

1 HB189  
2 126447-2  
3 By Representative Wren  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 08-MAR-11

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8 SYNOPSIS: Under existing law, engineers and land  
9 surveyors are regulated by the State Board of  
10 Licensure for Professional Engineers and Land  
11 Surveyors. As part of the licensure process,  
12 engineers and land surveyors are required to pass  
13 certain examinations, and the fee for each  
14 examination is capped at \$300. At least three  
15 members of the board are required to find guilt  
16 before a licensee can be punished for certain  
17 wrongdoing. Similarly, at least three members of  
18 the board must approve the reissuance of a  
19 certificate of licensure that has been revoked. A  
20 quorum of the State Board of Licensure for  
21 Professional Engineers and Land Surveyors is not  
22 less than three members.

23 This bill would provide for approval of  
24 examinations for the licensing of engineers and  
25 land surveyors by the State Board of Licensure for  
26 Professional Engineers and Land Surveyors.

1                   This bill would eliminate the \$300 cap on  
2                   the fee associated with an examination or  
3                   reexamination for licensure.

4                   This bill would specify that a majority of  
5                   the deliberating board members must find a licensee  
6                   guilty of wrongdoing prior to imposing certain  
7                   disciplinary penalties and must approve the  
8                   reissuance of a certificate of licensure that has  
9                   been revoked.

10                   This bill would also specify that a quorum  
11                   of the State Board of Licensure for Professional  
12                   Engineers and Land Surveyors would consist of a  
13                   simple majority.

14  
15   A BILL

16   TO BE ENTITLED

17   AN ACT

18  
19                   To amend Sections 34-11-1, 34-11-4, 34-11-5,  
20                   34-11-6, 34-11-9, 34-11-11, 34-11-12, 34-11-30, 34-11-31, and  
21                   34-11-34 of the Code of Alabama 1975, relating to engineers  
22                   and land surveyors; to provide for approval of engineer and  
23                   land surveyor licensing examinations by the State Board of  
24                   Licensure for Professional Engineers and Land Surveyors; to  
25                   eliminate the cap on the fee associated with an examination or  
26                   reexamination for licensure; to specify the number of members  
27                   necessary to impose certain disciplinary penalties against

1 licensees and to approve reissuance of revoked certificates of  
2 licensure; and to specify that a quorum of the State Board of  
3 Licensure for Professional Engineers and Land Surveyors is a  
4 simple majority.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Sections 34-11-1, 34-11-4, 34-11-5,  
7 34-11-6, 34-11-9, 34-11-11, 34-11-12, 34-11-30, 34-11-31, and  
8 34-11-34 of the Code of Alabama 1975, are amended to read as  
9 follows:

10 "§34-11-1.

11 "For the purposes of this chapter, the following  
12 words and phrases shall have the respective meanings ascribed  
13 by this section:

14 "(1) BOARD. The State Board of Licensure for  
15 Professional Engineers and Land Surveyors, provided for by  
16 Section 34-11-30.

17 "(2) ENGINEER INTERN. A person who has qualified  
18 under subdivision (2) of Section 34-11-4, and who, in  
19 addition, has successfully passed ~~an eight-hour written a~~  
20 board-approved examination in the fundamental engineering  
21 subjects as provided in Section 34-11-6, and who has been  
22 certified by the board as an engineer intern.

23 "(3) ENGINEER or PROFESSIONAL ENGINEER. A person  
24 who, by reason of his or her special knowledge of the  
25 mathematical and physical sciences and the principles and  
26 methods of engineering analysis and design, acquired by  
27 engineering education and engineering experience, is qualified

1 to practice engineering as hereinafter defined and has been  
2 licensed by the board as a professional engineer.

3 "(4) LAND SURVEYOR INTERN. A person who has  
4 qualified under subdivision (4) of Section 34-11-4, has passed  
5 an a board-approved examination in the fundamental land  
6 surveyor intern subjects, pursuant to this chapter, and who  
7 has been certified by the board as a land surveyor intern.

8 "(5) LAND SURVEYOR or PROFESSIONAL LAND SURVEYOR. A  
9 person who has been duly licensed as a professional land  
10 surveyor by the board established under this chapter, and who  
11 is a professional specialist in the technique of measuring  
12 land, is educated in the principles of mathematics, the  
13 related physical and applied sciences, the relevant  
14 requirements of law for adequate evidence and all requisites  
15 for surveying of real property, and is qualified to practice  
16 land surveying as defined in subdivision (8).

17 "(6) PRACTICE and OFFER TO PRACTICE. Any person  
18 shall be construed to practice or offer to practice  
19 engineering or land surveying, within the meaning and intent  
20 of this chapter, who offers to or does as a profession  
21 practice any branch of engineering or land surveying; or who  
22 by verbal claim, sign, advertisement, letterhead, card, or in  
23 any other way represents himself or herself to be a  
24 professional engineer or a professional land surveyor, or  
25 through the use of some other title implies that he or she is  
26 a professional engineer or a professional land surveyor; or  
27 who represents himself or herself as able to perform or who

1 does perform any engineering or land surveying service or work  
2 or any other service designated by the practitioner which is  
3 recognized as engineering or land surveying.

