

**2015 PROPOSED CHANGES TO THE
ADMINISTRATIVE CODE**

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

**CHAPTER 330-X-1
ORGANIZATION, ADMINISTRATION,
AND PROCEDURE**

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

(1) Appointment of Board Members.

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

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

(2) Qualification of Board Members.

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

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

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

(a) Members of the Nominating Committee are:

1. Alabama Society of Professional Engineers
2. American Council of Engineering Companies of Alabama
3. American Institute of Chemical Engineers
4. American Society of Civil Engineers, Alabama Section
5. American Society of Mechanical Engineers

6. Institute of Electrical and Electronics Engineers
7. Society of Mining, ~~Metallurgy, and Exploration~~ Engineers
8. Structural Engineers Association of Alabama

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

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

(4) Nominating Committee Responsibilities and Meeting Procedures

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

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

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

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

(5) Nominating Process for Professional Land Surveyor Members

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

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

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

Author: Board

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

Effective Date: September 6, 2010. Amended: September 3, 2014.

CHAPTER 330-X-2 DEFINITIONS

330-X-2.01 Definitions of Terms.

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

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

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

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

(4) The term "incompetency" as used in Section 34-11-11(a)(2), Code of Ala. 1975, shall mean the practice of engineering or land surveying by a licensee who is either incapable of exercising ordinary care and diligence, or who lacks the ability and skill necessary to properly

perform the duties he or she undertakes, or who is not qualified by experience and/or education to perform adequately and competently.

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

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

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

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

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

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

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

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

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

(11) The term "Inactive Licensee" shall mean a licensee who is not engaged in the engineering or land surveying practice which requires licensure in Alabama. No licensee granted inactive status may practice or offer to practice engineering or surveying in Alabama as defined in Section 34-11-1(6), Code of Ala. 1975.

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

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

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

(15) The term "Responsible Charge" shall mean direct control, personal supervision of, and legal responsibility for the engineering work or land surveying work performed. This responsible charge shall be of such a nature that the client may reasonably presume that the licensed engineer or land surveyor which he has employed is the provider of the professional services. The licensed professional engineer or licensed professional land surveyor providing such control and supervision shall have made decisions on technical matters of policy and design and shall have exercised his or her professional judgment in all engineering or land surveying matters that are embodied in the design and the plans, specifications, land surveys, or other documents involved in the work. By applying his or her seal, and/or signature, and date to the final documents, the licensee signifies compliance with the requirements of these definitions and the Rules of Professional Conduct (Code of Ethics) and accepts responsibility therefore.

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

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

~~(18)~~ (17) The term "testimony" as used in Sections 34-11-1(7) and 34-11-1(8), Code of Ala. 1975, shall mean a declaration made by a witness under oath or affirmation related to engineering and surveying activities in the State of Alabama.

~~(19)~~ (18) The term "supervision of construction" as it relates to an engineer shall mean the general oversight of an engineering project as it relates to the implementation of a design during construction.

Authority: Board

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

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

CHAPTER 330-X-3 APPLICATIONS FOR CERTIFICATION AND LICENSURE

330-X-3-.01 Form of Application for Certification and Licensure.

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

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

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

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

(a) Engineer intern - Board meeting agenda deadline – application, application fee, educational transcripts, and experience verification forms (if necessary).

(b) Land surveyor intern - Board meeting agenda deadline – application, application fee, educational transcripts, and experience verification forms (if necessary).

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

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

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

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

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

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

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

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

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

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

Author: Board

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

Effective date: September 10, 1982. Amended: December 19, 1984, June 30, 1986, October 20, 1987, April 9, 1990, August 17, 1992, October 18, 1994, June 17, 1996, October 28, 1998, June 4, 2003, January 19, 2005, October 3, 2005, December 5, 2006, January 29, 2008, July 27, 2012, and September 3, 2014.

CHAPTER 330-X-3
APPLICATIONS FOR CERTIFICATION AND LICENSURE

330-X-3-.03 Disposal of Applications.

