

STATE OF ALABAMA  
BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS  
AND LAND SURVEYORS



Alabama Law Regulating Practice  
of Engineering and Land Surveying

CODE OF ALABAMA 1975

TITLE 34

CHAPTER 11

---

BY-LAWS

---

RULES AND REGULATIONS  
OF THE BOARD

---

RULES OF PROFESSIONAL CONDUCT  
(Code of Ethics)

---

JUNE, 1980

OFFICE OF SECRETARY  
750 WASHINGTON AVE.  
MONTGOMERY, ALABAMA 36130

**TABLE OF CONTENTS**

	<b>Page</b>
Alabama Law Regulating the Practice of Professional Engineering and Land Surveying .....	3
By-Laws of the Board .....	21
Rules and Regulations .....	24
Rules of Professional Conduct .....	41
(Code of Ethics)	

CODE OF ALABAMA  
1975  
CHAPTER 11.  
ENGINEERS AND LAND SURVEYORS.

**Article 1.  
General Provisions.**

- Sec.
- 34-11-1. Definitions.
  - 34-11-2. Practice of engineering and land surveying regulated.
  - 34-11-3. Roster of registrants.
  - 34-11-4. General requirements for registration or certification.
  - 34-11-5. Applications; registration fees.
  - 34-11-6. Examinations.
  - 34-11-7. Issuance of certificate; seal.
  - 34-11-8. Expiration and renewal of certificates.
  - 34-11-9. Corporate and partnership practice.
  - 34-11-10. Public work.
  - 34-11-11. Disciplinary action.
  - 34-11-12. Reissuance of revoked certificates; duplicate certificates.
  - 34-11-13. Appeals.
  - 34-11-14. Persons and acts exempt from chapter.
  - 34-11-15. Violations; penalties.

**Article 2.  
Board of Registration.**

- 34-11-30. Creation; composition; appointment; oath of office; terms of office.
- 34-11-31. Qualifications of members.
- 34-11-32. Compensation and expenses.
- 34-11-33. Removal of members; vacancies.
- 34-11-34. Meetings; legal office; officers; quorum.
- 34-11-35. Powers generally.
- 34-11-36. Receipts and disbursements.
- 34-11-37. Records and reports.

**ARTICLE 1.  
GENERAL PROVISIONS.**

§ 34-11-1. Definitions.

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

(1) **BOARD.** The state board of registration for professional engineers and land surveyors, provided for by section 34-11-30.

(2) **ENGINEER or PROFESSIONAL ENGINEER.** A person who, by reason of his special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and/or practical experience, is qualified to practice engineering as hereinafter defined and has been registered by the board as a professional engineer.

(3) ENGINEER-IN-TRAINING. A candidate for registration as a professional engineer who is:

a. A graduate in an approved engineering curriculum of four academic years or more from a school or college approved by the board as of satisfactory standing; and who, in addition, has successfully passed an eight-hour written examination in the fundamental engineering subjects as provided in section 34-11-6, and who shall have received from the board a certificate stating that he has successfully passed this portion of the professional examination, as prescribed under the provisions of this chapter; or

b. A person who has had four years or more of experience in engineering work of a character satisfactory to the board; and who, in addition, has successfully passed an eight-hour written examination in the fundamental engineering subjects as provided in section 34-11-6, and who shall have received from the board a certificate stating that he has successfully passed this portion of the professional examination, as prescribed under the provisions of this chapter.

(4) PRACTICE OF ENGINEERING. Any professional service or creative work requiring engineering education, training and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning the use of lands and waters, planning, design and supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects wherein the public welfare or safeguarding of life, health or property is involved. The term shall not, however, include the practice of architecture except such architectural work as is incidental to the practice of professional engineering; nor shall the term include work ordinarily performed by persons who operate or maintain machinery or equipment.

(5) LAND SURVEYOR. A person who engages in the practice of land surveying as hereinafter defined and who has been registered by the board as a land surveyor.

(6) LAND SURVEYING. The practice of land surveying as used in this chapter includes surveying of lines, areas, volumes and underground mine workings for their correct determination and description and for conveyancing, or for the establishment or reestablishment of land boundaries and the plotting of lands and subdivisions thereof.

(7) PRACTICE AND OFFER TO PRACTICE. A person shall be construed to practice or offer to practice engineering or land surveying, within the meaning and intent of this chapter, who offers to or does as a profession practice any branch of engineering or land surveying; or who by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself to be a professional engineer,

or through the use of some other title implies that he is a professional engineer; or who represents himself as able to perform or who does perform any engineering service.

(8) RESPONSIBLE CHARGE. The direction of the design, evaluation, investigation, alteration, construction or maintenance of projects requiring initiative, professional skill, technical knowledge and independent judgment, or teaching experience with the rank equivalent to assistant professor or higher in an approved engineering curriculum.

§ 34-11-2. Practice of engineering and land surveying regulated.

In order to safeguard life, health and property, no person in either public or private capacity shall practice or offer to practice engineering or land surveying, unless he shall first have submitted evidence that he is qualified so to practice and shall be registered by the board as hereinafter provided or unless he is specifically exempted from registration under the provisions of this chapter. It shall be unlawful for any person to practice or offer to practice in this state engineering or land surveying, as defined by this chapter, or to use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is a professional engineer or a land surveyor unless such person has been duly registered or is exempt from registration under the provisions of this chapter; provided, that any person whose firm name shall have contained the word "engineer," "engineers" or "engineering," or words of like import, for more than 15 years before September 12, 1966, shall not be prohibited from continuing the use of such word or words in his firm name.

§ 34-11-3. Roster of registrants.

A roster showing the names and addresses of all registered professional engineers, all who possess current certifications as engineers-in-training and all registered land surveyors shall be prepared by the secretary of the board during the month of March of each even-numbered year (biennially). Copies of this roster shall be mailed to each person so registered or certified, placed on file with the secretary of state, and may be distributed or sold to the public upon request.

§ 34-11-4. General requirements for registration or certification.

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for registration as a professional engineer, certification as an engineer-in-training or registration as a land surveyor, respectively:

(1) PROFESSIONAL ENGINEER.

a. Graduation and Experience Plus Examination.—A graduate of an approved engineering curriculum of four years or more from a school or college approved by the board as of satisfactory standing;

and with a specific record of an additional four years or more of experience in engineering work of a grade and character satisfactory to the board, and indicating that the applicant may be competent to practice engineering shall be admitted to an eight-hour written examination in the fundamental engineering subjects and an eight-hour written examination in the principles and practice of engineering. Upon passing such examination, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he is otherwise qualified. In counting years of experience, the board at its discretion may give credit, not in excess of one year, for satisfactory graduate study in engineering.

b. Experience Plus Examination.—An applicant having a specific record of eight years or more of progressive experience in engineering work of a character and grade satisfactory to the board and indicating that the applicant may be competent to practice engineering and who passes an eight-hour written examination in the fundamental engineering subjects, as required in paragraph a of this subdivision, and an eight-hour written examination in the principles and practice of engineering, as required in paragraph a of this subdivision, shall be granted a certificate of registration to practice engineering in this state, provided he is otherwise qualified.

c. Reciprocity.—The board may, upon application therefor, issue a certificate of registration as a professional engineer to any person who holds a certificate of qualifications or registration issued to him by proper authority of the national council of state boards of engineer examiners, or of the national bureau of engineering registration, or of any state or territory or possession of the United States, the District of Columbia, or of any country; provided, that the applicant's qualifications meet the requirements of this chapter and the rules established by board. Such an applicant may, at the discretion of the board, be authorized to practice engineering on a temporary basis upon issuance of an interim permit which shall remain in effect until the board acts upon the application.

## (2) ENGINEER-IN-TRAINING.

a. Graduation Plus Examination.—Graduation in an approved engineering curriculum of four years or more from a school or college approved by the board as of satisfactory standing and successfully passing an eight-hour written examination in the fundamental engineering subjects; or

b. Experience Plus Examination.—A specific record of four years or more of experience in engineering work of a character satisfactory to the board and successfully passing an eight-hour written examination in the fundamental engineering subjects;

c. Reciprocity.—Engineer-in-training examinations of comparable character taken and passed in other states may be accepted by the board.

d. Engineer-in-Training Certificate.—The certification of an engineer-in-training shall be valid for a period of 10 years.

## (3) LAND SURVEYOR.

a. Graduation and Experience Plus Examination.—Graduation from a school or college approved by the board as of satisfactory standing, including the completion of an approved course in surveying, with an additional two years or more of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying, and successfully passing a written, or written and oral examination in surveying prescribed by the board; or,

b. Experience Plus Examination.—A specific record of six years or more of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying and successfully passing a written, or written and oral, examination in surveying prescribed by the board.

(4) CHARACTER.—No person shall be eligible for registration as a professional engineer, certification as an engineer-in-training or registration as a land surveyor who is not of good character and reputation.

(5) TEACHING CREDITS.—In considering the qualifications of applicants, engineering teaching with the rank equivalent to assistant professor or higher in an engineering course approved by the board may be construed as equivalent to engineering experience.

(6) EDUCATION CREDITS.—The satisfactory completion of each year of an approved curriculum in engineering in a school or college approved by the board as of satisfactory standing, without graduation, shall be considered as equivalent to a year of experience in paragraph b of subdivision (1) of this section and paragraph b of subdivision (2) of this section. Graduation in a curriculum other than engineering from a college or university of recognized standing or graduation in an unapproved engineering curriculum may be considered as equivalent to two years of experience in paragraph b of subdivision (1) of this section, paragraph b of subdivision (2) of this section, and paragraph b of subdivision (3) of this section; provided, that no applicant shall receive credit for more than four years of experience because of undergraduate educational qualifications.

