

STATE OF ALABAMA

BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

Alabama Law Regulating Practice
of Engineering and Land Surveying



CODE OF ALABAMA
1940
TITLE 46
CHAPTER 7

As amended by Acts of the Legislature

Approved September 15, 1961,

September 12, 1966 and September 8, 1967

OFFICE OF SECRETARY
64 NORTH UNION STREET
MONTGOMERY, ALABAMA 36104

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SECTION 1.—PRACTICE OF ENGINEERING AND LAND SURVEYING REGULATED. In order to safeguard life, health and property, no person in either public or private capacity shall practice or offer to practice engineering or land surveying, unless he shall first have submitted evidence that he is qualified so to practice and shall be registered by the Board as hereinafter provided or unless he is specifically exempted from registration under the provisions of this Chapter. It shall be unlawful for any person to practice or offer to practice in this State, engineering or land surveying, as defined by this Chapter, or to use in connection with his name or otherwise assume, use, or advertise any title or description tending to convey the impression that he is a professional engineer or a land surveyor, unless such person has been duly registered or is exempt from

registration under the provisions of this Chapter. Provided, that any person whose firm name shall have contained the word "engineer," "engineers," or "engineering," or words of like import, for more than fifteen years before September 12, 1966 shall not be prohibited from continuing the use of such word or words in his firm name.

SECTION 2.—DEFINITIONS. As used herein the following words and phrases shall have the following meaning unless the context otherwise requires:

(a) **BOARD.** The term "Board" as used in this Chapter shall mean the State Board of Registration for Professional Engineers and Land Surveyors, provided for by Section 3 of this title.

(b) **ENGINEER OR PROFESSIONAL ENGINEER.** The term "engineer" or "professional engineer" shall mean a person who, by reason of his special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and/or practical experience, is qualified to practice engineering as hereinafter defined, and has been registered by the Board as a professional engineer.

(c) **ENGINEER-IN-TRAINING.** The term "engineer-in-training" as used in this Chapter shall mean a candidate for registration as a professional engineer who is:

(1) a graduate in an approved engineering curriculum of four academic years or more from a school or college approved by the Board as of satisfactory standing; and who, in addition, has successfully passed an eight-hour written examination in the fundamental engineering subjects as provided in Section 14 of this title, and who shall have received from the Board, as hereinafter defined, a certificate stating that he has successfully passed this portion of the professional examination, as prescribed under the provisions of this Chapter; or,

(2) a person who has had four years or more of experience in engineering work of a character satisfactory to the Board; and who, in addition, has successfully passed an eight-hour written examination in the fundamental engineering subjects as provided in Section 14 of this title, and who shall have received from the Board, as hereinafter defined, a certificate stating that he has successfully passed this portion of the professional examination, as prescribed under the provisions of this Chapter.

(d) **PRACTICE OF ENGINEERING.** The term "practice of engineering" as used in this Chapter

shall mean any professional service or creative work requiring engineering education, training and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning the use of lands and waters, planning, design, and supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects wherein the public welfare or safeguarding of life, health, or property is involved. The term shall not, however, include the practice of architecture except such architectural work as is incidental to the practice of professional engineering; nor shall the term include work ordinarily performed by persons who operate or maintain machinery or equipment.

(e) **LAND SURVEYOR.** The term "land surveyor" as used in this Chapter shall mean a person who engages in the practice of land surveying as hereinafter defined and who has been registered by the Board as a land surveyor.

(f) **LAND SURVEYING.** The practice of land surveying as used in this Chapter includes surveying of lines, areas, volumes and underground mine workings for their correct determination and description and for conveyancing, or for the establishment or re-establishment of land boundaries and the plotting of lands and subdivisions thereof.

(g) **PRACTICE AND OFFER TO PRACTICE** A person shall be construed to practice or offer to practice engineering or land surveying, within the meaning and intent of this Chapter, who offers to or does as a profession practice any branch of engineering or land surveying; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer, or through the use of some other title implies that he is a professional engineer; or who represents himself as able to perform or who does perform any engineering service.

