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Alabama Standards of Practice for Professional Land Surveyors

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Chapter 1

Overview of the Alabama Surveying Standards, Laws and Rules

Alabama Board of Licensure for Professional Engineers and Land Surveyors

The Alabama Legislature created the Alabama Board of Licensure for Professional Engineers and Land Surveyors (Board) in 1961 with the charge of protecting life, health, and property and to promote the public welfare. The Board has the power to adopt rules, set standards for licensure, adopt mandatory standards of professional conduct and ethics, and investigate and discipline unauthorized, negligent, unethical or incompetent practice. The Board reviews applications, administers examinations, licenses qualified applicants, and regulates the professional practice of licensees throughout the state. The Board consists of nine members appointed by the Governor of Alabama for a term of five years: five professional engineers, two professional land surveyors, and two members appointed from the public at large.

Alabama Statutory Laws

The Alabama statutory laws are a collection of state laws organized by subject area into a code made up of titles and chapters. The Code of Alabama 1975, Title 34, Chapter 11 (originally enacted as Acts 1961, Ex. Sess., No. 79) was enacted by the Alabama Legislature in the interest of public health and safety to regulate the practice of engineering and land surveying in the State of Alabama. It is continuously updated by laws that create, amend, or repeal statutory material. The Alabama statutory laws state the law followed by the history of the law, which indicates when it was originally filed and subsequent effective dates of enactment.

Selected provisions of the Code of Alabama, Title 34, Chapter 11 that are most relevant to professional land surveyors are presented in Chapter 3 below.

Nova Scotia Board Rules

The Alabama Administrative Code is a compilation of the rules and regulations of Alabama's regulatory agencies. It is organized by titles and chapters, with each chapter number representing a department, commission, board, or other agency. Title 330 of the Alabama Administrative Code, Chapter 330-X, contains the rules of the Alabama Board of Licensure for Professional Engineers and Land Surveyors, made under the authority of the Code of Alabama, Title 34, Chapter 11, and states the Board's functions with respect to the practice of engineering and land surveying. They are continuously updated by the Board. The Board Rules record the rule followed by the history of the rule, which indicates when the rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date.

Selected provisions of the Alabama Board Rules governing the regulation of professional land surveyors in Alabama are presented in Chapter 3 below.

Alabama Board Disciplinary Authority

The Alabama Board of Licensure for Professional Engineers and Land Surveyors is charged with the duty of issuing certificates of licensure to those professional land surveyors it has determined to be qualified. It has the authority and responsibility to revoke these certificates when charges such as gross incompetence are proven in a hearing against a licensee, under Section 34-11-11 of the Code of Alabama. It has the authority to initiate action against unlicensed persons who practice or offer to practice land surveying in the state, under Section 34-11-16. The Board is not authorized to settle boundary line disputes, establish costs for services, correct miscalculations or errors in a survey of real property, or settle contractual disputes. These types of problems are civil matters and are usually settled between the parties involved either in or out of the courts. If wrongdoing by a licensee is proven in court, the Board would like to have certified copies of any orders issued to prevent the wrongdoing from happening again and to take other action as considered appropriate. Likewise, the Board has no powers of restitution, as these are reserved for the courts.

The complaints and disciplinary process established under the Code of Alabama and Board Rules is summarized in Chapter 3 below. Selected disciplinary case studies illustrating the application of the Code of Alabama and Board Rules are presented in Chapter 4 below.

Chapter 2

Alabama Standards of Practice and Regulatory Requirements for Land Surveying

Alabama Standards of Practice for Surveying and Regulatory Requirements

The following are excerpts from the Code of Alabama, Title 34, Chapter 11, and the Alabama Administrative Code, Agency 330, governing the practice of professional land surveying in Alabama. If you wish to review the complete Code of Alabama and Alabama Standards of Practice for Surveying respectively, please visit the websites at:

<https://admincode.legislature.state.al.us/administrative-code/330?utm>
<https://www.aspls.org/standards>

§34-11-1 Rule NO. 1.01 Purpose

The purpose of these rules is to establish standards for the practice of surveying in the State of Alabama, as established by Alabama Code Section 34-11-1.

§ Rule NO. 1.02 Definitions

As used in these rules, the following terms have the following meanings where the context permits:

1. Survey shall mean the orderly process of
 - Conducting research
 - Performing field measurements and observations
 - Applying mathematical and legal principles to determine, display or indicate land boundaries, land areas, and the position and characteristics of any natural or artificial features on or near the surface of the earth.

It may be further defined according to the type of data obtained, to the methods and instruments used, and to the purpose(s) to be served. All maps of survey showing property boundary information must be in accordance with Rule 1.03. For purposes of this rule, types of surveys shall include, but not be limited to the following definitions:

- a. Property Boundary Survey shall mean a survey of property, the primary purpose of which includes, but is not limited to, determining the perimeters of the property being surveyed by establishing in the first instance original property lines, or by retracing the lines and corners of previously established property lines. A property boundary survey is a professional opinion on the physical location of property lines based on appropriate boundary law principles governed by the facts and evidence gathered and evaluated during the course of the survey. A property boundary survey may further include describing and locating fixed improvements, platting or dividing property and preparing descriptions of property. A property boundary survey includes the setting or recovery of corner monumentation. Any map of survey showing property lines where a property boundary survey was not performed shall have the following note: "THIS IS NOT A PROPERTY BOUNDARY SURVEY".
- b. Record Survey or As-Built Survey shall mean a survey performed to obtain horizontal and/or vertical data so that the constructed improvements may be located and delineated.
- c. Geodetic Survey shall mean a survey of areas and points affected by and taking into account the curvature of the earth.
- d. Control Survey shall mean a survey which provides horizontal or vertical position data for the support or control of subordinate surveying, mapping, or construction layout purposes.
- e. Topographic Survey shall mean a survey of the selected natural and selected man-made features of a part of the earth's surface by remote sensing and/or ground measurements to determine horizontal and vertical spatial relations.
- f. Hydrographic Survey shall mean a survey having for its principle purpose the determination of data relating to bodies of water and which may consist of the determination of one or several of the following classes of data: depth of water and configuration of bottom, directions and force of current, heights and times and water stages, and location of fixed objects for survey and navigation purposes.
- g. Quantity Survey shall mean a survey for the purpose of obtaining measurements of quantity.
- h. Right-of-Way and Easement Survey shall mean a survey for the purpose of obtaining or locating specific rights into property for public or private use. Easement surveys shall be tied to two (2) monuments, or one monument and a coordinate position and direction complying with Rule 1.05(1).
- i. Specific Purpose Survey shall mean a survey performed for a specified purpose other than as defined above. This type of survey shall not be used to circumvent any other section of the standards of practice, and when using this, the specific purpose of the survey shall be explained on the face of the map of survey.

