

1 HB761
2 119247-2
3 By Representative Johnson
4 RFD: Boards and Commissions
5 First Read: 23-MAR-10

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8 SYNOPSIS: Under existing law, the State Board of
9 Licensure for Professional Engineers and Land
10 Surveyors is responsible for licensing and
11 regulating the practices of engineering and land
12 surveying in the state.

13 This bill would create the State Board of
14 Licensure for Professional Land Surveyors, would
15 transfer the authority for licensing and regulating
16 land surveyors from the State Board of Licensure
17 for Professional Engineers and Land Surveyors to
18 the State Board of Licensure for Professional Land
19 Surveyors, and would rename the State Board of
20 Licensure for Professional Engineers and Land
21 Surveyors as the State Board of Licensure for
22 Professional Engineers.

23 This bill would also require the Executive
24 Director of the State Board of Licensure for
25 Professional Engineers to transfer all property,
26 records, files, and other information relating to
27 the licensure and regulation of land surveyors to

1 the State Board of Licensure for Professional Land
2 Surveyors.

3
4 A BILL
5 TO BE ENTITLED
6 AN ACT

7
8 Relating to the State Board of Licensure for
9 Professional Engineers and Land Surveyors; to amend Sections
10 34-11-1, 34-11-2, 34-11-3, 34-11-4, 34-11-5, 34-11-6, 34-11-7,
11 34-11-8, 34-11-9, 34-11-11, 34-11-14, 34-11-15, 34-11-16,
12 34-11-30, 34-11-31, 34-11-35, and 34-11-36, and to add Chapter
13 44, Title 11, to the Code of Alabama 1975, to transfer the
14 licensing and regulating of land surveyors to the State Board
15 of Licensure for Professional Land Surveyors created by this
16 act; to rename the State Board of Licensure for Professional
17 Engineers and Land Surveyors as the State Board of Licensure
18 for Professional Engineers; and to require the Executive
19 Director of the State Board of Licensure for Professional
20 Engineers to transfer all property, records, files, and other
21 information relating to the licensure and regulation of land
22 surveyors to the State Board of Licensure for Professional
23 Land Surveyors.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Sections 34-11-1, 34-11-2, 34-11-3,
26 34-11-4, 34-11-5, 34-11-6, 34-11-7, 34-11-8, 34-11-9,
27 34-11-11, 34-11-14, 34-11-15, 34-11-16, 34-11-30, 34-11-31,

1 34-11-35, and 34-11-36 of the Code of Alabama 1975, are
2 amended to read as follows:

3 "§34-11-1.

4 "For the purposes of this chapter, the following
5 words and phrases shall have the respective meanings ascribed
6 by this section:

7 "(1) BOARD. The State Board of Licensure for
8 Professional Engineers ~~and Land Surveyors~~, provided for by
9 Section 34-11-30.

10 "(2) ENGINEER INTERN. A person who has qualified
11 under subdivision (2) of Section 34-11-4, and who, in
12 addition, has successfully passed an eight-hour written
13 examination in the fundamental engineering subjects as
14 provided in Section 34-11-6, and who has been certified by the
15 board as an engineer intern.

16 "(3) ENGINEER or PROFESSIONAL ENGINEER. A person
17 who, by reason of his or her special knowledge of the
18 mathematical and physical sciences and the principles and
19 methods of engineering analysis and design, acquired by
20 engineering education and engineering experience, is qualified
21 to practice engineering as hereinafter defined and has been
22 licensed by the board as a professional engineer.

23 "~~(4) LAND SURVEYOR INTERN. A person who has~~
24 ~~qualified under subdivision (4) of Section 34-11-4, has passed~~
25 ~~an examination in the fundamental land surveyor intern~~
26 ~~subjects, pursuant to this chapter, and who has been certified~~
27 ~~by the board as a land surveyor intern.~~

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

10 "~~(4) (6)~~ PRACTICE and OFFER TO PRACTICE. Any person
11 shall be construed to practice or offer to practice
12 engineering ~~or land surveying~~, within the meaning and intent
13 of this chapter, who offers to or does as a profession
14 practice any branch of engineering ~~or land surveying~~; or who
15 by verbal claim, sign, advertisement, letterhead, card, or in
16 any other way represents himself or herself to be a
17 professional engineer ~~or a professional land surveyor~~, or
18 through the use of some other title implies that he or she is
19 a professional engineer ~~or a professional land surveyor~~; or
20 who represents himself or herself as able to perform or who
21 does perform any engineering ~~or land surveying~~ service or work
22 or any other service designated by the practitioner which is
23 recognized as engineering ~~or land surveying~~.

24 "~~(5) (7)~~ PRACTICE OF ENGINEERING. Any professional
25 service or creative work, the adequate performance of which
26 requires engineering education, training, and experience in
27 the application of special knowledge of the mathematical,

1 physical, and engineering sciences to such services or
2 creative work as consultation, investigation, evaluation,
3 planning, design and design coordination of engineering works
4 and systems, planning the use of land and water, performing
5 engineering surveys and studies, and the review of
6 construction or other design products for the purpose of
7 monitoring compliance with drawings and specifications; any of
8 which embraces such services or work, either public or
9 private, in connection with any utilities, structures,
10 buildings, machines, equipment, processes, work systems,
11 projects, and industrial or consumer products; equipment of a
12 control, communications, computer, mechanical, electrical,
13 hydraulic, pneumatic, or thermal nature, insofar as they
14 involve safeguarding life, health, or property; and including
15 other professional services necessary to the planning,
16 progress, and completion of any engineering services.

17 "Notwithstanding any other provision of this
18 chapter, in qualifying a witness to offer expert testimony on
19 the practice of engineering, the court shall consider as
20 evidence of his or her expertise whether the proposed witness
21 holds a valid Alabama license for the practice of engineering.
22 Provided, however, such qualification by the court shall not
23 be withheld from an otherwise qualified witness solely on the
24 basis of the failure of the proposed witness to hold such
25 valid Alabama license.

26 "a. Design coordination includes the review and
27 coordination of those technical submissions prepared by

1 others, including, as appropriate and without limitations,
2 consulting engineers, architects, landscape architects, land
3 surveyors, and other professionals working under the direction
4 of the engineer.

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

24 "c. The term shall not include the practice of
25 architecture except such architectural work as is incidental
26 to the practice of professional engineering; nor shall the

1 term include work ordinarily performed by persons who operate
2 or maintain machinery or equipment.

3 "d. The practice of engineering shall include the
4 offering of expert opinion in any legal proceeding in Alabama
5 regarding work legally required to be performed under an
6 Alabama engineer's license number or seal, which opinion may
7 be given by an engineer licensed in any jurisdiction.

8 ~~"(8) PRACTICE OF LAND SURVEYING. Professional~~
9 ~~services, including, but not limited to, consultation, project~~
10 ~~coordination, investigation, testimony, evaluation, planning,~~
11 ~~mapping, assembling, and interpreting reliable scientific~~
12 ~~measurements and information relative to the location, size,~~
13 ~~shape, areas, volumes, or physical features of the earth,~~
14 ~~improvements on the earth, the space above the earth, or any~~
15 ~~part of the earth, and the utilization and development of~~
16 ~~these acts and interpretation into an orderly survey map,~~
17 ~~plan, report, description, or project. Project coordination~~
18 ~~shall include the coordination of those technical submissions~~
19 ~~as prepared by others. Notwithstanding the provisions of this~~
20 ~~subdivision, the practice of land surveying shall exclude~~
21 ~~functions unique to engineering as specified by rules of the~~
22 ~~board. The practice of land surveying shall include, but is~~
23 ~~not limited to, any one or more of the following:~~

24 ~~"a. Locates, relocates, establishes, reestablishes,~~
25 ~~lays out, or retraces any property line or boundary of any~~
26 ~~tract of land or any road, right-of-way, easement, alignment,~~

1 ~~or elevation of all real property whether or not fixed works~~
2 ~~are sited or proposed to be sited on the property.~~

3 ~~"b. Makes any survey for the subdivision of any~~
4 ~~tract of land or for condominiums.~~

5 ~~"c. Determines, by the use of the principles of land~~
6 ~~surveying, the position for any survey, monument, or reference~~
7 ~~point; or sets, resets, or replaces any such monument or~~
8 ~~reference point.~~

9 ~~"d. Determines the configuration or contour of the~~
10 ~~surface of the earth or the position of fixed objects thereon~~
11 ~~by measuring lines and angles and applying the principles of~~
12 ~~mathematics or photogrammetry.~~

13 ~~"e. Geodetic surveying which includes surveying for~~
14 ~~determination of the size and shape of the earth both~~
15 ~~horizontally and vertically and the precise positioning of~~
16 ~~points on the earth utilizing angular and linear measurements~~
17 ~~through spatially oriented spherical geometry.~~

18 ~~"f. Creates, prepares, or modifies electronic or~~
19 ~~computerized data, including land information systems and~~
20 ~~geographic land information systems, relative to the~~
21 ~~performance of the activities in paragraphs a. to e.,~~
22 ~~inclusive.~~

23 ~~"(6)(9) RESPONSIBLE CHARGE. Direct control and~~
24 ~~personal supervision of engineering work or land surveying~~
25 ~~work.~~

26 ~~"§34-11-2.~~

1 "(a) No person in either public or private capacity
2 shall practice or offer to practice engineering ~~or land~~
3 ~~surveying,~~ unless he or she shall first have submitted
4 evidence that he or she is qualified so to practice and shall
5 be licensed by the board as hereinafter provided or unless he
6 or she is specifically exempted from licensure under this
7 chapter.

8 "(b) In order to safeguard life, health, and
9 property, and to promote the public welfare, the practice of
10 engineering in this state is a learned profession to be
11 practiced and regulated as such, and its practitioners in this
12 state shall be held accountable to the state and members of
13 the public by high professional standards in keeping with the
14 ethics and practices of the other learned professions in this
15 state. It shall be unlawful for any person to practice or
16 offer to practice engineering in this state, as defined by
17 this chapter, or to use in connection with his or her name or
18 otherwise assume, use, or advertise any title or description
19 including, but not limited to, the terms engineer, engineers,
20 engineering, professional engineer, professional engineers,
21 professional engineering, or any modification or derivative
22 thereof, tending to convey the impression that he or she is a
23 professional engineer unless the person has been duly licensed
24 or is exempt from licensure under this chapter. A person whose
25 firm name shall have contained the word "engineer,"
26 "engineers," or "engineering," or words of like import, for
27 more than 15 years before September 12, 1966, shall not be

1 prohibited from continuing the use of such word or words in
2 his or her firm name.

