

By: Representative Perry

To: Judiciary A

HOUSE BILL NO. 1205

1 AN ACT TO REENACT SECTIONS 73-13-1, 73-13-3, 73-13-5,
2 73-13-7, 73-13-9, 73-13-11, 73-13-13, 73-13-15, 73-13-17,
3 73-13-19, 73-13-21, 73-13-23, 73-13-25, 73-13-27, 73-13-29,
4 73-13-31, 73-13-33, 73-13-35, 73-13-37, 73-13-39, 73-13-41,
5 73-13-43, 73-13-45, 73-13-71, 73-13-73, 73-13-75, 73-13-77,
6 73-13-79, 73-13-81, 73-13-83, 73-13-85, 73-13-87, 73-13-89,
7 73-13-93, 73-13-95 AND 73-13-97, MISSISSIPPI CODE OF 1972, WHICH
8 PROVIDES FOR THE LICENSING AND REGULATING OF ENGINEERS AND LAND
9 SURVEYORS; TO AMEND REENACTED SECTION 73-13-3, MISSISSIPPI CODE OF
10 1972, TO REVISE DEFINITIONS; TO AMEND REENACTED SECTIONS 73-13-5
11 AND 73-13-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND
12 REENACTED SECTION 73-13-15, MISSISSIPPI CODE OF 1972, TO REVISE
13 RULE MAKING AUTHORITY FOR CONTINUING EDUCATION; TO AMEND REENACTED
14 SECTION 73-13-17, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO
15 AMEND REENACTED SECTION 73-13-23, MISSISSIPPI CODE OF 1972, TO
16 REVISE REGISTRATION QUALIFICATIONS; TO AMEND REENACTED SECTION
17 73-13-25, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND
18 REENACTED SECTION 73-13-29, MISSISSIPPI CODE OF 1972, TO REVISE
19 THE CERTIFICATE OF REGISTRATION; TO AMEND REENACTED SECTION
20 73-13-31, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND
21 REENACTED SECTION 73-13-37, MISSISSIPPI CODE OF 1972, TO INCLUDE
22 DRUG ABUSE AS A DISCIPLINARY ACTION; TO REVISE BOND REQUIREMENTS;
23 TO CLARIFY THE BRIEFING SCHEDULE; TO PROVIDE FOR RECUSAL; TO AMEND
24 REENACTED SECTION 73-13-39, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
25 THE ASSESSMENT OF CRIMINAL PENALTIES IN ADDITION TO CIVIL
26 PENALTIES; TO AMEND REENACTED SECTION 73-13-41, MISSISSIPPI CODE
27 OF 1972, TO REVISE THE APPLICABILITY OF SECTIONS 73-13-1 THROUGH
28 73-13-45; TO AMEND REENACTED SECTION 73-13-43, MISSISSIPPI CODE OF
29 1972, TO REQUIRE ONE REGISTERED PROFESSIONAL ENGINEER TO BE A
30 PRINCIPAL OFFICER OR PARTNER IN AN ENGINEERING CORPORATION, FIRM
31 OR PARTNERSHIP; TO AMEND REENACTED SECTIONS 73-13-71, 73-13-73 AND
32 73-13-75, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO SPECIFY LAND
33 SURVEYING DUTIES WHICH MUST BE PERFORMED BY AND DONE UNDER THE
34 DIRECT SUPERVISION OF A PROFESSIONAL LAND SURVEYOR OR PROFESSIONAL
35 ENGINEER; TO AMEND REENACTED SECTION 73-13-79, MISSISSIPPI CODE OF
36 1972, IN CONFORMITY; TO AMEND REENACTED SECTION 73-13-83,
37 MISSISSIPPI CODE OF 1972, TO REGULATE THE USE OF SEALS; TO AMEND
38 REENACTED SECTION 73-13-85, MISSISSIPPI CODE OF 1972, TO PLACE A
39 CAP ON FEES; TO AMEND REENACTED SECTIONS 73-13-87 AND 73-13-89,
40 MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND REENACTED
41 SECTION 73-13-95, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
42 CRIMINAL PENALTIES MAY BE ASSESSED IN ADDITION TO CIVIL PENALTIES;
43 TO AMEND REENACTED SECTION 73-13-97, MISSISSIPPI CODE OF 1972, TO
44 REVISE THE APPLICATION OF SECTIONS 73-13-71 THROUGH 73-13-105; TO
45 REPEAL SECTION 73-13-99, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
46 FOR THE REPEAL OF SECTIONS 73-13-1 THROUGH 73-13-45 AND SECTIONS
47 73-13-71 THROUGH 73-13-97, MISSISSIPPI CODE OF 1972; TO REQUIRE
48 ONE REGISTERED PROFESSIONAL LAND SURVEYOR TO BE A PRINCIPAL
49 OFFICER OR PARTNER IN A LAND SURVEYOR CORPORATION, FIRM OR
50 PARTNERSHIP; AND FOR RELATED PURPOSES.

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

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

54 73-13-1. In order to safeguard life, health, and property,
55 and to promote the public welfare, any person in either public or
56 private capacity practicing or offering to practice engineering
57 shall hereafter be required to submit evidence that he is
58 qualified so to practice engineering and shall be registered as
59 hereinafter provided; and it shall be unlawful for any person to
60 practice or to offer to practice in this state, engineering, as
61 defined in the provisions of Sections 73-13-1 through 73-13-45, or
62 to use in connection with his name or otherwise assume, use, or
63 advertise any title or description tending to convey the
64 impression that he is a professional engineer, unless such person
65 has been duly registered under the provisions of Sections 73-13-1
66 through 73-13-45. There is specifically reserved to engineering
67 graduates of all universities and colleges accredited by a
68 regional accrediting body that is recognized by the United States
69 Department of Education, the right to disclose any college degrees
70 received by such individuals and use the words "graduate engineer"
71 on his stationery, business cards, and personal communications of
72 any character.

73 SECTION 2. Section 73-13-3, Mississippi Code of 1972, is
74 reenacted and amended as follows:

75 73-13-3. The term "engineer" as used in Sections 73-13-1
76 through 73-13-45 shall mean a professional engineer as hereinafter
77 defined.

78 The term "professional engineer" within the meaning and
79 intent of Sections 73-13-1 through 73-13-45 shall mean a person
80 who has met the qualifications as required under Section
81 73-13-23(1) and who has been issued a certificate of registration
82 as a professional engineer.

83 The term "engineer intern" as used in Sections 73-13-1
84 through 73-13-45 shall mean a candidate for registration as a
85 professional engineer who has met the qualifications as required

86 under section 73-13-23(2) and who has been issued a certificate of
87 enrollment as an engineer intern.

88 The term "practice of engineering" within the meaning and
89 intent of Sections 73-13-1 through 73-13-45 shall mean any * * *
90 service or creative work the adequate performance of which
91 requires engineering education, training, and experience in the
92 application of special knowledge of the mathematical, physical,
93 and engineering sciences to such * * * services or creative work
94 as consultation, investigation, evaluation, planning, design, and
95 design coordination of engineering works and systems, planning the
96 use of land and water, performing engineering surveys and studies,
97 and the review of construction for the purpose of monitoring
98 compliance with drawings and specifications; any of which embraces
99 such services or work, either public or private, in connection
100 with any highways, transportation facilities, utilities,
101 structures, buildings, machines, equipment, processes, work
102 systems, projects and industrial or consumer products or
103 equipment, of a mechanical, electrical, hydraulic, pneumatic or
104 thermal nature, insofar as they involve safeguarding life, health
105 or property, and including such other professional services as may
106 be necessary to the planning, progress and completion of any
107 engineering services.

108 Design coordination includes the review and coordination of
109 those technical submissions prepared by others, including as
110 appropriate and without limitation, consulting engineers,
111 architects, landscape architects, land surveyors and other
112 professionals working under direction of the engineer.

113 Engineering surveys include all survey activities required to
114 support the sound conception, planning, design, construction,
115 maintenance and operation of engineered projects but exclude the
116 practice of land surveying as defined in Section 73-13-71(d).