(7) NONPRACTICING APPLICANTS.—Any person having the necessary qualifications prescribed in this chapter to entitle him to registration shall be eligible for such registration although he may not be practicing his profession at the time of making his application.

## § 34-11-5. Applications; registration fees.

(a) Applications for registration shall be on forms prescribed and furnished by the board, shall contain statements made under oath,

showing the applicant's education and detailed summary of his technical work, and shall contain not less than five references. Three or more of the references contained in an application for registration as a professional engineer shall be professional engineers having personal knowledge of the applicant's engineering experience. Three or more of the references contained in an application for land surveyor shall be professional engineers also registered as land surveyors or land surveyors having personal knowledge of the applicant's land surveying experience. The forms shall contain a code of ethics prescribed by the board for the classification under this chapter.

(b) The registration fee for professional engineers or land surveyors shall be \$50.00, \$40.00 of which shall accompany the application, the remaining \$10.00 to be paid upon issuance of certificate. Should the applicant fail or refuse to remit the said remaining \$10.00 within 30 days after being notified, in the usual manner, that the applicant has successfully qualified, the applicant shall forfeit the right to have a certificate so issued and said applicant may be required again to submit an original application and pay an original fee therefor. The registration of persons qualifying for a combined certificate as "professional engineer and land surveyor" shall conform to the requirements set forth both for "professional engineer" and for "land surveyor."

(c) The fee for engineer-in-training shall be \$25.00, which shall accompany the application and shall include the cost of examination and issuance of certificate. When registration as a professional engineer is completed by an engineer-in-training, an additional fee of \$25.00 shall be paid before issuance of certificate as a professional engineer.

(d) Should the board deny the issuance of a certificate of registration to any applicant, the initial fee deposited shall be retained as an application fee.

#### § 34-11-6. Examinations.

(a) When oral or written examinations are required, they shall be held at such time and place as the board shall determine. When examinations are required on fundamental engineering subjects, such as are ordinarily given in college curricula, the applicant shall be permitted to take this part of the professional examination prior to his completion of the requisite years of experience in engineering work, and satisfactory passage of this portion of the professional examination by the applicant shall constitute a credit toward registration as a professional engineer for a period of 10 years for this portion of the examination.

(b) The scope of the examination and the methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering works so as to in-

sure the safety of life, health and property. Examination shall be given for the purpose of determining the qualifications of applicants for registration separately in engineering and in land surveying. A candidate failing one examination may apply for reexamination. Reexamination will be granted upon payment of a fee to be determined by the board.

#### § 34-11-7. Issuance of certificate; seal.

(a) The board shall issue a certificate of registration upon payment of registration fee as provided for in this chapter to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. In the case of a professional engineer, the certificate shall authorize the practice of engineering. In the case of an engineer-in-training, the certificate shall state that the applicant has successfully passed the examination in fundamental engineering subjects required by the board, or attests that the applicant has submitted his qualifications to the board and they have been accepted, and in either case that the applicant has been enrolled as an engineer-in-training. In the case of a land surveyor, the certificate shall authorize the practice of land surveying. In the case of a professional engineer and land surveyor, the certificate shall authorize the practice of engineering and land surveying. Certificates of registration shall show the full name of the registrant, shall have a serial number and shall be signed by the chairman and the secretary of the board under the seal of the board.

(b) The issuance of a certificate of registration by this board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a professional engineer, certified engineer-in-training or of a land surveyor while the said certificate remains unrevoked or unexpired.

(c) Each engineer and/or land surveyor may upon registration obtain a seal of the design authorized by the board, bearing the registrant's name, registration number, and the legend, "registered professional engineer" and/or "registered land surveyor." Engineering drawings, plans, specifications, plats and reports issued by a registrant or by qualified persons under his direction and for which he assumes full responsibility shall be certified in accordance with this chapter during the life of the registrant's certificate, but it shall be unlawful for anyone to stamp or seal any documents with said seal, signature or facsimile after the certificate of the registrant named thereon has expired or has been revoked, unless said certificate shall have been renewed or reissued.

#### § 34-11-8. Expiration and renewal of certificates.

(a) Certificates of registration for professional engineers and land surveyors shall expire on the last day of the month of December

following their issuance or renewal and shall become invalid on that date unless renewed. The amount of the renewal fee shall be set by the board and shall not exceed \$25.00. It shall be the duty of the secretary of the board to notify every person registered under this chapter of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one year; such notice shall be mailed to the registrant's last address recorded by the secretary of the board and shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by payment of a fee. The failure on the part of any registrant to renew his certificate annually in the month of December as required above shall not deprive such person of the right of renewal, but the fee to be paid shall be increased 10 percent for each month or a fraction of a month that payment of renewal is delayed; provided, however, that the maximum time for renewal shall not exceed six months. The board, in its discretion, may make an exception to the foregoing renewal provisions in the case of a person who is in the armed service of the United States.

(b) Certificates of enrollment for engineers-in-training shall expire on the last day of the month of December following their issuance or renewal. The notification to holders of certificates of enrollment shall be processed as prescribed above for registrants except that the annual renewal fee shall not be less than \$2.00 nor more than \$5.00. The failure on the part of any holder of a certificate of enrollment to effect renewal shall not invalidate his status as an engineer-in-training, but his name shall, after 90 days, be removed from the board's current mailing list. The fee to bring an enrollment current after a renewal expiration shall be twice that established for annual renewal.

§ 34-11-9. Corporate and partnership practice.

(a) **Engineering incidental to production, manufacture, transportation, public utilities or affiliates thereof.** — The practice of professional engineering or land surveying incidental to or in connection with production, manufacture, transportation, distribution or communication may be carried on by any person, partnership, firm or corporation engaged in such production, manufacture, transportation, distribution or communication if such engineering services are performed by or under the direction of a professional engineer or engineers registered in conformity with this chapter. All drawings, plans, specifications, plats and reports involving the practice of engineering shall when issued be dated and bear the seal or facsimile of such seal or signature and registration number of the professional engineer in responsible charge thereof.

(b) **Engineering services offered to the public.** — The practice of engineering or land surveying is a professional service, admission to which shall be determined upon a basis of individual personal

qualifications. No firm, company, partnership or corporation can be registered. A firm, company, partnership or corporation may engage or offer to engage in the practice of professional engineering or land surveying in this state; provided, that before engaging in such practice the person or persons connected with such firms, companies, partnerships or corporations, acting in a professional capacity and in responsible charge of the practice of professional engineering or land surveying for such organization in this state, is or are registered as herein required, or is or are otherwise authorized to practice as provided in this chapter. All drawings, plans, specifications, plats and reports involving the practice of engineering shall, when issued, be dated and bear the seal or facsimile of such seal or signature and registration number of the professional engineer in responsible charge thereof.

§ 34-11-10. Public work.

It shall be unlawful for the state or any of its departments, boards or agencies or any county, municipality or political subdivision or any department, board or agency of any county, municipality or political subdivision to engage in the construction of any public work involving the practice of engineering unless the engineering drawings, plans, specifications and estimates have been prepared by and the construction executed under the direct supervision of a professional engineer; provided, that nothing in this chapter shall be held to apply to any public work wherein the expenditure for the complete project of which the work is a part does not exceed \$20,000.00.

§ 34-11-11. Disciplinary action.

(a) The board shall have the power to censure any registrant or certified engineer-in-training or to suspend or revoke the certificate of any registrant or certificated engineer-in-training who is found guilty of:

- (1) The practice of any fraud or deceit in obtaining a certificate of registration;
- (2) Any gross negligence, incompetency, violation of the code of ethics prescribed by the board or any amendment thereof or misconduct in the practice of engineering or land surveying as a professional engineer, engineer-in-training or land surveyor;
- (3) Falsely representing himself as being in responsible charge of engineering work or land surveying; or
- (4) Permitting his seal, or facsimile thereof, to be used by another.

(b) Any person may prefer charges of violation of this section against any registrant. Such charges shall be in writing and shall be

sworn to by the person making them and shall be filed with the secretary of the board.

(c) The board is empowered to designate a person or persons to investigate and report to it on any of the above charges and may employ such legal counsel as the board may deem necessary or desirable.

(d) All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three months after the date on which they shall have been preferred.

(e) The time and place for said hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such registrant, at least 30 days before the date fixed for the hearing. At any hearing the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

(f) If after such hearing three or more members of the board vote in favor of finding the accused guilty, the board shall censure the registrant or certificated engineer-in-training, or suspend or revoke the certificate of such professional engineer, land surveyor or certificated engineer-in-training.

(g) The board shall revoke the certificate of any registrant or certificated engineer-in-training who has been:

- (1) Declared non compos mentis by a court of competent jurisdiction; or
- (2) Convicted of a crime involving moral turpitude.

§ 34-11-12. Reissuance of revoked certificates; duplicate certificates.

The board, for reasons it may deem sufficient, may reissue a certificate of registration to any person whose certificate has been revoked, provided three or more members of the board vote in favor of such reissuance. The board shall not consider reissuance of a certificate to any person whose certificate has been revoked because of non compos mentis until after said person shall have been declared to have fully regained his competency by a court of competent jurisdiction. The board shall not consider the reissuance of a certificate to a person convicted of a crime of moral turpitude until at least five years shall have elapsed since said conviction, and then a unanimous approval vote of the board concerning said reissuance shall be required. A new certificate to replace any certificate revoked, lost, destroyed or mutilated may be issued, subject to the rules of the board, and a charge of \$3.00 shall be made for such issuance.

§ 34-11-13. Appeals.