4 "(7) PRACTICE OF ENGINEERING. Any professional  
5 service or creative work, the adequate performance of which  
6 requires engineering education, training, and experience in  
7 the application of special knowledge of the mathematical,  
8 physical, and engineering sciences to such services or  
9 creative work as consultation, investigation, evaluation,  
10 planning, design and design coordination of engineering works  
11 and systems, planning the use of land and water, performing  
12 engineering surveys and studies, and the review of  
13 construction or other design products for the purpose of  
14 monitoring compliance with drawings and specifications; any of  
15 which embraces such services or work, either public or  
16 private, in connection with any utilities, structures,  
17 buildings, machines, equipment, processes, work systems,  
18 projects, and industrial or consumer products; equipment of a  
19 control, communications, computer, mechanical, electrical,  
20 hydraulic, pneumatic, or thermal nature, insofar as they  
21 involve safeguarding life, health, or property; and including  
22 other professional services necessary to the planning,  
23 progress, and completion of any engineering services.

24 "Notwithstanding any other provision of this  
25 chapter, in qualifying a witness to offer expert testimony on  
26 the practice of engineering, the court shall consider as  
27 evidence of his or her expertise whether the proposed witness

1 holds a valid Alabama license for the practice of engineering.  
2 Provided, however, such qualification by the court shall not  
3 be withheld from an otherwise qualified witness solely on the  
4 basis of the failure of the proposed witness to hold ~~such a~~  
5 valid Alabama license.

6 "a. Design coordination includes the review and  
7 coordination of those technical submissions prepared by  
8 others, including, as appropriate and without limitations,  
9 consulting engineers, architects, landscape architects, land  
10 surveyors, and other professionals working under the direction  
11 of the engineer.

12 "b. Engineering surveys include all survey  
13 activities required to support the sound conception, planning,  
14 design, construction, maintenance and operation of engineered  
15 projects, rights-of-way, and easement acquisitions relative to  
16 the centerline of the project. Engineering surveys may be used  
17 to locate, relocate, establish, reestablish, layout, or  
18 retrace any road, right-of-way, easement, or alignment  
19 relative to the centerline of the project. Additionally,  
20 engineering surveys may be performed to determine areas,  
21 volumes, or physical features of the earth, elevation of all  
22 real property, improvements on the earth, and the  
23 configuration or contour of the surface of the earth or the  
24 position of fixed objects thereon by measuring lines and  
25 angles and applying the principles of mathematics. All  
26 engineering surveys shall exclude the surveying of real  
27 property for the establishment of any property line or land

1 boundaries, setting of corners or monuments, and the dependent  
2 or independent surveys or resurveys of the public land survey  
3 system.

4 "c. The term shall not include the practice of  
5 architecture except such architectural work as is incidental  
6 to the practice of professional engineering; nor shall the  
7 term include work ordinarily performed by persons who operate  
8 or maintain machinery or equipment.

9 "d. The practice of engineering shall include the  
10 offering of expert opinion in any legal proceeding in ~~Alabama~~  
11 this state regarding work legally required to be performed  
12 under an Alabama engineer's license number or seal, which  
13 opinion may be given by an engineer licensed in any  
14 jurisdiction.

15 "(8) PRACTICE OF LAND SURVEYING. Professional  
16 services, including, but not limited to, consultation, project  
17 coordination, investigation, testimony, evaluation, planning,  
18 mapping, assembling, and interpreting reliable scientific  
19 measurements and information relative to the location, size,  
20 shape, areas, volumes, or physical features of the earth,  
21 improvements on the earth, the space above the earth, or any  
22 part of the earth, and the utilization and development of  
23 these acts and interpretation into an orderly survey map,  
24 plan, report, description, or project. Project coordination  
25 shall include the coordination of those technical submissions  
26 as prepared by others. Notwithstanding the provisions of this  
27 subdivision, the practice of land surveying shall exclude



1 functions unique to engineering as specified by rules of the  
2 board. The practice of land surveying shall include, but is  
3 not limited to, any one or more of the following:

4 "a. Locates, relocates, establishes, reestablishes,  
5 lays out, or retraces any property line or boundary of any  
6 tract of land or any road, right-of-way, easement, alignment,  
7 or elevation of all real property whether or not fixed works  
8 are sited or proposed to be sited on the property.

9 "b. Makes any survey for the subdivision of any  
10 tract of land or for condominiums.

11 "c. Determines, by the use of the principles of land  
12 surveying, the position for any survey, monument, or reference  
13 point; or sets, resets, or replaces any such monument or  
14 reference point.

15 "d. Determines the configuration or contour of the  
16 surface of the earth or the position of fixed objects thereon  
17 by measuring lines and angles and applying the principles of  
18 mathematics or photogrammetry.

19 "e. Geodetic surveying which includes surveying for  
20 determination of the size and shape of the earth both  
21 horizontally and vertically and the precise positioning of  
22 points on the earth utilizing angular and linear measurements  
23 through spatially oriented spherical geometry.

24 "f. Creates, prepares, or modifies electronic or  
25 computerized data, including land information systems and  
26 geographic land information systems, relative to the

1 performance of the activities in paragraphs a. to e.,  
2 inclusive.

3 "(9) RESPONSIBLE CHARGE. Direct control and personal  
4 supervision of engineering work or land surveying work.

5 "§34-11-4.

6 "The board may approve engineering, land surveying,  
7 and related science programs which shall be accepted under the  
8 following criteria:

9 "(1) PROFESSIONAL ENGINEER. The following shall be  
10 considered as minimum evidence satisfactory to the board that  
11 the applicant is qualified for licensure as a professional  
12 engineer:

13 "a. Graduation and experience plus examination.

