

## PROFESSIONAL AND OCCUPATIONAL STANDARDS

practice or offer to practice engineering and/or land surveying in Louisiana and who has either elected to be in this status on his/her biennial licensure renewal form or otherwise received authorization from the board to be in this status. A licensee in an inactive status can represent himself/herself to the public as a P.E. inactive or a P.L.S. inactive, as applicable, but cannot otherwise practice or offer to practice engineering and/or land surveying in Louisiana. A licensee in an inactive status may apply to the board to reactivate the inactive license to active status. Applicants to reactivate an inactive license must also successfully complete the board's Louisiana laws and rules quiz and Louisiana ethics and professionalism quiz prior to reactivation. Additionally, applicants to reactivate an inactive professional land surveyor license must successfully complete the board's Louisiana standards of practice for boundary surveys quiz prior to reactivation.

*Retired Status*—the licensure status which exists for an individual licensee of the board who has chosen not to practice or offer to practice engineering and/or land surveying in Louisiana and who has either elected to be in this status on his/her biennial licensure renewal form or otherwise received authorization from the board to be in this status. To qualify for the retired status, the licensee must be at least 70 years of age or have been a licensee of the board for at least 35 years. Unless the licensee is granted a waiver by the board, the renewal fee for the retired status shall be one-half of the current renewal fee for the active status. A licensee qualified for the retired status may be granted a waiver of this renewal fee if the licensee is at least 70 years of age, has been a licensee of the board for at least 35 years continuously, has never been subject to disciplinary action in any jurisdiction, has never committed any of the offenses described in R.S. 37:698(A)(3), (4) or (5), and is of good character and reputation. A licensee in a retired status can represent himself/herself to the public as a P.E. retired or a P.L.S. retired, as applicable, but cannot otherwise practice or offer to practice engineering and/or land surveying in Louisiana. A licensee in a retired status may apply to the board to reactivate the retired license to active status. Applicants to reactivate a retired license must also successfully complete the board's Louisiana laws and rules quiz and Louisiana ethics and professionalism quiz prior to reactivation. Additionally, applicants to reactivate a retired professional land surveyor license must successfully complete the board's Louisiana standards of practice for boundary surveys quiz prior to reactivation.

B. The board has established the following certification statuses for certificate holders.

*Active Status*—the certification status which exists for a certificate holder of the board who has complied with all the certification and certification renewal requirements of the board and who has either elected to be in this status on his/her biennial certification renewal form or otherwise received authorization from the board to be in this status.

*Expired Status*—the certification status which exists for a certificate holder of the board who has either failed to properly renew certification as required in R.S. 37:697 or otherwise received authorization from the board to be in this status. A certificate holder in an expired status may apply to

the board to reactivate the expired certification to active status.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:688.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2151 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1035 (July 2001), LR 30:1719 (August 2004), LR 36:1034 (May 2010), LR 44:622 (March 2018), LR 47:896 (July 2021), LR 48:2365 (September 2022).

## Chapter 23. Firms

### §2301. General

A. The following rules with regard to firms shall apply equally to domestic or foreign firms, partnerships, associations, cooperatives, ventures, corporations, limited liability companies, limited liability partnerships, and any other entities, unless otherwise provided:

1. use of the term *professional services* in this Chapter will refer to either engineering services or land surveying services; and

2. use of the term *licensed professional* in this Chapter will refer to either a professional engineer or a professional land surveyor duly licensed in Louisiana.

B. A firm must be licensed with the board before it may provide or offer to provide professional services in Louisiana.

1. A firm which has in its name the words *engineer*, *engineering*, *land surveyor*, *land surveying* or any modification or derivative thereof shall be construed to be offering to provide professional services and therefore must be licensed with the board before doing business in Louisiana, unless it has in its name modifying or explanatory words which would, in their ordinary meaning, negate the inference of the practice of engineering or land surveying.

2. A firm may provide or offer to provide both engineering and land surveying services in Louisiana; provided, however, that the firm must be licensed separately as an engineering firm and as a land surveying firm, and the requirements of this Chapter will apply separately to providing or offering to provide engineering services and land surveying services.

