



Louisiana– Laws, Rules, and Ethics for Professional Engineers

Three (3) Continuing Education Hours
Course #LA101

Approved Continuing Education for Licensed Professional Engineers

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Course Description:

The Louisiana Laws, Rules, and Ethics course satisfies the Continuing Professional Development (CPD) requirement of one (1) hour of Ethics.

Additionally, the current Louisiana Laws and Rules are covered with an extra two (2) hours awarded which applies to the overall 30 hours of continuing education required for each LA licensed engineer.

The course is designed as a distance learning interactive course that enables the practicing professional engineer to examine and practice the canons of ethics as well as keep up to date on the legal aspects that govern the practice of engineering in the state of Louisiana.

Objectives:

The primary objective of this course is to familiarize the student with the standards of professional behavior for adherence to the highest principles of ethical conduct.

The secondary objective of this course is to familiarize the student with the laws and rules regulating the practice of engineering in the state of Louisiana.

Upon successful completion of the course, the student will have a thorough understanding of ethical practices and be well versed with the LA laws and rules.

Grading:

Students must achieve a minimum score of 70% on the online quiz to pass this course.

The quiz may be taken as many times as necessary to successfully pass and complete the course.

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Louisiana Statutes

Title 37. Professions and Occupations, Ch.8 Professional Engineering And Professional Surveying

§681. GENERAL PROVISIONS

In order to safeguard life, health, and property and to promote the public welfare, any individual in either public or private capacity, or foreign or domestic firm, practicing or offering to practice professional engineering or professional land surveying, shall be required to submit evidence that he is qualified to so practice and shall be licensed as hereinafter provided. It shall be unlawful for any person to practice or to offer to practice in this state engineering or land surveying, as defined in 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 professional land surveyor, unless such person has been duly licensed under the provisions of this Chapter.

Acts 1980, No. 568, §1; Acts 1999, No. 396, §1; Acts 2003, No. 279, §5.

§682. Definitions

The following words and phrases when used in this Chapter shall have the following meaning, unless the context clearly requires otherwise:

- (1) "Applicant" shall mean any person seeking to practice engineering or land surveying in the state of Louisiana, that has applied to the board for authority to practice the respective profession and render such engineering or land surveying services in the state of Louisiana, or an individual who has applied to the board for certification as an engineer intern or land surveyor intern.
- (2) "Board" shall mean the Louisiana Professional Engineering and Land Surveying Board, provided for by this Chapter.
- (3) "Certification", "certified", or "certificate holder" shall mean the recognition granted by the board and its issuance of a certificate to any individual seeking such recognition as an engineer intern or land surveyor intern, who has been successfully examined and is otherwise in good standing with the board.

(4) "Engineer" or "professional engineer" shall mean an individual who, by reason of his special knowledge and ability to apply the mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design, acquired by an engineering education and engineering experience, is qualified to practice engineering, as evidenced by his licensure as such by the board.

(5) "Engineer intern" shall mean an individual who has complied with the requirements for education, experience, and character and has passed an examination in the fundamental engineering subjects, as provided in this Chapter, and has been issued a certificate by the board.

(6) "Firm" shall mean any domestic or foreign firm, partnership, association, cooperative, venture, corporation, limited liability company, limited liability partnership, or any other entity.

(7) "Land surveyor" or "professional land surveyor" shall mean an individual who is qualified to practice land surveying, as evidenced by his licensure as such by the board.

(8) "Land surveyor intern" shall mean an individual who has complied with the requirements for education, experience, and character and has passed an examination in the fundamental surveying subjects, as provided in this Chapter, and has been issued a certificate by the board.

(9) "Licensee" shall mean any person practicing or seeking to practice engineering or land surveying in the state of Louisiana that has received a license from the board and is otherwise in good standing with the board. The term is often used synonymously with the term "registrant".

(10) "Licensed" or "licensure" shall mean the recognition granted by the board and its issuance of a license to any person to practice engineering or land surveying in the state of Louisiana. These terms are often used synonymously with the terms "registered" or "registration".

(11) "Person" shall mean any individual or firm.

(12)(a) "Practice of engineering" shall mean responsible professional service which may include consultation, investigation, evaluation, planning, designing, or inspection of construction in connection with any public or private utilities, structures, machines, equipment, processes, works, or projects wherein the public welfare or the safeguarding of life, health, and property is concerned or involved, when such professional service requires the application of engineering principles and the interpretation of engineering data.

(b) A person shall be construed to practice or offer to practice engineering: who practices in any discipline of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer; or who represents himself as able to perform; or who does perform any engineering service or work or any other professional service designated by the practitioner or recognized by educational authorities as engineering. The practice of engineering shall not include the work ordinarily performed by a person who himself operates or maintains machinery or equipment.

(13)(a) "Practice of land surveying" shall include the measuring of areas, land surfaces, streams, bodies of water, and swamps for correct determination and description, for the establishment, reestablishment, ascertainment, or description of land boundaries, corners, divisions, distances, and directions, the plotting and monumenting of lands and subdivisions thereof, and mapping and topographical work.

(b) A person shall be construed to practice or offer to practice land surveying who engages in land surveying and who by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a land surveyor, or who represents himself as able to perform or who does perform any land surveying service or work, or any other service designated by the practitioner which is recognized as land surveying.

(14) "Responsible charge" shall mean the direct control and personal supervision of engineering or land surveying service or work, as the case may be.

(15) "Responsible professional services" shall mean the technical responsibility, control, and direction of the investigation, design, or construction of engineering service or work requiring initiative, engineering ability, and its use of independent judgment.

Acts 1980, No. 568, §1; Acts 1997, No. 361, §1; Acts 1999, No. 396, §1; Acts 2003, No. 279, §5.

§683. Board; appointments; terms

A.(1) The Louisiana Professional Engineering and Land Surveying Board is hereby created, whose duty it shall be to administer the provisions of this Chapter. The board shall consist of eleven members, nine of whom shall be licensed professional engineers, and two of whom shall be licensed professional land surveyors.

(2) At least two members of the board shall be licensed professional engineers who are active in the private practice of engineering. For the purposes of this Section, an engineer engaged in private practice is a person legally qualified in the profession of engineering who practices engineering as a principal business and who provides analytical, creative design, and design implementation capabilities devoid of judgment-biasing commercial or product affiliations to clients on a fee basis. At least two of the

members of the board shall be licensed professional engineers in government employment, at least two of the members of the board shall be licensed professional engineers employed in the field of industry, at least two of the members shall be licensed professional engineers employed in the field of education, and one member shall be a licensed professional engineer employed in the field of construction. Two members of the board shall be licensed professional land surveyors who are actively engaged in the field of surveying.

B.(1) The governor shall appoint members to the board from among licensed professional engineering nominees recommended by the Louisiana Engineering Society or its duly recognized successor, and from licensed professional land surveyor nominees recommended by the Louisiana Society of Professional Surveyors or its duly recognized successor. All such nominees shall have the qualifications required by R.S. 37:684.

(2) At least five nominations shall be made for each appointment required, which appointment shall be made by the governor in the same manner as the predecessor appointees were selected.

(3)(a) All appointments to the board shall be for terms of not less than five nor more than six years. All appointments shall be for such periods of time as to ensure that the terms of not more than two board members end per year, and shall expire on March thirty-first of the expiration year, regardless of the date on which the successor was appointed and qualified. Notwithstanding any provision of this Paragraph to the contrary, the terms of any board members appointed before March 31, 2006, shall expire on March thirty-first of the calendar year following their original expiration year.

(b) Notwithstanding any provision of this Paragraph to the contrary, the term of the licensed professional land surveyor scheduled to expire on March 31, 2010, shall be extended to March 31, 2012. The term scheduled to expire on March 31, 2012, of the licensed professional engineer in government employment shall be extended to March 31, 2015. The provisions of this Subparagraph shall expire on April 1, 2015.

(4) In the event of the death or resignation of any member of the board, the appointment by the governor of his successor shall be only for the remainder of the unexpired term. No member who has served a full term shall be eligible for reappointment. Each appointment by the governor shall be submitted to the Senate for confirmation.

C. Each member of the board shall receive a certificate of appointment from the governor, and before beginning his term of office, shall file with the secretary of state his written oath or affirmation for faithful discharge of his official duty. Each member

shall serve until his successor has been appointed and qualified. It shall be the duty of the president of the Louisiana Engineering Society, in the case of licensed professional engineers, or the president of the Louisiana Society of Professional Surveyors, in the case of the licensed professional land surveyors, duly authorized and acting on behalf of the respective society to make the nominations described above within sixty days after receipt of notice of the death, resignation, or removal of a member of the board, and at least thirty days prior to the expiration of the term of a member of the board.

D. This board shall be financially self-sufficient. It shall receive no state funds through appropriation or otherwise and shall not expend any such state funds. No state funds shall be expended or committed to expenditure for the group benefits program or any other health insurance or employee benefit program, for any retirement system, for any salary, per diem payment, travel or expenses, office supplies and materials, rent, purchase of any product or service, or for any other purpose.

Acts 1980, No. 568, §1; Acts 1987, No. 694, §1; Acts 1989, No. 149, §1; Acts 1991, No. 435, §1; Acts 1999, No. 396, §1; Acts 2006, No. 473, §1; Acts 2010, No. 468, §1, eff. June 22, 2010. {NOTE: SEE ACTS 1987, NO. 694, §2.}

§684. Qualification of board members

Each member of the board shall be a citizen of the United States and a resident of this state, and shall have been engaged in the practice or teaching of engineering or, in the case of the professional land surveyor members, the practice or teaching of land surveying, for at least twelve years, and shall have been in responsible charge of important engineering or land surveying work, as the case may be, for at least five years. Responsible charge of engineering or land surveying teaching may be construed as responsible charge of important engineering or land surveying work.

Acts 1980, No. 568, §1; Acts 1999, No. 396, §1.

§685. Compensation and expenses

Each member of the board shall receive the amount set by the board, but not to exceed one hundred dollars 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 all actual traveling, incidental and clerical expenses necessarily incurred in carrying out the provisions of this Chapter.

Acts 1980, No. 568, §1.

§686. Removal of members for cause

The governor may remove any member of the board for misconduct, incompetency, or neglect of duty. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor, as provided in R.S. 37:683. Before

the governor can remove a member for cause, he must serve the member with a written statement of charges against him and afford him an opportunity to be heard publicly on such charges. If the member thus served does not request a public hearing within ten days after service, the governor may proceed with his removal. If the member does request such a public hearing, it shall be heard by a special committee composed of three persons, namely: an engineer appointed by the president of the Louisiana Engineering Society or, in the case of land surveyor members, a land surveyor appointed by the president of the Louisiana Society of Professional Land Surveyors, to serve as chairman; and two deans from Louisiana colleges of engineering that have Accreditation Board for Engineering and Technology approved curricula to be chosen by the board. The recommendation of this committee shall be binding upon the governor. A copy of the charges, a transcript of the record of the hearing, and a copy of the recommendation shall be filed with the secretary of state.

Acts 1980, No. 568, §1; Acts 1999, No. 396, §1.

§687. Organization and meetings

A. The board shall hold at least four regular meetings each year. Special meetings shall be held at such time and place as specified by a call of the chairman or secretary. Notice of all meetings shall be given in writing to each member by the secretary. The board shall elect annually from its membership the following officers: a chairman, a vice chairman, a secretary, and a treasurer. A quorum of the board shall be a majority of its members. The board may appoint or employ an assistant secretary, executive director, treasurer, or other officers or employees not members of the board, to whom clerical and administrative duties may be assigned. The board shall fix the compensation of such persons not under the state civil service.

B. The board shall be domiciled and maintain its principal office in the city of Baton Rouge and shall maintain its records at said principal office, and shall hold its regular meetings there, unless, in the discretion of the chairman, it is necessary or convenient to meet elsewhere. A change in domicile of the board may be made by a two-thirds affirmative vote of the entire board at a regular meeting.

Acts 1980, No. 568, §1; Acts 1991, No. 472, §1; Acts 1995, No. 666, §3; Acts 1999, No. 396, §1; Acts 2010, No. 252, §1.

§688. Powers of the board

A. The board shall have the power to make, adopt, amend, and promulgate all bylaws, rules, and regulations not inconsistent with the constitution and laws of this state, which may be reasonably necessary for the proper performance of its duties, and the regulation of the proceedings before it. The board shall adopt and have an official seal, which shall be affixed to all licenses and certificates issued.

B.(1) Each member of the board shall have power to administer oaths, and the board shall have power to subpoena witnesses and compel the production of books and papers pertinent to any investigation, hearing, or disciplinary or enforcement proceeding authorized by this Chapter, and any employee of the board engaged in such investigation, hearing, or disciplinary or enforcement proceeding shall have the power to administer oaths to and take the depositions of persons pertaining to any investigation, hearing, or disciplinary or enforcement proceeding.

(2) The board may require any law enforcement officer or any state agency, the sheriffs of the various parishes, or constables, marshals, or other law enforcement officers of any parish or municipality to serve such subpoenas and other process of said board. Whenever parish, municipal, or other local officers are required to serve such subpoenas or other process of the board, they shall be paid the same fees by the board as are provided by laws for similar services under processes issued by district courts.

(3)(a) Any person who shall fail to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to any such investigations, hearings, or disciplinary or enforcement proceedings or who shall knowingly give false testimony therein shall be guilty of a misdemeanor and subject to the actions, sanctions, and penalties provided by R.S. 37:698 and 700.

(b) In case of contumacy or refusal to obey a subpoena issued to any person, any district court of the state of Louisiana within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found, or resides, or transacts business upon application by the board, shall have jurisdiction to issue to such person an order requiring such person to appear before the board, its member, or agent, and to produce evidence, if so ordered, or there to give testimony touching on the matter under consideration or in question; and any failure to obey such order of court may be punished by said court as a contempt thereof.

C.(1) The board shall adopt, promulgate, and enforce rules and regulations, which may be reasonably necessary for the protection of the public and proper administration of this Chapter. These rules and regulations shall be binding upon all applicants, engineer interns, land surveyor interns, professional engineers and professional land surveyors, including all firms which must hold a license. These rules and regulations shall be made known, in writing, to every applicant, licensee, and certificate holder under this Chapter. The board may revise and amend these rules and regulations from time to time, in accordance with the Administrative Procedure Act, and shall notify each licensee and

certificate holder in writing or by notice in the official journal of the board of such revision or amendment.

(2) The board may establish, adopt, promulgate, and publish rules and regulations concerning the procurement of professional engineering and land surveying services.

D. The board is hereby authorized in its own name to apply for relief by injunction in the established manner provided in cases of civil procedure to enforce the provisions of this Chapter, or to restrain any violation thereof. In such proceedings, it shall be unnecessary to allege or prove that either an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation thereof.

E. The board may subject an applicant to such examinations as it deems necessary to determine his qualifications. In the event a question arises as to the competence of a licensee or certificate holder in a specific technical field which cannot be otherwise resolved to the board's satisfaction, the board, either upon request of the licensee or certificate holder or on its own volition, may submit the licensee or certificate holder to appropriate examinations.

F. The board, by rule or regulation, may create license or renewal statuses for licensees and former licensees. The board may establish classifications of licensure including but not limited to active, expired, inactive, and retired classifications.

Acts 1980, No. 568, §1; Acts 1989, No. 149, §1; Acts 1997, No. 361, §1; Acts 1999, No. 329, §1; Acts 1999, No. 396, §1; Acts 2003, No. 279, §5.

§689. Firms

A. All domestic firms and foreign firms qualifying to do business in the state of Louisiana, which practice or offer to practice engineering or land surveying, or both in the state of Louisiana are subject to regulation and supervision by the board, and the board, in implementation of this Section, may issue rules and regulations further governing the conduct and activities of such firm.

B. Within thirty days after the issuance by the secretary of state of a certificate of incorporation of a Louisiana corporation formed pursuant to the Louisiana Business Corporation Law, the Louisiana Nonprofit Corporation Law, or the Louisiana Architectural-Engineering Corporation Law, or the issuance by the secretary of state of a certificate of organization of a Louisiana limited liability company formed pursuant to the Louisiana Limited Liability Company Law, or the qualification of a foreign corporation or foreign limited liability company in the state of Louisiana which practices or offers to practice engineering or land surveying, or both, in the state of Louisiana,

said firm shall file an application for licensure with the board on a form provided by the board.

C. Within sixty days after the firm files with the board the application required above, the board, in the event the firm is otherwise in compliance with the provisions of this Chapter and the rules and regulations issued by the board governing firms, shall issue a license. Any firm having been so licensed by the board shall have the authority to contract to deliver such engineering, land surveying, or engineering and land surveying services, and therefore shall be subject to disciplinary action as provided in this Chapter.

Acts 1980, No. 568, §1; Acts 1999, No. 396, §1; Acts 2003, No. 279, §5.

§690. Receipts and disbursements

A. The treasurer or the executive director of the board, or any other person or persons authorized by the board, shall receive, disburse, and account for all monies paid to or received by the board. He shall institute a system of books and financial records satisfactory to the supervisor of public accounts, who shall audit them annually. He shall open an account in a bank designated by the board as its official depository in the city wherein the board is domiciled. All checks disbursing funds of the board must be signed by any two of the following persons: the executive director, the deputy executive director, the treasurer, or any member of the board as directed by the board. All disbursements of funds shall be approved by the board. All funds of the board shall be deposited within seventy-two hours after receipt.

B. The board may employ such investigators, clerical, or other assistants as are necessary for the proper performance of its work, and may make expenditures from its funds 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 conventions and meetings of, and membership dues to, the National Council of Examiners for Engineering and Surveying. The board may, if it deems necessary, or upon advice of the attorney general, hire counsel and investigators and pay traveling expenses thereof for the investigation and prosecution of any disciplinary or enforcement proceeding under this Chapter.

C. The board may, at its discretion, pay any witness subpoenaed to appear before the board an amount set by the board, but not to exceed one hundred dollars per diem, when actually in attendance, including time spent in traveling, not to exceed one day to and one day from the location of the board meeting, and in addition, the board may reimburse any witness for actual traveling expenses when furnished with proof of such

expenses, including hotel when a witness resides in a parish other than the one in which the board is meeting.

D. Under no circumstances shall the total amount of warrants issued by the board in payment of the expenses and compensation provided for in this Chapter exceed the amount of the income, funds, and fees collected by the board.

E. All funds derived from fines as provided by R.S. 37:698 and 700 shall be deposited in the state general fund.

Acts 1980, No. 568, §1; Acts 1985, No. 580, §1; Acts 1997, No. 1096, §1; Acts 1999, No. 396, §1; Acts 2003, No. 279, §5; Acts 2010, No. 252, §1.

§691. Records and reports

A.(1) The board shall keep a record of its proceedings and a file of all applications, which file shall show:

- (a) The name, age, and residence of each applicant.
- (b) The date of the application.
- (c) The place of business of such applicant.
- (d) Educational and other qualifications of the applicant.
- (e) Whether or not an examination was required.
- (f) Whether the applicant was rejected.
- (g) Whether a license or certification was granted.
- (h) The date of the action of the board.
- (i) Such other information which may be deemed necessary by the board.

(2) 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.

B. All records maintained by the board in connection with disciplinary and enforcement proceedings and actions or its administration of examinations, including examinations, answer sheets, solutions, and grade sheets, together with all the background information involving personnel and employer references shall be deemed confidential and as such, exempt from the provisions of Chapter 1, Title 44 of the Louisiana Revised

Statutes of 1950; however, any applicant shall have the right to examine other documents relating and pertaining to any action taken by the board with regard to such applicant, but only to the extent that those documents are in the actual possession of the board. Notwithstanding any provision of law to the contrary, the board, at its discretion, may publish and disclose any documents and information relating and pertaining to disciplinary and enforcement proceedings and actions once the board has rendered a final decision or order.

Acts 1980, No. 568, §1; Acts 1999, No. 396, §1; Acts 2003, No. 279, §5.

§692. Roster

A roster showing the names and addresses of all professional engineers and the engineering discipline under which each professional engineer has been listed, the names and addresses of all professional land surveyors, and the names and addresses of all engineer interns and land surveyor interns may be published at the discretion of the board. A roster for firms may be published at the discretion of the board.

Acts 1980, No. 568, §1; Acts 1997, No. 361, §1; Acts 1999, No. 396, §1; Acts 2003, No. 279, §5.

§693. Requirements for licensure as a professional engineer or professional land surveyor and certification as an engineer intern or land surveyor intern

A.(1) The board shall license or certify, as the case may be, each applicant as an engineer intern, a land surveyor intern, a professional engineer, or a professional land surveyor, as specified herein, as requested by the applicant when, in the opinion of the board, the applicant has met the requirements of this Chapter and is proficient and qualified to practice as such.

(2) Professional engineers will be issued licenses by the board as a professional engineer. The board shall list a professional engineer in one or more of the disciplines of engineering approved by the National Council of Examiners for Engineering and Surveying to signify the area in which the engineer has demonstrated competence pursuant to education, experience, and examination. The professional engineer may use a stamp that designates the discipline of engineering in which the board has listed the engineer or a stamp that identifies the licensee as a professional engineer.

B. The minimum requirements for licensure or certification by the board shall be as follows:

(1) An engineer intern shall be either:

(a) A graduate of an accredited engineering curriculum of four years or more approved by the board as being of satisfactory standing, who is of good character and reputation, who has passed the written or electronic examinations required by the board, and who has satisfied the requirements of R.S. 37:694.

(b) A graduate of a nonaccredited engineering or related science or technology curriculum of four years or more, approved by the board as being of satisfactory standing, who has obtained a graduate degree from a university having an accredited undergraduate engineering curriculum in the same discipline or sub-discipline, approved by the board as being of satisfactory standing, who is of good character and reputation, who has passed the written or electronic examinations required by the board, and who has satisfied the requirements of R.S. 37:694.

(c) A graduate of a nonaccredited engineering curriculum of four years or more approved by the board as being of satisfactory standing, who has met the requirements for progressive engineering experience in work acceptable to the board, who is of good character and reputation, who has passed the written or electronic examinations required by the board, and who has satisfied the requirements of R.S. 37:694.

(2) A professional engineer shall be either:

(a) An engineer intern, or an individual who meets the qualifications to be an engineer intern, who has met the requirements for progressive engineering experience in work acceptable to the board, who is of good character and reputation, who has passed the written or electronic examinations required by the board, and who has satisfied the requirements of R.S. 37:694.

(b) An individual who holds a valid license to engage in the practice of engineering issued to him by proper authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements that do not conflict with the provisions of this Chapter and which were of a standard not lower than that specified in the applicable licensure laws in effect in Louisiana at the time such license was issued, who is of good character and reputation, and who has satisfied the requirements of R.S. 37:694, and if the state, territory, or possession, or the District of Columbia, in which he is licensed will accept the license issued by the board on a reciprocal basis.

(3) A land surveyor intern shall be either:

(a) A graduate holding a baccalaureate degree from a curriculum of four years or more who has completed at least thirty semester credit hours, or the equivalent approved by the board, in courses involving land surveying, mapping, and real property approved by

the board, who is of good character and reputation, who has passed the oral and written examinations required by the board, and who has satisfied the requirements of R.S. 37:694.

(b) An individual certified by the board as a land surveyor in training or a land surveyor intern on or before January 1, 1995.

(4) A professional land surveyor shall be either:

(a) A land surveyor intern or an individual who meets the qualifications of a land surveyor intern who has had at least four years or more combined office and field experience in land surveying, including two years or more of progressive experience on land surveying projects under the supervision of a professional land surveyor, who is of good character and reputation, who has passed the oral and written examinations required by the board, and who has satisfied the requirements of R.S. 37:694.

(b) An individual who holds a valid license to engage in the practice of land surveying issued to him by the proper authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements that do not conflict with the provisions of this Chapter and which were of a standard not lower than that specified in the applicable licensure laws in effect in Louisiana at the time such license was issued, who has passed a written examination on the laws, procedures, and practices pertaining to land surveying in Louisiana, who is of good character and reputation, and who has satisfied the requirements of R.S. 37:694, and if the state, territory, or possession, or the District of Columbia, in which he is licensed will accept the licenses issued by the board on a reciprocal basis.

(5) A professional naval architect or marine engineer shall be either:

(a) An individual who holds a bachelor of science degree in naval architecture and marine engineering, or an equivalent board approved curriculum, from an accredited engineering curriculum of four years or more approved by the board as being of satisfactory standing, who is of good character and reputation, who has twenty or more years of progressive engineering experience in work acceptable to the board, and who has satisfied the requirements of R.S. 37:694. This Subparagraph shall become null, void, and of no further effect from and after December 31, 2015.