14 "1. Graduation in an approved engineering curriculum  
15 plus four years experience. A graduate of an approved  
16 engineering curriculum of four years or more from a school or  
17 college approved by the board who has successfully passed ~~the~~  
18 ~~eight-hour written~~ a board-approved examination in the  
19 fundamental engineering subjects and who has a specific record  
20 of an additional four years or more of progressive experience  
21 in engineering work of a grade and character satisfactory to  
22 the board shall be admitted to ~~an eight-hour written a~~  
23 board-approved examination in the principles and practice of  
24 engineering. Upon passing this examination, the applicant  
25 shall be granted a certificate of licensure to practice  
26 engineering in this state, provided the applicant is otherwise  
27 qualified.

1                   "2. Graduation in an unapproved engineering  
2 curriculum plus six years experience. A graduate of an  
3 unapproved engineering curriculum of four years or more who  
4 has successfully passed ~~the eight-hour written~~ a  
5 board-approved examination in the fundamental engineering  
6 subjects and who has a specific record of an additional six  
7 years or more of progressive experience in engineering work of  
8 a grade and character satisfactory to the board shall be  
9 admitted to ~~an eight-hour written~~ a board-approved examination  
10 in the principles and practice of engineering. Upon passing  
11 this examination, the applicant shall be granted a certificate  
12 of licensure to practice engineering in this state, provided  
13 the applicant is otherwise qualified.

14                   "b. Comity. The board may, upon application, issue a  
15 certificate of licensure as a professional engineer to any  
16 person who holds a valid professional engineering certificate  
17 issued by any jurisdiction of the United States ~~or of any~~  
18 ~~country~~; provided, that the education, experience, and  
19 examination qualifications of the applicant are, in the  
20 judgment of the board, of a standard not lower than that  
21 specified in the applicable licensure act in effect in ~~Alabama~~  
22 this state at the time such certificate was issued. The board  
23 may authorize an applicant to practice engineering on a  
24 temporary basis upon issuance of an interim permit which shall  
25 remain in effect until the board acts upon the application.  
26 The interim permit may be issued upon submission of

1 documentation and a fee which shall be established by the  
2 board, not to exceed fifty dollars (\$50).

3 "(2) ENGINEER INTERN. The following shall be  
4 considered as minimum evidence satisfactory to the board that  
5 the applicant is qualified for certification as an engineer  
6 intern:

7 "a. Graduation and examination. A graduate of an  
8 approved engineering curriculum of four years or more from a  
9 school or college approved by the board who has successfully  
10 passed ~~an eight-hour written~~ a board-approved examination in  
11 the fundamental engineering subjects shall be certified as an  
12 engineer intern, if otherwise qualified.

13 "b. Graduation and examination plus experience.  
14 Graduation in an unapproved engineering curriculum plus two  
15 years experience. A graduate of an unapproved engineering  
16 curriculum of four years or more who has successfully passed  
17 ~~an eight-hour written~~ a board-approved examination in the  
18 fundamental engineering subjects and who has a specific record  
19 of two years or more of progressive experience in engineering  
20 work of a grade and character satisfactory to the board shall  
21 be certified as an engineer intern, if otherwise qualified.

22 "c. Comity. The education, experience, and  
23 examination qualifications of the applicant are, in the  
24 judgment of the board, of a standard not lower than that  
25 specified in the applicable licensure act in effect in ~~Alabama~~  
26 this state at the time such certificate was issued.

27 Fundamentals of engineering examinations of comparable

1 character taken and passed in another jurisdiction may be  
2 accepted by the board.

3 "(3) PROFESSIONAL LAND SURVEYOR. The following shall  
4 be considered as minimum evidence satisfactory to the board  
5 that the applicant is qualified for licensure as a  
6 professional land surveyor.

7 "a. Graduation and experience plus examination.

8 "1. Graduation in an approved land surveying  
9 curriculum plus four years experience. A graduate of an  
10 approved land surveying curriculum of four years or more  
11 including a minimum of 30 semester hours or 45 quarter hours  
12 of surveying courses from a school or college approved by the  
13 board who has successfully passed ~~an eight-hour written~~ a  
14 board-approved examination in the fundamental land surveying  
15 subjects and who has a specific record of an additional four  
16 years or more of combined office and field experience in land  
17 surveying work of a grade and character satisfactory to the  
18 board shall be admitted to a ~~six-hour written~~ board-approved  
19 examination in the principles and practice of land surveying  
20 and a ~~two-hour written~~ board-approved examination on laws,  
21 procedures, and practices pertaining to land surveying in  
22 ~~Alabama~~ this state. Upon passing these examinations, the  
23 applicant shall be granted a certificate of licensure to  
24 practice land surveying, provided the applicant is otherwise  
25 qualified.

26 "2. Graduation in an approved curriculum related to  
27 surveying plus six years experience. A graduate of a

1 curriculum related to surveying of four years or more  
2 including a minimum of 15 semester hours or 22.5 quarter hours  
3 of surveying courses from a school or college approved by the  
4 board and who has successfully passed ~~the eight-hour written a~~  
5 board-approved examination in the fundamental land surveying  
6 subjects and who has a specific record of an additional six  
7 years or more of progressive office and field experience in  
8 land surveying work of a grade and character satisfactory to  
9 the board shall be admitted to a ~~six-hour~~ board-approved  
10 examination in the principles and practice of land surveying  
11 and a ~~two-hour written~~ board-approved examination of laws,  
12 procedures, and practices pertaining to land surveying in  
13 ~~Alabama~~ this state. Upon passing these examinations, the  
14 applicant shall be granted a certificate of licensure to  
15 practice land surveying in this state, provided the applicant  
16 is otherwise qualified.