3 ~~"(c) In order to safeguard life, health, and~~
4 ~~property and to promote the public welfare, the practice of~~
5 ~~land surveying in this state is a learned profession to be~~
6 ~~practiced and regulated as such, and its practitioners in this~~
7 ~~state shall be held accountable to the state and members of~~
8 ~~the public by high professional standards in keeping with the~~
9 ~~ethics and practices of the other learned professions in this~~
10 ~~state. It shall be unlawful for any person to practice or~~
11 ~~offer to practice land surveying in this state, as defined by~~
12 ~~this chapter, or to use in connection with his or her name or~~
13 ~~otherwise assume, use, or advertise any title or description~~
14 ~~including, but not limited to, the terms land surveyor, land~~
15 ~~surveyors, land surveying, professional land surveyor,~~
16 ~~professional land surveyors, professional land surveying, or~~
17 ~~any modification or derivative thereof, tending to convey the~~
18 ~~impression that he or she is a professional land surveyor~~
19 ~~unless the person has been duly licensed or is exempt from~~
20 ~~licensure under this chapter.~~

21 ~~"(d) As used in this subsection, the term~~
22 ~~professional land surveyor shall include the agents, the~~
23 ~~employees, and any personnel under the supervision of a~~
24 ~~professional land surveyor.~~

25 ~~"(1) A professional land surveyor may go on, over,~~
26 ~~and upon the lands of others which is not enclosed by any~~
27 ~~device installed to deter entry to or exit from industrial~~

1 ~~facilities or plant sites by humans or vehicles, if necessary~~
2 ~~to perform surveys for the location of section corners,~~
3 ~~quarter corners, property corners, boundary lines,~~
4 ~~rights-of-way, and easements, and may carry and utilize~~
5 ~~equipment and vehicles. Entry under the right granted in this~~
6 ~~subdivision shall not constitute trespass. A professional land~~
7 ~~surveyor shall not be liable to arrest or to a civil action~~
8 ~~for trespass by reason of this entry.~~

9 ~~"(2) Nothing in this subsection shall be construed~~
10 ~~as giving authority to a professional land surveyor to~~
11 ~~destroy, injure, damage, or move anything on the lands of~~
12 ~~another without the written permission of the landowner and~~
13 ~~nothing in this section shall be construed as removing civil~~
14 ~~liability for the damages.~~

15 ~~"(3) A professional land surveyor shall make~~
16 ~~reasonable effort to notify adjoining landowners upon whose~~
17 ~~land it is necessary to enter.~~

18 ~~"(4) No owner or occupant of the land shall be~~
19 ~~liable for any injury or damage sustained by any person~~
20 ~~entering upon his or her land under this subsection.~~

21 ~~"(5) Nothing in this subsection shall limit the~~
22 ~~rights of condemning authorities under Sections 18-1A-50 to~~
23 ~~18-1A-55, inclusive.~~

24 ~~"§34-11-3.~~

25 ~~"A roster showing the names and addresses of all~~
26 ~~licensed professional engineers, all professional land~~
27 ~~surveyors, and all who possess current certifications as~~

1 engineer interns ~~or land surveyor interns~~ shall be prepared by
2 the executive director of the board at intervals as
3 established by the board. Copies of this roster shall be made
4 available to each person licensed or certified, placed on file
5 with the Secretary of State, and may be distributed or sold to
6 the public upon request.

7 "§34-11-4.

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

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

15 "a. Graduation and experience plus examination.

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

1 licensure to practice engineering in this state, provided the
2 applicant is otherwise qualified.

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

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

1 permit may be issued upon submission of documentation and a
2 fee which shall be established by the board, not to exceed
3 fifty dollars (\$50).

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

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

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

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

1 engineering examinations of comparable character taken and
2 passed in another jurisdiction may be 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~~
14 ~~examination in the fundamental land surveying subjects and who~~
15 ~~has a specific record of an additional four years or more of~~
16 ~~combined office and field experience in land surveying work of~~
17 ~~a grade and character satisfactory to the board shall be~~
18 ~~admitted to a six-hour written examination in the principles~~
19 ~~and practice of land surveying and a two-hour written~~
20 ~~examination on laws, procedures, and practices pertaining to~~
21 ~~land surveying in Alabama. Upon passing these examinations,~~
22 ~~the applicant shall be granted a certificate of licensure to~~
23 ~~practice land surveying, provided the applicant is otherwise~~
24 ~~qualified.~~

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

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

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

1 ~~be granted a certificate of licensure to practice land~~
2 ~~surveying in this state, provided the applicant is otherwise~~
3 ~~qualified.~~

4 ~~"b. Experience plus examination. Before December 31,~~
5 ~~2007, an applicant who has a specific record of eight years or~~
6 ~~more of combined office and field experience in land surveying~~
7 ~~work of a grade and character satisfactory to the board shall~~
8 ~~be admitted to an eight-hour written examination in the~~
9 ~~fundamentals of land surveying, and after passing the~~
10 ~~fundamentals examination shall be admitted to a six-hour~~
11 ~~written examination in the principles and practice of land~~
12 ~~surveying and a two-hour written examination on laws,~~
13 ~~procedures, and practices pertaining to land surveying in~~
14 ~~Alabama. Upon passing these examinations, the applicant shall~~
15 ~~be granted a certificate of licensure to practice land~~
16 ~~surveying in this state, provided the applicant is otherwise~~
17 ~~qualified.~~

18 ~~"c. Comity. The board may, upon application, grant~~
19 ~~to any person who holds a valid professional land surveying~~
20 ~~certificate issued by any jurisdiction of the United States or~~
21 ~~of any country, admission into a two-hour written examination~~
22 ~~of laws, procedures, and practices pertaining to land~~
23 ~~surveying in Alabama, provided that the education, experience,~~
24 ~~and examination qualifications of the applicant are, in the~~
25 ~~judgment of the board, of a standard not lower than that~~
26 ~~specified in the applicable licensure act in effect in Alabama~~
27 ~~at the time such certificate was issued. Upon passing the~~

1 ~~examination, the applicant shall be granted a certificate of~~
2 ~~licensure to practice land surveying in this state, provided~~
3 ~~the applicant is otherwise qualified.~~

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

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

16 ~~"b. Graduation and examination plus experience.~~

17 ~~"1. Graduation in an approved curriculum related to~~
18 ~~surveying plus two years experience. A graduate of a~~
19 ~~curriculum related to surveying of four years or more~~
20 ~~including a minimum of 15 semester hours or 22.5 quarter hours~~
21 ~~of surveying courses from a school or college approved by the~~
22 ~~board who has successfully passed an eight-hour written~~
23 ~~examination in the fundamentals of land surveying and who has~~
24 ~~a specific record of an additional two years or more of~~
25 ~~combined office and field experience in land surveying work of~~
26 ~~a grade and character satisfactory to the board shall be~~
27 ~~certified as a land surveyor intern, if otherwise qualified.~~

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

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

17 ~~"(3)(5) CHARACTER. No person shall be eligible for~~
18 ~~licensure as a professional engineer, or certification as an~~
19 ~~engineer intern, licensure as a professional land surveyor, or~~
20 ~~certification as a land surveyor intern who is not of good~~
21 ~~character and reputation.~~

22 ~~"(4)(6) TEACHING CREDITS. In considering the~~
23 ~~qualifications of applicants, teaching in an engineering~~
24 ~~curriculum approved by the board may be considered as~~
25 ~~engineering experience. Teaching land surveying subjects in a~~
26 ~~land surveying curriculum approved by the board may be~~
27 ~~considered as land surveying experience.~~

1 "~~(5)(7)~~ GRADUATE STUDY. In counting years of
2 experience for professional engineer licensure, the board may
3 give credit, not in excess of one year, for successful
4 completion of graduate study leading to a master's degree in
5 engineering. If a Ph.D. in engineering is completed, a total
6 of two year's experience may be credited. The two-year credit
7 shall include one year for the master's degree. If the Ph.D.
8 is obtained without the master's degree, the credit for
9 experience shall be two years. ~~In counting years of experience
10 for professional land surveyor licensure, the board may give
11 credit, not in excess of one year, for successful completion
12 of graduate study leading to a master's degree in land
13 surveying. If a Ph.D. in land surveying is completed, a total
14 of two years' experience may be credited. The credit of two
15 years shall include one year for the master's degree. If the
16 Ph.D. is obtained without the master's degree, the credit for
17 experience shall be two years.~~

18 "~~(6)(8)~~ NONPRACTICING APPLICANTS. Any person having
19 the necessary qualifications prescribed in this chapter to
20 entitle the applicant to licensure shall be eligible for
21 licensure although the applicant may not be practicing
22 engineering ~~or land surveying~~ at the time of making
23 application.

24 "~~(7)(9)~~ RECOGNITION OF PREVIOUSLY TAKEN
25 EXAMINATIONS. The board may accept fundamentals and principles
26 and practice examinations of comparable character taken and
27 passed in another jurisdiction.

1 "§34-11-5.

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

20 "(b) The application fee and the licensure fee for
21 professional engineers ~~or professional land surveyors~~ shall be
22 set by the board and each fee shall not exceed one hundred
23 dollars (\$100).

24 "(1) For professional engineers applying for
25 licensure by way of comity, both the application fee and
26 licensure fee shall accompany the application.

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

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

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

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

23 "§34-11-6.

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

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

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

18 "(d) The fees for examination and reexamination
19 shall be set by the board and shall not exceed three hundred
20 dollars (\$300).

21 "§34-11-7.

22 "(a) The board shall issue a certificate of
23 licensure upon payment of a licensure fee as provided for in
24 this chapter to any applicant who, in the opinion of the
25 board, has satisfactorily met all the requirements of this
26 chapter. ~~In the case of a professional engineer, the~~ The
27 certificate shall authorize the practice of engineering. ~~In~~

1 ~~the case of a professional land surveyor, the certificate~~
2 ~~shall authorize the practice of land surveying.~~ Certificates
3 of licensure shall show the name of the licensee, shall have a
4 license number, and shall be signed by the chair and the
5 secretary of the board under the seal of the board.

6 "(b) The issuance of a certificate of licensure by
7 the board shall be prima facie evidence that the person named
8 therein is entitled to all the rights and privileges of a
9 professional engineer, ~~or of a professional land surveyor~~
10 unless the certificate is revoked, suspended, surrendered,
11 lapsed, or expired.

12 "(c) Each professional engineer should upon
13 licensure obtain a seal of the design authorized by the board,
14 bearing the licensee's name, licensure number, and the legend,
15 "licensed professional engineer." Previously purchased seals
16 bearing the terminology "registered" ~~vs.~~ versus "licensed" may
17 continue to be used until replacement is required. Engineering
18 drawings, plans, specifications, plats, and reports issued by
19 a licensee or by qualified persons under the direction of the
20 licensee and for which the licensee assumes full
21 responsibility shall be certified pursuant to this chapter. It
22 shall be unlawful for anyone to use an expired, suspended,
23 surrendered, lapsed, or revoked certificate or seal or
24 facsimile thereof.

25 ~~"(d) Each professional land surveyor should upon~~
26 ~~licensure obtain a seal of the design authorized by the board,~~
27 ~~bearing the licensee's name, licensure number, and the legend,~~

1 ~~"licensed professional land surveyor."~~ Previously purchased
2 seals bearing the terminology "registered" vs. "licensed" may
3 continue to be used until replacement is required. Land plats,
4 legal descriptions of lands, and land surveying reports issued
5 by a licensee or by qualified persons under the direction of
6 the licensee and for which the licensee assumes full
7 responsibility shall be certified pursuant to this chapter. It
8 shall be unlawful for anyone to use an expired, suspended,
9 surrendered, lapsed, or revoked certificate or seal or
10 facsimile thereof.

11 ~~"(d)(e)~~ Whenever the seal is applied, the document
12 ~~must~~ shall be signed by the licensee thereby certifying that
13 he or she is competent in the subject matter and is
14 responsible for the work product. A digital signature may be
15 used in lieu of a handwritten signature.

16 "§34-11-8.

17 "(a) The board shall, by rule, establish a procedure
18 for renewing certificates of licensure on an annual or a
19 biennial basis. It shall be the duty of the executive director
20 of the board to notify every person licensed under this
21 chapter of the final date of the renewal of his or her license
22 and the amount of the fee required for the renewal. The notice
23 shall be mailed to the last address of the licensee recorded
24 by the executive director of the board at least one month in
25 advance of the renewal deadline. Renewal may be accomplished
26 at any time prior to or during the month of December by
27 payment of the required fee. The board shall establish the

1 renewal fee for each certificate of licensure issued pursuant
2 to this chapter. The amount of the renewal fee shall not
3 exceed one hundred fifty dollars (\$150) for annual renewal or
4 three hundred dollars (\$300) for biennial renewal.

