

1 HB72
2 155920-2
3 By Representative Merrill
4 RFD: Boards, Agencies and Commissions
5 First Read: 14-JAN-14
6 PFD: 12/18/2013

1 ENGROSSED

2
3
4 A BILL

5 TO BE ENTITLED

6 AN ACT

7
8 To amend Sections 34-11-1, 34-11-4, 34-11-6, and
9 34-11-34, Code of Alabama 1975, relating to the practice of
10 engineering and land surveying; to require that certain
11 applicants for licensure pass a board approved examination in
12 lieu of an eight-hour written examination; to authorize the
13 board to contract with an independent testing agency; and to
14 provide that a simple majority of board members is a quorum.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Sections 34-11-1, 34-11-4, 34-11-6, and
17 34-11-34 of the Code of Alabama 1975, are amended to read as
18 follows:

19 "§34-11-1.

20 "For the purposes of this chapter, the following
21 words and phrases shall have the respective meanings ascribed
22 by this section:

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

26 "(2) ENGINEER INTERN. A person who has qualified
27 under subdivision (2) of Section 34-11-4, and who, in

1 addition, has successfully passed ~~an eight-hour written a~~
2 board approved examination in the fundamental engineering
3 subjects as provided in Section 34-11-6, and who has been
4 certified by the board as an engineer intern.

5 "(3) ENGINEER or PROFESSIONAL ENGINEER. A person
6 who, by reason of his or her special knowledge of the
7 mathematical and physical sciences and the principles and
8 methods of engineering analysis and design, acquired by
9 engineering education and engineering experience, is qualified
10 to practice engineering as hereinafter defined and has been
11 licensed by the board as a professional engineer.

12 "(4) LAND SURVEYOR INTERN. A person who has
13 qualified under subdivision (4) of Section 34-11-4, has passed
14 ~~an a board approved~~ examination in the fundamental land
15 ~~surveyor intern~~ surveying subjects, pursuant to this chapter,
16 and who has been certified by the board as a land surveyor
17 intern.

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

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

15 "(7) PRACTICE OF ENGINEERING. Any professional
16 service or creative work, the adequate performance of which
17 requires engineering education, training, and experience in
18 the application of special knowledge of the mathematical,
19 physical, and engineering sciences to such services or
20 creative work as consultation, investigation, evaluation,
21 planning, design and design coordination of engineering works
22 and systems, planning the use of land and water, performing
23 engineering surveys and studies, and the review of
24 construction or other design products for the purpose of
25 monitoring compliance with drawings and specifications; any of
26 which embraces such services or work, either public or
27 private, in connection with any utilities, structures,

1 buildings, machines, equipment, processes, work systems,
2 projects, and industrial or consumer products; equipment of a
3 control, communications, computer, mechanical, electrical,
4 hydraulic, pneumatic, or thermal nature, insofar as they
5 involve safeguarding life, health, or property; and including
6 other professional services necessary to the planning,
7 progress, and completion of any engineering services.

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

17 "a. Design coordination includes the review and
18 coordination of those technical submissions prepared by
19 others, including, as appropriate and without limitations,
20 consulting engineers, architects, landscape architects, land
21 surveyors, and other professionals working under the direction
22 of the engineer.

23 "b. Engineering surveys include all survey
24 activities required to support the sound conception, planning,
25 design, construction, maintenance and operation of engineered
26 projects, rights-of-way, and easement acquisitions relative to
27 the centerline of the project. Engineering surveys may be used

1 to locate, relocate, establish, reestablish, layout, or
2 retrace any road, right-of-way, easement, or alignment
3 relative to the centerline of the project. Additionally,
4 engineering surveys may be performed to determine areas,
5 volumes, or physical features of the earth, elevation of all
6 real property, improvements on the earth, and the
7 configuration or contour of the surface of the earth or the
8 position of fixed objects thereon by measuring lines and
9 angles and applying the principles of mathematics. All
10 engineering surveys shall exclude the surveying of real
11 property for the establishment of any property line or land
12 boundaries, setting of corners or monuments, and the dependent
13 or independent surveys or resurveys of the public land survey
14 system.

15 "c. The term shall not include the practice of
16 architecture except such architectural work as is incidental
17 to the practice of professional engineering; nor shall the
18 term include work ordinarily performed by persons who operate
19 or maintain machinery or equipment.

