

1 SB209
2 95714-4
3 By Senators Figures, Dixon, Barron, Little (T), and Griffith
4 RFD: Governmental Affairs
5 First Read: 05-FEB-08

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8 SYNOPSIS: Under existing law, the practice of
9 engineering and land surveying is regulated by the
10 State Board of Licensure for Professional Engineers
11 and Land Surveyors. Currently, engineers, engineer
12 interns, land surveyors, and land survey interns
13 must pass a written exam for licensure. The Board
14 for Professional Engineers and Land Surveyors
15 currently consists of four professional engineers
16 and one land surveyor.

17 This bill would delete references to the
18 granting of engineering licenses to graduates in
19 engineering technology or related science
20 curriculums that was phased out December 31, 2005.

21 This bill would allow the board to waive the
22 written fundamental exam requirement for licensure
23 for engineers, engineer interns, land surveyors,
24 and land surveyor interns under certain
25 circumstances.

1 This bill would add an additional
2 professional engineer and a professional land
3 surveyor to the board.

4 This bill would allow the board to establish
5 rules regarding a nominating committee for board
6 membership.

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8 A BILL
9 TO BE ENTITLED
10 AN ACT

11
12 To amend Sections 34-11-4, 34-11-7, and 34-11-30,
13 Code of Alabama 1975, relating to qualifications for
14 membership and the requirements necessary for professional
15 engineer and land surveyor licensure; to add an additional
16 professional land surveyor and a professional engineer to the
17 State Board of Licensure for Professional Engineers and Land
18 Surveyors and to allow the board to establish rules regarding
19 a nominating committee for board membership and to provide for
20 retroactive effect.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Sections 34-11-4, 34-11-7, and 34-11-30,
23 Code of Alabama 1975, are amended to read as follows:

24 "§34-11-4.

25 "The board may approve engineering, ~~engineering~~
26 ~~technology~~, land surveying, and related science programs which
27 shall be accepted under the following criteria:

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

5 "a. Graduation and experience plus examination.

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

19 "2. Graduation in an unapproved engineering
20 curriculum plus six years experience. A graduate of an
21 unapproved engineering curriculum of four years or more who
22 has successfully passed the eight-hour written examination in
23 the fundamental engineering subjects and who has a specific
24 record of an additional six years or more of progressive
25 experience in engineering work of a grade and character
26 satisfactory to the board shall be admitted to an eight-hour
27 written examination in the principles and practice of

1 engineering. Upon passing this examination, the applicant
2 shall be granted a certificate of licensure to practice
3 engineering in this state, provided the applicant is otherwise
4 qualified.

5 ~~"3. Graduation in an approved engineering technology~~
6 ~~or related science curriculum plus eight years experience.~~
7 ~~Before December 31, 2005, and not thereafter, a graduate of an~~
8 ~~approved engineering technology curriculum of four years or~~
9 ~~more from a school or college approved by the board or a~~
10 ~~graduate of a related science curriculum of four years or more~~
11 ~~who has successfully passed the eight-hour written examination~~
12 ~~in the fundamental engineering subjects and who has a specific~~
13 ~~record of an additional eight years or more of progressive~~
14 ~~experience in engineering work of a grade and character~~
15 ~~satisfactory to the board shall be admitted to an eight-hour~~
16 ~~written examination in the principles and practice of~~
17 ~~engineering. Upon passing this examination, the applicant~~
18 ~~shall be granted a certificate of licensure to practice~~
19 ~~engineering in this state, provided the applicant is otherwise~~
20 ~~qualified.~~

21 "b. Comity. The board may, upon application, issue a
22 certificate of licensure as a professional engineer to any
23 person who holds a valid professional engineering certificate
24 issued by any jurisdiction of the United States or of any
25 country; provided, that the education, experience, and
26 examination qualifications of the applicant ~~meet the~~
27 ~~requirements of this chapter and the rules established by the~~

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

10 "c. Waiver of the Engineering Fundamentals
11 Examination. The requirement of having passed the eight-hour
12 examination in the fundamental engineering subjects may be
13 waived for an individual with a doctorate in engineering
14 acceptable to the board.

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

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

25 "b. Graduation and examination plus experience.
26 Graduation in an unapproved engineering curriculum plus two
27 years experience. A graduate of an unapproved engineering

1 curriculum of four years or more who has successfully passed
2 an eight-hour written examination in the fundamental
3 engineering subjects and who has a specific record of two
4 years or more of progressive experience in engineering work of
5 a grade and character satisfactory to the board shall be
6 certified as an engineer intern, if otherwise qualified.

7 "c. Comity. The education, experience, and
8 examination qualifications of the applicant ~~shall meet the~~
9 ~~requirements of this section and the rules established by the~~
10 ~~board~~ are, in the judgment of the board, of a standard not
11 lower than that specified in the applicable licensure act in
12 effect in Alabama at the time such certificate was issued.

13 Fundamentals of engineering examinations of comparable
14 character taken and passed in another jurisdiction may be
15 accepted by the board.

16 "d. Waiver of Engineering Fundamentals Examination.
17 The requirement of having passed the eight-hour examination in
18 the fundamental engineering subjects may be waived for an
19 individual with a doctorate in engineering acceptable to the
20 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 an eight-hour written
5 examination in the fundamental land surveying subjects and who
6 has a 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 six-hour written examination in the principles
10 and practice of land surveying and a two-hour written
11 examination on laws, procedures, and practices pertaining to
12 land surveying in Alabama. Upon passing these examinations,
13 the applicant shall be granted a certificate of licensure to
14 practice land surveying, 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 the eight-hour written
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 six-hour examination in the principles and
27 practice of land surveying and a two-hour written examination

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

22 "b. Experience plus examination. Before December 31,
23 2007, an applicant who has a specific record of eight years or
24 more of combined office and field experience in land surveying
25 work of a grade and character satisfactory to the board shall
26 be admitted to an eight-hour written examination in the
27 fundamentals of land surveying, and after passing the

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

9 "c. Comity. The board may, upon application, grant
10 to any person who holds a valid professional land surveying
11 certificate issued by any jurisdiction of the United States or
12 of any country, admission into a two-hour written examination
13 of laws, procedures, and practices pertaining to land
14 surveying in Alabama, provided that the education, experience,
15 and examination qualifications of the applicant ~~meet the~~
16 ~~requirements of this chapter and rules established by the~~
17 ~~board~~ are, in the judgment of the board, of a standard not
18 lower than that specified in the applicable licensure act in
19 effect in Alabama at the time such certificate was issued.

20 Upon passing the examination, the applicant shall be granted a
21 certificate of licensure to practice land surveying in this
22 state, provided the applicant is otherwise qualified.

23 "d. Waiver of Surveying Fundamentals Examination.
24 The requirement of having passed the eight-hour examination in
25 the fundamental surveying subjects may be waived for an
26 individual with doctorate in surveying acceptable to the
27 board.

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

5 "a. Graduation plus examination. Graduation in an
6 approved land surveying curriculum. A graduate of a land
7 surveying curriculum of four years or more including a minimum
8 of 30 semester hours or 45 quarter hours of surveying courses
9 from a school or college approved by the board who has
10 successfully passed an eight-hour written examination in the
11 fundamentals of land surveying shall be certified as a land
12 surveyor intern, if otherwise qualified.

13 "b. Graduation and examination plus experience.

14 "1. Graduation in an approved curriculum related to
15 surveying plus two 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 who has successfully passed an eight-hour written
20 examination in the fundamentals of land surveying and who has
21 a specific record of an additional two years or more of
22 combined office and field experience in land surveying work of
23 a grade and character satisfactory to the board shall be
24 certified as a land surveyor intern, if otherwise qualified.

25 "2. Graduation in a related science curriculum plus
26 four years experience. A graduate of a related science
27 curriculum of four years or more who has successfully passed

1 an eight-hour written examination in the fundamentals of land
2 surveying and who has a specific record of an additional four
3 years or more of combined office and field experience in land
4 surveying work of a grade and character satisfactory to the
5 board shall be certified as a land surveyor intern, if
6 otherwise qualified.

7 "c. Comity. The education, experience, and
8 examination qualifications of the applicant ~~shall meet the~~
9 ~~requirements of this section and the rules established by the~~
10 ~~board~~ are, in the judgment of the board, of a standard not
11 lower than that specified in the applicable licensure act in
12 effect in Alabama at the time such certificate was issued. The
13 board may accept fundamentals of land surveying examinations
14 of comparable character taken and passed in another
15 jurisdiction.

16 "d. Waiver of Surveying Fundamentals Examination.
17 The requirement of having passed the eight-hour examination in
18 the fundamental surveying subjects may be waived for an
19 individual with doctorate in surveying acceptable to the
20 board.

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

26 "(6) TEACHING CREDITS. In considering the
27 qualifications of applicants, teaching in an engineering

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

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

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

1 "(9) RECOGNITION OF PREVIOUSLY TAKEN EXAMINATIONS.

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

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

27 "§34-11-30.

1 "A State Board of Licensure for Professional
2 Engineers and Land Surveyors is created. It shall be the duty
3 of the board to administer this chapter. ~~The~~ Prior to April
4 22, 2008, the board shall consist of four professional
5 engineers and one professional land surveyor, each of whom
6 shall be appointed by the Governor from a list of three
7 persons nominated by a committee. One additional professional
8 engineer and one additional professional land surveyor will be
9 added to the board composition effective April 22, 2008. The
10 professional engineer's term shall be five years. The initial
11 term of the professional land surveyor shall be three years
12 with subsequent terms being five years. After April 22, 2008,
13 the board shall consist of five professional engineers and two
14 professional land surveyors, each of whom shall be appointed
15 by the Governor from a list of three person nominated by a
16 committee. To the extent possible, the nominating committee
17 and the Governor shall select those persons whose appointments
18 ensure that the membership of the board is inclusive and
19 reflects the racial, gender, geographic, urban/rural, and
20 economic diversity of the state. The nominating committee
21 shall consist of one professional engineer or professional
22 land surveyor, respectively, appointed or elected by ~~an active~~
23 ~~Alabama chapter of each of the following societies: American~~
24 ~~Society of Civil Engineers; Society for Mining, Metallurgy and~~
25 ~~Exploration, Inc.; American Institute of Chemical Engineers;~~
26 ~~Institute of Electrical and Electronics Engineers, Inc.;~~
27 ~~American Society of Mechanical Engineers, International;~~

1 ~~Alabama Society of Professional Engineers; and Alabama Society~~
2 ~~of Professional Land Surveyors~~ each of the professional
3 organizations as outlined in the rules of the board. Any other
4 ~~society with active chapters~~ organization in the state having
5 membership qualifications comparable to those ~~of the~~
6 ~~above-named societies~~ professional organizations outlined in
7 the rules of the board may petition the board for membership
8 on the committee, ~~and the board may grant the membership.~~ The
9 board, by rule, may establish nominating committee operating
10 guidelines and, by rule, may establish procedures for the
11 removal of nonparticipating members of the nominating
12 committee. Nominees shall have the qualifications required by
13 Section 34-11-31. Nominations shall be made by a majority vote
14 of the committee present at the same time at a meeting called
15 by the executive director of the board, who shall advise the
16 above named societies of the meeting at least 30 days before
17 the meeting is held. Each member of the board, before
18 beginning his or her term of office, shall file with the
19 Secretary of State his or her written oath or affirmation for
20 the faithful discharge of his or her official duties. The
21 members of the board shall continue to serve under this
22 chapter until their respective terms expire. On the expiration
23 of the term of each member, the Governor shall in the manner
24 provided in this section appoint for a term of five years a
25 professional engineer or professional land surveyor having the
26 qualifications required by Section 34-11-31 to take the place
27 of the member whose term on the board is about to expire.

1 Vacancies occurring during a term shall be filled by
2 appointment by the Governor, in the manner provided in this
3 section, for the unexpired term. Each member shall hold office
4 until the expiration of the term for which the member is
5 appointed or until a successor is duly appointed and
6 qualified."

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