(b) An individual who holds a master of science degree in naval architecture and marine engineering, or an equivalent board approved curriculum, or two bachelor of science degrees in related engineering curricula, from an accredited engineering curriculum approved by the board as being of satisfactory standing, who is of good

character and reputation, who has fifteen or more years of progressive engineering experience in work acceptable to the board, and who has satisfied the requirements of R.S. 37:694. This Subparagraph shall become null, void, and of no further effect from and after December 31, 2015.

(c) An individual who holds a doctor of philosophy degree in naval architecture and marine engineering, or an equivalent board approved curriculum, from an accredited engineering curriculum approved by the board as being of satisfactory standing, who is of good character and reputation, who has ten or more years of progressive engineering experience in work acceptable to the board, and who has satisfied the requirements of R.S. 37:694. This Subparagraph shall become null, void, and of no further effect from and after December 31, 2015.

(d) An individual who has demonstrated long-standing experience in naval architecture, who is of good character and reputation, who has thirty or more years of progressive engineering experience in work acceptable to the board, and who has satisfied the requirements of R.S. 37:694. This Subparagraph shall become null, void, and of no further effect from and after December 31, 2015.

C. No individual shall be eligible for renewal of licensure as a professional engineer or professional land surveyor, nor renewal of certification as an engineer intern or land surveyor intern who is not, in the opinion of the board, of good character and reputation.

D. The 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 a violation of R.S. 37:698 or R.S. 37:700. However, such work may be considered toward qualification required for licensure as a professional engineer under this Chapter.

E. Any individual having the necessary qualifications prescribed in this Chapter entitling him to licensure or certification shall be eligible for such licensure or certification although he may not be practicing his profession at the time of making his application.

Acts 1980, No. 568, §1; Acts 1987, No. 385, §1; Acts 1993, No. 53, §1; Acts 1997, No. 361, §1; Acts 1997, No. 1096, §1; Acts 1999, No. 329, §1; Acts 1999, No. 396, §1; Acts 1999, No. 397, §1; Acts 2001, No. 495, §1; Acts 2003, No. 279, §5; Acts 2006, No. 473, §1; Acts 2010, No. 252, §1; Acts 2012, No. 31, §1, eff. May 4, 2012.

§694. Application for licensure or certification; fees

A.(1) Application for licensure as a professional engineer or professional land surveyor shall be on forms prescribed and furnished by the board, shall show the applicant's

education and a detailed summary of his technical work, and shall contain such references prescribed by the board.

(2) Application for certification as an engineer intern or land surveyor intern shall be on forms prescribed and furnished by the board, shall show the applicant's education and a detailed summary of his technical work, if any, and shall contain such references prescribed by the board.

(3) Application for licensure by a firm shall be in accordance with R.S. 37:689 and rules and regulations of the board.

(4) All applications shall include a statement affirming that the information contained on the application is true and correct to the best of the applicant's knowledge, information, and belief. Electronic signatures are acceptable, if properly encrypted.

B.(1) The application fee for professional engineers, professional land surveyors, engineer interns, land surveyor interns, and firms shall be established at the discretion of the board, but shall not exceed two hundred dollars, and said fee shall accompany the application. The board may not increase the application fee by more than thirty dollars in any three-year period.

(2) If the board denies the issuance of a license or certificate to any applicant, the application fee shall be retained by the board. An unsuccessful applicant shall pay the prescribed fee for each subsequent application.

Acts 1980, No. 568, §1. Amended by Acts 1982, No. 461, §1; Acts 1993, No. 47, §1; Acts 1997, No. 361, §1; Acts 1997, No. 1096, §1; Acts 1999, No. 396, §1; Acts 2003, No. 279, §5

§695. Examinations

A. When oral or written examinations are required, they shall be at such time and place as the board shall determine. The board shall issue to each such examinee a letter notifying him that he has passed or failed the examination.

B. The scope and administration of the examinations shall be prescribed by the board.

C. The board may assess the administrative costs as well as the actual costs of the examination to the examinee.

Acts 1980, No. 568, §1; Acts 1991, No. 471, §1; Acts 1999, No. 329, §1

§696. Certificates and licenses; seals and stamps

A. The board shall issue a license or certificate, as appropriate, containing such information and in the format as the board shall specify, in its discretion, to each engineer, land surveyor, engineer intern, land surveyor intern, and firm.

B. The board shall adopt rules and regulations providing for and governing the use of seals and stamps.

Acts 1980, No. 568, §1; Acts 1997, No. 361, §1; Acts 1999, No. 396, §1; Acts 2003, No. 279, §5

§697. Expiration and renewals

A. Licensure and certification shall expire at a time specified by the board and shall become invalid after that date unless renewed. It shall be the duty of the executive director of the board to notify by letter to his last known address each licensee and certificate holder of the date of the expiration of the license or certificate and the amount of the fee that shall be required for its renewal. The notice shall be mailed at least one month in advance of the expiration of such license or certificate. Renewal of licensure as a professional engineer, professional land surveyor, or firm, or certification as an engineer intern or land surveyor intern may be effected at any time during the two months prior to expiration by the payment of a fee not to exceed one hundred dollars per year, at the discretion of the board.

B. Any person who renews his license or certificate within one hundred twenty days of the expiration of such license or certificate shall not be deprived of the right of renewal.

C. The maximum fee for late renewal shall be established by the board, provided that said renewal fee shall not exceed three times the normal renewal fee. The board shall not increase the biennial renewal fee by more than twenty dollars in any one-year period.

Acts 1980, No. 568, §1. Amended by Acts 1982, No. 461, §1; Acts 1993, No. 47, §1; Acts 1997, No. 361, §1; Acts 1999, No. 329, §1; Acts 1999, No. 396, §1; Acts 2003, No. 279, §5; Acts 2010, No. 252, §1.

§697.1. Continuing professional development for professional engineers and land surveyors

Professional engineers and professional land surveyors may, by rule of the board, be required to earn annually up to fifteen hours of board-approved continuing professional development.

Acts 1997, No. 365, §1; Acts 1999, No. 396, §1; Acts 2003, No. 279, §5.

§698. Disciplinary proceedings against licensees and certificate holders; procedure

A. The board shall have the power to take disciplinary action against any licensee or certificate holder found by the board to be guilty of any of the following acts or offenses:

(1) Any fraud, deceit, material misstatement, or perjury or the giving of any false or forged evidence in applying for a license or certificate, or in taking any examination, or in applying for any renewal license or certificate provided for in this Chapter.

(2) Any fraud, deceit, gross negligence, material misrepresentation, gross incompetence, or gross misconduct in the practice of engineering or land surveying.

(3) Conviction of a felony or of any crime of moral turpitude or entry of a plea of guilty or nolo contendere to a felony charge or to a crime of moral turpitude under the laws of the United States or any state, territory, or district of the United States.

(4) Conviction of any crime or entry of a plea of guilty or nolo contendere to any criminal charge an element of which is fraud or which arises out of such person's practice of engineering or land surveying.

(5) Conviction of any civil or criminal violation of, or entry of a plea of guilty or nolo contendere to any criminal charge under the Louisiana Campaign Finance Disclosure Act or any other campaign finance and/or practices laws of the state of Louisiana, the United States, or any state, territory, or district of the United States.

(6) Violation of any provision of this Chapter or any rules or regulations adopted and promulgated by the board.

(7) The refusal of the licensing authority of another state, territory, or district of the United States to issue or renew a license, permit, or certificate to practice engineering or land surveying, or the revocation, suspension, or any other disciplinary action imposed on a license, permit, or certificate issued by such licensing authority, on grounds other than nonpayment of a licensure fee, or a finding by such licensing authority that a person has engaged in the unlicensed practice of engineering or land surveying, provided that the reason for the action taken by the other licensing authority was recognized by the Louisiana board as a ground for disciplinary action at the time the action was taken.

(8) Providing false testimony before the board.

(9) Using a seal or stamp or engaging in any other act constituting the practice of engineering or land surveying, or violating any order or terms of probation imposed by the board, at a time when his license or certificate is suspended or revoked, or at a time when his license or certificate has been expired for more than ninety days, or at a time when he is in retired or inactive status as a board licensee.

(10) Failure to provide, within thirty calendar days of receipt of notice by certified mail, information or documents requested by the board relating to any alleged violation of this Chapter.

(11) The use of any advertising or solicitation which is false or misleading.

(12) Aiding or assisting another person in violating any provision of this Chapter or any rule or regulation adopted and promulgated by the board.

(13) Knowingly making or signing false statements, certificates, or affidavits in connection with the practice of engineering or land surveying.

(14) Declaration of insanity or incompetence by a court of competent jurisdiction.

(15) Presenting or attempting to use as one's own the license, certificate, seal, or stamp of another person.

(16) Using or attempting to use an expired, inactive, retired, or revoked license or certificate.

(17) Falsely impersonating any other licensee or certificate holder of like or different name.

(18) Practicing or offering to practice engineering or land surveying when not qualified.

(19) Violation of or noncompliance with any order, ruling, or decision of the board.

B. For purposes of this Chapter, the term "disciplinary action" shall include but not be limited to reprimand, probation, suspension, revocation of license or certificate, refusal to renew license or certificate, or fine in an amount not to exceed five thousand dollars per violation.

C. The board shall have the power to take disciplinary action against a firm if one or more of its officers, directors, managers, employees, agents, or representatives is found by the board to be guilty of any of the acts or offenses listed in Subsection A of this Section.

D. Charges may be preferred against any licensee or certificate holder in the following manner:

(1) A complaint review committee of the board, on its own initiative, may prefer charges against any licensee or certificate holder who commits or engages in any of the acts or offenses listed in Subsection A of this Section. Any decision to prefer charges

shall be made by a minimum two-thirds vote of the board members serving on the complaint review committee.

(2) A complaint review committee of the board, on receipt of a complaint from any person, may prefer charges against any licensee or certificate holder who commits or engages in any of the acts or offenses listed in Subsection A of this Section. Such complaint shall be in writing, shall be sworn to by the person or persons making the complaint, and shall be filed with the board. Any decision to prefer charges shall be made by a minimum two-thirds vote of the board members serving on the complaint review committee.

E. Within twenty days of the preferral of charges, the board shall mail a copy of said charges to the last known address of the licensee or certificate holder so charged.

F. In the event a complaint review committee of the board determines after investigation that charges so preferred are completely unfounded, more appropriately resolved outside the formal disciplinary proceedings, or not within the jurisdiction of the board, the committee shall so advise the charged party, in writing, of its determination and the charges shall be withdrawn. Otherwise, all charges shall be heard by the board or a hearing committee designated by the board within twelve months after the date on which they shall have been preferred. This twelve-month period may be extended with the consent of both the board and the charged party.

G. The date, time, and place for said hearing shall be fixed by the complaint review committee and a copy of the charges, together with a notice of the date, time, and place of the hearing, shall be personally served on or mailed to the last known address of the charged party, at least thirty days before the date fixed for hearing. At any hearing, the charged party shall have the right to appear in person, or by counsel, or both, to cross-examine witnesses in his defense, and to produce evidence, and witnesses in his defense. If the charged party fails or refuses to appear at the hearing, the board or the hearing committee may proceed to hear and determine the validity of the charges.

H. If, after such hearing, a majority of the entire board membership authorized to participate in the proceeding vote in favor of sustaining the charges, the board may take disciplinary action against the charged party. Any charges found by the board after a hearing to be unfounded shall be published in the official journal of the board, if requested in writing by the charged party.

I. A charged party aggrieved by any disciplinary action taken by the board may appeal therefrom, pursuant to the provisions of the Administrative Procedure Act.

J. In addition to any other action, the board may assess all reasonable costs incurred in connection with a disciplinary proceeding, including investigators', stenographers', and attorneys' fees in conjunction with any other disciplinary action taken. The assessment of costs may be considered disciplinary action.

K. All disciplinary actions taken shall be published on the official website and in the official journal of the board and may be released to other professional organizations relating to professional engineering and land surveying or to the news media.

L. The board may make informal disposition by consent order, agreement, settlement, or default of any disciplinary proceeding pending before it. Each such informal disposition shall have no force or effect unless ratified by the board at its next regular meeting. Consent orders may be considered disciplinary actions.

M. The board shall establish complaint review committees to investigate, mediate, or initiate disciplinary or legal proceedings on behalf of the board with respect to complaints or information received by the board alleging that a licensee or certificate holder committed or engaged in any of the acts or offenses listed in Subsection A of this Section. Complaint review committees shall consist of at least three members of the board. Other employees or representatives of the board may be on the committees to provide administrative assistance, background information, legal advice, or any other assistance the committees deem necessary but shall not be granted voting privileges.

N. The board, for reasons it may deem sufficient, may reissue or reinstate a license or certificate to any person whose license or certificate has been revoked, if a majority of the entire board membership authorized to participate in the proceeding vote in favor of such reissuance or reinstatement.

O. Repealed by Acts 2004, No. 442, §2.

Acts 1980, No. 568, §1; Acts 1985, No. 580, §1; Acts 1987, No. 694, §1; Acts 1989, No. 149, §1; Acts 1993, No. 53, §1; Acts 1999, No. 329, §1; Acts 1999, No. 396, §§1, 2; Acts 2003, No. 279, §5; Acts 2004, No. 442, §§1, 2; Acts 2010, No. 252, §1.
NOTE: See Acts 1987, No. 694, §2.

§699. Repealed by Acts 2003, No. 279, §9.

§700. Enforcement proceedings against other persons; procedure

A. The board shall have the power to take enforcement action against any non-licensee or non-certificate holder found by the board to be guilty of any of the following acts or offenses:

(1) Practicing or offering to practice engineering or land surveying in the state of Louisiana without being licensed in accordance with the provisions of this Chapter.

(2) Presenting or attempting to use as one's own the license, certificate, seal, or stamp of another person.

(3) Any fraud, deceit, material misstatement, or perjury or the giving of any false or forged evidence in applying for a license or certificate, or in taking any examination.

(4) Falsely impersonating any licensee or certificate holder of like or different name.

(5) Using or attempting to use an expired, inactive, retired, or revoked license or certificate.

(6) Using or attempting to use a seal or stamp which is deceptively similar to the seals or stamps authorized by the board for use by its licensees.

(7) The use by any person of the words "engineer" or "engineering" or "land surveyor" or "land surveying" or any modification or derivative thereof in its name or form of business or activity except as licensed under this Chapter or in the pursuit of activities exempted by this Chapter.

(8) Falsely claiming that a person is licensed under this Chapter.

(9) Violation of any provisions of this Chapter or any rules or regulations adopted and promulgated by the board.

(10) Violation of or noncompliance with any order, ruling, or decision of the board.

(11) Failure to provide, within thirty calendar days of receipt of notice by certified mail, information or documents requested by the board relating to any alleged violation of this Chapter.

B. For purposes of this Chapter, the term "enforcement action" shall include but not be limited to a fine in an amount not to exceed five thousand dollars per violation.

C. The board shall have the power to take enforcement action against a firm if one or more of its officers, directors, managers, employees, agents, or representatives is found by the board to be guilty of any of the acts or offenses listed in Subsection A of this Section.

D. Charges may be preferred against any non-licensee or non-certificate holder in the following manner:

(1) A complaint review committee of the board, on its own initiative, may prefer charges against any non-licensee or non-certificate holder who commits or engages in any of the acts or offenses listed in Subsection A of this Section. Any decision to prefer

charges shall be made by a minimum two-thirds vote of the board members serving on the complaint review committee.

(2) A complaint review committee of the board, on receipt of a complaint from any person, may prefer charges against any non-licensee or non-certificate holder who commits or engages in any of the acts or offenses listed in Subsection A of this Section. Such complaint shall be in writing, shall be sworn to by the person or persons making the complaint, and shall be filed with the board. Any decision to prefer charges shall be made by a minimum two-thirds vote of the board members serving on the complaint review committee.

E. Within twenty days of the preferral of charges, the board shall mail a copy of said charges to the last known address of the non-licensee or non-certificate holder so charged.

F. In the event a complaint review committee of the board determines after investigation that the charges so preferred are completely unfounded, more appropriately resolved outside the formal enforcement proceedings, or not within the jurisdiction of the board, the committee shall so advise the charged party, in writing, of its determination and the charges shall be withdrawn. Otherwise, all charges shall be heard by the board or a hearing committee designated by the board within twelve months after the date on which they shall have been preferred. This twelve-month period may be extended with the consent of both the board and the charged party.

G. The date, time, and place for said hearing shall be fixed by the complaint review committee and a copy of the charges, together with a notice of the date, time, and place of the hearing, shall be personally served on or mailed to the last known address of the charged party, at least thirty days before the date fixed for hearing. At any hearing, the charged party shall have the right to appear in person, or by counsel, or both, to cross-examine witnesses in his defense, and to produce evidence and witnesses in his defense. If the charged party fails or refuses to appear at the hearing, the board or the hearing committee may proceed to hear and determine the validity of the charges.

H. If, after such hearing, a majority of the entire board membership authorized to participate in the proceeding vote in favor of sustaining the charges, the board may take enforcement action against the charged party. Any charges found by the board after a hearing to be unfounded shall be published in the official journal of the board, if requested in writing by the charged party.

I. A charged party aggrieved by any enforcement action taken by the board may appeal therefrom, pursuant to the provisions of the Administrative Procedure Act.

J. In addition to any other action, the board may assess all reasonable costs incurred in connection with an enforcement proceeding, including investigators', stenographers', and attorneys' fees in conjunction with any other enforcement action taken. The assessment of costs may be considered enforcement action.

K. All enforcement actions taken shall be published on the official website and in the official journal of the board and may be released to other professional organizations relating to professional engineering and land surveying or to the news media.

L. The board may make informal disposition by consent order, agreement, settlement, or default of any enforcement proceeding pending before it. Each such informal disposition shall have no force or effect unless ratified by the board at its next regular meeting. Consent orders may be considered enforcement actions.

M. The board shall establish complaint review committees to investigate, mediate, or initiate enforcement or legal proceedings on behalf of the board with respect to complaints or information received by the board alleging that a non-licensee or non-certificate holder committed or engaged in any of the acts or offenses listed in Subsection A of this Section. Complaint review committees shall consist of at least three members of the board. Other employees or representatives of the board may be on the committees to provide administrative assistance, background information, legal advice, or any other assistance the committees deem necessary but shall not be granted voting privileges.

N. Any individual non-licensee or non-certificate holder found by a district court to have committed any of the acts or offenses listed in Subsection A of this Section shall be guilty of a misdemeanor and shall, upon conviction, suffer imprisonment for a period not exceeding three months. This penalty shall be in addition to any other enforcement action taken by the board.

O. It shall be the duty of the attorney general, all district attorneys, and all duly constituted officers of the 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 this state, or his assistant, shall act as legal advisor to the board if the board requests such and render such legal assistance as may be deemed necessary by the board in carrying out the provisions of this Chapter, provided that this shall not relieve the local prosecuting officers of any of their duties under the law as such.

P. Repealed by Acts 2004, No. 442, §2.

Q. Alternatively, following an investigation of any complaint or information received by the board alleging that a non-licensee or non-certificate holder committed or engaged in any of the acts or offenses listed in Subsection A of this Section, and dependent upon the result of such investigation, a complaint review committee of the board may present its findings to the district attorney in whose district such act or offense has occurred and shall aid in the prosecution of the violator; or the board may, if it deems necessary, prosecute any violator directly and in its own name, in any district court of this state for such act or offense. Such action may be instituted by any member, attorney, employee, or agent of the board acting on behalf of the board.

Acts 1980, No. 568, §1; Acts 1989, No. 149, §1; Acts 1993, No. 53, §1; Acts 1999, No. 396, §1; Acts 2003, No. 279, §5; Acts 2004, No. 442, §§1, 2; Acts 2010, No. 252, §1.

§701. Public and private work; application of provisions

A. Persons performing subprofessional work as defined in the rules or regulations of the board, or acting as construction or process superintendents or foremen, need not be licensed under this Chapter, but their work shall be supervised by a professional engineer when their work involves the practice of engineering, and by a professional land surveyor when the work involves the practice of land surveying.

B. No planning, specifications, drawings, or construction by an individual for his own use of private homes or dwellings, domestic structures or works, or any agricultural works done on farmlands shall come under the jurisdiction of this Chapter.

C. This Chapter shall not apply to, affect, interfere with, or in any way regulate employees of firms engaged in industrial operations, including but not limited to producing, processing, manufacturing, transmitting, distributing, or transporting, when performing services within the state of Louisiana in the course and scope of the business of said firms or affiliates thereof. In the event any of the activities set forth in this Subsection shall fall within the definition of practice of engineering as defined in R.S. 37:682, such activities shall be under the responsible charge of a professional engineer. However, this Subsection shall not apply to persons practicing civil engineering or land surveying, who must at all times comply with the provisions of this Chapter.

D. All land surveying shall be performed by a professional land surveyor, who, for purposes of this Subsection, shall be any person who practices land surveying within the meaning and intent of this Chapter, and who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a land surveyor.

E. A person shall not be construed as practicing land surveying who establishes lines and elevations for canals or levees for irrigation or erosion control on lands owned, rented, or leased by him if such person performing the work received no remuneration of any kind for his services.

F. Services performed by employees in determining lines within established boundaries and between established corners of property owned by, leased to, or under the control of their employers in the course and scope of such employer's business, and in locating drilling sites, lines of pipe, or improvements on such property, shall not be construed as falling under the definition of "practice of land surveying" within the meaning of this Chapter, and are not covered by this Chapter.

G. Nothing in this Chapter shall be construed as permitting any person, other than a professional engineer, to affix his signature as such to engineering plans, specifications, or estimates.

H.(1) Any licensed architect, professional engineer, or professional land surveyor, engaged by the owner of a particular piece or parcel of ground to perform architectural, engineering, or land surveying services, as such services are defined in R.S. 37:141 and 682, shall have a lien and privilege against the particular piece or parcel of ground with respect to which the services were rendered, when work on said piece or parcel of ground, as defined in R.S. 9:4808, has not begun.

(2) A written statement of the claim must be filed for registry with the recorder of mortgages of the parish in which the immovable property is located within ninety days of the date of rendition of the services and shall not be effective as to third persons until such time as the statement of the claim is so filed, but thereafter shall be a first lien and privilege superior to any lien, privilege, or mortgage subsequently recorded. This lien or privilege shall be ranked as provided by R.S. 9:4821.

Acts 1980, No. 568, §1; Acts 1984, No. 513, §1; Acts 1987, No. 694, §1; Acts 1999, No. 396, §1; Acts 2003, No. 279, §5.

{{NOTE: SEE ACTS 1987, NO. 694, §§2 AND 3.}}

§702. Saving clause

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

(1) Other professions or trades including the practice of architecture as defined in Chapter 3 of this Title; or the practice of any legally recognized profession or trade; or the professional practice of the physical sciences, such as: chemistry, physics, geology, mathematics, so long as they do not involve the practice of engineering or land surveying; or

(2) The practice of a person not a resident of and having no established place of business in this state, practicing or offering to practice herein the profession of engineering, when such practice does not exceed one hundred twenty consecutive days in any calendar year, provided such person is legally qualified by licensure to practice the said profession in his own state, territory, or possession of the United States, or the District of Columbia, in which the requirements and the qualifications for obtaining a license are not lower than those specified in this Chapter, and provided further, that before beginning such temporary practice in this state, the person shall have applied to the board, paid the prescribed fee, and received a temporary permit, and upon the conclusion of such work he shall advise the board as to the period of time that he has practiced in this state under such temporary permit.

(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.

(4) Cooperatives under the rural electrification administration; engineering performed by cooperatives under the Rural Electrification Acts.

(5) The practice of engineering exclusively as an officer or employee of a public utility corporation authorized to do and doing business in this state, by rendering to such corporation such service in connection with its facilities and property which are subject to regulation with respect to safety and security thereof by the Public Service Commission of the state of Louisiana, or other duly authorized utility regulatory body, and so long as such individual is thus actually and exclusively employed, and no longer, and the practice of engineering as an officer or employee of a person furnishing products, services, or facilities used primarily by a public utility corporation regulated by the Public Service Commission of the state of Louisiana, or other duly authorized utility regulatory body, and so long as such officer or employee is thus actually and exclusively employed and no longer, provided this does not apply to the practice of civil engineering or land surveying.

(6) Engaging in engineering as an employee under the responsible charge of a professional engineer or engaging in land surveying as an employee under the responsible charge of a professional land surveyor.

(7)(a) The practice of evaluation of oil and gas resources, when performed by an engineer in good standing licensed pursuant to this Chapter, and which evaluation includes the quantification of the volume of oil and gas reserves and resources in the subsurface of the earth, the determination of production forecasts for the reserves or resources, and the evaluation of the economic impact of production forecasts, provided

such evaluation does not apply to the practice of civil engineering or land surveying, does not involve design, construction, or engineering assessments of any kind on the surface, and does not present a risk to public health or safety.

(b) This Paragraph shall not prevent the practice of evaluation of oil and gas resources if the evaluation is performed by a person who is a licensed engineer in good standing practicing within the jurisdiction of his licensure.

