

By: Senator(s) Carter

To: Business and
Financial
Institutions

SENATE BILL NO. 2540

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) Graduation is an engineering technology
370 curriculum of four (4) years or more from a college approved by
371 the board as of satisfactory standing; a specific record of six
372 (6) years of qualifying engineering experience indicating that the
373 applicants are competent to practice engineering, and the
374 successful passing of examinations in engineering as prescribed by
375 the board; or

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384 (1)(a)(iii) shall stand repealed from and after January 1, 2000.

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

387 (c) The satisfactory completion of each year of an
388 approved curriculum in engineering in a school or college approved
389 by the board as of satisfactory standing, without graduation,
390 shall be considered as equivalent to a year of experience in
391 subsection (1)(a)(iii) of this section. Graduation in a

392 curriculum other than engineering from a college or university of
393 recognized standing may be considered as equivalent to two (2)
394 years of experience under subsection (1)(a)(iii); however, no
395 applicant shall receive credit for more than four (4) years of
396 experience because of undergraduate educational qualifications.
397 This subsection (1)(c) shall stand repealed from and after January
398 1, 2000.

399 (d) The mere execution, as a contractor, of work
400 designed by a professional engineer, or the supervision of the
401 construction of such work as a foreman or superintendent shall not
402 be deemed to be the practice of engineering.

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

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

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

415 (a) Graduation in an * * * engineering curriculum of
416 four (4) scholastic years or more from a school or college
417 approved by the board as of satisfactory standing; or graduation
418 in an engineering technology curriculum of four (4) scholastic
419 years or more from a school or college approved by the board as of
420 satisfactory standing; or graduation in an engineering,
421 engineering technology, or related science curriculum of four (4)
422 scholastic years from a school or college other than those
423 approved by the board plus a graduate degree in an engineering
424 curriculum from a school or college wherein that same engineering
425 curriculum at the undergraduate level is approved by the board as

426 of satisfactory standing; and

427 (b) Successfully passing a written examination in the
428 fundamental engineering subjects.

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

431 73-13-25. Applications for enrollment as an engineer intern
432 or for registration as a professional engineer shall be on the
433 forms prescribed and furnished by the board, shall contain
434 statements made under oath, showing the applicant's education and
435 detailed summary of the applicant's qualifying experience.

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

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

444 The application fee for enrollment as an engineer intern
445 shall be determined by the board but shall not exceed Twenty-five
446 Dollars (\$25.00), which fee shall accompany the application.
447 Whenever an applicant is cited to an examination or reexamination,
448 an additional fee equal to the actual cost of the examination
449 shall be paid by the applicant.

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

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

455 73-13-27. Examinations shall be required for enrollment as
456 an engineer intern and for registration as a professional
457 engineer. The examinations shall be held at such time and place
458 as the board may determine.

459 The scope of the examinations and the methods and procedure

460 shall be prescribed by the board with special reference to the
461 applicant's ability to design and supervise engineering works so
462 as to insure the safety of life, health and property.

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

465 73-13-29. The board shall issue a certificate of
466 registration upon payment of registration fee as provided for in
467 Sections 73-13-1 through 73-13-45, to any applicant who, in the
468 opinion of the board, has satisfactorily met all the requirements
469 of said sections. In the case of a registered engineer, the
470 certificate shall authorize the "practice of engineering." In the
471 case of an engineer intern, the certificate shall state that the
472 applicant has successfully passed the examination in fundamental
473 engineering subjects required by the board and has been enrolled
474 as an "engineer intern." * * * Certificates shall show the full
475 name, shall have a serial number, and shall be signed by the
476 president and the secretary of the board under seal of the board.

477 The issuance of a certificate of registration by this board
478 shall be prima facie evidence that the person named therein is
479 entitled to all the rights and privileges of a registered
480 professional engineer while the said certificate remains unrevoked
481 or unexpired.

