

NOTICE

This booklet is not a legal document. The Board is not responsible for any errors or omissions in this booklet. The Board publishes this document as a courtesy to its registrants and applicants for the sole purpose of providing information.

The Engineering Law, (Louisiana Revised Statutes 37:681-704) contain the official text of the Registration Law for Professional Engineers and Land Surveyors. For a fee, payable in advance, copies may be obtained from the Publications Section, Department of State, PO Box 94125, Baton Rouge LA 70804-9125 (225) 342-2083.

Louisiana Revised Statutes

CHAPTER 8. PROFESSIONAL ENGINEERING AND PROFESSIONAL SURVEYING

37:681. General provisions

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 is qualified to so practice and shall be licensed as hereinafter provided. It shall be unlawful for any person to practice or to offer to practice in this state engineering or land surveying, as defined in this Chapter, or to use in connection with his name or otherwise assume, use, or advertise any title or description tending to convey the impression that he is a professional engineer or a professional land surveyor, unless such person has been duly licensed under the provisions of this Chapter.

37:682. Definitions

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

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

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

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

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

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

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

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

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

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

(10) "Licensee" shall mean any individual, or domestic or foreign corporation, practicing or seeking to practice engineering or land surveying in Louisiana that has received a license from the board and is otherwise in good standing with the board. The term is often used synonymously with the term "registrant".

(11) "Licensed" or "licensure" shall mean the recognition granted by the board to any individual, or domestic or foreign corporation, to practice engineering or land surveying in Louisiana. These terms are often used synonymously with the terms "registered" or "registration".

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

(13) "Rules of professional conduct" shall mean those rules promulgated by the board for the protection of the public which establishes standards of conduct for professional engineers, professional land surveyors, engineer interns, land surveyor interns, and corporations in keeping with the purposes and intent of this Chapter.

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

37:683. Board; appointments; terms

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

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

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

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

(3) All appointments to the board shall be for terms of not less than five nor more than six years. All appointments shall be for such periods of time as to ensure that the terms of not more than two board members end per year, and shall expire on August thirty-first of the expiration year, regardless of the date on which the successor was appointed and qualified.

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

C. Each member of the board shall receive a certificate of appointment from the governor, and before beginning his term of office, shall file with the secretary of state his written oath or affirmation for faithful discharge of his official duty. Each member shall serve until his successor has been appointed and qualified. It shall be the duty of the president of the Louisiana Engineering Society, in the case of licensed professional engineers, or the president of the Louisiana Society of Professional Surveyors, in the case of the licensed professional land surveyors, duly authorized and acting on behalf of the respective society to make the nominations described above within sixty days after receipt of notice of the death, resignation, or removal of a member of the board, and at least thirty days prior to the expiration of the term of a member of the board.

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

37:684. Qualification of board members

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

37:685. Compensation and expenses

Each member of the board shall receive the amount set by the board, but not to exceed one hundred dollars per diem when actually attending to the work of the board or any of its committees, and for the time spent in necessary travel; and, in addition thereto, shall be reimbursed for all actual traveling, incidental and clerical expenses necessarily incurred in carrying out the provisions of this Chapter.

37:686. Removal of members for cause

The governor may remove any member of the board for misconduct, incompetency, or neglect of duty. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor, as provided in R.S. 37:683. Before the governor can remove a member for cause, he must serve the member with a written statement of charges against him and afford him an opportunity to be heard publicly on such charges. If the member thus served does not request a public hearing within ten days after service, the governor may proceed with his removal. If the member does request such a public hearing, it shall be heard by a special committee composed of three persons, namely: an engineer appointed by the president of the

Louisiana Engineering Society or, in the case of land surveyor members, a land surveyor appointed by the president of the Louisiana Society of Professional Land Surveyors, to serve as chairman; and two deans from Louisiana colleges of engineering that have Accreditation Board for Engineering and Technology approved curricula to be chosen by the board. The recommendation of this committee shall be binding upon the governor. A copy of the charges, a transcript of the record of the hearing, and a copy of the recommendation shall be filed with the secretary of state.