5 Certificates of licensure for professional engineers ~~and~~
6 ~~professional land surveyors~~ shall lapse on the last day of the
7 month of December, annually or biennially, unless renewed. The
8 board shall, by rule, establish procedures including
9 requirements, time limits, and the minimum continuing
10 professional competency hours required for reinstating or
11 reactivating a lapsed license. The board shall establish a
12 reinstatement fee which shall be based on the period the
13 license was lapsed. A lapsed license, if not reinstated, shall
14 remain in a lapsed classification for a total of four years.
15 Any license which has lapsed for more than four years shall
16 not be eligible for reinstatement or reactivation and is
17 expired.

18 "(1) Any individual whose license has lapsed for
19 nonpayment of renewal fees shall continue to be subject to
20 this chapter and board rules governing licenses until the
21 licensure is revoked by action of the board or the license is
22 not eligible for reinstatement under the rules of the board. A
23 licensee who practices or offers to practice in this state
24 with a lapsed, inactive, or retired license shall be subject
25 to disciplinary action by the board.

26 "(2) No licensee shall have his or her license
27 renewed unless, in addition to any other requirements of this

1 chapter, the minimum annual or biennial continuing
2 professional competency requirement is met. It is further
3 provided that the continuing professional competency program
4 herein required shall not include testing or examination of
5 the licensee in any manner. The board may, by rules, establish
6 exemptions from the continuing professional competency
7 requirement for retired licensees and others in extenuating
8 circumstances as identified by rule of the board.

9 "(b) Enrollment as engineer interns ~~and land~~
10 ~~surveyor interns~~ shall expire on the last day of the month of
11 December following their issuance or renewal. The notification
12 to interns shall be processed as prescribed above for
13 licensees except that the annual renewal fee shall not exceed
14 ten dollars (\$10). The failure on the part of any intern to
15 accomplish renewal shall not invalidate his or her status as
16 an engineer intern ~~or land surveyor intern~~, but his or her
17 name shall, after 90 days, be removed from the current mailing
18 list of the board. The fee to bring an enrollment current
19 after a renewal expiration shall be twice that established for
20 annual renewal.

21 "(c) Certificates of authorization issued to
22 corporations, partnerships, or firms practicing or offering to
23 practice engineering ~~or land surveying~~ under this chapter
24 shall lapse on the last day of the month of January following
25 their issuance or renewal, unless renewed. The amount of the
26 renewal fee shall be set by the board and shall not exceed two
27 hundred fifty dollars (\$250). It shall be the duty of the

1 executive director of the board to notify every corporation,
2 partnership, or firm holding a certificate of authorization
3 under this chapter of the final date of renewal of the
4 certificate and the amount of the fee which shall be required
5 for its renewal for one year. The notice shall be mailed by
6 the executive director to the last address recorded for the
7 corporation, partnership, or firm at least one month in
8 advance of the renewal deadline. Renewals may be accomplished
9 at any time prior to or during the month of January by payment
10 of the required fee. Failure by the corporation, partnership,
11 or firm to renew its certificate of authorization prior to or
12 during the month of January shall cause the certificate to
13 lapse, and it shall be unlawful for the corporation,
14 partnership, or firm to practice, offer to practice, or hold
15 itself out as qualified to practice engineering ~~or land~~
16 ~~surveying~~ in Alabama following the lapse of its certificate of
17 authorization. The board shall, by rules, establish procedures
18 and time limits for reactivating a certificate of
19 authorization and the reinstatement fees which shall be based
20 on the period the certification was lapsed. A firm,
21 partnership, or corporation whose certificate of authorization
22 has lapsed for nonpayment of renewal fees shall continue to be
23 subject to this chapter and the rules of the board governing
24 licenses until the certificate of authorization is revoked by
25 action of the board or the certificate of authorization is no
26 longer renewable under the rules of the board. If not
27 reinstated, a lapsed certificate of authorization shall remain

1 in a lapsed classification for a period of two years. Any
2 certificate of authorization which has been lapsed for more
3 than two years shall not be eligible for reinstatement or
4 reactivation and is expired.

5 "§34-11-9.

6 "(a) Services offered to the public; certificate of
7 authorization required.

8 "(1) ENGINEERING ~~OR LAND SURVEYING~~ SERVICES. The
9 practice of or offer to practice engineering ~~and land~~
10 ~~surveying~~ as defined in Section 34-11-1 by individual
11 professional engineers ~~or professional land surveyors~~ licensed
12 under this chapter through a corporation, partnership, or firm
13 offering engineering services ~~or land surveying services~~ to
14 the public through individual licensed professional engineers
15 ~~or professional land surveyors~~, as agents, employees,
16 officers, or partners, is permitted subject to this chapter
17 and one or more of the principal officers of the corporation,
18 firm, or partners of the partnership and all personnel of the
19 corporation, partnership, or firm who act in its behalf as
20 professional engineers ~~or professional land surveyors~~ in this
21 state are licensed as provided by this chapter, or are persons
22 lawfully practicing under Section 34-11-14 and the
23 corporation, partnership, or firm has been issued a
24 certificate of authorization by the board as provided herein.
25 All final drawings, specifications, plans, reports, or other
26 engineering ~~or land surveying~~ papers or documents involving
27 the practice of engineering ~~or land surveying~~ as defined in

1 Section 34-11-1 of this chapter which shall have been prepared
2 or approved for the use of such corporation, partnership, or
3 firm or for delivery to any person or for public record within
4 the state shall be dated and bear the signature and seal of
5 the professional engineer ~~or professional land surveyor~~ who
6 prepared or approved them. Nothing in this section should be
7 construed to mean that a certificate of licensure to practice
8 engineering ~~or land surveying~~ shall be held by a corporation,
9 partnership, or firm.

10 "(2) JOINT PRACTICE AUTHORIZED. Nothing in this
11 section prohibits an individual, corporation, firm, or
12 partnership from joining together to practice, offering to
13 practice, or holding themselves out as qualified to practice
14 engineering ~~or land surveying~~ provided that the individual,
15 corporation, firm, or partnership meets the requirements of
16 this section.

17 "(3) LIABILITY GENERALLY. No corporation, firm, or
18 partnership shall be relieved of responsibility for the
19 conduct or acts of its agents, employees, officers, or
20 partners by reason of its compliance with this section, nor
21 shall any individual practicing engineering ~~or land surveying~~
22 as defined in Section 34-11-1 be relieved of responsibility
23 for work performed by reason of employment, association, or
24 relationship with the corporation, partnership, or firm.

25 "(4) APPLICATION FOR CERTIFICATE OF AUTHORIZATION. A
26 corporation, partnership, or firm desiring a certificate of
27 authorization shall file with the board an application upon a

1 form to be prescribed by the board and the designation
2 required by subdivision (5), accompanied by the licensure fee
3 prescribed by subsection (d) of Section 34-11-5.

4 "(5) RESIDENT LICENSEE. Every firm, partnership,
5 corporation, or other entity which performs or offers to
6 perform engineering ~~or land surveying~~ services shall have a
7 resident licensed professional engineer ~~or land surveyor~~ in
8 responsible charge of the engineering ~~or land surveying~~ work
9 for each separate office or branch office in which engineering
10 ~~or land surveying~~ services are performed or offered to be
11 performed. The board shall issue rules to ensure adequate
12 engineering supervision ~~and surveying supervision~~ of all work.

13 "(6) FILING NAMES AND ADDRESSES OF OFFICERS, ETC.,
14 REQUIRED. A corporation or firm shall file with the board,
15 using a form provided by the board, the names and addresses of
16 all officers and board members of the corporation or firm
17 including the principal officer or officers duly licensed to
18 practice engineering ~~or land surveying~~ in this state, who
19 shall be in responsible charge of the practice or offering to
20 practice of engineering ~~or land surveying~~ in this state by the
21 corporation or firm and of the individual or individuals
22 designated as the responsible engineer ~~or land surveyor~~ of
23 each branch office offering or performing Alabama engineering
24 ~~or land surveying~~. A partnership shall file with the board
25 using a form provided by the board, the names and addresses of
26 all partners, including the partner or partners duly licensed
27 to practice engineering ~~or land surveying~~ in this state, and

1 also of an individual or individuals duly licensed to practice
2 engineering ~~or land surveying~~ in this state who shall be in
3 responsible charge of the practice of engineering ~~or land~~
4 ~~surveying~~ in this state at the branch offices of the
5 partnership. The same form, giving the same information, shall
6 accompany the annual renewal fee prescribed in subsection (c)
7 of Section 34-11-8. In the event there is a change in the firm
8 name or in any of the partners or principal officers during
9 the year, the changes shall be filed with the board by the
10 corporation, partnership, or firm within 30 days after the
11 effective date of the change.

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

21 "(8) CERTIFICATE REQUIRED OF ORGANIZATION OPERATING
22 UNDER FICTITIOUS NAME. For the purposes of this section, a
23 certificate of authorization shall be required by a
24 corporation, partnership, firm, association, or person
25 practicing under a fictitious name, offering engineering ~~or~~
26 ~~land surveying~~ services to the public. Where a licensee is
27 practicing engineering ~~or land surveying~~ in his or her own

1 given name, the licensee shall not be required to qualify
2 under this section.

3 "(b) Incidental engineering ~~or land surveying~~
4 services; certificate of authorization not required. The
5 practice of engineering ~~or land surveying~~ incidental to or in
6 connection with production, manufacture, transportation,
7 distribution, or communication may be carried on by any
8 person, partnership, firm, or corporation engaged in such
9 production, manufacture, transportation, distribution, or
10 communication and will not require a certificate of
11 authorization. The engineering ~~and land surveying~~ services
12 shall be performed by or under the direction of a professional
13 engineer ~~or professional land surveyor~~ licensed in conformity
14 with this chapter. All drawings, plans, specifications, plats,
15 and reports involving the practice of engineering ~~or land~~
16 ~~surveying~~ shall when issued be dated and bear the seal or
17 facsimile of the seal, signature, and licensure number of the
18 professional engineer ~~or land surveyor~~ in responsible charge
19 thereof.

20 "§34-11-11.

21 "(a) The board shall have the power to reprimand,
22 censure, place on probation, or fine any licensee or certified
23 engineer intern ~~or land surveyor intern~~ or corporation,
24 partnership, or firm holding a certificate of authorization
25 and to suspend, refuse to renew, or revoke the certificate of
26 any licensee or certified engineer intern ~~or land surveyor~~

1 ~~intern~~ or the certificate of authorization of a corporation,
2 partnership, or firm found guilty of any of the following:

3 "(1) The practice of any fraud or deceit in
4 obtaining or attempting to obtain or renew a certificate of
5 licensure or certificate of authorization.

6 "(2) Any gross negligence, incompetency, violation
7 of the rules of professional conduct prescribed by the board,
8 or any amendment thereof, or misconduct in the practice of
9 engineering ~~or land surveying~~ as a professional engineer, or
10 engineer intern, ~~professional land surveyor, or land surveyor~~
11 ~~intern~~.

12 "(3) Falsely representing himself or herself as
13 being in responsible charge of engineering work ~~or land~~
14 ~~surveying~~.

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

17 "(5) An offense in another jurisdiction resulting in
18 revocation, suspension, or voluntary surrender, to avoid
19 disciplinary proceedings, of a license or certificate of
20 licensure, including any agreement or stipulation executed by
21 a licensee to avoid formal disciplinary proceedings.