482 Before engaging in the practice of the profession, each
483 registrant hereunder shall upon registration obtain a seal of the
484 design authorized by the board, bearing the registrant's name and
485 the legend, "registered professional engineer." Plans,
486 specifications * * * and reports prepared by a registrant shall be
487 stamped with the seal by the registrant during the life of the
488 registrant's certificate, but it shall be unlawful for anyone to
489 stamp or seal any documents with the seal after the certificate of
490 the registrant named thereon is expired or * * * revoked, or while
491 the certificate is suspended. It shall be unlawful for anyone
492 other than the registrant to whom the seal has been issued to
493 stamp or seal any document utilizing such seal.

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

496 73-13-31. Certificates of registration shall expire on the
497 last day of the month of December following their issuance or
498 renewal and shall become invalid on that date unless renewed. It
499 shall be the duty of the board to notify every person registered
500 under Sections 73-13-1 through 73-13-105, of the date of the
501 expiration of his certificate and the amount of the fee that shall
502 be required for its renewal for one (1) year. Such notice shall
503 be sent by first class mail to the last known address of the
504 registrant at least one (1) month in advance of the date of the
505 expiration of said certificate. Renewal may be effected at any
506 time during the month of December by the payment of a fee, as
507 determined by the board, not to exceed Fifty Dollars (\$50.00). A
508 person who is registered as a professional engineer and as a
509 professional land surveyor may effect both renewals by the payment
510 of a fee not to exceed Seventy-five Dollars (\$75.00). The failure
511 on the part of any registrant to renew his certificate annually in
512 the month of December as required above, shall not deprive such
513 person of the right of renewal, but the fee to be paid for the
514 renewal of a certificate after the month of December shall be
515 increased ten percent (10%) for each month, or fraction of a month
516 that payment of renewal is delayed; provided, however, that the
517 maximum fee for delayed renewal shall not exceed five (5) times
518 the normal renewal fee. A state agency or any of the state's
519 political subdivisions, such as a county or municipality, may pay
520 the renewal fee of any registrant who is a full-time employee;
521 provided, however, that any registrant who permits his/her renewal
522 fee to be paid from any public funds shall not perform engineering
523 or land surveying services for a fee or other emoluments for the
524 public or for any other public entity. If a registrant fails to
525 renew his certificate within five (5) years from the date of
526 expiration, he must pay the back fees and be reexamined by the
527 board in principles and practice before his certificate will be

528 reissued. The reexamination requirement may be waived by the
529 board provided the applicant has continued to practice in another
530 jurisdiction from the date of expiration of his certificate.

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

533 73-13-33. All professional engineers, registered in
534 accordance with the provisions of Chapter 56 of the Laws of
535 Mississippi of 1928, Extraordinary Session, and as amended under
536 Senate Bill No. 383, Chapter 131, Laws of 1940, and whose
537 certificates of registration are in effect at the time of passage
538 of Sections 73-13-1 through 73-13-45, shall be entitled to all the
539 rights and privileges of a registered professional engineer as
540 provided for in those sections, while the said certificate remains
541 unrevoked or unexpired.

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

544 73-13-35. The board may, upon application therefor and the
545 payment of a fee in accordance with Section 73-13-25, issue a
546 certificate of registration as a professional engineer to any
547 person who holds a certificate of qualification or registration
548 issued to him by proper authority of any state or territory or
549 possession of the United States, or of any country, provided that
550 the applicant's qualifications meet the requirements of Sections
551 73-13-1 through 73-13-45 and the rules established by the board.

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

554 73-13-37. (1) The board, upon satisfactory proof and in
555 accordance with the provisions of this chapter and the
556 implementing regulations of the board pertaining thereto, is
557 authorized to take the disciplinary actions provided for
558 hereinafter against any person, including nonregistrants, for any
559 of the following reasons:

560 (a) Violating any of the provisions of Sections 73-13-1
561 through 73-13-45 or the implementing bylaws, rules, regulations,

562 or standards of ethics or conduct duly adopted and promulgated by
563 the board pertaining to the practice of engineering;

564 (b) Fraud, deceit or misrepresentation in obtaining a
565 certificate of registration;

566 (c) Gross negligence, malpractice or incompetency;

567 (d) Any professional misconduct, as defined by the
568 board through bylaws, rules and regulations, and standards of
569 conduct and ethics;

570 (e) Practicing or offering to practice engineering on
571 an expired certificate or while under suspension or revocation of
572 certificate unless said suspension or revocation be abated through
573 probation, as provided for hereinafter; or

574 (f) Addiction to or dependence on alcohol or other
575 habit-forming drugs or being an habitual user of alcohol,
576 narcotics, barbiturates, amphetamines, hallucinogens, or other
577 drugs having similar effect.