3. A firm may provide or offer to provide both professional services and the services of other related professions in Louisiana, such as architecture and landscape architecture; provided, however, the firm must be licensed under and comply with the provisions of the licensure law and this Chapter.

C. Unless otherwise provided, sole proprietorships which are not legal entities and which bear the full name of the owner who is a licensed professional are exempt from the application of this Chapter. Such sole proprietorships are not required to be licensed as engineering or land surveying firms with the board. Sole proprietorships which are not legal entities and which do not bear the full name of the owner who is a licensed professional must be licensed with

the board as an engineering or land surveying firm and must comply with all the provisions of this Chapter. For purposes of this §2301.C, *legal entities* is defined as domestic or foreign partnerships, associations, cooperatives, ventures, corporations, limited liability companies, limited liability partnerships, or other entities.

D. Joint ventures that provide or offer to provide professional services in Louisiana will not be required to be licensed as separate entities. Nevertheless, any firm (including those sole proprietorships otherwise excluded under §2301.C) that provides or offers to provide professional services in conjunction with its participation in a joint venture can do so only if it complies with the provisions of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:689.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 3:502 (December 1977), amended LR 5:116 (May 1979), LR 8:191 (April 1982), LR 16:774 (September 1990), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1035 (July 2001), LR 30:1719 (August 2004), LR 37:2414 (August 2011), LR 44:622 (March 2018), LR 47:897 (July 2021).

### §2305. Supervising Professional

A.1. Each firm licensed with the board shall designate one or more supervising professionals. Each supervising professional shall be a licensed professional in an active status:

a. whose primary employment is with the firm, provided the supervising professional works for the firm for a 12-month average of at least 30 hours per week or 130 hours per month; or

b. whose employment is with the firm, provided the supervising professional has at least a 25 percent ownership interest in the firm.

2. The supervising professionals of an engineering firm shall be professional engineers. The supervising professionals of a land surveying firm shall be professional land surveyors.

3. The responsibilities of a supervising professional include:

a. renewal of the firm's license and notification to the board of any change in the firm's supervising professionals;

b. institution of and adherence to policies of the firm that are in accordance with the licensure law and the rules of the board; and

c. ensuring that all professional services provided by the firm are performed by or under the responsible charge of licensed professionals.

B. The supervising professional of a firm which participates in a joint venture shall be responsible for assuring that all professional services performed by the joint venture are rendered in conformity with the provisions of these rules.

C. Nothing herein shall prohibit a supervising professional from also being in responsible charge of professional services provided by the firm.

D. If there is a change in a firm's supervising professionals, the new supervising professional(s) must successfully complete the board's Louisiana laws and rules quiz and Louisiana ethics and professionalism quiz. Additionally, if there is a change in a land surveying firm's supervising professionals, the new supervising professional(s) must also successfully complete the board's Louisiana standards of practice for boundary surveys quiz.

E. A failure to comply with any of the provisions of this Chapter may subject both the licensed firm and the supervising professional to disciplinary action by the board.

F. Compliance with this Section will not be met by a contractual relationship between the firm and a licensed professional or a firm of licensed professionals in which such licensed professional or firm of licensed professionals is available on a consultative basis. Nor will it be considered compliance if a licensed professional is related to the firm solely in a nominal or inactive capacity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:689.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:115 (May 1979), amended LR 8:191 (April 1982), LR 10:343 (April 1984), LR 11:362 (April 1985), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1036 (July 2001), LR 30:1719 (August 2004), LR 33:2789 (December 2007), LR 35:2856 (December 2009), LR 38:1418 (June, 2012), LR 44:623 (March 2018), LR 46:1398 (October 2020), repromulgated LR 46:1695 (December 2020), LR 47:897 (July 2021), LR 48:2365 (September 2022).

### §2307. Professional Identification

A. Letterhead, business cards, advertisements, promotional materials, websites and other identifying items issued or used by firms in Louisiana shall reflect the exact firm name contained on the firm's certificate of licensure issued by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:689.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:116 (May 1979), amended LR 8:191 (April 1982), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1036 (July 2001), LR 30:1720 (August 2004), LR 33:2789 (December 2007), LR 44:623 (March 2018).