2. Corner is a point on a boundary line at which two or more boundary lines meet or a change in direction on any given boundary line.
3. Monument shall mean a man-made or natural object that is durable and occupies a defined position.
4. Witness Monument shall mean any monument that does not occupy the same defined position as the corner itself, but whose relationship to the corner is established.
5. Reference Point shall mean any defined position that is or can be established in relation to another defined position.
6. Temporary Benchmark (TBM) shall mean a temporary (not permanent) point set whose elevation is relative to a stated datum.
7. Benchmark shall mean a permanent material object, natural or artificial, bearing a marked point whose elevation is relative to a stated datum.
8. Map, Plat, Drawing, or other similar titles shall mean any map used for the purpose of depicting the results of any survey as defined herein. Each map of survey shall state the type of survey or surveys it depicts.
9. Subdivision Map or Plat is a map of survey used to depict new property being created under the laws of the State of Alabama and must first be surveyed in accordance with the applicable parts of Rule 1.03 of these standards for this type of survey.
10. Standard of Care The standard of care for all Professional Land Surveyors will be the care and skill ordinarily used by members of the surveying profession practicing under similar circumstances at the same time and in the same locality.

§ Rule NO. 1.03 Surveying standards for field and office

1. The following certification (statement) shall be included on each map of survey. "I hereby certify (or state) that all parts of this map of survey have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief." Surveyor's Signature:
Alabama License Number Date
2. The licensed surveyor shall select the proper equipment and methods, and exercise the appropriate theory and practice necessary to meet the standard of care.
3. Property boundary surveys shall be accompanied by a map depicting the results of said survey. Other surveys, as defined in Rule 1.02 of these standards, shall be accompanied by a map of survey or report, and all applicable requirements of Rule 1.03 apply.

- a. The map of survey or report may be a physical map or an electronic version thereof, and shall be legibly drawn and capable of being plotted, or reproduced, at the stated scale. No map of survey shall have dimensions of less than 8-1/2 x 11 inches. All maps of survey shall bear the name, street or mailing address, and telephone number of the firm issuing the map of survey, along with the name and license number of the surveyor. A surveyor practicing independent of any firm shall have his or her name, street or mailing address, and telephone number on each map of survey. All maps of survey shall reflect the completion date of the field survey and also for any revision thereto. The map of survey and the copies of the map of survey shall have the signature and seal of the licensed surveyor. Electronic signatures and seals are acceptable.
 - b. Each map of survey shall state the type of survey it depicts.
 - c. Copies of a map of survey provided for informational purposes only may be issued without the signature and seal of the licensed surveyor when it is clearly shown that the map of survey is invalid without said signature and seal. It shall be a violation of this rule to use this section to circumvent the intent and purpose of these standards.
4. A designated north symbol shall be prominently shown and the basis of north shall be stated. A stated and graphic scale shall be prominently shown.
5. Abbreviations generally used by the public or in proper names that do not relate to matters of survey are excluded from the legend requirements. Below are acceptable abbreviations and symbols that may appear on the face of the maps of survey. Any other abbreviations and symbols relating to survey matters shall be clearly shown within a legend or notes appearing on the map of survey.

N = North
S = South
E = East
W = West, or any combination such as NE, SW, etc.
° = Degrees
' = Minutes when used in a bearing
" = Seconds when used in a bearing
' = Feet when used in distance
" = Inches when used in distance
AC or ac = Acres
± = More or less (or plus or minus)
R = Range
T = Township
SEC = Section
GNSS = Global Navigation Satellite System
PLSS = Public Land Survey System
Metric Notations.

6. The surveyor shall make an accurate determination of the location of the property boundary in as complete accord as possible with the description as contained in the deed or other instrument of conveyance, based upon appropriate boundary law principles governed by the facts and evidence gathered and evaluated during the course of the survey. In case of a new parcel, the description shall be written to reflect both accurately and precisely the property boundary as surveyed and monumented by the surveyor.

- a. The survey shall be referenced to the source of information used in conducting the survey such as the recorded deed, a recorded plat, other instruments purporting to convey property, oral testimony taken, datum sources, and any other appropriate references. All information called for in the deed or other instrument of conveyance, such as point of commencement, point of beginning, lot number(s), block number(s), section corner(s), aliquot part(s), recording information, etc., will be shown on the map of survey. Any discrepancies deemed significant by the surveyor between the survey results and such sources of information shall be shown and/or explained in appropriate notes on the face of the map of survey. This includes a comparison between record directions and distances with surveyed directions and distances.
- b. When a new parcel is being created, reference shall be made on the map of survey and in the property description to a monumented U.S. Public Land Survey corner(s), a monumented corner(s) shown on a recorded plat, or a monumented corner(s) that is described in a publicly recorded instrument.
- c. When a new metes and bounds description is written, it shall describe the monument at each property corner.
- d. All new metes and bounds descriptions written by the surveyor for the purpose of describing a parcel of land shall be a mathematically closed figure.