578 (2) Any person may prefer charges against any other person,
579 including nonregistrants, for committing any of the acts set forth
580 in subsection (1). Such charges shall be sworn to, either upon
581 actual knowledge or upon information and belief, and shall be
582 filed with the board. In the event any person certified under
583 Sections 73-13-1 through 73-13-45 is expelled from membership in
584 any Mississippi professional engineering society or association,
585 the board shall thereafter cite said person to appear at a hearing
586 before the board and to show cause why disciplinary action should
587 not be taken against him.

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

594 No disciplinary action taken hereunder may be taken until the
595 accused has been furnished both a statement of the charges against

596 him and notice of the time and place of the hearing thereof, which
597 shall be personally served on or mailed by registered or certified
598 mail, return receipt requested, to the last-known business or
599 residence address of the accused not less than thirty (30) days
600 prior to the date fixed for the hearing.

601 (3) At any hearing held hereunder, the board shall have the
602 power to subpoena witnesses and compel their attendance and may
603 also require the production of books, papers, documents, etc., as
604 provided elsewhere in this chapter. The board is authorized to
605 designate or secure a hearing officer to conduct the hearing. All
606 evidence shall be presented under oath, which may be administered
607 by any member of the board, and thereafter the proceedings may, if
608 necessary, be transcribed in full by the court reporter and filed
609 as part of the record in the case. Copies of such transcriptions
610 may be provided to any party to the proceedings at a cost to be
611 fixed by the board.

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

616 Where in any proceeding before the board any witness shall
617 fail or refuse to attend upon subpoena issued by the board, shall
618 refuse to testify or shall refuse to produce any books and papers,
619 the production of which is called for by the subpoena, the
620 attendance of such witness and the giving of his testimony and the
621 production of the books and papers shall be enforced by any court
622 of competent jurisdiction of this state in the manner provided for
623 the enforcement of attendance and testimony of witnesses in civil
624 cases in the courts of this state.

625 The accused shall have the right to be present at the hearing
626 in person, by counsel or other representative, or both. The board
627 is authorized to continue or recess the hearing as may be
628 necessary.

629 (4) At the conclusion of the hearing, the board may either

630 decide the issue at that time or take the case under advisement
631 for further deliberation. The board shall render its decision not
632 more than ninety (90) days after the close of the hearing, and
633 shall forward to the last-known business or residence address of
634 the accused, by certified or registered mail, return receipt
635 requested, a written statement of the decision of the board.

636 If a majority of the board finds the accused guilty of the
637 charges filed, the board may: (a) issue a public or private
638 reprimand; (b) require the guilty party to complete a course,
639 approved by the board, in ethics; (c) suspend or revoke the
640 certificate of the accused, if the accused is a registrant; or (d)
641 in lieu of or in addition to such reprimand, course completion,
642 suspension or revocation, assess and levy upon the guilty party a
643 monetary penalty of not less than One Hundred Dollars (\$100.00)
644 nor more than Five Thousand Dollars (\$5,000.00) for each
645 violation.

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

652 When payment of a monetary penalty assessed and levied by the
653 board in accordance with this section is not paid when due, the
654 board shall have the power to institute and maintain proceedings
655 in its name for enforcement of payment in the chancery court of
656 the county and judicial district of residence of the guilty party
657 and if the guilty party be a nonresident of the State of
658 Mississippi, such proceedings shall be in the Chancery Court of
659 the First Judicial District of Hinds County, Mississippi.