(h) **RESPONSIBLE CHARGE.** The term "responsible charge" as used in this Chapter shall mean the direction of the design, evaluation, investigation, alteration, construction, or maintenance of projects requiring initiative, professional skill, technical knowledge and independent judgment, or teaching experience with the rank equivalent to assistant professor or higher in an approved engineering curriculum.

SECTION 3. BOARD; APPOINTMENT OF MEMBERS—TERMS. A State Board of Registration for Professional Engineers and Land Survey-

ors is hereby created. It shall be the duty of the Board to administer the provisions of this Chapter. The Board shall consist of four (4) professional engineers and one (1) professional engineer who is also a registered land surveyor, each of whom shall be appointed by the Governor from three (3) persons nominated by a committee. This committee shall consist of one professional engineer appointed or elected by an active Alabama chapter of each of the following Societies: American Society of Civil Engineers; American Institute of Mining, Metallurgical and Petroleum Engineers; American Institute of Chemical Engineers; American Institute of Electrical Engineers; American Society of Mechanical Engineers; and Alabama Society of Professional Engineers. Any other Society with active chapters in the State of Alabama having membership qualifications comparable to those of the above Societies may petition the Board for membership on said committee and the Board at its own discretion may grant said membership. Nominees shall have the qualifications required by Section 4 of this title. The foregoing nominations shall be made by a majority vote of the committee present at the same time at a meeting called by the Secretary of the Board who shall advise the above named Societies of the meeting at least thirty (30) days before it is held. Each member of the Board shall receive a certificate of his appointment from the Governor and before beginning his term of office shall file with the Secretary of State his written oath or affirmation for the faithful discharge of his official duty. The members of the Board, serving at the time of the enactment of Sections 1 to 24 under the Code of Alabama 1940, Title 46, Chapter 7, as amended shall continue to serve under this Chapter until their respective terms shall expire. On the expiration of the term of each member, the Governor shall in the manner heretofore provided appoint for a term of five (5) years a professional engineer having the qualifications required by Section 4 to take the place of the member whose term on said Board is about to expire. Each member so appointed shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified.

SECTION 4.—BOARD; QUALIFICATIONS OF MEMBERS. Each member of the Board shall be a citizen of the United States and a resident of this State, a registered professional engineer who holds an unexpired certificate under the provisions of this Chapter, and shall have been engaged in the practice of engineering for at least twelve years, and shall have been in responsible charge of important engineering work for at least five years.

SECTION 5.—BOARD; COMPENSATION AND EXPENSES OF MEMBERS. Each member of the Board shall receive the sum of fifteen dollars (\$15) per diem when actually attending to the

work of the Board or any of its committees and for the time spent in necessary travel; and, in addition thereto, shall be reimbursed for all actual traveling, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this Chapter.

SECTION 6.—BOARD; REMOVAL OF MEMBERS—VACANCIES. The Governor may remove any member of the Board for misconduct, incompetency, neglect of duty, or for any other sufficient cause. Vacancies in the membership of the Board by death, resignation, or for any reason shall be filled for the unexpired term by appointment by the Governor as provided in Section 3 of this title.

SECTION 7.—BOARD; MEETINGS—LEGAL OFFICE—OFFICERS—QUORUM. The Board shall hold at least two regular meetings each year. The two regular meetings of the Board shall be held in the City of Montgomery, Alabama. The legal office of the Board shall be located in the City of Montgomery. Special meetings shall be held at such time and place as the by-laws of the Board may provide. Notice of all meetings shall be given in such manner as the by-laws provide. The Board shall elect or appoint annually the following officers: A chairman, a vice-chairman, and a secretary. A quorum of the Board shall consist of not less than three members.

SECTION 8.—POWERS OF THE BOARD.