17 "3. Graduation in a related science curriculum plus  
18 eight years experience. A graduate of a related science  
19 curriculum of four years or more from a school or college  
20 approved by the board who has successfully passed ~~the~~  
21 ~~eight-hour written~~ a board-approved examination in the  
22 fundamental land surveying subjects and who has a specific  
23 record of an additional eight years or more of progressive  
24 combined office and field experience in land surveying work of  
25 a grade and character satisfactory to the board shall be  
26 admitted to a ~~six-hour~~ board-approved examination in the  
27 principles and practice of land surveying and a ~~two-hour~~

1 ~~written~~ board-approved examination of laws, procedures, and  
2 practices pertaining to land surveying in ~~Alabama~~ this state.  
3 Upon passing these examinations, the applicant shall be  
4 granted a certificate of licensure to practice land surveying  
5 in this state, provided the applicant is otherwise qualified.

6 ~~b. Experience plus examination. Before December 31,~~  
7 ~~2007, an applicant who has a specific record of eight years or~~  
8 ~~more of combined office and field experience in land surveying~~  
9 ~~work of a grade and character satisfactory to the board shall~~  
10 ~~be admitted to an eight-hour written examination in the~~  
11 ~~fundamentals of land surveying, and after passing the~~  
12 ~~fundamentals examination shall be admitted to a six-hour~~  
13 ~~written examination in the principles and practice of land~~  
14 ~~surveying and a two-hour written examination on laws,~~  
15 ~~procedures, and practices pertaining to land surveying in~~  
16 ~~Alabama. Upon passing these examinations, the applicant shall~~  
17 ~~be granted a certificate of licensure to practice land~~  
18 ~~surveying in this state, provided the applicant is otherwise~~  
19 ~~qualified.~~

20 ~~c~~ b. Comity. The board may, upon application, grant  
21 to any person who holds a valid professional land surveying  
22 certificate issued by any jurisdiction of the United States ~~or~~  
23 ~~of any country,~~ admission into a ~~two-hour written~~  
24 board-approved examination of laws, procedures, and practices  
25 pertaining to land surveying in ~~Alabama~~ this state, provided  
26 that the education, experience, and examination qualifications  
27 of the applicant are, in the judgment of the board, of a

1 standard not lower than that specified in the applicable  
2 licensure act in effect in ~~Alabama~~ this state at the time such  
3 certificate was issued. Upon passing the examination, the  
4 applicant shall be granted a certificate of licensure to  
5 practice land surveying in this state, provided the applicant  
6 is otherwise qualified.

7 "(4) LAND SURVEYOR INTERN. The following shall be  
8 considered as minimum evidence satisfactory to the board that  
9 the applicant is qualified for certification as a land  
10 surveyor intern:

11 "a. Graduation plus examination. Graduation in an  
12 approved land surveying curriculum. A graduate of a land  
13 surveying curriculum of four years or more including a minimum  
14 of 30 semester hours or 45 quarter hours of surveying courses  
15 from a school or college approved by the board who has  
16 successfully passed ~~an eight-hour written~~ a board-approved  
17 examination in the fundamentals of land surveying shall be  
18 certified as a land surveyor intern, if otherwise qualified.

19 "b. Graduation and examination plus experience.

20 "1. Graduation in an approved curriculum related to  
21 surveying plus two years experience. A graduate of a  
22 curriculum related to surveying of four years or more  
23 including a minimum of 15 semester hours or 22.5 quarter hours  
24 of surveying courses from a school or college approved by the  
25 board who has successfully passed ~~an eight-hour written~~ a  
26 board-approved examination in the fundamentals of land  
27 surveying and who has a specific record of an additional two



1 years or more of combined office and field experience in land  
2 surveying work of a grade and character satisfactory to the  
3 board shall be certified as a land surveyor intern, if  
4 otherwise qualified.

5 "2. Graduation in a related science curriculum plus  
6 four years experience. A graduate of a related science  
7 curriculum of four years or more who has successfully passed  
8 ~~an eight-hour written~~ a board-approved examination in the  
9 fundamentals of land surveying and who has a specific record  
10 of an additional four years or more of combined office and  
11 field experience in land surveying work of a grade and  
12 character satisfactory to the board shall be certified as a  
13 land surveyor intern, if otherwise qualified.

14 "c. Comity. The education, experience, and  
15 examination qualifications of the applicant are, in the  
16 judgment of the board, of a standard not lower than that  
17 specified in the applicable licensure act in effect in ~~Alabama~~  
18 this state at the time such certificate was issued. The board  
19 may accept fundamentals of land surveying examinations of  
20 comparable character taken and passed in another jurisdiction.

21 "(5) CHARACTER. No person shall be eligible for  
22 licensure as a professional engineer, certification as an  
23 engineer intern, licensure as a professional land surveyor, or  
24 certification as a land surveyor intern who is not of good  
25 character and reputation.

26 "(6) TEACHING CREDITS. In considering the  
27 qualifications of applicants, teaching in an engineering

1 curriculum approved by the board may be considered as  
2 engineering experience. Teaching land surveying subjects in a  
3 land surveying curriculum approved by the board may be  
4 considered as land surveying experience.

