

**PROPOSED RULE CHANGES
PUBLIC HEARING SCHEDULED FOR
9 AM TUESDAY NOVEMBER 16, 2021**

Part of moving to the new Licensing Management System requires changes to the format in which documents are submitted to the Board. Current language in the rules refer to a format that will no longer be used and that language must be revised to match the new processes.

The proposed rules will update the following:

- PE and PLS License Applications
- EI and LSI Certificate Applications
- Certificate of Authorization Applications
- Structural Engineer Roster Designation Requests
- Complaints

Along with the format submission changes the Board determined to propose a change to the experience requirements for professional land surveyor applicants. The proposed change will allow them to earn creditable work experience while still in school. This experience would be evaluated by the Board on a case by case basis and would be limited to a maximum of two years. See Section 330-X-6-.01 Qualifying Experience.

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 the information required, or accompanied by the required fee will ~~be returned with a statement of the reason for return~~ not be accepted. As per Section 34-11-5(e), Code of Ala. 1975, application fees will not be refunded.

330-X-4-.01 Method of Payment

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

Appendix A - Chapter 330-X-4 - Fees

Application Fees

Engineer Intern/Land Surveyor Intern	\$25
Professional Engineer/Professional Land Surveyor	\$50 <u>\$125</u>
Act 2018-540 Eligible Individuals	No fee
Certificate of Authorization	\$100

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Licensure Fees

Professional Engineer/Professional Land Surveyor	\$75
Act 2018-540 Eligible Individuals	No fee

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 must be by the licensed professional land surveyor supervisor, the licensed professional land surveyor associate, or in some other relationship that assures the Board that the experience received is substantially equivalent to supervision under a licensed professional land surveyor. 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 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 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.

330-X-9.01 Classification of Licensure

(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, examination, and ~~or~~ experience. Discipline of examinations taken by a licensee is considered a public record.

330-X-10.03 Reissuance of Certificates.

A licensee requesting a duplicate certificate of licensure under the provisions of Section 34-11-9.1, Code of Ala. 1975 shall file submit a request ~~form setting out the reasons for the request~~ in the format specified by the Board. Upon receipt of the request ~~form~~ accompanied by the required fee, a duplicate certificate will be issued.

330-X-10.05 Roster Designations

Requests for roster designation shall be made ~~on a printed form or~~ in the format provided by the Board and no requests made otherwise will be accepted. ~~Requests must be typed and~~ All questions on the request must be accurately and thoroughly answered. No fee is required.

330-X-14.03 Qualified by Education, Examination 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, examination and ~~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, examination and ~~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, examination 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 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, examination and ~~or~~ experience to form a dependable judgment.

330-X-15-.02 Application Procedures.

(1) All applications for certificates of authorization shall be made ~~on a printed form or~~ in the format provided by the Board and no applications made otherwise will be accepted. 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.~~ not be accepted. As per Section 34-11-5(e), Code of Ala. 1975, application fees will not be refunded.

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 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) A complaint initiated by an individual or entity against a licensee or nonlicensee shall be submitted in a format provided by the Board ~~in writing~~ and shall contain: