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## Alabama State Board of Licensure for Professional Engineers and Land Surveyors

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### PROPOSED CHANGES TO THE BOARD'S LICENSURE LAW

**BACKGROUND.** Over the last four years, various proposed changes to the Board's Licensure Law have been identified. In order to get the necessary changes that were required due to the changes in the national examinations, the Board sought legislation that would only change what was absolutely required with the understanding that efforts would be made to do a thorough review of the entire law to see what else needed updating. The Board appointed a sub-committee to work through the Law comparing it to the National Council of Examiners for Engineering and Surveying (NCEES) Model Law and other national model licensing laws. The current draft of proposed changes is the results of those efforts.

**PROPOSED CHANGES.** Many of the proposed changes are routine changes that may be due to the writing preference of the state's legislative reference service, for consistency of terminology (changing to read the purpose of the board is to protect the health, safety and welfare of the public), and the deleting of specific section references. Other changes are concept changes. The major changes based on the subject area are listed below:

#### **Practice:**

- Requirements for Licensure
  - Decouples the requirement to have all the experience prior to sitting for the licensure exams.
    - Will need to be a graduate and have passed the FE or FS exam
    - Will need all the experience and have passed the licensing exam prior to being licensed
    - Applicable for PE and PLS licensure
  - Removed barriers to being able to have on-line applications – removed reference of signing an oath and the requirement for a notary
  - Grant a maximum of 3 years of experience for a PhD
  - One fee at the time of application for licensure that includes the licensure fee
  - Increases the maximum allowable fee to \$300
  - Adds the possibility of licensing by disciplines for PE licensure
  - Adds the capability of having additional exams created by the Board for PE and PLS licensure (i.e. ethics, state laws)
- Definitions
  - Add that teaching of advanced engineering and surveying courses constitute the practice of engineering and surveying

- The citations of expert witness and testimony have been combined
- The practice definitions have been broken out into subsections for ease of reading
- Renewals
  - Retired Emeritus position created which will not require renewal
  - Interns once certified will not be required to renew
  - Deletes the requirement to mail renewal notices
  - Streamlines the renewals to be active/inactive as current licenses
  - Licenses not renewed change to expired
  - Expired licenses can be reinstated up to 2 years
  - Renewal fee maximum amount increased by \$50 for annual and \$100 if biennial
  - Reference for professional development changed from Continuing Professional Competency to Continuing Professional Education
- Adds P.E. and P.L.S. as protected titles
- Identifies that the practices of engineering and land surveying are privileges

#### **Certificates of Authorizations (CA)**

- General
  - All references to CA's, other than enforcement procedures, have been moved into one section
  - All entities that required a CA are referenced by the a single title – “firm”
- Firm Requirements
  - Reference to CA Principal is now “Managing Agent”
  - Branch responsible charge is now referred to as “Branch Resident Professional”
  - Identifies that the Branch Resident Professional is to provide the daily oversight to that branch office not the design oversight of all projects in that office
- Tasks the Secretary of State's office not to issue their documents until the CA requirements have been met

#### **Enforcement and Disciplinary Process**

- General
  - Two enforcement sections created
    - Licensees, interns, and CA's
    - Unlicensed Practice by individuals and firms
  - One disciplinary process that outlines the process for both enforcement sections
- Disciplinary Process
  - Increases maximum fine/civil penalty to \$10,000 per offense
  - Outlines what factors should be taken into consideration when considering the amount of fine/penalty to be assessed

- Changes that a majority vote of those board members deliberating is required to have an approved vote on hearing deliberations
- If not sufficient board members to conduct a hearing the Governor will appoint ex officio board members without an input from the nominating committee or ASPLS
- Adds the capability for the Board to issue summary suspensions
- Adds the capability for the Board to issue cease and desist orders
  - If the orders are not complied with the process is outlined how to file for injunctions and restraining orders in the court system
  - Individuals in violation will not be eligible to apply for licensure or a CA for one year
- Reissuance - Reissuance of revoked license will now take a majority vote – not unanimous

#### **Board Composition and Authorities**

- Adds 2 public members to the Board
  - Governor appointed with no input
  - Must be U.S. citizen, resident of AL for at least 6 months, and 40 years old
  - Cannot have any affiliation with the engineering and surveying professions
- Licensed Board members
  - Must be U.S. citizen, resident of AL for at least 6 months, and have 20 years of licensure
- All Board Members
  - Two-term limit
  - Staggered terms with no more than 2 members rotating off in a given year
  - Per Diem for serving on the Board set by the Board
- Maximum carryover of funds from one fiscal year to the next increased from 25% to 33%
- Specifically identifies that e-mail addresses are considered confidential and are not releasable

#### **FUTURE PLANS**

The Board will be holding town hall meetings throughout the state, hosting webinars, and meeting with stakeholders outside of the engineering and surveying communities to explain the proposed changes and the reasons for those changes. The Board is seeking feedback/comments and will then determine a course of action. The goal is to have proposed changes ready for the 2016 Legislative General Session.

1 | **March 25, 2015** \_\_\_\_\_

as of

2 | **April-June 145, 2015**

3 |  
4 | **CHAPTER 11**  
5 | **ENGINEERS AND LAND SURVEYORS**

6 |  
7 | **Article 1.**  
8 | **General Provisions.**

9 |  
10 | **Sec.**

- 11 | 34-11-1. Definitions.
- 12 | 34-11-2. Practice of engineering and land surveying regulated.
- 13 | 34-11-3. Roster of registrants.
- 14 | 34-11-4. General requirements for licensure or certification.
- 15 | 34-11-5. Applications; fees.
- 16 | 34-11-6. Examinations.
- 17 | 34-11-7. Issuance of certificate; seal.
- 18 | 34-11-8. Renewal of Certificates; lapsed licenses.
- 19 | 34-11-9. Corporate and partnership practice.
- 20 | 34-11-10. Public work.
- 21 | 34-11-11. Disciplinary action.
- 22 | 34-11-12. Reissuance of revoked certificates; duplicate certificates.
- 23 | 34-11-13. Appeals.
- 24 | 34-11-14. Persons and acts exempt from chapter.
- 25 | 34-11-15. Violations; penalties.
- 26 | 34-11-16. Violations; civil penalties; notice and hearing; subpoena power; appeal.

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**Article 2.**

**Board of Registration Licensure.**

- 34-11-30. Creation; composition; appointment; oath of office; terms of office.
- 34-11-31. Qualifications of members.
- 34-11-32. Compensation and expenses.
- 34-11-33. Removal of members; vacancies.
- 34-11-34. Meetings; legal office; officers; quorum.
- 34-11-35. Powers generally.
- 34-11-36. Receipts and disbursements.
- 34-11-37. Records and reports; confidentiality.

**Note:**

This law specifies the general provisions governing the practices of engineers and of land surveyors. In addition, it creates the Board of Licensure for Professional Engineers and Land Surveyors. The board is empowered by the law to establish rules and regulations that cover specific requirements and procedures necessary for proper administration of the Alabama Law. These rules and regulations are specified in Administrative Code, Chapter 330-X.

**ARTICLE 1.**

**GENERAL PROVISIONS**

**Section 34-11-1. Title of Act.**

1 This Act shall be known as the "Alabama Professional Engineering and Land Surveying Practice  
2 Act."

4 **Section 34-11-2. Legislative Declaration.**

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5 The practice of engineering and land surveying in the State of Alabama are declared  
6 professional practices affecting the public health, safety, and welfare and are subject to  
7 regulation and control in the public interest. It is further declared to be a matter of public interest  
8 and concern that the practices of engineering and land surveying, as defined in the Act, merit  
9 and receive the confidence of the public and that only qualified persons be permitted to engage  
10 in the practices of engineering and land surveying in this state. This Act shall be liberally  
11 construed to carry out these objectives and purposes.

13 **Section 34-11-3. Statement of Purpose.**

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14 It is the purpose of this Act to promote, preserve, and protect the public, health, safety, and  
15 welfare by and through the effective control and regulation of persons, in or out of Alabama that  
16 practice engineering and land surveying within this state.

18 **Section 34-11-4. Definitions.**

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20 For the purposes of this chapter, the following words and phrases shall have the respective  
21 meanings ascribed by this section:

23 (1) **BOARD.** The State Board of Licensure for Professional Engineers and Land Surveyors,  
24 provided for by Section 34-11-30.

1 (2) **ENGINEER INTERN.** ~~A person who has qualified under subdivision 2 of Section 34-11-4,~~  
2 ~~and who, in addition, has successfully passed a board approved examination in the fundamental~~  
3 ~~engineering subjects as provided in Section 34-11-6, and who has been certified by the board~~  
4 ~~as an engineer intern.~~ An individual who has been duly certified as an engineer intern by the  
5 board.

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7 (3) **ENGINEER or PROFESSIONAL ENGINEER.** ~~A person~~ An individual who, by reason of his  
8 or her special knowledge of the mathematical, physical, and physical engineering sciences and  
9 the principles and methods of engineering analysis and design, acquired by engineering  
10 education and engineering experience, is qualified to practice engineering as hereinafter  
11 defined and has been duly licensed by the board as a professional engineer. The board may  
12 designate a professional engineer, on the basis of education, experience, and examination as  
13 being licensed in a specific discipline or branch of engineering signifying the area in which the  
14 engineer has demonstrated competence.

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16 (4) **PROFESSIONAL ENGINEER, RETIRED.** An individual who has been duly licensed as a  
17 professional engineer and who chooses to relinquish or not to renew a license and who applies  
18 to and is approved by the board to be granted the use of the title "Professional Engineer,  
19 Retired", as provided for in this chapter.

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21 ~~(4) (5) **LAND SURVEYOR INTERN.** A person who has qualified under subdivision (4) of~~  
22 ~~Section 34-11-4, has passed a board approved examination in the fundamental land surveying~~  
23 ~~subjects, pursuant to this chapter, and~~ An individual who has been duly certified ~~by the board as~~  
24 a land surveyor intern by the board.

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1 ~~(5) (6)~~ **LAND SURVEYOR or PROFESSIONAL LAND SURVEYOR.** A person who has been  
2 duly licensed as a professional land surveyor by the board established under this chapter, and  
3 who is a An individual who is a professional specialist in the technique of measuring land, is  
4 educated in the basic principles of mathematics, the related physical and applied sciences, and  
5 the relevant requirements of law for adequate evidence and all requisites for to surveying of  
6 real property, and is qualified to practice land surveying as hereinafter defined in subdivision (8)  
7 and has been duly licensed as a professional land surveyor.

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8  
9 (7) PROFESSIONAL LAND SURVEYOR, RETIRED. An individual who has been duly licensed  
10 as a professional land surveyor and who chooses to relinquish or not to renew a license and  
11 who applies to and is approved by the board to be granted the use of the title "Professional  
12 Land Surveyor, Retired" as provided for in this chapter.

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15 ~~(6) (8)~~ **PRACTICE and OFFER TO PRACTICE.** Any person shall be construed to practice or  
16 offer to practice engineering or land surveying, within the meaning and intent of this chapter,  
17 who offers to or does as a profession practice practices any discipline or any branch of  
18 engineering or land surveying; or who by verbal claim, sign, advertisement, letterhead, card or  
19 in any other way represents himself or herself the person to be a professional engineer or a  
20 professional land surveyor, or through the use of some other title implies that he or she is a  
21 professional engineer or a professional land surveyor or that the person is licensed or  
22 authorized under this chapter; or who represents himself or herself holds themselves out as  
23 able to perform or who does perform any engineering or land surveying service or work or any  
24 other service designated by the practitioner which is recognized as engineering or land  
25 surveying.

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1 ~~(7) (9) PRACTICE OF ENGINEERING. The term "Practice of Engineering" as used in this~~  
2 ~~chapter, shall mean any~~ Any professional service or creative work, the adequate performance of  
3 which requires engineering education, training, and experience in the application of special  
4 knowledge of the mathematical, physical, and engineering sciences to such services or creative  
5 work as the following:  
6 ~~a. consultation~~ Consultation, investigation, evaluation, planning, design and design  
7 coordination, ~~and/or commissioning~~ of engineering works, ~~products,~~ and systems;  
8  
9 ~~b. planning~~ Planning the use of land, ~~air and/or~~ and water;  
10  
11 ~~c. Teaching of advanced engineering subjects;~~  
12  
13 ~~d. Performing~~ performing engineering surveys and studies, and  
14  
15 ~~e. The~~ the review ~~and/or management~~ of construction ~~or other design products~~ for the  
16 purpose of monitoring ~~and/or ensuring~~ compliance with drawings and specifications;  
17  
18 ~~any~~ Any of ~~the items above~~ which embraces such services or work, either public or private, in  
19 connection with any utilities, structures, buildings, machines, equipment, processes, work  
20 systems, projects, ~~communication systems, transportation systems~~ and industrial or consumer  
21 products; ~~equipment of a control~~ ~~systems,~~ communications, ~~computer,~~ mechanical, electrical,  
22 hydraulic, pneumatic, ~~chemical, environmental,~~ or thermal nature, insofar as they involve  
23 safeguarding ~~life, public health, safety, or property~~ ~~welfare;~~ and including ~~such~~ other  
24 professional services ~~as may be~~ necessary to the planning, progress, and completion of any  
25 engineering services ~~are considered the practice of engineering.~~ Licensed professional  
26 engineers shall be in responsible charge of all engineering design of buildings, structures,

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1 | ~~products, machines, processes, and systems that can affect the health, safety, and welfare of~~  
2 | ~~the public.~~

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5 | Notwithstanding any other provision of this chapter, in qualifying a witness to offer expert  
6 | testimony on the practice of engineering, the court shall consider as evidence of his or her  
7 | expertise whether the proposed witness holds a valid Alabama license for the practice of  
8 | engineering. Provided, however, such qualification by the court shall not be withheld from an  
9 | otherwise qualified witness solely on the basis of the failure of the proposed witness to hold  
10 | such valid Alabama license when the subject work is legally required to be performed under an  
11 | Alabama engineer's license number or seal.

