

By: Representative Ford

To: Judiciary A

HOUSE BILL NO. 618  
(As Sent to Governor)

1 AN ACT TO REENACT SECTIONS 73-13-1 THROUGH 73-13-45 AND  
2 73-13-71 THROUGH 73-13-97, MISSISSIPPI CODE OF 1972, WHICH CREATE  
3 THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND  
4 LAND SURVEYORS AND PRESCRIBE ITS DUTIES AND POWERS; TO AMEND  
5 SECTION 73-13-99, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF  
6 THE REPEALER ON THOSE REENACTED SECTIONS AND TO INCLUDE SECTION  
7 73-13-103, MISSISSIPPI CODE OF 1972, WITHIN THE REPEALER; TO BRING  
8 FORWARD SECTION 73-13-103, MISSISSIPPI CODE OF 1972, WHICH  
9 PROVIDES THAT LAND SURVEYORS SHALL BE IMMUNE FROM CRIMINAL  
10 LIABILITY FOR TRESPASS WHILE IN THE LAWFUL PERFORMANCE OF  
11 SURVEYING DUTIES; AND FOR RELATED PURPOSES.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

13 SECTION 1. Section 73-13-1, Mississippi Code of 1972, is  
14 reenacted as follows:

15 73-13-1. In order to safeguard life, health, and property,  
16 and to promote the public welfare, any person in either public or  
17 private capacity practicing or offering to practice engineering  
18 shall hereafter be required to submit evidence that he is  
19 qualified so to practice engineering and shall be registered as  
20 hereinafter provided; and it shall be unlawful for any person to  
21 practice or to offer to practice in this state, engineering, as  
22 defined in the provisions of Sections 73-13-1 through 73-13-45, or  
23 to use in connection with his name or otherwise assume, use, or  
24 advertise any title or description tending to convey the  
25 impression that he is a professional engineer, unless such person  
26 has been duly registered under the provisions of Sections 73-13-1  
27 through 73-13-45. There is specifically reserved to engineering  
28 graduates of all universities and colleges accredited by a  
29 regional accrediting body that is recognized by the United States  
30 Department of Education, the right to disclose any college degrees  
31 received by such individuals and use the words "graduate engineer"

32 on his stationery, business cards, and personal communications of  
33 any character.

34 SECTION 2. Section 73-13-3, Mississippi Code of 1972, is  
35 reenacted as follows:

36 73-13-3. The term "engineer" as used in Sections 73-13-1  
37 through 73-13-45 shall mean a professional engineer as hereinafter  
38 defined.

39 The term "professional engineer" within the meaning and  
40 intent of Sections 73-13-1 through 73-13-45 shall mean a person  
41 who has met the qualifications as required under Section  
42 73-13-23(1) and who has been issued a certificate of registration  
43 as a professional engineer.

44 The term "engineer intern" as used in Sections 73-13-1  
45 through 73-13-45 shall mean a candidate for registration as a  
46 professional engineer who has met the qualifications as required  
47 under Section 73-13-23(2) and who has been issued a certificate of  
48 enrollment as an engineer intern.

49 The term "practice of engineering" within the meaning and  
50 intent of Sections 73-13-1 through 73-13-45 shall mean any  
51 professional service or creative work requiring engineering  
52 education, training, and experience and the application of special  
53 knowledge of the mathematical, physical, and engineering sciences  
54 to such professional services or creative work as consultation,  
55 investigation, evaluation, planning, design, and supervision of  
56 construction for the purposes of assuring compliance with  
57 specifications and design, in connection with any public or  
58 private structures, buildings, machines, utilities, equipment,  
59 processes, works, or projects.

60 A person shall be construed to practice or offer to practice  
61 engineering within the meaning and intent of Sections 73-13-1  
62 through 73-13-45, who practices any branch of the profession of  
63 engineering; or who, by verbal claim, sign, advertisement,  
64 letterhead, card, or in any other way represents himself to be a  
65 professional engineer, or through the use of some other title  
66 implies that he is a professional engineer; or who holds himself  
67 out as able to perform, or who does perform any engineering  
68 service or work or any other professional service designated by  
69 the practitioner or recognized by educational authorities as

70 engineering.

71 The practice of engineering shall not include the work  
72 ordinarily performed by persons who operate or maintain:  
73 machinery, equipment, water plants, light plants, and sewage  
74 plants.

75 The term "board" as used in Sections 73-13-1 through 73-13-45  
76 shall mean the State Board of Registration for Professional  
77 Engineers and Land Surveyors provided for by said sections.

78 SECTION 3. Section 73-13-5, Mississippi Code of 1972, is  
79 reenacted as follows:

80 73-13-5. A State Board of Registration for Professional  
81 Engineers and Land Surveyors is hereby created whose duty it shall  
82 be to administer the provisions of Sections 73-13-1 through  
83 73-13-97. The board shall consist of five (5) registered  
84 professional engineers, who shall be appointed by the Governor  
85 from fifteen (15) nominees recommended by the Mississippi  
86 Engineering Society, and shall have the qualifications required by  
87 Section 73-13-7, and two (2) registered professional land  
88 surveyors who are not registered professional engineers, who shall  
89 be appointed by the Governor from six (6) nominees recommended by  
90 the Mississippi Association of Land Surveyors and who shall have  
91 the qualifications required by Section 73-13-77. The members of  
92 the board shall be appointed from the above nominees. The board  
93 so appointed shall have one (1) engineer member from each of the  
94 three (3) State Supreme Court districts, and two (2) engineer  
95 members appointed from the state at large to serve the following  
96 terms: the three (3) members first appointed from the three (3)  
97 Supreme Court districts shall serve for four (4) years and the two  
98 (2) members first appointed from the state at large shall serve  
99 two (2) years, from the date of their appointment, or until their  
100 successors are duly appointed and qualified, and the members  
101 recommended by the Mississippi Association of Land Surveyors shall  
102 be appointed from the state at large and serve for four (4) years,  
103 or until their successors are duly appointed and qualified. Each

104 member of the board shall receive a certificate of appointment  
105 from the Governor, and before beginning his term of office he  
106 shall file with the Secretary of State the constitutional oath of  
107 office. On the expiration of the term of any member, the Governor  
108 shall in the manner hereinbefore provided appoint for a term of  
109 four (4) years a registered professional engineer having the  
110 qualifications required by Section 73-13-7, or a registered  
111 professional land surveyor having the qualifications required by  
112 Section 73-13-77 to take the place of the member of the board  
113 whose term is about to expire. Each member shall hold office  
114 until the expiration of the term for which such member is  
115 appointed or until a successor shall have been duly appointed and  
116 shall have qualified.

117 It shall not be considered the duty of the State of  
118 Mississippi to provide office space and office equipment for the  
119 board herein created.

120 No member of the board shall, during the term of his office  
121 or thereafter, be required to defend any action for damages in any  
122 of the courts of this state where it is shown that said damage  
123 followed or resulted from any of the official acts of said board  
124 in the performance of its powers, duties or authority as set forth  
125 in this chapter. Any such action filed shall upon motion be  
126 dismissed, at the cost of the plaintiff, with prejudice.

127 SECTION 4. Section 73-13-7, Mississippi Code of 1972, is  
128 reenacted as follows:

129 73-13-7. Each member of the board shall be a citizen of the  
130 United States and shall have been a resident of the state for at  
131 least five (5) years prior to the appointment. He shall be at  
132 least thirty-two (32) years of age, shall have been engaged in the  
133 practice of engineering or land surveying, as the case may be, for  
134 at least ten (10) years and shall have been in responsible charge  
135 of important engineering or land surveying work, as the case may  
136 be, for at least five (5) years. Each year of teaching  
137 engineering or land surveying in a school or college shall be

138 equivalent to a year of responsible charge of engineering or land  
139 surveying work. Not more than two (2) members of the board at any  
140 time may be teachers of engineering in the universities or  
141 colleges of the state. All members of the board shall be  
142 registered professional engineers or registered professional land  
143 surveyors, as the case may be.