117 A person shall be construed to practice or offer to practice
118 engineering within the meaning and intent of Sections 73-13-1
119 through 73-13-45, who practices any branch of the profession of

120 engineering; or who, by verbal claim, sign, advertisement,
121 letterhead, card, or in any other way represents himself to be a
122 professional engineer, or through the use of some other title
123 implies that he is a professional engineer; or who holds himself
124 out as able to perform, or who does perform any engineering
125 service or work or any other professional service designated by
126 the practitioner or recognized by educational authorities as
127 engineering.

128 The practice of engineering shall not include the work
129 ordinarily performed by persons who operate or maintain:
130 machinery, equipment, water plants, light plants, and sewage
131 plants.

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

135 SECTION 3. Section 73-13-5, Mississippi Code of 1972, is
136 reenacted and amended as follows:

137 73-13-5. A State Board of Registration for Professional
138 Engineers and Land Surveyors is hereby created whose duty it shall
139 be to administer the provisions of Sections 73-13-1 through
140 73-13-105. The board shall consist of five (5) registered
141 professional engineers, who shall be appointed by the Governor
142 from fifteen (15) nominees recommended by the Mississippi
143 Engineering Society, and shall have the qualifications required by
144 Section 73-13-7, and two (2) registered professional land
145 surveyors who are not registered professional engineers, who shall
146 be appointed by the Governor from six (6) nominees recommended by
147 the Mississippi Association of Land Surveyors and who shall have
148 the qualifications required by Section 73-13-77. The members of
149 the board shall be appointed from the above nominees. The board
150 so appointed shall have one (1) engineer member from each of the
151 three (3) State Supreme Court districts, and two (2) engineer
152 members appointed from the state at large to serve the following
153 terms: the three (3) members first appointed from the three (3)

154 Supreme Court districts shall serve for four (4) years and the two
155 (2) members first appointed from the state at large shall serve
156 two (2) years, from the date of their appointment, or until their
157 successors are duly appointed and qualified, and the members
158 recommended by the Mississippi Association of Land Surveyors shall
159 be appointed from the state at large and serve for four (4) years,
160 or until their successors are duly appointed and qualified. Each
161 member of the board shall receive a certificate of appointment
162 from the Governor, and before beginning his term of office he
163 shall file with the Secretary of State the constitutional oath of
164 office. On the expiration of the term of any member, the Governor
165 shall in the manner hereinbefore provided appoint for a term of
166 four (4) years a registered professional engineer having the
167 qualifications required by Section 73-13-7, or a registered
168 professional land surveyor having the qualifications required by
169 Section 73-13-77 to take the place of the member of the board
170 whose term is about to expire. Each member shall hold office
171 until the expiration of the term for which such member is
172 appointed or until a successor shall have been duly appointed and
173 shall have qualified.

174 It shall not be considered the duty of the State of
175 Mississippi to provide office space and office equipment for the
176 board herein created.

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

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

186 73-13-7. Each member of the board shall be a citizen of the
187 United States and shall have been a resident of the state for at

188 least five (5) years prior to the appointment. He shall be at
189 least thirty-two (32) years of age, shall have been engaged in the
190 practice of engineering or land surveying, as the case may be, for
191 at least ten (10) years and shall have been in responsible charge
192 of important engineering or land surveying work, as the case may
193 be, for at least five (5) years. Each year of teaching
194 engineering or land surveying in a school or college shall be
195 equivalent to a year of responsible charge of engineering or land
196 surveying work. Not more than two (2) members of the board at any
197 time may be teachers of engineering in the universities or
198 colleges of the state. All members of the board shall be
199 registered professional engineers or registered professional land
200 surveyors, as the case may be.

201 SECTION 5. Section 73-13-9, Mississippi Code of 1972, is
202 reenacted and amended as follows:

203 73-13-9. Each member of the board shall receive per diem in
204 accordance with Section 25-3-69 when actually attending to the
205 work of the board or any of its committees, and shall be
206 reimbursed for traveling expenses in accordance with Section
207 25-3-41 in carrying out the provisions of Sections 73-13-1 through
208 73-13-105.

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

211 73-13-11. The Governor may remove any member of the board
212 for misconduct, incompetency, neglect of duty, or for any other
213 sufficient cause. Vacancies in the membership of the board shall
214 be filled for the unexpired term by appointment by the Governor as
215 provided in Section 73-13-5.

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

218 73-13-13. The board shall hold at least two (2) regular
219 meetings each year, in March and September. Special meetings
220 shall be held at such time as the regulations of the board may
221 provide. Notice of all meetings shall be given in such manner as

222 the regulations of the board may provide. The board shall elect
223 annually, at a regular or special meeting, the following officers:
224 a president, a vice president, and a secretary. A quorum of the
225 board shall consist of not less than four (4) members.

226 SECTION 8. Section 73-13-15, Mississippi Code of 1972, is
227 reenacted and amended as follows:

228 73-13-15. The board shall have the power to adopt and amend
229 all regulations and rules of procedure, not inconsistent with the
230 Constitution and laws of this state, which may be reasonably
231 necessary for the proper performance of its duties and the
232 regulations of the proceedings before it. The board shall adopt
233 and have an official seal. It shall not be required to post bond
234 on appeals. The board shall have the further power and authority
235 to:

236 (a) Establish standards of conduct and ethics;

237 (b) Institute proceedings in its own name;

238 (c) Promulgate rules restricting competitive bidding;

239 (d) Promulgate rules limiting or restricting
240 advertising;

241 (e) Promulgate rules requiring a demonstration of
242 continuing education * * *;

243 (f) Adopt and promulgate reasonable bylaws and rules
244 and regulations necessary or appropriate for the proper
245 fulfillment of its duties under state laws pertaining thereto;

246 (g) Provide for the enforcement of and to enforce the
247 laws of the State of Mississippi and, in particular, the
248 provisions of this chapter, and the bylaws, rules and regulations
249 of the board;

250 (h) Provide by appropriate rules and regulations,
251 within the provisions of this chapter, a system for taking the
252 disciplinary actions provided for in Section 73-13-37, including
253 the imposition of fines as provided therein; and

254 (i) Investigate, prosecute or initiate prosecution for
255 violation of the laws of this state pertaining to the practices of

256 engineering and land surveying, or matters affecting the rights
257 and duties or otherwise related thereto.

258 In carrying into effect the provisions of Sections 73-13-1
259 through 73-13-105, the board, under the hand of its president or
260 secretary and the seal of the board may subpoena witnesses and
261 compel their attendance, and also may require the production of
262 books, papers, documents, etc., in any case involving the
263 disciplinary actions provided for in Section 73-13-37 or 73-13-89
264 or practicing or offering to practice without registration. Any
265 member of the board may administer oaths or affirmations to
266 witnesses appearing before the board. If any person shall refuse
267 to obey any subpoena so issued, or shall refuse to testify or
268 produce any books, papers, or documents, the board may present its
269 petition to such authority as may have jurisdiction, setting forth
270 the facts, and thereupon such authority shall, in a proper case,
271 issue its subpoena to such person, requiring his attendance before
272 such authority and there to testify or to produce such books,
273 papers, and documents, as may be deemed necessary and pertinent by
274 the board. Any person failing or refusing to obey the subpoena or
275 order of the said authority may be proceeded against in the same
276 manner as for refusal to obey any other subpoena or order of the
277 authority.

278 SECTION 9. Section 73-13-17, Mississippi Code of 1972, is
279 reenacted and amended as follows:

280 73-13-17. (1) The board shall keep an account of all monies
281 derived from the operation of Sections 73-13-1 through 73-13-105.
282 All fees and any other monies received by the board shall be
283 deposited in a special fund that is created in the State Treasury
284 and shall be used for the implementation and administration of
285 Sections 73-13-1 through 73-13-105 when appropriated by the
286 Legislature for such purpose. The monies in the special fund
287 shall be subject to all provisions of the state budget laws that
288 are applicable to special fund agencies, and disbursements from
289 the special fund shall be made by the State Treasurer only upon

290 warrants issued by the State Fiscal Officer upon requisitions
291 signed by the executive director of the board and countersigned by
292 the secretary of the board. Any interest earned on this special
293 fund shall be credited by the State Treasurer to the fund and
294 shall not be paid into the State General Fund. Any unexpended
295 monies remaining in the special fund at the end of a fiscal year
296 shall not lapse into the State General Fund. The State Auditor
297 shall audit the financial affairs of the board and the
298 transactions involving the special fund at least once a year in
299 the same manner as for other special fund agencies.

