Kansas Rules and Regulations

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Module 1: Kansas Engineering Law and Regulatory Framework

Module Overview

Engineering compliance begins before a drawing receives a seal. It begins when an individual or firm offers services, defines an assignment, assigns technical responsibility, and decides whether an exemption applies.

Kansas regulates professional engineering through the Kansas State Board of Technical Professions, commonly called KSBTP. The governing framework includes Kansas statutes, administrative regulations, and board guidance. This module explains how to use those sources when deciding who may offer engineering services and who must take responsibility for the work.

Authorities are identified by section number in the discussion. Official source links appear only in the reference table.

Learning Objectives

After completing this module, participants will be able to:

1. Identify the Kansas board responsible for regulating professional engineering.
2. Distinguish statutes, administrative regulations, and board guidance.
3. Classify services that fall within Kansas's definition of professional engineering.
4. Differentiate individual licensure from business entity authorization.
5. Evaluate whether a selected statutory exemption applies to a proposed assignment.
6. Select appropriate compliance actions before offering or beginning engineering services.

1.1 Kansas's Regulatory Framework

Statutes, Regulations, and Board Guidance

Kansas's technical professions statutes appear in K.S.A. 74-7001 et seq. These provisions establish practice restrictions, licensing qualifications, board authority, exemptions, and business entity requirements.

K.S.A. 74-7013 authorizes the board to adopt rules and regulations needed to administer the act, including professional conduct rules. It also authorizes rules addressing continuing education and certain license statuses.

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The sources serve different functions:

Source	Function	Practical use
Kansas statutes	Establish legal authority, obligations, definitions, and exemptions	Determine whether licensure or firm authorization is required
Kansas Administrative Regulations	Establish detailed requirements under statutory authority	Apply professional conduct, sealing, renewal, and application requirements
Board guidance and application instructions	Explain board procedures and implementation	Prepare applications and understand administrative processes

Read guidance together with the governing statute and regulation. An application instruction can explain how to submit information, but it does not replace the underlying legal requirements.

Practical Application

Before accepting an unfamiliar assignment, identify three things:

1. The services the client expects.
2. The legal authority allowing the individual and firm to provide those services.
3. The licensed professional who will make and supervise the technical decisions.

This sequence helps prevent a common mistake: treating licensure as an issue to resolve only when final documents are ready.

1.2 What Constitutes Professional Engineering?

K.S.A. 74-7003(p) defines professional engineering broadly. Its opening language includes:

> “providing, offering to provide, or holding oneself out as able to provide professional engineering services”

The definition encompasses work requiring engineering education, training, and experience. Covered services include consultation, investigation, evaluation, planning, design, engineering studies, and engineering features of systems and equipment involving public protection.

A deliverable’s name does not determine whether the service constitutes engineering. A document called a “technical memorandum” may contain engineering judgments.

The statutory definition also distinguishes engineering support surveys from surveys establishing property boundaries and related legal interests. A PE should identify these scope boundaries when assembling a project team.

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Hypothetical Example: “It Is Only a Feasibility Memo”

A consultant agrees to evaluate whether an existing pumping system can safely accommodate a proposed capacity increase. The client requests a short memorandum rather than construction drawings.

Consider the issue before reading the analysis:

- Does the absence of drawings remove the assignment from engineering practice?
- Which technical decisions will the client rely on?

Analysis and Appropriate Action

The assignment involves evaluating an engineered system and its safe performance. Calling the deliverable a memorandum does not remove its engineering character.

The consultant should define the required analysis, identify the applicable licensing and business authorization requirements, and assign qualified technical responsibility before proceeding. The later decision about sealing the memorandum is a separate compliance question addressed in Module 3.

1.3 Individual Licensure and Professional Representation

K.S.A. 74-7001 restricts practicing or offering to practice a regulated technical profession unless the applicable authorization or exemption exists. It also addresses representing oneself as a licensed practitioner.

The restriction reaches offers of service. A proposal, advertisement, or other representation can create a licensing issue before technical work begins.

K.S.A. 74-7021 establishes the basic PE qualification framework: board-accepted education, the fundamentals examination, satisfactory engineering experience, and the professional practice examination. An intern engineer certificate is distinct from a PE license.

K.A.R. 66-6-4(c) adds a competence requirement. A licensee may not advertise or undertake an assignment in a technical profession without the required licensure and qualifications by education and experience.

Holding a license therefore does not establish competence for every engineering assignment.

Hypothetical Example: The Unfamiliar Assignment

A Kansas PE whose experience centers on transportation design receives a request to design a complex industrial protection system. The client assumes that any PE can accept the work.

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Identify the issue:

- Does the PE license alone establish qualification for this assignment?
- What should the engineer evaluate before accepting?

Analysis and Appropriate Action

The engineer must assess relevant education and experience against the actual scope. If qualified expertise is missing, the engineer should obtain appropriate professional participation, revise the scope, or decline the assignment.

Documenting that assessment is a recommended practice. It helps explain why the proposed team is qualified and how responsibility will be assigned.

1.4 Individual Licensure Versus Firm Authorization

An individual PE license and a business entity's certificate of authorization address different responsibilities.

The individual license authorizes the professional. The certificate of authorization permits the business entity to provide the designated technical professional services under the statutory conditions.

K.S.A. 74-7036 requires a business entity organized to practice technical professions to obtain authorization before doing business in Kansas. Its conditions include:

- A Kansas-licensed principal in responsible charge who is a regular employee and active participant.
- Appropriately licensed or exempt persons performing professional services.
- Licensed supervision and responsible charge at separate Kansas offices, subject to the construction-administration-only exception.

Changes in principals must be reported within 30 days. Employment through an authorized entity does not eliminate individual responsibility or the entity's responsibility for its personnel.

The board's guidance identifies sole proprietors as outside its certificate requirement. Forming an LLC changes the business form and requires a new authorization analysis.

Hypothetical Example: The Newly Formed LLC

A Kansas PE forms a single-member LLC to offer engineering consulting services. The engineer's individual license is current. The LLC has not obtained a KSBTP certificate of authorization.

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Identify the issue:

- Does the owner's PE license automatically authorize the LLC?
- Does having one owner make an LLC a sole proprietorship?

Analysis and Appropriate Action

The individual credential does not automatically authorize the LLC. A single-member LLC remains a distinct business form.

The engineer should obtain the required business authorization before the LLC offers or performs engineering services. Business formation and professional authorization should be addressed together when establishing the practice.

1.5 Responsible Charge Is an Active Function

K.S.A. 74-7003(u) connects responsible charge with personal supervision, professional judgment, and detailed knowledge of technical submissions.

K.A.R. 66-6-1(c)(1) reinforces this principle: a licensee who lacks responsible charge may not merely review another person's technical submission and seal it as the licensee's own work.

For practice management, establish responsibility early enough for the engineer to influence the work. Recommended project records include:

- Assigned technical responsibilities.
- Design criteria and key assumptions.
- Instructions and review comments.
- Responses to technical questions.
- Approval of significant changes.

These records support an explanation of how supervision occurred. Their existence alone does not establish responsible charge.

Hypothetical Example: A Principal in Name Only

A firm lists a Kansas PE as its responsible principal. The PE has no role in assigning work, resolving design questions, or reviewing technical decisions.

Identify the issue:

- Does listing the PE's name establish the required professional involvement?
- What must change in the firm's operations?

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