

1 HB580
2 185115-2
3 By Representative Boothe
4 RFD: Boards, Agencies and Commissions
5 First Read: 02-MAY-17

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8 SYNOPSIS: Under existing law, the State Board of
9 Licensure for Professional Engineers and Land
10 Surveyors is responsible for licensing and
11 regulating the practices of engineering and land
12 surveying in the state.

13 This bill would create the State Board of
14 Licensure for Professional Land Surveyors, would
15 transfer the authority for licensing and regulating
16 land surveyors from the State Board of Licensure
17 for Professional Engineers and Land Surveyors to
18 the State Board of Licensure for Professional Land
19 Surveyors, and would rename the State Board of
20 Licensure for Professional Engineers and Land
21 Surveyors as the State Board of Licensure for
22 Professional Engineers.

23 This bill would require the Executive
24 Director of the State Board of Licensure for
25 Professional Engineers and Land Surveyors to
26 transfer all property, records, files, and other
27 information relating to the licensure and

1 regulation of land surveyors to the State Board of
2 Licensure for Professional Land Surveyors.

3 This bill would provide for the transfer of
4 existing land surveyor licenses, certificates, and
5 certificates of authorization granted by the State
6 Board of Licensure for Professional Engineers and
7 Land Surveyors to the State Board of Licensure for
8 Professional Land Surveyors.

9 This bill would also provide for the
10 equitable division and transfer of funds from the
11 Professional Engineers and Land Surveyors Fund to
12 the Professional Engineers Fund and the
13 Professional Land Surveyors Fund.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 To amend Sections 34-11-1, 34-11-2, 34-11-3,
20 34-11-4, 34-11-5, 34-11-6, 34-11-7, 34-11-8, 34-11-9,
21 34-11-11, 34-11-14, 34-11-15, 34-11-16, 34-11-30, 34-11-31,
22 34-11-35, and 34-11-36, Code of Alabama 1975, relating to the
23 State Board of Licensure for Professional Engineers and Land
24 Surveyors; and to add Chapter 44 to Title 34 of the Code of
25 Alabama 1975, to create the State Board of Licensure for
26 Professional Land Surveyors and to transfer the licensing and
27 regulation of land surveyors to the newly created board; to

1 rename the State Board of Licensure for Professional Engineers
2 and Land Surveyors as the State Board of Licensure for
3 Professional Engineers; to require the Executive Director of
4 the State Board of Licensure for Professional Engineers and
5 Land Surveyors to transfer all property, records, files, and
6 other information relating to the licensure and regulation of
7 land surveyors to the State Board of Licensure for
8 Professional Land Surveyors; to provide for the transfer of
9 existing land surveyor licenses, certificates, and
10 certificates of authorization granted by the State Board of
11 Licensure for Professional Engineers and Land Surveyors to the
12 State Board of Licensure for Professional Land Surveyors; and
13 to provide for the equitable division and transfer of funds
14 from the Professional Engineers and Land Surveyors Fund to the
15 Professional Engineers Fund and the Professional Land
16 Surveyors Fund.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Sections 34-11-1, 34-11-2, 34-11-3,
19 34-11-4, 34-11-5, 34-11-6, 34-11-7, 34-11-8, 34-11-9,
20 34-11-11, 34-11-14, 34-11-15, 34-11-16, 34-11-30, 34-11-31,
21 34-11-35, and 34-11-36 of the Code of Alabama 1975, are
22 amended to read as follows:

23 "§34-11-1.

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

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

4 "(2) ENGINEER INTERN. A person who has qualified
5 under subdivision (2) of Section 34-11-4, and who, in
6 addition, has successfully passed a board approved examination
7 in the fundamental engineering subjects as provided in Section
8 34-11-6, and who has been certified by the board as an
9 engineer intern.

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

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

22 "~~(5) LAND SURVEYOR or PROFESSIONAL LAND SURVEYOR. A~~
23 ~~person who has been duly licensed as a professional land~~
24 ~~surveyor by the board established under this chapter, and who~~
25 ~~is a professional specialist in the technique of measuring~~
26 ~~land, is educated in the principles of mathematics, the~~
27 ~~related physical and applied sciences, the relevant~~

1 ~~requirements of law for adequate evidence and all requisites~~
2 ~~for surveying of real property, and is qualified to practice~~
3 ~~land surveying as defined in subdivision (8).~~

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

18 " ~~(5) (7)~~ PRACTICE OF ENGINEERING. Any professional
19 service or creative work, the adequate performance of which
20 requires engineering education, training, and experience in
21 the application of special knowledge of the mathematical,
22 physical, and engineering sciences to such services or
23 creative work as consultation, investigation, evaluation,
24 planning, design and design coordination of engineering works
25 and systems, planning the use of land and water, performing
26 engineering surveys and studies, and the review of
27 construction or other design products for the purpose of

1 monitoring compliance with drawings and specifications; any of
2 which embraces such services or work, either public or
3 private, in connection with any utilities, structures,
4 buildings, machines, equipment, processes, work systems,
5 projects, and industrial or consumer products; equipment of a
6 control, communications, computer, mechanical, electrical,
7 hydraulic, pneumatic, or thermal nature, insofar as they
8 involve safeguarding life, health, or property; and including
9 other professional services necessary to the planning,
10 progress, and completion of any engineering services.

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

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

26 ~~"b. Engineering surveys include all survey~~
27 ~~activities required to support the sound conception, planning,~~

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

18 ~~"b.e.~~ The term shall not include the practice of
19 architecture except such architectural work as is incidental
20 to the practice of professional engineering; nor shall the
21 term include work ordinarily performed by persons who operate
22 or maintain machinery or equipment.

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

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

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

22 ~~"b. Makes any survey for the subdivision of any~~
23 ~~tract of land or for condominiums.~~

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

1 ~~"d. Determines the configuration or contour of the~~
2 ~~surface of the earth or the position of fixed objects thereon~~
3 ~~by measuring lines and angles and applying the principles of~~
4 ~~mathematics or photogrammetry.~~

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

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

15 ~~"(6) (9) RESPONSIBLE CHARGE. Direct control and~~
16 ~~personal supervision of engineering work or land surveying~~
17 ~~work.~~

18 ~~"§34-11-2.~~

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

26 ~~"(b) In order to safeguard life, health, and~~
27 ~~property, and to promote the public welfare, the practice of~~

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

21 ~~"(c) In order to safeguard life, health, and~~
22 ~~property and to promote the public welfare, the practice of~~
23 ~~land surveying in this state is a learned profession to be~~
24 ~~practiced and regulated as such, and its practitioners in this~~
25 ~~state shall be held accountable to the state and members of~~
26 ~~the public by high professional standards in keeping with the~~
27 ~~ethics and practices of the other learned professions in this~~

1 ~~state. It shall be unlawful for any person to practice or~~
2 ~~offer to practice land surveying in this state, as defined by~~
3 ~~this chapter, or to use in connection with his or her name or~~
4 ~~otherwise assume, use, or advertise any title or description~~
5 ~~including, but not limited to, the terms land surveyor, land~~
6 ~~surveyors, land surveying, professional land surveyor,~~
7 ~~professional land surveyors, professional land surveying, or~~
8 ~~any modification or derivative thereof, tending to convey the~~
9 ~~impression that he or she is a professional land surveyor~~
10 ~~unless the person has been duly licensed or is exempt from~~
11 ~~licensure under this chapter.~~

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

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

1 ~~"(2) Nothing in this subsection shall be construed~~
2 ~~as giving authority to a professional land surveyor to~~
3 ~~destroy, injure, damage, or move anything on the lands of~~
4 ~~another without the written permission of the landowner and~~
5 ~~nothing in this section shall be construed as removing civil~~
6 ~~liability for the damages.~~

7 ~~"(3) A professional land surveyor shall make~~
8 ~~reasonable effort to notify adjoining landowners upon whose~~
9 ~~land it is necessary to enter.~~

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

13 ~~"(5) Nothing in this subsection shall limit the~~
14 ~~rights of condemning authorities under Sections 18-1A-50 to~~
15 ~~18-1A-55, inclusive.~~

16 ~~"§34-11-3.~~

17 ~~"A roster showing the names and addresses of all~~
18 ~~licensed professional engineers, all professional land~~
19 ~~surveyors, and all who possess current certifications as~~
20 ~~engineer interns or land surveyor interns shall be prepared by~~
21 ~~the executive director of the board at intervals as~~
22 ~~established by the board. Copies of this roster shall be made~~
23 ~~available to each person licensed or certified, placed on file~~
24 ~~with the Secretary of State, and may be distributed or sold to~~
25 ~~the public upon request.~~

26 ~~"§34-11-4.~~

1 "The board may approve engineering,~~land surveying,~~
2 and related science programs which shall be accepted under the
3 following criteria:

4 "(1) PROFESSIONAL ENGINEER. The following shall be
5 considered as minimum evidence satisfactory to the board that
6 the applicant is qualified for licensure as a professional
7 engineer:

8 "a. Graduation and experience plus examination.

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

22 "2. Graduation in an unapproved engineering
23 curriculum plus six years experience. A graduate of an
24 unapproved engineering curriculum of four years or more who
25 has successfully passed a board approved examination in the
26 fundamental engineering subjects and who has a specific record
27 of an additional six years or more of progressive experience

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

7 "b. Comity. The board ~~may~~, upon application, may
8 issue a certificate of licensure as a professional engineer to
9 any person who holds a valid professional engineering
10 certificate issued by any jurisdiction of the United States or
11 of any country; provided, that the education, experience, and
12 examination qualifications of the applicant ~~are~~, in the
13 judgment of the board, are of a standard not lower than that
14 specified in the applicable licensure act in effect in Alabama
15 at the time such certificate was issued. The board may
16 authorize an applicant to practice engineering on a temporary
17 basis upon issuance of an interim permit which shall remain in
18 effect until the board acts upon the application. The interim
19 permit may be issued upon submission of documentation and a
20 fee which shall be established by the board, not to exceed
21 fifty dollars (\$50).

22 "(2) ENGINEER INTERN. The following shall be
23 considered as minimum evidence satisfactory to the board that
24 the applicant is qualified for certification as an engineer
25 intern:

26 "a. Graduation and examination. A graduate of an
27 approved engineering curriculum of four years or more from a

1 school or college approved by the board who has successfully
2 passed a board approved examination in the fundamental
3 engineering subjects shall be certified as an engineer intern,
4 if otherwise qualified.

5 "b. Graduation and examination plus experience.
6 Graduation in an unapproved engineering curriculum plus two
7 years experience. A graduate of an unapproved engineering
8 curriculum of four years or more who has successfully passed a
9 board approved examination in the fundamental engineering
10 subjects and who has a specific record of two years or more of
11 progressive experience in engineering work of a grade and
12 character satisfactory to the board shall be certified as an
13 engineer intern, if otherwise qualified.

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

21 ~~"(3) PROFESSIONAL LAND SURVEYOR. The following shall~~
22 ~~be considered as minimum evidence satisfactory to the board~~
23 ~~that the applicant is qualified for licensure as a~~
24 ~~professional land surveyor.~~

25 ~~"a. Graduation and experience plus examination.~~

26 ~~"1. Graduation in an approved land surveying~~
27 ~~curriculum plus four years experience. A graduate of an~~

1 approved land surveying curriculum of four years or more
2 including a minimum of 30 semester hours or 45 quarter hours
3 of surveying courses from a school or college approved by the
4 board who has successfully passed a board approved examination
5 in the fundamental land surveying subjects and who has a
6 specific record of an additional four years or more of
7 combined office and field experience in land surveying work of
8 a grade and character satisfactory to the board shall be
9 admitted to a board approved examination in the principles and
10 practice of land surveying and a board approved examination on
11 laws, procedures, and practices pertaining to land surveying
12 in this state. Upon passing these examinations, the applicant
13 shall be granted a certificate of licensure to practice land
14 surveying in this state, provided the applicant is otherwise
15 qualified.

16 "2. Graduation in an approved curriculum related to
17 surveying plus six years experience. A graduate of a
18 curriculum related to surveying of four years or more
19 including a minimum of 15 semester hours or 22.5 quarter hours
20 of surveying courses from a school or college approved by the
21 board and who has successfully passed a board approved
22 examination in the fundamental land surveying subjects and who
23 has a specific record of an additional six years or more of
24 progressive office and field experience in land surveying work
25 of a grade and character satisfactory to the board shall be
26 admitted to a board approved examination in the principles and
27 practice of land surveying and a board approved examination of

1 laws, procedures, and practices pertaining to land surveying
2 in this state. Upon passing these examinations, the applicant
3 shall be granted a certificate of licensure to practice land
4 surveying in this state, provided the applicant is otherwise
5 qualified.

