

ADMINISTRATIVE CODE
(Rules and Regulations)

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Foreword:

These rules and regulations are issued under the authority of Section 35(a) in Article 2 of Chapter 11 of Title 34 of the Code of Alabama 1975. They cover specific requirements and procedures necessary for proper administration of the Alabama Law regulating the practice of engineering and land surveying. They supersede all previous administrative rules and regulations.

CHAPTER 330-X-1
ORGANIZATION, ADMINISTRATION
AND PROCEDURE

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330-X-1-.01 Purpose. The Alabama Board of Licensure for Professional Engineers and Land Surveyors was created to protect the public by helping to safeguard **health**, life, **health safety, welfare** and property, ~~and to promote the public welfare~~ by providing for the licensing of persons and regulation of the practices of engineering and land surveying. This purpose is achieved through the establishment of minimum qualifications for entry into the professions of engineering and land surveying, through the adoption of rules defining and delineating unlawful or unethical conduct, and through swift and effective discipline for those individuals or entities who violate the applicable laws or rules promulgated thereunder.

Effective date: September 10, 1982. Last amendment effective: July 27, 2012. (Auth: Section 34-11-35, Code of Ala. 1975)

330-X-1-.02 General Description of Organization and Operation. The Board is an independent agency of the State of Alabama. All costs of operating the Board, including administrative, secretarial, clerical, legal, and investigative are paid from legislative appropriation of monies collected by the Board. The Attorney General's Office provides for legal services to the Board.

Effective date: September 10, 1982. Last amendment effective: October 28, 1998. (Auth: Section 34-11-15; Section 34-11-35; Section 34-11-36, Code of Ala. 1975)

330-X-1-.03 Officers/Board Members. Compensation

(1) **Election.** The Board shall elect annually the following officers: Chair, Vice Chair, and Secretary.

(2) **Compensation and Expenses.** Board Members shall be compensated **(\$200)** on a per diem basis for days actually spent in performance of their duties and, additionally, members of the Board shall be reimbursed for all expenses incurred in performance of their duties as provided by Code of Ala. 1975. Sections 34-11-32 and Section 36-7-20.

Effective date: September 10, 1982. Last amendment effective: July 27, 2012. (Auth: Section 34-11-32; Section 34-11-35; Section 36-7-20, Code of Ala. 1975)

330-X-1-.04 Employment of Personnel. The Board may employ investigators, attorneys, agents, employees, and assistants, as may be necessary, to bring about and maintain the administration and enforcement of the Alabama Law regulating the practice of engineering and land surveying and these rules.

Effective date: September 10, 1982. Last amendment effective: October 28, 1998. (Auth: Section 34-11-11; Section 34-11-15; Section 34-11-35; Section 34-11-36, Code of Ala. 1975)

330-X-1-.05 Executive Director. The Board shall employ an Executive Director who shall be responsible for the administration of Board policy. The Board may also employ an Assistant Executive Director. The Executive Director is designated as agent for the Board for services including any legal process on behalf of the Board.

Effective date: September 10, 1982. Last amendment effective: July 27, 2012. (Auth: Section 34-11-35; Section 34-11-36, Code of Ala. 1975)

330-X-1-.06 Rules of Order. All proceedings of the Board shall be governed by **Robert's Rules of Order**, latest revised edition, except during disciplinary hearings and except where otherwise provided in these rules.

Effective date: September 10, 1982. Last amendment effective: October 28, 1998. (Auth: Section 34-11-35, Code of Ala. 1975)

330-X-1-.07 Meetings.

- (1) Meetings may be called by the Chair or by a quorum of the Board.
- (2) Each member of the Board shall be given at least seven days' notice for any regular meeting, at least 24 hours' notice for a special meeting, and at least 4 hours for an emergency meeting. The notice will include the time, place and purpose of the meeting.
- (3) The Executive Director will ensure that the meeting notices comply with Alabama's Open Meeting Act, Section 36-25A, Code of Ala. 1975.

Effective date: September 10, 1982. Last amendment effective: July 27, 2012. (Auth: Section 34-11-34; Section 34-11-35; Section 36-25A-3, Code of Ala. 1975)

330-X-1-.08 Questions of Procedure and Evidence. Except as otherwise provided in these rules, the Chair of the Board shall rule upon all questions of procedure and, in the event that evidence is taken, upon the admissibility of that evidence. The decision of the Chair shall be final.

Effective date: September 10, 1982. Last amendment effective: July 27, 2012. (Auth: Section 34-11-35, Code of Ala. 1975)

330-X-1-.09 Voting. All members of the Board, including the Chair, are entitled to vote and to make or second motions. A majority of those members of the Board present and voting on any matter shall decide that matter before the Board, except on procedural and evidentiary matters which are provided for in Rule 330-X-1-.08. The Chair shall vote as a member of the Board.

Effective date: September 10, 1982. Last amendment effective: October 28, 1998. (Auth: Section 34-11-35, Code of Ala. 1975)

330-X-1-.10 Use of Forms. All applications and requests for which the Board has prescribed a form must be made on the prescribed form or in the format provided by the Board. Copies of forms in use and instructions for their completion are available from the Executive Director.

Effective date: September 10, 1982. Last amendment effective: October 28, 1998.
(Auth: Section 34-11-5, Section 34-11-9, Section 34-11-35, Section 41-22-4, Code of Ala. 1975)

330-X-1-11 Records.

(1) Public record, for the purpose of these rules, means all Board records which are reasonably necessary to record the business and activities required to be done or carried on by the Board so that the status and condition of such business and activities will be available to the public. The results of disciplinary hearings are considered public records. Records which do not constitute public records include, but are not limited to, those received by a public officer in confidence, sensitive personnel records, material for examinations not yet given, file records of examination problem solutions, application references, complaints against licensees and non-licensees, investigative files where investigation is pending, and records the disclosure of which would be detrimental to the best interests of the public.

(2) Public records are available for inspection at the Board office during regular business hours.

(3) Any person wishing to obtain copies of public records may request such copies from the Executive Director, and will be supplied copies upon payment of the cost of copying, handling and postage, which costs will be estimated and set by resolution by the Board.

Effective date: September 10, 1982. Last amendment effective: July 27, 2012.
(Auth: Section 34-11-35; Section 34-11-37; Section 41-22-4(1) (c); Code of Ala. 1975)

330-X-1-12 Declaratory Rulings.

(1) The Board may issue declaratory rulings to any person substantially affected by a rule with respect to the validity of the rule, or with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by the Board, or with respect to the meaning and scope of any order of the Board. Such rulings shall be issued provided:

- (a) The petitioner shows that he or she is substantially affected by the rule in question,
- (b) Sufficient facts are supplied in the request to permit the Board to make a valid determination, and
- (c) The request arises from an actual question or controversy.

(2) A petition for a declaratory ruling shall be submitted on a form provided by the Board.

(3) Such rulings will be made in accordance with the Alabama Administrative Procedure Act, Code of Ala. 1975, Section 41-22-11.

Effective date: October 1, 1982. Last amendment effective: October 28, 1998. (Auth: Section 34-11-35; Section 41-22-11, Code of Ala. 1975)

Appointment of Board Members/Nominating Guidelines**(1) Appointment of Board Members.**

(a) The professional engineering members of the Board shall be appointed by the Governor from a list of three persons nominated by a committee as provided in Section 34-11-30, Code of Ala. 1975.

(b) The professional land surveying members of the Board shall be appointed by the Governor from a list of three persons nominated by the Alabama Society of Professional Land Surveyors as provided in Section 34-11-30, Code of Ala. 1975.

(1) It is the responsibility of the Executive Director of the board to verify that the three persons nominated by each nominating committee meet the requirements of the Administrative Code. Each nominating committee must submit a letter with the list of names to the Executive Director to be forwarded to the Governor.

a. The Executive Director or a Board representative shall attend all nominating committee meetings.

b. The meetings and any candidate interviews shall be open to the public.

2. Any professional organization with a representative on the nominating committee, who fails to attend two consecutive committee meetings, shall be placed on probation. Notification will be sent to the non-participating professional organization by the Executive Director of the board. If the professional organization fails to provide a voting representative at a third consecutive committee meeting, the professional organization's membership on the committee shall automatically be revoked. The professional organization and the Board shall receive written notification from the Executive Director of the board and shall not be considered for readmission to the committee for a minimum of three (3) years. A revoked organization may petition the board for membership on the committee using the procedures as outlined in the above section.

(2) Qualification of Board Members.

(a) Each professional engineering member of the Board shall be a citizen of the United States, a resident of Alabama for at least six months, and must hold an unexpired certificate of professional engineer licensure in Alabama that is in active status. The member must have a record of the lawful practice of engineering as a licensed professional engineer for at least 12 years.

(b) Each professional land surveying member of the Board shall be a citizen of the United States, a resident of Alabama for at least six months, and must hold an unexpired certificate of professional land surveyor licensure in Alabama that is in active status. The member must have a record of the lawful practice of land surveying as a licensed professional land surveyor for at least 12 years.

(3) **Nominating Committee Composition.** Professional Engineer Nominating Committee

A Nominating Committee shall be composed of one professional engineer from each professional engineering organization in Alabama. The members of the nominating committee must be residents of Alabama and must hold a current Alabama professional engineer license.

(a) Members of the Nominating Committee are:

1. Alabama Society of Professional Engineers
2. American Council of Engineering Companies of Alabama
3. American Institute of Chemical Engineers
4. American Society of Civil Engineers, Alabama Section
5. American Society of Mechanical Engineers
6. Institute of Electrical and Electronics Engineers
7. Society of Mining Engineers
8. Structural Engineers Association of Alabama
9. Alabama Association of County Engineers

(b) Any active professional engineering organization in the state having membership requirements comparable to those of the above-named organizations may petition the board for membership on the committee, and the board may grant the membership.

~~(c) Any professional organization with a representative on the nominating committee, who fails to attend two consecutive committee meetings, shall be placed on probation. Notification will be sent to the non-participating professional organization by the Executive Director of the board. If the professional organization fails to provide a voting representative at a third consecutive committee meeting, the professional organization's membership on the committee shall automatically be revoked. The professional organization and the Board shall receive written notification from the Executive Director of the board and shall not be considered for readmission to the committee for a minimum of three (3) years. A revoked organization may petition the board for membership on the committee using the procedures as outlined in the above section.~~

4. Public Member Nominating Committee

A nominating committee shall consist of one representative, appointed or elected, by the Business Development Organizations serving as members of the nominating committee.

Members of the Public Member Nominating Committee are:

- (1) Chamber of Commerce Association of Alabama

(2) Alabama State Black Chamber of Commerce

(3) Economic Development Association of Alabama

(4) Women's Business Enterprise Council South

(5) National Federation Independent Business Alabama

(6) Alabama Farmers Federation

(5) Professional Engineer and Public Member Nominating Committees
Responsibilities and Meeting Procedures

(a) The Nominating Committee is a special committee as established by Section 34-11-30, Code of Ala. 1975. The Nominating Committee is a separate entity and is not to be considered as a sub-committee of the Board and does not have to meet the requirements of the Open Meetings Act.

(b) The Executive Director of the board shall give the Nominating Committee at least 30 days' notice of the date and place for a meeting. ~~When possible, the Executive Director will provide an initial notification of the meeting at least 90 days prior to the anticipated date of the meeting. In the event there is an unanticipated vacancy, the Executive Director of the board shall give the committee as much notice as possible.~~

(c) The meeting will be open to the public and shall proceed according to **Robert's Rules of Order**. The committee may go into Executive Session when discussing the good name and character of the nominees. All motions and ballots will be done in an open meeting.

(d) The Chair of the Nominating Committee shall be elected by the Committee on the day of the meeting ~~from one of the committee members whose society is not submitting nominations for consideration. If all attending committee members are submitting nominations the Chair will be elected from all attending committee members.~~

(5) Nominating Process for Professional Land Surveyor Members

(a) The Executive Director of the board shall give the Alabama Society of Professional Land Surveyors (ASPLS) at least ~~90~~ 30 days' notice of an anticipated professional land surveyor vacancy on the Board. In the event there is an unanticipated vacancy, the Executive Director of the board shall give ASPLS as much notice as possible.

(b) ASPLS is a separate entity and is not to be considered as a subcommittee of the Board and does not have to meet the requirements of the Open Meetings Act.

(c) ~~It will be the responsibility of the Executive Director of the board to verify that the three persons nominated by the Alabama Society of Professional Land Surveyors as provided in Section 34-11-30, Code of Ala. 1975 meet the requirements as identified in Paragraph 330-X-1.13(2)b of the Administrative Code prior to the names being transmitted to the Governor.~~

(c) The meeting will be open to the public and shall proceed according to Robert's Rules of Order. The committee may go into Executive Session when discussing the good name and character of the nominees. All motions and ballots will be done in an open meeting.

Effective Date: Last amendment effective: September 9, 2015.
(Auth: Section 34-11-30; Section 34-11-35, Code of Ala. 1975)

330-X-1.14 Authority of Rules.

(1) Rules of procedure adopted by the Board shall be binding upon persons certified and/or licensed under Title 34, Chapter 11 Code of Ala. 1975 and shall be applicable to corporations holding a certificate of authorization.

(2) Rules of procedure adopted by the Board shall be binding upon applicants seeking certification and/or licensure under Title 34, Chapter 11 Code of Ala. 1975 and shall be applicable to corporations applying for a certificate of authorization.

(3) Rules of procedure adopted by the Board shall be binding upon nonlicensed individuals and corporations who are deemed to be offering and/or performing services as outlined in Title 34, Chapter 11 Code of Ala. 1975.

Effective Date: July 27, 2012
(Auth: Section 34-11-35, Code of Ala. 1975)

CHAPTER 330-X-2 DEFINITIONS

330-X-2.01 Definitions of Terms.

(1) Section 34-11-1, Code of Ala. 1975, provides for definitions of the following terms: Board, engineer or professional engineer, engineer intern, practice of engineering, land surveyor or professional land surveyor, land surveyor intern, practice of land surveying, practice and offer to practice, and responsible charge.

(2) The terms "consultation," "investigation," "evaluation," and "planning" as used in the definition of the practice of engineering set forth in Section 34-11-1(7), Code of Ala. 1975, shall include, but are not limited to, services provided by testing laboratories involving the selection of proper tests to be performed (consultation and planning) when done for the purpose of developing design criteria or for the purpose of determining cause of failures (investigation) and analyses to provide recommendations for the foundation and materials to be used in the design or judgment which relate to the acceptability of structural or foundation construction

(evaluation). Testing and inspection do not constitute the practice of engineering (1) when they are performed in accordance with previously written standards or specifications or satisfy the standards setting forth the methods and techniques to be followed by the testing agency and no judgment is required other than a comparison of the materials in place with the previously specified standards or (2) when testing or inspection data are collected in conformance with a specific standard.

Any attempt to determine the structural integrity or capacity of a building, or any subsystem thereof, other than detection of problems by visual inspection or normal operation of the user's controls, constitutes the practice of engineering.

