

APA -1
6/93

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Board of Licensure for Professional

Control 330 Department or Agency Engineers & Land Surveyors

Rule No. 330-X-16-.07

Rule Title: Reissuance of Licensure of Certification after Revocation, Surrender, or Suspension
 New; X Amend; Repeal; Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, safety, or welfare? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have any economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

.....
Certification of Authorized Official

I certify that the attached rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975 and that it conforms to all applicable filing requirements of the Administrative Procedures Division of the Legislative Reference Service.

Signature of certifying officer Regina A. Dina
Date 5/20/2014

ALABAMA STATE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 330-X-16-.07, Reissuance of Licensure or Certification
after Revocation, Surrender, or Suspension

INTENDED ACTION: Amend

SUBSTANCE OF AMENDMENT: The Board proposes to amend an existing rule to
outline the process used for petitioning the Board for the reissuance of a revoked or
surrendered license, certification, or certificate of authority.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held
only if requested by an interested party. A written request should be submitted to the
agency contact person listed below. Interested persons may present their views in writing
to the Alabama Board of Licensure for Professional Engineers and Land Surveyors, 100
N. Union Street, Suite 382, Post Office Box 304451, Montgomery, Alabama 36130-4451.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written
comments concerning these changes must be received by the Alabama Board of Licensure
for Professional Engineers and Land Surveyors no later than July 14, 2014.

CONTACT PERSON AT AGENCY: Regina A. Dinger, Executive Director; Alabama
Board of Licensure for Professional Engineers and Land Surveyors; P.O. Box 304451,
Montgomery, AL 36130-4451; (334) 242-5568.



Regina A. Dinger, Executive Director
Alabama State Board of Licensure for
Professional Engineers and Land Surveyors

**BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**CHAPTER 330-X-16
DISCIPLINARY ACTION**

330-X-16-.07 Reissuance of Licensure or Certification after Revocation, Surrender, or Suspension.

(1) Revocation or Surrender. Any person, corporation, partnership, or firm whose license, certification, or certificate of authorization has been revoked or surrendered may apply, when permitted by Law, to the Board for reissuance of the license, certification, or certificate of authorization. Eligibility for reissuance is as outlined in Section 34-11-12, Code of Alabama, 1975.

(a) In the application for reissuance, the applicant should state why the license, certification, or certificate of authorization should be reissued and should specifically set forth any changed circumstances which would justify reissuance. The fee for a reissuance application will be the same fee as set by the Board for an original application. The fee shall accompany the application.

(b) Upon receipt of such application the Board shall grant the applicant a hearing on reissuance, at which time the applicant may appeal to the Board to reissue his or her license, certification, or certificate of authorization. The hearing shall be held within a reasonable time after receipt of the application or at such time agreed upon by stipulation between the applicant and the Executive Director.

(c) At least a quorum of the Board must be present to hold a hearing.

(d) Evidence including oral testimony, shall be freely admitted. The applicant shall be allowed to have counsel present if desired.

(e) The Board shall issue a final decision within thirty days of the date of the hearing, which shall include findings of fact and official action taken. The applicant shall be delivered a copy of the decision by first class and registered mail.

(f) The decision of the Board may be appealed to the circuit court of Montgomery County within thirty day of the decision of the Board.

(g) The record on appeal shall be certified by the Executive Director of the board, and shall include the entire record including a transcript of the hearing, if a transcript is made.

(2) Suspension. Any person, corporation, partnership, or firm whose license, certification, or certificate of authorization has been suspended may apply, when permitted by Law, to the Board for reissuance of the license, certification, or certificate of authorization.

(a) Thirty days prior to the completion of the suspension, the Board will send a notification to the suspended person, corporation, partnership, or firm outlining the necessary actions that

need to be taken in order for the license, certification, or certificate of authorization to be reissued.

(b) If all conditions for reissuance of a license or a certificate of authorization have been met, but a request for reissuance is not received within thirty days after completion of the suspension period, the status of the license or certificate of authorization will be changed to lapsed.

(c) If a request for reissuance is not received within four years from the time the license is placed in lapsed status, the license will be considered expired.

(d) If a request for reissuance is not received within two years from the time the certificate of authorization is placed in lapsed status, the certificate of authorization will be considered expired.

(e) If all conditions for reissuance for a certification have been met, but a request for reissuance of a certification is not received within thirty days after completion of the suspension period, the status of the certification will be changed to delinquent.

Author: Board

Statutory Authority: Section 34-11-12; Section 34-11-35, Code of Alabama 1975

Effective date: September 10, 1982. Amended: December 19, 1984, October 28, 1998, July 24, 2008 and July 27, 2012.