

## Position Statement on Sealed Truss Placement Diagrams for Commercial Projects in the State of Alabama

Updated May 21, 2008

### Introduction:

The Truss Placement Diagram (TPD) is not to be viewed as an engineering document except as stated below; rather it is provided to assist the installer in properly locating the trusses within the structure. All the necessary truss engineering and analysis is found on the Truss Design Drawings (TDD).

If a TPD is provided, it is recommended that the Building Designer review and approve the TPD to ensure that the intended load paths have not been altered.

If a Truss Design Engineer were to seal a TPD, it has been suggested that they could inappropriately be held responsible for ensuring the proper flow of loads through the truss to the bearing and support structure below the truss and into the foundation.

A Truss Design Engineer would only undertake Building Designer responsibilities under a special set of circumstances, including that he/she is professionally capable of taking on such responsibility and that he/she are properly compensated for the work.

### Issue:

Certain jurisdictions in Alabama are requesting engineering seals on Truss Placement Diagrams (TPD) (also known as a truss placement plan, truss layout, framing plan or framing layout). The following information should be used to provide insight into why component manufacturers should seriously consider all the ramifications of providing seals on TPD for commercial projects in the state of Alabama.

This information is based on the *Alabama Law Regulating Practice of Engineering and Land Surveying*, the *Administrative Code*<sup>1</sup>, and the *2006 International Building Code*<sup>2</sup>.

### Industry Recommendation:

The Alabama professional engineering law and the *2006 International Building Code* provide the basis upon which to evaluate the need to provide an engineer's seal on a Truss Placement Diagram (TPD). Based on this evaluation, a TPD does not require a professional engineer's seal.

Requiring a TPD to be sealed, where it is not prepared by an engineer or under his/her immediate personal supervision, is contrary to Alabama law which states:

**Administrative Code: Chapter 330-X-11: Seals. Section 330-X-11-.03 Seal on Documents.**

<sup>1</sup> [www.bels.state.al.us/pdfs/Law%20&%20Code%20-%20January%202008.pdf](http://www.bels.state.al.us/pdfs/Law%20&%20Code%20-%20January%202008.pdf)

<sup>2</sup> The Alabama Building Code is based on the 2006 International Building Code: [www.bc.alabama.gov/buildingcode.htm](http://www.bc.alabama.gov/buildingcode.htm)



Prepared with assistance from the Alabama Component Manufacturers Association, a local chapter of SBCA.  
View all SBCA Tech Notes at [www.sbcindustry.com/kb/technotes.php](http://www.sbcindustry.com/kb/technotes.php)

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(1) The seal, signature, and date of signature on a document signify that the document was prepared by the licensee or under his or her direct control and personal supervision, or that the licensee has reviewed the document in sufficient depth to fully coordinate and assume responsibility for documents prepared by another licensed professional engineer...

**Administrative Code: Chapter 330-X-14: Professional Conduct. Section 330-X-14-.06 Ethics. (Canon V)** The engineer or land surveyor shall contribute to the maintenance, integrity, independence and competency of the engineering...profession as follows:

(a) The engineer...shall not: 12. Place his or her seal, signature, date, and license number on a document constituting a certification that the document was prepared by the licensee unless the document was prepared by the licensee or under his or her direct control and personal supervision or unless the licensee has reviewed the document in sufficient depth to fully coordinate and assume responsibility for plans prepared by another licensed professional engineer...

## Appendix A

### Background:

The Truss Placement Diagram (TPD) is not to be viewed as an engineering document except as stated below; rather it is provided to assist the installer in properly locating the trusses within the structure.

All the necessary truss engineering and analysis is found on the Truss Design Drawings (TDD). If a TPD is provided, it is recommended that the project's Building Designer or Registered Design Professional (RDP) review and approve the TPD to ensure that the intended load paths have not been altered.

If a Truss Designer were to seal a TPD, it has been suggested that they could inappropriately be held responsible for ensuring the proper flow of loads through the truss to the bearing and support structure below the truss then onto the foundation.

Truss Designers would only undertake Building Designer responsibilities under a special set of circumstances if capable and when properly compensated.

### Analysis:

#### *Commercial Construction Documents*

In most jurisdictions, the Building Designer of a non-residential structure must be a RDP, as defined in **Appendix B**; pursuant to the *2006 International Building Code (IBC)* Section 106.1 (*see Appendix C*):

**IBC 106.1 Submittal documents.** ...The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. ...

The construction documents should in turn clearly define the scope of the work proposed by the Building Designer or RDP:

**IBC 106.1.1 Information on construction documents.** ...Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations...

In preparing the construction documents, the RDP needs to provide the Truss Designer with the information necessary to properly design the trusses for the building. According to *ANSI/TPI 1-2002* Chapter 2 (*see Appendix D*), which is adopted by reference in *2006 IBC* [*see Appendix C* (102.4), (2303.4), and (Chapter 35 "Reference Standards")], the following information should be provided:

#### **ANSI/TPI 1 Chapter 2**

**2.5.2** The Building Designer...shall provide the following:

- 2.5.2.1** All Structural Element and Truss orientations and locations;
- 2.5.2.2** Information to fully determine all Truss profiles;
- 2.5.2.3** All Structural Element and Truss bearing conditions;
- 2.5.2.4** The location, direction, and magnitude of all dead and live loads applicable to each Structural Element and Truss...
- 2.5.2.5** All Structural Element and Truss anchorage designs required to resist uplift, gravity, and lateral loads;
- 2.5.2.6** Allowable vertical and horizontal deflection criteria and any specific criteria...
- 2.5.2.7** Proper transfer of design loads affecting the Structural Elements and Trusses;
- 2.5.2.8** Adequate connections between Trusses and between Structural Elements...but not Truss to Truss girder connections...
- 2.5.2.9** Permanent bracing design for the Building...and permanent bracing for all Structural Elements and Trusses...

