

The Texas Board of Professional Engineers and Land Surveyors (TBPELS) hereby adopts an emergency rule amendment to Texas Administrative Code (TAC) Title 22, Part 6, Chapter 133, Subchapter G, amending §133.67, concerning Examination of the Principles and Practice of Engineering. This emergency rule is implemented as a result of the Governor's declaration of a statewide emergency over the coronavirus (COVID-19). This rule provides a four consecutive year timeframe to successfully pass the examination. The purpose of the emergency rule is to extend the examination deadline by one year for applicants for licensure as a professional engineer in Texas who have been unable to take the Principles and Practice of Engineering examination as a result of examination cancellations due to the COVID-19 pandemic.

The TBPELS finds that the state of emergency presents imminent peril to public health, safety and welfare that requires the adoption of this emergency rule upon less than 30 days' notice. Engineers have a vital role in addressing public health as well as the COVID-19 pandemic from the design of personal protective equipment to the construction of facilities to house COVID-19 patients. By removing a barrier to licensure, extending the deadline for examination may result in more licensed professional engineers who may be able to address the COVID-19 pandemic in Texas.

The emergency rule will have no adverse economic effect on micro-businesses, small businesses or rural communities because the rule only affects exam availability for applicants for licensure as professional engineers in Texas. The emergency rule does not affect operations of any small or micro-business and should not have an impact on rural communities that differs from any other part of the state. The emergency rule does not affect any local economy within the state.

The emergency rule does not impose a cost on regulated persons, including other state agencies, special districts, or local governments because the rule merely extends an examination deadline for applicants for licensure as professional engineers in Texas.

The emergency rule does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action, and therefore does not constitute a taking under Texas Government Code §2007.043.

The emergency rule is adopted pursuant to Texas Occupations Code §§ 1001.201 and 1001.202, which authorize the Board to regulate engineering and make and enforce all rules and regulations and bylaws consistent with the Act as necessary for the performance of its duties, the governance of its own proceedings, and the regulation of the practices of engineering and land surveying in this state. It is also adopted under Texas Occupations Code section 1001.2721, which allows the Board to develop and administer examinations. This emergency rule is adopted without prior notice or hearing pursuant to Texas Government Code §2001.034.

No other statute, articles, or codes are affected by the amended rule.

<rule>

(a) – (e) No change.

(f) Emergency Rule for Extension of Exam Deadline. Applicants approved to take the examination on the principles and practice of engineering as of August 20, 2020, will have a one year extension to the exam deadline as set out in subsections (b)(4) and (5) of this section.