22 "(b) The board shall have the power to impose any or
23 all of the disciplinary penalties set forth in this section
24 against a corporation, partnership, or firm holding a
25 certificate of authorization, when any one or more of the
26 agents, employees, officers, partners, or owners of the
27 corporation, partnership, or firm, licensed or nonlicensed,

1 have committed any act, or have been guilty of any conduct,
2 which could authorize the imposition of any of the
3 disciplinary penalties set forth in this section. The acts or
4 conduct by the persons ~~must~~ shall have been related to the
5 practice of or offer to practice of engineering ~~or land~~
6 ~~surveying~~ by the corporation, partnership, or firm and that
7 the acts or conduct ~~must~~ shall have been performed or occurred
8 within the scope of the employment of any such person and
9 with the authorization, ratification, or approval of an
10 officer, director, principal, partner, or owner of the
11 corporation, partnership, or firm.

12 "(c) Any person may file a complaint alleging a
13 violation of this section against any individual licensee,
14 certified intern, or corporation, partnership, or firm holding
15 a certificate of authorization. The complaints shall be in
16 writing and shall be filed with the executive director of the
17 board.

18 "(d) The board may designate a person or persons to
19 investigate and report to it on any matter related to its
20 lawful duties and may employ legal counsel as the board may
21 deem necessary or desirable. An investigation may be made upon
22 receipt of a complaint or may be initiated by the board. The
23 board may resolve violations by agreement between the board
24 and the licensee with or without the filing of formal
25 charges.

26 "(e) Following an investigation, charges may be
27 filed against any individual licensee, certificated intern, or

1 corporation, partnership, or firm holding a certificate of
2 authorization. The charges shall conform to the Administrative
3 Procedure Act.

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

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

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

26 "(i) If after the hearing three or more members of
27 the board vote in favor of finding the accused guilty, the

1 board shall impose one or more of the disciplinary penalties
2 set forth in this section. Any fine imposed may not exceed two
3 thousand five hundred dollars (\$2,500) for each count or
4 separate offense. The written decision of the board shall be
5 delivered personally to the accused or sent by certified mail,
6 return receipt requested, to the last known address of the
7 accused.

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

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

23 "(1) Declared non compos mentis by a court of
24 competent jurisdiction.

25 "(2) Convicted of or entered a plea of guilty or
26 nolo contendere to any crime under the laws of the United
27 States or any state or territory thereof, which is a felony,

1 whether related to practice or not and convicted of or entered
2 a plea of guilty or nolo contendere to any crime, whether a
3 felony, misdemeanor, or otherwise, an essential element of
4 which is dishonesty or which is directly related to the
5 practice of engineering ~~or land surveying~~.

6 "(l) When a member of the board is unable to
7 continue the hearing either by disqualification or for any
8 other reason, and the board is unable to reach a quorum, the
9 Governor shall appoint as many ex officio members as is
10 necessary to reach a quorum from a list of three persons
11 submitted for each place by the committee of seven as
12 specified in Section 34-11-30. These ex officio members shall
13 serve on the board only for that hearing for which they were
14 appointed and they may be reappointed for subsequent hearings
15 if necessary.

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

18 "§34-11-14.

19 "This chapter shall not be construed to prevent or
20 to affect any of the following:

21 "(1) The practice of any other legally recognized
22 profession or trade.

23 "(2) The work of an engineer intern ~~or land surveyor~~
24 ~~intern~~, employee, or a subordinate of any person holding a
25 certificate of licensure under this chapter, or any employee
26 of a person practicing lawfully under paragraph b of
27 subdivision (1) of Section 34-11-4, if the work is done under

1 the responsibility and supervision of a person holding a
2 certificate of licensure under this chapter or a person
3 practicing lawfully under paragraph b of subdivision (1) of
4 Section 34-11-4.

5 "(3) The practice of officers and employees of the
6 government of the United States while engaged within this
7 state in the practice of engineering ~~or land surveying~~ for the
8 government. This exception does not extend to any engineer ~~or~~
9 ~~land surveyor~~ engaged in the practice of professional
10 engineering ~~or land surveying~~ whose compensation is based in
11 whole or in part on a fee.

12 "(4) The practice of engineering ~~or land surveying~~
13 with respect to transportation or utility facilities by any
14 transportation company or public utility subject to regulation
15 by the Alabama Public Service Commission, the Federal Aviation
16 Administration, the Federal Communications Commission, the
17 Federal Energy Regulatory Commission, or the Nuclear
18 Regulatory Commission, including its parents, affiliates, or
19 subsidiaries; or by the officers and employees of any
20 transportation company or public utility including its
21 parents, affiliates, or subsidiaries. This exception shall not
22 extend to any engineer ~~or land surveyor~~ engaged in the
23 practice of engineering ~~or land surveying~~ whose compensation
24 is based in whole or in part on a fee.

25 "(5) The practice of engineering ~~or land surveying~~
26 by any person who is employed by the Alabama Department of
27 Transportation prior to January 1, 1997, in any engineering or

1 engineering assistant classification series under the State of
2 Alabama Personnel Board, Merit System.

3 "(6) The mere execution as a contractor of work
4 designed by a professional engineer or the supervision of the
5 construction of such work as a foreman or superintendent.

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

10 "(8) The performance of engineering services which
11 are purely incidental to the practice of geology by registered
12 geologists, their employees, or subordinates under their
13 responsible charge.

14 "§34-11-15.

15 "(a) Any person who shall practice, offer to
16 practice, or hold himself or herself out as qualified to
17 practice engineering ~~or land surveying~~ in this state or use in
18 connection with his or her name or otherwise assume, use, or
19 advertise any title or description including, but not limited
20 to, the term engineer, engineers, engineering, or professional
21 engineer, professional engineers, or professional engineering,
22 ~~or land surveyor, land surveyors, land surveying, or~~
23 ~~professional land surveyor, professional land surveyors, or~~
24 ~~professional land surveying,~~ without being licensed or
25 exempted in accordance with this chapter, or any person
26 presenting or attempting to use as his or her own the
27 certificate of licensure or the seal or facsimile thereof of

1 another, or permitting his or her own certificate of
2 licensure, seal or facsimile thereof to be used by another
3 person, or any person who shall give any false or forged
4 evidence of any kind to the board or to any member thereof in
5 obtaining, or attempting to obtain a certificate of licensure,
6 or any person who shall falsely impersonate any other licensee
7 of like or different name, or any person who shall attempt to
8 use an expired, suspended, surrendered, or revoked certificate
9 of licensure, or any person who shall violate this chapter,
10 shall be guilty of a Class A misdemeanor and punished as
11 provided by law. Each day of the violation shall be a separate
12 offense.

13 "(b) Any corporation, partnership, or firm who
14 violates any part of this chapter shall be guilty of a Class A
15 misdemeanor and punished as provided by law. Each day of the
16 violation shall be a separate offense.

17 "(c) It shall be the duty of all duly constituted
18 officers of law of this state, or any political subdivision
19 thereof, to enforce this chapter, and to prosecute any
20 persons, firms, partnerships, or corporations for violating
21 this chapter. The Attorney General of the state or his or her
22 assistants shall act as legal advisor to the board and render
23 legal assistance to the board as may be necessary in carrying
24 out this chapter. The board has the right to obtain private
25 legal counsel as the need arises.

26 "§34-11-16.

1 "(a) In addition to any other provisions of law, the
2 board may enter an order assessing a civil penalty against any
3 non-licensed person, corporation, or other entity found guilty
4 by the board of, but not limited to, the following violations
5 of this chapter.

6 "(1) Engaging in the practice or offer to practice
7 of engineering ~~or land surveying~~ in this jurisdiction without
8 being licensed in accordance with this chapter.

9 "(2) Using or employing the words "engineer,"
10 "engineering," ~~"land surveyor," "land surveying,"~~ or any
11 modification or derivative thereof in its name or form of
12 business activity, except as authorized in this chapter.

13 "(3) Presenting or attempting to use the certificate
14 of licensure or the seal of another licensed engineer ~~or~~
15 ~~licensed land surveyor~~.

16 "(4) Giving false or forged evidence of any kind to
17 the board or a member of the board in obtaining or attempting
18 to obtain a certificate of licensure.

19 "(5) Falsely impersonating another licensed engineer
20 ~~or licensed land surveyor~~ of like or different name.

21 "(6) Using or attempting to use a revoked or
22 non-existent certificate of licensure.

23 "(b) The board shall determine the amount of the
24 civil penalty which shall be paid to the State General Fund.
25 The amount shall not exceed two thousand five hundred dollars
26 (\$2,500) for each and every separate offense.

1 "(c) Before issuing an order under this section, the
2 board shall provide the person written notice and the
3 opportunity to request, within 30 days of notice by the board,
4 a hearing on the record.

5 "(d) Pursuant to the proceedings under this section,
6 the board may issue subpoenas to compel the attendance and
7 testimony of witnesses and the disclosure of evidence, and may
8 request the Attorney General to bring an action to enforce a
9 subpoena.

10 "(e) A person aggrieved by the levy of a civil
11 penalty under this section may file an appeal to the Circuit
12 Court of Montgomery County exclusively for judicial review of
13 the penalty within 30 days notwithstanding the Administrative
14 Procedure Act. Unless an appeal is taken, or the penalty paid,
15 the order of the board imposing the civil penalty shall become
16 a judgment.

17 "(f) If a person fails to pay a civil penalty within
18 30 days after entry of an order pursuant to subsection (a) or
19 if the order is stayed pending an appeal, within 10 days after
20 the court enters a final judgement in favor of the board of an
21 order appealed pursuant to subsection (e), the board shall
22 notify the Attorney General. The Attorney General may commence
23 a civil action to recover the amount of the penalty, plus
24 attorney's fees and costs.

25 "(g) The cost to the board of the action shall be
26 paid by the respondent if found in violation.

27 "§34-11-30.

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

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

20 "§34-11-31.

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

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

3 "§34-11-35.

4 "(a) The board shall have the power to adopt and
5 amend bylaws, rules and regulations, not inconsistent with the
6 constitution and laws of this state, as may be reasonably
7 necessary for the proper performance of its duties and the
8 regulations of the proceedings before it. The board shall have
9 the power to adopt and amend from time to time rules of
10 professional conduct for professional engineers, engineer
11 interns, ~~professional land surveyors, land surveyor interns,~~
12 and corporations, partnerships, or firms holding certificates
13 of authorization. The board shall adopt and have an official
14 seal.

15 "(b) In carrying into effect its duties in any case
16 involving the revocation of licensure or any disciplinary
17 proceeding involving a licensee or the holder of a certificate
18 of authorization or practicing or offering to practice without
19 licensure, or false statement in connection with an
20 application for licensure, the board may, under the hand of
21 its chair and the seal of the board, subpoena witnesses and
22 compel their attendance, and may also require the production
23 of books, papers, documents, and other pertinent data. Any
24 member of the board may administer oaths or affirmations to
25 witnesses appearing before the board. If any person refuses to
26 obey any subpoena issued, or refuses to testify or produce any
27 books, papers, or documents, the board may present its

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

11 "(c) The board is charged with the duty of seeing
12 that this chapter is enforced. The board shall investigate any
13 complaint relating to the violation this chapter and, should a
14 violation be indicated, the board shall proceed as provided
15 for under Sections 34-11-11, 34-11-15, and 34-11-16.