12 |  
13 | ~~a. Design coordination includes the review and coordination of those technical submissions~~  
14 | prepared by others, including, as appropriate and without limitations, consulting engineers,  
15 | architects, landscape architects, land surveyors, and other professionals working under the  
16 | direction of the engineer.

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18 | ~~b. Engineering surveys include all survey activities required to support the sound~~  
19 | conception, planning, design, construction, maintenance and operation of engineered projects,  
20 | rights-of-way and easement acquisitions relative to the centerline of the project. Engineering  
21 | surveys may be used to locate, relocate, establish, reestablish, layout or retrace any road, right-  
22 | of-way, easement or alignment relative to the centerline of the project. Additionally, engineering  
23 | surveys may be performed to determine areas, volumes or physical features of the earth,  
24 | elevation of all real property, improvements on the earth and the configuration or contour of the  
25 | surface of the earth or the position of fixed objects thereon by measuring lines and angles and  
26 | applying the principles of mathematics. All engineering surveys shall exclude the surveying of

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1 real property for the establishment of any property line or land boundaries, setting of corners or  
2 monuments, and the dependent or independent surveys or resurveys of the public land survey  
3 system.

4  
5 ~~e.~~ The term shall not include the practice of architecture except such architectural work as  
6 is incidental to the practice of professional engineering; nor shall the term include work ordinarily  
7 performed by persons who operate or maintain machinery or equipment.

8  
9 ~~d.~~ The practice of engineering shall include the offering of expert opinion in any legal  
10 proceeding in Alabama regarding work legally required to be performed under an Alabama  
11 engineer's license number or seal, which opinion may be given by an engineer licensed in any  
12 jurisdiction.

13  
14 ~~(8)(10)~~ **PRACTICE OF LAND SURVEYING.** ~~Professional services~~ The term "Practice of  
15 Land Surveying" as used in this chapter, shall mean providing professional services ~~services,~~  
16 using such sciences as mathematics and geodesy, and involving both (1) the making of  
17 geometric measurements and gathering related information pertaining to the physical or legal  
18 features of the earth, improvements on the earth, the space above, on or below the earth and  
19 (2) providing, utilizing, or developing the same land survey products such as graphics, data,  
20 maps, plans, reports, descriptions, or projects. Professional services include acts of ~~including,~~  
21 but not limited to, consultation, project coordination, investigation, testimony, evaluation, ~~expert~~  
22 technical testimony, planning, mapping, assembling, and interpreting ~~reliable scientific gathered~~  
23 measurements and information ~~relative~~ related to any one or more of the following:

24  
25 (a) Determining by measurement the configuration or contour of the earth's surface of  
26 the position of fixed objects thereon

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(b) Determining by performing geodetic surveys the size and shape of the earth or the position of any point on the earth

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(c) Locating, relocating, establishing, reestablishing, or retracing property lines or boundaries of any tract of land, road, right of way, alignment or easement or elevation of all real property whether or not fixed works are sited or proposed to be sited on the property.

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(d) Making any survey for the division, subdivision, or consolidation of any tract(s) of land or for condominiums

(e) Locating or laying out alignments, positions, or elevations for the construction of fixed works

(f) Determining, by the use of principles of land surveying, the position for any survey monument (boundary or non-boundary) or reference point; establishing or replacing any such monument or reference point

(g) Geodetic surveying which includes surveying for determination of the size and shape of the earth both horizontally and vertically and the precise positioning of points on the earth utilizing angular and linear measurements through spatially oriented spherical geometry.

(h) Creating, preparing or modifying electronic or computerized or other data, including land information systems and geographic land information systems relative to the performance of the activities in items a-g above.

1 ~~the location, size, shape, areas, volumes, or physical features of the earth, improvements on~~  
2 ~~the earth, the space above the earth, or any part of the earth, and the utilization and~~  
3 ~~development of these acts and interpretation into an orderly survey map, plan, report,~~  
4 ~~description, or project. Project coordination shall include the coordination of those technical~~

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5 submissions as prepared by others. Notwithstanding the provisions of this subdivision, the  
6 practice of land surveying shall exclude functions unique to engineering as specified by rules of  
7 the board. ~~The practice of land surveying shall include, but is not limited to, any one or more of~~  
8 ~~the following:~~

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9 ~~—~~  
10 ~~a. Locates, relocates, establishes, reestablishes, lays out, or retraces any property line or~~  
11 ~~boundary of any tract of land or any road, right of way, easement, alignment, or elevation of all~~  
12 ~~real property whether or not fixed works are sited or proposed to be sited on the property.~~

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13  
14 ~~b. Makes any survey for the subdivision of any tract of land or for condominiums.~~

15 ~~—~~  
16 ~~c. Determines, by the use of the principles of land surveying, the position for any survey,~~  
17 ~~monument, or reference point; or sets, resets, or replaces any such monument or reference~~  
18 ~~point.~~

19 ~~—~~  
20 ~~d. Determines the configuration or contour of the surface of the earth or the position of~~  
21 ~~fixed objects thereon by measuring lines and angles and applying the principles of mathematics~~  
22 ~~or photogrammetry.~~

23 ~~—~~  
24 ~~e. Geodetic surveying which includes surveying for determination of the size and shape of~~  
25 ~~the earth both horizontally and vertically and the precise positioning of points on the earth~~  
26 ~~utilizing angular and linear measurements through spatially oriented spherical geometry.~~

1 —  
2 f. ~~Creates, prepares, or modifies electronic or computerized data, including land~~  
3 ~~information systems and geographic land information systems, relative to the performance of~~  
4 ~~the activities in paragraphs a. to e., inclusive.~~

5  
6 ~~(9)(11) **RESPONSIBLE CHARGE.** Direct control and personal supervision of engineering~~  
7 ~~work or land surveying work.~~

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9 ~~(12) **RULES OF PROFESSIONAL CONDUCT.** Those rules of professional conduct, if any,~~  
10 ~~promulgated by the board as authorized by this Chapter.~~

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12 ~~(13) **FIRM.** Any form of business or entity other than an individual operating as a sole~~  
13 ~~proprietorship under his or her own name.~~

14  
15 ~~(14) **MANAGING AGENT.** An individual who is licensed under this Chapter and who has been~~  
16 ~~designated pursuant to provisions of this Chapter by the firm.~~

17  
18 ~~(15) **RULES.** Those rules and regulations adopted pursuant to provisions of this Chapter.~~

19  
20 ~~(16) **SEAL.** A symbol, image, or list of information in accordance with the Rules.~~

21  
22 ~~(17) **LICENSEE.** Any person licensed pursuant to this Chapter.~~

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23  
24 ~~(18) **PERSON.** An individual or firm.~~

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1 ~~(19) **AUTHORITATIVE**. Being presented as trustworthy and competent when used to describe~~  
2 ~~products, processes, applications, or data resulting from the practice of land surveying.~~

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4 ~~(20) **DISCIPLINARY ACTION**. Any final written decision, order, consent agreement, public~~  
5 ~~reprimand, or other formal action taken against an individual or firm by a licensing board based~~  
6 ~~upon a violation of the board's laws and rules.~~

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8 ~~(21) **CONVICTION**. A conviction of a crime by a court of competent jurisdiction and shall~~  
9 ~~include a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not~~  
10 ~~entered on admission of guilt, a no contest plea, a plea of nolo contendere, or a guilty plea.~~

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12 ~~Section 34-11-2 5. Practice of engineering and land surveying regulated.~~

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14 (a) No person in either public or private capacity shall practice or offer to practice engineering or  
15 land surveying, unless he or she shall first have submitted evidence that he or she is qualified  
16 so to practice and shall be licensed by the board as hereinafter provided or unless he or she is  
17 specifically exempted from licensure under this chapter.

18  
19 (b) In order to safeguard ~~life, health, safety, and property, and to promote the public welfare,~~  
20 the practice of engineering in this state is a learned profession to be practiced and regulated as  
21 such, and its practitioners in this state shall be held accountable to the state and members of  
22 the public by high professional standards in keeping with the ethics and practices of the other  
23 learned professions in this state. It shall be unlawful for any person to practice or offer to  
24 practice engineering in this state, as defined by this chapter, or to use in connection with his or  
25 her name or otherwise assume, use, or advertise any title or description including, but not  
26 limited to, the terms engineer, engineers, engineering, professional engineer, professional

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1 | engineers, professional engineering, P.E., or any modification or derivative thereof, tending to  
2 | convey the impression that he or she is a professional engineer unless the person has been  
3 | duly licensed or is exempt from licensure under this chapter. A person whose firm name shall  
4 | have contained the word “engineer,” “engineers,” or “engineering,” or words of like import, for  
5 | more than 15 years before September 12, 1966, shall not be prohibited from continuing the use  
6 | of such word or words in his or her firm name.

7 |  
8 | (c) In order to safeguard ~~life, health, safety, and property and to promote the public welfare, the~~  
9 | practice of land surveying in this state is a learned profession to be practiced and regulated as  
10 | such, and its practitioners in this state shall be held accountable to the state and members of  
11 | the public by high professional standards in keeping with the ethics and practices of the other  
12 | learned professions in this state. It shall be unlawful for any person to practice or offer to  
13 | practice land surveying in this state, as defined by this chapter, or to use in connection with his  
14 | or her name or otherwise assume, use, or advertise any title or description including, but not  
15 | limited to, the terms land surveyor, land surveyors, land surveying, professional land surveyor,  
16 | professional land surveyors, professional land surveying, P.L.S., or any modification or  
17 | derivative thereof, tending to convey the impression that he or she is a professional land  
18 | surveyor unless the person has been duly licensed or is exempt from licensure under this  
19 | chapter.

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21 | (d) Right of entry on land of others by professional land surveyor - Notification of landowner -  
22 | Liability of landowner. As used in this subsection, the term professional land surveyor shall  
23 | include the agents, the employees, and any personnel under the supervision of a professional  
24 | land surveyor.

25 |

1 (1) A professional land surveyor may go on, over, and upon the lands of others which is  
2 not enclosed by any device installed to deter entry to or exit from industrial facilities or plant  
3 sites by humans or vehicles, if necessary to perform surveys for the location of section corners,  
4 quarter corners, property corners, boundary lines, rights-of-way, and easements, and may carry  
5 and utilize equipment and vehicles. Entry under the right granted in this subdivision shall not  
6 constitute trespass. A professional land surveyor shall not be liable to arrest or to a civil action  
7 for trespass by reason of this entry.

8  
9 (2) Nothing in this subsection shall be construed as giving authority to a professional land  
10 surveyor to destroy, injure, damage, or move anything on the lands of another without the  
11 written permission of the landowner and nothing in this section shall be construed as removing  
12 civil liability for the damages.

13  
14 (3) A professional land surveyor shall make reasonable effort to notify adjoining landowners  
15 upon whose land it is necessary to enter.

16  
17 (4) No owner or occupant of the land shall be liable for any injury or damage sustained by  
18 any person entering upon his or her land under this subsection.

19  
20 (5) Nothing in this subsection shall limit the rights of condemning authorities under Sections  
21 18-1A-50 to 18-1A-55, inclusive.

22  
23 (e) The practice of engineering or land surveying shall be deemed a privilege granted by this  
24 state through the licensing board based on the qualifications of the individual as evidenced by  
25 his or her certificate of licensure, which shall not be transferable.

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1 | **Section 34-11-~~3~~ 6. Roster of registrants.**

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2  
3 | A roster showing the names and addresses of all licensed professional engineers, all  
4 | professional land surveyors, and all who possess current certifications as engineer interns or  
5 | land surveyor interns shall be ~~prepared by the executive director of the board at intervals as~~  
6 | ~~established~~ published by the board ~~as established by board rules.~~ Copies of this roster shall be  
7 | ~~made available to each person licensed or certified, placed on file with the Secretary of State,~~  
8 | ~~and may be distributed or sold to the public upon request.~~

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9  
10 | **Section 34-11-~~4~~ 7. General requirements for licensure or certification.**

11  
12 | The board may approve engineering, land surveying, and related science programs which shall  
13 | be accepted under the following criteria:

14  
15 | (1) **PROFESSIONAL ENGINEER.** The following shall be considered as minimum evidence  
16 | satisfactory to the board that the applicant is qualified for licensure as a professional engineer:

17  
18 | a. ***Graduation and experience plus examination.***

19  
20 | 1. **Graduation in an approved engineering curriculum plus four years experience.** -- A  
21 | graduate of an approved engineering curriculum of four years or more from a school or college  
22 | approved by the board who has successfully passed a board approved examination in the  
23 | fundamental engineering subjects and ~~in the principles and practice of engineering and~~ who has  
24 | a specific record of an additional four years or more of progressive experience in engineering  
25 | work of a grade and character satisfactory to the board shall be ~~admitted to a board approved~~  
26 | ~~examination in the principles and practice of engineering.~~ Upon passing this examination, the

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1 applicant shall be granted a certificate of licensure to practice engineering in this state, provided  
2 the applicant is otherwise qualified.

3  
4 **2. Graduation in an unapproved engineering curriculum plus six years experience. --**

5 A graduate of an unapproved engineering curriculum of four years or more who has  
6 successfully passed a board approved examination in the fundamental engineering subjects  
7 and ~~in the principles and practice of engineering and~~ who has a specific record of an additional  
8 six years or more of progressive experience in engineering work of a grade and character  
9 satisfactory to the board shall be ~~admitted to a board approved examination in the principles~~  
10 ~~and practice of engineering. Upon passing this examination, the applicant shall be granted a~~  
11 certificate of licensure to practice engineering in this state, provided the applicant is otherwise  
12 qualified.