300 (2) The executive director and the secretary of the board
301 shall give a surety bond satisfactory to the other members of the
302 board, conditioned upon the faithful performance of their duties.
303 The premium on said bond shall be regarded as a proper and
304 necessary expense of the board. When any member of the board or
305 any employee thereof is engaged on business of the board away from
306 the principal office of the board, he shall be entitled to receive
307 expenses as authorized in Section 25-3-41, and members of the
308 board shall be entitled to per diem in an amount not to exceed
309 that authorized in Section 25-3-69, all as approved by the board.

310 (3) The board shall employ an executive director and may
311 employ such clerical or other assistants as are necessary for the
312 proper performance of its work, and may make expenditures for any
313 purpose which in the opinion of the board are reasonably necessary
314 for the proper performance of its duties under Sections 73-13-1
315 through 73-13-105.

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

318 73-13-19. The board shall keep a record of its proceedings
319 and a register of all applications for registration, which
320 register shall show (a) the name, age, and residence of such
321 applicant, (b) the date of the application, (c) the place of
322 business of such applicant, (d) his educational and other
323 qualifications, (e) whether or not an examination was required,

324 (f) whether the applicant was rejected, (g) whether a certificate
325 of registration was granted, (h) the date of the action of the
326 board, and (i) such other information as may be deemed necessary
327 by the board.

328 The records of the board shall be prima facie evidence of the
329 proceedings of the board set forth therein, and a transcript
330 thereof, duly certified by the executive director of the board
331 under seal, shall be admissible in evidence with the same force
332 and effect as if the original were produced.

333 Annually, on or before March 15, the board shall submit to
334 the Governor a report of its transactions of the preceding year,
335 and shall file with the Secretary of State a copy of such report
336 of the board, attested by affidavits of its president and its
337 secretary.

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

340 73-13-21. A roster showing the names and places of business
341 or residence of all registered professional engineers and
342 registered professional land surveyors shall be prepared
343 biennially by the board. Copies of this roster shall be mailed to
344 each person so registered, placed on file with the Secretary of
345 State and furnished to the public on request.

346 Registrants upon retirement may file a request biennially to
347 be listed separately in the roster without payment of the renewal
348 fee.

349 SECTION 12. Section 73-13-23, Mississippi Code of 1972, is
350 reenacted and amended as follows:

351 73-13-23. (1) (a) The following shall be considered as
352 minimum evidence satisfactory to the board that the applicant is
353 qualified for registration as a professional engineer:

354 (i) Graduation in an * * * engineering curriculum
355 of four (4) years or more from a school or college approved by the
356 board as of satisfactory standing or graduation in an engineering,
357 engineering technology, or related science curriculum of four (4)

358 scholastic years from a school or college other than those
359 approved by the board plus a graduate degree in an engineering
360 curriculum from a school or college wherein the same engineering
361 curriculum at the undergraduate level is approved by the board as
362 of satisfactory standing; a specific record of four (4) years of
363 qualifying engineering experience indicating that the applicant is
364 competent to practice engineering (in counting years of
365 experience, the board at its discretion may give credit not in
366 excess of three (3) years for satisfactory graduate study in
367 engineering), and the successful passing of examinations in
368 engineering as prescribed by the board; or

369 (ii) A specific record of eight (8) years or more
370 of qualifying engineering experience subsequent to graduation from
371 high school, indicating that the applicant is competent to
372 practice engineering; and successfully passing examinations
373 designed to show knowledge and skill approximating that attained
374 through graduation in an approved four-year engineering
375 curriculum, and to show competence in the use of such knowledge
376 and skills in the practice of engineering. This subsection
377 (1)(a)(ii) shall stand repealed from and after January 1, 2000.

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

380 (c) The satisfactory completion of each year of an
381 approved curriculum in engineering in a school or college approved
382 by the board as of satisfactory standing, without graduation,
383 shall be considered as equivalent to a year of experience in
384 subsection (1)(a)(ii) of this section. Graduation in a curriculum
385 other than engineering from a college or university of recognized
386 standing may be considered as equivalent to two (2) years of
387 experience under subsection (1)(a)(ii); however, no applicant
388 shall receive credit for more than four (4) years of experience
389 because of undergraduate educational qualifications. This
390 subsection (1)(c) shall stand repealed from and after January 1,
391 2000.

392 (d) The mere execution, as a contractor, of work
393 designed by a professional engineer, or the supervision of the
394 construction of such work as a foreman or superintendent shall not
395 be deemed to be the practice of engineering.

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

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

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

408 (a) Graduation in an * * * engineering curriculum of
409 four (4) scholastic years or more from a school or college
410 approved by the board as of satisfactory standing or graduation in
411 an engineering, engineering technology, or related science
412 curriculum of four (4) scholastic years from a school or college
413 other than those approved by the board plus a graduate degree in
414 an engineering curriculum from a school or college wherein that
415 same engineering curriculum at the undergraduate level is approved
416 by the board as of satisfactory standing; and

417 (b) Successfully passing a written examination in the
418 fundamental engineering subjects.

419 SECTION 13. Section 73-13-25, Mississippi Code of 1972, is
420 reenacted and amended as follows:

421 73-13-25. Applications for enrollment as an engineer intern
422 or for registration as a professional engineer shall be on the
423 forms prescribed and furnished by the board, shall contain
424 statements made under oath, showing the applicant's education and
425 detailed summary of the applicant's qualifying experience.

426 Applications for registration or reregistration as a professional
427 engineer shall also contain not less than five (5) references, of
428 whom three (3) or more shall be engineers having personal
429 knowledge of the applicant's engineering experience.

430 The application fee for registration * * * as a professional
431 engineer shall be determined by the board but shall not exceed
432 Seventy-five Dollars (\$75.00), which fee shall accompany the
433 application.

434 The application fee for enrollment as an engineer intern
435 shall be determined by the board but shall not exceed Twenty-five
436 Dollars (\$25.00), which fee shall accompany the application.
437 Whenever an applicant is cited to an examination or reexamination,
438 an additional fee equal to the actual cost of the examination
439 shall be paid by the applicant.

440 Each application or filing made under this section shall
441 include the Social Security number(s) of the applicant in
442 accordance with Section 93-11-64, Mississippi Code of 1972.

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

445 73-13-27. Examinations shall be required for enrollment as
446 an engineer intern and for registration as a professional
447 engineer. The examinations shall be held at such time and place
448 as the board may determine.

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

453 SECTION 15. Section 73-13-29, Mississippi Code of 1972, is
454 reenacted and amended as follows:

455 73-13-29. The board shall issue a certificate of
456 registration upon payment of registration fee as provided for in
457 Sections 73-13-1 through 73-13-45, to any applicant who, in the
458 opinion of the board, has satisfactorily met all the requirements
459 of said sections. In the case of a registered engineer, the

460 certificate shall authorize the "practice of engineering." In the
461 case of an engineer intern, the certificate shall state that the
462 applicant has successfully passed the examination in fundamental
463 engineering subjects required by the board and has been enrolled
464 as an "engineer intern_." * * * Certificates shall show the full
465 name, shall have a serial number, and shall be signed by the
466 president and the secretary of the board under seal of the board.

467 The issuance of a certificate of registration by this board
468 shall be prima facie evidence that the person named therein is
469 entitled to all the rights and privileges of a registered
470 professional engineer while the said certificate remains unrevoked
471 or unexpired.

