

**LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD
9643 Brookline Avenue, Suite 123
Baton Rouge, Louisiana 70809**

RULING ON PETITION FOR DECLARATORY ORDER

RULING NO. 2022-3

1.

On or about May 23, 2022, Ryan D. Hill, P.E. (“Petitioner”) filed with the Louisiana Professional Engineering and Land Surveying Board (the “Board”) a petition for declaratory order and ruling pursuant to LAC Title 46:LXI§727.

2.

Petitioner seeks a declaratory order as to whether a professional engineer is required to seal and sign his as-built piping drawings for a project where (a) a permit is required by a governmental agency and (b) he was not in responsible charge of the original underlying piping design work.

3.

La. R.S. 37:682(13) defines the “practice of engineering” as follows:

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

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

4.

La. R.S. 37:682(15) defines “responsible charge” as follows:

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

5.

La. R.S. 37:682(16) defines “responsible professional services” as follows:

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

6.

LAC Title 46:LXI§2701(A)(4)(a)(v)(a) states as follows:

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).

ORDER

After due consideration of the petition for declaratory order and ruling filed by Petitioner and after discussion by the Board during its meeting on July 25, 2022:

IT IS THE RULING of the Board that:

7.

Under the scenario presented above, the preparation of the as-built piping drawings would not constitute the “practice of engineering”. Therefore, the Board’s laws and rules would not require that such drawings be sealed and signed by a professional engineer, even though a permit for the project is being required by a governmental agency.

8.

Furthermore, since the professional engineer was not in responsible charge of the original underlying piping design work, he could not (in lieu of his seal) include on the as-built piping drawings the disclaimer referenced in LAC Title 46:LXI§2701(A)(4)(a)(v)(a).

THUS DONE at Baton Rouge, Louisiana, on the 25th day of July, 2022.

**LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD**

By: 
CHRISTOPHER K. RICHARD, P.E., Chairman