(a) The Board shall have the power to adopt and amend such 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 regulation of the proceedings before it. The Board shall have the power to adopt and amend from time to time a code of ethics for Professional Engineers, Engineers-in-Training and Land Surveyors. The Board shall adopt and have an official seal.

(b) In carrying into effect its duties in any case involving the revocation of registration or practicing or offering to practice without registration, or false statement in connection with an application for registration, the Board may, under the hand of its chairman 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 shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, papers, or documents, the Board may present its petition to the Circuit

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

(c) The Board is charged with the duty of seeing that the provisions of this Chapter are enforced. The Board shall investigate any complaint relating to the violation of any provisions of this Chapter and, should a violation be indicated, the Board shall present the facts of their findings to the Circuit Solicitor of the county where the violation complained of occurred and shall aid in the prosecution of the violator.

(d) The Board, for good cause, is authorized to apply for relief by injunction, without bond, to restrain any person, partnership or corporation from the commission of any act which is prohibited by this Chapter. In such proceedings it shall not be necessary to allege or prove either that an adequate remedy at law does not exist, or that substantial and irreparable damage would result, from the continued violation thereof. Application for said injunction may be made to the Circuit Court of Montgomery County, Alabama or the circuit court of the county in which it is alleged that the violation is about to occur, at the request of the Board. Said injunction may not be granted *ex parte* and any judgment or decree may be appealed in the manner prescribed by law to the Supreme Court of Alabama. The members of the Board shall not be personally liable for instituting any such proceedings.

SECTION 9.—RECEIPTS AND DISBURSEMENTS. The Secretary of the Board shall receive and account for all monies derived under the provisions of this Chapter, and shall pay the same monthly to the State Treasurer, who shall keep such monies in a separate fund to be known as the "Professional Engineers Fund." Such fund shall be kept separate and apart from all other monies in the treasury, and shall be paid out only by warrant of the Comptroller upon the Treasurer, upon itemized vouchers, approved by the Chairman and attested by the Secretary of the Board; provided, however, that no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Title 55, Chapter 4, Article 3, Code of Alabama 1940, and provided further that any funds or monies in the hands of the State Treasurer, known as the

"Professional Engineers Fund," at the end of the State fiscal year, in excess of the sum of thirty-five thousand dollars (\$35,000.00) shall be transferred into the General Fund of the State. The monies, properties, records and other things of value owned by or allocated to the "Professional Engineers Fund," the Board, or the Secretary of the Board in his capacity as such, serving at the time of enactment of Sections 1 to 24 under Code of Alabama 1940, Title 46, Chapter 7, as amended, shall become the property of and be allocated respectively to the "Professional Engineers Fund," the Board, or the Secretary of the Board under Sections 1 to 24. The Secretary of the Board shall give a surety bond to the State in such sum as the Board may determine. The premium on said bond shall be regarded as a proper and necessary expense of the Board and shall be paid out of the "Professional Engineers Fund." The Secretary of the Board shall receive such salary as the Board shall determine, in addition to compensation and expenses provided for in Section 5 of this Chapter. The Board may employ an Executive Secretary and fix his compensation and duties. The Board may employ such clerical or other assistants, subject to the provisions of the Merit System Act, and may make expenditures from the "Professional Engineers Fund" for any purpose which in the opinion of the Board is reasonably necessary for the proper performance of its duties under this Chapter, including the expenses of the Board's delegates to regional and national meetings of, and membership dues to, the National Council of State Boards of Engineering Examiners and any of its subdivisions. Under no circumstances shall the total amount of warrants issued by the Comptroller in payment of the expenses and compensation provided for in this Chapter exceed the amount provided therefor by the Legislature in the General Appropriation or other Appropriation Bills.

SECTION 10.—RECORDS AND REPORTS.

(a) The Board shall keep a record of its proceedings and a register of all applications for registration, which register shall show (1) the name, age, and residence of each applicant; (2) the date of the application; (3) the place of business of such applicant; (4) his educational and other qualifications; (5) whether or not an examination was required; (6) whether the applicant was rejected; (7) whether a certificate of registration was granted; (8) the date of the action of the Board; and (9) such other information as may be deemed necessary by the Board.

