

By: Senator(s) Mettetal

To: Business and Financial  
Institutions

SENATE BILL NO. 2771

1 AN ACT TO REENACT SECTIONS 73-13-1 THROUGH 73-13-45 AND  
2 73-13-71 THROUGH 73-13-103, MISSISSIPPI CODE OF 1972, WHICH CREATE  
3 THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND  
4 LAND SURVEYORS AND PRESCRIBE ITS DUTIES AND POWERS; TO AMEND  
5 SECTION 73-13-99, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF  
6 THE REPEALER ON THOSE REENACTED SECTIONS; AND FOR RELATED  
7 PURPOSES.

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

9 **SECTION 1.** Section 73-13-1, Mississippi Code of 1972, is  
10 reenacted as follows:

11 73-13-1. In order to safeguard life, health, and property,  
12 and to promote the public welfare, any person in either public or  
13 private capacity practicing or offering to practice engineering  
14 shall hereafter be required to submit evidence that he is  
15 qualified so to practice engineering and shall be registered as  
16 hereinafter provided; and it shall be unlawful for any person to  
17 practice or to offer to practice in this state, engineering, as  
18 defined in the provisions of Sections 73-13-1 through 73-13-45, or  
19 to use in connection with his name or otherwise assume, use, or  
20 advertise any title or description tending to convey the  
21 impression that he is a professional engineer, unless such person  
22 has been duly registered under the provisions of Sections 73-13-1  
23 through 73-13-45. There is specifically reserved to engineering  
24 graduates of all universities and colleges accredited by a  
25 regional accrediting body that is recognized by the United States  
26 Department of Education, the right to disclose any college degrees  
27 received by such individuals and use the words "graduate engineer"  
28 on his stationery, business cards, and personal communications of  
29 any character.

30           **SECTION 2.** Section 73-13-3, Mississippi Code of 1972, is  
31 reenacted as follows:

32           73-13-3. The term "engineer" as used in Sections 73-13-1  
33 through 73-13-45 shall mean a professional engineer as hereinafter  
34 defined.

35           The term "professional engineer" within the meaning and  
36 intent of Sections 73-13-1 through 73-13-45 shall mean a person  
37 who has met the qualifications as required under Section  
38 73-13-23(1) and who has been issued a certificate of registration  
39 as a professional engineer.

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

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

63 be necessary to the planning, progress and completion of any  
64 engineering services.

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

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

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

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

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

92 **SECTION 3.** Section 73-13-5, Mississippi Code of 1972, is  
93 reenacted as follows:

94 73-13-5. A State Board of Registration for Professional  
95 Engineers and Land Surveyors is hereby created whose duty it shall

96 be to administer the provisions of this chapter. The board shall  
97 consist of five (5) registered professional engineers, who shall  
98 be appointed by the Governor from fifteen (15) nominees  
99 recommended by the Mississippi Engineering Society, and shall have  
100 the qualifications required by Section 73-13-7, and two (2)  
101 registered professional land surveyors who are not registered  
102 professional engineers, who shall be appointed by the Governor  
103 from six (6) nominees recommended by the Mississippi Association  
104 of Land Surveyors and who shall have the qualifications required  
105 by Section 73-13-77. The members of the board shall be appointed  
106 from the above nominees. The board so appointed shall have one  
107 (1) engineer member from each of the three (3) State Supreme Court  
108 districts, and two (2) engineer members appointed from the state  
109 at large to serve the following terms: the three (3) members first  
110 appointed from the three (3) Supreme Court districts shall serve  
111 for four (4) years and the two (2) members first appointed from  
112 the state at large shall serve two (2) years, from the date of  
113 their appointment, or until their successors are duly appointed  
114 and qualified, and the members recommended by the Mississippi  
115 Association of Land Surveyors shall be appointed from the state at  
116 large and serve for four (4) years, or until their successors are  
117 duly appointed and qualified. Each member of the board shall  
118 receive a certificate of appointment from the Governor, and before  
119 beginning his term of office he shall file with the Secretary of  
120 State the constitutional oath of office. On the expiration of the  
121 term of any member, the Governor shall in the manner hereinbefore  
122 provided appoint for a term of four (4) years a registered  
123 professional engineer having the qualifications required by  
124 Section 73-13-7, or a registered professional land surveyor having  
125 the qualifications required by Section 73-13-77 to take the place  
126 of the member of the board whose term is about to expire. Each  
127 member shall hold office until the expiration of the term for

128 which such member is appointed or until a successor shall have  
129 been duly appointed and shall have qualified.

130 It shall not be considered the duty of the State of  
131 Mississippi to provide office space and office equipment for the  
132 board herein created.

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

140 **SECTION 4.** Section 73-13-7, Mississippi Code of 1972, is  
141 reenacted as follows:

142 73-13-7. Each member of the board shall be a citizen of the  
143 United States and shall have been a resident of the state for at  
144 least five (5) years prior to the appointment. He shall be at  
145 least thirty-two (32) years of age, shall have been engaged in the  
146 practice of engineering or land surveying, as the case may be, for  
147 at least ten (10) years and shall have been in responsible charge  
148 of important engineering or land surveying work, as the case may  
149 be, for at least five (5) years. Each year of teaching  
150 engineering or land surveying in a school or college shall be  
151 equivalent to a year of responsible charge of engineering or land  
152 surveying work. Not more than two (2) members of the board at any  
153 time may be teachers of engineering in the universities or  
154 colleges of the state. All members of the board shall be  
155 registered professional engineers or registered professional land  
156 surveyors, as the case may be.

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

159 73-13-9. Each member of the board shall receive per diem in  
160 accordance with Section 25-3-69 when actually attending to the

161 work of the board or any of its committees, and shall be  
162 reimbursed for traveling expenses in accordance with Section  
163 25-3-41 in carrying out the provisions of this chapter.

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

166 73-13-11. The Governor may remove any member of the board  
167 for misconduct, incompetency, neglect of duty, or for any other  
168 sufficient cause. Vacancies in the membership of the board shall  
169 be filled for the unexpired term by appointment by the Governor as  
170 provided in Section 73-13-5.

171 **SECTION 7.** Section 73-13-13, Mississippi Code of 1972, is  
172 reenacted as follows:

173 73-13-13. The board shall hold at least two (2) regular  
174 meetings each year, in March and September. Special meetings  
175 shall be held at such time as the regulations of the board may  
176 provide. Notice of all meetings shall be given in such manner as  
177 the regulations of the board may provide. The board shall elect  
178 annually, at a regular or special meeting, the following officers:  
179 a president, a vice president, and a secretary. A quorum of the  
180 board shall consist of not less than four (4) members.

181 **SECTION 8.** Section 73-13-15, Mississippi Code of 1972, is  
182 reenacted as follows:

183 73-13-15. The board shall have the power to adopt and amend  
184 all regulations and rules of procedure, not inconsistent with the  
185 Constitution and laws of this state, which may be reasonably  
186 necessary for the proper performance of its duties and the  
187 regulations of the proceedings before it. The board shall adopt  
188 and have an official seal. It shall not be required to post bond  
189 on appeals. The board shall have the further power and authority  
190 to:

- 191 (a) Establish standards of conduct and ethics;  
192 (b) Institute proceedings in its own name;  
193 (c) Promulgate rules restricting competitive bidding;

- 194           (d) Promulgate rules limiting or restricting  
195 advertising;
- 196           (e) Promulgate rules requiring a demonstration of  
197 continuing education;
- 198           (f) Adopt and promulgate reasonable bylaws and rules  
199 and regulations necessary or appropriate for the proper  
200 fulfillment of its duties under state laws pertaining thereto;
- 201           (g) Provide for the enforcement of and to enforce the  
202 laws of the State of Mississippi and, in particular, the  
203 provisions of this chapter, and the bylaws, rules and regulations  
204 of the board;
- 205           (h) Provide by appropriate rules and regulations,  
206 within the provisions of this chapter, a system for taking the  
207 disciplinary actions provided for in Section 73-13-37, including  
208 the imposition of fines as provided therein; and
- 209           (i) Investigate, prosecute or initiate prosecution for  
210 violation of the laws of this state pertaining to the practices of  
211 engineering and land surveying, or matters affecting the rights  
212 and duties or otherwise related thereto.