5 "(7) GRADUATE STUDY. In counting years of experience  
6 for professional engineer licensure, the board may give  
7 credit, not in excess of one year, for successful completion  
8 of graduate study leading to a master's degree in engineering.  
9 If a Ph.D. in engineering is completed, a total of two year's  
10 experience may be credited. The two-year credit shall include  
11 one year for the master's degree. If the Ph.D. is obtained  
12 without the master's degree, the credit for experience shall  
13 be two years. In counting years of experience for professional  
14 land surveyor licensure, the board may give credit, not in  
15 excess of one year, for successful completion of graduate  
16 study leading to a master's degree in land surveying. If a  
17 Ph.D. in land surveying is completed, a total of two years'  
18 experience may be credited. The credit of two years shall  
19 include one year for the master's degree. If the Ph.D. is  
20 obtained without the master's degree, the credit for  
21 experience shall be two years.

22 "(8) NONPRACTICING APPLICANTS. Any person having the  
23 necessary qualifications prescribed in this chapter to entitle  
24 the applicant to licensure shall be eligible for licensure  
25 although the applicant may not be practicing engineering or  
26 land surveying at the time of making application.

1                   "(9) RECOGNITION OF PREVIOUSLY TAKEN EXAMINATIONS.

2           The board may accept fundamentals and principles and practice  
3           examinations of comparable character taken and passed in  
4           another jurisdiction.

5                   "§34-11-5.

6                   "(a) Applications for licensure as a professional  
7           engineer, professional land surveyor, engineer intern, or land  
8           surveyor intern shall be on forms prescribed and furnished by  
9           the board and shall contain statements made under oath. Three  
10          or more of the references contained in an application for  
11          licensure as a professional engineer shall be professional  
12          engineers having personal knowledge of the applicant's  
13          engineering experience. Three or more of the references  
14          contained in an application for professional land surveyor  
15          shall be professional land surveyors having personal knowledge  
16          of the land surveying experience of the applicant. All  
17          references ~~and experience verifications~~ furnished shall be  
18          considered confidential records of the board. Any individual  
19          who was previously licensed in this state and whose license is  
20          eligible for reinstatement as outlined in subsection (a) of  
21          Section 34-11-8 shall comply with the reinstatement procedures  
22          established by the board instead of the submission of a new  
23          application.

24                   "(b) The application fee and the licensure fee for  
25          professional engineers or professional land surveyors shall be  
26          set by the board and each fee shall not exceed one hundred  
27          dollars (\$100), and both shall accompany the application.

1           ~~(1) For professional engineers applying for~~  
2           ~~licensure by way of comity, both the application fee and~~  
3           ~~licensure fee shall accompany the application.~~

4           ~~(2) For professional engineers applying for~~  
5           ~~licensure by way of examination and for professional land~~  
6           ~~surveyors, the application fee shall accompany the~~  
7           ~~application, and the licensure fee shall be due upon approval~~  
8           ~~of licensure. If the applicant fails or refuses to remit the~~  
9           ~~licensure fee within 30 days after being notified of~~  
10           ~~successfully qualifying, the applicant shall forfeit the right~~  
11           ~~to have a certificate so issued. For further consideration,~~  
12           ~~the applicant shall be required to submit a new application~~  
13           ~~and application fee.~~

14           "(c) The application fee, which shall include the  
15           certification fee, for engineer interns and land surveyor  
16           interns shall be set by the board, shall not exceed fifty  
17           dollars (\$50), and shall accompany the application.

18           "(d) The fee for a certificate of authorization for  
19           a corporation, partnership, or firm shall be set by the board  
20           and shall not exceed two hundred fifty dollars (\$250), and  
21           must accompany the application.

22           "(e) If the board denies certification or licensure  
23           to any applicant, or the certificate of authorization to any  
24           corporation, partnership, or firm, the fee paid shall be  
25           retained as an application fee.

26           "§34-11-6.

1           "(a) Examinations shall be held at such times and  
2 places as the board determines and upon payment of an  
3 examination fee.

4           "(b) When examinations are required on fundamental  
5 subjects, the applicant shall be permitted to take this part  
6 of the professional examination as specified by rules of the  
7 board. A candidate failing an examination may apply for  
8 reexamination under guidelines established by the board.

9           "(c) When examinations are required on applied  
10 subjects, the applicant shall be permitted to take this part  
11 of the professional examination as specified by guidelines  
12 established by the board. The scope of the examination and the  
13 methods of procedure shall be prescribed by the board with  
14 special reference to the applicant's ability to design and  
15 supervise engineering or land surveying works so as to protect  
16 the safety of life, health, and property. Examinations shall  
17 be given for the purpose of determining the qualifications of  
18 applicants for licensure separately in engineering and in land  
19 surveying. A candidate failing an examination may apply for  
20 reexamination under guidelines established by the board.

21           "(d) The fees for examination and reexamination  
22 shall be set by the board ~~and shall not exceed three hundred~~  
23 ~~dollars (\$300).~~

24           "§34-11-9.

25           "(a) Services offered to the public; certificate of  
26 authorization required.

1           "(1) ENGINEERING OR LAND SURVEYING SERVICES. The  
2 practice of or offer to practice engineering and land  
3 surveying as defined in Section 34-11-1 by individual  
4 professional engineers or professional land surveyors licensed  
5 under this chapter through a corporation, partnership, or firm  
6 offering engineering services or land surveying services to  
7 the public through individual licensed professional engineers  
8 or professional land surveyors, as agents, employees,  
9 officers, or partners, is permitted subject to this chapter  
10 and one or more of the principal officers of the corporation,  
11 firm, or partners of the partnership and all personnel of the  
12 corporation, partnership, or firm who act in its behalf as  
13 professional engineers or professional land surveyors in this  
14 state are licensed as provided by this chapter, or are persons  
15 lawfully practicing under Section 34-11-14 and the  
16 corporation, partnership, or firm has been issued a  
17 certificate of authorization by the board as provided herein.  
18 All final drawings, specifications, plans, reports, or other  
19 engineering or land surveying papers or documents involving  
20 the practice of engineering or land surveying as defined in  
21 Section 34-11-1 of this chapter which shall have been prepared  
22 or approved for the use of such corporation, partnership, or  
23 firm or for delivery to any person or for public record within  
24 the state shall be dated and bear the signature and seal of  
25 the professional engineer or professional land surveyor who  
26 prepared or approved them. Nothing in this section should be  
27 construed to mean that a certificate of licensure to practice

1 engineering or land surveying shall be held by a corporation,  
2 partnership, or firm.