(b) The Board shall also keep on file a written statement under oath from each applicant that he will abide by the code of ethics prescribed by the Board, which oath shall be a part of his application for registration.

(c) The records of the Board shall be **prima-facie** evidence of the proceedings of the Board set forth therein, and a transcript thereof, duly certified by the Secretary of the Board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

(d) Annually, as of September 30, the Board shall submit to the Governor a report of its transactions of the preceding year, and shall also transmit to him a complete statement of the receipts and expenditures of the Board, attested by affidavits of its Chairman and its Secretary.

SECTION 11. ROSTER OF REGISTRANTS. A roster showing the names and addresses of all registered professional engineers, all certified engineers-in-training and all registered land surveyors shall be prepared by the Secretary of the Board during the month of March of each year. Copies of this roster shall be mailed to each person so registered or certified, placed on file with the Secretary of State, and furnished to the public upon request.

SECTION 12. GENERAL REQUIREMENTS FOR REGISTRATION OR CERTIFICATION. The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified for registration as a professional engineer, certification as an engineer-in-training or registration as a land surveyor, respectively:

(a) **As a Professional Engineer:**

(1) **Engineers; graduation, experience plus examination:** A graduate of an approved engineering curriculum of four years or more from a school or college approved by the Board as of satisfactory standing; and with a specific record of an additional four years or more of experience in engineering work of a grade and character satisfactory to the Board, and indicating that the applicant may be competent to practice engineering shall be admitted to an eight-hour written examination in the fundamental engineering subjects, and an eight-hour written examination in the principles and practice of engineering. Upon passing such examination, the applicant shall be granted a certificate of registration to practice engineering in this State, provided he is otherwise qualified. In counting years of experience, the Board at its discretion may give credit, not in excess of one year, for satisfactory graduate study in engineering.

(2) **Engineers; experience plus examination:** An applicant having a specific record of eight years or more of progressive experience in engineering work of a character and grade satisfactory to the Board and indicating that the applicant may be competent to practice engineering and who passes an eight-hour written examination in the

fundamental engineering subjects (as required in paragraph (a)-(1) of this section), and an eight-hour written examination in the principles and practice of engineering (as required in paragraph (a)-(1) of this section), shall be granted a certificate of registration to practice engineering in this State, provided he is otherwise qualified.

(3) **Engineers; reciprocity:** The Board may, upon application therefor, issue a Certificate of Registration as a Professional Engineer to any person who holds a Certificate of Qualifications or Registration issued to him by proper authority of the National Council of State Boards of Engineering Examiners, or of the National Bureau of Engineering Registration, or of any state or territory or possession of the United States, the District of Columbia, or of any country provided that the applicant's qualifications meet the requirements of this Chapter and the rules established by the Board. Such an applicant may, at the discretion of the Board, be authorized to practice engineering on a temporary basis upon issuance of an interim permit which shall remain in effect until the Board acts upon the application.

(b) **As an Engineer-in-Training:**

(1) **Engineers-in-Training; graduation plus examination:** Graduation in an approved engineering curriculum of four years or more from a school or college approved by the Board as of satisfactory standing and successfully passing an eight-hour written examination in the fundamental engineering subjects; or,

(2) **Engineers-in-Training; experience plus examination:** A specific record of four years or more of experience in engineering work of a character satisfactory to the Board and successfully passing an eight-hour written examination in the fundamental engineering subjects;

(3) **Engineers-in-Training; reciprocity:** Engineer-in-Training examinations of comparable character taken and passed in other States may be accepted by the Board.

(4) **Engineer-in-Training Certificate:** The certification of an Engineer-in-Training shall be valid for a period of ten years.