213           In carrying into effect the provisions of this chapter, the  
214 board, under the hand of its president or secretary and the seal  
215 of the board may subpoena witnesses and compel their attendance,  
216 and also may require the production of books, papers, documents,  
217 etc., in any case involving the disciplinary actions provided for  
218 in Section 73-13-37 or 73-13-89 or practicing or offering to  
219 practice without registration. Any member of the board may  
220 administer oaths or affirmations to witnesses appearing before the  
221 board. If any person shall refuse to obey any subpoena so issued,  
222 or shall refuse to testify or produce any books, papers, or  
223 documents, the board may present its petition to such authority as  
224 may have jurisdiction, setting forth the facts, and thereupon such  
225 authority shall, in a proper case, issue its subpoena to such  
226 person, requiring his attendance before such authority and there

227 to testify or to produce such books, papers, and documents, as may  
228 be deemed necessary and pertinent by the board. Any person  
229 failing or refusing to obey the subpoena or order of the said  
230 authority may be proceeded against in the same manner as for  
231 refusal to obey any other subpoena or order of the authority.

232 **SECTION 9.** Section 73-13-17, Mississippi Code of 1972, is  
233 reenacted as follows:

234 73-13-17. (1) The board shall keep an account of all monies  
235 derived from the operation of this chapter. All fees and any  
236 other monies received by the board shall be deposited in a special  
237 fund that is created in the State Treasury and shall be used for  
238 the implementation and administration of this chapter when  
239 appropriated by the Legislature for such purpose. The monies in  
240 the special fund shall be subject to all provisions of the state  
241 budget laws that are applicable to special fund agencies, and  
242 disbursements from the special fund shall be made by the State  
243 Treasurer only upon warrants issued by the State Fiscal Officer  
244 upon requisitions signed by the executive director of the board  
245 and countersigned by the secretary of the board. Any interest  
246 earned on this special fund shall be credited by the State  
247 Treasurer to the fund and shall not be paid into the State General  
248 Fund. Any unexpended monies remaining in the special fund at the  
249 end of a fiscal year shall not lapse into the State General Fund.  
250 The State Auditor shall audit the financial affairs of the board  
251 and the transactions involving the special fund at least once a  
252 year in the same manner as for other special fund agencies.

253 (2) The executive director and the secretary of the board  
254 shall give a surety bond satisfactory to the other members of the  
255 board, conditioned upon the faithful performance of their duties.  
256 The premium on said bond shall be regarded as a proper and  
257 necessary expense of the board. When any member of the board or  
258 any employee thereof is engaged on business of the board away from  
259 the principal office of the board, he shall be entitled to receive



260 expenses as authorized in Section 25-3-41, and members of the  
261 board shall be entitled to per diem in an amount not to exceed  
262 that authorized in Section 25-3-69, all as approved by the board.

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

268 **SECTION 10.** Section 73-13-19, Mississippi Code of 1972, is  
269 reenacted as follows:

270 73-13-19. The board shall keep a record of its proceedings  
271 and a register of all applications for registration, which  
272 register shall show (a) the name, age, and residence of such  
273 applicant, (b) the date of the application, (c) the place of  
274 business of such applicant, (d) his educational and other  
275 qualifications, (e) whether or not an examination was required,  
276 (f) whether the applicant was rejected, (g) whether a certificate  
277 of registration was granted, (h) the date of the action of the  
278 board, and (i) such other information as may be deemed necessary  
279 by the board.

280 The records of the board shall be prima facie evidence of the  
281 proceedings of the board set forth therein, and a transcript  
282 thereof, duly certified by the executive director of the board  
283 under seal, shall be admissible in evidence with the same force  
284 and effect as if the original were produced.

285 Annually, on or before March 15, the board shall submit to  
286 the Governor a report of its transactions of the preceding year,  
287 and shall file with the Secretary of State a copy of such report  
288 of the board, attested by affidavits of its president and its  
289 secretary.

290 **SECTION 11.** Section 73-13-21, Mississippi Code of 1972, is  
291 reenacted as follows:

292           73-13-21. A roster showing the names and places of business  
293 or residence of all registered professional engineers and  
294 registered professional land surveyors shall be prepared  
295 biennially by the board. Copies of this roster shall be mailed to  
296 each person so registered, placed on file with the Secretary of  
297 State and furnished to the public on request.

298           Registrants upon retirement may file a request biennially to  
299 be listed separately in the roster without payment of the renewal  
300 fee.

301           **SECTION 12.** Section 73-13-23, Mississippi Code of 1972, is  
302 reenacted as follows:

303           73-13-23. (1) (a) The following shall be considered as  
304 minimum evidence satisfactory to the board that the applicant is  
305 qualified for registration as a professional engineer:

306                   (i) Graduation in an engineering curriculum of  
307 four (4) years or more from a school or college approved by the  
308 board as of satisfactory standing or graduation in an engineering,  
309 engineering technology, or related science curriculum of four (4)  
310 scholastic years from a school or college other than those  
311 approved by the board plus a graduate degree in an engineering  
312 curriculum from a school or college wherein the same engineering  
313 curriculum at the undergraduate level is approved by the board as  
314 of satisfactory standing; a specific record of four (4) years of  
315 qualifying engineering experience indicating that the applicant is  
316 competent to practice engineering (in counting years of  
317 experience, the board at its discretion may give credit not in  
318 excess of three (3) years for satisfactory graduate study in  
319 engineering), and the successful passing of examinations in  
320 engineering as prescribed by the board; or

321                   (ii) A specific record of eight (8) years or more  
322 of qualifying engineering experience subsequent to graduation from  
323 high school, indicating that the applicant is competent to  
324 practice engineering; and successfully passing examinations

325 designed to show knowledge and skill approximating that attained  
326 through graduation in an approved four-year engineering  
327 curriculum, and to show competence in the use of such knowledge  
328 and skills in the practice of engineering. This subsection (1)  
329 (a) (ii) shall stand repealed from and after January 1, 2000.

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

332 (c) The satisfactory completion of each year of an  
333 approved curriculum in engineering in a school or college approved  
334 by the board as of satisfactory standing, without graduation,  
335 shall be considered as equivalent to a year of experience in  
336 subsection (1)(a)(ii) of this section. Graduation in a curriculum  
337 other than engineering from a college or university of recognized  
338 standing may be considered as equivalent to two (2) years of  
339 experience under subsection (1)(a)(ii); however, no applicant  
340 shall receive credit for more than four (4) years of experience  
341 because of undergraduate educational qualifications. This  
342 subsection (1)(c) shall stand repealed from and after January 1,  
343 2000.

344 (d) The mere execution, as a contractor, of work  
345 designed by a professional engineer, or the supervision of the  
346 construction of such work as a foreman or superintendent shall not  
347 be deemed to be the practice of engineering.