- (3) The term "gross negligence" as used in Section 34-11-11(a)(2), Code of Ala. 1975, shall mean the practice of engineering or land surveying by a licensee characterized by the reckless disregard for the rights, safety, or welfare of others, which could result in injury or loss of life or damage to property or financial loss.
- (4) The term "incompetency" as used in Section 34-11-11(a)(2), Code of Ala. 1975, shall mean the practice of engineering or land surveying by a licensee who is either incapable of exercising ordinary care and diligence, or who lacks the ability and skill necessary to properly perform the duties he or she undertakes, or who is not qualified by experience and/or education to perform adequately and competently.
- (5) The term "misconduct" as used in Section 34-11-11(a)(2), Code of Ala. 1975, shall mean the practice of engineering or land surveying by a licensee who performs any acts, causes omissions or makes any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever discredits or tends to discredit the profession of engineering or land surveying.
- (6) The term "~~principal officer~~ managing agent" of the firm as used in Section 34-11-9, Code of Ala. 1975, and Section 330-X-15.01 of the Administrative Code shall also be construed to mean "~~principal the~~ engineer" or "~~principal~~ land surveyor" which is defined as the designated person who is a licensed professional engineer or licensed professional land surveyor and who makes significant technical and/or contractual judgments on behalf of the firm which would affect the firm's professional reputation and liability. The ~~principal's~~ managing agent's responsibilities include overall supervision of the firm's licensed and subordinate personnel providing engineering or surveying work in Alabama and the institution and adherence of policies of the firm.
- (7) The term "Certification" when used in conjunction with the sealing of documents shall mean a statement signed, sealed, and dated by a licensed professional engineer or licensed professional land surveyor representing that the engineering or land surveying services addressed therein, as defined in Section 34-11-1, Code of Ala. 1975, have been performed by the licensed professional engineer or licensed professional land surveyor based on knowledge and information in accordance with commonly accepted procedures consistent with acceptable standards of practice, and is not a guaranty or warranty, either expressed or implied.
- (8) The acronym NCEES as used in Chapter 330-X means the National

Council of Examiners for Engineering and Surveying.

(9) The term "jurisdiction" shall mean any state, district, or territory of the United States.

(10) The term "Signature" shall mean handwritten or digital as follows:

(a) A handwritten message identification containing the name of the person who applied it; or

(b) A digital signature that is an electronic authentication process attached to or logically associated with an electronic document. The digital signature must be:

1. Unique to the person using it,
2. Capable of verification,
3. Under the sole control of the person using it, and
4. Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.
5. A digital signature that uses a process approved by the board will be presumed to meet the criteria set forth in subsections (b)1. through (b)4. above.

(11) The term "Inactive" Licensee shall mean a licensee or firm who is not engaged in the engineering or land surveying practice which requires licensure in Alabama. No licensee or firm granted inactive status may practice or offer to practice engineering or surveying in Alabama as defined in Section 34-11-1(~~612~~), Code of Ala. 1975.

(12) The term Professional Engineer, Retired" or "Professional Land Surveyor, Retired," "Retired Licensee" shall mean a person who is retired from the profession of engineering or land surveying in Alabama and has been approved to use the title by the board.

(13) The term "Lapsed Expired License" shall mean a license that has not been renewed as of the deadline for renewing. A license not renewed will remain in a lapsed expired status for a maximum of four two years.

(14) The term "Expired License" shall mean a license that has been lapsed for more than four years.

(14) The term "restricted" shall mean a license or certificate that is limited in a manner specified by the Board.

(15) The term "Responsible Charge" shall mean direct control, personal supervision of, and legal responsibility for the engineering work or land surveying work performed. This responsible charge shall be of such a nature that the client may reasonably presume that the licensed engineer or land surveyor which he has employed is the provider of the professional services. The licensed professional engineer or licensed professional land surveyor providing such control and supervision shall have made decisions on technical matters of policy and design and shall have exercised his or her professional judgment in all engineering or land surveying matters that are embodied in the design and the plans, specifications, land surveys, or other documents involved in the work. By applying his or her seal, and/or signature, and date to the final documents, the licensee signifies compliance with the requirements of these definitions and the Rules of Professional Conduct (Code of Ethics) and accepts responsibility therefore.

(16) The term "surrender" shall mean the voluntary relinquishment of a license or certificate and shall have the same force and effect as a revocation.

(17) The term "testimony" as used in Sections 34-11-1(7) and 34-11-1(8), Code of Ala. 1975, shall mean a declaration made by a witness under oath or affirmation related to engineering and surveying activities in the State of Alabama.

(18) The term "supervision of construction" as it relates to an engineer shall mean the general oversight of an engineering project as it relates to the implementation of a design during construction.

Effective date: Last amendment effective: September 9, 2015.

(Auth: Section 34-11-1; Section 34-11-7; Section 34-11-8; Section 34-11-9; Section 34-11-35, Code of Ala. 1975)

CHAPTER 330-X-3 APPLICATIONS FOR CERTIFICATION AND LICENSURE

330-X-3-.01 Form of Application for Certification and Licensure

330-X-3-.02 Reconsideration of Denied Applications

330-X-3-.03 Disposal of Applications

330-X-3-.01 Form of Application for Certification and Licensure.

(1) All applications for licensure shall be made on a printed form or in the format provided by the Board and no applications made otherwise will be accepted. Applications must be clearly typewritten or computer printed and all questions must be accurately and thoroughly answered. An application not properly completed, containing all **of** the information required, or accompanied by the required fee will be returned with a statement of the reason for return. As per Section 34-11-5(e), Code of Ala. 1975, application fees will not be refunded.

(2) Applications for licensure as a professional engineer or as a professional land surveyor or for certification as an engineer intern or a land surveyor intern shall **be**

subscribed and sworn to before a Notary Public or other persons qualified to administer oaths contain a declaration made under penalty of perjury.

(3) The signature of the applicant on the application form certifies that all information on the application is true and correct; and the subscription to and the conformance with this Administrative Code of the Board including the Rules of Professional Conduct. Applicants found in violation of the Law, Administrative Code or Rules of Professional Conduct will be subject to disciplinary action.

(4) All applications, application fees, and supporting documents must be received by the below listed deadlines. Applications and any information pertaining to the application received after the deadline will be deferred for review for the next regularly scheduled Board meeting. It is the responsibility of the applicant to assure that all submissions are on file in the Board office prior to the deadlines that follow:

(a) Engineer intern - Board meeting agenda deadline – application, application fee, educational transcripts, and experience verification forms (if necessary) and verification of exam.

(b) Land surveyor intern - Board meeting agenda deadline – application, application fee, educational transcripts, and experience verification forms (if necessary) and verification of exam.

~~(c) Professional engineer by examination and professional land surveyor by examination – January 15 or July 1 – application, application fee, reference forms, experience verification forms, educational transcripts and verifications of examinations in other jurisdictions.~~

(d) Professional engineer by comity – Board meeting agenda deadline - application, reference forms, experience verification forms, educational transcripts, verifications of examinations in other jurisdictions, application fee, and licensure fee.

(e) Professional land surveyor licensed in another jurisdiction - Board meeting agenda deadline - application, reference forms, experience verification forms, educational transcripts, verifications of examinations in other jurisdictions, and application and licensure fee.

(5) Withholding information, providing statements which are untrue or misrepresenting the facts may be cause for denial of an application or revocation of license. If the infraction is identified after the board has approved the applicant for examination, the board may temporarily suspend its previous approval and examination scores results will not be released until such time as a hearing can be conducted.

(6) Licensure as a professional engineer or professional land surveyor by comity is granted provided the applicant's qualifications meet the requirements of Chapter 11, Title 34, Code of Ala. 1975, as amended, effective at the time of initial licensure and the applicant is currently licensed as a professional engineer or professional land surveyor, respectively, and in good standing within another jurisdiction.

(7) If a current, complete, properly executed NCEES Record is provided the professional engineer or professional land surveyor applicant will be required to complete only the sections of the Alabama application form dealing with general information, and licensure in other jurisdictions, and the affidavit.

(8) For all applicants, other than those holding an NCEES Record, when there is a degree required, the Board requires an official transcript to be sent directly from each school where the applicant received an engineering, engineering technology, land surveying, land surveying technology or related science degree. The transcript(s) must show degree(s) issued and date of issuance. It is the responsibility of the applicant to see that the transcript is sent directly from the institution to the Board office, and no action will be taken by the Board until such information is received. In the event it is impossible to have a transcript sent directly from the institution to the Board, the Board reserves the authority to evaluate and accept a transcript received from a different source.

(9) If an applicant for examination or comity has been convicted of a felony and has had his or her civil rights revoked, the application cannot be approved for the professional examination, licensure, or certification until the civil rights of the person have been restored and then a unanimous approval of the board shall be required. has been granted.

(10) A graduate of a foreign institution will be required to have his or her transcript evaluated by an agency specified by the Board and shall be done at the expense of the applicant.

(11) A graduate of a related science degree will be required to have his or her transcript evaluated by an agency specified by the Board and shall be done at the expense of the applicant.

Effective date: Last amendment effective: September 9, 2015. (Auth: Section 34-11-5; Section 34-11-35, Code of Ala. 1975)

330-X-3-.02 Reconsideration of Denied Applications.

(1) A denied application may be reconsidered by the Board, if written notice of appeal is received by the Executive Director within thirty days after the applicant has been notified of the ruling of the Board.

(2) A hearing shall be held within a reasonable time after receipt of the notice of appeal, or at such time agreed upon by stipulation between the applicant and the Executive Director.

(3) At least a quorum of the Board must be present to hold a hearing.

(4) Evidence, including oral testimony, shall be freely admitted. The applicant shall be allowed to have counsel present if desired.

(5) The Board shall issue a final decision within thirty days of the date of the hearing, which shall include findings of fact and official action taken. The applicant shall be delivered a copy of the decision by first class mail.

(6) The decision of the Board may be appealed to the Circuit Court of Montgomery County, as provided in Code of Ala. 1975, Section 34-11-13, within thirty days of the decision of the Board.

(7) The record on appeal shall be certified by the Executive Director of the Board, and shall include the entire record including a transcript of the hearing, if a transcript is made.

Effective date: September 10, 1982. Last amendment effective: October 28, 1998. (Auth: Section 34-11-35, Code of Ala. 1975)

330-X-3-.03 Disposal of Applications.

(1) Approved Applications - When the Board, after due consideration of an application and of information pertaining thereto, is satisfied that the applicant is eligible for certification as an engineer intern or land surveyor intern, or licensure as a professional engineer or professional land surveyor, under any section of the law, the applicant will be granted a certification or license, and the applicant will be notified by the Executive Director. The application and all pertinent information will be made a portion of the individual's permanent file kept by the board office in accordance with its retention of records procedures.

(2) Deferred Applications - When the Board, after due consideration of an application and of information pertaining thereto finds that the applicant is not **currently** eligible for certification or licensure, but the Board believes the minimum legal requirements may be met within one year, the application may be deferred by the Board. The applicant will be notified of the action of the Board by the Executive Director, and for further consideration the applicant may submit the required information, without fee, provided the resubmittal is within **one two years or date specified by the Board.** The application will **be considered closed one two years,** from the date of the Board's consideration and the applicant must submit a new application **unless otherwise specified by the Board.**

(3) Denied Applications - When the Board, after due consideration of an application and of information pertaining thereto finds that the applicant is not **currently** eligible for certification or licensure under any section of the Law **and the Board believes the minimum legal requirements cannot be met within one year,** the applicant will be denied certification or licensure. The applicant will be notified of the action of the Board by the Executive Director, and for further consideration the applicant may submit a new application, without fee, after securing the necessary eligibility, provided the resubmittal is within **five one years from the date of the Board's consideration.** An applicant, who is denied licensure or denied the opportunity to take an examination, has the opportunity to meet with the Board and/or to appeal the Board's decision as provided by Sections 34-11-13 and 41-22-12 through 41-22-21, Code of Ala. 1975.

(4) Inactive Applications - If all necessary information required for Board review is not received within six months after the application has been filed, the application will be placed in the inactive file and the applicant will be notified. The application will **be considered closed one two years** from the date of being placed in the inactive file and the applicant must submit a new application.

(5) Deferred, denied, and inactive applications will be maintained on file in the Board office in accordance with the Records and Retention Schedule prepared by the Department of Archives and History.

Effective date: September 10, 1982. Last amendment effective: September 9, 2015.
(Auth: Section 34-11-35, Code of Ala. 1975)

CHAPTER 330-X-4 FEES

- 330-X-4-.01 Method of Payment
- 330-X-4-.02 Application, Certification and Licensure Fees
- 330-X-4-.03 Examination Fees
- 330-X-4-.04 Fees Not Refundable
- 330-X-4-.05 Renewal **and Reinstatement** Fees
- 330-X-4-.06 Roster
- 330-X-4-.07 Bad Checks

330-X-4-.01 Method of Payment.

- (1) Fees that are paid to the Board shall be made payable to the “Professional Engineers and Land Surveyors Fund”. **Payment of Fees paid directly to the Board office** should be made by checks (personal, company or cashier's), **credit cards** or money orders. No cash or money transfers will be accepted as payment of fees. Applications not accompanied by the proper fee will be returned to the applicant.
- (2) Examination fees that are payable to NCEES will be the responsibility of the examinee and will be done in accordance with NCEES procedures.

Effective date: September 10, 1982. Last amendment effective: September 3, 2014.
(Auth: Section 34-11-36, Code of Ala. 1975)

330-X-4-.02 Application, Certification and Licensure Fees.

- (1) The application, licensure, reinstatement, and renewal fees for professional engineers, professional land surveyors, engineer interns, and land surveyor interns shall be set by the Board, as provided by Section 34-11-5, Code of Ala. 1975.
- (2) The application, reinstatement, and renewal fees for certificates of authorization for a corporation, partnership, or firm shall be set by the Board, as provided by Section 34-11-5, Code of Ala. 1975.
- (3) The fees that are set by the board are contained in Appendix A to Chapter 4.

Effective date: September 10, 1982. Last amendment effective: September 3, 2014.
(Auth: Section 34-11-5; Section 34-11-35, Code of Ala. 1975)

330-X-4-.03 Examination Fees. The examination fee for state specific examinations will be set by the Board and are contained in Appendix A to Chapter 4. Examination fees for

examinations provided by NCEES are set by NCEES and will be paid directly to NCEES by the examinee.

Effective date: September 10, 1982. Last amendment effective: September 3, 2014. (Auth: Section 34-11-6; Section 34-11-35, Code of Ala. 1975)

330-X-4-.04 Fees Not Refundable. No fee, or part of any fee, paid to this board by any applicant for application, examination or licensure will be returned to the applicant, in the event of withdrawal of the application, denial of the application, or failure to take or pass the examination.

