

By: Senator(s) Ross

To: Business and  
Financial  
Institutions

## SENATE BILL NO. 2380

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; or

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;

825 (v) All fixed works, equipment, systems, processes  
826 or facilities modified by such services undergo a safety review  
827 that confirms: (A) the construction and equipment is in  
828 accordance with design specifications; and (B) safety, operating,  
829 maintenance and emergency procedures are in place to safeguard  
830 life, health and property.

831 (vi) Such services are not required to be  
832 performed, approved, or certified by a professional engineer  
833 pursuant to law or regulation, whether federal, state, or local,



834 other than Section 73-13-1 through 73-13-45 hereof or any  
835 applicable rules or regulations promulgated by the Mississippi  
836 State Board of Registration for Professional Engineers and Land  
837 Surveyors.

838 It is further stated that this subsection (d) is intended to  
839 codify the policy and practices of the board at the time of  
840 enactment of this Senate Bill No. 2380, 1999 Regular Session, and  
841 that any ambiguities in this subsection should be construed in  
842 accordance with this intent.

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

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

859 The same exemptions shall apply to corporations, firms and  
860 partnerships as apply to individuals under Sections 73-13-1  
861 through 73-13-45.

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

864 73-13-45. (1) (a) Neither the state, nor any of its  
865 political subdivisions, such as a county, city or town, shall  
866 award construction contracts of any public work involving the  
867 practice of engineering or architecture unless the plans,

868 specifications and estimates have been prepared and such work  
869 supervised by a registered professional engineer or architect;  
870 provided, that nothing in this subsection shall be held to apply  
871 to such public work wherein the expenditure does not exceed Fifty  
872 Thousand Dollars (\$50,000.00); and provided further, that nothing  
873 in this subsection shall apply to any municipality wherein such  
874 public work is not financed in whole or in part through the  
875 issuance of bonds and let to public contract.

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

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

902 contracts in the same manner and to the same extent as provided by  
903 the laws of the state of domicile of the nonresident. As used in  
904 this section, the term "resident professional engineer" includes a  
905 nonresident person, firm or corporation that has been qualified to  
906 do business in this state and has maintained a permanent full-time  
907 office in the State of Mississippi for not less than two (2) years  
908 prior to submitting a proposal for a public project, and the  
909 subsidiaries and affiliates of such a person, firm or corporation.

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

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

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

925 (e) For purposes of this section, the term  
926 "professional engineering services" means those within the scope  
927 of the practice of professional engineering as defined by Sections  
928 73-13-1 through 73-13-45, or those performed by any registered  
929 professional engineer in connection with professional employment  
930 or practice.

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

933 73-13-71. (a) The term "board," as used in Sections  
934 73-13-71 through 73-13-105, shall mean the State Board of  
935 Registration for Professional Engineers and Land Surveyors as

936 provided for in Section 73-13-5 of this chapter.

937 (b) The term "professional land surveyor," as used in  
938 Sections 73-13-71 through 73-13-105, shall mean a person who  
939 engages in the practice of land surveying as hereinafter defined,  
940 whether in an individual capacity, or in behalf of or as an  
941 employee of any state, county, or municipal authority of the State  
942 of Mississippi.

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

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

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

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

966 Duties within the practice of land surveying, which must be  
967 performed by or under the direct supervision of a professional  
968 land surveyor and each map or drawing of which must be stamped  
969 with the seal of said registrant as provided in Section 73-13-83,

970 include the following: property and boundary surveys; subdivision  
971 surveys and plats; public land surveys; easement surveys;  
972 right-of-way surveys; lease surveys; and all other surveys that  
973 require the establishment of property boundaries.

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

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

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

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

998 73-13-77. (1) The following shall be considered as minimum  
999 evidence satisfactory to the board that the applicant is qualified  
1000 for registration as a professional land surveyor:

1001 (a) The successful completion of a curriculum of two  
1002 (2) scholastic years or more from a school or college approved by  
1003 the board as of satisfactory standing, including the completion of

1004 approved courses in surveying and related subjects; a specific  
1005 record of three (3) years of qualifying land surveying experience  
1006 indicating that the applicant is competent to practice land  
1007 surveying; and successfully passing examinations in surveying  
1008 prescribed by the board; or

1009 (b) A specific record of seven (7) years' or more  
1010 experience in land surveying work of a character satisfactory to  
1011 the board and indicating that the applicant is competent to  
1012 practice land surveying; and successfully passing examinations in  
1013 surveying prescribed by the board.