472 Before engaging in the practice of the profession, each
473 registrant hereunder shall upon registration obtain a seal of the
474 design authorized by the board, bearing the registrant's name and
475 the legend, "registered professional engineer." Plans,
476 specifications * * * and reports prepared by a registrant shall be
477 stamped with the seal by the registrant during the life of the
478 registrant's certificate, but it shall be unlawful for anyone to
479 stamp or seal any documents with the seal after the certificate of
480 the registrant named thereon is expired or * * * revoked, or while
481 the certificate is suspended. It shall be unlawful for anyone
482 other than the registrant to whom the seal has been issued to
483 stamp or seal any document utilizing such seal.

484 SECTION 16. Section 73-13-31, Mississippi Code of 1972, is
485 reenacted and amended as follows:

486 73-13-31. Certificates of registration shall expire on the
487 last day of the month of December following their issuance or
488 renewal and shall become invalid on that date unless renewed. It
489 shall be the duty of the board to notify every person registered
490 under Sections 73-13-1 through 73-13-105, of the date of the
491 expiration of his certificate and the amount of the fee that shall
492 be required for its renewal for one (1) year. Such notice shall
493 be sent by first class mail to the last known address of the

494 registrant at least one (1) month in advance of the date of the
495 expiration of said certificate. Renewal may be effected at any
496 time during the month of December by the payment of a fee, as
497 determined by the board, not to exceed Fifty Dollars (\$50.00). A
498 person who is registered as a professional engineer and as a
499 professional land surveyor may effect both renewals by the payment
500 of a fee not to exceed Seventy-five Dollars (\$75.00). The failure
501 on the part of any registrant to renew his certificate annually in
502 the month of December as required above, shall not deprive such
503 person of the right of renewal, but the fee to be paid for the
504 renewal of a certificate after the month of December shall be
505 increased ten percent (10%) for each month, or fraction of a month
506 that payment of renewal is delayed; provided, however, that the
507 maximum fee for delayed renewal shall not exceed five (5) times
508 the normal renewal fee. A state agency or any of the state's
509 political subdivisions, such as a county or municipality, may pay
510 the renewal fee of any registrant who is a full-time employee;
511 provided, however, that any registrant who permits his/her renewal
512 fee to be paid from any public funds shall not perform engineering
513 or land surveying services for a fee or other emoluments for the
514 public or for any other public entity. If a registrant fails to
515 renew his certificate within five (5) years from the date of
516 expiration, he must pay the back fees and be reexamined by the
517 board in principles and practice before his certificate will be
518 reissued. The reexamination requirement may be waived by the
519 board provided the applicant has continued to practice in another
520 jurisdiction from the date of expiration of his certificate.

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

523 73-13-33. All professional engineers, registered in
524 accordance with the provisions of Chapter 56 of the Laws of
525 Mississippi of 1928, Extraordinary Session, and as amended under
526 Senate Bill No. 383, Chapter 131, Laws of 1940, and whose
527 certificates of registration are in effect at the time of passage

528 of Sections 73-13-1 through 73-13-45, shall be entitled to all the
529 rights and privileges of a registered professional engineer as
530 provided for in those sections, while the said certificate remains
531 unrevoked or unexpired.

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

534 73-13-35. The board may, upon application therefor and the
535 payment of a fee in accordance with Section 73-13-25, issue a
536 certificate of registration as a professional engineer to any
537 person who holds a certificate of qualification or registration
538 issued to him by proper authority of any state or territory or
539 possession of the United States, or of any country, provided that
540 the applicant's qualifications meet the requirements of Sections
541 73-13-1 through 73-13-45 and the rules established by the board.

542 SECTION 19. Section 73-13-37, Mississippi Code of 1972, is
543 reenacted and amended as follows:

544 73-13-37. (1) The board, upon satisfactory proof and in
545 accordance with the provisions of this chapter and the
546 implementing regulations of the board pertaining thereto, is
547 authorized to take the disciplinary actions provided for
548 hereinafter against any person, including nonregistrants, for any
549 of the following reasons:

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

554 (b) Fraud, deceit or misrepresentation in obtaining a
555 certificate of registration;

556 (c) Gross negligence, malpractice or incompetency;

557 (d) Any professional misconduct, as defined by the
558 board through bylaws, rules and regulations, and standards of
559 conduct and ethics;

560 (e) Practicing or offering to practice engineering on
561 an expired certificate or while under suspension or revocation of

562 certificate unless said suspension or revocation be abated through
563 probation, as provided for hereinafter;

564 (f) Addiction to or dependence on alcohol or other
565 habit-forming drugs or being an habitual user of alcohol,
566 narcotics, barbiturates, amphetamines, hallucinogens, or other
567 drugs having similar effect.

568 (2) Any person may prefer charges against any other person,
569 including nonregistrants, for committing any of the acts set forth
570 in subsection (1). Such charges shall be sworn to, either upon
571 actual knowledge or upon information and belief, and shall be
572 filed with the board. In the event any person certified under
573 Sections 73-13-1 through 73-13-45 is expelled from membership in
574 any Mississippi professional engineering society or association,
575 the board shall thereafter cite said person to appear at a hearing
576 before the board and to show cause why disciplinary action should
577 not be taken against him.

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

584 No disciplinary action taken hereunder may be taken until the
585 accused has been furnished both a statement of the charges against
586 him and notice of the time and place of the hearing thereof, which
587 shall be personally served on or mailed by registered or certified
588 mail, return receipt requested, to the last-known business or
589 residence address of the accused not less than thirty (30) days
590 prior to the date fixed for the hearing.

591 (3) At any hearing held hereunder, the board shall have the
592 power to subpoena witnesses and compel their attendance and may
593 also require the production of books, papers, documents, etc., as
594 provided elsewhere in this chapter. The board is authorized to
595 designate or secure a hearing officer to conduct the hearing. All

596 evidence shall be presented under oath, which may be administered
597 by any member of the board, and thereafter the proceedings may, if
598 necessary, be transcribed in full by the court reporter and filed
599 as part of the record in the case. Copies of such transcriptions
600 may be provided to any party to the proceedings at a cost to be
601 fixed by the board.

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

606 Where in any proceeding before the board any witness shall
607 fail or refuse to attend upon subpoena issued by the board, shall
608 refuse to testify or shall refuse to produce any books and papers,
609 the production of which is called for by the subpoena, the
610 attendance of such witness and the giving of his testimony and the
611 production of the books and papers shall be enforced by any court
612 of competent jurisdiction of this state in the manner provided for
613 the enforcement of attendance and testimony of witnesses in civil
614 cases in the courts of this state.

615 The accused shall have the right to be present at the hearing
616 in person, by counsel or other representative, or both. The board
617 is authorized to continue or recess the hearing as may be
618 necessary.

619 (4) At the conclusion of the hearing, the board may either
620 decide the issue at that time or take the case under advisement
621 for further deliberation. The board shall render its decision not
622 more than ninety (90) days after the close of the hearing, and
623 shall forward to the last-known business or residence address of
624 the accused, by certified or registered mail, return receipt
625 requested, a written statement of the decision of the board.

626 If a majority of the board finds the accused guilty of the
627 charges filed, the board may: (a) issue a public or private
628 reprimand; (b) require the guilty party to complete a course,
629 approved by the board, in ethics; (c) suspend or revoke the

630 certificate of the accused, if the accused is a registrant; or (d)
631 in lieu of or in addition to such reprimand, course completion,
632 suspension or revocation, assess and levy upon the guilty party a
633 monetary penalty of not less than One Hundred Dollars (\$100.00)
634 nor more than Five Thousand Dollars (\$5,000.00) for each
635 violation.

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

642 When payment of a monetary penalty assessed and levied by the
643 board in accordance with this section is not paid when due, the
644 board shall have the power to institute and maintain proceedings
645 in its name for enforcement of payment in the chancery court of
646 the county and judicial district of residence of the guilty party
647 and if the guilty party be a nonresident of the State of
648 Mississippi, such proceedings shall be in the Chancery Court of
649 the First Judicial District of Hinds County, Mississippi.