Effective date: September 10, 1982. Last amendment effective: July 27, 2012. (Auth: Section 34-11-5; Section 34-11-35, Code of Ala. 1975)

330-X-4-.05 Renewal and Reinstatement Fees.

The renewal and reinstatement fees shall be set by the Board. Renewal will be annually or biennially as established by the policies of the Board.

Effective date: September 10, 1982. Last amendment effective: June 4, 2003. (Auth: Section 34-11-8; Section 34-11-35, Code of Ala. 1975)

330-X-4-.06 Roster. The fee for a copy of the roster shall be set by the Board. Persons licensed or certified by the Board, governmental agencies, libraries, or professional societies will be provided a copy upon request without charge.

Effective date: September 10, 1982. Last amendment effective: October 28, 1998. (Auth: Section 34-11-3; Section 34-11-35, Code of Ala. 1975)

330-X-4.07 Bad Checks. If a check or negotiable instrument is dishonored, the writer of the check or instrument will be required to tender payment of the full amount of such check or instrument plus a service charge as established by the Code of Ala. 1975, amended, Section 8-8-15.

(1) If the dishonored check or instrument was tendered for the purposes of sitting for an examination, payment of the full amount of such check or instrument plus a service charge must be paid in full prior to the individual being allowed to take the said examination. If the individual has already taken the examination prior to the board office receiving notification of the dishonored instrument, the individual's results will be held until such time as payment is made in full including the service charge.

(2) If the dishonored check or instrument was tendered for the purposes of renewing an individual license/certification or a corporate certification of authorization, the license or certification is invalidated and will not be considered in good standing, unless the issue is resolved within 30 days.

(3) If the dishonored check or instrument was tendered for the purposes of applying for licensure or certification, the application will not be processed until such time as payment is made in full including the service charge.

Effective Date: June 4, 2003.

**CHAPTER 330-X-5
CURRICULA APPROVED BY THE BOARD**

330-X-5-.01 Curricula Approved by the Board

330-X-5-.01 Curricula Approved by the Board. The following educational requirements are specified in accordance with the Licensure Law which provides that the Board may approve schools, colleges, or universities in determining educational qualifications.

(1) When considering applicants who are graduates of programs from a school, college, or university located within the United States and its jurisdictions the following will apply:

(a) The term “a graduate of an approved engineering curriculum” shall mean a graduate of a baccalaureate engineering program accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET) at the time of graduation or within a two year period of graduation. This term shall also mean a graduate of a master or doctoral degree program offered by a school or college of engineering offering at least one EAC/ABET baccalaureate engineering program provided the school or college of engineering has petitioned the Board for approval for this degree and the Board has granted this approval. This term shall also mean a graduate of an EAC/ABET accredited master’s degree.

(b) The term “graduate of an unapproved engineering curriculum” shall mean a graduate of a baccalaureate engineering program which has not been accredited by EAC/ABET but has been accredited by a regionally accredited commission and is approved by the Board. This term shall also mean a graduate of a master or doctoral degree program offered by a school or college of engineering offering an EAC/ABET baccalaureate engineering program in the same discipline, provided the graduate has an approved four-year related science degree or an approved engineering technology degree. The term shall also mean a graduate of a baccalaureate engineering program not EAC/ABET accredited offered by a foreign school but approved by the Board. See Rule 330-X-5.01(2).

(c) The term “graduate of an approved engineering technology curriculum” shall mean a graduate of a baccalaureate engineering technology program accredited by the Engineering Technology Accreditation Commission (ETAC) of the Accreditation Board for Engineering and Technology (ABET) at the time of graduation or within a two year period of graduation.

(d) In considering professional engineer applicants under Section 34-114(1)a3 and engineer intern applicants under Section 34-11-4-(2)b2 of the Licensure Law, the term “graduate of a related science curriculum” shall mean a graduate of a four year physics, mathematics, or other program which the Board may determine is related to engineering from a school or college which has been accredited by a regionally accredited commission.

(e) The term “graduate of an approved land surveying curriculum” shall mean a graduate of a baccalaureate surveying/geomatics program accredited by EAC/ABET, ETAC/ABET, or Applied Science Accreditation Commission of the Accreditation Board for Engineering

and Technology (ASAC/ABET) at the time of graduation or within a two year period of graduation. This term shall also mean a graduate of a EAC/ABET, ETAC/ABET, or ASAC/ABET accredited surveying/geomatics master's degree program. This term shall also mean a surveying/geomatics baccalaureate program where the school or college has petitioned the Board for approval for this degree and the Board has granted this approval. This term shall also mean a graduate of a baccalaureate civil engineering program accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET) at the time of graduation or within a two-year period of graduation including a minimum of 15 semester hours or 22.5 quarter hours of surveying courses from a school or college which has been accredited by a regionally accredited commission and is approved by the Board.

(f) The term "graduate of an approved curriculum related to surveying" shall mean a graduate of a baccalaureate curriculum related to surveying a minimum of 15 semester hours or 22.5 quarter hours of surveying courses from a school or college which has been accredited by a regionally accredited commission and is approved by the Board.

(g) In considering professional land surveyor applicants under Section 34-114(3)a3 and land surveyor intern applicants under Section 34-11-4-(4)b2 of the Licensure Law, the term "graduate of a related science curriculum" shall mean a graduate of a baccalaureate mathematics or other program which the Board may determine is related to land surveying from a school or college which has been accredited by a regionally accredited commission.

(h) The term "graduate of an approved associate of science degree program" shall mean a graduate of a surveying or engineering curriculum that includes a minimum of 15 semester hours or 22.5 quarter hours of land surveying courses from a school or college accredited by the Accreditation Board for Engineering and Technology (ABET).

(2) When considering engineering applicants who are graduates of engineering programs from a school, college or university outside of the United States and its jurisdictions, the Board will evaluate and approve the degrees on an individual basis. The Board may require an independent evaluation of the engineering education of an applicant who was educated outside of the United States and its jurisdictions. Such evaluation shall be done through an organization approved by the Board and shall be done at the expense of the applicant.

(3) When considering surveying applicants who are graduates of programs from a school, college or university outside of the United States and its jurisdictions, the Board will evaluate and approve the degrees on an individual basis. The Board may require an independent evaluation of the education of an applicant who was educated outside of the United States and its jurisdictions. Such evaluation shall be done through an organization approved by the Board and shall be done at the expense of the applicant.

(4) When considering applicants from related science programs, whether an engineering or land surveying applicant, the Board may require an independent evaluation of the education of an applicant. Such evaluation shall be done through an organization approved by the Board and shall be done at the expense of the applicant.

Effective date: September 10, 1982. Last amendment effective: September 3, 2014.
(Auth: Section 34-11-4; Section 34-11-35, Code of Ala. 1975)

CHAPTER 330-X-6

EXPERIENCE

- 330-X-6-.01 Qualifying Experience
- 330-X-6-.02 Nonqualifying Experience

330-X-6-.01 Qualifying Experience. In evaluating experience offered as qualifying experience under Section 34-11-4 (1), (2) and (3), Code of Ala. 1975, the Board will take into consideration the following:

(a) Experience must be progressive and of an increasing standard of quality and responsibility and usually follows graduation.

(b) Professional land surveyor applicants will usually gain experience by working under the supervision of a licensed professional land surveyor. ~~Verification of experience usually will be by the licensed professional land surveyor supervisor or a licensed professional land surveyor associate. Verification of experience must be by the licensed professional land surveyor supervisor, the licensed professional land surveyor associate, or in some other relationship that assures the Board that the experience received is substantially equivalent to supervision under a licensed professional land surveyor.~~ It is the responsibility of the applicant to have the verification forms provided in the application package completed and returned directly to the Board by the applicant. See Rule 330-X-3-.01(4).

(c) Professional Engineer applicants will usually gain experience by working under the supervision of a licensed professional engineer. Experience may also be gained by working with a licensed professional engineer who closely observed the applicant's work as an associate within the same company and the same location. Verification of experience must be by the licensed professional engineer supervisor, the licensed professional engineer associate, or in some other relationship that assures the Board that the experience received is substantially equivalent to supervision under a licensed professional engineer. It is the responsibility of the applicant to have the verification forms provided in the application package completed and returned directly to the Board by the applicant. See Rule 330-X-3-.01(4).

(d) Concurrent time, that is time spent in engineering or land surveying work, while attending school, can only be credited as education experience or work experience but not as both.

(e) Experience credited on the engineer intern or professional engineer application as engineering experience cannot be claimed as land surveying experience on the land surveyor intern or professional land surveyor application. Experience credited on the land surveyor intern or professional land surveyor application as land surveying experience cannot be claimed as engineering experience on the engineer intern or professional engineer application.

(f) Military experience, to be creditable, must have been spent in engineering work or land surveying work and be of a character equivalent to that required in the civilian sector in like work. Normally, it would be expected that the applicant while in the armed services, served in an engineering, engineering-related, or surveying group.

(g) For sales experience to be creditable, it must be demonstrated conclusively that engineering principles and engineering knowledge were actually employed. The mere selection of data or equipment from a company catalog or a similar publication will not be considered engineering experience.

(h) Successful completion of graduate study in an engineering curriculum leading to a master's degree in engineering in a program whose undergraduate or graduate degree is accredited by EAC/ABET may be credited as one year of engineering experience. Successful completion of a Ph.D. in engineering after completion of a master's degree may be credited for an additional year of experience. Successful completion of graduate study in a land surveying curriculum leading to a master's degree in land surveying in a program whose undergraduate or graduate degree is accredited by ABET may be credited as one year of surveying experience. Successful completion of a Ph.D. in land surveying after completion of a master's degree may be credited for an additional year of experience. If the Ph.D. in engineering or land surveying is obtained without the master's degree, the credit for experience will be two years. If the awarding of the master's or higher degree has been used to change the category of curricula for which the applicant is accepted as identified in Section 330-X5.01, it cannot be used for experience credit.

(i) For teaching experience to be creditable the engineer applicant must have taught engineering or engineering-related courses at an advanced level in a four year engineering or engineering technology curriculum accredited by ABET and must have been under the supervision of a licensed professional engineer. For teaching experience to be creditable as land surveying experience the land surveyor applicant must have taught surveying or surveying-related courses at an advanced level in a land surveying or land surveying technology curriculum accredited by ABET and must have been under the supervision of a licensed professional land surveyor.

(j) Engineering experience leading to licensure as a licensed professional engineer should be directed toward the identification and solution of practical problems in the applicant's area of engineering specialization. This experience should include engineering analysis of existing systems or structures or the design of new systems or structures and be under the supervision of a licensed professional engineer.

(k) Experience in construction supervision in order to be qualifying must include use of engineering skills in assuring compliance with specifications and design- **as approved by the Board.**

(l) Experience must not be anticipated. The experience must have been gained before the time the application is submitted.

(m) Land surveying experience must be progressive and must include experience in property conveyance/boundary line determination, field work, office work, and legal/courthouse research. A substantial portion of the experience must be spent in charge of work related to property conveyance and/or boundary line determination.

(n) Experience prior to graduation is evaluated by the Board on a case by case basis. In order for co-op experience to be considered, it must be listed on the college transcript and must be verified using the procedures as outlined in Rule 330-X6.01(b) and (c). For every two months of accepted co-op experience one 1 month experience will be granted

up to a maximum of six months. Any experience prior to graduation other than co-op is limited to a 2-year maximum.

(o) Experience gained in engineering research and design projects by members of an engineering faculty where the program is approved by the board is creditable.

(p) Part time experience is evaluated by the Board on a case by case basis. In considering part time experience, the months of experience granted by the Board will generally be based on no more than a ratio of part time vs. full time and must meet the requirements of Rule 330-X-6.01(a)

(q) When considering experience at no time will the Board grant experience in excess of a 1:1 calendar ratio.

(r) The Board may deem professional experience acquired by applicants outside the United States to be equivalent to the minimum board requirements established in Sections (a) through (q) above.

Effective date: September 10, 1982. Last amendment effective: September 9, 2015 (Auth: Section 34-11-4; Section 34-11-35, Code of Ala. 1975)

330-X-6-.02 Nonqualifying experience.

(1) Experience must not have been obtained in violation of the Licensure Law.

(2) The Board will not accept the mere execution as a contractor of work designed by a licensed professional engineer, or the supervision of the construction of such work as a foreman or superintendent as qualifying engineering experience.

Effective date: September 10, 1982. Last amendment effective: October 28, 1998. (Auth: Section 34-11-4; Section 34-11-14; Section 34-11-35, Code of Ala. 1975)

CHAPTER 330-X-7 REFERENCES

330-X-7-.01 Statement of Policy

330-X-7-.02 References

330-X-7-.03 Confidentiality of Reference Replies

330-X-7-.01 Statement of Policy. References are those individuals who should have personal knowledge of an applicant and who are able to issue judgments concerning an applicant's experience, ability, character, and reputation.

(1) The applicant should give serious attention to the selection of references.

(2) The licensed professional engineers or licensed professional land surveyors under whose direct control and personal supervision the applicant has worked should normally be named as references.

- (3) Any Board Member may request a Board Member, a staff employee or others to make an independent inquiry or investigation of the applicant's qualifications and report the findings.
- (4) Additional references may be required by the Board.

Effective date: September 10, 1982. Last amendment effective: July 27, 2012. (Auth: Section 34-11-35, Code of Ala. 1975)

330-X-7.02 References.

- (1) The applicant shall furnish on the application for licensure five reference names, their addresses and if licensed, the jurisdictions in which they are licensed.
- (2) If applying for engineer licensure, a minimum of three of the five references must be currently licensed professional engineers qualified to evaluate the applicant's engineering training and experience.
- (3) If applying for land surveyor licensure, a minimum of three of the five references must be currently licensed professional land surveyors qualified to evaluate the applicant's land surveying training and experience.
- (4) All references should know the applicant personally and should be able to issue judgments concerning the applicant's experience, ability, character and reputation.
- (5) Accurate statements of fact from responsible references covering the applicant's experience are necessary.
- (6) A current member of the Board cannot serve as a reference for an applicant.
- (7) The Board may find it necessary to correspond directly with a reference to seek clarification or amplification of the reference's responses on the form submitted. If the reference fails or declines to furnish the necessary information within a reasonable time, all information submitted by that reference may be disregarded in consideration of the application involved.
- (8) It is the responsibility of the applicant to have the reference forms completed by references. See Rule 330-X-3-.01(4).

Effective date: September 10, 1982. Last amendment effective: Amended: September 9, 2015.

(Auth: Section 34-11-5; Section 34-11-35, Code of Ala. 1975)

330-X-7.03 Confidentiality of Reference Replies. Replies received from references regarding the qualifications of an applicant shall be included as records which do not constitute public records as provided for in Rule 330-X-1-.11, and such replies will be held confidential. The source and character of this information shall remain confidential unless disclosure is required by law.