7. All changes in direction, including curves, shall be shown on the map of survey by angles, bearings, or azimuths. Curved lines shall show the radii, arc distances, and central angles, or radii, chord distances, and chord bearings. If a non-tangent line is not definable as a simple circular curve, compound circular curve, or spiral, that fact shall be noted upon the map of survey with sufficient measurements shown upon the map of survey to position the line. When intersecting lines are nonradial to a curve, sufficient angular data shall be shown to relate the line to the curve.

8. Open and notorious evidence of boundary lines, such as fences, walls, buildings, or monuments shall be shown upon the map of survey, together with dimensions sufficient to show their relationship to the boundary line(s).

9. Visible encroachments onto or from adjoining property or abutting streets shall be indicated with the extent of such encroachments shown or noted upon the map of survey. No underground or sub- surface features (e.g. footers, underground utilities, etc.) are required to be located unless the surveyor specifically agrees to locate such features.

10. Visible evidence of easements or rights-of-way on/or across the lands surveyed shall be located or noted and shown upon the map of survey.

- a) If streets or street rights-of-way abutting the land surveyed are not physically open, a note to this effect shall be shown upon the map of survey.
- b) For easements and rights of way existing in the public records to be shown on the map of survey, the documentation of such must be provided to the surveyor by the client or client's representative.
- c) No sub-surface features are required to be located unless specifically agreed to between the surveyor and client.

11. Location of fixed improvements within the boundary shall be shown upon the map of survey, unless specifically excluded by agreement between the surveyor and client. Dwellings and other major structures shall be dimensioned and referenced to the boundaries, either directly or by offset lines. Evidence of boundary lines is always required to be shown, as stated in subparagraph 8 of this Rule.

12. Cemeteries and burial grounds located within the boundaries of the property surveyed shall be located and shown upon the map of survey if observed or if knowledge of their existence and location is furnished to the surveyor. However, a detailed survey of the limits of the cemetery is not required according to this rule.

13. The surveyor shall make a determination of the position of the boundary of the property being surveyed and shall set monuments as defined herein, unless monuments already exist at such corners.

14. All monuments, found or set, shall be described on the map of survey with data given to show their location upon the ground in relation to the boundary lines. When a monument at the property corner cannot be set, a witness monument shall be set with data given to show its location upon the ground in relation to the boundary lines or corner. The monument descriptions shall state the size, material, and cap identification of the monument, as well as whether the monument was found or set. When a parcel has a natural and/or artificial feature such as a bluff, river, lake, beach, marsh, stream, or other irregular boundary as one or more of its boundaries, then a monumented meander or survey line shall be established either directly along or near the feature. Dimensions shall be shown between the meander or survey line and the boundary line sufficient to show the relationship between the two.

15. A typical boundary monument or witness monument set shall:

- a. be composed of a durable material;
- b. have a minimal length of 18 inches;

- c. have a minimum diameter of 1/2 inch (number 4 rebar is acceptable);
- d. be identified with a durable marker or cap bearing the Alabama License Number of the land surveyor or the company Certificate of Authorization Number;
- e. be detectable with conventional instruments for finding ferrous or magnetic objects; and
- f. be a durable and identifiable alternative monument when a case arises due to rock or other physical obstruction so that neither a boundary monument nor a witness monument can practicably be set in accordance with (a)-(e).

16. The bearings and distances shown on the map of survey shall be substantiated by field measurements. The precision of the field measurements shall be premised upon the type of survey and the current or expected use of the land. The precision of the measurements shall be statistically verified by the results of either a closed traverse or Relative Positional Precision.

- a. For a Closed Traverse, the unadjusted relative error of closure permissible shall be no greater than the following: Commercial/High Risk: Linear--1 foot in 10,000 feet Angular--15 seconds times the square root of the number of angles; Suburban: Linear--1 foot in 7,500 feet Angular--20 seconds times the square root of the number of angles; Rural: Linear--1 foot in 5,000 feet Angular--30 seconds times the square root of the number of angles. Side ties from a traverse point on the closed traverse to locate or set monuments that are not points on the closed traverse shall be substantiated by measurements from a second traverse point or by a redundancy of measurements from a traverse control point.
- b. For GNSS systems, the Relative Positional Precision (RPP) error shall be no greater than the following:

Commercial/High Risk:

2 cm (0.07 feet) plus 50 parts per million (ppm)*

Suburban:

2 cm (0.07 feet) plus 100 parts per million (ppm)*

Rural:

2 cm (0.07 feet) plus 150 parts per million (ppm)*

*All three RPP standards are based on direct distance between the two points being tested. It is recognized that in certain circumstances, the size or configuration of the surveyed property, or the relief, vegetation, or improvements on the surveyed property, will result in survey measurements for which the maximum allowable Relative Positional Precision may be exceeded, in which case the reason shall be noted.

§ Rule NO. 1.04 Vertical control and topographic surveys

1. All surveys in this class shall indicate the datum, including a description, location, and elevation of the benchmark(s) upon which the survey is based. Approved 10/14/2024
2. Vertical Control Surveys: The level loop closure in feet should not exceed 0.05 times the square root of the distance in miles. Should GNSS (Global Navigation Satellite System) observations be utilized to establish precise elevations, the practices used to develop such elevations shall be described on the map of the survey.
3. Topographic Surveys: The horizontal and vertical position of physical features shall at a minimum comply with current map accuracy standards as adopted by the United States Geological Survey.

§ Rule NO. 1.05 Miscellaneous

1. If coordinates are shown on the map of survey, the survey shall clearly reference the appropriate datum and epoch on the map. The following information shall be depicted on the map of survey:
 - (a) The horizontal datum and epoch used.
 - (b) The method used to derive information, such as GNSS observations or conventional surveying techniques.
2. When more stringent standards than those set forth herein are required and agreed to by the surveyor, the survey shall comply with those agreed upon survey standards.
3. When special conditions exist that effectively prevent the survey from meeting these standards, the special conditions and any necessary deviation from the standards shall be noted upon the map of survey. It shall be a violation of this rule to use special conditions or less stringent standards to circumvent the intent and purpose of these standards.
4. Additions or deletions to the map of survey by any other person(s) than the signing party or parties is prohibited without written consent of the signing party or parties.
5. Submission of PLSS corners, found or monumented, into the ALIS (Alabama Land Information System) (<https://www.aspls.org/ALIS>) is strongly encouraged in order to secure the future of the land surveying profession and protection of the public.
6. In accordance with Alabama Code 34-11-2 (e) (3) concerning right of entry "reasonable effort" may include, but not limited to verbal, written, or electronic communication.

