

By: Senator(s) Kirby

To: Business and Financial  
Institutions

## SENATE BILL NO. 2373

1 AN ACT TO REENACT SECTIONS 73-13-1 THROUGH 73-13-103,  
2 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE REGULATION OF  
3 ENGINEERS AND LAND SURVEYORS; TO AMEND REENACTED SECTION 73-13-1,  
4 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ENGINEERS SHALL BE  
5 LICENSED; TO AMEND REENACTED SECTION 73-13-3, MISSISSIPPI CODE OF  
6 1972, TO REVISE DEFINITIONS; TO AMEND REENACTED SECTION 73-13-5,  
7 MISSISSIPPI CODE OF 1972, TO REVISE THE BOARD OF LICENSURE FOR  
8 PROFESSIONAL ENGINEERS AND SURVEYORS; TO AMEND REENACTED SECTION  
9 73-13-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND  
10 REENACTED SECTION 73-13-13, MISSISSIPPI CODE OF 1972, TO REVISE  
11 BOARD MEETING TIMES AND THE QUORUM; TO AMEND REENACTED SECTION  
12 73-13-15, MISSISSIPPI CODE OF 1972, TO REVISE THE BOARD  
13 RULE-MAKING AUTHORITY; TO AMEND REENACTED SECTION 73-13-17,  
14 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE RETENTION OF A  
15 RESERVE IN THE SPECIAL FUND; TO AMEND REENACTED SECTION 73-13-19,  
16 MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND REENACTED  
17 SECTION 73-13-21, MISSISSIPPI CODE OF 1972, TO DELETE THE  
18 REQUIREMENT THAT COPIES OF THE ROSTER OF ENGINEERS BE MAILED TO  
19 ALL LICENSEES; TO AMEND REENACTED SECTION 73-13-23, MISSISSIPPI  
20 CODE OF 1972, TO REVISE QUALIFICATIONS FOR LICENSURE; TO AMEND  
21 REENACTED SECTION 73-13-25, MISSISSIPPI CODE OF 1972, TO REVISE  
22 APPLICATION FEES; TO AMEND REENACTED SECTIONS 73-13-27 AND  
23 73-13-29, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND  
24 REENACTED SECTION 73-13-31, MISSISSIPPI CODE OF 1972, TO REVISE  
25 REQUIREMENTS REGARDING EXPIRED LICENSES; TO AMEND REENACTED  
26 SECTIONS 73-13-33 AND 73-13-35, MISSISSIPPI CODE OF 1972, IN  
27 CONFORMITY; TO AMEND REENACTED SECTION 73-13-37, MISSISSIPPI CODE  
28 OF 1972, TO REVISE NOTICE REGARDING DISCIPLINARY ACTIONS; TO AMEND  
29 REENACTED SECTION 73-13-39, MISSISSIPPI CODE OF 1972, TO REVISE  
30 PENALTIES; TO AMEND REENACTED SECTION 73-13-41, MISSISSIPPI CODE  
31 OF 1972, IN CONFORMITY; TO AMEND REENACTED SECTION 73-13-43,  
32 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR CERTIFICATES OF AUTHORITY  
33 FOR CORPORATIONS, FIRMS AND PARTNERSHIPS; TO AMEND REENACTED  
34 SECTION 73-13-45, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO  
35 AMEND REENACTED SECTION 73-13-71, MISSISSIPPI CODE OF 1972, TO  
36 DEFINE THE TERM "SURVEYING"; TO AMEND REENACTED SECTION 73-13-73,  
37 MISSISSIPPI CODE OF 1972, TO CLARIFY DUTIES WITHIN THE PRACTICE OF  
38 SURVEYING AND ENGINEERING; TO AMEND REENACTED SECTIONS 73-13-75  
39 AND 73-13-77, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND  
40 REENACTED SECTION 73-13-79, MISSISSIPPI CODE OF 1972, TO REVISE  
41 SURVEYOR APPLICATION FEES; TO AMEND REENACTED SECTION 73-13-81,  
42 MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND REENACTED  
43 SECTION 73-13-83, MISSISSIPPI CODE OF 1972, TO REVISE SEAL  
44 REQUIREMENTS; TO AMEND REENACTED SECTION 73-13-85, MISSISSIPPI  
45 CODE OF 1972, TO REVISE RENEWAL OF EXPIRED LICENSE REQUIREMENTS;  
46 TO AMEND REENACTED SECTIONS 73-13-87, 73-13-89 AND 73-13-93,  
47 MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND REENACTED  
48 SECTION 73-13-95, MISSISSIPPI CODE OF 1972, TO REVISE PENALTIES;  
49 TO AMEND REENACTED SECTION 73-13-97, MISSISSIPPI CODE OF 1972, IN  
50 CONFORMITY; TO AMEND REENACTED SECTION 73-13-99, MISSISSIPPI CODE  
51 OF 1972, TO EXTEND THE REPEALER ON THE BOARD OF LICENSURE FOR  
52 PROFESSIONAL ENGINEERS AND SURVEYORS; TO AMEND REENACTED SECTION

53 73-13-103, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND  
54 SECTION 73-13-105, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR  
55 SURVEYING CERTIFICATES OF AUTHORITY FOR CORPORATIONS, FIRMS AND  
56 PARTNERSHIPS; AND FOR RELATED PURPOSES.

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

58 **SECTION 1.** Section 73-13-1, Mississippi Code of 1972, is  
59 reenacted and amended as follows:

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

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

82 73-13-3. The term "engineer" as used in Sections 73-13-1  
83 through 73-13-45 shall mean a professional engineer as hereinafter  
84 defined.

85 The term "professional engineer" within the meaning and  
86 intent of Sections 73-13-1 through 73-13-45 shall mean a person  
87 who has met the qualifications as required under Section

88 73-13-23(1) and who has been issued a certificate of registration  
89 as a professional engineer.

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

95 The term "practice of engineering" within the meaning and  
96 intent of Sections 73-13-1 through 73-13-45 shall mean any service  
97 or creative work the adequate performance of which requires  
98 engineering education, training, and experience in the application  
99 of special knowledge of the mathematical, physical, and  
100 engineering sciences to such services or creative work as  
101 consultation, investigation, expert technical testimony  
102 evaluation, planning, design, and design coordination of  
103 engineering works and systems, planning the use of land, air and  
104 water, performing engineering surveys and studies, and the review  
105 of construction for the purpose of monitoring compliance with  
106 drawings and specifications; any of which embraces such services  
107 or work, either public or private, in connection with any \* \* \*  
108 utilities, water resources structures, buildings, machines,  
109 equipment, processes, work systems, projects, communication  
110 systems, transportation systems and industrial or consumer  
111 products or equipment, of control systems, communications,  
112 mechanical, electrical, hydraulic, pneumatic, chemical,  
113 geotechnical, including geology and geohydrology incidental to the  
114 practice of engineering, environmental, or thermal nature, insofar  
115 as they involve safeguarding life, health or property, and  
116 including such other professional services as may be necessary to  
117 the planning, progress and completion of any engineering services.

118 Design coordination includes the review and coordination of  
119 those technical submissions prepared by others, including as  
120 appropriate and without limitation, consulting engineers,

121 surveyors, landscape architects, geologist and other professionals  
122 working under direction of the engineer.

123 The term "firm," as used in Sections 73-13-1 through  
124 73-13-45, shall mean a business entity that offers the  
125 professional engineering or surveying services to the public of  
126 its licensed personnel who are either employees, officers,  
127 directors, partners, members or managers. A business entity may  
128 be formed as either:

129 (a) A professional service corporation;

130 (b) A corporation;

131 (c) A partnership, including limited partnerships and  
132 limited liability partnerships; or

133 (d) A limited liability company.

134 Prior to any contract for or the provision of professional  
135 engineering or surveying services in this jurisdiction, a firm  
136 shall obtain a certificate of authority under Section 73-13-43 or  
137 Section 73-13-105 of this chapter. A sole proprietorship, owned  
138 and operated by a licensee under this chapter is not required to  
139 obtain a certificate of authority under Section 73-13-43 or  
140 Section 73-13-105. A professional association of licensed  
141 professional engineers or professional surveyors is not required  
142 to obtain a certificate of authority under Section 73-13-43 or  
143 Section 73-13-105. Both the licensed sole proprietor and the  
144 licensees within a professional association shall maintain their  
145 individual licenses in active status and only offer the  
146 professional services for which they are licensed and qualified to  
147 provide.

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

152 A person or firm shall be construed to practice or offer to  
153 practice engineering within the meaning and intent of Sections

154 73-13-1 through 73-13-45, who practices any branch of the  
155 profession of engineering; or provides, by verbal claim, sign,  
156 advertisement, letterhead, card, or in any other way represents  
157 himself to be a professional engineer, or through the use of some  
158 other title implies that he is a professional engineer; or who  
159 holds himself out as able to perform or provide, or who does  
160 perform any engineering service or work or any other professional  
161 service designated by the practitioner or recognized by  
162 educational authorities as engineering.

163 \* \* \*

164 The term "board" as used in Sections 73-13-1 through 73-13-45  
165 shall mean the \* \* \* Board of Licensure for Professional Engineers  
166 and \* \* \* Surveyors provided for by said sections.

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

169 73-13-5. A \* \* \* Board of Licensure for Professional  
170 Engineers and \* \* \* Surveyors is hereby created whose duty it  
171 shall be to administer the provisions of Sections 73-13-1 through  
172 73-13-105. The board shall consist of six (6) licensed  
173 professional engineers, who shall be appointed by the Governor  
174 from eighteen (18) nominees recommended by the Mississippi  
175 Engineering Society, and shall have the qualifications required by  
176 Section 73-13-7, and three (3) licensed professional \* \* \*  
177 surveyors who are not licensed professional engineers, who shall  
178 be appointed by the Governor from nine (9) nominees recommended by  
179 the Mississippi Association of Professional Surveyors and who  
180 shall have the qualifications required by Section 73-13-77. The  
181 members of the board shall be appointed from the above nominees.  
182 The board so appointed shall have two (2) engineer members from  
183 each of the three (3) state Supreme Court districts, \* \* \*  
184 designated by district, Post 1 and Post 2, and shall serve for  
185 four (4) years, or until their successors are duly appointed and  
186 qualified.

