions that relate to the practice of engineering and land surveying.

**Policy:**

Licensed engineers and land surveyors shall stamp and sign their seal on each individual page of a set of engineering or surveying plans when filing those plans with a public authority, unless otherwise authorized by statute.

**Discussion:**

Pursuant to Massachusetts General Law, Chapter ("M.G.L. c.") 112, Section 81M, licensed engineers and land surveyors are required to place their stamp (seal) on plans, specifications, plats and reports prepared by them when those documents are filed with public authorities and to sign their stamp. Similarly, M.G.L. c. 143, § 54A prohibits certain state and municipal authorities from accepting any engineering plans or specifications that do not bear the seal of registration of a professional engineer. The purpose of requiring a stamp on these documents is to indicate that, based on either direct preparation or supervision, the licensee whose seal is on those documents considers the information contained in them to be safe for public health, property and welfare in conformity with accepted engineering or land surveying standards in an area in which the licensee is competent.

If a licensee stamps and signs only the first page of a set of plans, it is possible for work to be added, subtracted, or amended on the plans without approval, knowledge or review of the licensee. By contrast, when a licensee places his or her stamp and signature on each page of a set of plans, it is clear that he or she is taking responsibility for the plans and related specifications, if any, or drawings contained on that page. By requiring licensees to stamp and sign each page of a set of design or survey documents, the Board seeks to eliminate any confusion as to which engineering and/or survey work the licensee intended to certify and thus further the public protection goal of the stamping requirement.

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### Advisory Ruling Pursuant To 250 CMR 2.09 RE: Unlicensed Practice

By the [Division of Professional Licensure](#)

MGL C112, §81D states that:

"A person shall be construed to practice or to offer to practice engineering who practices any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer, or through the use of some other title implies that he is a professional engineer; or who holds himself out as able to perform, or who does perform any engineering service or work or any other professional service designated by the practitioner or recognized by educational authorities as engineering."

"A person shall be construed to practice or to offer to practice land surveying who engages in land surveying, or who by verbal claim, sign, letterhead, card or in any other way represents himself to be a land surveyor, or through the use of some other title implies that he is a land surveyor, or who represents himself as able to perform, or who does perform any land surveying service or work, or any other service designated by the practitioner which is recognized as land surveying."

Therefore, it is the opinion of the Board that: For a firm, co-partnership, corporation, or joint stock association to be in compliance with the relevant provisions of MGL and the specific provisions of 250 CMR addressing Direct Supervision\* and responsible-charge\*\*, either its sole proprietor, principal or responsible-charge employee\*\*\* must hold a valid certificate of registration in the event that said firm, co-partnership, corporation, or joint stock association is:

1. Practicing Engineering or Land Surveying as defined MGL;
2. Representing by it's letterhead, yellow page listing or other form of advertising that it is providing Engineering or Land Surveying services;
3. Employing people who are engaged in the preparation of work products that require the supervision, review and approval of a registered Professional Engineer or Professional Land Surveyor per MGL and 250 CMR.

The Board shall discipline any registrant\*\*\*\* who is found guilty of aiding or abetting the unlawful practice\*\*\*\*\* of any firm, co-partnership, corporation, or joint stock association falling into one of these three categories. Additionally, the Board may refer any unlicensed sole proprietor, principal or responsible-charge employee of a firm, co-partnership, corporation, or joint stock association doing business in any of the aforementioned three categories to the Attorney General for violation of the Commonwealth's Registration Law.

This Advisory Ruling is Issued pursuant to a determination made by a majority of members present at the duly called meeting of the Board of Registration of Professional Engineers and of Professional Land Surveyors on December 16, 1999 and June 22, 2000.

**Notes:**

- \* See Standards For Professional Practice, Supervision of and Responsibility for Practice, 250 CMR, 5.02
- \*\* See Application And Examination, Professional Practice, 250 CMR 3.05 (11)
- \*\*\* Employees, in the context of MGL C112, §81D-T, refers to those individuals who are issued W2 forms, versus the independent contractor who is issued a 1099 (see IRS requirements).
- \*\*\*\* Certified to practice under the provisions of MGL C112, §81D-T
- \*\*\*\*\* See provisions of MGL C112, §81P (c), 250 CMR 4.02 (2) (d)



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**Advisory Ruling Pursuant To 250 CMR 2.09 RE: Subdivisions**

By the Division of Professional Licensure

It has come to the Board's attention that some Land Surveyors may have been misinterpreting the requirements of 250 CMR with regard to the practice of dividing or subdividing land. Please be advised:

MGL C112, §81D defines the act of dividing or subdividing any parcel of land into one or more new parcels as the "Practice of Land Surveying." Said practice is therefore, one that the Board has authority to regulate via procedural or technical standards of care.

