

BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

CHAPTER 330-X-1
ORGANIZATION, ADMINISTRATION
AND PROCEDURE

330-X-1.13 **Appointment of Board Members/Nominating Committee Guidelines**

(1) Appointment of Board Members.

(a) Members The professional engineering members of the Board shall be appointed by the Governor from a list of three persons nominated by a committee as provided in Section 34-11-30, Code of Alabama, 1975.

(b) The professional land surveying members of the Board shall be appointed by the Governor from a list of three persons nominated by the Alabama Society of Professional Land Surveyors as provided in Section 34-11-30, Code of Alabama, 1975.

(2) Qualification of Board Members.

a. Each professional engineering member of the Board shall be a citizen of the United States, a resident of Alabama, and must hold an unexpired certificate of professional engineer licensure in Alabama that is in active status. The member must have a record of the lawful practice of engineering as a licensed professional engineer for at least 12 years.

b. Each professional land surveying member of the Board shall be a citizen of the United States, a resident of Alabama, and must hold an unexpired certificate of professional land surveyor licensure in Alabama that is in active status. The member must have a record of the lawful practice of land surveying as a licensed professional land surveyor for at least 12 years.

(3) Nominating Committee Composition. A Nominating Committee shall be composed of one professional engineer ~~or one professional land surveyor~~ representing the major from each professional engineering and surveying associations organization in Alabama. The members of the nominating committee must be residents of Alabama and must hold a current Alabama professional engineer ~~or professional land surveyor~~ license.

a. Members of the Nominating Committee are:

1. Alabama Society of Professional Engineers
- ~~2. Alabama Society of Professional Land Surveyors~~
3. 2. American Council of Engineering Companies of Alabama
4. 3. American Institute of Chemical Engineers
5. 4. American Society of Civil Engineers, Alabama Section
6. 5. American Society of Mechanical Engineers
7. 6. Institute of Electrical and Electronics Engineers
8. 7. Society of Mining, Metallurgy, and Exploration
9. 8. Structural Engineers Association of Alabama

b. Any active professional engineering organization society with active chapters in the state having membership requirements qualifications comparable to those of the above-named organizations societies may petition the board for membership on the committee, and the board may grant the membership.

c. Any professional organization with a representative on the nominating committee, who fails to attend two consecutive committee meetings, shall be placed on probation. Notification will be sent to the non-participating professional organization by the Executive Director of the board. If the professional organization fails to provide a voting representative at a third consecutive committee meeting, the professional organization's membership on the committee shall automatically be revoked. The professional organization and the Board shall receive written notification from the Executive Director of the board and shall not be considered for readmission to the committee for a minimum of three (3) years. A revoked organization may petition the board for membership on the committee using the procedures as outlined in the above section.

(4) Nominating Committee Responsibilities and Meeting Procedures

a. The Nominating Committee is a special committee as established by Section 34-11-30, Code of Alabama, 1975. The Nominating Committee is a separate entity and is not to be considered as a sub-committee of the Board and does not have to meet the requirements of the Open Meetings Act.

b. The Executive Director of the board shall give the Nominating Committee at least 30 days notice of the date and place for a meeting. When possible, the Executive Director will provide an initial notification of the meeting at least 90 days prior to the anticipated date of the meeting.

c. The meeting will be open to the public and shall proceed according to Robert's Rules of Order. The committee may go into Executive Session when discussing the good name and character of the nominees. All motions and ballots will be done in an open meeting.

d. The Chair of the Nominating committee shall be elected by the Committee on the day of the meeting from one of the committee members whose society is not submitting nominations for consideration. If all attending committee members are submitting nominations the Chair will be elected from all attending committee members.

(5) Nominating Process for Professional Land Surveyor Members

a. The Executive Director of the board shall give the Alabama Society of Professional Land Surveyors (ASPLS) at least 90 days' notice of an anticipated professional land surveyor vacancy on the Board. In the event there is an unanticipated vacancy, the Executive Director of the board shall give ASPLS as much as notice as possible.

b. ASPLS is a separate entity and is not to be considered as a sub-committee of the Board and does not have to meet the requirements of the Open Meetings Act.

c. It will be the responsibility of the Executive Director of the board to verify that the three persons nominated by the Alabama Society of Professional Land Surveyors as provided in Section 34-11-30, Code of Alabama, 1975 meet the requirements as identified in Paragraph 330-X-1.13(2)b of the Administrative Code prior to the names being transmitted to the Governor.

Author: Board

Statutory Authority: Section 34-11-30; Section 34-11-35, Code of Alabama 1975

Effective Date: September 6, 2010

**BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**CHAPTER 330-X-2
DEFINITIONS**

330-X-2-.01 Definitions of Terms.

(1) Section 34-11-1, Code of Alabama 1975 provides for definitions of the following terms: Board, engineer or professional engineer, engineer intern, practice of engineering, land surveyor or professional land surveyor, land surveyor intern, practice of land surveying, practice and offer to practice, and responsible charge.

(2) The terms "consultation," "investigation," "evaluation," and "planning" as used in the definition of the practice of engineering set forth in Section 34-11-1(7), Code of Alabama 1975, shall include, but are not limited to, services provided by testing laboratories involving the selection of proper tests to be performed (consultation and planning) when done for the purpose of developing design criteria or for the purpose of determining cause of failures (investigation) and analyses to provide recommendations for the foundation and materials to be used in the design or judgment which relate to the acceptability of structural or foundation construction (evaluation). Testing and inspection do not constitute the practice of engineering (1) when they are performed in accordance with previously written standards or specifications or satisfy the standards setting forth the methods and techniques to be followed by the testing agency and no judgement is required other than a comparison of the materials in place with the previously specified standards or (2) when testing or inspection data are collected in conformance with a specific standard.

Any attempt to determine the structural integrity or capacity of a building, or any sub-system thereof, other than detection of problems by visual inspection or normal operation of the user's controls, constitutes the practice of engineering.

(3) The term "gross negligence" as used in Section 34-11-11(a)(2), Code of Alabama 1975, shall mean the practice of engineering or land surveying by a licensee characterized by the reckless disregard for the rights, safety, or welfare of others, which could result in injury or loss of life or damage to property or financial loss.

(4) The term "incompetency" as used in Section 34-11-11(a)(2), Code of Alabama 1975, shall mean the practice of engineering or land surveying by a licensee who is either incapable of exercising ordinary care and diligence, or who lacks the ability and skill necessary to properly perform the duties he or she undertakes, or who is not qualified by experience and/or education to perform adequately and competently.

(5) The term "misconduct" as used in Section 34-11-11(a)(2), Code of Alabama 1975, shall mean the practice of engineering or land surveying by a licensee who performs any acts, causes omissions or makes any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever discredits or tends to discredit the profession of engineering or land surveying.

(6) The term "principal officer" of the firm as used in Section 34-11-9, Code of Alabama 1975, shall also be construed to mean "principal engineer" or "principal land surveyor" which is defined

as the senior technical person who is a licensed professional engineer or licensed professional land surveyor and who makes significant technical and/or contractual judgements on behalf of the firm which would affect the firm's professional reputation and liability.

(7) The term "Certification" when used in conjunction with the sealing of documents shall mean a statement signed, sealed, and dated by a licensed professional engineer or licensed professional land surveyor representing that the engineering or land surveying services addressed therein, as defined in Section 34-11-1, Code of Alabama 1975, have been performed by the licensed professional engineer or licensed professional land surveyor based on knowledge and information in accordance with commonly accepted procedures consistent with acceptable standards of practice, and is not a guaranty or warranty, either expressed or implied.

(8) The acronym NCEES as used in Chapter 330-X means the National Council of Examiners for Engineering and Surveying.

(9) The term "jurisdiction" shall mean any state, district, or territory of the United States.

(10) The term "Signature" shall mean handwritten or digital as follows:

(a) A handwritten message identification containing the name of the person who applied it;
or

(b) A digital signature that is an electronic authentication process attached to or logically associated with an electronic document. The digital signature must be:

1. Unique to the person using it,
 2. Capable of verification,
 3. Under the sole control of the person using it, and
 4. Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.
5. A digital signature that uses a process approved by the board will be presumed to meet the criteria set forth in subsections (b)1. through (b)4. above.