144 SECTION 5. Section 73-13-9, Mississippi Code of 1972, is  
145 reenacted as follows:

146 73-13-9. Each member of the board shall receive per diem in  
147 accordance with Section 25-3-69 when actually attending to the  
148 work of the board or any of its committees, and shall be  
149 reimbursed for traveling expenses in accordance with Section  
150 25-3-41 in carrying out the provisions of Sections 73-13-1 through  
151 73-13-97.

152 SECTION 6. Section 73-13-11, Mississippi Code of 1972, is  
153 reenacted as follows:

154 73-13-11. The Governor may remove any member of the board  
155 for misconduct, incompetency, neglect of duty, or for any other  
156 sufficient cause. Vacancies in the membership of the board shall  
157 be filled for the unexpired term by appointment by the Governor as  
158 provided in Section 73-13-5.

159 SECTION 7. Section 73-13-13, Mississippi Code of 1972, is  
160 reenacted as follows:

161 73-13-13. The board shall hold at least two (2) regular  
162 meetings each year, in March and September. Special meetings  
163 shall be held at such time as the regulations of the board may  
164 provide. Notice of all meetings shall be given in such manner as  
165 the regulations of the board may provide. The board shall elect  
166 annually, at a regular or special meeting, the following officers:  
167 a president, a vice president, and a secretary. A quorum of the  
168 board shall consist of not less than four (4) members.

169 SECTION 8. Section 73-13-15, Mississippi Code of 1972, is  
170 reenacted as follows:

171 73-13-15. The board shall have the power to adopt and amend

172 all regulations and rules of procedure, not inconsistent with the  
173 Constitution and laws of this state, which may be reasonably  
174 necessary for the proper performance of its duties and the  
175 regulations of the proceedings before it. The board shall adopt  
176 and have an official seal. It shall not be required to post bond  
177 on appeals. The board shall have the further power and authority  
178 to:

- 179 (a) Establish standards of conduct and ethics;
- 180 (b) Institute proceedings in its own name;
- 181 (c) Promulgate rules restricting competitive bidding;
- 182 (d) Promulgate rules limiting or restricting  
183 advertising;
- 184 (e) Authorize the preparation or a demonstration of  
185 continuing education programs with voluntary participation;
- 186 (f) Adopt and promulgate reasonable bylaws and rules  
187 and regulations necessary or appropriate for the proper  
188 fulfillment of its duties under state laws pertaining thereto;
- 189 (g) Provide for the enforcement of and to enforce the  
190 laws of the State of Mississippi and, in particular, the  
191 provisions of this chapter, and the bylaws, rules and regulations  
192 of the board;
- 193 (h) Provide by appropriate rules and regulations,  
194 within the provisions of this chapter, a system for taking the  
195 disciplinary actions provided for in Section 73-13-37, including  
196 the imposition of fines as provided therein; and
- 197 (i) Investigate, prosecute or initiate prosecution for  
198 violation of the laws of this state pertaining to the practices of  
199 engineering and land surveying, or matters affecting the rights  
200 and duties or otherwise related thereto.

201 In carrying into effect the provisions of Sections 73-13-1  
202 through 73-13-97, the board, under the hand of its president or  
203 secretary and the seal of the board may subpoena witnesses and  
204 compel their attendance, and also may require the production of  
205 books, papers, documents, etc., in any case involving the

206 disciplinary actions provided for in Section 73-13-37 or 73-13-89  
207 or practicing or offering to practice without registration. Any  
208 member of the board may administer oaths or affirmations to  
209 witnesses appearing before the board. If any person shall refuse  
210 to obey any subpoena so issued, or shall refuse to testify or  
211 produce any books, papers, or documents, the board may present its  
212 petition to such authority as may have jurisdiction, setting forth  
213 the facts, and thereupon such authority shall, in a proper case,  
214 issue its subpoena to such person, requiring his attendance before  
215 such authority and there to testify or to produce such books,  
216 papers, and documents, as may be deemed necessary and pertinent by  
217 the board. Any person failing or refusing to obey the subpoena or  
218 order of the said authority may be proceeded against in the same  
219 manner as for refusal to obey any other subpoena or order of the  
220 authority.

221 SECTION 9. Section 73-13-17, Mississippi Code of 1972, is  
222 reenacted as follows:

223 73-13-17. (1) The board shall keep an account of all monies  
224 derived from the operation of Sections 73-13-1 through 73-13-97.  
225 All fees and any other monies received by the board shall be  
226 deposited in a special fund that is created in the State Treasury  
227 and shall be used for the implementation and administration of  
228 Sections 73-13-1 through 73-13-97 when appropriated by the  
229 Legislature for such purpose. The monies in the special fund  
230 shall be subject to all provisions of the state budget laws that  
231 are applicable to special fund agencies, and disbursements from  
232 the special fund shall be made by the State Treasurer only upon  
233 warrants issued by the State Fiscal Officer upon requisitions  
234 signed by the executive director of the board and countersigned by  
235 the secretary of the board. Any interest earned on this special  
236 fund shall be credited by the State Treasurer to the fund and  
237 shall not be paid into the State General Fund. Any unexpended  
238 monies remaining in the special fund at the end of a fiscal year  
239 shall not lapse into the State General Fund. The State Auditor

240 shall audit the financial affairs of the board and the  
241 transactions involving the special fund at least once a year in  
242 the same manner as for other special fund agencies.

243 (2) The executive director and the secretary of the board  
244 shall give a surety bond satisfactory to the other members of the  
245 board, conditioned upon the faithful performance of their duties.  
246 The premium on said bond shall be regarded as a proper and  
247 necessary expense of the board. When any member of the board or  
248 any employee thereof is engaged on business of the board away from  
249 the principal office of the board, he shall be entitled to receive  
250 expenses as authorized in Section 25-3-41, and members of the  
251 board shall be entitled to per diem in an amount not to exceed  
252 that authorized in Section 25-3-69, all as approved by the board.

253 (3) The board shall employ an executive director and may  
254 employ such clerical or other assistants as are necessary for the  
255 proper performance of its work, and may make expenditures for any  
256 purpose which in the opinion of the board are reasonably necessary  
257 for the proper performance of its duties under Sections 73-13-1  
258 through 73-13-97.

259 SECTION 10. Section 73-13-19, Mississippi Code of 1972, is  
260 reenacted as follows:

261 73-13-19. The board shall keep a record of its proceedings  
262 and a register of all applications for registration, which  
263 register shall show (a) the name, age, and residence of such  
264 applicant, (b) the date of the application, (c) the place of  
265 business of such applicant, (d) his educational and other  
266 qualifications, (e) whether or not an examination was required,  
267 (f) whether the applicant was rejected, (g) whether a certificate  
268 of registration was granted, (h) the date of the action of the  
269 board, and (i) such other information as may be deemed necessary  
270 by the board.

271 The records of the board shall be prima facie evidence of the  
272 proceedings of the board set forth therein, and a transcript  
273 thereof, duly certified by the executive director of the board



274 under seal, shall be admissible in evidence with the same force  
275 and effect as if the original were produced.

276 Annually, on or before March 15, the board shall submit to  
277 the Governor a report of its transactions of the preceding year,  
278 and shall file with the Secretary of State a copy of such report  
279 of the board, attested by affidavits of its president and its  
280 secretary.

281 SECTION 11. Section 73-13-21, Mississippi Code of 1972, is  
282 reenacted as follows:

283 73-13-21. A roster showing the names and places of business  
284 or residence of all registered professional engineers and  
285 registered professional land surveyors shall be prepared  
286 biennially by the board. Copies of this roster shall be mailed to  
287 each person so registered, placed on file with the Secretary of  
288 State and furnished to the public on request.

