

## PROFESSIONAL AND OCCUPATIONAL STANDARDS

C. Licensees shall not accept compensation, financial or otherwise, from more than one party for professional services on the same project, or for professional services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.

D. Licensees shall not solicit or accept, directly or indirectly, benefits of any substantial nature or significant gratuity, from any supplier of materials or equipment, or from contractors, their agents, servants or employees or from any other party dealing with the client or employer of the licensee in connection with any project on which the licensee is performing or has contracted to perform professional services.

E. When in public service as a member, advisor or employee of a governmental body or agency, or under contract to provide consultation, advice, technical reviews and recommendations to a governmental body or agency, licensees shall not participate in considerations or actions with respect to professional services provided by them or their organization to that governmental body or agency or to any other person.

F. Licensees shall not solicit nor accept professional services from a governmental body or agency of which the licensee or a principal, officer or employee of the licensee's firm serves as a member, employee, consultant, contractor or representative, except upon public disclosure of all pertinent facts and circumstances and consent of all parties.

G. Licensees shall not attempt to supplant another licensee in a particular engagement after becoming aware that the other has been selected for the engagement.

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 7:648 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1038 (July 2001), LR 30:1722 (August 2004), LR 44:625 (March 2018).

### **§2509. Improper Solicitation**

A. Licensees shall avoid improper solicitation of professional employment or services.

B. Licensees shall not falsify or permit misrepresentation or exaggeration of:

1. the licensee's or any associate's academic or professional qualifications;
2. the licensee's degree of responsibility in or for the subject matter of prior work; or
3. pertinent facts concerning employers, employees, associates or joint ventures, of the licensee's or his/her firm's past accomplishments.

C. Licensees shall not pay nor offer to pay, directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, except under the following circumstances:

1. securing salaried positions through employment agencies; or

2. as a bona fide employee, or a bona fide established commercial marketing agency retained by them.

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 7:648 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1038 (July 2001), LR 30:1722 (August 2004), LR 44:625 (March 2018).

### **§2511. Conduct of Advertising**

A. Licensees shall not make exaggerated, misleading, deceptive or false statements or claims about professional qualifications, experience or performance in brochures, correspondence, listings, websites, or other public communications.

B. The prohibitions listed in Subsection A include, but are not limited to:

1. the use of statements containing a material misrepresentation of fact;
2. omitting a material fact necessary to keep the statement from being misleading;
3. the use of statements intended or likely to create an unjustified expectation; and
4. the use of statements containing a prediction of future success.

C. Consistent with the foregoing, licensees may advertise for recruitment of personnel.

D. Consistent with the foregoing, licensees may prepare articles for the lay or technical press. Such articles shall not imply credit to the author for work performed by others.

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

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1038 (July 2001), amended LR 30:1722 (August 2004), LR 44:625 (March 2018).

## **Chapter 27. Use of Seals**

### **§2701. Seal and Signature**

A. The following rules for the use of seals to identify work performed by a professional engineer or professional land surveyor shall be binding on every licensee.

1. Seal Possession
  - a. Each professional engineer or professional land surveyor, upon licensure, shall obtain an official seal.
  - b. Firms are not authorized to possess or use seals.
  - c. In the case of a temporary permit issued to a licensee of another state, territory, or possession of the United States, or the District of Columbia, the licensee shall affix the seal of his/her jurisdiction of licensure, his/her signature, the date of execution, and his/her Louisiana temporary permit number to all of his/her work.
2. Seal Design and Signature Requirements

a. The design of the seal shall have the following minimum information:

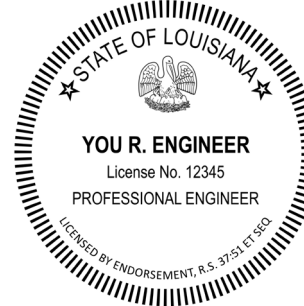
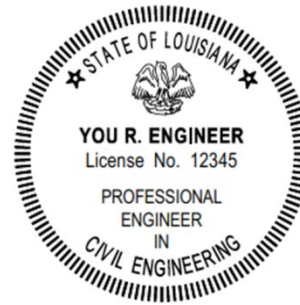
- i. "State of Louisiana";
- ii. licensee's name;
- iii. license number;
- iv. "Professional Engineer" or "Professional Engineer in \_\_\_\_\_ Engineering," or "Professional Land Surveyor";

v. "Licensed by Endorsement, R.S. 37:51 et seq." (if licensee was licensed under R.S. 37:51 et seq. and either §903.F or §909.F).

Seals issued prior to promulgation of these rules may use the word "registered" in lieu of "licensed". If a seal is replaced, the new seal shall use the word "licensed" in lieu of "registered".

b. Indicated below is a sample of the seal design authorized by the board.