(c) This Paragraph shall not prevent the application of this Chapter to the practice of evaluation of oil and gas resources if the evaluation is performed by an engineer licensed in a state that prohibits engineers licensed under this Chapter from engaging in the evaluation of oil and gas resources in that state.

Acts 1980, No. 568, §1; Acts 1995, No. 827, §1; Acts 1999, No. 396, §1; Acts 2003, No. 279, §5; Acts 2012, No. 100, §1.

§703. Transitional provisions

Any and all rules and regulations of the board adopted prior to August 15, 1999, shall be and shall remain effective without readoption or further promulgation by the board.

Acts 1980, No. 568, §1; Acts 1999, No. 396, §1.

Louisiana Administrative Code

Title 46 - CHAPTER 1. GENERAL PROVISIONS

§101. Evidence of Qualification; Licensure

A. In order to safeguard life, health and property, and to promote the public welfare, any individual in either public or private capacity, or foreign or domestic firm, practicing or offering to practice engineering or land surveying in the state of Louisiana, shall be required to submit evidence that they are qualified to so practice and shall be licensed with the board. Unless specifically exempted by law, it shall be unlawful for any person to practice or to offer to practice in the state of Louisiana, engineering or land surveying, as defined in the licensure law and the rules of the board, or to use in connection with their name or otherwise assume, use or advertise any title or description tending to convey the impression that they are a professional engineer, professional land surveyor, professional engineering firm or professional land surveying firm, unless such person has been duly licensed under the provisions of the licensure law and the rules of the board.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:643 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1020 (July 2001), LR 30:1704 (August 2004), LR 44:611 (March 2018).*

§103. Rulemaking

A. Under the provisions of R.S. 37:688, the board has the authority to make, adopt, revise, amend, promulgate and enforce bylaws, rules and regulations consistent with the constitution and laws of the state of Louisiana. This is necessary for the proper performance of the duties of the board and the regulations of the proceedings before it, as well as for the protection of the public and the proper administration of the licensure law.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:643 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1020 (July 2001), LR 30:1704 (August 2004), , LR 44:611 (March 2018).*

§105. Definitions

A. The words and phrases defined in R.S. 37:682 shall apply to these rules. In addition, the following words and phrases shall have the following meanings, unless the content of the rules clearly states otherwise.

ABET—Accreditation Board for Engineering and Technology, Inc.

ANSAC/ABET—the **Applied and Natural Science Accreditation Commission of ABET**.

Accredited Engineering Curriculum—a curriculum approved by EAC/ABET as an engineering academic program that satisfies the academic requirements for the practice of engineering at the professional level.

Accredited Land Surveying Curriculum—a curriculum approved by ANSAC/ABET as a land surveying or geomatics academic program that satisfies the academic requirements for the practice of land surveying at the professional level.

Act or Licensure Law—**R.S. 37:681**-37:703, including any amendments thereto. This law empowers the board to regulate the practice of engineering and land surveying in the state of Louisiana.

Benefits of Any Substantial Nature or Significant Gratuity—as used in the rules of professional conduct, shall mean any acts, articles, money or other material possessions which are of such value or proportion that their acceptance could reasonably be expected to create an obligation on the part of the receivers, or otherwise compromise their ability to exercise their own judgment, without regard to such benefit or gratuity.

Bona Fide Employee—an individual in the service of an employer under a contract of hire, expressed or implied, oral or written, where the employer has the power or right to control and direct the employee in the material details of how the work is to be performed and the employer pays wages or a salary directly to the employee, pays a share of social security and federal unemployment tax, withholds federal income tax and the employee's share of Social Security payments, provides training, furnishes tools and materials, and sets hours of work. Generally such employees work full-time for the employer, perform work at a location assigned by the employer and do not offer their services to the general public.

Bona Fide Established Commercial Marketing Agency—a business which is specifically devoted to public relations, advertising and promoting the services of a client, and which may be appropriately licensed as required by state law.

EAC/ABET—the **Engineering Accreditation Commission of ABET**.

Employees—for purposes of R.S. 37:701(C) only, shall mean:

a. any and all individuals to or for whom a firm engaged in industrial operations pays salary or other compensation, withholds taxes, provides benefits or pays workers' compensation and/or liability insurance, including without limitation all individuals covered by the definition of bona fide employee as set forth in the rules of the board; or

b. any and all individuals whose conduct a firm engaged in industrial operations has the right to control, including the right to hire, fire or directly supervise, the right to set the individual's work schedule and job duties, or the right to set the terms and conditions of employment, including without limitation individuals supplied through an employment agency or consultant firm.

Firm—a domestic or foreign firm, partnership, association, cooperative, venture, corporation, limited liability company, limited liability partnership, or other entity.

Fraud, Deceit, or Misrepresentation—intentional deception to secure gain, through attempts to deliberately conceal, mislead, or misrepresent the truth with the intent to have others take some action relying thereupon, or any act which provides incorrect, false, or misleading information, upon which others might rely.

Gross Incompetence—as used in R.S. 37:698(A)(2), shall mean the practice of engineering or land surveying by a licensee who is either incapable of exercising ordinary care and diligence or who lacks the ability and skill necessary to properly perform the duty he/she undertakes. (The practice of engineering in an area other than that in which the licensee has been issued a license will not be considered as evidence of gross incompetence, provided the licensee is otherwise qualified by education or experience.) Examples of practice which the board may consider to constitute gross incompetence include but are not limited to:

- a. the undertaking of assignments other than those for which the licensee is qualified by education or experience in the specific technical fields involved; or
- b. the affixing of the licensee's signature or seal to any engineering or land surveying plan or document dealing with the subject matter in which the licensee lacks competence by virtue of education or experience.

Gross Misconduct—as used in R.S. 37:698(A)(2), shall mean the practice of engineering or land surveying by a licensee who performs any acts, causes any omissions or makes any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever discredits or tends to discredit the professions of engineering or land surveying. Gross misconduct as used herein shall also include any act or practice in violation of the board's rules of professional conduct or use of seals.

Gross Negligence—as used in R.S. 37:698(A)(2), shall mean the practice of engineering or land surveying by a licensee characterized by the licensee's lack of reasonable care, precaution, or attention to the health, safety, or welfare of others, which could result in injury or damage to life or property or financial loss. Examples of practice which the board may consider to constitute gross negligence include, but are not limited to:

- a. the preparation of an incomplete or inaccurate engineering or land surveying plan or document that is below acceptable standards, which is released for construction or other lawful purposes, and which could result in financial loss, damage or injury; or
- b. failure of the licensee to exercise reasonable diligence and care in providing professional services, which could result in financial loss, damage or injury.

NCEES—the National Council of Examiners for Engineering and Surveying.

Person—an individual or firm.

Practice of Engineering—

- a. practice of engineering is defined in R.S. 37:682. The board recognizes in the design of buildings and similar structures that there is overlap between the work of architects and engineers. It is recognized that an architect who has complied with all of the current laws of Louisiana relating to the practice of architecture has a right to engage in some activities properly classifiable as professional engineering insofar as it is necessarily incidental to his/her work as an architect. Likewise, it is recognized that the professional engineer who has complied with all of the current laws of Louisiana and is properly licensed has the right to engage in some activities properly classifiable as architecture insofar as it is necessarily incidental to his/her work as an engineer. Furthermore, the architect or the professional engineer, as the case may be, shall assume all responsibility for compliance with all the laws or ordinances relating to the designs or projects in which he/she may be engaged;
- b. teaching of engineering design and the responsible charge of the teaching of engineering design shall be considered as the practice of engineering. Educational programs accredited by EAC/ABET ensure the minimum quality requirements for the teaching of engineering design. Thus, the teaching of engineering design courses and the responsible charge of the teaching of engineering design courses must be conducted by professional engineers or by engineering faculty in an EAC/ABET accredited engineering curriculum. These unlicensed engineering faculty members are exempt from licensure by the board only for the purpose of teaching of engineering design courses and the responsible charge of the teaching of engineering design courses in an EAC/ABET accredited engineering curriculum and may not otherwise

practice or offer to practice engineering in the state of Louisiana as defined by R.S. 37:682 without being licensed by the board.

Practice of Land Surveying—**defined in R.S. 37:682. The board recognizes that there** exists a close relationship between land surveying and some areas of engineering, with some activities common to both professions; however, survey work related to property boundaries must be performed under the responsible charge of a professional land surveyor. Presented below are guidelines which shall be used as an aid in determining the types of surveying services which may be rendered by professional land surveyors or professional engineers.

a. Surveying and mapping functions which require the establishment of relationships to property ownership boundaries are unique to land surveying and must be performed by or under the responsible charge of a professional land surveyor. These functions include:

- i. boundary surveys;
- ii. subdivision surveys and plats;
- iii. public land surveys.

b. Surveying and mapping functions not unique to land surveying must be performed by or under the responsible charge of a professional land surveyor whenever they require the establishment of the relationship of property ownership boundaries. Those functions include:

- i. surveys of servitudes (easements) and rights of way;
- ii. surveys of leases;
- iii. topographical surveys;
- iv. surveys for record;
- v. layout surveys for construction;
- vi. hydrographic surveys;
- vii. mine surveys;
- viii. mapping.

c. Surveying and mapping functions which do not require the establishment of the relationship of property ownership boundaries must be performed by or under the responsible charge of either a professional engineer or a professional land surveyor. Such surveying and mapping functions include:

- i. surveys of servitudes (easements) and rights of way;

- ii. surveys of leases;
 - iii. topographical surveys;
 - iv. surveys for record drawing;
 - v. layout surveys for construction;
 - vi. hydrographic surveys;
 - vii. mine surveys;
 - viii. mapping;
 - ix. geodetic surveys;
 - x. cartographic surveys;
 - xi. horizontal and vertical control surveys;
 - xii. quantity and measurement surveys;
 - xiii. profiles and cross-sections;
 - xiv. site grading plans.
- d. Professional services which require the application of engineering principles and the interpretation of engineering data must be performed by or under the responsible charge of a professional engineer.

Responsible Charge—defined in R.S. 37:682. It shall mean the direct control and personal supervision of engineering or land surveying service or work, as the case may be.

Seal—a symbol, image, or list of information that may be found in the form of a rubber stamp, computer generated data, or other form found acceptable to the board this is applied or attached to the document in a manner consistent with the board rules on use of seals.

Signature—handwritten or digital as follows:

- a. a handwritten message identification containing the name of the person who applied it; or
- b. a digital representation of a person's handwritten signature.

Under the Responsible Charge of a Professional Engineer—as it applies in R.S. 37:701(C) only, shall mean:

- a. the work performed by a professional engineer, duly licensed under the provisions of this Chapter; or

- b. the work reviewed and approved by a professional engineer, duly licensed under the provisions of this Chapter, who is authorized to direct changes to the engineering work; or
- c. the work performed in accordance with a system of engineering practices approved by a professional engineer, duly licensed under the provisions of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Surveyors, LR 4:298 (August 1978), amended LR 5:110 (May 1979), LR 7:643 (December 1981), LR 14:449 (July 1988), LR 16:772 (September 1990), LR 17:804 (August 1991), LR 20:901 (August 1994), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1020 (July 2001), LR 30:1704 (August 2004), LR 32:1618 (September 2006), LR 35:1908 (September 2009), LR 38:835 (March 2012), repromulgated LR 38:1030 (April 2012), amended LR 44:612 (March 2018).

Chapter 7. Bylaws

§701. Board Nominations

- A. The following guidelines and procedures will be observed in order that timely and prudent advice can be given to the Louisiana Engineering Society and the Louisiana Society of Professional Surveyors with regard to nominees for vacancies on the board.
- B. The practice area of engineering of each professional engineer board member shall remain unchanged during each administrative year.
 - 1. Professional engineer board members shall continue to represent the practice area of engineering for which appointed.
 - 2. Professional engineer board members who retire from active practice shall continue to represent the practice area of engineering for which appointed and currently serving at the time of retirement.
- C. An examination will be made of the anticipated vacancies scheduled to occur during each new administrative year because of expiration of terms of appointment, as published in the roster, and the appropriate nominating organization shall be soon notified, along with the official interpretation of the practice areas of engineering represented, as well as a priority listing of the desired practice areas requested to be considered.

D. In the event of death or resignation of a board member, the executive director shall immediately notify the appropriate nominating organization.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 4:298 (August 1978), amended LR 5:120 (May 1979), LR 11:1179 (December 1985), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1023 (July 2001), LR 30:1706 (August 2004), , LR 37:2411 (August 2011), LR 44:613 (March 2018).*

§703. Compensation and Expenses

A. Authority to Incur Traveling Expenses

1. The board shall allow its members actual traveling expenses plus per diem to attend regular, special and committee meetings of the board. Per diem for the time spent traveling and for time spent at the meeting shall be allowed. The per diem allowance for time spent traveling shall not exceed two days for these meetings.

2. The board may, by resolution at one of its meetings, authorize any of its members or representatives to travel at the expense of the board to attend meetings and conventions such as those of the National Council of Examiners for Engineering and Surveying (NCEES), the Accreditation Board for Engineering and Technology (ABET), or other allied organizations. Per diem for time spent traveling and for time spent at the meeting will be allowed.

B. Reimbursement of Transportation Expenses

1. Expenses for transportation by personally owned vehicles shall be reimbursed at the mileage rate specified by the board at a regular meeting. Reimbursement shall be on the basis of the most direct route. The traveler shall be required to pay all of the operating expenses of the vehicle.

2. Air travel will be by coach or economy class rates when available. Travel by state plane is also permitted. Reimbursement will be limited to comparable coach or economy class rates. Receipts or other verification of travel shall be attached to the expense report. Reimbursement will be on the basis of the most direct route available. Air travel by private aircraft may be approved by the board. When so approved, reimbursement will be on the basis of coach airfare.

C. Lodging and Meals. The board shall allow its members to be reimbursed actual expenses for meals (including tips) and for lodging at a single occupancy rate. Receipts for lodging shall be submitted and attached to the travel voucher.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:58 (February 1976), amended LR 5:110 (May 1979), LR 11:1182 (December*

1985), LR 19:55 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1023 (July 2001), LR 30:1707 (August 2004), LR 44:613 (March 2018).

§705. Meetings

- A. Regular Meetings. The board shall hold at least four regular meetings each year.
- B. Annual Meetings. The first regular meeting of the fiscal year is to be held in July, and shall be designated as the annual meeting.
- C. Special Meetings. The chairman or the secretary may call special meetings when considered necessary. Upon written request of six board members, the chairman is required to call a special meeting.
- D. Open Meetings. Every meeting of the board shall be open to the public, unless closed as an executive session.
- E. Meeting Dates. Written public notice of the dates, times, and places of all regular meetings shall be given at the beginning of each fiscal year.
- F. Separate Notice of All Meetings. In addition, separate written, public notice of any regular, special, or rescheduled meeting shall be given no later than 24 hours before the holding of the meeting. This separate notice shall include the agenda, date, time and place of the meeting.
- G. Posting of Notice. The public notice discussed in §705.E and F shall include:
 - 1. posting a copy of the notice at the office of the board; or
 - 2. publication of the notice in the board newsletter no less than 24 hours before the meeting.
- H. Notice to Board Members. Notice of all meetings, in conformity with §705.E and F shall be given in writing to each member by the secretary.
- I. Quorum. A simple majority of board members shall constitute a quorum for the transaction of business.
- J. Roberts Rules of Order. Roberts Rules of Order shall govern the proceedings of the board at all meetings, except as otherwise provided herein or by statute.
- K. Location of Meetings. All meetings shall be held at the board office, unless, in the judgment of the chairman, it is necessary or convenient to meet elsewhere.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:52 (February 1976), amended LR 5:118 (May 1979), LR 11:1181 (December 1985), LR 19:55 (January 1993), LR 21:1354 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1023 (July 2001), LR 30:1707 (August 2004), , LR 44:614 (March 2018).

§707. Board Organization

- A. Number of Board Members. The board shall be comprised of 11 members, each of whom shall be appointed by the governor in accordance with the requirements established by law.
- B. Board Officers. The board shall elect annually from its membership the following officers: a chairman, a vice chairman, a secretary, and a treasurer.
- C. Date of Elections. The election of board officers shall take place not later than at the board's January meeting. In the event that an officer cannot complete his/her term, an election in order to fill the unexpired term shall be scheduled at the earliest practical regular or special meeting.
- D. Duties
1. Chairman. The chairman shall preside at all meetings, appoint all committees, except as otherwise provided, and shall, together with the secretary, sign all certificates issued by the board. The chairman shall compile certificates issued by the board. The chairman shall compile the agenda for each regular and special meeting.
 2. Vice Chairman. The vice chairman shall, in the absence of the chairman, perform the duties of and possess all of the powers of the chairman. Should the chairman's membership on the board be terminated prior to the election of his/her successor, the vice chairman shall automatically assume the duties of chairman until the board is re-organized.
 3. Secretary. The secretary shall:
 - a. be the official custodian of the records of the board and of the seal of the board and see that the seal of the board is affixed to all appropriate documents;
 - b. sign, with the chairman, certificates of licensure, the issuance of which shall have been authorized by resolution of the board;
 - c. assume all responsibilities of the executive director, in the event of the absence or incapacity of the executive director;
 - d. sign the minutes of the board meetings after approval of the minutes by the board.
 4. Treasurer. The treasurer shall be responsible for the annual budget and the annual audit of the board. He/she shall send copies of the annual audit and the financial statement to the governor after the report of the audit has been reviewed by the board. The treasurer, with the approval of the chairman, shall be empowered to authorize expenditures of funds, in the beneficial interest of the board and without its

prior approval, up to an aggregated amount of \$5,000 (within the current budget), and any expenditures made under this authorization shall be reported to and ratified by the board at its next regular meeting.

E. Committees. The board may establish standing committees, including but not limited to the following: executive committee, engineering committees, land surveying committee, engineer intern committee, liaison and law review committee, education/accreditation committee, finance committee, nominations and awards committee, complaint review committees, continuing professional development committee, firm licensure committee, and enforcement committee. The board may also establish ad hoc committees from time to time as necessary.

1. Power to Appoint. Unless otherwise provided below, the chairman of the board shall have the power to make all committee appointments. All committee appointments shall be effective from date of appointment until March 31 of the following year.

2. Executive Committee. The chairman, vice chairman, secretary, and treasurer shall constitute the executive committee. The chairman of the board shall serve as chairman of the executive committee. The executive committee shall oversee the operations of the office of the board and shall advise the executive director as to the conduct of the business of the board between meetings. The executive committee shall also make recommendations to the board with respect to personnel, policies and procedures.

3. Engineering Committees. The chairman of the board shall appoint one or more engineering committees, with not less than two board members on each committee. At least two of the board members on each engineering committee shall be professional engineers. Each of these committees shall:

- a. review applications for licensure in each respective discipline of engineering; and
- b. recommend approval or disapproval of applications.

4. Land Surveying Committee. The chairman of the board shall appoint a land surveying committee composed of not less than two board members. At least two of the board members on the land surveying committee shall be professional land surveyors. The land surveying committee shall:

- a. review applications for licensure as a professional land surveyor;
- b. review applications for certification as a land surveyor intern;
- c. recommend approval or disapproval of applications;
- d. conduct oral examinations or interviews of applicants, as necessary;

e. supervise the selection of examinations on the Louisiana laws of land surveying; and

f. recommend passing scores for the examinations on the Louisiana laws of land surveying.

5. Engineer Intern Committee. The chairman of the board shall appoint an engineer intern committee composed of not less than two board members. At least two of the board members on the engineer intern committee shall be professional engineers. The engineer intern committee shall review, as necessary, applications for certification as an engineer intern and shall recommend approval or disapproval of applications.

6. Liaison and Law Review Committee. The chairman of the board shall appoint a liaison and law review committee composed of not less than two board members. The liaison and law review committee shall work with similar committees of professional and technical organizations on matters of mutual concern. The liaison and law review committee shall also make recommendations to the board in matters concerned with the licensure law and the rules of the board.

7. Education/Accreditation Committee. The chairman of the board shall appoint an education/accreditation committee composed of not less than two board members. The education/accreditation committee shall evaluate and make recommendations to the board concerning the quality of the engineering and land surveying curricula, along with evaluation of the faculties and facilities of schools within Louisiana. The education/accreditation committee shall also have the power to make inspections in the course of its evaluations.

8. Finance Committee. The chairman of the board shall appoint a finance committee composed of not less than two board members. The treasurer will serve as the chairman of the finance committee. The finance committee shall make studies, reports and recommendations to the board on fiscal matters. The finance committee shall also prepare a budget for presentation to the board no later than the November meeting.

9. Nominations and Awards Committee. The chairman of the board shall appoint a nominations and awards committee composed of not less than two board members. The nominations and awards committee shall present to the board a list of nominations for election of board officers and for any applicable awards.

10. Complaint Review Committees. Complaint review committees shall be composed of not less than three board members appointed by the enforcement staff on a case-by-case basis. Complaint review committees shall review the results of investigations against licensees, certificate holders and unlicensed persons; decide whether or not to

prefer charges; and/or recommend appropriate action to the board. Any decision, including the preferral of charges, shall be made by a minimum two-thirds vote of the board members serving on a committee.

11. Continuing Professional Development Committee. The chairman of the board shall appoint a continuing professional development committee composed of not less than two board members. The continuing professional development committee shall review and make recommendations to the board regarding continuing professional development rules and policies.

12. Firm Licensure Committee. The chairman of the board shall appoint a firm licensure committee composed of not less than two board members. The firm licensure committee shall review and make recommendations to the board regarding applications for firm licensure and other issues relating to firm licensure.

13. Enforcement Committee. The chairman of the board shall appoint an enforcement committee composed of not less than two board members. At least one of the board members on the enforcement committee shall be a professional engineer and at least one of the board members shall be a professional land surveyor. The enforcement committee shall make recommendations to the board regarding the **board's investigative, disciplinary** and enforcement policies, procedures and practices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:52 (February 1976), amended LR 5:110 (May 1979), LR 11:1179 (December 1985), LR 19:54 (January 1993), LR 21:1353 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1024 (July 2001), LR 30:1707 (August 2004), LR 33:2788 (December 2007), LR 35:1908 (September 2009), LR 37:2411 (August 2011), LR 38:2563 (October 2012), LR 40:1388 (July 2014) LR 42:1104 (July 2016), , LR 44:614 (March 2018).

§709. Executive Director

A. Appointment. The board shall appoint an executive director, who shall assist the board members in the performance of their duties.

B. Ex-Officio Committee Member. Although not a member of the board, the executive director shall be an ex-officio member of all committees.

C. Duties of the Executive Director. The executive director shall:

1. conduct and care for all correspondence in the name of the board;
2. record and file all applications, examinations, licensure, certifications, suspensions, revocations and disciplinary and enforcement actions;
3. send members of the board notices of all regular meetings at least 10 days in advance thereof;

4. keep correct minutes of all meetings of the board, including a record of all certificates and licenses issued;
5. examine all applications for licensure and certification and bring about the necessary correction or supplying of missing or essential data in connection with such applications prior to consideration thereof by the board;
6. address inquiries to references to verify the qualifications, experience and character of applicants as directed by the board;
7. make arrangements as required by the board for all examinations and interviews of applicants;
8. supervise the administration of the examinations;
9. present to the board the results of examinations and other evidence of qualification;
10. have certificates prepared for those applicants who have been approved for licensure or certification by the board;
11. notify by letter to the last known address, every person and entity licensed or certified under the licensure laws of the date of the expiration of the license or certificate and the amount of the fee that shall be required for its renewal;
12. develop procedures and internal policies for all administrative functions;
13. employ and supervise the work of all investigators and secretarial, stenographic, clerical, and technical assistants essential to the work of the board, but only on approval of the executive committee and in accordance with the provisions of the licensure law;
14. investigate and dispose of allegations and apparent violations of the licensure law when possible and refer any such matters requiring formal action to the board;
15. assist the board in the adoption and amendment of rules and bylaws in accordance with the statutes;
16. represent the board at meetings of technical and professional societies and appear before student groups and legislative committee meetings;
17. write articles for publication to inform licensees, certificate holders and the public of activities and actions of the board;
18. be an associate member of the National Council of Examiners for Engineering and Surveying (NCEES);
19. assist the finance committee in the preparation of the budget;

20. assist in ensuring that expenditures are within the budget;
21. receive and account for all monies derived from the operation of the board;
22. comply with R.S. 37:690 in all matters relating to receipts and disbursements;
23. audit all bills and accounts covering expenditures and prepare all vouchers and checks for payment of approved bills;
24. keep a register of receipts and expenditures, maintaining such financial books, and show the financial condition of the board and the validity of the licenses and of the certificates which have been issued; and
25. assist in the legislative audit made of all receipts and disbursements at the close of each fiscal year (June 30) by a certified public accountant.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation, Board of Registration for Professional Engineers and Land Surveyors, LR 2:53 (February 1976), amended LR 5:118 (May 1979), LR 11:1180 (December 1985), LR 19:55 (January 1993), LR 21:1354 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1025 (July 2001), LR 30:1709 (August 2004), LR 37:2412 (August 2011), LR 38:2563 (October 2012), , LR 44:614 (March 2018).*

§711. Domicile

- A. Domicile. The domicile of the board shall be the city of Baton Rouge, Louisiana.
- B. Change of Domicile. The board may vote to change its domicile.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:52 (February 1976), amended LR 5:117 (May 1979), LR 11:1179 (December 1985), LR 21:1353 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1026 (July 2001), LR 30:1710 (August 2004).*

§713. Amendments to Bylaws

- A. The bylaws of the board may be amended at any regular or special meeting, provided, however, that such proposed amendments have been submitted in writing to the members of the board at least 30 days prior to the meeting. The board may waive this 30-day provision at a regular or special meeting.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:54 (February 1976), amended LR 5:119 (May 1979), LR 11:1183 (December 1985), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1026 (July 2001), LR 30:1710 (August 2004), LR 44:615 (March 2018).*

§715. Rulemaking Process

- A. Power to Promulgate Rules. Under the provision of the licensure law, the board is given the power to make and promulgate rules and regulations necessary for the proper performance of its duties.