(11) The term "Inactive Licensee" shall mean a licensee who is not engaged in the engineering or land surveying practice which requires licensure in Alabama. No licensee granted inactive status may practice or offer to practice engineering or surveying in Alabama as defined in Code of Alabama Section 34-11-1(6).

(12) The term "Retired Licensee" shall mean a person who is retired from the profession of engineering or land surveying in Alabama.

(13) The term "Lapsed License" shall mean a license that has not been renewed as of the deadline for renewing. A license not renewed will remain in a lapsed status for a maximum of four years.

(14) The term "Expired License" shall mean a license that has been lapsed for more than four years.

(15) The term "Responsible Charge" shall mean direct control, personal supervision of, and legal responsibility for the engineering work or land surveying work performed. This responsible charge shall be of such a nature that the client may reasonably presume that the licensed engineer or land surveyor which he has employed is the provider of the professional services.

The licensed professional engineer or licensed professional land surveyor providing such control and supervision shall have made decisions on technical matters of policy and design and shall have exercised his or her professional judgment in all engineering or land surveying matters that are embodied in the design and the plans, specifications, land surveys, or other documents involved in the work. By applying his or her seal, and/or signature, and date to the final documents, the licensee signifies compliance with the requirements of these definitions and the Rules of Professional Conduct (Code of Ethics) and accepts responsibility therefore.

(16) The term “surrender” shall mean the voluntary relinquishment of a license or certificate and shall have the same force and effect as a revocation.

(17) The term "principal officer" of the firm as used in Section 34-11-9, Code of Alabama 1975, and Section 330-X-15.01 of the Administrative Code shall be construed to mean “principal engineer” or “principal land surveyor” which is defined as the designated person who is a licensed professional engineer or licensed professional land surveyor and who makes significant technical and/or contractual judgments on behalf of the firm which would affect the firm’s professional reputation and liability. The principal’s responsibilities include overall supervision of the firm’s licensed and subordinate personnel providing engineering or surveying work in Alabama and the institution and adherence of policies of the firm.

(18) The term "testimony" as used in Sections 34-11-1(7) and 34-11-1(8), Code of Alabama 1975, shall mean a declaration made by a witness under oath or affirmation related to engineering and surveying activities in the State of Alabama.

(19) The term “supervision of construction” as it relates to an engineer shall mean the general oversight of an engineering project as it relates to the implementation of a design during construction.

(20) The inclusions and exclusions to the term “Practice of Land Surveying” as defined in Section 34-11-1(8) are:

a. Activities included within the “Practice of Land Surveying” must be accomplished by or under the responsible charge of a professional land surveyor (unless specifically exempted in subsection b of this section) include, but are not limited to, the following:

1. The creation of maps and georeferenced databases representing authoritative locations for boundaries, the location of fixed work, or topography. This includes maps and georeferenced databases prepared by any person or government agency where that data is provided to the public as a survey product.

2. Original data acquisition, or the resolution of conflicts between multiple data sources, when used for the authoritative location of features within the following data themes: geodetic control, orthoimagery, elevation and hydrographic, fixed works, private and public boundaries, and cadastral information.

3. Certification of positional accuracy of maps or measured survey data

4. Adjustment or authoritative interpretation of raw survey data

5. Geographic Information System (GIS)-based parcel or cadastral mapping used for authoritative boundary definition purposes wherein land title or development rights for individual parcels are, or may be, affected

6. Authoritative interpretation of maps, deeds, or other land title documents to resolve conflicting data elements

7. Acquisition of field data required to authoritatively position fixed works or cadastral data relative to geodetic control

8. Analysis, adjustment or transformation of cadastral data of the parcel layer(s) with respect to the geodetic control layer within a GIS resulting in the affirmation of positional accuracy.

b. Activities excluded from "Practice of Land Surveying". A distinction must be made in the use of electronic systems between making or documenting original measurements in the creation of survey products, versus the copying, interpretation, or representation of those measurements in such systems. Further, a distinction must be made according to the intent, use, or purpose of measurement products in electronic systems to determine a definitive location versus the use of those products as a locational reference for planning, infrastructure management, and general information. The following terms are not to be included as activities within the definition of the practice of land surveying:

1. The creation of general maps:

a. Prepared by private firms or government agencies for use as guides to motorists, boaters, aviators, or pedestrians

b. Prepared for publication in a gazetteer or atlas as an educational tool or reference publication

c. Prepared for or by education institutions for use in the curriculum of any course of study

d. Produced by any electronic or print media firm as an illustrative guide to the geographic location of any event

e. Prepared by laypersons for conversational or illustrative purposes. This includes advertising material and users guides.

2. The transcription of previously georeferenced data into a GIS or LIS by manual or electronic means, and the maintenance thereof, provided the data are clearly not intended to indicate the authoritative location of property boundaries, the precise definition of the shape or contour of the earth, and/or the precise location of fixed works of humans.

3. The transcription of public record data, without modification except for graphical purposes, into a GIS- or LIS-based cadastre (tax maps and associated records) by manual or electronic means, and the maintenance of that cadastre, provided the data are clearly not intended to authoritatively represent property boundaries. This includes tax maps and zoning maps.

4. The preparation of any document by any federal government agency that does not define real property boundaries. This includes civilian a military versions of quadrangle topographic maps, military maps, satellite imagery, and other such documents.

5. The incorporation or use of documents or databases prepared by any federal agency into a GIS/LIS, including but not limited to federal census and demographic data, quadrangle topographic maps, and military maps

6. Inventory maps and databases created by any organization, in either hard-copy or electronic form, of physical features, facilities, or infrastructure that are wholly contained within properties to which they have rights or for which they have management responsibility. The

distribution of these maps and/or databases outside the organization must contain appropriate metadata describing, at a minimum, the accuracy, method of compilation, data source(s) and date(s), and disclaimers of use clearly indicating that the data are not intended to be used as a survey product

7. Maps and databases depicting the distribution of natural resources or phenomena prepared by foresters, geologists, soil scientists geophysicists, biologists archeologists, historians, or other persons qualified to document such data

8. Maps and georeferenced databases depicting physical features and events prepared by any government agency where the access to that data is restricted by statute. This includes georeferenced data generated by law enforcement agencies involving crime statistics and criminal activities.

(21) The following items are not considered "Practicing or Offering to Practice" as defined in Section 34-11-1(6), provided that the engineer or land surveyor is licensed in another jurisdiction:

a. Advertising in publications or electronic media, provided there is no holding out of professional services in jurisdictions where not licensed

b. Responding to letters of inquiry regarding requests for proposals, provided there is written disclosure that the engineer/land surveyor and firm are not licensed in this state and the response is limited to inquiries regarding scope of project and to demonstrate interest

c. Responding to letters of inquiry from prospective clients, provided there is written disclosure that the engineer/land surveyor and firm are not licensed in this state and the response is limited to inquiries regarding scope of project and to demonstrate interest

d. Using the title/designation professional engineer, licensed engineer, P.E., professional land surveyor, licensed land surveyor, P.L.S., or the like in correspondence or on business cards from an office in the jurisdiction where licensure is held

Regardless of the above, proposals may not be submitted, contracts signed, or work commenced until the engineer/land surveyor and firm become licensed or authorized in this state.

Authority: Board

Statutory Authority: Section 34-11-1; Section 34-11-7; Section 34-11-8; Section 34-11-9; Section 34-11-35, Code of Alabama 1975

Effective date: September 10, 1982. Amended: December 19, 1984, April 9, 1990, October 18, 1994, October 28, 1998, June 4, 2003, January 19, 2005, December 5, 2006, July 27, 2012, and May 24, 2013.

**BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**CHAPTER 330-X-3
APPLICATIONS FOR CERTIFICATION AND LICENSURE**

330-X-3-.01 Form of Application.

(1) All applications for licensure shall be made on a printed form or in the format provided by the Board and no applications made otherwise will be accepted. Applications must be clearly typewritten or computer printed and all questions must be accurately and thoroughly answered. An application not properly completed, containing all of the information required, or accompanied by the required fee will be returned with a statement of the reason for return. As per Section 34-11-5(e), Code of Alabama, 1975, application fees will not be refunded.

(2) Applications for licensure as a professional engineer or as a professional land surveyor or for certification as an engineer intern or a land surveyor intern shall be subscribed and sworn to before a Notary Public or other persons qualified to administer oaths.