Effective date: September 10, 1982. Last amendment effective: July 27, 2012. (Auth: Section 34-11-35, Code of Ala. 1975)

CHAPTER 330-X-8 EXAMINATIONS

- 330-X-8-.01 Classifications of Examinations
- 330-X-8-.02 Eligibility for Examination
- 330-X-8-.03 Examination Dates and Locations
- 330-X-8-.04 Examinations in the English Language
- 330-X-8-.05 Study Information
- 330-X-8-.06 Instructions for Examination
- 330-X-8-.07 Examination Offerings for the PE, **SE**, PS, and ALSS Examinations
- 330-X-8-.07.01 Examination Offerings for the FE and FS Examinations
- 330-X-8-.08 Examination Results
- 330-X-8-.09 Failed Examination
- 330-X-8-.10 Examination for Record Purposes
- 330-X-8-.11 Examination of Candidates with Disabilities
- 330-X-8-.12 Materials Permitted in **ALSS** Examination **Room**

330-X-8-.01 Classifications of Examinations. Examinations as required by the Alabama Law will be classified as follows:

- (a) Examination in the Fundamentals of Engineering Subjects - FE Exam - Exam I, National Council of Examiners for Engineering and Surveying (NCEES) Exam
- (b) Examination in the Principles and Practice of Engineering - PE Exam - Exam II, NCEES Exam and/or NCEES Structural Engineering Exam
- (c) Examination in the Fundamentals of Surveying- FS Exam - Exam I, NCEES Exam
- (d) Examination in the Principles and Practice of Surveying - PS Exam - Exam II, NCEES Exam
- (e) Alabama Land Surveying Standards, History, and Law - ALSS - Exam III, Alabama Exam

Effective date: September 10, 1982. Last amendment effective: July 27, 2012. (Auth: Section 34-11-6; Section 34-11-35, Code of Ala. 1975)

330-X-8-.02 Eligibility for Examination.

(1) Engineer applicants will not be scheduled to take Exam II (PE) until Exam I (FE) has been passed. Land Surveyor applicants will not be scheduled to take Exam II (PS) and Exam III (ALSS) until Exam I (FS) has been passed.

(2) No candidate may take the **PE Examination, the PS Examination nor the** ALSS Examination until the Board has established his or her eligibility for examination.

(3) Candidates for the FE Examination, FS Examination, PE Examination, SE Examination and the PS Examination may sit for the next scheduled examination without Board action provided the proper application has been filed with NCEES.

(4) An new PE, PS, or ALSS examination candidate, if approved, is allowed unlimited take the examination, is approved for unlimited examination attempts within a one four-year period.

Effective date: September 10, 1982. Last amendment effective: September 3, 2014. (Auth: Section 34-11-35, Code of Ala. 1975)

330-X-8-03 Examination Dates and Locations.

(1) Examinations for the FE, PE, SE, FS, and PS are offered on dates set by NCEES. The examination for the ALSS is offered on dates set by the Board.

(2) PE, SE, and PS Examinations. Locations at which the examinations are given are designated by NCEES and this information will be available at least two weeks before the examinations. The seating capacity in certain exam locations is limited. If an exam location capacity is reached, NCEES may reassign the applicant to another exam location.

(3) ALSS Examinations

(a) Locations at which the examination is given are designated by the Board. and this information will be available at least two weeks before the examination.

(b) The seating capacity in certain exam locations is limited. If an exam location capacity is reached, the applicant may be reassigned to another exam location.

(c) The Board reserves the right to schedule examinees to another location if there are insufficient applicants or other problems for an exam location.

Effective date: September 10, 1982. Last amendment effective: September 3, 2014. (Auth: Section 34-11-6; Section 34-11-35, Code of Ala. 1975)

330-X-8-04 Examinations in the English Language. All examinations will be in the English language.

Effective date: September 10, 1982
(Auth: Section 34-11-35, Code of Ala. 1975)

330-X-8-05 Study Information. Questions used on prior examinations will not be distributed by the Board. Order forms are available, upon request, for ordering typical questions from NCEES. Information on the history of land surveying in Alabama and Alabama Law applicable to land surveying is available. as specified by the Executive Director of the Board.

Effective date: September 10, 1982. Last amendment effective: October 28, 1998. (Auth: Section 34-11-35, Code of Ala. 1975)

330-X-8-06 Instructions for Examination. Instructions provided prior to each examination will furnish information regarding whether the examination is open, closed, or limited reference book. On an open book examination, textbooks and bound classroom manuals are permitted. On a limited reference examination, the only reference material allowed will be furnished. More specific instructions will be provided prior to the examination ~~or at the examination site.~~

Effective date: September 10, 1982. Last amendment effective: January 19, 2005. (Auth: Section 34-11-6; Section 34-11-35, Code of Ala. 1975)

330-X-8-07 Examination Offerings For The PE, PS, and ALSS Examinations.

(1) An applicant successfully qualifying for an examination will be notified in advance of the examination for which the exam fee has been paid.

(a) ~~Should the applicant fail to take the PE or PS examination offered or fail to pass the PE or PS examination and plans to retake the examination, the applicant will apply directly to NCEES and pay the examination fee as set by NCEES to NCEES. Should the applicant fail to take the examination or fail to pass the examination applied for, the fee paid is not refundable.~~

(b) Should the applicant fail to take the ALSS examination offered or fail to pass the examination and plans to retake the examination, the applicant must file a request for reexamination to the Board and pay the examination fee as set by the Board. Should the applicant fail to take the examination or fail to pass the examination applied for, the fee paid is not refundable.

(c) In the event an applicant fails to pass the examination after ~~one four years~~, the applicant will be notified that the application has been closed.

(d) If an application is closed, in order to be considered for further examinations, an applicant must file a new application, listing experience gained ~~and verified~~ since the previously filed application, and pay the application fee as required by Law. No transcripts, ~~or~~ additional references ~~or verifications~~ will be required. The applicant must meet the eligibility requirements of the current Law and Administrative Code.

(e) In the event the requalified applicant again fails to pass the examination after ~~one (1) four (4) years~~, the application will be closed and the procedure as outlined in (d) above would then be repeated before further consideration would be afforded the applicant.

(f) An application ~~approved prior to July 1, 2018~~, will be ~~considered valid and retained on file for a period of two four years. After two four years, an the application will be closed. and the applicant will be required to follow the procedure outlined in (d) above for reapplication.~~

Effective date: September 10, 1982. Last amendment effective: September 3, 2014. (Auth: Section 34-11-5; Section 34-11-6; Section 34-11-35, Code of Ala. 1975)

330-X-8-07.01 Examination Offerings For The FE, and FS, PE, SE and PS Examinations

(1) An individual wishing to take the FE, or FS, **PE, SE or PS** examination will register with NCEES.

(2) An individual failing the FE, or FS, **PE, SE or PS** examination may be allowed to retake the examination in accordance with NCEES policy.

(3) An application approved prior to July 1, 2018, will be retained on file for two years. After two years, the application will be closed.

Effective date: September 3, 2014

(Auth: Section 34-11-5; Section 34-11-6; Section 34-11-35, Code of Ala. 1975)

330-X-8-08 Examination Results. Examination results will be approved by the Board. The passing score on each NCEES examination will be determined by the Board, based on NCEES's recommendation.

Effective date: September 10, 1982. Last amendment effective: September 9, 2015.
(Auth: Section 34-11-35, Code of Ala. 1975)

330-X-8-09 Failed Examination.

(1) There will be no review of failed exams.

(2) If an applicant does not attend an examination for which he or she has been scheduled, it does not count as a failure of the examination.

Effective date: September 10, 1982. Last amendment effective: July 27, 2012. (Auth: Section 34-11-35, Code of Ala. 1975)

330-X-8-10 Examination for Record Purposes.

(1) Any engineer licensed by this Board may take, for record purposes, the Fundamentals of Engineering Examination, and the Principles and Practice of Engineering Examination **or the Structural Engineering Examination** prepared by NCEES upon payment of the fees to NCEES.

(2) Any land surveyor licensed by this Board may take for record purposes the Fundamentals of Surveying and the Principles and Practice of Surveying Examination prepared by NCEES upon payment of the fees to NCEES.

(3) Failure to pass either or both parts of the examination will in no way affect current licensure.

Effective date: September 10, 1982. Last amendment effective: July 27, 2012. (Authority: Section 34-11-35, Code of Ala. 1975)

330-X-8-11 Examination of Candidates with Disabilities. Accommodations made for disabled persons shall comply with applicable federal and state laws and regulations. Application procedures will be as specified by NCEES.

Effective Date: June 4, 2003. Last amendment effective: January 19, 2005 (Auth: Section 34-11-6; Section 34-11-35, Code of Ala. 1975)

330-X-8-12 Materials Permitted in ALSS Examination Room.

(1) Devices or materials that might compromise the security of the examination or examination process are not permitted.

(2) Only ~~models of calculators as specified by NCEES are permitted in the examination room.~~ materials specified by the Board

(3) ~~Devices having a QWERTY keypad arrangement similar to as typewriter or keyboard are not permitted. Devices not permitted include but are not limited to palmtop, laptop, handheld, and desktop computers, calculators, databanks, data collectors, and organizers.~~

(4) ~~Communication devices such as pagers and cellular phones are not permitted.~~

(5) Each candidate will be required to sign a statement that he or she will neither copy nor divulge any examination problem or solution and that any violation thereof will be sufficient grounds for invalidating the candidate's examination.

Effective date: January 19, 2005.
(Auth: Section 34-11-6; Section 34-11-35, Code of Ala. 1975)

**CHAPTER 330-X-9
CLASSIFICATIONS OF LICENSURE**

- 330-X-9-01 Classification of Licensure
- 330-X-9-02 Repealed
- 330-X-9-03 Repealed

330-X-9-01 Classification of Licensure.

- (1) Applicants shall be licensed under one or more of the following titles:
 - (a) Professional Engineer
 - (b) Professional Land Surveyor.
- (2) Applicants shall be certified under one or more of the following titles:

(a) Engineer Intern

(b) Land Surveyor Intern.

(3) Chapter 11, Title 34, Code of Ala. 1975 makes no specific designations as to the discipline of engineering or land surveying practice for which a license as Professional Engineer or Professional Land Surveyor shall be issued; however, the Rules of Professional Conduct, Rule 330-X-14-.03, provides that a professional engineer or professional land surveyor shall practice only in technical fields in which he or she is qualified by education or experience. Discipline of examinations taken by a licensee is considered a public record.

Effective date: September 10, 1982. Last amendment effective: July 27, 2012. (Auth: Section 34-11-1; Section 34-11-35, Code of Ala. 1975)

330-X-9-.02 Branches of Engineering and Land Surveying.

Repealed: July 27, 2012

330-X-9-.03 Functions Common to both Engineering Surveying and Land Surveying.

Repealed: December 5, 2006.

**CHAPTER 330-X-10
LICENSURE AND CERTIFICATION AND USE OF RETIRED TITLE**

330-X-10-.01 License Number

330-X-10-.02 Certificates of Licensure

330-X-10-.03 Reissuance of Certificates

330-X-10-.04 Professional Engineer Retired, Professional Land Surveyor Retired

330-X-10-.01 License Number. At the time an applicant is granted licensure by the Board, the applicant will be assigned a license number.

Effective date: September 10, 1982. Last amendment effective: October 28, 1998. (Auth: Section 34-11-7; Section 34-11-35, Code of Ala. 1975)

330-X-10-.02 Certificates of Licensure.

(1) After the Board has received payment of the licensure all required fees from an approved applicant, a certificate of licensure with the license number will be issued.

(2) A professional engineer or professional land surveyor examination applicant who fails to complete his or her licensure as provided for hereinabove within a period of thirty days after notice is mailed to him or her by the Board that he or she has been granted licensure shall be denied licensure. This deadline may be waived due to extenuating circumstances.

Effective date: September 10, 1982. Last amendment effective: October 28, 1998. (Auth: Section 34-11-5; Section 34-11-7; Section 34-11-35, Code of Ala. 1975)

330-X-10-03 Reissuance of Certificates. A licensee requesting a **new duplicate** certificate of licensure under the provisions of Section 34-11-12, Code of Ala. 1975 shall file a ~~notarized~~ request form setting out the reasons for the request. Upon receipt of the request form accompanied by the required fee, a duplicate certificate will be issued.

330-X-10-04 Professional Engineer Retired, Professional Land Surveyor Retired

An individual who has been issued a certificate of licensure as a professional engineer or as a professional land surveyor and who chooses to relinquish or not to renew a license may be granted use of the title "Professional Engineer, Retired" or "Professional Land Surveyor, Retired," as applicable, if the individual applies to and is granted approval by the board.

Applications for Professional Retired Designation must be submitted in the manner outlined by the Board, and will be considered by the Board for approval.

This designation is not a license, and does not allow the individual to practice engineering or surveying. An individual that has been granted this designation that wishes to practice engineering or land surveying will be required to file a new license application and meet the current eligibility requirements of the law and administrative code.

The designation does not require renewal, and does not expire.

Effective date: September 10, 1982. Last amendment effective: September 3, 2014. (Auth: Section 34-11-11; Section 34-11-12; Section 34-11-35, Code of Ala. 1975)

**CHAPTER 330-X-11
SEALS**

- 330-X-11-.01 Seal of the Board
- 330-X-11-.02 Seal of the Licensee
- 330-X-11-.03 Seal on Documents
- 330-X-11-.04 Seal, Signature, and Date on Certifications

330-X-11-.01 Seal of the Board. The seal of the Board shall be circular in form and shall be imprinted on all certificates issued by the Board.

Effective date: September 10, 1982. Last amendment effective: October 28, 1998. (Auth: Section 34-11-35, Code of Ala. 1975)

330-X-11-.02 Seal of the Licensee.

(1) Upon approval of licensure by the Board, licensees will be advised that they should secure an official seal which shall be applied to all drawings, specifications, reports, and other engineering or land surveying documents prepared by or under the direct control and personal supervision of the licensees.

(2) The seals to be used by the licensees are to be circular in form and not less than 1 5/8 to 2 inches in diameter with copy of the design to be furnished each new licensee.

(3) Seals obtained prior to the adoption of this rule and which are in conformance with prior Board rules are acceptable.

(4) Rubber stamps and computer generated seals identical in size, design, and content with the approved seals may be used by the licensee.

(5) Drawings, reports, or documents that are signed using a digital signature, as defined in 330-X-.02(10), shall contain authentication procedures.

Effective date: September 10, 1982. Last amendment effective: July 27, 2012. (Auth: Section 34-11-9; Section 34-11-35, Code of Ala. 1975)

330-X-11-.03 Seal on Documents.

(1) The seal, signature, and date of signature on a document signify that the document was prepared by the licensee or under his or her responsible charge, or that the licensee has reviewed the document in sufficient depth to fully coordinate and assume responsibility for documents prepared by another licensed professional engineer or licensed professional land surveyor.

(2) Two or more licensees may affix their signatures and seals on the same sheet provided it is designated by a note under the seal the specific subject matter for which each is responsible. In addition, each drawing shall be sealed and signed by the licensee or licensees responsible for each sheet.