1014 No person shall be eligible for registration as a  
1015 professional land surveyor who is not of good character and  
1016 reputation.

1017 (2) The following shall be considered as minimum evidence  
1018 satisfactory to the board that the applicant is qualified for  
1019 certification as a land surveyor intern:

1020 (a) The successful completion of two (2) scholastic  
1021 years or more from a school or college approved by the board as of  
1022 satisfactory standing, including the completion of approved  
1023 courses in land surveying and related subjects, and successfully  
1024 passing an examination in the fundamentals of land surveying; or

1025 (b) A specific record of three (3) years or more of  
1026 qualifying land surveying experience, and successfully passing an  
1027 examination in the fundamentals of land surveying.

1028 SECTION 28. Section 73-13-79, Mississippi Code of 1972, is  
1029 reenacted and amended as follows:

1030 73-13-79. Application for enrollment as a land surveyor  
1031 intern or for registration as a professional land surveyor shall  
1032 be on forms prescribed and furnished by the board, shall contain  
1033 statements made under oath showing the applicant's education and a  
1034 detailed summary of the applicant's qualifying experience.

1035 Applications for registration or reregistration as a professional  
1036 land surveyor shall also contain not less than five (5)  
1037 references, of whom three (3) or more shall be professional land

1038 surveyors having personal knowledge of the applicant's land  
1039 surveying experience.

1040 The application fee for registration \* \* \* as a professional  
1041 land surveyor shall be determined by the board but shall not  
1042 exceed Seventy-five Dollars (\$75.00), which fee shall accompany  
1043 the application.

1044 The application fee for enrollment as a land surveyor intern  
1045 shall be determined by the board, but shall not exceed Twenty-five  
1046 Dollars (\$25.00), which fee shall accompany the application.

1047 Whenever an applicant is cited to an examination or  
1048 reexamination, an additional fee equal to the actual cost of the  
1049 examination shall be paid by the applicant.

1050 SECTION 29. Section 73-13-81, Mississippi Code of 1972, is  
1051 reenacted as follows:

1052 73-13-81. Examinations shall be required for enrollment as a  
1053 land surveyor intern and registration as a professional land  
1054 surveyor. The examinations shall be held at such time and place  
1055 as the board may determine.

1056 The scope of the examinations and the methods and procedures  
1057 shall be prescribed by the board with special reference to the  
1058 applicant's ability to exercise direct control and personal  
1059 supervision of all land surveying functions.

1060 The board shall cite applicants to examinations in accordance  
1061 with its rules and regulations.

1062 SECTION 30. Section 73-13-83, Mississippi Code of 1972, is  
1063 reenacted and amended as follows:

1064 73-13-83. The board shall issue a certificate, upon payment  
1065 of the required fee, to any applicant who, in the opinion of the  
1066 board, has satisfactorily met all the requirements therefor. In  
1067 the case of registered professional land surveyors, the  
1068 certificate shall authorize the "practice of land surveying." In  
1069 the case of a land surveyor intern, the certificate shall state  
1070 that the applicant has successfully passed the examination in  
1071 fundamental land surveying subjects required by the board and has

1072 been enrolled as a "land surveyor intern \* \* \*." Certificates  
1073 shall show the full name of the professional land surveyor or land  
1074 surveyor intern, shall have a serial number and shall be signed by  
1075 the president and the secretary of the board under seal of the  
1076 board.

1077 The issuance of a certificate of registration by this board  
1078 shall be prima facie evidence that the person named therein is  
1079 entitled to all the rights and privileges of a registered  
1080 professional land surveyor, while the said certificate remains  
1081 unrevoked or unexpired.