37:687. Organization and meetings

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

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

37:688. Powers of the board

A. (1) The board shall have the power to make, adopt, amend, and promulgate all bylaws and rules not inconsistent with the constitution and laws of this state, which may be reasonably necessary for the proper performance of its duties, and the regulation of the proceedings before it. The board shall adopt and have an official seal, which shall be affixed to all licenses issued.

(2) Each member of the board shall have power to administer oaths, and the board shall have power to subpoena witnesses and compel the production of books and papers pertinent to any investigation or hearing authorized by this Chapter, and any employee of the board engaged in making any investigation shall have the power to administer oaths to, and take the depositions of persons, pertaining to any investigation. The board may require any law enforcement officer or any state agency, the sheriffs of the various parishes, or constables, marshals, or other law enforcement officers of any parish or municipality to serve such subpoenas and other process of said board. Whenever parish, municipal, or other local officers are required to serve such subpoenas or other process of the board, they shall be paid the same fees by the board as are provided by laws for similar services under processes issued by district courts. Any person who shall fail to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to any such investigation or hearings or who shall knowingly give false testimony therein shall be guilty of a misdemeanor and subject to the penalties provided by R.S. 37:700. In case of contumacy or refusal to obey a subpoena issued to any person, any district court of the state of Louisiana within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found, or resides, or transacts business upon application by the board, shall have jurisdiction to issue to such person an

order requiring such person to appear before the board, its member, or agent, and to produce evidence, if so ordered, or there to give testimony touching on the matter under consideration or in question; and any failure to obey such order of court may be punished by said court as a contempt thereof.

B. (1) The board shall adopt, promulgate, and enforce Rules of Professional Conduct for Professional Engineers and Land Surveyors, which may be reasonably necessary for the protection of the public and proper administration of this Chapter. These actions by the board shall be binding upon applicants for licensure, engineer interns, land surveyor interns, and all persons licensed or certified under this Chapter, and shall be applicable to corporations which must hold a license. These rules shall be made known, in writing, to every applicant for licensure, licensee, and certificate holder under this Chapter. The board may revise and amend these Rules of Professional Conduct for Professional Engineers and Land Surveyors from time to time, in accordance with the Administrative Procedure Act, and shall notify each licensee and certificant in writing or by notice in the official journal of the board of such revision or amendment.

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

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

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

E. The board, by rule, may create license or renewal status for licensees and former licensees. The board may establish classifications of licensure including but not limited to inactive and retired classifications.

37:689. Corporations

A. All domestic corporations and foreign corporations qualifying to do business in Louisiana, which offer to provide or provide professional engineering, land surveying, or professional engineering and land surveying services in Louisiana are subject to regulation and supervision by the board, and the board, in implementation of this Section, may issue rules further governing the conduct and activities of such corporation.

B. Within thirty days after the issuance by the secretary of state of a certificate of incorporation of a Louisiana corporation formed pursuant to the Louisiana Business Corporation Law, or the qualification of a foreign corporation in Louisiana which offers to provide or provides professional engineering or land surveying services, or both, in the state of Louisiana, said corporation shall file an application for licensure with the executive secretary of the board on a form provided by the board.

C. Within sixty days after the corporation files with the board the form required above, the board, in the event the corporation is otherwise in compliance with the provisions of this Chapter and the rules issued by the

board governing corporations, shall issue a license. Any corporation having so qualified with the board shall have the authority to contract to deliver such engineering, land surveying, or engineering and land surveying services, shall be deemed licensed, as that term is used in this Chapter, and therefore shall be subject to those disciplinary provisions provided for public or private reproof, suspension or revocation of the right to practice engineering or land surveying in the state of Louisiana.

37:690. Receipts and disbursements

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

B. The board may employ such investigators, clerical, or other assistants as are necessary for the proper performance of its work, and may make expenditures from its funds for any purpose which, in the opinion of the board, is reasonably necessary for the proper performance of its duties under this Chapter, including the expenses of the board's delegates to conventions and meetings of, and membership dues to, the National Council of Examiners for Engineering and Surveying. The board may, if it deems necessary, or upon advice of the attorney general, hire counsel and investigators and pay traveling expenses thereof for the investigation and prosecution of any violator of this Chapter.

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

D. Under no circumstances shall the total amount of warrants issued by the board in payment of the expenses and compensation provided for in this Chapter exceed the amount of the application and renewal fees collected as herein provided.

