HOUSE BILL NO. 1283

1 AN ACT TO AMEND SECTION 73-13-41, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY A PROFESSIONAL ENGINEER'S AUTHORITY TO REVIEW DESIGNS;
3 TO AMEND SECTION 73-13-43, MISSISSIPPI CODE OF 1972, TO CLARIFY
4 THE REQUIREMENT THAT CORPORATIONS OFFERING ENGINEERING SERVICES TO
5 THE PUBLIC MUST HAVE AN ENGINEER AS A PRINCIPAL OFFICER OR
6 PARTNER; TO BRING FORWARD SECTION 73-13-3, MISSISSIPPI CODE OF
7 1972, FOR PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.
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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
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11 SECTION 1. Section 73-13-41, Mississippi Code of 1972, is
12 amended as follows:
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14 73-13-41. (1) Sections 73-13-1 through 73-13-45 shall not
15 be construed to prevent or to affect:
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17 (a) The practice of any other legally recognized
18 profession or trade, such as: (i) engineers employed by
19 contractors to supervise work on which a registered engineer is
20 engaged; and (ii) architects who are registered under the
21 provisions of Chapter 1 of this Title;
22
23 (b) The work of an employee or a subordinate of a
24 person holding a certificate of registration under this act,
25 provided such work does not include final designs or decisions and
26 is done under the responsibility, checking and supervision of a
27 person holding a certificate of registration under Sections
28 73-13-1 through 73-13-45;
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30 (c) The practice of officers and employees of the
31 government of the United States while engaged within this state in
32 the practice of engineering for said government; *
33
34 (d) The performance of engineering services by any
35 regular full-time employee of a manufacturing, research and
36 development, railroad or other industrial corporation, provided:
(i) Such services are rendered on or in connection with existing fixed works, equipment, systems, processes or facilities owned, operated, or leased by such corporation and/or its affiliates;

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

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

(iv) Such services comply with all requirements specified by the employee’s company or corporation;

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

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

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

(e) The performance of engineering services with respect to utility facilities by any public utility subject to regulation by the Mississippi Public Service Commission, the
Federal Communications Commission, the Federal Energy Regulatory
Commission, or the Nuclear Regulatory Commission, including its
parents, affiliates, subsidiaries; or by the officers and regular
full-time employees of any such public utility, including its
parents, affiliates or subsidiaries, provided that they are
engaged solely and exclusively in performing service for such
public utility and/or its parents, affiliates or subsidiaries, and
as long as such services comply with all standard operating
procedures and requirements specified by the employee's company or
corporation. This exemption shall not extend to: (i) the
practice of engineering performed by public utilities or their
officers or employees when such services are rendered to
non-affiliated third parties in exchange for compensation other
than that received from their employer, or the use of any name,
title or words which tend to convey the impression that a
nonregistrant is offering engineering services to the public; and
(ii) services which are required to be performed, approved or
certified by a professional engineer pursuant to law or regulation
whether federal, state or local, other than Sections 73-13-1
through 73-13-45 hereof or any applicable rules or regulations
promulgated by the Mississippi State Board of Registration for
Professional Engineers and Land Surveyors.

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

(f) The performance by a professional engineer of
services which involve the review and approval of designs created
by other persons but presented to a professional engineer for
review and approval.

(2) In addition to the exemptions provided in subsection
(1), there is hereby granted and reserved to the board the
authority to exempt from Sections 73-13-1 through 73-13-45 by regulation specific engineering tasks or functions performed by regular full-time employees of manufacturing, public utility, research and development, railroad or other industrial corporations rendered in the course and scope of their employment, on a case by case basis, if, in the opinion of the board, the public health and welfare is not endangered nor the engineering profession diminished.

SECTION 2. Section 73-13-43, Mississippi Code of 1972, is amended as follows:

73-13-43. A corporation, firm or partnership may engage in the practice of professional engineering in this state, providing the person or persons connected with such corporation, firm or partnership in charge of the designing, or supervision, which constitutes such practice, is or are registered as herein required of professional engineers. Any corporation, firm or partnership engaged in offering engineering services to the public as its principal business must have at least one (1) registered professional engineer as a principal officer or partner of the firm who has management responsibility for such practice. A corporation, firm or partnership, when performing engineering services to the public for a fee or other emoluments, shall include in each agreement for such services the name and registration number of the professional engineer who will bear the primary responsibility for the engineering work involved. The same exemptions shall apply to corporations, firms and partnerships as apply to individuals under Sections 73-13-1 through 73-13-45.

SECTION 3. Section 73-13-3, Mississippi Code of 1972, is brought forward as follows:

73-13-3. The term "engineer" as used in Sections 73-13-1 through 73-13-45 shall mean a professional engineer as hereinafter defined.
The term "professional engineer" within the meaning and intent of Sections 73-13-1 through 73-13-45 shall mean a person who has met the qualifications as required under Section 73-13-23(1) and who has been issued a certificate of registration as a professional engineer.

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

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

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

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

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

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

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

SECTION 4. This act shall take effect and be in force from and after July 1, 2002.