Alabama Regulation of the Practice of Land Surveying

§ 34-11-1 Specific Definitions

(12) PRACTICE and OFFER TO PRACTICE.

Any person shall be construed to practice or offer to practice engineering or land surveying, within the meaning and intent of this chapter, who practices any discipline or any branch of engineering or land surveying; or who by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself or herself to be a professional engineer or a professional land surveyor, or through the use of some other title implies that he or she is a professional engineer or a professional land surveyor or that the person is licensed or authorized under this chapter; or who represents himself or herself as able to perform or who does perform any engineering or land surveying service or work or any other service designated by the practitioner which is recognized as engineering or land surveying.

(14) PRACTICE OF LAND SURVEYING.

- a. Professional services using such sciences as mathematics and geodesy, and involving the making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, the space on, above, or below the earth, and providing, utilizing, or developing the same land survey products such as graphics, data, maps, plans, reports, descriptions, or projects, improvements on, above, or below the earth.
- b. The term includes consultation, project coordination, including the coordination of technical submissions proposed by others, investigation, testimony, evaluation, planning, mapping, assembling, and interpreting gathered measurements and information relating to any one or more of the following:
 1. Determining by measurement the configuration or contour of the earth's surface or the position of fixed objects thereon by measuring lines and angles and applying the principles of mathematics or photogrammetry.
 2. Determining by performing geodetic surveys the size and shape of the earth or the position of any point on the earth.
 3. Locating, relocating, establishing, reestablishing, or retracing property lines or boundaries of any tract of land, road, right of way, alignment or easement or elevation of all real property whether or not fixed works are sited or proposed to be sited on the property.
 4. Making any survey for the division, subdivision, or consolidation of any tract or tracts of land or for condominiums.
 5. Locating or laying out alignments, positions, or elevations for the construction of fixed works.
 6. Determining, by the use of principles of land surveying, the position for any survey monument or reference point, or establishing or replacing any such monument or reference point.
 7. Geodetic surveying which includes surveying for determination of the size and shape of the earth both horizontally and vertically and the precise positioning of points on the earth utilizing angular and linear measurements through spatially oriented spherical geometry.

8. Creating, preparing, or modifying electronic or computerized or other data, including land information systems and geographic land information systems relative to the performance of the activities described above.
- c. The term may include the performance of engineering surveys.
- d. The term does not include functions unique to engineering as specified by rules of the board, geographic information systems professionals holding certification from the GIS Certification Institute, or remote sensing professionals holding certifications from the American Society of Photogrammetry and Remote Sensing or other nationally recognized accreditation group as determined by the board.
- e. Nothing herein shall in any way prohibit mapping, plotting, or locating, or other similar use of GPS, GIS, or other similar data by those not licensed to practice land surveying, provided the work is not used in the conveyance of property.

(15) RESPONSIBLE CHARGE. Direct control and personal supervision of engineering work or land surveying work.

§ 34-11-2 Practice of Engineering and Land Surveying Regulated

- a) A person in either public or private capacity may not practice or offer to practice engineering or land surveying, unless he or she shall first have submitted evidence that he or she is qualified so to practice and shall be licensed by the board as hereinafter provided or unless he or she is specifically exempted from licensure under this chapter.
- b) Except as otherwise provided in this chapter, all engineering design of buildings, structures, products, machines, processes, and systems that can affect health, life, safety, welfare, and property shall be conducted under the responsible charge of a licensed professional engineer.
- c) In order to safeguard health, life, safety, welfare, and property, the practice of engineering in this state is a learned profession to be practiced and regulated as such, and its practitioners in this state shall be held accountable to the state and members of the public by high professional standards in keeping with the ethics and practices of the other learned professions in this state. It shall be unlawful for any person to practice or offer to practice professional engineering in this state to hold himself or herself out or refer to himself or herself by any title or description stating or implying the person is licensed to engage in the practice of engineering, or to use in connection with his or her name or otherwise assume, use, or advertise any title or description including, but not limited to, the terms engineer, engineers, engineering, professional engineer, professional engineers, professional engineering, P.E., or any modification or derivative thereof, tending to convey the impression that he or she is a professional engineer unless the person has been duly licensed or is exempt from licensure under this chapter. A 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 or her firm name.

- d) In order to safeguard health, life, safety, welfare, and property, the practice of land surveying in this state is a learned profession to be practiced and regulated as such, and its practitioners in this state shall be held accountable to the state and members of the public by high professional standards in keeping with the ethics and practices of the other learned professions in this state. It shall be unlawful for any person to practice or offer to practice professional land surveying in this state, to hold himself or herself out or refer to himself or herself by any title or description stating or implying the person is licensed to engage in the practice of land surveying, or to use in connection with his or her name or otherwise assume, use, or advertise any title or description including, but not limited to, the terms land surveyor, land surveyors, land surveying, professional land surveyor, professional land surveyors, professional land surveying, P.L.S., or any modification or derivative thereof, tending to convey the impression that he or she is a professional land surveyor unless the person has been duly licensed or is exempt from licensure under this chapter.
 - e) As used in this subsection, the term professional land surveyor shall include the agents, the employees, and any personnel under the supervision of a professional land surveyor.
-
- (1) A professional land surveyor may go on, over, and upon the land of others which is not enclosed by any device installed to deter entry to or exit from industrial facilities or plant sites by humans or vehicles, if necessary to perform surveys for the location of section corners, quarter corners, property corners, boundary lines, rights-of-way, and easements, and may carry and utilize equipment and vehicles. Entry under the right granted in this subdivision shall not constitute trespass. A professional land surveyor shall not be liable to arrest or to a civil action for trespass by reason of this entry.
 - (2) Nothing in this subsection shall be construed as giving authority to a professional land surveyor to destroy, injure, damage, or move anything on the lands of another without the written permission of the landowner and nothing in this section shall be construed as removing civil liability for the damages.
 - (3) A professional land surveyor shall make reasonable effort to notify adjoining landowners upon whose land it is necessary to enter.
 - (4) No owner or occupant of the land shall be liable for any injury or damage sustained by any person entering upon his or her land under this subsection.
 - (5) Nothing in this subsection shall limit the rights of condemning authorities under Sections 18-1A-50 to 18-1A-55, inclusive.

