

## ADMINISTRATIVE RULES

October 21, 2024

As part of Governor Ivey's "Red Tape" Reduction Executive Order the Executive Branch of State Government is endeavoring to reduce by 25% the number of discretionary regulatory restrictions found in the Alabama Administrative Code that are not directly mandated by state or federal statute on citizens and businesses.

The Board will hold a public hearing on the proposed rule changes at 11 A.M. (CST) on Tuesday, December 10, 2024.

Please email your recommendations and/or comments to [rick.huett@bels.alabama.gov](mailto:rick.huett@bels.alabama.gov) prior to December 5, 2024.

Also, email [rick.huett@bels.alabama.gov](mailto:rick.huett@bels.alabama.gov) prior to December 2, 2024, if you wish to speak (virtually or in person) at the public hearing.

APA-2

ALABAMA STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Registration for Professional  
Engineers and Land Surveyors

RULE NO. & TITLE: 330-X-2-.01 Definitions Of Terms

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:  
Remove restrictive terms from definitions

TIME, PLACE AND MANNER OF PRESENTING VIEWS:  
11:00 A.M., 100 N. Union Street, Ste 382, Montgomery, AL 36104, or email, or  
virtual attendance.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:  
Thursday, December 5, 2024

CONTACT PERSON AT AGENCY:  
Rick Huett,  
rick.huett@bels.alabama.gov

*William R. Huett*

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Rick Huett

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

**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~~ means 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~~ means 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~~ means 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 managing agent 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~~ means "the engineer" or "land surveyor" which is defined as the senior technical 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. 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 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 managing agent'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~~ means 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~~ means any state, district, or territory of the United States.

(10) The term "Signature" ~~shall mean~~ means handwritten or digital as follows:

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

(b) A digital signature associated with an electronic document must have reasonable security measures in place which include but are not limited to:

1. Unique to the person using it,
2. Capable of verification, and
3. Under the sole control of the person using it.
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" ~~shall mean~~ means a licensee or firm who is not engaged in the engineering or land surveying practice which requires licensure in Alabama. No licensee or firm granted inactive status may practice or offer to practice engineering or surveying in Alabama as defined in Code of Ala. 1975, Section 34-11-1(12).

(12) The term "Professional Engineer, Retired" or "Professional Land Surveyor, Retired," shall mean a person who is retired from the profession of engineering or land surveying in Alabama and has been approved to use the title by the board.

(13) The term "Expired License" ~~shall mean~~ means a license that has not been renewed as of the deadline for renewing. A license not renewed will remain in expired status for a maximum of two years.

(14) The term "restricted" ~~shall mean~~ means a license or certificate that is limited in a manner specified by the Board.

(15) The term "Responsible Charge" ~~shall mean~~ means 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~~ means the voluntary relinquishment of a license or certificate and shall have the same force and effect as a revocation.

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

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

(19) The terms "Roster Designation" ~~shall mean~~ means a licensee that has met the requirements outlined in Section 330-X-10-.05 of the Administrative Code and been granted the designation by the Board.

~~(20)~~ "Roster Designation This designation" is not required to practice or to offer to practice engineering.

~~(21)~~ The term "structural engineering" shall mean ~~(20)~~ The term "structural engineering" means the practice of analyzing and designating the structural elements and systems in structures. Engineering Geo-Structures that are located by the earth or whose resistance is derived from the earth such as temporary and permanent earth retaining systems, shallow and deep foundations, underpinning or structures affected by excavations, shafts, and tunnels, embankments, dams and levees, and soil and rock slopes do not exclusively require structural engineering. Structural engineering applies the principles of math and physics in order to create structures that protect life and property using common construction materials such as concrete, steel, and timber as well as innovative materials such as glass, aluminum, polymers and carbon fiber.

~~(22)~~ (21) 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.

~~(23)~~ (22) 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.

~~(24)~~ (23) Home Office - is not required to be identified as a branch office unless one of the following occurs:

- (a) Office advertises on signage, print or other media.
- (b) The address is shown on the firm's website.
- (c) Solicitations for work are made from the location.
- (d) 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.

**Author:** William R. Huett (Executive Director), Bonnie Kelly

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

**History:** Filed September 22, 1982. **Amended:** Filed November 14, 1984; March 5, 1990. **Amended:** Filed September 13, 1994; effective October 18, 1994. **Amended:** Filed September 23, 1998; effective October 28, 1998. **Amended:** Filed April 29, 2003; effective June 3, 2003. **Amended:** Filed December 15, 2004; effective January 19, 2005. **Amended:** Filed October 30, 2006; effective December 4, 2006. **Amended:** Filed June 22, 2012; effective July 27, 2012. **Amended:** Filed April 19, 2013; effective May 24, 2013. **Amended:** Filed August 5, 2015; effective September 9, 2015. **Amended:** Filed November 16, 2018;

effective December 31, 2018. **Amended:** Published March 31, 2021; effective May 15, 2021. **Amended:** Published November 30, 2022; effective January 14, 2023. Amended: Published ; effective.

ALABAMA STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Registration for Professional  
Engineers and Land Surveyors

RULE NO. & TITLE: 330-X-3-.03 Disposal Of Applications

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Update term used to describe closed applications, and clarify the need for new application and fee

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

11:00 A.M., 100 N. Union Street, Ste 382, Montgomery, AL 36104, or email, or virtual attendance.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, December 5, 2024

CONTACT PERSON AT AGENCY:

Rick Huett,  
rick.huett@bels.alabama.gov

*William R. Huett*

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Rick Huett

(Signature of officer authorized  
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rules or his or her deputy)



**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 currently 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 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 one year or date specified by the Board. The application will close one year from the date of the Board's consideration and the applicant must submit a new application unless otherwise specified by the Board.

(3) Denied Applications - When the Board, after due consideration of an application and of information pertaining thereto finds that the applicant is not currently eligible for certification or licensure under any section of the law, 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 one year from the date of the Board's consideration. An applicant who is denied licensure, 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 Code of Ala. 1975, Sections 34-11-13, 41-22-12 through 41-22-21.

(4) Incomplete or Not Approved Applications - If an application is not approved, or~~Inactive Applications - If~~ all necessary information required for Board review is not received within one year from the date an application was initiated, the applicant must submit a new application and application fee.