289 Registrants upon retirement may file a request biennially to  
290 be listed separately in the roster without payment of the renewal  
291 fee.

292 SECTION 12. Section 73-13-23, Mississippi Code of 1972, is  
293 reenacted as follows:

294 73-13-23. (1) (a) The following shall be considered as  
295 minimum evidence satisfactory to the board that the applicant is  
296 qualified for registration as a professional engineer:

297 (i) Graduation in an approved engineering  
298 curriculum of four (4) years or more from a school or college  
299 approved by the board as of satisfactory standing; a specific  
300 record of four (4) years of qualifying engineering experience  
301 indicating that the applicant is competent to practice engineering  
302 (in counting years of experience, the board at its discretion may  
303 give credit not in excess of three (3) years for satisfactory  
304 graduate study in engineering), and the successful passing of  
305 examinations in engineering as prescribed by the board; or

306 (ii) A specific record of eight (8) years or more  
307 of qualifying engineering experience subsequent to graduation from

308 high school, indicating that the applicant is competent to  
309 practice engineering; and successfully passing examinations  
310 designed to show knowledge and skill approximating that attained  
311 through graduation in an approved four-year engineering  
312 curriculum, and to show competence in the use of such knowledge  
313 and skills in the practice of engineering. This subsection  
314 (1)(a)(ii) shall stand repealed from and after January 1, 2000.

315 (b) In considering the qualifications of applicants,  
316 engineering teaching may be construed as engineering experience.

317 (c) The satisfactory completion of each year of an  
318 approved curriculum in engineering in a school or college approved  
319 by the board as of satisfactory standing, without graduation,  
320 shall be considered as equivalent to a year of experience in  
321 subsection (1)(a)(ii) of this section. Graduation in a curriculum  
322 other than engineering from a college or university of recognized  
323 standing may be considered as equivalent to two (2) years of  
324 experience under subsection (1)(a)(ii); however, no applicant  
325 shall receive credit for more than four (4) years of experience  
326 because of undergraduate educational qualifications. This  
327 subsection (1)(c) shall stand repealed from and after January 1,  
328 2000.

329 (d) The mere execution, as a contractor, of work  
330 designed by a professional engineer, or the supervision of the  
331 construction of such work as a foreman or superintendent shall not  
332 be deemed to be the practice of engineering.

333 (e) Any person having the necessary qualifications  
334 prescribed in Sections 73-13-1 through 73-13-45 to entitle him to  
335 registration shall be eligible for such registration although he  
336 may not be practicing his profession at the time of making his  
337 application.

338 (f) No person shall be eligible for registration as a  
339 professional engineer who is not of good character and reputation  
340 or who presents claims in support of his application which contain  
341 major discrepancies.

342 (2) The following shall be considered as minimum evidence  
343 satisfactory to the board that the applicant is qualified for  
344 enrollment as an engineer intern:

345 (a) Graduation in an accredited engineering curriculum  
346 of four (4) scholastic years or more from a school or college  
347 approved by the board as of satisfactory standing; and

348 (b) Successfully passing a written examination in the  
349 fundamental engineering subjects.

350 SECTION 13. Section 73-13-25, Mississippi Code of 1972, is  
351 reenacted as follows:

352 73-13-25. Applications for enrollment as an engineer intern  
353 or for registration as a professional engineer shall be on the  
354 forms prescribed and furnished by the board, shall contain  
355 statements made under oath, showing the applicant's education and  
356 detailed summary of the applicant's qualifying experience.  
357 Applications for registration or reregistration as a professional  
358 engineer shall also contain not less than five (5) references, of  
359 whom three (3) or more shall be engineers having personal  
360 knowledge of the applicant's engineering experience.

361 The application fee for registration or reregistration as a  
362 professional engineer shall be determined by the board but shall  
363 not exceed Seventy-five Dollars (\$75.00), which fee shall  
364 accompany the application.

365 The application fee for enrollment as an engineer intern  
366 shall be determined by the board but shall not exceed Twenty-five  
367 Dollars (\$25.00), which fee shall accompany the application.  
368 Whenever an applicant is cited to an examination or reexamination,  
369 an additional fee equal to the actual cost of the examination  
370 shall be paid by the applicant.

371 Each application or filing made under this section shall  
372 include the Social Security number(s) of the applicant in  
373 accordance with Section 93-11-64.

374 SECTION 14. Section 73-13-27, Mississippi Code of 1972, is  
375 reenacted as follows:

376           73-13-27. Examinations shall be required for enrollment as  
377 an engineer intern and for registration as a professional  
378 engineer. The examinations shall be held at such time and place  
379 as the board may determine.

380           The scope of the examinations and the methods and procedure  
381 shall be prescribed by the board with special reference to the  
382 applicant's ability to design and supervise engineering works so  
383 as to insure the safety of life, health and property.

384           SECTION 15. Section 73-13-29, Mississippi Code of 1972, is  
385 reenacted as follows:

386           73-13-29. The board shall issue a certificate of  
387 registration upon payment of registration fee as provided for in  
388 Sections 73-13-1 through 73-13-45, to any applicant who, in the  
389 opinion of the board, has satisfactorily met all the requirements  
390 of said sections. In the case of a registered engineer, the  
391 certificate shall authorize the "practice of engineering". In the  
392 case of an engineer intern, the certificate shall state that the  
393 applicant has successfully passed the examination in fundamental  
394 engineering subjects required by the board and has been enrolled  
395 as an "engineer intern" for a period of ten (10) years or until  
396 registration as a professional engineer, whichever comes first.  
397 Certificates shall show the full name, shall have a serial number,  
398 and shall be signed by the president and the secretary of the  
399 board under seal of the board.

400           The issuance of a certificate of registration by this board  
401 shall be prima facie evidence that the person named therein is  
402 entitled to all the rights and privileges of a registered  
403 professional engineer while the said certificate remains unrevoked  
404 or unexpired.

405           Each registrant hereunder shall upon registration obtain a  
406 seal of the design authorized by the board, bearing the  
407 registrant's name and the legend, "registered professional  
408 engineer". Plans, specifications, plats, and reports prepared by  
409 a registrant shall be stamped with the seal during the life of the

410 registrant's certificate, but it shall be unlawful for anyone to  
411 stamp or seal any documents with the seal after the certificate of  
412 the registrant named thereon has expired or has been revoked,  
413 unless the certificate has renewed or reissued.

414 SECTION 16. Section 73-13-31, Mississippi Code of 1972, is  
415 reenacted as follows:

416 73-13-31. Certificates of registration shall expire on the  
417 last day of the month of December following their issuance or  
418 renewal and shall become invalid on that date unless renewed. It  
419 shall be the duty of the board to notify every person registered  
420 under Sections 73-13-1 through 73-13-97, of the date of the  
421 expiration of his certificate and the amount of the fee that shall  
422 be required for its renewal for one (1) year. Such notice shall  
423 be sent by first class mail to the last known address of the  
424 registrant at least one (1) month in advance of the date of the  
425 expiration of said certificate. Renewal may be effected at any  
426 time during the month of December by the payment of a fee, as  
427 determined by the board, not to exceed Fifty Dollars (\$50.00). A  
428 person who is registered as a professional engineer and as a  
429 professional land surveyor may effect both renewals by the payment  
430 of a fee not to exceed Seventy-five Dollars (\$75.00). The failure  
431 on the part of any registrant to renew his certificate annually in  
432 the month of December as required above, shall not deprive such  
433 person of the right of renewal, but the fee to be paid for the  
434 renewal of a certificate after the month of December shall be  
435 increased ten percent (10%) for each month, or fraction of a month  
436 that payment of renewal is delayed; provided, however, that the  
437 maximum fee for delayed renewal shall not exceed five (5) times  
438 the normal renewal fee. A state agency or any of the state's  
439 political subdivisions, such as a county or municipality, may pay  
440 the renewal fee of any registrant who is a full-time employee;  
441 provided, however, that any registrant who permits his/her renewal  
442 fee to be paid from any public funds shall not perform engineering  
443 or land surveying services for a fee or other emoluments for the

444 public or for any other public entity. If a registrant fails to  
445 renew his certificate within five (5) years from the date of  
446 expiration, he must pay the back fees and be reexamined by the  
447 board in principles and practice before his certificate will be  
448 reissued. The reexamination requirement may be waived by the  
449 board provided the applicant has continued to practice in another  
450 jurisdiction from the date of expiration of his certificate.