187           \* \* \* The members recommended by the Mississippi Association  
188 of Professional Surveyors shall be appointed from each of the  
189 three (3) state Supreme Court districts and serve for four (4)  
190 years, or until their successors are duly appointed and qualified.  
191 Each member of the board shall receive a certificate of  
192 appointment from the Governor, and before beginning his term of  
193 office he shall file with the Secretary of State the  
194 constitutional oath of office. On the expiration of the term of  
195 any member, the Governor shall in the manner herein provided  
196 appoint for a term of four (4) years a licensed professional  
197 engineer having the qualifications required by Section 73-13-7, or  
198 a licensed professional \* \* \* surveyor having the qualifications  
199 required by Section 73-13-77 to take the place of the member of  
200 the board whose term is about to expire. Each member shall hold  
201 office until the expiration of the term for which such member is  
202 appointed or until a successor shall have been duly appointed and  
203 shall have qualified.

204           The initial members of the reconstituted board shall serve  
205 terms of office as follows:

206           (a) The term of the engineer member presently serving  
207 at large, which term was set to expire on April 8, 2004, shall  
208 expire on July 1, 2004; and from and after July 1, 2004, this  
209 appointment shall be designated as Post 1.

210           (b) The term of the engineer member presently serving  
211 at large, which term was set to expire on April 8, 2004, shall  
212 expire on July 1, 2005; and from and after July 1, 2004, this  
213 appointment shall be designated as Post 2.

214           (c) An appointment of an engineer member serving at  
215 large shall be made on July 1, 2004, and shall expire on July 1,  
216 2006; and from and after July 1, 2004, this appointment shall be  
217 designated as Post 3.

218           (d) The term of the engineer member presently serving  
219 from the First Supreme Court District, which term was set to

220 expire on April 8, 2006, shall expire on July 1, 2007; and from  
221 and after July 1, 2004, this appointment shall be designated as  
222 Post 4.

223 (e) The term of the engineer member presently serving  
224 from the Second Supreme Court District, which term was set to  
225 expire on April 8, 2006, shall expire on July 1, 2008; and from  
226 and after July 1, 2004, this appointment shall be designated as  
227 Post 5.

228 (f) The term of the engineer member presently serving  
229 from the Third Supreme Court District, which term was set to  
230 expire on April 8, 2006, shall expire on July 1, 2009; and from  
231 and after July 1, 2004, this appointment shall be designated as  
232 Post 6.

233 (g) The term of the surveyor member presently serving  
234 at large, which term was set to expire on April 8, 2007, shall  
235 expire on July 1, 2004; subsequent appointments shall be made from  
236 the First Supreme Court District; from and after July 1, 2004,  
237 this appointment shall be designated as Post 7.

238 (h) An appointment of a surveyor member shall be made  
239 from the Second Supreme Court District; the appointment shall be  
240 made on July 1, 2004, and shall expire on July 1, 2005; from and  
241 after July 1, 2004, this appointment shall be designated as Post  
242 8.

243 (i) The term of the surveyor member presently serving  
244 at large, which term was set to expire on April 8, 2006, shall  
245 expire on July 1, 2006; subsequent appointments shall be made from  
246 the Third Supreme Court District; from and after July 1, 2004,  
247 this appointment shall be designated as Post 9.

248 At the expiration of a term, members of the board shall be  
249 appointed in the manner prescribed in this section for terms of  
250 four (4) years from the expiration date of the previous terms.  
251 Any vacancy on the board prior to the expiration of a term for any  
252 reason, including resignation, removal, disqualification, death or

253 disability, shall be filled by appointment of the Governor in the  
254 manner prescribed in this section for the balance of the unexpired  
255 term. The Mississippi Engineering Society and/or the Mississippi  
256 Association of Professional Surveyors shall submit a list of  
257 nominees no more than ninety (90) days after a vacancy occurs, and  
258 the Governor shall fill such vacancies within ninety (90) days  
259 after each such vacancy occurs.

260 It shall not be considered the duty of the State of  
261 Mississippi to provide office space and office equipment for the  
262 board herein created.

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

270 **SECTION 4.** Section 73-13-7, Mississippi Code of 1972, is  
271 reenacted and amended as follows:

272 73-13-7. Each member of the board shall be a citizen of the  
273 United States and shall have been a resident of the state for at  
274 least five (5) years prior to the appointment. He shall be at  
275 least thirty-two (32) years of age, shall have been engaged in the  
276 practice of engineering or \* \* \* surveying, as the case may be,  
277 for at least ten (10) years and shall have been in responsible  
278 charge of important engineering or \* \* \* surveying work, as the  
279 case may be, for at least five (5) years. Each year of teaching  
280 engineering or \* \* \* surveying in a school or college shall be  
281 equivalent to a year of responsible charge of engineering or \* \* \*  
282 surveying work. Not more than two (2) members of the board at any  
283 time may be teachers of engineering in the universities or  
284 colleges of the state. All members of the board shall be licensed



285 professional engineers or licensed professional \* \* \* surveyors,  
286 as the case may be.

287 **SECTION 5.** Section 73-13-9, Mississippi Code of 1972, is  
288 reenacted as follows:

289 73-13-9. Each member of the board shall receive per diem in  
290 accordance with Section 25-3-69 when actually attending to the  
291 work of the board or any of its committees, and shall be  
292 reimbursed for traveling expenses in accordance with Section  
293 25-3-41 in carrying out the provisions of Sections 73-13-1 through  
294 73-13-105.

295 **SECTION 6.** Section 73-13-11, Mississippi Code of 1972, is  
296 reenacted as follows:

297 73-13-11. The Governor may remove any member of the board  
298 for misconduct, incompetency, neglect of duty, or for any other  
299 sufficient cause. Vacancies in the membership of the board shall  
300 be filled for the unexpired term by appointment by the Governor as  
301 provided in Section 73-13-5.

302 **SECTION 7.** Section 73-13-13, Mississippi Code of 1972, is  
303 reenacted and amended as follows:

304 73-13-13. The board shall hold at least two (2) regular  
305 meetings each year, in the first and third calendar quarters.  
306 Special meetings shall be held at such time as the regulations of  
307 the board may provide. Notice of all meetings shall be given in  
308 such manner as the regulations of the board may provide. The  
309 board shall elect annually, at a regular or special meeting, the  
310 following officers: a president, a vice president, and a  
311 secretary. A quorum of the board shall consist of not less than  
312 five (5) members.

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

315 73-13-15. The board shall have the power to adopt and amend  
316 all regulations and rules of procedure, not inconsistent with the  
317 Constitution and laws of this state, which may be reasonably

318 necessary for the proper performance of its duties and the  
319 regulations of the proceedings before it. The board shall adopt  
320 and have an official seal. It shall not be required to post bond  
321 on appeals. The board shall have the further power and authority  
322 to:

323 (a) Establish standards of conduct and ethics;

324 (b) Institute proceedings in its own name;

325 (c) Promulgate rules restricting competitive bidding;

326 (d) Promulgate rules limiting or restricting

327 advertising;

328 (e) Promulgate rules requiring a demonstration of

329 continuing education;

330 (f) Adopt and promulgate reasonable bylaws and rules

331 and regulations necessary or appropriate for the proper

332 fulfillment of its duties under state laws pertaining thereto;

333 (g) Provide for the enforcement of and to enforce the

334 laws of the State of Mississippi and, in particular, the

335 provisions of this chapter, and the bylaws, rules and regulations

336 of the board;

337 (h) Provide by appropriate rules and regulations,

338 within the provisions of this chapter, a system for taking the

339 disciplinary actions provided for in Section 73-13-37, including

340 the imposition of fines as provided therein; \* \* \*

341 (i) Investigate, prosecute or initiate prosecution for

342 violation of the laws of this state pertaining to the practices of

343 engineering and \* \* \* surveying, or matters affecting the rights

344 and duties or otherwise related thereto; and

345 (j) Adopt rules setting forth qualifications and

346 standards of practice for firms.

347 In carrying into effect the provisions of Sections 73-13-1  
348 through 73-13-105, the board, under the hand of its president or  
349 secretary and the seal of the board may subpoena witnesses and  
350 compel their attendance, and also may require the production of

351 books, papers, documents, etc., in any case involving the  
352 disciplinary actions provided for in Section 73-13-37 or 73-13-89  
353 or practicing or offering to practice without licensure. Any  
354 member of the board may administer oaths or affirmations to  
355 witnesses appearing before the board. If any person shall refuse  
356 to obey any subpoena so issued, or shall refuse to testify or  
357 produce any books, papers or documents, the board may present its  
358 petition to such authority as may have jurisdiction, setting forth  
359 the facts, and thereupon such authority shall, in a proper case,  
360 issue its subpoena to such person, requiring his attendance before  
361 such authority and there to testify or to produce such books,  
362 papers, and documents, as may be deemed necessary and pertinent by  
363 the board. Any person failing or refusing to obey the subpoena or  
364 order of the said authority may be proceeded against in the same  
365 manner as for refusal to obey any other subpoena or order of the  
366 authority.

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

369       73-13-17. (1) The board shall keep an account of all monies  
370 derived from the operation of Sections 73-13-1 through 73-13-105.  
371 All fees and any other monies received by the board shall be  
372 deposited in a special fund that is created in the State Treasury  
373 and shall be used for the implementation and administration of  
374 Sections 73-13-1 through 73-13-105 when appropriated by the  
375 Legislature for such purpose. The monies in the special fund  
376 shall be subject to all provisions of the state budget laws that  
377 are applicable to special fund agencies, and disbursements from  
378 the special fund shall be made by the State Treasurer only upon  
379 warrants issued by the State Fiscal Officer upon requisitions  
380 signed by the executive director of the board and countersigned by  
381 the secretary of the board. Any interest earned on this special  
382 fund shall be credited by the State Treasurer to the fund and  
383 shall not be paid into the State General Fund. Any unexpended

384 monies remaining in the special fund at the end of a fiscal year  
385 shall not lapse into the State General Fund. An amount not less  
386 than the most recent fiscal year's appropriation shall be retained  
387 as a reserve in this special fund and shall not be subject to  
388 transfer to the general fund. The State Auditor shall audit the  
389 financial affairs of the board and the transactions involving the  
390 special fund at least once a year in the same manner as for other  
391 special fund agencies.