16 "(d) The board, for good cause, may apply for relief
17 by injunction, without bond, to restrain any person, firm,
18 partnership, or corporation from the commission of any act
19 which is prohibited by this chapter. In such proceedings it
20 shall not be necessary to allege or prove either that an
21 adequate remedy at law does not exist, or that substantial and
22 irreparable damage would result, from the continued violation
23 thereof. Application for the injunction may be made to the
24 Circuit Court of Montgomery County, Alabama or the circuit
25 court of the county in which it is alleged that the violation
26 is about to occur, at the request of the board. The injunction
27 may not be granted ex parte, and any judgment or decree may be

1 appealed in the manner prescribed by law to the Supreme Court
2 of Alabama.

3 "(e) No action or other legal proceedings for
4 damages shall be instituted against the board, any board
5 member, or employee of the board for any act done in good
6 faith and in the intended performance of any power granted
7 under this chapter or for any neglect or default in the
8 performance or exercise in good faith of any duty or power.

9 "§34-11-36.

10 "The executive director of the board shall receive
11 and account for all money derived under this chapter, and
12 shall pay it monthly to the State Treasurer, who shall keep
13 the money in a separate fund to be known as the "Professional
14 Engineers ~~and Professional Land Surveyors~~ Fund." The fund
15 shall be kept separate and apart from all other money in the
16 Treasury, and shall be paid out only by warrant of the
17 Comptroller upon the Treasurer, upon itemized vouchers,
18 approved by the executive director of the board. No funds
19 shall be withdrawn or expended except as budgeted and allotted
20 according to Article 4 of Chapter 4 of Title 41. Any funds or
21 money in the hands of the State Treasurer, known as the
22 Professional Engineers ~~and Professional Land Surveyors~~ Fund,
23 at the end of the state fiscal year in excess of that amount
24 equal to 25 percent of the budget of the board for the
25 previous fiscal year shall be transferred into the General
26 Fund of the state. However, in the event that the board elects
27 to implement a biennial license, then the above transfer into

1 the General Fund shall only apply at the end of the
2 non-license year of the biennial license cycle. The money,
3 properties, records, and other things of value owned by or
4 allocated to the fund, the board, or the executive director of
5 the board in his or her capacity as such, serving at the time
6 of enactment of this chapter, shall become the property of and
7 be allocated respectively to the fund, the board, or the
8 executive director of the board under this chapter. The
9 executive director of the board shall give a surety bond to
10 the state in a sum as the board may determine. The premium on
11 the bond shall be regarded as a proper and necessary expense
12 of the board and shall be paid out of the fund. The executive
13 director of the board shall receive a salary as determined by
14 the board, in addition to compensation and expenses provided
15 for in Section 34-11-32. The board may employ an executive
16 director and, when necessary, an assistant executive director
17 and fix their compensation and duties. The board may employ
18 clerical or other assistants, subject to the provisions of the
19 Merit System Act, and may make expenditures from the fund for
20 any purpose which in the opinion of the board is reasonably
21 necessary for the proper performance of its duties under this
22 chapter, including the expenses of the board's delegates to
23 regional and national meetings of, and membership dues to, a
24 national examination organization for engineers ~~and land~~
25 ~~surveyors~~ selected by the board and any of its subdivisions.
26 Under no circumstances shall the total amount of warrants
27 issued by the Comptroller in payment of the expenses and

1 compensation provided for in this chapter exceed the amount
2 provided therefor by the Legislature in the general
3 appropriation or other appropriation bills."

4 Section 2. An article heading is added before
5 Section 34-44-1 of the Code of Alabama 1975, to read as
6 follows:

7 "ARTICLE 1. GENERAL PROVISIONS"

8 Section 3. A new Article 1 of Chapter 44 of Title 34
9 is added to the Code of Alabama 1975, to read as follows:

10 §34-44-1.

11 For the purposes of this chapter, the following
12 terms shall have following meanings:

13 (1) BOARD. The State Board of Licensure for
14 Professional Land Surveyors, provided for by Section 34-44-30.

15 (2) LAND SURVEYOR INTERN. A person who has qualified
16 under subdivision (2) of Section 34-44-4, has passed an
17 examination in the fundamental land surveyor intern subjects,
18 pursuant to this chapter, and who has been certified by the
19 board as a land surveyor intern.

20 (3) LAND SURVEYOR or PROFESSIONAL LAND SURVEYOR. A
21 person who has been duly licensed as a professional land
22 surveyor by the board established under this chapter, and who
23 is a professional specialist in the technique of measuring
24 land, is educated in the principles of mathematics, the
25 related physical and applied sciences, the relevant
26 requirements of law for adequate evidence and all requisites

1 for surveying of real property, and is qualified to practice
2 land surveying as defined in subdivision (5).

3 (4) PRACTICE and OFFER TO PRACTICE. Any person shall
4 be construed to practice or offer to practice land surveying,
5 within the meaning and intent of this chapter, who offers to
6 or does as a profession practice any branch of land surveying;
7 or who by verbal claim, sign, advertisement, letterhead, card,
8 or in any other way represents himself or herself to be a
9 professional land surveyor, or through the use of some other
10 title implies that he or she is a professional land surveyor;
11 or who represents himself or herself as able to perform or who
12 does perform any land surveying service or work or any other
13 service designated by the practitioner which is recognized as
14 land surveying.

15 (5) 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. The practice of land surveying shall
27 include, but not be limited to, any of the following:

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

6 b. Makes any survey for the subdivision of any tract
7 of land or for condominiums.

8 c. Determines, by the use of the principles of land
9 surveying, the position for any survey, monument, or reference
10 point; or sets, resets, or replaces any such monument or
11 reference point.

12 d. Determines the configuration or contour of the
13 surface of the earth or the position of fixed objects thereon
14 by measuring lines and angles and applying the principles of
15 mathematics or photogrammetry.

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

21 f. Creates, prepares, or modifies electronic or
22 computerized data, including land information systems and
23 geographic land information systems, relative to the
24 performance of the activities in paragraphs a. to e.,
25 inclusive.

26 (6) RESPONSIBLE CHARGE. Direct control and personal
27 supervision of land surveying work.

1 §34-44-2.

2 (a) No person in either public or private capacity
3 shall practice or offer to practice land surveying unless he
4 or she shall first have submitted evidence that he or she is
5 qualified so to practice and shall be licensed by the board as
6 hereinafter provided or unless he or she is specifically
7 exempted from licensure under this chapter.

8 (b) In order to safeguard life, health, and property
9 and to promote the public welfare, the practice of land
10 surveying in this state is a learned profession to be
11 practiced and regulated as such, and its practitioners in this
12 state shall be held accountable to the state and members of
13 the public by high professional standards in keeping with the
14 ethics and practices of the other learned professions in this
15 state. It shall be unlawful for any person to practice or
16 offer to practice land surveying in this state, as defined by
17 this chapter, or to use in connection with his or her name or
18 otherwise assume, use, or advertise any title or description
19 including, but not limited to, the terms land surveyor, land
20 surveyors, land surveying, professional land surveyor,
21 professional land surveyors, professional land surveying, or
22 any modification or derivative thereof, tending to convey the
23 impression that he or she is a professional land surveyor
24 unless the person has been duly licensed or is exempt from
25 licensure under this chapter.

26 (c) As used in this subsection, the term
27 professional land surveyor shall include the agents, the

1 employees, and any personnel under the supervision of a
2 professional land surveyor.

3 (1) A professional land surveyor may go on, over,
4 and upon the lands of others which is not enclosed by any
5 device installed to deter entry to or exit from industrial
6 facilities or plant sites by humans or vehicles, if necessary
7 to perform surveys for the location of section corners,
8 quarter corners, property corners, boundary lines,
9 rights-of-way, and easements, and may carry and utilize
10 equipment and vehicles. Entry under the right granted in this
11 subdivision shall not constitute trespass. A professional land
12 surveyor shall not be liable to arrest or to a civil action
13 for trespass by reason of this entry.

14 (2) Nothing in this subsection shall be construed as
15 giving authority to a professional land surveyor to destroy,
16 injure, damage, or move anything on the lands of another
17 without the written permission of the landowner and nothing in
18 this section shall be construed as removing civil liability
19 for the damages.

20 (3) A professional land surveyor shall make
21 reasonable effort to notify adjoining landowners upon whose
22 land it is necessary to enter.

23 (4) No owner or occupant of the land shall be liable
24 for any injury or damage sustained by any person entering upon
25 his or her land under this subsection.

1 (5) Nothing in this subsection shall limit the
2 rights of condemning authorities under Sections 18-1A-50 to
3 18-1A-55, inclusive.

4 §34-44-3.

5 A roster showing the names and addresses of all
6 licensed professional land surveyors and all who possess
7 current certifications as land surveyor interns shall be
8 prepared by the executive director of the board at intervals
9 as established by the board. Copies of this roster shall be
10 made available to each person licensed or certified, placed on
11 file with the Secretary of State, and may be distributed or
12 sold to the public upon request.

13 §34-44-4.

14 The board may approve land surveying and related
15 science programs which shall be accepted under the following
16 criteria:

17 (1) PROFESSIONAL LAND SURVEYOR. The following shall
18 be considered as minimum evidence satisfactory to the board
19 that the applicant is qualified for licensure as a
20 professional land surveyor.

21 a. Graduation and experience plus examination.

22 1. Graduation in an approved land surveying
23 curriculum plus four years experience. A graduate of an
24 approved land surveying curriculum of four years or more
25 including a minimum of 30 semester hours or 45 quarter hours
26 of surveying courses from a school or college approved by the
27 board who has successfully passed an eight-hour written

1 examination in the fundamental land surveying subjects and who
2 has a specific record of an additional four years or more of
3 combined office and field experience in land surveying work of
4 a grade and character satisfactory to the board shall be
5 admitted to a six-hour written examination in the principles
6 and practice of land surveying and a two-hour written
7 examination on laws, procedures, and practices pertaining to
8 land surveying in Alabama. Upon passing these examinations,
9 the applicant shall be granted a certificate of licensure to
10 practice land surveying, provided the applicant is otherwise
11 qualified.

12 2. Graduation in an approved curriculum related to
13 surveying plus six years experience. A graduate of a
14 curriculum related to surveying of four years or more
15 including a minimum of 15 semester hours or 22.5 quarter hours
16 of surveying courses from a school or college approved by the
17 board and who has successfully passed the eight-hour written
18 examination in the fundamental land surveying subjects and who
19 has a specific record of an additional six years or more of
20 progressive office and field experience in land surveying work
21 of a grade and character satisfactory to the board shall be
22 admitted to a six-hour examination in the principles and
23 practice of land surveying and a two-hour written examination
24 of laws, procedures, and practices pertaining to land
25 surveying in Alabama. Upon passing these examinations, the
26 applicant shall be granted a certificate of licensure to

1 practice land surveying in this state, provided the applicant
2 is otherwise qualified.

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

19 b. Experience plus examination. Before December 31,
20 2007, an applicant who has a specific record of eight years or
21 more of combined office and field experience in land surveying
22 work of a grade and character satisfactory to the board shall
23 be admitted to an eight-hour written examination in the
24 fundamentals of land surveying, and after passing the
25 fundamentals examination shall be admitted to a six-hour
26 written examination in the principles and practice of land
27 surveying and a two-hour written examination on laws,

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

6 c. Comity. The board may, upon application, grant to
7 any person who holds a valid professional land surveying
8 certificate issued by any jurisdiction of the United States or
9 of any country, admission into a two-hour written examination
10 of laws, procedures, and practices pertaining to land
11 surveying in Alabama, provided that the education, experience,
12 and examination qualifications of the applicant are, in the
13 judgment of the board, of a standard not lower than that
14 specified in the applicable licensure act in effect in Alabama
15 at the time such certificate was issued. Upon passing the
16 examination, the applicant shall be granted a certificate of
17 licensure to practice land surveying in this state, provided
18 the applicant is otherwise qualified.

