

CHAPTER 111

AN ACT

[S. B. 79]

Relating to the registration and licensing of professional engineers and architects, amending Section 35-2-141, 142, 143, 147, 149, 156 and repealing Section 35-2-151 ACLA 1949; and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. That Sec. 35-2-141 ACLA 1949 is hereby amended to read as follows:

Sec. 35-2-141. DEFINITIONS AND APPLICATION OF ACT: DEFINITIONS AS USED IN THIS ACT.

Definitions.

(1) The "board" means the "Territorial board of engineers and architects examiners" provided for by this Act.

Board.

(2) The execution as a contractor or work designed by a professional engineer or professional architect or the supervision of the construction of such work as a foreman or superintendent for such a contractor shall not be deemed to be the practice of professional engineering or architecture within the meaning of this Act.

Exception from practice.

(3) Professional Engineer. The term "professional engineer" within the meaning and intent of this Act shall mean a person who, by reason of his special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical

Professional Engineer.

experience, is qualified to practice engineering as hereinafter defined, as attested by his legal registration as a professional engineer.

(4) Practice of Engineering. The term "practice of engineering" within the meaning and intent of this Act shall mean any professional service or creative work requiring engineering education, training, and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design, and supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, work, or projects.

(5) Professional Architect. The term "professional architect" as used in this Act shall mean a person who, by reason of his knowledge of the principles of architectural design and construction gained by education and experience, is qualified to engage in the practice of architecture as herein defined, as attested by his legal registration as a professional architect.

The terms "professional engineer" or "professional architect" shall not include superintendents, foremen, inspectors or building trades craftsmen, when performing their customary duties.

(6) Practice of Architecture. The term "practice of architecture" within the meaning and intent of this Act shall mean any professional service or creative work requiring architectural education, training and experience and

Practice of
Engineering.

Professional
Architect.

Exception.

Practice of
Architecture.

the application of special knowledge of architectural design and construction to such professional services or creative work as consultation, investigation, evaluation, planning, design, and supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private structures, buildings, works or projects.

(7) A person shall be construed to practice or offer to practice engineering, or architecture, within the meaning and intent of this Act, who practices any branch of the profession of engineering or architecture; or who by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer or a professional architect, or through the use of some other title implies that he is a professional engineer or professional architect; or who holds himself out as able to perform or who does perform, any engineering or architectural service designated by the practitioner or recognized by educational authorities as engineering or architecture, but such practice shall not include work of supervision, or work of draftsmen, or students done under the immediate supervision and direction of a duly registered professional engineer or professional architect.

**Presumption
of practice.**

(8) "Certificate of registration" means the license required within the provisions of this Act.

Section 2. That Sec. 35-2-142 ACLA 1949 is hereby amended to read as follows:

**Sec. 35-2-142. REGISTRATION REQUIRED:
EXCEPTIONS: SEAL OF REGISTRANT:
PLANS: CERTIFICATION.**

Encl. 10/10/49
10/10/49

(1) In order to safeguard life, health and property, any person practicing or offering to practice professional engineering or professional architecture in this Territory shall be required to be registered and licensed as hereinafter provided, and it shall be unlawful for any person to practice or to offer to practice professional engineering or professional architecture in this Territory unless such person has been duly registered and licensed under the provisions of this Act, nor shall any person practice professional engineering or professional architecture whose authority to practice is revoked by the board.

License required.

(2) The practice of professional engineering or professional architecture does not include the services ordinarily performed by those commonly designated as locomotive, stationary, and marine engineers, or power plant engineers, or manufacturers who supervise the operations of, or who operate machinery or equipment, or who supervise construction within their own plant which affects exclusively the property or interest of such individual, firm or corporation, unless the public safety or health is involved, except that he or they shall not use the title "professional engineer" or "professional architect" or any device, words, letters, or figures indicating either of such titles, unless he or they shall first qualify under this Act, nor shall he or they use any seal or symbol provided for professional engineers or professional architects under this Act without having so qualified.

Exception from requirements.

(3) Each registrant hereunder shall upon registration obtain a seal of the design authorized by the board, bearing the registrant's name, date of registering, number of certificate, and

Issuance and use of seal.

the legend "registered professional engineer" or "registered professional architect". All professional documents, including maps, plans, designs, plats, specifications, estimates and reports issued by a registrant may be stamped with said seal during the life of registrant's license certificate, but it shall be unlawful for any one to stamp or seal any documents with said seal after the license certificate of the registrant named thereon has expired or has been revoked, unless said license certificate has been renewed.