Any person who shall feel aggrieved by any action of the board in denying, suspending or revoking his certificate of registration may appeal therefrom within 60 days to the circuit court of Montgomery county, Alabama; and, after full hearing, said court shall make such judgment sustaining or reversing the action of the board as it may deem just and proper. The judgment of the circuit court may be appealed in the manner prescribed by the Alabama Rules of Appellate Procedure to the supreme court of Alabama. The board's order may, at the discretion of the circuit court, be stayed during the period of any appeal.

§ 34-11-14. Persons and acts exempt from chapter.

This chapter shall not be construed to prevent or to affect:

- (1) The practice of any other legally recognized profession or trade;
- (2) The work of an engineer-in-training, employee or a subordinate of any person holding a certificate of registration under this chapter, or any employee of a person practicing lawfully under paragraph c of subdivision (1) of section 34-11-4; provided, that such work is done under the responsibility and supervision of a person holding a certificate of registration under this chapter or a person practicing lawfully under paragraph c of subdivision (1) of section 34-11-4;
- (3) The practice of officers and employees of the government of the United States while engaged within this state in the practice of engineering or land surveying for said government; provided, that this exception does not extend to any engineer or land surveyor engaged in the practice of professional engineering or land surveying whose compensation is based in whole or in part on a fee;
- (4) The practice of professional engineering and land surveying with respect to transportation or utility facilities by any transportation company or public utility subject to regulation by the Alabama public service commission, the federal communications commission, the federal power commission or like regulatory agency, including its parents, affiliates or subsidiaries; or by the officers and employees of any such transportation company or public utility including its parents, affiliates or subsidiaries; provided, that this exception does not extend to any engineer or land surveyor engaged in the practice of professional engineering or land surveying whose compensation is based in whole or in part on a fee;
- (5) The practice of any person who is employed by the Alabama

state highway department in the classified service under the state of Alabama personnel board (merit system);

- (6) The mere execution as a contractor of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent shall not be deemed to be the practice of engineering; or
- (7) The performance of engineering services which are purely incidental to the practice of architecture by registered architects, or their employees, or subordinates under their responsible supervising control.

§ 34-11-15. Violations; penalties.

(a) Any person who shall practice, or offer to practice, engineering or land surveying in this state without being registered or exempted in accordance with the provisions of this chapter, or any person presenting or attempting to use as his own the certificate of registration or the seal or facsimile thereof of another, or permitting his own certificate of registration, seal or facsimile thereof to be used by another person, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining, or attempting to obtain, a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired, suspended or revoked certificate of registration, or any person who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than \$100.00, nor more than \$500.00, or be imprisoned for a period not exceeding three months, or both for each and every offense.

(b) It shall be the duty of all duly constituted officers of law of this state, or any political subdivision thereof, to enforce the provisions of this chapter, and to prosecute any persons violating same. The attorney general of the state or his assistant shall act as legal advisor to the board and render such legal assistance as may be necessary in carrying out the provisions of this chapter. The board will, however, have the right to obtain private legal counsel as the need arises.

ARTICLE 2.  
BOARD OF REGISTRATION.

§ 34-11-30. Creation; composition; appointment; oath of office; terms of office.

A state board of registration for professional engineers and land surveyors is hereby created. It shall be the duty of the board to ad-

minister the provisions of this chapter. The board shall consist of four professional engineers and one professional engineer who is also a registered land surveyor, each of whom shall be appointed by the governor from three persons nominated by a committee. This committee shall consist of one professional engineer appointed or elected by an active Alabama chapter of each of the following societies: American Society of Civil Engineers; American Institute of Mining, Metallurgical and Petroleum Engineers; American Institute of Chemical Engineers; American Institute of Electrical Engineers; American Society of Mechanical Engineers and Alabama Society of Professional Engineers. Any other society with active chapters in the state of Alabama having membership qualifications comparable to those of the above societies may petition the board for membership on said committee, and the board at its own discretion may grant said membership. Nominees shall have the qualifications required by section 34-11-31. The foregoing nominations shall be made by a majority vote of the committee present at the same time at a meeting called by the secretary of the board, who shall advise the above named societies of the meeting at least 30 days before it is held. Each member of the board shall receive a certificate of his appointment from the governor and before beginning his term of office shall file with the secretary of state his written oath or affirmation for the faithful discharge of his official duty. The members of the board serving on September 15, 1961, shall continue to serve under this chapter until their respective terms shall expire. On the expiration of the term of each member, the governor shall in the manner heretofore provided appoint for a term of five years a professional engineer having the qualifications required by section 34-11-31 to take the place of the member whose term on said board is about to expire. Each member so appointed shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified.

§ 34-11-31. Qualifications of members.

Each member of the board shall be a citizen of the United States and a resident of this state, a registered professional engineer who holds an unexpired certificate under the provisions of this chapter, who shall have been engaged in the practice of engineering for at least 12 years and shall have been in responsible charge of important engineering work for at least five years.

§ 34-11-32. Compensation and expenses.

Each member of the board shall receive the sum of \$15.00 per diem when actually attending to the work of the board or any of its committees and for the time spent in necessary travel and, in addition thereto, shall be reimbursed for traveling expenses as provided in article 2 of chapter 7 of Title 36 of this Code, and incidental and clerical



expenses necessarily incurred in carrying out the provisions of this chapter.

§ 34-11-33. Removal of members; vacancies.

The governor may remove any member of the board for misconduct, incompetency, neglect of duty or for any other sufficient cause. Vacancies in the membership of the board by death, resignation or for any reason shall be filled for the unexpired term by appointment by the governor as provided in section 34-11-30.

§ 34-11-34. Meetings; legal office; officers; quorum.

The board shall hold at least two regular meetings each year. The two regular meetings of the board shall be held in the city of Montgomery, Alabama. The legal office of the board shall be located in the city of Montgomery. Special meetings shall be held at such time and place as the bylaws of the board may provide. Notice of all meetings shall be given in such manner as the bylaws provide. The board shall elect or appoint annually the following officers: a chairman, a vice-chairman, and a secretary. A quorum of the board shall consist of not less than three members.

§ 34-11-35. Powers generally.

(a) The board shall have the power to adopt and amend such bylaws, rules and regulations, not inconsistent with the constitution and laws of this state, as may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The board shall have the power to adopt and amend from time to time a code of ethics for professional engineers, engineers-in-training and land surveyors. The board shall adopt and have an official seal.

(b) In carrying into effect its duties in any case involving the revocation of registration or practicing or offering to practice without registration, or false statement in connection with an application for registration, the board may, under the hand of its chairman and the seal of the board, subpoena witnesses and compel their attendance and may also require the production of books, papers, documents and other pertinent data. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, papers or documents, the board may present its petition to the circuit court of Montgomery county, Alabama, setting forth the facts, and thereupon such circuit court of Montgomery county shall, in a proper case, issue its subpoena to such person, requiring his attendance before such circuit court of Montgomery county and there to testify or to produce such books, papers and documents, or data. Any person failing or refusing to obey the subpoena or order of the cir-

cuit court of Montgomery county may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the circuit court of Montgomery county.

(c) The board is charged with the duty of seeing that the provisions of this chapter are enforced. The board shall investigate any complaint relating to the violation of any provisions of this chapter and, should a violation be indicated, the board shall present the facts of their findings to the district attorney of the county where the violation complained of occurred and shall aid in the prosecution of the violator.

(d) The board, for good cause, is authorized to apply for relief by injunction, without bond, to restrain any person, partnership or corporation from the commission of any act which is prohibited by this chapter. In such proceedings it shall not be necessary to allege or prove either that an adequate remedy at law does not exist, or that substantial and irreparable damage would result, from the continued violation thereof. Application for said injunction may be made to the circuit court of Montgomery county, Alabama or the circuit court of the county in which it is alleged that the violation is about to occur, at the request of the board. Said injunction may not be granted ex parte, and any judgment or decree may be appealed in the manner prescribed by law to the supreme court of Alabama.

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

§ 34-11-36. Receipts and disbursements.

The secretary of the board shall receive and account for all money derived under the provisions of this chapter, and shall pay the same monthly to the state treasurer, who shall keep such money in a separate fund to be known as the "professional engineers fund." Such fund shall be kept separate and apart from all other money in the treasury, and shall be paid out only by warrant of the comptroller upon the treasurer, upon itemized vouchers, approved by the executive secretary of the board; provided, that no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of article 4 of chapter 4 of Title 41 of this Code; and provided further, that any funds or money in the hands of the state treasurer, known as the professional engineers fund, at the end of the state fiscal year in excess of the sum of \$70,000.00 shall be transferred into the general fund of the state. The money, properties, records and other things of value owned by or allocated to the professional engineers fund, the board or the secretary of the board in his capacity as such, serving at

the time of enactment of this chapter, shall become the property of and be allocated respectively to the professional engineers fund, the board or the secretary of the board under this chapter. The secretary of the board shall give a surety bond to the state in such sum as the board may determine. The premium on said bond shall be regarded as a proper and necessary expense of the board and shall be paid out of the professional engineers fund. The secretary of the board shall receive such salary as the board shall determine, in addition to compensation and expenses provided for in section 34-11-32. The board may employ an executive secretary and fix his compensation and duties. The board may employ such clerical or other assistants, subject to the provisions of the Merit System Act, and may make expenditures from the professional engineers fund for any purpose which in the opinion of the board is reasonably necessary for the proper performance of its duties under this chapter, including the expenses of the board's delegates to regional and national meetings of, and membership dues to, the National Council of Engineering Examiners and any of its subdivisions. Under no circumstances shall the total amount of warrants issued by the comptroller in payment of the expenses and compensation provided for in this chapter exceed the amount provided therefor by the legislature in the general appropriation or other appropriation bills.