(c) **As a Land Surveyor:**

(1) **Land Surveyors; graduation, experience plus examination:** Graduation from a school or college approved by the Board as of satisfactory standing, including the completion of an approved course in surveying, with an additional two years or more of experience in land surveying work of

a character satisfactory to the Board and indicating that the applicant is competent to practice land surveying, and successfully passing a written, or written and oral, examination in surveying prescribed by the Board; or,

(2) **Land Surveyors; experience plus examination:** A specific record of six years or more of experience in land surveying work of a character satisfactory to the Board and indicating that the applicant is competent to practice land surveying and successfully passing a written, or written and oral, examination in surveying prescribed by the Board.

(d) **Character.** No person shall be eligible for registration as a professional engineer, certification as an engineer-in-training, or registration as a land surveyor, who is not of good character and reputation.

(e) **Teaching Credits.** In considering the qualifications of applicants, engineering teaching with the rank equivalent to assistant professor or higher in an engineering course approved by the Board may be construed as equivalent to engineering experience.

(f) **Education Credits.** The satisfactory completion of each year of an approved curriculum in engineering in a school or college approved by the Board as of satisfactory standing, without graduation, shall be considered as equivalent to a year of experience in paragraph (a)-(2) of this section and paragraph (b)-(2) of this section. Graduation in a curriculum other than engineering from a college or university of recognized standing or graduation in an unapproved engineering curriculum may be considered as equivalent to two years of experience in paragraph (a)-(2) of this section, paragraph (b)-(2) of this section, and paragraph (c)-(2) of this section; provided, however, that no applicant shall receive credit for more than four years of experience because of undergraduate educational qualifications.

(g) **Non-Practicing Applicants.** Any person having the necessary qualifications prescribed in this Chapter to entitle him to registration shall be eligible for such registration although he may not be practicing his profession at the time of making his application.

(h) For a period of one year from passage of this amendment (Approved September 8, 1967, effective date January 1, 1968), the Board, at its discretion, may exempt an applicant, who is a resident of Alabama and qualified under paragraph (a)-(1) of this section, from taking the examination in fundamental engineering subjects.

(i) Applications for registration filed prior to passage of this amendment (Approved September 8, 1967, effective date January 1, 1968) will be considered under provisions of the Chapter in force at time of application.

SECTION 13.—APPLICATIONS AND REGISTRATION FEES.

(a) Applications for registration shall be on forms prescribed and furnished by the Board, shall contain statements made under oath, showing the applicant's education and detailed summary of his technical work, and shall contain not less than five references. Three or more of the references contained in an application for registration as a professional engineer shall be professional engineers having personal knowledge of the applicant's engineering experience. Three or more of the references contained in an application for land surveyor shall be professional engineers or land surveyors having personal knowledge of the applicant's land surveying experience. The forms shall contain a code of ethics prescribed by the Board for the classification under this Chapter.

(b) The registration fee for professional engineers shall be twenty-five dollars (\$25), fifteen dollars (\$15) of which shall accompany the application, the remaining ten dollars (\$10) to be paid upon issuance of certificate. Should the applicant fail or refuse to remit the said remaining ten dollars (\$10) within thirty days after being notified, in the usual manner, that the applicant has successfully qualified, the applicant shall forfeit the right to have a certificate so issued and said applicant may be required again to submit an original application and pay an original fee therefor. The registration of persons qualifying for a combined certificate as "Professional Engineer and Land Surveyor" shall conform to the requirements set forth both for "professional engineer" and for "land surveyor."

(c) The fee for engineer-in-training shall be ten dollars (\$10), which shall accompany the application and shall include the cost of examination and issuance of certificate. When registration as a professional engineer is completed by an engineer-in-training, an additional fee of fifteen dollars (\$15) shall be paid before issuance of certificate as a professional engineer.

(d) The registration fee for land surveyors shall be fifteen dollars (\$15), which shall accompany the application.

(e) Should the Board deny the issuance of a certificate of registration to any applicant, the initial fee deposited shall be retained as an application fee.