451 SECTION 17. Section 73-13-33, Mississippi Code of 1972, is  
452 reenacted as follows:

453 73-13-33. All professional engineers, registered in  
454 accordance with the provisions of Chapter 56 of the Laws of  
455 Mississippi of 1928, Extraordinary Session, and as amended under  
456 Senate Bill No. 383, Chapter 131, Laws of 1940, and whose  
457 certificates of registration are in effect at the time of passage  
458 of Sections 73-13-1 through 73-13-45, shall be entitled to all the  
459 rights and privileges of a registered professional engineer as  
460 provided for in those sections, while the said certificate remains  
461 unrevoked or unexpired.

462 SECTION 18. Section 73-13-35, Mississippi Code of 1972, is  
463 reenacted as follows:

464 73-13-35. The board may, upon application therefor and the  
465 payment of a fee in accordance with Section 73-13-25, issue a  
466 certificate of registration as a professional engineer to any  
467 person who holds a certificate of qualification or registration  
468 issued to him by proper authority of any state or territory or  
469 possession of the United States, or of any country, provided that  
470 the applicant's qualifications meet the requirements of Sections  
471 73-13-1 through 73-13-45 and the rules established by the board.

472 SECTION 19. Section 73-13-37, Mississippi Code of 1972, is  
473 reenacted as follows:

474 73-13-37. (1) The board, upon satisfactory proof and in  
475 accordance with the provisions of this chapter and the  
476 implementing regulations of the board pertaining thereto, is  
477 authorized to take the disciplinary actions provided for

478 hereinafter against any person for any of the following reasons:

479           (a) Violating any of the provisions of Sections 73-13-1  
480 through 73-13-45 or the implementing bylaws, rules, regulations,  
481 or standards of ethics or conduct duly adopted and promulgated by  
482 the board pertaining to the practice of engineering;

483           (b) Fraud, deceit or misrepresentation in obtaining a  
484 certificate of registration;

485           (c) Gross negligence, malpractice or incompetency;

486           (d) Any professional misconduct, as defined by the  
487 board through bylaws, rules and regulations, and standards of  
488 conduct and ethics;

489           (e) Practicing or offering to practice engineering on  
490 an expired certificate or while under suspension or revocation of  
491 certificate unless said suspension or revocation be abated through  
492 probation, as provided for hereinafter.

493           (2) Any person may prefer charges against any other person  
494 for committing any of the acts set forth in subsection (1). Such  
495 charges shall be sworn to, either upon actual knowledge or upon  
496 information and belief, and shall be filed with the board. In the  
497 event any person certified under Sections 73-13-1 through 73-13-45  
498 is expelled from membership in any Mississippi professional  
499 engineering society or association, the board shall thereafter  
500 cite said person to appear at a hearing before the board and to  
501 show cause why disciplinary action should not be taken against  
502 him.

503           The board shall investigate all charges filed with it and,  
504 upon finding reasonable cause to believe that the charges are not  
505 frivolous, unfounded or filed in bad faith, may, in its  
506 discretion, cause a hearing to be held, at a time and place fixed  
507 by the board, regarding the charges and may compel the accused by  
508 subpoena to appear before the board to respond to said charges.

509           No disciplinary action taken hereunder may be taken until the  
510 accused has been furnished both a statement of the charges against  
511 him and notice of the time and place of the hearing thereof, which

512 shall be personally served on or mailed by registered or certified  
513 mail, return receipt requested, to the last-known business or  
514 residence address of the accused not less than thirty (30) days  
515 prior to the date fixed for the hearing.

516 (3) At any hearing held hereunder, the board shall have the  
517 power to subpoena witnesses and compel their attendance and may  
518 also require the production of books, papers, documents, etc., as  
519 provided elsewhere in this chapter. The board is authorized to  
520 designate or secure a hearing officer to conduct the hearing. All  
521 evidence shall be presented under oath, which may be administered  
522 by any member of the board, and thereafter the proceedings may, if  
523 necessary, be transcribed in full by the court reporter and filed  
524 as part of the record in the case. Copies of such transcriptions  
525 may be provided to any party to the proceedings at a cost to be  
526 fixed by the board.

527 All witnesses who shall be subpoenaed and who shall appear in  
528 any proceedings before the board shall receive the same fees and  
529 mileage as allowed by law in judicial civil proceedings, and all  
530 such fees shall be taxed as part of the costs in the case.

531 Where in any proceeding before the board any witness shall  
532 fail or refuse to attend upon subpoena issued by the board, shall  
533 refuse to testify or shall refuse to produce any books and papers,  
534 the production of which is called for by the subpoena, the  
535 attendance of such witness and the giving of his testimony and the  
536 production of the books and papers shall be enforced by any court  
537 of competent jurisdiction of this state in the manner provided for  
538 the enforcement of attendance and testimony of witnesses in civil  
539 cases in the courts of this state.

540 The accused shall have the right to be present at the hearing  
541 in person, by counsel or other representative, or both. The board  
542 is authorized to continue or recess the hearing as may be  
543 necessary.

544 (4) At the conclusion of the hearing, the board may either  
545 decide the issue at that time or take the case under advisement



546 for further deliberation. The board shall render its decision not  
547 more than ninety (90) days after the close of the hearing, and  
548 shall forward to the last-known business or residence address of  
549 the accused, by certified or registered mail, return receipt  
550 requested, a written statement of the decision of the board.

551 If a majority of the board finds the accused guilty of the  
552 charges filed, the board may: (a) issue a public or private  
553 reprimand; (b) require the guilty party to complete a course,  
554 approved by the board, in ethics; (c) suspend or revoke the  
555 certificate of the accused, if the accused is a registrant; or (d)  
556 in lieu of or in addition to such reprimand, course completion,  
557 suspension or revocation, assess and levy upon the guilty party a  
558 monetary penalty of not less than One Hundred Dollars (\$100.00)  
559 nor more than Five Thousand Dollars (\$5,000.00) for each  
560 violation.

561 (5) A monetary penalty assessed and levied under this  
562 section shall be paid to the board upon the expiration of the  
563 period allowed for appeal of such penalties under this section, or  
564 may be paid sooner if the guilty party elects. Money collected by  
565 the board under this section shall be deposited to the credit of  
566 the board's special fund in the State Treasury.

567 When payment of a monetary penalty assessed and levied by the  
568 board in accordance with this section is not paid when due, the  
569 board shall have the power to institute and maintain proceedings  
570 in its name for enforcement of payment in the chancery court of  
571 the county and judicial district of residence of the guilty party  
572 and if the guilty party be a nonresident of the State of  
573 Mississippi, such proceedings shall be in the Chancery Court of  
574 the First Judicial District of Hinds County, Mississippi.

575 (6) When the board has taken a disciplinary action under  
576 this section, the board may, in its discretion, stay such action  
577 and place the guilty party on probation for a period not to exceed  
578 one (1) year upon the condition that the guilty party shall not  
579 further violate either the laws of the State of Mississippi

580 pertaining to the practice of engineering or the bylaws, rules and  
581 regulations, or standards of conduct and ethics promulgated by the  
582 board.