- c. Seals of two sizes are acceptable:
  - i. 1-5/8 inch seal commonly used in pocket seals; and
  - ii. 2-inch seal commonly used in desk seals.
- d. Rubber seals of the same design and size are acceptable for use.
- e. Computer-generated seals of the same design and size may be used.
- f. A seal must always be accompanied by the licensee's signature and date. The signature and date must be placed adjacent to or across the seal.



### 3. Seal Responsibility

a. The application of the licensee's seal, signature, and date shall constitute certification that the work thereon was done by the licensee or under his/her responsible charge. The licensee shall be personally and professionally responsible and accountable for the care, custody, control and use of his/her seal, professional signature and identification. A seal which has been lost, misplaced or stolen shall, upon discovery of its loss, be reported immediately to the board by the licensee. The board may invalidate the license number of said licensee, if it deems this necessary, and issue another license number to the licensee.

#### b. Responsible Charge

i. Documents will be deemed to have been prepared under the responsible charge of a licensee only when:

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(a). the client or any public or governmental agency requesting preparation of such documents makes the request directly to the licensee or the licensee's employee as long as the employee works in the licensee's place(s) of business;

(b). the licensee supervises the initial preparation of the documents and has continued input into their preparation prior to their completion;

(c). the licensee reviews the final documents; and

(d). the licensee has the authority to and does make any necessary and appropriate changes to the final documents:

(i). if the documents are prepared outside the licensee's office, the licensee shall maintain all evidence of the licensee's responsible charge including correspondence, time records, check prints, telephone logs, site visit logs, research done for project, calculations, changes, and all written agreements with any persons preparing the documents outside of the licensee's office;

(ii). a licensee failing to maintain documentation of the items set forth above, when such are applicable, shall be considered to be in violation of R.S. 37:698(A)(6), and the licensee shall be subject to disciplinary action as set forth in the licensure law.

ii. No licensee shall affix his/her seal or signature to documents developed by others not under his/her responsible charge, except:

(a). in the case of an individual Louisiana professional engineer checking and taking the professional responsibility for the work of an engineer who is not licensed in this state but is properly licensed in the jurisdiction of origin of such work, the Louisiana professional engineer shall completely check and have responsible charge of the work. Such responsible charge shall include possession of the sealed, signed and dated reproducible drawings, with complete sealed, signed and dated calculations indicating all changes;

(b). certification of standard plans which were initially prepared, sealed and signed by an engineer who is not licensed in this state but is properly licensed in the jurisdiction of origin of such plans. Such plans may then be reviewed by a Louisiana professional engineer for code conformance, design adequacy, and site adaption for the specific application within Louisiana. The Louisiana professional engineer assumes responsibility for such plans. The plans, which already bear the seal and signature of the engineer who is not licensed in this state but is properly licensed in the jurisdiction of origin of such plans, shall also be sealed, signed and dated by the Louisiana professional engineer who is assuming responsibility. In addition to the Louisiana professional engineer's seal, signature and date, a statement shall be included on the plans as follows:

"These standard plans have been properly examined by me, the undersigned Louisiana professional engineer. I have determined that these plans comply with all applicable Louisiana codes and have been properly site adapted to use in this area."

(c). certification of standard plans, including special details, which were initially prepared by the Department of Transportation and Development and signed and dated by such agency's chief engineer, but which are not for use on such agency's projects. Such plans may then be reviewed by another professional engineer for code conformance, design adequacy, and site adaption for the specific application. The other professional engineer assumes responsibility for such plans. The plans, which already bear the signature of the agency's chief engineer, shall be sealed, signed and dated by the other professional engineer who is assuming responsibility. In addition to the other professional engineer's seal, signature and date, a statement shall be included on the plans as follows:

"These standard plans have been properly examined by me, the undersigned professional engineer. I have determined that these plans comply with all applicable codes and have been properly adapted to use on this project."

(d). certification of single family residential design plans for conformance with applicable state and local building codes. Such plans shall be sealed, signed and dated by the professional engineer who is making such certification. In addition to the professional engineer's seal, signature and date, a statement shall be included on the plans as follows:

"These single family residential design plans have been properly examined by me, the undersigned professional engineer. I have determined that these plans comply with the following applicable codes for the jurisdiction in which the residence is to be located (check all that apply): ☐ structural; ☐ mechanical; ☐ electrical; ☐ plumbing."

### 4. Seal Use

#### a. Completed Work

i. Professional engineers shall affix their seal, sign their name, and place the date of execution on all engineering documents that have been issued by them to a client or any public or governmental agency as completed work.