392 (2) The executive director and the secretary of the board  
393 shall give a surety bond satisfactory to the other members of the  
394 board, conditioned upon the faithful performance of their duties.  
395 The premium on said bond shall be regarded as a proper and  
396 necessary expense of the board. When any member of the board or  
397 any employee thereof is engaged on business of the board away from  
398 the principal office of the board, he shall be entitled to receive  
399 expenses as authorized in Section 25-3-41, and members of the  
400 board shall be entitled to per diem in an amount not to exceed  
401 that authorized in Section 25-3-69, all as approved by the board.

402 (3) The board shall employ an executive director and may  
403 employ such clerical or other assistants as are necessary for the  
404 proper performance of its work, and may make expenditures for any  
405 purpose which in the opinion of the board are reasonably necessary  
406 for the proper performance of its duties under this chapter.

407 **SECTION 10.** Section 73-13-19, Mississippi Code of 1972, is  
408 reenacted and amended as follows:

409 73-13-19. The board shall keep a record of its proceedings  
410 and a register of all applications for licensure, which register  
411 shall show (a) the name, age and residence of such applicant, (b)  
412 the date of the application, (c) the place of business of such  
413 applicant, (d) his educational and other qualifications, (e)  
414 whether or not an examination was required, (f) whether the  
415 applicant was rejected, (g) whether a certificate of licensure was

416 granted, (h) the date of the action of the board, and (i) such  
417 other information as may be deemed necessary by the board.

418 The records of the board shall be prima facie evidence of the  
419 proceedings of the board set forth therein, and a transcript  
420 thereof, duly certified by the executive director of the board  
421 under seal, shall be admissible in evidence with the same force  
422 and effect as if the original were produced.

423 Annually, on or before March 15, the board shall submit to  
424 the Governor a report of its transactions of the preceding year,  
425 and shall file with the Secretary of State a copy of such report  
426 of the board, attested by affidavits of its president and its  
427 secretary.

428 **SECTION 11.** Section 73-13-21, Mississippi Code of 1972, is  
429 reenacted and amended as follows:

430 73-13-21. A roster showing the names and places of business  
431 or residence of all licensed professional engineers and licensed  
432 professional \* \* \* surveyors and licensed firms shall be prepared  
433 biennially by the board. \* \* \*

434 \* \* \*

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

437 73-13-23. (1) (a) The following shall be considered as  
438 minimum evidence satisfactory to the board that the applicant is  
439 qualified for licensure as a professional engineer:

440 \* \* \* Graduation in an engineering curriculum of four (4)  
441 years or more from a school or college approved by the board as of  
442 satisfactory standing or graduation in an engineering, engineering  
443 technology, or related science curriculum of four (4) scholastic  
444 years from a school or college other than those approved by the  
445 board plus a graduate degree in an engineering curriculum from a  
446 school or college wherein the same engineering curriculum at the  
447 undergraduate level is approved by the board as of satisfactory  
448 standing; a specific record of four (4) years of qualifying

449 engineering experience indicating that the applicant is competent  
450 to practice engineering (in counting years of experience, the  
451 board at its discretion may give credit not in excess of three (3)  
452 years for satisfactory graduate study in engineering), and the  
453 successful passing of examinations in engineering as prescribed by  
454 the board.

455 \* \* \*

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

458 \* \* \*

459 (c) The mere execution, as a contractor, of work  
460 designed by a professional engineer, or the supervision of the  
461 construction of such work as a foreman or superintendent shall not  
462 be deemed to be the practice of engineering.

463 (d) Any person having the necessary qualifications  
464 prescribed in Sections 73-13-1 through 73-13-45 to entitle him to  
465 licensure shall be eligible for such licensure although he may not  
466 be practicing his profession at the time of making his  
467 application.

468 (e) No person shall be eligible for licensure as a  
469 professional engineer who is not of good character and reputation  
470 or who presents claims in support of his application which contain  
471 major discrepancies.

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

475 (a) Graduation in an engineering curriculum of four (4)  
476 scholastic years or more from a school or college approved by the  
477 board as of satisfactory standing or graduation in an engineering,  
478 engineering technology, or related science curriculum of four (4)  
479 scholastic years from a school or college other than those  
480 approved by the board plus a graduate degree in an engineering  
481 curriculum from a school or college wherein that same engineering

482 curriculum at the undergraduate level is approved by the board as  
483 of satisfactory standing; and

484 (b) Successfully passing a written examination in the  
485 fundamental engineering subjects.

486 **SECTION 13.** Section 73-13-25, Mississippi Code of 1972, is  
487 reenacted and amended as follows:

488 73-13-25. Applications for enrollment as an engineer intern  
489 or for licensure as a professional engineer shall be on the forms  
490 prescribed and furnished by the board, shall contain statements  
491 made under oath, showing the applicant's education and detailed  
492 summary of the applicant's qualifying experience. Applications  
493 for licensure or relicensure as a professional engineer shall also  
494 contain not less than five (5) references, of whom three (3) or  
495 more shall be engineers having personal knowledge of the  
496 applicant's engineering experience.

497 The application fee for licensure as a professional engineer  
498 shall be determined by the board but shall not exceed One Hundred  
499 Fifty Dollars (\$150.00), which fee shall accompany the  
500 application.

501 The application fee for enrollment as an engineer intern  
502 shall be determined by the board but shall not exceed Fifty  
503 Dollars (\$50.00), which fee shall accompany the application.  
504 Whenever an applicant is cited to an examination or reexamination,  
505 an additional fee equal to the actual cost of the examination  
506 shall be paid by the applicant.

507 Each application or filing made under this section shall  
508 include the social security number(s) of the applicant in  
509 accordance with Section 93-11-64, Mississippi Code of 1972.

510 **SECTION 14.** Section 73-13-27, Mississippi Code of 1972, is  
511 reenacted and amended as follows:

512 73-13-27. Examinations shall be required for enrollment as  
513 an engineer intern and for licensure as a professional engineer.

514 The examinations shall be held at such time and place as the board  
515 may determine.

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

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

522 73-13-29. The board shall issue a certificate of licensure  
523 upon payment of licensure fee as provided for in Sections 73-13-1  
524 through 73-13-45, to any applicant who, in the opinion of the  
525 board, has satisfactorily met all the requirements of said  
526 sections. In the case of a licensed engineer, the certificate  
527 shall authorize the "practice of engineering." In the case of an  
528 engineer intern, the certificate shall state that the applicant  
529 has successfully passed the examination in fundamental engineering  
530 subjects required by the board and has been enrolled as an  
531 "engineer intern." Certificates shall show the full name, shall  
532 have a serial number, and shall be signed by the president and the  
533 secretary of the board under seal of the board.

534 The issuance of a certificate of licensure by this board  
535 shall be prima facie evidence that the person named therein is  
536 entitled to all the rights and privileges of a registered  
537 professional engineer while the said certificate remains unrevoked  
538 or unexpired.

539 Before engaging in the practice of the profession, each  
540 licensee hereunder shall upon licensure obtain a seal of the  
541 design authorized by the board, bearing the licensee's name and  
542 the legend "licensed professional engineer." Plans,  
543 specifications and reports prepared by a licensee shall be stamped  
544 with the seal by the licensee during the life of the licensee's  
545 certificate, but it shall be unlawful for anyone to stamp or seal  
546 any documents with the seal after the certificate of the licensee



547 named thereon is expired or revoked, or while the certificate is  
548 suspended. It shall be unlawful for anyone other than the  
549 licensee to whom the seal has been issued to stamp or seal any  
550 document utilizing such seal.

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

553 73-13-31. Certificates of licensure shall expire on the last  
554 day of the month of December following their issuance or renewal  
555 and shall become invalid on that date unless renewed. It shall be  
556 the duty of the board to notify every person licensed under this  
557 chapter of the date of the expiration of his certificate and the  
558 amount of the fee that shall be required for its renewal for one  
559 (1) year. Such notice shall be sent by first class mail to the  
560 last known address of the licensee at least one (1) month in  
561 advance of the date of the expiration of said certificate.  
562 Renewal may be effected at any time during the month of December  
563 by the payment of a fee, as determined by the board, not to exceed  
564 One Hundred Dollars (\$100.00). A person who is licensed as a  
565 professional engineer and as a professional \* \* \* surveyor may  
566 effect both renewals by the payment of a fee not to exceed Two  
567 Hundred Dollars (\$200.00). The failure on the part of any  
568 licensee to renew his certificate annually in the month of  
569 December as required above, shall not deprive such person of the  
570 right of renewal, but the fee to be paid for the renewal of a  
571 certificate after the month of December shall be increased ten  
572 percent (10%) for each month, or fraction of a month that payment  
573 of renewal is delayed; provided, however, that the maximum fee for  
574 delayed renewal shall not exceed five (5) times the normal renewal  
575 fee. A state agency or any of the state's political subdivisions,  
576 such as a county or municipality, may pay the renewal fee of any  
577 licensee who is a full-time employee; provided, however, that any  
578 licensee who permits his/her renewal fee to be paid from any  
579 public funds shall not perform engineering or \* \* \* surveying

580 services for a fee or other emoluments for the public or for any  
581 other public entity. If a certificate has expired for six (6)  
582 months or more, the licensee shall be required to submit a new  
583 application, paying back fees and submitting proof of continuing  
584 professional competency compliance. If the certificate has  
585 expired for five (5) years or more, in addition to submitting a  
586 new application and proof of continuing professional competency  
587 compliance, reexamination in the principles and practice may be  
588 required. The reexamination requirement may be waived by the  
589 board provided the applicant has continued to practice in another  
590 jurisdiction from the date of expiration of his certificate.