§ 34-11-37. Records and reports.

(a) The board shall keep a record of its proceedings and a register of all applications for registration, which register shall show:

- (1) The name, age and residence of each applicant;
- (2) The date of the application;
- (3) The place of business of such applicant;
- (4) His educational and other qualifications;
- (5) Whether or not an examination was required;
- (6) Whether the applicant was rejected;
- (7) Whether a certificate of registration was granted;
- (8) The date of the action of the board; and
- (9) Such other information as may be deemed necessary by the board.

(b) The board shall also keep on file a written statement under oath from each applicant that he will abide by the code of ethics prescribed by the board, which oath shall be a part of his application for registration.

(c) The records of the board shall be prima facie evidence of the proceedings of the board set forth therein, and a transcript thereof, duly certified by the secretary of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

(d) Annually, as of September 30, the board shall submit to the governor a report of its transactions of the preceding year and shall also transmit to him a complete statement of the receipts and expenditures of the board, attested by affidavits of its chairman and its secretary.

**BY-LAWS  
OF THE  
STATE BOARD OF REGISTRATION FOR PROFESSIONAL  
ENGINEERS AND LAND SURVEYORS AS ADOPTED BY  
THE BOARD AT ITS MEETING January 6, 1962**

**ARTICLE 1—BOARD**

**1. Name:** The name of the Board is the State Board of Registration for Professional Engineers and Land Surveyors. For the purpose of brevity in the succeeding By-Laws, this organization shall be subsequently referred to as the Board, and references made to the Board as formally provided for under Chapter 11, Title 34, Code of Alabama 1975 shall be subsequently referred to as the former Board.

**2. Officers:** The officers of the Board shall be Chairman, Vice-Chairman, and a Secretary. The latter office is to be held by a person who is also a member of the Board.

**3. Meetings:** Two regular meetings of the Board shall be held in the City of Montgomery, Alabama. Other meetings may be called from time to time by the Chairman, when, in his opinion, it is necessary. Special meetings may also be called by the Secretary upon a request of two or more members of the Board. Special meetings may be held at any place agreed upon by three members of the Board.

**4. Quorum:** Three members of the Board shall at all regular and special meetings constitute a quorum for the transaction of business.

**5. Election of Officers:** The Board shall elect annually, a Chairman, Vice-Chairman, and a Secretary, who shall hold office for one year or until such times as their successors shall have been duly elected.

**6. Seals:** The seal of the Board shall be circular in form and  $1\frac{7}{8}$  inches in diameter and shall be of the same design as that adopted by the former Board. Registration certificates and such other formal documents as are required shall bear the imprint of this seal.

The seals to be used by the registrant are to be circular in form and from  $1\frac{7}{8}$  inches to 2 inches in diameter and the design is to be as follows:



## ARTICLE II—DUTIES

1. **Chairman:** The Chairman shall, when present, preside at all meetings, shall appoint all committees, and shall sign certificates and other official documents. He shall call meetings of the Board when, in his opinion, business necessitates. The Chairman shall, annually as of September 30, prepare the report as required by law for submission to the Governor. He shall otherwise perform all duties pertaining to the office of Chairman.

2. **Vice-Chairman:** The Vice-Chairman shall perform the duties of the Chairman during his absence from a Board meeting or incapacity or absence from the state.

3. **Secretary:** The Secretary, with the assistance of such clerical help as may be provided, shall conduct and care for all correspondence in the name of the Board, shall sign all certificates of registration, and shall have members of the Board notified of all regular and special meetings, and shall perform any other duties required by law or that may be assigned to him by the Board.

4. **Examination Committee:** The Committee on examinations shall consist of one or more members. It shall be the duty of this committee to prepare and recommend to the Board for its approval the nature and scope of all the examinations to be held by the Board.

5. **Special Committees:** The duties of all special committees shall be as directed by the Chairman at the time of appointment and such committees shall cease to exist as soon as the work assigned them shall have been completed.

6. **Presiding Officers:** In the absence of the Chairman and Vice-Chairman, the members present at a meeting are to elect a presiding officer.

## ARTICLE III—PROCEDURE

1. **Order of Business:** The order of business of the Board to be as follows:

- (a) Reading of Minutes
- (b) Consideration of applications
- (c) Committee reports
- (d) Unfinished business
- (e) New Business
- (f) Set next meeting date and place
- (g) Adjournment

The order of business may be changed at the discretion of the presiding officer with the Board's approval.

2. **Rules of Order:** Robert's Rules of Order shall guide the procedure of the Board, except as may otherwise be provided by the By-Laws and when not in conflict with the requirements of the Act.

3. **Suspension of Rules:** The Board, by unanimous consent of those present may, if circumstances require, waive or suspend temporarily any of the provisions of these By-Laws, for the expedition of the business or conduct of the Board, provided, however, the minutes of the meeting at which such suspension is made shall show clearly and definitely the reasons for such suspension.

## ARTICLE IV—AMENDMENTS

1. **Amendments:** Amendments to the By-Laws must be presented by a member of the Board at a regular or special meeting of said Board, and may be adopted at the meeting at which such amendments are presented. Advice of the proposed amendment must be furnished each member of the Board not less than 30 days prior to the Board Meeting.

## ARTICLE V—VOTING

1. **Voting:** A majority vote of the Board members shall govern the action of the Board. If only three members are present any action requires unanimous vote.

**RULES AND REGULATIONS OF THE ALABAMA STATE BOARD  
OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND  
LAND SURVEYORS**

**TABLE OF CONTENTS**

Rule I	Grouping of Applications
Rule II	Form of Application
Rule III	Fees
Rule IV	References
Rule V	Classifications—Branches of Engineering
Rule VI	Definitions of Terms
Rule VII	Curricula Approved by the Board
Rule VIII	Experience
Rule IX	Examinations
Rule X	Disposal of Applications
Rule XI	Registration Number
Rule XII	Seals
Rule XIII	Certificates of Registration
Rule XIV	Interim Permits
Rule XV	Applications from Non-Residents
Rule XVI	Expirations and Renewals
Rule XVII	Revocations and Reissuance of Certificates
Rule XVIII	Reconsideration and Reapplications
Rule XIX	Compliance and Enforcement
Rule XX	Violations

**Foreword:**

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

In adopting and following these rules, the Board recognizes two important requirements it must meet: first to respect the right to his means of livelihood of the individual who has conscientiously prepared himself to practice the professions of engineering or land surveying and, second, to do what is within the power of the Board to protect the Public against dangers arising from attempts of incompetent or unscrupulous persons to practice said professions.

**Rule I—GROUPING OF APPLICATIONS**

In order to insure that each applicant's qualifications will be evaluated in accordance with that section of the law which will afford an applicant the most favorable and/or the most appropriate consideration, the Board, after its initial review of the qualifications presented by the applicant and substantiated with verifications obtained by the Board in any of the several methods open to the Board for substantiating qualifications, will classify applications in one of the three groupings listed herein. The Executive Secretary will make a tentative grouping of each application as soon as it is received in proper form for the purpose of processing it for presentation.

The groupings are as follows:

Group 1—Professional Engineers' Applications

Group 2—Land Surveyors' Applications

Group 3—Engineers'-In-Training Applications

**Rule II—FORM OF APPLICATION**

(a) All applications for registration shall be made on printed form provided by the Board and no applications made otherwise will be accepted. Where space does not permit an applicant to present his record of experience or practice on the form provided by the Board, the applicant may provide supplementary sheets of paper 8½ x 11 inches in size. Such additional sheets shall be typed on one side only, shall be signed and dated. Applications must be clearly typewritten in black suitable for photostatic copy and all questions must be answered. An application not properly made out, or not containing all of the information provided for, or not accompanied by the required fee will be returned with a statement of the reason for return. The application shall be accompanied by an unmounted recognizable, recent photograph (one not more than six (6) months old) of the applicant, with date taken, or photoengraving of same (size 2 by 2½ inches overall with face not less than ¾ inches wide). **NOTE: (The applicant applying on the basis of examination shall be required to furnish two (2) photographs.)**

(b) Applications for registration as a Professional Engineer or as a Land Surveyor or for certification as Engineer-in-Training shall be subscribed and sworn to, on a form provided by the Board, before a Notary Public or other persons qualified to administer oaths.

(c) The conditions set out in the Application Form, including the Rules of Professional Conduct (Code of Ethics) set forth in Attachment A enclosed with application form, shall be construed to be a part of the Rules and Regulations.

(d) To allow time for processing, all applications for examination and enrollment as Engineer-in-Training shall be filed with the Board at least forty-five (45) days before the date set for examination. To

allow time for processing, all applications for examination and registration as Professional Engineer or Land Surveyor shall be filed with the Board at least ninety (90) days before the date set for examination.

(e) Withholding information, misrepresentation, or untrue statements will be cause for denial of application.

(f) Registration as a Professional Engineer by reciprocity is granted provided the applicant's qualifications meet the requirements of the Alabama Registration Law and he has passed a two day, 16 hour written examination given by another State Board and he is currently registered and in good standing with another State Board. (Amended Feb. 23, 1979 and Feb. 29, 1980.)

(g) If a properly executed NCEE Form as prepared by the Committee on National Certification of Registration Records is provided with certified copies verifying applicant's educational qualifications, experience record, responses from references and registration in other States, the applicant will be required to complete only those Sections of the application form dealing with General Information, Registration in other States and the Affidavit.

(h) The Board requires a transcript showing subjects and grades of all scholastic work which the applicant wishes to claim. This transcript should also show degree issued, and date of issuance. It is the responsibility of the applicant to see that such a record is sent **direct** from the institution to the Board Office and no action will be taken by the Board until such information is received.

