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August 21, 2020

Anonymous Request
Policy Advisory Request No. 54

Re: Formal Response to Request for Policy Advisory Request Regarding the Need for an Engineer's Seal and Signature on Design Drawings and Calculations for Pressure Vessels

The Texas Board of Professional Engineers and Land Surveyors (Board) met in public session on August 20, 2020, and approved this response to the anonymous request, dated January 18, 2020.

Request:
You seek guidance on the following issue:

Do drawings and calculations for pressure vessels designed, built, and installed in Texas require a professional engineer's seal and signature?

Response:
The Policy Advisory Opinion process allows the Board to issue interpretations of the Texas Engineering Practice Act (the Act) and Board Rules to address specific questions. The committee reviewed this request and determined that it contained insufficient information to provide a definitive answer. However, the Act and Board rules address several scenarios under which pressure vessels could be designed which will be discussed in response to this question. As such, this question can be answered by reference to the existing language of the Act and does not need to go through the full Policy Advisory process.

Section 1001.003 of the Act, relating to the Practice of Engineering, defines certain activities that fall under the practice of engineering. Further, Section 1001.004(c) of the Act states that only a person licensed under the Act may engage in the practice of engineering. Lastly, Section 1001.401 of the Act, relating to Use of Seal, states a plan, specification, plat or report issued by a license holder for a project to be constructed or used in this state must include the license holder's seal placed on the document.

In general, the design of pressure vessels would fall under the practice of engineering and thus require the seal of the licensed professional engineer who designed the vessel on the drawings and calculations. This scenario applies to an engineer offering engineering services to the public. In other words, a design engineer offering his or her engineering services to design a pressure vessel for a client would need to be licensed and seal the drawings.

However, Subchapter B of the Act, relating to Exemptions, discusses various specific instances in which a person may be exempt from the licensing requirements of the Act. Specifically, Section 1001.057, relating to Employees of Private Corporation or Business Entities, could be applicable depending on the employment arrangement of the engineer in question and whether the pressure vessel in question is for internal use or is being designed for an outside client. This section of the Act exempts from licensing the activities of full-time employees under the direct supervision and control of a business entity when the activities are related to development, design, fabrication, and production of products manufactured by the entity.

The employment arrangement of the design engineer for the pressure vessel in this request is not clear and there are instances in which the design of a pressure vessel would not have to be sealed by a professional engineer. Therefore, based on the lack of details about the employment of the designer of the pressure vessels in question, it is not possible to say whether such a design would have to be sealed by a professional engineer. The Board has attempted to address possible scenarios to provide a response to this request.

Conclusion:
No new Policy Advisory Opinion will be developed for this request.