19 (2) LAND SURVEYOR INTERN. The following shall be
20 considered as minimum evidence satisfactory to the board that
21 the applicant is qualified for certification as a land
22 surveyor intern:

23 a. Graduation plus examination. Graduation in an
24 approved land surveying curriculum. A graduate of a land
25 surveying curriculum of four years or more including a minimum
26 of 30 semester hours or 45 quarter hours of surveying courses
27 from a school or college approved by the board who has

1 successfully passed an eight-hour written examination in the
2 fundamentals of land surveying shall be certified as a land
3 surveyor intern, if otherwise qualified.

4 b. Graduation and examination plus experience.

5 1. Graduation in an approved curriculum related to
6 surveying plus two years experience. A graduate of a
7 curriculum related to surveying of four years or more
8 including a minimum of 15 semester hours or 22.5 quarter hours
9 of surveying courses from a school or college approved by the
10 board who has successfully passed an eight-hour written
11 examination in the fundamentals of land surveying and who has
12 a specific record of an additional two years or more of
13 combined office and field experience in land surveying work of
14 a grade and character satisfactory to the board shall be
15 certified as a land surveyor intern, if otherwise qualified.

16 2. Graduation in a related science curriculum plus
17 four years experience. A graduate of a related science
18 curriculum of four years or more who has successfully passed
19 an eight-hour written examination in the fundamentals of land
20 surveying and who has a specific record of an additional four
21 years or more of combined office and field experience in land
22 surveying work of a grade and character satisfactory to the
23 board shall be certified as a land surveyor intern, if
24 otherwise qualified.

25 c. Comity. The education, experience, and
26 examination qualifications of the applicant are, in the
27 judgment of the board, of a standard not lower than that

1 specified in the applicable licensure act in effect in Alabama
2 at the time such certificate was issued. The board may accept
3 fundamentals of land surveying examinations of comparable
4 character taken and passed in another jurisdiction.

5 (3) CHARACTER. No person shall be eligible for
6 licensure as a professional land surveyor or certification as
7 a land surveyor intern who is not of good character and
8 reputation.

9 (4) TEACHING CREDITS. In considering the
10 qualifications of applicants, teaching land surveying subjects
11 in a land surveying curriculum approved by the board may be
12 considered as land surveying experience.

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

22 (6) 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 land surveying at
26 the time of making application.

1 (7) 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 §34-44-5.

6 (a) Applications for licensure as a professional
7 land surveyor or land surveyor intern shall be on forms
8 prescribed and furnished by the board and shall contain
9 statements made under oath. Three or more of the references
10 contained in an application for professional land surveyor
11 shall be professional land surveyors having personal knowledge
12 of the land surveying experience of the applicant. All
13 references and experience verifications furnished shall be
14 confidential records of the board. Any individual who was
15 previously licensed in this state and whose license is
16 eligible for reinstatement as outlined in subsection (a) of
17 Section 34-44-8 shall comply with the reinstatement procedures
18 established by the board instead of the submission of a new
19 application.

20 (b) The application fee and the licensure fee for
21 professional land surveyors shall be set by the board and each
22 fee shall not exceed one hundred fifty dollars (\$150). The
23 application fee shall accompany the application, and the
24 licensure fee shall be due upon approval of licensure. If the
25 applicant fails or refuses to remit the licensure fee within
26 30 days after being notified of successfully qualifying, the
27 applicant shall forfeit the right to have a certificate so

1 issued. For further consideration, the applicant shall be
2 required to submit a new application and application fee.

3 (c) The application fee, which shall include the
4 certification fee, for land surveyor interns shall be set by
5 the board, shall not exceed fifty dollars (\$50), and shall
6 accompany the application.

7 (d) The fee for a certificate of authorization for a
8 corporation, partnership, or firm shall be set by the board,
9 shall not exceed two hundred fifty dollars (\$250), and shall
10 accompany the application.

11 (e) If the board denies certification or licensure
12 to any applicant, or the certificate of authorization to any
13 corporation, partnership or firm, the fee paid shall be
14 retained as an application fee.

15 §34-44-6.

16 (a) Examinations shall be held at such times and
17 places as the board determines and upon payment of an
18 examination fee.

19 (b) When examinations are required on fundamental
20 subjects, the applicant shall be permitted to take this part
21 of the professional examination as specified by rules of the
22 board. A candidate failing an examination may apply for
23 reexamination under guidelines established by the board.

24 (c) When examinations are required on applied
25 subjects, the applicant shall be permitted to take this part
26 of the professional examination as specified by guidelines
27 established by the board. The scope of the examination and the

1 methods of procedure shall be prescribed by the board with
2 special reference to the ability of the applicant to design
3 and supervise land surveying works so as to protect the safety
4 of life, health, and property. A candidate failing an
5 examination may apply for reexamination under guidelines
6 established by the board.

7 (d) The fees for examination and reexamination shall
8 be set by the board and shall not exceed three hundred dollars
9 (\$300).

10 §34-44-7.

11 (a) The board shall issue a certificate of licensure
12 upon payment of a licensure fee as provided for in this
13 chapter to any applicant who, in the opinion of the board, has
14 satisfactorily met all the requirements of this chapter. The
15 certificate shall authorize the practice of land surveying.
16 Certificates of licensure shall show the name of the licensee,
17 shall have a license number, and shall be signed by the chair
18 and the secretary of the board under the seal of the board.

19 (b) The issuance of a certificate of licensure by
20 the board shall be prima facie evidence that the person named
21 therein is entitled to all the rights and privileges of a
22 professional land surveyor unless the certificate is revoked,
23 suspended, surrendered, lapsed, or expired.

24 (c) Each professional land surveyor should upon
25 licensure obtain a seal of the design authorized by the board,
26 bearing the licensee's name, licensure number, and the legend,
27 "licensed professional land surveyor." Previously purchased

1 seals bearing the terminology "registered" versus "licensed"
2 may continue to be used until replacement is required. Land
3 plats, legal descriptions of lands, and land surveying reports
4 issued by a licensee or by qualified persons under the
5 direction of the licensee and for which the licensee assumes
6 full responsibility shall be certified pursuant to this
7 chapter. It shall be unlawful for anyone to use an expired,
8 suspended, surrendered, lapsed, or revoked certificate or seal
9 or facsimile thereof.

10 (d) Whenever the seal is applied, the document shall
11 be signed by the licensee thereby certifying that he or she is
12 competent in the subject matter and is responsible for the
13 work product. A digital signature may be used in lieu of a
14 handwritten signature.

15 §34-44-8.

16 (a) The board, by rule, shall establish a procedure
17 for renewing certificates of licensure on an annual or a
18 biennial basis. It shall be the duty of the executive director
19 of the board to notify every person licensed under this
20 chapter of the final date of the renewal of his or her license
21 and the amount of the fee required for the renewal. The notice
22 shall be mailed to the last address of the licensee recorded
23 by the executive director of the board at least one month in
24 advance of the renewal deadline. Renewal may be accomplished
25 at any time prior to or during the month of December by
26 payment of the required fee. The board shall establish the
27 renewal fee for each certificate of licensure issued pursuant

1 to this chapter. The amount of the renewal fee shall not
2 exceed one hundred fifty dollars (\$150) for annual renewal or
3 three hundred dollars (\$300) for biennial renewal.
4 Certificates of licensure for professional land surveyors
5 shall lapse on the last day of the month of December, annually
6 or biennially, unless renewed. The board, by rule, shall
7 establish procedures including requirements, time limits, and
8 the minimum continuing professional competency hours required
9 for reinstating or reactivating a lapsed license. The board
10 shall establish a reinstatement fee which shall be based on
11 the period the license was lapsed. A lapsed license, if not
12 reinstated, shall remain in a lapsed classification for a
13 total of four years. Any license which has lapsed for more
14 than four years shall not be eligible for reinstatement or
15 reactivation and is expired.

16 (1) Any individual whose license has lapsed for
17 nonpayment of renewal fees shall continue to be subject to
18 this chapter and board rules governing licenses until the
19 licensure is revoked by action of the board or the license is
20 not eligible for reinstatement under the rules of the board. A
21 licensee who practices or offers to practice in this state
22 with a lapsed, inactive, or retired license shall be subject
23 to disciplinary action by the board.

24 (2) No licensee shall have his or her license
25 renewed unless, in addition to any other requirements of this
26 chapter, the minimum annual or biennial continuing
27 professional competency requirement is met. It is further

1 provided that the continuing professional competency program
2 herein required shall not include testing or examination of
3 the licensee in any manner. The board, by rule, may establish
4 exemptions from the continuing professional competency
5 requirement for retired licensees and others in extenuating
6 circumstances as identified by rule of the board.

7 (b) Enrollment as land surveyor interns shall expire
8 on the last day of the month of December following their
9 issuance or renewal. The notification to interns shall be
10 processed as prescribed above for licensees except that the
11 annual renewal fee shall not exceed ten dollars (\$10). The
12 failure on the part of any intern to accomplish renewal shall
13 not invalidate his or her status as a land surveyor intern,
14 but his or her name, after 90 days, shall be removed from the
15 current mailing list of the board. The fee to bring an
16 enrollment current after a renewal expiration shall be twice
17 that established for annual renewal.

18 (c) Certificates of authorization issued to
19 corporations, partnerships, or firms practicing or offering to
20 practice land surveying under this chapter shall lapse on the
21 last day of the month of January following their issuance or
22 renewal, unless renewed. The amount of the renewal fee shall
23 be set by the board and shall not exceed two hundred fifty
24 dollars (\$250). The executive director shall notify every
25 corporation, partnership, or firm holding a certificate of
26 authorization under this chapter of the final date of renewal
27 of the certificate and the amount of the fee which shall be

1 required for its renewal for one year. The notice shall be
2 mailed by the executive director to the last address recorded
3 for the corporation, partnership, or firm at least one month
4 in advance of the renewal deadline. Renewals may be
5 accomplished at any time prior to or during the month of
6 January by payment of the required fee. Failure by the
7 corporation, partnership, or firm to renew its certificate of
8 authorization prior to or during the month of January shall
9 cause the certificate to lapse, and it shall be unlawful for
10 the corporation, partnership, or firm to practice, offer to
11 practice, or hold itself out as qualified to practice land
12 surveying in Alabama following the lapse of its certificate of
13 authorization. The board, by rule, shall establish procedures
14 and time limits for reactivating a certificate of
15 authorization and the reinstatement fees which shall be based
16 on the period the certification was lapsed. A firm,
17 partnership, or corporation whose certificate of authorization
18 has lapsed for nonpayment of renewal fees shall continue to be
19 subject to this chapter and the rules of the board governing
20 licenses until the certificate of authorization is revoked by
21 action of the board or the certificate of authorization is no
22 longer renewable under the rules of the board. If not
23 reinstated, a lapsed certificate of authorization shall remain
24 in a lapsed classification for a period of two years. Any
25 certificate of authorization which has been lapsed for more
26 than two years shall not be eligible for reinstatement or
27 reactivation and is expired.

1 §34-44-9.

2 (a) Services offered to the public; certificate of
3 authorization required.