(3) The seal and signature shall be placed on work only when it was under the licensee's responsible charge. The licensee shall only sign and seal work within their area of competence.

(a) Each design sheet for engineering practice and each map, plat or chart sheets for land surveying practice, shall be signed, sealed, and dated by the licensee who prepared the documents or under whose responsible charge the documents were prepared.

(b) For reports and specifications when more than one sheet is bound together in one volume, the licensee who prepared the volume, or under whose responsible charge the volume was prepared, may sign, seal, and date only the title or index sheet, provided that this sheet clearly identifies all of the other sheets comprising the bound volume, and provided that any of the other sheets which were prepared by, or under the responsible charge of, another licensee, be signed, sealed, and dated by the other licensee.

(c) Letters containing engineering or surveying recommendations should be signed and sealed on the signature page, whether those documents are transmitted via hard copy or electronic means.

(4) Plans, plats, specifications, drawings, reports, or other documents will be deemed to have been prepared under the responsible charge of a licensee only when all of the following conditions have been met and documented:

- (a) The client requesting preparation of such plans, plats, specifications, drawings, reports, or other documents makes the request directly to the licensee, or a member or employee of the licensee's firm;
- (b) The licensee supervises the preparation of the plans, plats, specifications, drawings, reports, or other documents and has input into their preparation prior to their completion;
- (c) The licensee reviews the final plans, plats, specifications, drawings, reports, or other documents; and
- (d) The licensee has the authority to, and does, make any necessary and appropriate changes to the final plans, plats, specifications, drawings, reports, or other documents.
- (5) Any revision to a document containing the seal and signature of a licensee shall be described and dated. If the revisions are not done by the original licensee, the revisions must also be signed and sealed by the licensee in responsible charge of those revisions. The original seal and signature shall not be removed.
- (6) The seal, signature, and date of signing shall be placed on all final specifications, land surveys, reports, plats, drawings, plans, design information, and calculations whenever presented to a client or any public or governmental agency to certify that the work was done by the licensee or under the responsible charge of the licensee. All work products presented which are not final shall be so identified. Working drawings or preliminary documents are not required to have a seal and signature if the working drawing or preliminary document contains a statement in large bold letters to the effect "PRELIMINARY, NOT FOR CONSTRUCTION, RECORDING PURPOSES OR IMPLEMENTATION."
- (7) Working drawings consisting of sketches, reports, or otherwise a work product which is in whole or part intended to communicate work to be performed or for use in specific proposals and/or becomes a part of defining the scope of a contract for work, must be sealed, signed, and dated by the licensee who prepared these documents or under whose direct control and personal supervision they were prepared.
- (8) A computer generated seal or facsimile is acceptable only when the signature of the professional engineer or professional land surveyor and the date the document was signed are on or adjacent to the computer generated or facsimile seal. Any variation from this procedure must be submitted to and approved by the Board. Drawings, specifications, plans, reports, or documents which do not require certification may be transmitted electronically but shall have the generated seal, if any, removed before transmitting and shall have the following inserted in lieu of the signature and date: "This document originally issued and sealed by (name of licensee), P.E. # ____/P.L.S. # ____ on (date of sealing). This document should not be considered a certified document."
- (9) In circumstances where a licensee in responsible charge of the work is unavailable to complete the work, or the work is a site adaptation of a standard design plan, or the work is a design plan signed and sealed by an out-of-jurisdiction licensee, a successor licensee may take responsible charge by performing all professional services to include developing a complete design file with work or design criteria, calculations, code research,

and any necessary and appropriate changes to the work. The nonprofessional services, such as drafting, need not be redone by the successor licensee but must clearly and accurately reflect the successor licensee's work. The burden is on the successor licensee to show such compliance. The successor licensee shall have control of and responsibility for the work product and the signed and sealed originals of all documents.

(10) The seal and signature shall be placed on all original copy, tracings, or other reproducible documents so that the seal and signature will be reproduced when copies are made.

Effective date: September 10, 1982. Last amendment effective: September 9, 2015. (Auth: Section 34-11-9; Section 34-11-35, Code of Ala. 1975)

330-X-11-.04 Seal, Signature, and Date on Certifications.

(1) The term "Certification" as used herein shall be as set forth in Rule 330-X2-.01(8).

(2) When an engineer or a land surveyor is presented with a Certification to be signed, sealed, and dated, he or she should carefully evaluate that Certification to determine if any of the circumstances set forth in subsection (3) below would apply.

(3) Engineers or land surveyors who sign, seal, and date Certifications which: (a) relate to matters which are beyond the engineer's or land surveyor's technical competence, or (b) involve matters which are beyond the engineer's or land surveyor's scope of services actually provided, or (c) relate to matters which were not prepared under the engineer's or land surveyor's responsible supervision, direction, or control are subject to discipline pursuant to Rules 330-X-14-.05(h) and 330-X-16.

(4) If any of these circumstances set forth in subsection (3) above would apply, that engineer or land surveyor shall either: (a) modify such Certification to limit its scope to those matters which the engineer or land surveyor can properly sign, seal, and date, or (b) decline to sign, seal, and date such Certification.

Effective date: October 18, 1994. Last amendment effective: October 28, 1998. (Auth: Section 34-11-9; Section 34-11-35, Code of Ala. 1975)

CHAPTER 330-X-12 INTERIM PERMITS

Chapter repealed: September 3, 2014.

CHAPTER 330-X-13 EXPIRATIONS, **LAPSES, RENEWALS, AND CONTINUING PROFESSIONAL COMPETENCY**

330-X-13-.01 Renewals

330-X-13-.02 Continuing Professional Competency

330-X-13-.03 Expirations **and Lapses**

330-X-13-.01 Renewals.

(1) All licenses ~~lapse expire~~ on December 31 of a specified year. Each licensee will be mailed a renewal notification ~~notified~~ no later than two months prior to the date the license lapses ~~expires~~. Renewal may ~~must~~ be accomplished online or by submission of a paper renewal form. The renewal must be signed and returned to the Board office with the renewal fee. The licensee's ~~signature on submission of~~ the renewal form reaffirms agreement to abide by the Rules of Professional Conduct (Code of Ethics), Rule 330-X-14.

(2) All intern certifications become delinquent on December 31. Each active intern will be mailed a renewal notification no later than two months prior to the date the certification becomes delinquent. Renewal may be accomplished online or by submission of a paper renewal form.

(3) The renewal fees are set each year by the Board. No renewal fees will be accepted prior to the renewal date specified in the Board renewal notification ~~the mailing of the renewal notifications.~~

(4) Reinstatement fees for ~~lapsed expired~~ licenses and certifications are set each year by the Board.

(5) The responsibility for the timely renewal rests solely with the individual. Failure to receive notice of renewal does not relieve you of your duty to renew on time.

Effective date: September 10, 1982. Last amendment effective: July 27, 2012. (Auth: Section 34-11-8; Section 34-11-35, Code of Ala. 1975)

330-X-13-.02 Continuing Professional Competency

(1) Purpose - In order to help safeguard ~~health, life, health,~~ health, safety, welfare and property, ~~and to promote the public welfare,~~ the practices of professional engineering and land surveying in Alabama require continuing professional competency in accordance with Code of Ala. 1975, Section 34-11-8 (a)(2) and this Rule.

(2) Scope - Each in-state and out-of-state licensee shall be required to meet the continuing professional competency requirements of these regulations for professional development as a condition for licensure renewal. Continuing professional competency obtained by a licensee should maintain, improve, or expand skills and knowledge obtained prior to initial licensure or develop new and relevant skills and knowledge. Regular duties are not considered qualified activities.

(3) Definitions - Terms used in this section are defined as follows:

(a) Professional Development Hour (PDH) - A contact (clock) hour consisting of not less than 50 minutes of instruction or presentation and which further meets the requirements

of these rules. The minimum acceptable fraction of a PDH will be .5 which is equivalent to 30 minutes of instruction time.

(b) Sponsor - An individual, organization, association, institution, or other entity which provides an educational activity for the purpose of fulfilling the continuing professional competency requirements of this rule.

(4) Requirements - To demonstrate that a licensed professional engineer or professional land surveyor maintains an acceptable level of competency, a licensee must obtain the number of Professional Development Hours (PDH) per renewal period as shown below. The requirement must be satisfied during the current renewal period. Professional development hours must not be anticipated and cannot be used for more than one renewal period. PDH credits may include:

- (a) The carryover permitted,
- (b) PDH earned during the previous renewal period after the date of submitting the previous renewal to the Board office,
- (c) PDH earned during current renewal period, and
- (d) PDH earned in the following renewal period if renewing after renewal deadline.

1. A licensed professional engineer or licensed professional land surveyor must earn a minimum of fifteen PDH per annual renewal period or thirty if biennial renewal period except for the carryover permitted. The number of professional development hours which may be carried forward into the next renewal period shall not exceed fifteen whether on an annual or biennial period.

2. A licensee who has both a professional engineer's license and a professional land surveyor's license can cross claim PDH's when course material is applicable to both licenses.

3. All professional land surveyors are required to earn a minimum of 4 PDH on the Standards of Practice for Surveying in the State of Alabama every two years. All new professional land surveyor licensees shall complete this requirement within 2 years of becoming licensed in Alabama. Credit will be given for courses taken within 2 years of obtaining licensure in Alabama. Credit for these courses/seminars will count toward the annual or biennial PDH requirements as required by the Code of Alabama 34-11-6.

4. All professional land surveyors are required to complete 1 PDH on ethics every year. All new professional land surveyor licensees shall complete the 1 PDH of ethics within 1 year of becoming licensed in Alabama as required by the Code of Alabama 34-11-6.

(5) Activities — Continuing professional competency activities which satisfy the professional development requirement shall include, but not be limited to:

- (a) Successfully completing or auditing college or university sponsored courses,

- (b) Successfully completing courses which are awarded continuing educational units (CEU),
- (c) Successfully completing tutorials, short courses, correspondence courses, televised courses, internet courses, or videotaped courses,
- (d) Attending seminars, in-house programs, workshops, or professional or technical presentations made at meetings, conventions, or conferences,
- (e) Teaching, presenting, or instructing as described in (a) through (d) above,
- (f) Authoring published papers, articles, books, or accepted licensing examination items, and
- (g) Receiving a United States patent.
- (h) Actively participating in professional or technical societies as defined in 330-X-13.02(8)(f).
- (i) Serving the Board as a volunteer Technical Advisor as defined in 330-X13.02(8)(g).
- (j) Active participation in educational outreach activities pertaining to professional licensure or the surveying/engineering professions that involve K-12 or higher education students.

All activities as described in (a) through (j) above must be relevant to the practice of engineering or land surveying and may include technical, ethical, or managerial content. The Board does not preapprove or endorse any CPC activities. It is the responsibility of each licensee to assure that all PDH credits claimed meet the requirements as specified in 330-X-13.02.

(6) Criteria - Continuing professional competency activities must meet the following criteria:

- (a) There is a clear purpose and objective for each activity which will maintain, improve, or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge.
- (b) The content of each presentation is well organized and presented in a sequential manner.
- (c) There is evidence of preplanning which should include the opportunity for input by the target group to be served.
- (d) The presentation will be made by persons who are well qualified by education or experience.
- (e) There is a provision for individual participant registration which will include information required for record keeping and reporting.

(7) Units - The conversion to PDH units from other units is as follows:

| | |
|---|-------------------------------|
| 1 University semester hour of credit... | 45 PDH |
| University quarter hour of credit... | 30 PDH |
| Continuing Educational Unit (CEU). | 10 PDH |
| 1 Hour of acceptable professional development education ... | 1 PDH |
| Active participation in professional and technical society (each organization maximum 2 PDH per organization not to exceed 6 PDH total) | |
| 1 hour of outreach activities ... | 1 PDH (not to exceed 3 PDH's) |

(8) Credits – The Board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit. Credit for qualifying courses successfully completed which offer PDHs based on semester hours, quarter hours, or CEUs is as specified above. All other activities permit the earning of one PDH credit for each contact hour with the following exceptions:

- (a) Successful auditing of university or college courses permits PDH credit of 1/3 that shown in (7) above.
- (b) Teaching or instructing qualifying courses or seminars or making presentations at technical meetings can earn PDH credit at twice that of participants. For non faculty - Teaching credit is valid only for the first offering of the course/presentation. ~~Full-time~~ Faculty may not claim teaching credit associated with their regular duties.
- (c) Authorship of papers, articles, or books cannot be claimed until actually published. Receipt of a US patent cannot be claimed until the patent is actually awarded. Credit earned will equal preparation time spent not to exceed 10 PDH per publication or patent.
- (d) For meeting the continuing professional competency requirements through correspondence, video, audio, or on-line courses, the course must require the participant to show evidence of completion.
- (e) The Board will not accept self study, regular employment including repetitive teaching of the same course without updating course material, service club meetings, equipment demonstrations, membership on Boards or Committees, enrollment without attending the course, conversational language courses for personal use, and other activities not relevant to engineering or land surveying and not educational in nature.
- (f) Credit for active participation in professional and technical societies (limited to 2 PDH per organization, but a maximum of 6 PDH total), requires that a licensee serve as an officer and/or actively participate in a committee of the organization.
- (g) Credit for service to the Board as a volunteer Technical Advisor may be earned on an hourly basis not to exceed 10 PDH per year.

(9) Exemptions — A licensee may be exempt from the professional development educational requirements for one of the following reasons:

(a) A military licensee serving on active duty in the armed forces of the United States for a period of time exceeding one hundred twenty (120) days in a renewal period shall be exempt from obtaining the professional development hours required during that period.

(b) A licensee employed as a professional engineer or professional land surveyor and assigned to duty outside the United States for a period of time exceeding one hundred twenty (120) consecutive days in a renewal period shall be exempt from obtaining the professional development hours required during that period.

(c) A licensee who has experienced during the past year a serious illness or injury of a nature and duration which has prohibited completing continuing professional competency requirements this past renewal period may be exempted in order to give the licensee sufficient time to recuperate and begin to earn the necessary professional development hours for the next renewal period. Supporting documentation such as a letter from a physician must be furnished to the Board.

(d) Licensees who list their occupation as **Retired or** Inactive on the Board approved renewal form and who certify that they are not currently practicing engineering or land surveying shall be exempt from the professional development hours required.

(e) New Licensee: A new licensee is **to be** awarded 30 PDH toward their first renewal.

(10) Reinstating Expired Lapsed, or Inactive and Retired Licenses. In the event a licensee elects to return to active practice of professional engineering or professional land surveying, thirty professional development hours must be earned. The hours required for reinstatement are to bring the license to active status. When the **reinstated** license renewal is due, the licensee will also be required to obtain the professional development hours for the renewal period. **Professional Land Surveyor licensees must also meet the PDH requirements contained in Section 330-X-13-.02.(4) 3 and 4.**

(11) Forms - All renewal applications will require the listing of the PDH credit claimed unless the licensee is exempt from the continuing education requirement. The licensee must certify and sign the renewal application.