660 (6) When the board has taken a disciplinary action under
661 this section, the board may, in its discretion, stay such action
662 and place the guilty party on probation for a period not to exceed
663 one (1) year upon the condition that the guilty party shall not

664 further violate either the laws of the State of Mississippi
665 pertaining to the practice of engineering or the bylaws, rules and
666 regulations, or standards of conduct and ethics promulgated by the
667 board.

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

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

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

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

698 All appeals perfected hereunder shall act as a supersedeas,
699 and shall be made to the chancery court solely upon the record
700 made before the board during the disciplinary hearing. When the
701 appeal shall have been properly perfected as provided herein, the
702 board shall cause the record of the proceedings conducted before
703 it to be compiled, certified and filed with the chancery court.
704 The briefing schedule shall be the same as for appeals to the
705 Supreme Court. The chancery court shall be required to rule on
706 the case within sixty (60) days of the close of briefing. All
707 procedures and penalties provided for in this section shall apply
708 to nonregistrants as well as registrants.

709 (11) In addition to the reasons specified in subsection (1)
710 of this section, the board shall be authorized to suspend the
711 certificate of registration of any person for being out of
712 compliance with an order for support, as defined in Section
713 93-11-153. The procedure for suspension of a certificate for
714 being out of compliance with an order for support, and the
715 procedure for the reissuance or reinstatement of a certificate
716 suspended for that purpose, and the payment of any fees for the
717 reissuance or reinstatement of a certificate suspended for that
718 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
719 the case may be. Actions taken by the board in suspending a
720 certificate when required by Section 93-11-157 or 93-11-163 are
721 not actions from which an appeal may be taken under this section.

722 Any appeal of a suspension of a certificate that is required by
723 Section 93-11-157 or 93-11-163 shall be taken in accordance with
724 the appeal procedure specified in Section 93-11-157 or 93-11-163,
725 as the case may be, rather than the procedure specified in this
726 section. If there is any conflict between any provision of
727 Section 93-11-157 or 93-11-163 and any provision of this chapter,
728 the provisions of Section 93-11-157 or 93-11-163, as the case may
729 be, shall control.

730 (12) Any board member whose objectivity in a disciplinary
731 proceeding is impaired shall either recuse himself from sitting as

732 a member of the board in a formal disciplinary hearing in that
733 proceeding or be disqualified therefrom. In the event a
734 disciplinary proceeding is brought against a member or former
735 member of the board, no member of the board who has served
736 concurrently with the respondent in the disciplinary proceeding
737 shall sit as a member of the board in a formal disciplinary
738 hearing in that proceeding. If, after recusal or disqualification
739 of board members as provided herein, there does not remain a
740 quorum of the board to sit for a disciplinary hearing, the board
741 shall have the power to select, in accordance with duly
742 promulgated regulations of the board, substitute panel members
743 from slates of candidates established by the Mississippi
744 Engineering Society and the Mississippi Association of
745 Professional Surveyors to the extent necessary to achieve the
746 number of panel members equivalent to a quorum of the board.
747 Substitute panel members must meet the qualifications of board
748 members as provided in Section 73-13-7 and shall receive
749 compensation as provided for board members in Section 73-13-9.

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

752 73-13-39. Any person who shall practice, or offer to
753 practice, engineering in this state without being registered in
754 accordance with the provisions of Sections 73-13-1 through
755 73-13-45, or any person presenting or attempting to use as his own
756 the certificate of registration or seal of another, or any person
757 who shall give any false or forged evidence of any kind to the
758 board or to any member thereof in obtaining a certificate of
759 registration, or any person who shall falsely impersonate any
760 other registrant of like or different name, or any person who
761 shall attempt to use an expired or revoked certificate of
762 registration, or any person who shall violate any of the
763 provisions of Sections 73-13-1 through 73-13-45, shall be guilty
764 of a misdemeanor, and shall, upon conviction, be sentenced to pay
765 a fine of not less than One Hundred Dollars (\$100.00), nor more

766 than One Thousand Dollars (\$1,000.00), or suffer imprisonment for
767 a period not exceeding three (3) months, or both. The criminal
768 penalties provided for in this section may be assessed in addition
769 to those civil penalties provided for in Section 73-13-37.