4 (1) LAND SURVEYING SERVICES. The practice of or
5 offer to practice land surveying by individual professional
6 land surveyors licensed under this chapter through a
7 corporation, partnership, or firm offering land surveying
8 services to the public through individual licensed
9 professional land surveyors as agents, employees, officers, or
10 partners, is permitted subject to this chapter and one or more
11 of the principal officers of the corporation, firm, or
12 partners of the partnership and all personnel of the
13 corporation, partnership, or firm who act in its behalf as
14 professional land surveyors in this state are licensed as
15 provided by this chapter, or are persons lawfully practicing
16 under Section 34-44-14 and the corporation, partnership, or
17 firm has been issued a certificate of authorization by the
18 board as provided herein. All final drawings, specifications,
19 plans, reports, or other land surveying papers or documents
20 involving the practice of land surveying, as defined in this
21 chapter, which shall have been prepared or approved for the
22 use of such corporation, partnership, or firm or for delivery
23 to any person or for public record within the state shall be
24 dated and bear the signature and seal of the professional land
25 surveyor who prepared or approved them. Nothing in this
26 section should be construed to mean that a certificate of

1 licensure to practice land surveying shall be held by a
2 corporation, 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 land surveying provided that the individual, corporation,
8 firm, or partnership meets the requirements of this section.

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

17 (4) APPLICATION FOR CERTIFICATE OF AUTHORIZATION. A
18 corporation, partnership, or firm desiring a certificate of
19 authorization shall file with the board an application upon a
20 form to be prescribed by the board and the designation
21 required by subdivision (5), accompanied by the licensure fee
22 prescribed by subsection (d) of Section 34-44-5.

23 (5) RESIDENT LICENSEE. Every firm, partnership,
24 corporation, or other entity which performs or offers to
25 perform land surveying services shall have a resident licensed
26 professional land surveyor in responsible charge of the land
27 surveying work for each separate office or branch office in

1 which land surveying services are performed or offered to be
2 performed. The board shall issue rules to ensure adequate
3 surveying supervision of all work.

4 (6) FILING NAMES AND ADDRESSES OF OFFICERS, ETC.,
5 REQUIRED. A corporation or firm shall file with the board,
6 using a form provided by the board, the names and addresses of
7 all officers and board members of the corporation or firm
8 including the principal officer or officers duly licensed to
9 practice land surveying in this state, who shall be in
10 responsible charge of the practice or offering to practice of
11 land surveying in this state by the corporation or firm and of
12 the individual or individuals designated as the responsible
13 land surveyor of each branch office offering or performing
14 Alabama land surveying. A partnership shall file with the
15 board using a form provided by the board, the names and
16 addresses of all partners, including the partner or partners
17 duly licensed to practice land surveying in this state, and
18 also of an individual or individuals duly licensed to practice
19 land surveying in this state who shall be in responsible
20 charge of the practice of land surveying in this state at the
21 branch offices of the partnership. The same form, giving the
22 same information, shall accompany the annual renewal fee
23 prescribed in subsection (c) of Section 34-44-8. In the event
24 there is a change in the firm name or in any of the partners
25 or principal officers during the year, the changes shall be
26 filed with the board by the corporation, partnership, or firm
27 within 30 days after the effective date of the change.

1 (7) ISSUANCE OF CERTIFICATE OF AUTHORIZATION;
2 SUSPENSION; REVOCATION. If all the requirements of this
3 section are met, the board shall issue to the corporation,
4 partnership, or firm a certificate of authorization. The board
5 may refuse to issue a certificate, if any facts exist which
6 would entitle the board to suspend or revoke an existing
7 certificate. Any person aggrieved by an adverse determination
8 of the board may appeal to the circuit court in the manner
9 provided in Section 34-44-13.

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

18 (b) The practice of land surveying incidental to or
19 in connection with production, manufacture, transportation,
20 distribution, or communication may be carried on by any
21 person, partnership, firm, or corporation engaged in such
22 production, manufacture, transportation, distribution, or
23 communication and does not require a certificate of
24 authorization. The land surveying services shall be performed
25 by or under the direction of a professional land surveyor
26 licensed in conformity with this chapter. All drawings, plans,
27 specifications, plats, and reports involving the practice of

1 land surveying shall when issued be dated and bear the seal or
2 facsimile of the seal, signature, and licensure number of the
3 professional land surveyor in responsible charge thereof.

4 §34-44-10.

5 It shall be unlawful for the state or any of its
6 departments, boards, or agencies or any county, municipality,
7 or political subdivision or any department, board, or agency
8 of any county, municipality, or political subdivision to
9 engage in the construction of any public work involving the
10 practice of land surveying unless the survey drawings, plats,
11 maps, and boundary layout or monumentation have been prepared
12 by and executed under the direct supervision of a professional
13 land surveyor.

14 §34-44-11.

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

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

26 (2) Any gross negligence, incompetency, violation of
27 the rules of professional conduct prescribed by the board, or

1 any amendment thereof, or misconduct in the practice of land
2 surveying as a professional land surveyor or land surveyor
3 intern.

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

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

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

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

1 officer, director, principal, partner, or owner of the
2 corporation, partnership, or firm.

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

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

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

22 (f) With the consent of the licensee, the board may
23 conduct an informal hearing without meeting the requirements
24 of the Administrative Procedure Act at which no action shall
25 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 a
6 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 members of
20 the board vote in favor of finding the accused guilty, the
21 board shall impose one or more of the disciplinary penalties
22 set forth in this section. Any fine imposed may not exceed
23 two thousand five hundred dollars (\$2,500) for each count or
24 separate offense. The written decision of the board shall be
25 delivered personally to the accused or sent by certified mail,
26 return receipt requested, to the last known address of the
27 accused.

1 (j) If disciplinary action from a hearing results in
2 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 nolo
19 contendere to any crime under the laws of the United States or
20 any state or territory thereof, which is a felony, whether
21 related to practice or not and convicted of or entered a plea
22 of guilty or nolo contendere to any crime, whether a felony,
23 misdemeanor, or otherwise, an essential element of which is
24 dishonesty or which is directly related to the practice of
25 land surveying.

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

1 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 as
5 specified in Section 34-44-30. These ex officio members shall
6 serve on the board only for that hearing for which they were
7 appointed and they may be reappointed for subsequent hearings
8 if necessary.

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

11 §34-44-12.

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 members of the board vote in favor of reissuance. The
17 board may not consider reissuance of a certificate to any
18 person whose certificate has been revoked because of non
19 compos mentis until after the person has been declared to have
20 fully regained his or her competency by a court of competent
21 jurisdiction. The board may not consider the reissuance of a
22 certificate to a person who was convicted of a felony or
23 entered a plea of guilty or nolo contendere to a felony until
24 the civil rights of the person have been restored, and then a
25 unanimous approval vote of the board concerning reissuance
26 shall be required. A new certificate to replace any
27 certificate revoked, lost, destroyed, or mutilated or for any

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

4 §34-44-13.

5 Any person, corporation, partnership or firm who
6 shall feel aggrieved by the denial of a certificate by the
7 board or by any disciplinary action by the board taken
8 pursuant to Section 34-44-10 may appeal therefrom within 30
9 days to the Circuit Court of Montgomery County, Alabama,
10 exclusively, notwithstanding the provisions of the Alabama
11 Administrative Procedure Act; and only after the filing of the
12 notice of appeal, shall judicial review be as provided for in
13 the Alabama Administrative Procedure Act.

14 §34-11-14.

15 This chapter shall not be construed to prevent or to
16 affect any of the following:

17 (1) The practice of any other legally recognized
18 profession or trade.

19 (2) The work of a land surveyor intern, employee, or
20 a subordinate of any person holding a certificate of licensure
21 under this chapter, or any employee of a person practicing
22 lawfully under Section 34-44-4, if the work is done under the
23 responsibility and supervision of a person holding a
24 certificate of licensure under this chapter or a person
25 practicing lawfully under Section 34-44-4.

26 (3) The practice of officers and employees of the
27 government of the United States while engaged within this

1 state in the practice of land surveying for the government.
2 This exception does not extend to any land surveyor engaged in
3 the practice of professional land surveying whose compensation
4 is based in whole or in part on a fee.

5 (4) The practice of land surveying with respect to
6 transportation or utility facilities by any transportation
7 company or public utility subject to regulation by the Alabama
8 Public Service Commission, the Federal Aviation
9 Administration, the Federal Communications Commission, the
10 Federal Energy Regulatory Commission, or the Nuclear
11 Regulatory Commission, including its parents, affiliates, or
12 subsidiaries; or by the officers and employees of any
13 transportation company or public utility including its
14 parents, affiliates, or subsidiaries. This exception shall not
15 extend to any land surveyor engaged in the practice of land
16 surveying whose compensation is based in whole or in part on a
17 fee.

18 (5) The practice of land surveying by any person who
19 is employed by the Alabama Department of Transportation prior
20 to January 1, 1997, in any engineering or engineering
21 assistant classification series under the State of Alabama
22 Personnel Board, Merit System.

23 §34-44-15.

24 (a) Any person who shall practice, offer to
25 practice, or hold himself or herself out as qualified to
26 practice land surveying in this state or use in connection
27 with his or her name or otherwise assume, use, or advertise

1 any title or description including, but not limited to, the
2 term land surveyor, land surveyors, land surveying, or
3 professional land surveyor, professional land surveyors, or
4 professional land surveying, without being licensed or
5 exempted in accordance with this chapter, or any person
6 presenting or attempting to use as his or her own the
7 certificate of licensure or the seal or facsimile thereof of
8 another, or permitting his or her own certificate of
9 licensure, seal or facsimile thereof to be used by another
10 person, or any person who shall give any false or forged
11 evidence of any kind to the board or to any member thereof in
12 obtaining, or attempting to obtain a certificate of licensure,
13 or any person who shall falsely impersonate any other licensee
14 of like or different name, or any person who shall attempt to
15 use an expired, suspended, surrendered, or revoked certificate
16 of licensure, or any person who shall violate this chapter,
17 shall be guilty of a Class A misdemeanor and punished as
18 provided by law. Each day of the violation shall be a separate
19 offense.

20 (b) Any corporation, partnership, or firm who
21 violates any part of this chapter shall be guilty of a Class A
22 misdemeanor and punished as provided by law. Each day of the
23 violation shall be a separate offense.

24 (c) It shall be the duty of all duly constituted
25 officers of law of this state, or any political subdivision
26 thereof, to enforce this chapter, and to prosecute any
27 persons, firms, partnerships, or corporations for violating

1 this chapter. The Attorney General of the state or his or her
2 assistants shall act as legal advisor to the board and render
3 legal assistance to the board as may be necessary in carrying
4 out this chapter. The board has the right to obtain private
5 legal counsel as the need arises.

6 §34-44-16.

7 (a) In addition to any other provisions of law, the
8 board may enter an order assessing a civil penalty against any
9 non-licensed person, corporation, or other entity found guilty
10 by the board of, but not limited to, the following violations
11 of this chapter.

12 (1) Engaging in the practice or offer to practice of
13 land surveying in this jurisdiction without being licensed in
14 accordance with this chapter.

15 (2) Using or employing the words "land surveyor,"
16 "land surveying," or any modification or derivative thereof in
17 its name or form of business activity, except as authorized in
18 this chapter.

19 (3) Presenting or attempting to use the certificate
20 of licensure or the seal of another licensed land surveyor.

21 (4) Giving false or forged evidence of any kind to
22 the board or a member of the board in obtaining or attempting
23 to obtain a certificate of licensure.

24 (5) Falsely impersonating another licensed land
25 surveyor of like or different name.

26 (6) Using or attempting to use a revoked or
27 non-existent certificate of licensure.

1 (b) The board shall determine the amount of the
2 civil penalty which shall be paid to the State General Fund.
3 The amount shall not exceed two thousand five hundred dollars
4 (\$2,500) for each and every separate offense.

5 (c) Before issuing an order under this section, the
6 board shall provide the person written notice and the
7 opportunity to request, within 30 days of notice by the board,
8 a hearing on the record.