- 2.5.3 The Building Designer shall be responsible for the adequacy of the design of the Building Structural System [and]...shall evaluate the effect of the Trusses and the Structural Elements supplied, on the Building Structural System.

### ***Truss Design and Preparation of Truss Design Drawings***

Assuming the requisite information is provided within the construction documents issued by the RDP or Building Designer, the Truss Designer's sole responsibility is to properly design the trusses according to this information. Once designed, a truss is then depicted on a TDD. The Truss Designer is therefore specifically responsible for the single truss design depicted on each TDD.

### ***Who Typically Prepares Truss Placement Diagrams?***

Assuming the requisite information is provided in the construction documents, TPD are prepared by component manufacturer personnel who are not typically Truss Designers. The individuals preparing TPD are trained individuals who work as truss technicians, truss take-off specialists or truss salespeople. As TPD are typically prepared outside the Truss Designer's scope of work, they may not be reviewed or even seen by the Truss Designer. TPD are generally not prepared within the typical duties of the Truss Designer and are therefore not prepared under the Truss Designer's direct supervision.

### ***Why are Truss Placement Diagrams Prepared?***

TPD are intended to assist customers, erectors and code enforcement officials in positioning or locating the trusses and related structural components supplied by the component manufacturer.

Their function is to serve as detailed installation instructions. They indicate the component manufacturer's assumed location for each truss or related component that has been designed and manufactured.

For example, a truss or related structural building component is no different than a window that is manufactured and in turn installed within a building. A window may be a highly engineered component of a house with specific installation specifications and instructions. However, there is no requirement to provide an engineer's seal on the installation instructions for windows.

### ***To Require Truss Placement Diagrams to be Sealed Would Violate Alabama Law***

Because TPD are generally neither created by nor created under the immediate personal supervision of a licensed design professional, they cannot be sealed. To require that they be sealed is contrary to Chapter 11 (*Engineers and Land Surveyors*) of Alabama Licensure Law Section 34-11-7(c) and Section 34-11-11(3) (*see Appendix E*), and Chapter 330-X-2 *Definitions* of Alabama's Administrative Code, Chapter 330-X-11 *Seals* and Chapter 330-X-14 *Professional Conduct* (*see Appendix F*), which state in pertinent part:

**Licensure Law: Chapter 11 Section 34-11-7. Issuance of certificate; seal.** (c)...Engineering drawings, plans, specifications, plats, and reports issued by a licensee or by qualified persons under the direction of the licensee and for which the licensee assumes full responsibility shall be certified pursuant to this chapter.

**Licensure Law: Chapter 11 Section 34-11-11. Disciplinary action.** (a) The board shall have the power to reprimand, censure, place on probation, or fine any licensee or certified engineer intern...or corporation, partnership, or firm holding a certificate of authorization and to suspend, refuse to renew, or revoke the certificate of any licensee or certified engineer intern...or the certificate of authorization of a corporation, partnership, or firm found guilty of any of the following:

(3) Falsely representing himself or herself as being in responsible charge of engineering work...

**Administrative Code: Chapter 330-X-2: Definitions. Section 330-X-2-.01 Definition of Terms.**

(3) The terms "direct control" and "personal supervision" as used in Section 34-11-1(9) will be construed by this Board to mean that the licensed professional engineer or licensed professional land surveyor providing

such supervision was in responsible charge of the engineering or land surveying work, shall have made decisions on technical matters of policy and design and shall have exercised his or her professional judgment in all engineering or land surveying matters that are embodied in the design and the plans, specifications, land surveys, or other documents involved in the work. The term "supervision of construction" as it relates to an engineer shall mean the general oversight of an engineering project as it relates to the implementation of a design during construction. By applying his or her seal, and/or signature, and date to the final documents, the licensee signifies compliance with the requirements of these definitions and the Rules of Professional Conduct (Code of Ethics) and accepts responsibility therefor.

(16) The term "Responsible Charge" shall mean direct control, personal supervision of, and legal responsibility for all engineering work or land surveying work performed. This responsible charge shall be of such a nature that the client may reasonably presume that the licensed engineer...which he has employed is the provider of the professional services.

**Administrative Code: Chapter 330-X-11: Seals. Section 330-X-11-.03 Seal on Documents.**

(1) The seal, signature, and date of signature on a document signify that the document was prepared by the licensee or under his or her direct control and personal supervision, or that the licensee has reviewed the document in sufficient depth to fully coordinate and assume responsibility for documents prepared by another licensed professional engineer...