- B. Proposal of Rule Change. Any board member may propose the adoption of a new rule or regulation, or the amendment or revocation of an existing rule or regulation.
- C. Requirements of Proposal. Such proposal shall:
1. be in writing;
 2. include a draft of the requested change or changes; and
 3. be sent to the chairman and the executive director at least 30 days before the next regular meeting of the board.
- D. Copies of Proposal. The executive director shall send copies of the proposal to all board members at least 10 days before the next regular meeting of the board.
- E. Notice of Proposal. The chairman shall place the proposed change, amendment, or revocation on the agenda for the next regular meeting scheduled after receipt of the proposal.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:54 (February 1976), amended LR 5:119 (May 1979), LR 11:1182 (December 1985), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1026 (July 2001) LR 30:1710 (August 2004), LR 37:2412 (August 2011), LR 44:615 (March 2018).*

§717. Disbursements

- A. Check Requirement. All disbursements over the amount of \$150 shall be made by check or approved electronic fund transfer.
- B. Line Item Restrictions. Annual disbursements shall not exceed current budget line items.
- C. Required Signatures on Checks. All checks must be signed by two of the following individuals (with at least one of the signatures being from either the treasurer or another board member as directed by the board):
1. treasurer;
 2. executive director;
 3. deputy executive director; or
 4. any board member as directed by the board.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:58 (February 1976), amended LR 5:119 (May 1979), LR 11:1182 (December 1985), LR 21:1355 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1026 (July 2001), LR 30:1710 (August 2004), LR 37:2412 (August 2011), LR 41:1499 (August 2015).*

§719. Minutes

- A. Requirement of Keeping Minutes. The board shall keep written minutes of all of its open meetings.
- B. Required Items for Inclusion. The minutes shall include, but need not be limited to:
1. the date, time, and place of the meeting;
 2. the members of the board recorded as either present or absent; and
 3. the substance of all matters decided, and, at the request of any board member, a record, by individual member, of any votes taken.
- C. Optional Items for Inclusion. Any board member may request that a matter discussed during a meeting be placed in the written minutes of that meeting.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 11:1181 (December 1985), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1026 (July 2001), LR 30:1710 (August 2004), LR 44:615 (March 2018).*

§721. Publications of the Board

- A. Roster. A roster showing the names and addresses of all professional engineers, the discipline of engineering in which professional engineers are listed, the names and addresses of all professional land surveyors, and the names and addresses of all engineer interns and land surveyor interns may be published by the board. A roster of firms may also be published by the board. The rosters may be made available through the board's website.
- B. Official Journal. The official journal of the board shall be selected by the board.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:55 (February 1976), amended LR 5:119 (May 1979), LR 11:1182 (December 1985), LR 19:55 (January 1993), LR 21:1355 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1026 (July 2001), LR 30:1710 (August 2004).*

§723. Voting

- A. General Provisions. Unless otherwise specified in the following Subsections a simple majority of a quorum of the board at a meeting properly noticed and convened is necessary in order to elect an officer or approve a measure before the board.
- B. Change of Domicile. In order to change the domicile of the board, approval of two-thirds of the entire board at a regular meeting properly noticed and convened is necessary.

C. Executive Session and Agenda Additions. Approval of two-thirds of a quorum of the board at a meeting properly noticed and convened is necessary in order to:

1. decide to hold an executive session; or
2. consider a matter not on the original agenda of the meeting.

D. Approval of Items Added to Agenda. If two or more board members present at a regular or special meeting are agreed to defer action of a matter not on the original agenda of the meeting that matter shall not be approved, and shall be placed on the original agenda of the next scheduled meeting.

E. Disciplinary and Enforcement Proceedings. Approval of a majority of the entire board membership authorized to participate in a proceeding is necessary in order to take disciplinary or enforcement action.

F. Amend Bylaws. A majority vote of the entire board is necessary in order to amend the bylaws.

G. Waiver of Bylaw Amendment Requirements. By a unanimous vote of the board members present at a regular or special meeting, the 30-day provision for submission of proposed bylaw amendments may be waived.

H. Manner of Voting. Voting shall be conducted in the following manner:

1. no proxy voting or secret balloting shall be permitted;
2. all votes shall be viva voce; and
3. votes on motions to hold an executive session (along with the reason for holding the session) shall be recorded and entered into the minutes of the meeting.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 11:1181 (December 1985), amended LR 19:55 (January 1993), LR 21:1355 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1027 (July 2001), LR 30:1711 (August 2004), LR 44:615 (March 2018).*

§725. Executive Session

A. Reasons for Calling Executive Sessions. Executive sessions may be held for the following purposes:

1. discussion of the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least 24 hours, exclusive of Saturdays, Sundays and legal holidays, before the scheduled time contained in the notice of the meeting at which such executive session is to take place and that such person may require that such discussion be held at an open meeting. In cases of

extraordinary emergency, written notice to such person shall not be required; however, the board shall give such notice as it deems appropriate and circumstances permit;

2. strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the board;

3. discussion regarding the report, development or course of action regarding security personnel, plans or devices;

4. investigative proceedings regarding allegations of misconduct;

5. cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude; or

6. any other matters now provided for or as may be provided for by the Legislature.

B. Limitations on Executive Sessions. No final or binding action shall be taken during an executive session; nor may an executive session be called for discussion of the appointment of a person to a public body or, except as provided in R.S.

39:1593(C)(2)(c), for discussing the award of a public contract.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 11:1181 (December 1985), LR 19:55 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1027 (July 2001), LR 30:1711 (August 2004), LR 44:615 (March 2018).*

§727. Declaratory Orders and Rulings

A. The board may issue, upon request, a declaratory order or ruling as to the applicability of any statutory provision, rule or order of the board. Declaratory orders and rulings shall have the same status as board decisions or orders in disciplinary and enforcement proceedings.

B. A request for a declaratory order or ruling is made in the form of a written petition to the board on a form provided by the board.

C. Said petition shall be considered by the board.

D. The declaratory order or ruling of the board on said petition shall be in writing and mailed to the petitioner at the last address furnished to the board.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 37:2412 (August 2011).*

Chapter 9. Requirements for Certification and Licensure of Individuals and Temporary Permit to Practice Engineering or Land Surveying

§901. Engineer Intern Certification

A. The requirements for certification as an engineer intern under the several alternatives provided in the licensure law are as follows.

1. Graduates of an Accredited Engineering Curriculum. The applicant shall be a graduate of an accredited engineering curriculum of four years or more approved by the board as being of satisfactory standing, who is of good character and reputation, who has passed the examination required by the board in the fundamentals of engineering, who was recommended for certification by a professional engineer holding a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has submitted an application for certification in accordance with the requirements of R.S. 37:694, and who was duly certified as an engineer intern by the board.
2. Graduates with Advanced Engineering Degree. The applicant shall be a graduate of a non-EAC/ABET accredited engineering or related science or engineering technology curriculum of four years or more approved by the board as being of satisfactory standing, who has obtained an engineering graduate degree in an engineering discipline or sub-discipline from a university having an undergraduate accredited engineering curriculum in the same discipline or sub-discipline, approved by the board as being of satisfactory standing, and in accordance with §1105, who is of good character and reputation, who has passed the examination required by the board in the fundamentals of engineering, who was recommended for certification by a professional engineer holding a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has submitted an application for certification in accordance with the requirements of R.S. 37:694, and who was duly certified as an engineer intern by the board.
3. Other Non-EAC/ABET Engineering Graduates. The applicant shall be a graduate of a non-EAC/ABET accredited engineering curriculum of four years or more approved by the board as being of satisfactory standing, who has a specific record of four years or more of verifiable progressive experience obtained subsequent to graduation, on engineering projects of a level and scope satisfactory to the board, who is of good

character and reputation, who has passed the examination required by the board in the fundamentals of engineering, who was recommended for certification by a professional engineer holding a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, and having a personal knowledge of his engineering experience, who has submitted an application for certification in accordance with the requirements of R.S. 37:694, and who was duly certified as an engineer intern by the board.

B. The authority for the executive director to issue a certificate can only be granted by the board.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:352 (November 1976), amended LR 5:114 (May 1979), LR 6:735 (December 1980), LR 7:644 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1027 (July 2001), LR 30:1711(August 2004), LR 32:1618 (September 2006), LR 37:2412 (August 2011), LR 38:2563 (October 2012). LR 43:343 (February 2017), , LR 44:616 (March 2018).*

§903. Professional Engineer Licensure

A. The requirements for licensure as a professional engineer under the alternatives provided in the licensure law are as follows:

1. the applicant for licensure as a professional engineer shall be an engineer intern, or an individual who meets the qualifications to be an engineer intern, who has a verifiable record of four years or more of progressive experience obtained subsequent to meeting the educational and applicable experience qualifications to be an engineer intern on engineering projects of a level and scope satisfactory to the board, who is of good character and reputation, who has passed the examination required by the board in the principles and practice of engineering in the discipline of engineering in which licensure is sought, who was recommended for licensure by five personal references, three of whom are professional engineers who have personal knowledge of the applicant's engineering experience and character and ability, and who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional engineer by the board; or

2. the applicant for licensure as a professional engineer shall be an individual who holds a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements that do not conflict with the provisions of the licensure law, and which were of a standard not lower than that specified in the applicable licensure law in effect in Louisiana at the time such license was issued, who is of good character and reputation, who has submitted an application for licensure in

accordance with the requirements of R.S. 37:694, and if the state, territory, or possession, or the District of Columbia, in which he/she is licensed will accept the licenses issued by the board on a comity basis, and who was duly licensed as a professional engineer by the board.

B. The requirements for licensure as a professional engineer under the alternatives provided in R.S. 37:3651(A), (B) and (C) are as follows:

1. the applicant for licensure as a professional engineer shall be a military-trained individual who has completed a military program of training in engineering at a level that is substantially equivalent to or exceeds the requirements for licensure under R.S. 37:693(B)(2) and Subsection A herein, who has been awarded a military occupational specialty in engineering, who has performed in that military occupational specialty at a level that is substantially equivalent to or exceeds the requirements for licensure under R.S. 37:693(B)(2) and Subsection A herein, who has engaged in the active practice of engineering, who has not been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice engineering in Louisiana at the time the act was committed, who is an engineer intern, or an individual who meets the qualifications to be an engineer intern, who has a verifiable record of four years or more of progressive experience obtained subsequent to meeting the educational and applicable experience qualifications to be an engineer intern on engineering projects of a level and scope satisfactory to the board, who is of good character and reputation, who has passed the examination required by the board in the principles and practice of engineering in the discipline of engineering in which licensure is sought, who was recommended for licensure by five personal references, three of whom are professional engineers who have personal knowledge of the applicant's engineering experience and character and ability, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional engineer by the board; or

2. the applicant for licensure as a professional engineer shall be a military-trained individual who holds a current, valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements that are substantially equivalent to or exceed the requirements for licensure under R.S. 37:693(B)(2) and Subsection A herein, who is of good character and reputation, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional engineer by the board; or

3. the applicant for licensure as a professional engineer shall be a military spouse who holds a current, valid license to engage in the practice of engineering issued to

him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements that are substantially equivalent to or exceed the requirements for licensure under R.S. 37:693(B)(2) and Subsection A herein, who can demonstrate competency in the practice of engineering through an oral interview by the board, who has not been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice engineering in Louisiana at the time the act was committed, who is in good standing with and has not been disciplined by the agency that issued the license in the other jurisdiction, who is of good character and reputation, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional engineer by the board.

C. The provisions of Paragraphs 1 and 2 of Subsection B shall not apply to any individual who received a dishonorable discharge from the military. The provisions of Paragraph 3 of Subsection B shall not apply to a military spouse whose spouse received a dishonorable discharge from the military.

D. In Subsections B and C, the term military shall mean the United States military.

E. The authority for the executive director to issue a license can only be granted by the board.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688 and 37:3651.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:352 (November 1976), amended LR 5:114 (May 1979), LR 5:365 (November 1979), LR 6:735 (December 1980), LR 7:644 (December 1981), LR 10:804 (October 1984), LR 11:362 (April 1985), LR 19:56 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1028 (July 2001), LR 30:1712 (August 2004), LR 32:1619 (September 2006), LR 37:2412 (August 2011), LR 38:2564 (October 2012), LR 39:1060 (April 2013), LR 39:2801 (October 2013), LR 43:538 (March 2017), LR 43:1419 (July 2017),*

§905. Temporary Permit to Practice Engineering

A. An individual who is not a resident of and has no established place of business in Louisiana, may be granted a written temporary permit to practice professional engineering when such practice does not exceed 120 consecutive days in any calendar year, provided such individual is licensed to practice engineering in his/her own state, territory, or possession of the United States, or the District of Columbia, in which the requirements and the qualifications for obtaining a license are not lower than those specified in this Chapter, and provided further that before beginning such temporary practice in this state, the individual shall have applied to the board, paid the prescribed fee, and received a temporary permit, and upon the conclusion of such work, he/she shall advise the board as to the period of time that he/she has practiced in the state under such temporary permit.

B. A military-trained individual or military spouse may be granted a written temporary permit to practice professional engineering for the period from the time the individual has applied to the board for licensure pursuant to §903.B until either the license has been granted or notice of denial of licensure has been issued, provided such individual holds a current, valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements that are substantially equivalent to or exceed the requirements for licensure under R.S. 37:693(B)(2) and §903.A, and provided further that before beginning such temporary practice in this state, the individual shall have applied to the board, paid the prescribed fee, and received a temporary permit, and upon the conclusion of such work, he/she shall advise the board as to the period of time that he/she has practiced in the state under such temporary permit.

C. The provisions of Subsection B shall not apply to any individual who received a dishonorable discharge from the military or to a military spouse whose spouse received a dishonorable discharge from the military.

D. In Subsections B and C, the term military shall mean the United States military.

E. The authority for the executive director to issue a temporary permit can only be granted by the board.

F. The fee for a temporary permit for an individual shall be twice the fee paid by an applicant applying for licensure as a professional engineer pursuant to §903.A.2. The fee for a temporary permit for a firm shall be twice the fee paid by an applicant applying for licensure as a professional engineering firm.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688 and 37:3651.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 8:192 (April 1982), amended LR 16:773 (September 1990), LR 19:56 (January 1993), LR 22:286 (April 1996), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1028 (July 2001), LR 30:1712 (August 2004), LR 37:2412 (August 2011), LR 39:2802 (October 2013), LR 44:616 (March 2018).

§907. Land Surveyor Intern Certification

A. A land surveyor intern shall be either:

1. a graduate holding a baccalaureate degree from a curriculum of four years or more who has completed at least 30 semester credit hours, or the equivalent, in land

surveying, mapping, and real property courses approved by the board, who is of good character and reputation, who has passed the examination required by the board in the fundamentals of land surveying, who was recommended for certification by a professional land surveyor holding a valid license to engage in the practice of land surveying issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has submitted an application for certification in accordance with the requirements of R.S. 37:694, and who was duly certified as a land surveyor intern by the board; or

2. an individual certified by the board as a land surveyor in training or a land surveyor intern on or before January 1, 1995.

B. The authority for the executive director to issue a certificate can only be granted by the board.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:352 (November 1976), amended LR 5:114 (May 1979), LR 5:365 (November 1979), LR 6:735 (December 1980), LR 7:644 (December 1981), LR 10:90 (February 1984), LR 16:773 (September 1990), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1028 (July 2001), LR 30:1712 (August 2004), LR 32:1619 (September 2006), LR 37:2413 (August 2011), LR 38:2564 (October 2012), LR 44:616 (March 2018).*

§909. Professional Land Surveyor Licensure

A. The requirements for licensure as a professional land surveyor under the two alternatives provided in the licensure law are as follows:

1. an applicant for licensure as a professional land surveyor shall be a land surveyor intern, or an individual who meets the qualifications to be a land surveyor intern, who is of good character and reputation, who has a verifiable record of four years or more of combined office and field experience in land surveying including two years or more of progressive experience on land surveying projects under the supervision of a professional land surveyor, who has passed the oral examination required by the board, who has passed the examinations required by the board in the principles and practice of land surveying and Louisiana laws of land surveying, and who was recommended for licensure by five personal references (at least three of whom must be professional land surveyors who have personal knowledge of the applicant), who has submitted an application for licensure in accordance with R.S. 37:694, and who was duly licensed as a professional land surveyor by the board; or

2. the applicant shall be an individual who holds a valid license to engage in the practice of land surveying issued to him/her by the proper authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements that do not conflict with the provisions of the licensure law, and which were of a

standard not lower than that specified in the applicable licensure law in effect in Louisiana at the time such license was issued, who is of good character and reputation, who has passed the examinations required by the board in the fundamentals of land surveying, principles and practice of land surveying and Louisiana laws of land surveying, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and if the state, territory, or possession, or the District of Columbia in which he/she is licensed will accept the licenses issued by the board on a comity basis, and who was duly licensed as a professional land surveyor by the board.

B. The requirements for licensure as a professional land surveyor under the alternatives provided in R.S. 37:3651(A), (B) and (C) are as follows:

1. the applicant for licensure as a professional land surveyor shall be a military-trained individual who has completed a military program of training in land surveying at a level that is substantially equivalent to or exceeds the requirements for licensure under R.S. 37:693(B)(4) and Subsection A herein, who has been awarded a military occupational specialty in land surveying, who has performed in that military occupational specialty at a level that is substantially equivalent to or exceeds the requirements for licensure under R.S. 37:693(B)(4) and Subsection A herein, who has engaged in the active practice of land surveying, who has not been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice land surveying in Louisiana at the time the act was committed, who is a land surveyor intern, or an individual who meets the qualifications to be a land surveyor intern, who is of good character and reputation, who has a verifiable record of four years or more of combined office and field experience in land surveying including two years or more of progressive experience on land surveying projects under the supervision of a professional land surveyor, who has passed the oral examination required by the board, who has passed the examinations required by the board in the principles and practice of land surveying and Louisiana laws of land surveying, who was recommended for licensure by five personal references (at least three of whom must be professional land surveyors who have personal knowledge of the applicant), who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional land surveyor by the board; or

2. the applicant for licensure as a professional land surveyor shall be a military-trained individual who holds a current, valid license to engage in the practice of land surveying issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements that are substantially equivalent to or exceed the requirements for licensure under R.S.

37:693(B)(4) and Subsection A herein, who is of good character and reputation, who has passed the examinations required by the board in the fundamentals of land surveying, principles and practice of land surveying and Louisiana laws of land surveying, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional land surveyor by the board; or

3. the applicant for licensure as a professional land surveyor shall be a military spouse who holds a current, valid license to engage in the practice of land surveying issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements that are substantially equivalent to or exceed the requirements for licensure under R.S. 37:693(B)(4) and Subsection A herein, who can demonstrate competency in the practice of land surveying through an oral interview by the board, who has not been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice land surveying in Louisiana at the time the act was committed, who is of good character and reputation, who has passed the examinations required by the board in the fundamentals of land surveying, principles and practice of land surveying and Louisiana laws of land surveying, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional land surveyor by the board.

C. The provisions of Paragraphs 1 and 2 of Subsection B shall not apply to any individual who received a dishonorable discharge from the military. The provisions of Paragraph 3 of Subsection B shall not apply to a military spouse whose spouse received a dishonorable discharge from the military.

D. In Subsections B and C, the term military shall mean the United States military.

E. The authority for the executive director to issue a license can only be granted by the board.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688 and 37:3651.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:244 (August 1976), amended LR 2:352 (November 1976), LR 5:114 (May 1979), LR 6:735 (December 1980), LR 7:645 (December 1981), LR 11:362 (April 1985), LR 16:773 (September 1990), LR 19:56 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1029 (July 2001), LR 30:1713 (August 2004), LR 32:1619 (September 2006), LR 35:1909 (September 2009), LR 37:2413 (August 2011), LR 38:2564 (October 2012), LR 39:2802 (October 2013), LR 43:539 (March 2017), LR 44:616 (March 2018).*

§911. Temporary Permit to Practice Land Surveying

A. A military-trained individual or military spouse may be granted a written temporary permit to practice professional land surveying for the period from the time the individual has applied to the board for licensure pursuant to §909.B until either the

license has been granted or notice of denial of licensure has been issued, provided such individual holds a current, valid license to engage in the practice of land surveying issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements that are substantially equivalent to or exceed the requirements for licensure under R.S. 37:693(B)(4) and §909.A, and provided further that before beginning such temporary practice in this state, the individual shall have applied to the board, paid the prescribed fee, and received a temporary permit, and upon the conclusion of such work, he/she shall advise the board as to the period of time that he/she has practiced in the state under such temporary permit.

B. The provisions of Subsection A shall not apply to any individual who received a dishonorable discharge from the military or to a military spouse whose spouse received a dishonorable discharge from the military.

C. In Subsections B and C, the term military shall mean the United States military.

D. The authority for the executive director to issue a temporary permit can only be granted by the board.

E. The fee for a temporary permit shall be equal to the fee paid by an applicant applying for licensure as a professional land surveyor.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:3651.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 39:2803 (October 2013), LR 44:616 (March 2018).*

Chapter 11. Curricula

§1101. Approved Curricula

A. The board shall determine which curricula are to be recognized under the provisions of the licensure law as approved curricula for the certification and licensure of individuals as engineer interns, professional engineers, land surveyor interns, and professional land surveyors.

B. In general, the board will recognize as approved all accredited engineering curricula of four years or more. The board may recognize as approved an engineering curriculum that was not accredited at the time of the applicant's graduation, but which became accredited within the following two years.

C. Based on an investigation by a committee of the board, the board may, by a majority vote at a regular meeting, recognize as an approved curriculum a nonaccredited engineering curriculum of four years or more from a school of satisfactory standing that

does not meet the specifications of §1101.B. The board shall keep a record of the engineering curricula thus approved.

D. In general, the board will recognize as approved all accredited land surveying curricula of four years or more. The board may recognize as approved a land surveying curriculum that was not accredited at the time of the applicant's graduation, but which became accredited within the following two years.

E. Based on an investigation by a committee of the board, the board may, by a majority vote at a regular meeting, recognize as an approved curriculum a nonaccredited land surveying curriculum of four years or more from a school of satisfactory standing that does not meet the specifications of §1101.D. The board shall keep a record of the land surveying curricula thus approved.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended LR 5:365 (November 1979), LR 7:646 (December 1981), LR 10:805 (October 1984), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1029 (July 2001), LR 30:1713 (August 2004), LR 44:618 (March 2018).*

§1103. Other Curricula

A. To qualify for certification as an engineer intern, graduates of non-accredited engineering curricula, must present evidence of experience of such quality and extent that the board believes that the applicant has obtained engineering knowledge and skills at least equivalent to that obtained by education in an accredited four-year engineering curriculum. Curricula must be of four years or more from a college or university having an approved curricula.