6 "3. Graduation in a related science curriculum plus
7 eight years experience. A graduate of a related science
8 curriculum of four years or more from a school or college
9 approved by the board who has successfully passed a board
10 approved examination in the fundamental land surveying
11 subjects and who has a specific record of an additional eight
12 years or more of progressive combined office and field
13 experience in land surveying work of a grade and character
14 satisfactory to the board shall be admitted to a board
15 approved examination in the principles and practice of land
16 surveying and a board approved examination of laws,
17 procedures, and practices pertaining to land surveying in this
18 state. Upon passing these examinations, the applicant shall be
19 granted a certificate of licensure to practice land surveying
20 in this state, provided the applicant is otherwise qualified.

21 "b. Comity. The board, upon application, may grant
22 to any person who holds a valid professional land surveying
23 certificate issued by any jurisdiction of the United States or
24 of any country, admission into a board approved examination of
25 laws, procedures, and practices pertaining to land surveying
26 in this state, provided that the education, experience, and
27 examination qualifications of the applicant are, in the

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

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

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

19 "b. Graduation and examination plus experience.

20 "1. Graduation in an approved curriculum related to
21 surveying plus two years experience. A graduate of a
22 curriculum related to surveying of four years or more
23 including a minimum of 15 semester hours or 22.5 quarter hours
24 of surveying courses from a school or college approved by the
25 board who has successfully passed board approved examination
26 in the fundamentals of land surveying and who has a specific
27 record of an additional two years or more of combined office

1 and field experience in land surveying work of a grade and
2 character satisfactory to the board shall be certified as a
3 land surveyor intern, if otherwise qualified.

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

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

20 "(3) ~~(5)~~ CHARACTER. No person shall be eligible for
21 licensure as a professional engineer, or certification as an
22 engineer intern, ~~licensure as a professional land surveyor, or~~
23 ~~certification as a land surveyor intern~~ who is not of good
24 character and reputation.

25 "(4) ~~(6)~~ TEACHING CREDITS. In considering the
26 qualifications of applicants, teaching in an engineering
27 curriculum approved by the board may be considered as

1 engineering experience. ~~Teaching land surveying subjects in a~~
2 ~~land surveying curriculum approved by the board may be~~
3 ~~considered as land surveying experience.~~

4 "(5) ~~(7)~~ GRADUATE STUDY. In counting years of
5 experience for professional engineer licensure, the board may
6 give credit, not in excess of one year, for successful
7 completion of graduate study leading to a master's degree in
8 engineering. If a Ph.D. in engineering is completed, a total
9 of two year's experience may be credited. The two-year credit
10 shall include one year for the master's degree. If the Ph.D.
11 is obtained without the master's degree, the credit for
12 experience shall be two years. ~~In counting years of experience~~
13 ~~for professional land surveyor licensure, the board may give~~
14 ~~credit, not in excess of one year, for successful completion~~
15 ~~of graduate study leading to a master's degree in land~~
16 ~~surveying. If a Ph.D. in land surveying is completed, a total~~
17 ~~of two years' experience may be credited. The credit of two~~
18 ~~years shall include one year for the master's degree. If the~~
19 ~~Ph.D. is obtained without the master's degree, the credit for~~
20 ~~experience shall be two years.~~

21 "(6) ~~(8)~~ NONPRACTICING APPLICANTS. Any person having
22 the necessary qualifications prescribed in this chapter to
23 entitle the applicant to licensure shall be eligible for
24 licensure although the applicant may not be practicing
25 engineering ~~or land surveying~~ at the time of making
26 application.

1 "~~(7)~~~~(9)~~ RECOGNITION OF PREVIOUSLY TAKEN

2 EXAMINATIONS. The board may accept fundamentals and principles
3 and practice examinations of comparable character taken and
4 passed in another jurisdiction.

5 "§34-11-5.

6 "(a) Applications for licensure as a professional
7 engineer, ~~professional land surveyor, or~~ engineer intern, ~~or~~
8 ~~land surveyor intern~~ shall be on forms prescribed and
9 furnished by the board and shall contain statements made under
10 oath. Three or more of the references contained in an
11 application for licensure as a professional engineer shall be
12 professional engineers having personal knowledge of the
13 applicant's engineering experience. ~~Three or more of the~~
14 ~~references contained in an application for professional land~~
15 ~~surveyor shall be professional land surveyors having personal~~
16 ~~knowledge of the land surveying experience of the applicant.~~
17 All references and experience verifications furnished shall be
18 confidential records of the board. Any individual who was
19 previously licensed in this state and whose license is
20 eligible for reinstatement as outlined in subsection (a) of
21 Section 34-11-8 shall comply with the reinstatement procedures
22 established by the board instead of the submission of a new
23 application.

24 "(b) The application fee and the licensure fee for
25 professional engineers ~~or professional land surveyors~~ shall be
26 set by the board and each fee shall not exceed one hundred
27 dollars (\$100).

1 "(1) For professional engineers applying for
2 licensure by way of comity, both the application fee and
3 licensure fee shall accompany the application.

4 "(2) For professional engineers applying for
5 licensure by way of examination ~~and for professional land~~
6 ~~surveyors~~, the application fee shall accompany the
7 application, and the licensure fee shall be due upon approval
8 of licensure. If the applicant fails or refuses to remit the
9 licensure fee within 30 days after being notified of
10 successfully qualifying, the applicant shall forfeit the right
11 to have a certificate so issued. For further consideration,
12 the applicant shall be required to submit a new application
13 and application fee.

14 "(c) The application fee, which shall include the
15 certification fee, for engineer interns ~~and land surveyor~~
16 ~~interns~~ shall be set by the board, shall not exceed fifty
17 dollars (\$50), and shall accompany the application.

18 "(d) The fee for a certificate of authorization for
19 a corporation, partnership, or firm shall be set by the board
20 and shall not exceed two hundred fifty dollars (\$250), and
21 ~~must~~ shall accompany the application.

22 "(e) If the board denies certification or licensure
23 to any applicant, or the certificate of authorization to any
24 corporation, partnership, or firm, the fee paid shall be
25 retained as an application fee.

26 "§34-11-6.

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

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

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

21 ~~"(d) The fees for examination, reexamination, and
22 administration of the examination on the laws, procedures, and
23 practices pertaining to land surveying in this state shall be
24 set by the board.~~

25 "(d) ~~(e)~~ The board may contract with an independent
26 testing agency to prepare, grade, or conduct the required
27 examinations. For those examinations so designated by the

1 board, the applicant shall pay the examination fees directly
2 to the board authorized testing agency. ~~The examination fee~~
3 ~~for the examination on Alabama land surveying laws,~~
4 ~~procedures, and practices shall be paid directly to the board.~~

5 "§34-11-7.

6 "(a) The board shall issue a certificate of
7 licensure upon payment of a licensure fee as provided for in
8 this chapter to any applicant who, in the opinion of the
9 board, has satisfactorily met all the requirements of this
10 chapter. ~~In the case of a professional engineer, the~~ The
11 certificate shall authorize the practice of engineering. ~~In~~
12 ~~the case of a professional land surveyor, the certificate~~
13 ~~shall authorize the practice of land surveying.~~ Certificates
14 of licensure shall show the name of the licensee, shall have a
15 license number, and shall be signed by the chair and the
16 secretary of the board under the seal of the board.

17 "(b) The issuance of a certificate of licensure by
18 the board shall be prima facie evidence that the person named
19 therein is entitled to all the rights and privileges of a
20 professional engineer, ~~or of a professional land surveyor~~
21 unless the certificate is revoked, suspended, surrendered,
22 lapsed, or expired.

23 "(c) Each professional engineer should upon
24 licensure obtain a seal of the design authorized by the board,
25 bearing the licensee's name, licensure number, and the legend,
26 "licensed professional engineer." Previously purchased seals
27 bearing the terminology "registered" ~~vs.~~ versus "licensed" may

1 continue to be used until replacement is required. Engineering
2 drawings, plans, specifications, plats, and reports issued by
3 a licensee or by qualified persons under the direction of the
4 licensee and for which the licensee assumes full
5 responsibility shall be certified pursuant to this chapter. It
6 shall be unlawful for anyone to use an expired, suspended,
7 surrendered, lapsed, or revoked certificate or seal or
8 facsimile thereof.

9 ~~"(d) Each professional land surveyor should upon
10 licensure obtain a seal of the design authorized by the board,
11 bearing the licensee's name, licensure number, and the legend,
12 "licensed professional land surveyor." Previously purchased
13 seals bearing the terminology "registered" vs. "licensed" may
14 continue to be used until replacement is required. Land plats,
15 legal descriptions of lands, and land surveying reports issued
16 by a licensee or by qualified persons under the direction of
17 the licensee and for which the licensee assumes full
18 responsibility shall be certified pursuant to this chapter. It
19 shall be unlawful for anyone to use an expired, suspended,
20 surrendered, lapsed, or revoked certificate or seal or
21 facsimile thereof.~~

22 ~~"(d)(e)~~ Whenever the seal is applied, the document
23 ~~must~~ shall be signed by the licensee thereby certifying that
24 he or she is competent in the subject matter and is
25 responsible for the work product. A digital signature may be
26 used in lieu of a handwritten signature.

27 "§34-11-8.

1 "(a) The board ~~shall~~, by rule, shall establish a
2 procedure for renewing certificates of licensure on an annual
3 or a biennial basis. It shall be the duty of the executive
4 director of the board to notify every person licensed under
5 this chapter of the final date of the renewal of his or her
6 license and the amount of the fee required for the renewal.
7 The notice shall be mailed to the last address of the licensee
8 recorded by the executive director of the board at least one
9 month in advance of the renewal deadline. Renewal may be
10 accomplished at any time prior to or during the month of
11 December by payment of the required fee. The board shall
12 establish the renewal fee for each certificate of licensure
13 issued pursuant to this chapter. The amount of the renewal fee
14 shall not exceed one hundred fifty dollars (\$150) for annual
15 renewal or three hundred dollars (\$300) for biennial renewal.
16 Certificates of licensure for professional engineers ~~and~~
17 ~~professional land surveyors~~ shall lapse on the last day of the
18 month of December, annually or biennially, unless renewed. The
19 board ~~shall~~, by rule, shall establish procedures including
20 requirements, time limits, and the minimum continuing
21 professional competency hours required for reinstating or
22 reactivating a lapsed license. The board shall establish a
23 reinstatement fee which shall be based on the period the
24 license was lapsed. A lapsed license, if not reinstated, shall
25 remain in a lapsed classification for a total of four years.
26 Any license which has lapsed for more than four years shall

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

3 "(1) Any individual whose license has lapsed for
4 nonpayment of renewal fees shall continue to be subject to
5 this chapter and board rules governing licenses until the
6 licensure is revoked by action of the board or the license is
7 not eligible for reinstatement under the rules of the board. A
8 licensee who practices or offers to practice in this state
9 with a lapsed, inactive, or retired license shall be subject
10 to disciplinary action by the board.

11 "(2) No licensee shall have his or her license
12 renewed unless, in addition to any other requirements of this
13 chapter, the minimum annual or biennial continuing
14 professional competency requirement is met. It is further
15 provided that the continuing professional competency program
16 herein required shall not include testing or examination of
17 the licensee in any manner. The board ~~may~~, by rules, may
18 establish exemptions from the continuing professional
19 competency requirement for retired licensees and others in
20 extenuating circumstances as identified by rule of the board.

21 "(b) Enrollment as engineer interns ~~and land~~
22 ~~surveyor interns~~ shall expire on the last day of the month of
23 December following their issuance or renewal. The notification
24 to engineer interns shall be processed as prescribed above for
25 licensees except that the annual renewal fee shall not exceed
26 ten dollars (\$10). The failure on the part of any engineer
27 intern to accomplish renewal shall not invalidate his or her

1 status as an engineer intern ~~or land surveyor intern~~, but his
2 or her name ~~shall~~, after 90 days, shall be removed from the
3 current mailing list of the board. The fee to bring an
4 enrollment current after a renewal expiration shall be twice
5 that established for annual renewal.