Responsible Charge

§ 330-X-2-.01: Definitions of Terms

(7) The term "Certification" when used in conjunction with the sealing of documents means a statement signed, sealed, and dated by a licensed professional engineer or licensed professional land surveyor representing that the engineering or land surveying services addressed therein, as defined in Section 34-11-1, Code of Ala. 1975, have been performed by the licensed professional engineer or licensed professional land surveyor based on knowledge and information in accordance with commonly accepted procedures consistent with acceptable standards of practice, and is not a guaranty or warranty, either expressed or implied.

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

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

(b) A digital signature associated with an electronic document must have reasonable security measures in place which include but are not limited to:

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

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

(21) Standard of Care: The standard of care for all Professional Engineers and Professional Land Surveyors will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality.

§ 330-X-11-.02: Seal of the Licensee

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

(2) The seals to be used by the licensees are to be circular in form and from 1 5/8 to 2 inches in diameter with copy of the design to be furnished each new licensee.

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

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

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

§ 330-X-11-.03: Seal on Documents

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

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

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

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

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

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

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

(a) The client requesting preparation of such plans, plats, specifications, drawings, reports, or other documents makes the request directly to the licensee, or a member or employee of the licensee's firm;

(b) The licensee supervises the preparation of the plans, plats, specifications, drawings, reports, or other documents and has input into their preparation prior to their completion;

(c) The licensee reviews the final plans, plats, specifications, drawings, reports, or other documents; and

(d) The licensee has the authority to, and does, make any necessary and appropriate changes to the final plans, plats, specifications, drawings, reports, or other documents.

(5) Any revision to a document containing the seal and signature of a licensee shall be described and dated. If the revisions are not done by the original licensee, the revisions must also be signed and sealed by the licensee in responsible charge of those revisions. The original seal and signature shall not be removed.

(6) The seal, signature, and date of signing shall be placed on all final specifications, land surveys, reports, plats, drawings, plans, design information, and calculations whenever presented to a client or any public or governmental agency to certify that the work was done by the licensee or under the responsible charge of the licensee. All work products presented which are not final shall be so identified. Working drawings or preliminary documents are not required to have a seal and signature if the working drawing or preliminary document contains a statement in large bold letters to the effect "PRELIMINARY, NOT FOR CONSTRUCTION, RECORDING PURPOSES OR IMPLEMENTATION."

(7) Working drawings consisting of sketches, reports, or otherwise a work product which is in whole or part intended to communicate work to be performed or for use in specific proposals and/or becomes a part of defining the scope of a contract for work, must be sealed, signed, and dated by the licensee who prepared these documents or under whose direct control and personal supervision they were prepared.

(8) A computer-generated seal or facsimile is acceptable only when the signature of the professional engineer or professional land surveyor and the date the document was signed are on or adjacent to the computer-generated or facsimile seal. Any variation from this procedure must be submitted to and approved by the Board. Drawings, specifications, plans, reports, or documents which do not require certification may be transmitted electronically but shall have the generated seal, if any, removed before transmitting and shall have the following inserted in lieu of the signature and date: "This document originally issued and sealed by (name of licensee), P.E. # _____ /P.L.S.# _____ on (date of sealing). This document should not be considered a certified document."

(9) In circumstances where a licensee in responsible charge of the work is unavailable to complete the work, or the work is a site adaptation of a standard design plan, or the work is a design plan signed and sealed by an out-of-jurisdiction licensee, a successor licensee may take responsible charge by performing all professional services to include developing a complete design file with work or design criteria, calculations, code research, and any necessary and appropriate changes to the work. The non-professional services, such as drafting, need not be redone by the successor licensee but must clearly and accurately reflect the successor licensee's work. The burden is on the successor licensee to show such compliance. The successor licensee shall have control of and responsibility for the work product and the signed and sealed originals of all documents.

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

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

(1) The term "Certification" as used herein shall be as set forth in Rule 330-X-2-.01(8).

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

(3) Engineers or land surveyors who sign, seal, and date Certifications which:

(a) relate to matters which are beyond the engineer's or land surveyor's technical competence, or

(b) involve matters which are beyond the engineer's or land surveyor's scope of services actually provided, or

(c) relate to matters which were not prepared under the engineer's or land surveyor's responsible supervision, direction or control are subject to discipline pursuant to Rules 330-X-14-.05(h) and 330-X-16.

(4) If any of these circumstances set forth in subsection (3) above would apply, that engineer or land surveyor shall either:

(a) modify such Certification to limit its scope to those matters which the engineer or land surveyor can properly sign, seal, and date, or

(b) decline to sign, seal, and date such Certification.

Certificate of Authorization, Firms and Branch Offices

§ 330-X-15-.01: Requirements

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

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

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

(4) The managing agent is responsible for notifying the Board within 30 days of any change in the firm name, address, managing agent, or resident engineer or land surveyor during the year.

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

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

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

Compliance, Complaints and Disciplinary Action

330-X-16-.01: Complaints

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

(1) A complaint initiated by an individual or entity against a licensee or non-licensee shall be submitted in a format provided by the Board and shall contain:

- (a) Name and address of the complaining party as well as the name and address of the individual or entity against which the complaint has been filed.
- (b) A plain and concise statement of the facts which indicate that the provisions of Code of Ala. 1975, Chapter 11, Title 34, rules promulgated by the Board, or Rules of Professional Conduct (Code of Ethics) may have been violated.
- (c) The signature of the complainant.

