

1 HB355
2 148404-2
3 By Representative Johnson (R)
4 RFD: Boards, Agencies and Commissions
5 First Read: 28-FEB-13

2
3
4
5
6
7
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 delete certain expired
18 provisions.

19 This bill would provide for a combined
20 application and licensure fee, not exceeding \$200,
21 for professional engineers and professional land
22 surveyors.

23 This bill would authorize the board to
24 contract with an independent testing agency for
25 administering and grading examinations.

26 This bill would delete the specific
27 authorization for joint practice and would delete

1 the requirement that the names and addresses of all
2 officers and board members of a corporation be
3 filed with the board.

4 This bill would increase the disciplinary
5 penalties from \$2,500 to \$10,000 per violation.

6 This bill would revise the appointment
7 process, membership of the board, and
8 qualifications of board members.

9 This bill would provide that a simple
10 majority of the board members constitutes a quorum.

11 This bill would also increase the percentage
12 of the budget of the board from the previous year
13 that may remain in the Professional Engineers and
14 Land Surveyors Fund, and not be transferred to the
15 State General Fund, from 25 percent to 33 percent.

16
17 A BILL

18 TO BE ENTITLED

19 AN ACT

20
21 To amend Sections 34-11-1, 34-11-2, 34-11-3,
22 34-11-4, 34-11-5, 34-11-6, 34-11-8, 34-11-9, 34-11-11,
23 34-11-12, 34-11-16, 34-11-30, 34-11-31, 34-11-34, 34-11-36,
24 and 34-11-37, Code of Alabama 1975, relating to the practice
25 of engineering and land surveying; to require that certain
26 applicants for licensure pass a board-approved examination in
27 lieu of an eight hour written examination; to delete certain

1 expired provisions; to provide for a combined application and
2 licensure fee not exceeding \$200; to authorize the board to
3 contract with an independent agency testing to delete the
4 specific authorization for joint practice; to delete the
5 requirement that the names and addresses of all officers and
6 board members of a corporation be filed with the board; to
7 increase the disciplinary penalties from \$2,500 to \$10,000 per
8 violation; to revise the appointment process, membership of
9 the board, and qualifications of board members; to provide
10 that a simple majority of board members is a quorum; and to
11 increase the percentage of the budget of the board from the
12 previous year that may remain in the Professional Engineers
13 and Land Surveyors Fund, and not be transferred to the State
14 General Fund, from 25 percent to 33 percent.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Sections 34-11-1, 34-11-2, 34-11-3,
17 34-11-4, 34-11-5, 34-11-6, 34-11-8, 34-11-9, 34-11-11,
18 34-11-12, 34-11-16, 34-11-30, 34-11-31, 34-11-34, 34-11-36,
19 and 34-11-37 of the Code of Alabama 1975, are amended to read
20 as follows:

21 "§34-11-1.

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

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

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

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

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

19 "(5) LAND SURVEYOR or PROFESSIONAL LAND SURVEYOR. A
20 person who has been duly licensed as a professional land
21 surveyor by the board established under this chapter, and who
22 is a professional specialist in the technique of measuring
23 land, is educated in the principles of mathematics, the
24 related physical and applied sciences, the relevant
25 requirements of law for adequate evidence and all requisites
26 for surveying of real property, and is qualified to practice
27 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 this state regarding work legally required to be performed
23 under an Alabama engineer's license number or seal, which
24 opinion may be given by an engineer licensed in any
25 jurisdiction.

26 "(8) PRACTICE OF LAND SURVEYING. Professional
27 services, including, but not limited to, consultation, project

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

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

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

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

26 "d. Determines the configuration or contour of the
27 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 "§34-11-2.

16 "(a) No person in either public or private capacity
17 shall practice or offer to practice engineering or land
18 surveying, unless he or she shall first have submitted
19 evidence that he or she is qualified so to practice and shall
20 be licensed by the board as hereinafter provided or unless he
21 or she is specifically exempted from licensure under this
22 chapter.