(3) The signature of the applicant on the application form certifies the subscription to and the conformance with this Administrative Code of the Board including the Rules of Professional Conduct. Applicants found in violation of the Law, Administrative Code or Rules of Professional conduct will be subject to disciplinary action.

(4) All applications, application fees, and supporting documents must be received by the below listed deadlines. Applications and any information pertaining to the application received after the deadline will be deferred for review for the next regularly scheduled Board meeting. It is the responsibility of the applicant to assure that all submissions are on file in the Board office prior to the deadlines that follow:

(a) ~~Engineer intern - January 15 or July 1 - application and application fee~~ Board meeting agenda deadline - application, application fee, educational transcripts, verification of examination, and experience verification forms (if necessary).

(b) ~~Land surveyor intern - January 15 or July 1 - application and application fee~~ Board meeting agenda deadline - application, application fee, educational transcripts, verification of examination, and experience verification forms (if necessary).

(c) Professional engineer by examination and professional land surveyor by examination - January 15 or July 1 - application, application fee, reference forms, experience verification forms, educational transcripts and verifications of examinations in other jurisdictions.

(d) Professional engineer by comity - Board meeting agenda deadline - application, reference forms, experience verification forms, educational transcripts, verifications of examinations in other jurisdictions, application fee, and licensure fee.

(e) Professional land surveyor licensed in another jurisdiction - Board meeting agenda deadline - application, reference forms, experience verification forms, educational transcripts, verifications of examinations in other jurisdictions, and application fee.

~~(f) Application for re-examinations — January 15 or July 1 — re-application form.~~

(5) Withholding information, providing statements which are untrue or misrepresenting the facts may be cause for denial of an application or revocation of license. If the infraction is identified after the board has approved the applicant for examination, the board may temporarily suspend its previous approval and examination scores will not be released until such time as a hearing can be conducted.

(6) Licensure as a professional engineer or professional land surveyor by comity is granted provided the applicant's qualifications meet the requirements of Chapter 11, Title 34, Code of Alabama 1975, as amended, effective at the time of initial licensure and the applicant is currently licensed as a professional engineer or professional land surveyor, respectively, and in good standing within another jurisdiction.

(7) If a current, complete, properly executed NCEES Record is provided the professional engineer or professional land surveyor applicant will be required to complete only the sections of the Alabama application form dealing with general information, licensure in other jurisdictions, and the affidavit.

(8) For all applicants other than those holding an NCEES Record, when there is a degree required, the Board requires an official transcript to be sent directly from each school where the applicant received an engineering, engineering technology, land surveying, land surveying technology or related science degree. The transcript(s) must show degree(s) issued and date of issuance. It is the responsibility of the applicant to see that the transcript is sent directly from the institution to the Board office, and no action will be taken by the Board until such information is received. In the event it is impossible to have a transcript sent directly from the institution to the Board, the Board reserves the authority to evaluate and accept a transcript received from a different source.

(9) If an applicant for examination or comity has been convicted of a felony and has had his or her civil rights revoked, the application ~~can be approved for the fundamentals examination but~~ cannot be approved for the professional examination, licensure, or certification until the civil rights of the person have been restored and then a unanimous approval of the board shall be required.

(10) A graduate of a foreign institution will be required to have his or her transcript evaluated by an agency specified by the Board and shall be done at the expense of the applicant.

(11) A graduate of a related science degree will be required to have his or her transcript evaluated by an agency specified by the Board and shall be done at the expense of the applicant.

Author: Board

Statutory Authority: Section 34-11-5; Section 34-11-35, Code of Alabama 1975

Effective date: September 10, 1982. Amended: December 19, 1984, June 30, 1986, October 20, 1987, April 9, 1990, August 17, 1992, October 18, 1994, June 17, 1996, October 28, 1998, June 4, 2003, January 19, 2005, October 3, 2005, December 5, 2006, January 29, 2008, and July 27, 2012.

**BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**CHAPTER 330-X-4
FEES**

330-X-4-.01 Method of Payment.

(a) Fees that are paid to the Board shall be made payable to the "Professional Engineers and Land Surveyors Fund". Payment of fees paid directly to the Board office should be made by checks (personal, company or cashier's) or money orders. No cash or money transfers will be accepted as payment of fees. Applications not accompanied by the proper fee will be returned to the applicant.

~~(b) If the use of the on-line services is used, the individual may be liable for any surcharge.~~

(b) Examination fees that are payable to NCEES will be the responsibility of the examinee and will be done in accordance with NCEES procedures.

Author: Board

Statutory Authority: Section 34-11-36, Code of Alabama 1975

Effective date: September 10, 1982. Amended: October 26, 1998, October 3, 2005, and January 29, 2008.

**BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**CHAPTER 330-X-4
FEES**

330-X-4-.02 Application, Certification and Licensure Fees.

(1) The application, licensure, reinstatement, and renewal fees for professional engineers, professional land surveyors, engineer interns, and land surveyor interns shall be set by the Board, as provided by Section 34-11-5, Code of Alabama 1975.

(2) The application, reinstatement, and renewal fees for certificates of authorization for a corporation, partnership, or firm shall be set by the Board, as provided by Section 34-11-5, Code of Alabama 1975.

~~(3) The fee for an interim permit shall be set by the Board, as provided by Section 34-11-4(1)b, Code of Alabama 1975.~~

~~(4)~~ (3) The fees that are set by the board are contained in Appendix A to Chapter 4.

Author: Board

Statutory Authority: Section 34-11-5; Section 34-11-35, Code of Alabama 1975

Effective date: September 10, 1982. Amended: December 19, 1984, October 16, 1995, October 28, 1998, and December 5, 2006.

**BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**CHAPTER 330-X-4
FEES**

330-X-4.03 Examination Fees. The examination fee for state specific examinations will be set by the Board and are contained in Appendix A to Chapter 4. Examination fees for examinations provided by NCEES are set by NCEES and will be paid directly to NCEES by the ~~applicant~~ examinee.

Author: Board

Statutory Authority: Section 34-11-6; Section 34-11-35, Code of Alabama 1975

Effective date: September 10, 1982. Amended: October 28, 1998 and July 27, 2012.

**BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**APPENDIX A
CHAPTER 330-X-4
FEES**

Application Fees

Engineer Intern/Land Surveyor Intern	\$15
Professional Engineer/Professional Land Surveyor	\$50
Certificate of Authorization	\$80

Exam & Re-Exam Fees

Alabama Land Surveying Standards, History and Law	\$100
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Licensure Fees

Professional Engineer/Professional Land Surveyor	\$25
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Renewal Fees

Engineer Intern/Land Surveyor Interns	\$5
Late Fee	\$10
Professional Engineer/Professional Land Surveyor	\$45
Certificate of Authorization	\$80
Professional Engineer/Professional Land Surveyor - Retired and over 65	\$10
Reactivation fee during the same year for retirees who paid \$10 renewal	\$35

Reinstatement Fees for Lapsed License

Professional Engineer/Professional Land Surveyor Reinstatement	
0-1 year	\$250 + 45
1-2 years	\$300 + 45
2-3 years	\$350 + 45
3-4 years	\$400 + 45

For those licensees who were in retired status the previous renewal period and are seeking to renew in retired status:

0-1 year	\$60 + renewal fee
1-2 years	\$100 + renewal fee
2-3 years	\$150 + renewal fee
3-4 years	\$200 + renewal fee

CA Reinstatement

0-1 year	\$250 + 80
1-2 years	\$350 + 80

Other Fees

PE Interim Permit	\$0
Roster	\$15
Copy charges per sheet	\$.25
Certificate replacement	\$25
Bad Check	\$30

Mailing Labels

Electronic Version	\$75
1,000 Labels (min amt)	\$75
2,000 Labels	\$106
3,000 Labels	\$137
4,000 Labels	\$168
5,000 Labels	\$197
10,000 Labels +	\$359

Author: Board

Statutory Authority: Section 34-11-4; Section 34-11-5; Section 34-11-6; Section 34-11-8; Section 34-11-35; Section 8-8-15, Code of Alabama 1975

Effective date: December 5, 2006. Amended: July 23, 2007, January 29, 2008, July 24, 2008, May 6, 2010, January 11, 2011, September 7, 2011, and July 27, 2012.

**BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**CHAPTER 330-X-5
CURRICULA APPROVED BY THE BOARD**

330-X-5-.01 Curricula Approved by the Board. The following educational requirements are specified in accordance with the Licensure Law which provides that the Board may approve schools, colleges, or universities in determining educational qualifications.

(1) When considering applicants who are graduates of programs from a school, college, or university located within the United States and its jurisdictions the following will apply:

(a) The term “a graduate of an approved engineering curriculum” shall mean a graduate of a baccalaureate engineering program accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET) at the time of graduation or within a two year period of graduation. This term shall also mean a graduate of a master or doctoral degree program offered by a school or college of engineering offering at least one EAC/ABET baccalaureate engineering program provided the school or college of engineering has petitioned the Board for approval for this degree and the Board has granted this approval. This term shall also mean a graduate of an EAC/ABET accredited master’s degree.

(b) The term “graduate of an unapproved engineering curriculum” shall mean a graduate of a baccalaureate engineering program which has not been accredited by EAC/ABET but has been accredited by a regionally accredited commission and is approved by the Board. This term shall also mean a graduate of a master or doctoral degree program offered by a school or college of engineering offering an EAC/ABET baccalaureate engineering program in the same discipline, provided the graduate has an approved four-year related science degree or an approved engineering technology degree. The term shall also mean a graduate of a baccalaureate engineering program not EAC/ABET accredited offered by a foreign school but approved by the Board. See Rule 330-X-5.01(2).

(c) The term “graduate of an approved engineering technology curriculum” shall mean a graduate of a baccalaureate engineering technology program accredited by the Engineering Technology Accreditation Commission (ETAC) of the Accreditation Board for Engineering and Technology (ABET) at the time of graduation or within a two year period of graduation.

(d) In considering professional engineer applicants under Section 34-11-4(1)a3 and engineer intern applicants under Section 34-11-4-(2)b2 of the Licensure Law, the term “graduate of a related science curriculum” shall mean a graduate of a four year physics, mathematics, or other program which the Board may determine is related to engineering from a school or college which has been accredited by a regionally accredited commission.

(e) The term “graduate of an approved land surveying curriculum” shall mean a graduate of a baccalaureate land surveying/geomatics curriculum including a minimum of 30 semester hours or 45 quarter hours of surveying courses from a school or college which has been accredited by a regionally accredited commission and is approved by the Board program accredited by EAC/ABET, ETAC/ABET, or Applied Science Accreditation Commission of the Accreditation Board for Engineering and Technology (ASAC/ABET) at the time of graduation or within a two year period of graduation. This term shall also mean a graduate of a EAC/ABET, ETAC/ABET, or ASAC/ABET accredited surveying/geomatics master’s degree program. This

term shall also mean a surveying/geomatics baccalaureate program where the school or college has petitioned the Board for approval for this degree and the Board has granted this approval.

(f) The term “graduate of an approved curriculum related to surveying” shall mean a graduate of a baccalaureate curriculum related to surveying a minimum of 15 semester hours or 22.5 quarter hours of surveying courses from a school or college which has been accredited by a regionally accredited commission and is approved by the Board.

(g) In considering professional land surveyor applicants under Section 34-11-4(3)a3 and land surveyor intern applicants under Section 34-11-4-(4)b2 of the Licensure Law, the term “graduate of a related science curriculum” shall mean a graduate of a baccalaureate mathematics or other program which the Board may determine is related to land surveying from a school or college which has been accredited by a regionally accredited commission.

(2) When considering engineering applicants who are graduates of engineering programs from a school, college or university outside of the United States and its jurisdictions, the Board will evaluate and approve the degrees on an individual basis. The Board may require an independent evaluation of the engineering education of an applicant who was educated outside of the United States and its jurisdictions. Such evaluation shall be done through an organization approved by the Board and shall be done at the expense of the applicant.

(3) When considering surveying applicants who are graduates of programs from a school, college or university outside of the United States and its jurisdictions, the Board will evaluate and approve the degrees on an individual basis. The Board may require an independent evaluation of the education of an applicant who was educated outside of the United States and its jurisdictions. Such evaluation shall be done through an organization approved by the Board and shall be done at the expense of the applicant.

(4) When considering applicants from related science programs, whether an engineering or land surveying applicant, the Board may require an independent evaluation of the education of an applicant. Such evaluation shall be done through an organization approved by the Board and shall be done at the expense of the applicant.

Author: Board

Statutory Authority: Section 34-11-4; Section 34-11-35, Code of Alabama 1975

Effective date: September 10, 1982. Amended: October 20, 1987, April 9, 1990, August 17, 1992, October 28, 1998, June 4, 2003, January 29, 2008 and July 27, 2012.

**BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**CHAPTER 330-X-6
EXPERIENCE**

330-X-6.01 Qualifying Experience. In evaluating experience offered as qualifying experience under Section 34-11-4 (1), (2) and (3), Code of Alabama 1975, the Board will take into consideration the following:

(a) Experience must be progressive and of an increasing standard of quality and responsibility and usually follows graduation.

(b) Professional land surveyor applicants will usually gain experience by working under the supervision of a licensed professional land surveyor. Verification of experience usually will be by the licensed professional land surveyor supervisor or a licensed professional land surveyor associate. It is the responsibility of the applicant to have the verification forms provided in the application package completed and returned directly to the Board by the endorser. See Rule 330-X-3-.01(4).

(c) Professional Engineer applicants will usually gain experience by working under the supervision of a licensed professional engineer. Experience may also be gained by working with a licensed professional engineer who closely observed the applicant's work as an associate within the same company and the same location. Verification of experience must be by the licensed professional engineer supervisor, the licensed professional engineer associate, or in some other relationship that assures the Board that the experience received is substantially equivalent to supervision under a licensed professional engineer. It is the responsibility of the applicant to have the verification forms provided in the application package completed and returned directly to the Board by the endorser. See Rule 330-X-3-.01(4).

(d) Concurrent time, that is time spent in engineering or land surveying work while attending school, can only be credited as education experience or work experience but not as both.

(e) Experience credited on the engineer intern or professional engineer application as engineering experience cannot be claimed as land surveying experience on the land surveyor intern or professional land surveyor application. Experience credited on the land surveyor intern or professional land surveyor application as land surveying experience cannot be claimed as engineering experience on the engineer intern or professional engineer application.

(f) Military experience, to be creditable, must have been spent in engineering work or land surveying work and be of a character equivalent to that required in the civilian sector in like work. Normally, it would be expected that the applicant while in the armed services, served in an engineering, engineering-related, or surveying group.

(g) For sales experience to be creditable, it must be demonstrated conclusively that engineering principles and engineering knowledge were actually employed. The mere selection of data or equipment from a company catalog or a similar publication will not be considered engineering experience.

(h) Successful completion of graduate study in an engineering curriculum leading to a master's degree in engineering in a program whose undergraduate or graduate degree is accredited by

EAC/ABET may be credited as one year of engineering experience. Successful completion of a Ph.D. in engineering after completion of a master's degree may be credited for an additional year of experience. Successful completion of graduate study in a land surveying curriculum leading to a master's degree in land surveying in a program whose undergraduate or graduate degree is accredited by ABET may be credited as one year of surveying experience. Successful completion of a Ph.D. in land surveying after completion of a master's degree may be credited for an additional year of experience. If the Ph.D. in engineering or land surveying is obtained without the master's degree, the credit for experience will be two years. If the awarding of the master's or higher degree has been used to change the category of curricula for which the applicant is accepted as identified in Section 330-X-5.01, it cannot be used for experience credit.

(i) For teaching experience to be creditable, the engineer applicant must have taught engineering or engineering-related courses at an advanced level in a four year engineering or engineering technology curriculum accredited by ABET and must have been under the supervision of a licensed professional engineer. For teaching experience to be creditable as land surveying experience, the land surveyor applicant must have taught surveying or surveying-related courses at an advanced level in a land surveying or land surveying technology curriculum ~~approved by the Board~~ accredited by ABET and must have been under the supervision of a licensed professional land surveyor.

(j) Engineering experience leading to licensure as a licensed professional engineer should be directed toward the identification and solution of practical problems in the applicant's area of engineering specialization. This experience should include engineering analysis of existing systems or structures or the design of new systems or structures and be under the supervision of a licensed professional engineer.