(12) Records - The responsibility of maintaining records which can be used to support credits claimed is the responsibility of the licensee. Records required are **(1) a log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDH credits earned; and (2) attendance verification records in the form of** completion certificates showing PDH credits earned. These records must be maintained for a period of four years and copies must be furnished, if requested, to the Board for audit verification purposes. These records should not be furnished with the renewal application.

(13) Disallowance - If the Board disallows claimed PDH credit after the renewal has been processed, the licensee shall have **180 90** days after notification to substantiate the original claim or to earn other credit to meet the minimum requirement.

(14) Audit - The Board will conduct a random audit of renewals submitted for compliance with the continuing education requirements.

- (a) Those licensees selected for audit will be notified and will be required to provide the documents as outlined in subsection (12) above.
- (b) Failure to respond within 60 days of audit notification will result in a temporary suspension of the license and the license will remain suspended until such time as the audit requirements are met.
- (c) Falsification of documentation is grounds for disciplinary action.

Effective Date: August 17, 1992. Last amendment effective: September 9, 2015. (Auth: Section 34-11-8; Section 34-11-35, Code of Ala. 1975)

330-X-13-.03 Expirations and Reinstatements ~~Lapses.~~

(1) The right to practice as a licensed professional engineer or licensed professional land surveyor ~~lapses expires~~ December 31 of the specified year unless renewed. To be reinstated, a licensee who does not renew before December 31 and has ~~an lapsed expired~~ license for a period not to exceed ~~two four~~ years, will be required to file a reinstatement form, show evidence of completion of the continuing professional competency requirement, and pay the reinstatement fee as determined by the Board. Any license which has been ~~lapsed expired~~ for more than ~~four two~~ years is not eligible for reinstatement ~~and is considered expired~~ and the individual will be required to file a new application and meet the statutory requirements in existence at time of relicensing.

~~(2) An engineer intern or land surveyor intern who does not renew his or her certification within the period provided by law will not invalidate his or her status as an engineer intern or land surveyor intern, but his or her name shall, after ninety days, be removed from the Board's current mailing list and omitted from the Roster. The fee to bring an enrollment current after a renewal expiration shall be twice the fee established for the renewal period.~~

Effective Date: September 10, 1982. Last amendment effective: January 19, 2005. (Auth: Section 34-11-8; Section 34-11-35, Code of Ala. 1975)

**CHAPTER 330-X-14
PROFESSIONAL CONDUCT
(CODE OF ETHICS)**

- 330-X-14-.01 Preamble
- 330-X-14-.02 Conflict of Interest (Canon I)
- 330-X-14-.03 Qualified by Education and Experience (Canon II)
- 330-X-14-.04 Confidences of Clients and Employers (Canon III)
- 330-X-14-.05 Practice (Canon IV)
- 330-X-14-.06 Ethics (Canon V)
- 330-X-14-.07 Responsibility for Conduct

330-X-14-.01 Preamble.

(1) In order to meet the intent of the Code of Ala. 1975, Title 34, Chapter 11, to safeguard the health, life, health safety, welfare and property, of the public and to establish and

maintain a high standard of integrity, skills, and practice in the professions of engineering and land surveying, the following Rules of Professional Conduct (Code of Ethics) are promulgated in accordance with Section 34-11-35, Code of Ala. 1975 and shall be binding upon (a) every person holding a license as a professional engineer or professional land surveyor, (b) every certified engineer intern and land surveyor intern and (c) holders of certificates of authorization.

(2) All persons licensed or certified under the provisions of Chapter 11, Title 34, Code of Ala. 1975 and prior Code, are charged with having knowledge of the existence of the Rules of Professional Conduct (Code of Ethics), Rules 330-X-14-.02 through 330-X-14-.07, and shall be deemed to be familiar with their several provisions and to understand them. Such knowledge shall encompass the understanding that the practice of engineering or land surveying is a privilege, as opposed to a right, and the licensee or intern shall be forthright and candid in his or her statements or written response to the Board or its representatives on matters pertaining to professional conduct.

(3) Where applicable, the singular use of the words “engineer or land surveyor” used in the five Rules of Professional Conduct (Canons) shall also include holders of certificates of authorization.

(4) Licensees, in the performance of their services for clients, employers, and customers, shall be cognizant that their first and foremost responsibility is to the public health, life, safety, property and welfare.

Effective Date: September 10, 1982. Last amendment effective: July 27, 2012. (Auth: Section 34-11-35, Code of Ala. 1975)

330-X-14-.02 Conflict of Interest. (Canon I) The engineer or land surveyor shall exercise independent judgments, decisions and practices on behalf of clients and employers as follows:

(a) The engineer or land surveyor shall attempt to avoid all conflicts of interest with his or her client or employer, but when a conflict of interest is unavoidable, the engineer or land surveyor shall immediately inform his or her employer or client of any business association, interest, or circumstances which might tend to influence the licensee’s professional judgments, decisions or practices or the quality of services.

(b) The engineer or land surveyor shall not solicit or accept any gratuity, material favor or benefits of any substantial nature from any party, agent, servant or employee dealing with his or her client or employer in connection with any project on which he or she is performing or has contracted to perform engineering or land surveying services. This solicitation or acceptance includes, but is not limited to any act, article, money or other material possessions which is of such value proportion that its acceptance creates a clandestine obligation on the part of the receiver or otherwise compromises his or her ability to exercise his or her own independent judgment.

(c) The engineer or land surveyor shall not solicit or accept, directly or indirectly, any engineering or land surveying contract, selection, or employment from a governmental body in which a principal or officer of the licensee’s organization serves as a member or employee.

(d) When in public service as a member or employee of a governmental body, the engineer or land surveyor shall not participate, directly or indirectly, in considerations or actions with respect to retaining services offered or provided by the licensee, his or her associates or his or her organization to such governmental body.

Effective Date: September 10, 1982. Last amendment effective: October 28, 1998. (Auth: Section 34-11-35, Code of Ala. 1975)

330-X-14-.03 Qualified by Education and/or Experience. (Canon II) The engineer or land surveyor shall act competently and use proper care in performing engineering or land surveying services for clients or employers and shall act only in fields in which qualified by education or experience as follows:

(a) The engineer or land surveyor shall not accept any engineering or land surveying employment, or undertake any engineering or land surveying assignment, for which he or she is not qualified by education or experience to perform or to carry out adequately and competently; providing and excepting, however, that an engineer or land surveyor may accept an assignment requiring education and experience outside his or her field of competence only to the extent that personal engineering or land surveying services are restricted solely to those phases of the service or project in which he or she is qualified and competent, and that all other phases of such service or project shall be performed by qualified consultants, associates or employees.

(b) The engineer or land surveyor shall not affix his or her signature or seal to any engineering or land surveying plan or document dealing with subject matter on which he or she is not qualified by education or experience to form a dependable judgment.

(c) The engineer or land surveyor, when serving as an expert or technical witness before any court, commission or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of his or her testimony.

(d) The engineer, land surveyor, engineer intern, or land surveyor intern shall not engage in any other professional matter for which a specific license is required without first being licensed in that profession.

Effective date: September 10, 1982. Last amended effective: September 9, 2015. (Auth: Section 34-11-35, Code of Ala. 1975)

330-X-14-.04 Confidences of Clients and Employers. (Canon III) The engineer or land surveyor shall safeguard and preserve the confidences and private information of clients and employers as follows:

(a) Except as permitted by Rule 330-X-14-.04(b), the engineer or land surveyor shall not knowingly:

1. Reveal a confidence or private information regarding or in the possession of the licensee's client or employer, current or former;

2. Use a confidence or private information regarding or in the possession of the client or employer, current or former, to the disadvantage of the client or employer;

3. Use a confidence or private information regarding or in the possession of the client or employer for the advantage of a third person, unless the client or employer, current or former, consents after full disclosure except (b) below.

(b) The engineer or land surveyor may reveal confidences or private information under the following circumstances:

1. When he or she has obtained the consent of the client or clients, employer or employers, current or former, affected, but only after full disclosure to them;

2. When required by law or court order;

3. When necessary to establish legal proof of his or her relationship with a client or employer, current or former, in a court action to recover salaries, fees or other compensation due him or her as a result of his or her employment or association with the client or employer, current or former;

4. When necessary to defend himself or herself or his or her employees or associates in a legal action alleging wrongful conduct;

5. When there is potential danger to the public's safety and well being.

(c) The engineer or land surveyor shall exercise reasonable care to prevent unauthorized disclosure or use by his or her employees and associates of private information or confidences regarding or in the possession of a client or employer, current or former.

(d) Nothing in this rule shall relieve an engineer or land surveyor from complying with Rule 330-X-14.05(j).

(e) Licensees shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

Effective date: September 10, 1982. Last amendment effective: July 27, 2012. (Auth: Section 34-11-35, Code of Ala. 1975)

330-X-14-.05 Practice. (Canon IV.) The engineer or land surveyor shall endeavor to build a practice and professional reputation on the merit of his or her services as follows:

(a) The engineer or land surveyor shall not offer, or promise to pay or deliver, directly or indirectly, any commission, political contribution, gift, favor, gratuity, benefit or reward as an inducement to secure any specific professional engineering or professional land surveying work or assignment; providing and excepting, however, that an engineer or land surveyor may pay a duly licensed employment agency its fee or commission for securing engineering or land surveying employment in a salaried position.

(b) The engineer or land surveyor shall not solicit professional employment by self-laudatory advertising, or in any manner contrary to high professional standards.

(c) Licensees shall not falsify or permit misrepresentation of their, or their associates, academic or professional qualifications. They shall not misrepresent or exaggerate their degree of responsibility in prior assignments nor the complexity of said assignments. Presentations incident to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments.

(d) The engineer or land surveyor shall not supplant, nor attempt to supplant, directly or indirectly, another engineer or land surveyor in an ongoing engineering or land surveying project, after contracts have been awarded to such other engineer or land surveyor.

(e) The engineer or land surveyor shall not attempt to compete with another engineer or land surveyor for employment by reducing his or her usual charges or by the use of unethical practices.

(f) The engineer or land surveyor shall not participate in or implement procurement practices based solely on fees (bid submittals, except as allowed by State Law).

which do not Procurement practices shall first determine the qualifications of the engineer or land surveyor prior to entering into fee negotiations for services being sought. An engineer or land surveyor having submitted a statement of qualification and performance data, and having first been judged as the qualified individual or firm to provide the services required for the proposed project, may proceed to negotiate a contract with a client and establish compensation or fees for the required services.

Should the engineer or land surveyor be unable to negotiate a satisfactory contract with the client for any reason, the engineer or land surveyor shall withdraw from further consideration for the engineering or land surveying services. Another engineer or land surveyor may then be selected for negotiations of a contract for the services on the stated project.

Examples include but are not limited to, simultaneous negotiations or solicitation of fee proposals by the client from two or more engineers or land surveyors constitutes "bidding" and participation by a licensee is prohibited.

(g) The engineer or land surveyor shall perform his or her work in accordance with approved standards of practice and care and shall endeavor to adhere to all laws in effect in the jurisdiction in which he or she is practicing.

(h) Should the engineer or land surveyor be presented with a Certification to be signed, sealed, and dated as summarized in Rule 330-X-11-.04 and defined in Rule 330-X-2-.01(7), he or she should carefully evaluate that Certification to determine if any of the circumstances set forth below would apply. The engineer or land surveyor who signs, seals, and dates Certifications which: (a) relate to matters which are beyond the engineer's or land surveyor's technical competence, or (b) involve matters which are beyond the engineer's or land surveyor's scope of services actually provided, or (c) relate to matters

which were not prepared under the engineer's or land surveyor's responsible supervision, direction or control are subject to disciplinary action pursuant to Rule 330-X-16. If any of these circumstances would apply, the engineer or land surveyor shall either: (a) modify the Certification to limit its scope to those matters which the engineer or land surveyor can properly sign, seal, and date, or (b) decline to sign the Certification.

(i) The engineer or land surveyor shall be completely objective, truthful, and shall include all relevant and pertinent information in all professional reports, statements or testimony.

(j) The engineer or land surveyor shall issue no statements, or criticisms or arguments on matters connected with public policy which are inspired or paid for by an interested party, or parties, unless he or she has prefaced his or her comments by explicitly identifying himself or herself, by disclosing the identities of the party, or parties, on whose behalf he or she is speaking, and by revealing the existence of any pecuniary interest he or she may have in the instant matter.

(k) Licensees shall notify their employer or client and such other authority as may be appropriate when their professional judgment or covenants of this Code of Ethics are overruled under circumstances where life, health, property, or welfare of the public is endangered.

Effective date: September 10, 1982. Last amendment effective: July 27, 2012. (Auth: Section 34-11-35, Code of Ala. 1975)

330-X-14-.06 Ethics. (Canon V). The engineer or land surveyor shall contribute to the maintenance, integrity, independence and competency of the engineering or land surveying profession as follows:

- (a) The engineer or land surveyor shall not:
1. Violate any provision of the Alabama Law regulating the practice of engineering and land surveying or of the Administrative Code of the Board of Licensure for Professional Engineers and Land Surveyors;
 2. Participate, directly or indirectly, in any plan, scheme or arrangement attempting or having as its purpose the evasion of any provision of the Alabama Law regulating the practice of engineering and land surveying;
 3. Fail to exercise reasonable care or diligence to prevent his or her partners, associates, and employees from engaging in conduct which if done by him or her, would violate any provision of the Alabama Law regulating the practice of engineering and land surveying;
 4. Engage in any illegal conduct, whether a felony or misdemeanor, the essential element of which is dishonesty;
 5. Engage in any conduct that discredits or tends to discredit the profession of engineering or land surveying;

6. Permit or allow his or her professional identification, seal, firm, or business name, or his or her services to be used or made use of, directly or indirectly, or in any manner whatsoever, so as to make possible or create the opportunity for the unauthorized practice of engineering or land surveying by any person, firm, or corporation in this State;
7. Perform any acts, allow omissions or make any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever tend to create a misleading impression;
8. Knowingly associate with or permit or allow the use of his or her name, firm name, or professional identification or seal in any business venture, project or enterprise which he or she knows or has reason to believe is engaged in professional practices which violate any provision of the Alabama Law regulating the practice of engineering and land surveying;
9. Knowingly associate with or permit the use of his or her name, professional identification, seal, firm, or business name in connection with any venture or enterprise which he or she knows, or has reason to believe, is engaging in trade, business or professional practice of a fraudulent, deceitful or dishonest nature;
10. Injure or attempt to injure or damage the professional reputation of another by any means whatsoever; provided and except, however, that this shall not relieve an engineer or land surveyor of the obligation to expose unethical or illegal conduct to the proper authorities or preclude a frank, but private, appraisal of engineers or land surveyors or other persons or firms considered for employment;
11. Aid or abet, directly or indirectly, any unlicensed person in connection with the unauthorized practice of engineering or land surveying; or any firm or corporation in the practice of engineering or land surveying unless carried on in accordance with the provisions of Chapter 11, Title 34 of the Alabama Law regulating the practice of engineering and land surveying;
12. Place his or her seal, signature, date, and license number on a document constituting a certification that the document was prepared by the licensee unless the document was prepared by the licensee or under his or her direct control and personal supervision or unless the licensee has reviewed the document in sufficient depth to fully coordinate and assume responsibility for plans prepared by another licensed professional engineer or licensed professional land surveyor.
13. Review the work of another engineer or land surveyor for the same employer, except with the knowledge or consent of the engineer or land surveyor, unless the connection of the engineer or land surveyor with the work has been terminated.
14. Participate in procurement procedures for engineering or land surveying services either by providing the bids or in requesting bids from other professional engineers or land surveyors where bidding is the primary consideration; except as allowed by State law.