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13  
14 b. **Comity.** -- The board may, upon application, issue a certificate of licensure as a  
15 professional engineer to any person who holds a valid professional engineering certificate  
16 issued by any jurisdiction of the United States or of any country; provided, that the education,  
17 experience, and examination qualifications of the applicant are, in the judgment of the board, of  
18 a standard not lower than that specified in the applicable licensure act in effect in ~~Alabama, this~~  
19 ~~state~~ at the time such certificate was issued. ~~The board may authorize an applicant to practice~~  
20 ~~engineering on a temporary basis upon issuance of an interim permit which shall remain in~~  
21 ~~effect until the board acts upon the application. The interim permit may be issued upon~~  
22 ~~submission of documentation and a fee which shall be established by the board, not to exceed~~  
23 ~~fifty dollars (\$50).~~

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24  
25 (2) **ENGINEER INTERN.** The following shall be considered as minimum evidence satisfactory  
26 to the board that the applicant is qualified for certification as an engineer intern:

1  
2 a. **Graduation and examination.** -- A graduate of an approved engineering curriculum of  
3 four years or more from a school or college approved by the board who has successfully passed  
4 a board approved examination in the fundamental engineering subjects shall be certified as an  
5 engineer intern, if otherwise qualified.

6  
7 b. **Graduation and examination plus experience.** -- Graduation in an unapproved  
8 engineering curriculum plus two years experience. A graduate of an unapproved engineering  
9 curriculum of four years or more who has successfully passed a board approved examination in  
10 the fundamental engineering subjects and who has a specific record of two years or more of  
11 progressive experience in engineering work of a grade and character satisfactory to the board  
12 shall be certified as an engineer intern, if otherwise qualified.

13  
14 c. **Comity.** -- The education, experience and examination qualifications of the applicant  
15 are, in the judgment of the board, of a standard not lower than that specified in the applicable  
16 licensure act in effect in ~~Alabama this state~~ at the time such certificate was issued.  
17 Fundamentals of engineering examinations of comparable character taken and passed in  
18 another jurisdiction may be accepted by the board.

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19  
20 (3) **PROFESSIONAL LAND SURVEYOR.** The following shall be considered as minimum  
21 evidence satisfactory to the board that the applicant is qualified for licensure as a professional  
22 land surveyor.

23  
24 a. **Graduation and experience plus examination.**

25

1 **1. Graduation in an approved land surveying curriculum plus four years experience.**

2 -- A graduate of an approved land surveying curriculum of four years or more ~~including a~~  
3 ~~minimum of 30 semester hours or 45 quarter hours of surveying courses~~ from a school or  
4 college approved by the board who has successfully passed ~~a board approved examination~~  
5 examinations in the fundamental land surveying subjects, in the principles and practice of land  
6 surveying and in the state specifics of land surveying and who has a specific record of an  
7 additional four years or more of combined office and field experience in land surveying work of a  
8 grade and character satisfactory to the board shall be ~~admitted to a board approved~~  
9 ~~examination in the principles and practice of land surveying and a board approved examination~~  
10 ~~on laws, procedures, and practices pertaining to land surveying in this state. Upon passing~~  
11 ~~these examinations, the applicant shall be~~ granted a certificate of licensure to practice land  
12 surveying in this state, provided the applicant is otherwise qualified.

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14 **2. Graduation in an approved curriculum related to surveying plus six years experience.**

15 -- A graduate of a curriculum related to surveying of four years or more including a  
16 minimum of 15 semester hours or 22.5 quarter hours of surveying courses from a school or  
17 college approved by the board and who has successfully passed ~~a board approved examination~~  
18 examinations in the fundamental land surveying subjects, in the principles and practice of land  
19 surveying, and in the state specifics of land surveying and who has a specific record of an  
20 additional six years or more of progressive office and field experience in land surveying work of  
21 a grade and character satisfactory to the board shall be ~~admitted to a board approved~~  
22 ~~examination in the principles and practice of land surveying and a board approved examination~~  
23 ~~of laws, procedures, and practices pertaining to land surveying in this state. Upon passing~~  
24 ~~these examinations, the applicant shall be~~ granted a certificate of licensure to practice land  
25 surveying in this state, provided the applicant is otherwise qualified.

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1           3. **Graduation in a related science curriculum plus eight years experience.** -- A  
2 graduate of a related science curriculum of four years or more from a school or college  
3 approved by the board who has successfully passed ~~a board approved examination~~  
4 examinations in the fundamental land surveying subjects in the principles and practice of land  
5 surveying and in the state specifics of land surveying and who has a specific record of an  
6 additional eight years or more of progressive combined office and field experience in land  
7 surveying work of a grade and character satisfactory to the board shall be ~~admitted to a board~~  
8 ~~approved examination in the principles and practice of land surveying and a board approved~~  
9 ~~examination of laws, procedures, and practices pertaining to land surveying in in this state.~~  
10 ~~Upon passing these examinations, the applicant shall be granted a certificate of licensure to~~  
11 practice land surveying in this state, provided the applicant is otherwise qualified.

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12  
13           b. **Comity.** -- The board, upon application, may grant to any person who holds a valid  
14 professional land surveying certificate issued by any jurisdiction of the United States or of any  
15 country, admission into a board approved examination of laws, procedures, and practices  
16 pertaining to land surveying in this state, provided that the education, experience, and  
17 examination qualifications of the applicant are, in the judgment of the board, of a standard not  
18 lower than that specified in the applicable licensure act in effect in this state at the time such  
19 certificate was issued. Upon passing the examination, the applicant shall be granted a  
20 certificate of licensure to practice land surveying in this state, provided the applicant is otherwise  
21 qualified.

22  
23           (4) **LAND SURVEYOR INTERN.** The following shall be considered as minimum evidence  
24 satisfactory to the board that the applicant is qualified for certification as a land surveyor intern:  
25

1 a. **Graduation plus examination. Graduation in an approved land surveying**  
2 **curriculum.** -- A graduate of a land surveying curriculum of four years or more ~~including a~~  
3 ~~minimum of 30 semester hours or 45 quarter hours of surveying courses~~ from a school or  
4 college approved by the board who has successfully passed a board approved examination in  
5 the fundamentals of land surveying shall be certified as a land surveyor intern, if otherwise  
6 qualified.

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7  
8 b. **Graduation and examination plus experience.**

9  
10 1. **Graduation in an approved curriculum related to surveying plus two years**  
11 **experience.** -- A graduate of a curriculum related to surveying of four years or more including a  
12 minimum of 15 semester hours or 22.5 quarter hours of surveying courses from a school or  
13 college approved by the board who has successfully passed a board approved examination in  
14 the fundamentals of land surveying and who has a specific record of an additional two years or  
15 more of combined office and field experience in land surveying work of a grade and character  
16 satisfactory to the board shall be certified as a land surveyor intern, if otherwise qualified.

17  
18 2. **Graduation in a related science curriculum plus four years experience.** -- A  
19 graduate of a related science curriculum of four years or more who has successfully passed a  
20 board approved examination in the fundamentals of land surveying and who has a specific  
21 record of an additional four years or more of combined office and field experience in land  
22 surveying work of a grade and character satisfactory to the board shall be certified as a land  
23 surveyor intern, if otherwise qualified.

24  
25 c. **Comity.** -- The education, experience, and examination qualifications of the applicant  
26 are, in the judgment of the board, of a standard not lower than that specified in the applicable

1 | licensure act in effect in ~~Alabama~~ this state at the time such certificate was issued. The board  
2 | may accept fundamentals of land surveying examinations of comparable character taken and  
3 | passed in another jurisdiction.

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4 |  
5 | (5) **CHARACTER.** -- No person shall be eligible for licensure as a professional engineer,  
6 | certification as an engineer intern, licensure as a professional land surveyor, or certification as a  
7 | land surveyor intern who is not of good character and reputation.

8 |  
9 | (6) **TEACHING CREDITS.** -- In considering the qualifications of applicants, teaching in an  
10 | engineering curriculum approved by the board may be considered as engineering experience.  
11 | Teaching land surveying subjects in a land surveying curriculum approved by the board may be  
12 | considered as land surveying experience.

13 |  
14 | (7) **GRADUATE STUDY.** -- In counting years of experience for professional engineer licensure,  
15 | the board may give credit, not in excess of one year, for successful completion of graduate  
16 | study leading to a master's degree in engineering. If a Ph.D. in engineering is completed, a  
17 | total of ~~two years~~ three ~~experience years' experience~~ may be credited. The ~~two-year~~ three-year  
18 | credit shall include one year for the master's degree. If the Ph.D. is obtained without the  
19 | master's degree, the credit for experience shall not be two in excess of three years. In counting  
20 | years of experience for professional land surveyor licensure, the board may give credit, not in  
21 | excess of one year, for successful completion of graduate study leading to a master's degree in  
22 | land surveying. If a Ph.D. in land surveying is completed, a total of ~~two years~~ three years'  
23 | experience may be credited. The credit of ~~two~~ three years shall include one year for the  
24 | master's degree. If the Ph.D. is obtained without the master's degree, the credit for experience  
25 | shall not be two in excess of three years.

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1 (8) **NONPRACTICING APPLICANTS.** -- Any person having the necessary qualifications  
2 prescribed in this chapter to entitle the applicant to licensure shall be eligible for licensure  
3 although the applicant may not be practicing engineering or land surveying at the time of making  
4 application.

5  
6 (9) **RECOGNITION OF PREVIOUSLY TAKEN EXAMINATIONS.** The board may accept  
7 fundamentals and principles and practice examinations of comparable character taken and  
8 passed in another jurisdiction.

9  
10 ~~Section 34-11-57. Applications; and fees for Licensure and Certification.~~

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11  
12 (a) Applications for licensure as a professional engineer, professional land surveyor, engineer  
13 intern, or land surveyor intern shall be on forms prescribed and furnished by the board ~~and shall~~  
14 ~~contain statements made under oath~~ ; ~~shall contain a declaration made under penalty of~~  
15 ~~perjury.~~ Three or more of the references contained in an application for licensure as a

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16 professional engineer shall be professional engineers having personal knowledge of the  
17 applicant's engineering experience. Three or more of the references contained in an application  
18 for professional land surveyor shall be professional land surveyors having personal knowledge  
19 of the land surveying experience of the applicant. All references ~~and experience verifications~~

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20 furnished shall be considered confidential records of the board. Any individual who was  
21 previously licensed in this state and whose license is eligible for reinstatement as outlined in  
22 ~~subsection (a) of Section 34-11-8~~ this chapter shall comply with the reinstatement procedures  
23 established by the board instead of the submission of a new application.

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24

1 (b) The application fee ~~and, which shall include~~ the licensure fee, for professional engineers or  
2 professional land surveyors shall be set by the board, ~~and each fee shall not exceed one~~  
3 hundred dollars (\$100) three hundred dollars (\$300), and shall accompany the application.

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4  
5 ~~(1) For professional engineers applying for licensure by way of comity, both the application~~  
6 ~~fee and licensure fee shall accompany the application.~~

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7  
8 ~~(2) For professional engineers applying for licensure by way of examination and for~~  
9 ~~professional land surveyors, the application fee shall accompany the application, and the~~  
10 ~~licensure fee shall be due upon approval of licensure. If the applicant fails or refuses to remit the~~  
11 ~~licensure fee within 30 days after being notified of successfully qualifying, the applicant shall~~  
12 ~~forfeit the right to have a certificate so issued. For further consideration, the applicant shall be~~  
13 ~~required to submit a new application and application fee.~~

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14  
15 (c) The application fee, which shall include the certification fee, for engineer interns and land  
16 surveyor interns shall be set by the board, shall not exceed fifty dollars (\$50), and shall  
17 accompany the application.

18  
19 ~~(d) The fee for a certificate of authorization for a corporation, partnership, or firm shall be set by~~  
20 ~~the board and shall not exceed two hundred fifty dollars (\$250), and must accompany the~~  
21 ~~application.~~

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22  
23 ~~(e) (d) If the board denies certification or licensure to any applicant, or the certificate of~~  
24 ~~authorization to any corporation, partnership or firm, the fee paid shall be retained as an~~  
25 ~~application fee.~~

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1 | **Section 34-11-~~6~~ 8. Examinations.**

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2  
3 (a) Examinations shall be held at such times and places as the board determines and upon  
4 payment of an examination fee. The board shall determine the acceptable passing grade on  
5 state-specific examinations.

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6  
7 (b) When examinations are required on fundamental subjects, the applicant shall be permitted  
8 to take this part of the professional examination as specified by rules of the board. ~~A candidate~~  
9 ~~failing an examination may apply for reexamination under guidelines established by the board.~~

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10  
11 (c) When examinations are required on applied subjects, the applicant shall be permitted to  
12 take this part of the professional examination as specified by guidelines established by the  
13 board. The scope of the examination and the methods of procedure shall be prescribed by the  
14 board with special reference to the applicant's ability to design and supervise engineering or  
15 land surveying works so as to protect the safety of life, health, and property. Examinations shall  
16 be given for the purpose of determining the qualifications of applicants for licensure separately  
17 in engineering and in land surveying. A candidate failing an examination may apply for  
18 reexamination under guidelines established by the board.

19  
20 (d) The Board may prepare and require additional examinations in engineering and land  
21 surveying. Specifications for such additional examinations may be published and be made  
22 available to any individual interested in being licensed as a professional land surveyor. The fees  
23 for examination, reexamination, and administration of the examination on the laws, procedures,  
24 and practices pertaining to engineering land surveying in this state shall be set by the board.

1 (e) The board may contract with an independent testing agency to prepare, grade or conduct  
2 the required examinations. For those examinations so designated by the board, the applicant  
3 shall pay the examination fees directly to the board authorized testing agency. The examination  
4 fee for the ~~examination on Alabama land surveying laws, procedures and practices~~ state-  
5 specific examinations shall be paid directly to the board.