6 "(c) Certificates of authorization issued to
7 corporations, partnerships, or firms practicing or offering to
8 practice engineering ~~or land surveying~~ under this chapter
9 shall lapse on the last day of the month of January following
10 their issuance or renewal, unless renewed. The amount of the
11 renewal fee shall be set by the board and shall not exceed two
12 hundred fifty dollars (\$250). It shall be the duty of the
13 executive director of the board to notify every corporation,
14 partnership, or firm holding a certificate of authorization
15 under this chapter of the final date of renewal of the
16 certificate and the amount of the fee which shall be required
17 for its renewal for one year. The notice shall be mailed by
18 the executive director to the last address recorded for the
19 corporation, partnership, or firm at least one month in
20 advance of the renewal deadline. Renewals may be accomplished
21 at any time prior to or during the month of January by payment
22 of the required fee. Failure by the corporation, partnership,
23 or firm to renew its certificate of authorization prior to or
24 during the month of January shall cause the certificate to
25 lapse, and it shall be unlawful for the corporation,
26 partnership, or firm to practice, offer to practice, or hold
27 itself out as qualified to practice engineering ~~or land~~

1 ~~surveying~~ in Alabama following the lapse of its certificate of
2 authorization. The board ~~shall~~, by rules, shall establish
3 procedures and time limits for reactivating a certificate of
4 authorization and the reinstatement fees which shall be based
5 on the period the certification was lapsed. A firm,
6 partnership, or corporation whose certificate of authorization
7 has lapsed for nonpayment of renewal fees shall continue to be
8 subject to this chapter and the rules of the board governing
9 licenses until the certificate of authorization is revoked by
10 action of the board or the certificate of authorization is no
11 longer renewable under the rules of the board. If not
12 reinstated, a lapsed certificate of authorization shall remain
13 in a lapsed classification for a period of two years. Any
14 certificate of authorization which has been lapsed for more
15 than two years shall not be eligible for reinstatement or
16 reactivation and is expired.

17 "§34-11-9.

18 "(a) Services offered to the public; certificate of
19 authorization required.

20 "(1) ENGINEERING ~~OR LAND SURVEYING~~ SERVICES. The
21 practice of or offer to practice engineering ~~and land~~
22 ~~surveying~~ as defined in Section 34-11-1 by individual
23 professional engineers ~~or professional land surveyors~~ licensed
24 under this chapter through a corporation, partnership, or firm
25 offering engineering services ~~or land surveying services~~ to
26 the public through individual licensed professional engineers
27 ~~or professional land surveyors~~, as agents, employees,

1 officers, or partners, is permitted subject to this chapter
2 and one or more of the principal officers of the corporation,
3 firm, or partners of the partnership and all personnel of the
4 corporation, partnership, or firm who act in its behalf as
5 professional engineers ~~or professional land surveyors~~ in this
6 state are licensed as provided by this chapter, or are persons
7 lawfully practicing under Section 34-11-14 and the
8 corporation, partnership, or firm has been issued a
9 certificate of authorization by the board as provided herein.
10 All final drawings, specifications, plans, reports, or other
11 engineering ~~or land surveying~~ papers or documents involving
12 the practice of engineering ~~or land surveying~~ as defined in
13 Section 34-11-1 ~~of this chapter~~ which shall have been prepared
14 or approved for the use of such corporation, partnership, or
15 firm or for delivery to any person or for public record within
16 the state shall be dated and bear the signature and seal of
17 the professional engineer ~~or professional land surveyor~~ who
18 prepared or approved them. Nothing in this section should be
19 construed to mean that a certificate of licensure to practice
20 engineering ~~or land surveying~~ shall be held by a corporation,
21 partnership, or firm.

22 "(2) JOINT PRACTICE AUTHORIZED. Nothing in this
23 section prohibits an individual, corporation, firm, or
24 partnership from joining together to practice, offering to
25 practice, or holding themselves out as qualified to practice
26 engineering ~~or land surveying~~ provided that the individual,

1 corporation, firm, or partnership meets the requirements of
2 this section.

3 "(3) LIABILITY GENERALLY. No corporation, firm, or
4 partnership shall be relieved of responsibility for the
5 conduct or acts of its agents, employees, officers, or
6 partners by reason of its compliance with this section, nor
7 shall any individual practicing engineering ~~or land surveying~~
8 as defined in Section 34-11-1 be relieved of responsibility
9 for work performed by reason of employment, association, or
10 relationship with the corporation, partnership, or firm.

11 "(4) APPLICATION FOR CERTIFICATE OF AUTHORIZATION. A
12 corporation, partnership, or firm desiring a certificate of
13 authorization shall file with the board an application upon a
14 form to be prescribed by the board and the designation
15 required by subdivision (5), accompanied by the licensure fee
16 prescribed by subsection (d) of Section 34-11-5.

17 "(5) RESIDENT LICENSEE. Every firm, partnership,
18 corporation, or other entity which performs or offers to
19 perform engineering ~~or land surveying~~ services shall have a
20 resident licensed professional engineer ~~or land surveyor~~ in
21 responsible charge of the engineering ~~or land surveying~~ work
22 for each separate office or branch office in which engineering
23 ~~or land surveying~~ services are performed or offered to be
24 performed. The board shall issue rules to ensure adequate
25 engineering supervision ~~and surveying supervision~~ of all work.

26 "(6) FILING NAMES AND ADDRESSES OF OFFICERS, ETC.,
27 REQUIRED. A corporation or firm shall file with the board,

1 using a form provided by the board, the names and addresses of
2 all officers and board members of the corporation or firm,
3 including the principal officer or officers duly licensed to
4 practice engineering ~~or land surveying~~ in this state, who
5 shall be in responsible charge of the practice or offering to
6 practice of engineering ~~or land surveying~~ in this state by the
7 corporation or firm and of the individual or individuals
8 designated as the responsible engineer ~~or land surveyor~~ of
9 each branch office offering or performing Alabama engineering
10 ~~or land surveying~~. A partnership shall file with the board
11 using a form provided by the board, the names and addresses of
12 all partners, including the partner or partners duly licensed
13 to practice engineering ~~or land surveying~~ in this state, and
14 also of an individual or individuals duly licensed to practice
15 engineering ~~or land surveying~~ in this state who shall be in
16 responsible charge of the practice of engineering ~~or land~~
17 ~~surveying~~ in this state at the branch offices of the
18 partnership. The same form, giving the same information, shall
19 accompany the annual renewal fee prescribed in subsection (c)
20 of Section 34-11-8. In the event there is a change in the firm
21 name or in any of the partners or principal officers during
22 the year, the changes shall be filed with the board by the
23 corporation, partnership, or firm within 30 days after the
24 effective date of the change.

25 "(7) ISSUANCE OF CERTIFICATE OF AUTHORIZATION;
26 SUSPENSION; REVOCATION. If all the requirements of this
27 section are met, the board shall issue to the corporation,

1 partnership, or firm a certificate of authorization. The board
2 may refuse to issue a certificate, if any facts exist which
3 would entitle the board to suspend or revoke an existing
4 certificate. Any person aggrieved by an adverse determination
5 of the board may appeal to the circuit court in the manner
6 provided in Section 34-11-13.

7 "(8) CERTIFICATE REQUIRED OF ORGANIZATION OPERATING
8 UNDER FICTITIOUS NAME. For the purposes of this section, a
9 certificate of authorization shall be required by a
10 corporation, partnership, firm, association, or person
11 practicing under a fictitious name, offering engineering ~~or~~
12 ~~land surveying~~ services to the public. Where a licensee is
13 practicing engineering ~~or land surveying~~ in his or her own
14 given name, the licensee shall not be required to qualify
15 under this section.

16 "(b) Incidental engineering ~~or land surveying~~
17 services; certificate of authorization not required. The
18 practice of engineering ~~or land surveying~~ incidental to or in
19 connection with production, manufacture, transportation,
20 distribution, or communication may be carried on by any
21 person, partnership, firm, or corporation engaged in such
22 production, manufacture, transportation, distribution, or
23 communication and will not require a certificate of
24 authorization. The engineering ~~and land surveying~~ services
25 shall be performed by or under the direction of a professional
26 engineer ~~or professional land surveyor~~ licensed in conformity
27 with this chapter. All drawings, plans, specifications, plats,

1 and reports involving the practice of engineering ~~or land~~
2 ~~surveying~~ shall when issued be dated and bear the seal or
3 facsimile of the seal, signature, and licensure number of the
4 professional engineer ~~or land surveyor~~ in responsible charge
5 thereof.

6 "§34-11-11.

7 "(a) The board shall have the power to reprimand,
8 censure, place on probation, or fine any licensee or certified
9 engineer intern ~~or land surveyor intern~~ or corporation,
10 partnership, or firm holding a certificate of authorization
11 and to suspend, refuse to renew, or revoke the certificate of
12 any licensee or certified engineer intern ~~or land surveyor~~
13 ~~intern~~ or the certificate of authorization of a corporation,
14 partnership, or firm found guilty of any of the following:

15 "(1) The practice of any fraud or deceit in
16 obtaining or attempting to obtain or renew a certificate of
17 licensure or certificate of authorization.

18 "(2) Any gross negligence, incompetency, violation
19 of the rules of professional conduct prescribed by the board,
20 or any amendment thereof, or misconduct in the practice of
21 engineering ~~or land surveying~~ as a professional engineer, or
22 engineer intern, ~~professional land surveyor, or land surveyor~~
23 ~~intern~~.

24 "(3) Falsely representing himself or herself as
25 being in responsible charge of engineering work ~~or land~~
26 ~~surveying~~.

1 "(4) Permitting his or her seal, or facsimile
2 thereof, to be used by another.

3 "(5) An offense in another jurisdiction resulting in
4 revocation, suspension, or voluntary surrender, to avoid
5 disciplinary proceedings, of a license or certificate of
6 licensure, including any agreement or stipulation executed by
7 a licensee to avoid formal disciplinary proceedings.

8 "(b) The board shall have the power to impose any or
9 all of the disciplinary penalties set forth in this section
10 against a corporation, partnership, or firm holding a
11 certificate of authorization, when any one or more of the
12 agents, employees, officers, partners, or owners of the
13 corporation, partnership, or firm, licensed or nonlicensed,
14 have committed any act, or have been guilty of any conduct,
15 which could authorize the imposition of any of the
16 disciplinary penalties set forth in this section. The acts or
17 conduct by the persons ~~must~~ shall have been related to the
18 practice of or offer to practice of engineering ~~or land~~
19 ~~surveying~~ by the corporation, partnership, or firm and that
20 the acts or conduct ~~must~~ shall have been performed or occurred
21 within the scope of the employment of any such person and with
22 the authorization, ratification, or approval of an officer,
23 director, principal, partner, or owner of the corporation,
24 partnership, or firm.

25 "(c) Any person may file a complaint alleging a
26 violation of this section against any individual licensee,
27 certified engineer intern, or corporation, partnership, or

1 firm holding a certificate of authorization. The complaints
2 shall be in writing and shall be filed with the executive
3 director of the board.

4 "(d) The board may designate a person or persons to
5 investigate and report to it on any matter related to its
6 lawful duties and may employ legal counsel as the board may
7 deem necessary or desirable. An investigation may be made upon
8 receipt of a complaint or may be initiated by the board. The
9 board may resolve violations by agreement between the board
10 and the licensee with or without the filing of formal charges.

11 "(e) Following an investigation, charges may be
12 filed against any individual licensee, ~~certificated~~ certified
13 engineer intern, or corporation, partnership, or firm holding
14 a certificate of authorization. The charges shall conform to
15 the Administrative Procedure Act.

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

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

23 "(h) The time and place for the hearing shall be
24 fixed by the board, and a copy of the charges, together with a
25 notice of the time and place of the hearing, shall be
26 personally served on or mailed to the last known address of
27 the individual licensee, certified engineer intern, or

1 corporation, partnership, or firm holding a certificate of
2 authorization, at least 30 days before the date fixed for the
3 hearing. At any hearing the accused individual licensee,
4 certified engineer intern, or corporation, partnership, or
5 firm holding a certificate of authorization shall have the
6 right to appear personally and by counsel, to cross-examine
7 witnesses appearing against him, her, or them, and to produce
8 evidence and witnesses in his or her or their own defense. If
9 the accused fails or refuses to appear, the board may proceed
10 to hear and determine the validity of the charges.

