

NOTICE

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Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LXI. Professional Engineers and Land Surveyors

Chapter 1. General Provisions

§101. Evidence of Qualification; Registration

In order to safeguard life, health and property, and to promote the public welfare, any person in either public or private capacity, or foreign or domestic corporation, practicing or offering to practice professional engineering or professional land surveying, shall be required to submit evidence that he/she is qualified to so practice and shall be registered with the board. Unless specifically exempted by the act it shall be unlawful for any person to practice or to offer to practice in this state, engineering or land surveying, as defined in the registration law (R.S. 37:681-37:703 as amended by Act 568 of 1980) and the rules of the board, or to use in connection with his/her name or otherwise assume, use or advertise any title or description tending to convey the impression that he/she is a professional engineer or a professional land surveyor, unless such person has been duly registered under the provisions of the registration law and the rules of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:681.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:643 (December 1981).

§103. Rulemaking

Under the provisions of R.S. 37:688 the board has the authority to make, adopt, alter, amend, and promulgate rules not inconsistent with the constitution and laws of this state. This is necessary for the proper performance of its duties and the regulations of the proceedings before it.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:681 and 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).

§105. Definitions

The words and phrases defined in Section 37:682 of Act 568 of 1980, (The Registration Law) 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:

Act or Registration Law—Act 568 of 1980, including any amendments thereto. This act empowers the board to regulate the practice of engineering and land surveying in the state of Louisiana.

Benefits of Any Substantial Nature and 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 judgement, without regard to such benefit or gratuity.

Bona Fide Employee—as used in these rules, person in the service of a registrant 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—as used in these rules shall mean 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 statutes.

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

1. any and all persons to or for whom a person, firm or corporation 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 persons covered by the definition of *bona fide employee* as set forth in the rules of the board; or
2. any and all persons whose conduct a person, firm or corporation engaged in industrial operations has the right to control, including the right to hire, fire or directly supervise, the right to set the person'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;

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 Incompetency—the practice of engineering or land surveying by a registrant who is either incapable of exercising ordinary care and diligence or who lacks the ability and skill necessary to properly perform the duties he/she undertakes. (The practice of engineering in an area other than that in which the registrant has been issued a certificate will not be considered as evidence of gross incompetency, provided the registrant is otherwise qualified by education or experience.) Examples of practice which the board may consider to constitute gross incompetency include but are not limited to:

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

Gross Negligence—the practice of engineering or land surveying by a registrant characterized by his/her lack of reasonable care, precaution, or attention to the right, 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:

1. 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 or injury.
2. Failure of the registrant to exercise reasonable diligence and care in providing professional services, which could result in financial loss or damage or injury.

Practice of Engineering—

1. *Practice of engineering* is defined in R.S. 37:682. The board recognizes that in certain fields of practice there is a broad overlap between the work of architects and engineers. This is particularly true in the design of buildings and similar structures. 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 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 registered in that branch of engineering for which he/she may be qualified has the right to engage in 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 with which he may be engaged.

2. Teaching of engineering design and the responsible charge of the teaching of engineering design shall be considered as the practice of professional engineering. Associate professors and those of higher rank teaching engineering design courses who become employed by a college or university in the state of Louisiana on January 1, 1991, and thereafter, shall be registered professional engineers of the Louisiana board. Such professors who become employed on or after January 1, 1991, shall have a period of two years in which to become registered. The associate professors and those of higher rank teaching engineering design courses in the employ of a college or university in the state of Louisiana prior to January 1, 1991, are exempt from professional engineering registration as long as they remain in continuous employment by a college or university in the state of Louisiana. Those persons who are exempt from professional engineering registration are exempt only for the purpose of the teaching of engineering design and they may not present themselves to the public as engineers or professional engineers or provide or offer to provide engineering services as defined by R.S. 37:682(8).

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 supervision 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.

1. Functions unique to land surveying which must be performed by or under the direct supervision of a registered professional land surveyor:
 - a. boundary surveys;
 - b. subdivision surveys and plats;
 - c. public land surveys;
 - d. the following when they do require the establishment of the relationship of property ownership boundaries, i.e., fee title, servitudes, easements, rights-of-way, leases, etc.;
 - i. mine surveys;
 - ii. surveys for record drawings;
 - iii. topographical surveys;
 - iv. layout surveys for construction;
 - v. hydrographic surveys;
 - vi. mapping;
 - e. all other surveys that require the establishment of relationships to property ownership boundaries.
2. Functions common to land surveying and engineering, surveying which must be performed by or under the direct supervision of a registered professional engineer or registered professional land surveyor. Such surveys do not require the establishment of the relationship of property ownership boundaries such as, but not limited to:
 - a. topographic surveys;a.
horizontal and vertical control surveys;
 - c. layout surveys for construction;
 - d. surveys for record drawings;
 - e. profiles and cross sections;
 - f. quantity and measurement surveys;
 - g. cartographic surveys;
 - h. hydrographic surveys;
 - i. geodetic surveys;
 - j. mine surveys;
 - k. site grading plans.

All of the above type surveys (2.a-k), regardless of the method by which they are performed, including photogrammetric methods, must be performed by or under the direct supervision of a registered professional land surveyor or a registered professional engineer.

3. Professional services which require the application of engineering principles and the interpretation of engineering data must be performed by or under the direct supervision of a registered professional engineer.

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

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:682, 37:688, 37:689, and 37:701.

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).

Chapter 3. Requirements for Certification and Registration of Individuals and Temporary Permit to Practice Engineering (Reference Chapter 11. Curricula, Chapter 13. Experience, and Chapter 15. Examinations.)

§301. Engineer-in-Training Certification

A. A certified engineer-in-training shall be a person who is of good character and reputation, who has passed the written examination in the fundamentals of engineering, who was recommended for certification by a registered professional engineer, and who was duly certified by the board at a regular meeting.

B. The additional requirements for certification as an engineer-in-training under the several alternatives provided in the registration law are as follows:

1. Graduates of Approved Curricula. The applicant shall be a person who is a graduate of an engineering curriculum of four years or more approved by the board.
2. Graduates with Master's Degree. The applicant shall be a person who is a graduate of an unapproved engineering curriculum of four years or more who has obtained a master's degree in an engineering curriculum approved by the board.

3. Other Graduates. The applicant shall be a person who is a graduate of an unapproved engineering curriculum or a related science curriculum of four years or more, who has a specific record of four years or more of progressive experience obtained subsequent to graduation, on engineering projects of a grade and character satisfactory to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693(B).

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).

§303. Land Surveyor-in-Training Certification

A. A certified land surveyor-in-training shall be a person who has met the education and experience requirements established by the board, who is of good character and reputation, who has passed the written examination in the fundamentals of land surveying, and who has satisfied the requirements of R.S. 37:694 and who was duly certified as a land surveyor-in-training by the board at a regular meeting. An applicant for certification as a land surveyor-in-training must be recommended by three personal references. At least one of these references shall be a registered land surveyor who has personal knowledge of the applicant's character and abilities.

B. The additional requirements for certification as a land surveyor-in-training under the several alternatives provided in the registration law are as follows:

1. Graduation Plus Examination (Until January 1, 1991). The applicant shall be a graduate of a four-year engineering, science, or technology curriculum approved by the board in which the applicant passed at least six semester hours of approved surveying courses.

2. Education, Experience, Plus Examination (Until January 1, 1991). The applicant shall be a person who has successfully completed two years of formal education in a curriculum approved by the board, above the high school level, with at least 60 semester credit hours passed, or the equivalent approved by the board (including the successful completion of at least six semester credit hours in land surveying courses approved by the board), and shall have acquired at least two years of combined office and field experience in land surveying, satisfactory to the board, with a minimum of one year of experience at the level of a party chief under the supervision of a registered land surveyor.

3. Experience Plus Examination (Until January 1, 1991). The applicant shall be a high school graduate, and shall have had at least four years of combined office and field experience in land surveying work with a minimum of two years of combined office and field experience in land surveying, satisfactory to the board, with a minimum of one year of experience at the level of a party chief under the supervision of a registered land surveyor.

4. Baccalaureate Degree Graduate. The applicant shall be 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 approved by the board, in land surveying, mapping, and real property courses 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693(B).

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).

§305. Professional Engineer Registration

A. An applicant for registration as a professional engineer must be of good character and reputation and recommended by five personal references, three of whom are registered professional engineers and who have personal knowledge of the applicant's character and abilities.

B. The additional requirements for registration as a professional engineer under the several alternatives provided in the registration law are as follows:

1. Engineer-in-Training. Shall be a person who has acquired at least four years of progressive engineering experience, obtained subsequent to being certified as an engineer-in-training, in engineering work of a character satisfactory to the board, and who has passed the written examination in the principles and practice in the branch of engineering in which registration is sought.

2. Graduates of Approved Curricula. Shall be a graduate of an engineering curriculum of four years or more approved by the board who has acquired at least four years of progressive engineering experience, obtained subsequent to graduation, in engineering work of a character satisfactory to the board, who has passed the written examination in the fundamentals of engineering, who has been certified as an engineer-in-training, and who has passed the written

examination in the principles and practice in the branch of engineering in which the registration is sought.

