

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

(a) (1) A firm that practices or offers to practice engineering or land surveying is required to obtain a certificate of authorization from the board in accordance with rules adopted by the board.

(2) **JOINT PRACTICE AUTHORIZED.** – An entity that performs engineering services or land surveying services for itself, or for a parent or subsidiary, is not required to have a certificate of authorization.

(3) **LIABILITY GENERALLY.** – A firm may not be relieved of responsibility for the conduct or acts of its agents, employees, officers, or partners by reason of its compliance with this section. An individual practicing engineering or land surveying under this chapter is not relieved of responsibility for engineering or land surveying services performed by reason of employment or other relationship with a firm holding a certificate of authorization.

(4) The Secretary of State may not accept organizational papers nor issue a certificate of incorporation, organization, licensure, or authorization to any firm that includes among the objectives for which it is established or within its name, any of the words "engineer," "engineering," "land surveyor," "land surveying," or any modification or derivation thereof unless the board has issued for the applicant a certificate of authorization or a letter indicating the eligibility of the applicant to receive such a certificate. The firm applying shall supply their certificate or letter from the board with its application for incorporation, organization, licensure, or authorization.

(5) The Secretary of State may not authorize any trade name trademark, or service mark that includes words set forth in subdivision (4), or any modification or derivative thereof, except licensees and firms holding certificates of authorization issued under this section.

(6) For the purposes of this section, a certificate of authorization shall be required by a firm practicing under a fictitious name, offering engineering or land surveying services to the public. Where a licensee is practicing engineering or land surveying in his or her own given name, the licensee shall not be required to qualify under this section.

(7) The practice of engineering or land surveying incidental to or in connection with production, manufacture, transportation, distribution, or communication may be carried on by any firm engaged in the production, manufacture, transportation, distribution, or communication and does not require a certificate of authorization. The engineering and land surveying services shall be performed by or under the direction of a professional engineer or professional land surveyor licensed in conformity with this chapter. All drawings, plans, specifications, plats, and reports involving the practice of engineering or land surveying shall when issued be dated and bear the seal or facsimile of the seal, signature, and licensure number of the professional engineer or land surveyor in responsible charge thereof.

(b) A firm shall designate a managing agent and a resident professional, if offering or performing Alabama services in multiple offices. The managing agent and the resident professional may be the same individual.

(c) The following criteria shall apply to the firm's designation of a managing agent:

(1) A firm shall designate a professional engineer or a professional land surveyor to be a managing agent for the firm.

(2) The managing agent is responsible for the engineering or land surveying work in the state and for projects within the state offered or provided by the firm.

(3) A licensee may not be designated as a managing agent for more than one firm unless the firms share a location.

(4) A licensee who renders occasional, part-time, or consulting engineering or land surveying services to or for a firm may not be designated as a managing agent.

(d) The managing agent's responsibilities include all of the following:

(1) Renewal of the firm's certificate of authorization and notification to the board of any change in the managing agent.

(2) Overall administrative supervision of the firm's licensed and subordinate personnel providing the engineering or land surveying work in the state.

(3) Ensuring that the policies of the firm are in accordance with the rules of professional conduct adopted by the board.

(e) A firm shall designate a resident professional engineer or a resident professional land surveyor, as applicable, in each branch office in which engineering or land surveying services for the state are offered or provided. The resident professional shall be responsible for overseeing the daily operations of that branch office. The following criteria shall apply to the firm's designation of a resident professional:

(1) A licensee may not be designated as a resident for more than one firm unless the firms share a location.

(2) A licensee who renders occasional, part-time, consulting engineering or land surveying services to or for a firm may not be designated as a resident professional.

(f)(1) A firm desiring a certificate of authorization must file with the board an application using a form provided by the board and provide all the information required by the board. The application form shall be filed with the board upon renewal or not more than 30 days after any information contained on the application form is changed or differs for any reason. If in the judgment of the board the application meets the requirements of this chapter, the board shall issue a certificate of authorization for the firm to practice engineering or land surveying.

(2) The application fee for a certificate of authorization for a firm shall be established by the board and may not exceed two hundred fifty dollars (\$250) and shall accompany the application. The fee is non-refundable.

(g)(1) A certificate of authorization expires on the date designated by the board and is invalid after that date unless renewed. The board shall notify a firm holding a certificate of authorization under this chapter of the date of the expiration of the certificate of

authorization and the fee required for its renewal. The board shall establish the renewal fee which may not exceed two hundred fifty dollars (\$250).

(2) A firm that allows a certificate of authorization to expire due to non-renewal shall be treated as having an expired certificate and it shall be unlawful for the firm to practice, offer to practice, or hold itself out as qualified to practice in this state following the expiration of its certificate of authorization.

(3) The board, by rule, shall establish procedures, time limits, and the reinstatement fee which shall not exceed five hundred dollars (\$500), required for reinstating an expired certificate of authorization.

(h) A firm whose certificate of authorization has expired due to nonrenewal but is still eligible for reinstatement shall continue to be subject to this chapter and the rules of the board until the certificate of authorization is revoked by action of the board or becomes no longer eligible for reinstatement."

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A duplicate certificate of licensure, intern enrollment document, or certificate of authorization may be issued subject to the rules of the board. A fee established by rule shall be paid for each issuance.