

1 SB40
2 155480-1
3 By Senator Allen
4 RFD: Governmental Affairs
5 First Read: 14-JAN-14
6 PFD: 11/15/2013

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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 governing the practice of engineers and land
12 surveyors in the state.

13 This bill would require that certain
14 applicants for licensure pass a board approved
15 examination in lieu of an eight-hour written
16 examination.

17 This bill would authorize the board to
18 contract with an independent testing agency for
19 administering and grading examinations.

20 This bill would also provide that a simple
21 majority of the board members constitutes a quorum.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 To amend Sections 34-11-1, 34-11-4, 34-11-6, and
2 34-11-34, Code of Alabama 1975, relating to the practice of
3 engineering and land surveying; to require that certain
4 applicants for licensure pass a board approved examination in
5 lieu of an eight-hour written examination; to authorize the
6 board to contract with an independent testing agency; and to
7 provide that a simple majority of board members is a quorum.
8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Sections 34-11-1, 34-11-4, 34-11-6, and
10 34-11-34 of the Code of Alabama 1975, are amended to read as
11 follows:

12 "§34-11-1.

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

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

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

25 "(3) ENGINEER or PROFESSIONAL ENGINEER. A person
26 who, by reason of his or her special knowledge of the
27 mathematical and physical sciences and the principles and

1 methods of engineering analysis and design, acquired by
2 engineering education and engineering experience, is qualified
3 to practice engineering as hereinafter defined and has been
4 licensed by the board as a professional engineer.

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

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

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

1 through the use of some other title implies that he or she is
2 a professional engineer or a professional land surveyor; or
3 who represents himself or herself as able to perform or who
4 does perform any engineering or land surveying service or work
5 or any other service designated by the practitioner which is
6 recognized as engineering or land surveying.

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

1 "Notwithstanding any other provision of this
2 chapter, in qualifying a witness to offer expert testimony on
3 the practice of engineering, the court shall consider as
4 evidence of his or her expertise whether the proposed witness
5 holds a valid Alabama license for the practice of engineering.
6 Provided, however, such qualification by the court shall not
7 be withheld from an otherwise qualified witness solely on the
8 basis of the failure of the proposed witness to hold such
9 valid Alabama license.

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

16 "b. Engineering surveys include all survey
17 activities required to support the sound conception, planning,
18 design, construction, maintenance and operation of engineered
19 projects, rights-of-way, and easement acquisitions relative to
20 the centerline of the project. Engineering surveys may be used
21 to locate, relocate, establish, reestablish, layout, or
22 retrace any road, right-of-way, easement, or alignment
23 relative to the centerline of the project. Additionally,
24 engineering surveys may be performed to determine areas,
25 volumes, or physical features of the earth, elevation of all
26 real property, improvements on the earth, and the
27 configuration or contour of the surface of the earth or the

1 position of fixed objects thereon by measuring lines and
2 angles and applying the principles of mathematics. All
3 engineering surveys shall exclude the surveying of real
4 property for the establishment of any property line or land
5 boundaries, setting of corners or monuments, and the dependent
6 or independent surveys or resurveys of the public land survey
7 system.

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

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

18 "(8) PRACTICE OF LAND SURVEYING. Professional
19 services, including, but not limited to, consultation, project
20 coordination, investigation, testimony, evaluation, planning,
21 mapping, assembling, and interpreting reliable scientific
22 measurements and information relative to the location, size,
23 shape, areas, volumes, or physical features of the earth,
24 improvements on the earth, the space above the earth, or any
25 part of the earth, and the utilization and development of
26 these acts and interpretation into an orderly survey map,
27 plan, report, description, or project. Project coordination

1 shall include the coordination of those technical submissions
2 as prepared by others. Notwithstanding the provisions of this
3 subdivision, the practice of land surveying shall exclude
4 functions unique to engineering as specified by rules of the
5 board. The practice of land surveying shall include, but is
6 not limited to, any one or more of the following:

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

12 "b. Makes any survey for the subdivision of any
13 tract of land or for condominiums.

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

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

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

1 "f. Creates, prepares, or modifies electronic or
2 computerized data, including land information systems and
3 geographic land information systems, relative to the
4 performance of the activities in paragraphs a. to e.,
5 inclusive.

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

8 "§34-11-4.

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

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

16 "a. Graduation and experience plus examination.

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

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

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

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

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

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

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

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

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

1 at the time such certificate was issued. Fundamentals of
2 engineering examinations of comparable character taken and
3 passed in another jurisdiction may be accepted by the board.

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

8 "a. Graduation and experience plus examination.

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

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

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

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

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

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

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

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

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

21 "b. Graduation and examination plus experience.

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

1 approved examination in the fundamentals of land surveying and
2 who has a specific record of an additional two years or more
3 of combined office and field experience in land surveying work
4 of a grade and character satisfactory to the board shall be
5 certified as a land surveyor intern, if otherwise qualified.

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

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

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

1 "(6) TEACHING CREDITS. In considering the
2 qualifications of applicants, teaching in an engineering
3 curriculum approved by the board may be considered as
4 engineering experience. Teaching land surveying subjects in a
5 land surveying curriculum approved by the board may be
6 considered as land surveying experience.

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

24 "(8) NONPRACTICING APPLICANTS. Any person having the
25 necessary qualifications prescribed in this chapter to entitle
26 the applicant to licensure shall be eligible for licensure

1 although the applicant may not be practicing engineering or
2 land surveying at the time of making application.

3 "(9) RECOGNITION OF PREVIOUSLY TAKEN EXAMINATIONS.

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

7 "§34-11-6.

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

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

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

1 "(d) The fees for examination, ~~and~~ reexamination,
2 and administration of the examination on the laws, procedures,
3 and practices pertaining to land surveying in this state shall
4 be set by the board ~~and shall not exceed three hundred dollars~~
5 ~~(\$300).~~

6 "(e) The board may contract with an independent
7 testing agency to prepare, grade, or conduct the required
8 examinations. For those examinations so designated by the
9 board, the applicant shall pay the examination fees directly
10 to the board authorized testing agency. The examination fee
11 for the examination on Alabama land surveying laws,
12 procedures, and practices shall be paid directly to the board.

13 "§34-11-34.

14 "The board shall hold at least two regular meetings
15 each year. The two regular meetings of the board shall be held
16 in the City of Montgomery, Alabama. The legal office of the
17 board shall be located in the City of Montgomery. Special
18 meetings shall be held at the time and place as the rules of
19 the board may provide. Notice of all meetings shall be given
20 as the rules provide. The board shall elect or appoint
21 annually the following officers: A chair, a vice chair, and a
22 secretary. A quorum of the board shall consist of ~~not less~~
23 ~~than three members~~ a simple majority of the board membership."

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