B. Non-accredited engineering curricula shall be those curricula of four years or more which are found by the board to be equivalent in content to accredited engineering curricula, including a minimum of 46 semester credit hours of recognized engineering courses, 36 of which shall be advanced level courses usually offered in the junior and senior years.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended 7:647 (December 1981), LR 10:805 (October 1984), LR 19:907 (July 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1029 (July 2001), LR 30:1713 (August 2004), LR 44:618 (March 2018).*

§1105. Acceptable Engineering Graduate Degrees

A. Acceptable engineering graduate programs are those in an engineering discipline or sub-discipline from a university having an undergraduate accredited engineering curriculum in the same discipline or sub-discipline and which require the removal of deficiencies in science, mathematics, engineering sciences and engineering design as a

prerequisite to the graduate courses; or are those found by the board to be equivalent to such degrees. The successful completion of a minimum of 48 semester credit hours of coursework in engineering sciences and engineering design is required in order to remove deficiencies in engineering sciences and engineering design.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended 7:647 (December 1981), LR 10:805 (October 1984), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1029 (July 2001), LR 30:1713 (August 2004). LR 43:1420 (July 2017)*

Chapter 13. Examinations

§1301. General

A.1. Only individuals who have received permission from the National Council of Examiners for Engineering and Surveying (NCEES) will be allowed to take the fundamentals of engineering and fundamentals of land surveying examinations, and all applications for these examinations must be timely filed with NCEES.

2. Only individuals of good character and reputation who have received permission from the board will be allowed to take the principles and practice of engineering, principles and practice of land surveying and Louisiana laws of land surveying examinations, and all applications for these examinations must be timely filed with the board.

B. The applicant must present appropriate documents to establish his/her eligibility and identification prior to being admitted to any examination.

C.1. Timely filing of an application with the board or NCEES does not assure that an applicant will be permitted to take an examination, or be scheduled for examination on a particular date.

2. To be considered for the following examinations, the application for the examination must be submitted to NCEES:

- a. fundamentals of engineering; and
- b. fundamentals of land surveying.

3. To be considered for a specific examination date, the application for the principles and practice of engineering examination must be received at the board office no later than December 1 for the April examination administration and June 1 for the October examination administration.

4. To be considered for the following examinations, the application for the examination must be submitted to the board: a. principles and practice of land surveying; and b. Louisiana laws of land surveying.

D. Examinations in the fundamentals of engineering, fundamentals of land surveying, the principles and practice of engineering, the principles and practice of land surveying and the Louisiana laws of land surveying will be offered at times and places designated by the board or NCEES. Descriptions of typical content of the examinations will be made available to applicants through NCEES.

E. Any applicant found to have engaged in conduct which subverts or attempts to subvert the engineering or land surveying examination process may, at the discretion of the board, have his or her scores on the examination withheld and/or declared invalid, have disciplinary action taken as described in R.S. 37:698-700 and/or be subject to the imposition of other appropriate sanctions.

F. The board may require applicants to demonstrate their knowledge of the laws and rules of the board, and the English language. Applicants must be able to speak and write the English language. Proficiency in English may be evidenced by possession of a baccalaureate degree taught exclusively in English, or by passage of both the TOEFL (Test of English as a Foreign Language) paper based exam with a score of 550 or better (213 or better on the TOEFL computer based exam) and the TSE (Test of Spoken English) exam with a score of 45 or better. The TOEFL and TSE representative is TOEFL AND TSE Services, Educational Testing Service, P.O. Box 6151, Princeton, NJ 08541-6151, telephone: (609) 771-7100. The TOEFL/TSE code for this agency is 8425. Applicants requesting a waiver from the TOEFL and/or TSE requirements must submit a written request and supporting reasoning to the board. A waiver from the TOEFL and/or TSE requirements may be granted by the board upon receipt of one of the following:

1. a passing score on the Graduate Record Examination (GRE); or
2. transcripts which verify the successful completion of 6 full-time semesters (6 credit hours per semester) toward a graduate engineering degree in the United States.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended LR 7:647 (December 1981), LR 11:363 (April 1985), LR 16:774 (September 1990), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1030 (July 2001), LR 30:1714 (August 2004), LR 35:1909 (September 2009), LR 37:2413 (August 2011), repromulgated 37:2752 (September 2011), amended LR 38:2565 (October 2012), LR 39:2282 (August 2013) LR 42:1104 (July 2016), LR 44:618 (March 2018).*

§1305. Approval to Take the Examination in the Principles and Practice of Engineering

A. An applicant who meets all of the other requirements for licensure as a professional engineer may be permitted to take the examination in the principles and practice of engineering in the discipline(s) of engineering in which he/she seeks to be listed.

B. An applicant who has already been duly certified as an engineer intern by the board, but has not yet met the experience requirement for licensure as a professional engineer, may be permitted to take the examination in the principles and practice of engineering.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended LR 7:647 (December 1981), LR 11:363 (April 1985), LR 11:950 (October 1985), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1030 (July 2001), LR 30:1715 (August 2004), LR 40:1390 (July 2014), LR 44:619 (March 2018).*

§1309. Approval to Take the Examination in the Principles and Practice of Land Surveying and in the Louisiana Laws of Land Surveying

A. An applicant who meets the other requirements for licensure as a professional land surveyor may be permitted to take the examinations in the principles and practice of land surveying and in the Louisiana laws of land surveying.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended LR 7:647 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1030 (July 2001), LR 30:1715 (August 2004), LR 44:619 (March 2018).*

§1311. Examination for Record Purposes

A. The National Council of Examiners for Engineering and Surveying (NCEES) prepares examinations in the principles and practice of engineering. The board provides the opportunity for engineers who were previously licensed in Louisiana to take the National Council's examination in the discipline of their license without affecting their current licensure status with this board. These examinations are offered at times and places designated by the board or NCEES. Each applicant will be charged a fee for this service.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:114 (May 1979), amended LR 7:647 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1030 (July 2001), LR 30:1715 (August 2004), LR 44:619 (March 2018).*

§1313. Examination Results

- A. The board or NCEES will specify the minimum passing score for all examinations for certification or licensure of applicants.
- B. Applicants will be informed only as to whether they passed or failed an examination. Numerical grades are not available to the board.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:114 (May 1979), amended LR 7:647 (December 1981), LR 11:363 (April 1985), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1031 (July 2001), LR 30:1715 (August 2004), LR 39:2282 (August 2013), LR 44:619 (March 2018).*

§1315. Re-Examinations

- A. Except as otherwise provided in Subsection B and C, an individual who fails an examination is eligible to apply to retake the examination. A request for re-examination must be submitted in writing prior to the deadline for scheduling of the examination.
- B. After an individual has failed a principles and practice of engineering examination, principles and practice of land surveying examination or Louisiana laws of land surveying examination in any and all jurisdictions for the seventh time, he/she is no longer eligible for licensure.
- C. After an individual has failed a principles and practice of engineering examination, principles and practice of land surveying examination or Louisiana laws of land surveying examination, he/she may be required to appear before the board, or a committee of the board, for an oral interview/oral examination.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:353 (November 1976), amended LR 4:516 (December 1978), LR 5:114 (May 1979), LR 7:647 (December 1981), LR 12:692 (October 1986), LR 16:774 (September 1990), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1031 (July 2001), LR 30:1715 (August 2004), LR 32:1620 (September 2006), LR 35:1909 (September 2009), LR 36:1034 (May 2010), LR 39:2283 (August 2013), LR 42:2196 (December 2016).*

Chapter 15. Experience

§1501. Recognition of Experience

- A. The board will not recognize experience acquired by an applicant in violation of the licensure law of any state, territory, or possession of the United States, or the District of Columbia.
- B. In considering applications for licensure by comity, the board may recognize examinations passed before the applicant had accrued sufficient qualifying experience according to Louisiana experience requirements in effect at the time, if:

1. the examination was passed in accordance with the laws and regulations in effect at the time in the jurisdiction in which the applicant was examined; and
2. the experience deficiency according to Louisiana experience requirements has been satisfied as of the date of the application to the Louisiana board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:112 (May 1979), amended LR 7:647 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1031 (July 2001), LR 30:1715 (August 2004), LR 36:1034 (May 2010), LR 44:619 (March 2018).

§1503. Graduate-Level Engineering Degree

A. An applicant who has obtained a master's degree in engineering which has followed a baccalaureate degree in engineering from an EAC/ABET accredited **engineering curriculum may use the master's degree for credit** for one year's experience. An applicant who has obtained an earned doctoral degree in engineering which has followed a baccalaureate degree in engineering from an EAC/ABET accredited engineering curriculum may use the doctoral degree for credit for two years' experience. The **two-year's credit for the doctoral degree includes the one year for a master's degree.**

B. An applicant who has obtained an earned doctoral degree in engineering which has followed either a baccalaureate degree in engineering from a non-accredited engineering curriculum or a baccalaureate degree in a related science or engineering **technology curriculum may use the doctoral degree for credit for one year's experience.**

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 3:502 (December 1977), amended LR 5:112 (May 1979), LR 6:735 (December 1980), LR 7:647 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1031 (July 2001), LR 30:1715 (August 2004), LR 41:1122 (June 2015), LR 44:619 (March 2018).

§1505. Work Experience

A. No applicant will be allowed more than one year of experience for work and education during any consecutive 12-month period.

B. Two years of the required work experience shall be obtained in a state, territory, or possession of the United States, or the District of Columbia. However, the board may allow substitution of two years of foreign work experience provided that the experience is obtained under the supervision of a professional engineer holding a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia.

C. Two years of the required land surveying work experience shall be obtained in a state, territory, or possession of the United States, or the District of Columbia. However, the board may allow substitution of two years of foreign land surveying work experience provided that the experience is obtained under the supervision of a professional land surveyor holding a valid license to engage in the practice of land surveying issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:112 (May 1979), amended LR 7:647 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1031 (July 2001), LR 30:1716 (August 2004), LR 32:1620 (September 2006), LR 44:619 (March 2018).

§1507. Experience Subsequent to Degree

A. Except as otherwise provided in Subsection B, only experience obtained subsequent to completion of a degree specified in the requirements for qualifying as an engineer intern will be considered as engineering experience.

B. Up to one year of engineering experience may be obtained prior to graduation, if obtained through a college or university-sponsored co-op program as part of an accredited engineering curriculum approved by the board, and only after completion of the first half of the curriculum. If the coop program work is full-time work, the amount of credit given is equal to the time worked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:112 (May 1979), amended LR 7:647 (December 1981), LR 11:362 (April 1985), LR 27:1031 (July 2001), LR 30:1716 (August 2004), LR 44:620 (March 2018).

§1509. Experience at Time of Application

A. Experience must not be anticipated.

B. For applicants for professional engineer licensure under §903.A.1 of these rules, **the “verifiable record of four years or more of progressive experience obtained subsequent to meeting the educational and applicable experience qualifications to be an engineer intern” must be gained by the time of application for licensure. However,** for any such applicant who has already been duly certified as an engineer intern by the board and has received approval to take the examination in the principles and practice of engineering under §1305.B of these rules, such experience need not be gained by the time of application for licensure part I, rather such experience need only be gained by the time of application for licensure part II.

C. For applicants for professional land surveyor licensure under §909.A.1 of these rules, **the “verifiable record of four years or more of combined office and field**

experience in land surveying including two years or more of progressive experience on **land surveying projects under the supervision of a professional land surveyor” must be** gained by the time of application for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1031 (July 2001), amended LR 30:1716 (August 2004), LR 37:2413 (August 2011), LR 38:2565 (October 2012), LR 40:1390 (July 2014), LR 42:443 (March 2016).

§1511. Experience from Engineering Research

A. Experience gained in engineering research and design projects by members of an engineering faculty in an accredited engineering curriculum is creditable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1031 (July 2001), amended LR 30:1716 (August 2004), LR 44:620 (March 2018).

§1513. Teaching Experience

A. Engineering. Teaching experience must be in engineering or engineering-related courses at an advanced level in an accredited engineering curriculum.

B. Land Surveying. Teaching experience must be in land surveying or land surveying-related courses at an advanced level in an accredited land surveying curriculum.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1032 (July 2001), amended LR 30:1716 (August 2004), LR 44:620 (March 2018).

§1515. Progressive Experience

A. Engineering. Experience must be progressive on engineering projects to indicate that it is of increasing quality and requiring greater responsibility.

B. Land Surveying. Experience must be progressive on land surveying projects to indicate that it is of increasing quality and requiring greater responsibility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1032 (July 2001), amended LR 30:1716 (August 2004).

§1517. Knowledge Required

A. Engineering. Experience should include demonstration of a knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design.

B. Land Surveying. Experience should include demonstration of a knowledge of surveying mathematics, theory of measurements, application of legal principles of boundary surveying, and the fundamental principles of land surveying.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1032 (July 2001), amended LR 30:1716 (August 2004), LR 44:620 (March 2018).*

§1519. Applied Experience

A. Engineering. Experience should include demonstration of the application of engineering principles in the practical solution of engineering problems.

B. Land Surveying

1. Experience should include demonstration of the application of land surveying principles in the practical execution of land surveying tasks.
2. A substantial portion of the experience must be spent in charge of work related to property conveyance and/or boundary line determination.
3. Adequate experience in the technical field aspects of land surveying must be demonstrated.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1032 (July 2001), amended LR 30:1716 (August 2004), LR 44:620 (March 2018).*

§1521. Experience Acquired in the Armed Services

A. Engineering. Engineering experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally, it would be expected that the applicant while in the armed services served in an engineering or engineering-related group.

B. Land Surveying. Land surveying experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally, it would be expected that the applicant while in the armed services served in a land surveying group.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1032 (July 2001), amended LR 30:1717 (August 2004), LR 44:620 (March 2018).*

§1523. Sales Experience

A. For sales experience to be creditable as engineering experience, it must be demonstrated that engineering principles were required and applied in gaining the experience.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1032 (July 2001), amended LR 30:1717 (August 2004), LR 44:620 (March 2018).

§1525. Experience in Construction

A. For construction experience to be creditable as engineering experience, it must be demonstrated that engineering principles were required and applied in gaining the experience.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1032 (July 2001), amended LR 30:1717 (August 2004), LR 44:620 (March 2018).

§1527. Supervision by Licensed Professional

A. Engineering. Experience should be gained under the supervision of a professional engineer holding a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, or, if not, an explanation shall be made showing why the experience should be considered acceptable.

B. Land Surveying. Experience should be gained under the supervision of a professional land surveyor holding a valid license to engage in the practice of land surveying issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, or, if not, an explanation shall be made showing why the experience should be considered acceptable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1032 (July 2001), amended LR 30:1717 (August 2004).

Chapter 17. Applications and Fees

§1701. Applications

A. Applications for certification as an engineer intern or land surveyor intern shall be completed on the most current forms developed by the board. The application shall contain statements showing the applicant's qualifications, and a recommendation for certification by a professional engineer or professional land surveyor holding a valid license to engage in the practice of engineering or land surveying issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, as appropriate. Furthermore, applications for certification as an engineer intern submitted by graduates of a non-accredited engineering curriculum shall also contain a recommendation for certification by a professional engineer (holding a valid license to engage in the practice of engineering issued to him/her by proper authority of

a state, territory, or possession of the United States, or the District of Columbia) having personal knowledge of the applicant's engineering experience.

B. Applications for licensure as a professional engineer or professional land surveyor shall be completed on the most current forms developed by the board. The application shall contain statements showing the applicant's qualifications, and the names and addresses of five personal references. Three or more of the five personal references furnished by an applicant for licensure as a professional engineer shall be professional engineers holding valid licenses to engage in the practice of engineering issued to them by proper authority of a state, territory, or possession of the United States, or the District of Columbia. Three or more of the five personal references furnished by an applicant for licensure as a professional land surveyor shall be professional land surveyors holding valid licenses to engage in the practice of land surveying issued to them by proper authority of a state, territory, or possession of the United States, or the District of Columbia. Engineering experience shall be verified by a person having direct knowledge of the quality of the applicant's engineering work, preferably a professional engineer holding a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia. Land surveying experience shall be verified by a person having direct knowledge of the quality of the applicant's land surveying work, preferably a professional land surveyor holding a valid license to engage in the practice of land surveying issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia.

C. Applicants who have attended college shall have certified transcripts of all college work forwarded by the registrar of each college directly to the office of the board.

D. For college credits and/or college degrees earned outside of the United States, applicants may be required to submit a course-by-course analysis and equivalency in terms of United States courses and credits from an organization approved by the board. The applicant will be responsible for fees connected with this service.

E. An application for licensure may be considered incomplete by the board. The applicant may be denied admission to an examination until the information submitted in the application has been investigated and replies have been received from references. The board may require additional information and documents it considers necessary for the proper evaluation of an application.

F. An application requiring an examination for certification or licensure must be timely filed with the board or NCEES, as discussed in §1301.

G. Applicant files may be destroyed at the discretion of the executive director no earlier than five years after original submission of the application.

H. Applications for licensure of an engineering firm and/or land surveying firm must be typed on the form provided by the board, must be completed in their entirety, and must contain the name, license number, and signature of all Louisiana professional engineers and/or professional land surveyors designated as supervising professionals in accordance with Chapter 23 (Firms). The name and signature of an officer of the firm duly authorized to make certifications on behalf of the firm must appear in the specified location of the form. If the applicant is a corporation, a copy of the corporation's Louisiana certificate of incorporation (domestic) or certificate of authority (foreign) must accompany the application. If the applicant is a limited liability company, a copy of the company's Louisiana certificate of organization (domestic) or certificate of authority (foreign) must accompany the application. The board will license firms that are corporations using only the name as reflected on the corporation's certificate of authority or the certificate of incorporation. The board will license firms that are limited liability companies using only the name as reflected on the company's certificate of authority or the certificate of organization. Designated supervising professionals for the firm must also successfully complete a Louisiana laws and rules examination prior to licensure of the firm.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:112 (May 1979), amended LR 5:365 (November 1979), LR 7:646 (December 1981), LR 11:362 (April 1985), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1032 (July 2001), LR 30:1717 (August 2004), LR 37:2414 (August 2011), LR 38:2565 (October 2012), LR 39:2283 (August 2013), LR 44:621 (March 2018).*

§1703. Fees

A. Application fees, renewal fees and all other fees shall be established by the board by a majority vote at a regular meeting. The fees so established shall be in accordance with the limits specified in the licensure law.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 3:503 (December 1977), amended LR 5:365 (November 1979), LR 7:646 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1033 (July 2001), LR 30:1718 (August 2004), LR 44:622 (March 2018).*

Chapter 19. Disciplines of Engineering

§1901. Disciplines

A. Professional engineers will be issued licenses by the board as a professional engineer, and the board shall list a professional engineer in one or more of the

disciplines of engineering approved by NCEES based on such individual having passed the examination in the principles and practice of engineering in such discipline(s).

B. Each individual licensed under R.S. 37:693(B)(5) shall be listed by the board as a professional engineer in the discipline of naval architecture/marine engineering. *AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:118 (May 1979), amended LR 5:365 (November 1979), LR 7:646 (December 1981), LR 11:362 (April 1985), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1033 (July 2001), LR 30:1718 (August 2004), LR 39:1061 (April 2013), LR 43:1420 (July 2017), LR 44:622 (March 2018).

Chapter 21. Certificates of Licensure and Certification of Individuals or Firms

§2101. Expiration and Renewals

A. Licenses and certificates of individuals and firms shall expire on the date specified on the applicable biennial renewal form and/or as shown on the board's records and shall become invalid after that date unless renewed within 120 days. After that period, the licensee or certificate holder may apply to the board to reactivate his/her expired license or certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981), amended LR 6:417 (June 1983), LR 11:363 (April 1985), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1035 (July 2001), LR 30:1718 (August 2004), LR 44:622 (March 2018).

§2103. Licensure Status

A. The board has established the following licensure statuses for licensees.

Active Status—the licensure status which exists for a licensee of the board who has complied with all the licensure and licensure renewal requirements of the board.

Expired Status—the licensure status which exists for a licensee of the board who has failed to properly renew licensure as required in R.S. 37:697. A licensee in an expired status can no longer practice or offer to practice professional engineering or professional land surveying in Louisiana.

Inactive Status—the licensure status which exists for an individual licensee of the board who has chosen not to practice or offer to practice professional engineering and/or professional land surveying in Louisiana and who has indicated that fact on the board biennial licensure renewal form. This licensee can represent himself/herself to the

public as a P.E. Inactive, or a P.L.S. Inactive, but cannot otherwise practice or offer to practice professional engineering and/or professional land surveying in Louisiana.

Retired Status—the licensure status which exists for an individual licensee of the board who has chosen not to practice or offer to practice professional engineering and/or professional land surveying in Louisiana and who has indicated that fact on the board biennial licensure renewal form. To qualify for the retired status, the licensee must be at least 70 years of age or have been a licensee of the board for at least 35 years. Unless the licensee is granted a waiver by the board, the renewal fee for the retired status shall be one-half of the current renewal fee for the active status. A licensee qualified for the retired status may be granted a waiver of this renewal fee if the licensee is at least 70 years of age, has been a licensee of the board for at least 35 years continuously, has never been subject to disciplinary action in any jurisdiction, has never committed any of the offenses described in R.S. 37:698(A)(3), (4) or (5), and is of good character and reputation. A licensee in a retired status can represent himself/herself to the public as a P.E. Retired, or a P.L.S. Retired, but cannot otherwise practice or offer to practice professional engineering and/or professional land surveying in Louisiana.

B. The board has established the following certification statuses for certificate holders.

Active Status—the certification status which exists for a certificate holder of the board who has complied with all the certification and certification renewal requirements of the Title 46, Part LXI 21 Louisiana Administrative Code March 2018 board and who has elected to be in this status on his/her biennial certification renewal form.

Expired Status—the certification status which exists for a certificate holder of the board who has failed to properly renew certification as required in R.S. 37:697.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2151 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1035 (July 2001), LR 30:1719 (August 2004), LR 36:1034 (May 2010), LR 44:622 (March 2018).

Chapter 23. Firms

§2301. General

A. The following rules with regard to firms providing or offering to provide professional services shall apply equally to domestic or foreign firms, partnerships, associations, cooperatives, ventures, corporations, limited liability companies, limited liability partnerships, and any other entities, unless otherwise provided:

1. use of the term professional services in this Chapter will refer to either professional engineering services or professional land surveying services; and
 2. use of the term licensed professional in this Chapter will refer to either a professional engineer or a professional land surveyor duly licensed in Louisiana.
- B. A firm must be licensed with the board before it may provide or offer to provide professional services in the state of Louisiana.
1. A firm which has in its title the word engineering or surveying or any derivative thereof shall be construed to be offering to provide professional services and therefore must be licensed with the board before doing business in the state of Louisiana, unless it has in its title modifying or explanatory words which would, in their ordinary meaning, negate the inference of the professional practice of engineering or land surveying.
 2. A firm may provide or offer to provide both professional engineering and professional land surveying services; provided, however, that the firm must be licensed separately as an engineering firm and as a land surveying firm, and the requirements of this Chapter will apply separately to providing or offering to provide professional engineering services and professional land surveying services.
 3. A firm may provide or offer to provide both professional services and related licensed professional services, such as architecture and landscape architecture; provided, however, the firm must be licensed under and comply with the provisions of this Chapter.
- C. Unless otherwise provided, sole proprietorships which bear the full name of the owner who is a licensed professional are exempt from the application of this Chapter. Such sole proprietorships are not required to be licensed as engineering or land surveying firms with the board. Sole proprietorships that do not bear the full name of the owner who is a licensed professional must be licensed with the board as an engineering or land surveying firm and must comply with all the provisions of this Chapter.
- D. Joint ventures that provide or offer to provide professional services will not be required to be licensed as separate entities. Nevertheless, any firm (including those sole proprietorships otherwise excluded under §2301.C) that provides or offers to provide professional services in conjunction with its participation in a joint venture can do so only if it complies with the provisions of these rules. In addition, any supervising professional who participates in a joint venture shall be responsible for assuring that all professional services performed by the joint venture are rendered in conformity with the provisions of these rules.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:689.*

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 3:502 (December 1977), amended LR 5:116 (May 1979), LR 8:191 (April 1982), LR 16:774 (September 1990), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1035 (July 2001), LR 30:1719 (August 2004), LR 37:2414 (August 2011), LR 44:622 (March 2018).

§2305. Supervising Professional

- A.1. Each firm licensed with the board shall designate one or more supervising professionals. Each supervising professional shall be a licensed professional:
- a. whose primary employment is with the firm on a full-time basis; or
 - b. whose secondary employment is with the firm, provided the supervising professional is an owner of the firm.
2. The supervising professionals of an engineering firm shall be professional engineers. The supervising professionals of a land surveying firm shall be professional land surveyors.
3. The responsibilities of a supervising professional include:
- a. **renewal of the firm's license and notification to the board of any change in the firm's supervising professionals;**
 - b. institution and adherence of policies of the firm that are in accordance with the licensure law and the rules of the board; and
 - c. ensuring that all professional services provided by the firm are performed by or under the responsible charge of a licensed professional.
- B. Nothing herein shall prohibit a supervising professional from also being in responsible charge of professional services provided by the firm.
- C. A failure to comply with any of the provisions of this Chapter may subject both the licensed firm and the supervising professional to disciplinary action by the board.
- D. Compliance with this Section will not be met by a contractual relationship between the firm and a licensed professional or a firm of licensed professionals in which such licensed professional or firm of licensed professionals is available on a consultative basis. Nor will it be considered compliance if a licensed professional is related to the firm solely in a nominal or inactive capacity.
- E. Compliance with this Section will not be met by a contractual relationship between the firm and a licensed professional or a firm of licensed professionals in which such licensed professional or firm of licensed professionals is available on a consultative basis. Nor will it be considered compliance if a licensed professional is r

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:689.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:115 (May 1979), amended LR 8:191 (April 1982), LR 10:343 (April 1984), LR 11:362 (April 1985), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1036 (July 2001), LR 30:1719 (August 2004), LR 33:2789 (December 2007), LR 35:2856 (December 2009), LR 38:1418 (June, 2012), LR 44:622 (March 2018).