6  
7 **Section 34-11-7.9. ~~Issuance of certificate~~ Certificates of Licensure; seal.**

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8  
9 (a) The board shall issue a certificate of licensure ~~upon payment of a licensure fee as provided~~  
10 ~~for in this chapter~~ to any applicant for licensure as a professional engineer or professional land  
11 surveyor who, in the opinion of the board, has satisfactorily met all the requirements of this  
12 chapter. In the case of a professional engineer, the certificate shall authorize the practice of  
13 engineering. In the case of a professional land surveyor, the certificate shall authorize the  
14 practice of land surveying. The certificate of licensure for a professional engineer shall carry the  
15 designation "Professional Engineer" and for a professional land surveyor, "Professional Land  
16 Surveyor." Certificates of licensure shall show the name of the licensee, shall have a license  
17 number, and shall be signed by the ~~chair and the secretary of the board~~ Executive Director  
18 under the seal of the board.

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19  
20 (b) The issuance of a certificate of licensure by the board shall be prima facie evidence that the  
21 person named therein is entitled to all the rights and privileges and is bound by all  
22 responsibilities of a professional engineer, or of a professional land surveyor ~~unless the~~  
23 ~~certificate is revoked, suspended, surrendered, lapsed, or expired~~ while the said certificate of  
24 licensure remains active and unrestricted.

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1 (c) Each ~~professional engineer should upon licensure obtain a seal of the design authorized by~~  
2 ~~the board, bearing the licensee's name, licensure number, and the legend, "licensed~~  
3 ~~professional engineer." Previously purchased seals bearing the terminology "registered" vs.~~  
4 ~~"licensed" may continue to be used until replacement is required.~~ licensee hereunder must, upon  
5 licensure, obtains a seal as set forth in this chapter. ~~Engineering drawings, plans,~~  
6 ~~specifications, plats, and reports issued by a licensee or by qualified persons under the direction~~  
7 ~~of the licensee and for which the licensee assumes full responsibility shall be certified pursuant~~  
8 ~~to this chapter. It shall be unlawful for anyone to use an expired, suspended, surrendered,~~  
9 ~~lapsed, or revoked certificate or seal or facsimile thereof.~~ Documents must be sealed, signed,  
10 and dated in accordance with the Rules of the board,

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11  
12 (d) ~~Each professional land surveyor should upon licensure obtain a seal of the design~~  
13 ~~authorized by the board, bearing the licensee's name, licensure number, and the legend,~~  
14 ~~"licensed professional land surveyor." Previously purchased seals bearing the terminology~~  
15 ~~"registered" vs. "licensed" may continue to be used until replacement is required. Land plats,~~  
16 ~~legal descriptions of lands, and land surveying reports issued by a licensee or by qualified~~  
17 ~~persons under the direction of the licensee and for which the licensee assumes full~~  
18 ~~responsibility shall be certified pursuant to this chapter. It shall be unlawful for anyone to use an~~  
19 ~~expired, suspended, surrendered, lapsed, or revoked certificate or seal or facsimile thereof.~~

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20  
21 (e) ~~(d)~~ Whenever the seal is applied, the document must be signed by the licensee thereby  
22 certifying that he or she is competent in the subject matter and is responsible for the work  
23 product. A digital signature may be used in lieu of a handwritten signature.

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24  
25 (e) The board shall issue to any applicant for certification as an engineer intern or surveyor  
26 intern who, in the opinion of the board, has met the requirements of this chapter, an enrollment

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1 ~~document identifying the individual as engineer intern or land surveyor intern. The engineer~~  
2 ~~intern or surveyor intern enrollment document does not authorize the holder to practice as a~~  
3 ~~professional engineer or a professional land surveyor.~~

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5 ~~Section 34-11-8 10. Renewal~~ **Expirations, Renewals, and Reinstatements of certificates;**  
6 ~~lapsed licenses~~ **of Licensure.**

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8 (a) ~~The board shall, by rule, establish a procedure for renewing certificates of licensure on an~~  
9 ~~annual or a biennial basis. It shall be the duty of the executive director of the board to notify~~  
10 ~~every person licensed under this chapter of the final date of the renewal of his or her license~~  
11 ~~and the amount of the fee required for the renewal. The notice shall be mailed to the last~~  
12 ~~address of the licensee recorded by the executive director of the board at least one month in~~  
13 ~~advance of the renewal deadline. Renewal may be accomplished at any time prior to or during~~  
14 ~~the month of December by payment of the required fee. The board shall establish the renewal~~  
15 ~~fee for each certificate of licensure issued pursuant to this chapter. Certificates of licensure~~  
16 ~~shall expire on the date designated by the board and shall become invalid after that date unless~~  
17 ~~renewed. It shall be the duty of the board to notify every individual licensed under this chapter~~  
18 ~~of the date of the expiration of the certificate of licensure and the amount of the fee required for~~  
19 ~~renewal. The amount of the renewal fee shall not exceed ~~one two~~ hundred fifty dollars (~~\$150~~~~  
20 ~~200) for annual renewal or ~~three four~~ hundred dollars (~~\$300 400~~) for biennial renewal.~~  
21 ~~Certificates of licensure for professional engineers and professional land surveyors shall lapse~~  
22 ~~on the last day of the month of December, annually or biennially, unless renewed. The board~~  
23 ~~shall, by rule, establish procedures including requirements, time limits, and the minimum~~  
24 ~~continuing professional competency education hours required for reinstating or reactivating a~~  
25 ~~lapsed an expired license. The board shall establish a reinstatement fee which shall be based~~  
26 ~~on the period the license was ~~lapsed expired~~. ~~A lapsed license, if not reinstated, shall remain in~~~~

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1 | a lapsed classification for a total of four years. Any license which has lapsed for more than four  
2 | years shall not be eligible for reinstatement or reactivation and is expired.

3 |  
4 | ~~(1) Any individual whose license has lapsed for nonpayment of renewal fees shall continue~~  
5 | ~~to be subject to this chapter and board rules governing licenses until the licensure is revoked by~~  
6 | ~~action of the board or the license is not eligible for reinstatement under the rules of the board. A~~  
7 | ~~licensee who practices or offers to practice in this state with a lapsed, inactive, or retired license~~  
8 | ~~shall be subject to disciplinary action by the board.~~

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9 |  
10 | ~~(2) (1) No licensee shall have his or her license renewed unless, in addition to any other~~  
11 | ~~requirements of this chapter, the minimum annual or biennial continuing professional~~  
12 | ~~competency education requirement is met. It is further provided that the continuing professional~~  
13 | ~~competency education program herein required shall not include testing or examination of the~~  
14 | ~~licensee in any manner. The board may, by rules, establish exemptions from the continuing~~  
15 | ~~professional competency education requirement for retired inactive licensees and others in~~  
16 | ~~extenuating circumstances as identified by rule of the board.~~

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17 |  
18 | (b) Enrollment as engineer interns and land surveyor interns shall not expire on the last day of  
19 | the month of December following their issuance or renewal; however the intern's name shall be  
20 | removed from the current mailing list of the board after 10 years. ~~The notification to interns~~  
21 | ~~shall be processed as prescribed above for licensees except that the annual renewal fee shall~~  
22 | ~~not exceed ten dollars (\$10). The failure on the part of any intern to accomplish renewal shall~~  
23 | ~~not invalidate his or her status as an engineer intern or land surveyor intern, but his or her name~~  
24 | ~~shall, after 90 days, be removed from the current mailing list of the board. The fee to bring an~~  
25 | ~~enrollment current after a renewal expiration shall be twice that established for annual renewal.~~

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1 ~~(c) Certificates of authorization issued to corporations, partnerships, or firms practicing or~~  
2 ~~offering to practice engineering or land surveying under this chapter shall lapse on the last day~~  
3 ~~of the month of January following their issuance or renewal, unless renewed. The amount of~~  
4 ~~the renewal fee shall be set by the board and shall not exceed two hundred fifty dollars (\$250).~~  
5 ~~It shall be the duty of the executive director of the board to notify every corporation, partnership,~~  
6 ~~or firm holding a certificate of authorization under this chapter of the final date of renewal of the~~  
7 ~~certificate and the amount of the fee which shall be required for its renewal for one year. The~~  
8 ~~notice shall be mailed by the executive director to the last address recorded for the corporation,~~  
9 ~~partnership, or firm at least one month in advance of the renewal deadline. Renewals may be~~  
10 ~~accomplished at any time prior to or during the month of January by payment of the required~~  
11 ~~fee. Failure by the corporation, partnership, or firm to renew its certificate of authorization prior~~  
12 ~~to or during the month of January shall cause the certificate to lapse, and it shall be unlawful for~~  
13 ~~the corporation, partnership, or firm to practice, offer to practice, or hold itself out as qualified to~~  
14 ~~practice engineering or land surveying in Alabama following the lapse of its certificate of~~  
15 ~~authorization. The board shall, by rules, establish procedures and time limits for reactivating a~~  
16 ~~certificate of authorization and the reinstatement fees which shall be based on the period the~~  
17 ~~certification was lapsed. A firm, partnership, or corporation whose certificate of authorization~~  
18 ~~has lapsed for nonpayment of renewal fees shall continue to be subject to this chapter and the~~  
19 ~~rules of the board governing licenses until the certificate of authorization is revoked by action of~~  
20 ~~the board or the certificate of authorization is no longer renewable under the rules of the board.~~  
21 ~~If not reinstated, a lapsed certificate of authorization shall remain in a lapsed classification for a~~  
22 ~~period of two years. Any certificate of authorization which has been lapsed for more than two~~  
23 ~~years shall not be eligible for reinstatement or reactivation and is expired. An individual who~~  
24 ~~allows a license to expire due to non-renewal, failure to submit the required continuing~~  
25 ~~education hours, or pay the applicable renewal fees shall be treated as having an expired~~

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1 license and shall be ineligible to practice. An expired license may be reinstated, at the  
2 discretion of the Board as follows:

3  
4 (1) Reinstatement petitions submitted within 2 years of the expiration date may be reinstated  
5 upon substantiation by the applicant of all renewal requirements set forth within this chapter and  
6 rules of the board, including completion of all continuing education credits required to have been  
7 completed during the expired status period, along with a reinstatement fee determined by the  
8 Board.

9  
10 (2) Licensees whose licenses have been in expired status longer than two years are not  
11 eligible for reinstatement and must file an application for licensure following the application  
12 procedures as set forth in this chapter.

13  
14 (3) The Board may impose additional reasonable requirements for reinstatement deemed  
15 necessary to fulfill its public protection mission.

16  
17 (4) The Board may consider extenuating circumstances of petitioners who can demonstrate  
18 hardship. The Board reserves the right to waive fees and other renewal/reinstatement  
19 requirements so long as the Board maintains its public protection mission in considering such  
20 petitions.

21  
22 (d) A licensee in inactive status may return to active status by notifying the Board in advance of  
23 this intention and by meeting all requirements of the board, including demonstration of  
24 continuing professional education as a condition of reinstatement.

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1 **Section 34-11-~~9~~ 11. Corporate and partnership practice Certificates of Authorization for**  
2 **Firms.**

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3  
4 (a) ~~Services offered to the public; certificate of authorization required~~ **General**  
5 **Requirements.**

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6  
7 (1) **ENGINEERING OR LAND SURVEYING SERVICES.** -- ~~The practice of or offer to~~  
8 practice engineering and land surveying as defined in Section 34-11-1 by individual professional  
9 engineers or professional land surveyors licensed under this chapter through a corporation,  
10 partnership, or firm offering engineering services or land surveying services to the public  
11 through individual licensed professional engineers or professional land surveyors, as agents,  
12 employees, officers, or partners, is permitted subject to this chapter and one or more of the  
13 principal officers of the corporation, firm, or partners of the partnership and all personnel of the  
14 corporation, partnership, or firm who act in its behalf as professional engineers or professional  
15 land surveyors in this state are licensed as provided by this chapter, or are persons lawfully  
16 practicing under Section 34-11-14 and the corporation, partnership, or firm has been issued a  
17 certificate of authorization by the board as provided herein. All final drawings, specifications,  
18 plans, reports, or other engineering or land surveying papers or documents involving the  
19 practice of engineering or land surveying as defined in Section 34-11-1 of this chapter which  
20 shall have been prepared or approved for the use of such corporation, partnership, or firm or for  
21 delivery to any person or for public record within the state shall be dated and bear the signature  
22 and seal of the professional engineer or professional land surveyor who prepared or approved  
23 them. Nothing in this section should be construed to mean that a certificate of licensure to  
24 practice engineering or land surveying shall be held by a corporation, partnership or firm. **A firm**  
25 **that practices or offers to practice engineering or land surveying is required to obtain a**  
26 **certificate of authorization by the board in accordance with the Rules.**

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~~(2) **JOINT PRACTICE AUTHORIZED - (IN-HOUSE SERVICES).** -- Nothing in this section prohibits an individual, corporation, firm, or partnership from joining together to practice, offering to practice or holding themselves out as qualified to practice engineering or land surveying provided that the individual, corporation, firm, or partnership meets the requirements of this section. A firm performing engineering or land surveying for the firm itself or for a parent or subsidiary of said firm is not required to have a certificate of authorization.~~

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~~(3) **LIABILITY GENERALLY RESPONSIBILITY.** -- No corporation, firm, or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, or partners by reason of its compliance with this section, ~~nor shall any individual practicing engineering or land surveying as defined in Section 34-11-1 be relieved of responsibility for work performed by reason of employment, association, or relationship with the corporation, partnership, or firm.~~ No individual practicing engineering or land surveying under the provisions of this chapter shall be relieved of responsibility for engineering or land surveying services performed by reason of employment or other relationship with a firm holding a certificate of authorization.~~

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(4) The Secretary of State of this state shall not accept organizational papers nor issue a certificate of incorporation, organization, licensure, or authorization to any firm which includes among the objectives for which it is established or within its name, any of the words "engineer," "engineering," "land surveyor," "land surveying," or any modification or derivation thereof unless the board has issued for said applicant a certificate of authorization or a letter indicating the eligibility of such applicant to receive such a certificate. The firm applying shall supply such certificate or letter from the board with its application for incorporation, organization, licensure, or authorization.