**Administrative Code: Chapter 330-X-14: Professional Conduct. Section 330-X-14-.06 Ethics. (Canon V)**

The engineer or land surveyor shall contribute to the maintenance, integrity, independence and competency of the engineering...profession as follows:

(a) The engineer...shall not: ...12. Place his or her seal, signature, date, and license number on a document constituting a certification that the document was prepared by the licensee unless the document was prepared by the licensee or under his or her direct control and personal supervision or unless the licensee has reviewed the document in sufficient depth to fully coordinate and assume responsibility for plans prepared by another licensed professional engineer...

In all cases, when a seal is required, the Truss Design Engineer should clearly define what is meant by the seal (i.e., scope of engineering work). Chapter 11 (*Engineers and Land Surveyors*) of Alabama's Licensure Law Section 34-11-7(d) (*see Appendix E*) states:

**Section 34-11-7. Issuance of certificate; seal.** (d)...Whenever the seal is applied, the document must be signed by the licensee thereby certifying that he or she is competent in the subject matter and is responsible for the work product.

***The International Code Committee (ICC) Has Recently Codified That Truss Placement Diagrams Should Not Be Sealed***

The 2003 edition of the *IBC* did not clearly define a TPD. As such, some incorrectly inferred that they were part of the "Truss Design Drawings". To clear up any confusion on this issue, Section 2303 of the 2006 *IBC* has been revised to include the following regarding "Truss Placement Diagram":

**2006 IBC Section 2303.4.1.3 Truss placement diagram.** The truss manufacturer shall provide a truss placement diagram that identifies the proposed location for each individually designated truss and references the corresponding truss design drawing. The truss placement diagram shall be provided as part of the truss submittal package, and with the shipment of trusses delivered to the job site. Truss placement diagrams shall not be required to bear the seal or signature of the truss designer.

**Exception:** When the truss placement diagram is prepared under the direct supervision of a registered design professional, it is required to be signed and sealed.

## Appendix B

### Key Definitions:

#### **BUILDING DESIGNER:**

Owner of the Building or the person that contracts with the Owner for the design of the Framing Structural System and/or who is responsible for the preparation of the Construction Documents. When mandated by the Legal Requirements, the Building Designer shall be a Registered Design Professional.<sup>3</sup>

#### **CONSTRUCTION DOCUMENTS:**

Written, graphic and pictorial documents prepared or assembled for describing the design (including the Framing Structural System), location and physical characteristics of the elements of a Building necessary to obtain a Building Permit and construct a Building.

#### **REGISTERED DESIGN PROFESSIONAL (RDP):**

Architect or engineer, who is licensed to practice their respective design profession as defined by the Legal Requirements of the Jurisdiction in which the Building is to be constructed.

#### **TRUSS DESIGN DRAWING (TDD):**

Written, graphic and pictorial depiction of an individual Truss that includes the design information required per *2006 International Building Code* Section 2303.4.1.2.

#### **TRUSS DESIGN ENGINEER:**

Person who is licensed to practice engineering as defined by the Legal Requirements of the Jurisdiction in which the Building is to be constructed and who supervises the preparation of the Truss Design Drawings.<sup>4</sup>

#### **TRUSS PLACEMENT DIAGRAM (TPD):**

Illustration identifying the assumed location of each Truss.

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<sup>3</sup> Adapted from 2006IBC Section 106.1

<sup>4</sup> Adapted from 2006IBC Section 2303.4

## Appendix C

The language in RED signifies sections of the code or law that have been used in the foregoing document to make it easier for the reader to see the language in context.

### 2006 International Building Code Chapter 1 ADMINISTRATION SECTION 102: APPLICABILITY

102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

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### SECTION 106: CONSTRUCTION DOCUMENTS

106.1 Submittal documents. Construction documents, statements of special inspection, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

IBC 106.1.1 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

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### Chapter 23 WOOD SECTION 2303: MINIMUM STANDARDS AND QUALITY

#### 2303.4 Trusses.

2303.4.1 Design. Wood trusses shall be designed in accordance with the provisions of this code and accepted engineering practice. Members are permitted to be joined by nails, glue, bolts, timber connectors, metal connector plates or other approved framing devices.

2303.4.1.1 Truss designer. The individual or organization responsible for the design of trusses.

2303.4.1.2 Truss design drawings. The written, graphic and pictorial depiction of each individual truss shall be provided to the building official and approved prior to installation. Truss design drawings shall also be provided with the shipment of trusses delivered to the job site. Truss design drawings shall include, at a minimum, the information specified below:

1. Slope or depth, span and spacing;
2. Location of joints;
3. Required bearing widths;
4. Design loads as applicable;
5. Top chord live load (including snow loads);
6. Top chord dead load;
7. Bottom chord live load;
8. Bottom chord dead load;
9. Concentrated loads and their points of application as applicable;
10. Controlling wind and earthquake loads as applicable;
12. Each reaction force and direction;

13. Metal connector plate type, size, thickness or gage, and the dimensioned location of each metal connector plate except where symmetrically located relative to the joint interface;
14. Lumber size, species and grade for each member;
15. Connection requirements for:
  - 15.1. Truss to truss;
  - 15.2. Truss ply to ply; and
  - 15.3. Field splices.
16. Calculated deflection ratio and maximum vertical and horizontal deflection for live and total load as applicable;
17. Maximum axial tensile and compression forces in the truss members; and
18. Required permanent individual truss member bracing and method per Section 2303.4.1.5, unless a specific truss member permanent bracing plan for the roof or floor structural system is provided by a registered design professional.