§2307. Professional Identification

A. Letterhead, business cards, advertisements, promotional materials, websites and other identifying items issued or used by firms in Louisiana shall reflect the exact firm **name contained on the firm's certificate of licensure** issued by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:689.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:116 (May 1979), amended LR 8:191 (April 1982), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1036 (July 2001), LR 30:1720 (August 2004), LR 33:2789 (December 2007), LR 44:623 (March 2018).

§2309. Enforcement

A. In the event that a firm providing or offering to provide professional services within the state of Louisiana shall fail to comply with these rules, the board, after investigation of the facts, may take whatever action is necessary against such firm to require compliance or to enjoin further practice or offers to practice professional engineering or professional land surveying.

B. Firms are subject to all disciplinary and enforcement provisions provided for in the licensure law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:689.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 3:502 (December 1977), amended LR 5:116 (May 1979), LR 8:191 (April 1982), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1036 (July 2001), LR 30:1720 (August 2004), LR 44:623 (March 2018).

Chapter 25. Professional Conduct

§2501. Scope; Knowledge; Definition of Licensee

A. In order to safeguard life, health and property, to promote the public welfare, and to establish and maintain a high standard of integrity and practice, the following rules of professional conduct shall be binding on every licensee. These rules of professional conduct deal primarily with the relationship between licensees and the public and should not be construed as a substitute for codes of ethics of the various professional and technical societies.

B. All licensees are charged with having knowledge of the licensure law and the rules of the board and shall be deemed to be familiar with their provisions and to understand them.

C. For purposes of this Chapter only, the term licensee shall mean any professional engineer, professional land surveyor, engineer intern, land surveyor intern, or firm holding a license or certificate issued by the board.

D. A licensee possessing personal knowledge of a violation of the licensure law or the rules of the board shall report such knowledge to the board in writing and shall cooperate with the board in furnishing such further information or assistance as it may require.

E. Licensees shall timely respond to all inquiries and correspondence from the board and shall timely claim correspondence sent to them from the board via the U.S. Postal Service or other delivery service.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 4:299 (August 1978), amended LR 7:648 (December 1981), LR 16:776 (September 1990), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1036 (July 2001), LR 30:1720 (August 2004), LR 44:623 (March 2018).*

§2503. Licensees

A. Licensees shall hold paramount the safety, health, property and welfare of the public in the performance of their professional duties.

B. Licensees shall at all times recognize that their primary obligation is to protect the safety, health, property, and welfare of the public. If their professional judgment is overruled by nontechnical authority, they will clearly point out the consequences, notifying the proper authority of any observed conditions which endanger public safety, health, property and welfare.

C. Licensees shall approve and seal only those design documents and surveys which are safe for public health, property, and welfare, which are complete and accurate, which are in conformity with accepted engineering and land-surveying standards or practice, and which conform to applicable laws and ordinances.

1. Licensees shall comply fully with Chapter 27 (Use of Seals).

2. Except as permitted by §2701.A.3.b.ii.(a), licensees shall not seal the work of or take the professional responsibility for any documents related to engineering or land surveying not performed by the licensee or under the licensee's responsible charge.

3. Licensees may not accept the responsibility for, nor review, revise, sign, or seal drawings when such plans are begun by persons not properly licensed and qualified; or do any other act to enable either such licensees or the project owners, directly or indirectly, to evade the requirements of the licensure law.

D. Licensees shall submit to a client only that work (plans, specifications, reports, and other documents) prepared by the licensee or by an employee (or subordinate) of the licensee (which is under the licensee's responsible charge); however, licensees, as a third party, may complete, correct, revise, or add to the work of another licensee or other related design professional, if allowed by Louisiana statutes, when engaged to do so by a client, provided:

1. the client furnishes the documentation of all such work submitted to him by the previous licensee(s), or their related design professional(s);
2. the previous licensees or other related design professionals are notified in writing by the licensee of the engagement referred to herein immediately upon acceptance of the engagement; and
3. all work completed, corrected, revised, or added to shall contain a notation describing the work done by the licensee now in responsible charge, shall have the seal and signature of the licensee affixed thereto, the date of execution, and shall become the responsibility of the licensee.

E. Licensees shall be objective and truthful in all professional reports, statements or testimony. The licensee shall include all relevant and pertinent information in such reports, statements or testimony.

F. When serving as an expert or technical witness before any court, commission, or other tribunal, licensees 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 the licensee's testimony.

G. Licensees shall issue no statement, criticisms, or arguments on engineering or land surveying matters connected with public policy which are inspired or paid for by an interested party, or parties, unless the licensee has prefaced the comment by explicitly identifying the licensee's name, by disclosing the identities of any party or parties on whose behalf the licensee is speaking, and by revealing the existence of any pecuniary interest the licensee may have in the instant matters.

H. Licensees shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another engineer or land surveyor, nor indiscriminately criticize another engineer or land surveyor's work in public. If the licensee believes that another engineer or land surveyor is guilty of misconduct or illegal practice, such information shall be presented to the board in a manner consistent with the requirement of those rules for reporting personal knowledge of rule or statute violations.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981), amended LR 11:950 (October 1985), LR 16:776 (September 1990), LR 17:273 (March 1991), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1037 (July 2001), LR 30:1721 (August 2004), LR 44:623 (March 2018).*

§2505. Services

- A. Licensees shall perform services only in the area of their competence.
- B. Licensees shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering or land surveying involved.
- C. Licensees shall not affix their signatures or seals to any plans or documents dealing with subject matters in which they lack competence, nor to any such plan or document not prepared under their responsible charge. Responsible charge requires a licensee or employee to carry out all client contacts, provide internal and external financial control, oversee employee training, and exercise control and supervision over all job requirements to include research, planning, design, field supervision and work product review. A licensee shall not contract with a non-licensed individual to provide these professional services. Research, such as title searches and soil testing, may be contracted to a non-licensed individual, provided the licensee reviews the work. The professional engineer and professional land surveyor may affix their seal, signature and date to drawings and documents depicting the work of two or more professionals provided that a note under the seal designates the specific subject matter for which each is responsible.
- D. Licensees may accept an assignment outside of their areas of competence to the extent that their services are restricted to those phases of the project in which they are qualified, and to the extent that they are satisfied that all other phases of such project will be performed or supervised by licensed, qualified associates, consultants, or employees, in which case they may then seal, sign and date the documents for the total project.
- E. In the event a question arises as to the competence of a licensee in a specific technical field which cannot be otherwise resolved to the board's satisfaction, the board, either upon request of the licensee or on its own volition, shall admit the licensee to an appropriate examination.
- F. Firms may offer and/or provide a combination of engineering and construction services in connection with a design-build project without obtaining a firm license from the board, provided that:
 1. prior to the execution of the contract for the project, the firm obtains an authorization certificate from the board by filing, on a form approved by the board, a

written disclosure on which it shall designate a professional engineer (professional of record) licensed in this state to be in responsible charge of all engineering services offered and/or provided by the firm for such project;

2. the professional of record and an officer of the firm sign the written disclosure submitted to the board, identifying the professional of record's role in the project and certifying that the professional of record will be in responsible charge of all engineering services offered and/or provided by the firm for the project;

3. all engineering services offered and/or provided by the firm for the project are performed by or under the responsible charge of the professional of record; and

4. in the event such professional of record's services terminate with respect to the project or his role in the project otherwise changes, then within five business days:

a. both the firm and the professional of record shall notify the board in writing of such termination or change; and

b. the firm shall file with the board a new written disclosure designating a new professional of record employed by the firm and licensed in this state to be in responsible charge of all engineering services offered and/or provided by the firm for such project.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1037 (July 2001), LR 30:1721 (August 2004), LR 32:1620 (September 2006), LR 33:2789 (December 2007), LR 35:2856 (December 2009), LR 44:623 (March 2018).*

§2507. Conflicts of Interest

A. Licensees shall further act in professional matters for each employer or client as faithful agents or trustees and shall avoid conflicts of interest.

B. Licensees shall disclose all known or potential conflicts of interest to their employers or clients by promptly informing them of any business association, interest, or other circumstances which could influence their professional judgment or the quality of their professional services.

C. Licensees shall not accept compensation, financial or otherwise, from more than one party for professional services on the same project, or for professional services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.

D. Licensees shall not solicit or accept, directly or indirectly, benefits of any substantial nature or significant gratuity, from any supplier of materials or equipment, or from contractors, their agents, servants or employees or from any other party

dealing with the client or employer of the licensee in connection with any project on which the licensee is performing or has contracted to perform engineering or land surveying services.

E. When in public service as a member, advisor or employee of a governmental body or agency, or under contract to provide consultation, advice, technical reviews and recommendations to a governmental body or agency, licensees shall not participate in considerations or actions with respect to professional services provided by them or their organization to that governmental body or agency.

F. Licensees shall not solicit nor accept an engineering and/or land surveying contract from a governmental body of which a principal or officer of the licensee's firm serves as a member, except upon public disclosure of all pertinent facts and circumstances and consent of appropriate public authority.

G. Licensees shall not attempt to supplant another engineer or land surveyor in a particular engagement after becoming aware that the other has been selected for the engagement.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1038 (July 2001), LR 30:1722 (August 2004), LR 44:623 (March 2018).*

§2509. Improper Solicitation

A. Licensees shall avoid improper solicitation of professional employment or services.

B. Licensees shall not falsify or permit:

1. misrepresentation of the licensee or any associate's academic or professional qualifications;
2. misrepresentation or exaggeration of the licensees' degree of responsibility in or for the subject matter of prior assignments; or
3. misrepresentation of pertinent facts concerning employers, employees, associates or joint ventures, of the licensees' or their firm's past accomplishments, with the intent and purpose of enhancing their qualifications and their work.

C. Licensees shall not pay nor offer to pay, directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, except under the following circumstances:

1. securing salaried positions through employment agencies; or

2. as a bona fide employee, or a bona fide established commercial marketing agency retained by them.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1038 (July 2001), LR 30:1722 (August 2004), LR 44:623 (March 2018).*

§2511. Conduct of Advertising

A. Licensees shall not make exaggerated, misleading, deceptive or false statements or claims about professional qualifications, experience or performance in brochures, correspondence, listings, or other public communications.

B. The prohibitions listed in Subsection A include, but are not limited to:

1. the use of statements containing a material misrepresentation of fact;
2. omitting a material fact necessary to keep the statement from being misleading;
3. the use of statements intended or likely to create an unjustified expectation; and
4. the use of statements containing a prediction of future success.

C. Consistent with the foregoing, licensees may advertise for recruitment of personnel.

D. Consistent with the foregoing, licensees may prepare articles for the lay or technical press. Such articles shall not imply credit to the author for work performed by others.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1038 (July 2001), amended LR 30:1722 (August 2004), LR 44:623 (March 2018).*

Chapter 27. Use of Seals

§2701. Seal and Signature

A. The following rules for the use of seals to identify work performed by a professional engineer or professional land surveyor shall be binding on every licensee.

1. Seal Possession

a. Each professional engineer or professional land surveyor, upon licensure, shall obtain an official seal.

b. Firms are not authorized to possess seals.

c. In the case of a temporary permit issued to a licensee of another state, territory, or possession of the United States, or the District of Columbia, the licensee shall affix the seal of his/her jurisdiction of licensure, his/her signature, the date of execution, and his/her Louisiana temporary permit number to all of his/her work.

2. Seal Design and Signature Requirements

a. The design of the seal shall have the following minimum information:

- i. State of Louisiana;
- ii. licensee's name;
- iii. license number;
- iv. contain the words "Professional Engineer" or "Professional Engineer in _____ Engineering," or "Professional Land Surveyor." Seals issued prior to promulgation of these rules may use the word "registered" in lieu of "license". If a seal is replaced, the new seal shall use the word "license" in lieu of "registered".

b. Indicated to the right of this page is a sample of the seal design authorized by the board.

c. Seals of two sizes are acceptable:

- i. 1-5/8 inch seal commonly used in pocket seals; and
- ii. 2-inch seal commonly used in desk seals.

d. Rubber seals of the same design and size are acceptable for use.

e. Computer generated seals of the same design and size may be used.

f. A seal must always be accompanied by the licensee's signature and date. The signature and date must be placed adjacent to or across the seal.

3. Seal Responsibility

a. The application of the licensee's seal, signature, and date shall constitute certification that the work thereon was done by the licensee or under his/her responsible charge. The licensee shall be personally and professionally responsible and accountable for the care, custody, control and use of his/her seal, professional signature and identification. A seal which has been lost, misplaced or stolen shall,



upon discovery of its loss, be reported immediately to the board by the licensee. The board may invalidate the licensure number of said licensee, if it deems this necessary, and issue another licensure number to the licensee.

b. Responsible Charge

i. Plans, specifications, drawings, reports or other documents will be deemed to have been prepared under the responsible charge of a licensee only when:

(a). the client or any public or governmental agency requesting preparation of such plans, specifications, drawings, reports or other documents makes the request directly to the licensee or the licensee's employee as long as the employee works in the licensee's place(s) of business;

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

(c). the licensee reviews the final plans, 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, specifications, drawings, reports or other documents:

(i). if the plans, specifications, drawings, reports, or other such documents are prepared outside the licensee's office, the licensee shall maintain all evidence of the licensee's responsible charge including correspondence, time records, check prints, telephone logs, site visit logs, research done for project, calculations, changes, and all written agreements with any persons preparing the documents outside of the licensee's office accepting professional responsibility for such work;

(ii). a licensee failing to maintain written documentation of the items set forth above, when such are applicable, shall be considered to be in violation of R.S. 37:698(A)(6), and the licensee shall be subject to the disciplinary action procedure as set forth in the licensure law.

ii. No licensee shall affix his/her seal or signature to reports, plats, sketches, working drawings, specifications, design calculations, or other engineering and land surveying documents developed by others not under his/her responsible charge, except:

(a). in the case of an individual Louisiana professional engineer checking and taking the professional responsibility for the work of an engineer who is not licensed in this state but is properly licensed in the jurisdiction of origin of such work, the Louisiana professional engineer shall completely check and have responsible charge of the work.

Such responsible charge shall include possession of the sealed, signed and dated reproducible drawings, with complete sealed, signed and dated calculations indicating all changes;

(b). certification of standard design plans which were initially prepared, sealed, and signed by an engineer who is not licensed in this state but is properly licensed in the jurisdiction of origin of such plans. Such plans may then be reviewed by a Louisiana professional engineer for code conformance, design adequacy, and site adaption for the specific application within Louisiana. The Louisiana professional engineer assumes responsibility for such plans. The plans, which already bear the seal and signature of the engineer who is not licensed in this state but is properly licensed in the jurisdiction of origin of such plans, shall also be sealed, signed and dated by the Louisiana professional engineer who is assuming responsibility. In addition to the Louisiana professional engineer's seal, signature and date, a statement shall be included on the plans as follows;

"These standard plans have been properly examined by me, the undersigned Louisiana professional engineer. I have determined that these plans comply with all applicable Louisiana codes and have been properly site adapted to use in this area."

(c). certification of standard plans, including special details, which were initially prepared by the Department of Transportation and Development and signed and dated by such agency's chief engineer, but which are not for use on such agency's projects. Such plans may then be reviewed by another professional engineer for code conformance, design adequacy, and site adaption for the specific application. The other professional engineer assumes responsibility for such plans. The plans, which already bear the signature of the agency's chief engineer, shall be sealed, signed and dated by the other professional engineer who is assuming responsibility. In addition to the other professional engineer's seal, signature and date, a statement shall be included on the plans as follows;

"These standard plans have been properly examined by me, the undersigned professional engineer. I have determined that these plans comply with all applicable codes and have been properly adapted to use on this project."

(d). certification of single family residential design plans for conformance with applicable state and local building codes. Such plans shall be sealed, signed and dated by the professional engineer who is making such certification. In addition to the professional engineer's seal, signature and date, a statement shall be included on the plans as follows.

“These single family residential design plans have been properly examined by me, the undersigned professional engineer. I have determined that these plans comply with the following applicable codes for the jurisdiction in which the residence is to be located (check all that apply): ▪ structural; ▪ mechanical; ▪ electrical; ▪ plumbing.”

iii. No licensee shall affix his/her seal, signature or date to documents having titles or identities excluding the licensee's name unless:

- (a). such documents were indeed developed by the licensee under the licensee's responsible charge;
- (b). the licensee shall exercise full authority to determine his/her development; and
- (c). except as set forth in §2701.A.3.b.i.(a).

4. Seal Use

a. Completed Work

i. The licensee shall affix his/her seal, sign his/her name, and place the date of execution on all engineering documents that have been issued by the licensee to a client or any public or governmental agency as completed work.

(a). In the case of a temporary permit issued to a licensee of another state, territory, or possession of the United States, or the District of Columbia, the licensee shall affix the seal of his/her jurisdiction of licensure, his/her signature, the date of execution, and his/her Louisiana temporary permit number to all of his/her work.

ii. The licensee shall affix his/her seal, sign his/her name, and place the effective date on all land surveying documents that have been issued by the licensee to a client or any public or governmental agency as completed work. For purposes of this §2701.A.4.a.ii, effective date is defined as the date the licensee certifies that the land surveying document represents his/her work.

iii. Drawings and Plats

(a). In the case of multiple sealings, the first sheet or title page shall be sealed, signed and dated by the licensee or licensees in responsible charge. In addition, each sheet shall be sealed, signed and dated by the licensee or licensees responsible for each sheet.

iv. Specifications, Reports, Design Calculations and Information

(a). In the case of specifications or reports of multiple pages, the first sheet or title page of each document shall be sealed, signed and dated by the licensee or licensees in responsible charge. Subsequent revisions shall be dated and initialed by the licensee in

responsible charge whose seal, signature and date appears on the first sheet or title page.

v. Compiled As-Built Record Drawings

(a). The preparation of compiled engineering as-built record drawings is not considered to be the practice of engineering and such drawings are not required to be sealed or signed by a professional engineer, when such preparation does not require the application of professional judgment. Furthermore, a professional engineer should not seal compiled engineering as-built record drawings unless he/she has been in responsible charge of the underlying engineering work. If the professional engineer was not in responsible charge of the underlying engineering work, he/she should (in lieu of a seal) include on the title page of the compiled engineering as-built record drawings a disclaimer (with date) which incorporates the following:

These compiled engineering as-built record drawings are a compilation of a copy of the original sealed engineering design drawings for this project, modified by addenda, change orders and information furnished by the contractor. The information shown on these compiled engineering as-built record drawings that was provided by the contractor or others not associated with me cannot be verified for accuracy or completeness. My compilation of this information does not relieve the contractor of responsibility for errors resultant to incorrect, incomplete or omitted data on the contractor's as-built record drawings - nor does it relieve the contractor of responsibility for non-conformance with the original contract documents. The original sealed engineering drawings are on file in the offices of (name of professional engineer).

(b). The preparation of compiled land surveying as-built record drawings is considered to be the practice of land surveying, and such drawings are required to be sealed, signed and dated by a professional land surveyor. Compiled land surveying as-built record drawings must also contain notes identifying the sources of the data and a disclaimer stating whether or not the professional land surveyor has verified the data.

b. Preliminary Work

i. All preliminary documents, shall be marked in large bold letters with one or more of the following statements:

(a). "Preliminary--Not For Construction";

(b). "Preliminary--For Permit Purposes Only";

(c). "Preliminary--For Review Only"; or

(d). "Preliminary--Not For Recordation, Conveyances or Sales".

ii. Preliminary documents are not required to have the licensee's seal, signature and date affixed, but must bear the name and licensure number of the licensee, and the firm's name, if applicable.

c. Exempt Work

i. No seal, signature nor date shall be required in any of the following situations:

(a). on any sewage facility project in which the estimated number of gallons of sewage affected does not exceed 3,000 per day, as calculated by agency engineers reviewing the project;

(b). on any water facility project in which the estimated number of gallons of water affected does not exceed 3,000 per day, as calculated by agency engineers reviewing the project; provided that such project does not cause a change in treatment, chemical addition, or any other process affecting either the quality or quantity of water being produced;

(c). on any project for the construction of individual/private water wells;

(d). on any project involving both water and sewage facilities, provided that the estimated number of gallons of water affected does not exceed 3,000 per day nor the estimated number of gallons of sewage affected does not exceed 3,000 per day, as calculated by agency engineers reviewing the project; or

(e). in-kind replacement of water or sewage facilities in which the estimated number of gallons of water affected does not exceed 3,000 per day and the estimated number of gallons of sewage affected does not exceed 3,000 per day, as calculated by agency engineers reviewing the project.

ii. No seal shall be required on standard plans, including special details, which are prepared by the Department of Transportation and Development and signed and dated **by such agency's chief engineer for use on such agency's projects.**

5. Electronic Transmission

a. Drawings, specifications, plans, reports or other documents which require a seal may be transmitted electronically provided the seal, signature and date of the licensee is transmitted in a secure mode that precludes the seal, signature and date being produced or modified.

b. Originally-sealed drawings, specifications, plans, reports or other documents which no longer require a seal 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 and license number) on (date of sealing). This document should not be considered a certified document."

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:696.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 8:192 (April 1982), amended LR 12:692 (October 1986), LR 16:774 (September 1990), LR 17:273 (March 1991), LR 19:58 (January 1993), LR 22:287 (April 1996), LR 23:869 (July 1997), amended by the Louisiana Legislature, House Concurrent Resolution Number 2 of the 1998 First Extraordinary Session, LR 24:1207 (June 1998), repromulgated by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 25:1525 (August 1999), amended LR 27:1039 (July 2001), LR 30:1723 (August 2004), LR 33:2789 (December 2007), LR 34:2415 (November 2008), LR 35:1910 (September 2009), LR 38:1418 (June 2012), LR 39:1481 (June 2013), LR 42:443 (March 2016), LR 43:344 (February 2017), LR 43:540 (March 2017), LR 44:625 (March 2018).

Chapter 29. Standards of Practice for Boundary Surveys

§2901. Scope and Purpose

- A. The following standards of practice for boundary surveying in the state of Louisiana have been adopted to help ensure that boundary surveys are performed in accordance with acceptable procedures.
- B. The purpose of these standards is to safeguard life, health and property, and to promote the public welfare, by establishing technical standards of practice for every boundary survey performed in the state of Louisiana so that professional performance can be evaluated for but not limited to research, field work, monuments, descriptions, plats and maps. If higher standards are required by clients, or by local, state and federal jurisdictions, then those standards shall govern. When a boundary survey involves certain corners or lines that are covered under the appropriate edition of the Manual of Instructions for the Survey of the Public Lands of the United States, then the **Manual's rules or instructions for these particular surveys shall apply. Every professional** land surveyor performing a boundary survey in the state of Louisiana is required to follow these standards.
- C. A boundary survey in this state shall only be performed by a professional land surveyor, licensed pursuant to the laws of this state, or persons under his/her responsible charge. The professional land surveyor shall at all times comply with the provisions of the licensure law and the rules of the board.
- D. It is intended that these standards of practice not be relied upon by the professional land surveyor as a substitute for the exercise of proper individual skill, professional discretion, and professional judgment in fulfilling the contractual requirements of any boundary survey. This also does not absolve the professional land surveyor from his/her obligation to use due diligence in the practice of land surveying and from complying with all applicable laws and rules pertaining to the practice of land surveying.

E. When in the professional land surveyor's opinion, special conditions exist that effectively prevent the boundary survey from meeting these standards of practice, the special conditions and any necessary deviation from these standards shall be noted upon the drawing. It shall be a violation of this Chapter to use special conditions to circumvent the intent and purpose of these standards of practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16:1064 (December 1990), amended LR 22:713 (August 1996), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1042 (July 2001), LR 30:1725 (August 2004), LR 37:2414 (August 2011), LR 44:625 (March 2018).

§2903. Definitions

A. Any terms not specifically defined herein shall be as defined in the most current publication of Definitions of Surveying and Associated Terms as published by the American Congress on Surveying and Mapping. For the purpose of this Chapter, all the definitions listed that differ from any other source are to be interpreted as written herein.