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

25 "(8) PRACTICE OF LAND SURVEYING. Professional
26 services, including, but not limited to, consultation, project
27 coordination, investigation, testimony, evaluation, planning,

1 mapping, assembling, and interpreting reliable scientific
2 measurements and information relative to the location, size,
3 shape, areas, volumes, or physical features of the earth,
4 improvements on the earth, the space above the earth, or any
5 part of the earth, and the utilization and development of
6 these acts and interpretation into an orderly survey map,
7 plan, report, description, or project. Project coordination
8 shall include the coordination of those technical submissions
9 as prepared by others. Notwithstanding the provisions of this
10 subdivision, the practice of land surveying shall exclude
11 functions unique to engineering as specified by rules of the
12 board. The practice of land surveying shall include, but is
13 not limited to, any one or more of the following:

14 "a. Locates, relocates, establishes, reestablishes,
15 lays out, or retraces any property line or boundary of any
16 tract of land or any road, right-of-way, easement, alignment,
17 or elevation of all real property whether or not fixed works
18 are sited or proposed to be sited on the property.

19 "b. Makes any survey for the subdivision of any
20 tract of land or for condominiums.

21 "c. Determines, by the use of the principles of land
22 surveying, the position for any survey, monument, or reference
23 point; or sets, resets, or replaces any such monument or
24 reference point.

25 "d. Determines the configuration or contour of the
26 surface of the earth or the position of fixed objects thereon

1 by measuring lines and angles and applying the principles of
2 mathematics or photogrammetry.

3 "e. Geodetic surveying which includes surveying for
4 determination of the size and shape of the earth both
5 horizontally and vertically and the precise positioning of
6 points on the earth utilizing angular and linear measurements
7 through spatially oriented spherical geometry.

8 "f. Creates, prepares, or modifies electronic or
9 computerized data, including land information systems and
10 geographic land information systems, relative to the
11 performance of the activities in paragraphs a. to e.,
12 inclusive.

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

15 "§34-11-4.

16 "The board may approve engineering, land surveying,
17 and related science programs which shall be accepted under the
18 following criteria:

19 "(1) PROFESSIONAL ENGINEER. The following shall be
20 considered as minimum evidence satisfactory to the board that
21 the applicant is qualified for licensure as a professional
22 engineer:

23 "a. Graduation and experience plus examination.

24 "1. Graduation in an approved engineering curriculum
25 plus four years experience. A graduate of an approved
26 engineering curriculum of four years or more from a school or
27 college approved by the board who has successfully passed ~~the~~

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

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

24 "b. Comity. The board may, upon application, issue a
25 certificate of licensure as a professional engineer to any
26 person who holds a valid professional engineering certificate
27 issued by any jurisdiction of the United States or of any

1 country; provided, that the education, experience, and
2 examination qualifications of the applicant are, in the
3 judgment of the board, of a standard not lower than that
4 specified in the applicable licensure act in effect in Alabama
5 at the time such certificate was issued. The board may
6 authorize an applicant to practice engineering on a temporary
7 basis upon issuance of an interim permit which shall remain in
8 effect until the board acts upon the application. The interim
9 permit may be issued upon submission of documentation and a
10 fee which shall be established by the board, not to exceed
11 fifty dollars (\$50).

12 "(2) ENGINEER INTERN. The following shall be
13 considered as minimum evidence satisfactory to the board that
14 the applicant is qualified for certification as an engineer
15 intern:

16 "a. Graduation and examination. A graduate of an
17 approved engineering curriculum of four years or more from a
18 school or college approved by the board who has successfully
19 passed ~~an eight-hour written~~ a board approved examination in
20 the fundamental engineering subjects shall be certified as an
21 engineer intern, if otherwise qualified.

22 "b. Graduation and examination plus experience.
23 Graduation in an unapproved engineering curriculum plus two
24 years experience. A graduate of an unapproved engineering
25 curriculum of four years or more who has successfully passed
26 ~~an eight-hour written~~ a board approved examination in the
27 fundamental engineering subjects and who has a specific record

1 of two years or more of progressive experience in engineering
2 work of a grade and character satisfactory to the board shall
3 be certified as an engineer intern, if otherwise qualified.

4 "c. Comity. The education, experience, and
5 examination qualifications of the applicant are, in the
6 judgment of the board, of a standard not lower than that
7 specified in the applicable licensure act in effect in Alabama
8 at the time such certificate was issued. Fundamentals of
9 engineering examinations of comparable character taken and
10 passed in another jurisdiction may be accepted by the board.

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

15 "a. Graduation and experience plus examination.

16 "1. Graduation in an approved land surveying
17 curriculum plus four years experience. A graduate of an
18 approved land surveying curriculum of four years or more
19 including a minimum of 30 semester hours or 45 quarter hours
20 of surveying courses from a school or college approved by the
21 board who has successfully passed ~~an eight-hour written~~ a
22 board approved examination in the fundamental land surveying
23 subjects and who has a specific record of an additional four
24 years or more of combined office and field experience in land
25 surveying work of a grade and character satisfactory to the
26 board shall be admitted to a ~~six-hour written~~ board approved
27 examination in the principles and practice of land surveying

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

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

25 "3. Graduation in a related science curriculum plus
26 eight years experience. A graduate of a related science
27 curriculum of four years or more from a school or college

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

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

1 "~~c.~~ b. Comity. The board ~~may~~, upon application, may
2 grant to any person who holds a valid professional land
3 surveying certificate issued by any jurisdiction of the United
4 States or of any country, admission into a ~~two-hour written~~
5 board approved examination of laws, procedures, and practices
6 pertaining to land surveying in ~~Alabama~~ this state, provided
7 that the education, experience, and examination qualifications
8 of the applicant are, in the judgment of the board, of a
9 standard not lower than that specified in the applicable
10 licensure act in effect in ~~Alabama~~ this state at the time such
11 certificate was issued. Upon passing the examination, 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 "(4) LAND SURVEYOR INTERN. The following shall be
16 considered as minimum evidence satisfactory to the board that
17 the applicant is qualified for certification as a land
18 surveyor intern:

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

27 "b. Graduation and examination plus experience.

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

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

21 "c. Comity. 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 accept
26 fundamentals of land surveying examinations of comparable
27 character taken and passed in another jurisdiction.

1 "(5) CHARACTER. No person shall be eligible for
2 licensure as a professional engineer, certification as an
3 engineer intern, licensure as a professional land surveyor, or
4 certification as a land surveyor intern who is not of good
5 character and reputation.

6 "(6) TEACHING CREDITS. In considering the
7 qualifications of applicants, teaching in an engineering
8 curriculum approved by the board may be considered as
9 engineering experience. Teaching land surveying subjects in a
10 land surveying curriculum approved by the board may be
11 considered as land surveying experience.

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

1 obtained without the master's degree, the credit for
2 experience shall be two years.

3 "(8) NONPRACTICING APPLICANTS. Any person having the
4 necessary qualifications prescribed in this chapter to entitle
5 the applicant to licensure shall be eligible for licensure
6 although the applicant may not be practicing engineering or
7 land surveying at the time of making application.

8 "(9) RECOGNITION OF PREVIOUSLY TAKEN EXAMINATIONS.
9 The board may accept fundamentals and principles and practice
10 examinations of comparable character taken and passed in
11 another jurisdiction.

12 "§34-11-6.

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

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

21 "(c) When examinations are required on applied
22 subjects, the applicant shall be permitted to take this part
23 of the professional examination as specified by guidelines
24 established by the board. The scope of the examination and the
25 methods of procedure shall be prescribed by the board with
26 special reference to the applicant's ability to design and
27 supervise engineering or land surveying works so as to protect

1 the safety of life, health, and property. Examinations shall
2 be given for the purpose of determining the qualifications of
3 applicants for licensure separately in engineering and in land
4 surveying. A candidate failing an examination may apply for
5 reexamination under guidelines established by the board.

6 "(d) The fees for examination, ~~and~~ reexamination,
7 and administration of the examination on the laws, procedures,
8 and practices pertaining to land surveying in this state shall
9 be set by the board ~~and shall not exceed three hundred dollars~~
10 ~~(\$300).~~

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

18 "§34-11-34.

19 "The board shall hold at least two regular meetings
20 each year. The two regular meetings of the board shall be held
21 in the City of Montgomery, Alabama. The legal office of the
22 board shall be located in the City of Montgomery. Special
23 meetings shall be held at the time and place as the rules of
24 the board may provide. Notice of all meetings shall be given
25 as the rules provide. The board shall elect or appoint
26 annually the following officers: A chair, a vice chair, and a

1 secretary. A quorum of the board shall consist of ~~not less~~
2 ~~than three members~~ a simple majority of the board membership."

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Boards, Agencies
and Commissions..... 14-JAN-14

Read for the second time and placed
on the calendar 1 amendment 22-JAN-14

Read for the third time and passed
as amended..... 11-FEB-14

Yeas 91, Nays 1, Abstains 0

Jeff Woodard
Clerk