3. Other Graduates

a. Shall be a graduate of an unapproved engineering curriculum or related science or related technology curriculum of four years or more who has acquired at least eight years of progressive engineering experience, obtained subsequent to graduation, in engineering work of a character satisfactory to the board, who has passed the written examination in the fundamentals of engineering, and who has passed the written examination in the principles and practice in the branch of engineering in which registration is sought.

b. Shall be a graduate of some other engineering, science or technology curriculum of four years or more; who has at least eight years of progressive engineering experience acceptable to the board subsequent to receiving a master's degree, or a higher degree, in an engineering program acceptable to the board (see §1105); who has passed the written examination in the fundamentals of engineering and who has passed the written examination in the principles and practice in the branch of engineering in which registration is sought.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693(B).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:350 (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).

§307. Reciprocity—Engineering

The applicant shall be a person who holds a valid certificate of registration 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 registration law (R.S. 37:681-37:703 as amended by Act 568 of 1980) and the rules of the board, and which were of a standard not lower than that specified in the applicable registration law in effect in Louisiana at the time such certificate 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/she is registered will accept the certificates of registration issued by the board on a reciprocal basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693(B).

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 7:645 (December 1981).

§309. Temporary Permit to Practice Engineering

A. A person who is not a resident of, and has no 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 person is legally qualified by registration 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 certificate of registration 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/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 authority for the executive secretary to issue a temporary permit can only be granted by the board at a regular meeting. Such a permit will be issued for a period of 120 consecutive days. The fee for a temporary permit shall be equal to the fee paid by an applicant applying for registration as a professional engineer.

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 8:112 (April 1982), amended LR 12:692 (October 1986), LR 16:774 (September 1990), LR 17:273 (March 1991), LR 19:58 (January 1993), LR 22:286 (April 1996).

§311. Land Surveyor Registration

A. An applicant for registration as a land surveyor must be of good character and reputation and be recommended by five personal references at least three of whom must be registered land surveyors. The applicant must appear before the board or a committee of the board for an oral examination or interview.

B. The additional requirements for registration as a land surveyor under the several alternatives provided in the

registration law are as follows:

1. Graduation Plus Examination (Until January 1, 1995). The applicant shall be a graduate holding a bachelor of science degree in a curriculum approved by the board (including the successful completion of at least six semester credit hours in land surveying courses approved by the board), who has a record of four years or more of combined office and field experience in land surveying (including two years or more experience in responsible charge of land surveying projects under the supervision of a professional land surveyor registered or licensed by appropriate authority), who has passed the oral and written examinations required by the board, who is of good character and reputation, and who has satisfied the requirement of R.S. 37:694.

2. Education, Experience, Plus Examination (Until January 1, 1995). The applicant shall be a person who has successfully completed two years of formal education in a curriculum approved by the board, above the high school level, with at least 60 semester credit hours passed, or the equivalent approved by the board (including the successful completion of at least six semester credit hours in land surveying courses approved by the board), who has a specific record of six years or more of combined office and field experience in land surveying (including four years or more experience in responsible charge of land surveying projects under the supervision of a professional land surveyor registered or licensed by appropriate authority), who has passed the written examination in the fundamentals of land surveying, who has passed the oral and written examinations required by the board in the laws, procedures and practice of land surveying, who is of good character and reputation and who has satisfied the requirements of R.S. 37:694.

3. Experience Plus Examination (Until January 1, 1995). The applicant shall be a person who has a specific record of eight years or more of experience in land surveying of a character satisfactory to the board (including six years or more experience in responsible charge of land surveying projects under the supervision of a professional land surveyor registered or licensed by appropriate authority), who has passed the written examination in the fundamentals of land surveying, who has passed the oral and written examinations required by the board in the laws, procedures and practices of land surveying, who is of good character and reputation, and who has satisfied the requirements of R.S. 37:694.

4. Reciprocity (or Comity). The applicant shall be a person who holds a valid certificate of registration 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 do not conflict with the provision of the registration law (R.S. 37:681-37:703 as amended by Act 568 of 1980) and the rules of the board, who has passed a written examination in 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/she is registered will accept the certificates of registration issued by the board on a reciprocal basis.

5. Graduation Plus Engineering Registration (Until January 1, 1995). The applicant shall be a person granted a license as a professional engineer on the basis of earning a bachelor of science degree from an engineering curriculum approved by the board requiring no less than six semester credit hours of land surveying courses approved by the board, who is of good character and reputation, and who has satisfied the requirements of R.S. 37:694 and:

a. who has a specific record of two years or more of experience in land surveying work of a character satisfactory to the board, or

b. who has passed the oral and written examination required by the board.

6. Baccalaureate Degree Graduate. The applicant shall be 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 approved by the board, in land surveying, mapping, and real property courses approved by the board, who has had at least four years or more combined office and field experience in land surveying, including two years or more experience in responsible charge of land surveying projects under the supervision of a professional land surveyor registered or licensed by the appropriate authority, who has passed the oral and written examinations required by the board in the laws, procedures and practices of land surveying, who is of good character and reputation, and who has satisfied the requirements of R.S. 37:694.

7. Land Surveyor-in-Training. The applicant shall be a person who is certified as a land surveyor-in-training by this board who has acquired at least eight years or more of combined office and field experience in land surveying, including six years or more experience in responsible charge of land surveying projects under the supervision of a professional land surveyor registered or licensed by the appropriate authority, who has passed the oral and written examinations required by the board in the laws, procedures and practices of land surveying, who is of good character and reputation, and who has satisfied the requirements of R.S. 37:694.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693(B) and R.S. 37:694.

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 2:351 (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).

Chapter 5. Corporations and Firms

§501. General

The following rules with regard to firms providing or offering to provide professional services shall apply equally to corporations, partnerships, and individual proprietorships, unless otherwise provided.

1. Unless otherwise provided, unincorporated individual proprietorships which bear the full name of the owner who is a Louisiana registered professional are exempt from the application of this Chapter. Such firms are not required to be registered as qualified engineering or surveying firms with the board. Unincorporated individual proprietorships that do not bear the full name of the owner who is a Louisiana registered professional must be registered with the board as a qualified engineering or surveying firm and must comply with all the provisions of this Chapter.

2. Unless otherwise provided, use of the term *professional services* in this Chapter will refer to both professional engineering and professional land surveying services.

3. Unless otherwise provided, use of the term *registered professional* in this Chapter will refer to either a registered professional engineer or a registered professional land surveyor.

4. Joint ventures that provide or offer to provide professional services will not be required to register as separate entities. Nevertheless, any firm (including those individual proprietorships otherwise excluded under Paragraph 1) 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.

5. A firm must be registered with the board before it may provide or offer to provide either professional engineering or professional land surveying services.

6. A firm which has in its title the word "engineering" or "surveying" or any derivative thereof shall be construed to be offering to provide engineering or land surveying services and therefore must be registered 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.

7. A firm may provide or offer to provide both professional engineering and professional land surveying services; provided, however, that the firm must qualify separately as an engineering firm and as a land surveying firm, and the requirements of this Chapter will apply separately to provision of or offers to provide professional engineering services and professional land surveying services.

8. 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 registered under and comply with the provisions of this Chapter.

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).

§505. Supervising Professional

A. In the case of firms providing or offering to provide professional services in the state of Louisiana, all such professional services shall be executed by or under the direct supervision of a registered professional duly registered in this state, and designated by the firm as a supervising professional. Such registered professional shall be either an active employee (1) whose primary occupation or employment is with the firm on a full-time basis or (2) whose secondary occupation or employment is with the firm, provided the firm is totally owned by one or more of the professionals whose registration is used to qualify the firm for certification. When the work consists of plans, designs, specifications, reports or maps, such registered professional shall impress them with his seal as required by law. The appearance of a seal on a document of any type shall constitute a representation that such document was prepared by the registered professional or under his supervision.

B. Nothing in these rules shall be construed to give a professional engineer the power to practice professional land surveying, unless that professional engineer has independently met the requirements for registration as a professional land surveyor.

C. Nothing in these rules shall be construed to give a professional land surveyor the power to practice professional engineering, unless that professional land surveyor has independently met the requirements for registration as a professional

engineer.

D. It is the intent of these rules to guarantee that all professional work performed by a registered firm is performed under the supervision of or by a registered professional. To this end, the board may also require a registered firm to identify those registered professionals who will be providing professional services. In addition, the board may require the individual registrant identified by the registered firm as the responsible professional to acknowledge this responsibility, and assume the responsibility of informing the board in the event of a change of employment. No registered professional shall be designated as a supervising professional by more than one firm, except in the case of secondary occupation or employment by a firm which is totally owned by one or more of the professionals whose registration is used to qualify the firm for certification. A failure to comply with any of the provisions of this regulation could subject both the registered firm and the registered professional to disciplinary action by the board.

E. Compliance with the above rules will not be met by a contractual relation between the firm and a registered professional or a firm of registered professionals in which such registered professional or firm of registered professionals is available on a consultative basis. Nor will it be considered compliance if a registered professional is related to the firm solely in a nominal or inactive capacity.

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), LR 10:343 (April 1984), LR 11:362 (April 1985).