3 "(2) JOINT PRACTICE AUTHORIZED. Nothing in this  
4 section prohibits an individual, corporation, firm, or  
5 partnership from joining together to practice, offering to  
6 practice, or holding themselves out as qualified to practice  
7 engineering or land surveying provided that the individual,  
8 corporation, firm, or partnership meets the requirements of  
9 this section.

10 "(3) LIABILITY GENERALLY. No corporation, firm, or  
11 partnership shall be relieved of responsibility for the  
12 conduct or acts of its agents, employees, officers, or  
13 partners by reason of its compliance with this section, nor  
14 shall any individual practicing engineering or land surveying  
15 as defined in Section 34-11-1 be relieved of responsibility  
16 for work performed by reason of employment, association, or  
17 relationship with the corporation, partnership, or firm.

18 "(4) APPLICATION FOR CERTIFICATE OF AUTHORIZATION. A  
19 corporation, partnership, or firm desiring a certificate of  
20 authorization shall file with the board an application upon a  
21 form to be prescribed by the board and the designation  
22 required by subdivision (5), accompanied by the licensure fee  
23 prescribed by subsection (d) of Section 34-11-5.

24 "(5) RESIDENT LICENSEE. Every firm, partnership,  
25 corporation, or other entity which performs or offers to  
26 perform engineering or land surveying services shall have a  
27 resident licensed professional engineer or land surveyor in

1 responsible charge of the engineering or land surveying work  
2 for each separate office or branch office in which engineering  
3 or land surveying services are performed or offered to be  
4 performed. The board shall issue rules to ensure adequate  
5 engineering supervision and surveying supervision of all work.

6 "(6) FILING NAMES AND ADDRESSES OF OFFICERS, ETC.,  
7 REQUIRED. A corporation or firm shall file with the board,  
8 using a form provided by the board, the names and addresses of  
9 ~~all officers and board members of the corporation or firm~~  
10 ~~including~~ the principal officer or officers duly licensed to  
11 practice engineering or land surveying in this state, who  
12 shall be in responsible charge of the practice or offering to  
13 practice of engineering or land surveying in this state by the  
14 corporation or firm and of the individual or individuals  
15 designated as the responsible engineer or land surveyor of  
16 each branch office offering or performing ~~Alabama~~ engineering  
17 or land surveying in this state. A partnership shall file with  
18 the board using a form provided by the board, the names and  
19 addresses of all partners, ~~including the partner or partners~~  
20 duly licensed to practice engineering or land surveying in  
21 this state, and also of an individual or individuals duly  
22 licensed to practice engineering or land surveying in this  
23 state who shall be in responsible charge of the practice of  
24 engineering or land surveying in this state at the branch  
25 offices of the partnership. The same form, giving the same  
26 information, shall accompany the annual renewal fee prescribed  
27 in subsection (c) of Section 34-11-8. In the event there is a



1 change in the firm name or in any of the partners or principal  
2 officers during the year, the changes shall be filed with the  
3 board by the corporation, partnership, or firm within 30 days  
4 after the effective date of the change.

5 "(7) ISSUANCE OF CERTIFICATE OF AUTHORIZATION;  
6 SUSPENSION; REVOCATION. If all the requirements of this  
7 section are met, the board shall issue to the corporation,  
8 partnership, or firm a certificate of authorization. The board  
9 may refuse to issue a certificate, if any facts exist which  
10 would entitle the board to suspend or revoke an existing  
11 certificate. Any person aggrieved by an adverse determination  
12 of the board may appeal to the circuit court in the manner  
13 provided in Section 34-11-13.

14 "(8) CERTIFICATE REQUIRED OF ORGANIZATION OPERATING  
15 UNDER FICTITIOUS NAME. For the purposes of this section, a  
16 certificate of authorization shall be required by a  
17 corporation, partnership, firm, association, or person  
18 practicing under a fictitious name, offering engineering or  
19 land surveying services to the public. Where a licensee is  
20 practicing engineering or land surveying in his or her own  
21 given name, the licensee shall not be required to qualify  
22 under this section.

23 "(b) Incidental engineering or land surveying  
24 services; certificate of authorization not required. The  
25 practice of engineering or land surveying incidental to or in  
26 connection with production, manufacture, transportation,  
27 distribution, or communication may be carried on by any

1 person, partnership, firm, or corporation engaged in such  
2 production, manufacture, transportation, distribution, or  
3 communication and will not require a certificate of  
4 authorization. The engineering and land surveying services  
5 shall be performed by or under the direction of a professional  
6 engineer or professional land surveyor licensed in conformity  
7 with this chapter. All drawings, plans, specifications, plats,  
8 and reports involving the practice of engineering or land  
9 surveying shall when issued be dated and bear the seal or  
10 facsimile of the seal, signature, and licensure number of the  
11 professional engineer or land surveyor in responsible charge  
12 thereof.