(1) Approved Applications - When the Board, after due consideration of an application and of information pertaining thereto, is satisfied that the applicant is eligible for certification as an engineer intern or land surveyor intern, or licensure as a professional engineer or professional land surveyor, under any section of the law, the applicant will be granted a certification or license, and the applicant will be notified by the Executive Director. The application and all pertinent information will be made a portion of the individual's permanent file kept by the board office in accordance with its retention of records procedures.

(2) Deferred Applications - When the Board, after due consideration of an application and of information pertaining thereto finds that the applicant is not eligible for certification or licensure, but the Board believes the minimum legal requirements may be met within one year, the application may be deferred by the Board. The applicant will be advised of the basis for holding the application, and what additional information is required to be submitted. The applicant will be notified of the action of the Board by the Executive Director, and for further consideration the applicant may submit the required information, without fee, provided the resubmittal is within two years. The application will be considered closed two years from the date of the Board's consideration and the applicant must submit a new application.

(3) Denied Applications - When the Board, after due consideration of an application and of information pertaining thereto finds that the applicant is not eligible for certification or licensure under any section of the Law and the Board believes the minimum legal requirements cannot be met within one year, the applicant will be denied certification or licensure. The applicant will be notified of the action of the Board by the Executive Director, and for further consideration the applicant may submit a new application, without fee, after securing the necessary eligibility, provided the resubmittal is within five years. An applicant, who is denied licensure or denied the opportunity to take an examination, has the opportunity to meet with the Board and/or to appeal the Board's decision as provided by Sections 34-11-13 and 41-22-12 through 41-22-21, Code of Ala. 1975.

(4) Inactive Applications - If all necessary information required for Board review is not received within six months after the application has been filed, the application will be placed in the inactive file and the applicant will be notified. The application will be considered closed two years from the date of being placed in the inactive file and the applicant must submit a new application.

(5) Deferred, denied, and inactive applications will be maintained on file in the Board office in accordance with the Records and Retention Schedule prepared by the Department of Archives and History.

Author: Board

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

Effective date: September 10, 1982. Amended: April 9, 1990, August 17, 1992, October 28, 1998, and July 27, 2012.

CHAPTER 330-X-6 EXPERIENCE

330-X-6-.01 Qualifying Experience. In evaluating experience offered as qualifying experience under Section 34-11-4 (1), (2) and (3), Code of Ala. 1975, the Board will take into consideration the following:

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

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

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

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

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

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

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

(h) Successful completion of graduate study in an engineering curriculum leading to a master's degree in engineering in a program whose undergraduate or graduate degree is accredited by EAC/ABET may be credited as one year of engineering experience. Successful

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

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

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

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

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

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

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

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

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

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

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

Author: Board

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

Effective date: September 10, 1982. Amended: December 19, 1984, October 20, 1987, April 9, 1990, October 18, 1994, June 17, 1996, October 28, 1998, June 4, 2003, December 5, 2006, January 29, 2008, July 27, 2012, and September 3, 2014.

CHAPTER 330-X-7 REFERENCES

330-X-7-.02 References.

(1) The applicant shall furnish on the application for licensure five reference names, their addresses and if licensed, the jurisdictions in which they are licensed.

(2) If applying for engineer licensure, a minimum of three of the five references must be currently licensed professional engineers qualified to evaluate the applicant's engineering training and experience.

(3) If applying for land surveyor licensure, a minimum of three of the five references must be currently licensed professional land surveyors qualified to evaluate the applicant's land surveying training and experience.

(4) All references should know the applicant personally and should be able to issue judgments concerning the applicant's experience, ability, character and reputation.

(5) Accurate statements of fact from responsible references covering the applicant's experience are necessary.

(6) A current member of the Board cannot serve as a reference for an applicant.

(7) The Board may find it necessary to correspond directly with a reference to seek clarification or amplification of the reference's responses on the form submitted. If the reference fails or declines to furnish the necessary information within a reasonable time, all information submitted by that reference may be disregarded in consideration of the application involved.

(8) It is the responsibility of the applicant to have the reference forms ~~provided in the application package~~ completed by references. See Rule 330-X-3-.01(4).