(k) Experience in construction supervision in order to be qualifying must include use of engineering skills in assuring compliance with specifications and design.

(l) Experience must not be anticipated. The experience must have been gained before the time the application is submitted.

(m) Land surveying experience must be progressive and must include experience in property conveyance/boundary line determination, field work, office work, and legal/courthouse research. A substantial portion of the experience must be spent in charge of work related to property conveyance and/or boundary line determination.

(n) Experience prior to graduation is evaluated by the Board on a case by case basis. In order for co-op experience to be considered, it must be listed on the college transcript and must be verified using the procedures as outlined in Rule 330-X-6.01(b) and (c). For every two months of accepted co-op experience one 1 month experience will be granted up to a maximum of six months. Any experience prior to graduation other than co-op is limited to a 2 year maximum.

(o) Experience gained in engineering research and design projects by members of an engineering faculty where the program is approved by the board is creditable.

(p) Part time experience is evaluated by the Board on a case by case basis. In considering part time experience, the months of experience granted by the Board will generally be based on no more than a ratio of part time vs. full time and must meet the requirements of Rule 330-X-6.01(a)

(q) When considering experience at no time will the Board grant experience in excess of a 1:1 calendar ratio.

(r) The Board may deem professional experience acquired by applicants outside the United States to be equivalent to the minimum board requirements established in Sections (a) through (q) above.

Author: Board

Statutory Authority: Section 34-11-4; Section 34-11-35, Code of Alabama 1975

Effective date: September 10, 1982. Amended: December 19, 1984, October 20, 1987, April 9, 1990, October 18, 1994, June 17, 1996, October 28, 1998, June 4, 2003, December 5, 2006, January 29, 2008 and July 27, 2012.

**BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**CHAPTER 330-X-8
EXAMINATIONS**

330-X-8-.02 Eligibility for Examination.

(1) Engineer applicants will not be scheduled to take Exam II (PE) until Exam I (FE) has been passed. Land Surveyor applicants will not be scheduled to take Exam II (PS) and Exam III (ALSS) until Exam I (FS) has been passed.

(2) No candidate may take the PE Examination, the PS Examination nor the ALSS Examination until the Board has established his or her eligibility for examination.

(3) Candidates for the FE Examination and the FS Examination may sit for the next scheduled examination without Board action provided the proper application has been filed with NCEES.

(4) A new PE, PS, or ALSS examination candidate, if approved to take the examination, is approved for ~~four~~ unlimited examination attempts within a four-year period.

Author: Board

Statutory Authority: Section 34-11-35, Code of Alabama 1975

Effective date: September 10, 1982. Amended: October 20, 1987, October 28, 1998, January 14, 2002, June 4, 2003, December 5, 2006 and July 27, 2012.

**BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**CHAPTER 330-X-8
EXAMINATIONS**

330-X-8-.03 Examination Dates and Locations.

(1) Examinations for the FE, PE, FS, and PS are offered on dates set by NCEES. The examination for the ALSS is offered on dates set by the Board.

(2) PE and PS Examinations. Locations at which the examinations are given are designated by ~~the Board~~ NCEES and this information will be available at least two weeks before the examinations. ~~(3)~~ The seating capacity in certain exam locations is limited. If an exam location capacity is reached, NCEES may reassign the applicant ~~may be reassigned~~ to another exam location.

~~— (4) The Board reserves the right to schedule examinees to another location if there are insufficient applicants or other problems for an exam location.~~

(3) ALSS Examinations

a. Locations at which the examination is given are designated by the Board and this information will be available at least two weeks before the examination.

b. The seating capacity in certain exam locations is limited. If an exam location capacity is reached, the applicant may be reassigned to another exam location.

c. The Board reserves the right to schedule examinees to another location if there are insufficient applicants or other problems for an exam location.

Author: Board

Statutory Authority: Section 34-11-6; Section 34-11-35, Code of Alabama 1975

Effective date: September 10, 1982. Amended: August 17, 1992, October 28, 1998, December 5, 2006 and July 27, 2012.

**BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**CHAPTER 330-X-8
EXAMINATIONS**

330-X-8-.07 Examination Offerings for the PE, PS, and ALSS Examinations.

(1) An applicant successfully qualifying for an examination will be notified ~~at least three weeks~~ in advance of the examination for which the exam fee has been paid.

(a) Should the applicant fail to take the PE or PS examination offered or fail to pass the PE or PS examination and plans to retake the examination, the applicant ~~must file a request for reexamination~~ will apply directly to NCEES and pay the examination fee as set by the Board NCEES to NCEES. Should the applicant fail to take the examination or fail to pass the examination applied for, the fee paid is not refundable.

(b) Should the applicant fail to take the ALSS examination offered or fail to pass the examination and plans to retake the examination, the applicant must file a request for reexamination to the Board and pay the examination fee as set by the Board. Should the applicant fail to take the examination or fail to pass the examination applied for, the fee paid is not refundable.

(b) In the event an applicant fails to pass the examination after ~~the approved number of attempts~~ four years, the applicant will be notified that the application has been closed.

(c) If an application is closed, in order to be considered for further examinations, an applicant must file a new application, listing experience gained since the previously filed application, and pay the application fee as required by Law. No transcripts, additional references or verifications will be required. The applicant must meet the eligibility requirements of the current Law and Administrative Code.

(d) In the event the requalified applicant again fails to pass the examination after four ~~(4) additional attempts~~ years, the application will be closed and the procedure as outlined in (c) above would then be repeated before further consideration would be afforded the applicant.

(e) An application will be considered valid and retained on file for a period of ~~five~~ four years. ~~After the failure of the number of approved attempts or five~~ four years, ~~whichever occurs first~~, an application will be closed and the applicant will be required to follow the procedure outlined in (c) above for reapplication.

Author: Board

Statutory Authority: Section 34-11-5; Section 34-11-6; Section 34-11-35, Code of Alabama 1975
Effective date: September 10, 1982. Amended: April 9, 1990, August 17, 1992, October 28, 1998, January 14, 2002, June 4, 2003 and January 19, 2005.

**BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**CHAPTER 330-X-8
EXAMINATIONS**

330-X-8.07.1 Examination Offerings for the FE and FS Examinations

(1) An individual wishing to take the FE or FS examination will register with NCEES.

(2) An individual failing the FE or FS examination may be allowed to retake the examination in accordance with NCEES policy.

Author: Board

Statutory Authority: Section 34-11-5; Section 34-11-6; Section 34-11-35, Code of Alabama 1975

Effective date:

**BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**CHAPTER 330-X-10
LICENSURE AND CERTIFICATION**

330-X-10-03 Reissuance of Certificates. A licensee requesting a new Certificate of Licensure under the provisions of Section 34-11-12, Code of Alabama 1975 shall file a notarized request form setting out the reasons for the request. ~~When the reissue is to replace an original certificate, the original certificate, if possible, shall be surrendered to the Board.~~ Upon receipt of the request form accompanied by the required fee, a duplicate certificate will be issued.

Author: Board

Statutory Authority: Section 34-11-11; Section 34-11-12; Section 34-11-35, Code of Alabama 1975

Effective date: September 10, 1982. Amended: October 28, 1998.

**BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**CHAPTER 330-X-11
SEALS**

330-X-11-.03 Seal on Documents.

(1) The seal, signature, and date of signature on a document signify that the document was prepared by the licensee or under his or her responsible charge, or that the licensee has reviewed the document in sufficient depth to fully coordinate and assume responsibility for documents prepared by another licensed professional engineer or licensed professional land surveyor.

(2) When plans and drawings contain more than one sheet, the first or title page shall be sealed and signed by the licensee who was in responsible charge. Two or more licensees may affix their signatures and seals provided it is designated by a note under the seal the specific subject matter for which each is responsible. In addition, each drawing shall be sealed and signed by the licensee or licensees responsible for each sheet. When a firm, partnership, or corporation performs the work, each drawing shall be sealed and signed by the licensee or licensees who were in responsible charge of the work.