23 "(b) In order to safeguard life, health, and
24 property, and to promote the public welfare, the practice of
25 engineering in this state is a learned profession to be
26 practiced and regulated as such, and its practitioners in this
27 state shall be held accountable to the state and members of

1 the public by high professional standards in keeping with the
2 ethics and practices of the other learned professions in this
3 state. It shall be unlawful for any person to practice or
4 offer to practice engineering in this state, as defined by
5 this chapter, or to use in connection with his or her name or
6 otherwise assume, use, or advertise any title or description
7 including, but not limited to, the terms engineer, engineers,
8 engineering, professional engineer, professional engineers,
9 professional engineering, P.E., or any modification or
10 derivative thereof, tending to convey the impression that he
11 or she is a professional engineer unless the person has been
12 duly licensed or is exempt from licensure under this chapter.
13 A person whose firm name shall have contained the word
14 "engineer," "engineers," or "engineering," or words of like
15 import, for more than 15 years before September 12, 1966,
16 shall not be prohibited from continuing the use of such word
17 or words in his or her firm name.

18 "(c) In order to safeguard life, health, and
19 property and to promote the public welfare, the practice of
20 land surveying in this state is a learned profession to be
21 practiced and regulated as such, and its practitioners in this
22 state shall be held accountable to the state and members of
23 the public by high professional standards in keeping with the
24 ethics and practices of the other learned professions in this
25 state. It shall be unlawful for any person to practice or
26 offer to practice land surveying in this state, as defined by
27 this chapter, or to use in connection with his or her name or

1 otherwise assume, use, or advertise any title or description
2 including, but not limited to, the terms land surveyor, land
3 surveyors, land surveying, professional land surveyor,
4 professional land surveyors, professional land surveying,
5 P.L.S., or any modification or derivative thereof, tending to
6 convey the impression that he or she is a professional land
7 surveyor unless the person has been duly licensed or is exempt
8 from licensure under this chapter.

9 "(d) As used in this subsection, the term
10 professional land surveyor shall include the agents, the
11 employees, and any personnel under the supervision of a
12 professional land surveyor.

13 "(1) A professional land surveyor may go on, over,
14 and upon the lands of others which is not enclosed by any
15 device installed to deter entry to or exit from industrial
16 facilities or plant sites by humans or vehicles, if necessary
17 to perform surveys for the location of section corners,
18 quarter corners, property corners, boundary lines,
19 rights-of-way, and easements, and may carry and utilize
20 equipment and vehicles. Entry under the right granted in this
21 subdivision shall not constitute trespass. A professional land
22 surveyor shall not be liable to arrest or to a civil action
23 for trespass by reason of this entry.

24 "(2) Nothing in this subsection shall be construed
25 as giving authority to a professional land surveyor to
26 destroy, injure, damage, or move anything on the lands of
27 another without the written permission of the landowner and

1 nothing in this section shall be construed as removing civil
2 liability for the damages.

3 "(3) A professional land surveyor shall make
4 reasonable effort to notify adjoining landowners upon whose
5 land it is necessary to enter.

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

9 "(5) Nothing in this subsection shall limit the
10 rights of condemning authorities under Sections 18-1A-50 to
11 18-1A-55, inclusive.

12 "§34-11-4.

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

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

20 "a. Graduation and experience plus examination.

21 "1. Graduation in an approved engineering curriculum
22 plus four years experience. A graduate of an approved
23 engineering curriculum of four years or more from a school or
24 college approved by the board who has successfully passed the
25 ~~eight-hour written~~ board-approved examination in the
26 fundamental engineering subjects and who has a specific record
27 of an additional four years or more of progressive experience

1 in engineering work of a grade and character satisfactory to
2 the board shall be admitted to ~~an eight-hour written a~~
3 board-approved examination in the principles and practice of
4 engineering. Upon passing this examination, the applicant
5 shall be granted a certificate of licensure to practice
6 engineering in this state, provided the applicant is otherwise
7 qualified.