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

37:691. Records and reports

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

- (a) The name, age, and residence of each applicant.
- (b) The date of the application.
- (c) The place of business of such applicant.

- (d) His educational and other qualifications.
- (e) Whether or not an examination was required.
- (f) Whether the applicant was rejected.
- (g) Whether a license or certification was granted.
- (h) The date of the action of the board.
- (i) Such other information which may be deemed necessary by the board.

(2) The records of the board shall be prima facie evidence of the proceedings of the board set forth therein, and a transcript thereof, duly certified by the secretary of the board, under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

B. All records maintained by the board in connection with disciplinary actions or its administration of examinations, including examinations, answer sheets, solutions, and grade sheets, together with all the background information involving personnel and employer references shall be deemed confidential and as such, exempt from the provisions of Chapter 1, Title 44 of the Louisiana Revised Statutes of 1950; however, any applicant shall have the right to examine examinations, answer sheets, and other documents relating and pertaining to any action taken by the board with regard to such applicant.

37:692. Roster

A roster showing the names and addresses of all professional engineers and the engineering branch under which each professional engineer has qualified, the names and addresses of all land surveyors, and the names and addresses of all engineer interns and land surveyor interns that have been qualified by the board may be published at the discretion of the board. A roster for corporations may be published at the discretion of the board. Copies of these rosters shall be mailed to each person or corporation licensed or certified by the board upon request, and shall be placed on file with the secretary of state and in the libraries of all colleges and universities in the state.

37:693. Requirements for licensure as a professional engineer or professional land surveyor, and certification as an engineer intern or land surveyor intern

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

(2) Professional engineers will be issued licenses by the board as a professional engineer. The board may designate a professional engineer as being registered in one or more of the disciplines or branches of engineering approved by the National Council of Examiners for Engineering and Surveying to signify the area in which the engineer has demonstrated competence pursuant to education, experience, and examination. Where state or local regulatory bodies require licensure in specific disciplines, the board shall issue licenses by discipline.

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

(1) A certified engineer intern shall be either:

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

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

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

(2) A professional engineer shall be either:

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

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

(3) A certified land surveyor intern shall be a graduate holding a baccalaureate degree from a curriculum of four years or more who has completed at least thirty semester credit hours, or the equivalent approved by the board, in courses involving land surveying, mapping, and real property approved by the board, who is of good character and reputation, who has passed the oral and written examinations required by the board, and who has satisfied the requirements of R.S. 37:694.

(4) A professional land surveyor shall be either:

(a) A certified land surveyor intern or an individual who meets the qualifications of a land surveyor intern, who has had at least four years or more combined office and field experience in land surveying, including two years or more experience in responsible charge of land surveying projects under the supervision of a professional land surveyor licensed by the appropriate authority, who is of good character and reputation, who

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

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

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

D. The execution, as a contractor, of work designed by a professional engineer or the supervision of the construction of such work as a foreman or superintendent shall not be deemed to be a violation of R.S. 37:700. However, such work may be considered toward qualification required for licensure as a professional engineer under this Chapter.

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

37:694. Application for licensure or certification; fees

A. (1) Application for licensure as a professional engineer or professional land surveyor shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and detailed summary of his technical work, and shall contain not less than five references. Three or more of the five references furnished by applicants for licensure as professional engineers shall be licensed professional engineers having personal knowledge of his engineering experience as such. Three or more of the five references furnished by applicants for licensure as professional land surveyors shall be licensed professional land surveyors having personal knowledge of his land surveying experience as such.

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

(3) Application for licensure by a foreign or domestic corporation shall be in accordance with Section 689 of this Chapter, and rules of the board.