1 (5) The Secretary of State of this state shall decline to authorize any trade name trademark,  
2 or service mark which includes therein such words as set forth in the previous subsection, or  
3 any modifications or derivatives thereof, except licensees and those firms holding certificates of  
4 authorization issued under the provisions of this section.

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6 ~~(4) APPLICATION FOR CERTIFICATE OF AUTHORIZATION. A corporation,~~  
7 ~~partnership, or firm desiring a certificate of authorization shall file with the board an application~~  
8 ~~upon a form to be prescribed by the board and the designation required by subdivision (5),~~  
9 ~~accompanied by the licensure fee prescribed by subsection (d) of Section 34-11-5.~~

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11 ~~(5) RESIDENT LICENSEE. Every firm, partnership, corporation, or other entity which~~  
12 ~~performs or offers to perform engineering or land surveying services shall have a resident~~  
13 ~~licensed professional engineer or land surveyor in responsible charge of the engineering or land~~  
14 ~~surveying work for each separate office or branch office in which engineering or land surveying~~  
15 ~~services are performed or offered to be performed. The board shall issue rules to ensure~~  
16 ~~adequate engineering supervision and surveying supervision of all work.~~

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18 ~~(6) FILING NAMES AND ADDRESSES OF OFFICERS, ETC., REQUIRED. A~~  
19 ~~corporation or firm shall file with the board, using a form provided by the board, the names and~~  
20 ~~addresses of all officers and board members of the corporation or firm including the principal~~  
21 ~~officer or officers duly licensed to practice engineering or land surveying in this state, who shall~~  
22 ~~be in responsible charge of the practice or offering to practice of engineering or land surveying~~  
23 ~~in this state by the corporation or firm and of the individual or individuals designated as the~~  
24 ~~responsible engineer or land surveyor of each branch office offering or performing Alabama~~  
25 ~~engineering or land surveying. A partnership shall file with the board using a form provided by~~  
26 ~~the board, the names and addresses of all partners, including the partner or partners duly~~

1 licensed to practice engineering or land surveying in this state, and also of an individual or  
2 individuals duly licensed to practice engineering or land surveying in this state who shall be in  
3 responsible charge of the practice of engineering or land surveying in this state at the branch  
4 offices of the partnership. The same form, giving the same information, shall accompany the  
5 annual renewal fee prescribed in subsection (c) of Section 34-11-8. In the event there is a  
6 change in the firm name or in any of the partners or principal officers during the year, the  
7 changes shall be filed with the board by the corporation, partnership, or firm within 30 days after  
8 the effective date of the change.

9  
10 ~~(7) ISSUANCE OF CERTIFICATE OF AUTHORIZATION; SUSPENSION; REVOCATION.~~

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11 If all the requirements of this section are met, the board shall issue to the corporation,  
12 partnership, or firm a certificate of authorization. The board may refuse to issue a certificate, if  
13 any facts exist which would entitle the board to suspend or revoke an existing certificate. Any  
14 person aggrieved by an adverse determination of the board may appeal to the circuit court in  
15 the manner provided in Section 34-11-13.

16  
17 ~~(8) (6) CERTIFICATE OF AUTHORIZATION REQUIRED OF ORGANIZATION~~

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18 **OPERATING UNDER FICTITIOUS NAME.** -- For the purposes of this section, a certificate of  
19 authorization shall be required by a ~~corporation, partnership, firm, association, or person~~  
20 practicing under a fictitious name, offering engineering or land surveying services to the public.

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21 Where a licensee is practicing engineering or land surveying in his or her own given name, the  
22 licensee shall not be required to qualify under this section.

23  
24 ~~(b) (7) Incidental engineering or land surveying services; certificate of authorization~~

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25 **not required** INCIDENTAL ENGINEERING OR LAND SURVEYING SERVICES. -- The  
26 practice of engineering or land surveying incidental to or in connection with production,

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1 manufacture, transportation, distribution, or communication may be carried on by any person,  
2 partnership, firm, or corporation engaged in such production, manufacture, transportation,  
3 distribution, or communication and will not require a certificate of authorization. The engineering  
4 and land surveying services shall be performed by or under the direction of a professional  
5 engineer or professional land surveyor licensed in conformity with this chapter. All drawings,  
6 plans, specifications, plats, and reports involving the practice of engineering or land surveying  
7 shall when issued be dated and bear the seal or facsimile of the seal, signature, and licensure  
8 number of the professional engineer or land surveyor in responsible charge thereof.

9  
10 (b) Managing Agent and Resident Professional. – A firm shall designate a managing agent  
11 and a resident professional, if offering or performing Alabama services in multiple offices. The  
12 managing agent and the resident professional may or may not be the same individual.

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13  
14 (1) Managing Agent – The following criteria shall apply to the firm's designation of a  
15 managing agent:

16  
17 a. A firm shall designate a professional engineer or a professional land surveyor to be a  
18 managing agent for the firm.

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19  
20 b. The managing agent is responsible for the engineering or land surveying work in this  
21 state and/or for projects within this state offered or provided by the firm.

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22  
23 c. A licensee may not be designated as a managing agent for more than one firm unless the  
24 firms are co-located.

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1 d. A licensee who renders occasional, part-time, or consulting engineering or land  
2 surveying services to, or for, a firm may not be designated as a managing agent.

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3  
4 e. The managing agent's responsibilities include:

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5  
6 1. Renewal of the firm's certificate of authorization and notification to the board of any  
7 change in the managing agent;

8  
9 2.. Overall administrative supervision of the firm's licensed and subordinate personnel  
10 providing the engineering or land surveying work in this state; and

11  
12 3. Ensuring adherence that the policies of the firm that are in accordance with the Rules  
13 of Professional Conduct.

14  
15 (2) Resident Professional – A firm shall designate a resident professional engineer or a  
16 resident professional land surveyor, as applicable, in each branch office in which engineering or  
17 land surveying services for this state are offered or provided. The resident professional will be  
18 responsible for overseeing the daily operations of that branch office. A resident professional  
19 engineer or a resident professional land surveyor shall meet the following criteria;

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20  
21 a. Spend a majority of normal business hours at the particular branch office;

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22  
23 b. Be a resident professional engineer or a resident professional land surveyor at only one  
24 particular branch office, unless co-located at one time; and

25

1 c. Be duly licensed as an Alabama professional engineer or a professional land surveyor,  
2 respectively.

3  
4 **(c) Applications and Fees**

5  
6 (1) A firm desiring a certificate of authorization must file with the board an application using  
7 a form provided by the board and provide all the information required by the board. A form as  
8 provided by the board shall be filed with the board upon renewal or within 30 days of the time  
9 any information contained on the application form is changed or differs for any reason. If in the  
10 judgement of the board the application meets the requirements of this chapter, the board shall  
11 issue a certificate of authorization for said firm to practice engineering or land surveying.

12  
13 (2) The application fee for a certificate of authorization for firms shall be established by the  
14 board and shall not exceed two hundred fifty dollars (\$250) and shall accompany the  
15 application.

16  
17 (3) Should the board deny the issuance of a certificate of authorization to any applicant, the  
18 fee paid shall be retained as an application fee.

19  
20 **(d) Expirations and Renewals**

21  
22 (1) Certificates of authorization for firms shall expire on the date designated by the board  
23 and shall become invalid after that date unless renewed. It shall be the duty of the board to  
24 notify every firm holding a certificate of authorization under this chapter of the date of the  
25 expiration of the certificate of authorization and the fee required for its renewal.

1 (2) The amount of the renewal fee shall be set by the board and shall not exceed two  
2 hundred fifty dollars (\$250).

3  
4 (3) Renewal may be effected during the renewal period by meeting the requirements  
5 established by the board. Failure by the firm to renew its certificate of authorization prior to the  
6 expiration date shall cause the certificate to expire and it shall be unlawful for the firm to  
7 practice, offer to practice, or hold itself out as qualified to practice in this state following the  
8 expiration of its certificate of authorization.

9  
10 (4) The board shall by rules, establish procedures, time limits, and the reactivation fees  
11 required for reactivating an expired certificate of authorization.

12  
13 (5) A firm whose certificate of authorization has expired due to nonrenewal shall continue to  
14 be subject to this chapter and the rules of the board until the certificate of authorization is  
15 revoked by action of the board or is no longer eligible for reactivation.

16  
17 **Section 34-11-12. Issuance of Duplicate Certificates.**

18 A duplicate certificate of licensure, intern enrollment document, or certificate of authorization  
19 may be issued subject to the rules of the board. A fee established by rules shall be paid for  
20 each issuance.

21  
22  
23 **Section 34-11-~~10~~ 13. Public work.**

24  
25 ~~It shall be unlawful for the state or any of its departments, boards or agencies or any county,~~  
26 ~~municipality or political subdivision or any department, board or agency of any county,~~

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1 municipality or political subdivision to engage in the construction of any public work involving the  
2 practice of engineering unless the engineering drawings, plans, specifications and estimates  
3 have been prepared by and the construction executed under the direct supervision of a  
4 professional engineer; Any state, county, or local government agencies or authorities, or  
5 officials or employees thereof, shall not engage in the practice of engineering or land surveying  
6 involving either public or private property without the project being under the responsible charge  
7 of a professional engineer for engineering projects or a professional land surveyor for land  
8 surveying projects as provided for the practice of the respective professions by this chapter;  
9 provided, that nothing in this chapter shall be held to apply to any public work wherein the  
10 expenditures for the complete project of which the work is a part does not exceed \$20,000.00.

12 **Section 34-11-14.14. Grounds for Disciplinary action – Licensees, Interns, and Certificate**  
13 **of Authorization Holders.**

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15 (a) The board shall have the power to reprimand, censure, suspend, revoke, place on  
16 probation, recover costs, or and/or fine any licensee or certified engineer intern or land surveyor  
17 intern or corporation, partnership, or firm holding a certificate of authorization and to suspend,  
18 or refuse to issue, renew, or revoke restore the certificate of any licensee or certified engineer  
19 intern or land surveyor intern or the certificate of authorization of a corporation, partnership, or  
20 firm found guilty of any of the following:

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22 (1) The practice of any fraud or deceit in obtaining or attempting to obtain or renew a  
23 certificate of licensure, intern certification, or certificate of authorization.

25 (2) Any gross negligence, incompetency, violation of the rules of professional conduct  
26 prescribed by the board, or any amendment thereof, or misconduct in the practice of

1 engineering or land surveying as a professional engineer, engineer intern, professional land  
2 surveyor, or land surveyor intern.

3  
4 (3) Falsely representing himself or herself as being in responsible charge of engineering  
5 work or land surveying.

6  
7 (4) Permitting his or her seal, or facsimile thereof, to be used by another.

8  
9 (5) ~~An offense Discipline (including voluntary surrender of a professional engineer's license,~~  
10 ~~professional land surveyor's license, engineer intern's certification, land surveyor intern's~~  
11 ~~certification, firm's engineering certificate of authorization, or firm's land surveying certificate of~~  
12 ~~authorization in order to avoid disciplinary action) in by another jurisdiction, foreign country, or~~  
13 ~~the United States government, resulting in revocation, suspension, or voluntary surrender, to~~  
14 ~~avoid disciplinary proceedings, of a license or certificate of licensure, including any agreement~~  
15 ~~or stipulation executed by a licensee to avoid formal disciplinary proceedings if at least one of~~  
16 ~~the grounds for discipline is the same or substantially equivalent to those contained in this~~  
17 ~~Chapter.~~

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18  
19 ~~(6) Conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony,~~  
20 ~~whether or not related to the practice of engineering or land surveying; and conviction of or entry~~  
21 ~~of a plea of guilty or nolo contendere to any crime, whether a felony, misdemeanor, or~~  
22 ~~otherwise, an essential element of which is dishonesty or which is directly related to the practice~~  
23 ~~of engineering or land surveying.~~

24  
25 ~~(7) Failure to comply with any of the provisions of this Chapter or any of the rules or~~  
26 ~~regulation of the board.~~

- 1
- 2 (8) Failure to respond to the Board on board inquiries within 60 days of receipt of board
- 3 inquiries.
- 4
- 5 (9) Knowingly making false statements or signing false statements, certifications, or
- 6 affidavits in connection with the practice of engineering or land surveying.
- 7
- 8 (10) Aiding or assisting another person in violating any provision of this Chapter or the rules
- 9 or regulations of the board.
- 10
- 11 (11) Violating any terms of any Order imposed or agreed to by the Board or using a seal or
- 12 practicing engineering or land surveying while the licensee's license or the firm's certificate of
- 13 authorization is inactive or restricted.
- 14
- 15 (12) Signing, affixing, or permitting the licensee's seal or signature to be affixed to any
- 16 specifications, reports, drawings, plans, plats, design information, construction documents or
- 17 calculations, surveys, or revisions thereof which have not been prepared by the licensee or
- 18 under the licensee's responsible charge.
- 19
- 20 (13) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to
- 21 deceive, defraud, or harm the public.
- 22
- 23 (14) Providing false testimony or information to the board.
- 24
- 25 (15) Providing engineering or land surveying services outside any of the licensee's areas of
- 26 competence.

1  
2 (16) It shall be unlawful to practice engineering and/or land surveying in a branch office not  
3 under the day-to-day supervision of a licensed professional engineer or professional land  
4 surveyor, respectively.

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5  
6 (b) The board shall have the power to impose any or all of the disciplinary penalties set forth in  
7 this section ~~against a corporation, partnership, or firm holding a certificate of authorization,~~  
8 when any one or more of the agents, employees, officers, partners, or owners of the  
9 corporation, partnership, or firm, licensed or nonlicensed, have committed any act, or have been  
10 guilty of any conduct, which could authorize the imposition of any of the disciplinary penalties  
11 set forth in this section. The acts or conduct by the persons must have been related to the  
12 practice of or offer to practice of engineering or land surveying by the ~~corporation, partnership,~~  
13 ~~or firm~~ and that the acts or conduct must have been performed or occurred within the scope of  
14 the employment of any such person and with the authorization, ratification, or approval of an  
15 officer, director, principal, partner, or owner of the ~~corporation, partnership or firm.~~

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16  
17 (c) Each day of continued violation may constitute a separate offense.