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

21 "b. Comity. The board may, upon application, issue a
22 certificate of licensure as a professional engineer to any
23 person who holds a valid professional engineering certificate
24 issued by any jurisdiction of the United States ~~or of any~~
25 ~~country~~; provided, that 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 this state at the time such certificate was issued. The board
3 may authorize an applicant to practice engineering on a
4 temporary basis upon issuance of an interim permit which shall
5 remain in effect until the board acts upon the application.
6 The interim permit may be issued upon submission of
7 documentation and a fee which shall be established by the
8 board, not to exceed fifty dollars (\$50).

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

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

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

1 "c. Comity. 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 this state at the time such certificate was issued.
6 Fundamentals of engineering examinations of comparable
7 character taken and passed in another jurisdiction may be
8 accepted by the board.

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

13 "a. Graduation and experience plus examination.

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

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

5 "2. Graduation in an approved curriculum related to
6 surveying plus six 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 and who has successfully passed ~~the eight-hour written~~ a
11 board-approved examination in the fundamental land surveying
12 subjects and who has a specific record of an additional six
13 years or more of progressive office and field experience in
14 land surveying work of a grade and character satisfactory to
15 the board shall be admitted to a ~~six-hour~~ board-approved
16 examination in the principles and practice of land surveying
17 and a ~~two-hour written~~ board-approved examination of laws,
18 procedures, and practices pertaining to land surveying in
19 ~~Alabama~~ this state. Upon passing these examinations, the
20 applicant shall be granted a certificate of licensure to
21 practice land surveying in this state, provided the applicant
22 is otherwise qualified.

23 "3. Graduation in a related science curriculum plus
24 eight years experience. A graduate of a related science
25 curriculum of four years or more from a school or college
26 approved by the board who has successfully passed ~~the~~
27 ~~eight-hour written~~ a board-approved examination in the

1 fundamental land surveying subjects and who has a specific
2 record of an additional eight years or more of progressive
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~~ board-approved examination in the
6 principles and practice of land surveying and a ~~two-hour~~
7 written board-approved examination of laws, procedures, and
8 practices pertaining to land surveying in ~~Alabama~~ this state.
9 Upon passing these examinations, the applicant shall be
10 granted a certificate of licensure to practice land surveying
11 in this state, provided the applicant is otherwise qualified.

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

26 ~~"c.~~b. Comity. The board may, upon application, grant
27 to any person who holds a valid professional land surveying

1 certificate issued by any jurisdiction of the United States ~~or~~
2 ~~of any country~~, admission into a ~~two-hour written~~
3 board-approved examination of laws, procedures, and practices
4 pertaining to land surveying in ~~Alabama~~ this state, provided
5 that the education, experience, and examination qualifications
6 of the applicant are, in the judgment of the board, of a
7 standard not lower than that specified in the applicable
8 licensure act in effect in ~~Alabama~~ this state at the time such
9 certificate was issued. Upon passing the examination, the
10 applicant shall be granted a certificate of licensure to
11 practice land surveying in this state, provided the applicant
12 is otherwise qualified.

13 "(4) LAND SURVEYOR INTERN. The following shall be
14 considered as minimum evidence satisfactory to the board that
15 the applicant is qualified for certification as a land
16 surveyor intern:

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

25 "b. Graduation and examination plus experience.

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

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

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

20 "c. Comity. 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 this state at the time such certificate was issued. The board
25 may accept fundamentals of land surveying examinations of
26 comparable 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 years' experience may be credited. The two-year credit shall
18 include one year for the master's degree. If the Ph.D. is
19 obtained without the master's degree, the credit for
20 experience shall be two years. In counting years of experience
21 for professional land surveyor licensure, the board may give
22 credit, not in excess of one year, for successful completion
23 of graduate study leading to a master's degree in land
24 surveying. If a Ph.D. in land surveying is completed, a total
25 of two years' experience may be credited. The credit of two
26 years shall include one year for the master's degree. If the