Artificial Monuments—relatively permanent objects used to identify the location of a corner. Artificial monuments shall retain a stable and distinctive location and shall be of sufficient size and composition to resist the deteriorating forces of nature.

Client—the person with whom the contract for work is made. This may or may not be the owner.

Corner—a point on a land boundary at which two or more boundary lines meet. It is not the same as a monument, which refers to the physical evidence of the corner's location on the ground.

Deed—an instrument in writing which, when executed and delivered, conveys an estate in real property or interest therein.

Description, Legal—a written description usually contained in an act of conveyance, judgment of possession, or recognized by law which definitely locates property by metes and bounds or by reference to government surveys, coordinate systems or recorded maps; a description which is sufficient to locate the property without oral testimony.

Description, Metes and Bounds—a description of a parcel of land by reference to course and distances around the tract, or by reference to natural or artificial monuments.

Encroachment—any structure or obstruction which intrudes upon, invades or trespasses upon the property of another.

May—**when used** means that a choice on the part of the professional land surveyor is allowed.

Monument—**a physical object or structure which marks the location of a corner or other survey point.** In public lands surveys, the term corner is employed to denote a point determined by the surveying process, whereas the monument is the physical object installed, or structure erected, to mark the corner point upon the earth's surface. Monument and corner are not synonymous, though the two terms are often used in the same sense.

Natural Monuments—**objects which are the works of nature, such as streams, rivers, ponds, lakes, bays, trees, rock outcrops, and other definitive topographic features.**

Positional Accuracy—**the difference between the actual position of a monument and the position as reported on the plat or map.**

Positional Tolerance—**the distance that any monument may be mislocated in relation to any other monument cited in the survey.**

Prescription—**title obtained in law by long possession. Occupancy for the period** prescribed by the Louisiana Civil Code, as sufficient to bar an action for the recovery of the property, gives title by prescription.

Right of Way—**any strip or area of land, including surface, overhead, or underground,** encumbered by a servitude. Rights are typically granted by deed for access or for construction, operation and/or maintenance purposes, according to the terms of the grant.

Servitude—**an interest held by one person in land of another whereby the first person** is accorded partial use of such land for a specific purpose. A servitude restricts but does not abridge the rights of the fee owner to the use and enjoyment of his/her land. The term easement is often used interchangeably with servitude and generally means the same thing.

Shall—**the subject is imperative or mandatory and must be done by the professional land surveyor.**

Should—**past tense of shall and used to express obligation, duty or desirability.**

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16:1064 (December 1990), amended LR 22:713 (August 1996), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1042 (July 2001), LR 30:1725 (August 2004), LR 37:2414 (August 2011).

§2905. Classification of Boundary Surveys

A. Types of Boundary Surveys. Three types of boundary surveys, which relate to or define property boundaries, are regulated by these standards. These are property boundary surveys, route surveys and mineral unitization surveys.

B. Presented below are categories which define the degree of accuracy which shall be attained for boundary surveys performed in Louisiana. These classifications are based upon the purposes for which the property is being used at the time the survey is performed and any proposed developments which are disclosed to the professional land surveyor by the client. Refer to §2913 for accuracy standards for each of the following classes of boundary surveys.

1. Class A Surveys. Boundary surveys which require maximum surveying accuracy. This includes, but is not limited to, surveys of urban business district properties and highly developed commercial properties.

2. Class B Surveys. Boundary surveys of properties which justify a high degree of surveying accuracy. This includes, but is not limited to, surveys of commercial properties and higher priced residential properties located outside urban business districts and highly developed commercial areas.

3. Class C Surveys. Boundary surveys of residential and suburban areas. This includes, but is not limited to, surveys of residential areas which cannot be classified as Class A or Class B surveys.

4. Class D Surveys. Boundary surveys of all remaining properties which cannot be classified as Class A, B or C surveys. This includes, but is not limited to, surveys of farm lands and rural areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16:1065 (December 1990), amended LR 22:714 (August 1996), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1043 (July 2001), LR 30:1726 (August 2004), LR 37:2415 (August 2011), LR 44:625 (March 2018).

§2907. Property Boundary Survey

A. Definition

Property Boundary Survey—a survey which, after careful study, investigation, and evaluation of major factors influencing the location of boundaries, results in the deliberate location or relocation on the ground of, and the recovery or installation of monuments that define the location and extent of, one or more boundaries. Surveying and mapping activities which meet the definition of a property boundary survey are listed in Subparagraph a of §105.A, Practice of Land Surveying. Any plat or map prepared from surveying and mapping activities listed in Subparagraph b of §105.A,

Practice of Land Surveying, which does not meet the definition of a property boundary survey, shall have a note stating that it that does not represent a property boundary survey.

B. Purpose. The primary purpose of the property boundary survey is to locate or relocate the physical position and extent of the boundaries of real property, and the discovery of visible evidence of prescriptive rights relating thereto. A property boundary survey may also include the location or relocation of the physical position and extent of political boundaries which define the perimeters of public or private ownership. In addition, the property boundary survey is a means of marking boundaries for sufficient definition and identification to uniquely locate each lot, parcel, or tract in relation to other well recognized and established points of reference, adjoining properties and rights-of-way.

C. Product. A property boundary survey shall result in the recovery, establishment or reestablishment of monumented corners and points of curvature and tangency. Reference monuments shall be established or reestablished when required by these standards (see Subsection E, "Monuments"). In the event that no plat or map of survey is required, the professional land surveyor shall maintain adequate records to substantiate his/her professional opinion in reestablishing boundary lines and corners on a survey. If requested by the client, a property boundary survey may also include the following:

1. a signed, sealed and dated metes and bounds written description depicting the surveyed boundary (see Subsection H, "Descriptions");
2. a certified plat or map depicting the survey as made on the ground; and
3. a signed, sealed and dated written report of the professional land surveyor's findings and determinations.

D. Research and Investigation. Where the purpose of a property boundary survey neither requires nor includes research and investigation of servitudes, a note to that effect shall be placed upon the plat or map of survey. However, when such research or investigation is required, the professional land surveyor shall request from the client or their agent the most recent legal description, plats or maps describing the property to be surveyed. The professional land surveyor shall then evaluate the necessity to obtain the following data based on the specific purpose of the survey:

1. additional recorded legal descriptions and plats or maps of the tract to be surveyed and tracts adjoining or in proximity to the property to be surveyed;

2. the recorded legal descriptions of adjoining, severing, or otherwise encumbering servitudes or rights-of-way, including but not limited to, highways, roadways, pipelines, utility corridors, and waterways used for drainage, navigation or flood control; and

3. grants, patents, subdivision plats or maps or other recorded data that will reference or influence the position of boundary lines.

E. Monuments. The professional land surveyor shall set monuments at all boundary or lot corners, including points of curvature and points of tangency unless monuments already exist or cannot be set due to physical obstructions. The following guidelines apply to artificial monuments to be set.

1. All monuments set shall be composed of a durable material and shall incorporate a ferrous material to aid in locating them by magnetic locators and, if composed of a ferrous material, shall be a minimum of 1/2 inch outside diameter, and a minimum of 18 inches in length unless it is physically impossible to set such a monument. If rebar rods are used as survey monuments, the minimum size shall be a #4 bar.

2. Concrete monuments shall be at least 3 inches in width or diameter by 24 inches in length, reinforced with an iron rod at least 1/4 inch in diameter, and may contain a precise mark on top indicating the exact location of the corner.

3. Marks on existing concrete, stone, or steel surface shall consist of drill holes, chisel marks or punch marks and shall be of sufficient size, diameter or depth to be definitive, stable and readily identifiable as a survey monument. Marks on asphalt roads may consist of railroad spikes, large nails, or other permanent ferrous spikes or nail-like objects.

4. It is unacceptable to set wooden stakes as permanent boundary monuments.

5. Monuments shall be set vertically whenever possible and the top shall be reasonably flush with the ground when practical. Monuments subject to damage from earthwork, construction or traffic should be buried at a sufficient depth to offer protection.

6. When physically impossible to set a monument at the corner, witness or reference monuments shall be set, preferably on each converging line at measured distances from the corner and identified as such in the description and on the plat or map of the property.

F. Field Procedures. All field work shall be performed in accordance with accepted modern surveying theory, practice and procedures. Any person in charge of a survey field party shall be well-trained in the technical aspects of property boundary surveying.

Every professional land surveyor under whose responsible charge a property boundary survey is conducted is also required to adhere to the following.

1. All field measurement procedures shall be consistent with these standards and modern surveying theory, procedures and techniques.
2. In performing resurveys of tracts having boundaries defined by lines established in public lands surveys, the professional land surveyor shall, as nearly as possible, reestablish the original lines of any prior survey made under United States or state authority. In all townships or portions of townships where no property boundary survey has been made, the professional land surveyor, in surveying or platting the township or portion thereof, shall make it conform as nearly as practicable to the lots and section indicated upon the plats or maps according to which the lands were granted by the state or by the United States (R.S. 50:125).
3. Where applicable, property boundary surveys necessitating the division of a section shall be performed in accordance with the appropriate instructions for the subdivisions of sections as published by the United States Department of the Interior, Bureau of Land Management, in its book entitled Manual of Instruction for Survey of the Public Lands of the United States, and all applicable federal laws.
4. Special consideration shall be afforded by the rules of evidence and "hierarchy of calls" before any decision is made regarding property boundaries. "The legal guides for determining a question of boundary or the location of a land line in order of their importance and value are: 1—natural monuments, 2—artificial monuments, 3—distances, 4—courses, 5—quantity. But the controlling consideration is the intention of the parties" (see citation in Myer vs. Comegys, 147 La. 851, 86 So. 307, 309 (1920)).
5. A careful search shall be made for corner monuments affecting the location of the boundaries of land to be surveyed. Any evidence discovered shall be evaluated for its agreement in description and location with the call in the relevant deeds and/or plats or maps.
6. All boundary discrepancies, visible evidence of possible encroachments, and visible indications of rights which may be acquired through prescription or adverse possession shall be physically located. All evidence of servitudes that is visible without meticulous searching shall be physically located during the survey. Furthermore, nonvisible servitudes shall be located only upon the client's specific request and the **client's delivery of** any necessary documentation.
7. All field data gathered shall satisfy the requirements of the following Subsection on plats and maps.

G. Plats and Maps. Every original plat or map of a property boundary survey should be a reproducible drawing at a suitable scale which clearly shows the results of the field work, computations, research and record information as compiled and checked. The plat or map shall be prepared in conformity with the following guidelines.

1. Any reasonably stable and durable drawing paper, linen or film of reproducible quality will be considered suitable material for property boundary survey plats and maps.
2. The minimum dimensions for plats and maps shall be 8 inches by 10-1/2 inches.
3. All dimensions, bearings or angles, including sufficient data to define the curve, shall be neatly and legibly shown with respect to each property or boundary line. To define a circular curve, the following four elements shall be shown: chord bearing, chord distance, arc and radius. When possible, all bearings shall read in a clockwise direction around the property. All lines and curves shall show sufficient data on the plat or map to calculate a plat or map closure.
4. Monuments shall be labeled as "found" or "set" with a sufficient description of the monument. The description shall include but not be limited to the size and type of material, and relevant reference markers, if any, along with their position in relation to the corner.
5. When the purpose of the property boundary survey dictates, the area of the tract and all pertinent natural or man-made features located during the course of the field survey (water courses, streets, visible utilities, etc.) shall be labeled or represented by an appropriate symbol on the plat or map in its proper location. When appropriate, the feature shall be dimensioned and referenced to the nearest property line.
6. A statement indicating the origin of azimuths or bearings shall be shown on each plat or map. If bearings are used, the basis of the bearing shall include one or more of the following:
 - a. reference to true north as computed by astronomic observation within one mile of the surveyed site;
 - b. reference to the Louisiana State Plane Coordinate System with the appropriate zone and when applicable a controlling station(s) with coordinates and datum noted;
 - c. reference to the record bearing of a well-established line found monumented on the ground as called for in a relevant deed or survey plat or map; or
 - d. when none of the above alternatives are practical, a magnetic bearing (corrected for declination) may be used.

7. If a coordinate system other than the Louisiana State Plane Coordinate System is used on a plat or map, that system shall be identified. If that system is the Louisiana State Plane Coordinate System, the appropriate zone shall be shown on the plat or map.
8. Where the new survey results differ significantly from the prior deed information in regard to course, distance, location or quantity, the plat or map shall indicate such differences or discrepancies.
9. Where separate intricate details, blowups or inserts are required for clarity, they shall be properly referenced to the portion of the plat or map where they apply. This applies particularly to areas where lines of occupation do not conform to deed lines and to areas where a comparison of adjoining deeds indicates the existence of a gap or an overlap.
10. Cemeteries and burial grounds known by the professional land surveyor to be located within the premises being surveyed shall be indicated on the plat or map. However, a detailed survey of the limits of the cemetery shall not be required unless directed by the client.
11. When the purpose of the property boundary survey dictates, properties, water courses and rights-of-way surrounding, adjoining, or severing the surveyed site shall be identified. Private lands or servitudes should be labeled with the name of the owner or with a reference to the deed under which ownership is held, provided that such information is furnished by the client.
12. Original section, grant, subdivision or survey lines, when an integral part of the deed, shall be shown in proper location with pertinent labeling. A measurement of course and distance shall be shown to a parent tract corner, block corner, section corner, subdivision or grant corner, and existing monuments shall be indicated.
13. Differing line weights or delineating letters or numbers (A, B, C, etc. or 1, 2, 3, etc.) shall be used to clearly show the limits of what is being surveyed.
14. Each plat or map shall show the following:
 - a. caption or title;
 - b. client and/or purpose;
 - c. vicinity map. A vicinity map will not be required if there are sufficient features and landmarks (officially named streets and street intersections, lots and blocks within a subdivision, adjoining subdivisions, Township-Range-Section lines, etc.) on the plat or map that would sufficiently enable a person to identify the location of the survey site;
 - d. date of the survey;

- e. name, telephone number, mailing address and license number of the professional land surveyor, or the firm who employs the professional land surveyor;
- f. signature and seal of the professional land surveyor under whose responsible charge the survey was done;
- g. scale, written and/or graphic;
- h. north arrow, and it is recommended that the drawings be oriented so that north is toward the top of the sheet; and
- i. legend for symbols and abbreviations used on the plat or map.

15. Final plats or maps issued to the client shall contain a certification statement by the professional land surveyor certifying its authenticity (that it represents his/her survey) and stating that the property boundary survey is in accordance with the applicable standards of practice as stipulated in this Chapter, based on the current survey "classification" (see §2905, Classification of Boundary Surveys).

H. Descriptions. A written legal description of the surveyed tract of land shall provide information to properly locate the property on the ground and distinctly set it apart from all other lands. The following guidelines apply.

1. When the surveyed property's dimensions, boundaries and area are in agreement with the existing recorded deed or platted calls, the existing recorded description may be used if it approximates the standards contained herein.
2. When the property is an aliquot part of a rectangular section or a lot in a platted subdivision, the aliquot method or the lot, block and subdivision method (including recordation data) of describing the property may be used. Metes and bounds descriptions of this type of property are optional.
3. Every aliquot description shall contain the following basic information: aliquot part of section, township, range, parish, land district and meridian (if applicable), parish and state.
4. Every subdivision lot description shall also contain the following basic information: lot, block, unit (if applicable), name of subdivision, city (if applicable), parish and state.
5. Every metes and bounds description may be written in at least two parts. The first part, called the "general description," shall indicate the general location of the property by naming the particular lot or block within which it is located if in a subdivision or by naming the grant or aliquot part of a rectangular section within which it is located, along with the township, range, land district and meridian (if applicable),

city (if applicable), parish and state. The second part, called the "particular description," shall logically compile and incorporate calls for the following:

- a. courses and distances of the new survey, preferably in a clockwise direction;
- b. adjoining apparent rights-of-way or servitudes;
- c. monuments (when controlling), including descriptions of type, size, material, reference monuments (if applicable), and whether found, set or replaced; and
- d. the area, if stated, shall be in square feet or acres or hectares within the tolerances specified in this Chapter.

6. The "point of beginning" should ideally be the property corner that is most accessible and most easily identifiable by interested parties. This point shall be carefully chosen and described in a manner which will distinguish it indisputably from any other point. The "commencing point" shall be any identifiable point used to locate the "point of beginning."

7. The courses in the written description shall be as brief and yet as explanatory as the professional land surveyor can construct. Brevity should not cause important locative information to be omitted, and explanatory phrases should not enlarge the description to the extent of confusion.

8. Curved boundaries shall be identified, and sufficient data to define the curve shall be presented. To define a circular curve, the following four elements shall be listed:

- a. chord bearing;
- b. chord distance;
- c. arc; and
- d. radius.

9. **Each metes and bounds description shall return to the "point of beginning" and close mathematically within the tolerances stated in this Chapter.**

10. A statement at the end of the description shall connect the description to the specific survey on which it is based and to the plat or map which depicts the survey. Such a statement may be phrased:

"This description is based on the property boundary survey and plat or map made by _____(name)_____, Professional Land Surveyor, dated _____."

or

"This description is based on plat or map recorded _____ (give recordation data) _____."

11. The metes and bounds description shall then be signed, sealed and dated by the professional land surveyor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16:1065 (December 1990), amended LR 19:58 (January 1993), LR 22:714 (August 1996), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1043 (July 2001), LR 30:1726 (August 2004), LR 33:2790 (December 2007), LR 37:2415 (August 2011), LR 44:625 (March 2018).

§2909. Route Survey

A. Definition

Route Survey—a survey for determining the route of a proposed pipeline, power line, cable, road or other linear facilities, excluding flood protection levees, in order to acquire a right-of-way, servitude or easement from the property owner being crossed.

B. Scope and Product. A route survey shall, as a minimum, consist of the following elements.

1. The professional land surveyor shall utilize sufficient title information and research as needed to define the tract boundaries.
2. The professional land surveyor shall locate sufficient evidence, on the ground, to determine the location of all boundary lines that will be crossed by the proposed right-of-way, servitude or easement. Installation of new monuments is not required when defining the limits of the right-of-way, servitude or easement to be acquired.
3. The professional land surveyor shall prepare a plat(s) or map(s) for those tracts being crossed, showing the alignment of the proposed route and the length of the proposed right-of-way, servitude or easement across the tract. These plats or maps shall be prepared in compliance with those requirements for property boundary survey plats or maps that are specifically contained in §2907.G.1, 2, 6, 7 and 14. Final plats or maps issued to the client shall contain a statement by the professional land surveyor certifying its authenticity (that it represents his/her survey) and stating that the route survey complies with the applicable standards of practice as stipulated in this Chapter. Sufficient information to re-establish the right-of-way, servitude or easement, including any found monuments, must be shown at a suitable scale or in a separate detail on each plat or map.

4. If requested by the client, the professional land surveyor shall prepare a legal description of the proposed right-of-way, servitude or easement for each tract crossed by the proposed facility. The description shall describe the alignment and length of the proposed right-of-way, servitude or easement and shall comply with those requirements for legal descriptions for property boundary surveys that are specifically contained in §2907.H.6 through 11.

5. The accuracy standards that are required for route surveys shall be based on property classification D, as presented in §2913.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 37:2418 (August 2011), amended LR 39:1061 (April 2013).

§2911. Mineral Unitization Survey

A. Definition

Mineral Unitization Survey—a survey performed to define subsurface mineral tracts for the specific purpose of allocating mineral rights within a mineral unit.

B. Scope and Product. A mineral unitization survey shall, as a minimum, consist of the following elements.

1. The professional land surveyor shall utilize sufficient title information, as provided by the client, needed to define the mineral tracts, in conjunction with adequate information to define the unit boundary.

2. The professional land surveyor shall determine, on the ground, the location of the unit well and the location of sufficient tract lines in order to determine the subsurface mineral tracts located inside the unit boundaries. Geologically significant wells, as identified by the Louisiana Department of Natural Resources, Office of Conservation field order or the client, will be located with respect to the unit boundaries. Installation of new monuments defining the limits of the unit, or of the tracts which comprise the unit, is not required.

3. The professional land surveyor shall prepare a unitization plat or map (Louisiana Department of Natural Resources, Office of Conservation field order unit, voluntary unit or declared unit) showing the mineral participant(s) and limits of the tracts (or portions of tracts) which are included in the proposed mineral unit. These plats or maps shall be prepared in compliance with those requirements for property boundary survey plats or maps that are specifically contained in §2907.G.1, 2, 6, 7 and 14. These plats or maps shall contain bearings and distances around the perimeter of the unit boundary, but are not required to depict or list such calls for the individual tracts which comprise the unit. Final plats or maps issued to the client shall contain a statement by the professional

land surveyor certifying its authenticity (that it represents his/her survey) and stating that the mineral unitization survey complies with the applicable standards of practice as stipulated in this Chapter. In addition, the plats or maps, when applicable, shall be in compliance with the Louisiana Department of Natural Resources, Office of **Conservation's requirements governing unit plats and survey plats (LAC 43:XIX.Chapter 41)**.

4. The accuracy standards that are required for mineral unitization surveys shall be based on property classification D, as presented in §2913.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 37:2419 (August 2011).*

§2913. Positional Accuracy Specification and Positional Tolerances [Formerly §2909]

A. If radial survey methods, global positioning systems (GPS) or other acceptable technologies or procedures are used to locate or establish points on the boundary survey, the professional land surveyor shall apply acceptable surveying procedures in order to assure that the allowable positional accuracy and/or positional tolerance of such points are not exceeded. Any conversion from meters to feet shall use U.S. Survey Feet.

Condition	A	B	C	D	
	Urban Business District	Urban	Suburban	Rural	Remarks and Formula
Unadjusted Closure (maximum allowable)	1:15,000	1:10,000	1:7,500	1:5,000	Traverse Loop or between Control Monuments (closed traverse)

Condition	A	B	C	D	
	Urban Business District	Urban	Suburban	Rural	Remarks and Formula
Angular Closure (maximum allowable)	$10''\sqrt{N}$	$15''\sqrt{N}$	$25''\sqrt{N}$	$30''\sqrt{N}$	N = Number of Angles in Traverse (closed traverse)
Accuracy of Bearing	± 15 Sec.	± 20 Sec.	± 30 Sec.	± 40 Sec.	In Relation to Source (closed traverse, radial or GPS)
Linear Distances Accurate to: (maximum allowable)	0.05 ft ± ± 0.05 ft per 1,000 ft	0.05 ft ± ± 0.1 ft per 1,000 ft	0.07 ft + ± 0.15 ft per 1,000 ft	0.1 ft + ± 0.2 ft per 1,000 ft	Applies when the Distance is not part of a Closed Traverse (radial or GPS)
Positional Tolerance and Positional Accuracy of any Monument (maximum)	0.1' + AC/15,000	0.1' + AC/10,000	0.1' + AC/7,500	0.2' + AC/5,000	AC = Length of Any Course* (closed traverse, radial or GPS)

Condition	A	B	C	D	
	Urban Business District	Urban	Suburban	Rural	Remarks and Formula
Calculation of area - accurate and carried to nearest ____ (decimal place) of an acre (closed traverse, radial or GPS)	0.001 0.001 0.01 0.1	0.001 0.001 0.01 0.1	0.001 0.01 0.1 0.2	0.001 0.01 0.1 0.3	To 1 acre To 10 acres To 100 acres To 1,000 acres
Elevations for Boundaries Controlled by Tides, Contours, Rivers, etc. Accurate to:	0.2 ft.	0.3 ft.	0.4 ft.	0.5 ft.	Based on Accepted Local Datum (closed traverse, radial or GPS)
Location of Improvements, Structures, Paving, etc. (Tie Measurements)	± 0.1 ft.	± 0.2 ft.	± 0.5 ft.	± 1 ft.	(closed traverse, radial or GPS)
Adjusted Mathematical Closure to Survey (Minimum)	1:50,000	1:50,000	1:50,000	1:50,000	(closed traverse, radial or GPS)

*Short courses in categories "A" and "B" may generate positional errors of less than 0.01 feet. A minimum course distance of 200 feet shall be used in calculating positional error.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16:1068 (December 1990), amended LR 22:716 (August 1996), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1046 (July 2001), LR 30:1729 (August 2004), LR 37:2419 (August 2011).

Chapter 31. Continuing Professional Development (CPD)

§3101. Introduction

A. This Chapter provides for a continuing professional development program to ensure that all individual licensees are informed of those technical and professional subjects necessary to safeguard life, health and property and promote the public welfare. Every individual licensee shall meet the continuing professional development requirements of this Chapter as a condition for licensure and licensure renewal.