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

**Author:** William R. Huett (Executive Director), Bonnie Kelly

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

**History:** Filed September 22, 1982. **Amended:** Filed March 5, 1990; July 13, 1992. **Amended:** Filed September 23, 1998; effective October 28, 1998. **Amended:** Filed June 22, 2012; effective July 27, 2012. **Amended:** Filed August 5, 2015; effective September 9, 2015. **Amended:** Filed November 16, 2018; effective December 31, 2018. **Amended:** Published November 30, 2022; effective January 14, 2023. **Amended: Published ; effective** .

APA-2

ALABAMA STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Registration for Professional  
Engineers and Land Surveyors

RULE NO. & TITLE: 330-X-4-.01 Method Of Payment

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:  
Fees must be paid by credit card

TIME, PLACE AND MANNER OF PRESENTING VIEWS:  
11:00 A.M., 100 N. Union Street, Ste 382, Montgomery, AL 36104, or email, or  
virtual attendance.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:  
Thursday, December 5, 2024

CONTACT PERSON AT AGENCY:  
Rick Huett,  
rick.huett@bels.alabama.gov

*William R. Huett*

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Rick Huett

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)



APA-2

ALABAMA STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Registration for Professional  
Engineers and Land Surveyors

RULE NO. & TITLE: 330-X-4-A Appendix

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:  
Public Record fee specified and remove fee for Bad Checks

TIME, PLACE AND MANNER OF PRESENTING VIEWS:  
11:00 A.M. December 10, 2024, 100 N. Union Street, Ste 382, email, attend  
virtually or in person

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:  
Thursday, December 5, 2024

CONTACT PERSON AT AGENCY:  
Rick Huett,  
rick.huett@bels.alabama.gov

*William R. Huett*

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Rick Huett

(Signature of officer authorized  
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**APPENDIX A  
FEES**

**Application Fees**

Engineer Intern/Land Surveyor Intern	\$25
Professional Engineer/ Professional Land Surveyor	\$125
Certificate of Authorization	\$100

**Renewal Fees**

Professional Engineer/Professional Land Surveyor Certificate of Authorization	\$100 \$200
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**Reinstatement Fees for Expired Licenses**

Professional Engineer/Professional Land Surveyor Reinstatement	<del>\$125</del>
-0 - 2 years	\$350
CA Reinstatement	<u>0 - 2 years</u> \$350

**Exam and Re-exam Fees**

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

Copy charges per <del>sheet</del> <u>page</u>	\$.25
Duplicate Certificate	\$25
<del>Bad-Check</del> <u>  </u>	<del>\$30</del> <u>  </u>

**Author:** Rick Huett, (Executive Director), Bonnie Kelly  
**Statutory Authority:** Code of Ala. 1975, §§34-11-6, 34-11-35.  
**History:** New Form: Filed October 30, 2006; effective December 4, 2006. **Amended:** Filed June 18, 2007; effective July 23, 2007. **Amended:** Filed December 26, 2007; effective January 30, 2008. **Amended:** Filed June 19, 2008; effective July 24, 2008. **Amended:** Filed April 1, 2010; effective May 6, 2010. **Amended:** Filed December 7, 2010; effective January 11, 2011. **Amended:** Filed August 3, 2011; effective September 7, 2011. **Amended:** Filed June 22, 2012; effective July 27, 2012. **Amended:** Filed July 30, 2014; effective September 3, 2014. **Amended:** Filed August 5, 2015; effective September 9, 2015. **Amended:** Filed November 16, 2018; effective December 31, 2018. **Amended:** Published November 29, 2019; effective January 13, 2020.

**Amended:** Published March 31, 2021; effective May 15, 2021.  
**Amended:** Published November 30, 2021; effective January 14,  
2022. **Amended:** Published November 30, 2022; effective January  
14, 2023. **Amended:** Published \_\_\_\_\_ ; effective \_\_\_\_\_ .

APA-2

ALABAMA STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Registration for Professional  
Engineers and Land Surveyors

RULE NO. & TITLE: 330-X-5-.01 Curricula Approved By The Board

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:  
Applicants with foreign degrees must also meet licensure requirements.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:  
11:00 A.M., 100 N. Union Street, Ste 382, Montgomery, AL 36104, or email, or  
virtual attendance.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:  
Thursday, December 5, 2024

CONTACT PERSON AT AGENCY:  
Rick Huett,  
rick.huett@bels.alabama.gov

*William R. Huett*

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Rick Huett

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)



**330-X-5-.01****Curricula Approved By The Board.**

The following educational requirements are specified in accordance with the Licensure Law which provides that the Board may approve schools, colleges, or universities in determining educational qualifications.

(1) When considering applicants who are graduates of programs from a school, college, or university ~~located within the United States and its jurisdictions~~ the following will apply:

(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.

(b) The term "graduate of an unapproved engineering curriculum" shall mean a graduate of a baccalaureate engineering program which has not been accredited by EAC/ABET but has been accredited by a regionally accredited commission and is approved by the Board. This term shall also mean a graduate of a master or doctoral degree program offered by a school or college of engineering offering an EAC/ABET baccalaureate engineering program in the same discipline, provided the graduate has an approved four-year related science degree or an approved engineering technology degree. The term shall also mean a graduate of a baccalaureate engineering program not EAC/ABET accredited offered by a foreign school but approved by the Board. See Rule 330-X-5.01(2).

(c) The term "graduate of an approved engineering technology curriculum" shall mean a graduate of a baccalaureate engineering technology program accredited by the Engineering Technology Accreditation Commission (ETAC) of the Accreditation Board for Engineering and Technology (ABET) at the time of graduation or within a two-year period of graduation.

(d) In considering professional engineer applicants under Section 34-11-4(1)a3 and engineer intern applicants under Section 34-11-4-(2)b2 of the Licensure Law, the term "graduate of a related science curriculum" shall mean a graduate of a four-year physics,

mathematics, or other program which the Board may determine is related to engineering from a school or college which has been accredited by a regionally accredited commission.

(e) The term "graduate of an approved land surveying curriculum" shall mean a graduate of a baccalaureate surveying/geomatics program accredited by EAC/ABET, ETAC/ABET, or Applied Science Accreditation Commission of the Accreditation Board for Engineering and Technology (ASAC/ABET) at the time of graduation or within a two-year period of graduation. This term shall also mean a graduate of an EAC/ABET, ETAC/ABET, or ASAC/ABET accredited surveying/geomatics master's degree program. This term shall also mean a surveying/geomatics baccalaureate program where the school or college has petitioned the Board for approval for this degree and the Board has granted this approval. This term shall also mean a graduate of a baccalaureate civil 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 including a minimum of 15 semester hours or 22.5 quarter hours of surveying courses from a school or college which has been accredited by a regionally accredited commission and is approved by the Board.