1082 Each person registering as a professional land surveyor after  
1083 June 30, 1991, shall, upon registration, obtain a seal of the  
1084 design authorized by the board, bearing the registrant's name and  
1085 the legend "Registered Professional Land Surveyor." Each person  
1086 registering as a professional land surveyor after June 30, 1991,  
1087 who is also registered as a professional engineer in accordance  
1088 with Sections 73-13-1 through 73-13-45 may also obtain one (1)  
1089 seal bearing the registrant's name and the legend "Registered  
1090 Professional Engineer and Professional Land Surveyor." Any person  
1091 who, before July 1, 1991, was registered under this chapter as a  
1092 land surveyor or as both a professional engineer and a land  
1093 surveyor may continue to use the seal or seals that he obtained  
1094 and that were authorized by the board to be used by such person  
1095 before July 1, 1991. Plats, maps and reports prepared by a  
1096 registrant shall be stamped with the seal during the life of the  
1097 registrant's certificate, but it shall be unlawful for anyone to  
1098 stamp or seal any documents with the seal after the certificate of  
1099 the registrant named thereon has expired or \* \* \* been revoked or  
1100 suspended. It shall be unlawful for anyone other than the  
1101 registrant to whom the seal has been issued to stamp or seal any  
1102 documents utilizing such seal.

1103 SECTION 31. Section 73-13-85, Mississippi Code of 1972, is  
1104 reenacted and amended as follows:

1105 73-13-85. Certificates of registration shall expire on the



1106 last day of the month of December following their issuance or  
1107 renewal and shall become invalid on that date unless renewed. It  
1108 shall be the duty of the board to notify every person registered  
1109 under Sections 73-13-71 through 73-13-105 of the date of the  
1110 expiration of his certificate and the amount of the fee that shall  
1111 be required for its renewal for one (1) year; such notice shall be  
1112 sent by first class mail to the last known address of the  
1113 registrant at least one (1) month in advance of the date of the  
1114 expiration of said certificate. Renewal may be effected at any  
1115 time during the month of December by the payment of a fee not to  
1116 exceed Fifty Dollars (\$50.00). A person who is registered as a  
1117 professional land surveyor and as a professional engineer may  
1118 effect both renewals by the payment of a single fee not to exceed  
1119 Seventy-five Dollars (\$75.00). The failure on the part of any  
1120 registrant to renew his certificate annually in the month of  
1121 December as required above shall not deprive such person of the  
1122 right of renewal, but the fee to be paid for the renewal of a  
1123 certificate after the month of December shall be increased ten  
1124 percent (10%) for each month that payment of renewal is delayed;  
1125 however, the maximum fee for delayed renewal shall not exceed five  
1126 (5) times the normal renewal fee.

1127 If the registrant shall fail to renew his certificate within  
1128 five (5) years from the date of expiration, he must pay the back  
1129 fees and be reexamined by the board in principles and practice  
1130 before his certificate will be reissued. The reexamination may be  
1131 waived by the board provided the applicant has continued to  
1132 practice under another jurisdiction from the date of expiration of  
1133 his certificate.

1134 SECTION 32. Section 73-13-87, Mississippi Code of 1972, is  
1135 reenacted and amended as follows:

1136 73-13-87. The board may, upon application therefor and the  
1137 payment of a fee to be determined by the board, but not to exceed  
1138 Seventy-five Dollars (\$75.00), issue a certificate of registration  
1139 as a professional land surveyor to any person who holds a

1140 certificate of registration issued to him by the proper authority  
1141 of any state or territory or possession of the United States, or  
1142 of any country, provided that the applicant's qualifications meet  
1143 the requirements of Sections 73-13-71 through 73-13-105 and the  
1144 rules established by the board.

1145 SECTION 33. Section 73-13-89, Mississippi Code of 1972, is  
1146 reenacted and amended as follows:

1147 73-13-89. The powers and duties of the board regarding  
1148 disciplinary actions against any person, including nonregistrants  
1149 accused of violating any of the laws of the State of Mississippi  
1150 regarding the practice of land surveying or the rules,  
1151 regulations, bylaws, or standards of conduct and ethics pertaining  
1152 thereto as duly promulgated by the board, as well as the  
1153 procedures for conducting said disciplinary proceedings, the penal  
1154 sanctions available to the board in the event the charges are  
1155 established, and the procedures for appeal from such actions of  
1156 the board shall be the same as those set forth in Sections  
1157 73-13-37 and 73-13-39 regarding actions against persons charged  
1158 with similar violations related to the practice of engineering.