(3) Each sheet of documents, specifications, and reports for engineering practice and of maps, plats, charts, and reports for land surveying practice, shall be signed, sealed, and dated by the licensee who prepared the documents or under whose responsible charge the documents were prepared. ~~Where For reports and specifications when~~ more than one sheet is bound together in one volume, ~~including but not limited to reports and specifications,~~ the licensee who prepared the volume, or under whose responsible charge the volume was prepared, may sign, seal, and date only the title or index sheet, provided that this sheet clearly identifies all of the other sheets comprising the bound volume, and provided that any of the other sheets which were prepared by, or under the responsible charge of, another licensee, be signed, sealed, and dated by the other licensee. Letters containing engineering or surveying recommendations should be signed and sealed on the signature page, whether those documents are transmitted via hard copy or electronic means.

(4) Plans, plats, specifications, drawings, reports, or other documents will be deemed to have been prepared under the responsible charge of a licensee only when all of the following conditions have been met and documented:

a. The client requesting preparation of such plans, plats, specifications, drawings, reports, or other documents makes the request directly to the licensee, or a member or employee of the licensee's firm;

b. The licensee supervises the preparation of the plans, plats, specifications, drawings, reports, or other documents and has input into their preparation prior to their completion;

c. The licensee reviews the final plans, plats, specifications, drawings, reports, or other documents; and

d. The licensee has the authority to, and does, make any necessary and appropriate changes to the final plans, plats, specifications, drawings, reports, or other documents.

~~(5) Additions, deletions, or other revisions affecting public health and safety or State and local codes shall not be made unless signed, sealed, and dated by the licensee who made the revisions or under whose responsible charge said revisions were made. Any revision to a document containing the seal and signature of a licensee shall be described and dated. If the revisions are not done by the original licensee, the revisions must also be signed and sealed by the licensee in responsible charge of those revisions. The original seal and signature shall not be removed.~~

(6) The seal, signature, and date of signing shall be placed on all final specifications, land surveys, reports, plats, drawings, plans, design information, and calculations whenever presented to a client or any public or governmental agency to certify that the work was done by the licensee or under the responsible charge of the licensee. All work products presented which are not final shall be so identified. ~~Working drawings or documents are unfinished, in-progress drawings or documents that may or may not have a seal and signature. Working drawings or preliminary documents are not required to have a seal and signature if the working drawing or preliminary document contains a statement in large bold letters. A working drawing or document must, however, contain a statement to the effect "PRELIMINARY, NOT FOR CONSTRUCTION, RECORDING PURPOSES OR IMPLEMENTATION."~~

(7) Working drawings consisting of sketches, reports, or otherwise a work product which is in whole or part intended to communicate work to be performed or for use in specific proposals and/or becomes a part of defining the scope of a contract for work, must be sealed, signed, and dated by the licensee who prepared these documents or under whose direct control and personal supervision they were prepared.

(8) A computer generated seal or facsimile is acceptable only when the signature of the professional engineer or professional land surveyor and the date the document was signed are on or adjacent to the computer generated or facsimile seal. Any variation from this procedure must be submitted to and approved by the Board. Drawings, specifications, plans, reports, or documents which do not require certification may be transmitted electronically but shall have the generated seal, if any, removed before transmitting and shall have the following inserted in lieu of the signature and date: "This document originally issued and sealed by (name of licensee), P.E. # ____/P.S. # ____ on (date of sealing). This document should not be considered a certified document."

(9) In circumstances where a licensee in responsible charge of the work is unavailable to complete the work, or the work is a site adaptation of a standard design plan, or the work is a design plan signed and sealed by an out-of-jurisdiction licensee, a successor licensee may take responsible charge by performing all professional services to include developing a complete design file with work or design criteria, calculations, code research, and any necessary and appropriate changes to the work. The non-professional services, such as drafting, need not be redone by the successor licensee but must clearly and accurately reflect the successor licensee's work. The burden is on the successor licensee to show such compliance. The successor licensee shall have control of and responsibility for the work product and the signed and sealed originals of all documents.

~~(10) The term "licensee" as used in this section includes those individuals who have been issued an interim permit.~~

(11) (10)The seal and signature shall be placed on all original copy, tracings, or other reproducible documents so that the seal and signature will be reproduced when copies are made.

Author: Board

Statutory Authority: Section 34-11-9; Section 34-11-35, Code of Alabama 1975

Effective date: September 10, 1982. Amended: April 9, 1990, October 18, 1994, October 28, 1998, June 4, 2003, January 19, 2005, December 5, 2006 and July 27, 2012.

**BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**CHAPTER 330-X-12
INTERIM PERMITS
Repealed**

- 330-X-12-.01 Requirements
- 330-X-12-.02 Issuance
- 330-X-12-.03 Land Surveyors not Eligible

330-X-12-.01 Requirements.

(1) An interim permit to practice as a professional engineer is granted to a person who is legally qualified to practice engineering in another jurisdiction, who meets Alabama's professional engineering licensure requirements, who has never had a license revoked or invalidated and who has never been convicted of a felony. A lapsed license is not considered invalidated. The comity applicant is automatically considered for an interim permit upon submitting an application for professional engineer licensure. There is no separate application form.

(2) If the Executive Director of the Board finds the application to be in order and the applicant clearly meets all requirements for licensure in Alabama, the request for interim permit will be processed.

(3) If the comity application contains anomalies, the Executive Director will refer the application to the Board Chair, or other board member if the board chair is unavailable, for approval.

(4) In the event an interim permit is disapproved, the applicant will be notified of the disapproval and the basis for the disapproval.

Author: Board

Statutory Authority: Section 34-11-4; Section 34-11-35, Code of Alabama 1975

Effective date: September 10, 1982. Amended: October 16, 1995, October 28, 1998, January 29, 2008 and July 27, 2012

330-X-12-.02 Issuance.

(1) An interim permit will be effective until the next regular meeting of the Board after the interim permit has been granted at which time the applicant will be considered for licensure. If, in the opinion of the Board, the qualifications of the applicant are insufficient, the interim permit will be immediately terminated and the applicant will be notified.

(2) While practicing under an interim permit in this State, the holder thereof will affix to all plans and documents for use and execution in this State, the seal or stamp required in the jurisdiction in which he or she is currently licensed with the added notation: "Practicing in the State of Alabama under Interim Permit No. ."

(3) The Board reserves the right to extend the expiration date of an interim permit in the event additional information is required to render a final decision on the licensee's application.

Author: Board

Statutory Authority: Section 34-11-35, Code of Alabama 1975

Effective date: September 10, 1982. Amended: October 28, 1998 and July 27, 2012.

330-X-12-.03 Land Surveyors not eligible. This Board is not empowered to grant a permit for the interim practice of land surveying in Alabama. No person may legally practice land surveying in this State without first being fully licensed as a land surveyor by this Board.

Author: Board

Statutory Authority: Section 34-11-35, Code of Alabama 1975

Effective date: September 10, 1982. Amended: October 28, 1998.

**BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**CHAPTER 330-X-13
EXPIRATIONS, LAPSES, RENEWALS, AND CONTINUING PROFESSIONAL
COMPETENCY**

330-X-13-.02 Continuing Professional Competency

(1) Purpose - In order to help safeguard life, health, and property, and to promote the public welfare, the practices of professional engineering and land surveying in Alabama require continuing professional competency in accordance with Code of Alabama 1975 Section 34-11-8 (a)(2) and this Rule.

(2) Scope - Each in-state and out-of-state licensee shall be required to meet the continuing professional competency requirements of these regulations for professional development as a condition for licensure renewal. Continuing professional competency obtained by a licensee should maintain, improve, or expand skills and knowledge obtained prior to initial licensure or develop new and relevant skills and knowledge. Regular duties are not considered qualified activities.

(3) Definitions - Terms used in this section are defined as follows:

(a) Professional Development Hour (PDH) - A contact (clock) hour consisting of not less than 50 minutes of instruction or presentation and which further meets the requirements of these rules.

(b) Sponsor - An individual, organization, association, institution, or other entity which provides an educational activity for the purpose of fulfilling the continuing professional competency requirements of this rule.

(4) Requirements - To demonstrate that a licensed professional engineer or professional land surveyor maintains an acceptable level of competency, a licensee must obtain the number of Professional Development Hours (PDH) per renewal period as shown below. The requirement must be satisfied during the current renewal period. Professional development hours must not be anticipated and cannot be used for more than one renewal period. PDH credits may include:

a. The carryover permitted,

b. PDH earned during the previous renewal period after the date of submitting the previous renewal to the Board office,

c. PDH earned during current year, and

d. PDH earned in the following renewal period if renewing after renewal deadline.