15. Fail to respond to the Board on Board inquiries within 60 days of receipt of Board inquiries.

(b) The engineer or land surveyor shall be personally and professionally responsible and accountable for the care, custody, control, and use of his or her engineer's or land surveyor's seal, professional signature, and identification. The engineer or land surveyor whose seal has been lost, misplaced, or stolen shall, upon discovery of its loss, report the loss immediately to the Board, which may invalidate the license number of the seal, if it deems this necessary, and issue another license number to the engineer or land surveyor.

(c) When in public service as a member or employee of any governmental body, agency, or department, the engineer or land surveyor shall not participate, directly or indirectly, use or make use of any property, facility or service of such governmental body, agency or department for the benefit of any private business or activity in which such engineer or land surveyor also may be engaged, unless prior, proper authority is obtained in writing.

(d) The engineer or land surveyor shall not, directly or indirectly, use or make use of any property, facility, or service of his or her client or employer for the benefit of the engineer or land surveyor, unless prior, proper authority is obtained in writing.

(e) The engineer or land surveyor shall not practice or offer to practice engineering or land surveying in any governmental jurisdiction in which to do so would be in violation of the laws regulating the practice of professional engineering or professional land surveying in that jurisdiction.

(f) Licensees having knowledge of possible/probable violations of any of these Rules of Professional Conduct shall provide the Board with the information and cooperate as necessary to make the final determination of such violation.

(g) It shall be the duty and sole responsibility of each licensee and intern to provide written notification to the Board of any changes to their mailing address and business affiliation within 30 days after the change.

Effective date: September 10, 1982. Last amendment effective: July 27, 2012. (Auth: Section 34-11-35, Code of Ala. 1975)

330-X-14-.07 Responsibility for Conduct. A corporation, partnership, or firm shall be held responsible for the conduct or acts of its agents, **managing agents**, employees, officers, partners, or owners, licensed or non-licensed.

Effective date: September 10, 1982. Last amendment effective: October 28, 1998. (Auth: Section 34-11-9 (d); Section 34-11-35, Code of Ala. 1975)

330-X-14-.08 Convictions. The revocation, suspension, or denial of a license to practice engineering or land surveying in another jurisdiction, for reasons or causes which the Board finds would constitute a violation of the Alabama Law regulating the practice of engineering and land surveying or any rule, regulation, or code promulgated by the Board, shall be sufficient cause for the denial, suspension, or revocation of a license to practice engineering or land surveying in the State of Alabama.

Effective date: September 10, 1982. Last amendment effective: October 28, 1998. (Auth: Section 34-11-35, Code of Ala. 1975)

SEVERABILITY

If any of the above provisions of the Rules of Professional Conduct (Code of Ethics) or any part thereof, or any sentence, paragraph, clause, phrase or word thereof is construed by the courts to be invalid for any reason, it is the intention of the Board that the remainder shall continue in full force and effect; that is, it is the intention of the Board that each of the above provisions and/or any portions thereof, are severable.

CHAPTER 330-X-15 CERTIFICATES OF AUTHORIZATION

330-X-15-.01 Requirements
330-X-15-.02 Application Procedures
330-X-15-.03 Reconsideration of Denied Applications
330-X-15-.04 Renewal Procedures

330-X-15-.01 Requirements.

(1) Section 34-11-9, Code of Ala. 1975 provides that a firm, company, partnership, or corporation may engage or offer to engage in the practice of professional engineering or professional land surveying; provided, ~~one or more of the principal officers~~ the managing agent of the corporation or firm or partners of the partnership and all personnel of the corporation, partnership, or firm who act in its behalf as professional engineers or professional land surveyors in this state are licensed as provided by Title 34, Chapter 11 of the Code of Ala. 1975, and further provided, that the corporation, partnership, or firm has been issued a certificate of authorization by the Board.

(2) In order to be considered eligible for a certificate of authorization (CA), every firm, partnership, or corporation or other entity which performs engineering or land surveying services in the State of Alabama, shall have a resident licensed professional engineer or licensed professional land surveyor as the case may be, who exercises direct control and personal supervision of the engineering or land surveying work for each separate office or branch office in which engineering or land surveying services are performed or offered to be performed. The resident engineer or land surveyor shall be an employee of the firm, corporation, partnership, or association or other entity, engaged in the practice of engineering or land surveying, designated in the CA for the branch office. The managing agent and the designated ~~PE or PLS in residence~~ resident engineer or land surveyor shall only be for one ~~place of business~~ location ~~during the same time.~~

(3) An engineer or land surveyor who renders occasional or part-time engineering or surveying services to or for a firm may not be designated as being the ~~principal managing agent~~ agent of the professional activities of the firm or as being the resident engineer or land surveyor designated in the CA for the branch office.

(4) ~~The principal engineer or surveyor~~ managing agent is responsible for notifying the Board within 30 days of any change in the firm name, ~~in any of the partners or principal~~

~~officers, or change of~~ address, managing agent, or resident engineer or land surveyor during the year.

(5) In the event of a change in the ~~principal engineer or land surveyor,~~ managing agent, the firm cannot perform engineering or land surveying services until such time as a new principal managing agent is identified to the Board.

(6) In the event of a change in the CA designated branch office resident engineer or land surveyor, engineering or land surveying services cannot be offered or performed from that office location until such time as a new resident engineer or land surveyor is identified to the Board.

(7) Failure by the firm or ~~principal~~ managing agent to provide notification within 30 days may result in a temporary suspension of the certificate and the certificate will remain suspended until such time as the requirements are met.

Effective date: January 19, 2005. Last amendment effective: September 3, 2014. (Auth: Section 34-11-9; Section 34-11-35, Code of Ala. 1975)

330-X-15-.02 Application Procedures.

(1) All applications for certificates of authorization shall be made on a printed form or in the format provided by the Board and no applications made otherwise will be accepted. An application not properly completed, containing all of the information required, or accompanied by the required fee will be returned with a statement of the reason for return. As per Section 34-11-5(e), Code of Ala. 1975, application fees will not be refunded.

(a) Applications will include all branch offices located in the state and all branch offices located out-of-state where engineering or land surveying services for Alabama projects is offered or performed.

(b) A separate certificate of authorization is required for engineering and land surveying.

(c) In the event the mailing address submitted is a post office box, there must also be a street address identified for each office from which engineering and land surveying services are provided.

(d) There is no requirement for a physical location in the state.

(2) Upon an individual obtaining a certificate of licensure and the individual is offering engineering or land surveying services through a firm who does not have a certificate of authorization, a certificate of authorization application must be submitted within 30 days of the notification that licensure has been granted.

(3) Withholding information, providing statements which are untrue or misrepresenting the facts may be cause for denial of an application or revocation of the certificate.

(4) When the Board, after due consideration of an application and of information pertaining thereto finds the firm is not eligible for a certificate of authorization, the firm will

be denied. The Executive Director will notify the firm of the action of the Board, and for further consideration the firm may submit a new application, without fee, after securing the necessary eligibility, provided the resubmittal is within **one five** years. A firm, who is denied a certificate of authorization has the opportunity to meet with the Board and/or appeal the Board's decision as provided by Section 34-11-13 and Sections 41-22-12 through 41-22-21, Code of Ala. 1975.

Effective date: January 19, 2005. Last amendment effective: December 5, 2005.
(Auth: Section 34-11-9; Section 34-11-35, Code of Ala. 1975)

330-X-15-.03 Reconsideration of Denied Applications.

- (1) A denied application may be reconsidered by the Board if written notice of appeal is received by the Executive Director within thirty days after the applicant has been notified of the ruling of the Board.
- (2) A hearing shall be held within a reasonable time after receipt of the notice of appeal, or at such time agreed upon by stipulation between the applicant and the Executive Director.
- (3) At least a quorum of the Board must be present to hold a hearing.
- (4) Evidence, including oral testimony, shall be freely admitted. The applicant shall be allowed to have counsel present if desired.
- (5) The Board shall issue a final decision within thirty days of the date of the hearing, which shall include finds of fact and official action taken. The applicant shall be delivered a copy of the decision by first class mail.
- (6) The decision of the Board may be appealed to the circuit court of Montgomery County, as provided in Code of Ala. 1975, Section 34-11-13, within thirty days of the decision of the Board.
- (7) The record on appeal shall be certified by the Executive Director of the board, and shall include the entire record including a transcript of the hearing, if a transcript is made.

Effective Date: July 27, 2012
(Authority: Section 34-11-35)

330-X-15-.04 Renewal Procedures.

- (1) A certificate of authorization issued to a corporation, partnership or firm shall **expire lapse** on January 31 ~~following the issuance or renewal~~ if not renewed, and the corporation, partnership or firm may not offer or engage in engineering or land surveying services until the certificate of authorization has been **renewed-reinstated**. **A certificate of authorization not renewed within two years after it has lapsed expired will become null and void and is considered expired.**

(2) Certificates of Authorization are renewed annually. Certificate of Authorization holders will be notified ~~Renewal notifications will be mailed~~ no later than December 1. ~~to every corporation, partnership, or firm holding a certificate of authorization. An application form shall be completed and returned with the renewal fee prescribed by the Board. All requirements for completing a renewal application will be the same as for an initial application as identified in Section 330-X15.02.~~

Effective Date: January 19, 2005. Last amendment effective: July 27, 2012.
(Auth: Section 34-11-8; Section 34-11-9; Section 34-11-35, Code of Ala. 1975)

CHAPTER 330-X-16

DISCIPLINARY ACTION

330-X-16-.01 Complaints

330-X-16-.02 Probable Cause

330-X-16-.03 Charges

330-X-16-.04 Pre-Hearing Discovery

330-X-16-.05 Disciplinary Hearings

330-X-16-.06 Disciplinary Actions

330-X-16-.07 Reinstatement of Licensure or Certification after Revocation, Surrender or Suspension

330-X-16-.08 Conflict and Bias

330-X-16-.01 Complaints. The Board may initiate action in cases where a person's actions or business entity's actions are in violation of the law. Complaints must be filed within two years of the date the violation occurred or within two years of the date of the discovery of the violation but no later than 10 years from the date of the violation. Any violation that was caused by fraud, deceit, or concealment, however, is not subject to the 10-year time limitation. Upon receipt of a signed written complaint from any person that an individual has violated the law and/or the rules of the Board, the Board may assemble the facts, obtain legal guidance, follow the case to completion based on the legal guidance given and begin administrative action, levy a civil administrative penalty, file a civil action, and/or refer the matter for criminal prosecution.

(1) A complaint initiated by an individual or entity against a licensee or nonlicensee shall be in writing and shall contain:

(a) Name and address of the complaining party as well as the name and address of the individual or entity against which the complaint has been filed.

(b) A plain and concise statement of the facts which indicate that the provisions of Code of Ala. 1975, Chapter 11, Title 34, rules promulgated by the Board, or Rules of Professional Conduct (Code of Ethics) may have been violated.

(c) The signature of the complainant.

(2) A complaint may be initiated by the Board or board staff against a licensee or non-licensee. The complaint shall be referred to an investigative committee to determine if sufficient facts are present that indicate provisions of Code of Ala. 1975, Chapter 11, Title 34, rules promulgated by the Board, or Rules of Professional Conduct (Code of Ethics)

have been violated. If sufficient evidence is present, the investigation will proceed in strict accordance with due process.

(3) All disciplinary cases involving geology/engineering professional overlaps will be referred to the board issuing the license for hearing and disposition. The complaining board may have a board member or designated representative at the hearing for liaison and evidence as necessary.

Effective date: September 10, 1982. Last amendment effective: September 9, 2015.
(Auth: Section 34-11-11; Section 34-11-15; Section 34-11-16; Section 34-11-35, Code of Ala. 1975)

330-X-16-.02 Probable Cause. Upon receiving a complaint, the Executive Director shall refer the complaint to one member of the Board; provided, however, that if the complaint is first made to a Board member, then it shall be referred to that Board member. The Board member to whom a complaint is referred, the Executive Director, and the Board's attorney, (Investigative Committee), shall determine appropriate action and/or whether probable cause exists. If charges are filed, the Board member who was a member of the Investigative Committee that made the probable cause determination shall not sit as a member of the Board at the disciplinary hearing held pursuant to the charges.

Effective date: October 1, 1983. Last amendment effective: September 9, 2015.
(Auth: Section 34-11-11; Section 34-11-16; Section 34-11-35, Code of Ala. 1975)

330-X-16-.03 Charges.

(1) The Board through its Investigative Committee shall instruct the Board's attorney to prepare charges once the Investigative Committee determines that probable cause exists.

(2) The charges shall be sent certified mail, return receipt requested, to the most recent address of the respondent and shall be mailed at least 30 days prior to the scheduled date of the hearing. A copy shall also be sent first class mail.

(3) The charges will contain a short and plain statement of the matters asserted and give notice in compliance with the Alabama Administrative Procedure Act, Section 41-22-12(b) and Section 34-11-11, Code of Ala. 1975. If the Board is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

Effective date: October 1, 1983. Last amendment effective: September 9, 2015. (Auth: Section 34-11-11; Section 34-11-16; Section 34-11-35, Section 41-22-12(b); Code of Ala. 1975)

330-X-16-.04 Pre-Hearing Discovery.

(1) Pre-hearing discovery shall be permitted in accordance with this rule to the extent necessary to prevent fraud, conserve the Board's time, prevent undue surprise at hearing, and facilitate the carriage of justice.

(2) The attorney for the Board or the respondent may upon application to the Hearing officer, or the person appointed to act as Hearing officer, obtain discovery regarding any matter not privileged which is relevant to the subject matter involved in the pending action, whether it relates to the charges of the Board or the defense of the respondent.

(3) Methods of Discovery.

(a) Upon written application to the Hearing officer, or the person appointed to act as Hearing officer, the following discovery shall be allowed or ordered:

1. Deposition upon oral examination of any expert witness.
2. Interrogatories to respondent.
3. Order for production and copying of documents and things and entry upon land for inspection and other purposes, against any person.