(4) Every map, plan and drawing required by law to be certified or approved by a professional engineer or professional architect shall be certified or approved by a professional engineer or professional architect duly and regularly registered by the board as required by this Act, and shall bear the date and the number of the license certificate of registration of such professional engineer or architect; no diploma or certificate conferred on or granted to a person other than a license certificate issued under this Act by the Board or its secretary shall be lawful authority for the practice of professional engineering or professional architecture.

Certification
of drawings.

Section 3. That Sec. 35-2-143 ACLA 1949 is hereby amended to read as follows:

Sec. 35-2-143. BOARD OF EXAMINERS: MEMBERS, QUALIFICATIONS AND TERMS: VACANCIES. There shall be a Territorial board of engineers and architects examiners consisting of nine members, to be appointed by the Governor. Said board shall consist of two civil engineers, two mining engineers, two engineers from other branches of the profession practiced

Board
membership.

Terms of office.

in the Territory and three architects. The term of office for each member shall be six years from January first of the year appointed. The Governor may remove any member of the board for misconduct, incapacity or neglect of duty. Vacancies in the board caused by death, resignation or removal from office shall be filled by appointment by the Governor for the unexpired term. Each member of the board shall be a professional engineer or architect of at least five years active experience and of recognized good standing in his profession and shall have been a resident of this Territory for at least two years immediately preceding his appointment. Each member of said board shall also be a registered professional engineer or architect. The members of the board shall serve without compensation.

Vacancies.

Section 4. That Sec. 35-2-147 ACLA 1949 is hereby amended to read as follows:

Examination.

Sec. 35-2-147. CANDIDATES FOR EXAMINATION: FEE: QUALIFICATIONS. The board shall admit to examination any candidate who pays an examination fee of Thirty-five (\$35.00) Dollars and submits evidence verified by oath satisfactory to the board that he:

Fee.**Requirement for examination.**

- (1) Is more than twenty-five years of age; and,
- (2) Is of good character; and,
- (3) Has been a resident of Alaska for one year prior to date of application for examination.

(4) Has been engaged upon engineering or architectural work for at least eight years and during that period has had charge of engineering work or architectural work as principal or assisant, for at least two years.

(5) Or, in lieu of the fourth requirement specified above, is a graduate from an engineering or architectural school of recognized good reputation and has been engaged upon engineering or architectural work for at least four years and during that period has had charge of engineering or architectural work, as principal or assistant, for at least two years.

Section 5. That Sec. 35-2-149 ACLA 1949 is hereby amended to read as follows:

Sec. 35-2-149. CERTIFICATES OF REGISTRATION: FEE: EXPIRATION: RENEWAL.

(1) (Applicant passing examination.) Upon receipt of an additional Twenty-five (\$25.00) Dollars to be known as the annual licence fee, the Board shall issue to any applicant who has been certified as having passed the examination conducted by the board a certificate of registration signed by the president and the secretary of the board, whereupon such applicant shall be authorized to practice professional engineering or professional architecture hereunder; provided, that such applicant comply with the residence provisions as required for examination by this Act.

(2) (Engineer-Specialists, Land Surveyors.) The board hereunder is authorized to provide, within the meaning and intent of this Act, for the registration of Engineer-Specialists and

REGISTERED
ENGINEER

**Certificate of
registration.**

REGISTERED
ENGINEER

Land surveyor.

Land Surveyors as subordinate branches of the major fields of engineering as designated by the board. In case of such registration, the provisions of the Act relating to qualifications, examinations, fees and seal provided herein shall be applicable.

(3) (Engineer-Specialist.) The term "engineer-specialist" as used in this Act shall mean a person who can qualify for registration in a specialized field of engineering under one of the major branches as designated by the board.

(Land Surveyor.) The term "land surveyor" as used in this Act shall mean a person who engages in the practice of land surveying as hereinafter defined.

(Land Surveying.) The practice of land surveying within the meaning and intent of this Act includes surveying of areas for their correct determination and description and for conveying, or for the establishment of land boundaries and the plotting of lands and subdivisions thereof.

(4) (Engineer-in-Training: Architect-in-Training.)

The board may, upon payment of the examination fee prescribed elsewhere herein, accept for examination an applicant for certification as an engineer-in-training or architect-in-training as hereinafter defined. Following the issuance of a certificate of engineer-in-training or architect-in-training, each such certificand shall pay an annual license fee of Ten Dollars during the time such certificate is in effect.

Engineer
specialist

Land surveying
defined.