#### Rule III—FEES

(a) Fees shall be payable to the State Board of Registration for Professional Engineers and Land Surveyors, 750 Washington Avenue, Montgomery, Alabama 36130. The Board assumes no responsibility for loss in transit of cash remittances. Applications not accompanied by the proper fee will be returned to the applicant. Personal, company or other checks are acceptable.

(b) Fees for certification and registration shall be as follows:

Professional Engineer—\$50.00 Registration Fee Payable; \$40.00 with application, \$10.00 after application is approved and upon issuance of certificate.

Professional Engineer by Reciprocity—same as above.

Land Surveyor—\$50.00 Registration Fee Payable; \$40.00 with application, \$10.00 after application is approved and upon issuance of certificate.

Engineer-in-Training—\$25.00 Fee payable with application.

An Alabama Engineer-in-Training applying for registration within the ten (10) year period provided by sections 34-11-4 and 34-11-6 of the Registration Law shall not be required to submit an ap-

plication fee with his application for registration as Professional Engineer. He will be required to pay a \$25.00 registration fee when registration is completed.

(c) Re-examination fee as provided by section 34-11-6—\$20.00 for each 8 hour examination.

(d) Requests to take the written examination by registered Professional Engineers or Registered Land Surveyors—\$20.00 for each 8 hour examination.

(e) Replacing lost certificate—\$3.00.

(f) No fee, or part of any fee, paid by any applicant for application, examination and/or registration will be returned to the applicant, either in the event of his failure to take the examination, or in the event of his failure to pass the required exam, if and when given.

(g) The fee for a copy of the biennial Roster shall be \$2.00, except for persons registered or certified with the Board, governmental agencies, libraries, or professional societies.

#### Rule IV—REFERENCES

(a) The applicant shall furnish on his application for registration the names, addresses and States in which registered of at least five (5) references. The Executive Secretary shall immediately send to each reference a reference form and request an early reply.

(b) If applying for Engineer Registration, at least three (3) of the five (5) references must be currently registered Professional Engineers; however, it is desirable that all the references be registered Professional Engineers who are qualified to evaluate the applicant's engineering training and experience.

(c) If applying for Land Surveyor Registration, at least three (3) of the five (5) references must be currently registered Professional Engineers also registered as Land Surveyors or registered Land Surveyors, who are qualified to evaluate the applicant's land surveying training and experience.

(d) All references should know the applicant personally.

(e) Accurate statements of fact from responsible references covering the applicant's experience are necessary.

(f) References dated more than one year prior to Board review are not acceptable.

(g) The Board occasionally finds it necessary to correspond directly with a reference to seek clarification or amplification of the reference's original statements, which may have been unfavorable, questionable or simply inadequate to substantiate experience claimed by the applicant. If the reference fails or declines to furnish the necessary information within a reasonable time, all information submitted by that reference may be disregarded in consideration of the application involved.

**Notes:**

- (1) The applicant should give serious attention to the selection of his references.
- (2) The Engineers or Land Surveyors under whose direct supervision the applicant has worked should be given as references.
- (3) Any Board Member may on his own initiative, or the Board may request a Board Member, a staff employee or others to make an independent investigation of the applicant's qualifications and report his findings.
- (4) Additional references may be required by the Board.
- (5) Because of the confidential nature of reference replies, the Board Office will not divulge information as to which references have or have not responded.
- (6) It is the responsibility of the applicant to notify his references that he is applying for registration and to assure the timely return of all reference letters, educational transcripts and verifications of registrations in other States. Board action will not be taken until all necessary information has been received. This information must be on file in the Board Office ten (10) days prior to the date of the next scheduled Board Meeting.

**Rule V—CLASSIFICATIONS AND BRANCHES OF ENGINEERING**

(a) Applicants shall be registered or certified under one or more of the following titles:

- (1) Professional Engineer
- (2) Land Surveyor, or
- (3) Engineer-in-Training

(b) The Registration Law makes no specific designations as to the branches of Engineering practice for which Certificates of Registration as Professional Engineer shall be issued. For consideration under section 34-11-4(1), the Board will recognize degrees received in Engineering courses accredited by the Accreditation Board for Engineering and Technology (formerly Engineers' Council for Professional Development) and will issue Certificates of Registration as a Professional Engineer to applicants who demonstrate their qualifications under the provisions of the Law and in conformity with the Rules and Regulations of the Board.

**Rule VI—DEFINITIONS OF TERMS**

(a) Section 34-11-1 of the Registration Law provides for definitions of the following terms:

(1) Board, (2) Engineer or Professional Engineer, (3) Engineer-in-Training, (4) Practice of Engineering, (5) Land Surveyor, (6) Land Surveying, (7) Practice and Offer to Practice, and (8) Responsible Charge.

(b) The terms used in section 34-11-7 and section 34-11-9 of the Registration Law "under his direction" . . . "under the direction" and the terms used in Rule XII of these Rules and Regulations, "under his direct supervision" and "under his responsible supervising control" will be construed by this Board to mean that the engineer or land surveyor providing such supervision shall have made the decision on technical matters of policy and design and shall have exercised his professional judgment in all engineering and land surveying matters that are embodied in the design and the plans, specifications, or other documents involved in the work. By applying his seal or signature to the final documents he signifies that he has complied with the requirements of these definitions and the Rules of Professional Conduct (Code of Ethics) and accepts responsibility therefor.

**Rule VII—CURRICULA APPROVED BY THE BOARD**

(a) The term "graduate of an approved engineering curriculum of four years or more" as used in section 34-11-4 (1) and (2) of the Alabama Registration Law shall mean:

- (1) A Bachelor's degree in Engineering approved by the Accreditation Board for Engineering and Technology (formerly Engineers' Council for Professional Development) at the time of graduation or within a four (4) year period of graduation.
- (2) A Bachelor's degree in one of the mathematical, physical or Engineering Sciences and in addition thereto, successful completion of graduate study in an engineering curriculum in a school or college in which the undergraduate curriculum was approved by the Accreditation Board for Engineering and Technology (formerly Engineers' Council for Professional Development) at the time of graduation or within a four (4) year period of graduation.

**Rule VIII—EXPERIENCE**

(a) Applications under section 34-11-4 (1)(a) and (3)(a)

- (1) Experience must be progressive and of an increasing standard of quality and responsibility, and usually follows graduation.
- (2) Experience must not have been obtained in violation of the Registration Law.
- (3) Military experience, to be creditable, must have been spent in Engineering and/or Land Surveying and of a character equivalent to that required in the civilian sector in like work.
- (4) Experience must be gained by working directly under the supervision of a registered Professional Engineer and/or Land Surveyor, as the case may be, or an explanation satisfactory to the Board must be given as to why the experience was not so received.

- (5) Short periods of Engineering employment less than three months will not be considered creditable.
  - (6) Concurrent time, that is time spent in engineering or land surveying work, while attending school will be credited either as education experience or work experience but not as both. A combined certificate for Engineer and Land Surveyor registration will require a minimum of six years experience of which at least two years must be land surveying and of which four years must be engineering.
  - (7) For sales experience to be creditable, it must be demonstrated conclusively that Engineering principles and Engineering knowledge were actually employed. The mere selection of data or equipment from a company catalogue or a similar publication will not be considered Engineering experience.
  - (8) Successful completion of graduate study in an Engineering Curriculum accredited by ABET (formerly ECPD), may be offered as one year of Engineering experience.
  - (9) For teaching experience to be creditable, the Engineer applicant must have taught in an Engineering Curriculum accredited by ABET (formerly ECPD), and been employed in the grade of assistant professor or higher.
  - (10) Experience must not be anticipated, that is, the application must not be postdated. The experience must have actually been received at the time the application is submitted.
- (b) Applications under section 34-11-4 (1) (b), (2) (b) and (3) (b)
    - (1) Satisfactory completion of each year of a regular four year Engineering Curriculum accredited by ABET (formerly ECPD), shall be considered as equivalent to a year of engineering experience.
    - (2) Graduation in a curriculum other than engineering from a college or university of recognized standing, or graduation in an unapproved engineering curriculum, or graduation in an Engineering Technology Curriculum of four years or more, may be considered as equivalent to two years of engineering experience. (Amended June 3, 1977)
    - (3) Experience must be progressive and of increasing responsibility received while working under a registered Professional Engineer and/or Land Surveyor, as the case may be, or an explanation satisfactory to the Board must be given as to why the experience was not so received.
    - (4) Applicants under this Section without a degree must present evidence that they have become self-educated in the Engineering and/or Land Surveying field.
  - (c) If an applicant's experience is considered inadequate upon Board review, but the Board believes he may meet the minimum legal

requirements within one year, such application may be held by the Board for up to one year without approval or denial. Such applicants will be advised of the basis for holding their applications, of additional information to be submitted, and of the approximate date on which their applications will be formally considered again. If more than one additional year of experience is considered necessary, the application will be denied, and for further consideration the applicant will be required to submit a new application after he has accrued the necessary experience. One such application may be submitted without payment of additional fee.

#### Rule IX—EXAMINATIONS

- (a) Written examinations as required by the Alabama law will be classified as follows:
  - (1) Examination in the Fundamental Engineering Subjects—EIT Exam—Exam I, 1 day, 8 hour NCEE Exam
  - (2) Examination in the Principles and Practice of Engineering—PE Exam—Exam II, 1 day, 8 hours NCEE Exam
  - (3) Examination in the Fundamentals of Land Surveying—LSF Exam—Exam I—1 day, 8 hour NCEE Exam
  - (4) Examination in the Principles and Practice of Land Surveying—LSP—Exam II—4 hour NCEE Exam—AM
  - (5) Examination in Alabama Land Surveying History and Law—LSALA—Exam III—4 hour Alabama Exam (Closed Book)—PM
- (b) Written Examinations are held in places designated by the Board and will be offered twice each year, once in the 1st six months and once in the 2nd six months of each calendar year.
- (c) Engineer applicants will not be permitted to take Exam II until Exam I has been passed. Land Surveyor applicants will not be permitted to take Exam II and Exam III until Exam I has been passed.
- (d) All examinations will be in the English language.
- (e) Questions used on prior examinations will not be distributed. Order envelopes are available, upon request, for ordering typical questions from the National Council of Engineering Examiners (NCEE).
- (f) All parts of the written examinations are open book unless designated otherwise. Textbooks, bound classroom manuals, slide rules and self powered computers are permitted. The use of pre-recorded programs for computers will not be allowed.
- (g) No candidate may take the eight (8) hour engineer examination in the Principles and Practice of Engineering nor the sixteen (16) hour examination in Land Surveying until the Board has established his eligibility for examination; except, however, a Land Surveyor applicant who is a graduate of a four (4) year ABET (formerly ECPD) approved surveying curriculum may take the Fundamentals of Land Surveying Examination prior to obtaining the requisite years of experience necessary for Land Surveyor Registration. (Amended September 21, 1979.)



(h) Candidates for the 8 hour examination in the Fundamentals of Engineering (EIT) may be notified of the next scheduled examination without Board action provided the proper application has been filed and the correct fee paid. No EIT certificate will be issued nor action taken toward professional registration until the applicant has satisfied the legal requirements for certification or registration set out in the Alabama Registration Law.

**NOTE: Section 34-11-6 of the Registration Law provides that passage of the Fundamentals of Engineering (EIT—Exam I) portion of the Engineer Examination shall constitute a credit toward registration as a Professional Engineer for a period of ten years for this portion of the examination. An applicant who has passed the EIT Exam (Exam I) and who does not take and pass the PE Exam (Exam II) and complete registration as Professional Engineer within the ten year period provided by Law, shall have his Professional Engineer application (if applied for) closed and he shall be required to file for EIT Examination and certification and successfully pass the EIT portion of the Examination before he may apply for Professional Engineer Registration.**

(i) Applicants approved for examination, and otherwise deemed qualified, will be allowed to take four (4) consecutive offerings of that examination as follows:

- (1) Applicants will be notified at least thirty (30) days in advance and should appear for the first scheduled examination—without payment of any additional fee.
- (2) Should the applicant fail to take this first examination offered or fail to pass this examination, he may be notified of the next three scheduled examinations provided above, however, it will be necessary that the applicant file a request for re-examination. The re-examination fee of \$20.00 shall be paid with each request. Should the applicant fail to take the examination or fail to pass the examination he has applied for, the fee paid is not refundable.
- (3) In the event an applicant fails to take or pass the required examination after the above four (4) offerings, his application will be closed and the applicant will be so notified.
- (4) For reconsideration an applicant must file a new application and pay the application fee as required by Law. It will be incumbent upon the applicant to indicate on the new application the extent of additional education and qualifying experience since application closing which will permit him to qualify for four (4) consecutive examination offerings as provided above. (Amended March 18, 1977)
- (5) In the event the re-qualified applicant again fails to pass the

required examination after four (4) additional offerings, his application will be closed and the applicant will be so notified.

(6) The procedure as outlined in (4) and (5) above would then be repeated before further consideration would be afforded applicant.

(j) Examination results will be reviewed by the Board and no information will be given to any applicant who has taken the examination until after the grades have been approved by the Board. The passing grade on each examination will be determined by the Board. Numerical values of passing grades will not be reported, however, the candidate will be advised of his grade if below the passing score.

(k) An applicant who fails to make a passing grade on an eight hour written examination may inspect his exam paper within 30 days after notice of results of his exam has been mailed to him, at such time and place as may be designated by the Executive Secretary.

(l) Examinations for Record Purposes

- (1) Any Engineer registered by this Board may take for record purposes the Fundamentals Examination and the Principles and Practice Examination prepared by the National Council of Engineering Examiners.
- (2) Any Land Surveyor registered by this Board may take for record purposes the Fundamentals of Land Surveying and the Principles and Practice of Land Surveying Examination prepared by the National Council and the Examination in Alabama Land Surveying History and Law.
- (3) Failure to pass either or both parts of the examination will in no way affect current registration.
- (4) The fee for taking each 8 hour examination is \$20.00. If an examination is failed, subsequent examinations may be taken by paying an additional fee of \$20.00 for each 8 hour examination.

#### Rule X—DISPOSAL OF APPLICATIONS

(a) Approved Applications—When the Board, after due consideration of an application and of information pertaining thereto, is satisfied that the applicant is eligible for certification as an Engineer-in-Training, or registration as Professional Engineer and/or Land Surveyor, under any Section of the Law, the applicant will be granted certification or registration, and the applicant will be notified by the Executive Secretary.

(b) Deferred Applications—If an applicant's experience is considered inadequate upon Board review, but the Board believes he may meet the minimum legal requirements within one year, such application may be held by the Board for up to one year without approval or

denial. Such applicants will be advised of the basis for holding their applications, of additional information to be submitted, and of the approximate date on which their applications will be formally considered again. If more than one additional year of experience is considered necessary, the application will be denied, and, for further consideration, the applicant will be required to submit a new application after he has accrued the necessary experience. One such application may be submitted without payment of additional fee.

(c) Denied Applications—When the Board, after due consideration of an application and of information pertaining thereto finds that the applicant is not eligible for certification or registration under any section of the Law, the applicant will be denied certification or registration and his application will be closed. The applicant will be notified of the action of the Board by the Executive Secretary. The applicant, after being notified that his application has been closed on the basis of denial, shall have a period of one year following the date of such closing during which he may appeal to the Board for a reconsideration of his qualifications.

(d) In accordance with the Records and Retention Schedule prepared for the Alabama State Board of Registration for Professional Engineers and Land Surveyors, applications of the following will be maintained on file in the Board Office for the period shown and thereafter may be destroyed:

Exam Inactive File—5 years

Deceased—3 years after death

Expired (did not renew license)—3 years after expiration

Denied—5 years

Inactive—1 year

(e) Any application that involved disciplinary action or violations will be retained in the file.

#### Rule XI—REGISTRATION NUMBER

At the time an applicant is granted registration by the Board, he will be assigned a serial number. These numbers will be issued consecutively in the order in which the applications are approved by the Board. The applicant will be advised of this serial number in the notice sent him by the Executive Secretary.

#### Rule XII—SEALS

(a) Upon approval of his application by the Board, the registrant will be advised that he may secure an official seal which shall be applied to engineering drawings, specifications, reports and other engineering or land surveying documents prepared by him or under his responsible supervising control.

(b) The seals to be used by the registrants are to be circular in form and from 1 $\frac{1}{8}$  inches to 2 inches in diameter and the design to be as follows:



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

(d) Rubber stamps, identical in size, design and content with the approved seals may be used by the registrant at his option.

(e) The seal and/or signature and registration number of a registrant constitute a certification that the document was prepared by the registrant or under his direct supervision or that he has reviewed the document or design in sufficient depth to fully coordinate and assume responsibility for plans prepared by another registered Professional Engineer or Land Surveyor.

(f) Each sheet of plans, drawings, documents, specifications and reports for engineering practice and of maps, plats, charts and reports for land surveying practice, shall be signed and/or sealed and dated by the registrant or permit holder preparing them, or in direction and control of their preparation.

(g) Where more than one sheet is bound together in one volume, the registrant or permit holder who prepared said volume, or under whose direction and control said volume was prepared, may sign and/or seal and date only the title or index sheet, providing that the signed sheet clearly identifies all of the other sheets comprising the bound volume, and provided that any of the other sheets which were prepared by, or under the direction and control of, another registrant or permit holder, be signed, and/or sealed and dated by said other registrant or permit holder.

(h) Additions, deletions or other revisions affecting public health and safety or State and local codes shall not be made unless signed and/or sealed and dated by the registrant or permit holder who made the revisions or under whose direction and control said revisions were made.

### Rule XIII—CERTIFICATES OF REGISTRATION

(a) As soon as possible after the Board has received from an applicant, who has been notified of the approval of his application and of his serial number, payment of his registration fee, a Certificate of Registration will be issued, signed by the Chairman and the Secretary, bearing the seal of the Board, and also bearing on its face the serial number of the registrant.

(b) The application of any applicant who fails to complete his registration as provided for hereinabove within a period of thirty days after notice is mailed to him by the Board that he has been granted registration shall be denied registration upon action by the Board.

### Rule XIV—INTERIM PERMITS

(a) This Board may grant an interim permit to practice as a Professional Engineer to persons who apply for such permit and who are legally qualified to so practice in another State, and who have never had a registration revoked or invalidated. The application procedure for an interim permit is identical to that prescribed for continuing registration as a Professional Engineer in this State. A person desiring an interim permit will file the prescribed application for registration and request in writing that he be issued an interim permit. This request will state the reason for requesting such permit and the specific work to which it applies.

(b) If the Executive Secretary of the Board finds the application and request to be in order, the request for interim permit will be referred to the Members of the Board by mail and if the members of the Board concur, the interim permit and number will be issued through the Office of the Board.

(c) An interim permit will be effective until the next regular meeting of the Board after the interim permit has been granted at which time the applicant will be considered for registration. If, in the opinion of the Board, the qualifications of the applicant are in doubt, the interim permit is immediately terminated.