11 "(i) If after the hearing three or more members of
12 the board vote in favor of finding the accused guilty, the
13 board shall impose one or more of the disciplinary penalties
14 set forth in this section. Any fine imposed may not exceed two
15 thousand five hundred dollars (\$2,500) for each count or
16 separate offense. The written decision of the board shall be
17 delivered personally to the accused or sent by certified mail,
18 return receipt requested, to the last known address of the
19 accused.

20 "(j) If disciplinary action from a hearing results
21 in imposing a fine against a licensee, certified engineer
22 intern, or ~~certificated~~ certified corporation, partnership, or
23 firm, the board shall not renew the annual certificate for
24 this licensee, certified engineer intern, or ~~certificated~~
25 certified corporation, partnership, or firm until the fine is
26 paid in full. In the event that the fine is subsequently set
27 aside on judicial review, as provided in the Alabama

1 Administrative Procedure Act, the licensee, certified engineer
2 intern, or corporation, partnership, or firm holding a
3 certificate of authorization shall be entitled to a prompt
4 refund of the amount of the fine, but shall not be entitled to
5 interest thereon.

6 "(k) The board shall revoke the certificate of any
7 licensee or certified engineer intern who has been determined
8 to be one of the following:

9 "(1) Declared non compos mentis by a court of
10 competent jurisdiction.

11 "(2) Convicted of or entered a plea of guilty or
12 nolo contendere to any crime under the laws of the United
13 States or any state or territory thereof, which is a felony,
14 whether related to practice or not and convicted of or entered
15 a plea of guilty or nolo contendere to any crime, whether a
16 felony, misdemeanor, or otherwise, an essential element of
17 which is dishonesty or which is directly related to the
18 practice of engineering ~~or land surveying~~.

19 "(1) When a member of the board is unable to
20 continue the hearing either by disqualification or for any
21 other reason, and the board is unable to reach a quorum, the
22 Governor shall appoint as many ex officio members as is
23 necessary to reach a quorum from a list of three persons
24 submitted for each place by the nominating committee of seven
25 as specified in Section 34-11-30. These ex officio members
26 shall serve on the board only for that hearing for which they

1 were appointed and they may be reappointed for subsequent
2 hearings if necessary.

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

5 "§34-11-14.

6 "This chapter shall not be construed to prevent or
7 to affect any of the following:

8 "(1) The practice of any other legally recognized
9 profession or trade.

10 "(2) The work of an engineer intern ~~or land surveyor~~
11 ~~intern~~, employee, or a subordinate of any person holding a
12 certificate of licensure under this chapter, or any employee
13 of a person practicing lawfully under paragraph b of
14 subdivision (1) of Section 34-11-4, if the work is done under
15 the responsibility and supervision of a person holding a
16 certificate of licensure under this chapter or a person
17 practicing lawfully under paragraph b of subdivision (1) of
18 Section 34-11-4.

19 "(3) The practice of officers and employees of the
20 government of the United States while engaged within this
21 state in the practice of engineering ~~or land surveying~~ for the
22 government. This exception does not extend to any engineer ~~or~~
23 ~~land surveyor~~ engaged in the practice of professional
24 engineering ~~or land surveying~~ whose compensation is based in
25 whole or in part on a fee.

26 "(4) The practice of engineering ~~or land surveying~~
27 with respect to transportation or utility facilities by any

1 transportation company or public utility subject to regulation
2 by the Alabama Public Service Commission, the Federal Aviation
3 Administration, the Federal Communications Commission, the
4 Federal Energy Regulatory Commission, or the Nuclear
5 Regulatory Commission, including its parents, affiliates, or
6 subsidiaries; or by the officers and employees of any
7 transportation company or public utility including its
8 parents, affiliates, or subsidiaries. This exception shall not
9 extend to any engineer ~~or land surveyor~~ engaged in the
10 practice of engineering ~~or land surveying~~ whose compensation
11 is based in whole or in part on a fee.

12 "(5) The practice of engineering ~~or land surveying~~
13 by any person who is employed by the Alabama Department of
14 Transportation prior to January 1, 1997, in any engineering or
15 engineering assistant classification series under the State of
16 Alabama Personnel Board, Merit System.

17 "(6) The mere execution as a contractor of work
18 designed by a professional engineer or the supervision of the
19 construction of such work as a foreman or superintendent.

20 "(7) The performance of engineering services which
21 are purely incidental to the practice of architecture by
22 registered architects, or their employees, or subordinates
23 under their responsible supervising control.

24 "(8) The performance of engineering services which
25 are purely incidental to the practice of geology by registered
26 geologists, their employees, or subordinates under their
27 responsible charge.

1 "§34-11-15.

2 "(a) Any person who shall practice, offer to
3 practice, or hold himself or herself out as qualified to
4 practice engineering ~~or land surveying~~ in this state or use in
5 connection with his or her name or otherwise assume, use, or
6 advertise any title or description including, but not limited
7 to, the term engineer, engineers, engineering, or professional
8 engineer, professional engineers, or professional engineering,
9 ~~or land surveyor, land surveyors, land surveying, or~~
10 ~~professional land surveyor, professional land surveyors, or~~
11 ~~professional land surveying,~~ without being licensed or
12 exempted in accordance with this chapter, or any person
13 presenting or attempting to use as his or her own the
14 certificate of licensure or the seal or facsimile thereof of
15 another, or permitting his or her own certificate of
16 licensure, seal or facsimile thereof to be used by another
17 person, or any person who shall give any false or forged
18 evidence of any kind to the board or to any member thereof in
19 obtaining, or attempting to obtain a certificate of licensure,
20 or any person who shall falsely impersonate any other licensee
21 of like or different name, or any person who shall attempt to
22 use an expired, suspended, surrendered, or revoked certificate
23 of licensure, or any person who shall violate this chapter,
24 shall be guilty of a Class A misdemeanor and punished as
25 provided by law. Each day of the violation shall be a separate
26 offense.

1 "(b) Any corporation, partnership, or firm who
2 violates any part of this chapter shall be guilty of a Class A
3 misdemeanor and punished as provided by law. Each day of the
4 violation shall be a separate offense.

5 "(c) It shall be the duty of all duly constituted
6 officers of law of this state, or any political subdivision
7 thereof, to enforce this chapter, and to prosecute any
8 persons, firms, partnerships, or corporations for violating
9 this chapter. The Attorney General of the state or his or her
10 assistants shall act as legal advisor to the board and render
11 legal assistance to the board as may be necessary in carrying
12 out this chapter. The board has the right to obtain private
13 legal counsel as the need arises.

14 "§34-11-16.

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

20 "(1) Engaging in the practice or offer to practice
21 of engineering ~~or land surveying~~ in this jurisdiction without
22 being licensed in accordance with this chapter.

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

1 "(3) Presenting or attempting to use the certificate
2 of licensure or the seal of another licensed engineer ~~or~~
3 ~~licensed land surveyor~~.

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

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

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

11 "(b) The board shall determine the amount of the
12 civil penalty which shall be paid to the State General Fund.
13 The amount shall not exceed two thousand five hundred dollars
14 (\$2,500) for each and every separate offense.

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

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

24 "(e) A person aggrieved by the levy of a civil
25 penalty under this section may file an appeal to the Circuit
26 Court of Montgomery County exclusively for judicial review of
27 the penalty within 30 days notwithstanding the Administrative

1 Procedure Act. Unless an appeal is taken, or the penalty paid,
2 the order of the board imposing the civil penalty shall become
3 a judgment.

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

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

14 "§34-11-30.

15 "(a) A State Board of Licensure for Professional
16 Engineers ~~and Land Surveyors~~ is created. It shall be the duty
17 of the board to administer this chapter. The board shall
18 consist of ~~five~~ seven professional engineers ~~and two~~
19 ~~professional land surveyors~~. Commencing on ~~July 1, 2014~~ the
20 effective date of the act amending this subsection, the ~~five~~
21 seven professional engineers shall be appointed by the
22 Governor from a list of three persons nominated for each
23 appointment by a nominating committee ~~and the two land~~
24 ~~surveyors shall be appointed by the Governor from a list of~~
25 ~~three persons nominated for each appointment by the Alabama~~
26 ~~Society of Professional Land Surveyors~~. The two land surveyors
27 -serving on the board on the effective date of the act amending

1 this subsection shall continue to serve as members of the
2 board until the completion of their terms of office, or until
3 they vacate their membership on the board, whichever occurs
4 first. Nominations shall be made to the Governor by the
5 nominating committee ~~or the Alabama Society of Professional~~
6 ~~Land Surveyors, respectively,~~ as vacancies on the board occur,
7 whether by the expiration of a term or otherwise, ~~in a~~
8 ~~position filled by a professional engineer or land surveyor,~~
9 ~~respectively.~~ To the extent possible, the nominating
10 ~~committee, the Alabama Society of Professional Land Surveyors,~~
11 and the Governor shall select those persons whose appointments
12 ensure that the membership of the board is inclusive and
13 reflects the racial, gender, geographic, urban/rural, and
14 economic diversity of the state.

15 "(b) The nominating committee shall consist of one
16 professional engineer appointed or elected by each of the
17 professional organizations as outlined in the rules of the
18 board. Any other organization in the state having membership
19 qualifications comparable to those professional organizations
20 outlined in the rules of the board may petition the board for
21 membership on the nominating committee. The board, by rule,
22 may establish nominating committee operating guidelines and,
23 by rule, may establish procedures for the removal of
24 nonparticipating members of the nominating committee. Nominees
25 shall have the qualifications required by Section 34-11-31.
26 Nominations shall be made by a majority vote of the nominating
27 committee present at the same time at a meeting called by the

1 executive director of the board, who shall advise the above
2 named societies of the meeting at least 30 days before the
3 meeting is held.

4 "(c) Each member of the board, before beginning his
5 or her term of office, shall file with the Secretary of State
6 his or her written oath or affirmation for the faithful
7 discharge of his or her official duties. The members of the
8 board shall continue to serve under this chapter until their
9 respective terms expire. On the expiration of the term of each
10 member, the Governor shall in the manner provided in this
11 section appoint for a term of five years a professional
12 engineer ~~or professional land surveyor~~ having the
13 qualifications required by Section 34-11-31 to take the place
14 of the member whose term on the board is about to expire.
15 Vacancies occurring during a term shall be filled by
16 appointment by the Governor, in the manner provided in this
17 section, for the unexpired term. Each member shall hold office
18 until the expiration of the term for which the member is
19 appointed or until a successor is duly appointed and
20 qualified.

21 "(d) The existence and functioning of the State
22 Board of Licensure for Professional Engineers and Land
23 Surveyors, created and functioning pursuant to this chapter,
24 is continued under the name of the State Board of Licensure
25 for Professional Engineers. Unless otherwise provided by this
26 chapter or Chapter 44, all rights, duties, property, real or
27 personal, and all other effects existing in the name of the

1 State Board of Licensure for Professional Engineers and Land
2 Surveyors, or in any other name by which the board has been
3 known, shall continue in the name of the State Board of
4 Licensure for Professional Engineers. Any reference to the
5 State Board of Licensure for Professional Engineers and Land
6 Surveyors, or any other name by which the board has been
7 known, in any existing law, contract, or other instrument
8 shall constitute a reference to the State Board of Licensure
9 for Professional Engineers as created and renamed by this
10 chapter. All actions of the State Board of Licensure for
11 Professional Engineers and Land Surveyors lawfully done before
12 the effective date of the act adding this subsection by the
13 board or by the executive director are approved, ratified, and
14 confirmed. The board as constituted on the effective date of
15 the act adding this subsection, shall constitute the board
16 under this chapter.

17 "§34-11-31.

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

26 "§34-11-35.

1 "(a) The board shall have the power to adopt and
2 amend bylaws, rules, and regulations, not inconsistent with
3 the constitution and laws of this state, as may be reasonably
4 necessary for the proper performance of its duties and the
5 regulations of the proceedings before it. The board shall have
6 the power to adopt and amend from time to time rules of
7 professional conduct for professional engineers, engineer
8 interns, ~~professional land surveyors, land surveyor interns,~~
9 and corporations, partnerships, or firms holding certificates
10 of authorization. The board shall adopt and have an official
11 seal.