9 (d) Pursuant to the proceedings under this section,
10 the board may issue subpoenas to compel the attendance and
11 testimony of witnesses and the disclosure of evidence, and may
12 request the Attorney General to bring an action to enforce a
13 subpoena.

14 (e) A person aggrieved by the levy of a civil
15 penalty under this section may file an appeal to the Circuit
16 Court of Montgomery County exclusively for judicial review of
17 the penalty within 30 days notwithstanding the Administrative
18 Procedure Act. Unless an appeal is taken, or the penalty paid,
19 the order of the board imposing the civil penalty shall become
20 a judgment.

21 (f) If a person fails to pay a civil penalty within
22 30 days after entry of an order pursuant to subsection (a) or
23 if the order is stayed pending an appeal, within 10 days after
24 the court enters a final judgement in favor of the board of an
25 order appealed pursuant to subsection (e), the board shall
26 notify the Attorney General. The Attorney General may commence

1 a civil action to recover the amount of the penalty, plus
2 attorney's fees and costs.

3 (g) The cost to the board of the action shall be
4 paid by the respondent if found in violation.

5 Section 4. An article heading is added preceding
6 Section 34-44-30 of the Code of Alabama 1975, to read:

7 "ARTICLE 2. BOARD OF REGISTRATION"

8 Section 5. A new Article 2 of Chapter 44 of Title 34
9 is added to the Code of Alabama 1975, to read as follows:

10 §34-44-30.

11 (a) A State Board of Licensure for Professional Land
12 Surveyors is created. It shall be the duty of the board to
13 administer this chapter. Within 30 days after the effective
14 date of the act adding this section, all property, documents,
15 records, functions, and responsibilities relating to the
16 licensing and regulation of land surveyors, currently held in
17 the office of the State Board of Licensure for Professional
18 Engineers and Land Surveyors, or the State Board of Licensure
19 for Professional Engineers, shall be transferred to the State
20 Board of Licensure for Professional Land Surveyors.

21 (b) The board shall consist of five professional
22 land surveyors, each of whom shall be appointed by the
23 Governor from a list of three persons nominated by the Board
24 of Directors of the Alabama Society of Professional Land
25 Surveyors. To the extent possible, the nominating committee
26 and the Governor shall select those persons whose appointments
27 ensure that the membership of the board is inclusive and

1 reflects the racial, gender, geographic, urban/rural, and
2 economic diversity of the state. The board shall annually
3 report to the Legislature by the second legislative day of
4 each regular session the extent to which the board has
5 complied with the diversity provisions provided for in this
6 section. The nominating committee shall consist of one
7 professional land surveyor, respectively, appointed or elected
8 by each of the professional organizations as outlined in the
9 rules of the board. Any other organization in the state having
10 membership qualifications comparable to those professional
11 organizations outlined in the rules of the board may petition
12 the board for membership on the committee. The board, by rule,
13 may establish nominating committee operating guidelines and,
14 by rule, may establish procedures for the removal of
15 nonparticipating members of the nominating committee. Nominees
16 shall have the qualifications required by Section 34-44-31.
17 Nominations shall be made by a majority vote of the committee
18 present at the same time at a meeting called by the executive
19 director of the board, who shall advise the above named
20 societies of the meeting at least 30 days before the meeting
21 is held. Each member of the board, before beginning his or her
22 term of office, shall file with the Secretary of State his or
23 her written oath or affirmation for the faithful discharge of
24 his or her official duties. The members of the board shall
25 continue to serve under this chapter until their respective
26 terms expire. On the expiration of the term of each member,
27 the Governor shall in the manner provided in this section

1 appoint for a term of five years a professional land surveyor
2 having the qualifications required by Section 34-44-31 to take
3 the place of the member whose term on the board is about to
4 expire. Vacancies occurring during a term shall be filled by
5 appointment by the Governor, in the manner provided in this
6 section, for the unexpired term. Each member shall hold office
7 until the expiration of the term for which the member is
8 appointed or until a successor is duly appointed and
9 qualified. A person may not serve more than two consecutive
10 five year terms of office.

11 §34-44-31.

12 Each member of the board shall be a citizen of the
13 United States and a resident of this state, a licensed
14 professional land surveyor who holds an unexpired certificate
15 under this chapter, who has been engaged in the licensed
16 practice of land surveying for at least 12 years, and who has
17 been in responsible charge of important land surveying work
18 for at least five years.

19 §34-44-32.

20 Each member of the board shall receive the sum of
21 one hundred dollars (\$100) per diem when actually attending to
22 the work of the board or any of its committees and for the
23 time spent in necessary travel and shall be reimbursed for
24 traveling expenses as provided in Article 2 of Chapter 7 of
25 Title 36, and incidental and clerical expenses necessarily
26 incurred in carrying out this chapter.

27 §34-44-33.

1 The Governor may remove any member of the board for
2 misconduct, incompetency, neglect of duty, or for any other
3 sufficient cause. Vacancies in the membership of the board by
4 death, resignation, or for any reason shall be filled for the
5 unexpired term by appointment by the Governor as provided in
6 Section 34-44-30.

7 §34-44-34.

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

18 §34-44-35.

19 (a) The board may adopt and amend bylaws, rules, and
20 regulations, not inconsistent with the constitution and laws
21 of this state, as may be reasonably necessary for the proper
22 performance of its duties and the regulations of the
23 proceedings before the board. The board may adopt and amend
24 from time to time rules of professional conduct for
25 professional land surveyors, land surveyor interns, and
26 corporations, partnerships, or firms holding certificates of

1 authorization. The board shall adopt and have an official
2 seal.

3 (b) In carrying into effect its duties in any case
4 involving the revocation of licensure or any disciplinary
5 proceeding involving a licensee or the holder of a certificate
6 of authorization or practicing or offering to practice without
7 licensure, or false statement in connection with an
8 application for licensure, the board, under the hand of its
9 chair and the seal of the board, may subpoena witnesses and
10 compel their attendance, and may also require the production
11 of books, papers, documents, and other pertinent data. Any
12 member of the board may administer oaths or affirmations to
13 witnesses appearing before the board. If any person refuses to
14 obey any subpoena issued, or refuses to testify or produce any
15 books, papers, or documents, the board may present its
16 petition to the Circuit Court of Montgomery County, Alabama,
17 setting forth the facts, and thereupon the Circuit Court of
18 Montgomery County, in a proper case, shall issue its subpoena
19 to such person, requiring his or her attendance before the
20 Circuit Court of Montgomery County and there to testify or to
21 produce such books, papers and documents, or data. Any person
22 failing or refusing to obey the subpoena or order of the
23 Circuit Court of Montgomery County may be proceeded against in
24 the same manner as for refusal to obey any other subpoena or
25 order of the Circuit Court of Montgomery County.

26 (c) The board is responsible for enforcing this
27 chapter. The board shall investigate any complaint relating to

1 the violation this chapter and, should a violation be
2 indicated, the board shall proceed as provided for under
3 Sections 34-44-11, 34-44-15, and 34-44-16.

4 (d) The board, for good cause, may apply for relief
5 by injunction, without bond, to restrain any person, firm,
6 partnership, or corporation from the commission of any act
7 which is prohibited by this chapter. In such proceedings it
8 not necessary to allege or prove either that an adequate
9 remedy at law does not exist, or that substantial and
10 irreparable damage would result, from the continued violation
11 thereof. Application for the injunction may be made to the
12 Circuit Court of Montgomery County, Alabama, or the circuit
13 court of the county in which it is alleged that the violation
14 is about to occur, at the request of the board. The injunction
15 may not be granted ex parte, and any judgment or decree may be
16 appealed in the manner prescribed by law to the Supreme Court
17 of Alabama.

18 (e) No action or other legal proceedings for damages
19 shall be instituted against the board, any board member, or
20 employee of the board for any act done in good faith and in
21 the intended performance of any power granted under this
22 chapter or for any neglect or default in the performance or
23 exercise in good faith of any duty or power.

24 §34-44-36.

25 The executive director of the board shall receive
26 and account for all money derived under this chapter, and
27 shall pay it monthly to the State Treasurer, who shall keep

1 the money in a separate fund to be known as the Professional
2 Land Surveyors Fund. The fund shall be kept separate and apart
3 from all other money in the Treasury, and shall be paid out
4 only by warrant of the Comptroller upon the Treasurer, upon
5 itemized vouchers, approved by the executive director of the
6 board. No funds shall be withdrawn or expended except as
7 budgeted and allotted according to Article 4 of Chapter 4 of
8 Title 41. The money, properties, records, and other things of
9 value owned by or allocated to the fund, the board, or the
10 executive director of the board in his or her capacity as
11 such, serving at the time of enactment of this chapter, shall
12 become the property of and be allocated respectively to the
13 fund, the board, or the executive director of the board under
14 this chapter. The executive director of the board shall give a
15 surety bond to the state in a sum as the board may determine.
16 The premium on the bond shall be regarded as a proper and
17 necessary expense of the board and shall be paid out of the
18 fund. The executive director of the board shall receive a
19 salary as determined by the board, in addition to compensation
20 and expenses provided for in Section 34-44-32. The board may
21 employ an executive director and, when necessary, an assistant
22 executive director and fix their compensation and duties. The
23 board may employ clerical or other assistants, subject to the
24 provisions of the Merit System Act, and may make expenditures
25 from the fund for any purpose which in the opinion of the
26 board is reasonably necessary for the proper performance of
27 its duties under this chapter, including the expenses of the

1 board's delegates to regional and national meetings of, and
2 membership dues to, a national examination organization for
3 land surveyors selected by the board and any of its
4 subdivisions. Under no circumstances shall the total amount of
5 warrants issued by the Comptroller in payment of the expenses
6 and compensation provided for in this chapter exceed the
7 amount provided therefor by the Legislature in the general
8 appropriation or other appropriation bills.

9 §34-44-37.

10 (a) The board shall keep a record of its proceedings
11 and a register of all applications for licensure, which
12 register shall show all of the following:

13 (1) The name, age, and residence of each applicant.

14 (2) The date of the application.

15 (3) The place of business of the applicant.

16 (4) The educational and other qualifications of the
17 applicant.

18 (5) Whether or not an examination was required.

19 (6) Whether the applicant was rejected.

20 (7) Whether a certificate of licensure was granted.

21 (8) The date of the action of the board.

22 (9) Any other information deemed necessary by the
23 board.

24 (b) The board shall also keep on file a written
25 statement under oath from each applicant that he or she will
26 abide by the rules of professional conduct prescribed by the

1 board, which oath shall be a part of his or her application
2 for licensure.

3 (c) The records of the board shall be evidence of
4 the proceedings of the board set forth therein, and a
5 transcript thereof, duly certified by the executive director
6 of the board under seal, shall be admissible in evidence with
7 the same force and effect as if the original were produced.

8 (d) Annually, as of September 30, the board shall
9 submit to the Governor a report of its transactions of the
10 preceding year and a complete statement of the receipts and
11 expenditures of the board, attested by affidavits of its chair
12 and its secretary.

13 (e) Board records and papers of the following class
14 are of a confidential nature and are not public records:
15 Examination material for examinations not yet given; file
16 records of examination problems and solutions; exam scores;
17 letters of inquiry and reference concerning applicants;
18 transcripts of college courses and grades; board inquiry forms
19 concerning applicants; pending and closed complaints and
20 investigative files which shall remain confidential until an
21 actual formal hearing may commence; and all other materials of
22 like confidential nature.

23 Section 6. This act shall become effective on
24 October 1, 2010, following its passage and approval by the
25 Governor, or its otherwise becoming law.