(d) While practicing under an interim permit in this State, the holder thereof will affix to all plans and documents for use and execution in this State, the seal or stamp required in the State in which he took the 16 hour written examination with the added notation: "Practicing in the State of Alabama under Interim Permit No.     ".

(e) This Board is not empowered to grant a permit for the interim practice of land surveying in Alabama. No person may legally practice land surveying in this State without first being fully registered as a Registered Land Surveyor by this Board.

### Rule XV—APPLICATIONS FROM NON-RESIDENTS

(a) In general, applicants not residents of Alabama will be ex-

pected to secure registration or certification in their home State or State of residence and may not apply for initial certification and/or registration in Alabama.

(b) Non-Alabama residents who are graduates of accredited engineering curricula from Alabama colleges or universities may apply for an original registration in this State.

(c) The definition of a "Resident of Alabama" shall be interpreted by the Board to include an employee of Alabama based employer who may be living beyond the geographical boundaries of the State as a condition of employment at the time such an employee files or may have pending before the Board an application for registration as a Professional Engineer.

(d) The Executive Secretary is authorized by the Board to return an application to an applicant who is applying for initial certification and/or registration if he is not a "Resident of Alabama."

### Rule XVI—EXPIRATIONS AND RENEWALS

(a) Stipulations with reference to expirations and renewals of Certificates of Registration and Certificates of enrollment for Engineers-in-Training are set out in section 34-11-8 of the Registration Law.

(b) The Annual Renewal Fee is set each year and it may vary from year to year. Therefore, no advance renewal fees will be accepted.

(c) The right to practice as an Engineer and/or Land Surveyor expires December 31 unless renewed. The right to renew expires June 30. To be re-registered, a registrant who does not renew before June 30, will be required to file a new application and meet the statutory requirements in existence at time of re-registration. (Amended June 3, 1977)

(d) An Engineer-in-Training who does not renew his certification within the period provided by Law will not invalidate his status as an Engineer-in-Training, but his name shall, after ninety (90) days, be removed from the Board's current mailing list and omitted from the Roster. The fee to bring an enrollment current after a renewal expiration shall be twice that established for annual renewal. An Engineer-in-Training certificate will be valid for a period of ten years, and the period for completing registration as a Professional Engineer by an individual who has passed the Fundamentals of Engineering Examination (EIT), will expire ten (10) years from date of such examination.

(e) Registrants and certified Engineers-in-Training will be mailed annually, during the month of October, a renewal notice which they will be required to sign and return to the Board Office with their renewal fee. The registration renewal notice will contain the five Canons of the Rules of Professional Conduct (Code of Ethics) and the

registrant is asked to read and re-affirm his agreement to abide by the Rules of Professional Conduct. (Amended June 15, 1979)

#### Rule XVII—REVOCAION AND REISSUANCE OF CERTIFICATES

(a) Under the provisions of the Registration Law, Certificates of Registration may be revoked by the Board for cause and after proper hearings as fully set out in section 34-11-11 of the Registration Law. In defining misconduct in the practice of Professional Engineering as a Registered Professional Engineer or in the practice of Land Surveying as a Registered Land Surveyor, the Board will consider among other things the Rules of Professional Conduct (Code of Ethics) for Professional Engineers and Land Surveyors adopted by the Board.

(b) A registrant requesting a new Certificate of Registration to replace a certificate under the provisions of section 34-11-12 of the Registration Law shall surrender to the Board, if possible, the original certificate held by him and shall file with his request a sworn affidavit setting out the reasons for his request so that the Board records will reflect the reason for its issuance of a new certificate.

#### Rule XVIII—RECONSIDERATION AND REAPPLICATIONS

(a) At any time within one year after date of notice of action by the Board a request may be made for reconsideration of an application which has been denied. After one year has expired a new application is required and must be made under a Section of the Registration Law available on the date this new application is filed.

(b) A denied applicant may request reconsideration under the Section in which he applied at any time within one year, without additional fees, but additional or explanatory evidence bearing on the record as filed, and of the date originally filed, must be furnished to the Board.

#### Rule XIX—COMPLIANCE AND ENFORCEMENT

(a) For purposes of compliance with section 34-11-9 of the Alabama Registration Law, no Professional Engineer or Land Surveyor shall be considered to be in responsible charge of the practice of Professional Engineering or Land Surveying for any firm, company, partnership or corporation unless he bears a continuing bona fide relation thereto as:

- (1) a principal in the firm; or,
- (2) an executive officer of the corporation; or,
- (3) a regular full time employee; and,
- (4) has such authority from the governing body of such business entity as would result in its being legally liable for all such Engineer's or Land Surveyor's professional acts and judgments.

(b) The Board shall not recognize as in compliance with section 34-11-9 any relationship between an Engineer or Land Surveyor and a firm, partnership, association, corporation or other business entity in which the Engineer or Land Surveyor:

- (1) is available to perform engineering or land surveying service only on a part time, independent contractor basis at the call of such firm, company, or corporation; or,
- (2) is Engineer or Land Surveyor in name only; or,
- (3) is available on an if-and-when-needed consulting basis.

**NOTE—Except, that a registered Engineer may act as a consultant to another registered Engineer on engineering matters as in (1) and (3) of Rule 19(b), or a registered Land Surveyor may act as a consultant to another Land Surveyor on land surveying matters as in (1) and (3) of Rule 19(b).**

(c) Any Engineer who, directly, or indirectly shall enter into any contract, arrangement, plan or scheme with any person, firm, partnership, association or corporation which in any manner whatsoever results in a violation of the foregoing regulation shall be considered in violation of the standards of conduct established by this interpretation and regulations of the Board and subject to having his certificate of registration to practice engineering revoked.

#### Rule XX—VIOLATIONS

(a) Non-Registrants—The Board may initiate action in cases where a person's actions are in violation of the law beyond reasonable doubt. (Examples include: advertising for professional services, including listing in the "Yellow Pages" of the telephone directory under the professional section therein, advertising in any form through the local advertising medium, use of letterheads stating or implying that the applicant is capable and/or is furnishing professional services, etc.). Upon receipt of evidence from any person that a non-registrant is representing or attempting to use as his own, the certificate or registration seal of another, or any person who is practicing without registration, the Board may assemble the facts, obtain legal guidance, and follow the case to completion based on the legal guidance given step-by-step as additional information is provided.

(b) Registrants—Proceedings to revoke or suspend a certificate of registration or to reprimand a registrant may be initiated by any person or by the Board upon the filing with the Board Secretary of an original and 2 copies a complaint which shall contain:

- (1) Name and address of the complaining party as well as the name and address of any person complained against;
- (2) A plain and concise statement of the facts which together indicate that the person complained against has violated provisions of the Alabama Registration Law or rules promulgated

by the Board or Rules of Professional Conduct (Code of Ethics).

- (3) The relief sought.
- (4) The signature of the complainant and a verification in the form prescribed in section 34-11-11 of the Registration Law.

Upon receipt of such charges, the Board's Investigative Committee (which shall be comprised of one Board Member, the Executive Secretary and the Board's Investigator) shall consult with the Board's legal advisor to determine what action shall be taken.

**NOTE—In defining misconduct in the practice of Professional Engineering by a registered Professional Engineer, or misconduct in the practice of Land Surveying by a registered Land Surveyor, the Board will consider among other things, the Rules of Professional Conduct (Code of Ethics) adopted by the Board.**

**ADOPTED—May 12, 1975**

**AMENDED—October 28, 1975**

**March 18, 1977**

**June 3, 1977**

**February 23, 1979**

**June 15, 1979**

**September 21, 1979**

**February 29, 1980**

## RULES OF PROFESSIONAL CONDUCT (CODE OF ETHICS)

### PREAMBLE

In order to safeguard the life, health, property and welfare of the public and to establish and maintain a high standard of integrity, skills, and practice in the Profession of Engineering and Land Surveying, the following Rules of Professional Conduct (Code of Ethics) are promulgated in accordance with Section 35 in Article 2 of Chapter 11 of Title 34 of the Code of Alabama 1975 and shall be binding upon every person holding a certificate of Registration as a Professional Engineer or Land Surveyor.

All persons registered under the provisions of Chapter 11, Title 34, Code of Alabama 1975 and prior Code, are charged with having knowledge of the existence of the Rules of Professional Conduct (Code of Ethics), and shall be deemed to be familiar with their several provisions and to understand them.

### CANON I

#### THE ENGINEER AND/OR LAND SURVEYOR SHALL EXERCISE INDEPENDENT PROFESSIONAL JUDGMENTS, DECISIONS AND PRACTICES ON BEHALF OF CLIENTS AND EMPLOYERS

A. The Engineer and/or Land Surveyor shall avoid all conflicts of interest with his client or employer, but when a conflict of interest is unavoidable, the Engineer and/or Land Surveyor shall promptly inform his employer or client of any business association, interest, or circumstances which might tend to influence his professional judgments, decisions or practices or the quality of his services.

B. The Engineer and/or Land Surveyor shall not solicit or accept, directly or indirectly, any financial or other valuable considerations, material favors or benefits of any substantial nature\* from any supplier of materials or equipment for any project on which he is performing or has contracted to perform Engineering and/or Land Surveying services.

C. The Engineer and/or Land Surveyor shall not solicit or accept any gratuity, material favor or benefits of any substantial nature,\* directly or indirectly, from contractors, their agents, servants or employees or from any other party dealing with his client or employer in connection with any project on which he is performing or has contracted to perform Engineering and/or Land Surveying services.

D. The Engineer and/or Land Surveyor shall not solicit or accept, directly or indirectly, any Engineering and/or Land Surveying contract, selection, or employment from a governmental body in which a

principal or officer of his organization serves as a member or employee.