591 **SECTION 17.** Section 73-13-33, Mississippi Code of 1972, is  
592 reenacted and amended as follows:

593 73-13-33. All professional engineers, licensed in accordance  
594 with the provisions of Chapter 56 of the Laws of Mississippi of  
595 1928, Extraordinary Session, and as amended under Senate Bill No.  
596 383, Chapter 131, Laws of 1940, and whose certificates of  
597 licensure are in effect at the time of passage of Sections 73-13-1  
598 through 73-13-45, shall be entitled to all the rights and  
599 privileges of a licensed professional engineer as provided for in  
600 those sections, while the said certificate remains unrevoked or  
601 unexpired.

602 **SECTION 18.** Section 73-13-35, Mississippi Code of 1972, is  
603 reenacted and amended as follows:

604 73-13-35. The board may, upon application therefor and the  
605 payment of a fee in accordance with Section 73-13-25, issue a  
606 certificate of licensure as a professional engineer to any person  
607 who holds a certificate of qualification or licensure issued to  
608 him by proper authority of any state or territory or possession of  
609 the United States, or of any country, provided that the  
610 applicant's qualifications meet the requirements of Sections  
611 73-13-1 through 73-13-45 and the rules established by the board.

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

614           73-13-37. (1) The board, upon satisfactory proof and in  
615 accordance with the provisions of this chapter and the  
616 implementing regulations of the board pertaining thereto, is  
617 authorized to take the disciplinary actions provided for  
618 hereinafter against any person or firm practicing engineering or  
619 surveying, including nonregistrants, for any of the following  
620 reasons:

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

625           (b) Fraud, deceit or misrepresentation in obtaining a  
626 certificate of licensure;

627           (c) Gross negligence, malpractice or incompetency;

628           (d) Any professional misconduct, as defined by the  
629 board through bylaws, rules and regulations, and standards of  
630 conduct and ethics;

631           (e) Practicing or offering to practice engineering on  
632 an expired certificate or while under suspension or revocation of  
633 certificate unless said suspension or revocation be abated through  
634 probation, as provided for hereinafter; or

635           (f) Addiction to or dependence on alcohol or other  
636 habit-forming drugs or being an habitual user of alcohol,  
637 narcotics, barbiturates, amphetamines, hallucinogens, or other  
638 drugs having similar effect.

639           (2) Any person may prefer charges against any other person  
640 practicing engineering or surveying, including nonlicensees, for  
641 committing any of the acts set forth in subsection (1). Such  
642 charges shall be sworn to, either upon actual knowledge or upon  
643 information and belief, and shall be filed with the board. In the  
644 event any person certified under Sections 73-13-1 through 73-13-45

645 is expelled from membership in any Mississippi professional  
646 engineering society or association, the board shall thereafter  
647 cite said person to appear at a hearing before the board and to  
648 show cause why disciplinary action should not be taken against  
649 him.

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

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

663 Notice on a firm shall be had by notice on the principal or  
664 officer designated by the firm as having management or supervision  
665 of the engineering/surveying practice, or on the registered agent  
666 in the case of a corporation not domiciled in Mississippi.

667 (3) At any hearing held hereunder, the board shall have the  
668 power to subpoena witnesses and compel their attendance and may  
669 also require the production of books, papers, documents, etc., as  
670 provided elsewhere in this chapter. The board is authorized to  
671 designate or secure a hearing officer to conduct the hearing. All  
672 evidence shall be presented under oath, which may be administered  
673 by any member of the board, and thereafter the proceedings may, if  
674 necessary, be transcribed in full by the court reporter and filed  
675 as part of the record in the case. Copies of such transcriptions  
676 may be provided to any party to the proceedings at a cost to be  
677 fixed by the board.

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

682 Where in any proceeding before the board any witness shall  
683 fail or refuse to attend upon subpoena issued by the board, shall  
684 refuse to testify or shall refuse to produce any books and papers,  
685 the production of which is called for by the subpoena, the  
686 attendance of such witness and the giving of his testimony and the  
687 production of the books and papers shall be enforced by any court  
688 of competent jurisdiction of this state in the manner provided for  
689 the enforcement of attendance and testimony of witnesses in civil  
690 cases in the courts of this state.

691 The accused shall have the right to be present at the hearing  
692 in person, by counsel or other representative, or both. The board  
693 is authorized to continue or recess the hearing as may be  
694 necessary.

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

702 If a majority of the board finds the accused guilty of the  
703 charges filed, the board may: (a) issue a public or private  
704 reprimand; (b) require the guilty party to complete a course or  
705 courses, approved by the board, in ethics or other appropriate  
706 subjects; (c) suspend or revoke the certificate of the accused, if  
707 the accused is a licensee; and/or (d) in lieu of or in addition to  
708 such reprimand, course completion, suspension or revocation,  
709 assess and levy upon the guilty party a monetary penalty of not

710 less than One Hundred Dollars (\$100.00) nor more than Five  
711 Thousand Dollars (\$5,000.00) for each violation.

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

718 When payment of a monetary penalty assessed and levied by the  
719 board in accordance with this section is not paid when due, the  
720 board shall have the power to institute and maintain proceedings  
721 in its name for enforcement of payment in the chancery court of  
722 the county and judicial district of residence of the guilty party  
723 and if the guilty party be a nonresident of the State of  
724 Mississippi, such proceedings shall be in the Chancery Court of  
725 the First Judicial District of Hinds County, Mississippi.

726 (6) When the board has taken a disciplinary action under  
727 this section, the board may, in its discretion, stay such action  
728 and place the guilty party on probation for a period not to exceed  
729 one (1) year upon the condition that the guilty party shall not  
730 further violate either the laws of the State of Mississippi  
731 pertaining to the practice of engineering or the bylaws, rules and  
732 regulations, or standards of conduct and ethics promulgated by the  
733 board.

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

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

743           (9) The board, for sufficient cause, may reissue a revoked  
744 certificate of licensure or authority whenever a majority of the  
745 board members vote to do so.

746           (10) Any person or firm aggrieved by an action of the board  
747 denying or revoking his certificate of licensure or authority or  
748 relicensure as a professional engineer or his certificate of  
749 enrollment as an engineer intern, or who is aggrieved by the  
750 action of the board as a result of disciplinary proceedings  
751 conducted under this section may appeal therefrom to the chancery  
752 court of either the county wherein the appellant resides or the  
753 Chancery Court of the First Judicial District of Hinds County, at  
754 the election of the appellant. If the appellant is a nonresident  
755 of this state, the appeal shall be made to the Chancery Court of  
756 the First Judicial District of Hinds County. Such appeal shall be  
757 perfected before the board by the filing with the board of a  
758 notice of appeal to the chancery court. The court shall require a  
759 bond in an amount not to exceed One Thousand Dollars (\$1,000.00)  
760 conditioned to pay all costs which may be adjudged against the  
761 appellant. The notice of appeal shall be filed not later than  
762 thirty (30) days after the decision of the board is forwarded to  
763 the guilty party, as provided hereinabove.

764           All appeals perfected hereunder shall not act as a  
765 supersedeas, and shall be made to the chancery court solely upon  
766 the record made before the board during the disciplinary hearing.  
767 When the appeal shall have been properly perfected as provided  
768 herein, the board shall cause the record of the proceedings  
769 conducted before it to be compiled, certified and filed with the  
770 chancery court. The briefing schedule shall be the same as for  
771 appeals to the Supreme Court. The chancery court shall be  
772 required to rule on the case within sixty (60) days of the close  
773 of briefing. All procedures and penalties provided for in this  
774 section shall apply to nonlicensees as well as licensees.

775           (11) In addition to the reasons specified in subsection (1)  
776 of this section, the board shall be authorized to suspend the  
777 certificate of licensure of any person for being out of compliance  
778 with an order for support, as defined in Section 93-11-153. The  
779 procedure for suspension of a certificate for being out of  
780 compliance with an order for support, and the procedure for the  
781 reissuance or reinstatement of a certificate suspended for that  
782 purpose, and the payment of any fees for the reissuance or  
783 reinstatement of a certificate suspended for that purpose, shall  
784 be governed by Section 93-11-157 or 93-11-163, as the case may be.  
785 Actions taken by the board in suspending a certificate when  
786 required by Section 93-11-157 or 93-11-163 are not actions from  
787 which an appeal may be taken under this section. Any appeal of a  
788 suspension of a certificate that is required by Section 93-11-157  
789 or 93-11-163 shall be taken in accordance with the appeal  
790 procedure specified in Section 93-11-157 or 93-11-163, as the case  
791 may be, rather than the procedure specified in this section. If  
792 there is any conflict between any provision of Section 93-11-157  
793 or 93-11-163 and any provision of this chapter, the provisions of  
794 Section 93-11-157 or 93-11-163, as the case may be, shall control.

795           (12) Any board member whose objectivity in a disciplinary  
796 proceeding is impaired shall either recuse himself from sitting as  
797 a member of the board in a formal disciplinary hearing in that  
798 proceeding or be disqualified therefrom. In the event a  
799 disciplinary proceeding is brought against a member or former  
800 member of the board, no member of the board who has served  
801 concurrently with the respondent in the disciplinary proceeding  
802 shall sit as a member of the board in a formal disciplinary  
803 hearing in that proceeding. If, after recusal or disqualification  
804 of board members as provided herein, there does not remain a  
805 quorum of the board to sit for a disciplinary hearing, the board  
806 shall have the power to select, in accordance with duly  
807 promulgated regulations of the board, substitute panel members



808 from slates of candidates established by the Mississippi  
809 Engineering Society and the Mississippi Association of  
810 Professional Surveyors to the extent necessary to achieve the  
811 number of panel members equivalent to a quorum of the board.  
812 Substitute panel members must meet the qualifications of board  
813 members as provided in Section 73-13-7 and shall receive  
814 compensation as provided for board members in Section 73-13-9.

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

817 73-13-39. Any person or firm who shall practice, or offer to  
818 practice, engineering in this state without being licensed in  
819 accordance with the provisions of Sections 73-13-1 through  
820 73-13-45, or any person presenting or attempting to use as his own  
821 the certificate of licensure or seal of another, or any person who  
822 shall give any false or forged evidence of any kind to the board  
823 or to any member thereof in obtaining a certificate of licensure,  
824 or any person who shall falsely impersonate any other licensee of  
825 like or different name, or any person or firm who shall attempt to  
826 use an expired or revoked certificate of licensure, or any person  
827 or firm who shall violate any of the provisions of Sections  
828 73-13-1 through 73-13-45, shall be guilty of a misdemeanor, and  
829 shall, upon conviction, be sentenced to pay a fine of not less  
830 than One Hundred Dollars (\$100.00), nor more than Five Thousand  
831 Dollars (\$5,000.00) in addition to reimbursement of investigative  
832 expenses and court costs, or suffer imprisonment for a period not  
833 exceeding three (3) months, or both. The criminal penalties  
834 provided for in this section may be assessed in addition to those  
835 civil penalties provided for in Section 73-13-37.

836 Unless licensed in accordance with the provisions of Sections  
837 73-13-1 through 73-13-45, no person shall:

838 (a) Directly or indirectly employ, use, cause to be  
839 used or make use of any of the following terms or any  
840 combinations, variations or abbreviations thereof as a

841 professional, business or commercial identification, title, name,  
842 representation, claim, asset or means of advantage or benefit:  
843 "engineer," "professional engineer," "licensed engineer,"  
844 "registered engineer," "registered professional engineer,"  
845 "licensed professional engineer," "engineered," "engineering"; or

846 (b) Directly or indirectly employ, use, cause to be  
847 used or make use of any letter, abbreviation, word, symbol,  
848 slogan, sign or any combinations or variations thereof which in  
849 any manner whatsoever tends or is likely to create any impression  
850 with the public or any member thereof that any person is qualified  
851 or authorized to practice engineering; or

852 (c) Receive any fee or compensation or the promise of  
853 any fee or compensation for performing, offering or attempting to  
854 perform any service, work, act or thing which is any part of the  
855 practice of engineering.

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

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

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

869 73-13-41. (1) Sections 73-13-1 through 73-13-45 shall not  
870 be construed to prevent or to affect:

871 (a) The practice of any other legally recognized  
872 profession or trade, such as: (i) engineers employed by  
873 contractors to supervise work on which a licensed engineer is

874 engaged; and (ii) architects who are registered under the  
875 provisions of Chapter 1 of this title;

876 (b) The work of an employee or a subordinate of a  
877 person holding a certificate of licensure under this act, provided  
878 such work does not include final designs or decisions and is done  
879 under the responsibility, checking and supervision of a person  
880 holding a certificate of licensure under Sections 73-13-1 through  
881 73-13-45;

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

885 (d) The performance of engineering services by any  
886 regular full-time employee of a manufacturing, research and  
887 development, railroad or other industrial corporation, provided:

888 (i) Such services are rendered on or in connection  
889 with existing fixed works, equipment, systems, processes or  
890 facilities owned, operated, or leased by such corporation and/or  
891 its affiliates;

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

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

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

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

906                   (vi) Such services are not required to be  
907 performed, approved or certified by a professional engineer  
908 pursuant to law or regulation, whether federal, state or local,  
909 other than Section 73-13-1 through 73-13-45 hereof or any  
910 applicable rules or regulations promulgated by the  
911 Mississippi \* \* \* Board of Licensure for Professional Engineers  
912 and \* \* \* Surveyors.

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

918           (e) The performance of engineering services with  
919 respect to utility facilities by any public utility subject to  
920 regulation by the Mississippi Public Service Commission, the  
921 Federal Communications Commission, the Federal Energy Regulatory  
922 Commission, or the Nuclear Regulatory Commission, including its  
923 parents, affiliates, subsidiaries; or by the officers and regular  
924 full-time employees of any such public utility, including its  
925 parents, affiliates or subsidiaries, provided that they are  
926 engaged solely and exclusively in performing service for such  
927 public utility and/or its parents, affiliates or subsidiaries, and  
928 as long as such services comply with all standard operating  
929 procedures and requirements specified by the employee's company or  
930 corporation. This exemption shall not extend to: (i) the  
931 practice of engineering performed by public utilities or their  
932 officers or employees when such services are rendered to  
933 nonaffiliated third parties in exchange for compensation other  
934 than that received from their employer, or the use of any name,  
935 title or words which tend to convey the impression that a  
936 nonregistrant is offering engineering services to the public; and  
937 (ii) services which are required to be performed, approved or  
938 certified by a professional engineer pursuant to law or regulation

939 whether federal, state or local, other than Sections 73-13-1  
940 through 73-13-45 hereof or any applicable rules or regulations  
941 promulgated by the Mississippi \* \* \* Board of Licensure for  
942 Professional Engineers and \* \* \* Surveyors.

943 It is further stated that this subsection (e) is intended to  
944 codify the policy and practices of the board at the time of  
945 enactment of \* \* \* Senate Bill No. 2380, 1999 Regular Session  
946 [Laws, 1999, Chapter 534], and that any ambiguities in this  
947 subsection should be construed in accordance with this intent.

948 (f) The practice of engineering shall not include the  
949 work ordinarily performed by persons who operate or maintain  
950 machinery, equipment, water plants, light plants, sewage plants  
951 and solid waste disposal facilities.

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

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

964 73-13-43. As of January 1, 2005, no corporation, firm or  
965 partnership may engage in the practice of professional engineering  
966 in this state unless it has been issued a certificate of authority  
967 by the board. In order to qualify for a certificate of authority,  
968 a corporation, firm or partnership must have at least one (1)  
969 Mississippi-licensed professional engineer as a principal officer  
970 or partner of the firm who has management responsibility for such  
971 practice.

972       The board shall have the authority to promulgate rules and  
973 regulations setting procedures, standards and other requirements  
974 for issuing and maintaining a certificate of authority for  
975 corporations, firms or partnerships practicing engineering in the  
976 State of Mississippi.

977       Applications for a certificate of authority shall be on the  
978 forms prescribed and furnished by the board, and provide all the  
979 information required by said board. The board shall establish a  
980 fee for the certificate of authority application, not to exceed  
981 Two Hundred Fifty Dollars (\$250.00). Any corporation, firm or  
982 partnership having the necessary qualifications as prescribed  
983 herein and the rules and regulations of the board shall be issued  
984 a certificate of authority for said corporation, firm or  
985 partnership to practice engineering and to contract and collect  
986 fees for furnishing this service.

987       Each certificate of authorization will expire on December 31  
988 of each year. It shall be the duty of the board to notify every  
989 corporation, firm or partnership holding a certificate of  
990 authority under Sections 73-13-1 through 73-13-45 of the date of  
991 the expiration of the certificate and the amount of the fee that  
992 shall be required for its renewal for one (1) year. The renewal  
993 fee shall not exceed One Hundred Fifty Dollars (\$150.00);  
994 penalties for late renewal shall be ten percent (10%) per month  
995 that payment is delayed. Additionally, if any of the information  
996 on the initial or any subsequent renewal application changes for  
997 the corporation, firm or partnership, said corporation, firm or  
998 partnership shall notify the board in the form and manner  
999 prescribed by the board within thirty (30) days of the change.

1000       Effective January 1, 2005, the Secretary of State shall not  
1001 issue a certificate of incorporation, licensure or authorization  
1002 to an applicant or licensure as a foreign firm to a corporation,  
1003 firm or partnership which includes in its name, or among the  
1004 objectives for which it is established, any of the words,

1005 "engineer," "engineering," or any modification or derivation  
1006 thereof, unless the board has issued for said applicant a  
1007 certificate of authority or a letter indicating the eligibility of  
1008 such applicant to receive such a certificate. The corporation,  
1009 firm or partnership applying shall supply such certificate or  
1010 letter from the board with its application for incorporation,  
1011 licensure or authorization to the Secretary of State.

1012 An engineer who renders occasional, part-time or consulting  
1013 engineering services to or for a corporation, firm or partnership  
1014 may not, for the purposes of this section, be designated as being  
1015 responsible for the professional activities of the firm.

1016 No such corporation, firm or partnership shall be relieved of  
1017 responsibility for the conduct or acts of its agents, employees,  
1018 officers, partners, members or managers by reason of its  
1019 compliance with the provisions of this section. No individual  
1020 practicing engineering under this chapter shall be relieved of  
1021 responsibility for engineering services performed by reason of  
1022 employment or other relationship with a firm holding an  
1023 authorization certificate.

1024 **SECTION 23.** Section 73-13-45, Mississippi Code of 1972, is  
1025 reenacted and amended as follows:

1026 73-13-45. (1) (a) Neither the state, nor any of its  
1027 political subdivisions, such as a county, city or town, shall  
1028 award construction contracts of any public work involving the  
1029 practice of engineering or architecture unless the plans,  
1030 specifications and estimates have been prepared and such work  
1031 supervised by a registered professional engineer or architect;  
1032 provided, that nothing in this subsection shall be held to apply  
1033 to such public work wherein the expenditure does not exceed Fifty  
1034 Thousand Dollars (\$50,000.00); and provided further, that nothing  
1035 in this subsection shall apply to any municipality wherein such  
1036 public work is not financed in whole or in part through the  
1037 issuance of bonds and let to public contract.

1038           (b) The state and any of its political subdivisions,  
1039 such as a county, city or town, may engage in construction of  
1040 public buildings involving the practice of engineering or  
1041 architecture and using political subdivision work forces without  
1042 the supervision of a licensed professional engineer or architect,  
1043 provided that the total cost of the public building does not  
1044 exceed One Hundred Thousand Dollars (\$100,000.00). This paragraph  
1045 (1)(b) shall not supersede any rules and regulations promulgated  
1046 by the State Department of Health and the Department of  
1047 Environmental Quality.