SECTION 14.—EXAMINATIONS.

(a) When oral or written examinations are required, they shall be held at such time and place as the Board shall determine. When examinations are required on fundamental engineering subjects (such as are ordinarily given in college curricula), the applicant shall be permitted to take this part of the professional examination prior to his completion of the requisite years of experience in engineering work, and satisfactory passage of this portion of the professional examination by the applicant shall constitute a credit toward registration as a professional engineer for a period of ten years for this portion of the examination.

(b) The scope of the examination and the methods of procedure shall be prescribed by the Board with special reference to the applicant's ability to design and supervise engineering works so as to insure the safety of life, health and property. Examinations shall be given for the purpose of determining the qualifications of applicants for registration separately in engineering and in land surveying. A candidate failing one examination may apply for re-examination at the expiration of six months and will be re-examined without payment of additional fee. Subsequent examination will be granted upon payment of a fee to be determined by the Board.

SECTION 15.—CERTIFICATES—SEALS.

(a) The Board shall issue a certificate of registration upon payment of registration fee as provided for in this chapter, to any applicant who, in the opinion of the Board, has satisfactorily met all the requirements of this chapter. In the case of a professional engineer, the certificate shall authorize the practice of engineering. In the case of an engineer-in-training, the certificate shall state that the applicant has successfully passed the examination in fundamental engineering subjects required by the Board, or attests that the applicant has submitted his qualifications to the Board and they have been accepted, and in either case that applicant has been enrolled as an engineer-in-training. In the case of a land surveyor, the certificate shall authorize the practice of land surveying. In the case of a professional engineer and land surveyor, the certificate shall authorize the practice of engineering and land surveying. Certificates of registration shall show the full name of the registrant, shall have a serial number, and shall be signed by the Chairman and the Secretary of the Board under the seal of the Board.

(b) The issuance of a certificate of registration by this Board shall be *prima-facie* evidence that the person named therein is entitled to all the rights and privileges of a professional engineer,

certified engineer-in-training or of a land surveyor, while the said certificate remains unrevoked or unexpired.

(c) Each engineer and/or land surveyor may upon registration obtain a seal of the design authorized by the Board, bearing the registrant's name, registration number, and the legend, "Registered Professional Engineer," and/or "Registered Land Surveyor." Engineering drawings, plans, specifications, plats, and reports issued by a registrant or by qualified persons under his direction and for which he assumes full responsibility, shall be certified in accordance with this chapter, during the life of the registrant's certificate, but it shall be unlawful for anyone to stamp or seal any documents with said seal, signature, or facsimile after the certificate of the registrant named thereon has expired or has been revoked, unless said certificate shall have been renewed or re-issued.

SECTION 16.—EXPIRATIONS AND RENEWALS. Certificates of registration for professional engineers and land surveyors shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. The amount of the renewal fee shall be set by the Board and shall not exceed ten dollars (\$10). It shall be the duty of the Secretary of the Board to notify every person registered under this chapter of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one year; such notice shall be mailed to the registrant's last address recorded by the Secretary of the Board and shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by the payment of a fee. The failure on the part of any registrant to renew his certificate annually in the month of December as required above shall not deprive such person of the right of renewal, but the fee to be paid shall be increased ten percent for each month or a fraction of a month that payment of renewal is delayed; provided, however, that the maximum time for renewal shall not exceed ten months. The Board, in its discretion, may make an exception to the foregoing renewal provisions in the case of a person who is in the armed service of the United States.

SECTION 17.—PRACTITIONERS AT TIME SECTIONS 1-24 BECOME EFFECTIVE. All professional engineers and/or land surveyors registered in accordance with the provisions of Code of Alabama (1940), Title 46, Chapter 7, as amended, and whose certificates of registration are in effect or are subject to renewal at the time of passage of sections 1-24 of this title, shall be entitled to all rights and privileges respectively of a registered professional engineer or land surveyor as provided

for in sections 1-24, while said certificate remains unrevoked or unexpired and is entitled to renewal thereof as provided for in Section 16 hereof.