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

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

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

360 (a) Graduation in an engineering curriculum of four (4)  
361 scholastic years or more from a school or college approved by the  
362 board as of satisfactory standing or graduation in an engineering,  
363 engineering technology, or related science curriculum of four (4)  
364 scholastic years from a school or college other than those  
365 approved by the board plus a graduate degree in an engineering  
366 curriculum from a school or college wherein that same engineering  
367 curriculum at the undergraduate level is approved by the board as  
368 of satisfactory standing; and

369 (b) Successfully passing a written examination in the  
370 fundamental engineering subjects.

371 **SECTION 13.** Section 73-13-25, Mississippi Code of 1972, is  
372 reenacted as follows:

373 73-13-25. Applications for enrollment as an engineer intern  
374 or for registration as a professional engineer shall be on the  
375 forms prescribed and furnished by the board, shall contain  
376 statements made under oath, showing the applicant's education and  
377 detailed summary of the applicant's qualifying experience.  
378 Applications for registration or reregistration as a professional  
379 engineer shall also contain not less than five (5) references, of  
380 whom three (3) or more shall be engineers having personal  
381 knowledge of the applicant's engineering experience.

382 The application fee for registration as a professional  
383 engineer shall be determined by the board but shall not exceed  
384 Seventy-five Dollars (\$75.00), which fee shall accompany the  
385 application.

386 The application fee for enrollment as an engineer intern  
387 shall be determined by the board but shall not exceed Twenty-five  
388 Dollars (\$25.00), which fee shall accompany the application.  
389 Whenever an applicant is cited to an examination or reexamination,

390 an additional fee equal to the actual cost of the examination  
391 shall be paid by the applicant.

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

395 **SECTION 14.** Section 73-13-27, Mississippi Code of 1972, is  
396 reenacted as follows:

397 73-13-27. Examinations shall be required for enrollment as  
398 an engineer intern and for registration as a professional  
399 engineer. The examinations shall be held at such time and place  
400 as the board may determine.

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

405 **SECTION 15.** Section 73-13-29, Mississippi Code of 1972, is  
406 reenacted as follows:

407 73-13-29. The board shall issue a certificate of  
408 registration upon payment of registration fee as provided for in  
409 Sections 73-13-1 through 73-13-45, to any applicant who, in the  
410 opinion of the board, has satisfactorily met all the requirements  
411 of said sections. In the case of a registered engineer, the  
412 certificate shall authorize the "practice of engineering." In the  
413 case of an engineer intern, the certificate shall state that the  
414 applicant has successfully passed the examination in fundamental  
415 engineering subjects required by the board and has been enrolled  
416 as an "engineer intern." Certificates shall show the full name,  
417 shall have a serial number, and shall be signed by the president  
418 and the secretary of the board under seal of the board.

419 The issuance of a certificate of registration by this board  
420 shall be prima facie evidence that the person named therein is  
421 entitled to all the rights and privileges of a registered

422 professional engineer while the said certificate remains unrevoked  
423 or unexpired.

424 Before engaging in the practice of the profession, each  
425 registrant hereunder shall upon registration obtain a seal of the  
426 design authorized by the board, bearing the registrant's name and  
427 the legend, "registered professional engineer." Plans,  
428 specifications and reports prepared by a registrant shall be  
429 stamped with the seal by the registrant during the life of the  
430 registrant's certificate, but it shall be unlawful for anyone to  
431 stamp or seal any documents with the seal after the certificate of  
432 the registrant named thereon is expired or revoked, or while the  
433 certificate is suspended. It shall be unlawful for anyone other  
434 than the registrant to whom the seal has been issued to stamp or  
435 seal any document utilizing such seal.

436 **SECTION 16.** Section 73-13-31, Mississippi Code of 1972, is  
437 reenacted as follows:

438 73-13-31. Certificates of registration shall expire on the  
439 last day of the month of December following their issuance or  
440 renewal and shall become invalid on that date unless renewed. It  
441 shall be the duty of the board to notify every person registered  
442 under this chapter, of the date of the expiration of his  
443 certificate and the amount of the fee that shall be required for  
444 its renewal for one (1) year. Such notice shall be sent by first  
445 class mail to the last known address of the registrant at least  
446 one (1) month in advance of the date of the expiration of said  
447 certificate. Renewal may be effected at any time during the month  
448 of December by the payment of a fee, as determined by the board,  
449 not to exceed Fifty Dollars (\$50.00). A person who is registered  
450 as a professional engineer and as a professional land surveyor may  
451 effect both renewals by the payment of a fee not to exceed  
452 Seventy-five Dollars (\$75.00). The failure on the part of any  
453 registrant to renew his certificate annually in the month of  
454 December as required above, shall not deprive such person of the

455 right of renewal, but the fee to be paid for the renewal of a  
456 certificate after the month of December shall be increased ten  
457 percent (10%) for each month, or fraction of a month that payment  
458 of renewal is delayed; provided, however, that the maximum fee for  
459 delayed renewal shall not exceed five (5) times the normal renewal  
460 fee. A state agency or any of the state's political subdivisions,  
461 such as a county or municipality, may pay the renewal fee of any  
462 registrant who is a full-time employee; provided, however, that  
463 any registrant who permits his/her renewal fee to be paid from any  
464 public funds shall not perform engineering or land surveying  
465 services for a fee or other emoluments for the public or for any  
466 other public entity. If a registrant fails to renew his  
467 certificate within five (5) years from the date of expiration, he  
468 must pay the back fees and be reexamined by the board in  
469 principles and practice before his certificate will be reissued.  
470 The reexamination requirement may be waived by the board provided  
471 the applicant has continued to practice in another jurisdiction  
472 from the date of expiration of his certificate.

473 **SECTION 17.** Section 73-13-33, Mississippi Code of 1972, is  
474 reenacted as follows:

475 73-13-33. All professional engineers, registered in  
476 accordance with the provisions of Chapter 56 of the Laws of  
477 Mississippi of 1928, Extraordinary Session, and as reenacted under  
478 Senate Bill No. 383, Chapter 131, Laws of 1940, and whose  
479 certificates of registration are in effect at the time of passage  
480 of Sections 73-13-1 through 73-13-45, shall be entitled to all the  
481 rights and privileges of a registered professional engineer as  
482 provided for in those sections, while the said certificate remains  
483 unrevoked or unexpired.

484 **SECTION 18.** Section 73-13-35, Mississippi Code of 1972, is  
485 reenacted as follows:

486 73-13-35. The board may, upon application therefor and the  
487 payment of a fee in accordance with Section 73-13-25, issue a

488 certificate of registration as a professional engineer to any  
489 person who holds a certificate of qualification or registration  
490 issued to him by proper authority of any state or territory or  
491 possession of the United States, or of any country, provided that  
492 the applicant's qualifications meet the requirements of Sections  
493 73-13-1 through 73-13-45 and the rules established by the board.

494 **SECTION 19.** Section 73-13-37, Mississippi Code of 1972, is  
495 reenacted as follows:

496 73-13-37. (1) The board, upon satisfactory proof and in  
497 accordance with the provisions of this chapter and the  
498 implementing regulations of the board pertaining thereto, is  
499 authorized to take the disciplinary actions provided for  
500 hereinafter against any person practicing engineering or  
501 surveying, including nonregistrants, for any of the following  
502 reasons:

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

507 (b) Fraud, deceit or misrepresentation in obtaining a  
508 certificate of registration;

509 (c) Gross negligence, malpractice or incompetency;

510 (d) Any professional misconduct, as defined by the  
511 board through bylaws, rules and regulations, and standards of  
512 conduct and ethics;

513 (e) Practicing or offering to practice engineering on an  
514 expired certificate or while under suspension or revocation of  
515 certificate unless said suspension or revocation be abated through  
516 probation, as provided for hereinafter; or

517 (f) Addiction to or dependence on alcohol or other  
518 habit-forming drugs or being an habitual user of alcohol,  
519 narcotics, barbiturates, amphetamines, hallucinogens, or other  
520 drugs having similar effect.