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18  
19 (d) Any individual whose license has expired for nonpayment of renewal fees shall continue to  
20 be subject to this chapter and board rules governing licenses until the license is revoked by  
21 action of the board or the license is not eligible for reinstatement under the rules of the board. A  
22 licensee who practices or offers to practice in this state with an expired, inactive, or retired  
23 license shall be subject to disciplinary action by the board. Any firm whose certificate of  
24 authorization has expired for nonpayment of renewal fees shall continue to be subject to this  
25 chapter and board rules until the certificate of authorization is revoked by action of the board or  
26 the certificate of authorization is not eligible for reinstatement under the rules of the board. A

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1 firm who practices or offer to practice in this state with an expired certificate of authorization  
2 shall be subject to disciplinary action by the board.

3  
4 (e) In addition to or in lieu of any other sanction provided in this section, any licensee, intern, or  
5 certificated firm that violates a provision of this chapter or any rule or regulation of the board  
6 may be assessed a fine in an amount determined by the board of not more than ten thousand  
7 dollars (\$10,000) for each count or separate offense.

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9 **Section 34-11-15. Grounds for Disciplinary Action – Unlicensed Individuals or firms.**

10  
11 (a) In addition to any other provisions of law, the board shall have the power to levy a civil  
12 penalty and recover costs from any individual or firm who is found guilty of:

13  
14 (1) Engaging in the practice of offer to practice engineering or land surveying in this state  
15 without being authorized in accordance with the provisions of this chapter.

16  
17 (2) Using or employing the words “engineer,” “engineering,” “land surveyor,” “land  
18 surveying,” or any modification or derivative thereof in his or her name or form of business  
19 activity except as authorized in this chapter.

20  
21 (3) Presenting or attempting to use the certificate of licensure or seal of a professional  
22 engineer or professional land surveyor or attempting to use an unauthorized certificate of  
23 authorization.

24  
25 (4) Engaging in any fraud or deceit in obtaining or attempting to obtain a certificate of  
26 licensure, intern certification, or certificate of authorization.

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(5) Impersonating any professional engineer or professional land surveyor or any firm holding a certificate of authorization.

(6) Using or attempting to use a revoked or non-existent certificate of licensure, intern certification, or certification of authorization; or an expired certificate of licensure of certificate of authorization not eligible for reinstatement.

(b) Each day of continued violation may constitute a separate offense.

(c) In addition to any other sanction provided in this chapter, the board shall have the power to levy a civil penalty and recover costs from any firm where one or more of its managing agents, officers, directors, owners, or managers have been found guilty of any conduct which would constitute a violation under the provisions of this chapter or any of the rules or regulations of the board.

(d) A civil penalty assessed under this section may not exceed ten thousand dollars (\$10,000) for each count or separate offense. The civil penalty is payable to the State General Fund.

**Section 34-11-16. Disciplinary Action Procedures.**

~~(e) (a) Any person or entity, including the board or board staff, may file a complaint alleging a violation of this section chapter or any rules or regulations of the board against any individual licensee, certified intern, or corporation, partnership, or firm holding a certificate of authorization or unlicensed individual/firm. The complaints shall be in writing, shall be signed by the~~

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1 complainant, shall state specifically the facts on which the complaint is based, and shall be filed  
2 with the executive director of the board.

3  
4 ~~(d) (b)~~ The board may designate a person or persons to investigate and report to it on any  
5 matter related to its lawful duties and may employ legal counsel as the board may deem  
6 necessary or desirable. An investigation may be made upon receipt of a complaint ~~or may be~~  
7 ~~initiated by the board.~~ The board may resolve violations by agreement between the board and  
8 the ~~licensee~~ respondent with or without the filing of formal charges.

9  
10 ~~(e) (c)~~ Following an investigation, charges may be filed against any individual licensee,  
11 certified intern, or corporation, partnership, or firm holding a certificate of authorization. All  
12 complaints shall be reviewed by an investigative committee designated by the rules of the  
13 board. After review, the investigative committee shall determine or recommend, as appropriate,  
14 if charges are warranted. The charges shall conform to the Administrative Procedure Act.

15  
16 ~~(f) (d)~~ With the consent of the ~~licensee~~ respondent, the board may conduct an informal hearing  
17 without meeting the requirements of the Administrative Procedure Act at which no action shall  
18 be taken other than a reprimand, public or private.

19  
20 ~~(g) (e)~~ All charges, unless dismissed by the board as unfounded or trivial, or unless settled  
21 informally, shall be heard by the board within a reasonable time.

22  
23 ~~(h) (f)~~ The time and place for the hearing shall be fixed ~~by the board,~~ and a copy of the  
24 charges, together with a notice of the time and place of the hearing, shall be personally served  
25 on or mailed to the last known address of the ~~individual licensee, certified intern, or corporation,~~  
26 ~~partnership, or firm holding a certificate of authorization~~ respondent, at least 30 days before the

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1 date fixed for the hearing. At any hearing the ~~accused individual licensee, certified intern, or~~  
2 ~~corporation, partnership, or firm holding a certificate of authorization~~ respondent shall have the  
3 right to appear ~~personally and in person or~~ by counsel, ~~or both,~~ to cross-examine witnesses  
4 ~~appearing against him, her, or them in their defense,~~ and to produce evidence and witnesses in  
5 ~~his or her or their own defense.~~ If the ~~accused~~ respondent fails or refuses to appear ~~at the~~  
6 hearing, the board may proceed to hear and determine the validity of the charges in the  
7 respondent's absence.

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8  
9 ~~(f) (g)~~ If after the hearing ~~three or more a majority of the deliberating~~ members of the board  
10 vote in favor of ~~finding the accused guilty~~ sustaining the charges, the board shall impose one or  
11 more of the disciplinary penalties set forth in this section. Any ~~fine~~ fine/penalty imposed may not  
12 exceed ~~two thousand five hundred dollars (\$2,500)~~ ten thousand dollars (\$10,000) for each  
13 count or separate offense. The board may recover costs, refuse to issue, restore or renew,  
14 place on probation for a period of time, and subject to such conditions as the board may specify,  
15 suspend, revoke, or any combination thereof, the respondent's license or certification. The  
16 written decision of the board shall be delivered personally to the ~~accused~~ respondent or sent by  
17 certified mail, return receipt requested, to the last known address of the ~~accused~~ respondent.

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18  
19 (j) If disciplinary action from the a hearing results in imposing a fine against a licensee, ~~certified~~  
20 ~~intern, or certificated corporation, partnership, or firm,~~ the board shall not renew the ~~annual~~  
21 ~~certificate for this licensee, certified intern, or certificated corporation, partnership, or firm until~~  
22 the fine is paid in full.

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23  
24 (1) In the event that the fine is subsequently set aside on judicial review, as provided in the  
25 Alabama Administrative Procedure Act, the licensee, certified intern, ~~or corporation, partnership,~~

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1 or firm holding a certificate of authorization shall be entitled to a prompt refund of the amount of  
2 the fine, but shall not be entitled to interest thereon.

3  
4 (2) In the event that the civil penalty is subsequently set aside on judicial review, as provided  
5 in the Alabama Administrative Procedure Act, the non-licensee shall be entitled to a prompt  
6 refund of the amount of the penalty, but shall not be entitled to interest thereon.

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7  
8 (k) The board shall revoke the certificate of any licensee or certified intern who has been  
9 determined to be one of the following:

10  
11 (1) Declared non compos mentis by a court of competent jurisdiction.

12  
13 (2) Convicted of or entered a plea of guilty or nolo contendere to any crime under the laws of  
14 the United States or any state or territory thereof, which is a felony, whether related to practice  
15 or not and convicted of or entered a plea of guilty or nolo contendere to any crime, whether a  
16 felony, misdemeanor, or otherwise, an essential element of which is dishonesty or which is  
17 directly related to the practice of engineering or land surveying.

18  
19 (l) When a member of the board is unable to continue the hearing either by disqualification or  
20 any other reason, and the board is unable to reach a quorum, the Governor shall appoint as  
21 many ex officio members as is necessary to reach a quorum ~~from a list of three persons~~  
22 ~~submitted for each place by the committee of seven as specified in Section 34-11-30.~~ These ex  
23 officio members shall serve on the board only for that hearing for which they were appointed  
24 and they may be reappointed for subsequent hearings if necessary. Ex officio members must  
25 meet the same board member qualifications as outlined in this chapter.

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1 (m) ~~The licensee respondent shall be responsible for the cost of the disciplinary action if found~~  
2 guilty.

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3  
4 (n) In determining the amount of fine/penalty to be assessed pursuant to this chapter, the board  
5 may consider such factors as the following:

6  
7 (1) Whether the amount imposed will be a substantial economic deterrent

8  
9 (2) The circumstances leading to the violation

10  
11 (3) The severity of the violation and the risk of harm to the public

12  
13 (4) The economic benefits gained by the violator as a result of non-compliance

14  
15 (5) Consistency of the fine/penalty with past fines/penalties for similar offenses, or  
16 justification for the fine/penalty amount

17  
18 (o) Any financial sanction assessed pursuant to this chapter shall be assessed in a proceeding  
19 as provided in this section. Unless the amount of the fine/penalty is paid within 30 days after  
20 the order becomes final, or if the order is stayed pending an appeal, within 10 days after the  
21 court enters a final judgement in favor of the board of an order appealed, the order shall  
22 constitute a judgement and shall be filed and execution issued thereon in the same manner as  
23 any other judgement of a court of record.

24  
25 (p) An action to enforce an order under this section may be combined with an action for  
26 injunction.

1  
2 (q) Where an order for recovery of costs is made and timely payment is not made as directed in  
3 the board's decision, the board may enforce the order for payment in the Circuit Court of  
4 Montgomery County, Alabama. This right of enforcement shall be in addition to any other rights  
5 the board may have as to any person directed to pay costs.

6  
7 (r) In any action for recovery, the board's decision shall be conclusive proof of the validity of the  
8 order of payment and the terms for payment.

9  
10 (s) Summary Suspension. Notwithstanding any provision of the Administrative Procedures Act,  
11 the board may, without a hearing, temporarily suspend a license for not more than 60 days if the  
12 board finds that an individual has violated a law or rule that the board is empowered to enforce,  
13 and if continued practice by the individual would create an imminent risk of harm to the public.  
14 The suspension shall take effect upon written notice to the individual specifying the statute or  
15 rule violated. At the time it issues the suspension notice, the board shall schedule a disciplinary  
16 hearing to be held under the Administrative Procedure Act within 30 days thereafter. The  
17 individual shall be provided with at least 30 days notice effective the date of issuance of any  
18 hearing held under this subsection.

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19  
20 **Section 34-11-12 17. Reissuance of revoked certificates; ~~duplicate certificates of~~**  
21 **licensure, intern certification or certificate of authorization.**

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22  
23 The board, for reasons it may deem sufficient, may reissue a certificate of licensure or intern  
24 certification to any person or certificate of authorization to any ~~corporation, partnership, or firm~~  
25 whose certificate has been revoked, provided ~~three or more members~~ members that a majority  
26 of the board vote in favor of reissuance. The board shall not consider reissuance of a certificate

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1 to any person whose certificate has been revoked because of non compos mentis until after the  
2 person has been declared to have fully regained his or her competency by a court of competent  
3 jurisdiction. The board shall not consider the reissuance of a certificate to a person who was  
4 convicted of a felony or entered a plea of guilty or nolo contendere to a felony until the civil  
5 rights of the person have been restored, and then a ~~unanimous~~ majority approval vote of the  
6 board concerning the reissuance shall be required. ~~A new certificate to replace any certificate~~  
7 ~~revoked, lost, destroyed, or mutilated or for any other reason may be issued, subject to the rules~~  
8 ~~of the board, and a charge of twenty five dollars (\$25) shall be made for such issuance.~~

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10 **Section 34-11-~~13~~ 18. Appeals.**

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12 Any ~~person, corporation, partnership or firm~~ individual who shall feel aggrieved by the denial of  
13 a certificate by the board or by any disciplinary action by the board taken pursuant to Section  
14 34-11-11 may appeal therefrom within 30 days to the Circuit Court of Montgomery County,  
15 Alabama, exclusively, notwithstanding the provisions of the Alabama Administrative Procedure  
16 Act; and only after the filing of the notice of appeal, shall judicial review be as provided for in the  
17 Alabama Administrative Procedure Act.

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19 **Section 34-11-~~14~~ 19. Persons and acts exempt from chapter.**

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21 This chapter shall not be construed to prevent or to affect any of the following:

23 (1) The practice of any other legally recognized profession or trade. However, such other  
24 professionals must not hold themselves out or refer to themselves by any title or description  
25 stating or implying that they are engaged in the practice of engineering and/or land surveying or  
26 that they are licensed to engage in the practice of engineering and/or land surveying. Such

1 other individuals may also not actually engage in the practice of engineering and/or land  
2 surveying or offer to provide engineering and/or land surveying without first being duly licensed  
3 pursuant to the requirements of this chapter.

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4  
5 (2) The work of an engineer intern or land surveyor intern, employee, or a subordinate of any  
6 person holding a certificate of licensure under this chapter, or any employee of a person  
7 practicing lawfully under paragraph b of subdivision (1) of Section 34-11-4, ~~if the work is done~~  
8 ~~under the responsibility and supervision of a person holding a certificate of licensure under this~~  
9 ~~chapter or a person practicing lawfully under paragraph b of subdivision (1) of Section 34-11-4~~  
10 provided such work does not include final engineering or land surveying designs or decisions  
11 and is done under the responsible charge of and verified by an individual holding a certificate of  
12 licensure under this chapter.