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

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

37:695. Examinations

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

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

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

37:696. Certificates and licenses; seals

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

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

37:697. Expiration and renewals

Licensure and certification shall expire at a time specified by the board and shall become invalid after that date unless renewed. It shall be the duty of the executive secretary of the board to notify by letter to his last known address each person and entity licensed or certified under this Chapter of the date of the expiration of the license or certificate and the amount of the fee that shall be required for its renewal. The notice shall be mailed at least one month in advance of the expiration of such license or certificate. Renewal of licensure as a professional engineer, professional land surveyor, or corporation, or certification as an engineer intern or land surveyor intern may be effected at any time during the two months prior to expiration by the payment of a fee not to exceed one hundred dollars per year, at the discretion of the board. Any person or entity who renews his license within one hundred twenty days of the expiration of such certificate shall not be deprived of the right of renewal. The maximum fee for delayed renewal shall be established by the board, provided that said renewal fee shall not exceed three times the normal renewal fee. The board shall not increase the biennial renewal fee by more than twenty dollars in any two-year period.

37:697.1. Continuing professional development for professional engineers and land surveyors

Persons licensed by the board to practice engineering or land surveying may, by rule of the board, be required to earn annually up to fifteen hours of board-approved continuing professional development.

37:698. Disciplinary action; revocation; suspension; reprimand; or probation

A. The board shall have the power by majority vote of its entire membership authorized to participate in a proceeding to suspend, refuse to renew, revoke the license or certificate, reprimand, place on probation, and fine in an amount not to exceed five thousand dollars per violation, any licensee or certificate holder found by the board to be guilty of any of the following acts, provided a fine shall not be available in cases of physical injury or death resulting from negligence in the practice of engineering or land surveying or in cases of conviction of a felony or entry of a plea of nolo contendere to a criminal charge, and provided, further, that a two-thirds vote of its entire membership authorized to participate in the proceeding is required to take disciplinary action in a case of entry of a plea of nolo contendere to a criminal charge:

(1) The practice of any fraud, deceit, material misstatement, or perjury in applying for a license, or in taking any examination, or in applying for any renewal license or certificate provided for in this Chapter.

(2) Any fraud, deceit, gross negligence, misrepresentation, violation of contract, gross incompetence, or misconduct in the practice of engineering or land surveying, or violation of any provision of this Chapter;

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

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

(5) Conviction of any civil or criminal violation of, or entry of a plea of guilty or nolo contendere to any criminal charge under the Louisiana Campaign Finance Disclosure Act [fn1] or any other campaign finance and/or practices laws of the state of Louisiana, the United States, or any state;

(6) Violations of Rules of Professional Conduct for Professional Engineers and Land Surveyors, or any other rule or regulation adopted and promulgated by the board;

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

(8) Providing false testimony before the board;

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

(10) Failure to provide, within thirty calendar days of receipt of notice by certified mail, information requested by the executive secretary as a result of a formal complaint to the board alleging a violation of this Chapter;

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

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

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

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

B. (Repealed by Act 396 of the 1999 Regular Session)

C. The board shall have the power to revoke or suspend a license of any foreign or domestic corporation if one or more of its officers, directors, employees, agents, or representatives has been guilty of a violation of any provision of this Chapter.

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

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

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

[fn1] In par A (5), Campaign Finance Disclosure Act, R.S. 18:1481 et seq.

37:699. Disciplinary action; procedure

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

(1) The board, on its own initiative and by a majority vote of its entire membership authorized to participate in a proceeding, may prefer charges of violation of any provision of this Chapter or violation of the Rules of Professional Conduct for Professional Engineers and Land Surveyors, or violation of any rules and regulations issued by the board against any licensee or certificate holder.

(2) The board may establish a complaint committee to investigate, mediate, or initiate administrative or legal proceedings on behalf of the board with respect to complaints filed with or information received by the board

alleging or indicating the unauthorized practice of engineering or land surveying, or a violation of the provisions of this Chapter or any rule promulgated or order issued by the board. The complaint committee shall consist of at least one member of the board.

(3) Any person may prefer charges of violation of any provision of this Chapter, or violation of any rules or regulations issued by the board, against any licensee or certificate holder. Such charges shall be in writing and shall be sworn to by the person or persons making the charges and shall be filed with the secretary of the board.

B. Any licensee or certificate holder charged in the manner set forth in Subsection A of this Section shall be mailed, within twenty days of the board's election to file charges, in the event the charges are initiated by the board, or within ten days of the receipt by the secretary of the board of written charges filed by any other person, a copy of said charges.

