

Proposed Rule Changes

At its August 2, 2022, the Board proposed changes to its Administrative Code.

A public hearing is scheduled for 9 AM Tuesday, November 15, 2022, and interested persons may attend in person at the Board office, or virtually by clicking on the "Board Meeting Nov 15, 2022" link on the home page of the Board's website.

You can also submit written comments via email to rick.huett@bels.alabama.gov. The deadline for written comments is November 1, 2022.

Underlines indicate new language.

330-X-2-.01 Definitions of Terms.

(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~~ have reasonable security measures in place which include but are not limited to: be:

1. Unique to the person using it,
2. Capable of verification, and
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.~~

Standard of Care: The standard of care for all Professional Engineers and Professional Land Surveyors will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality.

Branch Office – any location other than the firm's principal office location identified by any means to the public or customers as a location at which engineering or surveying services may be offered and/or performed where final engineering or land surveying designs or decisions are made under the responsible charge of a licensed individual.

Home Office - is not required to be identified as a branch office unless one of the following occurs:

- (1) Office advertises on signage, print or other media.
- (2) The address is shown on the firm's website.
- (3) Solicitations for work are made from the location.
- (4) The address is shown on final design drawings or reports.

If the Home Office performs any of the listed actions, it must meet all "Branch" office requirements.

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

(7) Licensure as a professional engineer or professional land surveyor is granted in accordance with the Military Family Jobs Act #2018-540 2022-92 as codified at Code of Alabama 1975 § 31-1-6, provided the "eligible individual" possesses a valid license or certificate in good standing in another, state, district, or territory of the United States, or in any branch of the United States Armed Forces, including the National Guard, that is substantially similar to the license issued by the board.

An "eligible individual" is the spouse of any of the following: (1) An active duty, reserve, or transitioning member of the United States Armed Forces, including the National Guard, who is on active duty status or on separation leave within 24 months of retirement, (2) a surviving spouse of a service member who at the time of his or her death, was serving on active duty who is relocated to and stationed in the State of Alabama under official military orders, (3) an individual currently employed by the United States Department of Justice or any of its encompassed Offices, agencies, institutes, and bureaus, including, but not limited to, the Federal Bureau of Investigations (FBI), the U.S. Attorney's Office, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), the Drug Enforcement Administration (DEA), and the United States Marshall Service (USMS), who is relocated to Alabama by order of their employer, (4) or an individual currently employed at the National Aeronautics and Space Administration who is relocated to Alabama by order of their employer.

~~with licensing and certification requirements greater than or substantially similar to the licensing requirements of the board, and he shall be approved to work in his or her profession upon relocation to the State of Alabama for such time as normally allotted with receipt of a licensure from the board.~~

(8) A Temporary Permit as a professional engineer or professional land surveyor is granted in accordance with the Military Family Jobs Act# 2018-540 2022-92 as codified at Code of Alabama 1975 31-1-6, to an "eligible individual" ~~that possesses a license in another state, district, or territory of the United States, or in any branch of the United States Armed Forces, including the National Guard" effective for at least period of 180 360 days, to allow the eligible individual to meet the specific requirements while the Board deliberates the application to obtain a license or certificate in this state, to obtain a license or certificate in this state that were not required in the original issuing state.~~

(9) 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 certain sections of the Alabama application form ~~dealing with general information and licensure in other jurisdictions.~~

(10) 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, or to NCEES 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.

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

(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 close one year from the date an~~

~~application was initiated, 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.

CHAPTER 330-X-4 FEES

Renewal Fees

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| Professional Engineer/Professional Land Surveyor & Act 2018-540 Eligible Individuals | \$100 |
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| Certificate of Authorization | \$200 |
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Reinstatement Fees for Expired License

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| Professional Engineer/Professional Land Surveyor (0-2 years) | \$250 + \$100 | \$350 |
| CA Reinstatement (0-2 years) | \$250 + 100 | \$350 |

Other Fees

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

330-X-5-.01 Curricula Approved by the Board.

~~(a) The term "a graduate of an approved engineering curriculum" shall mean a graduate of a baccalaureate engineering program accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET) at the time of graduation or within a two year period of graduation. This term shall also mean a graduate of a master or doctoral degree program offered by a school or college of engineering offering at least one EAC/ABET baccalaureate engineering program provided the school or college of engineering has petitioned the Board for approval for this degree and the Board has granted this approval. This term shall also mean a graduate of an EAC/ABET accredited master's degree.~~

330-X-6-.01 Qualifying Experience.

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(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-X6.01(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.~~

330-X-7-.02 References.

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

330-X-8-.02 Eligibility for Examination.

(1) Engineer applicants will not be scheduled to take Exam II (PE) until Exam I (FE) has been passed. Land Surveyor applicants will not be scheduled to take Exam III (ALSS) (PS) and Exam III (ALSS) until Exam I (FS) and Exam II (PS) has been passed.

(3) Candidates for the FE Examination, FS Examination, PE Examination, SE Examination and the PS Examination may ~~sit for the next scheduled~~ an examination without Board action provided the proper application has been filed in accordance with NCEES policy.

330-X-8-.07 Examination Offerings For The ALSS Examination.

(a) Should the applicant fail to take the ALSS examination offered or fail to pass the examination and plans to retake the examination, the applicant must ~~file a request for reexamination to the Board and~~ pay the examination fee as set by the Board. Should the applicant fail to take the examination or fail to pass the examination applied for, the fee paid is not refundable.

(c) If an application is closed, in order to be considered for further examinations, an applicant must file a new application, ~~listing experience gained and verified since the previously filed application,~~ and pay the application fee as required by Law. ~~No transcripts, or additional references will be required.~~ The applicant must meet the eligibility requirements of the current Law and Administrative Code.

~~(e) An application approved prior to July 1, 2018, will be retained on file for two years. After two years, the application will be closed.~~

330-X-8-.07.01 Examination Offerings For The FE, FS, PE, SE and PS Examinations

(1) An individual wishing to take the FE, FS, PE, SE or PS examination will register with NCEES.

(2) An individual failing the FE, FS, PE, SE or PS examination may be allowed to retake the examination in accordance with NCEES policy.

~~(3) An application approved prior to July 1, 2018, will be retained on file for two years. After two years, the application will be closed.~~

Effective date: September 3, 2014. Last amendment effective: January 4, 2019.
(Auth: Section 34-11-5; Section 34-11-6; Section 34-11-35, Code of Ala. 1975)

330-X-13-.01 Renewals.

(1) All licenses expire on December 31 of a specified year. Each licensee will be notified no later than two months prior to the date the license expires. Renewal must be accomplished online. The

licensee's submission of the renewal form reaffirms agreement to abide by the Rules of Professional Conduct (Code of Ethics), Rule 330-X-14.

(2) No renewal fees will be accepted prior to the renewal date specified in the Board renewal notification.

(3) Reinstatement fees for expired licenses and certifications are set each year by the Board.

(4) The responsibility for ~~the timely~~ renewal rests solely with the individual. Failure to receive notice of renewal or to respond to a Board renewal inquiry does not relieve you of your duty to renew on time.

330-X-13-.02 Continuing Professional Competency

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

(12) Records - The responsibility of maintaining records which can be used to support credits claimed is the responsibility of the licensee. Records required are documents from the sponsoring organization showing course completion or presentation, or 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~~ during the renewal or reinstatement process ~~has been processed~~, the licensee ~~shall have 90 days after notification to~~ must 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.

~~(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.~~

(b) Licensees should respond to audit inquiries within 14 days of notification. Failure to respond to an audit inquiry, and/or provide requested documentation, will result in a reinstatement fee being applied to the renewal fee on January 15th.

330-X-16-.01 Complaints.

(2) All disciplinary cases involving geology/engineering or other 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.

Administrative Rule Making Process

1. Board determines at a board meeting the need for a rule change or new rule.
2. Executive Director files the necessary paperwork to announce the notice of proposed rule changes to the Legislative Agency Services (LAS). The notice must include:
 - a. A comment period of not less than 35 days or more than 90 days
 - b. Identify the deadline for written comments
 - c. State date, time and location of public hearing.

The 35 - 90 day clock begins when the Administrative Monthly is published on the last day of the filing month. The filing deadline for publication in the Administrative Monthly is usually the 21st day of the month.

3. Completion of the notice of proposed rule change is defined as the end of the comment period designated in the notice of intended action as the final date for comments.
4. Board holds public hearing, then reviews comments received during the hearing and written comments received during the comment period.
5. Board certifies the proposed rule with or without change.
6. Director files certified copy of an adopted rule with LSA no later than 15 days after the meeting and less than 90 days of initial notice publication.
7. Change to the existing rule (deletion or amendment) or a new rule is effective 45 days from the date certified by LSA.