E. When in public service as a member or employee of a governmental body, the Engineer and/or Land Surveyor shall not participate, directly or indirectly, in considerations or actions with respect to retaining services offered or provided by him, his associates or his organization to such governmental body.

## CANON II

### THE ENGINEER AND/OR LAND SURVEYOR SHALL ACT COMPETENTLY AND USE PROPER CARE IN PERFORMING ENGINEERING AND/OR LAND SURVEYING SERVICES FOR CLIENTS OR EMPLOYERS AND SHALL ACT ONLY IN FIELDS IN WHICH HE IS QUALIFIED BY EDUCATION AND EXPERIENCE

A. The Engineer and/or Land Surveyor shall not accept any Engineering and/or Land Surveying employment, or undertake any Engineering and/or Land Surveying assignment, for which he is not qualified by education or experience to perform or carry out adequately and competently; providing and excepting, however, that an Engineer and/or Land Surveyor may accept an assignment requiring education and experience outside his field of competence to the extent, only, that his personal Engineering and/or Land Surveying services are restricted solely to those phases of the service or project in which he is qualified and competent, and that all other phases of such service or project shall be performed by legally qualified consultants, associates or employees.

B. The Engineer and/or Land Surveyor shall not affix his signature or seal to any Engineering and/or Land Surveying plan or document dealing with subject matter on which he is not qualified by education or experience to form a dependable judgment.

C. The Engineer and/or Land Surveyor shall be completely objective and truthful in all professional reports, statements or testimony. He shall include all relevant and pertinent information in such reports, statements or testimony.

D. The Engineer and/or Land Surveyor, when serving as an expert or technical witness before any court, commission or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of his testimony.

E. The Engineer and/or Land Surveyor shall issue no statements, or criticisms or arguments on matters connected with public policy which are inspired or paid for by an interested party, or parties, unless he has prefaced his comment by explicitly identifying himself, by disclosing the identities of the party, or parties, on whose behalf he

is speaking, and by revealing the existence of any pecuniary interest he may have in the instant matters.

F. The Engineer and/or Land Surveyor shall not engage in any professional matter for which a specific license is required without first being licensed in that profession.

## CANON III

### THE ENGINEER AND/OR LAND SURVEYOR SHALL SAFEGUARD AND PRESERVE THE CONFIDENCES AND PRIVATE INFORMATION OF CLIENTS AND EMPLOYERS

A. Except as permitted by Canon III B, the Engineer and/or Land Surveyor shall not knowingly:

- (1) Reveal a confidence or private information regarding or in the possession of his client or employer;
- (2) Use a confidence or private information regarding or in the possession of his client or employer to the disadvantage of such client or employer;
- (3) Use a confidence or private information regarding or in the possession of his client or employer for the advantage of a third person, unless the client or employer consents after full disclosure.
- (4) Nothing in this Article shall relieve an Engineer and/or Land Surveyor from complying with Canon II, Article E.

B. The Engineer and/or Land Surveyor may reveal confidences or private information under the following circumstances:

- (1) When he has obtained the consent of the client or clients, employer or employers, affected, but only after full disclosure to them;
- (2) When required by law or court order;
- (3) When necessary to establish legal proof of his relationship with a client or employer in a court action to recover salaries, fees or other compensation due him as a result of his employment or association with such client or employer;
- (4) When necessary to defend himself or his employees or associates in a legal action alleging wrongful conduct.

C. The Engineer and/or Land Surveyor shall exercise reasonable care to prevent unauthorized disclosure or use by his employees and associates of private information or confidences regarding or in the possession of a client or employer.

#### CANON IV

##### THE ENGINEER AND/OR LAND SURVEYOR SHALL ENDEAVOR TO BUILD HIS PRACTICE AND PROFESSIONAL REPUTATION ON THE MERIT OF HIS SERVICES

A. The Engineer and/or Land Surveyor shall not offer, or promise to pay or deliver, directly or indirectly, any commission, political contribution, gift, favor, gratuity, benefit or reward as an inducement to secure any specific Professional Engineering and/or Land Surveying work or assignment; providing and excepting, however, that an Engineer and/or Land Surveyor may pay a duly licensed employment agency its fee or commission for securing Engineering and/or Land Surveying employment in a salaried position.

B. The Engineer and/or Land Surveyor shall not solicit professional employment by self-laudatory advertising, or in any manner contrary to high professional standards.

C. The Engineer and/or Land Surveyor shall not make, publish or cause to be made or published, any representation or statement concerning his professional qualifications or those of his partners, associates, firm or organization which is in any way misleading, or tends to mislead the recipient thereof, or the public, concerning his Engineering and/or Land Surveying education, experience, specializations or other Engineering and/or Land Surveying qualifications.

D. The Engineer and/or Land Surveyor shall not attempt to compete with another Engineer and/or Land Surveyor for employment by reducing his usual charges or by the use of unethical practices.

E. The Engineer and/or Land Surveyor shall not supplant, nor attempt to supplant, directly or indirectly, another Engineer and/or Land Surveyor in a particular engagement, after definite steps have been taken toward such other Engineer's and/or Land Surveyor's employment.

#### CANON V

##### THE ENGINEER AND/OR LAND SURVEYOR SHALL CONTRIBUTE TO THE MAINTENANCE, INTEGRITY, INDEPENDENCE AND COMPETENCY OF THE ENGINEERING AND/OR LAND SURVEYING PROFESSION

A. The Engineer and/or Land Surveyor shall not:

- (1) Violate any provision of the Alabama law regulating practice of Engineering and Land Surveying;
- (2) Participate, directly or indirectly, in any plan, scheme or arrangement attempting or having as its purpose the evasion of any provision of the Alabama law regulating practice of Engineering and Land Surveying;
- (3) Fail to exercise reasonable care or diligence to prevent his

partners, associates, and employees from engaging in conduct which if done by him, would violate any provision of the Alabama law regulating practice of Engineering and Land Surveying;

- (4) Engage in any illegal conduct involving moral turpitude;
- (5) Engage in any conduct that discredits or tends to discredit the profession of Engineering and/or Land Surveying;
- (6) Permit or allow himself, his professional identification, seal, firm or business name, or his services to be used or made use of, directly or indirectly, or in any manner whatsoever, so as to make possible or create the opportunity for the unauthorized practice of Engineering and/or Land Surveying by any person, firm or corporation in this State;
- (7) Perform any acts, allow omissions or make any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever tend to create a misleading impression;
- (8) Knowingly associate with or permit or allow the use of his name, firm name or professional identification or seal in any business venture, project or enterprise which he knows or has reason to believe is engaged in professional practices which violate any provision of the Alabama law regulating practice of Engineering and Land Surveying;
- (9) Knowingly associate with or permit the use of his name, professional identification, seal, firm or business name in connection with any venture or enterprise which he knows, or has reason to believe, is engaging in trade, business or professional practice of a fraudulent, deceitful or dishonest nature;
- (10) Injure or attempt to injure or damage the professional reputation of another by any means whatsoever; provided and except, however, that this shall not relieve an Engineer and/or Land Surveyor of the obligation to expose unethical or illegal conduct to the proper authorities or preclude a frank but private appraisal of Engineers and/or Land Surveyors or other persons or firms considered for employment;
- (11) Aid or abet, directly or indirectly, any unregistered person in connection with the unauthorized practice of Engineering and/or Land Surveying; or any firm or corporation in the practice of Engineering and/or Land Surveying unless carried on in accordance with the provisions of section 34-11-9 of the Alabama law regulating practice of Engineering and Land Surveying;
- (12) Review the work of another Engineer and/or Land Surveyor, except with the knowledge or consent of such Engineer and/or

Land Surveyor, unless the connection of such Engineer and/or Land Surveyor with the work has been terminated.

B. The Engineer and/or Land Surveyor shall be personally and professionally responsible and accountable for the care, custody, control and use of his Engineer's and/or Land Surveyor's seal, his professional signature and identification. The Engineer and/or Land Surveyor whose seal has been lost, misplaced or stolen shall, upon discovery of its loss, report same immediately to the Board, which may invalidate the stolen registration number of said seal, if it deems this necessary, and issue another registration number to said Engineer and/or Land Surveyor.

C. When in public service as a member or employee of any governmental body, agency or department, the Engineer and/or Land Surveyor shall not participate, directly or indirectly, use or make use of any property, facility or service of such governmental body, agency or department for the benefit of any private business or activity in which such Engineer and/or Land Surveyor also may be engaged, unless prior, proper authority is obtained in writing.

D. When in private practice or employment the Engineer and/or Land Surveyor shall not, directly or indirectly, use or make use of any property/facility or service of his client or employer for the benefit of said Engineer and/or Land Surveyor, unless prior, proper authority is obtained in writing.

E. The Engineer and/or Land Surveyor shall not practice or offer to practice Engineering and/or Land Surveying in any governmental jurisdiction in which to do so would be in violation of the laws regulating the practice of Professional Engineering and/or Land Surveying in that jurisdiction.

The revocation, suspension, or denial of a license to practice Engineering and/or Land Surveying in another jurisdiction, for reasons or causes which the Board finds would constitute a violation of the Alabama law regulating practice of Engineering and Land Surveying or any rule, regulation or code promulgated by the Board, shall be sufficient cause for the denial, suspension or revocation of a license to practice Engineering and/or Land Surveying in the State of Alabama.

#### SEVERABILITY

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

\*The phrase "benefits of any substantial nature" is defined to mean

any act, article, money or other material possession which is of such value or proportion that its acceptance creates a clandestine obligation on the part of the receiver or otherwise compromises his ability to exercise his own judgment, without regard to such benefit.