13 "§34-11-11.

14 "(a) The board shall have the power to reprimand,  
15 censure, place on probation, or fine any licensee or certified  
16 engineer intern or land surveyor intern or corporation,  
17 partnership, or firm holding a certificate of authorization  
18 and to suspend, refuse to renew, or revoke the certificate of  
19 any licensee or certified engineer intern or land surveyor  
20 intern or the certificate of authorization of a corporation,  
21 partnership, or firm found guilty of any of the following:

22 "(1) The practice of any fraud or deceit in  
23 obtaining or attempting to obtain or renew a certificate of  
24 licensure or certificate of authorization.

25 "(2) Any gross negligence, incompetency, violation  
26 of the rules of professional conduct prescribed by the board,  
27 or any amendment thereof, or misconduct in the practice of

1 engineering or land surveying as a professional engineer,  
2 engineer intern, professional land surveyor, or land surveyor  
3 intern.

4 "(3) Falsely representing himself or herself as  
5 being in responsible charge of engineering work or land  
6 surveying.

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

9 "(5) An offense in another jurisdiction resulting in  
10 revocation, suspension, or voluntary surrender, to avoid  
11 disciplinary proceedings, of a license or certificate of  
12 licensure, including any agreement or stipulation executed by  
13 a licensee to avoid formal disciplinary proceedings.

14 "(b) The board shall have the power to impose any or  
15 all of the disciplinary penalties set forth in this section  
16 against a corporation, partnership, or firm holding a  
17 certificate of authorization, when any one or more of the  
18 agents, employees, officers, partners, or owners of the  
19 corporation, partnership, or firm, licensed or nonlicensed,  
20 have committed any act, or have been guilty of any conduct,  
21 which could authorize the imposition of any of the  
22 disciplinary penalties set forth in this section. The acts or  
23 conduct by the persons must have been related to the practice  
24 of or offer to practice of engineering or land surveying by  
25 the corporation, partnership, or firm and that the acts or  
26 conduct must have been performed or occurred within the scope  
27 of the employment of any such person and with the

1 authorization, ratification, or approval of an officer,  
2 director, principal, partner, or owner of the corporation,  
3 partnership, or firm.

4 "(c) Any person may file a complaint alleging a  
5 violation of this section against any individual licensee,  
6 certified intern, or corporation, partnership, or firm holding  
7 a certificate of authorization. The complaints shall be in  
8 writing and shall be filed with the executive director of the  
9 board.

10 "(d) The board may designate a person or persons to  
11 investigate and report to it on any matter related to its  
12 lawful duties and may employ legal counsel as the board may  
13 deem necessary or desirable. An investigation may be made upon  
14 receipt of a complaint or may be initiated by the board. The  
15 board may resolve violations by agreement between the board  
16 and the licensee with or without the filing of formal  
17 charges.

18 "(e) Following an investigation, charges may be  
19 filed against any individual licensee, certificated intern, or  
20 corporation, partnership, or firm holding a certificate of  
21 authorization. The charges shall conform to the Administrative  
22 Procedure Act.

23 "(f) With the consent of the licensee, the board may  
24 conduct an informal hearing without meeting the requirements  
25 of the Administrative Procedure Act at which no action shall  
26 be taken other than a reprimand, public or private.

1           "(g) All charges, unless dismissed by the board as  
2 unfounded or trivial, shall be heard by the board within a  
3 reasonable time.

4           "(h) The time and place for the hearing shall be  
5 fixed by the board, and a copy of the charges, together with  
6 a notice of the time and place of the hearing, shall be  
7 personally served on or mailed to the last known address of  
8 the individual licensee, certified intern, or corporation,  
9 partnership, or firm holding a certificate of authorization,  
10 at least 30 days before the date fixed for the hearing. At any  
11 hearing the accused individual licensee, certified intern, or  
12 corporation, partnership, or firm holding a certificate of  
13 authorization shall have the right to appear personally and by  
14 counsel, to cross-examine witnesses appearing against him,  
15 her, or them, and to produce evidence and witnesses in his or  
16 her or their own defense. If the accused fails or refuses to  
17 appear, the board may proceed to hear and determine the  
18 validity of the charges.

19           "(i) If after the hearing ~~three or more~~ a majority  
20 of the deliberating members of the board vote in favor of  
21 finding the accused guilty, the board shall impose one or more  
22 of the disciplinary penalties set forth in this section. Any  
23 fine imposed may not exceed two thousand five hundred dollars  
24 (\$2,500) for each count or separate offense. The written  
25 decision of the board shall be delivered personally to the  
26 accused or sent by certified mail, return receipt requested,  
27 to the last known address of the accused.

1           "(j) If disciplinary action from a hearing results  
2 in imposing a fine against a licensee, certified intern, or  
3 certificated corporation, partnership, or firm, the board  
4 shall not renew the annual certificate for this licensee,  
5 certified intern, or certificated corporation, partnership, or  
6 firm until the fine is paid in full. In the event that the  
7 fine is subsequently set aside on judicial review, as provided  
8 in the Alabama Administrative Procedure Act, the licensee,  
9 certified intern, or corporation, partnership, or firm holding  
10 a certificate of authorization shall be entitled to a prompt  
11 refund of the amount of the fine, but shall not be entitled  
12 to interest thereon.

13           "(k) The board shall revoke the certificate of any  
14 licensee or certified intern who has been determined to be one  
15 of the following:

16           "(1) Declared non compos mentis by a court of  
17 competent jurisdiction.