SECTION 18.—CORPORATE AND PARTNERSHIP PRACTICE.

(a) **ENGINEERING INCIDENTAL TO PRODUCTION, MANUFACTURE, TRANSPORTATION, PUBLIC UTILITIES OR AFFILIATES THEREOF.** The practice of professional engineering or land surveying incidental to or in connection with production, manufacture, transportation, distribution or communication, may be carried on by any person, partnership, firm or corporation engaged in such production, manufacture, transportation, distribution or communication if such engineering services are performed by or under the direction of a professional engineer or engineers registered in conformity with this Chapter. All drawings, plans, specifications, plats, and reports involving the practice of engineering shall, when issued, be dated and bear the seal or facsimile of such seal or signature and registration number of the professional engineer in responsible charge thereof.

(b) **ENGINEERING SERVICES OFFERED TO THE PUBLIC.** The practice of engineering or land surveying is a professional service, admission to which shall be determined upon a basis of individual personal qualifications. No firm, company, partnership or corporation can be registered. A firm, company, partnership or corporation may engage or offer to engage in the practice of Professional Engineering or Land Surveying in this State provided that before engaging in such practice the person or persons connected with such firms, companies, partnerships or corporations, acting in a professional capacity and in responsible charge of the practice of professional engineering or land surveying for such organization in this State, is or are registered as herein required, or is or are otherwise authorized to practice as provided in this Chapter. All drawings, plans, specifications, plats, and reports involving the practice of engineering shall, when issued, be dated and bear the seal or facsimile of such seal or signature and registration number of the professional engineer in responsible charge thereof.

SECTION 19.—PUBLIC WORK. It shall be unlawful for the State or any of its departments, boards or agencies or any county, municipality or political subdivision or any department, board or agency of any county, municipality or political subdivision to engage in the construction of any public work involving the practice of engineering unless the engineering drawings, plans, specifications and estimates have been prepared by and the construction executed under the direct supervision of a professional engineer, provided that

nothing in this chapter shall be held to apply to any public work wherein the expenditure for the complete project of which the work is a part does not exceed twenty thousand dollars (\$20,000).

SECTION 20.—DISCIPLINARY ACTION.

(a) The Board shall have the power to censure any registrant or certified engineer-in-training or to suspend or revoke the certificate of any registrant or certificated engineer-in-training who is found guilty of:

(1) The practice of any fraud or deceit in obtaining a certificate of registration;

(2) Any gross negligence, incompetency, violation of the code of ethics prescribed by the Board or any amendment thereof, or misconduct in the practice of engineering or land surveying as a professional engineer, engineer-in-training, or land surveyor;

(3) Falsely representing himself as being in responsible charge of engineering work or land surveying;

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

(b) Any person may prefer charges of violation of this section against any registrant. Such charges shall be in writing, and shall be sworn to by the person making them and shall be filed with the Secretary of the Board.

(c) The Board is empowered to designate a person or persons to investigate and report to it on any of the above charges and may employ such legal counsel as the Board may deem necessary or desirable.

(d) All charges, unless dismissed by the Board as unfounded or trivial, shall be heard by the Board within three months after the date on which they shall have been preferred.

(e) The time and place for said hearing shall be fixed by the Board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such registrant, at least thirty days before the date fixed for the hearing. At any hearing the accused registrant shall have the right to appear personally and by counsel, to cross examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

(f) If after such hearing three or more members of the Board vote in favor of finding the accused

guilty, the Board shall censure the registrant or certificated engineer-in-training, or suspend or revoke the certificate of such professional engineer, land surveyor, or certificated engineer-in-training.

(g) The Board shall revoke the certificate of any registrant or certificated engineer-in-training who has been:

(1) Declared **non compos mentis** by a court of competent jurisdiction;

(2) Convicted of a crime involving moral turpitude.