1 Ph.D. is 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 "§34-11-5.

13 "(a) Applications for licensure as a professional
14 engineer, professional land surveyor, engineer intern, or land
15 surveyor intern shall be on forms prescribed and furnished by
16 the board ~~and shall contain statements made under oath~~. Three
17 or more of the references contained in an application for
18 licensure as a professional engineer shall be professional
19 engineers having personal knowledge of the applicant's
20 engineering experience. Three or more of the references
21 contained in an application for professional land surveyor
22 shall be professional land surveyors having personal knowledge
23 of the land surveying experience of the applicant. All
24 references ~~and experience verifications~~ furnished shall be
25 considered confidential records of the board. Any individual
26 who was previously licensed in this state and whose license is
27 eligible for reinstatement as outlined in subsection (a) of

1 Section 34-11-8 shall comply with the reinstatement procedures
2 established by the board instead of the submission of a new
3 application.

4 "(b) The application fee ~~and,~~ which shall include
5 the licensure fee, for professional engineers or professional
6 land surveyors shall be set by the board, ~~and each fee shall~~
7 ~~not exceed one hundred dollars (\$100)~~ two hundred dollars
8 (\$200), and shall accompany the application.

9 ~~"(1) For professional engineers applying for~~
10 ~~licensure by way of comity, both the application fee and~~
11 ~~licensure fee shall accompany the application.~~

12 ~~"(2) For professional engineers applying for~~
13 ~~licensure by way of examination and for professional land~~
14 ~~surveyors, the application fee shall accompany the~~
15 ~~application, and the licensure fee shall be due upon approval~~
16 ~~of licensure. If the applicant fails or refuses to remit the~~
17 ~~licensure fee within 30 days after being notified of~~
18 ~~successfully qualifying, the applicant shall forfeit the right~~
19 ~~to have a certificate so issued. For further consideration,~~
20 ~~the applicant shall be required to submit a new application~~
21 ~~and application fee.~~

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

26 "(d) The fee for a certificate of authorization for
27 a corporation, partnership, or firm shall be set by the board

1 and shall not exceed two hundred fifty dollars (\$250), and
2 must accompany the application.

3 "(e) If the board denies certification or licensure
4 to any applicant, or the certificate of authorization to any
5 corporation, partnership, or firm, the fee paid shall be
6 retained as an application fee.

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 "§34-11-8.

14 "(a) The board shall, by rule, establish a procedure
15 for renewing certificates of licensure on an annual or a
16 biennial basis. It shall be the duty of the executive director
17 of the board to notify every person licensed under this
18 chapter of the final date of the renewal of his or her license
19 and the amount of the fee required for the renewal. ~~The notice~~
20 ~~shall be mailed to the last address of the licensee recorded~~
21 ~~by the~~ The executive director of the board shall notify the
22 licensees at least one month in advance of the renewal
23 deadline. Renewal may be accomplished at any time prior to or
24 during the month of December by payment of the required fee.
25 The board shall establish the renewal fee for each certificate
26 of licensure issued pursuant to this chapter. The amount of
27 the renewal fee shall not exceed one hundred fifty dollars

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

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

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

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

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

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

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

1 shall not be eligible for reinstatement or reactivation and is
2 expired.

3 "§34-11-9.

4 "(a) Services offered to the public; certificate of
5 authorization required.

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

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

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

15 ~~"(3)~~ (2) LIABILITY GENERALLY. No corporation, firm,
16 or partnership shall be relieved of responsibility for the
17 conduct or acts of its agents, employees, officers, or
18 partners by reason of its compliance with this section, nor
19 shall any individual practicing engineering or land surveying
20 as defined in Section 34-11-1 be relieved of responsibility
21 for work performed by reason of employment, association, or
22 relationship with the corporation, partnership, or firm.

23 ~~"(4)~~ (3) APPLICATION FOR CERTIFICATE OF
24 AUTHORIZATION. A corporation, partnership, or firm desiring a
25 certificate of authorization shall file with the board an
26 application upon a form to be prescribed by the board and the
27 designation required by subdivision ~~(5)~~ (4), accompanied by

1 the licensure fee prescribed by subsection (d) of Section
2 34-11-5.