521           (2) Any person may prefer charges against any other person  
522 practicing engineering or surveying, including nonregistrants, for  
523 committing any of the acts set forth in subsection (1). Such  
524 charges shall be sworn to, either upon actual knowledge or upon  
525 information and belief, and shall be filed with the board. In the  
526 event any person certified under Sections 73-13-1 through 73-13-45  
527 is expelled from membership in any Mississippi professional  
528 engineering society or association, the board shall thereafter  
529 cite said person to appear at a hearing before the board and to  
530 show cause why disciplinary action should not be taken against  
531 him.

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

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

545           (3) At any hearing held hereunder, the board shall have the  
546 power to subpoena witnesses and compel their attendance and may  
547 also require the production of books, papers, documents, etc., as  
548 provided elsewhere in this chapter. The board is authorized to  
549 designate or secure a hearing officer to conduct the hearing. All  
550 evidence shall be presented under oath, which may be administered  
551 by any member of the board, and thereafter the proceedings may, if  
552 necessary, be transcribed in full by the court reporter and filed  
553 as part of the record in the case. Copies of such transcriptions

554 may be provided to any party to the proceedings at a cost to be  
555 fixed by the board.

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

560 Where in any proceeding before the board any witness shall  
561 fail or refuse to attend upon subpoena issued by the board, shall  
562 refuse to testify or shall refuse to produce any books and papers,  
563 the production of which is called for by the subpoena, the  
564 attendance of such witness and the giving of his testimony and the  
565 production of the books and papers shall be enforced by any court  
566 of competent jurisdiction of this state in the manner provided for  
567 the enforcement of attendance and testimony of witnesses in civil  
568 cases in the courts of this state.

569 The accused shall have the right to be present at the hearing  
570 in person, by counsel or other representative, or both. The board  
571 is authorized to continue or recess the hearing as may be  
572 necessary.

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

580 If a majority of the board finds the accused guilty of the  
581 charges filed, the board may: (a) issue a public or private  
582 reprimand; (b) require the guilty party to complete a course,  
583 approved by the board, in ethics; (c) suspend or revoke the  
584 certificate of the accused, if the accused is a registrant; or (d)  
585 in lieu of or in addition to such reprimand, course completion,  
586 suspension or revocation, assess and levy upon the guilty party a

587 monetary penalty of not less than One Hundred Dollars (\$100.00)  
588 nor more than Five Thousand Dollars (\$5,000.00) for each  
589 violation.

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

596 When payment of a monetary penalty assessed and levied by the  
597 board in accordance with this section is not paid when due, the  
598 board shall have the power to institute and maintain proceedings  
599 in its name for enforcement of payment in the chancery court of  
600 the county and judicial district of residence of the guilty party  
601 and if the guilty party be a nonresident of the State of  
602 Mississippi, such proceedings shall be in the Chancery Court of  
603 the First Judicial District of Hinds County, Mississippi.

604 (6) When the board has taken a disciplinary action under  
605 this section, the board may, in its discretion, stay such action  
606 and place the guilty party on probation for a period not to exceed  
607 one (1) year upon the condition that the guilty party shall not  
608 further violate either the laws of the State of Mississippi  
609 pertaining to the practice of engineering or the bylaws, rules and  
610 regulations, or standards of conduct and ethics promulgated by the  
611 board.

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

616 (8) The power and authority of the board to assess and levy  
617 the monetary penalties provided for in this section shall not be  
618 affected or diminished by any other proceeding, civil or criminal,

619 concerning the same violation or violations except as provided in  
620 this section.

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

624 (10) Any person aggrieved by an action of the board denying  
625 or revoking his certificate of registration or re-registration as  
626 a professional engineer or his certificate of enrollment as an  
627 engineer intern, or who is aggrieved by the action of the board as  
628 a result of disciplinary proceedings conducted under this section  
629 may appeal therefrom to the chancery court of either the county  
630 wherein the appellant resides or the Chancery Court of the First  
631 Judicial District of Hinds County, at the election of the  
632 appellant. If the appellant is a nonresident of this state, the  
633 appeal shall be made to the Chancery Court of the First Judicial  
634 District of Hinds County. Such appeal shall be perfected before  
635 the board by the filing with the board of a notice of appeal to  
636 the chancery court. The court shall require a bond in an amount  
637 not to exceed One Thousand Dollars (\$1,000.00) conditioned to pay  
638 all costs which may be adjudged against the appellant. The notice  
639 of appeal shall be filed not later than thirty (30) days after the  
640 decision of the board is forwarded to the guilty party, as  
641 provided hereinabove.

642 All appeals perfected hereunder shall act as a supersedeas,  
643 and shall be made to the chancery court solely upon the record  
644 made before the board during the disciplinary hearing. When the  
645 appeal shall have been properly perfected as provided herein, the  
646 board shall cause the record of the proceedings conducted before  
647 it to be compiled, certified and filed with the chancery court.  
648 The briefing schedule shall be the same as for appeals to the  
649 Supreme Court. The chancery court shall be required to rule on  
650 the case within sixty (60) days of the close of briefing. All

651 procedures and penalties provided for in this section shall apply  
652 to nonregistrants as well as registrants.

653         (11) In addition to the reasons specified in subsection (1)  
654 of this section, the board shall be authorized to suspend the  
655 certificate of registration of any person for being out of  
656 compliance with an order for support, as defined in Section  
657 93-11-153. The procedure for suspension of a certificate for  
658 being out of compliance with an order for support, and the  
659 procedure for the reissuance or reinstatement of a certificate  
660 suspended for that purpose, and the payment of any fees for the  
661 reissuance or reinstatement of a certificate suspended for that  
662 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
663 the case may be. Actions taken by the board in suspending a  
664 certificate when required by Section 93-11-157 or 93-11-163 are  
665 not actions from which an appeal may be taken under this section.  
666 Any appeal of a suspension of a certificate that is required by  
667 Section 93-11-157 or 93-11-163 shall be taken in accordance with  
668 the appeal procedure specified in Section 93-11-157 or 93-11-163,  
669 as the case may be, rather than the procedure specified in this  
670 section. If there is any conflict between any provision of  
671 Section 93-11-157 or 93-11-163 and any provision of this chapter,  
672 the provisions of Section 93-11-157 or 93-11-163, as the case may  
673 be, shall control.

674         (12) Any board member whose objectivity in a disciplinary  
675 proceeding is impaired shall either recuse himself from sitting as  
676 a member of the board in a formal disciplinary hearing in that  
677 proceeding or be disqualified therefrom. In the event a  
678 disciplinary proceeding is brought against a member or former  
679 member of the board, no member of the board who has served  
680 concurrently with the respondent in the disciplinary proceeding  
681 shall sit as a member of the board in a formal disciplinary  
682 hearing in that proceeding. If, after recusal or disqualification  
683 of board members as provided herein, there does not remain a

684 quorum of the board to sit for a disciplinary hearing, the board  
685 shall have the power to select, in accordance with duly  
686 promulgated regulations of the board, substitute panel members  
687 from slates of candidates established by the Mississippi  
688 Engineering Society and the Mississippi Association of  
689 Professional Surveyors to the extent necessary to achieve the  
690 number of panel members equivalent to a quorum of the board.  
691 Substitute panel members must meet the qualifications of board  
692 members as provided in Section 73-13-7 and shall receive  
693 compensation as provided for board members in Section 73-13-9.