650 (6) When the board has taken a disciplinary action under
651 this section, the board may, in its discretion, stay such action
652 and place the guilty party on probation for a period not to exceed
653 one (1) year upon the condition that the guilty party shall not
654 further violate either the laws of the State of Mississippi
655 pertaining to the practice of engineering or the bylaws, rules and
656 regulations, or standards of conduct and ethics promulgated by the
657 board.

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

662 (8) The power and authority of the board to assess and levy
663 the monetary penalties provided for in this section shall not be

664 affected or diminished by any other proceeding, civil or criminal,
665 concerning the same violation or violations except as provided in
666 this section.

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

670 (10) Any person aggrieved by an action of the board denying
671 or revoking his certificate of registration or re-registration as
672 a professional engineer or his certificate of enrollment as an
673 engineer intern, or who is aggrieved by the action of the board as
674 a result of disciplinary proceedings conducted under this section
675 may appeal therefrom to the chancery court of either the county
676 wherein the appellant resides or the Chancery Court of the First
677 Judicial District of Hinds County, at the election of the
678 appellant. If the appellant is a nonresident of this state, the
679 appeal shall be made to the Chancery Court of the First Judicial
680 District of Hinds County. Such appeal shall be perfected before
681 the board by the filing with the board of a notice of appeal to
682 the chancery court. The court shall require a bond in an amount
683 not to exceed One Thousand Dollars (\$1,000.00) conditioned to pay
684 all costs which may be adjudged against the appellant. The notice
685 of appeal shall be filed not later than thirty (30) days after the
686 decision of the board is forwarded to the guilty party, as
687 provided hereinabove.

688 All appeals perfected hereunder shall act as a supersedeas,
689 and shall be made to the chancery court solely upon the record
690 made before the board during the disciplinary hearing. When the
691 appeal shall have been properly perfected as provided herein, the
692 board shall cause the record of the proceedings conducted before
693 it to be compiled, certified and filed with the chancery court.
694 The briefing schedule shall be the same as for appeals to the
695 Supreme Court. The chancery court shall be required to rule on
696 the case within sixty (60) days of the close of briefing. All
697 procedures and penalties provided for in this section shall apply

698 to nonregistrants as well as registrants.

699 (11) In addition to the reasons specified in subsection (1)
700 of this section, the board shall be authorized to suspend the
701 certificate of registration of any person for being out of
702 compliance with an order for support, as defined in Section
703 93-11-153. The procedure for suspension of a certificate for
704 being out of compliance with an order for support, and the
705 procedure for the reissuance or reinstatement of a certificate
706 suspended for that purpose, and the payment of any fees for the
707 reissuance or reinstatement of a certificate suspended for that
708 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
709 the case may be. Actions taken by the board in suspending a
710 certificate when required by Section 93-11-157 or 93-11-163 are
711 not actions from which an appeal may be taken under this section.

712 Any appeal of a suspension of a certificate that is required by
713 Section 93-11-157 or 93-11-163 shall be taken in accordance with
714 the appeal procedure specified in Section 93-11-157 or 93-11-163,
715 as the case may be, rather than the procedure specified in this
716 section. If there is any conflict between any provision of
717 Section 93-11-157 or 93-11-163 and any provision of this chapter,
718 the provisions of Section 93-11-157 or 93-11-163, as the case may
719 be, shall control.

720 (12) Any board member whose objectivity in a disciplinary
721 proceeding is impaired shall either recuse himself from sitting as
722 a member of the board in a formal disciplinary hearing in that
723 proceeding or be disqualified therefrom. In the event a
724 disciplinary proceeding is brought against a member or former
725 member of the board, no member of the board who has served
726 concurrently with the respondent in the disciplinary proceeding
727 shall sit as a member of the board in a formal disciplinary
728 hearing in that proceeding. If, after recusal or disqualification
729 of board members as provided herein, there does not remain a
730 quorum of the board to sit for a disciplinary hearing, the board
731 shall have the power to select, in accordance with duly

732 promulgated regulations of the board, substitute panel members
733 from slates of candidates established by the Mississippi
734 Engineering Society and the Mississippi Association of
735 Professional Surveyors to the extent necessary to achieve the
736 number of panel members equivalent to a quorum of the board.
737 Substitute panel members must meet the qualifications of board
738 members as provided in Section 73-13-7 and shall receive
739 compensation as provided for board members in Section 73-13-9.

740 SECTION 20. Section 73-13-39, Mississippi Code of 1972, is
741 reenacted and amended as follows:

742 73-13-39. Any person who shall practice, or offer to
743 practice, engineering in this state without being registered in
744 accordance with the provisions of Sections 73-13-1 through
745 73-13-45, or any person presenting or attempting to use as his own
746 the certificate of registration or seal of another, or any person
747 who shall give any false or forged evidence of any kind to the
748 board or to any member thereof in obtaining a certificate of
749 registration, or any person who shall falsely impersonate any
750 other registrant of like or different name, or any person who
751 shall attempt to use an expired or revoked certificate of
752 registration, or any person who shall violate any of the
753 provisions of Sections 73-13-1 through 73-13-45, shall be guilty
754 of a misdemeanor, and shall, upon conviction, be sentenced to pay
755 a fine of not less than One Hundred Dollars (\$100.00), nor more
756 than One Thousand Dollars (\$1,000.00), or suffer imprisonment for
757 a period not exceeding three (3) months, or both. The criminal
758 penalties provided for in this section may be assessed in addition
759 to those civil penalties provided for in Section 73-13-37.

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

762 (a) Directly or indirectly employ, use, cause to be
763 used or make use of any of the following terms or any
764 combinations, variations or abbreviations thereof as a
765 professional, business or commercial identification, title, name,

766 representation, claim, asset or means of advantage or benefit:
767 "engineer," "professional engineer," "licensed engineer,"
768 "registered engineer," "registered professional engineer,"
769 "licensed professional engineer," "engineered," "engineering"; or

770 (b) Directly or indirectly employ, use, cause to be
771 used or make use of any letter, abbreviation, word, symbol,
772 slogan, sign or any combinations or variations thereof which in
773 any manner whatsoever tends or is likely to create any impression
774 with the public or any member thereof that any person is qualified
775 or authorized to practice engineering; or

776 (c) Receive any fee or compensation or the promise of
777 any fee or compensation for performing, offering or attempting to
778 perform any service, work, act or thing which is any part of the
779 practice of engineering.

780 Any person, firm, partnership, association or corporation
781 which shall do, offer or attempt to do any one or more of the acts
782 or things set forth in items (a) through (c) of the preceding
783 paragraph shall be conclusively presumed and regarded as engaged
784 in the practice of engineering.

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

791 SECTION 21. Section 73-13-41, Mississippi Code of 1972, is
792 reenacted and amended as follows:

793 73-13-41. Sections 73-13-1 through 73-13-45 shall not be
794 construed to prevent or to affect:

795 (a) The practice of any other legally recognized
796 profession or trade, such as: (i) engineers employed by
797 contractors to supervise work on which a registered engineer is
798 engaged; and (ii) architects who are registered under the
799 provisions of Chapter 1 of this Title; * * *

800 (b) The work of an employee or a subordinate of a
801 person holding a certificate of registration under this act,
802 provided such work does not include final designs or decisions and
803 is done under the responsibility, checking and supervision of a
804 person holding a certificate of registration under Sections
805 73-13-1 through 73-13-45; * * *

806 (c) The practice of officers and employees of the
807 government of the United States while engaged within this state in
808 the practice of engineering for said government; or

809 (d) The performance of engineering services by any
810 regular full-time employee of a manufacturing, public utility,
811 research and development, or other industrial corporation,
812 provided:

813 (i) Such services are rendered on or in connection
814 with existing fixed works, equipment, systems, processes or
815 facilities owned, operated, or leased by such corporation and/or
816 its affiliates;

817 (ii) Such services are not rendered to third
818 parties;

819 (iii) Such services do not consist of original
820 plant design, original system design, or original process design,
821 other than routine system extensions that do not compromise the
822 integrity of the original design;

823 (iv) Such services comply with all requirements
824 specified by the employee's company or corporation; and

825 (v) All fixed works, equipment, systems, processes
826 or facilities modified by such services undergo a pre-start-up
827 safety review that confirms:

828 1. The construction and equipment conform to
829 design specifications; and

830 2. Safety, operating, maintenance and
831 emergency procedures are in place to safeguard life, health and
832 property;

833 (vi) Such services are not required to be

834 performed, approved, or certified by a professional engineer
835 pursuant to law or regulation, whether federal, state, or local,
836 other than Section 73-13-1 through 73-13-45 hereof or any
837 applicable rules or regulations promulgated by the Mississippi
838 State Board of Registration for Professional Engineers and Land
839 Surveyors.