Author: Board

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

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

CHAPTER 330-X-8 EXAMINATIONS

330-X-8.08 Examination Results. Examination results will be approved by the Board. The passing score on each NCEES examination will be determined by the Board, based on NCEES's recommendation. ~~Examination results will be supplied in writing to each examinee. No results will be given in any other manner.~~

Authority: Board

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

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

CHAPTER 330-X-9 CLASSIFICATIONS OF LICENSURE

330-X-9.01 Classification of Licensure.

(1) Applicants shall be licensed under one or more of the following titles:

- (a) Professional Engineer
- (b) Professional Land Surveyor.

(2) Applicants shall be certified under one or more of the following titles:

- (a) Engineer Intern
- (b) Land Surveyor Intern.

(3) Chapter 11, Title 34, Code of Ala. 1975 makes no specific designations as to the discipline of engineering or land surveying practice for which a license as Professional Engineer or Professional Land Surveyor shall be issued; however, the Rules of Professional Conduct, Rule 330-X-14-.03, provides that a professional engineer or professional land surveyor shall practice only in technical fields in which he or she is qualified ~~by education or experience~~. Discipline of examinations taken by a licensee is considered a public record.

Author: Board

Statutory Authority: Section 34-11-1; Section 34-11-35, Code of Ala. 1975

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

CHAPTER 330-X-11 SEALS

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

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

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

(3) The seal and signature shall be placed on work only when it was under the licensee's responsible charge. The licensee shall only sign and seal work within their area of competence.

~~(a) Each design sheet of documents, specifications, and reports for engineering practice and of maps, plats, charts, and reports each map, plat or chart sheets for land surveying practice, shall be signed, sealed, and dated by the licensee who prepared the documents or under whose responsible charge the documents were prepared.~~

(b) For reports and specifications when more than one sheet is bound together in one volume, the licensee who prepared the volume, or under whose responsible charge the volume was prepared, may sign, seal, and date only the title or index sheet, provided that this sheet clearly identifies all of the other sheets comprising the bound volume, and provided that any of the other sheets which were prepared by, or under the responsible charge of, another licensee, be signed, sealed, and dated by the other licensee.

(c) Letters containing engineering or surveying recommendations should be signed and sealed on the signature page, whether those documents are transmitted via hard copy or electronic means.

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

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

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

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

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

(5) Any revision to a document containing the seal and signature of a licensee shall be described and dated. If the revisions are not done by the original licensee, the revisions must also be signed and sealed by the licensee in responsible charge of those revisions. The original seal and signature shall not be removed.

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

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

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

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

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

Author: Board

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

Effective date: September 10, 1982. Amended: April 9, 1990, October 18, 1994, October 28, 1998, June 4, 2003, January 19, 2005, December 5, 2006, July 27, 2012 and September 3, 2014.

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

330-X-13-.02 Continuing Professional Competency

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

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

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

(a) Professional Development Hour (PDH) - A contact (clock) hour consisting of not less than 50 minutes of instruction or presentation and which further meets the requirements of these rules. The minimum acceptable fraction of a PDH will be .5 which is equivalent to 30 minutes of instruction time.

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

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

(a) The carryover permitted,

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

(c) PDH earned during current ~~year~~ renewal period, and

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

1. A licensed professional engineer or licensed professional land surveyor must earn a minimum of fifteen PDH per annual renewal period or thirty if biennial renewal period except for the carryover permitted. The number of professional development hours which may be carried

forward into the next renewal period shall not exceed fifteen whether on an annual or biennial period.

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

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

- (a) Successfully completing or auditing college or university sponsored courses,
- (b) Successfully completing courses which are awarded continuing educational units (CEU),
- (c) Successfully completing tutorials, short courses, correspondence courses, televised courses, internet courses, or videotaped courses,
- (d) Attending seminars, in-house programs, workshops, or professional or technical presentations made at meetings, conventions, or conferences,.
- (e) Teaching, presenting, or instructing as described in (a) through (d) above,
- (f) Authoring published papers, articles, books, or accepted licensing examination items, and
- (g) Receiving a United States patent.
- (h) Actively participating in professional or technical societies as defined in 330-X-13.02(8)(f).
- (i) Serving the Board as a volunteer Technical Advisor as defined in 330-X-13.02(8)(g).
- (j) Active participation in educational outreach activities pertaining to professional licensure or the surveying/engineering professions that involve K-12 or higher education students.