B. The primary purpose of licensing for professional engineers and professional land surveyors is to help protect the public from unqualified or unethical practitioners. The requirement for continuing professional development is also intended to help protect the public by reinforcing the need for lifelong learning in order to stay more current with changing technology, equipment, procedures, processes, tools, and established standards. This Chapter provides flexibility in selecting among a broad range of activities that are intended to strengthen or maintain competency in technical, managerial (business) or ethical endeavors. Licensees are encouraged to select meaningful continuing professional development activities which will be of benefit in the pursuit of their chosen fields.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2152 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1046 (July 2001), LR 30:1729 (August 2004), LR 44:628 (March 2018).

§3103. Definitions

A. Terms used in this Chapter are defined as follows.

Acceptable Activity—subject matter which is technical in nature or addresses business management practices, professional ethics, quality assurance, codes or other similar topics which facilitate the licensee's professional development as a professional engineer or professional land surveyor, and/or serves to safeguard life, health and property and promote the public welfare. Any Course/Activity offered or approved by a Board-Approved Sponsor/Provider will qualify as an Acceptable Activity (see definition of Board Approved Sponsor/Provider). It will be the responsibility of the licensee to determine if a Course/Activity offered by an unapproved sponsor/provider is an Acceptable Activity.

Board—the Louisiana Professional Engineering and Land Surveying Board.

Board-Approved Sponsor/Provider— the Louisiana Engineering Society; the Louisiana Society of Professional Surveyors; professional and technical engineering or land surveying societies; federal, state or local governmental agencies; and colleges or universities. All sponsors/providers must conduct courses which will enhance and improve a licensee's professional development as a professional engineer or a professional land surveyor, and/or serve to safeguard life, health and property and promote the public welfare

Continuing Education Unit —a unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of in-class time in approved continuing education courses.

Continuing Professional Development (CPD)—the educational process whereby a professional engineer or professional land surveyor licensee engages in a continuing program to maintain, improve or expand skills and knowledge.

Course/Activity—any program with a clear purpose and objective which will maintain, improve or expand the skills and knowledge relevant to the licensee's field of practice.

Dual Licensee—a person who is licensed in both land surveying and one or more disciplines of engineering.

License Status—

- a. **Active Status—a licensee of the board as defined in §2103.**
- b. **Expired Status—a licensee of the board as defined in §2103.**
- c. **Inactive Status—a licensee of the board as defined in §2103.**
- d. **Retired Status—a licensee of the board as defined in §2103.**

Professional Development Hour (PDH)—a nominal contact hour of instruction, presentation, or activity.

***AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:697.1.*

***HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2152 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1047 (July 2001), LR 30:1730 (August 2004) LR 42:1104 (July 2016), LR 44:628 (March 2018).*

§3105. Requirements

A. During each biennial licensure renewal period beginning before January 1, 2017, every professional engineer licensee, including those licensed in two or more disciplines, is required to obtain 30 PDHs in engineering related activities. Effective January 1, 2017 and beginning with professional engineer licensees whose biennial licensure renewal

periods begin after January 1, 2017, every professional engineer licensee, including those licensed in two or more disciplines, is required to obtain 15 PDHs per calendar year in engineering related activities. Effective January 1, 2017 and beginning with professional engineer licensees whose biennial licensure renewal periods begin 1105 Louisiana Register Vol. 42, No. 07 July 20, 2016 after January 1, 2017, professional engineer licensees may not obtain more than 8 PDHs within a single calendar day.

1. During each biennial licensure renewal period beginning before January 1, 2017, at least one PDH shall be in professional ethics. Effective January 1, 2017 and beginning with professional engineer licensees whose biennial licensure renewal periods begin after January 1, 2017, at least one PDH per calendar year shall be in professional ethics. Professional ethics concerns the standard of professional conduct and responsibility required of a professional engineer.

2. During each biennial licensure renewal period beginning before January 1, 2017, a minimum of eight PDHs shall be earned in Life Safety Code, building codes and/or Americans with Disabilities Act Accessibility Guidelines by every professional engineer licensee who designs buildings and/or building systems. Effective January 1, 2017 and beginning with professional engineer licensees whose biennial licensure renewal periods begin after January 1, 2017, a minimum of four PDHs per calendar year shall be earned in Life Safety Code, building codes and/or Americans with Disabilities Act Accessibility Guidelines by every professional engineer licensee who designs buildings and/or building systems.

B. During each biennial licensure renewal period beginning before January 1, 2017, every professional land surveyor licensee is required to obtain 15 PDHs in land surveying related activities. Effective January 1, 2017 and beginning with professional land surveyor licensees whose biennial licensure renewal periods begin after January 1, 2017, every professional land surveyor licensee is required to obtain 8 PDHs per calendar year in land surveying related activities.

1. During each biennial licensure renewal period beginning before January 1, 2017, at least one PDH shall be in professional ethics. Effective January 1, 2017 and beginning with professional land surveyor licensees whose biennial licensure renewal periods begin after January 1, 2017, at least one PDH per calendar year shall be in professional ethics. Professional ethics concerns the standard of professional conduct and responsibility required of a professional land surveyor.

2. During each biennial licensure renewal period beginning before January 1, 2017, a minimum of two PDHs shall be earned in the Standards of Practice for Boundary Surveys in Louisiana. Effective January 1, 2017 and beginning with professional land surveyor licensees whose biennial licensure renewal periods begin after January 1,

2017, a minimum of one PDH per calendar year shall be earned in the standards of practice for boundary surveys in Louisiana.

C. During each biennial licensure renewal period beginning before January 1, 2017, each dual licensee shall obtain 30 PDHs; however, at least one-third of the PDHs shall be obtained separately for each profession. Effective January 1, 2017 and beginning with dual licensees whose biennial licensure renewal periods begin after January 1, 2017, each dual licensee shall obtain 15 PDHs per calendar year; however, at least one-third of the PDHs for each calendar year shall be obtained separately for each profession.

1. During each biennial licensure renewal period beginning before January 1, 2017, at least one PDH shall be in professional ethics. Effective January 1, 2017 and beginning with dual licensees whose biennial licensure renewal periods begin after January 1, 2017, at least one PDH per calendar year shall be in professional ethics. Professional ethics concerns the standard of professional conduct and responsibility required of a professional engineer and/or professional land surveyor.

2. During each biennial licensure renewal period beginning before January 1, 2017, a minimum of two PDHs shall be earned in the standards of practice for boundary surveys in Louisiana. Effective January 1, 2017 and beginning with dual licensees whose biennial licensure renewal periods begin after January 1, 2017, a minimum of one PDH per calendar year shall be earned in the standards of practice for boundary surveys in Louisiana.

3. During each biennial licensure renewal period beginning before January 1, 2017, a minimum of eight PDHs shall be earned in Life Safety Code, building codes and/or Americans with Disabilities Act accessibility guidelines by every professional engineer licensee who designs buildings and/or building systems. Effective January 1, 2017 and beginning with dual licensees whose biennial licensure renewal periods begin after January 1, 2017, a minimum of four PDHs per calendar year shall be earned in Life Safety Code, building codes and/or Americans with Disabilities Act accessibility guidelines by every professional engineer licensee who designs buildings and/or building systems.

D. Excess PDHs

1. Effective for biennial licensure renewal periods beginning before January 1, 2017, if a licensee exceeds the biennial licensure renewal period requirements, a maximum of 15 PDHs may be carried forward into the subsequent biennial licensure renewal period. Effective January 1, 2017 and beginning with licensees whose biennial licensure renewal periods begin after January 1, 2017, if a licensee exceeds the annual

requirements, a maximum of 7 PDHs may be carried forward into the subsequent calendar year.

2. Excess PDHs may include, without limitation, those obtained in professional ethics, Standards of Practice for Boundary Surveys in Louisiana, Life Safety Code, building codes and/or Americans with Disabilities Act Accessibility Guidelines.

E. Licensees will be required to verify compliance with these CPD requirements at the end of their first full biennial licensure renewal period which begins after the effective date of these rules and at the end of each subsequent biennial licensure renewal period.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:697.1.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2152 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1047 (July 2001), LR 30:1730 (August 2004), LR 37:2420 (August 2011) LR 42:1104 (July 2016), LR 44:628 (March 2018).*

§3107. Reciprocity/Out-of-Jurisdiction Resident

A. The CPD requirements for Louisiana will be deemed as satisfied when a non-resident engineer or land surveyor provides evidence of having met the requirements of the licensee's resident jurisdiction; provided, however, that as part of satisfying these requirements, non-resident licensees must meet the professional ethics requirements of §3105.A.1 or §3105.B.1, as applicable, non-resident licensees practicing engineering in Louisiana who design buildings and/or building systems in Louisiana must meet the requirements of §3105.C.3, as applicable, and non-resident licensees practicing land surveying in Louisiana must meet the requirements of §3105.B.2.

B. If the non-resident engineer or land surveyor resides in a jurisdiction that has no CPD requirements applicable to that licensee, the licensee must meet all requirements of Louisiana as set forth in this Chapter.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:697.1.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2153 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1048 (July 2001), LR 30:1731 (August 2004).*

§3109. Exemptions

A. A licensee may be exempt from the CPD requirements for any one of more of the following reasons.

1. New licensees shall be exempt at their first renewal. Compliance with the CPD requirements must be certified upon the licensee's second renewal and thereafter.

2. Effective for biennial licensure renewal periods beginning before January 1, 2017, licensees serving on active duty in the armed forces of the United States for a

period of time exceeding 180 consecutive days in a biennial licensure renewal period shall be exempt from obtaining the PDHs required during that biennial licensure renewal period. Effective January 1, 2017 and beginning with licensees whose biennial licensure renewal periods begin after January Louisiana Register Vol. 42, No. 07 July 20, 2016 1106 1, 2017, licensees serving on active duty in the armed forces of the United States for a period of time exceeding 180 consecutive days in a calendar year shall be exempt from obtaining the PDHs required during that calendar year.

3. Effective for biennial licensure renewal periods beginning before January 1, 2017, licensees experiencing physical disability, serious illness, or serious injury of a nature and duration which has prevented the licensee from completing his/her CPD requirements for the past renewal period may be exempted from CPD requirements for said renewal period. Effective January 1, 2017 and beginning with licensees whose biennial licensure renewal periods begin after January 1, 2017, licensees experiencing physical disability, serious illness, or serious injury of a nature and duration which has prevented the licensee from completing his/her CPD requirements for the past calendar year may be exempted from CPD requirements for said calendar year. Supporting documentation such as a letter from a physician who has treated the disability, illness or injury is required. This letter shall be on the letterhead of the physician and set forth the nature of the disability, illness or injury and the period of time under treatment by the physician, and contain a statement by the physician as to any limitations placed upon the licensee which would limit his ability to complete any type of CPD. Effective for biennial licensure renewal periods beginning before January 1, 2017, this exemption may be granted for one biennial licensure renewal period. Effective January 1, 2017 and beginning with licensees whose biennial licensure renewal periods begin after January 1, 2017, this exemption may be granted for one calendar year. Additional exemptions for medical reasons may be granted on a case-by-case basis.

4. Effective for biennial licensure renewal periods beginning before January 1, 2017, licensees working outside of the United States for more than 180 days in a biennial licensure renewal period where the completion of CPD is impractical due to location, working hours, mail restrictions, etc., may be granted an exemption from CPD requirements for the period of time the licensee is in the foreign location. Effective January 1, 2017 and beginning with licensees whose biennial licensure renewal periods begin after January 1, 2017, licensees working outside of the United States for more than 180 days in a calendar year where the completion of CPD is impractical due to location, working hours, mail restrictions, etc., may be granted an exemption from CPD requirements for the period of time the licensee is in the foreign location. Supporting documentation of the foreign assignment must be provided by the employer on the employer's letterhead or by other documentation satisfactory to the board. The letter

shall at a minimum set forth both the location and the period of time the person has been in the foreign location.

5. Licensees who certify their status as Inactive on the board-approved renewal form and who further certify that they are no longer offering or practicing professional engineering and/or professional land surveying in Louisiana shall be exempt. In the event such a person elects to return to Active Status, the licensee must meet the requirements set forth in §3121.

6. Licensees who certify their status as Retired on the board-approved renewal form and who further certify that they are no longer offering or practicing professional engineering and/or professional land surveying in Louisiana shall be exempt. In the event such a person elects to return to Active Status, the licensee must meet the requirements set forth in §3121.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:697.1.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2153 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1048 (July 2001), LR 30:1731 (August 2004) LR 42:1105 (July 2016), LR 44:628 (March 2018).*

§3111. Determination of Credit

A. PDHs may be earned as indicated in §3113 for the following acceptable activities:

1. successful completion of college courses, correspondence courses, continuing education courses, seminars, tutorials, short courses and/or by teaching/instructing these items;

2. attending or presenting qualifying seminars; in-house courses sponsored by corporations, governmental agencies or other organizations; workshops; or professional/technical presentations made at meetings, conventions, or conferences;

3. obtaining teaching credit for teaching/instructing or presenting. To obtain credit for teaching/instructing

or presenting, licensees must be able to document that research and preparation were necessary, such as in the case of first-time teaching;

4. membership in engineering and land surveying professional associations or technical societies;

5. authoring and publishing articles in engineering or land surveying journals; or authoring and publishing books related to engineering or land surveying;

6. obtaining patents;

7. formal, documented problem preparation for NCEES or state professional exams; and
 8. serving as thesis directors for students pursuing a masters or doctoral degree in engineering.
 9. serving on technical committees that are assisting federal, state or local governmental agencies in developing standards related to engineering or land surveying.
- B. PDHs may not be earned through informal, non-structured activities such as reading technical journals.
- C. The board has final authority with respect to the acceptability of courses, PDH credit, PDH value for courses, and other methods of earning credit. PDH credit for acceptable college or correspondence courses may be based upon course credit established by the college or school.
- D. Selection of activities is the responsibility of the licensee; however, guidance is available from the board (see §3103, acceptable activity, and §3111).

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:697.1.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2153 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1048 (July 2001), LR 30:1731 (August 2004), LR 37:2420 (August 2011), LR 39:1481 (June 2013) LR 42:1106 (July 2016), LR 44:628 (March 2018).*

§3113. Units

- A. The conversion of other units of credit to PDHs is as follows:
1. one college or unit semester hour = 45 PDHs;
 2. one college or unit quarter hour = 30 PDHs;
 3. one continuing education unit = 10 PDHs.
- B. Effective for biennial licensure renewal periods beginning before January 1, 2017, PDH credit will be awarded as follows:
1. fifty contact minutes of instruction or verified attendance at an activity, or problem preparation for a NCEES or state professional exam = one PDH. A maximum of 10 PDHs will be allowed per biennial licensure renewal period for problem preparation;
 2. membership in engineering and land surveying professional associations or technical societies = one PDH per biennial licensure renewal period for each professional or technical association or society. A maximum of three PDHs will be allowed per biennial licensure renewal period for all such memberships;

3. in accordance with §3111.A.1-3, credit for teaching or making presentations may be earned at twice the PDHs allowed for attending a course, but shall not exceed 30 PDHs in any biennial licensure renewal period;
4. authoring and publishing peer reviewed (refereed) articles/papers in engineering or land surveying journals; or authoring and publishing peer reviewed (refereed) books related to engineering or land surveying = 10 PDHs;
5. authoring and publishing non-peer reviewed (nonrefereed) articles/papers in engineering or land surveying journals = 5 PDHs;
6. each patent = 10 PDHs;
7. serving as thesis directors for students pursuing a masters or doctoral degree in engineering = 1 PDH per hour of thesis credit. A maximum of 10 PDHs will be allowed per biennial licensure renewal period for each such thesis director;
8. serving on technical committees that are assisting federal, state or local governmental agencies in developing standards related to engineering or land surveying = 1 PDH per 50 contact minutes of attendance at committee meetings. A maximum of 10 PDHs will be allowed per biennial licensure renewal period for service on all of such committees.

C. Effective January 1, 2017 and beginning with licensees whose biennial licensure renewal periods begin after January 1, 2017, PDH credit will be awarded as follows:

1. fifty contact minutes of instruction or verified attendance at an activity, or problem preparation for a NCEES or state professional exam = one PDH. A maximum of five PDHs will be allowed per calendar year for problem preparation;
2. membership in engineering and land surveying professional associations or technical societies = one PDH per calendar year for each professional or technical association or society. A maximum of two PDHs will be allowed per calendar year for all such memberships;
3. in accordance with §3111.A.1-3, credit for teaching or making presentations may be earned at twice the PDHs allowed for attending a course, but shall not exceed 15 PDHs in any calendar year;
4. authoring and publishing peer reviewed (refereed) articles/papers in engineering or land surveying journals; or authoring and publishing peer reviewed (refereed) books related to engineering or land surveying = 10 PDHs; 1107 Louisiana Register Vol. 42, No. 07 July 20, 2016
5. authoring and publishing non-peer reviewed (nonrefereed) articles/papers in engineering or land surveying journals = 5 PDHs;

6. each patent = 10 PDHs;
7. serving as thesis directors for students pursuing a masters or doctoral degree in engineering = 1 PDH per hour of thesis credit. A maximum of 5 PDHs will be allowed per calendar year for each such thesis director;
8. serving on technical committees that are assisting federal, state or local governmental agencies in developing standards related to engineering or land surveying = 1 PDH per 50 contact minutes of attendance at committee meetings. A maximum of 5 PDHs will be allowed per calendar year for service on all of such committees.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:697.1.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1048 (July 2001), LR 30:1732 (August 2004), LR 37:2421 (August 2011), LR 39:1481 (June 2013) LR 42:1106 (July 2016), LR 44:628 (March 2018).*

§3115. Record Keeping

- A. All licensure renewal applications will require the completion of a board-approved renewal form. By completing and returning this form, the licensee is certifying that he/she has met all requirements for licensure renewal, including CPD requirements. This form will also contain an affirmation which must be completed if the licensee desires to change his/her license status.
- B. In addition, the licensee will be required to maintain the board-approved Professional Development Activity Log outlining PDHs claimed. The licensee must complete all sections of the form and be prepared to submit the completed form and any corresponding documentation to the board upon request. Blank forms can be obtained from the board's website.
- C. Maintaining records to be used to support PDHs claimed is the responsibility of the licensee. Effective for biennial licensure renewal periods beginning before January 1, 2017, these records must be maintained for at least three consecutive biennial licensure renewal periods (six years) and copies may be requested by the board at any time. Effective January 1, 2017 and beginning with licensees whose biennial licensure renewal periods begin after January 1, 2017, these records must be maintained for at least six consecutive calendar years and copies may be requested by the board at any time.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:697.1.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1049 (July 2001), LR 30:1732 (August 2004) LR 42:1107 (July 2016), LR 44:628 (March 2018).*

§3117. Audit and Review of Records

- A. The board may request, at any time, that a licensee provide proof of compliance with all CPD requirements.
- B. Additionally, the board will conduct random audits in connection with biennial renewals of up to 30 percent of all board licensees. A license will not be renewed and will be deemed to have expired, unless the licensee provides proof of compliance with all CPD requirements and there are no discrepancies or deficiencies discovered.
- C. The board will require that all licensees against whom formal disciplinary charges are pending in Louisiana provide proof of compliance with all CPD requirements.
- D. Should a licensee fail to provide proof of compliance with all CPD requirements, or if discrepancies or deficiencies are discovered as the result of any of the requests/audits provided for in §3117.A-C, the licensee will be deemed not in compliance with the CPD requirements of the board.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:697.l.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1049 (July 2001), LR 30:1732 (August 2004), LR 35:2856 (December 2009), LR 44:632 (March 2018).*

§3119. Failure to Comply

- A. When a licensee is deemed not in compliance with the CPD requirements of the board, the licensee will be so notified and will be given 120 days to satisfy the board requirements. The licensee must provide documented evidence of compliance accompanied by payment of an administrative fee of \$200. Failure to comply will subject the licensee to disciplinary action as provided in the licensure law.
- B. Effective for biennial licensure renewal periods beginning before January 1, 2017, CPD hours acquired and used to satisfy a not-in-compliance situation may not be used to meet the CPD hours required for the current licensure renewal period. Effective January 1, 2017 and beginning with licensees whose biennial licensure renewal periods begin after January 1, 2017, CPD hours acquired and used to satisfy a not-in-compliance situation may not be used to meet the CPD hours required for the current calendar year.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:697.l.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1049 (July 2001), LR 30:1732 (August 2004), LR 42:1107 (July 2016), LR 44:632 (March 2018).*

§3121. CPD Reinstatement

A. Effective for biennial licensure renewal periods beginning before January 1, 2017, to become reinstated, an expired, inactive, or retired licensee must show proof of having obtained all delinquent PDHs; however, the maximum number required will be the number of PDHs required for one biennial licensure renewal period as provided in §3105. Effective January 1, 2017 and beginning with licensees whose biennial licensure renewal periods begin after January 1, 2017, to become reinstated, an expired, inactive, or retired licensee must show proof of having obtained all delinquent PDHs; however, the maximum number required will be the number of PDHs required for two calendar years as provided in §3105.

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:697.l.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1049 (July 2001), LR 30:1732 (August 2004), LR 42:1107 (July 2016), LR 44:632 (March 2018).*

Chapter 33. Disciplinary and Enforcement Proceedings

§3301. Disciplinary and Enforcement Proceedings

A. Any disciplinary or enforcement proceedings initiated by or with the board will be governed by the substantive and procedural provisions of the licensure law and by the provisions of the Louisiana Administrative Procedure Act (R.S. 49:950 et seq.).

AUTHORITY NOTE: *Promulgated in accordance with R.S. 37:688.*

HISTORICAL NOTE: *Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:117 (May 1979) amended LR 6:149 (April 1980), LR 7:649 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1049 (July 2001), LR 30:1733 (August 2004), LR 44:632 (March 2018).*

CODE OF ETHICS

Preamble

Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

I. Fundamental Canons

Engineers, in the fulfillment of their professional duties, shall:

- 1) Hold paramount the safety, health, and welfare of the public.
- 2) Perform services only in areas of their competence.
- 3) Issue public statements only in an objective and truthful manner.
- 4) Act for each employer or client as faithful agents or trustees.
- 5) Avoid deceptive acts.
- 6) Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

II. Rules of Practice

1. Engineers shall hold paramount the safety, health, and welfare of the public.

- 1) If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
 - 2) Engineers shall approve only those engineering documents that are in conformity with applicable standards.
 - 3) Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.
 - 4) Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.
 - 5) Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
 - 6) Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.
2. Engineers shall perform services only in the areas of their competence.
- 1) Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
 - 2) Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.
 - 3) Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.
3. Engineers shall issue public statements only in an objective and truthful manner.
- 1) Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent

information in such reports, statements, or testimony, which should bear the date indicating when it was current.

2) Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.

3) Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.

4. Engineers shall act for each employer or client as faithful agents or trustees.

1) Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.

2) Engineers shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

3) Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.

4) Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.

5) Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.

5. Engineers shall avoid deceptive acts.

1) Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the

solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.

2) Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

III. Professional Obligations

1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.

1) Engineers shall acknowledge their errors and shall not distort or alter the facts.

2) Engineers shall advise their clients or employers when they believe a project will not be successful.

3) Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.

4) Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.

5) Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.

2. Engineers shall at all times strive to serve the public interest.

1) Engineers are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.

2) Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the

client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.

3) Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.

4) Engineers are encouraged to adhere to the principles of sustainable development¹ in order to protect the environment for future generations.

3. Engineers shall avoid all conduct or practice that deceives the public.

1) Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.

2) Consistent with the foregoing, engineers may advertise for recruitment of personnel.

3) Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.

4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.

1) Engineers shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.

2) Engineers shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.

5. Engineers shall not be influenced in their professional duties by conflicting interests.

1) Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.

2) Engineers shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or

employers of the engineer in connection with work for which the engineer is responsible.

6. Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.

1) Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.

2) Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.

3) Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.

7. Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.

1) Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.

2) Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.

3) Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.

8. Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.

- 1) Engineers shall conform with state registration laws in the practice of engineering.
 - 2) Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.
9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.
- 1) Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.
 - 2) Engineers using designs supplied by a client recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.
 - 3) Engineers, before undertaking work for others in connection with which the engineer may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, should enter into a positive agreement regarding ownership.
 - 4) Engineers' designs, data, records, and notes referring exclusively to an employer's work are the employer's property. The employer should indemnify the engineer for use of the information for any purpose other than the original purpose.
 - 5) Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars.

REFERENCES

Louisiana Professional Engineering and Land Surveying Board: Laws and Rules

<http://www.lapels.com/LawsRules.html>

Louisiana Revised Statutes, Title 37. Professions and Occupations, Ch.8 Professional Engineering And Professional Surveying, (RS 37:681 to RS 37:703)

https://legis.la.gov/Legis/Laws_Toc.aspx?folder=75&level=Parent

Louisiana Administrative Code: Title 46 Professional and Occupational Standards, Part Lxi. Professional Engineers And Land Surveyors, (Eng 101.01 to Eng 502.03)

<https://www.doa.la.gov/Pages/osr/lac/books.aspx>

National Society of Professional Engineers, Code of Ethics

<http://www.nspe.org/resources/ethics/code-ethics>