12 "(b) In carrying into effect its duties in any case
13 involving the revocation of licensure or any disciplinary
14 proceeding involving a licensee or the holder of a certificate
15 of authorization or practicing or offering to practice without
16 licensure, or false statement in connection with an
17 application for licensure, the board ~~may~~, under the hand of
18 its chair and the seal of the board, may subpoena witnesses
19 and compel their attendance, and may also require the
20 production of books, papers, documents, and other pertinent
21 data. Any member of the board may administer oaths or
22 affirmations to witnesses appearing before the board. If any
23 person refuses to obey any subpoena issued, or refuses to
24 testify or produce any books, papers, or documents, the board
25 may present its petition to the Circuit Court of Montgomery
26 County, Alabama, setting forth the facts, and thereupon the
27 Circuit Court of Montgomery County, in a proper case, shall

1 issue its subpoena to such person, requiring his or her
2 attendance before the Circuit Court of Montgomery County and
3 there to testify or to produce such books, papers, and
4 documents, or data. Any person failing or refusing to obey the
5 subpoena or order of the Circuit Court of Montgomery County
6 may be proceeded against in the same manner as for refusal to
7 obey any other subpoena or order of the Circuit Court of
8 Montgomery County.

9 "(c) The board is charged with the duty of seeing
10 that this chapter is enforced. The board shall investigate any
11 complaint relating to the violation this chapter and, should a
12 violation be indicated, the board shall proceed as provided
13 for under Sections 34-11-11, 34-11-15, and 34-11-16.

14 "(d) The board, for good cause, may apply for relief
15 by injunction, without bond, to restrain any person, firm,
16 partnership, or corporation from the commission of any act
17 which is prohibited by this chapter. In such proceedings it
18 shall not be necessary to allege or prove either that an
19 adequate remedy at law does not exist, or that substantial and
20 irreparable damage would result, from the continued violation
21 thereof. Application for the injunction may be made to the
22 Circuit Court of Montgomery County, Alabama, or the circuit
23 court of the county in which it is alleged that the violation
24 is about to occur, at the request of the board. The injunction
25 may not be granted ex parte, and any judgment or decree may be
26 appealed in the manner prescribed by law to the Supreme Court
27 of Alabama.

1 "(e) No action or other legal proceedings for
2 damages shall be instituted against the board, any board
3 member, or employee of the board for any act done in good
4 faith and in the intended performance of any power granted
5 under this chapter or for any neglect or default in the
6 performance or exercise in good faith of any duty or power.

7 "§34-11-36.

8 "The executive director of the board shall receive
9 and account for all money derived under this chapter, and
10 shall pay it monthly to the State Treasurer, who shall keep
11 the money in a separate fund to be known as the "Professional
12 Engineers ~~and Professional Land Surveyors~~ Fund." The fund
13 shall be kept separate and apart from all other money in the
14 Treasury, and shall be paid out only by warrant of the
15 Comptroller upon the Treasurer, upon itemized vouchers,
16 approved by the executive director of the board. On the
17 effective date of the act amending this section, the board, in
18 consultation with the Department of Examiners of Public
19 Accounts and the State Treasurer, and in cooperation with the
20 State Board of Licensure for Professional Land Surveyors,
21 shall equitably divide and transfer the monies in the fund
22 previously known as the Professional Engineers and
23 Professional Land Surveyors Fund to the Professional Engineers
24 Fund and the Professional Land Surveyors Fund created pursuant
25 to Section 34-44-36. No funds shall be withdrawn or expended
26 except as budgeted and allotted according to Article 4 of
27 Chapter 4 of Title 41. Any funds or money in the hands of the

1 State Treasurer, known as the Professional Engineers ~~and~~
2 ~~Professional Land Surveyors~~ Fund, at the end of the state
3 fiscal year in excess of that amount equal to 25 percent of
4 the budget of the board for the previous fiscal year shall be
5 transferred into the General Fund of the state. However, in
6 the event that the board elects to implement a biennial
7 license, then the above transfer into the General Fund shall
8 only apply at the end of the non-license year of the biennial
9 license cycle. The money, properties, records, and other
10 things of value owned by or allocated to the fund, the board,
11 or the executive director of the board in his or her capacity
12 as such, serving at the time of enactment of this chapter,
13 shall become the property of and be allocated respectively to
14 the fund, the board, or the executive director of the board
15 under this chapter. The executive director of the board shall
16 give a surety bond to the state in a sum as the board may
17 determine. The premium on the bond shall be regarded as a
18 proper and necessary expense of the board and shall be paid
19 out of the fund. The executive director of the board shall
20 receive a salary as determined by the board, in addition to
21 compensation and expenses provided for in Section 34-11-32.
22 The board may employ an executive director and, when
23 necessary, an assistant executive director and fix their
24 compensation and duties. The board may employ clerical or
25 other assistants, subject to the provisions of the Merit
26 System Act, and may make expenditures from the fund for any
27 purpose which in the opinion of the board is reasonably

1 necessary for the proper performance of its duties under this
2 chapter, including the expenses of the board's delegates to
3 regional and national meetings of, and membership dues to, a
4 national examination organization for engineers ~~and land~~
5 ~~surveyors~~ selected by the board and any of its subdivisions.
6 Under no circumstances shall the total amount of warrants
7 issued by the Comptroller in payment of the expenses and
8 compensation provided for in this chapter exceed the amount
9 provided therefor by the Legislature in the general
10 appropriation or other appropriation bills.

11 Section 2. Chapter 44, commencing with Section
12 34-44-1, is added to Title 34 of the Code of Alabama 1975, to
13 read as follows:

14 ARTICLE 1. GENERAL PROVISIONS.

15 §34-44-1.

16 For the purposes of this chapter, the following
17 terms shall have the following meanings:

18 (1) BOARD. The State Board of Licensure for
19 Professional Land Surveyors, provided for by Section 34-44-30.

20 (2) LAND SURVEYOR INTERN. A person who has qualified
21 under subdivision (2) of Section 34-44-4, has passed an
22 examination in the fundamental land surveyor intern subjects
23 pursuant to this chapter, and who has been certified by the
24 board as a land surveyor intern.

25 (3) LAND SURVEYOR or PROFESSIONAL LAND SURVEYOR. A
26 person who has been duly licensed as a professional land
27 surveyor by the board established under this chapter, and who

1 is a professional specialist in the technique of measuring
2 land, is educated in the principles of mathematics, the
3 related physical and applied sciences, the relevant
4 requirements of law for adequate evidence and all requisites
5 for surveying of real property, and is qualified to practice
6 land surveying as defined in subdivision (5).

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

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

1 plan, report, description, or project. Project coordination
2 shall include the coordination of those technical submissions
3 as prepared by others. The practice of land surveying shall
4 include, but not be limited to, any of the following:

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

10 b. Makes any survey for the subdivision of any tract
11 of land or for condominiums.

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

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

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

25 f. Creates, prepares, or modifies electronic or
26 computerized data, including land information systems and
27 geographic land information systems, relative to the

1 performance of the activities in paragraphs a. to e.,
2 inclusive.

3 (6) RESPONSIBLE CHARGE. Direct control and personal
4 supervision of land surveying work.

5 §34-44-2.

6 (a) No person in either public or private capacity
7 shall practice or offer to practice land surveying unless he
8 or she shall first have submitted evidence that he or she is
9 qualified so to practice and shall be licensed by the board as
10 hereinafter provided or unless he or she is specifically
11 exempted from licensure under this chapter.

12 (b) In order to safeguard life, health, and property
13 and to promote the public welfare, the practice of land
14 surveying in this state is a learned profession to be
15 practiced and regulated as such, and its practitioners in this
16 state shall be held accountable to the state and members of
17 the public by high professional standards in keeping with the
18 ethics and practices of the other learned professions in this
19 state. It shall be unlawful for any person to practice or
20 offer to practice land surveying in this state, as defined by
21 this chapter, or to use in connection with his or her name or
22 otherwise assume, use, or advertise any title or description
23 including, but not limited to, the terms land surveyor, land
24 surveyors, land surveying, professional land surveyor,
25 professional land surveyors, professional land surveying, or
26 any modification or derivative thereof, tending to convey the
27 impression that he or she is a professional land surveyor

1 unless the person has been duly licensed or is exempt from
2 licensure under this chapter.

3 (c) As used in this subsection, the term
4 professional land surveyor shall include the agents, the
5 employees, and any personnel under the supervision of a
6 professional land surveyor.

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

18 (2) Nothing in this subsection shall be construed as
19 giving authority to a professional land surveyor to destroy,
20 injure, damage, or move anything on the lands of another
21 without the written permission of the landowner and nothing in
22 this section shall be construed as removing civil liability
23 for the damages.

24 (3) A professional land surveyor shall make
25 reasonable effort to notify adjoining landowners upon whose
26 land it is necessary to enter.

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

4 (5) Nothing in this subsection shall limit the
5 rights of condemning authorities under Sections 18-1A-50 to
6 18-1A-55, inclusive.

7 §34-44-3.

8 A roster showing the names and addresses of all
9 licensed professional land surveyors and all who possess
10 current certifications as land surveyor interns shall be
11 prepared by the executive director of the board at intervals
12 as established by the board. Copies of this roster shall be
13 made available to each person licensed or certified, placed on
14 file with the Secretary of State, and may be distributed or
15 sold to the public upon request.

16 §34-44-4.

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

20 (1) PROFESSIONAL LAND SURVEYOR. The following shall
21 be considered as minimum evidence satisfactory to the board
22 that the applicant is qualified for licensure as a
23 professional land surveyor.

24 a. Graduation and experience plus examination.

25 1. Graduation in an approved land surveying
26 curriculum plus four years' experience. A graduate of an
27 approved land surveying curriculum of four years or more

1 including a minimum of 30 semester hours or 45 quarter hours
2 of surveying courses from a school or college approved by the
3 board who has successfully passed a board approved examination
4 in the fundamental land surveying subjects and who has a
5 specific record of an additional four years or more of
6 combined office and field experience in land surveying work of
7 a grade and character satisfactory to the board shall be
8 admitted to a board approved examination in the principles and
9 practice of land surveying and a board approved examination on
10 laws, procedures, and practices pertaining to land surveying
11 in Alabama. Upon passing these examinations, the applicant
12 shall be granted a certificate of licensure to practice land
13 surveying, provided the applicant is otherwise qualified.

14 2. Graduation in an approved curriculum related to
15 surveying plus six years' experience. A graduate of a
16 curriculum related to surveying of four years or more
17 including a minimum of 15 semester hours or 22.5 quarter hours
18 of surveying courses from a school or college approved by the
19 board and who has successfully passed a board approved
20 examination in the fundamental land surveying subjects and who
21 has a specific record of an additional six years or more of
22 progressive office and field experience in land surveying work
23 of a grade and character satisfactory to the board shall be
24 admitted to a board approved examination in the principles and
25 practice of land surveying and a board approved examination of
26 laws, procedures, and practices pertaining to land surveying
27 in Alabama. Upon passing these examinations, the applicant

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

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

20 b. Comity. The board, upon application, may grant to
21 any person who holds a valid professional land surveying
22 certificate issued by any jurisdiction of the United States or
23 of any country, admission into a board approved examination of
24 laws, procedures, and practices pertaining to land surveying
25 in Alabama, provided that the education, experience, and
26 examination qualifications of the applicant, in the judgment
27 of the board, are of a standard not lower than that specified

1 in the applicable licensure act in effect in Alabama at the
2 time such certificate was issued. Upon passing the
3 examination, the applicant shall be granted a certificate of
4 licensure to practice land surveying in this state, provided
5 the applicant is otherwise qualified.

6 (2) LAND SURVEYOR INTERN. The following shall be
7 considered as minimum evidence satisfactory to the board that
8 the applicant is qualified for certification as a land
9 surveyor intern:

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

18 b. Graduation and examination plus experience.

19 1. Graduation in an approved curriculum related to
20 surveying plus two years' experience. A graduate of a
21 curriculum related to surveying of four years or more
22 including a minimum of 15 semester hours or 22.5 quarter hours
23 of surveying courses from a school or college approved by the
24 board who has successfully passed a board approved examination
25 in the fundamentals of land surveying and who has a specific
26 record of an additional two years or more of combined office
27 and field experience in land surveying work of a grade and

1 character satisfactory to the board shall be certified as a
2 land surveyor intern, if otherwise qualified.

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

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

19 (3) CHARACTER. No person shall be eligible for
20 licensure as a professional land surveyor or certification as
21 a land surveyor intern who is not of good character and
22 reputation.

23 (4) TEACHING CREDITS. In considering the
24 qualifications of applicants, teaching land surveying subjects
25 in a land surveying curriculum approved by the board may be
26 considered as land surveying experience.

1 (5) GRADUATE STUDY. In counting years of experience
2 for professional land surveyor licensure, the board may give
3 credit, not in excess of one year, for successful completion
4 of graduate study leading to a master's degree in land
5 surveying. If a Ph.D. in land surveying is completed, a total
6 of two years' experience may be credited. The credit of two
7 years shall include one year for the master's degree. If the
8 Ph.D. is obtained without the master's degree, the credit for
9 experience shall be two years.

10 (6) NONPRACTICING APPLICANTS. Any person having the
11 necessary qualifications prescribed in this chapter to entitle
12 the applicant to licensure shall be eligible for licensure
13 although the applicant may not be practicing land surveying at
14 the time of making application.

15 (7) RECOGNITION OF PREVIOUSLY TAKEN EXAMINATIONS.
16 The board may accept fundamentals and principles and practice
17 examinations of comparable character taken and passed in
18 another jurisdiction.

19 §34-44-5.

20 (a) The regulation and oversight of a professional
21 land surveyor license, land surveyor intern certificate, or
22 certificate of authorization for a corporation, partnership,
23 or firm that was issued by and is in good standing with the
24 State Board of Licensure for Professional Engineers and Land
25 Surveyors on the effective date of this act, shall transfer to
26 the State Board of Licensure for Professional Land Surveyors
27 created by this section. The license or certificate shall have

1 the same expiration and renewal dates, shall entitle the
2 holder to perform the same activities, and shall subject the
3 holder to the same responsibilities as provided and required
4 when the license or certificate was originally issued.

5 (b) Applications for licensure as a professional
6 land surveyor or certification as a land surveyor intern shall
7 be on forms prescribed and furnished by the board and shall
8 contain statements made under oath. Three or more of the
9 references contained in an application for professional land
10 surveyor shall be professional land surveyors having personal
11 knowledge of the land surveying experience of the applicant.
12 All references and experience verifications furnished shall be
13 confidential records of the board. Any individual who was
14 previously licensed in this state and whose license is
15 eligible for reinstatement as outlined in subsection (a) of
16 Section 34-44-8 shall comply with the reinstatement procedures
17 established by the board instead of the submission of a new
18 application.

19 (c) The application fee and the licensure fee for
20 professional land surveyors shall be set by the board and each
21 fee shall not exceed one hundred fifty dollars (\$150). The
22 application fee shall accompany the application, and the
23 licensure fee shall be due upon approval of licensure. If the
24 applicant fails or refuses to remit the licensure fee within
25 30 days after being notified of successfully qualifying, the
26 applicant shall forfeit the right to have a certificate so

1 issued. For further consideration, the applicant shall be
2 required to submit a new application and application fee.

3 (d) The application fee, which shall include the
4 certification fee, for land surveyor interns shall be set by
5 the board, shall not exceed fifty dollars (\$50), and shall
6 accompany the application.

7 (e) The fee for a certificate of authorization for a
8 corporation, partnership, or firm shall be set by the board,
9 shall not exceed two hundred fifty dollars (\$250), and shall
10 accompany the application.

11 (f) If the board denies certification or licensure
12 to any applicant, or the certificate of authorization to any
13 corporation, partnership, or firm, the fee paid shall be
14 retained as an application fee.

15 §34-44-6.

16 (a) Examinations shall be held at such times and
17 places as the board determines and upon payment of an
18 examination fee.

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

24 (c) When examinations are required on applied
25 subjects, the applicant shall be permitted to take this part
26 of the professional examination as specified by guidelines
27 established by the board. The scope of the examination and the

1 methods of procedure shall be prescribed by the board with
2 special reference to the ability of the applicant to design
3 and supervise land surveying works so as to protect the safety
4 of life, health, and property. A candidate failing an
5 examination may apply for reexamination under guidelines
6 established by the board.

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

14 §34-44-7.

15 (a) The board shall issue a certificate of licensure
16 upon payment of a licensure fee as provided for in this
17 chapter to any applicant who, in the opinion of the board, has
18 satisfactorily met all the requirements of this chapter. The
19 certificate shall authorize the practice of land surveying.
20 Certificates of licensure shall show the name of the licensee,
21 shall have a license number, and shall be signed by the chair
22 and the secretary of the board under the seal of the board.

23 (b) The issuance of a certificate of licensure by
24 the board shall be prima facie evidence that the person named
25 therein is entitled to all the rights and privileges of a
26 professional land surveyor unless the certificate is revoked,
27 suspended, surrendered, lapsed, or expired.

1 (c) Each professional land surveyor, upon licensure,
2 should obtain a seal of the design authorized by the board,
3 bearing the licensee's name, licensure number, and the legend,
4 "licensed professional land surveyor." Previously purchased
5 seals bearing the terminology "registered" versus "licensed"
6 may continue to be used until replacement is required. Land
7 plats, legal descriptions of lands, and land surveying reports
8 issued by a licensee or by qualified persons under the
9 direction of the licensee and for which the licensee assumes
10 full responsibility shall be certified pursuant to this
11 chapter. It shall be unlawful for anyone to use an expired,
12 suspended, surrendered, lapsed, or revoked certificate or seal
13 or facsimile thereof.

14 (d) Whenever the seal is applied, the document shall
15 be signed by the licensee thereby certifying that he or she is
16 competent in the subject matter and is responsible for the
17 work product. A digital signature may be used in lieu of a
18 handwritten signature.

19 §34-44-8.

20 (a) The board, by rule, shall establish a procedure
21 for renewing certificates of licensure on an annual or a
22 biennial basis. It shall be the duty of the executive director
23 of the board to notify every person licensed under this
24 chapter of the final date of the renewal of his or her license
25 and the amount of the fee required for the renewal. The notice
26 shall be mailed to the last address of the licensee recorded
27 by the executive director of the board at least one month in

1 advance of the renewal deadline. Renewal may be accomplished
2 at any time prior to or during the month of December by
3 payment of the required fee. The board shall establish the
4 renewal fee for each certificate of licensure issued pursuant
5 to this chapter. The amount of the renewal fee shall not
6 exceed one hundred fifty dollars (\$150) for annual renewal or
7 three hundred dollars (\$300) for biennial renewal.

8 Certificates of licensure for professional land surveyors
9 shall lapse on the last day of the month of December, annually
10 or biennially, unless renewed. The board, by rule, shall
11 establish procedures including requirements, time limits, and
12 the minimum continuing professional competency hours required
13 for reinstating or reactivating a lapsed license. The board
14 shall establish a reinstatement fee which shall be based on
15 the period the license was lapsed. A lapsed license, if not
16 reinstated, shall remain in a lapsed classification for a
17 total of four years. Any license which has lapsed for more
18 than four years shall not be eligible for reinstatement or
19 reactivation and is expired.

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

1 (2) No licensee shall have his or her license
2 renewed unless, in addition to any other requirements of this
3 chapter, the minimum annual or biennial continuing
4 professional competency requirement is met. It is further
5 provided that the continuing professional competency program
6 herein required shall not include testing or examination of
7 the licensee in any manner. The board, by rule, may establish
8 exemptions from the continuing professional competency
9 requirement for retired licensees and others in extenuating
10 circumstances as identified by rule of the board.

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

22 (c) Certificates of authorization issued to
23 corporations, partnerships, or firms practicing or offering to
24 practice land surveying under this chapter shall lapse on the
25 last day of the month of January following their issuance or
26 renewal, unless renewed. The amount of the renewal fee shall
27 be set by the board and shall not exceed two hundred fifty

1 dollars (\$250). The executive director shall notify every
2 corporation, partnership, or firm holding a certificate of
3 authorization under this chapter of the final date of renewal
4 of the certificate and the amount of the fee which shall be
5 required for its renewal for one year. The notice shall be
6 mailed by the executive director to the last address recorded
7 for the corporation, partnership, or firm at least one month
8 in advance of the renewal deadline. Renewals may be
9 accomplished at any time prior to or during the month of
10 January by payment of the required fee. Failure by the
11 corporation, partnership, or firm to renew its certificate of
12 authorization prior to or during the month of January shall
13 cause the certificate to lapse, and it shall be unlawful for
14 the corporation, partnership, or firm to practice, offer to
15 practice, or hold itself out as qualified to practice land
16 surveying in Alabama following the lapse of its certificate of
17 authorization. The board, by rule, shall establish procedures
18 and time limits for reactivating a certificate of
19 authorization and the reinstatement fees which shall be based
20 on the period the certification was lapsed. A firm,
21 partnership, or corporation whose certificate of authorization
22 has lapsed for nonpayment of renewal fees shall continue to be
23 subject to this chapter and the rules of the board governing
24 licenses until the certificate of authorization is revoked by
25 action of the board or the certificate of authorization is no
26 longer renewable under the rules of the board. If not
27 reinstated, a lapsed certificate of authorization shall remain

1 in a lapsed classification for a period of two years. Any
2 certificate of authorization which has been lapsed for more
3 than two years shall not be eligible for reinstatement or
4 reactivation and is expired.

5 §34-44-9.

6 (a) Services offered to the public; certificate of
7 authorization required.

8 (1) LAND SURVEYING SERVICES. The practice of or
9 offer to practice land surveying by individual professional
10 land surveyors licensed under this chapter through a
11 corporation, partnership, or firm offering land surveying
12 services to the public through individual licensed
13 professional land surveyors as agents, employees, officers, or
14 partners, is permitted subject to this chapter and one or more
15 of the principal officers of the corporation, firm, or
16 partners of the partnership and all personnel of the
17 corporation, partnership, or firm who act in its behalf as
18 professional land surveyors in this state are licensed as
19 provided by this chapter, or are persons lawfully practicing
20 under Section 34-44-13 and the corporation, partnership, or
21 firm has been issued a certificate of authorization by the
22 board as provided herein. All final drawings, specifications,
23 plans, reports, or other land surveying papers or documents
24 involving the practice of land surveying, as defined in this
25 chapter, which shall have been prepared or approved for the
26 use of such corporation, partnership, or firm or for delivery
27 to any person or for public record within the state shall be

1 dated and bear the signature and seal of the professional land
2 surveyor who prepared or approved them. Nothing in this
3 section should be construed to mean that a certificate of
4 licensure to practice land surveying shall be held by a
5 corporation, partnership, or firm.

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

12 (3) LIABILITY GENERALLY. No corporation, firm, or
13 partnership shall be relieved of responsibility for the
14 conduct or acts of its agents, employees, officers, or
15 partners by reason of its compliance with this section, nor
16 shall any individual practicing land surveying be relieved of
17 responsibility for work performed by reason of employment,
18 association, or relationship with the corporation,
19 partnership, or firm.

20 (4) APPLICATION FOR CERTIFICATE OF AUTHORIZATION. A
21 corporation, partnership, or firm desiring a certificate of
22 authorization shall file with the board an application upon a
23 form to be prescribed by the board and the designation
24 required by subdivision (5), accompanied by the licensure fee
25 prescribed by subsection (d) of Section 34-44-5.

26 (5) RESIDENT LICENSEE. Every firm, partnership,
27 corporation, or other entity which performs or offers to

1 perform land surveying services shall have a resident licensed
2 professional land surveyor in responsible charge of the land
3 surveying work for each separate office or branch office in
4 which land surveying services are performed or offered to be
5 performed. The board shall issue rules to ensure adequate
6 surveying supervision of all work.

7 (6) FILING NAMES AND ADDRESSES OF OFFICERS, ETC.,
8 REQUIRED. A corporation or firm shall file with the board,
9 using a form provided by the board, the names and addresses of
10 all officers and board members of the corporation or firm
11 including the principal officer or officers duly licensed to
12 practice land surveying in this state, who shall be in
13 responsible charge of the practice or offering to practice of
14 land surveying in this state by the corporation or firm and of
15 the individual or individuals designated as the responsible
16 land surveyor of each branch office offering or performing
17 Alabama land surveying. A partnership shall file with the
18 board using a form provided by the board, the names and
19 addresses of all partners, including the partner or partners
20 duly licensed to practice land surveying in this state, and
21 also of an individual or individuals duly licensed to practice
22 land surveying in this state who shall be in responsible
23 charge of the practice of land surveying in this state at the
24 branch offices of the partnership. The same form, giving the
25 same information, shall accompany the annual renewal fee
26 prescribed in subsection (c) of Section 34-44-8. In the event
27 there is a change in the firm name or in any of the partners

1 or principal officers during the year, the changes shall be
2 filed with the board by the corporation, partnership, or firm
3 within 30 days after the effective date of the change.

4 (7) ISSUANCE OF CERTIFICATE OF AUTHORIZATION;
5 SUSPENSION; REVOCATION. If all the requirements of this
6 section are met, the board shall issue to the corporation,
7 partnership, or firm a certificate of authorization. The board
8 may refuse to issue a certificate if any facts exist which
9 would entitle the board to suspend or revoke an existing
10 certificate. Any person aggrieved by an adverse determination
11 of the board may appeal to the circuit court in the manner
12 provided in Section 34-44-12.

13 (8) CERTIFICATE REQUIRED OF ORGANIZATION OPERATING
14 UNDER FICTITIOUS NAME. For the purposes of this section, a
15 certificate of authorization shall be required by a
16 corporation, partnership, firm, association, or person
17 practicing under a fictitious name, offering land surveying
18 services to the public. Where a licensee is practicing land
19 surveying in his or her own given name, the licensee shall not
20 be required to qualify under this section.

21 (b) The practice of land surveying incidental to or
22 in connection with production, manufacture, transportation,
23 distribution, or communication may be carried on by any
24 person, partnership, firm, or corporation engaged in such
25 production, manufacture, transportation, distribution, or
26 communication and does not require a certificate of
27 authorization. The land surveying services shall be performed

1 by or under the direction of a professional land surveyor
2 licensed in conformity with this chapter. All drawings, plans,
3 specifications, plats, and reports involving the practice of
4 land surveying, when issued, shall be dated and bear the seal
5 or facsimile of the seal, signature, and licensure number of
6 the professional land surveyor in responsible charge thereof.

7 §34-44-10.

8 (a) The board may reprimand, censure, place on
9 probation, or fine any licensee or certified land surveyor
10 intern or corporation, partnership, or firm holding a
11 certificate of authorization and may suspend, refuse to renew,
12 or revoke the certificate of any licensee or certified land
13 surveyor intern or the certificate of authorization of a
14 corporation, partnership, or firm found guilty of any of the
15 following:

16 (1) The practice of any fraud or deceit in obtaining
17 or attempting to obtain or renew a certificate of licensure or
18 certificate of authorization.

19 (2) Any gross negligence, incompetency, violation of
20 the rules of professional conduct prescribed by the board, or
21 any amendment thereof, or misconduct in the practice of land
22 surveying as a professional land surveyor or land surveyor
23 intern.

24 (3) Falsely representing himself or herself as being
25 in responsible charge of land surveying.

26 (4) Permitting his or her seal, or facsimile
27 thereof, to be used by another.

1 (5) An offense in another jurisdiction resulting in
2 revocation, suspension, or voluntary surrender to avoid
3 disciplinary proceedings, of a license or certificate of
4 licensure, including any agreement or stipulation executed by
5 a licensee to avoid formal disciplinary proceedings.

6 (b) The board may impose any or all of the
7 disciplinary penalties set forth in this section against a
8 corporation, partnership, or firm holding a certificate of
9 authorization, when any one or more of the agents, employees,
10 officers, partners, or owners of the corporation, partnership,
11 or firm, licensed or nonlicensed, have committed any act, or
12 have been guilty of any conduct, which could authorize the
13 imposition of any of the disciplinary penalties set forth in
14 this section. The acts or conduct by the persons shall have
15 been related to the practice of or offer to practice of land
16 surveying by the corporation, partnership, or firm and that
17 the acts or conduct shall have been performed or occurred
18 within the scope of the employment of any such person and with
19 the authorization, ratification, or approval of an officer,
20 director, principal, partner, or owner of the corporation,
21 partnership, or firm.

22 (c) Any person may file a complaint alleging a
23 violation of this section against any individual land surveyor
24 licensee, certified land surveyor intern, or corporation,
25 partnership, or firm holding a certificate of authorization.
26 The complaints shall be in writing and shall be filed with the
27 executive director of the board.

1 (d) The board may designate a person or persons to
2 investigate and report to it on any matter related to its
3 lawful duties and may employ legal counsel as the board may
4 deem necessary or desirable. An investigation may be made upon
5 receipt of a complaint or may be initiated by the board. The
6 board may resolve violations by agreement between the board
7 and the licensee with or without the filing of formal charges.

8 (e) Following an investigation, charges may be filed
9 against any individual land surveyor licensee, certified land
10 surveyor intern, or corporation, partnership, or firm holding
11 a certificate of authorization. The charges shall conform to
12 the Administrative Procedure Act.

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

17 (g) All charges, unless dismissed by the board as
18 unfounded or trivial, shall be heard by the board within a
19 reasonable time.

20 (h) The time and place for the hearing shall be
21 fixed by the board, and a copy of the charges, together with a
22 notice of the time and place of the hearing, shall be
23 personally served on or mailed to the last known address of
24 the individual land surveyor licensee, certified land surveyor
25 intern, or corporation, partnership, or firm holding a
26 certificate of authorization, at least 30 days before the date
27 fixed for the hearing. At any hearing the accused individual

1 land surveyor licensee, certified land surveyor intern, or
2 corporation, partnership, or firm holding a certificate of
3 authorization shall have the right to appear personally and by
4 counsel, to cross-examine witnesses appearing against him,
5 her, or them, and to produce evidence and witnesses in his or
6 her or their own defense. If the accused fails or refuses to
7 appear, the board may proceed to hear and determine the
8 validity of the charges.

9 (i) If after the hearing three or more members of
10 the board vote in favor of finding the accused guilty, the
11 board shall impose one or more of the disciplinary penalties
12 set forth in this section. Any fine imposed may not exceed two
13 thousand five hundred dollars (\$2,500) for each count or
14 separate offense. The written decision of the board shall be
15 delivered personally to the accused or sent by certified mail,
16 return receipt requested, to the last known address of the
17 accused.

18 (j) If disciplinary action from a hearing results in
19 imposing a fine against a land surveyor licensee, certified
20 land surveyor intern, or certified corporation, partnership,
21 or firm, the board shall not renew the annual certificate for
22 this land surveyor licensee, certified land surveyor intern,
23 or certified corporation, partnership, or firm until the fine
24 is paid in full. In the event that the fine is subsequently
25 set aside on judicial review, as provided in the
26 Administrative Procedure Act, the land surveyor licensee,
27 certified land surveyor intern, or corporation, partnership,

1 or firm holding a certificate of authorization shall be
2 entitled to a prompt refund of the amount of the fine, but
3 shall not be entitled to interest thereon.

4 (k) The board shall revoke the certificate of any
5 land surveyor licensee or certified land surveyor intern who
6 has been determined to be one of the following:

7 (1) Declared non compos mentis by a court of
8 competent jurisdiction.

9 (2) Convicted of or entered a plea of guilty or nolo
10 contendere to any crime under the laws of the United States or
11 any state or territory thereof, which is a felony, whether
12 related to practice or not and convicted of or entered a plea
13 of guilty or nolo contendere to any crime, whether a felony,
14 misdemeanor, or otherwise, an essential element of which is
15 dishonesty or which is directly related to the practice of
16 land surveying.

17 (1) When a member of the board is unable to continue
18 the hearing either by disqualification or for any other
19 reason, and the board is unable to reach a quorum, the
20 Governor shall appoint as many ex officio members as is
21 necessary to reach a quorum from a list of three persons
22 submitted for each place by the nominating committee as
23 specified in Section 34-44-30. These ex officio members shall
24 serve on the board only for that hearing for which they were
25 appointed and they may be reappointed for subsequent hearings
26 if necessary.

1 (m) The licensee shall be responsible for the cost
2 of the disciplinary action if found guilty.

3 §34-44-11.

4 The board, for reasons it may deem sufficient, may
5 reissue a certificate of licensure to any person or
6 certificate of authorization to any corporation, partnership,
7 or firm whose certificate has been revoked, provided three or
8 more members of the board vote in favor of reissuance. The
9 board may not consider reissuance of a certificate to any
10 person whose certificate has been revoked because of non
11 compos mentis until after the person has been declared to have
12 fully regained his or her competency by a court of competent
13 jurisdiction. The board may not consider the reissuance of a
14 certificate to a person who was convicted of a felony or
15 entered a plea of guilty or nolo contendere to a felony until
16 the civil rights of the person have been restored, and then a
17 unanimous approval vote of the board concerning reissuance
18 shall be required. A new certificate to replace any
19 certificate revoked, lost, destroyed, or mutilated or for any
20 other reason may be issued, subject to the rules of the board,
21 and a charge of twenty-five dollars (\$25) shall be made for
22 such issuance.

23 §34-44-12.

24 Any person, corporation, partnership, or firm who
25 shall feel aggrieved by the denial of a certificate by the
26 board or by any disciplinary action by the board taken
27 pursuant to Section 34-44-10 may appeal therefrom within 30

1 days to the Circuit Court of Montgomery County, Alabama,
2 exclusively, notwithstanding the provisions of the
3 Administrative Procedure Act; and only after the filing of the
4 notice of appeal, shall judicial review be as provided for in
5 the Administrative Procedure Act.

6 §34-11-13.

7 This chapter shall not be construed to prevent or to
8 affect any of the following:

9 (1) The practice of any other legally recognized
10 profession or trade.

11 (2) The work of a land surveyor intern, employee, or
12 a subordinate of any person holding a certificate of licensure
13 under this chapter, or any employee of a person practicing
14 lawfully under Section 34-44-4, if the work is done under the
15 responsibility and supervision of a person holding a
16 certificate of licensure under this chapter or a person
17 practicing lawfully under Section 34-44-4.

18 (3) The practice of officers and employees of the
19 government of the United States while engaged within this
20 state in the practice of land surveying for the government.
21 This exception does not extend to any land surveyor engaged in
22 the practice of professional land surveying whose compensation
23 is based in whole or in part on a fee.

24 (4) The practice of land surveying with respect to
25 transportation or utility facilities by any transportation
26 company or public utility subject to regulation by the Alabama
27 Public Service Commission, the Federal Aviation

1 Administration, the Federal Communications Commission, the
2 Federal Energy Regulatory Commission, or the Nuclear
3 Regulatory Commission, including its parents, affiliates, or
4 subsidiaries; or by the officers and employees of any
5 transportation company or public utility including its
6 parents, affiliates, or subsidiaries. This exception shall not
7 extend to any land surveyor engaged in the practice of land
8 surveying whose compensation is based in whole or in part on a
9 fee.

10 (5) The practice of land surveying by any person who
11 is employed by the Alabama Department of Transportation prior
12 to January 1, 1997, in any engineering or engineering
13 assistant classification series under the State of Alabama
14 Personnel Board, Merit System.

15 §34-44-14.

16 (a) Any person who shall practice, offer to
17 practice, or hold himself or herself out as qualified to
18 practice land surveying in this state or use in connection
19 with his or her name or otherwise assume, use, or advertise
20 any title or description including, but not limited to, the
21 term land surveyor, land surveyors, land surveying, or
22 professional land surveyor, professional land surveyors, or
23 professional land surveying, without being licensed or
24 exempted in accordance with this chapter, or any person
25 presenting or attempting to use as his or her own the
26 certificate of licensure or the seal or facsimile thereof of
27 another, or permitting his or her own certificate of

1 licensure, seal or facsimile thereof to be used by another
2 person, or any person who shall give any false or forged
3 evidence of any kind to the board or to any member thereof in
4 obtaining, or attempting to obtain a certificate of licensure,
5 or any person who shall falsely impersonate any other licensee
6 of like or different name, or any person who shall attempt to
7 use an expired, suspended, surrendered, or revoked certificate
8 of licensure, or any person who shall violate this chapter,
9 shall be guilty of a Class A misdemeanor and punished as
10 provided by law. Each day of the violation shall be a separate
11 offense.

12 (b) Any corporation, partnership, or firm who
13 violates any part of this chapter shall be guilty of a Class A
14 misdemeanor and punished as provided by law. Each day of the
15 violation shall be a separate offense.

16 (c) It shall be the duty of all duly constituted
17 officers of law of this state, or any political subdivision
18 thereof, to enforce this chapter, and to prosecute any
19 persons, firms, partnerships, or corporations for violating
20 this chapter. The Attorney General of the state or his or her
21 assistants shall act as legal advisor to the board and render
22 legal assistance to the board as may be necessary in carrying
23 out this chapter. The board has the right to obtain private
24 legal counsel as the need arises.

25 §34-44-15.

26 (a) In addition to any other provision of law, the
27 board may enter an order assessing a civil penalty against any

1 non-licensed person, corporation, or other entity found guilty
2 by the board of a violation of this chapter including, but not
3 limited to:

4 (1) Engaging in the practice or offer to practice of
5 land surveying in this jurisdiction without being licensed in
6 accordance with this chapter.