(a). In the case of an individual who has been granted a temporary permit to practice engineering in Louisiana, the individual shall affix the seal from his/her jurisdiction of licensure, his/her signature, the date of execution, and his/her Louisiana temporary permit number to the completed work.

ii. Professional land surveyors shall affix their seal, sign their name, and place the effective date on all land surveying documents that have been issued by them to a client or any public or governmental agency as completed work. For purposes of this §2701.A.4.a.ii, *effective date* is defined as the date the professional land surveyor certifies that the land surveying document represents his/her work.

#### iii. Drawings and Plats

(a). In the case of multiple sealings, the first sheet or title page of each document shall be sealed, signed and dated by the licensee(s) in responsible charge of the whole project. In addition, each other sheet shall be sealed, signed and dated by the licensee(s) in responsible charge of the work on that sheet.

iv. Specifications, Reports, Design Calculations and Information

(a). In the case of specifications, reports, design calculations and information of multiple pages, the first sheet or title page of each document shall be sealed, signed and dated by the licensee(s) in responsible charge of the whole project.

v. Compiled As-Built Record Drawings

(a). The preparation of compiled engineering as-built record drawings is not considered to be the practice of engineering and such drawings are not required to be sealed or signed by a professional engineer. If the professional engineer was in responsible charge of the original underlying engineering work, he/she should (in lieu of a seal) include on the title page of the compiled engineering as-built record drawings a disclaimer (with date) which incorporates the following:

These compiled engineering as-built record drawings are a compilation of a copy of the original sealed engineering design drawings for this project, modified by addenda, change orders and information furnished by the contractor or others associated with the construction of the project. The information shown on these compiled engineering as-built record drawings that was provided by the contractor and/or others cannot be verified for accuracy or completeness. The compilation of this information does not relieve the contractor or others of responsibility for errors resulting from incorrect, incomplete or omitted data on their as-built record drawings - nor does it relieve them of responsibility for non-conformance with the original contract documents. The original sealed engineering drawings are on file in the offices of (name of professional engineer).

(b). The preparation of compiled land surveying as-built record drawings is considered to be the practice of land surveying, and such drawings are required to be sealed, signed and dated by a professional land surveyor. Compiled land surveying as-built record drawings must also contain notes identifying the sources of the data and a disclaimer stating whether or not the professional land surveyor has verified the data.

b. Preliminary Work

i. All preliminary documents shall be marked in large bold letters with one or more of the following statements:

(a). "Preliminary—Not For Construction";

(b). "Preliminary—For Permit Purposes Only";

(c). "Preliminary—For Review Only"; or

(d). "Preliminary—Not For Recordation, Conveyances or Sales".

ii. Preliminary documents are not required to have the licensee's seal, signature and date affixed, but must bear the name and license number of the licensee, and the name of the licensee's firm, if applicable.

c. Exempt Work

i. No seal or signature shall be required in any of the following situations:

(a). on any sewage facility project in which the estimated number of gallons of sewage affected does not exceed 3,000 per day, as calculated by the governmental body or agency reviewing the project;

(b). on any water facility project in which the estimated number of gallons of water affected does not exceed 3,000 per day, as calculated by the governmental body or agency reviewing the project; provided that such project does not cause a change in treatment, chemical addition, or any other process affecting either the quality or quantity of water being produced;

(c). on any project for the construction of individual or private water wells;

(d). on any project involving both water and sewage facilities in which the estimated number of gallons of water affected does not exceed 3,000 per day and the estimated number of gallons of sewage affected does not exceed 3,000 per day, as calculated by the governmental body or agency reviewing the project; or

(e). on any project involving the in-kind replacement of water or sewage facilities in which the estimated number of gallons of water affected does not exceed 3,000 per day and the estimated number of gallons of sewage affected does not exceed 3,000 per day, as calculated by the governmental body or agency reviewing the project.

ii. No seal shall be required on standard plans, including special details, which are prepared by the Department of Transportation and Development and signed and dated by such agency's chief engineer for use on such agency's projects.

5. Electronic Transmission

a. Documents which require a seal may be transmitted electronically provided the seal, signature and date of the licensee are transmitted in a secure mode that precludes the seal, signature and date being reproduced or modified.

b. Originally-sealed documents which no longer require a seal may be transmitted electronically but shall have the seal removed before transmitting and shall have the following inserted in lieu of the seal, signature and date:

"This document was originally issued and sealed by (name of licensee and license number) on (date of sealing). This document should not be considered a completed work."