1159 SECTION 34. Section 73-13-93, Mississippi Code of 1972, is  
1160 reenacted as follows:

1161 73-13-93. Any person who may feel aggrieved by an action of  
1162 the board denying or revoking his certificate of registration or  
1163 re-registration as a professional land surveyor or enrollment as  
1164 land surveyor intern may appeal therefrom to the chancery court of  
1165 the county of residence of such person and, after full hearing,  
1166 the court shall make such order sustaining or reversing the action  
1167 of the board as to it may seem just and proper. However, in case  
1168 of a nonresident licensee or applicant, such appeal shall be taken  
1169 or made to the Chancery Court of the First Judicial District of  
1170 Hinds County, Mississippi.

1171 Actions taken by the board in suspending a certificate of  
1172 registration when required by Section 93-11-157 or 93-11-163 are  
1173 not actions from which an appeal may be taken under this section.

1174 Any appeal of a suspension of a certificate that is required by  
1175 Section 93-11-157 or 93-11-163 shall be taken in accordance with  
1176 the appeal procedure specified in Section 93-11-157 or 93-11-163,  
1177 as the case may be, rather than the procedure specified in this  
1178 section.

1179 SECTION 35. Section 73-13-95, Mississippi Code of 1972, is  
1180 reenacted and amended as follows:

1181 73-13-95. Any person who shall practice, or offer to  
1182 practice, land surveying in this state without being registered in  
1183 accordance with the provisions of Sections 73-13-71 through  
1184 73-13-105, or any person presenting or attempting to use as his  
1185 own the certificate of registration or the seal of another, or any  
1186 person who shall give any false or forged evidence of any kind to  
1187 the board or to any member thereof in obtaining a certificate of  
1188 registration, or any person who shall falsely impersonate any  
1189 other registrant of like or different name, or any person who  
1190 shall attempt to use an expired or revoked certificate of  
1191 registration, or any person who shall violate any of the  
1192 provisions of Sections 73-13-71 through 73-13-105, shall be guilty  
1193 of a misdemeanor, and shall, upon conviction, be sentenced to pay  
1194 a fine of not less than One Hundred Dollars (\$100.00), nor more  
1195 than One Thousand Dollars (\$1,000.00), or suffer imprisonment for  
1196 a period of not exceeding three (3) months, or both. The criminal  
1197 penalties provided for in this section may be assessed in addition  
1198 to those civil penalties provided for in Section 73-13-37.

1199 Unless registered in accordance with the provisions of  
1200 Sections 73-13-71 through 73-13-105, no person shall:

1201 (a) Directly or indirectly employ, use, cause to be  
1202 used or make use of any of the following terms or any combination,  
1203 variations or abbreviations thereof as a professional, business or  
1204 commercial identification, title, name, representation, claim,  
1205 asset or means of advantage or benefit: "surveyor," "professional  
1206 surveyor," "licensed surveyor," "registered surveyor," "registered  
1207 professional surveyor," "licensed professional surveyor,"

1208 "surveyed," "surveying," "professional land surveyor," or  
1209 "registered professional land surveyor";

1210 (b) Directly or indirectly employ, use, cause to be  
1211 used or make use of any letter, abbreviation, word, symbol,  
1212 slogan, sign or any combinations or variations thereof, which in  
1213 any manner whatsoever tends or is likely to create any impression  
1214 with the public or any member thereof that any person is qualified  
1215 or authorized to practice land surveying; or

1216 (c) Receive any fee or compensation or the promise of  
1217 any fee or compensation for performing, offering or attempting to  
1218 perform any service, work, act or thing which is any part of the  
1219 practice of land surveying.

1220 Any person, firm, partnership, association or corporation  
1221 which shall do, offer or attempt to do any one or more of the acts  
1222 or things set forth in items (a) through (c) of the preceding  
1223 paragraph shall be conclusively presumed and regarded as engaged  
1224 in the practice of land surveying.