694 **SECTION 20.** Section 73-13-39, Mississippi Code of 1972, is  
695 reenacted as follows:

696 73-13-39. Any person who shall practice, or offer to  
697 practice, engineering in this state without being registered in  
698 accordance with the provisions of Sections 73-13-1 through  
699 73-13-45, or any person presenting or attempting to use as his own  
700 the certificate of registration or seal of another, or any person  
701 who shall give any false or forged evidence of any kind to the  
702 board or to any member thereof in obtaining a certificate of  
703 registration, or any person who shall falsely impersonate any  
704 other registrant of like or different name, or any person who  
705 shall attempt to use an expired or revoked certificate of  
706 registration, or any person who shall violate any of the  
707 provisions of Sections 73-13-1 through 73-13-45, shall be guilty  
708 of a misdemeanor, and shall, upon conviction, be sentenced to pay  
709 a fine of not less than One Hundred Dollars (\$100.00), nor more  
710 than One Thousand Dollars (\$1,000.00), or suffer imprisonment for  
711 a period not exceeding three (3) months, or both. The criminal  
712 penalties provided for in this section may be assessed in addition  
713 to those civil penalties provided for in Section 73-13-37.

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

716 (a) Directly or indirectly employ, use, cause to be  
717 used or make use of any of the following terms or any  
718 combinations, variations or abbreviations thereof as a  
719 professional, business or commercial identification, title, name,  
720 representation, claim, asset or means of advantage or benefit:  
721 "engineer," "professional engineer," "licensed engineer,"  
722 "registered engineer," "registered professional engineer,"  
723 "licensed professional engineer," "engineered," "engineering"; or

724 (b) Directly or indirectly employ, use, cause to be  
725 used or make use of any letter, abbreviation, word, symbol,  
726 slogan, sign or any combinations or variations thereof which in  
727 any manner whatsoever tends or is likely to create any impression  
728 with the public or any member thereof that any person is qualified  
729 or authorized to practice engineering; or

730 (c) Receive any fee or compensation or the promise of  
731 any fee or compensation for performing, offering or attempting to  
732 perform any service, work, act or thing which is any part of the  
733 practice of engineering.

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

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

745 **SECTION 21.** Section 73-13-41, Mississippi Code of 1972, is  
746 reenacted as follows:

747 73-13-41. (1) Sections 73-13-1 through 73-13-45 shall not  
748 be construed to prevent or to affect:

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

754           (b) The work of an employee or a subordinate of a  
755 person holding a certificate of registration under this act,  
756 provided such work does not include final designs or decisions and  
757 is done under the responsibility, checking and supervision of a  
758 person holding a certificate of registration under Sections  
759 73-13-1 through 73-13-45;

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

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

766                   (i) Such services are rendered on or in connection  
767 with existing fixed works, equipment, systems, processes or  
768 facilities owned, operated, or leased by such corporation and/or  
769 its affiliates;

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

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

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

778                   (v) All fixed works, equipment, systems, processes  
779 or facilities modified by such services undergo a safety review  
780 that confirms: (A) the construction and equipment is in  
781 accordance with design specifications; and (B) safety, operating,



782 maintenance and emergency procedures are in place to safeguard  
783 life, health and property.

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

791                   It is further stated that this subsection (d) is  
792 intended to codify the policy and practices of the board at the  
793 time of enactment of this Senate Bill No. 2380, 1999 Regular  
794 Session [Laws, 1999, ch. 534], and that any ambiguities in this  
795 subsection should be construed in accordance with this intent.

796                   (e) The performance of engineering services with  
797 respect to utility facilities by any public utility subject to  
798 regulation by the Mississippi Public Service Commission, the  
799 Federal Communications Commission, the Federal Energy Regulatory  
800 Commission, or the Nuclear Regulatory Commission, including its  
801 parents, affiliates, subsidiaries; or by the officers and regular  
802 full-time employees of any such public utility, including its  
803 parents, affiliates or subsidiaries, provided that they are  
804 engaged solely and exclusively in performing service for such  
805 public utility and/or its parents, affiliates or subsidiaries, and  
806 as long as such services comply with all standard operating  
807 procedures and requirements specified by the employee's company or  
808 corporation. This exemption shall not extend to: (i) the  
809 practice of engineering performed by public utilities or their  
810 officers or employees when such services are rendered to  
811 non-affiliated third parties in exchange for compensation other  
812 than that received from their employer, or the use of any name,  
813 title or words which tend to convey the impression that a  
814 nonregistrant is offering engineering services to the public; and

815 (ii) services which are required to be performed, approved or  
816 certified by a professional engineer pursuant to law or regulation  
817 whether federal, state or local, other than Sections 73-13-1  
818 through 73-13-45 hereof or any applicable rules or regulations  
819 promulgated by the Mississippi State Board of Registration for  
820 Professional Engineers and Land Surveyors.

821 It is further stated that this subsection (e) is  
822 intended to codify the policy and practices of the board at the  
823 time of enactment of this Senate Bill No. 2380, 1999 Regular  
824 Session [Laws, 1999, ch. 534], and that any ambiguities in this  
825 subsection should be construed in accordance with this intent.

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

836 **SECTION 22.** Section 73-13-43, Mississippi Code of 1972, is  
837 reenacted as follows:

838 73-13-43. A corporation, firm or partnership may engage in  
839 the practice of professional engineering in this state, providing  
840 the person or persons connected with such corporation, firm or  
841 partnership in charge of the designing, or supervision, which  
842 constitutes such practice, is or are registered as herein required  
843 of professional engineers. Any corporation, firm or partnership  
844 engaged in offering engineering services to the public must have  
845 at least one (1) registered professional engineer as a principal  
846 officer or partner of the firm who has management responsibility  
847 for such practice. A corporation, firm or partnership, when

848 performing engineering services to the public for a fee or other  
849 emoluments, shall include in each agreement for such services the  
850 name and registration number of the professional engineer who will  
851 bear the primary responsibility for the engineering work involved.  
852 The same exemptions shall apply to corporations, firms and  
853 partnerships as apply to individuals under Sections 73-13-1  
854 through 73-13-45.

855         **SECTION 23.** Section 73-13-45, Mississippi Code of 1972, is  
856 reenacted as follows:

857         73-13-45. (1) (a) Neither the state, nor any of its  
858 political subdivisions, such as a county, city or town, shall  
859 award construction contracts of any public work involving the  
860 practice of engineering or architecture unless the plans,  
861 specifications and estimates have been prepared and such work  
862 supervised by a registered professional engineer or architect;  
863 provided, that nothing in this subsection shall be held to apply  
864 to such public work wherein the expenditure does not exceed Fifty  
865 Thousand Dollars (\$50,000.00); and provided further, that nothing  
866 in this subsection shall apply to any municipality wherein such  
867 public work is not financed in whole or in part through the  
868 issuance of bonds and let to public contract.

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

879         (2) (a) In the awarding of public contracts for  
880 professional engineering services, preference shall be given to

881 resident professional engineers over those nonresident  
882 professional engineers domiciled in a state having laws which  
883 grant a preference to the professional engineers who are residents  
884 of that state. Nonresident professional engineers shall be  
885 awarded Mississippi public contracts only on the same basis as the  
886 nonresident professional's state awards contracts to Mississippi  
887 professional engineers under similar circumstances. When a  
888 nonresident professional engineer submits a proposal for a public  
889 project, he shall attach thereto a copy of his resident state's  
890 current statute, resolution, policy, procedure or executive order  
891 pertaining to such state's treatment of nonresident professional  
892 engineers. Resident professional engineers actually domiciled in  
893 Mississippi, be they corporate, individuals or partnerships, shall  
894 be granted preference over nonresidents in the awarding of  
895 contracts in the same manner and to the same extent as provided by  
896 the laws of the state of domicile of the nonresident. As used in  
897 this section, the term "resident professional engineer" includes a  
898 nonresident person, firm or corporation that has been qualified to  
899 do business in this state and has maintained a permanent full-time  
900 office in the State of Mississippi for not less than two (2) years  
901 prior to submitting a proposal for a public project, and the  
902 subsidiaries and affiliates of such a person, firm or corporation.

903 (b) The provisions of this subsection shall not apply  
904 to any contract for any project upon which federal funds would be  
905 withheld because of the preference requirements of this  
906 subsection.

907 (c) Any contract, agreement or arrangement for  
908 professional engineering services negotiated, made or entered  
909 into, directly or indirectly, by the state, counties,  
910 municipalities or any political subdivision thereof, or by any  
911 special districts, which is in any way in violation of the  
912 provisions of this subsection is hereby declared to be void as  
913 contrary to the public policy of this state and shall not be given

914 effect or enforced by any court of this state or by any of its  
915 officers or employees.

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

918 (e) For purposes of this section, the term  
919 "professional engineering services" means those within the scope  
920 of the practice of professional engineering as defined by Sections  
921 73-13-1 through 73-13-45, or those performed by any registered  
922 professional engineer in connection with professional employment  
923 or practice.

924 **SECTION 24.** Section 73-13-71, Mississippi Code of 1972, is  
925 reenacted as follows:

926 73-13-71. (a) The term "board," as used in Sections  
927 73-13-71 through 73-13-105, shall mean the State Board of  
928 Registration for Professional Engineers and Land Surveyors as  
929 provided for in Section 73-13-5 of this chapter.

930 (b) The term "professional land surveyor," as used in  
931 Sections 73-13-71 through 73-13-105, shall mean a person who  
932 engages in the practice of land surveying as hereinafter defined,  
933 whether in an individual capacity, or in behalf of or as an  
934 employee of any state, county, or municipal authority of the State  
935 of Mississippi.

936 (c) The term "land surveyor intern," as used in Sections  
937 73-13-71 through 73-13-105, shall mean a candidate for  
938 registration as a professional land surveyor who has successfully  
939 passed the fundamentals of land surveying examination, has met the  
940 requirements of the board for enrollment, has received from the  
941 board a certificate stating that he has successfully passed this  
942 portion of the professional land surveying examinations and has  
943 been enrolled as a land surveyor intern.

944 (d) The practice of "land surveying," within the meaning and  
945 intent of Sections 73-13-71 through 73-13-105, is surveying of  
946 areas for their correct determination and description and for

947 conveyancing, or for the establishment or re-establishment of land  
948 boundaries and the platting of lands and subdivisions thereof, and  
949 such other duties as traditional or sound surveying practices  
950 would direct.

951         **SECTION 25.** Section 73-13-73, Mississippi Code of 1972, is  
952 reenacted as follows:

953         73-13-73. No person shall practice land surveying without  
954 having first been duly and regularly registered by the State Board  
955 of Registration for Professional Engineers and Land Surveyors as a  
956 professional land surveyor as required by Sections 73-13-71  
957 through 73-13-105, nor shall any person practice land surveying  
958 whose authority to practice is revoked by the said board.

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

967         Duties within both the practice of land surveying and the  
968 practice of engineering, which must be performed by or under the  
969 direct supervision of a professional land surveyor or a  
970 professional engineer and each map, drawing or report of which  
971 must be stamped with the seal of said registrant as provided in  
972 Sections 73-13-29 and 73-13-83, include, but are not limited to,  
973 the following: topographic surveys; surveys for record drawing  
974 (as-built surveys excluding the location of property boundaries);  
975 cartographic surveys; hydrographic surveys; geodetic surveys; and  
976 mine surveys.

977         **SECTION 26.** Section 73-13-75, Mississippi Code of 1972, is  
978 reenacted as follows:

979           73-13-75. The Mississippi State Board of Registration for  
980 Professional Engineers and Land Surveyors is hereby authorized and  
981 empowered to examine applicants for registration to practice land  
982 surveying; to register and issue certificates of registration to  
983 all applicants whom it deems qualified to practice land surveying  
984 in accordance with Sections 73-13-71 through 73-13-105; and to  
985 revoke certificates of registration for just cause as provided for  
986 in Sections 73-13-71 through 73-13-105.

987           **SECTION 27.** Section 73-13-77, Mississippi Code of 1972, is  
988 reenacted as follows:

989           73-13-77. (1) The following shall be considered as minimum  
990 evidence satisfactory to the board that the applicant is qualified  
991 for registration as a professional land surveyor:

992           (a) The successful completion of a curriculum of two  
993 (2) scholastic years or more from a school or college approved by  
994 the board as of satisfactory standing, including the completion of  
995 approved courses in surveying and related subjects; a specific  
996 record of three (3) years of qualifying land surveying experience  
997 indicating that the applicant is competent to practice land  
998 surveying; and successfully passing examinations in surveying  
999 prescribed by the board; or

1000           (b) A specific record of seven (7) years' or more  
1001 experience in land surveying work of a character satisfactory to  
1002 the board and indicating that the applicant is competent to  
1003 practice land surveying; and successfully passing examinations in  
1004 surveying prescribed by the board.

1005           No person shall be eligible for registration as a  
1006 professional land surveyor who is not of good character and  
1007 reputation.

1008           (2) The following shall be considered as minimum evidence  
1009 satisfactory to the board that the applicant is qualified for  
1010 certification as a land surveyor intern:

1011           (a) The successful completion of two (2) scholastic  
1012 years or more from a school or college approved by the board as of  
1013 satisfactory standing, including the completion of approved  
1014 courses in land surveying and related subjects, and successfully  
1015 passing an examination in the fundamentals of land surveying; or

1016           (b) A specific record of three (3) years or more of  
1017 qualifying land surveying experience, and successfully passing an  
1018 examination in the fundamentals of land surveying.

1019           **SECTION 28.** Section 73-13-79, Mississippi Code of 1972, is  
1020 reenacted as follows:

1021           73-13-79. Application for enrollment as a land surveyor  
1022 intern or for registration as a professional land surveyor shall  
1023 be on forms prescribed and furnished by the board, shall contain  
1024 statements made under oath showing the applicant's education and a  
1025 detailed summary of the applicant's qualifying experience.  
1026 Applications for registration or reregistration as a professional  
1027 land surveyor shall also contain not less than five (5)  
1028 references, of whom three (3) or more shall be professional land  
1029 surveyors having personal knowledge of the applicant's land  
1030 surveying experience.

1031           The application fee for registration as a professional land  
1032 surveyor shall be determined by the board but shall not exceed  
1033 Seventy-five Dollars (\$75.00), which fee shall accompany the  
1034 application.

1035           The application fee for enrollment as a land surveyor intern  
1036 shall be determined by the board, but shall not exceed Twenty-five  
1037 Dollars (\$25.00), which fee shall accompany the application.

1038           Whenever an applicant is cited to an examination or  
1039 reexamination, an additional fee equal to the actual cost of the  
1040 examination shall be paid by the applicant.

1041           **SECTION 29.** Section 73-13-81, Mississippi Code of 1972, is  
1042 reenacted as follows:



1043           73-13-81. Examinations shall be required for enrollment as a  
1044 land surveyor intern and registration as a professional land  
1045 surveyor. The examinations shall be held at such time and place  
1046 as the board may determine.

1047           The scope of the examinations and the methods and procedures  
1048 shall be prescribed by the board with special reference to the  
1049 applicant's ability to exercise direct control and personal  
1050 supervision of all land surveying functions.

1051           The board shall cite applicants to examinations in accordance  
1052 with its rules and regulations.

1053           **SECTION 30.** Section 73-13-83, Mississippi Code of 1972, is  
1054 reenacted as follows:

1055           73-13-83. The board shall issue a certificate, upon payment  
1056 of the required fee, to any applicant who, in the opinion of the  
1057 board, has satisfactorily met all the requirements therefor. In  
1058 the case of registered professional land surveyors, the  
1059 certificate shall authorize the "practice of land surveying." In  
1060 the case of a land surveyor intern, the certificate shall state  
1061 that the applicant has successfully passed the examination in  
1062 fundamental land surveying subjects required by the board and has  
1063 been enrolled as a "land surveyor intern." Certificates shall  
1064 show the full name of the professional land surveyor or land  
1065 surveyor intern, shall have a serial number and shall be signed by  
1066 the president and the secretary of the board under seal of the  
1067 board.

1068           The issuance of a certificate of registration by this board  
1069 shall be prima facie evidence that the person named therein is  
1070 entitled to all the rights and privileges of a registered  
1071 professional land surveyor, while the said certificate remains  
1072 unrevoked or unexpired.

1073           Each person registering as a professional land surveyor after  
1074 June 30, 1991, shall, upon registration, obtain a seal of the  
1075 design authorized by the board, bearing the registrant's name and

1076 the legend "Registered Professional Land Surveyor." Each person  
1077 registering as a professional land surveyor after June 30, 1991,  
1078 who is also registered as a professional engineer in accordance  
1079 with Sections 73-13-1 through 73-13-45 may also obtain one (1)  
1080 seal bearing the registrant's name and the legend "Registered  
1081 Professional Engineer and Professional Land Surveyor." Any person  
1082 who, before July 1, 1991, was registered under this chapter as a  
1083 land surveyor or as both a professional engineer and a land  
1084 surveyor may continue to use the seal or seals that he obtained  
1085 and that were authorized by the board to be used by such person  
1086 before July 1, 1991. Plats, maps and reports prepared by a  
1087 registrant shall be stamped with the seal during the life of the  
1088 registrant's certificate, but it shall be unlawful for anyone to  
1089 stamp or seal any documents with the seal after the certificate of  
1090 the registrant named thereon has expired or been revoked or  
1091 suspended. It shall be unlawful for anyone other than the  
1092 registrant to whom the seal has been issued to stamp or seal any  
1093 documents utilizing such seal.

1094 **SECTION 31.** Section 73-13-85, Mississippi Code of 1972, is  
1095 reenacted as follows:

1096 73-13-85. Certificates of registration shall expire on the  
1097 last day of the month of December following their issuance or  
1098 renewal and shall become invalid on that date unless renewed. It  
1099 shall be the duty of the board to notify every person registered  
1100 under Sections 73-13-71 through 73-13-105 of the date of the  
1101 expiration of his certificate and the amount of the fee that shall  
1102 be required for its renewal for one (1) year; such notice shall be  
1103 sent by first class mail to the last known address of the  
1104 registrant at least one (1) month in advance of the date of the  
1105 expiration of said certificate. Renewal may be effected at any  
1106 time during the month of December by the payment of a fee not to  
1107 exceed Fifty Dollars (\$50.00). A person who is registered as a  
1108 professional land surveyor and as a professional engineer may

1109 effect both renewals by the payment of a single fee not to exceed  
1110 Seventy-five Dollars (\$75.00). The failure on the part of any  
1111 registrant to renew his certificate annually in the month of  
1112 December as required above shall not deprive such person of the  
1113 right of renewal, but the fee to be paid for the renewal of a  
1114 certificate after the month of December shall be increased ten  
1115 percent (10%) for each month that payment of renewal is delayed;  
1116 however, the maximum fee for delayed renewal shall not exceed five  
1117 (5) times the normal renewal fee.

1118 If the registrant shall fail to renew his certificate within  
1119 five (5) years from the date of expiration, he must pay the back  
1120 fees and be reexamined by the board in principles and practice  
1121 before his certificate will be reissued. The reexamination may be  
1122 waived by the board provided the applicant has continued to  
1123 practice under another jurisdiction from the date of expiration of  
1124 his certificate.

1125 **SECTION 32.** Section 73-13-87, Mississippi Code of 1972, is  
1126 reenacted as follows:

1127 73-13-87. The board may, upon application therefor and the  
1128 payment of a fee to be determined by the board, but not to exceed  
1129 Seventy-five Dollars (\$75.00), issue a certificate of registration  
1130 as a professional land surveyor to any person who holds a  
1131 certificate of registration issued to him by the proper authority  
1132 of any state or territory or possession of the United States, or  
1133 of any country, provided that the applicant's qualifications meet  
1134 the requirements of Sections 73-13-71 through 73-13-105 and the  
1135 rules established by the board.

1136 **SECTION 33.** Section 73-13-89, Mississippi Code of 1972, is  
1137 reenacted as follows:

1138 73-13-89. The powers and duties of the board regarding  
1139 disciplinary actions against any person, including nonregistrants  
1140 accused of violating any of the laws of the State of Mississippi  
1141 regarding the practice of land surveying or the rules,

1142 regulations, bylaws, or standards of conduct and ethics pertaining  
1143 thereto as duly promulgated by the board, as well as the  
1144 procedures for conducting said disciplinary proceedings, the penal  
1145 sanctions available to the board in the event the charges are  
1146 established, and the procedures for appeal from such actions of  
1147 the board shall be the same as those set forth in Sections  
1148 73-13-37 and 73-13-39 regarding actions against persons charged  
1149 with similar violations related to the practice of engineering.

1150       **SECTION 34.** Section 73-13-93, Mississippi Code of 1972, is  
1151 reenacted as follows:

1152       73-13-93. Any person who may feel aggrieved by an action of  
1153 the board denying or revoking his certificate of registration or  
1154 re-registration as a professional land surveyor or enrollment as  
1155 land surveyor intern may appeal therefrom to the chancery court of  
1156 the county of residence of such person and, after full hearing,  
1157 the court shall make such order sustaining or reversing the action  
1158 of the board as to it may seem just and proper. However, in case  
1159 of a nonresident licensee or applicant, such appeal shall be taken  
1160 or made to the Chancery Court of the First Judicial District of  
1161 Hinds County, Mississippi.

1162       Actions taken by the board in suspending a certificate of  
1163 registration when required by Section 93-11-157 or 93-11-163 are  
1164 not actions from which an appeal may be taken under this section.  
1165 Any appeal of a suspension of a certificate that is required by  
1166 Section 93-11-157 or 93-11-163 shall be taken in accordance with  
1167 the appeal procedure specified in Section 93-11-157 or 93-11-163,  
1168 as the case may be, rather than the procedure specified in this  
1169 section.

1170       **SECTION 35.** Section 73-13-95, Mississippi Code of 1972, is  
1171 reenacted as follows:

1172       73-13-95. Any person who shall practice, or offer to  
1173 practice, land surveying in this state without being registered in  
1174 accordance with the provisions of Sections 73-13-71 through

1175 73-13-105, or any person presenting or attempting to use as his  
1176 own the certificate of registration or the seal of another, or any  
1177 person who shall give any false or forged evidence of any kind to  
1178 the board or to any member thereof in obtaining a certificate of  
1179 registration, or any person who shall falsely impersonate any  
1180 other registrant of like or different name, or any person who  
1181 shall attempt to use an expired or revoked certificate of  
1182 registration, or any person who shall violate any of the  
1183 provisions of Sections 73-13-71 through 73-13-105, shall be guilty  
1184 of a misdemeanor, and shall, upon conviction, be sentenced to pay  
1185 a fine of not less than One Hundred Dollars (\$100.00), nor more  
1186 than One Thousand Dollars (\$1,000.00), or suffer imprisonment for  
1187 a period of not exceeding three (3) months, or both. The criminal  
1188 penalties provided for in this section may be assessed in addition  
1189 to those civil penalties provided for in Section 73-13-37.