(f) The term "graduate of an approved curriculum related to surveying" shall mean a graduate of a baccalaureate curriculum related to surveying a minimum of 15 semester hours or 22.5 quarter hours of surveying courses from a school or college which has been accredited by a regionally accredited commission and is approved by the Board.

(g) In considering professional land surveyor applicants under Section 34-11-4(3)a3 and land surveyor intern applicants under Section 34-11-4-(4)b2 of the Licensure Law, the term "graduate of a related science curriculum" shall mean a graduate of a baccalaureate mathematics or other program which the Board may determine is related to land surveying from a school or college which has been accredited by a regionally accredited commission.

(h) The term "graduate of an approved associate of science degree program" shall mean a graduate of a surveying or engineering curriculum that includes a minimum of 15 semester hours or 22.5 quarter hours of land surveying courses from a school or college accredited by the Accreditation Board for Engineering and Technology (ABET).

(2) When considering engineering applicants who are graduates of engineering programs from a school, college or university outside of the United States and its jurisdictions, the Board will evaluate and approve the degrees on an individual basis. The Board may require an independent evaluation of the engineering education of an applicant who was educated outside of the United States and its jurisdictions. Such evaluation shall be done through an organization approved by the Board and shall be done at the expense of the applicant.

(3) When considering surveying applicants who are graduates of programs from a school, college or university outside of the United States and its jurisdictions, the Board will evaluate and approve the degrees on an individual basis. The Board may require an independent evaluation of the education of an applicant who was educated outside of the United States and its jurisdictions. Such evaluation shall be done through an organization approved by the Board and shall be done at the expense of the applicant.

(4) When considering applicants from related science programs, whether an engineering or land surveying applicant, the Board may require an independent evaluation of the education of an applicant. Such evaluation shall be done through an organization approved by the Board and shall be done at the expense of the applicant.

**Author:** Williams R. Huett (Executive Director), Bonnie Kelly

**Statutory Authority:** Code of Ala. 1975, §§34-11-4, 34-11-35.

**History:** Filed September 22, 1982. **Amended:** Filed September 15, 1987; March 5, 1990; July 13, 1992. **Amended:** Filed September 23, 1998; effective October 28, 1998. **Amended:** Filed April 29, 2003; effective June 3, 2003. **Amended:** Filed December 26, 2007; effective January 30, 2008. **Amended:** Filed June 22, 2012; effective July 27, 2012. **Amended:** Filed July 30, 2014; effective September 3, 2014. **Amended:** Filed November 16, 2018; effective December 31, 2018. **Amended:** Published November 30, 2022; effective January 14, 2023. **Amended:**  
Published ; effective .

APA-2

ALABAMA STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Registration for Professional  
Engineers and Land Surveyors

RULE NO. & TITLE: 330-X-4-.07 Bad Checks

INTENDED ACTION: Repeal

SUBSTANCE OF PROPOSED ACTION:  
Repeal Bad Check Process Rule

TIME, PLACE AND MANNER OF PRESENTING VIEWS:  
11:00 A.M., 100 N. Union Street, Ste 382, Montgomery, AL 36104, or email, or  
virtual attendance.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:  
Thursday, December 5, 2024

CONTACT PERSON AT AGENCY:  
Rick Huett,  
rick.huett@bels.alabama.gov

*William R. Huett*

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Rick Huett

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

330-X-4-.07

Bad Checks (Repealed) .

~~If a check or negotiable instrument is dishonored, the writer of the check or instrument will be required to tender payment of the full amount of such check or instrument plus a service charge as established by the Code of Ala. 1975, amended, Section 8-8-15. (Repealed)~~

~~(1) If the dishonored check or instrument was tendered for the purposes of sitting for an examination, payment of the full amount of such check or instrument plus a service charge must be paid in full prior to the individual being allowed to take the said examination. If the individual has already taken the examination prior to the board office receiving notification of the dishonored instrument, the individual's results will be held until such time as payment is made in full including the service charge.~~

~~(2) If the dishonored check or instrument was tendered for the purposes of renewing an individual license/certification or a corporate certification of authorization, the license or certification is invalidated and will not be considered in good standing, unless the issue is resolved within 30 days.~~

~~(3) If the dishonored check or instrument was tendered for the purposes of applying for licensure or certification, the application will not be processed until such time as payment is made in full including the service charge.~~

**Author:** Alabama State Board of Registration for Professional Engineers and Land Surveyors

**Statutory Authority:** Code of Ala. 1975, §§34-11-12, 34-11-35.

**History:** Filed September 22, 1982. **Repealed:** Filed September 23, 1998; effective October 28, 1998. **Amended:** Filed April 29, 2003; effective June 3, 2003. Repealed: Published ; effective .

APA-2

ALABAMA STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Registration for Professional  
Engineers and Land Surveyors

RULE NO. & TITLE: 330-X-5-.01 Curricula Approved By The Board

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:  
Applicants with foreign degrees must also meet licensure requirements.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:  
11:00 A.M., 100 N. Union Street, Ste 382, Montgomery, AL 36104, or email, or  
virtual attendance.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:  
Thursday, December 5, 2024

CONTACT PERSON AT AGENCY:  
Rick Huett,  
rick.huett@bels.alabama.gov

*William R. Huett*

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Rick Huett

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

**330-X-5-.01****Curricula Approved By The Board.**

The following educational requirements are specified in accordance with the Licensure Law which provides that the Board may approve schools, colleges, or universities in determining educational qualifications.

(1) When considering applicants who are graduates of programs from a school, college, or university ~~located within the United States and its jurisdictions~~ the following will apply:

(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.

(b) The term "graduate of an unapproved engineering curriculum" shall mean a graduate of a baccalaureate engineering program which has not been accredited by EAC/ABET but has been accredited by a regionally accredited commission and is approved by the Board. This term shall also mean a graduate of a master or doctoral degree program offered by a school or college of engineering offering an EAC/ABET baccalaureate engineering program in the same discipline, provided the graduate has an approved four-year related science degree or an approved engineering technology degree. The term shall also mean a graduate of a baccalaureate engineering program not EAC/ABET accredited offered by a foreign school but approved by the Board. See Rule 330-X-5.01(2).