(a) A licensed professional engineer or licensed professional land surveyor must earn a minimum of fifteen PDH per annual renewal period or thirty if biennial renewal period except for

the carryover permitted. The number of professional development hours which may be carried forward into the next renewal period shall not exceed fifteen whether on an annual or biennial period.

(b) A licensee who has both a professional engineer's license and a professional land surveyor's license can cross claim PDH's when course material is applicable to both licenses.

~~(c) All professional land surveyors are required to earn a minimum of six PDH credits on Standards for Practice for Surveying in the State of Alabama every four years. All new professional land surveyor licensees must complete this requirement within 24 months of becoming a licensed surveyor. Credit will be given for courses taken within 24 months of obtaining licensure. Credit for these courses/seminars will count toward the annual or biennial PDH requirements.~~

(5) Activities — Continuing professional competency activities which satisfy the professional development requirement shall include, but not be limited to:

(a) Successfully completing or auditing college or university sponsored courses,

(b) Successfully completing courses which are awarded continuing educational units (CEU),

(c) Successfully completing tutorials, short courses, correspondence courses, televised courses, internet courses, or videotaped courses,

(d) Attending seminars, in-house programs, workshops, or professional or technical presentations made at meetings, conventions, or conferences,.

(e) Teaching, presenting, or instructing as described in (a) through (d) above,

(f) Authoring published papers, articles, books, or accepted licensing examination items, and

(g) Receiving a United States patent.

(h) Actively participating in professional or technical societies as defined in 330-X-13.02(8)(f).

(i) Serving the Board as a volunteer Technical Advisor as defined in 330-X-13.02(8)(g).

(j) Active participation in educational outreach activities pertaining to professional licensure or the surveying/engineering professions that involve K-12 or higher education students.

All activities as described in (a) through ~~(h)~~ (j) above must be relevant to the practice of engineering or land surveying and may include technical, ethical, or managerial content. The Board does not preapprove or endorse any CPC activities. It is the responsibility of each licensee to assure that all PDH credits claimed meet the requirements as specified in 330-X-13.02.

(6) Criteria - Continuing professional competency activities must meet the following criteria:

(a) There is a clear purpose and objective for each activity which will maintain, improve, or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge.

(b) The content of each presentation is well organized and presented in a sequential manner.

(c) There is evidence of preplanning which should include the opportunity for input by the target group to be served.

(d) The presentation will be made by persons who are well qualified by education or experience.

(e) There is a provision for individual participant registration which will include information required for record keeping and reporting.

(7) Units - The conversion to PDH units from other units is as follows:

1 University semester hour of credit...	45 PDH
1 University quarter hour of credit...	30 PDH
1 Continuing Educational Unit (CEU).	10 PDH
1 Hour of acceptable professional development education ...	1 PDH
Active participation in professional and technical society (each organization maximum 2 PDH per organization not to exceed 6 PDH total)	
<u>1 hour of outreach activities ...</u>	<u>1 PDH (not to exceed 3 PDH's)</u>

(8) Credits – The Board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit. Credit for qualifying courses successfully completed which offer PDHs based on semester hours, quarter hours, or CEUs is as specified above. All other activities permit the earning of one PDH credit for each contact hour with the following exceptions:

(a) Successful auditing of university or college courses permits PDH credit of 1/3 that shown in (7) above.

(b) Teaching or instructing qualifying courses or seminars or making presentations at technical meetings can earn PDH credit at twice that of participants. For non faculty - Teaching credit is valid only for the first offering of the course/presentation. Full-time faculty may not claim teaching credit associated with their regular duties.

(c) Authorship of papers, articles, or books cannot be claimed until actually published. Receipt of a US patent cannot be claimed until the patent is actually awarded. Credit earned will equal preparation time spent not to exceed 10 PDH per publication or patent.

(d) The Board does not encourage meeting continuing professional competency requirements through correspondence, video, audio, or on-line courses. Course PDH may be acceptable, if the licensee can demonstrate high quality education from the course, if requested. A correspondence, video, audio, or on-line course must require the participant to show evidence of achievement and completion.

(e) The Board will not accept self study, regular employment including repetitive teaching of the same course without updating course material, service club meetings, equipment demonstrations, membership on Boards or Committees, enrollment without attending the course, conversational language courses for personal use, and other activities not relevant to engineering or land surveying and not educational in nature.

(f) Credit for active participation in professional and technical societies (limited to 2 PDH per organization, but a maximum of 6 PDH total), requires that a licensee serve as an officer and/or actively participate in a committee of the organization.

(g) Credit for service to the Board as a volunteer Technical Advisor may be earned on an hourly basis not to exceed 10 PDH per year.

(9) Exemptions — A licensee may be exempt from the professional development educational requirements for one of the following reasons:

(a) A noncareer military licensee serving on active duty in the armed forces of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a calendar year shall be exempt from obtaining the professional development hours required during that year. A military licensee who is assigned outside of the United States for a period of time exceeding one hundred twenty (120) days in a calendar year shall be exempt from obtaining the professional development hours required during that year.

(b) A licensee employed as a professional engineer or professional land surveyor and assigned to duty outside the United States for a period of time exceeding one hundred twenty (120) consecutive days in a calendar year shall be exempt from obtaining the professional development hours required during that year.

(c) A licensee who has experienced during the past year a serious illness or injury of a nature and duration which has prohibited completing continuing professional competency requirements this past renewal period may be exempted in order to give the licensee sufficient time to recuperate and begin to earn the necessary professional development hours for the next renewal period. Supporting documentation such as a letter from a physician must be furnished to the Board.

(d) Licensees who list their occupation as Retired or Inactive on the Board approved renewal form and who certify that they are not currently practicing engineering or land surveying shall be exempt from the professional development hours required. In the event such a person elects to return to active practice of professional engineering or professional land surveying, to include reinstating a lapsed license, professional development hours must be earned for each year exempted not to exceed the annual requirement for two years before the person returns to active practice. The hours required for reinstatement are to bring the license to active status. When the reinstated license renewal is due, the licensee will also be required to obtain the professional development hours for the renewal period.

(10) New Licensees. A new licensee is awarded 15 PDHs towards their first renewal.

(11) Forms - All renewal applications will require the listing of the PDH credit claimed unless the licensee is exempt from the continuing education requirement. The licensee must certify and sign the renewal application.

(12) Records - The responsibility of maintaining records which can be used to support credits claimed is the responsibility of the licensee. Records required ~~include but are not limited to~~ (1) a log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDH credits earned; and (2) attendance verification records in the form of completion certificates, ~~signed attendance receipts, paid receipts, a copy of a listing of attendees signed by the sponsoring organization, or other documents supporting evidence of attendance showing PDH credits earned.~~ These records must be maintained for a period of four years and copies must be furnished, if requested, to the Board for audit verification purposes. These records should not be furnished with the renewal application.

(13) Disallowance - If the Board disallows claimed PDH credit after the renewal has been processed, the licensee shall have 180 days after notification to substantiate the original claim or to earn other credit to meet the minimum requirement.

(14) Audit - The Board will conduct a random audit of renewals submitted for compliance with the continuing education requirements.

(a) Those licensees selected for audit will be notified and will be required to provide the documents as outlined in subsection (12) above.

(b) Failure to respond within 60 days of audit notification will result in a temporary suspension of the license and the license will remain suspended until such time as the audit requirements are met.

(c) Falsification of documentation is grounds for disciplinary action.

Author: Board

Statutory Authority: Section 34-11-8; Section 34-11-35, Code of Alabama 1975

Effective Date: August 17, 1992. Amended: October 18, 1994, October 28, 1998, July 23, 2002, June 4, 2003, January 19, 2005, October 3, 2005, January 29, 2008 and July 27, 2012.

**BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**CHAPTER 330-X-15
CERTIFICATES OF AUTHORIZATION**

330-X-15-.01 Requirements.

(1) Section 34-11-9, Code of Alabama 1975 provides that a firm, company, partnership, or corporation may engage or offer to engage in the practice of professional engineering or professional land surveying; provided, one or more of the principal officers of the corporation or firm or partners of the partnership and all personnel of the corporation, partnership, or firm who act in its behalf as professional engineers or professional land surveyors in this state are licensed as provided by Title 34, Chapter 11 of the Code of Alabama 1975, and further provided, that the corporation, partnership, or firm has been issued a certificate of authorization by the Board.