840 SECTION 22. Section 73-13-43, Mississippi Code of 1972, is
841 reenacted and amended as follows:

842 73-13-43. A corporation, firm or partnership may engage in
843 the practice of professional engineering in this state, providing
844 the person or persons connected with such corporation or
845 partnership in charge of the designing, or supervision, which
846 constitutes such practice, is or are registered as herein required
847 of professional engineers. Any corporation, firm or partnership
848 engaged in offering engineering services to the public must have
849 at least one (1) registered professional engineer as a principal
850 officer or partner of the firm who has management responsibility
851 for such practice. A corporation, firm or partnership, when
852 performing engineering services to the public for a fee or other
853 emoluments, shall include in each agreement for such services the
854 name and registration number of the professional engineer who will
855 bear the primary responsibility for the engineering work involved.

856 The same exemptions shall apply to corporations, firms and
857 partnerships as apply to individuals under Sections 73-13-1
858 through 73-13-45.

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

861 73-13-45. (1) (a) Neither the state, nor any of its
862 political subdivisions, such as a county, city or town, shall
863 award construction contracts of any public work involving the
864 practice of engineering or architecture unless the plans,
865 specifications and estimates have been prepared and such work
866 supervised by a registered professional engineer or architect;
867 provided, that nothing in this subsection shall be held to apply

868 to such public work wherein the expenditure does not exceed Fifty
869 Thousand Dollars (\$50,000.00); and provided further, that nothing
870 in this subsection shall apply to any municipality wherein such
871 public work is not financed in whole or in part through the
872 issuance of bonds and let to public contract.

873 (b) The state and any of its political subdivisions,
874 such as a county, city or town, may engage in construction of
875 public buildings involving the practice of engineering or
876 architecture and using political subdivision work forces without
877 the supervision of a registered professional engineer or
878 architect, provided that the total cost of the public building
879 does not exceed One Hundred Thousand Dollars (\$100,000.00). This
880 paragraph (1)(b) shall not supersede any rules and regulations
881 promulgated by the State Department of Health and the Department
882 of Environmental Quality.

883 (2) (a) In the awarding of public contracts for
884 professional engineering services, preference shall be given to
885 resident professional engineers over those nonresident
886 professional engineers domiciled in a state having laws which
887 grant a preference to the professional engineers who are residents
888 of that state. Nonresident professional engineers shall be
889 awarded Mississippi public contracts only on the same basis as the
890 nonresident professional's state awards contracts to Mississippi
891 professional engineers under similar circumstances. When a
892 nonresident professional engineer submits a proposal for a public
893 project, he shall attach thereto a copy of his resident state's
894 current statute, resolution, policy, procedure or executive order
895 pertaining to such state's treatment of nonresident professional
896 engineers. Resident professional engineers actually domiciled in
897 Mississippi, be they corporate, individuals or partnerships, shall
898 be granted preference over nonresidents in the awarding of
899 contracts in the same manner and to the same extent as provided by
900 the laws of the state of domicile of the nonresident. As used in
901 this section, the term "resident professional engineer" includes a

902 nonresident person, firm or corporation that has been qualified to
903 do business in this state and has maintained a permanent full-time
904 office in the State of Mississippi for not less than two (2) years
905 prior to submitting a proposal for a public project, and the
906 subsidiaries and affiliates of such a person, firm or corporation.

907 (b) The provisions of this subsection shall not apply
908 to any contract for any project upon which federal funds would be
909 withheld because of the preference requirements of this
910 subsection.

911 (c) Any contract, agreement or arrangement for
912 professional engineering services negotiated, made or entered
913 into, directly or indirectly, by the state, counties,
914 municipalities or any political subdivision thereof, or by any
915 special districts, which is in any way in violation of the
916 provisions of this subsection is hereby declared to be void as
917 contrary to the public policy of this state and shall not be given
918 effect or enforced by any court of this state or by any of its
919 officers or employees.

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

922 (e) For purposes of this section, the term
923 "professional engineering services" means those within the scope
924 of the practice of professional engineering as defined by Sections
925 73-13-1 through 73-13-45, or those performed by any registered
926 professional engineer in connection with professional employment
927 or practice.

928 SECTION 24. Section 73-13-71, Mississippi Code of 1972, is
929 reenacted and amended as follows:

930 73-13-71. (a) The term "board," as used in Sections
931 73-13-71 through 73-13-105, shall mean the State Board of
932 Registration for Professional Engineers and Land Surveyors as
933 provided for in Section 73-13-5 of this chapter.

934 (b) The term "professional land surveyor," as used in
935 Sections 73-13-71 through 73-13-105, shall mean a person who

936 engages in the practice of land surveying as hereinafter defined,
937 whether in an individual capacity, or in behalf of or as an
938 employee of any state, county, or municipal authority of the State
939 of Mississippi.

940 (c) The term "land surveyor intern," as used in
941 Sections 73-13-71 through 73-13-105, shall mean a candidate for
942 registration as a professional land surveyor who has successfully
943 passed the fundamentals of land surveying examination, has met the
944 requirements of the board for enrollment, has received from the
945 board a certificate stating that he has successfully passed this
946 portion of the professional land surveying examinations and has
947 been enrolled as a land surveyor intern.

948 (d) The practice of "land surveying," within the
949 meaning and intent of Sections 73-13-71 through 73-13-105, is
950 surveying of areas for their correct determination and description
951 and for conveyancing, or for the establishment or re-establishment
952 of land boundaries and the platting of lands and subdivisions
953 thereof, and such other duties as traditional or sound surveying
954 practices would direct.

955 SECTION 25. Section 73-13-73, Mississippi Code of 1972, is
956 reenacted and amended as follows:

957 73-13-73. No person shall practice land surveying without
958 having first been duly and regularly registered by the State Board
959 of Registration for Professional Engineers and Land Surveyors as a
960 professional land surveyor as required by Sections 73-13-71
961 through 73-13-105, nor shall any person practice land surveying
962 whose authority to practice is revoked by the said board.

963 Duties within the practice of land surveying, which must be
964 performed by or under the direct supervision of a professional
965 land surveyor and each map or drawing of which must be stamped
966 with the seal of said registrant as provided in Section 73-13-83,
967 include the following: property and boundary surveys; subdivision
968 surveys and plats; public land surveys; easement surveys;
969 right-of-way surveys; lease surveys; and all other surveys that

970 require the establishment of property boundaries.

971 Duties within both the practice of land surveying and the
972 practice of engineering, which must be performed by or under the
973 direct supervision of a professional land surveyor or a
974 professional engineer and each map, drawing or report of which
975 must be stamped with the seal of said registrant as provided in
976 Sections 73-13-29 and 73-13-83, include, but are not limited to,
977 the following: topographic surveys; horizontal and vertical
978 control surveys; control surveys for construction layout; surveys
979 for record drawing (as-built surveys excluding the location of
980 property boundaries); profiles and cross-sections; quantity
981 surveys; cartographic surveys; hydrographic surveys; geodetic
982 surveys; and mine surveys.

983 SECTION 26. Section 73-13-75, Mississippi Code of 1972, is
984 reenacted and amended as follows:

985 73-13-75. The Mississippi State Board of Registration for
986 Professional Engineers and Land Surveyors is hereby authorized and
987 empowered to examine applicants for registration to practice land
988 surveying; to register and issue certificates of registration to
989 all applicants whom it deems qualified to practice land surveying
990 in accordance with Sections 73-13-71 through 73-13-105; and to
991 revoke certificates of registration for just cause as provided for
992 in Sections 73-13-71 through 73-13-105.