7 (2) Using or employing the words "land surveyor,"
8 "land surveying," or any modification or derivative thereof in
9 its name or form of business activity, except as authorized in
10 this chapter.

11 (3) Presenting or attempting to use the certificate
12 of licensure or the seal of another licensed land surveyor.

13 (4) Giving false or forged evidence of any kind to
14 the board or a member of the board in obtaining or attempting
15 to obtain a certificate of licensure.

16 (5) Falsely impersonating another licensed land
17 surveyor of like or different name.

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

20 (b) The board shall determine the amount of the
21 civil penalty which shall be paid to the State General Fund.
22 The amount shall not exceed two thousand five hundred dollars
23 (\$2,500) for each separate offense.

24 (c) Before issuing an order under this section, the
25 board shall provide the person written notice and the
26 opportunity to request, within 30 days of notice by the board,
27 a hearing on the record.

1 (d) Pursuant to the proceedings under this section,
2 the board may issue subpoenas to compel the attendance and
3 testimony of witnesses and the disclosure of evidence, and may
4 request the Attorney General to bring an action to enforce a
5 subpoena.

6 (e) A person aggrieved by the levy of a civil
7 penalty under this section may file an appeal to the Circuit
8 Court of Montgomery County exclusively for judicial review of
9 the penalty within 30 days notwithstanding the Administrative
10 Procedure Act. Unless an appeal is taken, or the penalty paid,
11 the order of the board imposing the civil penalty shall become
12 a judgment.

13 (f) If a person fails to pay a civil penalty within
14 30 days after entry of an order pursuant to subsection (a) or
15 if the order is stayed pending an appeal, within 10 days after
16 the court enters a final judgement in favor of the board of an
17 order appealed pursuant to subsection (e), the board shall
18 notify the Attorney General. The Attorney General may commence
19 a civil action to recover the amount of the penalty, plus
20 attorney's fees and costs.

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

23 ARTICLE 2. BOARD OF REGISTRATION.

24 §34-44-30.

25 (a) A State Board of Licensure for Professional Land
26 Surveyors is created. It shall be the duty of the board to
27 administer this chapter. Within 30 days after the effective

1 date of the act adding this section, all property, documents,
2 records, functions, and responsibilities relating to the
3 licensing and regulation of land surveyors, currently held in
4 the office of the State Board of Licensure for Professional
5 Engineers and Land Surveyors, or the State Board of Licensure
6 for Professional Engineers, shall be transferred to the State
7 Board of Licensure for Professional Land Surveyors.

8 (b) The board shall consist of five professional
9 land surveyors, each of whom shall be appointed by the
10 Governor from a list of three persons nominated by the Board
11 of Directors of the Alabama Society of Professional Land
12 Surveyors. To the extent possible, the nominating committee
13 and the Governor shall select those persons whose appointments
14 ensure that the membership of the board is inclusive and
15 reflects the racial, gender, geographic, urban/rural, and
16 economic diversity of the state. The nominating committee
17 shall consist of one professional land surveyor, respectively,
18 appointed or elected by each of the professional organizations
19 as outlined in the rules of the board. Any other organization
20 in the state having membership qualifications comparable to
21 those professional organizations outlined in the rules of the
22 board may petition the board for membership on the nominating
23 committee. The board, by rule, may establish nominating
24 committee operating guidelines and, by rule, may establish
25 procedures for the removal of nonparticipating members of the
26 nominating committee. Nominees shall have the qualifications
27 required by Section 34-44-31. Nominations shall be made by a

1 majority vote of the nominating committee present at the same
2 time at a meeting called by the executive director of the
3 board, who shall advise the above named societies of the
4 meeting at least 30 days before the meeting is held. Each
5 member of the board, before beginning his or her term of
6 office, shall file with the Secretary of State his or her
7 written oath or affirmation for the faithful discharge of his
8 or her official duties. The members of the board appointed to
9 serve pursuant to this section shall continue to serve under
10 this chapter until their respective terms expire. On the
11 expiration of the term of each member, the Governor, in the
12 manner provided in this section, shall appoint for a term of
13 five years a professional land surveyor having the
14 qualifications required by Section 34-44-31 to take the place
15 of the member whose term on the board is about to expire.
16 Vacancies occurring during a term shall be filled by
17 appointment by the Governor, in the manner provided in this
18 section, for the unexpired term. Each member shall hold office
19 until the expiration of the term for which the member is
20 appointed or until a successor is duly appointed and
21 qualified. A person may not serve more than two consecutive
22 five-year terms of office.

23 §34-44-31.

24 Each member of the board shall be a citizen of the
25 United States and a resident of this state, a licensed
26 professional land surveyor who holds an unexpired certificate
27 under Chapter 11 or this chapter, who has been engaged in the

1 licensed practice of land surveying for at least 12 years, and
2 who has been in responsible charge of important land surveying
3 work for at least five years.

4 §34-44-32.

5 Each member of the board shall receive the sum of
6 one hundred dollars (\$100) per diem when actually attending to
7 the work of the board or any of its committees and for the
8 time spent in necessary travel and shall be reimbursed for
9 traveling expenses as provided in Article 2 of Chapter 7 of
10 Title 36, and incidental and clerical expenses necessarily
11 incurred in carrying out this chapter.

12 §34-44-33.

13 The Governor may remove any member of the board for
14 misconduct, incompetency, neglect of duty, or for any other
15 sufficient cause. Vacancies in the membership of the board by
16 death, resignation, or for any reason shall be filled for the
17 unexpired term by appointment by the Governor as provided in
18 Section 34-44-30.

19 §34-44-34.

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

1 secretary. A quorum of the board shall consist of not less
2 than three members.

3 §34-44-35.

4 (a) The board may adopt and amend bylaws, rules, and
5 regulations, not inconsistent with the constitution and laws
6 of this state, as may be reasonably necessary for the proper
7 performance of its duties and the regulations of the
8 proceedings before the board. The board may adopt and amend
9 from time to time rules of professional conduct for
10 professional land surveyors, land surveyor interns, and
11 corporations, partnerships, or firms holding certificates of
12 authorization. The board shall adopt and have an official
13 seal.

14 (b) In carrying into effect its duties in any case
15 involving the revocation of licensure or any disciplinary
16 proceeding involving a licensee or the holder of a certificate
17 of authorization or practicing or offering to practice without
18 licensure, or false statement in connection with an
19 application for licensure, the board, under the hand of its
20 chair and the seal of the board, may subpoena witnesses and
21 compel their attendance, and may also require the production
22 of books, papers, documents, and other pertinent data. Any
23 member of the board may administer oaths or affirmations to
24 witnesses appearing before the board. If any person refuses to
25 obey any subpoena issued, or refuses to testify or produce any
26 books, papers, or documents, the board may present its
27 petition to the Circuit Court of Montgomery County, Alabama,

1 setting forth the facts, and thereupon the Circuit Court of
2 Montgomery County, in a proper case, shall issue its subpoena
3 to such person, requiring his or her attendance before the
4 Circuit Court of Montgomery County and there to testify or to
5 produce such books, papers, and documents, or data. Any person
6 failing or refusing to obey the subpoena or order of the
7 Circuit Court of Montgomery County may be proceeded against in
8 the same manner as for refusal to obey any other subpoena or
9 order of the Circuit Court of Montgomery County.

10 (c) The board is responsible for enforcing this
11 chapter. The board shall investigate any complaint relating to
12 the violation this chapter and, should a violation be
13 indicated, the board shall proceed as provided for under
14 Sections 34-44-10, 34-44-14, and 34-44-15.

15 (d) The board, for good cause, may apply for relief
16 by injunction, without bond, to restrain any person, firm,
17 partnership, or corporation from the commission of any act
18 which is prohibited by this chapter. In such proceedings it is
19 not necessary to allege or prove either that an adequate
20 remedy at law does not exist or that substantial and
21 irreparable damage would result from the continued violation
22 thereof. Application for the injunction may be made to the
23 Circuit Court of Montgomery County, Alabama, or the circuit
24 court of the county in which it is alleged that the violation
25 is about to occur, at the request of the board. The injunction
26 may not be granted ex parte, and any judgment or decree may be

1 appealed in the manner prescribed by law to the Supreme Court
2 of Alabama.

3 (e) No action or other legal proceedings for damages
4 shall be instituted against the board, any board member, or
5 employee of the board for any act done in good faith and in
6 the intended performance of any power granted under this
7 chapter or for any neglect or default in the performance or
8 exercise in good faith of any duty or power.

9 §34-44-36.

10 The executive director of the board shall receive
11 and account for all money derived under this chapter, and
12 shall pay it monthly to the State Treasurer, who shall keep
13 the money in a separate fund to be known as the Professional
14 Land Surveyors Fund. The fund shall be kept separate and apart
15 from all other money in the Treasury, and shall be paid out
16 only by warrant of the Comptroller upon the Treasurer, upon
17 itemized vouchers approved by the executive director of the
18 board. No funds shall be withdrawn or expended except as
19 budgeted and allotted according to Article 4 of Chapter 4 of
20 Title 41. The money, properties, records, and other things of
21 value owned by or allocated to the fund, the board, or the
22 executive director of the board in his or her capacity as
23 such, serving at the time of enactment of this chapter, shall
24 become the property of and be allocated respectively to the
25 fund, the board, or the executive director of the board under
26 this chapter. The executive director of the board shall give a
27 surety bond to the state in a sum as the board may determine.

1 The premium on the bond shall be regarded as a proper and
2 necessary expense of the board and shall be paid out of the
3 fund. The executive director of the board shall receive a
4 salary as determined by the board, in addition to compensation
5 and expenses provided for in Section 34-44-32. The board may
6 employ an executive director and, when necessary, an assistant
7 executive director and fix their compensation and duties. The
8 board may employ clerical or other assistants, subject to the
9 provisions of the Merit System Act, and may make expenditures
10 from the fund for any purpose which, in the opinion of the
11 board, is reasonably necessary for the proper performance of
12 its duties under this chapter, including the expenses of the
13 board's delegates to regional and national meetings of, and
14 membership dues to, a national examination organization for
15 land surveyors selected by the board and any of its
16 subdivisions. Under no circumstances shall the total amount of
17 warrants issued by the Comptroller in payment of the expenses
18 and compensation provided for in this chapter exceed the
19 amount provided therefor by the Legislature in the general
20 appropriation or other appropriation bills.

21 §34-44-37.

22 (a) The board shall keep a record of its proceedings
23 and a register of all applications for licensure, which
24 register shall show all of the following:

- 25 (1) The name, age, and residence of each applicant.
- 26 (2) The date of the application.
- 27 (3) The place of business of the applicant.

1 (4) The educational and other qualifications of the
2 applicant.

3 (5) Whether or not an examination was required.

4 (6) Whether the applicant was rejected.

5 (7) Whether a certificate of licensure was granted.

6 (8) The date of the action of the board.

7 (9) Any other information deemed necessary by the
8 board.

9 (b) The board shall also keep on file a written
10 statement under oath from each applicant that he or she will
11 abide by the rules of professional conduct prescribed by the
12 board, which oath shall be a part of his or her application
13 for licensure.

14 (c) The records of the board shall be evidence of
15 the proceedings of the board set forth therein, and a
16 transcript thereof, duly certified by the executive director
17 of the board under seal, shall be admissible in evidence with
18 the same force and effect as if the original were produced.

19 (d) Annually, as of September 30, the board shall
20 submit to the Governor a report of its transactions of the
21 preceding year and a complete statement of the receipts and
22 expenditures of the board, attested by affidavits of its chair
23 and its secretary.

24 (e) Board records and papers of the following class
25 are of a confidential nature and are not public records:
26 Examination material for examinations not yet given; file
27 records of examination problems and solutions; exam scores;

1 letters of inquiry and reference concerning applicants;
2 transcripts of college courses and grades; board inquiry forms
3 concerning applicants; pending and closed complaints and
4 investigative files which shall remain confidential until an
5 actual formal hearing may commence; and all other materials of
6 like confidential nature.

7 §34-44-38.

8 The State Board of Licensure for Professional Land
9 Surveyors shall be subject to the Alabama Sunset Law, Chapter
10 20 of Title 41, as an enumerated agency as provided in Section
11 41-20-3, and shall have a termination date of October 1, 2019,
12 and every four years thereafter, unless continued pursuant to
13 the Alabama Sunset Law.

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