### §2309. Enforcement

A. In the event that a firm shall fail to comply with these rules, the board may take whatever action is necessary against such firm to require compliance or to enjoin further practice or offers to practice engineering or land surveying.

B. Firms are subject to all disciplinary and enforcement provisions provided for in the licensure law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:689.

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HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 3:502 (December 1977), amended LR 5:116 (May 1979), LR 8:191 (April 1982), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1036 (July 2001), LR 30:1720 (August 2004), LR 44:623 (March 2018).

### Chapter 25. Professional Conduct

#### §2501. Scope; Knowledge; Definition of Licensee

A. In order to safeguard life, health and property, to promote the public welfare, and to establish and maintain a high standard of integrity and practice, the following rules of professional conduct shall be binding on every licensee. These rules of professional conduct deal primarily with the relationship between licensees and the public and should not be construed as a substitute for codes of ethics of the various professional and technical societies.

B. All licensees are charged with having knowledge of the licensure law and the rules of the board and shall be deemed to be familiar with their provisions and to understand them.

C. For purposes of this Chapter only, the term *licensee* shall mean any professional engineer, professional land surveyor, engineer intern, land surveyor intern, or firm holding a license or certificate issued by the board.

D. A licensee possessing personal knowledge of a violation of the licensure law or the rules of the board shall report such knowledge to the board in writing and shall cooperate with the board in furnishing such further information or assistance as it may require.

E. Licensees shall timely respond to all inquiries and correspondence from the board and shall timely claim correspondence sent to them from the board via the U.S. Postal Service or other delivery service.

F. Licensees shall be truthful in all communications with the board. Licensees shall not engage in any fraud, deceit or perjury, make any material misstatements, or submit any false or forged evidence, in connection with such communications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 4:299 (August 1978), amended LR 7:648 (December 1981), LR 16:776 (September 1990), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1036 (July 2001), LR 30:1720 (August 2004), LR 44:623 (March 2018), LR 47:897 (July 2021).

#### §2503. Licensees

A. Licensees shall hold paramount the life, health, property and welfare of the public in the performance of their professional duties.

B. Licensees shall at all times recognize that their primary obligation is to protect the life, health, property, and welfare of the public. If their professional judgment is overruled by nontechnical authority, they will clearly point

out the consequences, notifying the proper authority of any observed conditions which endanger public life, health, property and welfare.

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

1. Licensees shall comply fully with Chapter 27 (Use of Seals).

2. Except as permitted by §2701.A.3.b.ii, licensees shall not seal the work of or take the professional responsibility for any documents related to engineering or land surveying not performed by the licensee or under their responsible charge.

3. Licensees shall not accept the responsibility for, nor review, revise, sign, or seal documents when such documents are begun by persons not properly licensed; or do any other act to enable anyone to evade the requirements of the licensure law.

D. Licensees shall submit to a client only that work prepared by the licensee or under their responsible charge; however, licensees, as third parties, may complete, correct, revise, or add to the work of another licensee or other related design professional, if allowed by Louisiana law, when engaged to do so by a client, provided:

1. the client furnishes the documentation of all such work submitted to him/her by the previous licensees or other related design professionals;

2. the previous licensees or other related design professionals are notified in writing by the licensee of the engagement referred to herein within five business days of acceptance of the engagement; and

3. all work completed, corrected, revised, or added to shall contain a notation describing the work done by the licensee now in responsible charge, shall have the seal and signature of the licensee affixed thereto, shall contain the date of execution, and shall become the responsibility of the licensee.

E. Licensees shall be objective and truthful in all professional reports, statements or testimony. Licensees shall include all relevant and pertinent information in such reports, statements or testimony.

F. When serving as an expert or technical witness before any court, commission, or other tribunal, licensees shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the licensee's testimony.

G. Licensees shall issue no statements, criticisms, or arguments on engineering or land surveying matters connected with public policy which are inspired or paid for by an interested party or parties, unless the licensee has prefaced the comment by explicitly identifying the licensee's name, by disclosing the identities of any party or parties on