583 (7) The board, in its discretion, may assess and tax any  
584 part or all of the costs of any disciplinary proceedings conducted  
585 under this section against either the accused, the charging party,  
586 or both, as it may elect.

587 (8) The power and authority of the board to assess and levy  
588 the monetary penalties provided for in this section shall not be  
589 affected or diminished by any other proceeding, civil or criminal,  
590 concerning the same violation or violations except as provided in  
591 this section.

592 (9) The board, for sufficient cause, may reissue a revoked  
593 certificate of registration whenever a majority of the board  
594 members vote to do so.

595 (10) Any person aggrieved by an action of the board denying  
596 or revoking his certificate of registration or re-registration as  
597 a professional engineer or his certificate of enrollment as an  
598 engineer intern, or who is aggrieved by the action of the board as  
599 a result of disciplinary proceedings conducted under this section  
600 may appeal therefrom to the chancery court of either the county  
601 wherein the appellant resides or the Chancery Court of the First  
602 Judicial District of Hinds County, at the election of the  
603 appellant. If the appellant is a nonresident of this state, the  
604 appeal shall be made to the Chancery Court of the First Judicial  
605 District of Hinds County. Such appeal shall be perfected before  
606 the board by the filing with the board of a notice of appeal to  
607 the chancery court. The court shall require a bond in an amount  
608 not to exceed Five Hundred Dollars (\$500.00) conditioned to pay  
609 all costs which may be adjudged against the appellant. The notice  
610 of appeal shall be filed not later than thirty (30) days after the  
611 decision of the board is forwarded to the guilty party, as  
612 provided hereinabove.

613 All appeals perfected hereunder shall act as a supersedeas,

614 and shall be made to the chancery court solely upon the record  
615 made before the board during the disciplinary hearing. When the  
616 appeal shall have been properly perfected as provided herein, the  
617 board shall cause the record of the proceedings conducted before  
618 it to be compiled, certified and filed with the chancery court.  
619 The chancellor may hear and determine the appeal during any  
620 regular term or in vacation.

621 (11) In addition to the reasons specified in subsection (1)  
622 of this section, the board shall be authorized to suspend the  
623 certificate of registration of any person for being out of  
624 compliance with an order for support, as defined in Section  
625 93-11-153. The procedure for suspension of a certificate for  
626 being out of compliance with an order for support, and the  
627 procedure for the reissuance or reinstatement of a certificate  
628 suspended for that purpose, and the payment of any fees for the  
629 reissuance or reinstatement of a certificate suspended for that  
630 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
631 the case may be. Actions taken by the board in suspending a  
632 certificate when required by Section 93-11-157 or 93-11-163 are  
633 not actions from which an appeal may be taken under this section.

634 Any appeal of a suspension of a certificate that is required by  
635 Section 93-11-157 or 93-11-163 shall be taken in accordance with  
636 the appeal procedure specified in Section 93-11-157 or 93-11-163,  
637 as the case may be, rather than the procedure specified in this  
638 section. If there is any conflict between any provision of  
639 Section 93-11-157 or 93-11-163 and any provision of this chapter,  
640 the provisions of Section 93-11-157 or 93-11-163, as the case may  
641 be, shall control.

642 SECTION 20. Section 73-13-39, Mississippi Code of 1972, is  
643 reenacted as follows:

644 73-13-39. Any person who shall practice, or offer to  
645 practice, engineering in this state without being registered in  
646 accordance with the provisions of Sections 73-13-1 through  
647 73-13-45, or any person presenting or attempting to use as his own

648 the certificate of registration or seal of another, or any person  
649 who shall give any false or forged evidence of any kind to the  
650 board or to any member thereof in obtaining a certificate of  
651 registration, or any person who shall falsely impersonate any  
652 other registrant of like or different name, or any person who  
653 shall attempt to use an expired or revoked certificate of  
654 registration, or any person who shall violate any of the  
655 provisions of Sections 73-13-1 through 73-13-45, shall be guilty  
656 of a misdemeanor, and shall, upon conviction, be sentenced to pay  
657 a fine of not less than One Hundred Dollars (\$100.00), nor more  
658 than One Thousand Dollars (\$1,000.00), or suffer imprisonment for  
659 a period not exceeding three (3) months, or both.

660 Unless registered in accordance with the provisions of  
661 Sections 73-13-1 through 73-13-45, no person shall:

662 (a) Directly or indirectly employ, use, cause to be  
663 used or make use of any of the following terms or any  
664 combinations, variations or abbreviations thereof as a  
665 professional, business or commercial identification, title, name,  
666 representation, claim, asset or means of advantage or benefit:  
667 "engineer," "professional engineer," "licensed engineer,"  
668 "registered engineer," "registered professional engineer,"  
669 "licensed professional engineer," "engineered," "engineering"; or

670 (b) Directly or indirectly employ, use, cause to be  
671 used or make use of any letter, abbreviation, word, symbol,  
672 slogan, sign or any combinations or variations thereof which in  
673 any manner whatsoever tends or is likely to create any impression  
674 with the public or any member thereof that any person is qualified  
675 or authorized to practice engineering; or

676 (c) Receive any fee or compensation or the promise of  
677 any fee or compensation for performing, offering or attempting to  
678 perform any service, work, act or thing which is any part of the  
679 practice of engineering.

680 Any person, firm, partnership, association or corporation  
681 which shall do, offer or attempt to do any one or more of the acts

682 or things set forth in items (a) through (c) of the preceding  
683 paragraph shall be conclusively presumed and regarded as engaged  
684 in the practice of engineering.

685 It shall be the duty of all duly constituted officers of the  
686 law of this state, or any political subdivision thereof, to  
687 enforce the provisions of Sections 73-13-1 through 73-13-45 and to  
688 prosecute any persons violating same. The Attorney General of the  
689 state or his assistant shall act as legal advisor of the board in  
690 carrying out the provisions of Sections 73-13-1 through 73-13-45.

691 SECTION 21. Section 73-13-41, Mississippi Code of 1972, is  
692 reenacted as follows:

693 73-13-41. Sections 73-13-1 through 73-13-45 shall not be  
694 construed to prevent or to affect:

695 (a) The practice of any other legally recognized  
696 profession or trade, such as: (1) Engineers employed by  
697 contractors to supervise work on which a registered engineer is  
698 engaged; (2) Architects who are registered under the provisions of  
699 Chapter 1 of this Title; and (3) Persons engaged in surveying  
700 land, running boundary lines and other similar work as a surveyor;  
701 or

702 (b) The work of an employee or a subordinate of a  
703 person holding a certificate of registration under this act,  
704 provided such work does not include final designs or decisions and  
705 is done under the responsibility, checking and supervision of a  
706 person holding a certificate of registration under Sections  
707 73-13-1 through 73-13-45; or

708 (c) The practice of officers and employees of the  
709 government of the United States while engaged within this state in  
710 the practice of engineering for said government.

711 SECTION 22. Section 73-13-43, Mississippi Code of 1972, is  
712 reenacted as follows:

713 73-13-43. A corporation or partnership may engage in the  
714 practice of professional engineering in this state, providing the  
715 person or persons connected with such corporation or partnership

716 in charge of the designing, or supervision, which constitutes such  
717 practice, is or are registered as herein required of professional  
718 engineers. A corporation or partnership, when performing  
719 engineering services to the public for a fee or other emoluments,  
720 shall include in each agreement for such services the name and  
721 registration number of the professional engineer who will bear the  
722 primary responsibility for the engineering work involved. The  
723 same exemptions shall apply to corporations and partnerships as  
724 apply to individuals under Sections 73-13-1 through 73-13-45.