(c) The term "graduate of an approved engineering technology curriculum" shall mean a graduate of a baccalaureate engineering technology program accredited by the Engineering Technology Accreditation Commission (ETAC) of the Accreditation Board for Engineering and Technology (ABET) at the time of graduation or within a two-year period of graduation.

(d) In considering professional engineer applicants under Section 34-11-4(1)a3 and engineer intern applicants under Section 34-11-4-(2)b2 of the Licensure Law, the term "graduate of a related science curriculum" shall mean a graduate of a four-year physics,

mathematics, or other program which the Board may determine is related to engineering from a school or college which has been accredited by a regionally accredited commission.

(e) The term "graduate of an approved land surveying curriculum" shall mean a graduate of a baccalaureate surveying/geomatics program accredited by EAC/ABET, ETAC/ABET, or Applied Science Accreditation Commission of the Accreditation Board for Engineering and Technology (ASAC/ABET) at the time of graduation or within a two-year period of graduation. This term shall also mean a graduate of an EAC/ABET, ETAC/ABET, or ASAC/ABET accredited surveying/geomatics master's degree program. This term shall also mean a surveying/geomatics baccalaureate program where the school or college has petitioned the Board for approval for this degree and the Board has granted this approval. This term shall also mean a graduate of a baccalaureate civil 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 including a minimum of 15 semester hours or 22.5 quarter hours of surveying courses from a school or college which has been accredited by a regionally accredited commission and is approved by the Board.

(f) The term "graduate of an approved curriculum related to surveying" shall mean a graduate of a baccalaureate curriculum related to surveying a minimum of 15 semester hours or 22.5 quarter hours of surveying courses from a school or college which has been accredited by a regionally accredited commission and is approved by the Board.

(g) In considering professional land surveyor applicants under Section 34-11-4(3)a3 and land surveyor intern applicants under Section 34-11-4-(4)b2 of the Licensure Law, the term "graduate of a related science curriculum" shall mean a graduate of a baccalaureate mathematics or other program which the Board may determine is related to land surveying from a school or college which has been accredited by a regionally accredited commission.

(h) The term "graduate of an approved associate of science degree program" shall mean a graduate of a surveying or engineering curriculum that includes a minimum of 15 semester hours or 22.5 quarter hours of land surveying courses from a school or college accredited by the Accreditation Board for Engineering and Technology (ABET).



(2) When considering engineering applicants who are graduates of engineering programs from a school, college or university outside of the United States and its jurisdictions, the Board will evaluate and approve the degrees on an individual basis. The Board may require an independent evaluation of the engineering education of an applicant who was educated outside of the United States and its jurisdictions. Such evaluation shall be done through an organization approved by the Board and shall be done at the expense of the applicant.

(3) When considering surveying applicants who are graduates of programs from a school, college or university outside of the United States and its jurisdictions, the Board will evaluate and approve the degrees on an individual basis. The Board may require an independent evaluation of the education of an applicant who was educated outside of the United States and its jurisdictions. Such evaluation shall be done through an organization approved by the Board and shall be done at the expense of the applicant.

(4) When considering applicants from related science programs, whether an engineering or land surveying applicant, the Board may require an independent evaluation of the education of an applicant. Such evaluation shall be done through an organization approved by the Board and shall be done at the expense of the applicant.

**Author:** Williams R. Huett (Executive Director), Bonnie Kelly

**Statutory Authority:** Code of Ala. 1975, §§34-11-4, 34-11-35.

**History:** Filed September 22, 1982. **Amended:** Filed September 15, 1987; March 5, 1990; July 13, 1992. **Amended:** Filed September 23, 1998; effective October 28, 1998. **Amended:** Filed April 29, 2003; effective June 3, 2003. **Amended:** Filed December 26, 2007; effective January 30, 2008. **Amended:** Filed June 22, 2012; effective July 27, 2012. **Amended:** Filed July 30, 2014; effective September 3, 2014. **Amended:** Filed November 16, 2018; effective December 31, 2018. **Amended:** Published November 30, 2022; effective January 14, 2023. **Amended:**  
Published ; effective .

ALABAMA STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Registration for Professional  
Engineers and Land Surveyors

RULE NO. & TITLE: 330-X-6-.01 Qualifying Experience

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:  
Include direct supervision in qualifying experience

TIME, PLACE AND MANNER OF PRESENTING VIEWS:  
11:00 A.M., 100 N. Union Street, Ste 382, Montgomery, AL 36104, or email, or  
virtual attendance.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:  
Thursday, December 5, 2024

CONTACT PERSON AT AGENCY:  
Rick Huett,  
rick.huett@bels.alabama.gov

*William R. Huett*

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Rick Huett

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

### 330-X-6-.01 Qualifying Experience.

In evaluating experience offered as qualifying experience under Code of Ala. 1975, §34-11-4(1), (2), (3), 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 direct supervision of a licensed professional land surveyor, or by working with a licensed professional land surveyor 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 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 completed. See Rule 330-X-3-.01(4).

(c) Professional engineer applicants will usually gain experience by working under the direct supervision of a licensed professional engineer. ~~Experience may also be gained,~~ or 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 completed. See Rule 330-X-3-.01(4).

(d) Concurrent time, that is time spent in engineering 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 as approved by the Board.

(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) Surveying experience prior to graduation is evaluated by the Board on a case-by-case basis. Engineering experience prior to graduation is evaluated by the Board on a case-by-case basis and 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~~ forty hours per calendar week.

(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:** William R. Huett (Executive Director), Bonnie Kelly  
**Statutory Authority:** Code of Ala. 1975, §§34-11-4, 34-11-35.  
**History:** Filed September 22, 1982. **Amended:** Filed November 14, 1984; September 15, 1987; March 5, 1990. **Amended:** Filed September 13, 1994; effective October 18, 1994. **Amended:** Filed May 13, 1996; effective June 17, 1996. **Amended:** Filed September 23, 1998; effective October 28, 1998. **Amended:** Filed April 29, 2003; effective June 3, 2003. **Amended:** Filed October 30, 2006; effective December 4, 2006. **Amended:** Filed December 26, 2007; effective January 30, 2008. **Amended:** Filed June 22, 2012; effective July 27, 2012. **Amended:** Filed July 30, 2014; effective September 3, 2014. **Amended:** Filed August 5, 2015; effective September 9, 2015. **Amended:** Filed November 16, 2018; effective December 31, 2018. **Amended:** Published November 30, 2021; effective January 14, 2022. **Amended:** Published November 30, 2022; effective January 14, 2023. **Amended:** January 19,

2023; effective June 12, 2023. Amended: Published ;  
effective .

APA-2

ALABAMA STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Registration for Professional  
Engineers and Land Surveyors

RULE NO. & TITLE: 330-X-8-.05 Study Information

INTENDED ACTION: Repeal

SUBSTANCE OF PROPOSED ACTION:  
Remove old exam study Information location language

TIME, PLACE AND MANNER OF PRESENTING VIEWS:  
11:00 A.M., 100 N. Union Street, Ste 382, Montgomery, AL 36104, or email, or  
virtual attendance.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:  
Thursday, December 5, 2024

CONTACT PERSON AT AGENCY:  
Rick Huett,  
rick.huett@bels.alabama.gov

*William R. Huett*

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Rick Huett

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

330-X-8-.05      Study Information (Repealed ) .

~~Information on the history of land surveying in Alabama and Alabama Law applicable to land surveying is available.~~ (Repealed)

**Author:** Rick Huett (Executive Director), Bonnie Kelly and Griffin Pritchard, Alabama State Board of Registration for Professional Engineers and Land Surveyors

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

**History:** Filed September 22, 1982. **Amended:** Filed September 23, 1998; effective October 28, 1998. **Amended:** Filed November 16, 2018; effective December 31, 2018. Repealed: Published  
; effective .



APA-2

ALABAMA STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Registration for Professional  
Engineers and Land Surveyors

RULE NO. & TITLE: 330-X-8-.08 Examination Results

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:  
Passing Score on NCEES Exams

TIME, PLACE AND MANNER OF PRESENTING VIEWS:  
11:00 A.M., 100 N. Union Street, Ste 382, Montgomery, AL 36104, or email, or  
virtual attendance.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:  
Thursday, December 5, 2024

CONTACT PERSON AT AGENCY:  
Rick Huett,  
rick.huett@bels.alabama.gov

*William R. Huett*

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Rick Huett

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

**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.~~

**Author:** Board

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

**History:** Filed September 22, 1982. **Amended:** Filed September 23, 1998; effective October 28, 1998. **Amended:** Filed October 30, 2006; effective December 4, 2006. **Amended:** Filed August 5, 2015; effective September 9, 2015. **Amended:** Published ; effective .

APA-2

ALABAMA STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Registration for Professional  
Engineers and Land Surveyors

RULE NO. & TITLE: 330-X-8-.10 Examination For Record Purposes

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:  
Remove old language

TIME, PLACE AND MANNER OF PRESENTING VIEWS:  
11:00 A.M., 100 N. Union Street, Ste 382, Montgomery, AL 36104, or email, or  
virtual attendance.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:  
Thursday, December 5, 2024

CONTACT PERSON AT AGENCY:  
Rick Huett,  
rick.huett@bels.alabama.gov

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to promulgate and adopt  
rules or his or her deputy)

**330-X-8-.10            Examination For Record Purposes.**

(1) Any engineer licensed by this Board may take for record purposes the Fundamentals of Engineering Examination, the Principles and Practice of Engineering Examination or the Structural Engineering Examination prepared by the NCEES upon payment of the fees to NCEES.

(2) Any land surveyor licensed by this Board may take for record purposes the Fundamentals of Surveying and the Principles and Practice of Surveying Examination prepared by NCEES upon payment of the fees to NCEES.

(3) Failure to pass ~~either or both parts of~~ the examination will in no way affect current licensure.

**Author:** Rick Huett (Executive Director), Bonnie Kelly and Griffin Pritchard, Alabama State Board of Registration for Professional Engineers and Land Surveyors

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

**History:** Filed September 22, 1982. **Amended:** Filed September 23, 1998; effective October 28, 1998. **Amended:** Filed October 30, 2006; effective December 4, 2006. **Amended:** Filed June 22, 2012; effective July 27, 2012. **Amended:** Filed November 16, 2018; effective December 31, 2018. **Amended: Published ; effective .**

ALABAMA STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Registration for Professional  
Engineers and Land Surveyors

RULE NO. & TITLE: 330-X-10-.04 Professional Engineer Retired,  
Professional Land Surveyor Retired

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:  
Remove language also in statute

TIME, PLACE AND MANNER OF PRESENTING VIEWS:  
11:00 A.M., 100 N. Union Street, Ste 382, Montgomery, AL 36104, or email, or  
virtual attendance.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:  
Thursday, December 5, 2024

CONTACT PERSON AT AGENCY:  
Rick Huett,  
rick.huett@bels.alabama.gov

*William R. Huett*

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Rick Huett

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

330-X-10-.04

**Professional Engineer Retired, Professional  
Land Surveyor Retired.**

~~(1) An individual who has been issued a certificate of licensure as a professional engineer or as a professional land surveyor and who chooses to relinquish or not to renew a license may be granted use of the title "Professional Engineer, Retired" or "Professional Land Surveyor, Retired," as applicable, if the individual applies to and is granted approval by the board.~~

~~(2)~~ Applications for Professional Retired Designation must be submitted in the manner outlined by the Board and will be considered by the Board for approval.

~~(3)~~ (2) This designation is not a license and does not allow the individual to practice engineering or surveying. An individual that has been granted this designation that wishes to practice engineering or land surveying will be required to file a new license application and meet the current eligibility requirements of the law and administrative code.

~~(4)~~ (3) The designation does not require renewal and does not expire.

**Author:** Rick Huett (Executive Director), Bonnie Kelly and Griffin Pritchard

**Statutory Authority:** Code of Ala. 1975, §§34-11-11, 34-11-12, 34-11-35.

**History: New Rule:** Filed November 16, 2018; effective December 31, 2018. Amended: Published ; effective .

ALABAMA STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Registration for Professional  
Engineers and Land Surveyors

RULE NO. & TITLE: 330-X-10-.05 Roster Designations

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:  
Remove experience only path for designation

TIME, PLACE AND MANNER OF PRESENTING VIEWS:  
11:00 A.M., 100 N. Union Street, Ste 382, Montgomery, AL 36104, or email, or  
virtual attendance.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:  
Thursday, December 5, 2024

CONTACT PERSON AT AGENCY:  
Rick Huett,  
rick.huett@bels.alabama.gov

*William R. Huett*

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Rick Huett

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

**330-X-10-.05            Roster Designations.**

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 Land Surveyor shall be issued; however the Board may designate a professional engineer, on the basis of education, experience, and examination as being licensed in a specific discipline of engineering signifying the area in which the engineer has demonstrated competence. This "Roster Designation" is not required to practice or to offer to practice engineering. A licensee that has met the requirements outlined in Section 330-X-10-.05 of the Administrative Code of the Board may also be recognized by "Roster Designation" as being qualified in a specific area of engineering.

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

**Roster Designation(s) :**

**Professional Engineer - Structural**

A professional engineer licensed in the State of Alabama may also be "Roster Designated" as a structural engineer by submitting a request to the Board that meets one of the following requirements:

(a) Has successfully passed 16 hours of the NCEES Structural Engineering Examinations, or 16 hours of state written structural examinations, and can attest that the majority of their engineering practice during the previous three years has been in the area of structural engineering.

(b) Is currently licensed as a Structural Engineer in any jurisdiction that separately licenses structural engineers through a procedure requiring 16 hours of examinations specific to the practice of structural engineering, and can attest that the majority of their engineering practice during the previous three years has been in the area of structural engineering.

~~(c) Is currently licensed as a Professional Engineer, is in good standing, has 10 years of structural engineering practice, can attest that the majority of their engineering practice during the previous three years has been in the area of structural engineering, and has earned a minimum of 30 professional development hours in the area of structural engineering over the previous 3 years. A request for "Roster Designation" based on experience only must be submitted prior to June 1, 2024.~~

**Author:** William R. Huett (Executive Director), Bonnie Kelly  
**Statutory Authority:** Code of Ala. 1975, §§34-11-11, 34-11-12, 34-11-35.



**History:** **New Rule:** Published March 31, 2021; effective May 15, 2021. **Amended:** Published November 30, 2021; effective January 14, 2022. **Amended:** Published \_\_\_\_\_ ; effective \_\_\_\_\_ .

ALABAMA STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Registration for Professional  
Engineers and Land Surveyors

RULE NO. & TITLE: 330-X-14-.06 Ethics (Canon V)

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Require updates of contact information, disciplinary actions and criminal convictions.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

11:00 A.M., 100 N. Union Street, Ste 382, Montgomery, AL 36104, or email, or virtual attendance.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, December 5, 2024

CONTACT PERSON AT AGENCY:

Rick Huett,  
rick.huett@bels.alabama.gov

*William R. Huett*

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Rick Huett

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

**330-X-14-.06****Ethics (Canon V).**

The engineer or land surveyor shall contribute to the maintenance, integrity, independence and competency of the engineering or land surveying profession as follows:

- (a) The engineer or land surveyor shall not:
  1. Violate any provision of the Alabama law regulating the practice of engineering and land surveying or of the Administrative Code of the Board of Licensure for Professional Engineers and Land Surveyors;
  2. Participate, directly or indirectly, in any plan, scheme or arrangement attempting or having as its purpose the evasion of any provision of the Alabama law regulating the practice of engineering and land surveying;
  3. Fail to exercise reasonable care or diligence to prevent his or her partners, associates, and employees from engaging in conduct which if done by him or her, would violate any provision of the Alabama Law regulating the practice of engineering and land surveying;
  4. Engage in any illegal conduct, whether a felony or misdemeanor, the essential element of which is dishonesty;
  5. Engage in any conduct that discredits or tends to discredit the profession of engineering or land surveying;
  6. Permit or allow, his or her professional identification, seal, firm, or business name, or his or her services to be used or made use of, directly or indirectly, or in any manner whatsoever, so as to make possible or create the opportunity for the unauthorized practice of engineering or land surveying by any person, firm or corporation in this state;
  7. Perform any acts, allow omissions or make any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever tend to create a misleading impression;
  8. Knowingly associate with or permit or allow the use of his or her name, firm name or professional identification or seal in any business venture, project or enterprise which he or she knows or has reason to believe is engaged in professional practices which violate any provision of the Alabama Law regulating the practice of engineering and land surveying;
  9. Knowingly associate with or permit the use of his or her name, professional identification, seal, firm or business name in connection with any venture or enterprise which he or she knows, or has reason to

believe, is engaging in trade, business or professional practice of a fraudulent, deceitful or dishonest nature;

10. Injure or attempt to injure or damage the professional reputation of another by any means whatsoever; provided and except, however, that this shall not relieve an engineer or land surveyor of the obligation to expose unethical or illegal conduct to the proper authorities or preclude a frank but private appraisal of engineers or land surveyors or other persons or firms considered for employment;

11. Aid or abet, directly or indirectly, any unlicensed person in connection with the unauthorized practice of engineering or land surveying; or any firm or corporation in the practice of engineering or land surveying unless carried on in accordance with the provisions of Chapter 11, Title 34 of the Alabama Law regulating the practice of engineering and land surveying;

12. Place his or her seal, signature, date and license number on a document constituting a certification that the document was prepared by the licensee unless the document was prepared by the licensee or under his or her direct control and personal supervision or unless the licensee has reviewed the document in sufficient depth to fully coordinate and assume responsibility for plans prepared by another licensed professional engineer or licensed professional land surveyor.

13. Review the work of another engineer or land surveyor, for the same employer, except with the knowledge or consent of the engineer or land surveyor, unless the connection of the engineer or land surveyor with the work has been terminated.

14. Participate in procurement procedures for engineering or land surveying services either by providing the bids or in requesting bids from other professional engineers or land surveyors where bidding is the primary consideration except as allowed by state law.

15. Fail to respond to the Board within 60 days of receipt of Board inquiries.

(b) The engineer or land surveyor shall be personally and professionally responsible and accountable for the care, custody, control and use of his or her engineer's or land surveyor's seal, professional signature, and identification. The engineer or land surveyor whose seal has been lost, misplaced or stolen shall, upon discovery of its loss, report the loss immediately to the Board, which may invalidate the license number of the seal, if it deems this

necessary, and issue another license number to the engineer or land surveyor.

