

Veston W. Bush, Jr., PLS
Abbeville
Chair

Preston L. Jackson, PE
Indian Springs
Vice-Chair

Alli Reisz, PE
Huntsville
Secretary

Don T. Arkle, PE
Prattville

Charles D. Haynes, PE
Guntersville

Regina A. Dinger
Executive Director

State of Alabama

**Board of Licensure for
Professional Engineers and Land Surveyors**

The RSA Union
100 North Union Street, Suite 382
Montgomery, Alabama 36104-3762
November 29, 2006



Mailing Address:
P. O. Box 304451
Montgomery, Alabama 36130-4451

Telephone Number
(334) 242-5568

Fax Number
(334) 242-5105

Mr. Gerald D. Whitehouse
34 East Royal Mews
The Woodlands, TX 77384

Rule Number: 34-11-1(7) and
34-11-4(1)b

General Question: Will the Board grant me a temporary status to give expert testimony in Alabama?

Dear Mr. Whitehouse:

This declaratory ruling of the Board of Licensure for Professional Engineers and Land Surveyors is issued in response to your request.

QUESTION

Will the Board of Licensure for Professional Engineers and Land Surveyors grant a temporary status to an individual who holds a professional engineer's license in another jurisdiction but does not meet the licensing requirements of Alabama?

FACTS, LAW, AND ANALYSIS

Section 34-11-1(7), Code of Alabama, 1975 defines the practice of engineering in part as any professional service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering science to such services or creative work as ... testimony... which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment,

processes, work systems, projects, and industrial or consumer products; equipment of a control, communication, computer, mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, property; and including other professional services necessary to the planning, progress, and completion of any engineering services.

Section 34-11-2(a), Code of Alabama, 1975 requires persons in either public or private capacity who practice or offer to practice engineering shall first be licensed by the Board of Licensure for Professional Engineers and Land Surveyors unless the individual is specifically exempted from licensure as identified in Section 34-11-14.

Section 34-11-4(1), Code of Alabama, 1975 outlines the general requirements for licensure as a professional engineer. The requirements fall into the categories of education, experience, and examination. The number of months of acceptable engineering experience required is based on the type of engineering education the applicant has obtained. All applicants are required to have passed an eight-hour written examination in fundamental engineering subjects and an eight-hour examination in the principles and practice of engineering.

Section 34-11-4(1)b, Code of Alabama, 1975 grants the Board the authority to issue a certificate of licensure as a professional engineer to any person who holds a valid professional engineering certificate issued by any jurisdiction of the United States or of any country; provided, that the education, experience, and examination qualifications of the applicant meet the requirements of the licensure law and the rules established by the board (Administrative Code). The Board may authorize an applicant to practice engineering on a temporary basis ... until the board acts upon the application.

Section 330-X-3.01(6) of the Administrative Code identifies the licensure as a professional engineer by comity is granted provided the applicant's qualifications meet the requirement of Chapter 11, Title 34, Code of Alabama 1975, as amended, effective at the time of the application, which includes the required education, experience, and the passing of two Board approved eight-hour written examinations given by Alabama or another jurisdiction and the applicant is currently licensed as a professional engineer and in good standing within another jurisdiction.

There is no capability identified in Chapter 11, Title 34, Code of Alabama 1975 to waive the examination requirements.

In your request, you identify that you are a licensed professional engineer in good standing in Louisiana; you have obtained a BS, Masters, and PhD in Mechanical Engineering; have over 40 years of engineering experience; and have passed a fundamentals of engineering examination. You identify that you have not taken a principles and practice examination.

Also in your request, you identify that the reason you are requesting a temporary permit is to provide mechanical engineering testimony.

CONCLUSION

The only temporary status that can be issued by the Board is a contingent license or interim permit both of which requires that the applicant meets all licensure requirements. Since you identify that you have only taken one of the two examinations required for licensure, the Board can not grant you your request for temporary status.



Veston W. Bush, Jr., P.L.S.
Chair