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13  
14 (3) The practice of officers and employees of the government of the United States while  
15 engaged within this state in the practice of engineering or land surveying for the government.  
16 This exception does not extend to any engineer or land surveyor engaged in the practice of  
17 professional engineering or land surveying whose compensation is based in whole or in part on  
18 a fee.

19  
20 (4) The practice of engineering or land surveying with respect to transportation or utility facilities  
21 by any transportation company or public utility subject to regulation by the Alabama Public  
22 Service Commission, the Federal Aviation Administration, the Federal Communications  
23 Commission, the Federal Energy Regulatory Commission, or the Nuclear Regulatory  
24 Commission, including its parents, affiliates, or subsidiaries; or by the officers and employees of  
25 any transportation company or public utility including its parents, affiliates, or subsidiaries. This

1 exception shall not extend to any engineer or land surveyor engaged in the practice of  
2 engineering or land surveying whose compensation is based in whole or in part on a fee.

3  
4 (5) The practice of engineering or land surveying by any person who is employed by the  
5 Alabama Department of Transportation prior to January 1, 1997, in any engineering or  
6 engineering assistant classification series under the State of Alabama Personnel Board, merit  
7 system.

8  
9 (6) The mere execution as a contractor of work designed by a professional engineer or the  
10 supervision of the construction of such work as a foreman or superintendent.

11  
12 (7) The performance of engineering services which are purely incidental to the practice of  
13 architecture by registered architects, or their employees, or subordinates under their responsible  
14 supervising control.

15  
16 (8) The performance of engineering services which are purely incidental to the practice of  
17 geology by registered geologists, their employees, or subordinates under their responsible  
18 charge.

19

20 **Section 34-11-15 20. Violations; penalties Sanctions; Subpoena Power.**

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21  
22 (a) Any person who shall practice, offer to practice, or hold himself or herself out as qualified to  
23 practice engineering or land surveying in this state or use in connection with his or her name or  
24 otherwise assume, use, or advertise any title or description including, but not limited to, the term  
25 engineer, engineers, engineering, or professional engineer, professional engineers, or  
26 professional engineering, or land surveyor, land surveyors, land surveying, or professional land

1 surveyor, professional land surveyors, or professional land surveying, without being licensed or  
2 exempted in accordance with this chapter, or any person presenting or attempting to use as his  
3 or her own the certificate of licensure or the seal or facsimile thereof of another, or permitting his  
4 or her own certificate of licensure, seal or facsimile thereof to be used by another person, or any  
5 person who shall give any false or forged evidence of any kind to the board or to any member  
6 thereof in obtaining, or attempting to obtain a certificate of licensure, or any person who shall  
7 falsely impersonate any other licensee of like or different name, or any person who shall attempt  
8 to use an expired, suspended, surrendered, or revoked certificate of licensure, or any person  
9 Any individual who shall violate this chapter, shall be guilty of a Class A misdemeanor and  
10 punished as provided by law. Each day of the violation shall be a separate offense.

11  
12 ~~(b) Any corporation, partnership, or firm who violates any part of this chapter shall be guilty of a~~  
13 ~~Class A misdemeanor and punished as provided by law. Each day of the violation shall be a~~  
14 ~~separate offense.~~

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15  
16 ~~(c) (b) It shall be the duty of all duly constituted officers of law of this state, or any political~~  
17 ~~subdivision thereof, to enforce this chapter, and to prosecute any persons, firms, partnerships,~~  
18 ~~or corporations for violating this chapter. The Attorney General of the state or his or her~~  
19 ~~assistants shall act as legal advisor to the board and render legal assistance to the board as~~  
20 ~~may be necessary in carrying out this chapter. The board has the right to obtain private legal~~  
21 ~~counsel as the need arises.~~

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22  
23 ~~Section 34-11-16. Violations; civil penalties; notice and hearing; subpoena power;~~  
24 ~~appeal.~~

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1 ~~(a) In addition to any other provisions of law, the board may enter an order assessing a civil~~  
2 ~~penalty against any non-licensed person, corporation, or other entity found guilty by the board~~  
3 ~~of, but not limited to, the following violations of this chapter.~~

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4  
5 ~~—(1) Engaging in the practice or offer to practice of engineering or land surveying in this~~  
6 ~~jurisdiction without being licensed in accordance with this chapter.~~

7  
8 ~~—(2) Using or employing the words “engineer,” “engineering,” “land surveyor,” “land~~  
9 ~~surveying,” or any modification or derivative thereof in its name or form of business activity,~~  
10 ~~except as authorized in this chapter.~~

11  
12 ~~—(3) Presenting or attempting to use the certificate of licensure or the seal of another licensed~~  
13 ~~engineer or licensed land surveyor.~~

14  
15 ~~(4) Giving false or forged evidence of any kind to the board or a member of the board in~~  
16 ~~obtaining or attempting to obtain a certificate of licensure.~~

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17  
18 ~~—(5) Falsely impersonating another licensed engineer or licensed land surveyor of like or~~  
19 ~~different name.~~

20  
21 ~~—(6) Using or attempting to use a revoked or non-existent certificate of licensure.~~

22  
23 ~~(b) The board shall determine the amount of the civil penalty which shall be paid to the State~~  
24 ~~General Fund. The amount shall not exceed two thousand five hundred dollars (\$2,500) for~~  
25 ~~each and every separate offense.~~

26

1 ~~(e) Before issuing an order under this section, the board shall provide the person written notice~~  
2 ~~and the opportunity to request, within 30 days of notice by the board, a hearing on the record.~~

3  
4 ~~(d) (c) Pursuant to the proceedings under this section chapter, the board may issue subpoenas~~  
5 ~~to compel the attendance and testimony of witnesses and the disclosure of evidence, and may~~  
6 ~~request the Attorney General to bring an action to enforce a subpoena.~~

7  
8 ~~(e) A person aggrieved by the levy of a civil penalty under this section may file an appeal to the~~  
9 ~~Circuit Court of Montgomery County exclusively for judicial review of the penalty within 30 days~~  
10 ~~notwithstanding the Administrative Procedure Act. Unless an appeal is taken, or the penalty~~  
11 ~~paid, the order of the board imposing the civil penalty shall become a judgment.~~

12  
13 ~~(f) If a person fails to pay a civil penalty within 30 days after entry of an order pursuant to~~  
14 ~~subsection (a) or if the order is stayed pending an appeal, within 10 days after the court enters a~~  
15 ~~final judgment in favor of the board of an order appealed pursuant to subsection (e), the board~~  
16 ~~shall notify the Attorney General. The Attorney General may commence a civil action to recover~~  
17 ~~the amount of the penalty, plus attorney's fees and costs.~~

18  
19 ~~(g) The cost to the board of the action shall paid by the respondent if found in violation.~~

20 ~~(d) In addition to or in lieu of the sanctions provided in this Act, the board may issue an order to~~  
21 ~~any individual or firm engaged in any activity, conduct, or practice constituting a violation of this~~  
22 ~~chapter, directing the individual or firm to forthwith cease and desist from the activity, conduct,~~  
23 ~~or practice, or the performance of any work then being done or about to be commenced. The~~  
24 ~~order shall be issued in the name of the State of Alabama under the official seal of the board. If~~  
25 ~~the individual or firm to whom the board directs a cease and desist order does not cease or~~  
26 ~~desist the proscribed activity, conduct, practice, or performance of work immediately, the board~~

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1 shall cause to issue in any court of competent jurisdiction and proper venue, a writ of injunction  
2 enjoining the individual or firm from engaging in any activity, conduct, practice, or performance  
3 of work as prohibited by this Act. Upon showing by the board that the individual or firm has  
4 engaged or is engaged in any activity, conduct, practice, or performance of work prohibited by  
5 this Act, the courts shall issue a temporary restraining order restraining the individual or firm  
6 from engaging in such unlawful activity, conduct, practice, or performance of work pending the  
7 hearing on a preliminary injunction and in due course a permanent injunction shall issue after  
8 the hearing commanding the cessation of the unlawful activity, conduct, practice, or  
9 performance of work complained of, all without the necessity of the board having to give bond.  
10 A temporary restraining order preliminary injunction or permanent injunction issued pursuant to  
11 this chapter shall not be subject to being released on bond. In the suit for an injunction, the  
12 board may demand of the defendant a fine of up to ten thousand dollars (\$10,000) plus costs  
13 and attorney fees for each offense. A judgment for penalty attorney fees, and costs may be  
14 rendered in the same judgment in which the injunction is made absolute. The trial of the  
15 proceeding by injunction shall be summary and by the trial judge without jury. Anyone violating  
16 this Act who fails to cease work, after a hearing and notification from the board, shall not be  
17 eligible to apply for a professional engineer's or professional land surveyor's license for a period  
18 not to exceed one year from the date of official notification to cease work. It shall be within the  
19 power of the board to withhold approval for up to six months, of any application from anyone  
20 who prior to the application has been found in violation of this Act.

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## ARTICLE 2.

### BOARD OF ~~REGISTRATION~~ LICENSURE.

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1 **Section 34-11-30. Creation; composition; appointment; oath of office; terms of office.**

2  
3 (a) A State Board of Licensure for Professional Engineers and Land Surveyors is created. It  
4 shall be the duty of the board to administer this chapter. ~~The board shall have all of the duties,~~  
5 ~~powers, and authority specifically granted by or necessary for the enforcement of this chapter,~~  
6 ~~as well as such other duties, powers, and authority as it may be granted from time to time by~~  
7 ~~applicable law.~~ The board shall consist of five professional engineers ~~and~~ two professional land  
8 surveyors, ~~and two public members, who are neither professional engineers nor professional~~  
9 ~~land surveyors. All members shall be appointed by the Governor.~~ Commencing on the effective  
10 date of the act amending this section, the five professional engineers shall be appointed by the  
11 Governor from a list of three persons nominated for each appointment by a committee and the  
12 two land surveyors shall be appointed by the Governor from a list of three persons nominated  
13 for each appointment by the Alabama Society of Professional Land Surveyors. Nominations ~~for~~  
14 ~~the licensed positions~~ ~~for the licensed positions~~ shall be made to the Governor by the committee  
15 or the Alabama Society of Professional Land Surveyors, respectively, as vacancies on the  
16 board occur, whether by the expiration of a term or otherwise, in a position filled by a  
17 professional engineer or land surveyor, respectively. To the extent possible, the nominating  
18 committee, the Alabama Society of Professional Land Surveyors, and the Governor shall select  
19 those persons whose appointments ensure that the membership of the board is inclusive and  
20 reflects the racial, gender, geographic, urban/rural, and economic diversity of the state. ~~Each~~  
21 ~~member of the board, before beginning his or her term of office, shall file with the Secretary of~~  
22 ~~State his or her written oath or affirmation for the faithful discharge of his or her duties.~~

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23  
24 (b) The nominating committee shall consist of one professional engineer appointed or elected  
25 by each of the professional organizations as outlined in the rules of the board. Any other  
26 organization in the state having membership qualifications comparable to those professional

1 organizations outlined in the rules of the board may petition the board for membership on the  
2 committee. The board, by rule, may establish nominating committee operating guidelines and,  
3 by rule, may establish procedures for the removal of nonparticipating members of the  
4 nominating committee. ~~Nominees shall have the qualifications required by Section 34-11-31.~~

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5 Nominations shall be made by a majority vote of the committee present ~~at the same time at a~~  
6 meeting called by the executive director of the board, who shall advise the ~~above named~~  
7 ~~societies~~ members of the nominating committee of the meeting at least 30 days before the  
8 meeting is held.

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9  
10 (c) ~~Each member of the board, before beginning his or her term of office, shall file with the~~  
11 ~~Secretary of State his or her written oath or affirmation for the faithful discharge of his or her~~  
12 ~~official duties.~~ Members of the board serve staggered not to exceed five-year terms. The

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13 members of the board shall continue to serve under this chapter until their respective terms  
14 expire. On the expiration of the term of each member, the Governor shall in the manner  
15 provided in this section appoint ~~for a term of five years a professional engineer or professional~~  
16 ~~land surveyor having the qualifications required by Section 34-11-31~~ an individual to take the  
17 place of the member whose term on the board is about to expire. Vacancies occurring during a  
18 term shall be filled by appointment by the Governor, in the manner provided in this section, for  
19 the unexpired term. Each member shall hold office until the expiration of the term for which the  
20 member is appointed or until a successor is duly appointed and qualified. The terms of the

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21 members of the board shall be staggered, so that the terms of no more than two (2) members  
22 shall expire in any year. No member of the board shall serve more than (2) consecutive full  
23 terms. The completion of the un-expired portion of a full term shall not constitute a full term for  
24 the purposes of this section. The initial appointment term for one public member will be for two  
25 (2) years and one term for the other public member will be for five (5) years. All subsequent  
26 terms for the public members will be for five (5) years. Board members serving at the time of

1 the passage of this Act will serve till the end of the term they are currently serving. At the  
2 conclusion of those terms the appointment process will be adjusted to allow for the conversion  
3 to staggered terms.

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4  
5 **Section 34-11-31. Qualifications of members.**

6  
7 (a) Board members shall at all times maintain eligibility to serve on the board avoiding  
8 relationships which would interfere with the board mission of public protection. Board members  
9 must be especially cognizant of issues of conflict of interest, including but not limited to  
10 participation in the state and/or national professional associations.

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11  
12 (b) Each member of the board shall be a citizen of the United States and a resident of this state  
13 for not less than six months.

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14  
15 (c) Each a licensed professional engineer or licensed professional land surveyor who holds  
16 board member shall hold an unexpired certificate under this chapter, who has been engaged in  
17 the licensed to practice of engineering or land surveying, respectively, for at least 20 years,  
18 and who has been in responsible charge of important engineering or land surveying,  
19 respectively, work for at least five years.