The term "engineering-in-training" or "architect-in-training" as used in this Act shall mean a candidate for registration as a professional engineer or professional architect who is a graduate in an approved engineering or architectural curriculum of four years or more from a school or college approved by the board as of satisfactory standing; or who has had four years or more of experience in engineering or architectural work of a character satisfactory to the board; and who, in addition, has successfully passed the examination in the fundamental engineering or architectural subjects prior to completion of the requisite years of experience in engineering or architectural work, as provided in this Act; and who shall have received from the board, a certificate stating that he has successfully passed this portion of the professional examinations.

**"In-training"
defined.**

(5) (Holders of certificates from other state or country.) The board shall from time to time examine the requirements for the registration of professional engineers and professional architects in other states, territories and countries and shall record those in which, in the judgment of the board, standards not lower than those provided by this Act are maintained. The secretary of the board, upon the presentation to him by any person of satisfactory evidence that such person holds a certificate of registration issued to such person by proper authority in any state, territory or country so recorded, may, upon approval by an examining quorum of the board hereunder:

Reciprocity.

(a) **Reciprocity Registration:** Issue a certificate of registration as provided hereunder, upon submission by the applicant of satisfactory

**Residence and fee
requirements.**

proof of his fulfilling the residence requirements for examination, of this Act and upon payment by him of a transfer fee of Twenty (\$20.00) Dollars and such annual license fees as are prescribed herein.

Non-resident
permit.

(b) Non-resident Permit: Issue a non-resident permit for a period of not to exceed one year, for a non-resident within the meaning and intent of this Act, upon presentation by the applicant of a detailed description of the work upon which such applicant will be engaged within Alaska and upon receipt by the board of a non-resident Permit Fee of \$250.00. Such non-resident permit shall cover the work specifically described in the application therefor.

Permit fee.

Partnership
practice.

(6) (Partnerships: Individual Registration Required.) Whenever two or more individuals practice, or offer to practice as a partnership, professional engineering or professional architecture within the meaning and intent of this Act, each individual so practicing shall qualify and register separately, and individually, hereunder, provided that nothing herein shall be construed to prohibit any individual or partnership of individuals duly registered and practicing hereunder from employing or retaining the services of qualified associates, consultants or specialists in the performance of their professional services.

Reissue of
certificate.

(7) (Replacement certificate.) A new certificate of registration to replace any certificate lost, destroyed or mutilated, may be issued, subject to the rules and regulations of the board. A charge of Three (\$3.00) Dollars shall be made for such reissue.

(8) (Expiration and renewal.) All certificates of registration shall expire on the last day of December following the date of their issue or renewal and shall become invalid on that date unless renewed. Renewal may be effected at any time prior to December thirty-first by the payment of a fee of Twenty-five (\$25.00) Dollars to the secretary of the board. The failure on the part of any registrant to renew his certificate annually prior to December thirty-first of each year, as required above, shall not deprive such person of the right of renewal thereafter but the fee to be paid for such renewal of a certificate after December thirty-first shall be increased 10 percent for each month or a fraction of a month that the payment for renewal is delayed; provided, however, that the normal fee Twenty-five (\$25.00) Dollars per annum shall be paid for each year or fraction thereof, after the renewal has been delayed over one year; and provided further that in no case shall the accrued fees for renewal exceed the sum of Fifty (\$50.00) Dollars.

Renewal.

Section 6. That Sec. 35-2-156 ACLA 1949 is hereby amended to read as follows:

Sec. 35-2-156. ENGINEERS AND ARCHITECTS TO WHOM ACT NOT APPLICABLE: CREDIT FOR MILITARY SERVICE: PRACTICE BY NONRESIDENT OR ONE HAVING NO PLACE OF BUSINESS. (1) This Act shall not apply to any engineer or architect working for the United States government; nor to any professional engineer or architect employed as an assistant to an engineer or architect registered under this Act. (2) Services of professional engineers or architects in the United States military service shall be considered as

Exception from provisions.

the practice of professional engineering or architecture in determining the experience of applicants. (3) Any registered professional engineer or architect not a resident of or having no established place of business in this Territory possessing the qualifications as required by this Act shall be required to qualify hereunder prior to soliciting business for, entering into contracts for, or performing professional services of a nature requiring registration or a permit hereunder.

Section 7. Sec. 35-2-151 ACLA 1949 is hereby repealed.

**Emergency
clause.**

Section 8. An emergency is hereby declared to exist and this Act shall be effective immediately upon its passage and approval.

Approved March 25, 1949.

CHAPTER 112

AN ACT

[S. B. 77]

To amend Section 51-5-5(c) (1) (E) ACLA 1949 providing for limiting the transfer of experience rating credit under the Alaska experience rating provisions and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. Sec. 51-5-5(c) (1) (E) ACLA 1949 is hereby amended to read as follows: