

1 SB232  
2 148404-2  
3 By Senator Allen  
4 RFD: Job Creation and Economic Development  
5 First Read: 21-FEB-13

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8 SYNOPSIS: Under existing law, the State Board of  
9 Licensure for Professional Engineers and Land  
10 Surveyors is responsible for licensing and  
11 governing the practice of engineers and land  
12 surveyors in the state.

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

17 This bill would 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.