1048           (2) (a) In the awarding of public contracts for  
1049 professional engineering services, preference shall be given to  
1050 resident professional engineers over those nonresident  
1051 professional engineers domiciled in a state having laws which  
1052 grant a preference to the professional engineers who are residents  
1053 of that state. Nonresident professional engineers shall be  
1054 awarded Mississippi public contracts only on the same basis as the  
1055 nonresident professional's state awards contracts to Mississippi  
1056 professional engineers under similar circumstances. When a  
1057 nonresident professional engineer submits a proposal for a public  
1058 project, he shall attach thereto a copy of his resident state's  
1059 current statute, resolution, policy, procedure or executive order  
1060 pertaining to such state's treatment of nonresident professional  
1061 engineers. Resident professional engineers actually domiciled in  
1062 Mississippi, be they corporate, individuals or partnerships, shall  
1063 be granted preference over nonresidents in the awarding of  
1064 contracts in the same manner and to the same extent as provided by  
1065 the laws of the state of domicile of the nonresident. As used in  
1066 this section, the term "resident professional engineer" includes a  
1067 nonresident person, firm or corporation that has been qualified to  
1068 do business in this state and has maintained a permanent full-time  
1069 office in the State of Mississippi for not less than two (2) years



1070 prior to submitting a proposal for a public project, and the  
1071 subsidiaries and affiliates of such a person, firm or corporation.

1072 (b) The provisions of this subsection shall not apply  
1073 to any contract for any project upon which federal funds would be  
1074 withheld because of the preference requirements of this  
1075 subsection.

1076 (c) Any contract, agreement or arrangement for  
1077 professional engineering services negotiated, made or entered  
1078 into, directly or indirectly, by the state, counties,  
1079 municipalities or any political subdivision thereof, or by any  
1080 special districts, which is in any way in violation of the  
1081 provisions of this subsection is hereby declared to be void as  
1082 contrary to the public policy of this state and shall not be given  
1083 effect or enforced by any court of this state or by any of its  
1084 officers or employees.

1085 (d) Nothing in this subsection shall affect the  
1086 validity of any contract in existence prior to July 1, 1989.

1087 (e) For purposes of this section, the term  
1088 "professional engineering services" means those within the scope  
1089 of the practice of professional engineering as defined by Sections  
1090 73-13-1 through 73-13-45, or those performed by any registered  
1091 professional engineer in connection with professional employment  
1092 or practice.

1093 **SECTION 24.** Section 73-13-71, Mississippi Code of 1972, is  
1094 reenacted and amended as follows:

1095 73-13-71. (1) The term "board," as used in Sections  
1096 73-13-71 through 73-13-105, shall mean the \* \* \* Board of  
1097 Licensure for Professional Engineers and \* \* \* Surveyors as  
1098 provided for in Section 73-13-5 of this chapter.

1099 (2) The term "professional \* \* \* surveyor," as used in  
1100 Sections 73-13-71 through 73-13-105, shall mean a person who  
1101 engages in the practice of \* \* \* surveying as hereinafter defined,  
1102 whether in an individual capacity, or in behalf of or as an

1103 employee of any state, county or municipal authority of the State  
1104 of Mississippi.

1105       (3) The term "\* \* \* surveyor intern," as used in Sections  
1106 73-13-71 through 73-13-105, shall mean a candidate for licensure  
1107 as a professional \* \* \* surveyor who has successfully passed the  
1108 fundamentals of land surveying examination, has met the  
1109 requirements of the board for enrollment, has received from the  
1110 board a certificate stating that he has successfully passed this  
1111 portion of the professional land surveying examinations and has  
1112 been enrolled as a \* \* \* surveyor intern.

1113       (4) The practice of "\* \* \* surveying," within the meaning  
1114 and intent of Sections 73-13-71 through 73-13-105, shall mean  
1115 providing professional services such as consultation,  
1116 investigation, testimony evaluation, expert technical testimony,  
1117 planning, mapping, assembling and interpreting reliable scientific  
1118 measurement and information relative to the location, size, shape  
1119 or physical features of the earth, improvements on the earth, the  
1120 space above the earth, or any part of the earth, utilization and  
1121 development of these facts and interpretation into an orderly  
1122 survey map, plan or report and in particular, the retracement of  
1123 or the creating of land boundaries and descriptions of real  
1124 property.

1125       The practice of surveying includes, but is not limited to,  
1126 any one or more of the following:

1127           (a) Locating, relocating, establishing, reestablishing,  
1128 laying out or retracting any property boundary or easement.

1129           (b) Making any survey for the subdivision of any tract  
1130 of land, including rights-of-way and easements.

1131           (c) Determining, by the use of principles of surveying,  
1132 the position for any survey monument or reference point; or  
1133 setting, resetting or replacing any such monument or reference  
1134 point, commonly known as control surveys.

1135           (d) Creating, preparing or modifying electronic or  
1136 computerized data, including land information systems and  
1137 geographic information systems, relative to the performance of the  
1138 activities in the above-described paragraphs (a) through (c).

1139           **SECTION 25.** Section 73-13-73, Mississippi Code of 1972, is  
1140 reenacted and amended as follows:

1141           73-13-73. No person shall practice \* \* \* surveying without  
1142 having first been duly and regularly licensed by the \* \* \* Board  
1143 of Licensure for Professional Engineers and \* \* \* Surveyors as a  
1144 professional \* \* \* surveyor as required by Sections 73-13-71  
1145 through 73-13-105, nor shall any person practice \* \* \* surveying  
1146 whose authority to practice is revoked by the said board.

1147           \* \* \* The practice of \* \* \* surveying, which must be  
1148 performed by or under the direct supervision of a  
1149 professional \* \* \* surveyor and each map or drawing of which must  
1150 be stamped with the seal of said licensee as provided in Section  
1151 73-13-83, includes, but is not limited to, the following:  
1152 property and boundary surveys; subdivision surveys and plats;  
1153 public land surveys; easement surveys; right-of-way surveys; lease  
1154 surveys; and all other surveys that require the establishment or  
1155 reestablishment of property boundaries.

1156           Duties within both the practice of \* \* \* surveying and the  
1157 practice of engineering, which must be performed by or under the  
1158 direct supervision of a professional \* \* \* surveyor or a  
1159 professional engineer and each map, drawing or report of which  
1160 must be stamped with the seal of said licensee as provided in  
1161 Sections 73-13-29 and 73-13-83, include, but are not limited to,  
1162 the following:

1163           (a) Determining the configuration or contour of the  
1164 earth's surface or the position of fixed objects thereon, commonly  
1165 known as topographical surveys and as-built surveys (excluding the  
1166 location of property boundaries);

1167           (b) Performing geodetic surveying which includes  
1168 surveying for determination of the size and shape of the earth  
1169 utilizing angular and linear measurements through spatially  
1170 oriented spherical geometry;

1171           (c) Determining, by the use of principles of surveying,  
1172 the position for any survey control (nonboundary) monument or  
1173 reference point; or setting, resetting or placing any such  
1174 monument or reference point; and

1175           (d) Creating, preparing or modifying electronic or  
1176 computerized data, including land information systems, and  
1177 geographic information systems, relative to the performance of the  
1178 activities in the above-described paragraphs (a) through (c).

1179           **SECTION 26.** Section 73-13-75, Mississippi Code of 1972, is  
1180 reenacted and amended as follows:

1181           73-13-75. The Mississippi \* \* \* Board of Licensure for  
1182 Professional Engineers and \* \* \* Surveyors is hereby authorized  
1183 and empowered to examine applicants for registration to  
1184 practice \* \* \* surveying; to license and issue certificates of  
1185 licensure to all applicants whom it deems qualified to  
1186 practice \* \* \* surveying in accordance with Sections 73-13-71  
1187 through 73-13-105; and to revoke certificates of licensure for  
1188 just cause as provided for in Sections 73-13-71 through 73-13-105.

1189           **SECTION 27.** Section 73-13-77, Mississippi Code of 1972, is  
1190 reenacted and amended as follows:

1191           73-13-77. (1) The following shall be considered as minimum  
1192 evidence satisfactory to the board that the applicant is qualified  
1193 for licensure as a professional \* \* \* surveyor:

1194           (a) The successful completion of a curriculum of two  
1195 (2) scholastic years or more from a school or college approved by  
1196 the board as of satisfactory standing, including the completion of  
1197 approved courses in surveying and related subjects; a specific  
1198 record of three (3) years of qualifying \* \* \* surveying experience  
1199 indicating that the applicant is competent to practice \* \* \*

1200 surveying; and successfully passing examinations in surveying  
1201 prescribed by the board; or

1202 (b) A specific record of seven (7) years' or more  
1203 experience in \* \* \* surveying work of a character satisfactory to  
1204 the board and indicating that the applicant is competent to  
1205 practice \* \* \* surveying; and successfully passing examinations in  
1206 surveying prescribed by the board.

1207 \* \* \*

1208 (2) The following shall be considered as minimum evidence  
1209 satisfactory to the board that the applicant is qualified for  
1210 certification as a \* \* \* surveyor intern:

1211 (a) The successful completion of two (2) scholastic  
1212 years or more from a school or college approved by the board as of  
1213 satisfactory standing, including the completion of approved  
1214 courses in \* \* \* surveying and related subjects, and successfully  
1215 passing an examination in the fundamentals of land surveying; or

1216 (b) A specific record of three (3) years or more of  
1217 qualifying \* \* \* surveying experience, and successfully passing an  
1218 examination in the fundamentals of land surveying.

1219 (3) No person shall be eligible for licensure as a  
1220 professional surveyor who is not of good character and reputation.

1221 **SECTION 28.** Section 73-13-79, Mississippi Code of 1972, is  
1222 reenacted and amended as follows:

1223 73-13-79. Application for enrollment as a \* \* \* surveyor  
1224 intern or for licensure as a professional \* \* \* surveyor shall be  
1225 on forms prescribed and furnished by the board, shall contain  
1226 statements made under oath showing the applicant's education and a  
1227 detailed summary of the applicant's qualifying experience.

1228 Applications for licensure or relicensure as a professional \* \* \*  
1229 surveyor shall also contain not less than five (5) references, of  
1230 whom three (3) or more shall be professional \* \* \* surveyors  
1231 having personal knowledge of the applicant's \* \* \* surveying  
1232 experience.

1233           The application fee for licensure as a professional \* \* \*  
1234 surveyor shall be determined by the board, but shall not exceed  
1235 One Hundred Fifty Dollars (\$150.00), which fee shall accompany the  
1236 application.