**Where required by one of the following, each individual truss design drawing shall bear the seal and signature of the truss designer:**

- 1. Registered design professional; or**
- 2. Building official; or**
- 3. Statutes of the jurisdiction in which the project is to be constructed.**

**Exceptions:**

1. When a cover sheet/truss index sheet combined into a single cover sheet is attached to the set of truss design drawings for the project, the single sheet/truss index sheet is the only document that needs to be signed and sealed within the truss submittal package.
2. When a cover sheet and a truss index sheet are separately provided and attached to the set of truss design drawings for the project, both the cover sheet and the truss index sheet are the only documents that need to be signed and sealed within the truss submittal package.

**2303.4.1.3 Truss placement diagram. The truss manufacturer shall provide a truss placement diagram that identifies the proposed location for each individually designated truss and references the corresponding truss design drawing. The truss placement diagram shall be provided as part of the truss submittal package, and with the shipment of trusses delivered to the job site. Truss placement diagrams shall not be required to bear the seal or signature of the truss designer.**

**Exception: When the truss placement diagram is prepared under the direct supervision of a registered sealed.**

**2303.4.1.4 Truss submittal package.** The truss submittal package shall consist of each individual truss design drawing, the truss placement diagram for the project, the truss member permanent bracing specification and, as applicable, the cover sheet/truss index sheet.

**2303.4.1.5 Truss member permanent bracing.** Where permanent bracing of truss members is required on the truss design drawings, it shall be accomplished by one of the following methods:

1. The trusses shall be designed so that the buckling of any individual truss member can be resisted internally by the structure (e.g. buckling member T-bracing, L-bracing, etc.) of the individual truss. The truss individual member buckling reinforcement shall be installed as shown on the truss design drawing or on supplemental truss member buckling reinforcement diagrams provided by the truss designer.
2. Permanent bracing shall be installed using standard industry bracing details that conform with generally accepted engineering practice. Individual truss member continuous lateral bracing location(s) shall be shown on the truss design drawing.

**2303.4.1.6 Anchorage.** All transfer of loads and anchorage of each truss to the supporting structure is the responsibility of the registered design professional.

**2303.4.1.7 Alterations to trusses.** Truss members and components shall not be cut, notched, drilled, spliced or otherwise altered in any way without written concurrence and approval of a registered design professional. Alterations resulting in the addition of loads to any member (e.g., HVAC equipment, water heater) shall not be permitted without verification that the truss is capable of supporting such additional loading.

**2303.4.2 Metal-plate-connected trusses.** In addition to Sections 2303.4.1 through 2303.4.1.7, the design, manufacture and quality assurance of metal-plate-connected wood trusses shall be in accordance with TPI 1. Manufactured trusses shall comply with Section 1704.6 as applicable.

International Building Code  
Chapter 35 REFERENCED STANDARDS



Truss Plate Institute  
583 D'Onofrio Drive, Suite 200  
Madison, WI 53719

Standard reference number	Title	Referenced in code section number
TPI 1—2002	National Design Standards for Metal-plate-connected Wood Truss Construction . . . . .	2303.4.2, 2306.1

## Appendix D

ANSI/TPI 1-2002

National Design Standard for Metal Plate Connected Wood Truss Construction

Chapter 2 – Standard Responsibilities in the Design Process Involving Metal Plate Connected Wood Trusses

### 2.5 BUILDING STRUCTURAL SYSTEM DESIGN DOCUMENTS

- 2.5.1 The Building Designer, through the Structural Design Documents shall provide that the Structural Elements and Trusses shall not be subjected to adverse influences including, but not limited to moisture, temperature, and corrosive chemicals and gases. This provision shall specifically include notice for the Truss Designer of environments expected to result in wood moisture content exceeding 19 percent, and temperatures and/or corrosion potential that are unusually high relative to typical wood buildings.
- 2.5.2 The Building Designer, through the Structural Design Documents shall provide information sufficiently accurate and reliable to be used for facilitating the supply of the Structural Elements and for developing the design of the Trusses for the Building, and shall provide the following:
- 2.5.2.1 All Structural Element and Truss orientations and locations;
- 2.5.2.2 Information to fully determine all Truss profiles;
- 2.5.2.3 All Structural Element and Truss bearing conditions;
- 2.5.2.4 The location, direction, and magnitude of all dead and live loads applicable to each Structural Element and Truss including, but not limited to, loads attributable to: roof, floor, partition including any directions other than given in ANSI/TPI 1-2002, mechanical, fire sprinkler, attic, storage, rain loads and ponding, design wind speed and exposure category, snow, snow drift, unbalanced snow load, and seismic forces;
- 2.5.2.5 All Structural Element and Truss anchorage designs required to resist uplift, gravity, and lateral loads;
- 2.5.2.6 Allowable vertical and horizontal deflection criteria and any specific criteria per ANSI/TPI 1-2002;
- 2.5.2.7 Proper transfer of design loads affecting the Structural Elements and Trusses;
- 2.5.2.8 Adequate connections between Trusses and between Structural Elements, including Truss to Structural Element connections, but not Truss to Truss girder connections except such connections that are excluded from the scope of the Truss Designer's responsibilities.
- 2.5.2.9 Permanent bracing design for the Building, including bracing to resist wind, seismic, or other lateral forces, and permanent bracing for all Structural Elements and Trusses. The permanent bracing design shall incorporate the continuous lateral chord and web member bracing that is designated on the individual Truss Design Drawings into the overall bracing for the entire Building Structural System.
- 2.5.3 The Building Designer shall be responsible for the adequacy of the design of the Building Structural System or the adequacy of the Structural Design Documents. The Building Designer shall evaluate the effect of the Trusses and the Structural Elements supplied, on the Building Structural System.