§507. Professional Identification

Letterheads, business cards, advertisements and other similar identifying items issued by firms providing or offering to provide professional services in the state of Louisiana shall reflect clearly that such firms have full-time employees who are registered professionals in this state. In the ordinary case, the name of the professional engineer related to the firm should appear on business cards, letterheads, and similar material with initials P.E. following the name to indicate his professional status, or with the initials to indicate the branch in which he practices such as C.E., M.E., etc. In the ordinary case, the name of the professional land surveyor related to the firm should appear on business cards, letterheads, and similar material with initials P.L.S. following the name to indicate his professional status. In the case of large firms which contain a considerable number of registered professionals, compliance with this regulation may be accomplished by the use of the registered professional's seal or by his signature with the identifying initials thereafter on correspondence or other similar materials which do not require the seal.

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).

§509. 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, will 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. Any firm that has qualified with the board in accordance with the above rules shall be deemed to be a registrant of the board and therefore shall be subject to all disciplinary provisions provided for in the registration 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 3:503 (December 1977), amended LR 5:117 (May 1979), LR 8:191 (April 1982), LR 19:57 (January 1993).

Chapter 7. Applications and Fees

§701. Applications

A. Applications for registration as professional engineer or land surveyor shall be typed on forms furnished by the board, shall contain statements made under oath showing the applicant's qualifications, and the names and addresses of

persons who can verify such statements and in addition, the names and addresses of five personal references. Three or more of the five personal references furnished by an applicant for registration as a professional engineer shall be registered professional engineers. Three or more of the five personal references furnished by an applicant for registration as a land surveyor shall be registered land surveyors.

B. 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.

C. 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.

D. Each applicant will be required to submit a one or two page typewritten resume of the experience record he/she has presented in the application. Forms will be provided by the board. Copies of this resume will be sent to the personal references the applicant has listed in his application.

E. Requests for registration in more than one branch must be submitted on separate application forms.

F. An application for registration may be considered incomplete by the board and an applicant may be denied admission to written examinations, 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.

G. An application requiring an examination for certification or registration must be timely filed with the board office (see Chapter 15, Examinations, §1501, General).

H. Applicant files which have been microfilmed may be destroyed at the discretion of the executive secretary.

I. Any application for registration of an engineering firm and/or land surveying firm must be typed on the form provided by the board, must be completed in its entirety and must contain the name, registration number, and signature of all Louisiana registered professional engineers designated as supervising professionals in accordance with Chapter 5. 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 State Charter (domestic) or Certificate of Authority (foreign) must accompany the application. Designated supervising professionals for the firm must also successfully complete a Louisiana Laws and Rules Examination prior to registration of the firm.

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 5:112 (May 1979), amended LR 5:365 (November 1979), LR 7:646 (December 1981), LR 11:362 (April 1985), LR 19:57 (January 1993).

§703. Fees

Application fees, examination 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 registration 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 3:503 (December 1977), amended LR 5:365 (November 1979), LR 7:646 (December 1981).

Chapter 9. Branches of Engineering

§901. Branches

Section 37:693 of Act 568 of 1980 provides for professional engineering registration in the the following branches:

- | | | |
|-----------------|---------------|------------------|
| 1. Agricultural | 4. Electrical | 7. Metallurgical |
| 2. Chemical | 5. Industrial | 8. Mining |
| 3. Civil | 6. Mechanical | 9. Petroleum |

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 5:112 (May 1979), amended LR 5:365 (November 1976), LR 7:646 (December 1982), LR 11:362 (April 1985).

§902. Branches Added

A. Nuclear - 1991

B. Environmental - 1993

C. Control Systems - 1993

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 17:273 (March 1991), amended LR 19:907 (July 1993).

§903. Accredited Specialties (EAC/ABET)

These branches reflect important engineering specialties which are taught in a substantial number of engineering programs in the United States accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology (EAC/ABET) and which have been determined by the legislature to be of importance in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:646 (December 1981), amended LR 10:805 (October 1984).

§905. Additional Branches

R.S. 37:693 also permits the board to establish additional branches as needed to safeguard life, health, and property, to promote the public welfare, and to establish and maintain high standards of integrity and practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:646 (December 1981).

§907. Branch Criteria

The board may add branches in accordance with the following criteria:

1. There must be a probable need in the state of Louisiana for specialized engineering expertise in the new branch area.
2. There must exist at least 15 engineering curricula in the United States accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology (EAC/ABET) corresponding to the new branch area.
3. Examinations in the principles and practice of the branch of engineering must be offered on a regular basis by the National Council of Engineering Examiners (NCEE), or by at least 15 state boards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:646 (December 1981), amended LR 10:805 (October 1984).

§909. Registration Branch

On the basis of the above criteria, the board, by majority vote at a regular meeting, may establish a new branch of engineering for the purpose of registration. Within one year after the board establishes a new branch, the board may waive the principles and practice examination in that branch for all registrants who present evidence that they are qualified by experience and education to practice in that branch.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:646 (December 1981).

§911. Limitations

The board will not add branches to correspond to job titles or job functions, such as corrosion engineer, air conditioning engineer, construction engineer, automotive engineer, safety engineer, sales engineer, traffic engineer, or planning engineer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693 .

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:646 (December 1981).

Chapter 11. Curricula

§1101. Approved Curricula

A. The board shall determine which curricula are to be recognized under the provisions of the act as approved curricula for the registration of persons as professional engineers and land surveyors.

B. In general, the board will recognize as approved all engineering curricula of four years or more accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology (EAC/ABET). The board may recognize as approved an engineering curriculum that was not accredited at the time of the applicant's graduation, but 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 an engineering curriculum of four years or more from a school of satisfactory standing that does not meet the specifications of §701.B. The board shall keep a record of the engineering curricula thus approved.

D. Until January 1, 1995, the board may recognize as approved for the registration of land surveyors under R.S. 37:693(B)(4)(b) all approved engineering curricula that contain at least six semester credit hours, or equivalent, of satisfactory surveying courses.

E. Until January 1, 1995, the board, by a majority vote at a regular meeting, may recognize a curriculum of a college or university of recognized standing, leading to a bachelor of science degree, as an approved curriculum for the registration of land surveyors under R.S. 37:693(B)(4)(b) provided the curriculum contains at least six semester credit hours, or equivalent, of satisfactory surveying courses.

F. Until January 1, 1995, the board may recognize that the formal education of an applicant for registration as a land surveyor meets the requirements of R.S. 37:693(B)(4)(b) if he/she has passed 60 semester hours, or the equivalent, of courses above the high school level, including at least six semester hours, or the equivalent, of satisfactory surveying courses.

G. The board, by a majority vote at a regular meeting, may approve curricula that contain at least 30 semester credit hours, or the equivalent, of satisfactory land surveying, mapping, and real property courses as required under R.S. 37:693(B)(3)(b) for certification as a land surveyor-in-training and under R.S. 37:693(B)(4)(f) for registration as a professional land surveyor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693.

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).

§1103. Other Curricula

A. To qualify for certification as an engineer-in-training, graduates of unapproved engineering curricula, or related science 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 approved four-year engineering curriculum. Curricula must be of four years or more from a college or university of recognized standing.

B. Unapproved engineering curricula shall be those curricula of four years or more which are found by the board to be equivalent in content to approved 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.

C. Chemistry and physics curricula of four years or more are generally considered to be related science curricula. Other science curricula may be considered if the applicant can convince the board that a strong relationship exists between the curriculum and a branch of engineering approved by the board.

D. Related technology curricula shall be those four-year technology curricula which correspond to the approved branches of engineering listed in §901 and §902 which are approved by the board. Such curricula shall be accredited by the Technology Accreditation Commission of the Accreditation Board for Engineering and Technology (TAC/ABET) or

equivalent to such curricula.

E. A graduate from a curriculum of four years or more which is neither approved engineering nor unapproved engineering who received a B.S. degree in engineering and who individually meets the criteria contained in §1103.B shall be considered a graduate of an unapproved engineering curriculum.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693.

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).

§1105. Engineering Graduate Programs

Acceptable engineering graduate programs are those offered by engineering departments which maintain accreditation from the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology (EAC/ABET) at the basic or advanced level and which require the removal of deficiencies in science, mathematics, engineering science, and engineering design as a prerequisite to the graduate courses; or are those found by the board to be equivalent to such programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693.

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 10:805 (October 1984).

Chapter 13. Experience

§1301. Recognition

The board will not recognize experience acquired by an applicant in violation of the registration law of any state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693.

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).

§1303. Graduate-Level Experience

The board may allow experience credit for engineering education at the graduate level. A maximum of one year of experience may be allowed for a master's degree in engineering or the equivalent. A maximum of three years of experience may be allowed for a doctorate degree in engineering or the equivalent. No applicant shall receive credit for more than three years of experience for graduate education in engineering.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693.

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).

§1305. Undergraduate-Level Experience

The board may consider the satisfactory completion of each year of an approved undergraduate curriculum equivalent to a year of land surveying experience, provided the applicant has completed at least six semester credit hours, or equivalent, in surveying courses approved by the board. No applicant shall receive credit for more than four years of land surveying experience for his/her undergraduate education (R.S. 37:692).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693.

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 7:647 (December 1981).

§1307. Work Experience

No applicant will be allowed more than one year of experience for work and education during one calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693.

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).

§1309. Bachelor of Science Degree

Only experience obtained subsequent to receiving a bachelor of science degree will be considered as engineering experience.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693.