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

995 73-13-77. (1) The following shall be considered as minimum
996 evidence satisfactory to the board that the applicant is qualified
997 for registration as a professional land surveyor:

998 (a) The successful completion of a curriculum of two
999 (2) scholastic years or more from a school or college approved by
1000 the board as of satisfactory standing, including the completion of
1001 approved courses in surveying and related subjects; a specific
1002 record of three (3) years of qualifying land surveying experience
1003 indicating that the applicant is competent to practice land

1004 surveying; and successfully passing examinations in surveying
1005 prescribed by the board; or

1006 (b) A specific record of seven (7) years' or more
1007 experience in land surveying work of a character satisfactory to
1008 the board and indicating that the applicant is competent to
1009 practice land surveying; and successfully passing examinations in
1010 surveying prescribed by the board.

1011 No person shall be eligible for registration as a
1012 professional land surveyor who is not of good character and
1013 reputation.

1014 (2) The following shall be considered as minimum evidence
1015 satisfactory to the board that the applicant is qualified for
1016 certification as a land surveyor intern:

1017 (a) The successful completion of two (2) scholastic
1018 years or more from a school or college approved by the board as of
1019 satisfactory standing, including the completion of approved
1020 courses in land surveying and related subjects, and successfully
1021 passing an examination in the fundamentals of land surveying; or

1022 (b) A specific record of three (3) years or more of
1023 qualifying land surveying experience, and successfully passing an
1024 examination in the fundamentals of land surveying.

1025 SECTION 28. Section 73-13-79, Mississippi Code of 1972, is
1026 reenacted and amended as follows:

1027 73-13-79. Application for enrollment as a land surveyor
1028 intern or for registration as a professional land surveyor shall
1029 be on forms prescribed and furnished by the board, shall contain
1030 statements made under oath showing the applicant's education and a
1031 detailed summary of the applicant's qualifying experience.

1032 Applications for registration or reregistration as a professional
1033 land surveyor shall also contain not less than five (5)
1034 references, of whom three (3) or more shall be professional land
1035 surveyors having personal knowledge of the applicant's land
1036 surveying experience.

1037 The application fee for registration * * * as a professional

1038 land surveyor shall be determined by the board but shall not
1039 exceed Seventy-five Dollars (\$75.00), which fee shall accompany
1040 the application.

1041 The application fee for enrollment as a land surveyor intern
1042 shall be determined by the board, but shall not exceed Twenty-five
1043 Dollars (\$25.00), which fee shall accompany the application.

1044 Whenever an applicant is cited to an examination or
1045 reexamination, an additional fee equal to the actual cost of the
1046 examination shall be paid by the applicant.

1047 SECTION 29. Section 73-13-81, Mississippi Code of 1972, is
1048 reenacted as follows:

1049 73-13-81. Examinations shall be required for enrollment as a
1050 land surveyor intern and registration as a professional land
1051 surveyor. The examinations shall be held at such time and place
1052 as the board may determine.

1053 The scope of the examinations and the methods and procedures
1054 shall be prescribed by the board with special reference to the
1055 applicant's ability to exercise direct control and personal
1056 supervision of all land surveying functions.

1057 The board shall cite applicants to examinations in accordance
1058 with its rules and regulations.

1059 SECTION 30. Section 73-13-83, Mississippi Code of 1972, is
1060 reenacted and amended as follows:

1061 73-13-83. The board shall issue a certificate, upon payment
1062 of the required fee, to any applicant who, in the opinion of the
1063 board, has satisfactorily met all the requirements therefor. In
1064 the case of registered professional land surveyors, the
1065 certificate shall authorize the "practice of land surveying." In
1066 the case of a land surveyor intern, the certificate shall state
1067 that the applicant has successfully passed the examination in
1068 fundamental land surveying subjects required by the board and has
1069 been enrolled as a land surveyor intern * * *. Certificates
1070 shall show the full name of the professional land surveyor or land
1071 surveyor intern, shall have a serial number and shall be signed by

1072 the president and the secretary of the board under seal of the
1073 board.

1074 The issuance of a certificate of registration by this board
1075 shall be prima facie evidence that the person named therein is
1076 entitled to all the rights and privileges of a registered
1077 professional land surveyor, while the said certificate remains
1078 unrevoked or unexpired.

1079 Each person registering as a professional land surveyor after
1080 June 30, 1991, shall, upon registration, obtain a seal of the
1081 design authorized by the board, bearing the registrant's name and
1082 the legend "Registered Professional Land Surveyor." Each person
1083 registering as a professional land surveyor after June 30, 1991,
1084 who is also registered as a professional engineer in accordance
1085 with Sections 73-13-1 through 73-13-45 may also obtain one (1)
1086 seal bearing the registrant's name and the legend "Registered
1087 Professional Engineer and Professional Land Surveyor." Any person
1088 who, before July 1, 1991, was registered under this chapter as a
1089 land surveyor or as both a professional engineer and a land
1090 surveyor may continue to use the seal or seals that he obtained
1091 and that were authorized by the board to be used by such person
1092 before July 1, 1991. Plats, maps and reports prepared by a
1093 registrant shall be stamped with the seal during the life of the
1094 registrant's certificate, but it shall be unlawful for anyone to
1095 stamp or seal any documents with the seal after the certificate of
1096 the registrant named thereon has expired or * * * been revoked or
1097 suspended. It shall be unlawful for anyone other than the
1098 registrant to whom the seal has been issued to stamp or seal any
1099 documents utilizing such seal.

1100 SECTION 31. Section 73-13-85, Mississippi Code of 1972, is
1101 reenacted and amended as follows:

1102 73-13-85. Certificates of registration shall expire on the
1103 last day of the month of December following their issuance or
1104 renewal and shall become invalid on that date unless renewed. It
1105 shall be the duty of the board to notify every person registered

1106 under Sections 73-13-71 through 73-13-105 of the date of the
1107 expiration of his certificate and the amount of the fee that shall
1108 be required for its renewal for one (1) year; such notice shall be
1109 sent by first class mail to the last known address of the
1110 registrant at least one (1) month in advance of the date of the
1111 expiration of said certificate. Renewal may be effected at any
1112 time during the month of December by the payment of a fee not to
1113 exceed Fifty Dollars (\$50.00). A person who is registered as a
1114 professional land surveyor and as a professional engineer may
1115 effect both renewals by the payment of a single fee not to exceed
1116 Seventy-five Dollars (\$75.00). The failure on the part of any
1117 registrant to renew his certificate annually in the month of
1118 December as required above shall not deprive such person of the
1119 right of renewal, but the fee to be paid for the renewal of a
1120 certificate after the month of December shall be increased ten
1121 percent (10%) for each month that payment of renewal is delayed;
1122 however, the maximum fee for delayed renewal shall not exceed five
1123 (5) times the normal renewal fee.

1124 If the registrant shall fail to renew his certificate within
1125 five (5) years from the date of expiration, he must pay the back
1126 fees and be reexamined by the board in principles and practice
1127 before his certificate will be reissued. The reexamination may be
1128 waived by the board provided the applicant has continued to
1129 practice under another jurisdiction from the date of expiration of
1130 his certificate.

1131 SECTION 32. Section 73-13-87, Mississippi Code of 1972, is
1132 reenacted and amended as follows:

1133 73-13-87. The board may, upon application therefor and the
1134 payment of a fee to be determined by the board, but not to exceed
1135 Seventy-five Dollars (\$75.00), issue a certificate of registration
1136 as a professional land surveyor to any person who holds a
1137 certificate of registration issued to him by the proper authority
1138 of any state or territory or possession of the United States, or
1139 of any country, provided that the applicant's qualifications meet

1140 the requirements of Sections 73-13-71 through 73-13-105 and the
1141 rules established by the board.