## Appendix E

### Alabama Licensure Law and the Administrative Code

#### Chapter 11: Engineers and Land Surveyors

##### Section 34-11-7. Issuance of certificate; seal.

(a) The board shall issue a certificate of licensure upon payment of a licensure fee as provided for in this chapter to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. In the case of a professional engineer, the certificate shall authorize the practice of engineering. In the case of a professional land surveyor, the certificate shall authorize the practice of land surveying. Certificates of licensure shall show the name of the licensee, shall have a license number, and shall be signed by the chair and the secretary of the board under the seal of the board.

(b) The issuance of a certificate of licensure by the board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a professional engineer, or of a professional land surveyor unless the certificate is revoked, suspended, surrendered, lapsed, or expired.

(c) Each professional engineer should upon licensure obtain a seal of the design authorized by the board, bearing the licensee's name, licensure number, and the legend, "licensed professional engineer." Previously purchased seals bearing the terminology "registered" vs. "licensed" may continue to be used until replacement is required.

Engineering drawings, plans, specifications, plats, and reports issued by a licensee or by qualified persons under the direction of the licensee and for which the licensee assumes full responsibility shall be certified pursuant to this chapter. It shall be unlawful for anyone to use an expired, suspended, surrendered, lapsed, or revoked certificate or seal or facsimile thereof.

(d) Each professional land surveyor should upon licensure obtain a seal of the design authorized by the board, bearing the licensee's name, licensure number, and the legend, "licensed professional land surveyor." Previously purchased seals bearing the terminology "registered" vs. "licensed" may continue to be used until replacement is required. Land plats, legal descriptions of lands, and land surveying reports issued by a licensee or by qualified persons under the direction of the licensee and for which the licensee assumes full responsibility shall be certified pursuant to this chapter. It shall be unlawful for anyone to use an expired, suspended, surrendered, lapsed, or revoked certificate or seal or facsimile thereof. Whenever the seal is applied, the document must be signed by the licensee thereby certifying that he or she is competent in the subject matter and is responsible for the work product. A digital signature may be used in lieu of a handwritten signature.

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##### Section 34-11-11. Disciplinary action.

(a) The board shall have the power to reprimand, censure, place on probation, or fine any licensee or certified engineer intern or land surveyor intern or corporation, partnership, or firm holding a certificate of authorization and to suspend, refuse to renew, or revoke the certificate of any licensee or certified engineer intern or land surveyor intern or the certificate of authorization of a corporation, partnership, or firm found guilty of any of the following:

(1) The practice of any fraud or deceit in obtaining or attempting to obtain or renew a certificate of licensure or certificate of authorization.

(2) Any gross negligence, incompetency, violation of the rules of professional conduct prescribed by the board, or any amendment thereof, or misconduct in the practice of engineering or land surveying as a professional engineer, engineer intern, professional land surveyor, or land surveyor intern.

(3) Falsely representing himself or herself as being in responsible charge of engineering work or land surveying.

(4) Permitting his or her seal, or facsimile thereof, to be used by another.