C. In the event the board determines after investigation that the charges so filed are completely unfounded, more appropriately resolved outside the formal disciplinary proceedings, or not within the jurisdiction of the board, the board shall so advise the person or corporation charged, in writing, of its determination. Otherwise, all charges shall be heard by the board or a hearing committee designated by the board within twelve months after the date on which they shall have been preferred by the board or by any other person.

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

E. If, after such hearing, a majority of the entire board membership authorized to participate in the proceeding vote in favor of sustaining the charges, the board may reprimand, suspend, refuse to renew, place on probation, or revoke the individual's or corporation's license or the individual's certificate of certification or levy a fine in an amount not to exceed five thousand dollars. The final disciplinary action of the board shall be published in the official journal of the board and may be released to other professional organizations relating to professional engineering and land surveying or to the news media. Any charges found by the board to be unfounded or resolved outside of formal disciplinary action shall be published in the official journal of the board, if requested in writing by the person or corporation charged. The board, for reasons it may deem sufficient, may reissue a license or certification to any person or a license to any corporation whose license or certificate has been revoked, if a majority of the entire board membership authorized to participate in the proceeding vote in favor of such reissuance.

F. A licensee or certificate holder aggrieved by any action of the board in denying, suspending, refusing to renew, placing on probation, or revoking his license or certification or a corporation's license or levying a fine, may appeal therefrom, pursuant to the provisions of the Administrative Procedure Act.

G. The board may, by majority vote of its entire membership authorized to participate in the proceeding and upon petition of an individual, licensee, or certificate holder, reinstate his or its application, license, or certification.

37:700. Violations and penalties

A. (1) It shall be a violation for:

(a) Any person or corporation, foreign or domestic, to practice, or offer to practice, engineering or land surveying in this state without being licensed in accordance with the provisions of this Chapter.

(b) Any person to present or to attempt to use as his own, the license or the seal of another.

(c) Any person to give any false or forged evidence of any kind to the board or to any member thereof in obtaining a license or certification.

(d) Any person to falsely impersonate any other licensee or certificant of like or different name.

(e) Any person to attempt to use an expired or revoked license or certification.

(f) Any nonlicensee to use or attempt to use a seal which is deceptively similar to the seals authorized by the board for use by its licensees.

(g) Any person, applicant, licensee, or certificate holder to violate any of the provisions of this Chapter.

(h) Any person, firm, partnership, organization, association, corporation, or other entity to use or employ the words "engineer" or "engineering" or "land surveyor" or "land surveying" or any modification or derivative thereof in its name or form of business or activity except as licensed under this Chapter or in the pursuit of activities exempted by this Chapter.

(i) Any person to practice or offer to practice when not qualified.

(j) Any person to falsely claim that he is licensed under this Chapter.

(2) Any person committing a violation shall be guilty of a misdemeanor, and shall, upon conviction, be sentenced to pay a fine of not less than three hundred dollars, nor more than fifteen hundred dollars, or suffer imprisonment for a period not exceeding three months, or both.

(3) Any corporation, company, partnership, firm, or business entity who violates any part of this Chapter shall be guilty of a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not less than fifteen hundred dollars, nor more than five thousand dollars.

(4) Each day of violation shall be a separate offense.

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

(1) (a) The board is charged with the duty of ensuring that the provisions of this Chapter are enforced. The board shall investigate any complaint relating to a violation of any provision of this Chapter and, dependent upon the result of such investigation, the board may, after notice and hearing and by majority vote of its entire membership authorized to participate in the proceeding, issue an order prohibiting any such person, corporation, or business entity from violating this Chapter, and/or fine any such person, corporation, or business entity for any violations of this Chapter; provided that said fine does not exceed fifteen hundred dollars per violation in the case of an individual, or five thousand dollars per violation in the case of a corporation, company, partnership, firm, or business entity.

(b) The time and place for said hearing shall be fixed by the board and a copy of the charges, together with a notice of the time and place of the hearing, shall be personally served on or mailed by certified mail to the last known address of such individual or business entity at least thirty days before the date fixed for hearing.

(c) At any hearing, the accused shall have the right to appear in person, or by counsel, or both, to cross examine witnesses in his or its defense, and to produce evidence and witnesses in his or its defense.

(d) If the accused person or business entity fails or refuses to appear, the board may proceed to hear and determine the validity of the charges.