725 SECTION 23. Section 73-13-45, Mississippi Code of 1972, is  
726 reenacted as follows:

727 73-13-45. (1) (a) Neither the state, nor any of its  
728 political subdivisions, such as a county, city or town, shall  
729 award construction contracts of any public work involving the  
730 practice of engineering or architecture unless the plans,  
731 specifications and estimates have been prepared and such work  
732 supervised by a registered professional engineer or architect;  
733 provided, that nothing in this subsection shall be held to apply  
734 to such public work wherein the expenditure does not exceed Fifty  
735 Thousand Dollars (\$50,000.00); and provided further, that nothing  
736 in this subsection shall apply to any municipality wherein such  
737 public work is not financed in whole or in part through the  
738 issuance of bonds and let to public contract.

739 (b) The state and any of its political subdivisions,  
740 such as a county, city or town, may engage in construction of  
741 public buildings involving the practice of engineering or  
742 architecture and using political subdivision work forces without  
743 the supervision of a registered professional engineer or  
744 architect, provided that the total cost of the public building  
745 does not exceed One Hundred Thousand Dollars (\$100,000.00). This  
746 paragraph (1)(b) shall not supersede any rules and regulations  
747 promulgated by the State Department of Health and the Department  
748 of Environmental Quality.

749 (2) (a) In the awarding of public contracts for

750 professional engineering services, preference shall be given to  
751 resident professional engineers over those nonresident  
752 professional engineers domiciled in a state having laws which  
753 grant a preference to the professional engineers who are residents  
754 of that state. Nonresident professional engineers shall be  
755 awarded Mississippi public contracts only on the same basis as the  
756 nonresident professional's state awards contracts to Mississippi  
757 professional engineers under similar circumstances. When a  
758 nonresident professional engineer submits a proposal for a public  
759 project, he shall attach thereto a copy of his resident state's  
760 current statute, resolution, policy, procedure or executive order  
761 pertaining to such state's treatment of nonresident professional  
762 engineers. Resident professional engineers actually domiciled in  
763 Mississippi, be they corporate, individuals or partnerships, shall  
764 be granted preference over nonresidents in the awarding of  
765 contracts in the same manner and to the same extent as provided by  
766 the laws of the state of domicile of the nonresident. As used in  
767 this section, the term "resident professional engineer" includes a  
768 nonresident person, firm or corporation that has been qualified to  
769 do business in this state and has maintained a permanent full-time  
770 office in the State of Mississippi for not less than two (2) years  
771 prior to submitting a proposal for a public project, and the  
772 subsidiaries and affiliates of such a person, firm or corporation.

773 (b) The provisions of this subsection shall not apply  
774 to any contract for any project upon which federal funds would be  
775 withheld because of the preference requirements of this  
776 subsection.

777 (c) Any contract, agreement or arrangement for  
778 professional engineering services negotiated, made or entered  
779 into, directly or indirectly, by the state, counties,  
780 municipalities or any political subdivision thereof, or by any  
781 special districts, which is in any way in violation of the  
782 provisions of this subsection is hereby declared to be void as  
783 contrary to the public policy of this state and shall not be given

784 effect or enforced by any court of this state or by any of its  
785 officers or employees.

786 (d) Nothing in this subsection shall affect the  
787 validity of any contract in existence prior to July 1, 1989.

788 (e) For purposes of this section, the term  
789 "professional engineering services" means those within the scope  
790 of the practice of professional engineering as defined by Sections  
791 73-13-1 through 73-13-45, or those performed by any registered  
792 professional engineer in connection with professional employment  
793 or practice.

794 SECTION 24. Section 73-13-71, Mississippi Code of 1972, is  
795 reenacted as follows:

796 73-13-71. (a) The term "board," as used in Sections  
797 73-13-71 through 73-13-97, shall mean the State Board of  
798 Registration for Professional Engineers and Land Surveyors as  
799 provided for in Section 73-13-5 of this chapter.

800 (b) The term "professional land surveyor," as used in  
801 Sections 73-13-71 through 73-13-97, shall mean a person who  
802 engages in the practice of land surveying as hereinafter defined,  
803 whether in an individual capacity, or in behalf of or as an  
804 employee of any state, county, or municipal authority of the State  
805 of Mississippi.

806 (c) The term "land surveyor intern," as used in  
807 Sections 73-13-71 through 73-13-97, shall mean a candidate for  
808 registration as a professional land surveyor who has successfully  
809 passed the fundamentals of land surveying examination, has met the  
810 requirements of the board for enrollment, has received from the  
811 board a certificate stating that he has successfully passed this  
812 portion of the professional land surveying examinations and has  
813 been enrolled as a land surveyor intern.

814 (d) The practice of "land surveying," within the  
815 meaning and intent of Sections 73-13-71 through 73-13-97, is  
816 surveying of areas for their correct determination and description  
817 and for conveyancing, or for the establishment or re-establishment



818 of land boundaries and the plotting of lands and subdivisions  
819 thereof, and such other duties as traditional or sound surveying  
820 practices would direct.

821 SECTION 25. Section 73-13-73, Mississippi Code of 1972, is  
822 reenacted as follows:

823 73-13-73. No person shall practice land surveying without  
824 having first been duly and regularly registered by the State Board  
825 of Registration for Professional Engineers and Land Surveyors as a  
826 professional land surveyor as required by Sections 73-13-71  
827 through 73-13-97, nor shall any person practice land surveying  
828 whose authority to practice is revoked by the said board.

829 SECTION 26. Section 73-13-75, Mississippi Code of 1972, is  
830 reenacted as follows:

831 73-13-75. The Mississippi State Board of Registration for  
832 Professional Engineers and Land Surveyors is hereby authorized and  
833 empowered to examine applicants for registration to practice land  
834 surveying; to register and issue certificates of registration to  
835 all applicants whom it deems qualified to practice land surveying  
836 in accordance with Sections 73-13-71 through 73-13-97; and to  
837 revoke certificates of registration for just cause as provided for  
838 in Sections 73-13-71 through 73-13-97.

839 SECTION 27. Section 73-13-77, Mississippi Code of 1972, is  
840 reenacted as follows:

841 73-13-77. (1) The following shall be considered as minimum  
842 evidence satisfactory to the board that the applicant is qualified  
843 for registration as a professional land surveyor:

844 (a) The successful completion of a curriculum of two  
845 (2) scholastic years or more from a school or college approved by  
846 the board as of satisfactory standing, including the completion of  
847 approved courses in surveying and related subjects; a specific  
848 record of three (3) years of qualifying land surveying experience  
849 indicating that the applicant is competent to practice land  
850 surveying; and successfully passing examinations in surveying  
851 prescribed by the board; or

852           (b) A specific record of seven (7) years' or more  
853 experience in land surveying work of a character satisfactory to  
854 the board and indicating that the applicant is competent to  
855 practice land surveying; and successfully passing examinations in  
856 surveying prescribed by the board.

857           No person shall be eligible for registration as a  
858 professional land surveyor who is not of good character and  
859 reputation.

860           (2) The following shall be considered as minimum evidence  
861 satisfactory to the board that the applicant is qualified for  
862 certification as a land surveyor intern:

863           (a) The successful completion of two (2) scholastic  
864 years or more from a school or college approved by the board as of  
865 satisfactory standing, including the completion of approved  
866 courses in land surveying and related subjects, and successfully  
867 passing an examination in the fundamentals of land surveying; or

868           (b) A specific record of three (3) years or more of  
869 qualifying land surveying experience, and successfully passing an  
870 examination in the fundamentals of land surveying.

871           SECTION 28. Section 73-13-79, Mississippi Code of 1972, is  
872 reenacted as follows:

873           73-13-79. Application for enrollment as a land surveyor  
874 intern or for registration as a professional land surveyor shall  
875 be on forms prescribed and furnished by the board, shall contain  
876 statements made under oath showing the applicant's education and a  
877 detailed summary of the applicant's qualifying experience.

878 Applications for registration or reregistration as a professional  
879 land surveyor shall also contain not less than five (5)  
880 references, of whom three (3) or more shall be professional land  
881 surveyors having personal knowledge of the applicant's land  
882 surveying experience.