(c) When in public service as a member or employee of any governmental body, agency or department, the engineer or land surveyor shall not participate, directly or indirectly, use or make use of any property, facility or service of such governmental body, agency or department for the benefit of any private business or activity in which such engineer or land surveyor also may be engaged, unless prior, proper authority is obtained in writing.

(d) The engineer or land surveyor shall not, directly or indirectly, use or make use of any property, facility or service of his or her client or employer for the benefit of the engineer or land surveyor, unless prior, proper authority is obtained in writing.

(e) The engineer or land surveyor shall not practice or offer to practice engineering or land surveying in any governmental jurisdiction in which to do so would be in violation of the laws regulating the practice of professional engineering or professional land surveying in that jurisdiction.

(f) Licensees having knowledge of possible/probable violations of any of these Rules of Professional Conduct shall provide the Board with the information and cooperate as necessary to make the final determination of such violation.

(g) It shall be the duty and sole responsibility of each licensee and intern to provide written notification to the Board of any changes to their mailing address and business affiliation within 30 days after the change.

(h) The engineer or land surveyor must provide written notification to the Board within 30 days of a disciplinary action taken against them by other licensing boards.

(i) The engineer or land surveyor must provide written notification to the Board within 30 days of a conviction, a plea of guilty, or nolo contendere to any felony crime, or misdemeanor directly related to the practice of engineering or land surveying.

**Author:** Rick Huett (Executive Director), Bonnie Kelly and Griffin Pritchard, Alabama State Board of Registration for Professional Engineers and Land Surveyors

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

**History:** Filed September 22, 1982. **Amended:** Filed November 14, 1984; July 13, 1992. **Amended:** Filed September 23, 1998; effective October 28, 1998. **Amended:** Filed December 15, 2004; effective January 19, 2005. **Amended:** Filed December 12, 2008; effective January 16, 2009. **Amended:** Filed June 22, 2012; effective July 27, 2012. **Amended:** Filed November 16, 2018;

effective December 31, 2018. Amended: Published ;  
effective .

APA-2

ALABAMA STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Registration for Professional  
Engineers and Land Surveyors

RULE NO. & TITLE: 330-X-15-.03 Reconsideration Of Denied  
Applications

INTENDED ACTION: Repeal

SUBSTANCE OF PROPOSED ACTION:  
Duplicate of Section 330-X-3-.02

TIME, PLACE AND MANNER OF PRESENTING VIEWS:  
11:00 A.M., 100 N. Union Street, Ste 382, Montgomery, AL 36104, or email, or  
virtual attendance.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:  
Thursday, December 5, 2024

CONTACT PERSON AT AGENCY:  
Rick Huett,  
rick.huett@bels.alabama.gov

*William R. Huett*

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Rick Huett

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

330-X-15-.03

**Reconsideration Of Denied Applications**  
**(Repealed)**.

~~(1) A denied application may be reconsidered by the Board if written notice of appeal is received by the Executive Director within thirty days after the applicant has been notified of the ruling of the Board. **(Repealed)**~~

~~(2) A hearing shall be held within a reasonable time after receipt of the notice of appeal, or at such time agreed upon by stipulation between the applicant and the Executive Director.~~

~~(3) At least a quorum of the Board must be present to hold a hearing.~~

~~(4) Evidence, including oral testimony, shall be freely admitted. The applicant shall be allowed to have counsel present if desired.~~

~~(5) The Board shall issue a final decision within thirty days of the date of the hearing, which shall include finds of fact and official action taken. The applicant shall be delivered a copy of the decision by first class mail.~~

~~(6) The decision of the Board may be appealed to the circuit court of Montgomery County, as provided in Code of Ala. 1975, Section 34-11-13, within thirty days of the decision of the Board.~~

~~(7) The record on appeal shall be certified by the Executive Director of the board, and shall include the entire record including a transcript of the hearing, if a transcript is made.~~

**Author:** Alabama State Board of Registration for Professional Engineers and Land Surveyors Statutory Authority: Code of Ala. 1975, §34-11-35. **New Rule:** Filed June 22, 2012; effective July 27, 2012.

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

**History:** **Repealed:** Published ; effective .



APA-2

ALABAMA STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Registration for Professional  
Engineers and Land Surveyors

RULE NO. & TITLE: 330-X-15-.04 Renewal Procedures

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:  
Change expire month date for company certificates of authorization

TIME, PLACE AND MANNER OF PRESENTING VIEWS:  
11:00 A.M., 100 N. Union Street, Ste 382, Montgomery, AL 36104, or email, or  
virtual attendance.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:  
Thursday, December 5, 2024

CONTACT PERSON AT AGENCY:  
Rick Huett,  
rick.huett@bels.alabama.gov

*William R. Huett*

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Rick Huett

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

**330-X-15-.04            Renewal Procedures.**

(1) A certificate of authorization issued to a corporation, partnership or firm shall expire on ~~December~~January 31 of a specified year, if not renewed, and the corporation, partnership or firm may not offer or engage in engineering or land surveying services until the certificate of authorization has been reinstated.

(2) Certificates of Authorization are renewed biennially. Certificate of Authorization holders will be notified no later than two months prior to the date the certificate expires.

**Author:** Rick Huett (Executive Director), Bonnie Kelly, Griffin Pritchard

**Statutory Authority:** Code of Ala. 1975, §§34-11-8, 34-11-9, 34-11-35.

**History: New Rule:** Filed December 15, 2004; effective January 19, 2005. **Amended:** Filed October 30, 2006; effective December 4, 2006. **Amended (Rule No. Only):** Filed June 22, 2012; effective July 27, 2012. **Amended:** Filed November 16, 2018; effective December 31, 2018. **Amended:** Published March 31, 2021; effective May 15, 2021. **Amended: Published \_\_\_\_\_ ; effective \_\_\_\_\_ .**

APA-2

ALABAMA STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Registration for Professional  
Engineers and Land Surveyors

RULE NO. & TITLE: 330-X-16-.01 Complaints

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:  
Clarify complaint submission limitations

TIME, PLACE AND MANNER OF PRESENTING VIEWS:  
11:00 A.M., 100 N. Union Street, Ste 382, Montgomery, AL 36104, or email, or  
virtual attendance.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:  
Thursday, December 5, 2024

CONTACT PERSON AT AGENCY:  
Rick Huett,  
rick.huett@bels.alabama.gov

*William R. Huett*

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Rick Huett

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**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 whichever is later 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 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 non-licensee shall be submitted in a format provided by the Board 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.