1190 Unless registered in accordance with the provisions of  
1191 Sections 73-13-71 through 73-13-105, no person shall:

1192 (a) Directly or indirectly employ, use, cause to be  
1193 used or make use of any of the following terms or any combination,  
1194 variations or abbreviations thereof as a professional, business or  
1195 commercial identification, title, name, representation, claim,  
1196 asset or means of advantage or benefit: "surveyor," "professional  
1197 surveyor," "licensed surveyor," "registered surveyor," "registered  
1198 professional surveyor," "licensed professional surveyor,"  
1199 "surveyed," "surveying," "professional land surveyor," or  
1200 "registered professional land surveyor";

1201 (b) Directly or indirectly employ, use, cause to be  
1202 used or make use of any letter, abbreviation, word, symbol,  
1203 slogan, sign or any combinations or variations thereof, which in  
1204 any manner whatsoever tends or is likely to create any impression  
1205 with the public or any member thereof that any person is qualified  
1206 or authorized to practice land surveying; or

1207           (c) Receive any fee or compensation or the promise of  
1208 any fee or compensation for performing, offering or attempting to  
1209 perform any service, work, act or thing which is any part of the  
1210 practice of land surveying.

1211           Any person, firm, partnership, association or  
1212 corporation which shall do, offer or attempt to do any one or more  
1213 of the acts or things set forth in items (a) through (c) of the  
1214 preceding paragraph shall be conclusively presumed and regarded as  
1215 engaged in the practice of land surveying.

1216           It shall be the duty of all duly constituted officers of  
1217 the law of this state, or any political subdivision thereof, to  
1218 enforce the provisions of Sections 73-13-71 through 73-13-105 and  
1219 to prosecute any persons violating same. The Attorney General of  
1220 the state or his assistant shall act as legal adviser of the board  
1221 and render such legal assistance as may be necessary in carrying  
1222 out the provisions of Sections 73-13-71 through 73-13-105.

1223           **SECTION 36.** Section 73-13-97, Mississippi Code of 1972, is  
1224 reenacted as follows:

1225           73-13-97. Sections 73-13-71 through 73-13-105 shall not be  
1226 construed to prevent or to affect:

1227           (a) Other professions or trades. The practice of any  
1228 other legally recognized profession or trade; or

1229           (b) Employees and subordinates. The work of an  
1230 employee or a subordinate of a person holding a certificate of  
1231 registration under Sections 73-13-71 through 73-13-105; providing  
1232 such work does not include final decisions and is done under the  
1233 direct responsibility, checking and supervision of a person  
1234 holding a certificate of registration under Sections 73-13-71  
1235 through 73-13-105; or

1236           (c) Government officers and employees. The practice of  
1237 officers and employees of the government of the United States  
1238 while engaged within this state in the practice of land surveying  
1239 for said government; or

1240           (d) Certain elected or appointed county surveyors. A  
1241 county surveyor as provided for in Section 135 of the Mississippi  
1242 Constitution, and Sections 19-27-1 through 19-27-35 implementing  
1243 the constitutional provision, who holds the office of county  
1244 surveyor by either election or appointment, shall be exempt,  
1245 through December 31, 1983, from the provisions of Sections  
1246 73-13-71 through 73-13-105 insofar as his statutory duties within  
1247 the boundaries of the county in which he is duly elected or  
1248 appointed are concerned. From and after January 1, 1984, such  
1249 surveyor shall not be exempt from the provisions of Sections  
1250 73-13-71 through 73-13-105 unless he held the office of county  
1251 surveyor by either election or appointment on December 31, 1983;  
1252 or

1253           (e) Employees of railroad, public service and/or  
1254 utility companies. The work or practice of a regular employee of  
1255 a railroad, or a public service company or public utility, by  
1256 rendering to such company land surveying service in connection  
1257 with its facilities which are subject to regulation, supervision  
1258 and control in order to safeguard life, health and property by the  
1259 Public Service Commission or the Mississippi Department of  
1260 Transportation of this state, shall be exempt so long as such  
1261 person is thus actually and exclusively employed and no longer.

1262           (f) The work of a regular employee of a railroad,  
1263 rendering to the railroad land surveying services in connection  
1264 with its facilities within the exclusive scope of his employment  
1265 provided that:

1266           (i) Any new right-of-way acquisitions for  
1267 construction of rail lines by class one railroads shall be  
1268 surveyed and platted in compliance with the Mississippi Minimum  
1269 Standards for Land Surveying by a Mississippi professional land  
1270 surveyor; and

1271           (ii) Upon the removal of track and disposition of  
1272 an abandoned rail line the railroad shall retain and make

1273 available upon reasonable request from Mississippi licensed  
1274 surveyors the railroad's valuation surveys for any such abandoned  
1275 rail line.

1276         **SECTION 37.** Section 73-13-103, Mississippi Code of 1972, is  
1277 reenacted as follows:

1278         73-13-103. (1) For the purposes of this section, the term  
1279 "surveyor" means a registered professional land surveyor as  
1280 defined in Section 73-13-71, and any person who is employed by or  
1281 under the direct supervision of a professional land surveyor  
1282 registered under Sections 73-13-71 through 73-13-97.

1283         (2) A surveyor may enter in or upon public or private lands  
1284 or waters, except buildings, while in the lawful performance of  
1285 surveying duties without criminal liability for trespass; however,  
1286 a surveyor shall make a good faith attempt to announce and  
1287 identify himself and his intentions before entering upon private  
1288 property and must present documentation sufficient to identify him  
1289 as a surveyor to anyone requesting such identification.

1290         (3) The provisions of this section do not relieve a surveyor  
1291 from any civil liability that otherwise is actionable at law or in  
1292 equity, and do not relieve a surveyor from criminal liability for  
1293 trespass if the entry in or upon the property extends beyond the  
1294 property or area that is necessary to actually perform the  
1295 surveying duties.

1296         (4) Surveyors shall be personally liable for any damage  
1297 caused to private property when exercising entry under this  
1298 section. No cause of action shall lie against a landowner for  
1299 damages to a surveyor while on such lands unless the damage is  
1300 caused by the intentional tortious conduct of landowner or his  
1301 agent.

1302         **SECTION 38.** Section 73-13-99, Mississippi Code of 1972, is  
1303 reenacted and amended as follows:

1304         73-13-99. Sections 73-13-1 through 73-13-45 and 73-13-71  
1305 through 73-13-103, Mississippi Code of 1972, which create the



1306 State Board of Registration for Professional Engineers and Land  
1307 Surveyors and prescribe its duties and powers, shall stand  
1308 repealed as of December 31, 2008.

1309       **SECTION 39.** Each section of the Mississippi Code of 1972  
1310 that is reenacted but not amended by this act, and that appears in  
1311 the main volume of the Code, shall not be reprinted in the  
1312 supplement. Instead, an editor's note shall be placed in the  
1313 supplement following the section to explain that the section was  
1314 reenacted, and that it has not been reprinted in the supplement  
1315 because the language of the section in the main volume was  
1316 unaffected by the legislation.

1317       **SECTION 40.** This act shall take effect and be in force from  
1318 and after July 1, 2004.