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

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

- (a) There is a clear purpose and objective for each activity which will maintain, improve, or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge.
- (b) The content of each presentation is well organized and presented in a sequential manner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) Reinstating Lapsed, Inactive and Retired Licenses. New Licensees. A new licensee is awarded 15 PDHs towards their first renewal. . In the event a licensee elects to return to active practice of professional engineering or professional land surveying, thirty professional development hours must be earned. The hours required for reinstatement are to bring the license to active status. When the reinstated license renewal is due, the licensee will also be required to obtain the professional development hours for the renewal period.

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

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

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

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

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

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

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

Author: Board

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

Effective Date: August 17, 1992. Amended: October 18, 1994, October 28, 1998, July 23, 2002, June 4, 2003, January 19, 2005, October 3, 2005, January 29, 2008, July 27, 2012, and September 3, 2014.

CHAPTER 330-X-14 PROFESSIONAL CONDUCT (CODE OF ETHICS)

330-X-14-.03 Qualified by Education and/or Experience. (Canon II) The engineer or land surveyor shall act competently and use proper care in performing engineering or land surveying services for clients or employers and shall act only in fields in which qualified ~~by education or experience~~ as follows:

(a) The engineer or land surveyor shall not accept any engineering or land surveying employment, or undertake any engineering or land surveying assignment, for which he or she is not qualified ~~by education or experience~~ to perform or to carry out adequately and competently; providing and excepting, however, that an engineer or land surveyor may accept an assignment ~~requiring education and experience~~ outside his or her field of competence only to the extent that personal engineering or land surveying services are restricted solely to those phases of the service or project in which he or she is qualified and competent, and that all other phases of such service or project shall be performed by ~~legally~~ qualified consultants, associates or employees.

(b) The engineer or land surveyor shall not affix his or her signature or seal to any engineering or land surveying plan or document dealing with subject matter on which he or she is not qualified ~~by education or experience~~ to form a dependable judgment.

(c) The engineer or land surveyor, when serving as an expert or technical witness before any court, commission or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of his or her testimony.

(d) The engineer, land surveyor, engineer intern, or land surveyor intern shall not engage in any other professional matter for which a specific license is required without first being licensed in that profession.

Author: Board

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

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

CHAPTER 330-X-16 DISCIPLINARY ACTION

330-X-16-.01 Complaints. The Board may initiate action in cases where a person's actions or business entity's actions are in violation of the law. Complaints must be filed within two years of the date the violation occurred or within two years of the date of the discovery of the violation but no later than 10 years from the date of the violation. Any violation that was caused by fraud, deceit, or concealment, however, is not subject to the 10-year time limitation. Upon receipt of ~~evidence~~ a signed written complaint from any person that an individual has violated the law and/or the rules of the Board, the Board may assemble the facts, obtain legal guidance, follow the case to completion based on the legal guidance given and begin administrative action, levy a civil administrative penalty, file a civil action, and/or refer the matter for criminal prosecution.

~~(1) Proceedings to revoke, refuse to renew, or to suspend a license or a certificate of authorization or to censure, place on probation and/or fine a licensee, a certified engineer intern, a certified land surveyor intern or a corporation, partnership, or firm holding a certificate of authorization may be initiated by the Board or by any person upon the filing of a complaint with the Board office.~~

~~(2) Proceedings to begin Board administrative action, or to prosecute in criminal court a licensee or a nonlicensee may be initiated by the Board or by any person upon the filing of a complaint with the Board office.~~

(31) A complaint initiated by an individual or entity against a licensee or non-licensee shall be in writing and shall contain:

(a) Name and address of the complaining party as well as the name and address of the individual or entity against which the complaint has been filed.

(b) A plain and concise statement of the facts which indicate that the provisions of Code of Ala. 1975, Chapter 11, Title 34, rules promulgated by the Board, or Rules of Professional Conduct (Code of Ethics) may have been violated.