- (5) An offense in another jurisdiction resulting in revocation, suspension, or voluntary surrender, to avoid disciplinary proceedings, of a license or certificate of licensure, including any agreement or stipulation executed by a licensee to avoid formal disciplinary proceedings.
- (b) The board shall have the power to impose any or all of the disciplinary penalties set forth in this section against a corporation, partnership, or firm holding a certificate of authorization, when any one or more of the agents, employees, officers, partners, or owners of the corporation, partnership, or firm, licensed or nonlicensed, have committed any act, or have been guilty of any conduct, which could authorize the imposition of any of the disciplinary penalties set forth in this section. The acts or conduct by the persons must have been related to the practice of or offer to practice of engineering or land surveying by the corporation, partnership, or firm and that the acts or conduct must have been performed or occurred within the scope of the employment of any such person and with the authorization, ratification, or approval of an officer, director, principal, partner, or owner of the corporation, partnership or firm.
- (c) Any person may file a complaint alleging a violation of this section against any individual licensee, certified intern, or corporation, partnership, or firm holding a certificate of authorization. The complaints shall be in writing and shall be filed with the executive director of the board.
- (d) The board may designate a person or persons to investigate and report to it on any matter related to its lawful duties and may employ legal counsel as the board may deem necessary or desirable. An investigation may be made upon receipt of a complaint or may be initiated by the board. The board may resolve violations by agreement between the board and the licensee with or without the filing of formal charges.
- (e) Following an investigation, charges may be filed against any individual licensee, certificated intern, or corporation, partnership, or firm holding a certificate of authorization. The charges shall conform to the Administrative Procedure Act.
- (f) With the consent of the licensee, the board may conduct an informal hearing without meeting the requirements of the Administrative Procedure Act at which no action shall be taken other than a reprimand, public or private.
- (g) All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within a reasonable time.
- (h) The time and place for the 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 to the last known address of the individual licensee, certified intern, or corporation, partnership, or firm holding a certificate of authorization, at least 30 days before the date fixed for the hearing. At any hearing the accused individual licensee, certified intern, or corporation, partnership, or firm holding a certificate of authorization shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, her, or them, and to produce evidence and witnesses in his or her or their own defense. If the accused fails or refuses to appear, the board may proceed to hear and determine the validity of the charges.
- (i) If after the hearing three or more members of the board vote in favor of finding the accused guilty, the board shall impose one or more of the disciplinary penalties set forth in this section. Any fine imposed may not exceed two thousand five hundred dollars (\$2,500) for each count or separate offense. The written decision of the board shall be delivered personally to the accused or sent by certified mail, return receipt requested, to the last known address of the accused.
- (j) If disciplinary action from the a hearing results in imposing a fine against a licensee, certified intern, or certificated corporation, partnership, or firm, the board shall not renew the annual certificate for this licensee, certified intern, or certificated corporation, partnership, or firm until the fine is paid in full. In the event that the fine is subsequently set aside on judicial review, as provided in the Alabama Administrative Procedure Act, the licensee, certified intern, or corporation, partnership, or firm holding a certificate of authorization shall be entitled to a prompt refund of the amount of the fine, but shall not be entitled to interest thereon.
- (k) The board shall revoke the certificate of any licensee or certified intern who has been determined to be one of the following:
- (1) Declared non compos mentis by a court of competent jurisdiction.
  - (2) Convicted of or entered a plea of guilty or nolo contendere to any crime under the laws of the United States or any state or territory thereof, which is a felony, whether related to practice or not and convicted of or entered a plea of guilty or nolo contendere to any crime, whether a felony, misdemeanor, or otherwise, an essential element of which is dishonesty or which is directly related to the practice of engineering or land surveying.

- (l) When a member of the board is unable to continue the hearing either by disqualification or any other reason, and the board is unable to reach a quorum, the Governor shall appoint as many ex officio members as is necessary to reach a quorum from a list of three persons submitted for each place by the committee of seven as specified in Section 34-11-30. These ex officio members shall serve on the board only for that hearing for which they were appointed and they may be reappointed for subsequent hearings if necessary.
- (m) The licensee shall be responsible for the cost of the disciplinary action if found guilty.

## Appendix F

### Administrative Code (Rules and Regulations) Chapter 330-X-2

#### Definitions: 330-X-2-.01 Definitions of Terms

(1) Section 34-11-1, Code of Alabama 1975 provides for definitions of the following terms: Board, engineer or professional engineer, engineer intern, practice of engineering, land surveyor or professional land surveyor, land surveyor intern, practice of land surveying, practice and offer to practice, and responsible charge.

(2) The terms "consultation," "investigation," "evaluation," and "planning" as used in the definition of the practice of engineering set forth in Section 34-11-1(7), Code of Alabama 1975, shall include, but are not limited to, services provided by testing laboratories involving the selection of proper tests to be performed (consultation and planning) when done for the purpose of developing design criteria or for the purpose of determining cause of failures (investigation) and analyses to provide recommendations for the foundation and materials to be used in the design or judgment which relate to the acceptability of structural or foundation construction (evaluation). Testing and inspection do not constitute the practice of engineering (1) when they are performed in accordance with previously written standards or specifications or satisfy the standards setting forth the methods and techniques to be followed by the testing agency and no judgement is required other than a comparison of the materials in place with the previously specified standards or (2) when testing or inspection data are collected in conformance with a specific standard.

Any attempt to determine the structural integrity or capacity of a building, or any sub-system thereof, other than detection of problems by visual inspection or normal operation of the user's controls, constitutes the practice of engineering.

(3) The terms "direct control" and "personal supervision" as used in Section 34-11-1(9) will be construed by this Board to mean that the licensed professional engineer or licensed professional land surveyor providing such supervision was in responsible charge of the engineering or land surveying work, shall have made decisions on technical matters of policy and design and shall have exercised his or her professional judgment in all engineering or land surveying matters that are embodied in the design and the plans, specifications, land surveys, or other documents involved in the work. The term "supervision of construction" as it relates to an engineer shall mean the general oversight of an engineering project as it relates to the implementation of a design during construction. By applying his or her seal, and/or signature, and date to the final documents, the licensee signifies compliance with the requirements of these definitions and the Rules of Professional Conduct (Code of Ethics) and accepts responsibility therefor.

(4) The term "gross negligence" as used in Section 34-11-11(a)(2), Code of Alabama 1975, shall mean the practice of engineering or land surveying by a licensee characterized by the reckless disregard for the rights, safety, or welfare of others, which could result in injury or damage to life or property or financial loss.

(5) The term "incompetency" as used in Section 34-11-11(a)(2), Code of Alabama 1975, shall mean the practice of engineering or land surveying by a licensee who is either incapable of exercising ordinary care and diligence, or who lacks the ability and skill necessary to properly perform the duties he or she undertakes, or who is not qualified by experience and/or education to perform adequately and competently.

(6) The term "misconduct" as used in Section 34-11-11(a)(2), Code of Alabama 1975, shall mean the practice of engineering or land surveying by a licensee who performs any acts, causes omissions or makes any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever discredits or tends to discredit the profession of engineering or land surveying.