(b) The discovery must be had in accordance with any terms and conditions imposed by the Hearing officer, or the person appointed to act as Hearing officer. The Hearing officer, or the person appointed to act as Hearing officer, may impose any such terms and conditions as are just upon discovery in order to protect a person from annoyance, embarrassment, oppression, or undue burden or expense.

Effective date: September 10, 1982. Last amendment effective: July 24, 2008. (Auth: Section 34-11-35, Code of Ala. 1975)

330-X-16-.05 Disciplinary Hearings.

(1) Conduct of Hearing.

(a) Hearing Officer. The Board may, in its discretion, and subject to the applicable provisions of the Alabama Administrative Procedures Act appoint a person to act as Hearing officer at disciplinary hearings. In the event a Hearing officer is appointed to preside at the hearing, he or she shall rule on all questions of evidence and procedure, notwithstanding any other provisions of these rules to the contrary.

(1) The Board may, in its discretion and subject to the applicable provisions of the Alabama Administrative Procedures Act, appoint a Hearing officer to hear the evidence and submit a recommendation to the Board, including recommended finding of facts and conclusions of law at disciplinary hearings. The Board will consider the Hearing officer's recommendations and the Board shall issue an appropriate administrative order approving, modifying or rejecting the Hearing officer's recommendation.

(b) Plea. The respondent shall plead either "guilty" or "not guilty" to the charges.

(c) Opening Statement. Each side shall be permitted to make a short opening statement.

(d) The Board shall present its evidence, followed by the respondent, followed by rebuttal by the State. Each witness called may be examined in the following manner:

1. Direct examination.
2. Cross-examination.
3. Examination by Board.
4. Re-direct examination.
5. Re-cross examination.
6. Re-examination by Board.

(e) Closing Argument. Each side shall be permitted to make a short closing statement summarizing the evidence presented and urging the application of relevant law to the evidence presented.

(f) The Board may request one or both sides to prepare within seven days a proposed order of the Board for the Board's consideration including findings of fact, official notice, and conclusions of law. Underlying facts of record which support the findings should be cited.

(g) Order. Following completion of the hearing or upon receipt of the Hearing officer's recommendations, findings of facts and conclusions of law, the Board shall issue an order within 30 days, which shall include findings of fact, official notice taken, and conclusions of law stated separately. A copy of the order shall be delivered by certified mail, return receipt requested, and first class mail, postage prepaid, to the respondent or if represented by counsel, to his or her counsel of record.

(2) Evidence. Evidence shall be admitted in accordance with the Alabama Administrative Procedure Act, Code of Ala. 1975, Section 41-22-13. Relevant Federal, State, and local codes as well as relevant engineering and land surveying society codes, guidelines, and standards may be admitted into evidence in disciplinary proceedings before the Board to set forth standards generally accepted by the professions.

(3) Other. The hearing shall be conducted in compliance with the provisions of the Alabama Administrative Procedure Act, Code of Ala. 1975, Chapter 22, Title 41. If the accused person or corporation fails or refuses to appear, the Board may proceed to hear and determine the validity of the charges.

(4) Negotiated Settlements. The Board attorney, in cooperation with the Investigative Committee, is hereby authorized to negotiate settlements with any respondent wishing to do so. In the event that the Investigative Committee and the respondent have reached tentative agreement on a negotiated settlement prior to the date set for hearing of the charges, such agreement shall be presented to the Board at the first available opportunity. The Board may either accept or reject the tentative agreement of negotiated settlement and if accepted, the respondent shall be notified and no hearing held. If the Board rejects the tentative agreement of negotiated settlement, the charges shall be heard by the Board within a reasonable time.

(5) Cease and Desist

In addition to or in lieu of the sanctions provided in this chapter, the board may issue an order to any individual or firm engaged in any activity, conduct, or practice constituting a violation of this chapter, directing the individual or firm to cease and desist from the activity,

conduct, or practice, or the performance of any work then being done or about to be commenced.

Effective date: September 10, 1982. Last amendment effective: September 3, 2014.
(Auth: Section 41-22-13, Section 41-22-16(c); Section 41-22-19 (d); Section 34-11-11;
Section 34-11-16; Section 34-11-35, Code of Ala. 1975)

330-X-16-.06 Disciplinary Actions.

(1) Upon a finding that the respondent has violated any enumerated provision of Code of Ala. 1975, Sections 34-11-11, 34-11-15, 34-11-16, or any rule adopted pursuant to Code of Ala. 1975, Section 34-11-35, the Board shall impose any or all of the disciplinary penalties set forth in Code of Ala. 1975, Section 34-11-11.

(2) Stay of Execution of Order. The Board may, in its discretion, permanently or temporarily stay the execution of its order to censure, place on probation, fine, revoke, or suspend a licensee respondent's license, certification, or certificate of authorization. The Board may, in its discretion, permanently or temporarily stay the execution of its order to fine a non-licensee respondent. The stay may be conditioned on any provision the Board deems appropriate under all the circumstances of a particular case.

(3) Consideration. In determining whether a license, certification or certificate of authorization should be revoked or suspended, and whether execution of the order should be stayed, and upon what conditions, the Board shall consider all relevant factors.

(4) The Board shall not accept voluntary surrender of a license, certification, or certificate of authorization to avoid possible disciplinary actions by the Board.

Effective date: September 10, 1982. Last amendment effective: July 27, 2012. (Auth: Section 34-11-11; Section 34-11-35, Code of Ala. 1975)

330-X-16-.07 Reissuance of Licensure or Certification after Revocation, Surrender, or Suspension.

(1) Revocation or Surrender. Any person, corporation, partnership, or firm whose license, certification, or certificate of authorization has been revoked or surrendered may apply, when permitted by Law, to the Board for reissuance of the license, certification, or certificate of authorization. Eligibility for reissuance is as outlined in Section 34-11-12, Code of Ala. 1975.

(a) In the application for reissuance, the applicant should state why the license, certification, or certificate of authorization should be reissued and should specifically set forth any changed circumstances which would justify reissuance. The fee for a reissuance application will be the same fee as set by the Board for an original application. The fee shall accompany the application.

(b) Upon receipt of such application the Board shall grant the applicant a hearing on reissuance, at which time the applicant may appeal to the Board to reissue his or her license, certification, or certificate of authorization. The hearing shall be held

within a reasonable time after receipt of the application or at such time agreed upon by stipulation between the applicant and the Executive Director.

- (c) At least a quorum of the Board must be present to hold a hearing.
- (d) Evidence including oral testimony, shall be freely admitted. The applicant shall be allowed to have counsel present if desired.
- (e) The Board shall issue a final decision within thirty days of the date of the hearing, which shall include findings of fact and official action taken. The applicant shall be delivered a copy of the decision by first class and registered mail.
- (f) The decision of the Board may be appealed to the circuit court of Montgomery County within thirty days of the decision of the Board.
- (g) The record on appeal shall be certified by the Executive Director of the board, and shall include the entire record including a transcript of the hearing, if a transcript is made.

(2) Suspension. Any person, corporation, partnership, or firm whose license, certification, or certificate of authorization has been suspended may apply, when permitted by Law, to the Board for reissuance of the license, certification, or certificate of authorization.

(a) Thirty days prior to the completion of the suspension, the Board will send a notification to the suspended person, corporation, partnership, or firm outlining the necessary actions that need to be taken in order for the license, certification, or certificate of authorization to be reissued.

(b) If all conditions for reissuance of a license or a certificate of authorization have been met, but a request for reissuance is not received within thirty days after completion of the suspension period, the status of the license or certificate of authorization will be changed to ~~lapsed~~ **expired**.

(c) If a request for reissuance is not received within ~~four~~ **two** years from the time the license is placed in ~~expired~~ **lapsed** status, ~~the license will be considered expired a new application will be required and the applicant must meet the eligibility requirements of the current law and administrative code.~~

(d) If a request for reissuance is not received within two years from the time the certificate of authorization is placed in ~~lapsed~~ **expired** status, ~~a new application will be required. the certificate of authorization will be considered expired.~~

(e) If all conditions for reissuance for a certification have been met, ~~but a request for reissuance of a certification is not received within thirty days after completion of the suspension period,~~ the status of the certification will be changed to ~~delinquent~~ **active**.

Effective date: September 10, 1982. Last amendment effective: September 3, 2014. (Auth: Section 34-11-12; Section 34-11-35, Code of Ala. 1975)

330-X-16-.08 Conflict and Bias.

(1) No Board member shall be entitled to vote in any disciplinary matter if the Board member is personally biased, or if a conflict exists with the respondent, or if such voting would violate the provisions of the Alabama Administrative Procedure Act, Code of Ala. 1975, Section 41-22-18 (a).

(2) Any respondent in a disciplinary action who wishes to assert bias or conflict may do so by filing an affidavit asserting the disqualification together with the underlying factual bias for the assertion with the Executive Director at least three days before the scheduled disciplinary hearing.

(3) The Board shall consider the assertion of disqualification on the record as a preliminary matter at the hearing before any other action is initiated.

Effective date: October 1, 1983. Last amendment effective: October 28, 1998.
(Auth: Section 34-11-35, Section 34-11-11, Section 41-22-18 (a); Code of Ala. 1975)

CHAPTER 330-X-17 SEVERABILITY

330-X-17-.01 Severability

330-X-17-.01 Severability. If any of the rules and regulations of the Board which shall be known as “The Alabama State Board of Licensure for Professional Engineers and Land Surveyors Administrative Code” or any part thereof, or any sentence, paragraph, clause, phrase or word thereof is construed by the courts to be invalid for any reason, it is the intention of the Board that the remainder shall continue in full force and effect; that is, it is the intention of the Board that each rule and/or any portions thereof, are severable.

Effective date: September 10, 1982. Last amendment effective: October 28, 1998. (Auth: Section 34-11-35, Code of Ala. 1975)

CHAPTER 330-X-18 AMENDMENT OF RULES

330-X-18-.01 Petition for Adoption of Rules

330-X-18-.02 Notice

330-X-18-.03 Public Comments

330-X-18-.04 Board Decision

330-X-18-.05 Emergency Rules

330-X-18-.06 Compliance with Administrative Procedure Act

330-X-18-.01 Petition for Adoption of Rules.

(1) Any person who wishes to propose that the Board adopt, repeal or amend any rule may file a petition for adoption of rules on a form as provided by the Board.

(2) The Board shall meet and consider any petition for adoption, repeal or amendment within ninety days of its submission.

Effective date: September 10, 1982. Last amendment effective: October 28, 1998. (Auth: Section 34-11-35, Section 41-22-8; Code of Ala. 1975)

330-X-18-.02 Notice.

(1) The Board shall give at least 35 days' notice of any proposed action on any rule by publication in the Alabama Administrative Monthly in compliance with the Alabama Administrative Procedure Act, Code of Ala. 1975, Section 41-22-5(a)(1).

~~(2) Any person who wishes to receive notice by mail of all proposed actions on rules may do so by requesting such notice from the Executive Director and pay an annual charge of \$50 to cover costs of the mailings. All annual subscriptions begin October 1 and expire September 30.~~

Effective date: October 1, 1982. Last amendment effective: October 28, 1998. (Auth: Section 34-11-35, Section 41-22-5, Code of Ala. 1975)

330-X-18-.03 Public Comments. The Board shall permit all interested persons reasonable opportunity to submit data, views or arguments concerning any proposed rule action. Data, views or arguments submitted in writing must be received by the Executive Director before the date specified in the notice. Upon written request, a public hearing will be held.

Effective date: October 1, 1982. Last amendment effective: October 28, 1998. (Auth: Section 34-11-35, Section 41-22-5; Code of Ala. 1975)

330-X-18-.04 Board Decision. The Board shall consider all written and oral submissions concerning every proposed rule action. Upon adoption of a rule, if conflicting views are submitted on the proposed rule, the Board shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling any considerations urged against its adoption.

Effective date: October 1, 1982. Last amendment effective: October 28, 1998. (Auth: Section 34-11-35, Section 41-22-5; Code of Ala. 1975)

330-X-18-.05 Emergency Rules. In the event the Board finds that an immediate danger to the public health, life, safety, or welfare or property requires adoption of a rule upon fewer than 35 days' notice or that action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice, the Board may adopt an emergency rule under the provisions of the Administrative Procedure Act, Code of Ala. 1975, Section 41-22-5(b).

Effective date: October 1, 1982. Last amendment effective: October 28, 1998. (Auth: Section 34-11-35, Section 41-22-5; Code of Ala. 1975)

330-X-18-06 Compliance with Administrative Procedure Act. All rules adopted by the Board shall otherwise substantively and procedurally comply with the provisions of the Alabama Administrative Procedure Act, Code of Ala. 1975, Chapter 22, Title 41.

Effective date: October 1, 1982. Last amendment effective: October 28, 1998. (Auth: Section 34-11-35, Code of Ala. 1975)

**APPENDIX A
CHAPTER 330-X-4
FEES**

Application Fees

| | |
|--|--------------------------------------|
| Engineer Intern/Land Surveyor Intern | \$15 <u>\$25</u> |
| Professional Engineer/Professional Land Surveyor Certificate of Authorization | \$50 \$80 <u>\$100</u> |

Exam & Re-Exam Fees

| | |
|---|-------|
| Alabama Land Surveying Standards, History and Law | \$100 |
|---|-------|

Licensure Fees

| | |
|--|------|
| Professional Engineer/Professional Land Surveyor | \$75 |
|--|------|

Renewal Fees

| | |
|---|------------------------------|
| Engineer Intern/Land Surveyor Interns | \$0 |
| Late Fee | \$0 |
| Professional Engineer/Professional Land Surveyor | \$100 |
| Certificate of Authorization | \$80 <u>\$100</u> |
| Professional Engineer/Professional Land Surveyor – Retired | \$0 |
| Reactivation fee during the same year for retirees | \$100 |
| Reinstatement Fees for Lapsed <u>Expired</u> License | |
| Professional Engineer/Professional Land Surveyor – Reinstatement | |
| 0-2 years | \$250 + \$100 |
| 2-4 years | \$350 + \$100 |

CA Reinstatement

| | |
|------------------------|---------------------------|
| 0-1 2 years | \$250 + 80 100 |
| 1-2 years | \$350 + 80 |

Other Fees

| | |
|-------------------------|-------|
| Roster | \$15 |
| Copy charges per sheet | \$.25 |
| Certificate replacement | \$25 |
| Bad Check | \$30 |

Mailing Labels

| | |
|------------------------|-------|
| Electronic Version | \$75 |
| 1,000 Labels (min amt) | \$75 |
| 2,000 Labels | \$106 |
| 3,000 Labels | \$137 |
| 4,000 Labels | \$168 |
| 5,000 Labels | \$197 |
| 10,000 Labels + | \$359 |

Effective date: December 5, 2006. Last amendment effective: September 9, 2015.

(Auth: Section 34-11-4; Section 34-11-5; Section 34-11-6; Section 34-11-8; Section 34-11-35; Section 8-8-15, Code of Alabama 1975)