(c) The signature of the complainant.

(42) A complaint may be initiated by the Board or board staff against a licensee or non-licensure. The complaint shall be referred to an investigative committee to determine if sufficient facts are present that indicate provisions of Code of Ala. 1975, Chapter 11, Title 34, rules promulgated by the Board, or Rules of Professional Conduct (Code of Ethics) have been violated. If sufficient evidence is present, the investigation will proceed in strict accordance with due process.

(53) All disciplinary cases involving geology/engineering professional overlaps will be referred to the board issuing the license for hearing and disposition. The complaining board may have a board member or designated representative at the hearing for liaison and evidence as necessary.

Author: Board

Statutory Authority: Section 34-11-11; Section 34-11-15; Section 34-11-16; Section 34-11-35, Code of Ala. 1975

Effective date: September 10, 1982. Amended: December 19, 1984, October 20, 1987, October 28, 1998, June 4, 2003, January 19, 2005, December 5, 2006, January 16, 2009 and July 27, 2012.

330-X-16-.02 Probable Cause. Upon receiving a complaint the Executive Director shall refer the complaint to one member of the Board; provided, however, that if the complaint is first made to a Board member, then it shall be referred to that Board member. The Board member to whom a complaint is referred, the Executive Director, and the Board's attorney, ~~and the Board investigator~~ (Investigative Committee), by a unanimous vote of the committee, shall determine appropriate action and/or whether probable cause exists. If charges are filed, the Board member who was a member of the Investigative Committee that made the probable cause determination shall not sit as a member of the Board at the disciplinary hearing held pursuant to the charges.

Author: Board

Statutory Authority: Section 34-11-11; Section 34-11-16; Section 34-11-35, Code of Ala. 1975

Effective date: October 1, 1983. Amended: December 19, 1984, August 17, 1992, October 28, 1998, and July 24, 2008.

330-X-16-.03 Charges.

(1) The Board through it's Investigative Committee shall instruct ~~its counsel~~ the Board's attorney to prepare charges once the ~~investigative~~ Investigative Committee determines that probable cause exists.

(2) The charges shall be sent certified mail, return receipt requested, to the most recent address of the respondent and shall be mailed at least 30 days prior to the scheduled date of the hearing. A copy shall also be sent first class mail.

(3) The charges will contain a short and plain statement of the matters asserted and give notice in compliance with the Alabama Administrative Procedure Act, Section 41-22-12(b)

and Section 34-11-11, Code of Ala. 1975. If the Board is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

Author: Board

Statutory Authority: Section 34-11-11; Section 34-11-16; Section 34-11-35, Section 41-22-12(b); Code of Ala. 1975

Effective date: October 1, 1983. Amended: August 17, 1992, October 28, 1998, and July 24, 2008.

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

Application Fees

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

Exam & Re-Exam Fees

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

Professional Engineer/Professional Land Surveyor	\$ 25 <u>75</u>
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Renewal Fees

Engineer Intern/Land Surveyor Interns	\$ 5 <u>0</u>
Late Fee	\$ 10 <u>0</u>
Professional Engineer/Professional Land Surveyor	\$ 45 <u>100</u>
Certificate of Authorization	\$80
Professional Engineer/Professional Land Surveyor - Retired and over 65	\$ 10 <u>0</u>
Reactivation fee during the same year for retirees who paid \$10 renewal	\$ 35 <u>100</u>

Reinstatement Fees for Lapsed License

Professional Engineer/Professional Land Surveyor Reinstatement 0-4 <u>2 year</u> years	\$250 + 45 <u>100</u>
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1-2 years	\$300 + 45
2-3 4 years	\$350 + 45 <u>100</u>
3-4 years	\$400 + 45

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

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

CA Reinstatement

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

Other Fees

Roster	\$15
Copy charges per sheet	\$.25
Certificate replacement	\$25
Bad Check	\$30

Mailing Labels

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

Author: Board

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

Effective date: December 5, 2006. Amended: July 23, 2007, January 29, 2008, July 24, 2008, May 6, 2010, January 11, 2011, September 7, 2011, July 27, 2012, and September 3, 2014.