(2) A complaint may be initiated by the Board or board staff against a licensee or non-licensee. The complaint shall be referred to an investigative committee to determine if sufficient facts are present that indicate provisions of Chapter 11, Title 34, Code of Ala. 1975, 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.

(3) All disciplinary cases involving geology/ engineering or other profession 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:** William R. Huett, (Executive Director), Bonnie Kelly  
**Statutory Authority:** Code of Ala. 1975, §§34-11-11, 34-11-15, 34-11-16, 34-11-35.

**History:** Filed September 22, 1982. **Amended:** Filed November 14, 1984; September 15, 1987; July 13, 1992. **Amended:** Filed September 23, 1998; effective October 28, 1998. **Amended:** Filed April 29, 2003; effective June 3, 2003. **Amended:** Filed

December 15, 2004; effective January 19, 2005. **Amended:** Filed  
October 30, 2006; effective December 4, 2006. **Amended:** Filed  
December 12, 2008; effective January 16, 2009. **Amended:** Filed  
June 22, 2012; effective July 27, 2012. **Amended:** Filed August  
5, 2015; effective September 9, 2015. **Amended:** Published  
November 30, 2021; effective January 14, 2022. **Amended:**  
Published November 30, 2022; effective January 14, 2023.  
**Amended:** Published ; effective .

APA-2

ALABAMA STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Registration for Professional  
Engineers and Land Surveyors

RULE NO. & TITLE: 330-X-16-.05 Disciplinary Hearings

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:  
Remove negotiated settlements language

TIME, PLACE AND MANNER OF PRESENTING VIEWS:  
11:00 A.M., 100 N. Union Street, Ste 382, Montgomery, AL 36104, or email, or  
virtual attendance.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:  
Thursday, December 5, 2024

CONTACT PERSON AT AGENCY:  
Rick Huett,  
rick.huett@bels.alabama.gov

*William R. Huett*

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rules or his or her deputy)

Disciplinary Hearings.(1) Conduct of Hearing.

(a) Hearing Officer. The Board may, in its discretion, and subject to the applicable provisions of the Alabama Administrative Procedures Act appoint a person to act as Hearing officer at disciplinary hearings. In the event a Hearing officer is appointed to preside at the hearing, he or she shall rule on all questions of evidence and procedure, notwithstanding any other provisions of these rules to the contrary. The Board may, in its discretion and subject to the applicable provisions of the Alabama Administrative Procedures Act, appoint a Hearing officer to hear the evidence and submit a recommendation to the Board, including recommended finding of facts and conclusions of law at disciplinary hearings. The Board will consider the Hearing officer's recommendations and the Board shall issue an appropriate administrative order approving, modifying or rejecting the Hearing officer's recommendation.

(b) Plea. The respondent shall plead either "guilty" or "not guilty" to the charges.

(c) Opening Statement. Each side shall be permitted to make a short opening statement.

(d) The Board shall present its evidence, followed by the respondent, followed by rebuttal by the state. Each witness called may be examined in the following manner:

1. Direct examination.
2. Cross-examination.
3. Examination by Board.
4. Re-direct examination.
5. Re-cross examination.
6. Re-examination by Board.

(e) Closing Argument. Each side shall be permitted to make a short closing statement summarizing the evidence presented and urging the application of relevant law to the evidence presented.

(f) The Board may request one or both sides to prepare within seven days a proposed order of the Board for the Board's consideration including findings of fact, official notice and conclusions of law. Underlying facts of record which support the findings should be cited.

(g) Order. Following completion of the hearing or upon receipt of the Hearing officer's recommendations, findings of facts and conclusions of law, the Board shall issue an order within 30 days, which shall include findings of fact, official notice taken, and conclusions of law stated separately. A copy of the order shall be delivered by certified mail, return receipt requested, and first-class mail, postage prepaid, to the respondent or if represented by counsel, to his or her counsel of record.

(2) Evidence. Evidence shall be admitted in accordance with the Alabama Administrative Procedure Act, Code of Ala. 1975, Section 41-22-13. Relevant Federal, State, and local codes as well as relevant engineering and land surveying society codes, guidelines, and standards may be admitted into evidence in disciplinary proceedings before the Board to set forth standards generally accepted by the professions.

(3) Other. The hearing shall be conducted in compliance with the provisions of the Alabama Administrative Procedure Act, Code of Ala. 1975, Chapter 22, Title 41. If the accused person or corporation fails or refuses to appear, the Board may proceed to hear and determine the validity of the charges.

~~(4) Negotiated Settlements. The Board attorney, in cooperation with the Investigative Committee, is hereby authorized to negotiate settlements with any respondent wishing to do so. In the event that the Investigative Committee and the respondent have reached tentative agreement on a negotiated settlement prior to the date set for hearing of the charges, such agreement shall be presented to the Board at the first available opportunity. The Board may either accept or reject the tentative agreement of negotiated settlement and if accepted, the respondent shall be notified and no hearing held. If the Board rejects the tentative agreement of negotiated settlement, the charges shall be heard by the Board within a reasonable time.~~

~~(5) Cease and Desist. In addition to or in lieu of the sanctions provided in this chapter, the board may issue an order to any individual or firm engaged in any activity, conduct, or practice constituting a violation of this chapter, directing the individual or firm to cease and desist from the activity, conduct, or practice, or the performance of any work then being done or about to be commenced.~~

**Author:** Rick Huett (Executive Director), Bonnie Kelly and Griffin Pritchard, Alabama State Board of Registration for Professional Engineers and Land Surveyors.

**Statutory Authority:** Code of Ala. 1975, §§34-11-35, 41-22-13, 41-22-16(c), 41-22-19(d), 34-11-11, 34-11-16.

**History:** Filed September 22, 1982. **Amended:** Filed November 14, 1984; September 15, 1987; March 5, 1990; July 13, 1992.

**Amended:** Filed September 23, 1998; effective October 28, 1998.

**Amended:** Filed June 18, 2002; effective July 23, 2002.

**Amended:** Filed June 19, 2008; effective July 24, 2008.

**Amended:** Filed June 22, 2012; effective July 27, 2012.

**Amended:** Filed July 30, 2014; effective September 3, 2014.

**Amended:** Filed November 16, 2018; effective December 31, 2018. Amended: Published ; effective .