(2) In order to be considered eligible for a certificate of authorization (CA), every firm, partnership, or corporation or other entity which performs engineering or land surveying services in the State of Alabama, shall have a resident licensed professional engineer or licensed professional land surveyor as the case may be, who exercises direct control and personal supervision of the engineering or land surveying work for each separate office or branch office in which engineering or land surveying services are performed or offered to be performed. The resident engineer or land surveyor shall be an employee of the firm, corporation, partnership, or association or other entity, engaged in the practice of engineering or land surveying, designated in the CA for the branch office. The designated PE or PLS in residence shall only be for one place of business during the same time.

(3) An engineer or land surveyor who renders occasional or part-time engineering or surveying services to or for a firm may not be designated as being the principal of the professional activities of the firm or as being the engineer or land surveyor designated in the CA for the branch office.

(4) The principal engineer or surveyor is responsible for notifying the Board within 30 days of any change in the firm name, in any of the partners or principal officers, or change of address during the year.

(5) In the event of a change in the principal engineer or land surveyor, the firm cannot perform engineering or land surveying services until such time as a new principal is identified to the Board.

(6) Failure by the firm or principal to provide notification within 30 days may result in a temporary suspension of the certificate and the certificate will remain suspended until such time as the requirements are met.

Author: Board

Statutory Authority: Section 34-11-9; Section 34-11-35, Code of Alabama 1975

Effective date: January 19, 2005. Amended: July 27, 2012.

**BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**CHAPTER 330-X-16
DISCIPLINARY ACTION**

330-X-16-.05 Disciplinary Hearings.

(1) Conduct of Hearing.

(a) **Hearing Officer.** The Board may, in its discretion, and subject to the applicable provisions of the Alabama Administrative Procedures Act appoint a person to act as Hearing officer at disciplinary hearings. In the event a Hearing officer is appointed to preside at the hearing, he or she shall rule on all questions of evidence and procedure, not withstanding any other provisions of these rules to the contrary.

(1) The Board may, in its discretion and subject to the applicable provisions of the Alabama Administrative Procedures Act, appoint a Hearing officer to hear the evidence and submit a recommendation to the Board, including recommended finding of facts and conclusions of law at disciplinary hearings. The Board will consider the Hearing officer's recommendations and the Board shall issue an appropriate administrative order approving, modifying or rejecting the Hearing officer's recommendation.

(b) **Plea.** The respondent shall plead either "guilty" or "not guilty" to the charges.

(c) **Opening Statement.** Each side shall be permitted to make a short opening statement.

(d) The Board shall present its evidence, followed by the respondent, followed by rebuttal by the State. Each witness called may be examined in the following manner:

1. Direct examination.
2. Cross examination.
3. Examination by Board.
4. Re-direct examination.
5. Re-cross examination.
6. Re-examination by Board.

(e) **Closing Argument.** Each side shall be permitted to make a short closing statement summarizing the evidence presented and urging the application of relevant law to the evidence presented.

(f) The Board may request one or both sides to prepare within seven days a proposed order of the Board for the Board's consideration including findings of fact, official notice, and conclusions of law. Underlying facts of record which support the findings should be cited.

(g) **Order.** Following completion of the hearing or upon receipt of the Hearing officer's recommendations, findings of facts and conclusions of law, the Board shall issue an order within 30 days, which shall include findings of fact, official notice taken, and conclusions of law stated separately. A copy of the order shall be delivered by certified mail, return receipt requested, and first class mail, postage prepaid, to the respondent or if represented by counsel, to his or her counsel of record.

(2) **Evidence.** Evidence shall be admitted in accordance with the Alabama Administrative Procedure Act, Section 41-22-13, Code of Alabama 1975. Relevant Federal, State, and local codes as well as relevant engineering and land surveying society codes, guidelines, and standards may be admitted into evidence in disciplinary proceedings before the Board to set forth standards generally accepted by the professions. ~~These would include relevant engineering or land surveying codes and standards such as, current editions of the National Electrical Code, American Society of Mechanical Engineers' Codes, Standard Building Code, and the Alabama Society of Professional Land Surveyors' Standards of Practice for Surveying in the State of Alabama dated May 7, 2002.~~

(3) **Other.** The hearing shall be conducted in compliance with the provisions of the Alabama Administrative Procedure Act, Chapter 22, Title 41, Code of Alabama 1975. If the accused person or corporation fails or refuses to appear, the Board may proceed to hear and determine the validity of the charges.

(4) **Negotiated Settlements.** The Board attorney, in cooperation with the Investigative Committee, is hereby authorized to negotiate settlements with any respondent wishing to do so. In the event that the Investigative Committee and the respondent have reached tentative agreement on a negotiated settlement prior to the date set for hearing of the charges, such agreement shall be presented to the Board at the first available opportunity. The Board may either accept or reject the tentative agreement of negotiated settlement and if accepted, the respondent shall be notified and no hearing held. If the Board rejects the tentative agreement of negotiated settlement, the charges shall be heard by the Board within a reasonable time.

Author: Board

Statutory Authority: Section 41-22-13, Section 41-22-16(c); Section 41-22-19 (d); Section 34-11-11; Section 34-11-16; Section 34-11-35, Code of Alabama 1975

Effective date: September 10, 1982. Amended: December 19, 1984, October 20, 1987, April 9, 1990, August 17, 1992, October 28, 1998, July 23, 2002, July 24, 2008 and July 27, 2012.

**BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**CHAPTER 330-X-16
DISCIPLINARY ACTION**

330-X-16-.07 Reissuance of Licensure or Certification after Revocation, Surrender, or Suspension.

(1) Revocation or Surrender. Any person, corporation, partnership, or firm whose license, certification, or certificate of authorization has been revoked or surrendered may apply, when permitted by Law, to the Board for reissuance of the license, certification, or certificate of authorization. Eligibility for reissuance is as outlined in Section 34-11-12, Code of Alabama, 1975.

(a) In the application for reissuance, the applicant should state why the license, certification, or certificate of authorization should be reissued and should specifically set forth any changed circumstances which would justify reissuance. The fee for a reissuance application will be the same fee as set by the Board for an original application. The fee shall accompany the application.

(b) Upon receipt of such application the Board shall grant the applicant a hearing on reissuance, at which time the applicant may appeal to the Board to reissue his or her license, certification, or certificate of authorization. The hearing shall be held within a reasonable time after receipt of the application or at such time agreed upon by stipulation between the applicant and the Executive Director.

(c) At least a quorum of the Board must be present to hold a hearing.

(d) Evidence including oral testimony, shall be freely admitted. The applicant shall be allowed to have counsel present if desired.

(e) The Board shall issue a final decision within thirty days of the date of the hearing, which shall include findings of fact and official action taken. The applicant shall be delivered a copy of the decision by first class and registered mail.

(f) The decision of the Board may be appealed to the circuit court of Montgomery County within thirty day of the decision of the Board.

(g) The record on appeal shall be certified by the Executive Director of the board, and shall include the entire record including a transcript of the hearing, if a transcript is made.

(2) Suspension. Any person, corporation, partnership, or firm whose license, certification, or certificate of authorization has been suspended may apply, when permitted by Law, to the Board for reissuance of the license, certification, or certificate of authorization.

(a) Thirty days prior to the completion of the suspension, the Board will send a notification to the suspended person, corporation, partnership, or firm outlining the necessary actions that

need to be taken in order for the license, certification, or certificate of authorization to be reissued.

(b) If all conditions for reissuance of a license or a certificate of authorization have been met, but a request for reissuance is not received within thirty days after completion of the suspension period, the status of the license or certificate of authorization will be changed to lapsed.

(c) If a request for reissuance is not received within four years from the time the license is placed in lapsed status, the license will be considered expired.

(d) If a request for reissuance is not received within two years from the time the certificate of authorization is placed in lapsed status, the certificate of authorization will be considered expired.

(e) If all conditions for reissuance for a certification have been met, but a request for reissuance of a certification is not received within thirty days after completion of the suspension period, the status of the certification will be changed to delinquent.

Author: Board

Statutory Authority: Section 34-11-12; Section 34-11-35, Code of Alabama 1975

Effective date: September 10, 1982. Amended: December 19, 1984, October 28, 1998, July 24, 2008 and July 27, 2012.