



Louisiana Professional Engineering and Land Surveying Board

Order/Ruling Number: _____

Subject Reference: _____

Petition for Declaratory Order and Ruling **Received**

MAR 01 2023

By LAPELS

1. Name of Petitioner: Andrew R. Hall, PE 31045
 Address: 17759 Glen Forest Ave, Baton Rouge, LA 70817
 Telephone No.: 225-297-3716
 Email: teamhall71@gmail.com

2. List all statutes, rules or orders of the Board to which this petition relates:
Practice of Engineering: Title 37, Chapter 8, Section 682, #13(C), Ruling #2012-01, Industrial Operations Exemption: LA RS 37:701(C)

3. Clearly and concisely state all the facts necessary to show the manner in which the petitioner is aggrieved by the statute, rule or order or by its potential application, or in which the petitioner is uncertain of its effects: A pressure vessel manufacturer (unlicensed private firm in LA) claims they are exempt from licensure and PE Sealing pressure vessel calculations and drawings used to build a new pressure vessel. Said private firm appears to be offering engineering services based on the definition in LA RS 37:682,#13(A) but claims they are exempt based on the industrial exemption as a "manufacturer" per LA RS 37:701(C). Said private firm is located outside an industrial plant and does not appear to be part of industrial operations.
Calculations were performed by a direct employee without the responsible charge of a Professional Engineer.

4. Clearly and concisely state the declaratory order or ruling requested by the petitioner:
 1) Clarify whether a pressure vessel manufacturer (unlicensed private firm in LA) performing pressure vessel design calculations for a new pressure vessel should be PE sealing their calculations and drawings and whether or not they should be licensed as an Engineering Firm with the State of LA.
 2) Define what specific businesses constitute "industrial operations" referenced in LA RS 37:701(C), are all manufacturers considered "industrial operations"?

5. State whether the petitioner has an application or is involved in a disciplinary or enforcement investigation or proceeding, or in any other matter which is presently pending before or under consideration by the Board. If so, explain in detail: No

6. State whether the declaratory order or ruling requested by the petitioner relates to, is similar to or is connected with any pending litigation or with any disciplinary or enforcement investigation or proceeding presently pending before or under consideration by the Board. If so, explain in detail: No

Signature of Petitioner:  Date: 2/28/23

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

RULING ON PETITION FOR DECLARATORY ORDER

RULING NO. 2023-2

1.

On or about March 1, 2023, Andrew R. Hall, 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) design drawings and calculations prepared in connection with the manufacturing of pressure vessels in Louisiana must be sealed by a professional engineer licensed with the Board and (b) a manufacturer of pressure vessels who prepares design drawings and calculations in connection with its manufacturing of said pressure vessels in Louisiana must be licensed with the Board.

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(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.

5.

La. R.S. 37:701(C) states as follows:

This Chapter shall not apply to, affect, interfere with, or in any way regulate employees of firms engaged in industrial operations, including but not limited to producing, processing, manufacturing, transmitting, distributing, or transporting, when performing services within the state of Louisiana in the course and scope of the business of said firms or affiliates thereof. In the event any of the activities set forth in this Subsection shall fall within the definition of practice of engineering as defined in R.S. 37:682, such activities shall be under the responsible charge of a professional engineer. However, this Subsection shall not apply to persons practicing civil engineering or land surveying, who must at all times comply with the provisions of this Chapter.

6.

LAC Title 46:LXI§105(A) states as follows:

Under the Responsible Charge of a Professional Engineer—as it applies in R.S. 37:701(C) only, shall mean:

- a. the work performed by a professional engineer duly licensed under the provisions of the licensure law; or
- b. the work reviewed and approved by a professional engineer duly licensed under the provisions of the licensure law, who is authorized to direct changes to the engineering work; or
- c. the work performed in accordance with a system of engineering practices approved by a professional engineer duly licensed under the provisions of the licensure law.

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 March 27, 2023:

IT IS THE RULING of the Board that:

7.

The preparation of design drawings and calculations in connection with the manufacturing of pressure vessels in Louisiana constitutes the “practice of engineering” as defined in La. R.S. 37:682(13).

8.

The preparation of design drawings and calculations in connection with the manufacturing of pressure vessels constitutes mechanical engineering.

9.

The preparation of design drawings and calculations in connection with the manufacturing of pressure vessels in Louisiana must be performed “under the responsible charge of a professional engineer” as defined in LAC Title 46:LXI§105(A), which means that such design drawings and calculations must be either:

(a) prepared and sealed by a professional engineer licensed with the Board; or

(b) reviewed, approved and sealed by a professional engineer licensed with the Board, who is authorized to direct changes to such design drawings and calculations; or

(c) prepared in accordance with a system of engineering practices approved by a professional engineer licensed with the Board.

10.

A manufacturer of pressure vessels and its employees who prepare design drawings and calculations in connection with their manufacturing of said pressure vessels in Louisiana must be licensed with the Board if such design drawings and calculations are not prepared “under the responsible charge of a professional engineer” as defined in LAC Title 46:LXI§105(A). If such design drawings and calculations are prepared “under the responsible charge of a professional engineer” as defined in LAC Title 46:LXI§105(A), such manufacturer and its employees are not required to be licensed with the Board, unless they otherwise engage in the “practice of engineering” as defined in La. R.S. 37:682(13).

THUS DONE at Baton Rouge, Louisiana, on the 27th day of March, 2023.

**LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD**

By: 
EDGAR P. BENOIT, P.E., Chairman