While the word, division or subdivision, is not found in the heading of 250 CMR, Section 6.01, it is clear from the heading's reference to "Cadastral" or "Original" that this section addresses the practice dividing or subdividing land. Additionally, section 6.01 makes several references to the word subdivision in its text.

The Board draws no distinction between the terminologies "division" and "subdivision" as does the Commonwealth's Subdivision Control Law. Instead, the Board relies on the broader definition of subdivision to include any division of land that would delineate a new boundary line.

Specifically, the Board finds that any of the following practices would not comply with the provisions of 250 CMR 6.01:

- A subdivision or division of land that is not based upon an actual on-the-ground survey as required by 250 CMR.
- A subdivision that, by special language, attempts to limit the surveyor's liability to a standard of care that is less than that required by 250 CMR.
- A subdivision that would delineate a new boundary line without the placement of sufficient monumentation to locate or relocate those boundaries on-the-ground as required by 250 CMR.
- A subdivision that delineates a new boundary line, which is later found to be grossly in error, especially if said line inadvertently created a nonconforming lot as defined by zoning or other regulation or if said line becomes the basis of a law suit between abutting land owners.

Therefore, the preparation of any such division or subdivision of land that does not comply with the provisions of 250 CMR as set forth herein, shall constitute grounds for disciplinary investigations by the Board of Registration of Professional Engineers and Professional Land Surveyors.

This Advisory Ruling is issued pursuant to a determination made by a majority of members present at the duly called meeting of the Board of Registration of Professional Engineers and of Professional Land Surveyors on December 16, 1999 and June 22, 2000.

**Notes:**

\* See "Definitions of Surveying and Associated Terms" published by American Congress on Surveying and Mapping defines Cadastral Survey as "A survey relating to land boundaries and subdivision, made to create units suitable for transfer or to define the limitations of title."

\*\* See "Evidence and Procedures for Boundary Location" as well as "Boundary Control & Legal Principles" both by Brown, Robillard and Wilson states that "An original survey creates boundaries, it does not ascertain them."

\*\*\* See 250 CMR Section 6.01 paragraphs (1) d (6), (2) d, and (2) d (4)

\*\*\*\* see MGL C 41, § 81

\*\*\*\*\* see MGL C112, § 81P

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**Advisory Ruling Pursuant To 250 CMR 2.09 RE: Direct Charge and Supervision**

By the Division of Professional Licensure

Chapter 112, Section 81P of the Massachusetts General Laws defines those circumstances when the Board may sanction (up to and including revocations of license) a registrant for certain types of activities. It is this section of the law that provides the greatest insight into the proper role of the registrant relative to the preparation of instruments of service. This section of the law reads in part:

*"The Board may revoke the certificate of registration of any registrant who is found guilty of... (c) The affixing of his signature to plans, drawings, specifications or other instruments of service which have not been prepared by him or in his office, or under his immediate and responsible direction, or permitting his name to be used for the purpose of assisting any person, not a registered professional engineer or registered professional land surveyor, to evade the provisions of this chapter."*

Pursuant to MGL c.30A, §2 & 3, the Board adopted certain regulations associated with the Registration Law, Chapter 112, Section 81D - 81T. The regulation that deals with Supervision and Responsibility for Practice is 250 CMR 5.02, which reads:

*"The practice of engineering or of land surveying by a person, firm, co-partnership, corporation or joint stock association construed to practice or to offer to practice engineering or land surveying shall be under the direct charge and supervision of a person, or persons, holding a valid certificate of registration under the statute and that person, or persons, shall be responsible for the performance of such work in a competent manner to avoid gross negligence or misconduct that could endanger the life, health and safety of the public."*

It is the opinion of the Board, the term "immediate and responsible direction" and "under the direct charge and supervision" found in the aforementioned law and regulation are synonymous statements imposing a duty that must be met by the registrant whenever affixing his or her stamp or signature to any instruments of service prepared by another person.

In concurrence with Section 81P, supra, the Board has opined that a registrant may not sign or seal any instrument of service that was not "produced by the registrant personally or under the registrant's direct personal supervision" as set forth in paragraph (3) of 250 CMR 3.05, Professional Practice.

In concurrence with Section 81P, supra, the Board has opined that a registrant must "be able to provide acceptable written documentation that supervision was performed by the registrant with hands-on access to project data and documents throughout the duration of the project" as set forth in paragraph (11) of 250 CMR 3.05 Professional Practice.

Chapter 112 and 250 CMR make other such references to the concept of Direct Charge and Supervision, some are quite obvious and others are much more obscure. From these various references it is clear that the relationship between the registrant and those persons assisting in the preparation of instruments of service is an essential element of professional practice and protecting the public interest.

The Board has found that the concept of Direct Charge and Supervision that best conforms to the intent of the registration law and that best protects the public interest is characterized by the following criteria:

1. That the registrant exercised unambiguous decision-making authority with respect to the preparation of the instruments of service he or she is stamping and signing, without interference or undue influence from any other individual or entity.
2. That those unlicensed persons assisting in the preparation of the instruments of service were subordinates directly to the registrant (or another registrant in his/her direct charge) and not indirectly through some other person or entity that was capable of subverting the registrant's wishes, i.e. that the registrant could reasonably have compelled the assisting person to carry out his or her charge with regard to those activities and practices regulated by the registration law, rules and regulations.
3. That the registrant (or another registrant in his/her direct charge) had the freedom and authority to assign persons of his/her choosing to assist in the preparation of instruments of service.
4. That the registrant exercised due care in assigning tasks to persons assisting in the preparation of instruments of service based upon the registrant's knowledge of each person's expertise, knowledge and skill levels.
5. That the registrant has a verifiable record that products produced by those assisting him/her were subject to regular and continuing review and supervision throughout the development process, from the time of contract to the time of delivery.
6. That those assisting the registrant in the preparation of instruments of service had continuous access to and guidance from the registrant throughout the development process.

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**Advisory Ruling Pursuant To 250 CMR 2.09 RE: Further clarification of "Direct Charge" and "Direct Supervision"**

By the Division of Professional Licensure

Reference:

Code of Massachusetts Regulations: 250CMR3.05  
 Board of Registration of Professional Engineers and Professional Land Surveyors Advisory Rulings:

Advisory Ruling Pursuant To 250 CMR 2.09 -  
 Direct Charge and Supervision - last revised on: June 22, 2000

And

Advisory Ruling Pursuant To 250 CMR 2.09 RE:  
 Unlicensed Practice - last revised on: June 22, 2000

A licensee working for an unlicensed individual or business entity either as full time or part time employee, or as an independent contractor on a regular or casual basis, *shall be presumed to be the licensee in direct charge of all engineering or land survey services offered or provided by such unlicensed individual or entity, and shall further be presumed to be the licensee responsible for the performance of, or direct supervision of, all such engineering or land survey services.*

When two or more licensees work for the same unlicensed individual or entity during the same time period, or on the same project, each licensee shall be held accountable as provided herein unless written documentation can be provided which clearly documents each licensee's responsibilities vis-à-vis the "direct charge" and "direct supervision" requirements, and each licensee's awareness of these responsibilities.

It follows therefore that each licensee must be able to provide acceptable written documentation that supervision was in fact performed by a licensee with hands-on access to project data and documents throughout the duration of the project. (It shall be each licensee's responsibility to document and provide proof of compliance with these requirements if requested by the Board at any time).

In such instances, *the Board shall consider each licensee to be accountable* to the client and members of the public to the same extent as if he or she were working directly for the client without the intervention of the unlicensed individual or entity. Any complaint by a client or member of the public *shall be taken as filed directly against the licensee* notwithstanding any action that may be taken by the Board against the unlicensed individual or entity.

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### Advisory Ruling: Reinstatement Policy

By the [Division of Professional Licensure](#)

To ensure that the original qualifications for registration to practice engineering and land surveying in the Commonwealth have not diminished during a period of lapsed licensure and to ensure that the engineer and/or land surveyor still meets the current levels of minimum competence, the Board in administering the provisions in the MGL, C112, ss81N as well as implementing the applicable regulations given in the CMR250 3.06, Renewal of Registration, hereby adopts the following policy:

1. Registration must be renewed every two years on, or before, June 30th of every even numbered year. Any registration or renewal of registration is in force only until June 30th of every even numbered year regardless of the actual date of original registration or prior renewals. The renewal form, accompanied by a certified check or money order for the required renewal fee, must be received in the office of the Board of Registration for Professional Engineers and Professional Land Surveyors on, or before August 1st of the given even numbered year to avoid the late fee.
2. If the renewal form and the required fees are not received in the Board office during the one month grace period, the license to practice engineering or land surveying in the Commonwealth of Massachusetts is lapsed. The engineer or land surveyor is no longer permitted to practice engineering or land surveying in Massachusetts. The use of the seal is prohibited.
3. A lapsed license can be renewed within one renewal cycle, provided the licensee submits a renewal application along with the required fees, including the late fee.
4. A license can not be renewed if it has been lapsed for more than two years. An applicant must submit a reinstatement application, which will be considered in light of then current requirements for examination, education and experience. The applicant must include registration number of the old lapsed license along with the reasons for failure to renew earlier. Once the board has reviewed and approved the reinstatement application, applicants will be responsible for paying any back fees associated with their license (renewal fee X # cycles missed + late fee).

It is the responsibility of each licensee to notify the board of any changes in his/her address of record as well as to know the status of his/her license. The Board sends renewal notices to licensees at the address of record with the Board. Failure to received this notification from the Board does not excuse licensee from responsibility for timely renewal.

This Advisory Ruling is issued pursuant to a determination made by a majority of the members present at the duly called meeting of the Board of Registration of Professional Engineers and Professional Land Surveyors on 06/30/2005.

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