SECTION 21.—RE-ISSUANCE OF REVOKED CERTIFICATES—DUPLICATE CERTIFICATES. The Board, for reasons it may deem sufficient, may re-issue a certificate of registration to any person whose certificate has been revoked, provided three or more members of the Board vote in favor of such re-issuance. The Board shall not consider re-issuance of a certificate to any person whose certificate has been revoked because of **non compos mentis** until after said person shall have been declared to have fully regained his competency by a court of competent jurisdiction. The Board shall not consider the re-issuance of a certificate to a person convicted of a crime of moral turpitude until at least five years shall have elapsed since said conviction, and then a unanimous approval vote of the Board concerning said re-issuance shall be required. A new certificate to replace any certificate revoked, lost destroyed or mutilated, may be issued, subject to the rules of the Board, and a charge of three dollars (\$3) shall be made for such issuance.

SECTION 22.—APPEALS. Any person who shall feel aggrieved by any action of the Board in denying, suspending, or revoking his certificate of registration may appeal therefrom within sixty (60) days to the Circuit Court of Montgomery County, Alabama, and, after full hearing, said court shall make such decree sustaining or reversing the action of the Board as it may deem just and proper. The judgment or decree of the Circuit Court may be appealed in the manner prescribed by law to the Supreme Court of Alabama. The Board's order may, at the discretion of the Circuit Court, be stayed during the period of any appeal.

SECTION 23.—VIOLATIONS AND PENALTIES.

(a) Any person who shall practice, or offer to practice, engineering or land surveying in this State without being registered or exempted in accordance with the provisions of this chapter, or

any person presenting or attempting to use as his own the certificate of registration or the seal or facsimile thereof of another, or permitting his own certificate of registration, seal, or facsimile thereof to be used by another person, or any person who shall give any false or forged evidence of any kind to the Board or to any member thereof in obtaining, or attempting to obtain, a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired, suspended, or revoked certificate of registration, or any person who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500), or be imprisoned for a period not exceeding three months, or both for each and every offense.

(b) It shall be the duty of all duly constituted officers of law of this State, or any political subdivision thereof, to enforce the provisions of this Chapter, and to prosecute any persons violating same. The Attorney General of the State or his assistant shall act as legal advisor to the Board and render such legal assistance as may be necessary in carrying out the provisions of this Chapter.

SECTION 24.—PERSONS AND ACTS EXEMPT FROM CHAPTER.

This Chapter shall not be construed to prevent or to affect:

(a) The practice of any other legally recognized profession or trade; or,

(b) The work of an engineer-in-training, employee or a subordinate of any person holding a certificate of registration under this Chapter, or any employee of a person practicing lawfully under Section 12, paragraph (a)-(3) of this title; provided such work is done under the responsibility and supervision of a person holding a certificate of registration under this Chapter or a person practicing lawfully under Section 12, paragraph (a)-(3) of this title; or,

(c) The practice of officers and employees of the Government of the United States while engaged within this State in the practice of engineering or land surveying, for said government; provided, that this exception does not extend to any engineer or land surveyor engaged in the practice of professional engineering or land surveying whose compensation is based in whole or in part on a fee; or,

(d) The practice of professional engineering and land surveying with respect to transportation or

utility facilities by any transportation company or public utility subject to regulation by the Alabama Public Service Commission, the Federal Communications Commission, the Federal Power Commission, or like regulatory agency, including its parents, affiliates, or subsidiaries; or by the officers and employees of any such transportation company or public utility including its parents, affiliates, or subsidiaries; provided that this exception does not extend to any engineer or land surveyor engaged in the practice of professional engineering or land surveying whose compensation is based in whole or in part on a fee.

(e) The practice of any person who is employed by the Alabama State Highway Department in the classified service under the State of Alabama Personnel Board (Merit System).

(f) The mere execution as a contractor of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent shall not be deemed to be the practice of engineering.

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