883           The application fee for registration or reregistration as a  
884 professional land surveyor shall be determined by the board but  
885 shall not exceed Seventy-five Dollars (\$75.00), which fee shall

886 accompany the application.

887         The application fee for enrollment as a land surveyor intern  
888 shall be determined by the board, but shall not exceed Twenty-five  
889 Dollars (\$25.00), which fee shall accompany the application.

890         Whenever an applicant is cited to an examination or  
891 reexamination, an additional fee equal to the actual cost of the  
892 examination shall be paid by the applicant.

893         SECTION 29. Section 73-13-81, Mississippi Code of 1972, is  
894 reenacted as follows:

895         73-13-81. Examinations shall be required for enrollment as a  
896 land surveyor intern and registration as a professional land  
897 surveyor. The examinations shall be held at such time and place  
898 as the board may determine.

899         The scope of the examinations and the methods and procedures  
900 shall be prescribed by the board with special reference to the  
901 applicant's ability to exercise direct control and personal  
902 supervision of all land surveying functions.

903         The board shall cite applicants to examinations in accordance  
904 with its rules and regulations.

905         SECTION 30. Section 73-13-83, Mississippi Code of 1972, is  
906 reenacted as follows:

907         73-13-83. The board shall issue a certificate, upon payment  
908 of the required fee, to any applicant who, in the opinion of the  
909 board, has satisfactorily met all the requirements therefor. In  
910 the case of registered professional land surveyors, the  
911 certificate shall authorize the "practice of land surveying." In  
912 the case of a land surveyor intern, the certificate shall state  
913 that the applicant has successfully passed the examination in  
914 fundamental land surveying subjects required by the board and has  
915 been enrolled as a land surveyor intern for a period of ten (10)  
916 years or until registration as a professional land surveyor,  
917 whichever comes first. Certificates shall show the full name of  
918 the professional land surveyor or land surveyor intern, shall have  
919 a serial number and shall be signed by the president and the

920 secretary of the board under seal of the board.

921         The issuance of a certificate of registration by this board  
922 shall be prima facie evidence that the person named therein is  
923 entitled to all the rights and privileges of a registered  
924 professional land surveyor, while the said certificate remains  
925 unrevoked or unexpired.

926         Each person registering as a professional land surveyor after  
927 June 30, 1991, shall, upon registration, obtain a seal of the  
928 design authorized by the board, bearing the registrant's name and  
929 the legend "Registered Professional Land Surveyor." Each person  
930 registering as a professional land surveyor after June 30, 1991,  
931 who is also registered as a professional engineer in accordance  
932 with Sections 73-13-1 through 73-13-45 may also obtain one (1)  
933 seal bearing the registrant's name and the legend "Registered  
934 Professional Engineer and Professional Land Surveyor." Any person  
935 who, before July 1, 1991, was registered under this chapter as a  
936 land surveyor or as both a professional engineer and a land  
937 surveyor may continue to use the seal or seals that he obtained  
938 and that were authorized by the board to be used by such person  
939 before July 1, 1991. Plats and reports prepared by a registrant  
940 shall be stamped with the seal during the life of the registrant's  
941 certificate, but it shall be unlawful for anyone to stamp or seal  
942 any documents with the seal after the certificate of the  
943 registrant named thereon has expired or has been revoked, unless  
944 the certificate has been renewed or reissued.

945         SECTION 31. Section 73-13-85, Mississippi Code of 1972, is  
946 reenacted as follows:

947         73-13-85. Certificates of registration shall expire on the  
948 last day of the month of December following their issuance or  
949 renewal and shall become invalid on that date unless renewed. It  
950 shall be the duty of the board to notify every person registered  
951 under Sections 73-13-71 through 73-13-97 of the date of the  
952 expiration of his certificate and the amount of the fee that shall  
953 be required for its renewal for one (1) year; such notice shall be

954 sent by first class mail to the last known address of the  
955 registrant at least one (1) month in advance of the date of the  
956 expiration of said certificate. Renewal may be effected at any  
957 time during the month of December by the payment of a fee not to  
958 exceed Fifty Dollars (\$50.00). A person who is registered as a  
959 professional land surveyor and as a professional engineer may  
960 effect both renewals by the payment of a single fee not to exceed  
961 Seventy-five Dollars (\$75.00). The failure on the part of any  
962 registrant to renew his certificate annually in the month of  
963 December as required above shall not deprive such person of the  
964 right of renewal, but the fee to be paid for the renewal of a  
965 certificate after the month of December shall be increased ten  
966 percent (10%) for each month that payment of renewal is delayed.

967 If the registrant shall fail to renew his certificate within  
968 five (5) years from the date of expiration, he must pay the back  
969 fees and be reexamined by the board in principles and practice  
970 before his certificate will be reissued. The reexamination may be  
971 waived by the board provided the applicant has continued to  
972 practice under another jurisdiction from the date of expiration of  
973 his certificate.

974 SECTION 32. Section 73-13-87, Mississippi Code of 1972, is  
975 reenacted as follows:

976 73-13-87. The board may, upon application therefor and the  
977 payment of a fee to be determined by the board, but not to exceed  
978 Seventy-five Dollars (\$75.00), issue a certificate of registration  
979 as a professional land surveyor to any person who holds a  
980 certificate of registration issued to him by the proper authority  
981 of any state or territory or possession of the United States, or  
982 of any country, provided that the applicant's qualifications meet  
983 the requirements of Sections 73-13-71 through 73-13-97 and the  
984 rules established by the board.

985 SECTION 33. Section 73-13-89, Mississippi Code of 1972, is  
986 reenacted as follows:

987 73-13-89. The powers and duties of the board regarding

988 disciplinary actions against any person accused of violating any  
989 of the laws of the State of Mississippi regarding the practice of  
990 land surveying or the rules, regulations, bylaws, or standards of  
991 conduct and ethics pertaining thereto as duly promulgated by the  
992 board, as well as the procedures for conducting said disciplinary  
993 proceedings, the penal sanctions available to the board in the  
994 event the charges are established, and the procedures for appeal  
995 from such actions of the board shall be the same as those set  
996 forth in Section 73-13-37 regarding actions against persons  
997 charged with similar violations related to the practice of  
998 engineering.

999 SECTION 34. Section 73-13-93, Mississippi Code of 1972, is  
1000 reenacted as follows:

1001 73-13-93. Any person who may feel aggrieved by an action of  
1002 the board denying or revoking his certificate of registration or  
1003 re-registration as a professional land surveyor or enrollment as  
1004 land surveyor intern may appeal therefrom to the chancery court of  
1005 the county of residence of such person and, after full hearing,  
1006 the court shall make such order sustaining or reversing the action  
1007 of the board as to it may seem just and proper. However, in case  
1008 of a nonresident licensee or applicant, such appeal shall be taken  
1009 or made to the Chancery Court of the First Judicial District of  
1010 Hinds County, Mississippi.

1011 Actions taken by the board in suspending a certificate of  
1012 registration when required by Section 93-11-157 or 93-11-163 are  
1013 not actions from which an appeal may be taken under this section.

1014 Any appeal of a suspension of a certificate that is required by  
1015 Section 93-11-157 or 93-11-163 shall be taken in accordance with  
1016 the appeal procedure specified in Section 93-11-157 or 93-11-163,  
1017 as the case may be, rather than the procedure specified in this  
1018 section.