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

772 (a) Directly or indirectly employ, use, cause to be
773 used or make use of any of the following terms or any
774 combinations, variations or abbreviations thereof as a
775 professional, business or commercial identification, title, name,
776 representation, claim, asset or means of advantage or benefit:
777 "engineer," "professional engineer," "licensed engineer,"
778 "registered engineer," "registered professional engineer,"
779 "licensed professional engineer," "engineered," "engineering"; or

780 (b) Directly or indirectly employ, use, cause to be
781 used or make use of any letter, abbreviation, word, symbol,
782 slogan, sign or any combinations or variations thereof which in
783 any manner whatsoever tends or is likely to create any impression
784 with the public or any member thereof that any person is qualified
785 or authorized to practice engineering; or

786 (c) Receive any fee or compensation or the promise of
787 any fee or compensation for performing, offering or attempting to
788 perform any service, work, act or thing which is any part of the
789 practice of engineering.

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

795 It shall be the duty of all duly constituted officers of the
796 law of this state, or any political subdivision thereof, to
797 enforce the provisions of Sections 73-13-1 through 73-13-45 and to
798 prosecute any persons violating same. The Attorney General of the
799 state or his assistant shall act as legal advisor of the board in

800 carrying out the provisions of Sections 73-13-1 through 73-13-45.

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

803 73-13-41. Sections 73-13-1 through 73-13-45 shall not be
804 construed to prevent or to affect:

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

810 (b) The work of an employee or a subordinate of a
811 person holding a certificate of registration under this act,
812 provided such work does not include final designs or decisions and
813 is done under the responsibility, checking and supervision of a
814 person holding a certificate of registration under Sections
815 73-13-1 through 73-13-45; * * *

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

819 (d) The performance of engineering services by any
820 regular full-time employee of a manufacturing, public utility,
821 research and development, or other industrial corporation,
822 provided:

823 (i) Such services are rendered on or in connection
824 with equipment, systems and processes which are operated by such
825 corporation and/or its affiliates;

826 (ii) Such services are not rendered to third
827 parties neither directly nor indirectly by virtue of abandonment
828 of process equipment and design;

829 (iii) Such services comply with all requirements
830 specified by the employee's company or corporation, the
831 Occupational Safety and Health Act, and other applicable codes.

832 It is the intent of the Legislature that the general public be
833 protected by every means available where design exemptions are

834 allowed; and

835 (iv) Such services are not required to be
836 performed, approved, or certified by a professional engineer
837 pursuant to law or regulation, whether federal, state, or local,
838 other than Section 73-13-1 through 73-13-45 hereof or any
839 applicable rules or regulations promulgated by the Mississippi
840 State Board of Registration for Professional Engineers and Land
841 Surveyors.

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

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

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

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

863 73-13-45. (1) (a) Neither the state, nor any of its
864 political subdivisions, such as a county, city or town, shall
865 award construction contracts of any public work involving the
866 practice of engineering or architecture unless the plans,
867 specifications and estimates have been prepared and such work

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1000 (a) The successful completion of a curriculum of two
1001 (2) scholastic years or more from a school or college approved by
1002 the board as of satisfactory standing, including the completion of
1003 approved courses in surveying and related subjects; a specific

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

1008 (b) A specific record of seven (7) years' or more
1009 experience in land surveying work of a character satisfactory to
1010 the board and indicating that the applicant is competent to
1011 practice land surveying; and successfully passing examinations in
1012 surveying prescribed by the board.

1013 No person shall be eligible for registration as a
1014 professional land surveyor who is not of good character and
1015 reputation.

1016 (2) The following shall be considered as minimum evidence
1017 satisfactory to the board that the applicant is qualified for
1018 certification as a land surveyor intern:

1019 (a) The successful completion of two (2) scholastic
1020 years or more from a school or college approved by the board as of
1021 satisfactory standing, including the completion of approved
1022 courses in land surveying and related subjects, and successfully
1023 passing an examination in the fundamentals of land surveying; or

1024 (b) A specific record of three (3) years or more of
1025 qualifying land surveying experience, and successfully passing an
1026 examination in the fundamentals of land surveying.