(2) A complaint may be initiated by the Board or board staff against a licensee or non-licensee. The complaint shall be referred to an investigative committee to determine if sufficient facts are present that indicate provisions of Chapter 11, Title 34, Code of Ala. 1975, Rules promulgated by the Board, or Rules of Professional Conduct (Code of Ethics) have been violated. If sufficient evidence is present, the investigation will proceed in strict accordance with due process.

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

330-X-16-.06: Disciplinary Actions

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

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

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

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

License Status, Retired Status and Authorized Practice

330-X-10-.04: Licensure Certification and Use of Retired Title

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

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

(3) The designation does not require renewal and does not expire.

Chapter 3

Introduction to Professional Land Surveyor Regulatory Requirements in Alabama

Alabama Professional Land Surveyor Licensure Requirements

The following are excerpts from the Code of Alabama, Title 34, Chapter 11, and the Alabama Administrative Code, Agency 330, governing the practice of professional land surveying in Alabama. If you wish to review the complete Code of Alabama and Alabama Standards of Practice for Surveying respectively, please visit the websites at:

<https://admincode.legislature.state.al.us/administrative-code/330?utm>

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

The following educational requirements are specified in accordance with the Licensure Law which provides that the Board may approve schools, colleges, or universities in determining educational qualifications.

(1) When considering applicants who are graduates of programs from a school, college, or university the following will apply:

- (a) The term "a graduate of an approved engineering curriculum" shall mean a graduate of a baccalaureate engineering program accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET) at the time of graduation or within a two-year period of graduation. This term shall also mean a graduate of a master or doctoral degree program offered by a school or college of engineering offering at least one EAC/ABET baccalaureate engineering program provided the school or college of engineering has petitioned the Board for approval for this degree and the Board has granted this approval.
- (b) The term "graduate of an unapproved engineering curriculum" shall mean a graduate of a baccalaureate engineering program which has not been accredited by EAC/ABET but has been accredited by a regionally accredited commission and is approved by the Board. This term shall also mean a graduate of a master or doctoral degree program offered by a school or college of engineering offering an EAC/ABET baccalaureate engineering program in the same discipline, provided the graduate has an approved four-year related science degree or an approved engineering technology degree. The term shall also mean a graduate of a baccalaureate engineering program not EAC/ABET accredited offered by a foreign school but approved by the Board. See Rule 330-X-5.01(2).

- (c) The term "graduate of an approved engineering technology curriculum" shall mean a graduate of a baccalaureate engineering technology program accredited by the Engineering Technology Accreditation Commission (ETAC) of the Accreditation Board for Engineering and Technology (ABET) at the time of graduation or within a two-year period of graduation.
- (d) In considering professional engineer applicants under Section 34-11-4(1) a3 and engineer intern applicants under Section 34-11-4 -(2)b2 of the Licensure Law, the term "graduate of a related science curriculum" shall mean a graduate of a four-year physics, mathematics, or other program which the Board may determine is related to engineering from a school or college which has been accredited by a regionally accredited commission.
- (e) The term "graduate of an approved land surveying curriculum" shall mean a graduate of a baccalaureate surveying/geomatics program accredited by EAC/ABET, ETAC/ABET, or Applied Science Accreditation Commission of the Accreditation Board for Engineering and Technology (ASAC/ABET) at the time of graduation or within a two-year period of graduation. This term shall also mean a graduate of an EAC/ABET, ETAC/ABET, or ASAC/ABET accredited surveying/geomatics master's degree program. This term shall also mean a surveying/geomatics baccalaureate program where the school or college has petitioned the Board for approval for this degree and the Board has granted this approval. This term shall also mean a graduate of a baccalaureate civil engineering program accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET) at the time of graduation or within a two-year period of graduation including a minimum of 15 semester hours or 22.5 quarter hours of surveying courses from a school or college which has been accredited by a regionally accredited commission and is approved by the Board.
- (f) The term "graduate of an approved curriculum related to surveying" shall mean a graduate of a baccalaureate curriculum related to surveying a minimum of 15 semester hours or 22.5 quarter hours of surveying courses from a school or college which has been accredited by a regionally accredited commission and is approved by the Board.
- (g) In considering professional land surveyor applicants under Section 34-11-4(3) a3 and land surveyor intern applicants under Section 34-11-4 -(4)b2 of the Licensure Law, the term "graduate of a related science curriculum" shall mean a graduate of a baccalaureate mathematics or other program which the Board may determine is related to land surveying from a school or college which has been accredited by a regionally accredited commission.
- (h) The term "graduate of an approved associate of science degree program" shall mean a graduate of a surveying or engineering curriculum that includes a minimum of 15 semester hours or 22.5 quarter hours of land surveying courses from a school or college accredited by the Accreditation Board for Engineering and Technology (ABET).