1237           The application fee for enrollment as a \* \* \* surveyor intern  
1238 shall be determined by the board, but shall not exceed Fifty  
1239 Dollars (\$50.00), which fee shall accompany the application.

1240           Whenever an applicant is cited to an examination or  
1241 reexamination, an additional fee equal to the actual cost of the  
1242 examination shall be paid by the applicant.

1243           **SECTION 29.** Section 73-13-81, Mississippi Code of 1972, is  
1244 reenacted and amended as follows:

1245           73-13-81. Examinations shall be required for enrollment as  
1246 a \* \* \* surveyor intern and licensure as a professional \* \* \*  
1247 surveyor. The examinations shall be held at such time and place  
1248 as the board may determine.

1249           The scope of the examinations and the methods and procedures  
1250 shall be prescribed by the board with special reference to the  
1251 applicant's ability to exercise direct control and personal  
1252 supervision of all \* \* \* surveying functions.

1253           The board shall cite applicants to examinations in accordance  
1254 with its rules and regulations.

1255           **SECTION 30.** Section 73-13-83, Mississippi Code of 1972, is  
1256 reenacted and amended as follows:

1257           73-13-83. The board shall issue a certificate, upon payment  
1258 of the required fee, to any applicant who, in the opinion of the  
1259 board, has satisfactorily met all the requirements therefor. In  
1260 the case of licensed professional \* \* \* surveyors, the certificate  
1261 shall authorize the "practice of \* \* \* surveying." In the case of  
1262 a \* \* \* surveyor intern, the certificate shall state that the  
1263 applicant has successfully passed the examination in fundamental  
1264 land surveying subjects required by the board and has been  
1265 enrolled as a "\* \* \* surveyor intern." Certificates shall show

1266 the full name of the professional \* \* \* surveyor or \* \* \* surveyor  
1267 intern, shall have a serial number and shall be signed by the  
1268 president and the secretary of the board under seal of the board.

1269 The issuance of a certificate of licensure by this board  
1270 shall be prima facie evidence that the person named therein is  
1271 entitled to all the rights and privileges of a licensed  
1272 professional \* \* \* surveyor, while the said certificate remains  
1273 unrevoked or unexpired.

1274 Each person licensed as a professional \* \* \* surveyor after  
1275 June 30, 1991, but prior to July 1, 2004, shall, upon licensure,  
1276 obtain a seal of the design authorized by the board, bearing the  
1277 licensee's name and the legend "Registered Professional Land  
1278 Surveyor." Each person licensed as a professional land surveyor  
1279 after June 30, 1991, but prior to July 1, 2004, who is also  
1280 licensed as a professional engineer in accordance with Sections  
1281 73-13-1 through 73-13-45 may also obtain one (1) seal bearing the  
1282 licensee's name and the legend "Registered Professional Engineer  
1283 and Professional Land Surveyor." Any person who, before July 1,  
1284 1991, but prior to July 1, 2004, was licensed under this chapter  
1285 as a land surveyor or as both a professional engineer and a land  
1286 surveyor may continue to use the seal or seals that he obtained  
1287 and that were authorized by the board to be used by such person  
1288 before July 1, 1991. From and after July 1, 2004, each person  
1289 licensed as a professional surveyor shall, upon licensure, obtain  
1290 a seal of the design and authorized by the board, bearing the  
1291 licensee's name and the legend "Professional Surveyor." From and  
1292 after July 1, 2004, each person licensed as a professional  
1293 surveyor, who is also licensed as a professional engineer, may  
1294 also obtain a seal bearing the licensee's name and the legend  
1295 "Professional Engineer and Professional Surveyor."

1296 Plats, maps and reports prepared by a licensee shall be  
1297 stamped with the seal during the life of the licensee's  
1298 certificate, but it shall be unlawful for anyone to stamp or seal

1299 any documents with the seal after the certificate of the licensee  
1300 named thereon has expired or been revoked or suspended. It shall  
1301 be unlawful for anyone other than the licensee to whom the seal  
1302 has been issued to stamp or seal any documents utilizing such  
1303 seal.

1304 **SECTION 31.** Section 73-13-85, Mississippi Code of 1972, is  
1305 reenacted and amended as follows:

1306 73-13-85. Certificates of licensure shall expire on the last  
1307 day of the month of December following their issuance or renewal  
1308 and shall become invalid on that date unless renewed. It shall be  
1309 the duty of the board to notify every person licensed under  
1310 Sections 73-13-71 through 73-13-105 of the date of the expiration  
1311 of his certificate and the amount of the fee that shall be  
1312 required for its renewal for one (1) year; such notice shall be  
1313 sent by first class mail to the last known address of the licensee  
1314 at least one (1) month in advance of the date of the expiration of  
1315 said certificate. Renewal may be effected at any time during the  
1316 month of December by the payment of a fee not to exceed One  
1317 Hundred Dollars (\$100.00). A person who is licensed as a  
1318 professional \* \* \* surveyor and as a professional engineer may  
1319 effect both renewals by the payment of a single fee not to exceed  
1320 Two Hundred Dollars (\$200.00). The failure on the part of any  
1321 licensee to renew his certificate annually in the month of  
1322 December as required above shall not deprive such person of the  
1323 right of renewal, but the fee to be paid for the renewal of a  
1324 certificate after the month of December shall be increased ten  
1325 percent (10%) for each month that payment of renewal is delayed;  
1326 however, the maximum fee for delayed renewal shall not exceed five  
1327 (5) times the normal renewal fee.

1328 If a certificate has expired for six (6) months or more, the  
1329 licensee shall be required to submit a new application, paying  
1330 back fees and submitting proof of continuing professional  
1331 competency compliance. If the certificate has expired for five



1332 (5) years or more, in addition to submitting a new application and  
1333 proof of continuing professional competency compliance,  
1334 reexamination in the principles and practice may be required. The  
1335 reexamination may be waived by the board provided the applicant  
1336 has continued to practice under another jurisdiction from the date  
1337 of expiration of his certificate.

1338 **SECTION 32.** Section 73-13-87, Mississippi Code of 1972, is  
1339 reenacted and amended as follows:

1340 73-13-87. The board may, upon application therefor and the  
1341 payment of a fee to be determined by the board, \* \* \* issue a  
1342 certificate of licensure as a professional \* \* \* surveyor to any  
1343 person who holds a certificate of licensure issued to him by the  
1344 proper authority of any state or territory or possession of the  
1345 United States, or of any country, provided that the applicant's  
1346 qualifications meet the requirements of Sections 73-13-71 through  
1347 73-13-105 and the rules established by the board.

1348 **SECTION 33.** Section 73-13-89, Mississippi Code of 1972, is  
1349 reenacted and amended as follows:

1350 73-13-89. The powers and duties of the board regarding  
1351 disciplinary actions against any person, including nonlicensees  
1352 accused of violating any of the laws of the State of Mississippi  
1353 regarding the practice of \* \* \* surveying or the rules,  
1354 regulations, bylaws, or standards of conduct and ethics pertaining  
1355 thereto as duly promulgated by the board, as well as the  
1356 procedures for conducting said disciplinary proceedings, the penal  
1357 sanctions available to the board in the event the charges are  
1358 established, and the procedures for appeal from such actions of  
1359 the board shall be the same as those set forth in Sections  
1360 73-13-37 and 73-13-39 regarding actions against persons charged  
1361 with similar violations related to the practice of engineering.

1362 **SECTION 34.** Section 73-13-93, Mississippi Code of 1972, is  
1363 reenacted and amended as follows:

1364           73-13-93. Any person who may feel aggrieved by an action of  
1365 the board denying or revoking his certificate of licensure or  
1366 relicensure as a professional \* \* \* surveyor or enrollment  
1367 as \* \* \* surveyor intern may appeal therefrom to the chancery  
1368 court of the county of residence of such person and, after full  
1369 hearing, the court shall make such order sustaining or reversing  
1370 the action of the board as to it may seem just and proper.  
1371 However, in case of a nonresident licensee or applicant, such  
1372 appeal shall be taken or made to the Chancery Court of the First  
1373 Judicial District of Hinds County, Mississippi.

1374           Actions taken by the board in suspending a certificate of  
1375 licensure when required by Section 93-11-157 or 93-11-163 are not  
1376 actions from which an appeal may be taken under this section. Any  
1377 appeal of a suspension of a certificate that is required by  
1378 Section 93-11-157 or 93-11-163 shall be taken in accordance with  
1379 the appeal procedure specified in Section 93-11-157 or 93-11-163,  
1380 as the case may be, rather than the procedure specified in this  
1381 section.

1382           **SECTION 35.** Section 73-13-95, Mississippi Code of 1972, is  
1383 reenacted and amended as follows:

1384           73-13-95. Any person who shall practice, or offer to  
1385 practice, \* \* \* surveying in this state without being licensed in  
1386 accordance with the provisions of Sections 73-13-71 through  
1387 73-13-105, or any person presenting or attempting to use as his  
1388 own the certificate of licensure or the seal of another, or any  
1389 person who shall give any false or forged evidence of any kind to  
1390 the board or to any member thereof in obtaining a certificate of  
1391 licensure, or any person who shall falsely impersonate any other  
1392 licensee of like or different name, or any person who shall  
1393 attempt to use an expired or revoked certificate of licensure, or  
1394 any person who shall violate any of the provisions of Sections  
1395 73-13-71 through 73-13-105, shall be guilty of a misdemeanor, and  
1396 shall, upon conviction, be sentenced to pay a fine of not less

1397 than One Hundred Dollars (\$100.00), nor more than Five Thousand  
1398 Dollars (\$5,000.00), in addition to reimbursement of investigative  
1399 expenses and court costs, or suffer imprisonment for a period of  
1400 not exceeding three (3) months, or both. The criminal penalties  
1401 provided for in this section may be assessed in addition to those  
1402 civil penalties provided for in Section 73-13-37.