1027 SECTION 28. Section 73-13-79, Mississippi Code of 1972, is
1028 reenacted and amended as follows:

1029 73-13-79. Application for enrollment as a land surveyor
1030 intern or for registration as a professional land surveyor shall
1031 be on forms prescribed and furnished by the board, shall contain
1032 statements made under oath showing the applicant's education and a
1033 detailed summary of the applicant's qualifying experience.

1034 Applications for registration or reregistration as a professional
1035 land surveyor shall also contain not less than five (5)
1036 references, of whom three (3) or more shall be professional land
1037 surveyors having personal knowledge of the applicant's land

1038 surveying experience.

1039 The application fee for registration * * * as a professional
1040 land surveyor shall be determined by the board but shall not
1041 exceed Seventy-five Dollars (\$75.00), which fee shall accompany
1042 the application.

1043 The application fee for enrollment as a land surveyor intern
1044 shall be determined by the board, but shall not exceed Twenty-five
1045 Dollars (\$25.00), which fee shall accompany the application.

1046 Whenever an applicant is cited to an examination or
1047 reexamination, an additional fee equal to the actual cost of the
1048 examination shall be paid by the applicant.

1049 SECTION 29. Section 73-13-81, Mississippi Code of 1972, is
1050 reenacted as follows:

1051 73-13-81. Examinations shall be required for enrollment as a
1052 land surveyor intern and registration as a professional land
1053 surveyor. The examinations shall be held at such time and place
1054 as the board may determine.

1055 The scope of the examinations and the methods and procedures
1056 shall be prescribed by the board with special reference to the
1057 applicant's ability to exercise direct control and personal
1058 supervision of all land surveying functions.

1059 The board shall cite applicants to examinations in accordance
1060 with its rules and regulations.

1061 SECTION 30. Section 73-13-83, Mississippi Code of 1972, is
1062 reenacted and amended as follows:

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

1072 shall show the full name of the professional land surveyor or land
1073 surveyor intern, shall have a serial number and shall be signed by
1074 the president and the secretary of the board under seal of the
1075 board.

1076 The issuance of a certificate of registration by this board
1077 shall be prima facie evidence that the person named therein is
1078 entitled to all the rights and privileges of a registered
1079 professional land surveyor, while the said certificate remains
1080 unrevoked or unexpired.

1081 Each person registering as a professional land surveyor after
1082 June 30, 1991, shall, upon registration, obtain a seal of the
1083 design authorized by the board, bearing the registrant's name and
1084 the legend "Registered Professional Land Surveyor." Each person
1085 registering as a professional land surveyor after June 30, 1991,
1086 who is also registered as a professional engineer in accordance
1087 with Sections 73-13-1 through 73-13-45 may also obtain one (1)
1088 seal bearing the registrant's name and the legend "Registered
1089 Professional Engineer and Professional Land Surveyor." Any person
1090 who, before July 1, 1991, was registered under this chapter as a
1091 land surveyor or as both a professional engineer and a land
1092 surveyor may continue to use the seal or seals that he obtained
1093 and that were authorized by the board to be used by such person
1094 before July 1, 1991. Plats, maps and reports prepared by a
1095 registrant shall be stamped with the seal during the life of the
1096 registrant's certificate, but it shall be unlawful for anyone to
1097 stamp or seal any documents with the seal after the certificate of
1098 the registrant named thereon has expired or * * * been revoked or
1099 suspended. It shall be unlawful for anyone other than the
1100 registrant to whom the seal has been issued to stamp or seal any
1101 documents utilizing such seal.

1102 SECTION 31. Section 73-13-85, Mississippi Code of 1972, is
1103 reenacted and amended as follows:

1104 73-13-85. Certificates of registration shall expire on the
1105 last day of the month of December following their issuance or

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

1126 If the registrant shall fail to renew his certificate within
1127 five (5) years from the date of expiration, he must pay the back
1128 fees and be reexamined by the board in principles and practice
1129 before his certificate will be reissued. The reexamination may be
1130 waived by the board provided the applicant has continued to
1131 practice under another jurisdiction from the date of expiration of
1132 his certificate.

1133 SECTION 32. Section 73-13-87, Mississippi Code of 1972, is
1134 reenacted and amended as follows:

1135 73-13-87. The board may, upon application therefor and the
1136 payment of a fee to be determined by the board, but not to exceed
1137 Seventy-five Dollars (\$75.00), issue a certificate of registration
1138 as a professional land surveyor to any person who holds a
1139 certificate of registration issued to him by the proper authority

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

1144 SECTION 33. Section 73-13-89, Mississippi Code of 1972, is
1145 reenacted and amended as follows:

1146 73-13-89. The powers and duties of the board regarding
1147 disciplinary actions against any person, including nonregistrants
1148 accused of violating any of the laws of the State of Mississippi
1149 regarding the practice of land surveying or the rules,
1150 regulations, bylaws, or standards of conduct and ethics pertaining
1151 thereto as duly promulgated by the board, as well as the
1152 procedures for conducting said disciplinary proceedings, the penal
1153 sanctions available to the board in the event the charges are
1154 established, and the procedures for appeal from such actions of
1155 the board shall be the same as those set forth in Sections
1156 73-13-37 and 73-13-39 regarding actions against persons charged
1157 with similar violations related to the practice of engineering.

1158 SECTION 34. Section 73-13-93, Mississippi Code of 1972, is
1159 reenacted as follows:

1160 73-13-93. Any person who may feel aggrieved by an action of
1161 the board denying or revoking his certificate of registration or
1162 re-registration as a professional land surveyor or enrollment as
1163 land surveyor intern may appeal therefrom to the chancery court of
1164 the county of residence of such person and, after full hearing,
1165 the court shall make such order sustaining or reversing the action
1166 of the board as to it may seem just and proper. However, in case
1167 of a nonresident licensee or applicant, such appeal shall be taken
1168 or made to the Chancery Court of the First Judicial District of
1169 Hinds County, Mississippi.

1170 Actions taken by the board in suspending a certificate of
1171 registration when required by Section 93-11-157 or 93-11-163 are
1172 not actions from which an appeal may be taken under this section.

1173 Any appeal of a suspension of a certificate that is required by

1174 Section 93-11-157 or 93-11-163 shall be taken in accordance with
1175 the appeal procedure specified in Section 93-11-157 or 93-11-163,
1176 as the case may be, rather than the procedure specified in this
1177 section.

1178 SECTION 35. Section 73-13-95, Mississippi Code of 1972, is
1179 reenacted and amended as follows:

1180 73-13-95. Any person who shall practice, or offer to
1181 practice, land surveying in this state without being registered in
1182 accordance with the provisions of Sections 73-13-71 through
1183 73-13-105, or any person presenting or attempting to use as his
1184 own the certificate of registration or the seal of another, or any
1185 person who shall give any false or forged evidence of any kind to
1186 the board or to any member thereof in obtaining a certificate of
1187 registration, or any person who shall falsely impersonate any
1188 other registrant of like or different name, or any person who
1189 shall attempt to use an expired or revoked certificate of
1190 registration, or any person who shall violate any of the
1191 provisions of Sections 73-13-71 through 73-13-105, shall be guilty
1192 of a misdemeanor, and shall, upon conviction, be sentenced to pay
1193 a fine of not less than One Hundred Dollars (\$100.00), nor more
1194 than One Thousand Dollars (\$1,000.00), or suffer imprisonment for
1195 a period of not exceeding three (3) months, or both. The criminal
1196 penalties provided for in this section may be assessed in addition
1197 to those civil penalties provided for in Section 73-13-37.