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

§330-X-6-.01: Qualifying Experience

In evaluating experience offered as qualifying experience under Code of Ala. 1975, § 34-11-4(1), (2), (3), the Board will take into consideration the following:

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

- (d) Concurrent time, that is time spent in engineering work, while attending school, can only be credited as education experience or work experience but not as both.
- (e) Experience credited on the engineer intern or professional engineer application as engineering experience cannot be claimed as land surveying experience on the land surveyor intern or professional land surveyor application. Experience credited on the land surveyor intern or professional land surveyor application as land surveying experience cannot be claimed as engineering experience on the engineer intern or professional engineer application.
- (f) Military experience, to be creditable, must have been spent in engineering work or land surveying work and be of a character equivalent to that required in the civilian sector in like work. Normally, it would be expected that the applicant while in the armed services, served in an engineering, engineering-related, or surveying group.
- (g) For sales experience to be creditable, it must be demonstrated conclusively that engineering principles and engineering knowledge were actually employed. The mere selection of data or equipment from a company catalog or a similar publication will not be considered engineering experience.
- (h) Successful completion of graduate study in an engineering curriculum leading to a master's degree in engineering in a program whose undergraduate or graduate degree is accredited by EAC/ABET may be credited as one year of engineering experience. Successful completion of a Ph.D. in engineering after completion of a master's degree may be credited for an additional year of experience. Successful completion of graduate study in a land surveying curriculum leading to a master's degree in land surveying in a program whose undergraduate or graduate degree is accredited by ABET may be credited as one year of surveying experience. Successful completion of a Ph.D. in land surveying after completion of a master's degree may be credited for an additional year of experience. If the Ph.D. in engineering or land surveying is obtained without the master's degree, the credit for experience will be two years. If the awarding of the master's or higher degree has been used to change the category of curricula for which the applicant is accepted as identified in Section 330-X-5-.01, it cannot be used for experience credit.
- (i) For teaching experience to be creditable, the engineer applicant must have taught engineering or engineering-related courses at an advanced level in a four-year engineering or engineering technology curriculum accredited by ABET and must have been under the supervision of a licensed professional engineer. For teaching experience to be creditable as land surveying experience, the land surveyor applicant must have taught surveying or surveying-related courses at an advanced level in a land surveying or land surveying technology curriculum accredited by ABET and must have been under the supervision of a licensed professional land surveyor.
- (j) Engineering experience leading to licensure as a licensed professional engineer should be directed toward the identification and solution of practical problems in the applicant's area of engineering specialization. This experience should include engineering analysis of existing systems or structures or the design of new systems or structures and be under the supervision of a licensed professional engineer.

- (k) Experience in construction supervision in order to be qualifying must include use of engineering skills in assuring compliance with specifications and design as approved by the Board.
- (l) Experience must not be anticipated. The experience must have been gained before the time the application is submitted.
- (m) Land surveying experience must be progressive and must include experience in property conveyance/boundary line determination, field work, office work, and legal/courthouse research. A substantial portion of the experience must be spent in charge of work related to property conveyance and/or boundary line determination.
- (n) Surveying experience prior to graduation is evaluated by the Board on a case-by-case basis. Engineering experience prior to graduation is evaluated by the Board on a case-by-case basis and is limited to a 2-year maximum.
- (o) Experience gained in engineering research and design projects by members of an engineering faculty where the program is approved by the board is creditable.
- (p) Part time experience is evaluated by the Board on a case-by-case basis.
- (q) When considering experience at no time will the Board grant experience in excess of forty hours per calendar week.
- (r) The Board may deem professional experience acquired by applicants outside the United States to be equivalent to the minimum board requirements established in Sections (a) through (q) above.

Examination Pathway

§330-X-8-.01: Classifications of Examinations

Examinations as required by the Alabama Law will be classified as follows:

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

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

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

(2) No candidate may take the ALSS Examination until the Board has established his or her eligibility for examination.

(3) Candidates for the FE Examination, FS Examination, PE Examination, SE Examination and the PS Examination may schedule an examination in accordance with NCEES policy.

(4) An examination candidate, if approved, is allowed unlimited attempts within a one-year period.

§330-X-8-.07: Examination Offerings

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

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

§34-11-6: Examinations

(a) Examinations shall be held at such times and places as the board determines and upon payment of an examination fee. The board shall determine the acceptable passing grade on state-specific examinations.

(b) When examinations are required on fundamental subjects, the applicant shall be permitted to take this part of the professional examination as specified by rules of the board.

(c) When examinations are required on applied subjects, the applicant shall be permitted to take this part of the professional examination as specified by guidelines established by the board. 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 or land surveying works so as to protect health, life, safety, welfare, and property. Examinations shall be given for the purpose of determining the qualifications of applicants for licensure separately in engineering and in land surveying. A candidate failing an examination may apply for reexamination under guidelines established by the board.

(d) The board may prepare and require additional examinations in engineering and land surveying. Specifications for additional examinations shall be published and be made available to any individual interested in being licensed as a professional engineer or professional land surveyor. The fees for examination, reexamination, and administration of the examination on the laws, procedures, and practices pertaining to engineering and land surveying in this state shall be set by the board.

(e) The board may contract with an independent testing agency to prepare, grade, or conduct the required examinations. For those examinations so designated by the board, the applicant shall pay the examination fees directly to the board authorized testing agency. The examination fee for the state-specific examinations shall be paid directly to the board.

(f) The board shall require a demonstration of continuing professional education for professional engineers and professional land surveyors as a condition of renewal or relicensure. For professional land surveyors, the continuing professional education requirements shall include a minimum of four professional development credit hours on the Standards for Practice of Surveying in the State of Alabama every two years and one professional development credit hour on ethics every year; provided, however, the total number of professional development credit hours required of professional land surveyors by the board shall not increase overall because of this requirement. A new professional land surveyor shall complete the Standards for Practice of Surveying in the State of Alabama credits within two years and complete the ethics credit within one year of initial licensure. Credit for these courses shall count toward the succeeding annual or biennial continuing professional education requirements.

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

(1) All applications for licensure shall be made in the format provided by the Board and no applications made otherwise will be accepted. All questions must be accurately and thoroughly answered. An application not properly completed, containing all of the information required, or accompanied by the required fee will not be accepted. As per Code of Ala. 1975, Section 34-11-5(e), application fees will not be refunded.

(2) Applications for licensure as a professional engineer or as a professional land surveyor or for certification as an engineer intern or a land surveyor intern shall contain a declaration made under penalty of perjury.

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

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

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

(c) Professional engineer - Board meeting agenda deadline - application, reference forms, experience verification forms, educational transcripts, verifications of examinations, application, and licensure fee.

(d) Professional land surveyor - Board meeting agenda deadline - application, reference forms, experience verification forms, educational transcripts, verifications of examinations, and application fee.