18           "(2) Convicted of or entered a plea of guilty or  
19 nolo contendere to any crime under the laws of the United  
20 States or any state or territory thereof, which is a felony,  
21 whether related to practice or not and convicted of or entered  
22 a plea of guilty or nolo contendere to any crime, whether a  
23 felony, misdemeanor, or otherwise, an essential element of  
24 which is dishonesty or which is directly related to the  
25 practice of engineering or land surveying.

26           "(l) When a member of the board is unable to  
27 continue the hearing either by disqualification or for any

1 other reason, and the board is unable to reach a quorum, the  
2 Governor shall appoint as many ex officio members as is  
3 necessary to reach a quorum from a list of three persons  
4 submitted for each place by the nominating committee ~~of seven~~  
5 as specified in Section 34-11-30. These ex officio members  
6 shall serve on the board only for that hearing for which they  
7 were appointed and they may be reappointed for subsequent  
8 hearings if necessary.

9 "(m) The licensee shall be responsible for the cost  
10 of the disciplinary action if found guilty.

11 "§34-11-12.

12 "The board, for reasons it may deem sufficient, may  
13 reissue a certificate of licensure to any person or  
14 certificate of authorization to any corporation, partnership,  
15 or firm whose certificate has been revoked, provided ~~three or~~  
16 ~~more~~ a majority of the deliberating members of the board vote  
17 in favor of reissuance. The board shall not consider  
18 reissuance of a certificate to any person whose certificate  
19 has been revoked because of non compos mentis until after the  
20 person has been declared to have fully regained his or her  
21 competency by a court of competent jurisdiction. The board  
22 shall not consider the reissuance of a certificate to a person  
23 who was convicted of a felony or entered a plea of guilty or  
24 nolo contendere to a felony until the civil rights of the  
25 person have been restored, and then a unanimous approval vote  
26 of the board concerning reissuance shall be required. A new  
27 certificate to replace any certificate revoked, lost,

1 destroyed, or mutilated or for any other reason may be issued,  
2 subject to the rules of the board, and a charge of twenty-five  
3 dollars (\$25) shall be made for such issuance.

4 "§34-11-30.

5 "A State Board of Licensure for Professional  
6 Engineers and Land Surveyors is created. It shall be the duty  
7 of the board to administer this chapter. The board shall  
8 consist of five professional engineers and two professional  
9 land surveyors, each of whom shall be appointed by the  
10 Governor from a list of three persons nominated by a  
11 committee. To the extent possible, the nominating committee  
12 and the Governor shall select those persons whose appointments  
13 ensure that the membership of the board is inclusive and  
14 reflects the racial, gender, geographic, urban/rural, and  
15 economic diversity of the state. The nominating committee  
16 shall consist of one professional engineer or professional  
17 land surveyor, respectively, appointed or elected by each of  
18 the professional organizations as outlined in the rules of the  
19 board. Any other organization in the state having membership  
20 qualifications comparable to those professional organizations  
21 outlined in the rules of the board may petition the board for  
22 membership on the committee. The board, by rule, may establish  
23 nominating committee operating guidelines and, by rule, may  
24 establish procedures for the removal of nonparticipating  
25 members of the nominating committee. Nominees shall have the  
26 qualifications required by Section 34-11-31. Nominations shall  
27 be made by a majority vote of the committee present at the



1 same time at a meeting called by the executive director of the  
2 board, who shall advise the ~~above named societies~~ members of  
3 the nominating committee of the meeting at least 30 days  
4 before the meeting is held. Each member of the board, before  
5 beginning his or her term of office, shall file with the  
6 Secretary of State his or her written oath or affirmation for  
7 the faithful discharge of his or her official duties. The  
8 members of the board shall continue to serve under this  
9 chapter until their respective terms expire. On the expiration  
10 of the term of each member, the Governor shall in the manner  
11 provided in this section appoint for a term of five years a  
12 professional engineer or professional land surveyor having the  
13 qualifications required by Section 34-11-31 to take the place  
14 of the member whose term on the board is about to expire.  
15 Vacancies occurring during a term shall be filled by  
16 appointment by the Governor, in the manner provided in this  
17 section, for the unexpired term. Each member shall hold office  
18 until the expiration of the term for which the member is  
19 appointed or until a successor is duly appointed and  
20 qualified.

21 "§34-11-31.

22 "Each member of the board shall be a citizen of the  
23 United States and a resident of this state, ~~and~~ and a licensed  
24 professional engineer or licensed professional land surveyor  
25 who holds an unexpired certificate under this chapter, ~~and~~ and who  
26 has been ~~engaged in the~~ licensed to practice ~~of~~ engineering or  
27 land surveying, respectively, for at least 12 years, ~~and who~~

1 ~~has been in responsible charge of important engineering or~~  
2 ~~land surveying, respectively, work for at least five years.~~

3 "§34-11-34.

4 "The board shall hold at least two regular meetings  
5 each year. The two regular meetings of the board shall be held  
6 in the City of Montgomery, Alabama. The legal office of the  
7 board shall be located in the City of Montgomery. Special  
8 meetings shall be held at the time and place as the rules of  
9 the board may provide. Notice of all meetings shall be given  
10 as the rules provide. The board shall elect or appoint  
11 annually the following officers: A chair, a vice chair, and a  
12 secretary. A quorum of the board shall consist of ~~not less~~  
13 ~~than three members~~ a simple majority of the board members."

14 Section 2. This act shall become effective on the  
15 first day of the third month following its passage and  
16 approval by the Governor, or its otherwise becoming law.