1198 Unless registered in accordance with the provisions of
1199 Sections 73-13-71 through 73-13-105, no person shall:

1200 (a) Directly or indirectly employ, use, cause to be
1201 used or make use of any of the following terms or any combination,
1202 variations or abbreviations thereof as a professional, business or
1203 commercial identification, title, name, representation, claim,
1204 asset or means of advantage or benefit: "surveyor," "professional
1205 surveyor," "licensed surveyor," "registered surveyor," "registered
1206 professional surveyor," "licensed professional surveyor,"
1207 "surveyed," "surveying," "professional land surveyor," or

1208 "registered professional land surveyor";

1209 (b) Directly or indirectly employ, use, cause to be
1210 used or make use of any letter, abbreviation, word, symbol,
1211 slogan, sign or any combinations or variations thereof, which in
1212 any manner whatsoever tends or is likely to create any impression
1213 with the public or any member thereof that any person is qualified
1214 or authorized to practice land surveying; or

1215 (c) Receive any fee or compensation or the promise of
1216 any fee or compensation for performing, offering or attempting to
1217 perform any service, work, act or thing which is any part of the
1218 practice of land surveying.

1219 Any person, firm, partnership, association or corporation
1220 which shall do, offer or attempt to do any one or more of the acts
1221 or things set forth in items (a) through (c) of the preceding
1222 paragraph shall be conclusively presumed and regarded as engaged
1223 in the practice of land surveying.

1224 It shall be the duty of all duly constituted officers of the
1225 law of this state, or any political subdivision thereof, to
1226 enforce the provisions of Sections 73-13-71 through 73-13-105 and
1227 to prosecute any persons violating same. The Attorney General of
1228 the state or his assistant shall act as legal adviser of the board
1229 and render such legal assistance as may be necessary in carrying
1230 out the provisions of Sections 73-13-71 through 73-13-105.

1231 SECTION 36. Section 73-13-97, Mississippi Code of 1972, is
1232 reenacted and amended as follows:

1233 73-13-97. Sections 73-13-71 through 73-13-105 shall not be
1234 construed to prevent or to affect:

1235 (a) Other professions or trades. The practice of any
1236 other legally recognized profession or trade; or

1237 * * *

1238 (b) Employees and subordinates. The work of an
1239 employee or a subordinate of a person holding a certificate of
1240 registration under Sections 73-13-71 through 73-13-105 * * *;

1241 providing such work does not include final decisions and is done

1242 under the direct responsibility, checking and supervision of a
1243 person holding a certificate of registration under Sections
1244 73-13-71 through 73-13-105 * * *; or

1245 (c) Government officers and employees. The practice of
1246 officers and employees of the government of the United States
1247 while engaged within this state in the practice of land surveying
1248 for said government; or

1249 (d) Certain elected or appointed county surveyors. A
1250 county surveyor as provided for in Section 135 of the Mississippi
1251 Constitution, and Sections 19-27-1 through 19-27-35 implementing
1252 the constitutional provision, who holds the office of county
1253 surveyor by either election or appointment, shall be exempt,
1254 through December 31, 1983, from the provisions of Sections
1255 73-13-71 through 73-13-105 insofar as his statutory duties within
1256 the boundaries of the county in which he is duly elected or
1257 appointed are concerned. From and after January 1, 1984, such
1258 surveyor shall not be exempt from the provisions of Sections
1259 73-13-71 through 73-13-105 unless he held the office of county
1260 surveyor by either election or appointment on December 31, 1983;
1261 or

1262 (e) Employees of public service and/or utility
1263 companies. The work or practice of a regular employee of a public
1264 service company or public utility, by rendering to such company
1265 land surveying service in connection with its facilities which are
1266 subject to regulation, supervision and control in order to
1267 safeguard life, health and property by the Public Service
1268 Commission of this state, shall be exempt so long as such person
1269 is thus actually and exclusively employed and no longer.

1270 SECTION 37. Section 73-13-99, Mississippi Code of 1972,
1271 which provides for the repeal of Sections 73-13-1 through 73-13-45
1272 and Sections 73-13-71 through 73-13-97, Mississippi Code of 1972,
1273 is repealed.

1274 SECTION 38. A corporation, firm or partnership may engage in
1275 the practice of professional land surveying in this state,

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

1290 SECTION 39. Section 38 of this act shall be codified as
1291 Section 73-13-105, Mississippi Code of 1972.

1292 SECTION 40. This act shall take effect and be in force from
1293 and after July 1, 1999.