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

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

(7) Licensure as a professional engineer or professional land surveyor is granted in accordance with the Military Family Jobs Act #2022-92 as codified at Code of Ala. 1975, § 31-1-6, provided the "eligible individual" possesses a valid license or certificate in good standing in another, state, district, or territory of the United States, or in any branch of the United States Armed Forces, including the National Guard, that is substantially similar to the license issued by the board.

An "eligible individual" is the spouse of any of the following:

(a) An active duty, reserve, or transitioning member of the United States Armed Forces, including the National Guard, who is on active-duty status or on separation leave within 24 months of retirement,

(b) a surviving spouse of a service member who at the time of his or her death, was serving on active duty who is relocated to and stationed in the State of Alabama under official military orders,

(c) an individual currently employed by the United States Department of Justice or any of its encompassed Offices, agencies, institutes, and bureaus, including, but not limited to, the Federal Bureau of Investigations (FBI), the U.S. Attorney's Office, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), the Drug Enforcement Administration (DEA), and the United States Marshall Service (USMS), who is relocated to Alabama by order of their employer,

(d) or an individual currently employed at the National Aeronautics and Space Administration who is relocated to Alabama by order of their employer.

(8) A Temporary Permit as a professional engineer or professional land surveyor is granted in accordance with the Military Family Jobs Act #2022-92 as codified at Code of Ala. 1975, 31-1-6, to an "eligible individual" effective for at least 360 days, while the Board deliberates the application to obtain a license or certificate in this state.

(9) If a current, complete, properly executed NCEES Record is provided the professional engineer or professional land surveyor applicant will be required to complete only certain sections of the Alabama application form.

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

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

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

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

Rule 330-X-3-.02 was renumbered 330-X-3-.01 and the original 330-3-.01, Grouping of Applications, was repealed as per the certification filed September 23, 1998; effective October 28, 1998.

Chapter 4

Review of Disciplinary Cases

The following disciplinary cases were extracted from enforcement cases published in *The Standard*, the official newsletter of the Alabama Board of Licensure for Professional Engineers and Land Surveyors. The selected cases involve professional land surveyors and illustrate different violations arising from the practice of land surveying in Alabama.

CASE 1: Bert Hays, PLS Complaint #2024-21

An investigation determined Mr. Hays performed a property survey that contained violations of the standards of practice for surveying in Alabama and set a new boundary line which led the adjoining property owner to file legal action.

Board Decision: Mr. Hays agreed to pay a \$1,000 fine to the Board, and the Consent Order and Final Order were made public.

CASE 2: Bobby Glen Bailey, PLS 12502 Case No. 2017-18-B

A complaint alleged Mr. Bailey's 2013 survey of the Ed Thomas property in Talladega County contained standards-of-practice violations. A Board Technical Advisor found the surveyed line didn't match the "old fence lines" on the plat, and that Mr. Bailey should have researched the discrepancy and located a 1974-referenced iron pin marking the true corner. The survey also omitted the required source-of-information reference and survey type on both the 2009 and 2013 versions.

Board Decision: Consent order requiring a \$1,500 fine and a 2-year stayed suspension of his land surveying license, with a condition that the Board could require quarterly project submissions for Standards-of-Practice compliance review during the stay period.

CASE 3: Stewart R. Moore, PLS Complaint #2024-23

The investigation showed that Mr. Moore placed his signature and professional land surveyor seal on a "preliminary" document that was submitted and recorded without being identified as a "working drawing."

Board Decision: In a consent order, Mr. Moore was cautioned to carefully review documents in the future and agreed to pay a \$1,000 fine to the Board.

**CASE 4: Tyler Bius, PLS
Complaints #2022-30**

An investigation determined Mr. Bius performed an ALTA survey for a project in Mobile that did not conform to the standards of practice for land surveying, the survey contained errors in distances and a pin location. A corrected second survey was produced days later.

Board Decision: Consent order requiring a \$2,000 fine; consent and final order made public.

**CASE 5: Jerry Dowdy, PLS18979
Complaint #2025-23**

The investigation determined Mr. Dowdy provided a survey that contained errors. A Board Technical Advisor's review of the survey determined it contained violations of the Standards of Practice for Land Surveying.

Board Decision: Mr. Dowdy agreed to a consent order requiring him to pay a \$1,500 fine to the Board, with the Consent and Final Order made public.

Appendix A

References

Alabama State Board of Registration for Professional Engineers and Land Surveyors. Standards of Practice for Surveying in the State of Alabama.

<https://www.aspls.org/standards>

Alabama Legislative Services Agency. Alabama Administrative Code, Agency 330: Alabama State Board of Registration for Professional Engineers and Land Surveyors.

<https://admincode.legislature.state.al.us/administrative-code/330?utm>

Alabama Board of Licensure for Professional Engineers and Land Surveyors. (2021). *Consent Order, Case No. 2017-18-B: Bobby Glen Bailey, PLS.* https://bels.alabama.gov/wp-content/uploads/2021/11/Bailey_Bobby_G-PLS_12502.pdf

Alabama Board of Licensure for Professional Engineers and Land Surveyors. (2022, October). *The Standard* (Issue 12). <https://bels.alabama.gov/wp-content/uploads/2022/10/Issue-12.pdf>

Alabama Board of Licensure for Professional Engineers and Land Surveyors. (2024, July). *The Standard* (Issue 18). https://bels.alabama.gov/wp-content/uploads/2024/07/THESTANDARD_ISSUE_18.pdf

Alabama Board of Licensure for Professional Engineers and Land Surveyors. (2024, October). *The Standard* (Issue 19). https://bels.alabama.gov/wp-content/uploads/2024/10/2024_THESTANDARD_ISSUE_Q4.pdf

Alabama Board of Licensure for Professional Engineers and Land Surveyors. (2025, October). *The Standard* (Issue 23). https://bels.alabama.gov/wp-content/uploads/2025/10/THESTANDARD_ISSUE_23.pdf