

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Alabama Board of Licensure for Professional Engineers and Land Surveyors

Rule No. 330-X-3

Rule Title: Applications for Certification and Licensure

_____ New X Amend _____ Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Rock Smith

Date 8/9/18

APA-2

(Agency Name)
(Agency Division, if applicable)

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Licensure for Professional
Engineers and Land Surveyors (BELS)

RULE NO. & TITLE: 330-X-3: Application for Certification and
Licensure

INTENDED ACTION: Update and amend Administrative Code language
and numbering as a result of Act 2018-550's passage.

SUBSTANCE OF PROPOSED ACTION: Clarify and better define language
that will appear throughout the Administrative Code.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments
concerning changes to Administrative Code are welcome and should
be emailed in advance of the public hearing to Executive Director
Rick Huett (rick.huett@bels.alabama.gov). Public Hearings are
scheduled for September 10, 2018 beginning at 2 p.m. and November
14, 2018 beginning at 9 a.m. inside the BELS' office (Suite 382)
located at 100 North Union Street, Montgomery, Alabama.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Nov. 14, 2018.

CONTACT PERSON AT AGENCY: Rick Huett: rick.huett@bels.alabama.gov
334-242-5568
P.O. Box 304451
Montgomery, Alabama 36130



Rick Huett
Executive Director

ADMINISTRATIVE CODE
(Rules and Regulations)

CHAPTER 330-X-3
APPLICATIONS FOR CERTIFICATION AND LICENSURE

330-X-3-.01 Form of Application for Certification and Licensure
330-X-3-.02 Reconsideration of Denied Applications
330-X-3-.03 Disposal of Applications

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

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

(2) Applications for licensure as a professional engineer or as a professional land surveyor or for certification as an engineer intern or a land surveyor intern ~~shall be subscribed and sworn to before a Notary Public or other persons qualified to administer oaths~~ contain a declaration made under penalty of perjury.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AUTHORS: Rick Huett (Executive Director), Bonnie Kelly and Griffin Pritchard

Statutory Authority: Code of Ala. 1975 Sections 34-11-5 & 34-11-35

History: Amended August 20, 2018

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

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

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

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

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

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

AUTHORS: Rick Huett (Executive Director), Bonnie Kelly and Griffin Pritchard
Statutory Authority: Code of Ala. 1975 Section 34-11-35
History: Amended August 20, 2018