1225 It shall be the duty of all duly constituted officers of the  
1226 law of this state, or any political subdivision thereof, to  
1227 enforce the provisions of Sections 73-13-71 through 73-13-105 and  
1228 to prosecute any persons violating same. The Attorney General of  
1229 the state or his assistant shall act as legal adviser of the board  
1230 and render such legal assistance as may be necessary in carrying  
1231 out the provisions of Sections 73-13-71 through 73-13-105.

1232 SECTION 36. Section 73-13-97, Mississippi Code of 1972, is  
1233 reenacted and amended as follows:

1234 73-13-97. Sections 73-13-71 through 73-13-105 shall not be  
1235 construed to prevent or to affect:

1236 (a) Other professions or trades. The practice of any  
1237 other legally recognized profession or trade; or

1238 \* \* \*

1239 (b) Employees and subordinates. The work of an  
1240 employee or a subordinate of a person holding a certificate of  
1241 registration under Sections 73-13-71 through 73-13-105 \* \* \*;

1242 providing such work does not include final decisions and is done  
1243 under the direct responsibility, checking and supervision of a  
1244 person holding a certificate of registration under Sections  
1245 73-13-71 through 73-13-105 \* \* \*; or

1246 (c) Government officers and employees. The practice of  
1247 officers and employees of the government of the United States  
1248 while engaged within this state in the practice of land surveying  
1249 for said government; or

1250 (d) Certain elected or appointed county surveyors. A  
1251 county surveyor as provided for in Section 135 of the Mississippi  
1252 Constitution, and Sections 19-27-1 through 19-27-35 implementing  
1253 the constitutional provision, who holds the office of county  
1254 surveyor by either election or appointment, shall be exempt,  
1255 through December 31, 1983, from the provisions of Sections  
1256 73-13-71 through 73-13-105 insofar as his statutory duties within  
1257 the boundaries of the county in which he is duly elected or  
1258 appointed are concerned. From and after January 1, 1984, such  
1259 surveyor shall not be exempt from the provisions of Sections  
1260 73-13-71 through 73-13-105 unless he held the office of county  
1261 surveyor by either election or appointment on December 31, 1983;  
1262 or

1263 (e) Employees of public service and/or utility  
1264 companies. The work or practice of a regular employee of a public  
1265 service company or public utility, by rendering to such company  
1266 land surveying service in connection with its facilities which are  
1267 subject to regulation, supervision and control in order to  
1268 safeguard life, health and property by the Public Service  
1269 Commission of this state, shall be exempt so long as such person  
1270 is thus actually and exclusively employed and no longer.

1271 SECTION 37. Section 73-13-99, Mississippi Code of 1972,  
1272 which provides for the repeal of Sections 73-13-1 through 73-13-45  
1273 and Sections 73-13-71 through 73-13-97, Mississippi Code of 1972,  
1274 is repealed.

1275 SECTION 38. A corporation, firm or partnership may engage in

1276 the practice of professional land surveying in this state,  
1277 providing the person or persons in charge of the supervision,  
1278 which constitutes such practice, is or are registered as herein  
1279 required of professional land surveyors. Any corporation, firm or  
1280 partnership engaged in the practice of professional land surveying  
1281 in this state must have at least one (1) registered land surveyor  
1282 as a principal officer or partner of the firm, who has management  
1283 responsibility for said practice. A corporation, firm or  
1284 partnership, when performing land surveying services to the public  
1285 for a fee or other emoluments, shall include in each agreement for  
1286 such services the name and registration number of the professional  
1287 land surveyor who will bear the primary responsibility for the  
1288 land surveying work involved. The same exemptions shall apply to  
1289 corporations, firms and partnerships as apply to individuals under  
1290 Sections 73-13-71 through 73-13-105.

1291 SECTION 39. Section 38 of this act shall be codified as  
1292 Section 73-13-105, Mississippi Code of 1972.

1293 SECTION 40. This act shall take effect and be in force from  
1294 and after July 1, 1999.