(2) (a) The violation of any order of the board issued under this Chapter shall subject the person violating the order to a civil penalty not in excess of fifteen hundred dollars per violation, in the case of any individual, or five thousand dollars per violation, in the case of a corporation, company, partnership, firm, or business entity. Unless the amount of the penalty is paid within sixty days after the order becomes final, the order shall constitute a judgment and shall be filed and execution issued upon in the same manner as a judgment of a court of record. Any civil penalty imposed by the board under this Section may, at its discretion, be suspended in whole or in part.

(b) The board may assess all reasonable costs incurred in connection with a disciplinary proceeding, including investigators', stenographers', and attorneys' fees in conjunction with any disciplinary action taken.

(3) All funds derived from fines as provided in this Subsection shall be deposited in the state general fund.

(4) Any individual or business entity aggrieved by any action of the board in assessing a fine under this Subsection may appeal therefrom, pursuant to the provisions of the Administrative Procedure Act.[fn1]

D. Alternatively, following an investigation of any complaint relating to a violation of any provision of this Chapter by a nonlicensee, and dependent upon the result of such investigation, the board may present its findings to the district attorney in whose district such violation has occurred, and shall aid in the prosecution of

the violator; or the board may, if it deems necessary, prosecute any violator directly and in its own name, in any district court of this state for such violation or to recover any fine assessed under R.S. 37:700(C). Such action may be instituted by any member, officer, attorney, or agent of the board.

[fn1] In par. C(4), Administrative Procedure Act, R.S. 49:950 et seq.

37:701. Public and private work; application of provisions

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

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

C. This Chapter shall not apply to, affect, interfere with, or in anywise regulate employees of a person, firm, or corporation engaged in industrial operations, including but not limited to producing, processing, manufacturing, transmitting, distributing, or transporting, when performing services within the state of Louisiana in the course and scope of the business of said person, firm, corporation, or affiliates thereof. In the event any of the activities set forth in this Subsection shall fall within the definition of practice of engineering as defined in R.S. 37:682(8), such activities shall be under the supervision and charge of a professional engineer, duly licensed under the provisions of this Chapter. However, this Subsection shall not apply to persons practicing civil engineering or land surveying, who must at all times comply with the provisions of this Chapter.

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

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

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

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

H. Professional agricultural engineers are exempt from the provisions of Subsection D of this Section, while performing land surveying work pertaining to drainage, irrigation, erosion control, mapping, and topographical work required in agricultural engineering activities.

I. (1) Any licensed architect, licensed engineer, or licensed land surveyor, engaged by the owner of a particular piece or parcel of ground, to perform architectural, engineering or land surveying services, as such services are defined in R.S. 37:141 and 682(8) and (9), shall have a lien and privilege against the particular piece or parcel of ground with respect to which the services were rendered, when work on said piece or parcel of ground, as defined in R.S. 9:4808, has not begun.

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

37:702. Saving clause

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

(1) Other professions or trades including the practice of architecture as defined in Chapter 3 of Title 37 of the Louisiana Revised Statutes of 1950; or the practice of any legally recognized profession or trade; or the professional practice of the physical sciences, such as: chemistry, physics, geology, mathematics, so long as they do not involve the practice of engineering; or

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

(3) The practice of officers and employees of the government of the United States while engaged within this state in the practice of engineering or land surveying, for said government.

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

(5) The practice of engineering, exclusively as an officer or employee of a public utility corporation authorized to do and doing business in this state, by rendering to such corporation such service in connection with its facilities and property which are subject to regulation with respect to safety and security thereof by the Public Service Commission of the state of Louisiana, or other duly authorized utility regulatory body, and so

long as such person is thus actually and exclusively employed, and no longer, and the practice of engineering as an officer or employee of a person, firm, or corporation, furnishing products, services, or facilities used primarily by a public utility corporation regulated by the Public Service Commission of the state of Louisiana, or other duly authorized utility regulatory body, and so long as such officer or employee is thus actually and exclusively employed and no longer, provided this does not apply to the practice of civil engineering or land surveying.

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

37:703. Transitional provisions

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

Section 2. R.S. 37:698(B) is hereby repealed in its entirety.