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:51 et seq. and 37:696.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 8:192 (April 1982), amended LR 12:692 (October 1986), LR 16:774 (September 1990), LR 17:273 (March 1991), LR 19:58 (January 1993), LR 22:287 (April 1996), LR 23:869 (July 1997), amended by the Louisiana Legislature, House Concurrent Resolution Number 2 of the 1998 First Extraordinary Session, LR 24:1207 (June 1998), repromulgated by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 25:1525 (August 1999), amended LR 27:1039 (July 2001), LR 30:1723 (August 2004), LR 33:2789 (December 2007), LR 34:2415 (November 2008), LR 35:1910 (September 2009), LR 38:1418 (June 2012), LR 39:1481 (June 2013), LR 42:443 (March

2016), LR 43:344 (February 2017), LR 43:540 (March 2017), LR 44:625 (March 2018), LR 45:77 (January 2019), LR 51:553 (April 2025).

## Chapter 29. Standards of Practice for Boundary Surveys

### §2901. Scope and Purpose

A. The following standards of practice for boundary surveying in Louisiana have been adopted to help ensure that boundary surveys are performed in accordance with acceptable procedures.

B. The purpose of these standards of practice is to safeguard life, health and property, and to promote the public welfare, by establishing technical standards of practice for every boundary survey performed in Louisiana so that professional performance can be evaluated for but not limited to research, field work, monuments, descriptions, plats and maps. If higher standards are required by clients, or by local, state and federal jurisdictions, then those standards shall govern. When a boundary survey involves certain corners or lines that are covered under the appropriate edition of the *Manual of Instructions for the Survey of the Public Lands of the United States*, then the manual's rules or instructions for these particular surveys shall apply. Every professional land surveyor performing a boundary survey in Louisiana is required to follow these standards.

C. A boundary survey in Louisiana shall only be performed by a professional land surveyor, licensed pursuant to the laws of Louisiana, or persons under his/her responsible charge. The professional land surveyor shall at all times comply with the provisions of the licensure law and the rules of the board.

D. It is intended that these standards of practice not be relied upon by the professional land surveyor as a substitute for the exercise of proper individual skill, professional discretion, and professional judgment in fulfilling the contractual requirements of any boundary survey. This also does not absolve the professional land surveyor from his/her obligation to use due diligence in the practice of land surveying and from complying with all applicable laws and rules pertaining to the practice of land surveying.

E. When in the professional land surveyor's opinion, special conditions exist that effectively prevent the boundary survey from meeting these standards of practice, the special conditions and any necessary deviation from these standards shall be noted upon the drawing. It shall be a violation of this Chapter to use special conditions to circumvent the intent and purpose of these standards of practice.

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 16:1064 (December 1990), amended LR 22:713 (August 1996), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1042 (July 2001), LR 30:1725 (August 2004), LR 37:2414 (August 2011), LR 44:627 (March 2018).

### §2903. Definitions

A. Any terms not specifically defined herein shall be as defined in the most current publication of *Definitions of Surveying and Associated Terms* as published by the National Society of Professional Surveyors. For the purpose of this Chapter, all the definitions listed that differ from any other source are to be interpreted as written herein.

*Artificial Monuments*—relatively permanent objects used to identify the location of a corner. Artificial monuments shall retain a stable and distinctive location and shall be of sufficient size and composition to resist the deteriorating forces of nature.

*Client*—the person with whom the contract for work is made. This may or may not be the owner.

*Corner*—a point on a land boundary at which two or more boundary lines meet. It is not the same as a monument, which refers to the physical evidence of the corner's location on the ground.

*Deed*—an instrument in writing which, when executed and delivered, conveys an estate in real property or interest therein.

*Description, Legal*—a written description usually contained in an act of conveyance, judgment of possession, or recognized by law which definitely locates property by metes and bounds or by reference to government surveys, coordinate systems or recorded maps; a description which is sufficient to locate the property without oral testimony.

*Description, Metes and Bounds*—a description of a parcel of land by reference to course and distances around the tract, or by reference to natural or artificial monuments.

*Encroachment*—any structure or obstruction which intrudes upon, invades or trespasses upon the property of another.

*May*—when used means that a choice on the part of the professional land surveyor is allowed.

*Monument*—a physical object or structure which marks the location of a corner or other survey point. In public lands surveys, the term *corner* is employed to denote a point determined by the surveying process, whereas the *monument* is the physical object installed, or structure erected, to mark the corner point upon the earth's surface. Monument and corner are not synonymous, though the two terms are often used in the same sense.

*Natural Monuments*—objects which are the works of nature, such as streams, rivers, ponds, lakes, bays, trees, rock outcrops, and other definitive topographic features.

*Positional Accuracy*—the difference between the actual position of a monument and the position as reported on the plat or map.

*Positional Tolerance*—the distance that any monument may be mislocated in relation to any other monument cited in the survey.

*Prescription*—title obtained in law by long possession. Occupancy for the period prescribed by the Louisiana Civil