1403 Unless licensed in accordance with the provisions of Sections  
1404 73-13-71 through 73-13-105, no person shall:

1405 (a) Directly or indirectly employ, use, cause to be  
1406 used or make use of any of the following terms or any combination,  
1407 variations or abbreviations thereof as a professional, business or  
1408 commercial identification, title, name, representation, claim,  
1409 asset or means of advantage or benefit: "surveyor," "professional  
1410 surveyor," "licensed surveyor," "registered surveyor," "registered  
1411 professional surveyor," "licensed professional surveyor,"  
1412 "surveyed," "surveying," "professional land surveyor," or  
1413 "licensed professional land surveyor";

1414 (b) Directly or indirectly employ, use, cause to be  
1415 used or make use of any letter, abbreviation, word, symbol,  
1416 slogan, sign or any combinations or variations thereof, which in  
1417 any manner whatsoever tends or is likely to create any impression  
1418 with the public or any member thereof that any person is qualified  
1419 or authorized to practice \* \* \* surveying; or

1420 (c) Receive any fee or compensation or the promise of  
1421 any fee or compensation for performing, offering or attempting to  
1422 perform any service, work, act or thing which is any part of the  
1423 practice of \* \* \* surveying.

1424 Any person, firm, partnership, association or corporation  
1425 which shall do, offer or attempt to do any one or more of the acts  
1426 or things set forth in items (a) through (c) of the preceding  
1427 paragraph shall be conclusively presumed and regarded as engaged  
1428 in the practice of \* \* \* surveying.

1429           It shall be the duty of all duly constituted officers of the  
1430 law of this state, or any political subdivision thereof, to  
1431 enforce the provisions of Sections 73-13-71 through 73-13-105 and  
1432 to prosecute any persons violating same. The Attorney General of  
1433 the state or his assistant shall act as legal adviser of the board  
1434 and render such legal assistance as may be necessary in carrying  
1435 out the provisions of Sections 73-13-71 through 73-13-105.

1436           **SECTION 36.** Section 73-13-97, Mississippi Code of 1972, is  
1437 reenacted and amended as follows:

1438           73-13-97. Sections 73-13-71 through 73-13-105 shall not be  
1439 construed to prevent or to affect:

1440           (a) Other professions or trades. The practice of any  
1441 other legally recognized profession or trade; or

1442           (b) Employees and subordinates. The work of an  
1443 employee or a subordinate of a person holding a certificate of  
1444 registration under Sections 73-13-71 through 73-13-105; providing  
1445 such work does not include final decisions and is done under the  
1446 direct responsibility, checking and supervision of a person  
1447 holding a certificate of licensure under Sections 73-13-71 through  
1448 73-13-105; or

1449           (c) Government officers and employees. The practice of  
1450 officers and employees of the government of the United States  
1451 while engaged within this state in the practice of \* \* \* surveying  
1452 for said government; or

1453           (d) Certain elected or appointed county surveyors. A  
1454 county surveyor as provided for in Section 135 of the Mississippi  
1455 Constitution, and Sections 19-27-1 through 19-27-35 implementing  
1456 the constitutional provision, who holds the office of county  
1457 surveyor by either election or appointment, shall be exempt,  
1458 through December 31, 1983, from the provisions of Sections  
1459 73-13-71 through 73-13-105 insofar as his statutory duties within  
1460 the boundaries of the county in which he is duly elected or  
1461 appointed are concerned. From and after January 1, 1984, such

1462 surveyor shall not be exempt from the provisions of Sections  
1463 73-13-71 through 73-13-105 unless he held the office of county  
1464 surveyor by either election or appointment on December 31, 1983;  
1465 or

1466 (e) Employees of railroad, public service and/or  
1467 utility companies. The work or practice of a regular employee of  
1468 a railroad, or a public service company or public utility, by  
1469 rendering to such company \* \* \* surveying service in connection  
1470 with its facilities which are subject to regulation, supervision  
1471 and control in order to safeguard life, health and property by the  
1472 Public Service Commission or the Mississippi Department of  
1473 Transportation of this state, shall be exempt so long as such  
1474 person is thus actually and exclusively employed and no longer; or

1475 (f) The work of a regular employee of a railroad,  
1476 rendering to the railroad \* \* \* surveying services in connection  
1477 with its facilities within the exclusive scope of his employment  
1478 provided that:

1479 (i) Any new right-of-way acquisitions for  
1480 construction of rail lines by class one railroads shall be  
1481 surveyed and platted in compliance with the Mississippi Minimum  
1482 Standards for Land Surveying by a Mississippi professional \* \* \*  
1483 surveyor; and

1484 (ii) Upon the removal of track and disposition of  
1485 an abandoned rail line the railroad shall retain and make  
1486 available upon reasonable request from Mississippi licensed  
1487 surveyors the railroad's valuation surveys for any such abandoned  
1488 rail line.

1489 **SECTION 37.** Section 73-13-99, Mississippi Code of 1972, is  
1490 reenacted and amended as follows:

1491 73-13-99. Sections 73-13-1 through 73-13-45 and 73-13-71  
1492 through 73-13-103, Mississippi Code of 1972, which create  
1493 the \* \* \* Board of Licensure for Professional Engineers and \* \* \*

1494 Surveyors and prescribe its duties and powers, shall stand  
1495 repealed as of December 31, 2014.

1496 **SECTION 38.** Section 73-13-103, Mississippi Code of 1972, is  
1497 reenacted and amended as follows:

1498 73-13-103. (1) For the purposes of this section, the term  
1499 "surveyor" means a licensed professional \* \* \* surveyor as defined  
1500 in Section 73-13-71, and any person who is employed by or under  
1501 the direct supervision of a professional \* \* \* surveyor licensed  
1502 under Sections 73-13-71 through 73-13-97.

1503 (2) A surveyor may enter in or upon public or private lands  
1504 or waters, except buildings, while in the lawful performance of  
1505 surveying duties without criminal liability for trespass; however,  
1506 a surveyor shall make a good faith attempt to announce and  
1507 identify himself and his intentions before entering upon private  
1508 property and must present documentation sufficient to identify him  
1509 as a surveyor to anyone requesting such identification.

1510 (3) The provisions of this section do not relieve a surveyor  
1511 from any civil liability that otherwise is actionable at law or in  
1512 equity, and do not relieve a surveyor from criminal liability for  
1513 trespass if the entry in or upon the property extends beyond the  
1514 property or area that is necessary to actually perform the  
1515 surveying duties.

1516 (4) Surveyors shall be personally liable for any damage  
1517 caused to private property when exercising entry under this  
1518 section. No cause of action shall lie against a landowner for  
1519 damages to a surveyor while on such lands unless the damage is  
1520 caused by the intentional tortious conduct of landowner or his  
1521 agent.

1522 **SECTION 39.** Section 73-13-105, Mississippi Code of 1972, is  
1523 amended as follows:

1524 73-13-105. As of January 1, 2005, no corporation, firm or  
1525 partnership may engage in the practice of professional surveying  
1526 in this state unless it has been issued a certificate of authority

1527 by the board. In order to qualify for a certificate of authority,  
1528 a corporation, firm or partnership must have at least one (1)  
1529 Mississippi-licensed professional surveyor as a principal officer  
1530 or partner of the firm who has management responsibility for such  
1531 practice.

1532 The board shall have the authority to promulgate rules and  
1533 regulations setting procedures, standards and other requirements  
1534 for issuing and maintaining a certificate of authority for  
1535 corporations, firms or partnerships practicing surveying in the  
1536 State of Mississippi.

1537 Applications for a certificate of authority shall be on the  
1538 forms prescribed and furnished by the board, and provide all the  
1539 information required by said board. The board shall establish a  
1540 fee for the certificate of authority application, not to exceed  
1541 Two Hundred Fifty Dollars (\$250.00). Any corporation, firm or  
1542 partnership having the necessary qualifications as prescribed  
1543 herein and the rules and regulations of the board shall be issued  
1544 a certificate of authority for said corporation, firm or  
1545 partnership to practice surveying and to contract and collect fees  
1546 for furnishing this service.

1547 Each certificate of authorization will expire on December 31  
1548 of each year. It shall be the duty of the board to notify every  
1549 corporation, firm or partnership holding a certificate of  
1550 authority under Sections 73-13-71 through 73-13-105 of the date of  
1551 the expiration of the certificate and the amount of the fee that  
1552 shall be required for its renewal for one (1) year. The renewal  
1553 fee shall not exceed One Hundred Fifty Dollars (\$150.00);  
1554 penalties for late renewal shall be ten percent (10%) per month  
1555 that payment is delayed. Additionally, if any of the information  
1556 on the initial or any subsequent renewal application changes for  
1557 the corporation, firm or partnership, said corporation, firm or  
1558 partnership shall notify the board in the form and manner  
1559 prescribed by the board within thirty (30) days of the change.

1560 Effective January 1, 2005, the Secretary of State shall not  
1561 issue a certificate of incorporation, licensure or authorization  
1562 to an applicant or licensure as a foreign firm to a corporation,  
1563 firm or partnership which includes in its name, or among the  
1564 objectives for which it is established, any of the words,  
1565 "surveyor," "surveying" or any modification or derivation thereof,  
1566 unless the board has issued for said applicant a certificate of  
1567 authority or a letter indicating the eligibility of such applicant  
1568 to receive such a certificate. The corporation, firm or  
1569 partnership applying shall supply such certificate or letter from  
1570 the board with its application for incorporation, licensure or  
1571 authorization to the Secretary of State.

1572 A surveyor who renders occasional, part-time or consulting  
1573 surveying services to or for a corporation, firm or partnership  
1574 may not, for the purposes of this section, be designated as being  
1575 responsible for the professional activities of the firm.

1576 No such corporation, firm or partnership shall be relieved of  
1577 responsibility for the conduct or acts of its agents, employees,  
1578 officers, partners, members or managers by reason of its  
1579 compliance with the provisions of this section. No individual  
1580 practicing surveying under this chapter shall be relieved of  
1581 responsibility for surveying services performed by reason of  
1582 employment or other relationship with a firm holding an  
1583 authorization certificate.

1584 **SECTION 40.** This act shall take effect and be in force from  
1585 and after July 1, 2004.