1142 SECTION 33. Section 73-13-89, Mississippi Code of 1972, is
1143 reenacted and amended as follows:

1144 73-13-89. The powers and duties of the board regarding
1145 disciplinary actions against any person, including nonregistrants
1146 accused of violating any of the laws of the State of Mississippi
1147 regarding the practice of land surveying or the rules,
1148 regulations, bylaws, or standards of conduct and ethics pertaining
1149 thereto as duly promulgated by the board, as well as the
1150 procedures for conducting said disciplinary proceedings, the penal
1151 sanctions available to the board in the event the charges are
1152 established, and the procedures for appeal from such actions of
1153 the board shall be the same as those set forth in Sections
1154 73-13-37 and 73-13-39 regarding actions against persons charged
1155 with similar violations related to the practice of engineering.

1156 SECTION 34. Section 73-13-93, Mississippi Code of 1972, is
1157 reenacted as follows:

1158 73-13-93. Any person who may feel aggrieved by an action of
1159 the board denying or revoking his certificate of registration or
1160 re-registration as a professional land surveyor or enrollment as
1161 land surveyor intern may appeal therefrom to the chancery court of
1162 the county of residence of such person and, after full hearing,
1163 the court shall make such order sustaining or reversing the action
1164 of the board as to it may seem just and proper. However, in case
1165 of a nonresident licensee or applicant, such appeal shall be taken
1166 or made to the Chancery Court of the First Judicial District of
1167 Hinds County, Mississippi.

1168 Actions taken by the board in suspending a certificate of
1169 registration when required by Section 93-11-157 or 93-11-163 are
1170 not actions from which an appeal may be taken under this section.

1171 Any appeal of a suspension of a certificate that is required by
1172 Section 93-11-157 or 93-11-163 shall be taken in accordance with
1173 the appeal procedure specified in Section 93-11-157 or 93-11-163,

1174 as the case may be, rather than the procedure specified in this
1175 section.

1176 SECTION 35. Section 73-13-95, Mississippi Code of 1972, is
1177 reenacted and amended as follows:

1178 73-13-95. Any person who shall practice, or offer to
1179 practice, land surveying in this state without being registered in
1180 accordance with the provisions of Sections 73-13-71 through
1181 73-13-105, or any person presenting or attempting to use as his
1182 own the certificate of registration or the seal of another, or any
1183 person who shall give any false or forged evidence of any kind to
1184 the board or to any member thereof in obtaining a certificate of
1185 registration, or any person who shall falsely impersonate any
1186 other registrant of like or different name, or any person who
1187 shall attempt to use an expired or revoked certificate of
1188 registration, or any person who shall violate any of the
1189 provisions of Sections 73-13-71 through 73-13-105, shall be guilty
1190 of a misdemeanor, and shall, upon conviction, be sentenced to pay
1191 a fine of not less than One Hundred Dollars (\$100.00), nor more
1192 than One Thousand Dollars (\$1,000.00), or suffer imprisonment for
1193 a period of not exceeding three (3) months, or both. The criminal
1194 penalties provided for in this section may be assessed in addition
1195 to those civil penalties provided for in Section 73-13-37.

1196 Unless registered in accordance with the provisions of
1197 Sections 73-13-71 through 73-13-105, no person shall:

1198 (a) Directly or indirectly employ, use, cause to be
1199 used or make use of any of the following terms or any combination,
1200 variations or abbreviations thereof as a professional, business or
1201 commercial identification, title, name, representation, claim,
1202 asset or means of advantage or benefit: "surveyor," "professional
1203 surveyor," "licensed surveyor," "registered surveyor," "registered
1204 professional surveyor," "licensed professional surveyor,"
1205 "surveyed," "surveying," "professional land surveyor," or
1206 "registered professional land surveyor";

1207 (b) Directly or indirectly employ, use, cause to be

1208 used or make use of any letter, abbreviation, word, symbol,
1209 slogan, sign or any combinations or variations thereof, which in
1210 any manner whatsoever tends or is likely to create any impression
1211 with the public or any member thereof that any person is qualified
1212 or authorized to practice land surveying; or

1213 (c) Receive any fee or compensation or the promise of
1214 any fee or compensation for performing, offering or attempting to
1215 perform any service, work, act or thing which is any part of the
1216 practice of land surveying.

1217 Any person, firm, partnership, association or corporation
1218 which shall do, offer or attempt to do any one or more of the acts
1219 or things set forth in items (a) through (c) of the preceding
1220 paragraph shall be conclusively presumed and regarded as engaged
1221 in the practice of land surveying.

1222 It shall be the duty of all duly constituted officers of the
1223 law of this state, or any political subdivision thereof, to
1224 enforce the provisions of Sections 73-13-71 through 73-13-105 and
1225 to prosecute any persons violating same. The Attorney General of
1226 the state or his assistant shall act as legal adviser of the board
1227 and render such legal assistance as may be necessary in carrying
1228 out the provisions of Sections 73-13-71 through 73-13-105.

1229 SECTION 36. Section 73-13-97, Mississippi Code of 1972, is
1230 reenacted and amended as follows:

1231 73-13-97. Sections 73-13-71 through 73-13-105 shall not be
1232 construed to prevent or to affect:

1233 (a) Other professions or trades. The practice of any
1234 other legally recognized profession or trade; or

1235 * * *

1236 (b) Employees and subordinates. The work of an
1237 employee or a subordinate of a person holding a certificate of
1238 registration under Sections 73-13-71 through 73-13-105 * * *;
1239 providing such work does not include final decisions and is done
1240 under the direct responsibility, checking and supervision of a
1241 person holding a certificate of registration under Sections

1242 73-13-71 through 73-13-105 * * *; or

1243 (c) Government officers and employees. The practice of
1244 officers and employees of the government of the United States
1245 while engaged within this state in the practice of land surveying
1246 for said government; or

1247 (d) Certain elected or appointed county surveyors. A
1248 county surveyor as provided for in Section 135 of the Mississippi
1249 Constitution, and Sections 19-27-1 through 19-27-35 implementing
1250 the constitutional provision, who holds the office of county
1251 surveyor by either election or appointment, shall be exempt,
1252 through December 31, 1983, from the provisions of Sections
1253 73-13-71 through 73-13-105 insofar as his statutory duties within
1254 the boundaries of the county in which he is duly elected or
1255 appointed are concerned. From and after January 1, 1984, such
1256 surveyor shall not be exempt from the provisions of Sections
1257 73-13-71 through 73-13-105 unless he held the office of county
1258 surveyor by either election or appointment on December 31, 1983.

1259 (e) Employees of public service and/or utility
1260 companies. The work or practice of a regular employee of a public
1261 service company or public utility, by rendering to such company
1262 land surveying service in connection with its facilities which are
1263 subject to regulation, supervision and control in order to
1264 safeguard life, health and property by the Public Service
1265 Commission of this state, shall be exempt so long as such person
1266 is thus actually and exclusively employed and no longer.

1267 SECTION 37. Section 73-13-99, Mississippi Code of 1972,
1268 which provides for the repeal of Sections 73-13-1 through 73-13-45
1269 and Sections 73-13-71 through 73-13-97, Mississippi Code of 1972,
1270 is repealed.

1271 SECTION 38. A corporation, firm or partnership may engage in
1272 the practice of professional land surveying in this state,
1273 providing the person or persons in charge of the supervision,
1274 which constitutes such practice, is or are registered as herein
1275 required of professional land surveyors. Any corporation, firm or

1276 partnership engaged in the practice of professional land surveying
1277 in this state must have at least one (1) registered land surveyor
1278 as a principal officer or partner of the firm, who has management
1279 responsibility for said practice. A corporation, firm or
1280 partnership, when performing land surveying services to the public
1281 for a fee or other emoluments, shall include in each agreement for
1282 such services the name and registration number of the professional
1283 land surveyor who will bear the primary responsibility for the
1284 land surveying work involved. The same exemptions shall apply to
1285 corporations, firms and partnerships as apply to individuals under
1286 Sections 73-13-71 through 73-13-105.

1287 SECTION 39. Section 38 of this act shall be codified as
1288 Section 73-13-105, Mississippi Code of 1972.

1289 SECTION 40. This act shall take effect and be in force from
1290 and after July 1, 1999.