(7) The term "principal officer" of the firm as used in Section 34-11-9, Code of Alabama 1975, shall also be construed to mean "principal engineer" or "principal land surveyor" which is defined as the senior technical person who is a licensed professional engineer or licensed professional land surveyor and who makes significant technical and/or contractual judgements on behalf of the firm which would affect the firm's professional reputation and liability.

(8) The term "Certification" when used in conjunction with the sealing of documents shall mean a statement signed, sealed, and dated by a licensed professional engineer or licensed professional land surveyor representing that the engineering or land surveying services addressed therein, as defined in Section 34-11-1, Code of Alabama 1975, have been performed by the licensed professional engineer or licensed professional land surveyor based on knowledge and information in accordance with commonly accepted procedures consistent with acceptable standards of practice, and is not a guaranty or warranty, either expressed or implied.

(9) The acronym NCEES as used in Chapter 330-X means the National Council of Examiners for Engineering and Surveying.

(10) The term "jurisdiction" shall mean any state, district, or territory of the United States.

(11) The term "Signature" shall mean handwritten or digital as follows:

(a) A handwritten message identification containing the name of the person who applied it; or

(b) A digital signature that is an electronic authentication process attached to or logically associated with an electronic document. The digital signature must be:

1. Unique to the person using it,
2. Capable of verification,
3. Under the sole control of the person using it, and
4. Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed. A digital signature that uses a process approved by the board will be presumed to meet the criteria set for in subsections (b)1. through (b)4. above.

(12) The term "Inactive Licensee" shall mean a person who is totally separated from the professions of engineering or land surveying in Alabama.

(13) The term "Retired Licensee" shall mean a person who is totally retired and is no longer employed in any business or occupation in Alabama.

(14) The term "Lapsed License" shall mean a license that has not been renewed as of the deadline for renewing. A license not renewed will remain in a lapsed status for a maximum of four years.

(15) The term "Expired License" shall mean a license that has been lapsed for more than four years.

(16) The term "Responsible Charge" shall mean direct control, personal supervision of, and legal responsibility for all engineering work or land surveying work performed. This responsible charge shall be of such a nature that the client may reasonably presume that the licensed engineer or land surveyor which he has employed is the provider of the professional services.

(17) The term "Base Map" shall mean a control map showing certain fundamental information, copies of which are used to compile additional data of specialized nature; a master map.

(18) The term "principal" shall mean an engineer or land surveyor licensed by this board and who has been designated pursuant to Section 330-X-15.01 by the firm. The principal is responsible for the engineering or surveying work in Alabama and/ or for projects or property within Alabama offered or provided by the firm. A licensee may not be designated as a principal for more than one firm when the firms are at different physical locations.

An engineer or surveyor who renders occasional, part-time, or consulting engineering or surveying services to, or for, a firm may not be designated as a principal. The principal's responsibilities include: a. Renewal of the certificate of authorization and notification to the Board of any change in principal. b. Overall supervision of the firm's licensed and subordinate personnel providing the engineering or surveying work in Alabama. c. Institution and adherence of policies of the firm that are in accordance with the Rules of Professional Conduct.

(19) The term "testimony" as used in Sections 34-11-1(7) and 34-11-1(8), Code of Alabama 1975, shall mean a declaration made by a witness under oath or affirmation related to engineering and surveying activities in the State of Alabama.

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## Chapter 330-X-11

### Seals: 330-X-11-.03 Seal on Documents

(1) The seal, signature, and date of signature on a document signify that the document was prepared by the licensee or under his or her direct control and personal supervision, or that the licensee has reviewed the document in sufficient depth to fully coordinate and assume responsibility for documents prepared by another licensed professional engineer or licensed professional land surveyor.

(2) Each sheet of plans, drawings, documents, specifications, and reports for engineering practice and of maps, plats, charts, and reports for land surveying practice, shall be signed, sealed, and dated by the licensee or interim permit holder who prepared the documents or under whose direct control and personal supervision the documents were prepared.

(3) Where more than one sheet is bound together in one volume, the licensee or interim permit holder who prepared the volume, or under whose direct control and personal supervision the volume was prepared, may sign, seal, and date only the title or index sheet, provided that this sheet clearly identifies all of the other sheets comprising the bound volume, and provided that any of the other sheets which were prepared by, or under the direction and control of, another licensee or interim permit holder, be signed, sealed, and dated by the other licensee or interim permit holder.

(4) Additions, deletions, or other revisions affecting public health and safety or State and local codes shall not be made unless signed, sealed, and dated by the licensee or interim permit holder who made the revisions or under whose direct control and personal supervision said revisions were made.

(5) The seal, signature, and date shall be placed on all final specifications, land surveys, reports, plats, drawings, plans, design information, and calculations whenever presented to a client or any public or governmental agency. All work products presented which are not final shall be so identified. Working drawings or documents are unfinished, in-progress drawings or documents that may or may not have a seal and signature. A working drawing or document must, however, contain a statement to the effect "PRELIMINARY, NOT FOR CONSTRUCTION, RECORDING PURPOSES OR IMPLEMENTATION."