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 11:363 (April 1985).

Chapter 15. Examinations

§1501. General

A. Only persons of good character and reputation who have received permission from the board will be allowed to take any examination offered by the board. For all examinations, applications 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. Timely filing of an application with the board does not assure that an applicant will be permitted to take an examination, or be scheduled for examination on a particular date. To be considered for a specific examination date, the application should be received at the board office no later than the following number of days prior to a particular examination scheduled by the board: Fundamentals of Engineering, 90 days; Fundamentals of Land Surveying, 180 days; Principles and Practice of Engineering, 90 days; Principles and Practice of Land Surveying and the Laws, Procedures and Practice of Land Surveying, 180 days.

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 laws, procedures and practice of land surveying will be offered at least once a year at times and places designated by the board. Descriptions of typical content of the examinations will be made available to applicants by the board through its office or through the office of the National Council of Engineering Examiners (NCEE).

E. Examinees will be notified in writing what material will be permitted in the examination room when scheduled for an examination.

F. 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(A) and/or be subject to the imposition of other appropriate sanctions.

G. The board may require applicants to demonstrate their knowledge of the law, rules of the board, and the English language by requiring either oral or written examinations.

H. Applicants will be informed by mail only as to whether they passed or failed an examination. Numerical grades will not be released by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693.

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 11:363 (April 1985), LR 16:774 (September 1990), LR 19:57 (January 1993).

§1503. Approval to Take the Fundamentals of Engineering Examination

A. Graduating seniors of four-year engineering curricula (approved or unapproved) may be permitted to take the examination in the fundamentals of engineering during their last two semesters.

B. A graduate of a four-year engineering curriculum, (approved or unapproved) or a graduate of a related science or related technology curriculum who has obtained a master's degree in an engineering curriculum approved by the board may be permitted to take the examination in the fundamentals of engineering.

C. An applicant who is a graduate of a four-year related science or related technology curriculum and who has four years or more of satisfactory experience obtained subsequent to graduation, may be permitted to take the examination in the

fundamentals of engineering.

D. A graduate student enrolled in a Louisiana school, who has successfully completed at least two years of a three-year program leading to a doctorate degree in engineering or the equivalent, may be permitted to take the examination in the fundamentals of engineering.

E. Graduates of other four-year engineering science, or technology curricula may be permitted to take the examination in the fundamentals of engineering provided they have four years of progressive engineering experience, acceptable to the board, obtained subsequent to receiving a master's degree, or a higher degree, in an engineering graduate program acceptable to the board. An applicant under this provision may not be classified as an engineer-in-training.

F. The board may allow the substitution of a written qualifying examination for the fundamentals of engineering examination for any applicant who has an earned doctorate from a college or university having an undergraduate curriculum accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:683.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 4:88 (March 1978), amended LR 5:113 (May 1979), LR 6:735 (December 1980), LR 7:647 (December 1981), LR 10:805 (October 1984), LR 14:449 (July 1988), LR 17:804 (August 1991).

§1505. Approval to Take the Examination in the Principles and Practice of Engineering

An applicant who meets the other requirements for registration as a professional engineer may be permitted to take the examination in the principles and practice of engineering in the branch in which he/she seeks registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693.

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).

§1507. Approval to Take the Fundamentals of Land Surveying Examination

An applicant who meets the other requirements for certification as a land surveyor-in-training may be permitted to take the examination in the fundamentals of land surveying.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693.

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).

§1509. Approval to Take the Examination in the Principles and Practice of Land Surveying and in the Laws, Procedures and Practice of Land Surveying

An applicant who meets the other requirements for registration as a land surveyor may be permitted to take the examinations in the principles and practice of land surveying and in the laws, procedures, and practice of land surveying.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693.

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).

§1511. Examination for Record Purposes

The National Council of Engineering Examiners prepares examinations in the "Principles and Practice of Engineering." The board provides the opportunity for engineers who are registered in Louisiana to take the national council's examination in the branch of their registration without affecting their registration status with this board. These examinations are offered at times and places designated by the board. Each applicant will be charged a fee for this service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693.

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).

§1513. Examination Results

A. The board will specify the minimum passing score for all examinations for certification or registration of applicants.

B. Applicants will be notified by letter that they have passed or failed an examination. This information or other information pertaining to the status of an application will not be released by telephone to anyone, including the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693.

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).

§1515. Re-examinations

A. A person who fails an examination is eligible to apply to retake the examination. A request for re-examination must be submitted in writing on the form specified by the board prior to the deadline date for scheduling of the examination.

B. Before an applicant is given approval to retake an examination, he 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. 37:693.

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 5:113 (May 1979), LR 7:647 (December 1981), LR 12:692 (October 1986), LR 16:774 (September 1990), LR 19:57 (January 1993).

Chapter 17. Use of Seals

§1701. Seal and Signature

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

1. Each registered professional engineer or professional land surveyor, upon registration, shall obtain an official seal. The size and design of the seal shall conform to the specifications in Subsection I of this Section.

2. The registrant shall affix his seal, sign his name, and place the date of execution on all engineering and surveying documents that have been issued by the registrant to a client or any public or governmental agency as completed work. A facsimile signature is not acceptable. Preliminary documents, so marked in large bold letters, shall contain a statement that the documents are not to be used for construction, bidding, recordation, conveyance, sales, or as the basis for the issuance of a permit. Preliminary documents are not required to have the registrant's seal and signature affixed, but must bear the name and registration number of the registrant, and the firm's name, if applicable. No seal, signature or date shall be required in any of the following situations:

- a. on any sewage facility project in which the estimated project cost of the sewage facility, plus installation but not including cost of fencing, does not exceed \$5,000, as calculated by agency engineers reviewing the project;
- b. on any water facility project in which the estimated project cost of the facility, including lines, pumps, water treatment work and installation, does not exceed \$5,000, 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 project cost of each facility does not exceed \$5,000, as calculated by agency engineers reviewing the project;
- e. in-kind replacement of water or sewage facilities in which the estimated project cost of the replacement does not exceed \$5,000, as calculated by agency engineers reviewing the project.

3. The application of the registrant's seal, signature, and date shall constitute certification that the work thereon was done by him or under his direct supervision.

a. Drawings and Plats. In case of multiple sealings, the first or title page shall be sealed and signed by the registrant or registrants in responsible charge. In addition, each sheet shall be sealed by the registrant or registrants responsible for each sheet. In the case of a firm, partnership or corporation, each sheet shall be sealed and signed by the registrant or registrants responsible for that sheet and the registrant(s) in responsible charge shall sign and seal the title or first sheet.

b. Specifications, Reports, Design Calculations and Information. In the case of specifications of multiple pages,

the first or title page of each document shall be sealed and signed by the registrant or registrants involved. Subsequent revisions shall be dated and initialed by the registrant in responsible charge whose seal and signature appears on the first or title page. In the case of a firm, partnership or corporation, the registrant in responsible charge shall sign and seal the title or the first sheet.

4. No registrant shall affix his 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 complete direction and control and not subject to the authority of that registrant, except as stated in Paragraph 8 below.

5. Plans, specifications, drawings, reports or other documents will be deemed to have been prepared under the personal supervision and complete direction and control of a registrant 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 registrant, or the registrant's employee as long as the employee works in the registrant's place(s) of business; and
- b. the registrant supervises the preparation of the plans, specifications, drawings, reports or other documents and has input into their preparation prior to their completion; and
- c. the registrant reviews the final plans, specifications, drawings, reports or other documents; and
- d. the registrant has the authority to, and does, make any necessary and appropriate changes to the final plans, specifications, drawings, reports or other documents.

6. No registrant shall affix his seal or signature to documents having titles or identities excluding the registrant's name unless:

- a. such documents were indeed developed by the registrant under the registrant's personal supervision and direct control;
- b. the registrant shall exercise full authority to determine their development; and
- c. except as set forth in Paragraph 8 below.

7. In the case of a temporary permit issued to a registrant of another state, the registrant shall affix the seal of his state of registration, his signature, the date of execution and his Louisiana temporary permit number to all of his work.

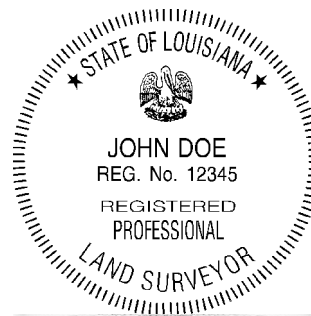
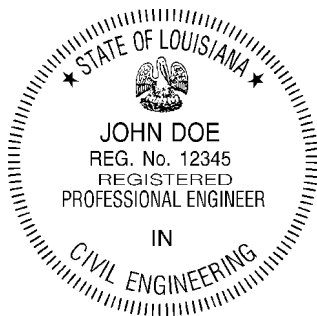
8. In the case of an individual registrant checking the work of and taking the professional responsibility for an out of state individual registrant, the Louisiana registrant shall completely check and have complete dominion and control of the design. Such complete dominion and control shall include possession of the sealed and signed reproducible construction drawings, with complete signed and sealed design calculations indicating all changes in design.