1019 SECTION 35. Section 73-13-95, Mississippi Code of 1972, is  
1020 reenacted as follows:

1021 73-13-95. Any person who shall practice, or offer to

1022 practice, land surveying in this state without being registered in  
1023 accordance with the provisions of Sections 73-13-71 through  
1024 73-13-97, or any person presenting or attempting to use as his own  
1025 the certificate of registration or the seal of another, or any  
1026 person who shall give any false or forged evidence of any kind to  
1027 the board or to any member thereof in obtaining a certificate of  
1028 registration, or any person who shall falsely impersonate any  
1029 other registrant of like or different name, or any person who  
1030 shall attempt to use an expired or revoked certificate of  
1031 registration, or any person who shall violate any of the  
1032 provisions of Sections 73-13-71 through 73-13-97, shall be guilty  
1033 of a misdemeanor, and shall, upon conviction, be sentenced to pay  
1034 a fine of not less than One Hundred Dollars (\$100.00), nor more  
1035 than One Thousand Dollars (\$1,000.00), or suffer imprisonment for  
1036 a period of not exceeding three (3) months, or both.

1037 Unless registered in accordance with the provisions of  
1038 Sections 73-13-71 through 73-13-97, no person shall:

1039 (a) Directly or indirectly employ, use, cause to be  
1040 used or make use of any of the following terms or any combination,  
1041 variations or abbreviations thereof as a professional, business or  
1042 commercial identification, title, name, representation, claim,  
1043 asset or means of advantage or benefit: "surveyor," "professional  
1044 surveyor," "licensed surveyor," "registered surveyor," "registered  
1045 professional surveyor," "licensed professional surveyor,"  
1046 "surveyed," "surveying," "professional land surveyor," or  
1047 "registered professional land surveyor";

1048 (b) Directly or indirectly employ, use, cause to be  
1049 used or make use of any letter, abbreviation, word, symbol,  
1050 slogan, sign or any combinations or variations thereof, which in  
1051 any manner whatsoever tends or is likely to create any impression  
1052 with the public or any member thereof that any person is qualified  
1053 or authorized to practice land surveying; or

1054 (c) Receive any fee or compensation or the promise of  
1055 any fee or compensation for performing, offering or attempting to

1056 perform any service, work, act or thing which is any part of the  
1057 practice of land surveying.

1058 Any person, firm, partnership, association or corporation  
1059 which shall do, offer or attempt to do any one or more of the acts  
1060 or things set forth in items (a) through (c) of the preceding  
1061 paragraph shall be conclusively presumed and regarded as engaged  
1062 in the practice of land surveying.

1063 It shall be the duty of all duly constituted officers of the  
1064 law of this state, or any political subdivision thereof, to  
1065 enforce the provisions of Sections 73-13-71 through 73-13-97 and  
1066 to prosecute any persons violating same. The Attorney General of  
1067 the state or his assistant shall act as legal adviser of the board  
1068 and render such legal assistance as may be necessary in carrying  
1069 out the provisions of Sections 73-13-71 through 73-13-97.

1070 SECTION 36. Section 73-13-97, Mississippi Code of 1972, is  
1071 reenacted as follows:

1072 73-13-97. Sections 73-13-71 through 73-13-97 shall not be  
1073 construed to prevent or to affect:

1074 (a) Other professions or trades. The practice of any  
1075 other legally recognized profession or trade; or

1076 (b) Recent arrivals in state. The practice of a person  
1077 not a resident of and having no established place of business in  
1078 this state or who has recently become a resident thereof,  
1079 practicing or offering to practice land surveying herein for more  
1080 than thirty (30) days in any calendar year, if he shall have filed  
1081 with the board an application for a certificate of registration  
1082 and shall have paid the fee required by Sections 73-13-71 through  
1083 73-13-97; provided that such a person is legally qualified by  
1084 registration to practice land surveying in his own state or  
1085 country in which the requirements and qualifications for obtaining  
1086 a certificate of registration are not lower than those specified  
1087 in Sections 73-13-71 through 73-13-97. Such practice shall  
1088 continue only for such time as the board requires for the  
1089 consideration of the application for registration; or



1090           (c) Employees and subordinates. The work of an  
1091 employee or a subordinate of a person holding a certificate of  
1092 registration under Sections 73-13-71 through 73-13-97, or an  
1093 employee of a person practicing lawfully under paragraph (b) of  
1094 this section; providing such work does not include final decisions  
1095 and is done under the direct responsibility, checking and  
1096 supervision of a person holding a certificate of registration  
1097 under Sections 73-13-71 through 73-13-97 or a person practicing  
1098 lawfully under paragraph (b) of this section; or

1099           (d) Government officers and employees. The practice of  
1100 officers and employees of the government of the United States  
1101 while engaged within this state in the practice of land surveying  
1102 for said government; or

1103           (e) Certain elected or appointed county surveyors. A  
1104 county surveyor as provided for in Section 135 of the Mississippi  
1105 Constitution, and Sections 19-27-1 through 19-27-35 implementing  
1106 the constitutional provision, who holds the office of county  
1107 surveyor by either election or appointment, shall be exempt,  
1108 through December 31, 1983, from the provisions of Sections  
1109 73-13-71 through 73-13-97 insofar as his statutory duties within  
1110 the boundaries of the county in which he is duly elected or  
1111 appointed are concerned. From and after January 1, 1984, such  
1112 surveyor shall not be exempt from the provisions of Sections  
1113 73-13-71 through 73-13-97 unless he held the office of county  
1114 surveyor by either election or appointment on December 31, 1983.

1115           (f) Employees of public service and/or utility  
1116 companies. The work or practice of a regular employee of a public  
1117 service company or public utility, by rendering to such company  
1118 land surveying service in connection with its facilities which are  
1119 subject to regulation, supervision and control in order to  
1120 safeguard life, health and property by the Public Service  
1121 Commission of this state, shall be exempt so long as such person  
1122 is thus actually and exclusively employed and no longer.

1123           SECTION 37. Section 73-13-99, Mississippi Code of 1972, is

1124 amended as follows:

1125           73-13-99. Sections 73-13-1 through 73-13-45 and 73-13-71  
1126 through 73-13-103, which create the State Board of Registration  
1127 for Professional Engineers and Land Surveyors and prescribe its  
1128 duties and powers, shall stand repealed as of December 31, 2000.

1129           SECTION 38. Section 73-13-103, Mississippi Code of 1972, is  
1130 brought forward as follows:

1131           73-13-103. (1) For the purposes of this section, the term  
1132 "surveyor" means a registered professional land surveyor as  
1133 defined in Section 73-13-71, and any person who is employed by or  
1134 under the direct supervision of a professional land surveyor  
1135 registered under Sections 73-13-71 through 73-13-97.

1136           (2) A surveyor may enter in or upon public or private lands  
1137 or waters, except buildings, while in the lawful performance of  
1138 surveying duties without criminal liability for trespass; however,  
1139 a surveyor shall make a good faith attempt to announce and  
1140 identify himself and his intentions before entering upon private  
1141 property and must present documentation sufficient to identify him  
1142 as a surveyor to anyone requesting such identification.

1143           (3) The provisions of this section do not relieve a surveyor  
1144 from any civil liability that otherwise is actionable at law or in  
1145 equity, and do not relieve a surveyor from criminal liability for  
1146 trespass if the entry in or upon the property extends beyond the  
1147 property or area that is necessary to actually perform the  
1148 surveying duties.

1149           (4) Surveyors shall be personally liable for any damage  
1150 caused to private property when exercising entry under this  
1151 section. No cause of action shall lie against a landowner for  
1152 damages to a surveyor while on such lands unless the damage is  
1153 caused by the intentional tortious conduct of landowner or his  
1154 agent.

1155           SECTION 39. Each section of the Mississippi Code of 1972  
1156 that is reenacted but not amended by this act, and that appears in  
1157 the main volume of the Code, shall not be reprinted in the

1158 supplement. Instead, an editor's note shall be placed in the  
1159 supplement following the section to explain that the section was  
1160 reenacted, and that it has not been reprinted in the supplement  
1161 because the language of the section in the main volume was  
1162 unaffected by the legislation.

1163 SECTION 40. This act shall take effect and be in force from  
1164 and after July 1, 1999.