3 "~~(5)~~(4) RESIDENT LICENSEE. Every firm, partnership,
4 corporation, or other entity which performs or offers to
5 perform engineering or land surveying services shall have a
6 resident licensed professional engineer or land surveyor in
7 responsible charge of the engineering or land surveying work
8 for each separate office or branch office in which engineering
9 or land surveying services are performed or offered to be
10 performed. The board shall issue rules to ensure adequate
11 engineering supervision and surveying supervision of all work.

12 "~~(6)~~(5) FILING NAMES AND ADDRESSES OF OFFICERS,
13 ETC., REQUIRED. A corporation or firm shall file with the
14 board, using a form provided by the board, the names and
15 addresses of ~~all officers and board members of the corporation~~
16 ~~or firm including~~ the principal officer or officers duly
17 licensed to practice engineering or land surveying in this
18 state, who shall be in responsible charge of the practice or
19 offering to practice of engineering or land surveying in this
20 state by the corporation or firm and of the individual or
21 individuals designated as the responsible engineer or land
22 surveyor of each branch office offering or performing ~~Alabama~~
23 engineering or land surveying in this state. A partnership
24 shall file with the board using a form provided by the board,
25 the names and addresses of all partners, ~~including the partner~~
26 ~~or partners~~ duly licensed to practice engineering or land
27 surveying in this state, and also of an individual or

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

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

20 ~~"(8)(7)~~ CERTIFICATE REQUIRED OF ORGANIZATION
21 OPERATING UNDER FICTITIOUS NAME. For the purposes of this
22 section, a certificate of authorization shall be required by a
23 corporation, partnership, firm, association, or person
24 practicing under a fictitious name, offering engineering or
25 land surveying services to the public. Where a licensee is
26 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,
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 have been related to the practice
5 of or offer to practice of engineering or land surveying by
6 the corporation, partnership, or firm and that the acts or
7 conduct must have been performed or occurred within the scope
8 of the employment of any such person and with the
9 authorization, ratification, or approval of an officer,
10 director, principal, partner, or owner of the corporation,
11 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 charges.

25 "(e) Following an investigation, charges may be
26 filed against any individual licensee, certificated intern, or
27 corporation, partnership, or firm holding a certificate of

1 authorization. The charges shall conform to the Administrative
2 Procedure Act.

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

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

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

25 "(i) If after the hearing ~~three or more~~ a majority
26 of the deliberating members of the board vote in favor of
27 finding the accused guilty, the board shall impose one or more

1 of the disciplinary penalties set forth in this section. Any
2 fine imposed may not exceed ~~two thousand five hundred dollars~~
3 ~~(\$2,500)~~ ten thousand dollars (\$10,000) 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 to
19 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 nominating committee ~~of seven~~
12 as specified in Section 34-11-30. These ex officio members
13 shall serve on the board only for that hearing for which they
14 were appointed and they may be reappointed for subsequent
15 hearings if necessary.

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

18 "§34-11-12.

19 "The board, for reasons it may deem sufficient, may
20 reissue a certificate of licensure to any person or
21 certificate of authorization to any corporation, partnership,
22 or firm whose certificate has been revoked, provided ~~three or~~
23 ~~more~~ a majority of the deliberating members of the board vote
24 in favor of reissuance. The board shall not consider
25 reissuance of a certificate to any person whose certificate
26 has been revoked because of non compos mentis until after the
27 person has been declared to have fully regained his or her

1 competency by a court of competent jurisdiction. The board
2 shall not consider the reissuance of a certificate to a person
3 who was convicted of a felony or entered a plea of guilty or
4 nolo contendere to a felony until the civil rights of the
5 person have been restored, and then a unanimous approval vote
6 of the board concerning reissuance shall be required. A new
7 certificate to replace any certificate revoked, lost,
8 destroyed, or mutilated or for any other reason may be issued,
9 subject to the rules of the board, and a charge of twenty-five
10 dollars (\$25) shall be made for such issuance.

11 "§34-11-16.

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

17 "(1) Engaging in the practice or offer to practice
18 of engineering or land surveying in this jurisdiction without
19 being licensed in accordance with this chapter.

20 "(2) Using or employing the words "engineer,"
21 "engineering," "land surveyor," "land surveying," or any
22 modification or derivative thereof in its name or form of
23 business activity, except as authorized in this chapter.

24 "(3) Presenting or attempting to use the certificate
25 of licensure or the seal of another licensed engineer or
26 licensed land surveyor.

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

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

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

8 "(b) The board shall determine the amount of the
9 civil penalty which shall be paid to the State General Fund.
10 The amount shall not exceed ~~two thousand five hundred dollars~~
11 ~~(\$2,500)~~ ten thousand dollars (\$10,000) for each and every
12 separate offense.

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

17 "(d) Pursuant to the proceedings under this section,
18 the board may issue subpoenas to compel the attendance and
19 testimony of witnesses and the disclosure of evidence, and may
20 request the Attorney General to bring an action to enforce a
21 subpoena.

22 "(e) A person aggrieved by the levy of a civil
23 penalty under this section may file an appeal to the Circuit
24 Court of Montgomery County exclusively for judicial review of
25 the penalty within 30 days notwithstanding the Administrative
26 Procedure Act. Unless an appeal is taken, or the penalty paid,

1 the order of the board imposing the civil penalty shall become
2 a judgment.

3 "(f) If a person fails to pay a civil penalty within
4 30 days after entry of an order pursuant to subsection (a) or
5 if the order is stayed pending an appeal, within 10 days after
6 the court enters a final judgement in favor of the board of an
7 order appealed pursuant to subsection (e), the board shall
8 notify the Attorney General. The Attorney General may commence
9 a civil action to recover the amount of the penalty, plus
10 attorney's fees and costs.

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

13 "§34-11-30.

14 "(a) A State Board of Licensure for Professional
15 Engineers and Land Surveyors is created. It shall be the duty
16 of the board to administer this chapter. The board shall
17 consist of five professional engineers, ~~and~~ two professional
18 land surveyors, ~~each of whom shall be appointed by the~~
19 ~~Governor~~ and two members of the public, who are neither
20 professional engineers or professional land surveyors. All
21 members of the board shall be appointed by the Governor.
22 Appointments to the professional engineer and professional
23 land surveyor positions on the board shall be from a list of
24 three persons nominated by a committee. To the extent
25 possible, the nominating committee and the Governor shall
26 select those persons whose appointments ensure that the
27 membership of the board is inclusive and reflects the racial,

1 gender, geographic, urban/rural, and economic diversity of the
2 state. Each member of the board, before beginning his or her
3 term of office, shall file with the Secretary of State his or
4 her written oath or affirmation for the faithful discharge of
5 his or her official duties.

6 "(b) The nominating committee shall consist of one
7 professional engineer or professional land surveyor,
8 respectively, appointed or elected by each of the professional
9 organizations as outlined in the rules of the board. Any other
10 organization in the state having membership qualifications
11 comparable to those professional organizations outlined in the
12 rules of the board may petition the board for membership on
13 the committee. The board, by rule, may establish nominating
14 committee operating guidelines and, by rule, may establish
15 procedures for the removal of nonparticipating members of the
16 nominating committee. ~~Nominees shall have the qualifications~~
17 ~~required by Section 34-11-31.~~ Nominations shall be made by a
18 majority vote of the committee present ~~at the same time~~ at a
19 meeting called by the executive director of the board, who
20 shall advise the ~~above named societies~~ members of the
21 nominating committee of the meeting at least 30 days before
22 the meeting is held. ~~Each member of the board, before~~
23 ~~beginning his or her term of office, shall file with the~~
24 ~~Secretary of State his or her written oath or affirmation for~~
25 ~~the faithful discharge of his or her official duties.~~

26 "(c) Members of the board shall serve staggered
27 terms of five years. The members of the board shall continue

1 to serve under this chapter until their respective terms
2 expire. On the expiration of the term of each member, the
3 Governor shall in the manner provided in this section appoint
4 ~~for a term of five years a professional engineer or~~
5 ~~professional land surveyor having the qualifications required~~
6 ~~by Section 34-11-31~~ an individual to take the place of the
7 member whose term on the board is about to expire. Vacancies
8 occurring during a term shall be filled by appointment by the
9 Governor, in the manner provided in this section, for the
10 unexpired term. Each member shall hold office until the
11 expiration of the term for which the member is appointed or
12 until a successor is duly appointed and qualified.

13 "§34-11-31.

14 "Each member of the board shall be a citizen of the
15 United States and a resident of this state, ~~a.~~ Each licensed
16 professional engineer or licensed professional land surveyor
17 ~~who holds~~ board member shall hold an unexpired certificate
18 under this chapter, ~~who has~~ and shall have been engaged in the
19 licensed to practice of engineering or land surveying,
20 respectively, for at least 12 years, ~~and who has been in~~
21 ~~responsible charge of important engineering or land surveying,~~
22 ~~respectively, work for at least five years.~~

23 "§34-11-34.

24 "The board shall hold at least two regular meetings
25 each year. The two regular meetings of the board shall be held
26 in the City of Montgomery, Alabama. The legal office of the
27 board shall be located in the City of Montgomery. Special

1 meetings shall be held at the time and place as the rules of
2 the board may provide. Notice of all meetings shall be given
3 as the rules provide. The board shall elect or appoint
4 annually the following officers: A chair, a vice chair, and a
5 secretary. A quorum of the board shall consist of ~~not less~~
6 ~~than three members~~ a simple majority of the board membership.

7 "§34-11-36.

8 "The executive director of the board shall receive
9 and account for all money derived under this chapter, and
10 shall pay it monthly to the State Treasurer, who shall keep
11 the money in a separate fund to be known as the "Professional
12 Engineers and Professional Land Surveyors Fund." The fund
13 shall be kept separate and apart from all other money in the
14 Treasury, and shall be paid out only by warrant of the
15 Comptroller upon the Treasurer, upon itemized vouchers,
16 approved by the executive director of the board. No funds
17 shall be withdrawn or expended except as budgeted and allotted
18 according to Article 4 of Chapter 4 of Title 41. Any funds or
19 money in the hands of the State Treasurer, known as the
20 Professional Engineers and Professional Land Surveyors Fund,
21 at the end of the state fiscal year in excess of that amount
22 equal to ~~25~~ 33 percent of the budget of the board for the
23 previous fiscal year shall be transferred into the General
24 Fund of the state. However, in the event that the board elects
25 to implement a biennial license, then the above transfer into
26 the General Fund shall only apply at the end of the
27 non-license year of the biennial license cycle. The money,

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

1 provided therefor by the Legislature in the general
2 appropriation or other appropriation bills.

3 "§34-11-37.

4 "(a) The board shall keep a record of its
5 proceedings and a register of all applications for licensure,
6 which register shall show all of the following:

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

8 "(2) The date of the application.

9 "(3) The place of business of the applicant.

10 "(4) The educational and other qualifications of the
11 applicant.

12 "(5) Whether or not an examination was required.

13 "(6) Whether the applicant was rejected.

14 "(7) Whether a certificate of licensure was granted.

15 "(8) The date of the action of the board.

16 "(9) Any other information deemed necessary by the
17 board.

18 "(b) The board shall also keep on file a written
19 ~~statement under oath~~ declaration from each applicant that he
20 or she will abide by the rules of professional conduct
21 prescribed by the board, ~~which oath shall be a part of his or~~
22 ~~her application for licensure.~~

23 "(c) The records of the board shall be evidence of
24 the proceedings of the board set forth therein, and a
25 transcript thereof, duly certified by the executive director
26 of the board under seal, shall be admissible in evidence with
27 the same force and effect as if the original were produced.

1 "(d) Annually, as of September 30, the board shall
2 submit to the Governor a report of its transactions of the
3 preceding year and a complete statement of the receipts and
4 expenditures of the board, attested by affidavits of its chair
5 and its secretary.

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

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