9. Seal Design Requirements

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

State of Louisiana
Registrant's Name
Registrant's Registration Number
Contain the words "Professional Engineer in _____
Engineering" or "Registered Professional Land Surveyor."

b. Indicated below is a sample of the seal design authorized by the board. Seals of two different sizes will be acceptable, a pocket seal, the size commercially designated as 1e -inch seal, or a desk seal, commercially designated as a two-inch seal. Rubber stamps or computer generated stamps of the same design and size are acceptable for use. Facsimile signatures are not acceptable (Paragraph 2).



Note: firm seals are not authorized in Louisiana.

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 8:112 (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).

Chapter 19. Certificates of Registration; Certification of Individuals or Corporations

§1901. Expiration and Renewals

Certificates of registration and certification of individuals or corporations shall expire on the date specified on the renewal certificate and/or as shown on the board's records and shall become invalid after that date unless renewed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.

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).

§1903. Registration Status

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

Expired Status—the registration status which exists for a board registrant who has failed to properly renew registration as required in L.R.S. 37:697 and 37:697.1. A registrant in an *expired status* can no longer offer or provide professional engineering or professional land surveying services in Louisiana.

Inactive Status—the registration status which exists for a registrant of the board who has chosen not to offer or provide professional engineering services and/or professional land surveying services in Louisiana and who has indicated that fact on the board biennial registration renewal form. This registrant can represent himself to the public as a *P.E. Inactive*, or a *P.L.S. Inactive*, but cannot otherwise offer or provide any professional engineering services and/or professional land surveying services in Louisiana.

Retired Status—the registration status which exists for a registrant of the board who has chosen not to offer or provide professional engineering services and/or professional land surveying services in Louisiana, and who has indicated that fact on the board biennial registration renewal form. To qualify for the *retired status*, the registrant must be at least 70 years of age or have been a registrant of the board for at least 35 years. The renewal fee for the *retired status* shall be one-half of the current renewal fee for the *active status*. This registrant can represent himself to the public as a *P.E. Retired*, or a *P.L.S. Retired*, but cannot otherwise offer or provide professional engineering services and/or professional land surveying services in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2151 (November 1998).

Chapter 20. Continuing Professional Development (CPD)

§2001. Introduction

A. Chapter 20 provides for a continuing education program to insure that all professional engineers practicing engineering, and professional land surveyors practicing land surveying, remain informed of those technical and professional subjects necessary to safeguard life, health, property and promote the public welfare. Beginning on January 1, 1999, every registrant shall meet the continuing professional development requirements of LAC 46:LXI. Chapter 20 as a condition for registration renewal.

B. The primary purpose of licensing for professional engineers and professional land surveyors is to protect the public from unqualified or unethical practitioners. The requirement for continuing professional development is also intended to 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. Chapter 20 provides flexibility in selecting among a broad range of subjects that are intended to strengthen or maintain competency in technical, managerial (business) or ethical fields. Registrants are encouraged to select meaningful CPD 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).

§2003. Definitions

Terms used in Chapter 20 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 registrant's professional development as a professional engineer or professional land surveyor, and/or serves to safeguard life, health, 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 registrant attendee to determine if a course or activity offered by an unapproved *Sponsor/Provider* is an acceptable activity.

Board—Louisiana State Board of Registration for Professional Engineers and Land Surveyors.

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 government agencies; colleges or universities; and any individual, firm, corporation or educational institution approved by the board on a case-by-case basis. All sponsors/providers must conduct courses which will enhance and improve a registrant's professional development as a professional engineer or professional land surveyor, and/or serve to safeguard life, health, property and promote the public welfare. Failure to do so will be grounds for the board to revoke its sponsorship/provider approval.

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

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

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

Dual Registrant—a person who is registered in both land surveying and one or more branches of engineering.

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

Registration Status—

- a. *Active Status*—a registrant of the board as defined in §1903.
- b. *Expired Status*—a registrant of the board as defined in §1903.
- c. *Inactive Status*—a registrant of the board as defined in §1903.
- d. *Retired Status*—a registrant of the board as defined in §1903.

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).

§2005. Requirements

A. During each biennial registration renewal period, every engineering registrant, including those registered in two or more branches, is required to obtain 30 PDHs in engineering related activities.

1. At least one PDH shall be in professional ethics. Professional ethics concerns the standard of professional conduct and responsibility required of a professional engineer.

2. A minimum of eight PDHs shall be earned in Life Safety Code, building codes and/or Americans with Disabilities Act Accessibility Guidelines by every engineering registrant who designs buildings and/or building systems.

B. During each biennial registration renewal period, every land surveyor registrant is required to obtain 15 PDHs in land surveying related activities.

1. At least one PDH shall be in professional ethics. Professional ethics concerns the standard of professional conduct and responsibility required of a professional land surveyor.

2. A minimum of four PDHs shall be earned in the Minimum Standards for Property Boundary Surveys in Louisiana during any two consecutive biennial periods.

C. During each biennial registration renewal period, each dual registrant shall obtain 30 PDHs; however, at least one-third of the PDHs shall be obtained separately for each profession.

1. At least one PDH 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. A minimum of four PDHs shall be earned in the Minimum Standards for Property Boundary Surveys in Louisiana during any two consecutive biennial periods.

3. A minimum of eight PDHs shall be earned in Life Safety Code, building codes and/or Americans with

Disabilities Act Accessibility Guidelines by every engineering registrant who designs buildings and/or building systems.

D. Excess PDHs

1. If a registrant exceeds the biennial registration renewal period requirement, a maximum of 15 PDHs may be carried forward into the subsequent biennial registration renewal period.

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

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

§2007. Reciprocity/Out-of-Jurisdiction Resident

A. The continuing professional development requirements for Louisiana will be deemed as satisfied when a nonresident provides evidence of having met the requirements of the registrant's resident jurisdiction; provided, however, that as part of satisfying these requirements nonresidents practicing building design or building systems design in Louisiana must meet the requirements of §2005.A.2 or §2005.C.3, as applicable, and nonresidents practicing land surveying in Louisiana must meet the requirements of §2005.B.2.

B. If the registrant resides in a jurisdiction that has no continuing professional development requirements applicable to that registrant, the registrant must meet all requirements of Louisiana set forth in §2005.

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).

§2009. Exemptions

A. A registrant may be exempt from the continuing professional development requirements for any one or more of the following reasons.

1. New registrants shall be exempt at their first renewal. Compliance with the CPD requirements must be certified upon the registrant's second renewal and thereafter.

2. A registrant serving on active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a biennial registration renewal period shall be exempt from obtaining the PDHs required during that biennial registration renewal period.

3. Registrants experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the board may be exempt. Supporting documentation must be furnished to the board.

4. Registrants 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 the active practice of professional engineering and/or professional land surveying, the registrant must meet the requirements set forth in §2021.

5. Registrants 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 the active practice of professional engineering and/or professional land surveying, the registrant must meet the requirements set forth in §2021.

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).

§2011. Determination of Credit

A. PDHs may be earned as indicated in §2013 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, 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 teaching credit for teaching/instructing or presenting, registrants must be able to document that research and preparation were necessary, such as in the case of a 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;
 6. obtaining patents.
- B. PDHs may not be earned through informal, nonstructured 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 registrant; however, guidance is available from the board (see §2003, *Acceptable Activity*, and §2011).

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).

§2013. 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. PDH credit will be awarded as follows.
 1. Fifty contact minutes of instruction or attendance at an activity = one PDH.
 2. Membership in engineering and land surveying professional associations or technical societies = one PDH per biennial registration renewal period for each professional or technical association or society. A maximum of three PDHs will be allowed per biennial registration renewal period.
 3. In accordance with §2011.A.1, 2, and 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 registration renewal period.
 4. Authoring and publishing peer reviewed (refereed) articles/papers in engineering or land surveying journals = 10 PDHs.
 5. Authoring and publishing nonpeer reviewed (nonrefereed) articles/papers in engineering or land surveying journals = five PDHs.
 6. Each patent = 10 PDHs.

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).

§2015. Record Keeping

- A. All renewal applications will require the completion of a board-approved renewal form. This form will contain an affirmation of eligibility certifying that the registrant has met all requirements for registration renewal, including CPD requirements.
- B. In addition, the registrant will be required to maintain and document a worksheet form specified by the board outlining PDHs claimed. The registrant must:
 1. supply sufficient detail on the form to permit audit verification;
 2. certify and sign the form; and
 3. submit the form to the board upon request.
- C. Maintaining records to be used to support PDHs claimed is the responsibility of the registrant. These records must be maintained for at least three consecutive biennial registration renewal periods (six 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).

§2017. Audit and Review of Records

- A. The board may request, at any time, that a registrant provide proof of compliance with all CPD requirements.
- B. Additionally, the board will conduct random audits of biennial renewals of up to 30 percent of all board registrants.
- C. Additionally, the board will require that all registrants against whom formal disciplinary charges are pending in Louisiana provide proof of compliance with all CPD requirements.
- D. Should the registrant fail to provide proof of compliance, or if discrepancies or deficiencies are discovered as the result of any of the reviews provided for in §2017.A-C, the registrant will be deemed not in compliance.

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).

§2019. Failure to Comply

- A. When a registrant is deemed not in compliance with the CPD requirements of the board, the registrant will be so notified and given 120 days to satisfy the board requirements. The registrant must provide documented evidence of compliance accompanied by the registrant's affidavit attesting to such compliance and payment of an administrative fee of \$200. Failure to comply will subject the registrant to disciplinary action as provided in L.R.S. 37:698.

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).

§2021. CPD Reinstatement

- A. To become reinstated, an *Expired, Inactive, or Retired* registrant must show proof of having obtained all delinquent PDHs. However, the maximum number required will be the number of PDHs required for one biennial registration renewal period as provided in §2005.

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).

Chapter 21. Professional Conduct

§2101. Scope; Knowledge; Definition of "Registrant"

- 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 registrant. These rules of professional conduct deal primarily with the relationship between registrants and the public, and should not be construed as a substitute for codes of ethics of the various professional and technical societies.

- B. All registrants under R.S. 37:681-37:703 as amended by Act 568 of 1980 are charged with having knowledge of the existence of these rules of professional conduct, and shall be deemed to be familiar with their provisions and to understand them.

- C. In these rules of professional conduct, the word "*registrant*" shall mean any engineer, land surveyor, engineer-in-training, land surveyor-in-training, domestic or foreign corporation holding a license or certificate issued by this board.

- D. A registrant possessing personal knowledge of a violation of R.S. 37:681-37:703 or the board rules found in LAC 46:LXI 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:698.

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).

§2103. Registrants

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

B. Registrants 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 and health.

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

1. Registrants shall comply fully with Chapter 17, Use Of Seals.

2. Except as permitted by §1701.A.8, registrants shall not seal the work of or take the professional responsibility for any documents related to engineering or land surveying not performed by the registrant or under registrant's complete direction and control.

3. Registrants may not accept the responsibility for, nor review, revise, sign, or seal drawings when such plans are begun by persons not properly registered and qualified; or do any other act to enable either such registrants or the project owners, directly or indirectly, to evade the requirements of R.S. 37:681-37:703.

D. Registrants shall submit to a client only that work (plans, specifications, reports, and other documents) prepared by the registrant or by an employee (or subordinate) of the registrant (which is under the registrant's complete direction and control); however, registrants, as a third party, may complete, correct, revise, or add to the work of another registrant 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 registrant(s), or other related design professional(s);

2. the previous registrants or other related design professionals are notified in writing by the registrant 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 registrant now in responsible charge, shall have the seal and signature of the registrant affixed thereto, the date of execution, and shall become the responsibility of the registrant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:698.

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 16:772 (September 1990), LR 17:273 (March 1991).

§2105. Services

A. Registrants shall perform services only in the area of their competence.

B. Registrants shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering or land surveying involved.

C. Registrants shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competence, nor to any such plan or document not prepared under their direction and control.

D. Registrants may accept an assignment outside of their fields 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 registered, qualified associates, consultants, or employees, in which case they may then sign and seal the documents for the total project.

E. In the event a question arises as to the competence of a registrant in a specific technical field which cannot be otherwise resolved to the state board's satisfaction, the state board, either upon request of the registrant or on its own volition, shall admit the registrant to an appropriate examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:698.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981).

§2107. Conflicts of Interest

A. Registrants, if in compliance with §2103, shall further act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest.

B. Registrants 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. Registrants 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. Registrants 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 registrant's client or employer in connection with any project on which the registrant is performing or has contracted to perform engineering or land surveying services.

*The phrases "*benefits of any substantial nature*" and "*significant gratuity*" are defined to mean 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.

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, registrants 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. Registrants shall not solicit or accept an engineering and/or surveying contract from a governmental body of which a principal, or officer of the registrant's organization serves as a member, except upon public disclosure of all pertinent facts and circumstances and consent of appropriate public authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:698.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981).

§2109. Improper Solicitation

A. Registrants shall avoid improper solicitation of professional employment.

B. Registrants shall not falsify or permit misrepresentation of the registrant's or any associate's academic or professional qualifications; the misrepresentation or exaggeration of the registrant's degree of responsibility in or for the subject matter of prior assignments or the misrepresentation of pertinent facts concerning employers, employees, associates, joint ventures, of the registrants or their organization's past accomplishments with the intent and purpose of enhancing their qualifications and their work.

C. Registrants shall not pay or 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;
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. 37:698.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981).

Chapter 23. Disciplinary Actions

§2301. Disciplinary Actions

All disciplinary actions initiated by the state board will be governed by the substantive and procedural provisions of R.S. 37:681 et seq. (establishing the powers and structures of the State Board of Registration for Professional Engineers and Land Surveyors) and by the provisions of R.S. 49:950 et seq. (the Louisiana Administrative Procedure Act).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:698.

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).

Chapter 25. Minimum Standards for Property Boundary Surveys

§2501. General

A. The following minimum standards of practice for land surveying in the state of Louisiana have been adopted to help ensure that surveys are performed in accordance with acceptable procedures.

B. These standards are set forth to solely provide a means by which professional performance can be assessed by the Louisiana State Board of Registration for Professional Engineer and Land Surveyors and to enable the surveying profession as a whole to better protect the safety, health, and welfare of the public. It should be recognized that surveying practices now in place may vary from one region of the state to another, and these practices should be evaluated when at variance with these standards.

C. It is intended that these be recognized as minimum standards of practice and that they not be relied upon by the professional surveyor as a substitute for the exercise of proper individual skill, professional discretion, and good judgment in fulfilling the legal and/or contractual requirements of any property boundary survey.

D. When in the professional surveyors opinion special conditions exist that effectively prevent the survey from meeting these minimum standards, the special conditions and any necessary deviation from the standards shall be noted upon the drawing. It shall be a violation of this rule to use special conditions to circumvent the intent and purpose of these minimum standards.

E. A property boundary survey shall only be performed by persons qualified to practice land surveying and registered in accordance with the provisions of R.S. 37:681, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:681, 682(9), 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).

§2503. Definitions

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 mapping. For the purpose of these standards, all the definitions listed that differ from any other source are to be interpreted as written herein.

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. Not the same as 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, etc., 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 record 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 surveyor is allowed.

Monument—a physical structure which marks the location of a corner or other survey point. In public-land surveys, the term "corner" is employed to denote a point determined by the surveying process, whereas the "monument" is the physical 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.

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

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, granted by deed or easement, for construction and maintenance according to the designated use.

Servitude—a nonpossessing 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 land. The term easement is often used interchangeably with servitude and means the same thing.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:681, 682(9), 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).

§2505. Classification of Surveys

Presented below are categories which define the degree of accuracy which should be attained for surveys performed in Louisiana. These classifications are based upon 1) the purposes for which the property is being used at the time the survey is performed and 2) any proposed developments which are disclosed by the client. Refer to this Chapter for accuracy standards for each of the following classes of surveys:

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

B. Class B Surveys. 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.

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

D. Class D Surveys. 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. 37:681, 682(9), 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).

§2507. Property Boundary Survey

A. Definition

Mineral Unit Survey (or Unit Plat)—a plan showing subsurface mineral boundaries prepared for the specific purpose of allocating mineral rights. A mineral unit survey should not be viewed as a property boundary survey subject to the requirements of the Minimum Standards for Property Boundary Surveys. This does not absolve the professional land surveyor from his obligation to use due diligence in the practice and from complying with all applicable rules and laws pertaining to the practice of land surveying.

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 one or more boundaries. When all the boundaries of a parcel of land are surveyed, an area determination may be included if requested by the client.

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 will result in the establishment of monumented corners; point of curvature and tangency; and reference points (See Subsection E, "Monuments," in this Section). In event that no plat of survey is required, the professional land surveyor must maintain adequate records to substantiate his professional opinion in reestablishing boundary lines and corners on a survey. If requested by the client, a boundary survey may also include the following:

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

D. Research and Investigation. A surveyor shall be provided the legal description or plats describing the property to be surveyed. The surveyor shall then evaluate the necessity to obtain the following data based on the specific purpose of the survey:

1. the most recent recorded legal descriptions and plats of the tract to be surveyed, 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 necessarily limited to, highways, roadways, pipelines, utility corridors, and waterways used for drainage, navigation or flood control. Where the purpose of a survey neither requires nor includes research and investigation of servitudes, a note to that effect shall be placed upon the plat of survey;

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

E. Monuments. Monuments set or called for, whether artificial or natural, represent the footsteps of the surveyor and his professional opinion as to the proper location of the points or corners of a property boundary survey. The following guidelines for monumentation of property boundary surveys shall be observed.

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

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

3. The following guidelines apply to artificial monuments to be set.

a. Monuments of a ferrous material must have at least a 1/2 inch outside diameter, and must be at least 18 inches in length (longer in soft or unstable soil).

b. Concrete monuments shall be at least three inches in width or diameter by 24 inches in length, reinforced with an iron rod at least one-fourth inch in diameter, and may contain a precise mark on top indicating the exact location of the corner.

c. Marks on existing concrete, stone, or steel surface will consist of drill holes, chisel marks or punch marks and must 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 "PK nails".

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

e. Monuments must be set vertically whenever possible and the top may 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.

f. When physically impossible to set a monument at the corner, witness monuments shall be set when possible, preferably on each converging line at measured distances from the corner and identified as such in the description and on the plat 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 field party shall be well trained in the technical aspects of surveying. Every registered professional land surveyor under whose direction a survey is conducted is also required to adhere to the following.

1. All field measurements of angles and distance shall satisfy the closures and tolerances expressed in this Chapter.

2. In performing resurveys of tracts of whose boundaries are defined by lines established in public lands surveys, the 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 survey has been made, the surveyor, in surveying or platting the township or portion thereof, shall make it conform as nearly as practicable to the lots and sections indicated upon the plats according to which the lands were granted by the state or by the United States. (R.S. 50:125)

3. Where applicable, surveys necessitating the division of a section, shall be performed in accordance with the 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:

a. 1—natural monuments

b. 2—artificial monuments

c. 3—distances

d. 4—courses

e. 5—quantity

But the controlling consideration is the intention of the parties." (See citation in Meyer vs. Comegys, 1920 La. Supreme Court, 147 La. 851 and 86 SO. 307, 309.)

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.

6. All boundary discrepancies, visible encroachments, and visible indications of rights which may be acquired through prescription or adverse possession must be physically located. All evidence of servitudes that is visible without meticulous searching is to be physically located during the survey. Furthermore, nonvisible servitudes need to be located only upon the client's specific request.

7. All field data gathered shall satisfy the requirements of the following Subsection on plats, maps, and drawings.

G. Plats and Maps. Every original plat or map of a 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, map or drawing 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 boundary survey plats and maps.

2. No plats or maps shall have dimensions less than 8 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. When possible, all bearings shall read in a clockwise direction around the property. All lines and curves shall show sufficient data on the map to calculate a map closure.

4. Monuments shall be labeled as "found" or "set," with a brief definitive description of the monument and relevant reference markers, if any, along with their positions in relation to the corner. This description shall include the physical characteristics of the monument and its relevance to the survey.

5. When the purpose of the survey dictates, all pertinent natural or manmade 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 in its proper location. When appropriate, the feature should be dimensioned and referenced to the nearest property line.

6. All maps or plats must show a north arrow and it is recommended that the drawing be oriented so that north is toward the top of the sheet.

7. A statement indicating the origin of angles or bearings shall be shown on each plat, map, or drawing. If bearings are used the basis of the bearings 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 Coordinate

System with the proper zone and controlling station(s) 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;

d. when none of the above alternatives are practical, a magnetic bearing (corrected for declination) or assumed bearing may be used.

8. If a coordinate system other than the Louisiana Coordinate System is used on a map, that system must be identified. If that system is the Louisiana Coordinate System, the appropriate zone must be shown on the map.

9. Where the new survey results differ from the prior deed information in regard to course, distance, location or quantity, the plat shall indicate such differences or discrepancies.

10. Where separate intricate details, blowups or inserts are required for clarity, they shall be properly referenced to the portion of the 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.

11. Cemeteries and burial grounds known by the surveyor to be located within the premises being surveyed should be indicated on the plat. However, a detailed survey of the limits of the cemetery shall not be required unless directed by the client.

12. When the purpose of the 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.

13. 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 must be shown to a parent tract corner, block corner, section corner, subdivision or grant corner, and existing monuments shall be indicated.

14. Differing line weights or delineating letters or numbers ("A," "B," "C," etc.) shall be used to clearly show the limits of what is being surveyed.

15. Each plat, map or drawing shall show the following:

a. caption or title;

b. client and/or purpose;

c. general location of the property (or vicinity map);

d. the date of the survey;

e. the name, location and registration number of the surveyor;

f. signature and stamp or impression seal of land surveyor under whose direction the survey was done.

16. Final plats or maps issued to the client must contain a certificate signed and sealed by the registered

professional land surveyor certifying its authenticity (that it represents his survey) and stating that the survey is in accordance with the applicable standards of practice as stipulated in this publication based on the current survey "classification" (see §2505 on Classification of Surveys).

H. Descriptions. A written legal description of the surveyed tract of land must 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 dimension, 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 platted subdivision, the aliquot method or the lot, block and subdivision method (including recordation data) of describing the property can be used. Metes and bounds descriptions of this type of property are optional.
3. Every aliquot description must contain the following basic information: aliquot part of section, township, range, parish, land district and meridian (if applicable), and state.
4. Every subdivision lot description must 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," should indicate the general location of the property by naming the particular lot or block, etc., 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;
 - d. parenthetical deed calls where the deed calls differ from the new survey;
 - e. 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 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 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 as tangent or nontangent curves and sufficient data to define the curve shall be presented.
9. Curved boundaries shall be identified as tangent or nontangent curves and sufficient data to define the curve shall be presented. Each metes and bounds description must 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 should connect the description to the specific survey on which it is based and to the map or plat which depicts the survey. Such a statement may be phrased

"This description is based on the boundary survey and plat made by _____, Registered Professional Land Surveyor, dated _____" or "This description is based on plat recorded " _____ (give recordation data).

11. The metes and bounds description shall then be signed and sealed by the surveyor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:681, 682(9), 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).

§2509. Accuracy Specification and Positional Tolerances

Condition	D	C	B	A	
	Rural	Suburban	Urban	Urban Business District	Remarks And Formula
Unadjusted Closure (maximum allowable)	1:5,000	1:7,500	1:10,000	1:15,000	Traverse Loop or between Control Monuments
Angular Closure (maximum allowable)	30"/N	25"/N	15"/N	10"/N	N = Number of Angles in Traverse
Accuracy of Bearing	± 40 Sec.	± 30 Sec.	± 20 Sec.	± 15 Sec.	In Relation to Source
Linear Distances Accurate to: (maximum allowable)	0.1 ft + ± 0.2 ft per 1,000 ft	0.07 ft + ± 0.15 ft per 1,000 ft	0.05 ft ± ± 0.1 ft per 1,000 ft	0.05 ft ± ± 0.05 ft per 1,000 ft	Applies when the distance is not part of a closed traverse
Positional Tolerance and Positional Accuracy of any Monument (maximum)	0.2' + AC/5,000	0.1' + AC/7,5000	0.1' + AC/10,000	0.1' + AC/15,000	AC = Length of Any Course*
Calculation of area - Accurate and carried to nearest ____ (decimal place) of an acre.	0.001 .01 .1 .3	0.001 .01 .1 .2	0.001 .001 .01 .1	0.001 .001 .01 .1	To 1 acre To 10 acres To 100 acres To 1,000 acres
Elevations for Boundaries Controlled by Tides, Contours, Rivers, etc. Accurate to:	0.5 ft.	0.4 ft.	0.3 ft.	0.2 ft.	Based on Accepted Local Datum
Location of Improvements Structures, Paving, etc. (Tie Measurements) Adjusted Mathematical Closure to Survey (Minimum)	± 1 ft. 1:50,000	± 0.5 ft. 1:50,000	± 0.2 ft. 1:50,000	± 0.1 ft. 1:50,000	

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:681, 682(9), 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).

Chapter 27. Bylaws

§2701. Domicile

- A. Domicile. The domicile of the board shall be the City of Baton Rouge.
- 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), amended LR 11:1179 (December 1985), LR 21:1353 (December 1995).

§2703. Board Members

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, and a secretary.

C. Date of Elections. The election of board officers shall take place not later than at the board's annual meeting. In the event that an officer cannot complete his 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 of registration issued by the board. The chairman shall compile certificates of registration issued by the board. The chairman shall compile the agenda for each regular and special meeting. The chairman shall be empowered to authorize expenditures of funds, in the beneficial interests of the board and without its prior approval, up to an aggregate amount of \$5,000, and any expenditures made under this authorization shall be reported to and ratified by the board at its next regular 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 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 registration, the issuance of which shall have been authorized by resolution of the board; (c) assume all responsibilities of the executive secretary, in the event of the absence or incapacity of the executive secretary; (d) send copies of the annual audit and the financial statement, prepared by the certified public accountant, to the governor after the report of the audit has been reviewed by the board; (e) sign the minutes of the board meetings after approval of the minutes 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 2:52 (February 1976), amended LR 5:118 (May 1979), LR 11:1179 (December 1985), LR 19:54 (January 1993), LR 21:1353 (December 1995).

§2705. Standing Committees

A. Committees. The board shall establish the following committees: Executive Committee, Engineering Committees, Land Surveying Committee, Engineering-in-Training Committee, Liaison and Law Review Committee, Curricula Committee, Finance Committee, Nominations Committee, and Complaint Review Committee.

B. Power to Appoint. Unless otherwise provided below, the chairman shall have the power to make all committee appointments. All committee appointments shall be effective from date of appointment until the next annual meeting of the board.

C. Executive Committee. The chairman, vice-chairman, and secretary 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 secretary as to the conduct of the business of the board between meetings. The committee shall make recommendations to the board with respect to personnel, policies and procedures.

D. Engineering Committees

1. The chairman of the board shall appoint not less than two members to each of the branches of engineering committees listed in §901 and §902.

- a. Agricultural Engineering Committee;
- b. Chemical Engineering Committee;
- c. Civil Engineering Committee;
- d. Control Systems Engineering Committee;
- e. Electrical Engineering Committee;
- f. Environmental Engineering Committee;

- g. Industrial Engineering Committee;
 - h. Mechanical Engineering Committee;
 - i. Metallurgical Engineering Committee;
 - j. Mining Engineering Committee;
 - k. Nuclear Engineering Committee;
 - l. Petroleum Engineering Committee.
2. Each of these committees shall:
- a. review applications for registration in each respective branch of professional engineering;
 - b. recommend approval or disapproval of application;
 - c. supervise the selection of examinations on principles and practice of engineering for the respective branches; and
 - d. recommend passing scores for their respective written examinations.

E. Land Surveying Committee. The chairman of the board shall appoint not less than two members to the Land Surveying Committee. All members of the Land Surveying Committee shall be registered professional land surveyors. The Land Surveying Committee shall (1) review applications for registration as a professional land surveyor; (2) review applications for certification of persons as a land surveyor-in-training; (3) conduct oral examinations or interviews; (4) supervise the selection of examinations on the fundamentals of, on principles and practice of, and on the laws and procedures of land surveying; (5) recommend passing scores for their respective written examinations; and (6) evaluate and recommend land surveying curricula acceptable to the board.

F. Engineer-in-Training Committee. The chairman shall appoint an Engineer-in-Training Committee which shall review all applications for the examination in fundamental engineering subjects and all requests for certifications of persons as engineers-in-training and shall make recommendations for action by the board.

G. Liaison and Law Review Committee. The chairman shall appoint a liaison and Law Review Committee to work with similar committees of professional and technical organizations on matters of mutual concern. The committee shall make recommendations to the board in matters concerned with the Registration Law and the rules and regulations of the board.

H. Engineering Curricula Committee. The chairman shall appoint a Curricula Committee to evaluate and make recommendations to the board concerning the quality of the engineering curricula, along with an evaluation of the faculties and facilities of schools within the state of Louisiana. The Engineering Curricula Committee shall have the power to make inspections in the course of its evaluations. The committee chairman shall coordinate the selection of board observers for all ABET visitations in the state.

I. Finance Committee. The chairman shall appoint a Finance Committee composed of not less than two board members. The secretary will serve as ex-officio member of this committee. It will be the responsibility of the committee to make studies, reports and recommendations to the board on fiscal matters. At the end of the fiscal year, the Finance Committee shall review the annual audit and prepare a budget for presentation to the board at its next meeting.

J. Nominations Committee. The chairman shall appoint a Nominations Committee composed of not less than two members. It shall be the duty of this committee to present to the board a list of nominations to any election of officers.

K. Complaint Review Committee. Review committee shall be composed of three standing members, the executive secretary, board investigator, board attorney and one board member appointed on a case-by-case basis. It shall be the responsibility of the committee to review the results of investigations of complaints against registrants and unlicensed persons and recommend appropriate action 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 2:52 (February 1976), amended LR 5:118 (May 1979), LR 11:1180 (December 1985), LR 19:54 (January 1993), LR 21:1354 (December 1995).

§2707. The Executive Secretary

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

B. Officer of Board. Although not a member of the board, the executive secretary shall be an officer of the board and ex-officio member on all committees.

C. Duties of the Executive Secretary. The executive secretary shall:

- 1. conduct and care for all correspondence in the name of the board;
- 2. record and file all applications, examinations, registrations, suspensions and revocations;
- 3. send members of the board notices of all regular meetings 10 days in advance thereof;
- 4. keep correct minutes of all meetings of the board, including a record of all certificates of registration

issued;

5. examine all applications for registration 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 written or oral examinations and interviews of applicants;
8. supervise the administration of the written examinations;
9. present to the board the results of examinations and other evidence of qualification;
10. have certificates of registration prepared for those applicants who have been approved for registration or certification by the board;
11. notify by letter to his last known address, every person and entity registered or certified under the registration laws of the date of the expiration of the 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 registration law;
14. investigate and dispose of allegations and apparent violations of the registration 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 registrants 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 the expenditures are within the budget;
21. receive and account for all monies derived from the operation of the board;
22. in all matters relating to receipts and disbursements comply with R.S. Section 37:690;
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 will at all times show the financial condition of the board and the validity of the registrations and of the certificates which have been issued;
25. have an audit made of all receipts and disbursements at the closing of each fiscal year (June 30) by a board certified public accountant.

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 11:1180 (December 1985), LR 19:55 (January 1993), LR 21:1354 (December 1995).

§2709. Meetings

- A. Regular Meetings. The board shall hold at least four regular meetings each year.
- B. Annual Meeting. 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 he considers them to be 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. Meetings 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 §2709.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 §2709.E and F shall be given in writing to each member by the executive 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), amended LR 11:1181 (December 1985), LR 19:55 (January 1993), LR 21:1354 (December 1995).

§2711. 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;
3. the substance of all matters decided, and, at the request of any board member, a record, by individual member,

or 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).

§2713. 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 may require that such discussion be held at an open meeting;
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 proceeding 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. discussion of board office operations, staff personnel assignments, pay, and benefits.

B. Limitations on Executive Sessions. No final or binding action shall be taken during an executive session. Nor may a session be called for discussion of the appointment of a person to a public body.

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).

§2715. 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 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;
2. take up 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 Proceedings. Approval of a majority of the entire board membership authorized to participate in a proceeding is necessary in order to:
 1. suspend, refuse to review, or revoke the certificate of or reprimand any registrant or certificate holder;
 2. prefer charges of violation of any provision of the registration laws; or
 3. reinstate an application, certificate of registration, or certification.
- F. Amend Bylaws. A majority vote of the members comprising the 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 by board members 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.
 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).

§2717. Rulemaking Process

- A. Power to Promulgate Rules. Under the provision of the registration 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 secretary at least 30 days before the next regular meeting of the board.
- D. Copies of Proposal. The executive secretary shall send copies of the proposal to all board members 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 2:52 (February 1976), amended LR 5:118 (May 1979), LR 11:1182 (December 1985).

§2719. Publications of the Board

- A. Roster. A roster showing the names and addresses of all registered professional engineers, the branch of engineering in which professional engineers are registered, and all registered land surveyors may be published by the board. Upon request, a copy of this roster shall be mailed without charge to each person so registered. Extra copies to registrants and copies to others shall be furnished upon payment of a fee established by the board. The roster shall be placed on file with the secretary of state and in the libraries of all colleges and universities in this state.
- B. Official Journal. The official journal of the board shall be a newsletter.

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 11:1182 (December 1985), LR 19:55 (January 1993), LR 21:1355 (December 1995).

§2721. Bonding

Position Bonds. The board shall provide a blanket position bond of not less than \$10,000 covering the position of the chairman, vice-chairman, secretary, executive secretary, and all board members, employees, or other persons who may sign checks or handle the finances 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 2:52 (February 1976), amended LR 5:118 (May 1979), LR 11:1182 (December 1985).

§2723. Disbursements

- A. Check Requirement. All disbursements over the amount of \$50 shall be made by check.
- 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: chairman, vice-chairman, secretary, executive secretary, or board member and/or staff person designated 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 2:52 (February 1976), amended LR 5:118 (May 1979), LR 11:1182 (December 1985), LR 21:1355 (December 1995).

§2725. 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. The allowance of per diem for time spent traveling shall not exceed the total number of days computed by dividing the most direct route driving mileage by 400 miles per day.

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. However, reimbursement will be limited to comparable coach or economy class rates. Receipts or other verification of travel will 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 air fare.

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 2:52 (February 1976), amended LR 5:118 (May 1979), LR 11:1182 (December 1985), LR 19:55 (January 1993).

§2727. Board Nominations

Guidelines and Procedures. 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.

1. At each annual meeting, the board will determine and publish in the minutes of the meeting, and include in the annual report issued to the governor, the names of the sitting board members and the respective division of engineering practice of each, in the case of engineers, and the identity of the registered professional land surveyor members. A copy of the list will be forwarded by certified mail, return receipt requested, to the Louisiana Engineering Society and the Louisiana Society of Professional Surveyors.

a. Registered professional engineering board members shall continue to represent the division of engineering practice represented when appointed, unless formal advice has been received from the Louisiana Engineering Society on or before the date of the annual meeting that the division of engineering practice classification of a member has been changed.

b. If a board member is not a member of the Louisiana Engineering Society or the Louisiana Society of Professional Surveyors, it shall be his duty to notify the executive secretary of any significant change in his regular employment; the executive secretary shall so advise the Louisiana Engineering Society and the Louisiana Society of Professional Surveyors for its action, if any, prior to the annual meeting.

2. Board members who retire from active practice shall continue to represent the division of engineering practice represented at the time of retirement.

3. The division of engineering practice classification of each board member shall remain unchanged during each administrative year.

4. At each annual meeting, an examination will be made of the anticipated vacancies scheduled to occur during the 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 divisions of engineering practice represented, as well as a priority listing of the desired divisions requested to be considered.

5. In the event of death or resignation of a board member, the executive secretary shall immediately notify the appropriate nominating organization, with a recommendation that the official list published at the annual meeting be utilized toward determining its course of action by certified mail, return receipt requested, as soon as practical thereafter.

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 5:120 (May 1979), LR 11:1182 (December 1985), LR 19:56 (January 1993).

§2729. Amendments to Bylaws

Procedure. 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 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 2:52 (February 1976), amended LR 5:118 (May 1979), LR 11:1183 (December 1985).

Chapter 29. Organization of the Board

(Reserved)

Chapter 31. Administration

(Reserved)