(6) Working drawings consisting of sketches, reports, or otherwise a work product which is in whole or part intended to communicate work to be performed or for use in specific proposals and/or becomes a part of defining the scope of a contract for work, must be sealed, signed, and dated by the licensee who prepared these documents or under whose direct control and personal supervision they were prepared.

(7) A computer generated seal or facsimile is acceptable only when the signature of the professional engineer or professional land surveyor and the date the document was signed are on or adjacent to the computer generated or facsimile seal. Any variation from this procedure must be submitted to and approved by the Board.

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## Chapter 330-X-14

### Professional Conduct: 330-X-14-.06 Ethics.

(Canon V) The engineer or land surveyor shall contribute to the maintenance, integrity, independence and competency of the engineering or land surveying profession as follows:

(a) The engineer or land surveyor shall not:

1. Violate any provision of the Alabama Law regulating the practice of engineering and land surveying or of the Administrative Code of the Board of Licensure for Professional Engineers and Land Surveyors;
  2. Participate, directly or indirectly, in any plan, scheme or arrangement attempting or having as its purpose the evasion of any provision of the Alabama Law regulating the practice of engineering and land surveying;
  3. Fail to exercise reasonable care or diligence to prevent his or her partners, associates, and employees from engaging in conduct which if done by him or her, would violate any provision of the Alabama Law regulating the practice of engineering and land surveying;
  4. Engage in any illegal conduct, whether a felony or misdemeanor, the essential element of which is dishonesty;
  5. Engage in any conduct that discredits or tends to discredit the profession of engineering or land surveying;
  6. Permit or allow his or her professional identification, seal, firm, or business name, or his or her services to be used or made use of, directly or indirectly, or in any manner whatsoever, so as to make possible or create the opportunity for the unauthorized practice of engineering or land surveying by any person, firm, or corporation in this State; or land surveying unless carried on in accordance with the provisions of Chapter 11, Title 34 of the Alabama Law regulating the practice of engineering and land surveying;
  7. Perform any acts, allow omissions or make any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever tend to create a misleading impression;
  8. Knowingly associate with or permit or allow the use of his or her name, firm name, or professional identification or seal in any business venture, project or enterprise which he or she knows or has reason to believe is engaged in professional practices which violate any provision of the Alabama Law regulating the practice of engineering and land surveying;
  9. Knowingly associate with or permit the use of his or her name, professional identification, seal, firm, or business name in connection with any venture or enterprise which he or she knows, or has reason to believe, is engaging in trade, business or professional practice of a fraudulent, deceitful or dishonest nature;
  10. Injure or attempt to injure or damage the professional reputation of another by any means whatsoever; provided and except, however, that this shall not relieve an engineer or land surveyor of the obligation to expose unethical or illegal conduct to the proper authorities or preclude a frank, but private, appraisal of engineers or land surveyors or other persons or firms considered for employment;
  11. Aid or abet, directly or indirectly, any unlicensed person in connection with the unauthorized practice of engineering or land surveying; or any firm or corporation in the practice of engineering or land surveying unless carried on in accordance with the provisions of Chapter 11, Title 34 of the Alabama Law regulating the practice of engineering and land surveying;
  - 12. Place his or her seal, signature, date, and license number on a document constituting a certification that the document was prepared by the licensee unless the document was prepared by the licensee or under his or her direct control and personal supervision or unless the licensee has reviewed the document in sufficient depth to fully coordinate and assume responsibility for plans prepared by another licensed professional engineer or licensed professional land surveyor.**
  13. Review the work of another engineer or land surveyor for the same employer, except with the knowledge or consent of the engineer or land surveyor, unless the connection of the engineer or land surveyor with the work has been terminated.
  14. Participate in procurement procedures for engineering or land surveying services either by providing the bids or in requesting bids from other professional engineers or land surveyors where bidding is the primary consideration.
  15. Fail to respond to the Board on Board inquiries.
- (b) The engineer or land surveyor shall be personally and professionally responsible and accountable for the care, custody, control, and use of his or her engineer's or land surveyor's seal, professional signature, and identification. The engineer or land surveyor whose seal has been lost, misplaced, or stolen shall, upon discovery of its loss, report the loss immediately to the Board, which may invalidate the license number of the seal, if it deems this necessary, and issue another license number to the engineer or land surveyor.
- (c) When in public service as a member or employee of any governmental body, agency, or department, the engineer or land surveyor shall not participate, directly or indirectly, use or make use of any property, facility or service of such governmental body, agency or depart. ment for the benefit of any private business or activity in which such engineer or land surveyor also may be engaged, unless prior, proper authority is obtained in writing.

- (d) The engineer or land surveyor shall not, directly or indirectly, use or make use of any property, facility, or service of his or her client or employer for the benefit of the engineer or land surveyor, unless prior, proper authority is obtained in writing.
  - (e) The engineer or land surveyor shall not practice or offer to practice engineering or land surveying in any governmental jurisdiction in which to do so would be in violation of the laws regulating the practice of professional engineering or professional land surveying in that jurisdiction.
  - (f) The engineer or land surveyor shall report all violations of the Code of Ethics to the Board.
  - (g) It shall be the duty and sole responsibility of each licensee and intern to provide written notification to the Board of any changes to their mailing address and business affiliation within 30 days after the change.
4. Nothing in this section, or any rule or regulation of the board shall require any professional to seal preliminary or incomplete documents.



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