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20  
21 (d) Each public member of the board shall be a resident of this state who has attained twenty-  
22 one (21) forty (40) years of age and shall not be, nor shall ever have been, a professional  
23 engineer or professional land surveyor, spouse or directly related to a professional  
24 engineer/professional land surveyor or a person who has ever had any material financial  
25 interest in the profession of engineering and/or land surveying services or who has engaged in  
26 any activity directly related to the practice of engineering and/or land surveying.

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1 |  
2 | **Section 34-11-32. Compensation and expenses.**

3 |  
4 | Each member of the board shall ~~receive the sum of one hundred dollars (\$100) per diem~~ be  
5 | entitled to the maximum allowable per diem set by the board when actually attending to the  
6 | work of the board or any of its committees and for the time spent in necessary travel and shall  
7 | be reimbursed for traveling expenses as provided in Article 2 of Chapter 7 of Title 36, and  
8 | incidental and clerical expenses necessarily incurred in carrying out this chapter.

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9 |  
10 | **Section 34-11-33. Removal of members; vacancies.**

11 |  
12 | The governor may remove any member of the board for misconduct, incompetency, neglect of  
13 | duty or for any ~~other sufficient cause~~ reason prescribed by law for removal of jurisdiction  
14 | officials. Vacancies in the membership of the board by death, resignation or for any reason shall  
15 | be filled for the unexpired term by appointment by the governor as provided in Section 34-11-30.

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16 |  
17 | **Section 34-11-34. ~~Meetings; legal office; officers; quorum~~ Board Organization and**  
18 | Meetings.

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19 |  
20 | The board shall hold at least two regular meetings each year. The two regular meetings of the  
21 | board shall be held in the City of Montgomery, Alabama. The legal office of the board shall be  
22 | located in the City of Montgomery. Special meetings shall be held at the time and place as the  
23 | rules of the board may provide. Notice of all meetings shall be given as the rules provide. The  
24 | board shall elect or appoint annually from among its membership the following officers: a chair,  
25 | a vice chair, and a secretary. A quorum of the board shall consist of a simple majority of the  
26 | board membership.

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**Section 34-11-35. Powers generally.**

(a) The board shall have the power to adopt and amend by-laws, rules and regulations, not inconsistent with the constitution and laws of this state, ~~as may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it~~ including, but not limited to, the adoption and promulgation of Rules, which may be reasonably necessary for the proper performance of its duties and the regulation of its procedures, meetings, records, examinations, and the conduct thereof. These actions by the board shall be binding upon individuals licensed or recognized under this chapter and on non-licensees found by the board to be in violation of provisions of this chapter and shall be applicable to firms that hold or should hold a certification of authorization as provided in this chapter. ~~The board shall have the power to adopt and amend from time to time rules of professional conduct for professional engineers, engineer interns, professional land surveyors, land surveyor interns, and corporations, partnerships, or firms holding certificates of authorization.~~ The members of the board shall not be personally liable under these proceedings. The board shall adopt and have an official seal, which shall be affixed to each certificate issued.

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(b) In carrying into effect its duties in any case involving the revocation of licensure or any disciplinary proceeding involving a licensee or the holder of a certificate of authorization or practicing or offering to practice without licensure, or false statement in connection with an application for licensure, the board may, under the hand of its chair and the seal of the board, subpoena witnesses and compel their attendance, and may also require the production of books, papers, documents, and other pertinent data. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any person refuses to obey any subpoena issued, or refuses to testify or produce any books, papers, or documents, the

1 board may present its petition to the Circuit Court of Montgomery County, Alabama, setting forth  
2 the facts, and thereupon the Circuit Court of Montgomery County shall, in a proper case, issue  
3 its subpoena to such person, requiring his or her attendance before the Circuit Court of  
4 Montgomery County and there to testify or to produce such books, papers and documents, or  
5 data. Any person failing or refusing to obey the subpoena or order of the Circuit Court of  
6 Montgomery County may be proceeded against in the same manner as for refusal to obey any  
7 other subpoena or order of the Circuit Court of Montgomery County.

8  
9 (c) The board is charged with the duty of seeing that this chapter is enforced. The board shall  
10 investigate any complaint relating to the violation of this chapter and, should a violation be  
11 indicated, the board shall proceed as provided for ~~under Sections 34-11-11, 34-11-15, and 34-~~  
12 ~~11-16~~ in this chapter and the rules adopted by the Board.

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13  
14 (d) The board, ~~for good cause, may apply for relief by injunction~~ is hereby authorized in its own  
15 name to apply for relief by injunction in the established manner provided in cases of civil  
16 procedure, without bond, to enforce the provisions of this chapter or to restrain any person, firm,  
17 partnership, or corporation from the commission of any act which is prohibited by this chapter.  
18 In such proceedings it shall not be necessary to allege or prove either that an adequate remedy  
19 at law does not exist, or that substantial ~~and or~~ irreparable damage would result, from the  
20 continued violation thereof. Application for the injunction may be made to the Circuit Court of  
21 Montgomery County, Alabama or the circuit court of the county in which it is alleged that the  
22 violation is about to occur, at the request of the board. The injunction may not be granted ex  
23 parte, and any judgment or decree may be appealed in the manner prescribed by law to the  
24 Supreme Court of Alabama.

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1 (e) The board shall retain and exercise all administrative and civil rights and remedies  
2 commonly available to agencies in this state. No action or other legal proceedings for damages  
3 shall be instituted against the board, any board member, ~~or employee,~~ or agent of the board for  
4 any act done in good faith and in the intended performance of any power granted under this  
5 chapter or for any neglect or default in the performance or exercise in good faith of any duty or  
6 power.

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7  
8 (f) The board may subject any applicant to such examinations as it deems necessary to  
9 determine the applicant's qualifications.

10  
11 (g) The board shall have the power and authority to require a demonstration of continuing  
12 professional education of professional engineers and professional land surveyors as a condition  
13 of renewal or relicensure.

14  
15 (h) The board has the authority for citation and fining of persons engaged in the practice of  
16 engineering or land surveying in this state who are not licensed or authorized in this state as  
17 provided by law.

18  
19 (i) The board shall have the power and authority to waive requirements of this law pertaining to  
20 engineering or land surveying licensure provided consideration is given to safeguarding life,  
21 safety, and welfare.

22  
23 (j) In carrying out the duties, functions, and obligations of this chapter, the board may contract  
24 with any state agency or private vendor as the board considers as appropriate. The board may  
25 also enter contracts to acquire, own, encumber, issue, replace, deal in, and dispose of real and  
26 personal property.

1  
2 (l) The board shall have the power to appoint committee to assist the board's efforts in carrying  
3 out the responsibilities of this chapter. All individuals appointed by the board to serve on  
4 committee are entitled to reimbursement of expenses as approved by the board.

5  
6 (m) The board shall have the power to adopt rules enabling the collection of fees in amounts  
7 necessary to enable the board to carry out its function under this chapter.

8  
9 (n) The board shall be authorized to use electronic transmissions for all purposes permitted  
10 under Section *(electronic section of Code of Alabama)*.

11  
12 (o) The Attorney General of this state or his or her assistants may act as legal adviser to the  
13 board and render such legal assistance as may be necessary in carrying out the provisions of  
14 this chapter. The board may employ or retain counsel and necessary assistance to aid in the  
15 enforcement of this chapter, and the compensation and expenses therefore shall be paid from  
16 the funds of the board.

17  
18 (p) For purposes of enforcement of all provisions of this chapter and any regulations duly  
19 promulgated hereunder, including the assessment and collection of fines, penalties, costs, and  
20 attorney fees, the board shall maintain jurisdiction over individuals, irrespective of their licensure  
21 status, (i.e., active, inactive, expired, surrendered or disciplined) relative to acts, omissions,  
22 complaints and investigations which occurred during the licensure period. Jurisdiction of the  
23 board shall extend to individuals engaging in the unauthorized practice of engineering and/or  
24 land surveying, as defined. It is the intent of this subsection that licensees cannot divest the  
25 board of jurisdiction by changing or relinquishing licensure status.

26

1 (g) The Board has the authority to conduct an investigation and/or inspection of any person or  
2 facility at all reasonable hours for the purpose of determining if any provisions of the laws  
3 governing the practices of engineering and land surveying are being violated. The Board, its  
4 officers, staff, and representatives shall cooperate with all agencies charged with the  
5 enforcement of the laws of the United States, this state, and of all other states relating to the  
6 practices of engineering and land surveying.

7  
8 (r) The board may join such professional organizations and associations organized exclusively  
9 to promote the improvement of the standards of the practice of engineering and/or land  
10 surveying for the protection of the health, safety, and welfare of the public and/or whose  
11 activities assist and facilitate the work of the board.

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12  
13 **Section 34-11-36. Receipts and disbursements.**

14  
15 The executive director of the board shall receive and account for all money derived under this  
16 chapter, and shall pay it monthly to the State Treasurer, who shall keep the money in a separate  
17 fund to be known as the "Professional Engineers and Professional Land Surveyors Fund." The  
18 fund shall be kept separate and apart from all other money in the Treasury, and shall be paid  
19 out only by warrant of the Comptroller upon the Treasurer, upon itemized vouchers, approved  
20 by the executive director of the board. No funds shall be withdrawn or expended except as  
21 budgeted and allotted according to Article 4 of Chapter 4 of Title 41. All monies in this fund are  
22 hereby specifically appropriated for the use of the board. Any funds or money in the hands of  
23 the State Treasurer, known as the Professional Engineers and Land Surveyors Fund, at the end  
24 of the state fiscal year in excess of that amount equal to ~~25~~ 33 percent of the budget of the  
25 board for the previous fiscal year shall be transferred into the General Fund of the state.

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26 However, in the event that the ~~Board~~ board elects to implement a biennial license, then the

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1 above transfer into the General Fund shall only apply at the end of the non-license year of the  
2 biennial license cycle. The money, properties, records, and other things of value owned by or  
3 allocated to the fund, the board, or the executive director of the board in his or her capacity as  
4 such, serving at the time of enactment of this chapter, shall become the property of and be  
5 allocated respectively to the fund, the board, or the executive director of the board under this  
6 chapter. The executive director of the board shall give a surety bond to the state in a sum as ~~the~~  
7 ~~board may determine~~ be required by the laws of this state. The premium on the bond shall be  
8 regarded as a proper and necessary expense of the board and shall be paid out of the fund.  
9 The executive director of the board shall receive a salary as determined by the board, in  
10 addition to compensation and expenses provided for in Section 34-11-32. The board may  
11 employ an executive director and, when necessary, an assistant executive director and fix their  
12 compensation and duties. The board may employ clerical or other assistants, subject to the  
13 provisions of the Merit System Act, and may make expenditures from the fund for any purpose  
14 which in the opinion of the board is reasonably necessary for the proper performance of its  
15 duties under this chapter, including the expenses of the board's delegates to regional and  
16 national meetings of, and membership dues to, a national examination organization for  
17 engineers and land surveyors selected by the board and any of its subdivisions. Under no  
18 circumstances shall the total amount of warrants issued by the Comptroller in payment of the  
19 expenses and compensation provided for in this chapter exceed the amount provided therefore  
20 by the Legislature in the general appropriation or other appropriation bills.

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21

22 **Section 34-11-37. Records and reports; confidentiality.**

23

24 (a) The board shall keep a record of its proceedings ~~and a register of all applications for~~  
25 ~~licensure, which register shall show all of the following:~~

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26

1 ~~(1) The name, age, and residence of each applicant.~~

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2  
3 ~~(2) The date of the application.~~

4  
5 ~~(3) The place of business of the applicant.~~

6  
7 ~~(4) The educational and other qualifications of the applicant.~~

8  
9 ~~(5) Whether or not an examination was required.~~

10  
11 ~~(6) Whether the applicant was rejected.~~

12  
13 ~~(7) Whether a certificate of licensure was granted.~~

14  
15 ~~(8) The date of the action of the board.~~

16  
17 ~~(9) Any other information deemed necessary by the board.~~

18  
19 (b) The board shall ~~also keep on file a written statement under oath from that each applicant~~

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20 ~~that he or she will abide by the rules of professional conduct prescribed by the board, which~~

21 ~~oath shall be a part of his or her application for licensure.~~ maintain a record of all applications for

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22 licensure, certification, and certificate of authorization.

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23  
24 (c) The records of the board shall be prima facie evidence of the proceedings of the board set  
25 forth therein, and a transcript thereof, duly certified by the executive director of the board under

1 | seal, shall be admissible ~~in as evidence with the same force and effect as if the original were~~  
2 | produced.

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3  
4 | (d) Annually, as of September 30, the board shall submit to the Governor a report of its  
5 | transactions of the preceding year and a complete statement of the receipts and expenditures of  
6 | the board, attested by affidavits of its chair and its secretary.

7  
8 | (e) Board records and papers of the following class are of a confidential nature and are not  
9 | public records: examination material for examinations not yet given; file records of examination  
10 | problems and solutions; exam scores; letters of inquiry and reference concerning applicants;  
11 | transcripts of college courses and grades; ~~e-mail addresses;~~ board inquiry forms concerning  
12 | applicants; pending and closed complaints and investigative files ~~which shall remain confidential~~  
13 | until an actual formal hearing may commence ~~or until final disciplinary action is taken; cases~~  
14 | ~~dismissed without disciplinary action; and all other materials of like confidential nature; and~~  
15 | ~~information otherwise protected by law.~~

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16  
17 | **Section 34-11-XX. Severability**

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18  
19 | If any of the provisions of this Act or if any rule, regulation or order of the board or if the  
20 | application of such provision to any person or circumstance shall be held invalid, the remainder  
21 | of this Act and the application of such provision of this Act or such rule, regulation, or order to  
22 | persons or circumstances, other than those as to which it is held invalid, shall not be affected  
23 | thereby.

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